



## ***Development and Transport Policy Development and Scrutiny Panel***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

5 February 2020

A meeting of the **Development and Transport Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Tuesday 11 February 2020** at **9:30am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Development and Transport Policy Development and Scrutiny Panel held on Tuesday 05 November 2019 (herewith).
5. LBS 5 Bathgate Town Service :-
  - (a) Deputation Request from Iain Pringle (Mental Health Advocacy Project, West Lothian)
  - (b) Petition - Local Bus Provision Bathgate Town Service Hours of Operation - Report by Head of Operational Services (herewith)
6. SESPlan Minutes :-

- (a) Note the Minute of the SESPlan meeting held on 24 June 2019 (herewith)
- (b) Note the Minute of the SESPlan meeting held on 30 September 2019 (herewith)
- 7. 2019/20 Financial Performance - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
- 8. Proposed Response to Scottish Government Consultation on Planning Performance and Fees - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 9. SESPlan Budget Update 2019/20 and Ratification of Operational Budget 2020/21 - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 10. SESPlan Housing Land Position Statement Update and Update on the Land Supply Position in West Lothian - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 11. West Lothian Local Development Plan (LDP): Development Plan Scheme No.12 - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 12. Draft Planning Guidance: Non-Employment uses within Employment Areas - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 13. Draft Planning Guidance: House Extension and Alteration Design Guide - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 14. Draft Supplementary Guidance: Wind Energy Development - Report by Head of Planning, Economic Development and Regeneration (herewith)
- 15. Workplan (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

## CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, [julie.whitelaw@westlothian.gov.uk](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621, [committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

## **SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE**

### **The objective test**

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

### **The General Exclusions**

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

### **Particular Dispensations**

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

### **The Specific Exclusions**

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

### **Categories of “other persons” for financial and non-financial interests of other people**

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 5 NOVEMBER 2019.

Present – Councillors Cathy Muldoon (Chair), David Dodds, Tom Conn, Robert De Bold, Tom Kerr and Dom McGuire

Apologies – Councillor Chris Horne

In Attendance – Malcolm Hill (Joint Forum of Community Councils Representative)

1. WELCOME AND INTRODUCTIONS

The Chair welcomed Mr Malcolm Hill to his first meeting of the Panel, noting that Mr Hill was the recently appointed representative of the Joint Forum of Community Councils.

At the Chair's request all panel members and officers in attendance took the opportunity to introduce themselves at the meeting.

2. DECLARATIONS OF INTEREST

Agenda Item 5 (Revenue Budget Strategy 2020/21 to 2022/23 – Potential Additional Saving Measures) – Councillor Cathy Muldoon declared in interest in that she was employed by a train operating company so would not participate in the item of business.

3. ORDER OF BUSINESS

The Chair ruled that Agenda Item 9 (Transient Visitor Levy Consultation ) would be considered immediately following consultation of the Minute.

4. MINUTE

The Panel approved the Minute of its meeting held on 3 September 2019. The Minute was thereafter signed by the Chair.

5. TRANSIENT VISITOR LEVY : PROPOSED CONSULTATION RESPONSE

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Scottish Government's consultation on the Principles of a Local Discretionary Transient Visitor Leve (TVL) or Tourist Tax.

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

1. Notes the terms of the consultation; and
2. Agrees the report as the council's response to the consultation

In noting the proposed consultation response panel members made the following comments and observations :-

- That in relation to Q6 and Q7 the local authority should be able to set the transient levy;
- If the Transient Levy was set at a national level then the levies raised from the West Lothian area should be returned to the West Lothian area; and
- To mindful if the scheme was successful in raising levies then this could impact on a council's local government settlement from the Scottish Government.

#### Decision

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

#### 6. REVENUE BUDGET STRATEGY 2020/21 TO 2022/23 - POTENTIAL ADDITIONAL SAVING MEASURES

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing a summary of the potential additional saving measures within the remit of the Panel.

It was recommended that the Panel :-

1. Notes the revised estimated budget gap of £6.730 million as the latest planning assumption for the three years 2020/21 to 2022/23;
2. Notes and considers the potential additional saving identified by officers within the Development and Transport portfolio, as set out in Appendix 1, noting that this was provided for information at this stage and could potentially be utilised to address any remaining budget gap;
3. Notes and considers the Integrated Relevance Assessments (IIA) undertaken on the potential options as included in Appendix 1;
4. Notes that, where a full Integrated Impact Assessment (IIA) is assessed as being required, this would be completed in advance of any of these measures being presented to the budget setting meeting and would be included in the budget report;

5. Notes that, in relation to revenue budget reduction measures, decisions by members which substantially change or delete decisions made by Council at the annual budget setting meeting each year must be made at full Council; and
6. Notes that the Head of Finance and Property Services would continue to review and refine the budget model assumptions and present a three year detailed revenue budget for 2020/21 to 2022/23 to Council in February 2020 for consideration and approval.

In considering the contents of the report a Panel Member noted that he was disappointed that there was only one additional saving measure before the Panel.

#### Decision

To note the contents of the report

### 7. KIRKNEWTON CONSERVATION AREA BOUNDARY APPRAISAL

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the proposed variation of the conservation area boundary in Kirknewton as a result of a Conservation Area Appraisal (CAA) which was carried out in compliance with the Scottish Government's Planning Advice Note (PAN) 71: Conservation Area Management (2004),

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

1. Notes the content and conclusions of the conservation area appraisal of the Kirknewton Conservation Area;
2. Notes the comments received during public consultation on the proposed changes for the conservation area and approves the proposed responses to the comments received (Appendix 1); and
3. Agrees the proposed changes to the existing Kirknewton conservation area boundary (Appendix 2) which would be advertised and referred to Scottish Ministers for their approval.

#### Decision

1. To note the contents of the report; and
2. To agree that the recommendations contained in the report be forwarded to an appropriate meeting of the Council Executive for approval following a period of consultation.

8. DRAFT PLANNING GUIDANCE : CONTROLLING OBTRUSIVE LIGHTING (LIGHT POLLUTION) AND REDUCING LIGHTING ENERGY CONSUMPTION

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the preparation of Planning Guidance (PG) on controlling obtrusive lighting (light pollution) and reducing lighting energy consumption in support of the West Lothian Local Development Plan (LDP) and to set out the next steps towards finalisation and approval of the guidance.

It was recommended that the panel notes and considers the following recommendations which were intended to be submitted to Council Executive for approval after a consultation exercise had been undertaken :-

1. Approves the content of the Planning Guidance “Controlling Obtrusive Lighting (Light Pollution) and Reducing Lighting Energy Consumption (Appendix 1);
2. Approves the responses to any comments received during consultation on the draft Planning Guidance (this will be provided an appendix to the Council Executive; and
3. Delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA is required, having taken into account the views offered by the Consultation Authorities.

Decision

1. To note the contents of the report; and
2. To agree that the recommendations contained in the report be forwarded to an appropriate meeting of the Council Executive for approval following a period of consultation.

8. SUPPLEMENTARY GUIDANCE : DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a proposed revision to draft Supplementary Guidance (SG) on Developer Contributions towards Transport Infrastructure, prior to issuing the SG for public consultation. The revision related to contribution rates related to transport management measures within Linlithgow town centre.

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

1. Agrees the content of the SG Developer Contributions towards



Transport Infrastructure (to be provided as an appendix to the Council Executive report);

2. Agrees the response to the consultation comments (to be provided as an appendix to the Council Executive report);
3. Delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA was required having taken into account the views offered by the Consultation Authorities; and
4. Delegates to the Head of Planning, Economic Development and Regeneration, in consultation with the Executive Councillor for Development and Transport to agree and conclude the council’s response to any direction issued by Scottish Government in relation to the SG.

#### Decision

1. To note the contents of the report; and
2. To agree that the recommendations contained in the report be forwarded to an appropriate meeting of the Council Executive for approval following a period of consultation.

#### 9. PETITION - LOCAL BUS PROVISION, BROXBURN TOWN CENTRE

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services asking the panel to consider a petition submitted by residents of Broxburn regarding public transport within the Broxburn and Uphall areas and to provide a recommendation to Council Executive.

It was recommended that the panel :-

1. Notes the submission of the petition;
2. Notes that the public transport budget was fully committed within the current financial year;
3. Notes the availability of commercial bus services along Uphall and Broxburn main street;
4. Note and considers the following recommendation which was intended to be submitted to the Council Executive for approval :-
  - “It was recommended that Council Executive instructs officers to respond to the petition stating that the request of the petition could not be met”.

In considering the terms of the report Councillor Robert De Bold stated that it was the opinion of the West Lothian SNP Group that the council had not taken public opinion into consideration on the matter.

Decision

1. To note the contents of the report;
2. To note that the report would be presented to a future meeting of the Council Executive with an officer recommendation that the requirements of the petition could not be met as the budget for public transport was fully committed; and
3. To note the comments of Councillor Robert De Bold.

10. PETITION - LOCAL BUS PROVISION, LADYWELL WEST

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services asking the panel to consider a petition submitted by residents of Ladywell regarding public transport within the Ladywell West area and to provide a recommendation to Council Executive.

It was recommended that the panel :-

1. Notes the submission of the petition;
2. Notes that the public transport budget was fully committed within the current financial year;
3. Notes that the existing local bus provision available to the Ladywell West area was in line with current council strategy and performance indicators;
4. Notes and considers the following recommendation which was intended to be submitted to the Council Executive for approval :-
  - “It was recommended that Council Executive instructs officers to respond to the petition stating that the request of the petition could not be met”.

In considering the terms of the report Councillor Robert De Bold stated that it was the opinion of the West Lothian SNP Group that the council had not taken public opinion into consideration on the matter.

Decision

1. To note the contents of the report;
2. To note that the report would be presented to a future meeting of the Council Executive with an officer recommendation that the requirements of the petition could not be met as the budget for public transport was fully committed; and
3. To note the comments of Councillor Robert De Bold.

12. PETITION - WESTER INCH SCHOOL BUS TO BATHGATE ACADEMY

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services asking the panel to consider a petition submitted by residents of Wester Inch requesting the introduction of a school bus between Wester Inch and Bathgate Academy and to provide a recommendation to Council Executive.

It was recommended that the panel :-

5. Notes the submission of the petition;
6. Notes that the public transport budget was fully committed within the current financial year;
7. Notes that the existing school transport provision within the Wester Inch was in line with the Transport to and from Schools Mainstream Policy ;
8. Notes and considers the following recommendation which was intended to be submitted to the Council Executive for approval :-
  - “It was recommended that Council Executive instructs officers to respond to the petition stating that the request of the petition could not be met”.

In considering the terms of the report Councillor Robert De Bold stated that it was the opinion of the West Lothian SNP Group that the council had not taken public opinion into consideration on the matter.

Decision

1. To note the contents of the report;
2. To note that the report would be presented to a future meeting of the Council Executive with an officer recommendation that the requirements of the petition could not be met as the budget for public transport was fully committed; and
3. To note the comments of Councillor Robert De Bold.

12. WORKPLAN

A workplan had been circulated.

Decision

To note the contents of the workplan





**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**PETITION - LOCAL BUS PROVISION BATHGATE TOWN SERVICE HOURS OF OPERATION**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to consider petitions submitted by both the Mental Health Advocacy Project and residents of Belvedere and Easton areas regarding the reduction of the evening journeys of the LBS 5 Bathgate Town Service.

**B. RECOMMENDATION**

It is recommended that the Scrutiny Panel;

1. Note the submission of the petition;
2. Note that the public transport budget is fully committed within the current financial year;
3. Note the requirement to complete a passenger engagement exercise;
4. Note that the outcome of the engagement exercise will be reported to Council Executive for consideration.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The council has a policy of supporting public transport services where resources permit. The Transport (Scotland) Act 1985 states that it is the duty of the council, in exercising their power, to conduct themselves as not to inhibit competition in the commercial market.</p> <p>The council's procedures on dealing with petitions require that petitions are considered by Council Executive.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The council has a target PI for Public Transport of having 90% of residents with access to an hourly or better daytime service Monday to Saturday. It is possible that

changes in the commercial and subsidised network could impact this PI.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The local bus network contributes to a number of outcomes by connecting communities with services and employment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The approved Public Transport budget for 2019/20 is £10.276 million.
<b>VII</b>	<b>Consideration at PDSP</b>	
<b>VIII</b>	<b>Other consultations</b>	Financial Management Unit

## **D. TERMS OF REPORT**

### **D.1 Background**

Two petitions have been received by both the Mental Health Advocacy Project and residents of Belvedere and Easton areas regarding reduction of the evening journeys of the LBS 5 Bathgate Town Service. The petitions request that the council reconsider the decision to limit the hours of operation of the town centre LBS 5 service.

West Lothian Council's Public Transport Strategy was approved by Council Executive in June 2015 and outlines the council's commitment to maintaining a public transport network to meet the majority of transport needs for local people, while creating the savings which are necessary to ensure that the service is sustainable and affordable for the future. A key feature of the Public Transport Strategy was to achieve financial savings within the contract local bus network following an assessment. This assessment considered patronage levels on each service as well as seeking to remove duplication of bus services and make best use of resources. The council does not necessarily seek to use its financial support to provide service users with a choice of travel destinations or service type; preferring instead to seek to provide accessibility for as many people as possible to locations at which social needs can reasonably be met.

The council also has a performance indicator aiming for at least 90% of residents to have access to an hourly or better bus service within 800 meters of their home address. The council is current exceeding this target at 91.6%.

## **D.2 Local Bus Service (LBS) 5A/5B**

West Lothian Council has historically subsidised town services operating in more residential areas than the commercial bus network currently extends to. In 2016 town service routes (Armadale, Bathgate and Whitburn) were redesigned to operate between the hours of 9am and 3pm Monday – Friday and between 9am and 12pm on Saturdays, as studies of previous town service operations had shown that patronage dropped significantly outwith these hours.

In September 2016, the council identified one off time limited funding to extend the then newly designed town centre routes to 5pm Monday – Friday and 3pm on a Saturday. At its meeting of 25 June 2019, Council Executive extended the funding to 28 September 2019 and agreed that after this date the timetables would revert back to the originally designed routes and timetables from 30 September 2019.

The current service for the LBS 5 operates as a 5A/B route where the 5A operates in one direction and the 5B completes the reverse route. This provides an hourly service in both directions throughout the operating hours.

## **D.3 Alternative Timetable Consideration**

The petition submitted by residents within Belvedere and Easton has requested consideration of alternative timetables which may result in the operating hours being extended. These suggestions have been investigated and the findings as are follows:

1. Reduce service to a single bus running one of the existing routes once an hour on the original timetable:

The 5A/B service is currently designed to provide an hourly service in both directions, therefore a revised service with a single bus operating in one direction would reduce the service significantly and also increase journey times in particular for areas such as Wester Inch. Additionally, in order to ensure all existing stops were served using one vehicle the route would be required to double back on itself creating additional travelling time. This could potentially affect the viability of the service.

2. Create single bus around both A and B routes on alternative hours:

A single bus operation of both directions of the current 5A/B route could be possible however it would remove a number of the journeys currently provided. Passengers could still utilise the service in both directions however this would only be available on a 2 hourly basis. This service level would be less than that which is provided on other town centre routes. This could potentially affect the viability of the service.

3. Redirect funding for LBS 8 service to increase operating hours of LBS 5A/B

The LBS 8 service provides a link for the area of Boghall on a Sunday which does not exist commercially. Removing this route would leave the area unserved at this time therefore this would not be a feasible option for extending the operating hours of the LBS 5.

## **D.4 Options for Consideration**

Based on the consideration of the suggestions above it is clear that any change to the timetable for the LBS 5 town service will have an impact on journey times and the service level provided. It is also recognised that this impact may differ across the various areas served by the LBS 5. In order to ensure that an informed consideration can be made officers require to understand the views of the full range of passengers utilising the service and therefore a passenger engagement exercise will be undertaken to gain the views of passengers on the following options:

1. Revise timetable to provide a circular route in one direction retaining an hourly service extending to 5pm Monday – Friday and 3pm on a Saturday.
2. Revise timetable to provide a service in both directions on alternative hours extending to 5pm Monday – Friday and 3pm on a Saturday.
3. Retain current operating hours in order to preserve an hourly service in both directions.

The outcome of this passenger engagement exercise will be used to inform a recommendation to Council Executive on any changes to the LBS 5 timetable.

## **D.5 Additional West Lothian Transport Schemes**

Residents that feel they are unable to walk or use the travel options available may be entitled to use alternative concessionary travel schemes provided by West Lothian Council. The Dial-a-Ride and Dial-a-Bus services provide a door through door service for customers unable to use ordinary bus services and/or feel they suffer from a degree of social exclusion due to geographical remoteness. Applications for this service are made directly to HcL Transport with further information detailed on the HCL website ([www.hcltransport.org.uk](http://www.hcltransport.org.uk)).

## **D.6 Public Transport Financial Pressures**

The approved Public Transport budget for 2019/20 is £10.276 million. Public Transport expenditure for the current financial year is anticipated to be within budgeted resources, taking account of one-off resources to mitigate recurring pressures. However, an underlying recurring pressure on mainstream schools transport still remains.

Any changes to the LBS 5 service will require to be met within existing budgeted resources.

## **E. CONCLUSION**

Petitions have been received by both the Mental Health Advocacy Project and residents of Belvedere and Easton areas regarding the reduction of the evening services of the LBS 5 Bathgate Town Centre bus service. Alternative timetable options have been considered and passenger impacts identified. Officers will undertake a passenger engagement exercise to obtain feedback on the proposed timetable changes in order to inform a recommendation to Council Executive.

## **F. BACKGROUND REFERENCES**



None

Appendices/Attachments:

Contact Person: Nicola Gill, Interim Public Transport Manager, Tel: 01506 282317, Email: nicola.gill@westlothian.gov.uk

Jim Jack, Head of Operational Services

Date of meeting: 11 February 2020



MINUTE of MEETING of the SESplan JOINT COMMITTEE  
held in the Diamond Jubilee Room, City Chambers, Edinburgh  
on Monday 24th June, 2019 at 2.00 p.m.

- Present:
- Councillor John Beare, Fife Council (Convener)
  - Councillor Russell Imrie (Vice-Convener)
  - Councillor Stuart Bell, Scottish Borders Council
  - Councillor Maureen Child, City of Edinburgh Council
  - Councillor Neil Gardiner, City of Edinburgh Council
  - Councillor Norman Hampshire, East Lothian Council
  - Councillor Jim Goodfellow, East Lothian Council
  - Councillor Dom McGuire, West Lothian Council
- Apologies:
- Councillor Peter Smaill, Midlothian Council
  - Councillor Cathy Muldoon, West Lothian Council
  - Councillor Tom Miers, Scottish Borders Council
- In Attendance:
- Ms Pam Ewen, Chair of the SESplan Project Board
  - Mr Peter Arnsdorf, Acting SESPlan Manager
  - Mr Iain McFarlane, East Lothian Council
  - Ms Fiona McBrierty, West Lothian Council
  - Mr David Leslie, City of Edinburgh Council
  - Mr Brian Frater, Scottish Borders Council
  - Mr Craig McCorrison, West Lothian Council
  - Mr Andrew Ferguson, Fife Council (Clerk)

1. ORDER OF BUSINESS AND ANY URGENT MATTERS

The Convener confirmed that a report, relating to item 6 on the agenda, would be taken as urgent business at the end of the meeting, but that otherwise the order of business was as per the agenda.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 25<sup>th</sup> MARCH, 2019

The Minute of Meeting of 25th March, 2019 had been circulated.

DECISION

The Committee APPROVED the Minute as a correct record.

4. MATTERS ARISING

None.

5. STRATEGIC DEVELOPMENT PLAN - MINISTER'S DECISION

There had been circulated a report, by Fiona McBrierty, Development Planning & Environment Manager, West Lothian Council, relating to the decision by the Scottish Ministers to reject SESPlan 2. Considerable concern was expressed regarding the potential effect of this decision as regards planning in the South East Scotland City Region.

DECISION

The Committee noted the terms of the report, and that the matter would be discussed further later in the meeting.

6. SUPPLEMENTARY GUIDANCE - CROSS BOUNDARY GREEN NETWORKS

There had been circulated a report by Peter Arnsdorf, Acting SESPlan Manager providing an update on the outcome of the consultation on the draft Cross Boundary Green Networks Supplementary Guidance and to set out the implications of the recent Ministerial decision to reject SESPlan 2 for the Supplementary Guidance.

DECISION

The Committee AGREED to:-

1. Note the outcome of the consultation on the draft Cross Boundary Green Networks Supplementary Guidance;
2. Note the implications of the rejection of SESPlan 2 for the Supplementary Guidance;
3. Confirm that the Supplementary Guidance should be held in abeyance;
4. Recommend that constituent authorities should consider how to integrate the content of the Cross Boundary Green Networks Supplementary Guidance into their policy suite, as appropriate to the individual authority's position; and
5. Instruct officers to write to the 22 consultees who had responded to the Guidance, setting out the current position.

7. 2018 ANNUAL HOUSING UPDATE

There had been circulated a report by Deborah Armstrong, Planning Officer, Scottish Borders Council, the purpose of which was to present the finalised 2018 Annual Housing Update and an Easy Read Guide for consideration and approval.

DECISION

The Committee AGREED to:

1. Approve the finalised 2018 Annual Housing Update attached as Appendix A to the report; and
2. Approved the Easy Read Guide attached as Appendix B.

8. FINANCE

There had been circulated a report by Fiona McBrierty, Development Planning & Environment Manager, West Lothian Council presenting the SESplan unaudited accounts 2018/2019 for SESplan Joint Committee consideration.

DECISION

The Committee AGREED -

1. to note the SESplan unaudited accounts 2018/2019 attached as Appendix A to the report;
2. to note that the accounts were available for public inspection between 28 June and 22<sup>nd</sup> July, 2019;
3. to delegate authority to the Convener of the Joint Committee, Acting SDP Manager and Chair of the SESplan Project Board to finalise and sign the audited accounts no later than 30 September, 2019; and
4. to note that the audited accounts will be brought to the SESplan Joint Committee for consideration at the November meeting in accordance with statutory timescales.

9. PLANNING PERFORMANCE FRAMEWORK 2017/2018

There had been circulated a report by Deborah Armstrong, Planning Officer, Scottish Borders Council, presenting the 2018/2019 SESplan Planning Performance Framework (PPF) to the SESplan Joint Committee for information.

DECISION

The Committee AGREED to note the SESplan Planning Performance Framework attached as Appendix 1 to the report.

10. AOCB

None.

11. URGENT ITEM: SESPLAN 2 DECISION: WAY FORWARD

The Committee determined, in terms of paragraph 12 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, to exclude the public and press during consideration of this item.

There had been circulated a report by Ms Pam Ewen, Chair of the SESplan Project Board, concerning the SESPlan 2 decision and the way forward for SESPlan in the light of that decision.

The Committee agreed:

1. That SESPlan should not proceed with a judicial review of the Minister's decision to reject SESPlan 2 at this time;
2. Noted that the 6 authorities which make up SESPlan would progress discussions on the Regional Spatial Strategy (RSS) for the region, following the Planning Bill being passed, and how they might feed into its development;
3. To ask officers to investigate SESPlan's authority to take part in any development of the RSS, including use of existing SESPlan financial reserves to assist that process, and/or the other governance options available to progress the RSS development;
4. To ask the Chair of the Project Board, Convener and Vice Convener to meet with the Minister as soon as possible to seek guidance on the way forward regarding SESPlan 2 and the RSS;
5. To look into organising further extra meetings of the Committee as required, including one in August if possible.

*The meeting concluded at 4.10 p.m.*

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**MINUTE of MEETING of the SESplan JOINT COMMITTEE**

held in the Diamond Jubilee Room, City Chambers, Edinburgh

on Monday, 30th September, 2019 at 2.00 p.m.

**Present:** Councillor John Beare, Fife Council (Convener)  
Councillor Stuart Bell, Scottish Borders Council  
Councillor Maureen Child, City of Edinburgh Council  
Councillor Neil Gardiner, City of Edinburgh Council  
Councillor Norman Hampshire, East Lothian Council

**Apologies:** Councillor Jim Goodfellow, East Lothian Council  
Councillor Russell Imrie, Midlothian Council  
Councillor Peter Smaill, Midlothian Council  
Councillor Dom McGuire, West Lothian Council  
Councillor Cathy Muldoon, West Lothian Council  
Councillor Tom Miers, Scottish Borders Council

**In**

**Attendance:** Pearl Tate and Alison Clyne, Audit Scotland  
Pam Ewen, Fife Council  
Iain McFarlane, City of Edinburgh Council  
Paul Lawrence, City of Edinburgh Council  
Peter Arnsdorf, Midlothian Council  
Brian Frater, Scottish Borders Council  
Craig McCorriston, West Lothian Council  
Robin Edgar, East Lothian Council  
Andrew Ferguson, Fife Council (Clerk)

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**1. ORDER OF BUSINESS AND ANY URGENT MATTERS**

The Convener confirmed that he was not aware of any urgent business and that the order of business was as per the agenda. He also indicated his intention to ask the Committee to approve the final accounts at item 6 of the agenda notwithstanding the delegation made at the meeting in June.

**2. DECLARATIONS OF INTEREST**

None.

**3. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH JUNE, 2019**

The minute of meeting of 24th June, 2019 had been circulated.

**DECISION**

The Committee APPROVED the minute as a correct record.

**4. MATTERS ARISING**

Councillor Bell asked for an update on the matters decided at item 11 of the meeting of 24<sup>th</sup> June (SESplan 2: Way Forward). Ms Ewen confirmed that many of the actions outlined were linked to implementation of the 2019 Act, which was still to be confirmed. Mr Arnsdorf confirmed that, in terms of paragraph 4 of the decision, a letter had been sent to the Minister requesting a meeting but that no response had been received yet.

**DECISION**

The Committee NOTED the update.

**5. AUDITED ACCOUNTS AND REPORT OF AUDIT 2018/19**

There had been circulated a report by Peter Arnsdorf, SESplan presenting the SESplan audited accounts 2018/2019 for SESplan Joint Committee consideration. Notwithstanding the previous decision to delegate approval of the accounts to the Convener, Acting SDP Manager and Chair of the SESplan Project Board to finalise and sign the audited accounts, the Committee agreed to consider the accounts for approval as it had proved possible to present them at the current meeting.

Pearl Tate, Audit Scotland, spoke to the Auditor's report on the accounts.

**DECISION**

The Committee AGREED -

1. to note the SESplan audited accounts 2018/2019 attached as Appendix 1 to the report and approve their signature by the Convener, Acting SDP Manager and SESPlan Treasurer;

2. to note the Report of Annual Audit 2018/19, attached as Appendix 2 to the report.

6. **EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL EMERGING GOVERNANCE**

There had been circulated a report by Iain McFarlane advising the Joint Committee of proposals for a Regional Growth Framework to form part of the governance and strategy for the Edinburgh and South East Scotland City Region Deal and how this might interact with exiting and emerging regional/strategic planning governance.

**DECISION**

The Committee AGREED -

1. to note the proposals for a Regional Growth Framework and a Spatial Planning Board to provide the Edinburgh and South East Scotland City Region Deal with spatial planning input;
2. to note the requirement in the 2019 Planning Act for Regional Spatial Strategies to replace the current strategic planning arrangements;
3. to delegate to the Convener and Vice Convener to write to the Edinburgh and South East Scotland City Region Deal Executive Board setting out that:
  - the existing SESplan Officer Board will act as a strategic spatial planning consultative board in respect of progressing a Regional Growth Framework, Regional Spatial Strategy, informing NPF4.
  - In respect of the diagram (as set out in Appendix A of The Edinburgh and South East Scotland City Region Deal Joint Committee 'Edinburgh and South East Scotland Regional Growth Framework', 3 September 2019) the box entitled 'sustainability' should be replaced with 'Strategic Spatial Planning' to reflect the need for spatial planning across all land uses.
  - In the report as referenced above, the Member Oversight Committee should have a scrutiny and advisory role to which the main outputs of officer work is reported.

## **7. HOUSING LAND POSITION STATEMENT**

There had been circulated a report by Fiona McBrierty, West Lothian Council seeking approval of a position statement in relation to housing land which sets out those matters to be considered by the SESplan member authorities when determining applications for residential development which are considered to be contrary to the development plan.

### **DECISION**

The Committee noted and agreed the terms of the Housing Land Position Statement, set out at Appendix One to the report.

## **8. AOCB**

In response to a query from Councillor Gardiner, Ms Ewen confirmed that advice was being sought on how monies could be committed to work related to the proposed Regional Spatial Strategy which had been introduced by the 2019 Act, given SESplan's status. It was noted that a further report on this matter would be brought to the November meeting.

*The meeting concluded at 4.00 p.m.*



## **DEVELOPMENT AND TRANSPORTATION POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **2019/20 FINANCIAL PERFORMANCE – MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Panel with an update on the financial performance of the Development and Transportation portfolio.

##### **B. RECOMMENDATION**

It is recommended that the Panel:

1. Notes the financial performance of the Development and Transportation portfolio as at month 6;
2. Notes that the Development and Transportation portfolio position at month 6 is part of the overall council budget position reported to Council Executive on 12 November 2019;
3. Notes any actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.
<b>III Implications for Scheme of Delegations to Officers</b>	No implications at this stage.
<b>IV Impact on performance and performance indicators</b>	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
<b>V Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

<b>VI Resources – (Financial, Staffing and Property)</b>	A forecast underspend of £121,000 is the position for the Development and Transportation portfolio revenue budget in 2019/20.
<b>VII Consideration at PDSP</b>	A financial performance report will be presented to the Panel twice yearly on an ongoing basis.
<b>VIII Other Consultations</b>	Depute Chief Executives, Head of Operational Services and Head of Planning, Economic Development and Regeneration

## **D. TERMS OF REPORT**

### **D.1 Introduction**

This report provides an update on the general fund revenue financial performance in respect of the Development and Transportation Policy Development and Scrutiny Panel (PDSP) portfolio of services. The council's revenue budget is operationally managed at a Head of Service level, and the financial position included within this report formed part of the overall council position reported to Council Executive on 12 November 2019. This report also includes the position on the delivery of approved budget reduction measures relevant to the Development and Transportation portfolio for 2019/20.

The budget monitoring process is undertaken in line with the council's budgetary control framework and procedures, which place particular focus on a risk based and pro-active approach to budget monitoring.

This report focuses on the financial performance of council services which further enhances the information presented to elected members to allow scrutiny of service and financial performance. The report contains reference to key performance measures for service areas which are contained within Service Management Plans and referenced in the 2017/18 Local Government Benchmarking Framework (LGBF) data-set. LGBF data for 2018/19 will be collated by the Improvement Service and will be made available later in the financial year.

### **D.2 Financial Information for 2019/20 Month 6 Position**

The table below summarises the position in relation to service expenditure for the portfolio area. As part of the monitoring exercise, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service	2019/20 Budget £'000	Month 6 Forecast £'000	Variance £'000
<b>GENERAL FUND REVENUE</b>			
<b>Operational Services</b>			
Public Transport	2,334	2,213	(121)
<b>Operational Services - Total</b>	<b>2,334</b>	<b>2,213</b>	<b>(121)</b>
<b>Planning, Economic Development and Regeneration</b>			
Planning Services	353	353	0
Economic Development and Regeneration	2,390	2,390	0
<b>Planning, Economic Development and Regeneration - Total</b>	<b>2,743</b>	<b>2,743</b>	<b>0</b>
<b>TOTAL EXPENDITURE GENERAL FUND REVENUE</b>	<b>5,077</b>	<b>4,956</b>	<b>(121)</b>

## **D.3 Summary of Main Issues in Service Expenditure Budgets and Impact on Performance**

### **D.3.1 General Fund Revenue - Operational Services**

#### Public Transport

Expenditure within the Development and Transport portfolio relates to concessionary travel and local bus subsidies and the position for 2019/20 is a projected underspend of £121,000. The remainder of Public Transport relates to support for school transport and this is reported to the Education PDSP. Although there is an underspend within the expenditure for the Portfolio area, these are offsetting pressures on school transport.

The outturn for Local Bus expenditure which relates to subsidising approximately 20% of the West Lothian bus network (the other 80% is commercially operated) is a projected underspend of £131,000. The Concessionary Rail scheme forecast is an overspend of £10,000. Demand for this type of service is increasing year on year and the underspend within Public Transport will be required in future years to meet anticipated demand.

On 25 June 2019, Council Executive considered a report advising of the outcome of the Local Bus Services Review and outlines contract changes required to remove the subsidised duplication of the local bus network whilst maintaining a sustainable subsidised service which contributed to the council's overarching public transport strategy. It was reported that eight contracts had been identified as duplication to the commercial network and would generate an annual saving around £305,000. It was also identified that there was a requirement to retain the savings identified from the duplicate service review to address some of the overall public transport pressures. However, due to other service changes in the local bus network since June 2019, the level of underspend has reduced and the remaining amount is £131,000, and as agreed at Council Executive, this underspend is to be preserved for remaining pressures within Public Transport expenditure.

In terms of service performance, the key indicator is public access to an hourly bus service and the council has a target of 90% of residents having such access. The most recent reporting period indicates that 91.6% of residents have access to an hourly service, an increase from the previous reported figure which was 86%. In 2018, First Bus significantly changed their commercial network developing a revised model concentrating on reducing internal West Lothian journey times and accessing as many areas as possible whilst providing a hub for onward travel. This, alongside the introduction of a new large local bus provider, Lothian Country, has resulted in the performance indicator increasing above target.

### **D.3.2 General Fund Revenue – Planning, Economic Development and Regeneration**

#### Planning Services

The service is forecast to break even for the year. The main risk area continues to relate to planning income, however it should be noted there is an upwards trend in both planning applications and building warrants with 79% of the annual income target having been collected by month 6. The general economic situation can impact on the level of planning and building warrant income, factors such as interest rate changes and employment levels can affect the housing market.

Service performance remains high with the majority of performance indicators within agreed targets. One area where service delivery has been below target is major planning applications which have taken longer than anticipated, mainly as a result of the complex nature of these applications. Customer satisfaction within this area has reduced slightly as a result of the channel shift initiatives but it is anticipated that satisfaction will increase as the new processes are consolidated.

#### Economic Development and Regeneration

The Economic Development and Regeneration forecast out-turn is breakeven. Approximately half of the expenditure within this area is funded by one-off external funding or time limited funds. The significant areas are Scottish Government Economic Growth Funding and the time limited investment on employability projects, including the council's apprentice and graduate schemes. In terms of the Economic Growth Fund package of £9.9 million over the period 2013/14 to period 6 of 2019/20, £5.9 million has been spent with a further £3.7 million committed against projects agreed or in progress.

In terms of service performance, the council is ranked 17<sup>th</sup> in the LGBF for the percentage of unemployed persons that are helped into work programmes supported by the council and 8<sup>th</sup> for the number of business start-ups per population. Customer surveys indicate that the service is achieving results above targets.

### **D.3.3 General Fund Revenue – Monitoring of approved budget reductions**

For the Development and Transportation portfolio, savings in 2019/20 are anticipated to be fully delivered by the end of the financial year. At this stage, there are no significant issues that will impact on the delivery of current year savings. The operational delivery of the savings for future years is progressing well.

## **E. SUMMARISED BUDGET POSITION FOR 2018/19**

The month 6 position is a projected underspend of £121,000 within the General Fund Revenue budget for the Development and Transportation portfolio. The month 6 position was reported to Council Executive on 12 November 2019.

## **F. FUTURE BUDGET ISSUES AND RISKS**

The Partnership and Resources PDSP considered updated financial planning assumptions for the three years 2020/21 to 2022/23 on 12 September 2019. Any changes to the budget model and approved budget savings will be reported for consideration at the Council budget setting meeting in February 2020. In addition, as noted in the PDSP report, officers will continue to review and refine the budget model assumptions in line with established practice in advance of presenting an updated three year detailed revenue budget to Council in February 2020. As reported to the Partnership and Resources PDSP on 12 September 2019, the balance of savings still to be identified was £6.730 million, after taking account of an update to the financial model.

The significant level of approved savings, in addition to savings achieved in previous years and the impact of constrained funding, is resulting in an increased risk of overspends across council services and the ability to deliver approved budget reductions. In addition, there are recurring pressures of £1.738 million, as reported to Council Executive on 12 November 2019. Mitigating actions have been agreed and are being implemented to ensure these pressures are managed on a recurring basis.

The overall position reflects the very challenging financial context the council is now facing after many years of funding constraints and requirements to make significant savings with demand for services continuing to grow. There are considerable risks and uncertainties around various aspects of council spending, including the costs of demand led services especially in social care, the level of inflationary increases in budgeted expenditure and the waste recycling market. There are also major risks connected to the future level of UK and Scottish Government funding and of policy changes that impact on local government in Scotland.

Specifically for the Development and Transport portfolio, there are key risks around the effects of Brexit. In particular on the external funding of projects and also on the wider economic position which can affect employment levels and housing. Planning application and building warrant income is directly linked to housing activity which in turn is linked to the wider



economic situation. Increasing demand for public transport services and contractual costs above inflation are also key risks for the portfolio area.

The council's risk based approach to budget monitoring will ensure that effective action is taken to manage risks during the course of the financial year. Officers will continue to provide updates on risks as part of the quarterly budget monitoring reporting to Council Executive at period 4, 6 and 9.

## **G. CONCLUSION**

The forecast position for the Development and Transportation portfolio is an underspend of £121,000. As noted, the position for the Development and Transportation portfolio is part of the overall outturn forecast position for 2019/20 which was reported to Council Executive on 12 November 2019.

## **H. BACKGROUND REFERENCES**

1. Council Executive 2019/20 General Fund Revenue Budget – Month 6 Monitoring Report – 12 November 2019
2. Council Executive – Local Bus Review – Report by Head of Operational Services 25 June 2019
3. Local Government Benchmarking Framework

Appendices / Attachments:       None

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**Donald Forrest**

**Head of Finance and Property Services**

**Date: 11 February 2020**





## **DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **PROPOSED RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON PLANNING PERFORMANCE AND FEES**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise members of a Scottish Government consultation on a proposed revised fee structure for planning applications and related processes. A proposed response to the consultation is set out as Appendix 2.

##### **B. RECOMMENDATION**

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

1. notes the Scottish Government's proposals on measuring the performance of the planning system and planning authorities;
2. notes the proposed changes to the fee structure for planning and other applications;
3. notes the proposal by the Scottish Government to employ a planning improvement co-ordinator;
4. notes the proposed introduction of additional services which can be charged for;
5. notes the suggestion concerning the ability to waive or reduce planning fees in certain circumstances; and
6. agrees the proposed response to the consultation as set out as Appendix 2

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Planning etc. (Scotland) Act 2006 and related regulations allow for Ministers to make provision about the form and content of performance reports, to introduce a national planning improvement co-ordinator, to provide for additional services to be introduced for which fees can be charged and to link the

		performance of planning authorities to fees. The Scottish Government's independent panel on planning fees also made recommendations on increasing planning fees.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The proposals would change the way in which planning performance is reported nationally.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<b>Outcome 3</b> – Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.  <b>Outcome 8</b> – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources – (Financial, Staffing and Property)</b>	The proposals to increase fees for planning applications will have a beneficial budget impact.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time this matter has been reported to the panel.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

The Planning (Scotland) Act 2019 introduces a variety of new planning powers and makes provision for charging for some services. The charging arrangements will require secondary legislation or regulation and to inform this the Scottish Government is undertaking a consultation on proposed arrangements. The Act also makes new provision for monitoring and managing planning performance in planning authorities. The changes which are subject of the consultation include:

1. placing annual performance reporting by planning authorities (currently reported as the Planning Performance Framework) on a statutory basis;
2. the appointment of a national planning improvement co-ordinator;
3. an increase in fees for planning and other applications, and the linking of fees to performance;
4. the introduction of charging for discretionary services and new services added by the Act;
5. the introduction of charging (by the DPEA) for appeals;
6. an ability to reduce or waive fees; and
7. the introduction of an increased fee for retrospective applications.

The Scottish Government is undertaking a consultation which seeks views on potential changes. The proposed changes could have implications for the financing of the council's planning service. A copy of the consultation is attached as Appendix 1, and a copy of the proposed responses forms Appendix 2.

## **D2 Planning Fees**

The Scottish Government commissioned an independent review of the planning system in 2015, which recommended that planning fees on major applications should be increased substantially, so that the service moves towards full cost recovery. Consequently, the maximum fee for most planning applications was raised in June 2017 to £125,000. However, this had a minimal impact on fees for most planning authorities, including West Lothian – between 1 June 2017 and 31 May 2018 the uplift to the council's fees was £20,010.

The consultation proposes a broader change which the Scottish Government suggests is sufficient to deliver an average increase of 37%, although the percentage increases for different types and sizes of development differ. The proposed changes for residential developments, for example, range from a 50% increase (to £600 per new dwelling) for 1-10 dwellings, to a 20% increase at the top of the scale (to £150,000 for more than 2,058 dwellings).

The proposed response to this part of the consultation is that a more effective, and fairer, way of moving towards full recovery of costs for determining planning applications would be a fee increase of 37% across the board. This would mean, to use the same example of residential developments, that the fee for an application for 1-10 units would be £550 a unit, and the maximum fee would rise to £171,000. This would have the benefit of keeping costs for individuals looking to build their own house lower while allowing a higher increase for large scale developments.

In addition to the proposed increases for planning application fees the consultation paper seeks views on:

1. introducing a fee for listed building consent;
2. the payment of a fee to the Planning and Environmental Appeals Division (DPEA) for appeals which are lodged with them;
3. an increase in the fee for a retrospective planning application;
4. the ability to reduce or waive a fee in certain circumstances; and
5. the potential for an applicant to be entitled to a refund if there has been an unreasonable delay in processing their application.

The proposed response to these matters is that:

**1.** A fee should be charged for a listed building application, and that the fee should reflect the likely degree of complexity of the application, given that the stated reason for the proposed fee changes is a move towards full recovery of costs. It is proposed that the response suggests a sliding fee based, on the category of the listed building: £800 for works to a category A building, £600 for a category B and £400 for a category C.

**2.** The Scottish Government's question about introduce a fee for submitting an appeal to the DPEA ignores the cost to the council of dealing with an appeal submitted to the DPEA; the council has to respond, within a short timescale, to an appeal lodged with the DPEA, and the staff cost, in time terms, of preparing observations and sending notifications to objectors can be significant.

The consultation asks whether an appeal submitted to the Local Review Body (LRB) should attract a fee. If a fee is introduced for the submission of an appeal to the DPEA, the suggested response is that:

- The fee for an appeal submitted to the DPEA should be split equally between the DPEA and the council, and
- that an appeal to the LRB should also attract a fee that reflects the cost to the council of providing the LRB.

3. The proposed response welcomes the suggested increase in fees for a retrospective planning application, and suggests a 100% increase.

4. The consultation paper seeks views on allowing planning authorities to reduce or waive application fees, after setting out, in a charter, the circumstances in which they would do so. The proposed response is that allowing a reduction in the planning fee under certain circumstances would add uncertainty to the process and would open it to potential challenge, so the suggestion is not supported.

A possible reduction in the surcharge for retrospective applications could, however, be supported as a measure which could improve outcomes; it is proposed to suggest that a 50% rebate on the surcharge is offered to individuals by the service's enforcement team if an application to regulate unauthorised works is submitted within 14 days. This would encourage an early resolution to an enforcement issue which would constitute an improved outcome for the individual who submitted the complaint. If approved, this would be included in the council's enforcement charter.

5. The proposal to allow for an application fee to be refunded appears to come from the [Planning Guarantee](#) which is part of English planning legislation. It requires the fee to be refunded to applicants if no decision on an application has been made after 26 weeks, unless an agreement has been reached with the applicant to extend the timescale. The proposed response is that the introduction of such a scheme could lead to a poorer service, with applications being refused, perhaps because of a lack of information from the applicant, rather than allowing negotiations to continue. Applications can also be delayed because of belated consultee responses or protracted discussions over specialist reports, on ground contamination, for example, which can be entirely outwith the control of the council. It would not aid the stated aim of the fee review, of working towards full cost recovery, if planning authorities were faced with having to refund the fee for an application in such circumstances.

## **E. CONCLUSIONS**

The proposals contained in the consultation paper are aimed at improving the country's planning service, and all of the suggestions are worthy of consideration. The proposed responses in appendix 2 are intended to support that aim while safeguarding the council's interests.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix 1: Consultation on Planning Performance and Fees – 2019

Appendix 2: Proposed responses to set questions

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ross.burton@westlothian.gov.uk

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

11 February 2020





# **Consultation on Planning Performance and Fees - 2019**

**December 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
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## MINISTERIAL FOREWORD

In our work programme “Transforming Planning in Practice” we committed to moving quickly following on from the Planning (Scotland) Act 2019 to bring forward detailed proposals for substantial changes to the planning fees structure, with the aim of having early clarity around costs and resources and the new fee arrangements in place by mid-2020. This will require careful assessment of the impacts on both planning authorities and applicants, to ensure that there are no unforeseen consequences from the combination of changes.



I want Scotland’s planning system to be efficient and effective, facilitated by skilled and experienced planners. This is essential to supporting our ambitions of creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing and sustainable and inclusive economic growth.

Since my appointment as Minister with responsibility for planning I have seen first-hand the improvement in the performance of the system. This has been demonstrated through the Planning Performance Framework Reports submitted voluntarily by authorities each year and through the Scottish Awards for Quality in Planning.

I want to support and work with local authorities to make sure that the planning system is valued, resilient and capable of providing the service that local people and planning applicants expect, and delivering on the increasing challenges being placed on it.

Fundamental to this is ensuring that the planning system is appropriately resourced to deliver on those ambitions. Increases to planning fees must be matched by continuing improvements to performance, and this requires an effective reporting regime that ensures the priorities of all users are being delivered.

I am determined to get this right and we need your input to ensure that happens. I hope that you will share this consultation as widely as possible and I encourage everybody who has a view on the performance of the system to respond with their views.

A handwritten signature in black ink, appearing to read 'Kevin Stewart'.

**Kevin Stewart MSP**

Minister for Local Government and Housing

## Introduction

This consultation paper proposes a new approach to how the performance of planning authorities is measured, the role of the planning improvement co-ordinator and a new structure for the planning fee regime along with the introduction of additional services which can be charged for and the ability to waive or reduce planning fees in certain circumstances.

Since the Independent Panel Reported in 2016 we have been gathering information to inform our approach going forward. This has included

- Research – Reasons for delays with planning applications for housing – August 2018<sup>1</sup>
- Research – Customer Service and the Planning System – August 2018<sup>2</sup>
- Research – Monitoring the Outcomes of Planning – August 2018<sup>3</sup>
- RTPI analysis – Financial Implications of Implementing the Planning (Scotland) Act 2019 – August 2019<sup>4</sup>
- HOPS research – Costing the Planning Service – February 2019<sup>5</sup>
- HOPS research – Increase in Major Fees – February 2019<sup>6</sup>
- RTPI ongoing analysis of the numbers of people employed in the planning service and planning services budgets
- RTPI research – Developing skills, behaviours and knowledge – April 2017<sup>7</sup>
- HOPS and Improvement Service surveys on Skills, Shared Services and Training of Elected Members – August 2018<sup>8</sup>

The resourcing of the planning system has been a recurring issue since the financial downturn and we have worked with authorities and others since then to understand the issues involved and encouraged alternative ways of working such as shared services and sharing and learning from each other.

The Independent Panel appointed to review the planning system in 2015 considered both performance and fees during their review and made the following comments/recommendations:

- Timescales remain critical in providing certainty and should remain part of performance reporting framework;
- Alternative mechanisms to support improvement should be found;
- The penalty clause should be removed;
- A fuller study of combined consents should be undertaken;
- Planning fees for major applications should be increased substantially; and
- Scope for further discretionary charging should be considered further.

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<sup>1</sup> <https://www.gov.scot/publications/reasons-delays-planning-applications-housing/>

<sup>2</sup> <https://www.gov.scot/publications/customer-service-planning-system-research-study/>

<sup>3</sup> <https://www.gov.scot/publications/monitoring-outcomes-planing-research-study/>

<sup>4</sup> [https://www.rtpi.org.uk/media/3447036/RTPI%20Scotland%20-%20Financial%20Implications%20of%20Implementing%20the%20Planning%20\(Scotland\)%20Act%202019.pdf](https://www.rtpi.org.uk/media/3447036/RTPI%20Scotland%20-%20Financial%20Implications%20of%20Implementing%20the%20Planning%20(Scotland)%20Act%202019.pdf)

<sup>5</sup> <https://hopscotland.files.wordpress.com/2019/03/hops-costing-the-planning-service-action-report-220219.pdf>

<sup>6</sup> <https://hopscotland.files.wordpress.com/2019/02/finalised-hops-report-on-major-application-fees-040219.pdf>

<sup>7</sup> <https://www.gov.scot/publications/planning-review-developing-skills-behaviours-knowledge-report/>

<sup>8</sup> <https://hopscotland.files.wordpress.com/2019/01/final-report-skills-and-shared-services-survey-october-2018.pdf>

As a first step in 2017 the maximum planning fee was increased to £125,000 which provided in its first year over £4m additional income to planning authorities. The Planning (Scotland) Act 2019 includes provisions to extend the range of services which authorities can charge for and also the ability for Scottish Ministers to charge for the services they provide under the Planning Acts.

It is important to note that this paper seeks views on how planning fees cover the cost of determining an application. Although research published by the RTPI has identified that the Planning Act will place additional duties on planning authorities, it is not the role of planning fees to cover those new duties unless they relate specifically to the determination of an application. However, it is noted that currently planning fees only account for on average 63% of the cost of determining an application. Therefore, we expect that closing that gap should free up resources for the remainder of the planning service.

However, we recognise that increasing fees in isolation is not the only solution. We need to look at smarter resourcing and the opportunities which digital services can bring to the planning service such as increasing efficiencies in the preparation and submission of plans and applications.

## **Responding to this Consultation**

### **Responding to this Consultation**

We are inviting responses to this consultation by 14 February 2020.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/planning-architecture/planning-performance-and-fees/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 14 February 2020.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and send to:

[chief.planner@gov.scot](mailto:chief.planner@gov.scot)

or

Planning and Architecture Division  
Scottish Government  
2F South  
Victoria Quay  
Edinburgh  
EH6 6QQ

### **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

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

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

### **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [chief.planner@gov.scot](mailto:chief.planner@gov.scot).

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

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

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



## Consultation on Planning Performance and Fees – 2019

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual      ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name  
☐ Publish response only (without name)  
☐ Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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

☐ Yes      ☐ No



## **Planning Performance**

The Planning (Scotland) Act 2019 places annual performance reporting by planning authorities on a statutory basis. The Act sets out that Ministers may make further provision about the form and content of performance reports in regulations.

The Planning Performance Framework<sup>9</sup> established by Heads of Planning Scotland in 2011-12 has been a valuable tool in demonstrating planning authorities' commitment to continuous improvement and all the work which they do in delivering the planning service from determining planning applications, producing development plans and policies to working with other corporate services and sharing and learning from each other.

We have seen a significant improvement in the markings awarded to authorities for the 15 Key markers, demonstrating a commitment to continuous improvement. Year on year there has been an overall increase in the number of green ratings awarded to authorities. However, performance against some of the markers remains variable, in particular, with regards to decision making. This has required developing an alternative approach to assessment particularly where an authority is determining applications on average within the statutory timescales.

The PPF has also evolved since its inception to provide a balance of both statistical and qualitative information with the introduction of the key markers, to authorities undertaking peer review of each other's reports and the enhanced role of case studies to evidence how they are delivering a better service to customers and also adding value to the process when considering planning applications.

Our experience of the PPF provides us with a valuable place in which to start to look again at how the performance of the planning system is measured going forward.

Set out below is our initial proposition for the structure and content of performance reports going forward.

### **Planning Performance Reporting**

#### **Purpose of Planning**

The Planning (Scotland) Act 2019 states that the purpose of planning is "to manage the development and use of land in the long term public interest".

The Scottish Government considers that there is merit in developing an accompanying statement about the performance of the system, a vision of a system we all want to see. There is clear consensus around the key components which all users of the system believe contribute to good performance. Taking these into account the vision could be:

The Planning System must provide certainty, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication.

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<sup>9</sup> <https://hopscotland.org.uk/publications/planning-performance-framework-reports/>

Should we set out a vision for the Planning Service in Scotland?

- Yes
- No

Do you agree with the vision proposed in this consultation paper?

- Yes
- No

Do you have any comments about the proposed vision?

We have learned a lot from the Planning Performance framework (PPF) and the Key Markers over the years and this has helped inform the direction we are proposing to move in. What is proposed below is not a dramatic step change but rather a refocussing of the PPF to take account of the outcomes in the National Performance Framework, better integrate key performance indicators and take account of customer and stakeholder views.

Throughout the parliamentary process of the Act we have been clear that we would like performance reporting to include the outcomes and impacts which planning delivers rather than just the volume of applications and time taken to determine them.

There are a number of possible approaches to measuring these. National Planning Framework 3 and Scottish Planning Policy are currently structured around 4 outcomes: a Successful Sustainable Place; a Low Carbon Place, a Natural Resilient Place; and a Connected Place. With preparation of National Planning Framework 4 underway this presents an opportunity to ensure that the outcomes we are looking to measure filter through the NPF and LDPs into decisions and ultimately development on the ground.

The 2019 Act sets out that the NPF should include a statement about how Scottish Ministers' consider that development will contribute to each of the outcomes listed below:

- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
- (b) improving the health and wellbeing of people living in Scotland,
- (c) increasing the population of rural areas of Scotland,
- (d) improving equality and eliminating discrimination,
- (e) meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
- (f) securing positive effects for biodiversity.

However, our preferred approach is to use the outcomes in the National Performance Framework<sup>10</sup> as it provides the necessary scope with which to ultimately measure the impacts of planning. We consider it to be an excellent way to demonstrate how planning plays an integral part in people's lives. We also believe that reporting in this way can play a key role in expressing the contribution of the planning system to wider outcomes within local authorities and with stakeholders and communities.

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<sup>10</sup> [https://nationalperformance.gov.scot/sites/default/files/documents/NPF%20-%20%20A4%20Booklet%20-%2025\\_07\\_2018%20%28002%29.pdf](https://nationalperformance.gov.scot/sites/default/files/documents/NPF%20-%20%20A4%20Booklet%20-%2025_07_2018%20%28002%29.pdf)

A recent project commissioned by the RTPI in Wales<sup>11</sup> provides a useful example of how planning's contribution to our national outcomes could be presented.

## **Preparation and Content of reports**

As previously mentioned the PPF has evolved over the 8 years since its introduction and over that time we have learned a lot about what works, what doesn't work and how. This provides valuable insight for taking forward development of a refocused performance framework. For instance, a common criticism of PPF reports from some stakeholders has been that they are prepared by the authority in isolation with little opportunity for customer input and that they only highlight the good stories the authority wants to tell. They don't always reflect on when things have gone wrong or not as intended and what has been learned from that to prevent the same issue arising again in the future. Some authorities have indicated that they have undertaken some targeted engagement in the preparation of their report, and we would like to see this rolled out across all authorities. This could be through customer/stakeholder forums or liaising with representative bodies/associations.

Our current expectation is that reports should cover the following areas:

**Statistics** – range of published statistics and other quantitative information which Planning Authorities collect, including the annual statistics published by the Scottish Government.

**Customer Service** – customer service should extend beyond applicants to those who comment on applications, policies and plans as their views on how their engagement has been handled are also important and can have a key role in helping to build trust and confidence in the planning system.

**Engagement** – how the authority has carried out their engagement activity during the reporting year. Examples of the types of engagement to be considered include the authority's approach to Local Place Plans added through the new Act, pre-application discussions with applicants, agencies and other statutory consultees and also how they are engaging with elected members and other stakeholders on the development of the LDP and proposed applications.

**Case Studies** – specific examples which demonstrate how authorities are helping to deliver better development and places and their contribution to national outcomes. Both good examples and examples where the process hasn't necessarily worked as intended to help identify areas for improvement.

**Outcomes** – key achievements/metrics contributing to the national outcomes.

**Improvement** – areas for improvement and to outline how the authority is learning from and sharing good practice with other authorities and stakeholders.

**Resources** – how an authority has allocated/used its available resources during the reporting period both financial and staff resource. This could include how staff have been allocated to different disciplines to address workload pressures or provide a focus on particular types of applications, policy issues or the development of Regional Spatial Strategies, Local Development Plan or how an authority has engaged in the preparation of Local Place Plans.

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<sup>11</sup> <https://www.rtpi.org.uk/media/2896429/Value-of-Planning-Handout.pdf>

Is the proposed approach to the content correct?

- Yes
- No

Do you have any comments on the proposed content of Planning Performance Reports?

Do you have any comments or suggestions as to how reports should be prepared?

What statistical information would be useful/valuable to include and monitor?

What are the key indicators which you think the performance of the system and authorities should be measured against?

Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?

Do you have any suggestions about how we could measure the outcomes from planning such as:

- Placemaking
- Sustainable Development
- Quality of decisions

Do you have any suggestions about how planning's contribution to the National Outcomes contained in the National Performance Framework should be measured and presented?

## **National Planning Improvement Co-ordinator**

The Planning (Scotland) Act 2019 includes a power for Ministers to appoint a National Planning Improvement Co-ordinator to monitor and provide advice to planning authorities and others on the performance of general or specific functions.

The Co-ordinator will be appointed by Scottish Ministers following an open recruitment process. Stakeholders' views on the role of the co-ordinator were invited during the consideration of the Planning Act and during pre-consultation workshops. We consider that the co-ordinator should sit within government and ultimately report to Scottish Ministers. Their role will be focussed on the performance of the planning system as a whole; working on behalf of the Scottish Government and Scottish Ministers positions them well to do that. The Co-ordinator may be provided with administrative support from the Planning and Architecture Division (PAD). They will provide advice to Ministers in an impartial way, including looking at PAD and Department for Planning and Environmental Appeals (DPEA) and Scottish Ministers' role. Initially we think that the Co-ordinator should help to develop their role in collaboration with stakeholders once they are in post so that they can learn from what does and doesn't work.

Do you have any comments/suggestions about the role and responsibilities of the National Planning Improvement Co-ordinator?

We will continue to work collaboratively with the High Level Group on Planning<sup>12</sup> and other stakeholders on the development and implementation of the new statutory Annual Reporting framework and the role of the National Planning Improvement Co-ordinator.

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<sup>12</sup> <https://www.gov.scot/groups/high-level-group-on-planning-performance/>

## PLANNING FEES

### Background

Resourcing of planning services has been a consistent priority during the review of the planning system. Resources are going to be an essential element in successfully implementing the reforms which are being brought forward through the Planning Act and other legislative and non-legislative actions.

The [Independent Panel](#)<sup>13</sup> recommended that “planning fees on major applications should be increased substantially, so that the service moves towards full cost recovery”. They also recommended that discretionary charging, for example for pre-application processes, should be considered further.

In response to the Independent Panel’s recommendations we consulted on raising the [maximum planning fee](#)<sup>14</sup> in December 2016 and subsequently introduced a new revised maximum fee of £125,000 for most types of application on 1 June 2017.

We also set out our initial thoughts about reforms to the fee structure in [People, Places and Planning \(January 2017\)](#)<sup>15</sup> and sought comments on those. Following the consultation we published a [Position Statement](#)<sup>16</sup> setting out our response to the consultation.

Given the limited existing powers in current legislation around resourcing, the Planning (Scotland) Act 2019 includes enabling powers that provide additional scope for the range of services for which fees can be charged, as well as introducing the ability for Scottish Ministers to charge fees, the ability for fees to be waived or reduced and an increased fee for retrospective applications.

We are now seeking views on how we can implement the new provisions as well as reviewing the current planning fee structure.

In this paper, full cost-recovery refers to the cost of processing an application, from validation to the issuing of the decision letter. We have not committed to delivering full cost-recovery through the changes proposed below, however we do expect to move closer towards that outcome. As the new planning act is implemented, further work may be needed to model how much income the new structure will generate for each authority given the different profile of application types and numbers handled by authorities across Scotland.

We recognise that the development and business sectors have some concerns about the impact of further charging on development viability and wider investment. We have prepared a draft Business and Regulatory Impact Assessment and will continue to work with all sectors to understand the impacts of any changes.

### Linking fees to performance

The overall resourcing of local planning services is the responsibility of local authorities. Those services are financed through the local authority’s budget and fees from planning applications. Scottish Ministers expect a planning system that is reliable, proportionate, provides a service that is focused on delivery and which is able to develop, share and adopt good practice for continuous improvement.

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<sup>13</sup> <https://beta.gov.scot/publications/empowering-planning-to-deliver-great-places/>

<sup>14</sup> <https://consult.gov.scot/planning-architecture/consultation-on-raising-planning-fees/>

<sup>15</sup> <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/>

<sup>16</sup> <https://consult.scotland.gov.uk/planning-architecture/places-people-and-planning-position-statement/>

Scottish Ministers agree with the views expressed in the review that any increase in fees must be linked to sustained improvements in performance. The fees proposed in this paper are intended to provide additional resources to planning authorities to help support performance improvement.

## Previous Consultations

This consultation paper draws upon the previous consultations which were undertaken in 2010<sup>17</sup> and 2012<sup>18</sup>. The results from those consultations has informed the content of this consultation paper along with intelligence gathered from stakeholder workshops.

The only changes implemented following the 2010 and 2012 consultations were to the levels of fees charged, with no changes made to the method of calculating fees or to the categories. Fee levels were increased in 2013, 2014 and 2017.

Heads of Planning Scotland undertook research to establish the impact of increase to the maximum fee which showed that in the first 12 months:

- £4,218,242 additional fee income was generated across Scotland
- 2 authorities received no major applications during this time (Shetland and Cairngorms)
- Only 2 councils received income uplift of more than £500,000 (Edinburgh and Glasgow)
- 4 Councils received more than £200,000 but less than £500,000 (North Lanarkshire, Highland, Fife and East Lothian)
- 9 Councils received less than £50,000 in additional income
- 10 councils reinvested uplift income totalling £1,412,018. (33% of overall uplift)

A further change was made in 2018 to mitigate the impact of the fee increase on hydro developments. This resulted in a new category being created for hydro developments.

The Planning (Scotland) Act 2019 includes new provisions which presents an opportunity to carry out a wide review of the planning fee structure. Further changes are required to the fee regime to better support planning services.

This consultation looks at how the fee regime could be revised as well as looking at the potential for discretionary charging, increased fees for retrospective applications, the removal of fees for advertising planning applications and reducing and waiving fees. There are also some practical issues which this paper seeks views on.

This consultation takes note of the recent [consultation](#)<sup>19</sup> and [subsequent increase](#)<sup>20</sup> to fees for Section 36 & 37 Electricity Act applications and the fees for Marine Licences for offshore developments. The Fees for Section 36 & 37 applications can be found at: <http://www.legislation.gov.uk/ssi/2019/176/contents/made>. The voluntary contribution which the Scottish Government makes to planning authorities has also increased to 50% of the fee.

## Proposed Changes to Fee Structure

This section examines in more detail some of the issues related to how fees might operate. The categories below were previously consulted upon in 2012 and take account of some of the

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<sup>17</sup> Consultation Paper - <http://www.gov.scot/Publications/2010/07/07154028/0> & Analysis - <http://www.gov.scot/Publications/2011/03/18151009/4>

<sup>18</sup> Consultation Paper - <http://www.gov.scot/Publications/2012/03/3164> & Analysis - <http://www.gov.scot/Publications/2012/09/7926>

<sup>19</sup> <https://consult.gov.scot/energy-and-climate-change-directorate/power-lines-and-electricity-generating-stations/>

<sup>20</sup> [Fees Charged for Applications under the Electricity Act 1989 – Scottish Government Response](#)  
[Fees Charged for Applications under the Electricity Act 1989 – Analysis of Consultation Responses](#)  
[Fees Charged for Applications under the Electricity Act 1989 – Business and Regulatory Impact Assessment](#)



feedback including some additions and amendments to some categories. The structure is based on the current model and reflects previous responses to consultations.

### Category 1 – Residential Development

The Scottish Government recognises that, whether a planning application is for a single residential unit or 10, a large proportion of the work that goes into making a decision on the application is dependent on the initial decision on the suitability of the site for housing. With this in mind we propose that the fee for a single house should more accurately reflect the processing and advertising costs associated with making a determination on the suitability of the site. The fee per unit for the first 10 units will be £600. Between 11 and 49 units (inclusive) the planning fee per unit will be £450. Housing developments containing 50 or more residential units would pay £23,550 with each additional unit charged at £250 per unit until a new fee maximum of £150,000 is reached.

For applications for planning permission in principle (PPP) the fee for one residential unit will be £300 and where the application is based on site size the fee will rise on a £300 per 0.1 ha incremental basis until the maximum for PPP (£75,000) is reached.

Number of Dwellings	Current	New	% Increase
1	£401	£600	50%
10	£4,100	£6,000	50%
49	£19,649	£23,550	20%
100	£30,050	£36,300	20%
200	£50,050	£61,300	22%
400	£90,050	£111,300	24%
563	Max – £124,850	£150,000	20%
2,058	Max – £124,850	Max – £150,000	20%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### Categories 2, 3, 4 and 5 – Extensions and Alterations to Existing Dwellings

Development relating to the alteration and extension of dwellings has been split into two different types and the fees have been adjusted accordingly. There should also be a clear distinction between the work involved in the creation of an extension to a dwelling and other smaller ancillary developments such as replacement windows, fences and garden huts and that fees are more commensurate with the work involved in making a decision on such applications.

The fee for an application to enlarge an existing dwelling will increase to £300. Enlargement should be considered to be, any development that alters the internal volume of a dwelling. This

would usually be through the addition of extensions or dormer windows. An application relating to two or more dwellings within this category will attract a maximum fee of £600.

The fee for an application for alterations to dwellings, as well as operations within the curtilage of an existing dwelling will be £300 per dwelling subject to a maximum of £600. This includes a range of developments that improve or alter a dwelling along with other developments within the curtilage of the dwelling which are for purposes ancillary to the enjoyment of the dwelling.

The replacement of windows, sheds, gates, fences and other enclosures, garages and micro-generation equipment will carry a fee of £150 for one single dwelling. For 2 or more dwellings or building containing one or more flats, the fee will be £300.

Applications for PPP for the erection of buildings under these categories will incur the same fees.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## Category 6 – Retail and Leisure including extensions

Retail and leisure developments can have significant impacts and require careful consideration from the planning authority and often require retail and traffic impact assessments.

Applications for full permission for buildings (other than dwellinghouses) are charged according to the gross floor space to be created.

Applications for development creating no new floor space, or not more than 50 m<sup>2</sup> of new floor space will be charged a fee of £300.

For developments above 50m<sup>2</sup> the fee is £1,500 for the first 50-100m<sup>2</sup> of the development followed by £800 per 100m<sup>2</sup> thereafter up to 2,500m<sup>2</sup>, then the fee reduces to £500 per 100m<sup>2</sup> or part thereof subject to a maximum of £150,000. For example the following fees would be payable:

Floor Space	Current	Proposed	Increase
1,500m <sup>2</sup>	£8,020	£12,700	58%
5,000m <sup>2</sup>	£23,450	£33,200	42%
10,000m <sup>2</sup>	£36,850	£58,200	58%
20,000m <sup>2</sup>	£63,650	£108,200	70%
<b>50,000m<sup>2</sup></b>	£125,000	£150,000	20%

Applications for Planning Permission in Principle shall be charged at £500 for each 0.1 hectare of the site subject to a maximum of £75,000.



Do you agree with the proposed planning fees?

- Yes
- no

Is the proposed method for calculating the planning fee correct?

- Yes
- no

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 7 – Business and Commercial including extensions

This category covers those developments not covered by residential, agriculture, retail and leisure. Planning fees should not be a deterrent for the expansion of small to medium enterprises therefore the proposed fees are designed to encourage affordable levels of expansion for small to medium businesses. Fees will be calculated based on the floor area/site size being covered.

Applications for full permission for buildings (other than dwellinghouses) are charged according to the gross floor space to be created. Applications for development creating no new floor space, or not more than 50m<sup>2</sup> of new floor space, are charged a fee of £300. For buildings above that size the fee is £800 for the first 100m<sup>2</sup> of floorspace with this falling to £400 per additional 100m<sup>2</sup> or part thereof subject to a maximum of £150,000.

Floor Space	Current	Proposed	Increase
1,500m <sup>2</sup>	£8,020	£6,400	-20%
5,000m <sup>2</sup>	£23,450	£20,200	-14%
10,000m <sup>2</sup>	£36,850	£40,200	10%
20,000m <sup>2</sup>	£63,650	£80,200	26%
<b>50,000m<sup>2</sup></b>	£125,000	£150,000	20%

Applications for Planning Permission in Principle shall be charged at £400 for each 0.1 hectare of the site subject to a maximum of £75,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## Category 8, 9 and 10 – Agricultural Buildings, Glasshouses and Poly tunnels

The Scottish Government considers that linking fee levels for agricultural buildings and developments to housing developments as has occurred in the past is disproportionate to the value of the development and the actual work involved in processing such applications.

### Category 8 – Agricultural Buildings

The current regulations provide that an application for planning permission for buildings under 465m<sup>2</sup> which do not have permitted development rights require no fee to be paid.

The fee for applications for agricultural buildings (other than glasshouses or poly tunnels as shown below), as defined in the Interpretation of Part 6 of the General Permitted Development Order will increase from £401 for each 75m<sup>2</sup> to £500 for every 100m<sup>2</sup> in excess of the 465m<sup>2</sup> or part thereof with the maximum fee increasing from £20,055 to £25,000.

Floor Space	Current	Proposed	Increase
465m <sup>2</sup>	£0	£0	n/a
1,565m <sup>2</sup>	£6015	£5,500	-8%
5,065m <sup>2</sup>	£20,055	£23,000	15%
10,065m <sup>2</sup>	£20,055	£25,000	25%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 9 – Glasshouses

Applications for the erection of glasshouses on land used for agriculture are currently charged a flat rate fee of £2,321 where the ground area to be covered exceeds 465m<sup>2</sup>. It is proposed to change this to a fee of £150 per 0.1 ha subject to maximum of £10,000. There is no provision within the fees regulations for applying for planning permission in principle for such developments.

Floor Space	Current	Proposed	Increase
465m <sup>2</sup>	£0	£0	n/a
1,565m <sup>2</sup>	£2321	£1,650	-28%
5,065m <sup>2</sup>	£2321	£6,900	197%
10,065m <sup>2</sup>	£2321	£10,000	330%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

Should a separate category be established for erection of glasshouses on land that is not agricultural land?

- Yes
- No

Please provide reasons for your answer

### Category 10 – Polytunnels

Applications for the erection of polytunnels on land used for agriculture are currently charged a flat rate fee of £2,321 where the ground area to be covered exceeds 465m<sup>2</sup>. It is proposed to change this to a fee of £100 per 0.1 ha subject to a maximum of £5,000. There is no provision within the fees regulations for applying for planning permission in principle for such developments.

Floor Space	Current	Proposed	Increase
465m <sup>2</sup>	£0	£0	n/a
1,565m <sup>2</sup>	£2321	£1,100	-52%
5,065m <sup>2</sup>	£2321	£4,600	98%
10,065m <sup>2</sup>	£2321	£5,000	115%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

Should a separate category be established for erection of polytunnels on land that is not agricultural land?

- Yes
- No

Please provide reasons for your answer

## Categories 11, 12 and 13 – Electricity Generation

Currently all such applications fall within the plant and machinery category. Given the rise in numbers of applications for wind turbines, wind farms, energy from waste plants etc., the Scottish Government has concluded that there should be a separate fee category for these. The fee category is split into three parts, one of which covers turbines and windfarms, another which covers hydro schemes and the other covering all other generation.

### Category 11 – Windfarms – access tracks and calculation

A distinction has been made between single wind turbines under 15 m to hub height, and those over 15m and 50m. This is because it is acknowledged that any turbine with a hub height over 15m is required to be screened for EIA purposes and those over 50m require significant resource input by authorities. Otherwise the fees for windfarms will be based on their site size.

- Where less than 3 turbines are to be installed and:
  - All turbines are < 15m will attract a fee of £500
  - Any one turbine > 15m and <= 50m will attract a fee of £1,500
  - Any one turbine > 50m will attract a fee of £5,000
- Windfarms totalling 4 or more turbines will be charged at £500 per 0.1 hectare up to a maximum of £150,000.
- Applications for PPP will be charged at £500 per 0.1 hectare up to a maximum of £75,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is using site area the best method of calculating fees for windfarms of more than 3 turbines? Y/N

- Yes
- No

If not, could you suggest an alternative? In your response please provide any evidence that supports your view.

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 12 – Hydro Schemes

A new category was created in 2018 for Hydro developments. The fee is currently set at £401 per 0.1 hectare subject to a maximum of £20,055. The fee is calculated on the full extent of the proposed development. The regulations describe what is included as set out below.

*The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits and overhead electric lines.*

It is proposed that the fee increases to £500 per 0.1 hectare subject to a maximum of £25,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the definition and the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed method for calculating the planning fee?

Could the planning fee be set using site area for the generating station and equipment with a separate calculation used for pipework? This could be similar to the fee for Fish Farms where the surface area is subject to a different fee to the seabed.

### **Category 13 – Other energy generation projects**

Other energy generation projects which are not windfarms will be based on their site size or floor space and the fees calculated accordingly. The first 100m<sup>2</sup> of site size/floor space to be created will be £1,000 with £500 for every 100m<sup>2</sup> thereafter to a maximum of £150,000.

Applications for PPP will be charged £500 for every 100m<sup>2</sup> until the maxima for PPP (£75,000) is reached.

Is the definition and the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed method for calculating the planning fee?

Should a category be created for Solar Farms?

- Yes
- No

Do you have any suggestions for how the fee should be calculated?

Should a category be created for energy storage developments?

- Yes
- No

Do you have any suggestions for how the fee should be calculated?

Should a category be created for Heat Networks?

- Yes
- No

Do you have any suggestions for how the fee should be calculated?

## Category 14 – Exploratory Drilling for Oil and Natural Gas

Applications in respect of on-shore oil and natural gas exploration will be charged according to the area of the site at a rate of £500 per 0.1 ha or part thereof, subject to a maximum of £100,000.

Site Area	Current	Proposed	Increase
1 Hectare	£4,010	£5,000	<b>25%</b>
5 Hectares	£20,050	£25,000	25%
10 Hectares	£32,640	£50,000	53%
15 Hectares	£37,640	£75,000	99%
20 Hectares	£42,640	£100,000	135%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## Category 15 and 16 – Placing or Assembly of Equipment on Marine Waters for Fish Farming

### Category 15 – Fish Farming

There are no changes in how fish farming fees are calculated. However, the fee will increase to £200 for each 0.1 hectare of the surface area of the marine waters which are to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £75 for each 0.1 hectare of the sea bed to be used in relation to such development, subject to a maximum of £150,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 16 – Shellfish Farming

Previous consultations and engagement with stakeholders has shown that there is support for creating a separate fee for Shellfish Farms due to the differing nature of the development. The proposed change removes the seabed calculation. Therefore the fee will be: £250 for each 0.1 hectare of the surface area of the marine waters which are to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### **Category 17 – Plant and Machinery**

Applications for the installation of plant and machinery WILL BE charged according to the area of the site at a rate of £500 per 0.1 hectare or part thereof, subject to a maximum of £150,000.

Site Area	Current	Proposed	Increase
1 Hectare	£4,010	£5000	25%
5 Hectare	£20,050	£25,000	25%
10 Hectare	£30,050	£50,000	66%
20 Hectare	£50,050	£100,000	100%
30 Hectare	£70,050	£150,000	114%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### **Category 18 – Access, Car Parks etc. for Existing Uses**

Applications for the construction of service roads, other accesses, or car parks serving an existing use on a site will be subject to a flat rate fee of £600.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## Categories 19, 20 and 21 – Winning and Working of Minerals, peat and other operations

### Category 19 – Winning and Working of Minerals

Applications for the winning and working of minerals (other than peat) will be charged according to the area of the site at a rate of £500 for the first 0.1 ha of the site and after that at a rate of £250 per ha or part thereof, subject to a maximum of £150,000.

Site Area	Current	Proposed	Increase
1 Hectare	£2,020	£2,750	36%
5 Hectares	£10,100	£12,750	26%
10 Hectares	£20,200	£25,250	25%
15 Hectares	£30,300	£37,750	25%
20 Hectares	£35,300	£50,250	42%
50 Hectares	£65,300	£125,250	92%
109 Hectares	£124,300	£150,000	21%

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 20 – Peat

Fees for applications for the winning and working of peat are to be charged at the rate of £300 for each hectare of the site area, subject to a maximum of £6,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

In light of the climate emergency do you agree that fees for applications relating to the winning and working of peat should continue to be considered separately from other mineral operations?



## **Category 21 – other operations**

Operations for any other purpose will be charged at the rate of £400 for each 0.1 hectare of the site area, subject to a maximum of £4,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## **Categories 22 and 23 – Waste Disposal and Minerals Stocking – does not cover waste management (recycling)**

Applications for the disposal of waste or minerals stocking will be charged according to the area of the site with the first 0.1 ha requiring a fee of £500 followed by a rate of £300 per 0.1 ha or part thereof, subject to a maximum of £150,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## **Categories 24, 25 and 26 – Changes of Use**

### **Category 24 – Conversion of Flats and Houses**

Applications for the change of use of any building to use as one or more separate dwellinghouses will be charged at the same rate as residential units. £600 per house for the first 10 houses and then £400 for each new dwellinghouse created between 11 and 49 units and thereafter £250 per house, subject to a maximum of £150,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

## Other Changes of Use (categories 25 and 26)

Applications for the change of use of large site areas can be resource intensive. In view of this, applications for the change of use of buildings or land (other than the conversion to, or subdivision of, dwelling houses, the tipping of waste or the stocking of minerals and spoil) will be now be charged separately.

### Category 25

Change of use of a building will be charged at £600 per application.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

### Category 26

The fee for a change of use of land will be based on the site area with an initial fee of £500 for the first 0.1 ha and £300 for each 0.1 ha or part thereof up to a maximum of £150,000.

Do you agree with the proposed planning fees?

- Yes
- No

Is the proposed method for calculating the planning fee correct?

- Yes
- No

Do you have any comments on the proposed fees and for calculating the planning fee?

Please list any types of developments not included within the proposed categories that you consider should be.

## OTHER FEES

### AMSC Applications

Applications for approval of matters specified in conditions (AMSC) is another area where changes are potentially required to provide clarity and to update procedures to reflect the nature of development now coming forward.

Currently AMSC applications are charged at the full rate until the total amount paid by the applicant is equal to the fee that would have been paid if approval of all matters involved had been sought all at once for the whole development. The circular states that:

“The applicant concerned must be the same as the applicant who incurred the full rate fees for earlier reserved matters applications. Each reserved matters application made after obtaining the outline permission for a development incurs a fee at the full rate, whatever matters are involved, until the total amount paid by the applicant in respect of the reserved matters is equal to the fee

that would have been paid at that time had approval been sought all at once in a single reserved matters application for the whole of the development covered by the original outline permission. When, but only when, that point is reached, any and all further applications pursuant to that outline permission will attract the flat rate fee". This appears to suggest that it was envisaged that only one applicant was responsible for a site.

We do not intend to change the principle that Planning Permission in Principle and AMSC applications ultimately leads to 150% of the planning fee being paid. What we are seeking views on is how the maximum fee is reached thus triggering the standard fee for AMSC applications. It currently appears to be the case that where a site is being taken forward by multiple developers/applicants there is potential that the first developers/applicants could end up paying significantly more for their AMSC applications than developers/applicants who take forward their part of the site at a later time.

How should applications for planning permission in principle and Approval of Matters Specified in Conditions be charged in future?

How should the fee for AMSC applications be calculated?

Should the maximum fee apply to the individual developers/applicants or applied to the whole development with applicants (if number is known) paying an equal share of the max fee?

Should the granting of a Section 42 application lead to the fee calculator being reset?

### **Cross boundary Applications – Allocation of the fee**

Cross boundary applications is an area where questions have been raised about the division of planning fees. The fee is currently calculated separately for each application, in the normal way, and then added together. The applicant pays this amount or he pays – if less – an amount equal to 150% of the fee he would have paid had he been able to make one application. Currently the planning fee goes to the authority where the majority of the development occurs with the other authority receiving nothing. As there can still be significant work involved for both parties particularly with regards to co-ordinating decision making on the application should there be a more equal distribution of the fee.

Should the fee for cross boundary applications be split between the respective authorities?

- No change
- 100% to authority where majority of development occurs – remaining 50% to other authority.
- Fee divided as per how the development is split across the authority boundaries
- Other – please explain

Please provide reasons for your answer

### **Conservation Areas**

Concerns have been raised recently about the requirement to submit an application for planning permission for carrying out alterations to a property which would have otherwise have been carried out under permitted development rights. We propose that where applications are submitted under categories 2, 3, 4, and 5 for developments in conservation areas which are required because of the restriction on permitted development, then only half the fee would be payable.

Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation are restricted, then a reduced fee should be payable?

- Agree
- Disagree

Please provide reasons for your answer

### **Listed Building Consent**

Currently when applying for listed building consent there is no fee payable however, authorities are required to process the application and therefore it is reasonable to consider whether a fee should be payable.

During the course of this consultation we are keen to understand any potential long-term implications and unintended consequences of introducing fees for Listed Building Consent (LBC). We want to make sure that the long-term viability of historic buildings is not compromised by the introduction of additional costs for homeowners and applicants, but also recognise the considerable resource required to deal with applications for Listed Building Consent.

For larger developments, which will in many cases require planning permission, we think the introduction of fees for LBC would make little difference. However, many applications for LBC are for works that are relatively minor in planning terms – either permitted development or not development.

The introduction of fees for listed building consent may require a clearer national-level guidance on the need for consent to be produced.

Is the introduction of a fee for applying for Listed Building Consent appropriate?

- Yes
- No

How should that fee be set?

### **Hazardous Substances Consent**

The fees for Hazardous Substances consent sit within the Town and Country Planning (Hazardous Substances) Regulations 1993. The fee levels of £200, £250 and £400 or where the quantity is twice the controlled quantity the fee is £1,000, have not increased in the last 25 years. It is not our intention to change the fee structure in the Hazardous Substances regime, however we now consider it is an appropriate point to consider an increase in the fee levels.

Should the fees for Hazardous Substances Consent be increased?

- Yes
- No

What levels do you think are appropriate?

## Other types of Applications

Type of Application	Current Fee		Proposed Fee
Certificate of Lawful Use or Development (CLUD)	Section 150(1)(a) – use as one or more separate dwellinghouses.	£401 for each dwellinghouse subject to a maximum of <b>£20,055</b> .	£600 for each dwellinghouse subject to a maximum of £150,000
	Section 150(1)(a) or (b) – uses other than use as one or more separate dwellinghouses and any operations.	The same fee as would apply to a planning application for the same development.	
	Section 150(1)(c) Existing use	£202	£300
	Section 151(1) Proposed use	Half the fee applying to a planning application for the same development	
Advertisement	£202		£300
Prior Notification/Approval	Telecomms – £300 All others – £78		Telecomms – £500 All Others – £100
Alternative Schemes	Highest applicable fee for options and sum equal to half of the cumulative remaining options		No change
Section 42 application	£202		£300

Are the proposed increases in fees for the categories above appropriate?

### CLUDES

- Yes
- No

Please explain the reasons for your answer

#### Advertisement

- Yes
- No

Please explain the reasons for your answer

#### Prior Approval

- Yes
- No

Please explain the reasons for your answer

#### Should the fee for Alternative Schemes remain as it is?

- Yes
- No

Please explain the reasons for your answer

Are there other fees which have not been considered?

### **DISCRETIONARY CHARGING**

The Planning (Scotland) Act 2019 contains provisions which can enable extension of the scope of services planning authorities can charge for in carrying out their functions. We have set out below some examples of services for which authorities may wish to charge, including pre-application discussions, which some authorities already charge for. We do not intend to make it compulsory for authorities to charge for delivering these services but leave it up to their discretion.

Do you think we should set out the range of services which an authority is allowed to charge for?

- Yes
- No

Please provide reasons for your answer

### **Pre-application Discussions**

Planning authorities are encouraged to enter into pre-application discussions with prospective applicants. Pre-application discussions can help to provide certainty to applicants with regards to the information required to be submitted alongside their application ensuring that it can be processed effectively and efficiently. We are aware that some authorities have started to charge for entering into pre-application discussions with applicants and we understand that more authorities are investigating the potential of introducing this. For instance Highland have been doing this for a number of years now and have set out clear guidance of what to expect when entering into their pre-application advice service and the fee required to be paid. We understand that this has been well received by users of the service.

The fees for each service are set out below for comparison.

Local Authority	Major	Local – Non-householder	Householder
Highland	5% of planning application fee but a minimum fee of £3000 and maximum fee of £6250	35% of application fee – various max fees ranging from £750 up to £43,750 (exploratory drilling for oil and gas)	35% of application fee – Max £2000
Fife	£1200	£500	£55
West Lothian	50% of application fee up to £800 with additional £200 if meeting or site visit requested.	50% of application fee up to £500 with additional £200 if meeting or site visit requested.	£50 with additional £50 for meeting or site visit.
Edinburgh	<p>Pre-position discussion – £1200.</p> <p>Standard service – £5,880</p> <p>Additional Services</p> <p>Further one hour meeting – £600</p> <p>Detailed advice on information required to accompany application – £600</p>	<p>Local Medium development</p> <p>Standard Service – £1020 with additional</p> <p>Additional Services</p> <p>£600 for a further one hour meeting with case officer.</p> <p>£240 for meeting with officer on site.</p> <p>Detailed advice on information required to accompany application – £600</p>	<p>Local – Small Development</p> <p>Standard Service – £240</p> <p>Additional Services</p> <p>£120 for one hour meeting with case officer.</p>

How should the fee for pre-application discussions be set?

Should the fees for pre-application discussions be subtracted from the full fee payable on submission of an application?

- Yes
- No

Please provide reasons for your answer

## Processing Agreements

Processing agreements can be a vital tool in setting out the expectations of all parties with regards to the processing timescales for determining an application. Processing agreements will rely on effective pre-application discussions and guidance about what information is required to support an application along with when that needs to be submitted.

Do you think that there should be an additional charge for entering into a processing agreement to reflect the additional resource required to draft and agree the timescales to be included?

- Yes
- No

Should we set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?

### **Non-material variations**

Applications for planning permission (including planning permission in principle) can be varied after submission with the agreement of the planning authority.

Where a non-material variation is required should an authority be able to charge for each change which is made? Or per request?

- No charge
- Per Change
- Per Request

Should regulations set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?

### **Monitoring Conditions**

Conditions play an important role in ensuring that developments can proceed where it may otherwise have been necessary to refuse planning permission. It is essential that the operation of the planning system should command public confidence. The use of conditions can improve the effectiveness of managing development and enhance that confidence. Whilst some conditions will require an applicant to notify the authority of the completion of a condition or to seek approval of a condition it may be the case that the terms of the condition requires monitoring throughout the construction phase or ongoing use of the development. Where this is the case it has been suggested that authorities should be able to levy a charge for undertaking this monitoring. The principle of this has already been established through The Town and Country Planning (Fees for Monitoring Surface Coal Mining Sites) (Scotland) Regulations 2017 which introduced fees in respect of the monitoring of large opencast coal sites. The monitoring fee was introduced following a recommendation from the coal taskforce, as a means to ensure a planning authority had a statutory opportunity to recover some of the costs associated with the additional monitoring requirements for these large sites. The fee was to ensure a planning authority had the proper resources in place for monitoring and any breaches of planning control were more likely to be identified and where relevant, whether any enforcement action required had actually been undertaken.

Should authorities be able to charge for carrying out the monitoring of conditions?

- Yes
- No

Should a fee for monitoring be limited to certain types of monitoring requirements?

- Yes
- No

What should this be limited to?

How should the fee be set?



## Discharge of Conditions

The discharging of conditions is a crucial step needed to ensure developers can get on site and start works. It has been suggested that requests to discharge conditions may not receive adequate resource and priority within authorities to ensure these are turned around within reasonable timescales. In England there are fees associated with the discharge of conditions attached to planning permissions. This is based on £85 per request, rather than by condition, allowing developers to group conditions together to be discharged. This is refundable if the planning authority has not responded within 12 weeks.

Do you think there should be a fee payable for the discharge of conditions?

- Yes
- No

Please provide reasons for your answer

## Planning Agreements

Planning agreements have a limited, but useful role to play in planning, they can however, involve lengthy negotiations and significantly add to timescales. Processing agreements or pre-application discussions can be used to establish upfront what will be expected from any agreement.

Do you think that Planning Authorities should be able charge for the drafting of planning agreements?

- Yes
- No

Please give reasons for your answer

If so how should this be calculated?

## Masterplan Consent Areas

The Planning (Scotland) Act 2019 introduces new powers for local authorities to designate Masterplan Consent Areas (MCA). We believe there is significant potential for MCAs to be an effective tool for planning authorities in leading and enabling development. Planning authorities can use MCAs as part of a proactive, place-making approach to planning and consenting. MCAs can support the plan led system, contributing to the delivery of LDP strategies and particular local priorities, by providing upfront approval for development that has been subject to community consultation – supporting investment in planned developments.

To put a MCA scheme in place, the planning authority will analyse the site, consult, prepare a masterplan, and set out the type of development consented in a particular area, along with any necessary conditions such as design guidelines and other criteria. Development that is in line with the MCA scheme could be brought forward without the need for a planning application.

We recognise this front-loading will involve a shift in approach, with different resource implications for authorities. Planners will be more involved in setting out what they want to see developed rather than just responding to applications, where a developer may have carried out a lot of the background studies. Preparation costs will vary, depending on the size and complexity of the type of development and the area the scheme is being prepared for, and what supporting information and studies might be needed to inform the consent provided in the scheme.

In effect, the authority will grant up-front consent for planned development, so there is benefit to potential investors in terms of adding certainty and removing much of the risk. In order to allow planning authorities to recoup some of the cost of establishing MCA schemes, where they consider that would be appropriate, during the Planning Bill process we committed to bringing in provisions for discretionary charging.

Should an authority be able to charge for development within a MCA (building, or changes or use) in order to recoup the costs involved in setting one up?

- Yes
- No

Should we set the fee or an upper limit in the regulations?

Please provide reasons for your answer

### **Enhanced Project Managed Applications**

Scottish Ministers are interested in improving the way that major developments are processed by authorities, from conception through to delivery. That means taking on a more corporate project management role. To ensure authorities are appropriately resourced to carry out this role we are seeking views on the introduction of a new mechanism and fee category for applications which will be subject to an Enhanced Project Managed Service. Our preferred approach is that an applicant and authority would come to an agreement on the time and resources required to determine the application and the management and co-ordination of the other consents and licences which an authority is responsible for delivering to enable development to commence. To ensure that this is an open and transparent process, authorities would be expected to publish a schedule outlining how the fee will be calculated and in each case subject to this procedure, to publish the fee which has been charged, along with how it was arrived at. To ensure further transparency the project plan should also be published to ensure that in particular communities are aware of what is being proposed and when they can get involved. We have already identified some tools which have previously been used such as the enterprise area planning protocol<sup>21</sup> and processing agreements<sup>22</sup> which are currently offered by all authorities. Applicants and Authorities would also need to work closely to ensure that the application and supporting information which is to be submitted is of a suitable quality to enable appropriate consideration.

Should the ability to offer and charge for an enhanced project managed service be introduced?

- Yes
- No

How should this process work?

Please provide reasons for your answer

What, if anything, should happen in the event of failure to meet timescales?

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<sup>21</sup> <https://www.gov.scot/policies/supporting-business/enterprise-areas/>

<sup>22</sup> <https://www.gov.scot/publications/planning-processing-agreement-template/>

## Self/Custom Build Registers

The Planning (Scotland) Act 2019 introduces a requirement for planning authorities to prepare, maintain and publish a list of people who have registered with the authority that they are interested in acquiring land in the area for self-build housing which the authority are to have regard to in preparing their local development plan.

The purpose of the list is to provide an evidence base of the level of demand for self-build housing, recording the names and address of individuals or groups seeking to self-build, together with further detail on the preferred location, type of development, etc.

In England, councils are able to attach charges to the registers, which should reflect the cost-recovery of managing and fulfilling them, as well as local connection tests. Research by the National Custom and Self Build Association (as at October 2018) found that 40,000 people had signed up to Right to Build registers, but with a significant variance in activity (each planning authority in England was provided with £30,000 annually in the form of new burdens money to support the work required under the legislation). 12% of planning authorities impose a charge, which in the highest-charging authority can add up to £600 over 4 years per person/group.

Do you think charging for being added or retained on the register of interested people should be included in the list of services which Planning Authorities should be allowed to charge for?

- Yes
- No

Should there be a restriction on the amount that can be charged?

Please provide reasons for your answer

## Charging for Appeals

The Planning Act includes new provisions which allow Scottish Ministers to charge for carrying out their functions under the Planning Acts. One option is the potential for charging for appeals against planning application decisions.

In our Places, People and Planning consultation we sought views on introducing the charging of fees by Scottish Ministers (Planning and Environmental Appeals Division, known as DPEA) for planning appeals and by local authorities for local reviews of planning decisions.

Previous consultation responses showed that while it was accepted by some that charging for appeals may be necessary and that any fee paid should be used explicitly for the appeal process, there were some concerns that applying a fee would undermine the independence of the appeal or review. Some respondents argued that, in the case of an appeal being upheld, the fee should be reimbursed.

We believe it is important to ensure that the planning system is appropriately resourced. While the focus of most calls for additional resources financed through fee income is directed towards planning authorities, Scottish Ministers through DPEA also play a crucial role in determining applications through appeals. On the same basis, we consider that they too should be appropriately resourced through fee income.

Appellants enjoy the benefit of an appeal right where the planning merits are considered afresh on appeal by an independent decision maker. At present, the cost of running this appeals system (as a proportion of the DPEA workload) is borne by the taxpayer at large. This contrasts with planning

applications to local authorities and, in principle, we consider that potential beneficiaries of a successful appeal should bear a reasonable and proportionate share of such costs.

There are important considerations to take into account when considering the introduction of charges for appeals. Important considerations are that the level of the fee imposed does not impede access to justice by discouraging meritorious appeals nor discourage business investment in Scotland, whether inward investment or from businesses based in Scotland.

We believe that introducing charges for appeals can help to build trust in the planning system with communities and applicants/appellants.

The work of DPEA extends beyond planning appeals. For example, they decide planning enforcement appeals, listed building and conservation area consent appeals, determine and also report on applications called in by Ministers or applications made direct to Ministers such as large wind farm applications for energy consent. DPEA examine local development plans and will continue to do so under gatecheck and subsequent LDP examination processes. They decide appeals on high hedges, appeals from decisions of SEPA and report on road schemes. Many of these fall outside the powers to charge under the Planning Acts, but questions arise of what should be charged for and what proportion of DPEA business should be funded through fees.

As fees for DPEA would be an innovation compared to the present position, we anticipate phasing fee levels (subject to views of consultees), starting at a modest introduction rate and moving towards full recovery of appropriate costs by a series of increases.

In that context, we would like to invite views in principle on how any fee should be set. We consider that there are 3 main options for setting the fee:

- A percentage of original application fee – maintaining a link between original application and appeal and also ensuring that the appeal fee increases in line with any application fee increases.
- Standard fee which is set by either the type/category of application or the hierarchy.
- Flat Rate Fee for all types of appeal.

We recognise there may be some concern that two fees will be paid (one to the planning authority and one to DPEA/LRB) to secure a consent (if the appeal is successful). However, the purpose of fees in spreading the burden of DPEA costs suggests that, since DPEA expend resources regardless of the outcome, a contribution to those costs is appropriate, where the first fee is paid to another body. By comparison, charging fees for appeals has been common practice in the civil court system for many years.

In relation to applications for local review made to planning authorities' Local Review Bodies this would mean extending existing arrangements under local authority feeing arrangements so that applications for a local review should attract fees.

It would not make sense to omit appeals to Local Review Bodies from consideration of feeing arrangements. In addition, not including appeals to Local Review Bodies could lead to potential unfairnesses across different local authority areas where, under schemes of delegation, some types of appeal would go to DPEA (attracting a fee) while others would go to a Local Review Body (not attracting a fee).

If it is decided, in light of this consultation, to proceed with fees for appeals, further consultation will be undertaken on the detail of fee levels and other fee arrangements (for example on the impact on the size of initial fees if fees are to be refunded on success).

Decisions will be made at a later date as to when fees for appeals would be paid and, in light of the need for such detailed work, may be later than June 2020.

Do you think that, in principle, fees should be charged for appeals to DPEA?

- Yes
- No

Should we limit the circumstances in which a fee can be charged for lodging an appeal?

In what circumstances do you think a fee should be paid for lodging an appeal?

Do you think that the fee should be refunded in the event of a successful appeal?

- Yes
- No

If so, should this follow the same process as is currently set out for awarding costs?

What categories of appeals should be considered for charging?

Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?

## **Reducing And Waiving Fees**

Another new provision introduced in the Planning Act is the ability for authorities to waive or reduce a planning fee. We believe that authorities should have discretion to use this power where they consider appropriate. We consider that regulations should not prescribe the types of applications where an authority could waive or reduce a planning fee. To take a blanket approach across Scotland could lead to unforeseen consequences and we believe that authorities are best placed to take these types of decisions.

We expect to set out in regulations the procedures authorities would need to follow to allow them to waive or reduce fees. For instance they could be required to produce a charter explaining the circumstances in which they will consider waiving or reducing fees. We would also expect that authorities would in each circumstance of applying a reduced or waived fee that they clearly and publicly explain their reasons for doing this in that particular circumstance.

Do you have any suggestions as to the circumstances in which they could use this power?

## **OTHER ISSUES**

### **Retrospective Applications**

Retrospective applications can often be more resource intensive and more controversial than other applications. There can be local frustration/tension where people are perceived to be abusing the system. This can particularly be the case where a development is granted retrospective permission. There is also a reputational/trust element to this whereby communities see applicants doing what they want without any penalty being imposed. However, not all retrospective applications are the result of what might be deemed “bad practice”. We consider that authorities should be able to exercise some discretion in whether the surcharge is applied or not, taking account of whether the authority believe that the applicant has made a genuine mistake in carrying out development without first seeking permission to do so.

Should the surcharge be set at 100%?

- Yes
- No

If not what level should it be set at?

Authorities will need to apply discretion when applying this surcharge. Should authorities need to clearly set out the reasons why the surcharge has been applied or not in each individual case?

- Yes
- No

Please provide reasons for your answer

## Incentives

An amendment was lodged during the Planning Bill which sought to define that an applicant would be entitled to a refund if there had been an unreasonable delay in processing their application. The amendment defined an unreasonable delay as an application which has not been determined within 26 weeks or another agreed timescale. This copies the provision which is in place in England under the [Planning Guarantee](#). The planning guarantee is the UK Government's policy that no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal. The planning guarantee does not replace the statutory time limits for determining planning applications. Although, the amendment was not agreed by the Scottish Parliament, we believe it is appropriate to seek views on the principle of refunds.

Planning Authorities have previously expressed concern about the fairness of introducing refunds particularly where delays could lie outwith their control, for example, due to delays in responses from consultees or developers. It is also recognised that potentially having to repay fees will add additional administrative burdens and costs to planning authorities and could introduce the need for arbitration.

Do you consider the use of rebates, discounts or other incentives, a useful tool in delivering a more efficient service? If so what would you consider to be an effective discount, rebate or other incentive?

Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?

- Yes
- No

Please provide reasons for your answer

## Advertising Fee

Some planning authorities have argued that there should be a single fee to absorb all other costs and charges including recovering the costs related to publishing planning applications in local newspapers. This would avoid planning authorities having to pursue the applicant for further costs before being able to issue a decision.

It has been suggested that any change in planning fees should be used to ensure that everything required of a planning application is paid for up front. The introduction of a requirement for planning authorities to advertise development proposals where there are no premises on adjoining

land and then re-charge the developer for this activity has caused some difficulties across Scotland. A single fee to absorb all other costs and charges, including recovering the costs related to publishing planning applications in local newspapers would solve this cost recovery issue.

Until now planning authorities were unable to issue a decision on a planning application until the advertising fee had been paid. The Planning (Scotland) Act 2019 removes this requirement. The cost of advertising now needs to be included in the planning application fee.

A solution to this would be to add a small percentage increase to the planning fee to ensure the cost of advertising is recovered without the need for recharging applicants and pursuing payment which again leads to delays within the system and processing times of the application.

Do you consider there should be a single fee?

- Yes
- No

How do you think the cost of advertising should be recovered?

### **Environmental Impact Assessments ( EIA)**

The technical information contained within an EIA Report can be substantial. Specialist skills and expertise may also be required in order to properly understand and where necessary address some of the more technical areas, requiring staff to receive specialist training or seek input from outwith the planning service or local authority. This can ultimately result in additional costs for the planning authority. Some authorities have indicated they would wish to see the requirement for an EIA being a trigger for attracting an enhanced fee. Although we are aware that in certain circumstances the need for an EIA is not always known at the stage of submission. Consideration would need to be given as to whether a supplementary fee would be payable at the point it is determined whether an EIA is required.

The number of applications subject to EIA is, however, a small proportion of the total number of applications received a year. The figures for 2018-19 show that 26 local applications which were determined required an EIA.

Do you consider that submission of an EIA should warrant a supplementary fee in all cases?

- Yes
- No

Please give reasons for your answer

If so what might an appropriate charge be?

### **Hybrid Applications**

Fees for applications for planning permission in principle are calculated at half the fee for a full planning permission. However, we have been aware of some circumstances where an applicant has submitted an application for planning permission in principle which provides additional detail that would normally be considered through an application for Approval of Matters specified in Conditions. This has been unofficially referred to as a hybrid application.



Do you think that applications for planning permission in principle should continue to be charged at half the standard fee?

- Yes
- No

Should there be a different fee for 'hybrid applications' as described here?

- Yes
- No

Please give reasons for your answer

## **Charging for SG services**

All applications submitted through the Planning Portal in England which attract a planning fee of £60 or more to be paid incur a service charge of £20.83 (+ VAT).

The income from the service charge is retained by the Planning Portal to cover the costs of delivering the payment service, to invest in improving the planning application service and to put the business on a secure financial footing in order to continue to deliver services, content and interactive guidance.

Should the Scottish Government introduce a service charge for submitting an application through eDevelopment (ePlanning and eBuilding Standards)?

- Yes
- No

This income would allow us to invest in developing our services, including:

- The range of free-to-use content and interactive guidance to explain planning, from permitted development on common projects through to applying for planning permission for homeowners and others
- Free-to-use technical and legislative content for planning and building professionals
- A dedicated customer support team available 9am – 5pm to support customers
- The planning application service itself, including increasing the maximum file size of supporting documents, e-enabling further application types and improvements to local validation amongst many others.



## **Consolidated Impact Assessments**

**Title of Policy** – Planning Performance and Fees

**Lead Minister** – Minister for Local Government, Housing and Planning

**Lead Official** – Chris Sinclair

**Directorate** – Local Government and Communities

**Division** – Planning and Architecture Division

**Team** – Development Delivery

**Brief Summary** – The consultation paper looks at reforming how the performance of the planning system is measured and the role of the National Planning Improvement Co-ordinator. The Consultation also seeks views on revising the Planning Fee regime, to better reflect the nature and scale of development now coming forward, with revisions and additions to the categories of developments and how the fees are calculated. The consultation in some circumstances increases the maximum planning fee to £150,000 and the per unit fee. The consultation paper also seeks views on the introduction of charges for discretionary services such as pre-application discussions, enhanced project managed applications, increased fees for retrospective applications and waiving or reducing planning fees.

### **Consultation**

#### **Internal**

In light of the independent review of planning in 2016 and also the consultation *Places, People and Planning* on the future of the Scottish planning system carried out between January and April 2017, the Scottish Government has worked with key stakeholders through a series of working groups to consider a wide range of planning issues including resourcing and fees.

Scottish Government colleagues in other policy areas such as housing, energy and marine fish farming were also consulted about the proposals.

#### **External**

In 2017 we published the *Places, People and Planning* Consultation which included some initial thoughts about planning fees and performance which influenced our approach to the provisions within the Planning (Scotland) Act 2019.

In October 2019 a number of workshops were held with over 50 attendees, representing a wide range of sectors, to discuss the topics of planning performance and planning fees. This early engagement has assisted in the preparation of the consultation paper. Identifying current issues which should be consulted on and providing helpful insight into how planning fees are currently implemented.

This consultation now looks to take these views forward. The consultation will be held over 2 months from December to February in which stakeholders will be invited to make their views known on our proposals.

## **Options**

### **Do nothing**

The planning fee structure is over 25 years old and no longer reflects the nature and scale of developments which are now being brought forward. The review of planning recommended that planning fees should be substantially increased towards full cost recovery. In 2017 we increased the maximum planning fee to £125,000. Although some authorities saw a significant increase in their income this was not universal across the country with 2 authorities identifying no increased income.

Doing nothing would result in a continuing gap in resources between the income received from planning applications and the costs of processing and making decisions.

### **Proposed Approach**

Our proposed approach sees the basic planning fee increased by 50% in many cases with the maximum fee increased further to £150,000. The consultation also proposes bringing into line the unit of calculation for area based developments to either m<sup>2</sup> or per 0.1 hectare.

### **Sectors and Groups Affected**

The sectors most likely to be affected by the proposals are:

- Planning authorities that are required to resource their development management service.
  - Given the nature and scale of developments which are brought forward the impact of the fee increases will have different impacts for urban, rural and island authorities.
  - We will continue to work with Heads of Planning Scotland to assess the impact of the changes to the fee structure and levels.
- All those who submit planning applications.

### **Benefits**

The fee increase proposed is intended to provide increased resources to planning authorities to help support ongoing performance improvement which should benefit applicants by providing improved customer service.

### **Costs**

The proposed changes involve in most cases the increase in the fee payable for applying for planning permission. At this time due to the creation of new categories and method of calculation there is a variation in the increases across different types of development. The variations include reductions in some levels and substantial increases in percentage terms in others. Research has shown that on average planning fees only cover 63% of the cost of processing an application which shows that Local Authorities are subsidising the planning application process. The increases will take us some way towards fully recovering these costs however, because the structure of fees is changing it has not been possible to model the potential impact of these increases with regards to cost recovery. Although due to the gap between fee income and cost of processing the application it is considered that the increase will not lead to authorities profiting from application income. The consultation also proposes the introduction fees for additional services provided by the planning authority. These fees are also intended to be based on the principle of cost recovery and are not pitched at a level which would lead to authorities profiting from their collection and ultimately subsidising other authority services.

**Equality and Childrens Rights Assessment** – During the passage of the Planning Bill, draft assessments (EqIA and CRWIA) were published in advance of Stage 3 (June 2019). These assessments do not provide any direct evidence on matters pertaining to performance or fees. In developing our proposals, the public sector equality duty requires the Scottish Government to pay due regard to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristic.

The aim of the Scottish Government is to use this consultation process as a means to explore fully any potential equality impacts. Comments received will be used to determine if any further work in this area is needed, including full assessments.

**Environmental Assessment** – The Planning Performance and Fee Regimes are not intended to be used to promote or discourage certain types of development. Planning Fees should only seek to recover the cost of the service being provided whether that be pre-application discussions or the processing of an application. Therefore we do not envisage the proposed changes having any direct environmental impacts. With regards to indirect impacts it is not clear what these impacts could be at this time. However, changes to planning fees does not remove the need for applying for permission and any proposed developments will still be subject to the planning process.

### **Scottish Firms Impact Test**

As part of the consultation process on fees, the independent review of planning which reported in 2016 and *Places, People and Planning* a consultation on the future of the Scottish planning system carried out between January and April 2017, we have consulted with a range of businesses to understand the direct impacts of this change to legislation on their business.

### **Competition Assessment**

The proposals are not expected to impact significantly more on some firms than others nor restrict new entrants to the market. The need to produce detailed plans is not impacted by these changes. We consider that the freedom of firms to choose the price, quality range or location of their products will be unaffected.

### **Consumer Assessment**

The proposals are not intended to impact one set of consumers over another. Although, there may be circumstances whereby an authority in one area charges for a service which may be free in another, we would expect that both services should meet the needs and expectations of the customer. It will be up to the authorities in question to decide whether they implement some particular charges to support the delivery of their planning service.

We consider that the proposals will support the delivery of improved services to applicants.

## **Digital Impact Test**

The consultation seeks views on the introduction of charges for applications submitted both digitally and in the more traditional paper method. The charge for the traditional method of submission is intended to reflect the increased cost to authorities in resources of having to upload paper copies into the online planning portal to make available to the public. Introducing the fee for submitting an application through ePlanning is to help fund ongoing maintenance and future development of the ePlanning service.

The practical implementation of any fee will be carefully considered to avoid any adverse impacts.

## **Legal Aid Impact Test**

As far as we are aware these proposals have no impact in relation to Legal Aid, as the policy does not introduce any new procedures or right of appeal to a court or tribunal.

## **Enforcement, Sanctions and Monitoring**

An application for planning permission is not valid unless the appropriate fee has been paid. Where the fee is incorrect or missing the planning authority can turn the application away.

Where a developer considers they have paid the correct fee but this is disputed by the planning authority then they can seek either a local review or appeal against non-determination.

As the consultation notes, fee income and planning authority performance are inextricably linked. With an increase in resources through fee income Ministers expect to see an increase in performance and service delivery. As part of this planning authorities will be monitored and assessed against the Annual Reports which they are now to prepare on a statutory basis. The content of these reports is part of this consultation.

## **Implementation and Delivery Plan**

It is anticipated that the amendments to fees will be laid before the Scottish Parliament in April 2020 and will come into force in June 2020

## **Summary and Recommendation**

It is recommended that these regulations are implemented to help ensure that the planning fees regime becomes more proportionate, fit for purpose and accurately reflects the developments coming forward in modern Scotland. We expect all Planning authorities will see an increase in resources regardless of the different profile of developments which are brought forward in their areas. There will be an impact on developers' costs with such an increase but there is an expectation that any increase in resources will see an increase in performance level from authorities and the service they provide to people and businesses.

## Sign off for Impact Assessments

I have read the consolidated impact assessment and I am satisfied that, given the available evidence, it represents, a reasonable view of the likely costs, benefits and impacts of the of the leading options I am satisfied that the impacts have been assessed with the support of businesses and other stakeholders in Scotland.

Signed

Date

Do you have any comments on the BRIA?

Do you agree with our conclusion that a full EQIA is not required?

Please provide reasons for your answer

Do you have any comments on the EQIA?

Please provide reasons for your answer

Do you agree with our conclusion that a full SEA is not required?

Please provide reasons for your answer

Do you agree with our conclusion that a full CRWIA is not required?

Please provide reasons for your answer

Do you agree with our conclusion that a full Fairer Scotland Duty assessment is not required?

Please provide reasons for your answer

## Islands Proofing

**During the Places, people and planning consultation we identified the following issues which would affect Island Authorities. The consultation has been developed with these points in mind.**

### Proposal 17 Investing in a better service

It was noted that the recent increase to the maximum fee was not impacting on the resourcing of island authorities given the small number of major developments encountered. An example of where in-house expertise has been offered to applicants and charged was raised.

Recommendation: No island-specific recommendations were made.

### Proposal 18 Performance

There were few issues arising from these proposals, although it was noted that performance reporting can have a significant impact on resourcing where there are small teams involved. The authorities asked that the performance reporting system is as simple as possible and that any further complexity should be avoided.

Recommendation: No island-specific recommendations were made.

Do you have any comments which relate to the impact of our proposals on the Islands?



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Any enquiries regarding this publication should be sent to us at

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

ISBN: 978-1-83960-440-9 (web only)

Published by The Scottish Government, December 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS670602 (12/19)

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## Planning Performance and Fees: Consultation Questions and proposed responses (In Bold Italics)

### Purpose of Planning

Should we set out a vision for the Planning Service in Scotland?

- **Yes**

Do you agree with the vision proposed in this consultation paper?

- ***Broadly yes but see the suggested amendment below.***

Do you have any comments about the proposed vision?

- ***Amend to: The Planning System must provide certainty, fairness, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication.***

### Preparation and Content of Reports

Is the proposed approach to the content correct?

- **No**

Do you have any comments on the proposed content of Planning Performance Reports?

- ***The proposed increase in content will dramatically increase the time taken to prepare the reports, which will be a significant burden on smaller planning authorities in particular, who will need to divert staff resources from fee-related activities.***

Do you have any comments or suggestions as to how reports should be prepared?

- ***They should be short, succinct; the content should be tightly defined having regard to previous case law which sets out what is required in a report in order for it to be considered legally competent.***

What statistical information would be useful/valuable to include and monitor?

- ***Audit Scotland already gathers and publishes relevant statistical information. There is no need to replicate or expand on that. However, a review should be undertaken to ensure that measures are consistent across all planning authorities. That consistency is not present in current arrangements.***

What are the key indicators which you think the performance of the system and authorities should be measured against?

- ***Speed of processing, outcomes, innovations, improvement, resources (financial and staffing), value added measures i.e. the benefit of development including, for example, the value of investment in infrastructure.***

Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?

- ***While the performance of planning authorities should be measured, it should only be reported annually on an agreed set of consistent and measurable outcomes.***

Do you have any suggestions about how we could measure the outcomes from planning such as:

- ***Placemaking – customer surveys (the residents/occupants/users of the new development).***
- ***Sustainable Development – the application of a nationally agreed set of parameters.***
- ***Quality of decisions – customer surveys, regular review of outcomes (development on the ground) by planning authorities.***
- ***Investment in Infrastructure.***

Do you have any suggestions about how planning's contribution to the National Outcomes contained in the National Performance Framework should be measured and presented?

- ***As per responses above. Measures on outcomes should be in place but on a consistent basis. Again measures such as the value of infrastructure improvements generated as a result of development should be measurable.***

## **National Planning Improvement Co-ordinator**

Do you have any comments/suggestions about the role and responsibilities of the National Planning Improvement Co-ordinator?

- ***It should be to support and advise planning authorities, and its outputs must be transparent.***
- ***It could include responsibility for liaising with planning authorities over the preparation of the PPF.***
- ***It should have the responsibility of ensuring that national agencies which provide consultations to planning authorities – e.g. SEPA, HES, SNH, HSE, Scottish Water – engage fully with the planning service, to ensure quality outcomes timeously.***

## **Planning Fees**

Do you agree with the proposed planning fees?

- ***In general, yes.***

Is the proposed method for calculating the planning fee correct?

- ***No.***

Do you have any comments on the proposed fees and for calculating the planning fee?

- ***It would be fairer, and more transparent, to apply a 37% increase to all fees.***



## Cross boundary Applications – Allocation of the fee

Should the fee for cross boundary applications be split between the respective authorities?

- ***The fee should be divided proportionately between the authorities.***

Please provide reasons for your answer

- ***The cost of dealing with the application will fall on both authorities so both should receive a fee.***

## Conservation Areas

Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation are restricted, then a reduced fee should be payable?

- ***Fees should be charged for applications are required only because the property is in a conservation area, and they should not be reduced, as this mitigates against the stated aim of full cost recovery.***

Please provide reasons for your answer

- ***The reasoning behind the proposed increase in fees is to move towards full cost recovery. In the interest of fairness some types of application should not subsidise others.***
- ***The restriction of permitted development rights in Conservation Areas is founded on the precept that conservation areas require additional protection because of their special status, which it is important to protect.***

## Listed Building Consent

Is the introduction of a fee for applying for Listed Building Consent appropriate?

- ***Yes.***

How should that fee be set?

- ***On a sliding scale that reflects the staff resource required to deal with applications for different categories of listed buildings: e.g. £800 for works to a category A building, £600 for a category B and £400 for a category C.***

## Discretionary Charging

Do you think we should set out the range of services which an authority is allowed to charge for?

- ***It would be helpful to expand to detail the additional services which may be charged for but the list should not be definitive.***

Please provide reasons for your answer

- ***Planning authorities should be encouraged to be innovative in providing additional services to the public or developers, for which they should be able to recover their costs, provided of course that these charges are compliant with legislative provisions.***

## Pre-application Discussions

How should the fee for pre-application discussions be set?

Should the fees for pre-application discussions be subtracted from the full fee payable on submission of an application?

- **No.**

Please provide reasons for your answer

- ***The point of the fee changes is to move towards full cost recovery. Pre-application enquiries would be optional but if taken up by a developer would involve either a meeting or site visit and the preparation of a report, all of which take up staff time. A developer should save time and money when preparing and submitting an application following the pre-application enquiry.***

## Monitoring Conditions

Should authorities be able to charge for carrying out the monitoring of conditions?

- **Yes.**

Should a fee for monitoring be limited to certain types of monitoring requirements?

- **No.**

What should this be limited to?

## Discharge of Conditions

Do you think there should be a fee payable for the discharge of conditions?

- **Yes.**

Please provide reasons for your answer

- ***The fundamental reason given for the amendments to the fee regime is to move towards full cost recovery. The monitoring and discharge of conditions takes up a significant amount of staff time, and if full cost recovery is to be achieved this time should be chargeable. West Lothian Council is considering setting up a charged service which will give applicants the opportunity to have a formal certificate confirming the discharge of any conditions attached to their consent. We think this will be a useful service for developers or homeowners who would be able to display the certificate to the buyer's solicitor when selling the property on.***

## Planning Agreements

Do you think that Planning Authorities should be able charge for the drafting of planning agreements?

- **Yes.**

Please give reasons for your answer

- ***Cost recovery should include the cost of other council services, such as Legal Services, required in the development management process.***

If so how should this be calculated?

- ***The cost to the council of providing Legal Services should be paid by the developer, on the basis of a 'time spent' calculation based on an agreed rate schedule.***

## Charging for Appeals

Do you think that, in principle, fees should be charged for appeals to DPEA?

- ***Yes. The fee should be split equally between the DPEA and the planning authority in an appeal decided by written submissions, as the planning authority input to the process requires staff time similar to the staff time requirements for the DPEA. The additional cost of holding a hearing or Public Enquiry should be borne wholly by the party requesting that process.***

Should we limit the circumstances in which a fee can be charged for lodging an appeal?

- ***No but consideration could be given to a part refund of an appeal fee if the appeal is successful.***

In what circumstances do you think a fee should be paid for lodging an appeal?

- ***In all circumstances.***

Do you think that the fee should be refunded in the event of a successful appeal?

- **No.**

If so, should this follow the same process as is currently set out for awarding costs?

What categories of appeals should be considered for charging?

- ***N/a.***

Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?

- ***A fee should be charged for LRB reviews, at a scale which covers the cost of providing an LRB service. This cost will be lower than the cost to the DPEA of providing their appeal service, and will not include any cost from Development Management, as they normally have no input to the LRB process.***

## Reducing And Waiving Fees

Do you have any suggestions as to the circumstances in which they (planning authorities) could use this power?

- ***A partial discharge (50%) of the surcharge for a retrospective application could be offered by the planning authority if an application for unauthorised work which has been the subject of enforcement action is submitted timeously (e.g. two weeks) in order to encourage the submission of an application, as a service to the member(s) of the public who raised the original complaint.***

## Retrospective Applications

Should the surcharge be set at 100%?

- **Yes.**

If not what level should it be set at?

Authorities will need to apply discretion when applying this surcharge. Should authorities need to clearly set out the reasons why the surcharge has been applied or not in each individual case?

- **No.**

Please provide reasons for your answer

- ***The assertion that authorities need to apply discretion when applying the surcharge is not accepted. The surcharge should be clear in the fee guidance which should also give the explanation for the surcharge – that the planning authority has incurred expense in using its enforcement powers to seek an application.***

## Incentives

Do you consider the use of rebates, discounts or other incentives, a useful tool in delivering a more efficient service? If so what would you consider to be an effective discount, rebate or other incentive?

- ***Rebates and discounts would not be a useful tool in delivering a more effective service. It would be counterproductive in that it would remove funding from the service even if the reason for a delay is outwith the control of the planning authority.***

Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?

- **Yes.**

Please provide reasons for your answer

- ***The additional work incurred by the planning authority is a cost which should be recovered.***

## **Environmental Impact Assessments (EIA)**

Do you consider that submission of an EIA should warrant a supplementary fee in all cases?

- ***No.***

Please give reasons for your answer

- ***The assessment of an application accompanied by EIA is not significantly greater than an application which is not. In fact it can at times take less time, as the EIA will contain information which aids a full assessment.***

If so what might an appropriate charge be?

- ***N/a***





## **DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **SESPLAN BUDGET UPDATE 2019/20 AND RATIFICATION OF OPERATIONAL BUDGET 2020/21**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to provide the panel with an update on the SESplan Operating Budget for 2019/20 and to set out the SESplan Operating Budget for 2020/21 following its approval by the SESplan Joint Committee on 25 November 2019.

##### **B. RECOMMENDATION**

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

1. notes the decision by the SESplan Joint Committee on 25 November 2019 to agree the updated forecast expenditure against the approved Operating Budget for SESplan over the financial year 2019/20;
2. approves a rebate of £5,000 per each of the six constituent councils within the current 2019/20 financial year;
3. ratifies the updated Operating Budget for the financial year 2020/21 as agreed by the SESplan Joint Committee on 25 November;
4. notes that member authority contributions for financial year 2020/21 are nil; and,
5. notes that an Operating Budget for 2021/22 will be brought to a meeting of the SESplan Joint Committee in late 2020.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; and making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The budget for 2020/21 is allocated in principle with a focus on consultancy fees given the future governance arrangements for SESplan. Future Operating Budgets will require to be reviewed against the provisions of the Planning (Scotland) Act 2019 and the associated secondary legislation as it is published and further details are known.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Preparation of strategic development plans (SDPs) and local development plans (LDPs) are statutory requirements. Progress with the preparation of the SDP and LDP are monitored by Scottish Government as a performance indicator for local authorities. However the Planning (Scotland) Act 2019 removes strategic development plans (and strategic development planning authorities) and instead proposes new regional partnerships to prepare regional spatial strategies.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	As one of six planning authorities comprising SESplan, the council is required to make annual budget provision towards the SESplan operating budget. However the SEplan budget does not require a payment from the council for 2020/21 and a rebate of £5,000 has also been proposed and agreed by the SESplan Joint Committee.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time the Operating Budget for 2020/21 has been considered by the Development and Transport Policy Development and Scrutiny Panel.
<b>VIII</b>	<b>Other consultations</b>	Consultation has been undertaken with the Head of Finance and Property Services.

## **D. TERMS OF REPORT**

### **D1 Background**

The SESplan Financial Rules set out that Operating Budgets for the next financial year should be proposed by the SDP Manager, approved by the SESplan Joint Committee and that decision ratified by the member authorities by the end of the calendar year preceding the new financial year in question.

In compliance with these rules, the SESplan Joint Committee at its meeting on the 25 November 2019 agreed to approve the Operating Budget for 2019/20 in principle and intimated that that a review of SESplan expenditure and future budgets would be brought to a future meeting.



## **D2      SESplan Operating Budget - 2019/20**

Fulfilling this undertaking the latest position on the SESplan Operating Budget for 2019/20 as at November 2019 is included as Appendix 1.

Traditionally the largest spend by SESplan has been on staffing. As set out in Appendix 1, the approved Operating Budget 2019/20 includes a total staffing budget of £75,000. However, as SESplan continues to operate through the Board, Joint Committee and a virtual team across the constituent authorities, significant savings have been achieved this financial year. The absence of a SESplan core team and no requirement to provide a dedicated staffing resource or associated office costs results in a forecasted £91,684 underspend of fixed costs. The only fixed cost expenditure projected to be incurred this financial year relates to existing ongoing contracts for the online consultation portal (which hosts SESplan documents); the SESplan IT and web site provider; and the annual external auditing of SESplan accounts.

The approved 2019/20 Operating Budget also includes an allowance of £73,500 for technical support/variable costs. As highlighted above, due to the absence of a core team and that SESplan is not within a plan preparation phase, no technical support/variable costs are projected to be incurred within 2019/20.

The total expenditure within 2019/20 is projected to be £18,064, which set against a budget of £183,248 results in a projected variance (underspend) of £165,184. This has resulted in the constituent authorities not being required to contribute the £60,000 income budgeted for in this financial year.

Additionally, given the significant level of savings to assist in managing the reserve within the 2019/20 period, a rebate to each of the six constituent Councils of £5,000 would reduce the reserve by £30,000, as set out in Recommendation 2. The projected reserve at 31 March 2020 as set out in Appendix 1 is £130,187.

It is however proposed that the recovered £5,000 from the SESplan reserves is repurposed and used to collaboratively resource preparation of a new Regional Spatial Strategy. These resources will be managed through the City Region Deal Project Management Office. A report on City Deal was considered by the Council Executive on 17 December 2019, which included reference to these matters whilst also providing an annual update on City Deal.

## **D3      SESplan Operating Budget - 2020/21**

As detailed in Appendix 1, the budget for 2020/21 is allocated in principle with a focus on consultancy fees given the future governance arrangements for SESplan. The consultant fees are projected as £65,000 which reflects the total technical support/variable costs budget for undertaking any regional spatial planning consultancy work.

Staffing assumptions for 2020/21 reflect the existing governance arrangements, with SESplan continuing to operate through the Board, Joint Committee and virtual team across the constituent authorities. This will continue to achieve significant operating cost savings. Again, as in 2019/20, the only fixed cost expenditure projected to be incurred in 2020/21 relates to existing ongoing contracts for the online consultation portal; the SESplan IT and web site provider; and the annual external auditing of SESplan accounts. Total fixed cost expenditure is projected to be £19,000.

The Budget for 2020/21 sets out total expenditure of £84,000. Using the reserves built up in 2019/20 and on the further savings and staffing assumptions outlined above, it is proposed that nil contributions are made by member authorities in 2020/21. This will result in a usable reserve balance going into 2020/21 of £130,187 which is in excess of the one month's operating costs target reserve.

#### **D4 SESplan Operating Budget - Going Forward**

Future Operating Budgets will be required to be reviewed against the provisions of the Planning (Scotland) Act 2019 and the associated secondary legislation as it is published and further details are known.

#### **E. CONCLUSION**

The expenditure which has been identified is considered necessary and proportional however the use of reserves has led to member contributions being set at nil for financial year 2020/21 together with a rebate of £5,000 payable to each constituent local authority.

#### **F. BACKGROUND REFERENCES**

- [Adopted Strategic Development Plan](#) for Edinburgh and South East Scotland 2013 (SDP)
- [Report to Council Executive 26 February 2019](#)
- [Report to SESplan Joint Committee 25 November 2019](#)

Appendices/Attachments: 1

Appendix 1 – 2019/20 SESplan Operating Budget Forecast and Variance and 2020/21 Operating Budget

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

11 February 2020

## Appendix 1 2019/20 SESplan Operating Budget, Forecast and Variance and 2020/21 Operating Budget

DESCRIPTION	19/20 Budget	19/20 Projection	19/20 Variance	20/21 Budget
Staff	75,000	0	(75,000)	0
Training	1,000	0	(1,000)	0
Rents Payable (Including Service Charge)	4,292	0	(4,292)	0
Travel	1,500	0	(1,500)	0
IT Hardware,Software and Maintenancer)	15,500	14,564	(936)	15,500
Mobile Line Rental	206	0	(206)	0
Audit/Professional Fees	3,400	3,500	100	3,500
Miscellaneous	8,850	0	(8,850)	0
<b>Total Fixed Costs</b>	<b>109,748</b>	<b>18,064</b>	<b>(91,684)</b>	<b>19,000</b>
<b>Technical Support</b>				
Printing/Photocopying Costs	4,000	0	(4,000)	0
Consultant Fees	65,000	0	(65,000)	65,000
Postages/Franking	500	0	(500)	0
Advertising/Marketing	4,000	0	(4,000)	0
Other Services (Contingency 10%)	0	0	0	0
<b>Total Variable Costs</b>	<b>73,500</b>	<b>0</b>	<b>(73,500)</b>	<b>65,000</b>
<b>Total Expenditure</b>	<b>183,248</b>	<b>18,064</b>	<b>(165,184)</b>	<b>84,000</b>
Contribs/Rebates To/From Other LA'S	(60,000)	30,000	90,000	0
Interest On Revenue Balances	0	0		0
<b>Total Income</b>	<b>(60,000)</b>	<b>30,000</b>	<b>90,000</b>	<b>0</b>
<b>Net</b>	<b>123,248</b>	<b>48,064</b>	<b>(75,184)</b>	<b>84,000</b>
Usable Reserve balance (at 31 March 2019 Budgeted £197,979/actual £178,251)	197,979	178,251		130,187
Take from/(add) to Reserves	123,248	48,064		84,000
Usable Reserve balance (at 31 March 2019 Budgeted £197,979/actual £178,251)	74,731	130,187		46,187
Usable reserves as % of expenditure	41%	721%		55%
Target Reserve (1 month's operating costs)	15,271	1,505		7,000
(Shortfall)/Surplus on target reserve of 1month's operating costs	59,460	128,682		39,187





## **DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **SESPLAN HOUSING LAND POSITION STATEMENT AND UPDATE ON THE LAND SUPPLY POSITION IN WEST LOTHIAN**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of a Housing Land Supply Position Statement approved by the SESplan Joint Committee on 30 September 2019 and to provide an overview of the current land supply position in West Lothian.

##### **B. RECOMMENDATION**

It is recommended that the panel notes the contents of this report and the SESplan Housing Land Position Statement (Appendix One).

##### **C. SUMMARY OF IMPLICATIONS**

- |   |   |
|---|---|
| <b>I Council Values</b>   | Focusing on our customers' needs; being honest, open and being honest, open and accountable; making best use of our resources; and working in partnership.  |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p>Strategic Development Plan 2 (SDP2) was rejected by the Minister on 16 May 2019. SDP2 was to replace SDP1 which was approved by Scottish Government in June 2013.</p> <p>It should however be noted that the Scottish Parliament passed the Planning (Scotland) Bill on 20 June 2019 with one of the consequences being the removal of requirements to prepare strategic development plans.</p> <p>There are no equality, health or risk assessment issues associated with the SG.</p> <p>There are no risk assessment issues.</p> |
| <b>III Implications for scheme of delegation</b>  | None.   |
| <b>IV Impact on performance and performance indicators</b>  | None.   |

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consultations at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

On 16 May 2019 Scottish Ministers issued their decision letter advising of rejection of SDP2. The decision letter sets out three reasons for rejection of SDP2:

1. The Scottish Ministers were not satisfied that the plan had been informed by an adequate and timely transport appraisal;
2. The plan does not take sufficient account of the relationship between land use and transport; and
3. The Scottish Ministers did not support the use of supplementary guidance to resolve this issue.

The Minister found that the requirements of Scottish Planning Policy (SPP), specifically paragraphs 272-275 in relation to Development Planning had not been met and, therefore, the plan was deficient. Ministers made no specific reference to housing land and numbers.

The Planning (Scotland) Act 2019 removes requirements to prepare Strategic Development Plans; these are to be replaced by Regional Spatial Strategies prepared by one or more planning authorities acting together. A Regional Spatial Strategy will have less status than an SDP, as it is not part of the development plan. There is no requirement for LDPs to be consistent with the Regional Spatial Strategy. However, LDPs will be required to have regard to an adopted Regional Spatial Strategy.

In the absence of a new SDP and a Regional Growth Framework/Regional Spatial Strategy SDP1 continues to provide strategic policy guidance for the SESplan area. This will impact on preparation of the next round of local development plans (LDPs) across the SESplan area.

SDP1 is now more than 5 years old having been approved by the Scottish Ministers in June 2013 and the Housing Land Supplementary Guidance was Adopted in October 2014. Therefore, both the plan and the guidance are now more than 5 years old. Where a plan is more than 5 years old Scottish Planning Policy (SPP) states in paragraph 33 that, in these circumstances, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in determining planning applications. Put another way, paragraph 33 states that the [housing] policies of the plan can no longer be relied on when considering planning applications for residential developments.

In the absence of a new SDP, and given the terms of Paragraph 33 of SPP further guidance is required to assist in the Development Management process. SESplan has, therefore, prepared a Position Statement on Housing to provide guidance to the SESplan member authorities when determining planning applications whilst a Regional Spatial Framework/Regional Spatial Strategy as required by the Planning (Scotland) Act 2019 are agreed.

## **D2 SESplan Housing Land Position Statement**

The SESplan Housing Land Position Statement was approved by the SESplan Joint Committee on 30 September 2019 as a means to aid the SESplan member authorities in responding to planning applications for housing development which are viewed as being contrary to the development plan, and in the absence of an up to date development plan following the Minister's rejection of SDP2. The Position Statement is attached as Appendix One.

The Position Statement sets out those matters which the SESplan member authorities can take into account when assessing and determining planning applications for housing development which are contrary to the development plan. Those matters are:

1. the provisions and requirements of policies 7, 8 and 9 of the approved SDP1 which address housing land supply, transport and infrastructure issues;
2. the level of housing provision allocated and/or safeguarded in adopted LDPs;
3. updated information from the latest Housing Land Audit, where based on HoNDA2;
4. the Housing Needs and Demand Assessment 2015 (HoNDA2);
5. SDP2 Examination report; and
6. SDP2 Proposed Plan Housing Background Paper (October 2016).

The Position Statement will remain in force until such time as a Regional Spatial Framework/Regional Spatial Strategy and/or a new local development plan (LDP) is in place.

## **D3 West Lothian Council Position**

The council did not raise any objection to the terms of the SESplan Housing Land Position Statement and recognises its value in terms of setting out a starting point for debate on land supply issues. However, individual authorities may wish to set out more detailed interpretations within the framework.

The position paper sets out the terms of SDP policies and the relevant paragraphs of SPP. However, as set out above the terms of Paragraph 33 of SPP mean that these policies should no longer be relied on. If this is the case it is for the decision maker to place whatever weight on other material considerations as they see fit.

It is the view of officers that this now places greater importance on the terms of Housing Needs and Demand Assessment 2 (HoNDA2) which has formed the basis of the council's land supply position for a number of years. Against HoNDA2, the council's annual housing land requirement was assessed as 711 completions per annum (based on the Wealth Distribution Scenario) as opposed to over 2,000 completions per annum which is the assessment of some reporters in recent appeal decisions in West Lothian.

Interestingly, in a response to a further information request relating to an appeal by Murray Estates against the refusal of planning consent for a mixed use development on land at Gogar in West Edinburgh the agent for the applicant sets out the status of SDP1 policies and the plan's housing supply position in the SESplan area.

That assessment is consistent with the officer view set out in this paper, and at recent planning appeals, and concludes that HoNDA2 should now for the basis of any need calculation and in doing so concludes that there is an 11 year effective land supply in West Lothian.

#### **D4 Methodology for Calculating the Five Year Housing Land Supply**

There is no agreed methodology for the calculation of the five year effective housing land supply. Scottish Government in its draft Planning Advice Delivery Note: Housing and Infrastructure set out a methodology however the Note was withdrawn by Scottish Government and has not been replaced. The method the council uses for calculating the 5 year effective housing land requirement against SDP1 is as per this guidance.

In the Examination report on SDP2 the Reporter, in a critique of SDP1 housing targets, found (para 36, page 240) *'... that analysing performance against SDP1 requirements is of little assistance to an assessment of the extent of the actual housing supply backlog. This is because SDP1 targets were based on an earlier HNDA that no longer provides the most up to date and reliable picture of housing need and demand. I agree with Homes for Scotland and the authority that if one is to look at whether a housing supply shortfall has accrued, the appropriate comparison would be between what was estimated to be required between 2012 and the present day in the 2015 HNDA and what has actually been delivered over that period'*.

As a consequence of the Reporter's findings, the Reporter recommended that table 5.1 of the SDP which outlines the housing supply targets covered the period 2012 – 2030, as opposed to the period 2018 – 2030 which was contained in SDP2 Proposed Plan.

The SDP Report of Examination has been considered by Scottish Ministers and while they found dissatisfaction with certain issues, no dissatisfaction or disagreement was found with the Reporter's findings on HoNDA2, the Reporter's conclusion on SDP1 housing targets, or the Reporters recommendation to apply HoNDA2 from 2012 (rather than 2018 that was in the SDP Proposed Plan).

The fact that there is no agreed or definitive methodology for calculating the land supply will continue to leave it open to reporters to choose whatever methodology he or she favours from the options put before them. This lack of certainty has been raised on two occasions with the Chief Planner at the Scottish Government but unfortunately the Chief Planner has been unable to provide any comfort as to when this entirely unacceptable position will be resolved. It seems that the first opportunity for doing so will be approval of National Planning Framework 4 which is likely to be two years from now.



The council asserts that any shortfall in housing completions against SDP1 housing targets is not due to a lack of a supply of suitable housing land, it is due to the well documented economic downturn which resulted in lower mortgage availability and restricted development finance. Any housing shortfall arising in the first plan period of SESplan is, therefore, not carried forward into the second plan period and the calculation of the future five year housing requirement.

The absence of an agreed methodology for the calculation of the five year effective housing land supply continues therefore to leave the council at risk and open to inconsistency on the part of Reporters charged with determination and issue of Appeal decisions.

#### **E. CONCLUSION**

The rejection of SDP2 has led to SESplan issuing a Position Statement in relation to housing land. It is open to the SESplan member authorities to use this Statement when responding to planning applications which are contrary to the development plan and any subsequent planning appeals arising. The lack of an agreed methodology for the calculation of the five year effective housing land supply provides for inconsistency in decision-making and uncertainty for all parties involved.

#### **F. BACKGROUND REFERENCES**

None

Appendices/Attachments – One

Appendix 1: SESplan Housing Land Position Statement

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**Craig McCorriston**

**Head of Planning, Economic Development & Regeneration**

11 February 2019





The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

## **HOUSING LAND POSITION STATEMENT IN LIGHT OF MINISTERS REJECTION OF PROPOSED SDP2**

### **1.0 Introduction**

1.1 On 16 May 2019 Scottish Ministers issued their decision to reject SDP2. In light of this decision, SESplan has prepared a position statement on how it and the SESplan member authorities will respond to planning applications for residential development, which are contrary to the development plan.

### **2.0 Legislative Background**

2.1 The Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The content of Scottish Planning Policy (SPP) is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Relevant sections of SPP are set out below:

Paragraph 32 of SPP states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

Paragraph 33 of SPP states that where relevant policies in a development plan are out-of-date<sup>22</sup> or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the

emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 35 states that in order to support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

Paragraph 119 of SPP requires that local development plans in city regions should 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 strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

Paragraph 125 of SPP states that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

2.4 SDP1 is approaching five years old. Once the SDP is over 5 years old, under the terms of SPP its policies can be considered to be out of date, including the housing figures contained within the Plan.

### **3.0 Strategic Development Plan 1 (SDP1)**

3.1 SESplan (SDP1) approved in June 2013 and associated Housing Land Supplementary Guidance adopted in October 2014, remains the extant development plan for the South East of Scotland until such time as new planning legislation comes into force, albeit that SDP1 will be out of date before the new legislation comes fully into force. The Planning (Scotland) Act 2019 received Royal Assent in July 2019. The new Act removes requirements to prepare strategic development plans and requires the preparation of Regional Spatial Strategies. Transitional arrangements will require to be published together with further secondary legislation setting out in more detail the requirements arising from the Planning (Scotland) Act 2019 particularly in relation to the preparation of regional spatial strategies.

3.2 The spatial strategy of SDP1 and the housing land requirement from 2019 to 2024 together with the associated LDP housing allocations provide the basis on which planning applications can be determined and any resulting appeals defended until such time as SDP1 is replaced, although other material considerations, specifically SPP requirements as set out above, must also inform this. Beyond 2024 it is anticipated that a revised rolling housing land requirement will be put in place and published via a revised National Planning Framework (NPF4) and/or the preparation of an agreed Regional Spatial Strategy (RSS) per the recently enacted Planning (Scotland) Act 2019.

3.3 In advance of this and given that SESplan 1 will be considered 'out of date' by November 2019 it should be noted that there will not be a 5-year housing land supply target to assess housing supply against (post 2024). Constituent authorities will therefore be required to apply material weight to the content of SESplan 2 Housing Background Paper (Housing Need and Demand Assessment 2, 2015) – that having been declared as 'robust and credible' by decision makers in the preparation of SESplan 2. Other material factors include those matters set out below.

#### **4.0 SDP2 Decision Letter**

4.1 The Scottish Ministers decision letter on SDP2, dated 16 May 2019 sets out three reasons for rejection of SDP2:

- 1) The Scottish Ministers were not satisfied that the plan has been informed by an adequate and timely transport appraisal;
- 2) The plan does not take sufficient account of the relationship between land use and transport; and
- 3) The Scottish Ministers do not support the use of supplementary guidance to resolve this issue.

4.2 The Minister found that the requirements of Scottish Planning Policy (SPP), specifically paragraphs 272-275 had not been met and, therefore, the plan was deficient. The Ministers' decision does not specifically reject the housing requirements set out in SDP2 Proposed Plan and subsequent recommendations in the Examination Report. Rejection of SDP2 by the Minister does, however, result in the current SDP (SDP1) remaining the adopted strategic development plan, but being out of date.

#### **5.0 Local Development Plans**

5.1 QC opinion on whether or not the SESplan member authorities have an out of date development plan has been sought. QC opinion is that Paragraph 33 of SPP is not particularly helpful as to how to apply the 5 year rule when there are different plans forming part of the overall development plan and considers that a definitive answer cannot be given in this regard. QC opinion suggests that it is likely that in development management decisions the more important factors will be the age of the relevant LDP and, if appropriate, the presence or absence of a 5-year housing land supply.

5.2 All of the SESplan member authorities have adopted Local Development Plans in place, which have been prepared within the context of SDP1. All of the LDPs are less than five years old. Currently, Scottish Government requires that LDPs must be adopted within five years of the previous plan. Given this current legislative requirement, this places some of the SESplan member authorities at risk given the date of adoption of their current LDP. However, the Planning (Scotland) Act 2019 requires the preparation of LDPs every 10 years. Transitional arrangements are required to clarify the impact of this on extant LDPs. Table 1 provides details of current LDPs within the SESplan area.

**Table 1: SESplan Member Authorities Local Development Plan Position**

<b>LDP</b>	<b>DATE OF ADOPTION</b>
City of Edinburgh	24 November 2016
East Lothian	27 September 2018
Fife	21 September 2017
Midlothian	7 November 2017
Scottish Borders	12 May 2016
West Lothian	4 September 2018

5.3 In the absence of an up to date SDP, SDP1 and associated LDPs provide the basis of approved/adopted policy on which to determine planning applications, until such time as they are replaced.

5.4 QC opinion is that all of the following documents can also be taken into account as a material consideration in the determination of Planning Applications:

- a) the policies of proposed SDP2 with the exception of those policies relating to transport infrastructure
- (b) the supporting material prepared in respect of SESplan2
- (c) Housing Need and Demand Assessment 2
- (d) General Register Office Predictions on population growth
- (e) Housing Land Audits
- (f) the material contained within the Reporter's examination report

5.5 The issue, however, is the weight that can be applied to each of these and interpretation given by individual Reporters from the DPEA.

5.6 In summary, it is concluded that in determining planning applications consideration should be given to the terms of the extant development plan and the matters raised at (a)-(f) above until such time as the development plan is replaced.

## **6.0 Housing Land Supply**

6.1 It is noted that the Minister's decision to reject SDP2 relates to concerns over a lack of an adequate and timely Transport Appraisal and the relationship between land use and

transport. No specific dissatisfaction has been expressed about the approach taken to housing numbers and the evidence base that underpins it.

6.2 SPP expects that at least a 5-year supply of effective housing land should be provided at all times. SPP explains that it is the housing land audit that is critical to assessing effective housing land supply. PAN 2/2010, Affordable Housing and Housing land Audits indicate that an audit has two functions:

1. to demonstrate the availability of sufficient land to meet the requirement for a continuous 5-year supply; and
2. to provide a snapshot of the amount of land available for the construction of housing at any particular time.

6.3 SPP and PAN 2/2010 indicate that the housing land audit should be treated as the most up to date evidence on which to monitor housing land supply. This has a particular bearing on assessing proposals against the terms of policy 7 of SDP1.

6.4 The most recent Housing Land Audits covering the SESplan area date from 2018. All have been agreed by Homes for Scotland and inform the 5 year effective supply position. These are a material consideration in determining planning applications for residential and mixed use developments.

6.5 Table 2 provides details of the Housing Land Audits for each of the SESplan member Authorities.

**Table 2: Housing Land Audits/Effective Housing Land Supply**

<b>SESplan Member Authority</b>	<b>Housing Land Audit</b>	<b>No. of Years Supply</b>	<b>5 Year Effective Supply*</b>
City of Edinburgh	2018 Housing Land Audit agreed TBC	5.3	Yes
East Lothian	2018 Housing Land Audit agreed October 2018	5.05	Yes
Fife	2018 Housing Land Audit agreed (1 site disputed) December 2018	Affordable 6.4 Market 9.6	Yes**
Midlothian	2018 Housing Land Audit agreed December 2018	5.9	Yes
Scottish Borders	2018 Housing Land Audit	5.11 to 13 years	Yes
West Lothian	2018 Housing Land Audit agreed May 2019	5.5	Yes

\*methodology differs across the member authorities; e.g. WLC ignores shortfall; SBC methodology is set out in LDP and was supported by Reporter at Examination (13 years supply figure).

\*\* HLA2018 looked to SDP2 as it was considered of primary relevance given that the report into SDP2 Examination was published in July 2018.

6.6 SDP1 sets out in detail the housing land requirement for the period 2009-2024. In some instances the LDPs prepared by the SESplan member authorities provide for housing allocations up to 2024. Housing Land Audits set out in detail the housing land supply to 2024/25 except Fife where this is identified as a single figure, post 2023.

6.7 The assessed housing requirement in SDP1 from 2024 to 2032 is not split by local authority area and in any event is likely to be superseded by a revised housing supply target when NPF4 is published (anticipated by the end of 2021) and more details of the first Regional Spatial Framework/Regional Spatial Strategy for the SESplan area (a requirement of the Planning (Scotland) Act 2019 and NPF4) emerge. Therefore, by 2024 the development plan landscape for the SESplan area may have changed considerably giving rise to increased uncertainty over the validity of the SDP1 requirements for the period 2024 - 2032, particularly in light of HNDA2 and any subsequent assessments and the terms of how this would be distributed across the constituent authorities of the SESplan area.

## **7.0 Housing Need and Demand Assessment (HNDA2)**

7.1 QC opinion is that the Housing Need and Demand Assessment (HNDA2) prepared for SDP2 and confirmed as robust and credible by the Scottish Government in a letter from the Centre for Housing Market Analysis dated 27<sup>th</sup> March 2015, can be taken into account in preparing emerging LDPs. HNDA2 is at present the most up to date and therefore reliable assessment of housing demand and need in the SESplan area. However, it is simply a technical exercise and its content does not translate directly into housing land requirements or supply targets. Although SDP2 was rejected by the Scottish Government its housing figures provide details of potential requirements and targets which take into account environmental and economic issues, as is required by SPP.

7.2 HNDA2 set out three alternative futures;

1. Steady Recovery
2. Wealth distribution
3. Strong Economic

7.3 The SDP Reporters discounted the 'strong economic' scenario as *'for such a scenario to be achievable, there would need to be growth in UK exports and an end to public sector funding restrictions, neither of which is supported by evidence.'* (para. 7, page 236 of the SDP2 Report of Examination). The SDP Reporter concluded (para 13, page 237) that *'I am satisfied that the use of the Wealth Distribution outcome to derive the housing supply targets was justified'.*

7.4 The SDP Reporters concluded *'The HNDA has been certified as robust and credible. It took account of evidence that was not available to earlier assessments of need and demand. This clearly points to the demand for market housing in the future being significantly lower than was built during the years before the recession. No convincing evidence has been provided to undermine the findings of the HNDA'* (para 21, page 238).



7.5 The SDP Reporters further found *‘that analysing performance against SDP1 requirements is of little assistance to an assessment of the extent of the actual housing supply backlog. This is because SDP1 targets were based on an earlier HNDA that no longer provides the most up to date and reliable picture of housing need and demand’*( at para 36, page 240).

7.6 SPP paragraph 113 states that *‘where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.’* A HNDA that has been certified by Scottish Government as being ‘robust and credible’ therefore carries significant weight as a technical background document to the consideration of future housing land requirements. It should also be noted that the robust and credible status does not confer any judgement on the suitability of the HNDAs need and demand figures. It relates to the assumptions and methodology used in the HNDA process.

## **8.0 Infrastructure Requirements**

8.1 Infrastructure is a material consideration in the determination of planning applications. QC opinion is that where proposals raise strategic infrastructure issues that cannot be mitigated, there are grounds for refusal of planning applications.

## **9.0 SDP1 Policies**

9.1 Where a five-year effective supply does not exist, policy 7 of SDP1 is triggered. The terms of Policy 7 are set out below:

### **Policy 7 Maintaining a Five Year Housing Land Supply**

Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years’ effective housing land supply, subject to satisfying each of the following criteria:

- a) The development will be in keeping with the character of the settlement and local area;
- b) The development will not undermine green belt objectives; and
- c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

9.2 Other relevant policies are policies 8 and 9 with regard to infrastructure provision. The terms of these policies are set out below:

### **Policy 8 –Transportation**

The Local Planning Authorities in collaboration with Transport Scotland and SEStran will support and promote the development of a sustainable transport network. Local Development Plans will:

- a) Ensure that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle;
- b) Ensure that new development minimises the generation of additional car traffic, including through the application of mode share targets and car parking standards that relate to public transport accessibility;
- c) Relate density and type of development to public transport accessibility;
- d) Consider the need for additional rail freight facilities and when considering sites for development that would generate significant freight movements, require the potential for rail freight to be investigated;
- e) Consider the potential for expanded port capacity in the Firth of Forth and the cross-boundary implications this may have;
- f) Take account of the cross-boundary transport implications of all policies and proposals including implications for the transport network outwith the SESplan area;
- g) Ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and
- h) Consider the merits of protecting existing and potential traffic-free cycle and walking routes such as disused railways affected by any development proposal.

## **Policy 9 Infrastructure**

The Strategic Development Plan identifies in Figure 2 and through its Action Programme infrastructure, including transportation infrastructure, required to deliver the development of the Strategy. Local Development Plans will:

- a) Safeguard land to accommodate the necessary infrastructure required to deliver the Strategic Development Plan as set out on Figure 2 and in the accompanying Action Programme;
- b) Provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed. Particular emphasis is to be placed on delivery of the strategic infrastructure requirements that are set out in Figure 2 and in the Action Programme; and
- c) Pursue the delivery of infrastructure through developer contributions, funding from infrastructure providers or other appropriate means, including the promotion of alternative delivery mechanisms. Particular emphasis is to be placed on delivery of the strategic infrastructure requirements that are set out in Figure 2 and in the Action Programme.

## **10.0 SESplan Position**

10.1 In light of the above, when assessing development proposals for sites not allocated for development in the development plan SESplan member authorities can have regard to the following:

1. the provisions and requirements of SDP1, particularly policies 7, 8 and 9 of the approved SDP1 which address housing land supply, transport and infrastructure issues;
2. the level of housing provision allocated and/or safeguarded in adopted LDPs;
3. the policies of SDP2 Proposed Plan with the exception of those policies relating to transport infrastructure;
4. SDP2 Examination Report;
5. updated information from the latest Housing Land Audit,;
6. the Housing Needs and Demand Assessment 2015 (HNDA2) and
7. SDP2 Proposed Plan Housing Background Paper (October 2016).

10.2 Where it is deemed to provide an appropriate context to determine the application under consideration, such matters should be referenced in decision making on planning applications deemed contrary to the development plan and in responding to Planning Appeals.

10.3 As NPF4 progresses and Regional Spatial Framework/Regional Spatial Strategies emerge, the weight, which can be given to these documents, will have a bearing on the assessment of planning applications in the future.

September 2019





**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN  
SCHEME No.12**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the proposed Development Plan Scheme (DPS No.12) for the West Lothian Local Development Plan (LDP2).

**B. RECOMMENDATION**

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

1. Approves the content of Development Plan Scheme No.12 (Appendix 1).

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The Planning etc. (Scotland) Act 2006 introduced a new statutory basis for development planning in Scotland. It inserted a new 'Part 2' into the Town and Country Planning (Scotland) Act 1997 ('the Act') requiring the replacement of structure plans and local plans with strategic development plans (SDPs) and local development plans (LDPs).</p> <p>The West Lothian LDP forms part of the development plan alongside the Strategic Development Plan (SDP 1) and provides the statutory framework for land use planning in West Lothian.</p> <p>The Planning (Scotland) Act 2019 came into force in July 2019 and has removed the requirement to prepare SDPs. The obligation to prepare LDPs has however been retained. Secondary legislation is awaited to set out details arising from the 2019 Act.</p>

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	There are no implications for the Scheme of Delegation to officers.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The West Lothian LDP provides the policy and development framework to support improving opportunities in West Lothian and sustainable growth. The Development Plan Scheme sets out a programme for replacement of the LDP.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Much of the development proposed in the West Lothian LDP will require new supporting infrastructure and the LDP explains that this is expected to be funded in part by the council through the capital programme but also by the development industry itself. The council's Local Infrastructure Fund and City Region Deal may also have a part to play in assisting with forward funding some improvements.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first time DPS No.12 has been reported to the panel.
<b>VIII</b>	<b>Other consultations</b>	No consultations were required in the preparation of this report.

## **D. TERMS OF REPORT**

### **D1 Background**

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

The West Lothian Local Development Plan (LDP) was adopted by the council on 4 September 2018 and provides the spatial land use policy and development framework for West Lothian for the next ten years. The LDP is a vital component in ensuring economic growth and business support, seeking to meet housing need in all tenures, and ensuring the protection/enhancement of built and natural heritage resources, all within an overarching aim of protecting and enhancing the environment. The LDP has been prepared within the context of the Strategic Development Plan (SDP1).

The current Development Plan Scheme (No.11) was submitted to Scottish Government in March 2019, having been approved by the Council Executive on 5 February 2019. DPS No.11 was prepared in the expectation that a new Strategic Development Plan (SDP2) would be in place within 12 months of this date. However, SDP 2 was rejected by Scottish Ministers on 16 May 2019 and the terms of the Planning (Scotland) Act 2019 which received Royal Assent in July have removed requirements to prepare strategic development plans. In their place Regional Spatial Strategies are to be prepared.

Details of requirements for the preparation of Regional Spatial Strategies are anticipated to be set out in secondary legislation. A timescale for preparation of this is awaited. Other matters arising from the Planning (Scotland) Act 2019 which now require to be taken into account in the preparation of LDPs are Local Place Plans which can be prepared by communities and interested groups. A further influencing factor will be a new National Planning Framework (NPF4) a draft of which is anticipated to be published by Scottish Government in September 2020.

## **D2 Development Plan Scheme No.12**

In light of the above, a draft DPS (DPS No.12) for the new West Lothian LDP (LDP2) has been prepared and is attached as Appendix 1. The absence of full legislation relating to the development plan preparation process will impact on the timescale set out and therefore DPS No.12 may require to be amended at a later date to better accord with the anticipated secondary legislation in support of the Planning (Scotland) Act 2019.

DPS No.12 sets out a programme for the preparation of LDP 2 and diverges from the indicative timetable previously set out in DPS No.11. The significant differences to note from DPS No.11 are that it is now anticipated that a draft plan together with a Monitoring Report and Strategic Environmental Assessment are anticipated to be published in spring 2022 for consultation (rather than spring 2020) with the anticipated adoption of the new plan now being spring 2024.

A further matter to note is that the Planning (Scotland) Act 2019 removes requirements for the council to prepare a Main Issues Report (MIR) as part of the LDP and replaces this stage of the plan preparation process with a requirement to prepare a more conventional Draft Plan.

Prior to the publication of LDP 2 Draft Plan, evidence gathering exercises will be required to inform engagement with communities and interested parties. This will include preparation of a participation statement setting out proposals for engagement and interaction with interested parties who wish to progress preparation of Local Place Plans. It is anticipated that regular reports will be presented to elected members to provide update on progress.

## **E. CONCLUSION**

Current legislation requires a DPS for the LDP to be published annually, or more frequently as major issues arise in the process. DPS No.12 sets out a timeline for preparation and adoption of LDP 2, reflecting requirements arising from the Planning (Scotland) Act 2019. Further alterations to the timetable for preparation of LDP 2 may require to be made at a future date to reflect emerging legislative requirements.

## **F. BACKGROUND REFERENCES**

West Lothian Local Development Plan

[https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West\\_Lothian\\_Local\\_Development\\_Plan\\_-\\_Adopted\\_final.pdf](https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final.pdf)

West Lothian Local Development Plan Development Plan Scheme (DPS) No.11

<https://www.westlothian.gov.uk/article/33809/Local-Development-Plan-Scheme-DPS->

Appendices/Attachments: One – West Lothian Local Development Plan Development Plan Scheme No.12

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**Craig McCorriston**

**Head of Planning, Economic Development & Regeneration**

11 February 2020





Local Development Plan  
**DEVELOPMENT PLAN SCHEME**  
DPS No.12

Issued

MARCH 2020

*As approved by West Lothian Council Executive on TBC*

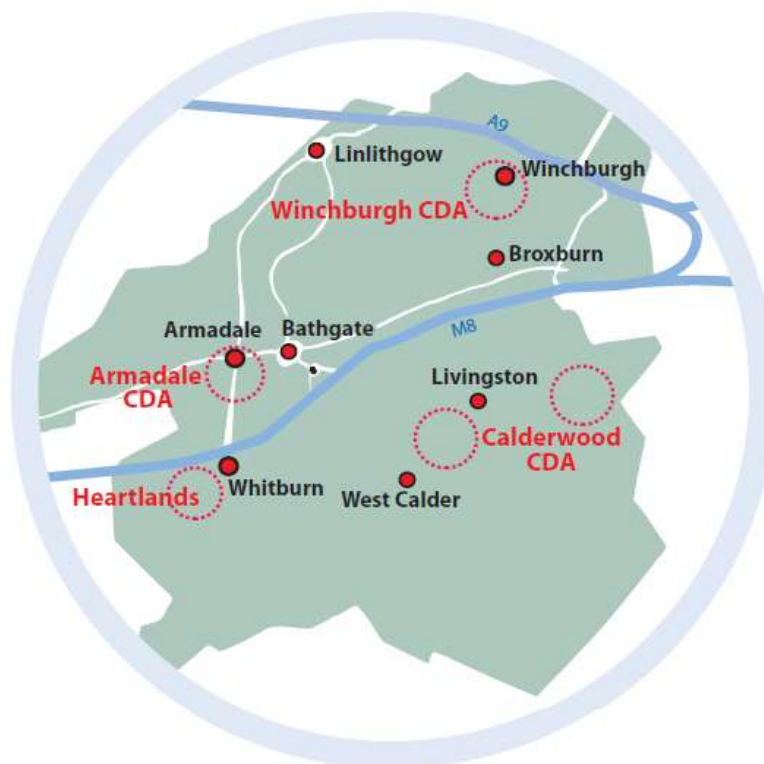
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## What is a Development Plan Scheme (DPS)?

1. A Development Plan Scheme sets out how the next Local Development Plan for West Lothian will be prepared.
2. It must be updated annually and include:

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



3. This is the twelfth edition of the West Lothian DPS, replacing the previous scheme (March 2019). This latest version reflects progress made over the last twelve months and requirements arising from the Planning (Scotland) Act 2019 and sets out a programme for preparation of a new West Lothian Local Development Plan (LDP2).

## What is a Development Plan?

4. Development Plans set out policies and proposals for the future development and use of land, where development should, or should not happen and how development affects its surroundings and are the basis for decision making on planning applications.
5. The current Development Plan for West Lothian comprises the South East Scotland Strategic Development Plan (SDP1) (approved with modifications by Scottish Ministers on 27 June 2013) and the West Lothian Local Development Plan (LDP) adopted on 4 September 2018. A suite of Supplementary and Planning Guidance have also been prepared to expand on and support policies set out in the LDP. The development plan is informed by the Third National Planning Framework for Scotland (NPF3) which is prepared by Scottish Government.
6. The new Planning (Scotland) Act 2019 introduces changes to the way in which development plans are to be prepared. It will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. The current anticipated date for publication of secondary legislation and transitional arrangements in relation to local development plans is winter 2021. Further information on changes to the planning system is available on the [Scottish Government](#) webpage.



## Strategic Development Plan (SDP)

7. SDPs are produced for Scotland's four largest city regions. SDPs set out a long term (20 years or more) land use planning strategy indicating, in broad terms, where future development will be located and what is needed to deliver it.
8. The SDP for South East Scotland is prepared by the Strategic Development Plan Authority for Edinburgh and South East Scotland (SESplan). The six councils which are members of SESplan are City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian. The Planning (Scotland) Act 2019 removes the requirement to prepare SDPs and replaces these with Regional Spatial Strategies.

## West Lothian Local Development Plan (LDP)

9. LDP's are produced by local planning authorities and set out detailed policies and proposals to guide development. They must conform to the approved SDP and seek to implement requirements on a more detailed site-specific basis than exists within the SDPs. LDPs should be adopted within two years of the approval of a relevant SDP.
10. The current West Lothian Local Development Plan was adopted in September 2018. The plan preparation process/timeline is shown in Figure 1.

**Figure 1: West Lothian Local Development Plan (LDP 1) Preparation Timeline**

<b>August 2014</b>	<b>Publication of the Main Issues Report to seek views on the policy and development options that could be included in the Local Development Plan.</b>
<b>October 2015</b>	<b>Publication of the Proposed Plan</b>
<b>October 2016</b>	<b>Submission of the Proposed Plan to Scottish Government for examination. The Examination concluded in December 2017.</b>
<b>April 2018</b>	<b>Publication of the West Lothian Local Development Plan as modified following examination.</b>
<b>September 2018</b>	<b>Publication of the adopted West Lothian Local Development Plan. The adopted plan is available on line at: <a href="https://www.westlothian.gov.uk/article/33299/Adoption">https://www.westlothian.gov.uk/article/33299/Adoption</a></b>

## Supplementary Guidance (SG)

11. Supplementary and Planning guidance in support of the adopted LDP (LDP 1) has been prepared (SG and PG). Requirements for supplementary and planning guidance are set out in Appendix 4 of the LDP. The LDP is now being used to determine planning applications. It is accompanied by an Action Programme which the council reviews and updates on an annual basis.

## The Emerging Local Development Plan (LDP 2)

12. The West Lothian LDP 2 will replace the West Lothian Local Development Plan (LDP 1). It will contain a spatial strategy, proposals map, action programme for identified developments and a schedule of the local authority's land interests affected by LDP policies or proposals. It will focus on specific proposals for the period up to Year 10 from the date of adoption. The purpose of the LDP is to:

- ***provide a clear basis for determining planning applications; and***
- ***allocate land to meet the needs and targets set out in the Regional Growth Framework/Regional Spatial Strategy for the wider city region (the SESplan area).***

13. The process of preparing LDPs is prescribed by Scottish Government and is set out in detailed regulations which the council is required to observe. New regulations are anticipated as a result of the Planning (Scotland) Act 2019. This may impact on the key components which comprise the LDP. The key components are as follows:

#### □ **Publish the Development Plan Scheme (DPS) LDP Draft Plan**

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

#### □ **Finalised Local Development Plan**

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

#### □ **Examination**

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

#### □ **Adoption**

17. The LDP is published and adopted with changes recommended by the Reporter.
18. An Action Programme is also adopted and published. The Action Programme identifies what developments are to be taken forward, who is responsible for delivery of these and when they will be delivered.
19. To ensure the LDP takes account of effects on the environment and does not adversely affect protected European nature conservation sites or any particular social group, the following assessments are undertaken as a part of the LDP preparation:

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

### The West Lothian Local Development Plan (LDP 2) Timetable

20. It is a requirement that the LDP must be in compliance with the approved Strategic Development Plan and, in time, National Planning Framework 4 and to have regard to the Regional Spatial Strategy for the plan area. The timetable for producing the West Lothian LDP2 is set out in Figure 2. This may be subject to change.

**Figure 2: West Lothian Local Development Plan 2 (LDP 2) Preparation Timeline**

Early 2022	Publication of Draft LDP 2 Monitoring Report and Strategic Environmental Assessment (SEA).
Winter 2022/2023	Publication of Proposed Plan including Environmental Report and Action Programme.
Spring 2023	Submission of Proposed LDP, representations and a summary of unresolved issues submitted to the DPEA for examination.
Winter 2023	Examination Report
Spring 2024	Anticipated Adoption of Plan

### Engagement and Participation

21. A Participation Statement will be prepared setting out when and with whom the council intends to engage with in preparing the LDP.
22. There will be several consultation periods in the preparation of the LDP. Input will be obtained through a range of different techniques such as questionnaires, newspaper advertisements, writing to key agencies and stakeholders, neighbouring planning authorities, Scottish Government, Community Council's and West Lothian Citizen Panel. Various events anticipated to be arranged for members of the public including drop in events at partnership centres, shopping centres and libraries, as well as tailored meetings with community councils.
23. The council's website, Facebook and Twitter pages are anticipated to be updated to advise of progress on the LDP and how people can get involved.

### Local Development Plan 3

24. The Planning (Scotland) Act 2019 introduces a requirement to review their LDP every ten years. It also introduces opportunity to make alterations to the LDP during that period.
25. The next Local Development Plan for West Lothian (LDP3) requires to be consistent with the Planning (Scotland) Act 2019 and secondary legislation which arises from this.

### Keeping You Informed

26. West Lothian Council is committed to notifying the public, interested parties and stakeholders at periodic stages throughout the LDP process. We believe your views are important and help enrich the process of the preparation of the LDP.
27. For the forthcoming LDP, the early stages will focus on seeking the views of the community and other stakeholders.
28. In the interim there are various methods to keep you informed:

- **Our Local Development Plan website at:** <https://www.westlothian.gov.uk/developmentplans>
- **Subscribe to our e-newsletter by emailing us at:** [wldp@westlothian.gov.uk](mailto:wldp@westlothian.gov.uk)
- **Phone us on:** 01506 280000
- **Write to us at:** **Development Planning, Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF**

If you have any questions relating to the LDP, the Development Planning process in general or you just want to provide feedback and comments on our service, please email the Development Planning team at the above address.







## **DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **DRAFT PLANNING GUIDANCE: NON-EMPLOYMENT USES WITHIN EMPLOYMENT AREAS**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of draft Planning Guidance on Non-Employment Uses within Employment Areas prepared in support of the West Lothian Local Development Plan (LDP) and to set out the next steps towards finalisation and approval of the guidance.

##### **B. RECOMMENDATION**

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

1. approves the content of the Planning Guidance: Non-employment uses within employment areas (Appendix 1);
2. approves the responses to any comments received during consultation on the draft Planning Guidance; (to be provided as an appendix 2 to the report to the Council Executive); and
3. delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a "screening determination" as to whether a SEA is required, having taken into account the views offered by the Consultation Authorities.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>New statutory Supplementary Guidance and non-statutory Planning Guidance will support the Local Development Plan and aid the development management process.</p> <p>The draft guidance supports policy EMP 1 of the LDP and would be a material consideration in the consideration of planning applications for non-business / non-industrial uses on employment areas.</p>

It has previously been determined that the new guidance is in itself unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required 'screening' procedures will however be undertaken.

There are no equality, health or risk assessment issues associated with the draft and there are no risk assessment issues.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 4</b> - We live in resilient, cohesive and safe communities.</p> <p><b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	This draft guidance has no direct financial implications for the council.
<b>VII</b>	<b>Consultations at PDSP</b>	This is the first time that the PDSP has considered the terms of this draft guidance.
<b>VIII</b>	<b>Other consultations</b>	None

## D. TERMS OF REPORT

### D1 Background

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

The council intimated its intention (in Appendix 4 of the LDP) that it would bring forward a raft of new statutory Supplementary Guidance and non-statutory Planning Guidance to support the policies of the LDP and which would at the same time be compliant with current national planning policies and the policies of the Strategic Development Plan (SDP1).

## **D2 Purpose and effect of Planning Guidance**

Planning Guidance is a tool that is used to provide further detail on a subject area or policy contained in the LDP. This allows the LDP to focus on the overall spatial strategy and the key policies and proposals. The Planning Guidance will be a material consideration when determining planning applications.

## **D3 Draft Planning Guidance – Non-employment uses within employment areas**

The council has drafted Planning Guidance to support policy EMP 1: Safeguarding and Developing Existing Employment Land of the LDP; and to assist developers when submitting planning applications for non-employment uses within employment areas.

The draft Planning Guidance has been produced in response to changes made to the LDP by the LDP Reporter through the Examination.

The Reporter noted ‘what appeared to be a significant amount of previously developed business land containing properties which were vacant, or at least significantly under-utilised’ (in Livingston in particular). The Reporter also concluded that there was too much employment land. As a consequence Policy EMP 1 was adjusted to allow for a wider variety of uses (including housing and retail) on employment areas (not just allocated employment sites).

The Planning Guidance has, therefore, been produced to expand upon the policy so that a sustainable spatial strategy is being maintained, the most important employment areas are safeguarded and for strategic growth areas, opportunities for job creation and economic growth are generated alongside the delivery of new homes. The guidance also acknowledges redevelopment on some employment areas can be supported where this facilitates regeneration and the improvement of the wider area.

The Planning Guidance therefore expands LDP Policy EMP 1 to provide further clarification and considerations. These are as follows;

- Proposals for housing and retail uses in areas that are outwith settlement boundaries are resisted.
- Employment land in Linlithgow and Armadale is safeguarded.
- The provision of employment land in strategic growth areas shall continue.
- Further details on what sites may be acceptable for residential use is provided.
- The acceptability of ancillary uses to employment areas is accepted.
- Further details on marketing requirements are provided.
- Further details on proposal requirements on previously developed employment land are provided.
- Further details on proposal requirements on undeveloped employment land are provided.
- Further details on proposal requirements for all types of non-employment proposals on employment land are also provided.

The guidance also sets out that all other relevant planning policies as set out in the Local Development Plan and supporting Supplementary and Planning Guidance should be met.

The council will refer to this Planning Guidance when considering all planning applications for non-employment uses within employment areas, although as individual site characteristics must also be considered, and each case is different, compliance with the Guidance does not in itself guarantee that planning permission will be granted. The proposed Planning Guidance is attached as Appendix One.

#### **D4 Consultation Arrangements**

It is proposed that public consultation on the Planning Guidance will be commenced in March 2020 and will run for a period of six weeks. The proposed guidance will be published on the council's web site and invitations to comment will be issued to developers and agents who are active in West Lothian and also to all community councils. Comments will be reported to the Council Executive at a later date together with the council's draft responses and, should further revisions to the Planning Guidance be identified following consultation, these will be similarly considered by the Council Executive.

#### **E. CONCLUSION**

The Planning Guidance is consistent with current Scottish Government policy, SDP1 and the policies of the LDP. It has been produced with the intent of being adopted as non-statutory Planning Guidance in support of the West Lothian Local Development Plan.

#### **F. BACKGROUND REFERENCES**

- [Adopted West Lothian Local Development Plan \(2018\)](#)

#### **Appendices/Attachments: One**

Appendix 1: Draft Planning Guidance: Non-employment uses within Employment Areas

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**11 February 2020**



## NON-EMPLOYMENT USES WITHIN EMPLOYMENT AREAS

**THIS VERSION PRODUCED FOR PUBLIC CONSULTATION**  
**JANUARY 2020**

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- 1.1 This Planning Guidance has been prepared to support the policies of the West Lothian Local Development Plan (LDP) which was adopted by West Lothian Council in September 2018. Of particular relevance is policy EMP 1 'safeguarding and developing existing employment land' which sets out the range of uses that may be acceptable in principle on employment land.
- 1.2 The Reporter during the LDP examination noted '*what appeared to be a significant amount of previously developed business land containing properties which were vacant, or at least significantly under-utilised*' (particularly in Livingston) and concluded that too much employment land had been identified.
- 1.3 The Reporter also concluded that it would be prudent for the council to prepare Planning Guidance to set out in greater detail how policy EMP 1 of the LDP would be interpreted and applied. Provision was made in Appendix 4 (List of Supplementary Guidance and Planning Guidance) of the LDP to allow for the guidance to be undertaken.
- 1.4 This Planning Guidance, therefore, provides further details on how Policy EMP 1 is to be interpreted and provides caveats and restrictions in the interpretation of Policy EMP 1 so that wider planning policy aims such as a sustainable spatial strategy and sustainable economic growth are not sacrificed.

## two

### Aim of guidance and policy context

- 2.1 Proposals for alternative uses on existing vacant employment land can be supported where this facilitates regeneration and improvement of the wider area.
- 2.2 The guidance supports and recognises [Scottish Planning Policy \(2014\)](#) statement set out in paragraph 103 – ‘*Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site*’.
- 2.3 The Planning Guidance confirms the council’s support for sustainable economic growth and regeneration that is also outlined in [SESplan 1 \(2013\)](#) and the [West Lothian LDP \(2018\)](#).
- 2.4 The Planning Guidance is supportive of providing a range and choice of employment land in key settlements. SESplan 1, paragraph 93 states ‘*LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESplan area*’.
- 2.5 Linlithgow and Armadale have a relatively small proportion of employment land compared to the size of settlement. An Employment Building Audit carried out in 2018 noted high occupation rates in Linlithgow’s employment areas. Provision will therefore be made to protect existing employment land in Linlithgow and Armadale in order to maintain a mix of uses, thereby reducing the need to travel, provide local employment opportunities and prevent Linlithgow and Armadale becoming commuter towns.
- 2.6 For strategic growth areas (Winchburgh, Broxburn, East Calder, Heartlands, Gavieside), provision will be made to ensure that opportunities for higher value job creation and economic growth are generated alongside an increase in population and the delivery of new homes.
- 2.7 Proposals for intensive uses such as housing in unsustainable locations such as outwith settlements boundaries and / or in areas with limited opportunities for sustainable forms of transport (active travel and public transport) will not be supported.

## three

### LDP Policy



3.1 The LDP sets out seven employment [policies](#).

Policy EMP 1: Safeguarding and developing existing employment land

Policy EMP 2: Employment development within settlement boundaries

Policy EMP 3: Employment development outwith settlement boundaries

Policy EMP 4: Masterplan requirements for employment sites

Policy EMP 5: Office development

Policy EMP 6: Enterprise Areas

Policy EMP 7: Tourism.

3.2 The policy that is most relevant to this Planning Guidance is Policy EMP 1.

**Policy EMP 1: Safeguarding and developing existing employment land.**

The council is supportive of sustainable economic growth and regeneration.

Existing employment land (and premises) for Class 4 business, Class 5 general industry and/or Class 6 storage and distribution uses which is identified in chapter 6 and shown on the proposals map are safeguarded for employment generating uses and will be protected from otherwise inappropriate development which would compromise their quality, accessibility or marketability as business locations.

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, subject to the following criteria being satisfied:

- a. the proposal would be compatible with neighbouring land uses;
- b. the proposal would not have a detrimental impact on the amenity of the area;
- c. the transport implications of the proposal are capable of being effectively managed; and
- d. any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.

Proposals must also conform to the site specific requirements detailed in Appendix 1 and demonstrate that they meet the other relevant requirements of this Local Development Plan.

Proposals for non-business/non-industrial uses on employment land will only be supported in circumstances where the following criteria can be satisfied:

- e. there would be no shortfall in the overall supply of employment land;
- f. it can be satisfactorily demonstrated that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. Prospective developers will be required to evidence their attempts to secure a continued employment-

generating use and in particular that they have actively marketed the premises or site over a sustained period;

g. the proposal would not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites;

h. the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area;

i. the proposal would have no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible by public transport and footway connections to the surrounding area;

j. the proposal would comply with the other policies in the development plan, in particular, for residential development, Policy HOU 3 Infill/Windfall Housing Development within Settlements, and for retail, leisure and other developments appropriate to town centres, with Policy TCR 2 (Location of New Retail and Commercial Leisure Developments).

However, proposals for ancillary factory shop outlets may be permitted in circumstances where the following criteria can be satisfied:

k. the premises must be physically linked to the manufacturing facility;

l. it has been satisfactorily demonstrated that the retail use is clearly ancillary to the main manufacturing operation and is of a scale that is designed solely to support the existing business;

m. goods sold are manufactured or substantially finished on the premises;

n. the scale of the outlet will not affect the vitality or viability of existing town centres and complies with Policy TCR 1; and

o. the proposals are satisfactory in terms of parking, access and traffic generation.

Proposals which do not satisfy these conditions will be determined against normal retail criteria set out in the Town Centres and Retailing section of the Plan.

# four

## Assessment of planning applications

- 4.1 To ensure LDP policies meet wider planning aims as set out in the policy context section of this Planning Guidance, the following considerations will be applicable and planning permission will only be granted for non-employment uses within employment areas when the relevant planning considerations have been satisfied.

### **Employment areas outwith settlement boundaries**

- 4.2 For employment areas outwith settlement boundaries, proposals for housing and retail uses are not acceptable and criteria (j) of LDP policy EMP 1 will not apply.

### **Employment land in Linlithgow and Armadale.**

- 4.3 Employment land in Linlithgow and Armadale is safeguarded for use classes 4, 5 and 6. Proposals for non-business / non industrial will not normally be supported.
- 4.4 Proposals for non-business / non-industrial uses on existing employment land will only be supported if it is demonstrated that non-employment uses are necessary to facilitate the redevelopment of a site for employment uses. The total floorspace of new employment uses should be greater or equal to the existing amount of employment floorspace contained (or previously contained if buildings have been demolished) on the site.
- 4.5 Undeveloped employment land in Linlithgow will be safeguarded for Class 4 business, Class 5 general industry and / or Class 6 storage and distribution uses.

### **Employment land in strategic growth areas**

- 4.6 Where employment land areas are a part of a strategic growth area, specifically Winchburgh, Broxburn, Calderwood, Heartlands and Gavieside; proposals for non-employment generating uses will not be acceptable unless alternative high value employment land within the strategic growth area has been identified and planning permission approved.

### **Suitable locations for proposed residential developments**

- 4.7 The application site must be bounded on at least one side by residential uses and be in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an isolated residential site within an employment area.
- 4.8 The application site must be within a 1 ½ mile walk from the catchment primary school. Primary catchment schools must have sufficient capacity to accommodate the proposal. Alternatively, arrangements to create the required capacity can be timeously made in line with planning policy.
- 4.9 It must be demonstrated that residential amenity will not be adversely affected by excessive noise, vibrations, smells and light pollution from neighbouring business and industrial uses and that business operations will not be restricted by the presence of a residential use.

### **Ancillary uses to employment areas.**

- 4.10 Proposals that are ancillary to, or complement the overall employment use and can be satisfactorily demonstrated to directly benefit those working in that employment area are acceptable in principle subject to the satisfaction of all other LDP policies.

Previously Developed Employment Areas.
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### **Marketing requirements**

- 4.11 As further guidance to EMP 1 (f), the following will apply;
- 4.12 The site / buildings should be currently vacant and have been vacant for a minimum period of five consecutive years at the date of submission of the planning application. For the avoidance of doubt it must be confirmed to the satisfaction of the council that the period during which the site / premises have been vacant has not occurred through the direct or indirect actions of the landowner or their agents in keeping the site vacant.
- 4.13 It must be demonstrated that the buildings / site has been marketed for all employment generating uses and not just for the type, size and condition of the building that is currently situated on the site.
- 4.14 A marketing report, prepared by a reputable local or national agent with a track record of letting employment space in West Lothian, must be submitted with a planning application and should include the following details:

- Marketing activity must be demonstrated as being readily accessible to relevant potential developers on both a local and national scale over the period during which the site/building has been vacant and have been of a sufficient size and scale as not to be missed by potential interested parties;
- A visible letting board on the property (constant throughout the marketing period);
- Marketing material should be published on the internet, including popular online property databases;
- Existing lawful use of the advertised premises should be included in the marketing materials;
- Continuous marketing over at least 3 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed);
- It must be demonstrated to the council that the owner has taken active steps to market the site/buildings as business/industrial uses at a reasonable rate / price and that the marketing activity can be demonstrated to the satisfaction of the council as planning authority. Where necessary the council will seek independent advice to confirm that the rates and uses within the marketing particulars are appropriate and realistic;
- Lease terms should be attractive to the market:
- Lease should be for at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works;
- And/or include short term flexible leases for smaller premises which are appropriate for SMEs;
- A commentary on the number and details of enquiries received, such as the number of viewings and the advertised rent at the time, including any details of why the interest was not pursued; and
- Where there is an existing employment use the council will require evidence that the tenants intend to move out and a statement from the tenant setting out the reason for the move.

#### **Inclusion of Employment generating uses on previously developed employment land**

- 4.15 Where the principle of non-employment uses on previously developed employment land is acceptable on sites exceeding 2 Hectares, the proposal must include floorspace designed for an employment generating use that will benefit the wider area. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.

#### **Undeveloped Employment Land**

#### **Undeveloped employment land.**

- 4.16 Where the principle of non-employment uses on undeveloped employment land is acceptable for sites exceeding 2 Hectares, a proposal for a mixed-use development could be acceptable if it facilitates sustainable economic growth.
- 4.17 The employment generating element of any development proposal should be central to any mixed use proposals and not a 'token' element of the proposal. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions. The aim will be to create a thriving mixed

use area, with a balanced mix of uses, shared facilities, high quality public realm and green spaces. The design must encourage and facilitate sustainable modes of transport. Masterplans and accompanying Design and Access Statements will be required as part of any planning application submission for such sites.

- 4.18 The proposal should be an exemplar in sustainable development. A statement will be required to demonstrate compliance with [Policy NRG 1a](#) – Low and zero carbon generating technology.
- 4.19 The proposal should conserve nature and secure net gains for biodiversity. The design and access statement must set out the baseline ecological value of the site and outline the proposals to enhance biodiversity. To support this requirement a full ecological survey should be carried out by an appropriately qualified ecologist using a recognised methodology.
- 4.20 For the avoidance of doubt, sites E-LV 47 (Almond North, Gavieside) and E-LV 49 (Almond South, Gavieside) are not acceptable sites for mixed use development and will be safeguarded for Class 4, 5 and 6 uses only.

#### Proposal requirements for all non-employment uses on employment land

### **Proposal Requirements**

- 4.20 Where the principle of non-employment uses on employment land is acceptable, it must be demonstrated that the proposal will contribute to the regeneration and improvement of the wider area.
- 4.21 Proposals that adversely affect, prejudice and/or inhibit the activities of any nearby employment use will not be supported. This includes, but is not limited to potentially restricting operations in terms of operation times, noise, vibrations and smells.

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The council will refer to this Planning Guidance when considering all planning applications for alternative uses on employment land and buildings, although as individual site characteristics must also be considered, and each case is different, compliance with these guidelines does not in itself guarantee that planning permission will be granted.

All other relevant planning policies contained in the Local Development Plan and supporting Supplementary Guidance and Planning Guidance requires to be met. Further details on the LDP and Supplementary and Planning Guidance can be found on the council's website at <https://www.westlothian.gov.uk/LDP>.

The council encourages pre-application discussion of development proposals. Our [pre-application enquiry](#) service will give you advice on your proposal, including any changes that could be made to improve it. Please note that this is a chargeable service.

### **(PG) Non-employment uses within employment areas**

Approved by West Lothian Council Executive **DATE TO BE INSERTED**  
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED**

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**DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL**

**DRAFT PLANNING GUIDANCE: HOUSE EXTENSION AND ALTERATION DESIGN GUIDE**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the preparation of draft Planning Guidance: House Extension and Alteration Design Guide prepared in support of the West Lothian Local Development Plan (LDP) and to set out the next steps towards finalisation and approval of the guidance.

**B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. approves the content of the Planning Guidance: House Extension and Alteration Design Guide;
2. approves the responses to any comments received during consultation on the draft Planning Guidance; (to be provided as an appendix to the report to the Council Executive); and
3. delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA is required, having taken into account the views offered by the Consultation Authorities.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	New statutory Supplementary Guidance and non-statutory Planning Guidance will, over the course of the coming year, replace Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan. Going forward, new Supplementary Guidance and Planning Guidance will support the Local Development Plan and the development management process.

The draft Planning Guidance supports policy DES 1 of the LDP and would be a material consideration in the consideration of planning applications for house extensions and alterations.

It has previously been determined that the new guidance is in itself unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required 'screening' procedures will however be undertaken.

There are no equality, health or risk assessment issues associated with the Planning Guidance and there are no risk assessment issues.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 4</b> - We live in resilient, cohesive and safe communities.</p> <p><b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	This draft Planning Guidance has no direct financial implications for the council.
<b>VII</b>	<b>Consultations at PDSP</b>	This is the first time that the PDSP has considered the terms of this draft Planning Guidance.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

An extensive suite of 'Supplementary Planning Guidance' (SPG) had supported the previous West Lothian Local Plan (WLLP) but when that plan was replaced in September 2018 by the LDP this guidance ceased to have formal status. The consequence is that the ongoing materiality of SPGs is diminished, particularly in relation to the determination of planning applications and when relied upon to support the council's position at planning appeals.

The council intimated it's intention (in Appendix 4 of the LDP) that it would bring forward a raft of new statutory Supplementary Guidance and non-statutory Planning Guidance to replace SPGs and to support the policies of the LDP and which would at the same time be compliant with Planning Circular 6/2013: *Development Planning*, current national planning policies and the policies of the Strategic Development Plan (SDP 1).

## **D2 Purpose and effect of Planning Guidance**

Supplementary Guidance and Planning Guidance expand upon existing policies and proposals and are used to support the content of the LDP. This allows the LDP to focus on the overall spatial strategy and the key policies and proposals. Together, Supplementary Guidance and Planning Guidance provide additional detail on specific subject areas within development plans and in many instances explain how planning policies will be implemented.

As a general rule, statutory Supplementary Guidance is the preferred format for guidance which requires developers to make a financial contribution. All other guidance is usually prepared as non-statutory Planning Guidance, the main differences being that Planning Guidance does not become part of the development plan and does not require to be approved by Scottish Ministers before being adopted by the council. Planning Guidance is however still subject to the same robust consultation process and is regarded as a 'material consideration' when determining planning applications.

## **D3 Draft Planning Guidance – House Extension and Alteration Design Guide**

In support of the West Lothian Local Plan, and to assist householders when submitted planning applications for house alterations or extensions, the council approved Supplementary Planning Guidance (SPG) entitled "House Extension and Alteration Design Guide". The SPG was adopted in June 2015.

The SPG has now been reviewed and, having appraised its relevance and effectiveness, it has been concluded that no fundamental or significant changes are required to the document. Had it not been for the fact that the West Lothian Local Plan (WLLP) has been replaced by the LDP, the guidance would otherwise still be very much considered "fit for purpose".

The new Planning Guidance sets out matters which householders should take into account when proposing to alter or extend their property and submit a planning application. This includes the size and extent of proposed house extensions, impact on neighbouring properties, design and materials used. It seeks to promote high quality design which respects the rights and interests of neighbours to the house being extended, and it encourages 'good neighbour' practices, such as approaching neighbours at an early stage, when the project is being considered, and taking neighbours' views into account as much as possible.

In addition to advice on the design and materials of an extension, the Planning Guidance gives guidance on issues such as privacy, overlooking and overshadowing,

building close to the boundary, useable garden ground, parking and sustainable design. Guidance is also given on specific types of extensions: dormers, two storey extensions, ancillary accommodation, garages and outbuildings, and extensions in conservations areas and to listed buildings. The new Planning Guidance is attached as Appendix One.

#### **D4 Consultation arrangements**

It is proposed that public consultation on the Planning Guidance will be commenced in March 2020 and will run for a period of six weeks. The Guidance will be published on the council's web site and invitations to comment will be issued to developers and agents who are active in West Lothian and also to all community councils. Comments will be reported to the Council Executive together with the council's draft responses at a later date and should further revisions be identified following consultation these will be similarly considered by the Council Executive.

#### **E. CONCLUSION**

The council last refreshed its guidance on House Extensions and Alterations in 2015. This guidance has now been refreshed and repackaged and is consistent with current Scottish Government policy, SDP 1 and the policies of the LDP. It has been produced with the intent of being adopted as non-statutory Planning Guidance in support of the West Lothian Local Development Plan.

#### **F. BACKGROUND REFERENCES**

- SPG 'House Extension and Alterations Design Guide (2015)
- Adopted West Lothian Local Development Plan (2018)

#### **Appendices/Attachments: One**

Appendix 1: Draft Planning Guidance: House Extension and Alterations Design Guide (2019)

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

**11 February 2020**



## HOUSE EXTENSION & ALTERATION DESIGN GUIDE

### APPENDIX 1

**‘CONSULTATION VERSION’**

**PRODUCED FOR THE D&T PDSP MEETING**  
**ON 11 FEBRUARY 2020**

## HOUSE EXTENSION & ALTERATION DESIGN GUIDE

### Introduction

- 1.1 This Planning Guidance (PG) is one of a series which supplements and supports the policies and proposals of the West Lothian Local Development Plan (LDP) which was adopted by West Lothian Council in September 2019. Of particular relevance is policy DES 1, “*Design Principles*” which seeks to encourage high quality developments and design.
- 1.2 If you are considering extending your home, you need to be aware of the effect that the extension might have on the character of the street or area it is part of, and any effect that it might have on the quality of life of your neighbours. An extension should be sympathetic to the appearance of the existing house and to the needs of your neighbours. If it's not well designed it can cause a loss of privacy, overshadow windows of a neighbouring property, or have a negative impact on the appearance of the street as a whole.
- 1.3 As a householder you have extensive [permitted development rights](#) under The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (GPD0), which can allow you to build an extension without having to apply for planning permission. You should check the council's website or the [Government's guide](#) when you begin to plan your extension.
- 1.4 You will probably need a [building warrant](#), regardless of whether you need planning permission.
- 1.5 Some works, such as the erection of a shed in your garden, might carry fire risk and should be sited carefully. If you would like advice on this, you should contact your local fire station.
- 1.6 Whether you need planning permission or not, this guide seeks to promote design that will protect and enhance the appearance of your house and neighbourhood, and the amenity of your neighbours. Following the design principles set out here will help to ensure that your extension will be sympathetic to your existing house and to the character of the local area.
- 1.7 We will make reference to this guidance when considering all householder planning applications, although as individual site characteristics must also be taken into account, and each case is different, compliance with these guidelines does not in itself guarantee that planning permission will be granted.
- 1.8 West Lothian Council encourages *good neighbour* attitudes and behaviour; we strongly advise that when considering an extension you speak with your neighbours as early as possible, take account of their concerns, and make every effort to agree a solution to any differences of opinion. There will be some occasions where a solution cannot be agreed; when this happens, the council will apply these guidelines and will come to a decision that is as fair and as reasonable as possible to all parties.

## General Principles

- 2.1 When a planning application for an extension is submitted, we will consider the following:

- 1 Design and materials;
- 2 Privacy and overlooking;
- 3 Daylight and overshadowing;
- 4 Building close to the boundary;
- 5 Useable private garden ground;
- 6 Parking; and
- 7 Sustainable design



- 2.2 Applications will also be judged against specific guidance for the particular type of development proposed:

- 8 Dormer extensions;
- 9 Front extensions;
- 10 Side extensions;
- 11 Rear extensions;
- 12 Garages, garden sheds/huts and other outbuildings;
- 13 Balconies, raised patios and decks;
- 14 Extensions to flats;
- 15 Fences and walls;
- 16 Ancillary residential accommodation;
- 17 Conservation Areas; and
- 18 Listed Buildings

- 2.3 The council encourages pre-application discussion of development proposals. Our [pre-application enquiry](#) service will give you a advice on your proposal, including any changes that could be made to improve it.
- 2.4 You should also have regard to the council's Residential Development Guide (RDG) <https://www.westlothian.gov.uk/media/20906/Supplementary-Guidance-Residential-Development-Guide/pdf/NewResidentialDevelopmentGuide-2019FINAL.pdf> which was adopted by the council in February 2019 and identifies requirements to be addressed by the developers of new build residential development, including having regard to proposals by future householders to extend their property.

### **1 Design and materials**

- 2.5 Extensions and other alterations to dwellings should generally be designed as an integral part of the property and should reflect its character. They should not dominate the existing building or be designed in isolation solely to fit in a required amount of additional accommodation.

- 2.6 The extension should be of a scale that does not dominate the existing property or your neighbours' houses. It should be subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings.
- 2.7 External walling and roofing materials should normally match those of the existing building. Where other materials are proposed, they should complement the existing dwelling.
- 2.8 The windows and doors should be of a similar style, appearance, material and proportion to those in the existing house.
- 2.9 Occasionally a proposed extension will be designed as a statement in itself, and will not necessarily relate in a traditional manner to the existing house. West Lothian Council is keen to promote good quality design solutions and will be open to interesting and innovative proposals. If you are considering such a proposal, we would strongly suggest that you submit a [pre-application enquiry](#) which will give you guidance on whether your proposal is likely to be supported.

## 2 Privacy and overlooking

- 2.10 Householders can expect to enjoy a reasonable level of privacy in their homes and should not be overlooked directly in their private gardens by the windows of another property. To control potential privacy problems, minimum distances are set for windows that face neighbouring houses. The minimum acceptable distance between windows of habitable rooms (e.g. bedrooms / living rooms / dining rooms etc.) which are directly facing each other is 18 metres. If the windows are at an angle to each other, the minimum distance can be reduced in accordance with Table 1. The windows of an extension should not directly overlook the private areas of a neighbouring garden.
- 2.11 Ground floor windows which are adequately screened (by fencing or a wall) to protect privacy or prevent overlooking can be closer to neighbouring properties than the distances shown on Table 1.

**Table 1: Minimum distance in metres between window openings**

		Angle (in degrees) at window of building to be erected not more than									
		90	80	70	60	50	40	30	20	10	0
Degree of angle at window of any other building not more than	90	18	18	18	18	13	9	6	4	3	2
	80	18	18	18	13	9	6	4	3	2	
	70	18	18	13	9	6	4	3	2		
	60	18	13	9	6	4	3	2			
	50	13	9	6	4	3	2				
	40	9	6	4	3	2					
	30	6	4	3	2						
	20	4	3	2							
	10	3	2								
	0	2									

**Notes:** 1. Angle means the horizontal angle between the shortest line joining any part of one window opening to any of the other and the vertical plane of the opening window; 2. Distances shall be interpreted for intermediate angles;



### 3 Sunlight / daylight and overshadowing

- 2.12 New extensions must respect your neighbours' amenity. They should be designed to avoid the loss of daylight and sunlight to neighbouring properties as much as possible, and the greater part of any overshadowing caused by your extension should be confined to your own garden.
- 2.13 Permission will be refused if your proposed extension would lead to your neighbours suffering significant loss of daylight to any habitable room or overshadowing to an important part of their garden.
- 2.14 The Building Research Establishment (BRE) document – *Site Planning for Daylight and Sunlight: A Guide to Good Practice*, (PJ Littlefair 1991) gives guidance on how to ensure enough daylight/sunlight is achieved in or between buildings for acceptable interior and exterior conditions. The council applies the 45<sup>0</sup> approach from that document to help determine the effect of a proposed extension on daylighting/sunlighting.

### 4 Building close to the boundary

- 2.15 There is no prohibition to building an extension right up to your boundary, although you should be aware that if you do this you might need access to your neighbour's land to build or maintain it. You will not have a legal right to enter land that you don't own; if you need to use someone else's land, for construction or maintenance, you must first obtain the owner's consent. It might also mean that your only access to your rear garden will be through your house, with consequences for bin storage or removing gardening refuse.
- 2.16 As a general rule, to allow for access, we advise that extensions should be set back from your boundary by at least one metre.

### 5 Useable private garden ground

- 2.17 *Permitted development rights* for houses allow you to extend extensively within your back garden, but when you plan an extension you should be careful not to overdevelop your plot. As well as leaving a limited amount of garden ground for your own family use, building over most of your rear garden might make it harder to sell your house when you want to move on.

### 6 Car parking

- 2.18 If an extension increases the number of bedrooms, the number of cars at that property might increase. This will be considered when we consider an application for an extension, and the application can be refused if insufficient parking is provided. As a guide, a house with up to three or bedrooms will need one off-street parking space, and larger houses will need two. In many cases it will be possible to increase the driveway width to six metres, which would allow two cars to be parked side by side.

## 7 Sustainable design

- 2.19 In accordance with The Climate Change (Scotland) Act 2009 and targets set by the Scottish government to reduce greenhouse gas emissions by 42% by 2020 and 80% by 2050, the council encourages the use of micro-renewables as valuable contributors to emission reduction. Where possible, extensions and alterations shall be designed to maximise the use of sustainable materials and micro-renewables in order to contribute to meeting these targets.
- 2.20 Should the site permit, extensions should be orientated to exploit the use of passive solar gain and designed to minimise exposure and heat loss. In all other respects, this entails the longest walls running from east to west, and habitable rooms being positioned to the south. The use of green or sedum roofing on flat roof extensions will be supported to minimise heat loss, reduce surface water run-off and encourage biodiversity.
- 2.21 Domestic wind turbines will in almost all cases require planning permission; deciding factors will be noise and visual intrusion; they should generally be positioned on the least conspicuous part of the roof and as far as possible from your neighbours' houses.
- 2.22 Solar panels require planning permission if they cover more than 30% of the visible roof plane or if they project more than one metre from the surface of the roof. There are no guidelines on positioning, except in the case of listed buildings or houses in conservation areas, where an inconspicuous location should be sought.
- 2.23 Heat pumps are usually considered to be permitted development, with the exception of air source heat pumps, which generally require planning permission. When making an application consideration should be given to the location of the pump to minimise noise and vibration levels for neighbouring properties. It would be advisable to consult with the environmental health department before submitting an application to ensure that you have sourced the most efficient and appropriate system for your property.

### Guidance on specific types of development

## 8 Dormer extensions

- 2.24 Because of their prominence, new dormers can have a major impact on the appearance of the property and the streetscene. As a result, modest individual dormers to the front of the property are more appropriate than large single box dormers. Dormers should not be so big that they dominate the roof.
- 2.25 Where more than one dormer is proposed on a single roof plane, the separation between the dormers should be carefully considered. Following the proportions and alignment of the window openings of the existing dwelling (see figure 1) is encouraged.

In general terms dormers should:

- (i) be well below the ridgeline of the existing roof;
- (ii) be drawn well back from the eaves;
- (iii) not extend the full width of the roof

- (iv) not extend right up to the gable end;
- (v) relate to windows and doors below in terms of character, proportion and alignment;
- (vi) match the materials of the existing roof; and
- (vii) have a front face which is predominantly glazed.

## 9 Front extensions

- 2.26 Apart from small porches, extensions should not generally be built forward of the main building line of the property and should be avoided due to their impact and prominence on the streetscene.

## 10 Side extensions

- 2.27 Since side extensions are usually visible from the street, care must be taken to ensure that the extension does not detract from the overall streetscene. Side extensions on corner plots are especially prominent and require particularly skilful handling.
- 2.28 Side extensions should not generally project in front of the principal elevation of the existing building. It is a good idea to set the extension back behind the building, even if only by the length of a brick, to create a “shadow” which hides the join between the old and new.
- 2.29 Two storey side extensions in particular must be designed to be subsidiary in appearance to the main house. Not only should the extension be set back from the building line of the main house, the ridge line of the extension should normally be lower than the ridge of the roof of the main house. Two storey extensions with flat roofs will not normally be permitted unless employed as a design solution. A two storey extension to a single storey house will rarely be acceptable.

## 11 Rear extensions

- 2.30 Rear extensions have much less impact on the street scene than extensions to the front or side, but two storey rear extensions can cause overlooking problems and loss of daylight to neighbouring properties. Particular attention should be paid to issues of privacy, overlooking, and sunlight/daylight and overshadowing.



- 2.31 The use of a flat roof on a single storey extension can help in situations where overshadowing could be an issue. If you're considering a flat roof, we would strongly suggest using a 'green' or sedum roof, which has benefits for controlling water run-off and ecology.
- 2.32 Two storey rear extensions with flat roofs will not normally be permitted unless employed as a design solution. Ideally, the pitch and form of the extension roof should match that of the existing roof, although it is accepted that there are instances when this will not be possible. A two storey extension to a single storey house will rarely be acceptable.

## 12 Garages, garden sheds / huts and other outbuildings

- 2.33 The design and location of a proposed garage should be in harmony with the existing dwelling and surroundings; they should be located either at the side or rear of a house, providing that sufficient garden ground is available. A private driveway at least 6 metres long must be provided in front of the garage, and the garage doors and driveway gates must not open out over the road or public footpath. You do not only need planning permission for a new driveway unless you live on a classified road or in a flat.
- 2.34 Garden huts and other outbuildings should not extend in front of the established building line and should be positioned to ensure that the amenity of any neighbours' houses or gardens is protected.

## 13 Fences and walls

- 2.35 Fences and walls, particularly in front gardens, can have a significant effect on the appearance of the property and surroundings. When erected beside driveways or on the corner of the street, they can also have an impact on sightlines and traffic safety.
- 2.36 In front gardens, walls and fences should not generally exceed one metre in height, and in rear gardens they should not exceed two metres. Materials should usually be timber or a material that complements the character of the property and neighbourhood.

## 14 Balconies, raised patios and decking

- 2.37 As balconies and sun decks can offer direct panoramic views over adjoining properties and gardens, the residential amenity of neighbours can be severely affected. Applications will be assessed in terms of privacy and overlooking.
- 2.38 Decking should be located as near to ground level as possible; if it is less than half a metre above ground level is unlikely to require [planning permission](#). Where sites are steeply sloping or any part of the floor of the decking will be more than half a metre above the ground planning permission will be required. In such cases the decking should not be located on or close to the boundary of your property.
- 2.39 Balconies, raised patios and sun decks will only be granted permission where there is no adverse effect on neighbouring properties because of overlooking of private amenity space, normally rear gardens.

## 15 Extensions to flats

- 2.40 Extensions to flats, such as four-in-a-block cottage flats and subdivided villas, pose particular difficulties because of the proximity of neighbouring properties and the complexity of land ownership in private gardens.
- 2.41 Where an extension is proposed to a ground floor flat, there is often concern about gaining access to upper floor windows for cleaning or repair. While this is not a planning consideration, in the interests of good neighbour relations, the applicant is strongly advised to obtain the agreement of all common owners prior to commencing any works on site.

## 16 Ancillary residential accommodation

- 2.42 Ancillary accommodation for elderly dependants, teenagers or other close relatives can be attached or detached from the main dwelling house, and will normally share the garden, parking and bin storage arrangements of the main house. Such accommodation shall be assessed as a house extension in terms of garden space and parking provision. Linked residential accommodation of this sort must not be used as separate accommodation, and if consent is granted it will be controlled by conditions which will prevent the annex being let or sold as a separate dwelling.

## 17 Conservation areas

- 2.43 These are defined by the Planning (Listed Building and Conservation Areas) Act 1990 as areas of special architectural interest, the character or appearance of which it is desirable to preserve or enhance. The GPDO removes permitted development rights for virtually all extensions in a [conservation area](#). An extension to a house or a new outbuilding in or affecting the setting of a Conservation Area must be sensitively designed to ensure that it does not adversely affect the special character of the area. The building materials must be carefully chosen to match or at least complement those of the main building. [Conservation Area Consent](#) is required if a proposed alteration involves the demolition of any building or structure in a conservation area.

## 18 Listed buildings

- 2.44 A [Listed Building](#) is defined by the Planning (Listed Buildings and Conservation Areas) Act 1990 as a building of architectural or historic interest. The GPDO removes permitted development rights for virtually all extensions to a listed building, but a separate permission, [Listed Building Consent](#), will be required for any extensions and alterations to a Listed Building (both internal and external) or to buildings or structures in its curtilage, which affect the character or setting of the listed building. Extensions to Listed Buildings or new outbuildings within the curtilage must be sensitively designed and of the highest quality. An application to extend a house that is listed should be accompanied by clear information to show the full implications of the extension and alterations to the fabric and character of the building.

### **(PG) House Extension and Alteration Design Guide**

Approved by West Lothian Council Executive **DATE TO BE INSERTED IN DUE COURSE**  
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED IN DUE COURSE**

**West Lothian Council, Development Planning, Civic Centre, Howden South Road, Livingston, EH54 6FF**  
Tel: 01506 28 00 00 Email: [dpgeneral@westlothian.gov.uk](mailto:dpgeneral@westlothian.gov.uk)





**DEVELOPMENT AND TRANSPORTATION POLICY DEVELOPMENT SCRUTINY PANEL**

**(DRAFT) SUPPLEMENTARY GUIDANCE: WIND ENERGY DEVELOPMENT**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of preparation of Draft Supplementary Guidance for Wind Energy Development and to set out the next steps towards finalisation and approval of the guidance.

The guidance is required to support the West Lothian Local Development Plan (LDP).

**B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval after a consultation exercise has been undertaken:

1. approves the content of the Supplementary Guidance on Wind Energy Development (Appendix 1);
2. approves the responses to the comments received during consultation on the draft Supplementary Guidance;
3. notes that following consideration by the Council Executive the Supplementary Guidance will require to be submitted to the Scottish Ministers for adoption as statutory supplementary guidance in support of the West Lothian Local Development Plan; and
4. delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a "screening determination" as to whether a SEA is required, having taken into account the views offered by the Consultation Authorities and to prepare the SEA.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

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

<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>New statutory Supplementary Guidance and non-statutory Planning Guidance will replace Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan.</p> <p>It should however be noted that the Scottish Parliament passed the Planning (Scotland) Bill on 20 June 2019 with one of the consequences being the repeal of Section 22 of the Town and Country Planning (Scotland) Act 1997 which enables a local planning authority to adopt and issue supplementary guidance in connection with a local development plan.</p> <p>SEA – an Environmental Report has been prepared and revised.</p> <p>Health and risk assessment issues – where required, any potential risks from wind farm/turbine development would be addressed at planning application stage through consultation with the Health and Safety Executive and through Environmental Impact Assessment (EIA).</p> <p><i>The West Lothian Local Development Plan (LDP, September 2018) provides a policy basis for wind energy developments through policy NRG 3 Wind Energy Development.</i></p> <p>There are no equality impact issues.</p>
<b>III Implications for Scheme of Delegations to Officers</b>	<p>None.</p>
<b>IV Impact on performance and performance Indicators</b>	<p>None.</p>
<b>V Relevance to Single Outcome Agreement</b>	<p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	<p>None.</p>
<b>VII Consideration at PDSP</b>	<p>Previous reports on supplementary guidance relating to wind energy development were considered by the panel in November 2013 and April 2015.</p>
<b>VIII Other consultations</b>	<p>Environmental Health</p>



## **D. TERMS OF REPORT**

### **D1 Introduction**

Draft Supplementary Guidance: Wind Energy Development has been prepared in support of the West Lothian Local Development Plan (LDP), specifically Policy NRG 3. A spatial framework for wind energy is an integral part of the guidance based on a methodology prescribed in Scottish Planning Policy (SPP) 2014. The draft guidance is set out in Appendix 1.

### **D2 Background to Supplementary Guidance**

The panel considered a previous version of draft supplementary planning guidance (SPG) on wind energy development in 2013. Consultation on that document indicated that significant changes were required including consistency with the SPP spatial framework sieving process, updates related to environmental legislation, the historic environment and peatlands as well as screening for compliance with the Habitat Regulations Appraisal. A revised version of the SPG, re-named 'Supplementary Guidance' was drafted with consultation comments taken on board.

Public consultation on the revised guidance was undertaken in Summer 2015 and gave rise to eighteen responses including comments from Scottish Government, SNH, SEA Gateway and a range of developers and other interested parties including Edinburgh Airport. The guidance was thereafter revised in response to these comments however due to changes in the policy framework relating to wind energy development and developer interest in the sensitive Pentland Hills area, the amended guidance was not progressed.

Key points arising from the 2015 consultation on the guidance and which have now been incorporated into the 2020 guidance are:

- inclusion of final 'All Constraints'/'Potential Areas of Search' map in Spatial Framework to be compliant with Scottish Planning Policy (SPP 2014);
- revision of guidance into 2 parts as recommended by SNH: Part 1 – spatial framework; Part 2 – further guidance and constraints to support assessment and decision making;
- addition of a table of exceptions and considerations for community separation distances which also improves coverage of cross-boundary communities;
- further information included on carbon rich soils and the water environment in line with national policy advances; and
- retention of the Assessment Checklist approach which met with general approval.

Since 2015 there have been further changes in the background policy context for wind energy development which have needed to be factored into the guidance. These include:

- adoption of the West Lothian Local Development Plan;
- further updates to advice issued by SNH and Scottish Government;

- adoption of a single-tier of local landscape designations by the council through the LDP;
- successful appeal against Fauch Hill wind farm proposal and loss of appeal and construction of Harburnhead wind farm; and
- worsening position for climate change and reinforced need for shift to de-carbonised energy sources adopted by Scottish Government with more support in society at large for tackling climate change.

The guidance expands upon Policy NRG 3 Wind Energy and sets out the council's proposed approach to consideration of proposals for wind energy developments and requirements that developers should meet when submitting proposals for wind energy developments and is considered to be consistent with Scottish Government policy and advice.

The panel is asked to note that due to funding changes and cutbacks to the United Kingdom budget for renewable energy schemes a reduction in wind energy interest and applications is anticipated to continue in the near future.

### **D3 Consultation**

Given the extent of the changes proposed to the guidance from that previously reported to the panel, it is recommended that a new round of public consultation is undertaken. This exercise will be carried out over a six-week period commencing in late February. The draft guidance will be published on the council's web site and invitations to comment will be issued to statutory bodies such as Scottish Natural Heritage, utility companies, community councils, aviation infrastructure operators, developers, the voluntary sector and all community councils. Comments will be reported to the Council Executive together with the council's draft responses at a later date.

Further revisions may of course be identified following consultation with third parties and because the guidance is intended as 'statutory', it will also require to be submitted to the Scottish Government for consideration prior to it being adopted.

## **E. CONCLUSION**

The guidance complies with national planning policy and specifically supports Policy NRG 3 of the Adopted LDP. It sets out the council's proposed approach to consideration of proposals for wind energy developments and the requirements that developers should meet when submitting such proposals. Once approved the guidance will form statutory Supplementary Guidance supporting the West Lothian Local Development Plan.

## **F. BACKGROUND REFERENCES**

- Landscape Study for Wind Energy Development in West Lothian (David Tyldesley Associates) 2011
- National Planning Framework (NPF3) 2014
- Scottish Planning Policy (SPP) 2014)
- West Lothian Landscape Character Classification (2014)
- West Lothian Local Landscape Designation Review (Land Use Consultants) 2013
- Adopted West Lothian Local Development Plan 2018

**Appendices/Attachments:** One

Appendix 1 – (Revised) Draft Supplementary Guidance: Wind Energy Development

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

11 February 2020





## **WIND ENERGY DEVELOPMENT**

*Spatial framework and assessment criteria for on-shore wind energy development in West Lothian*

**THIS VERSION PRODUCED FOR PUBLIC CONSULTATION**  
**JANUARY 2020**



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- Landscape character and visual impact considerations
- Habitat, protected species, nature conservation, forests, woodlands
- Peat, soils & water
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- Communities, tourism, recreation, traffic
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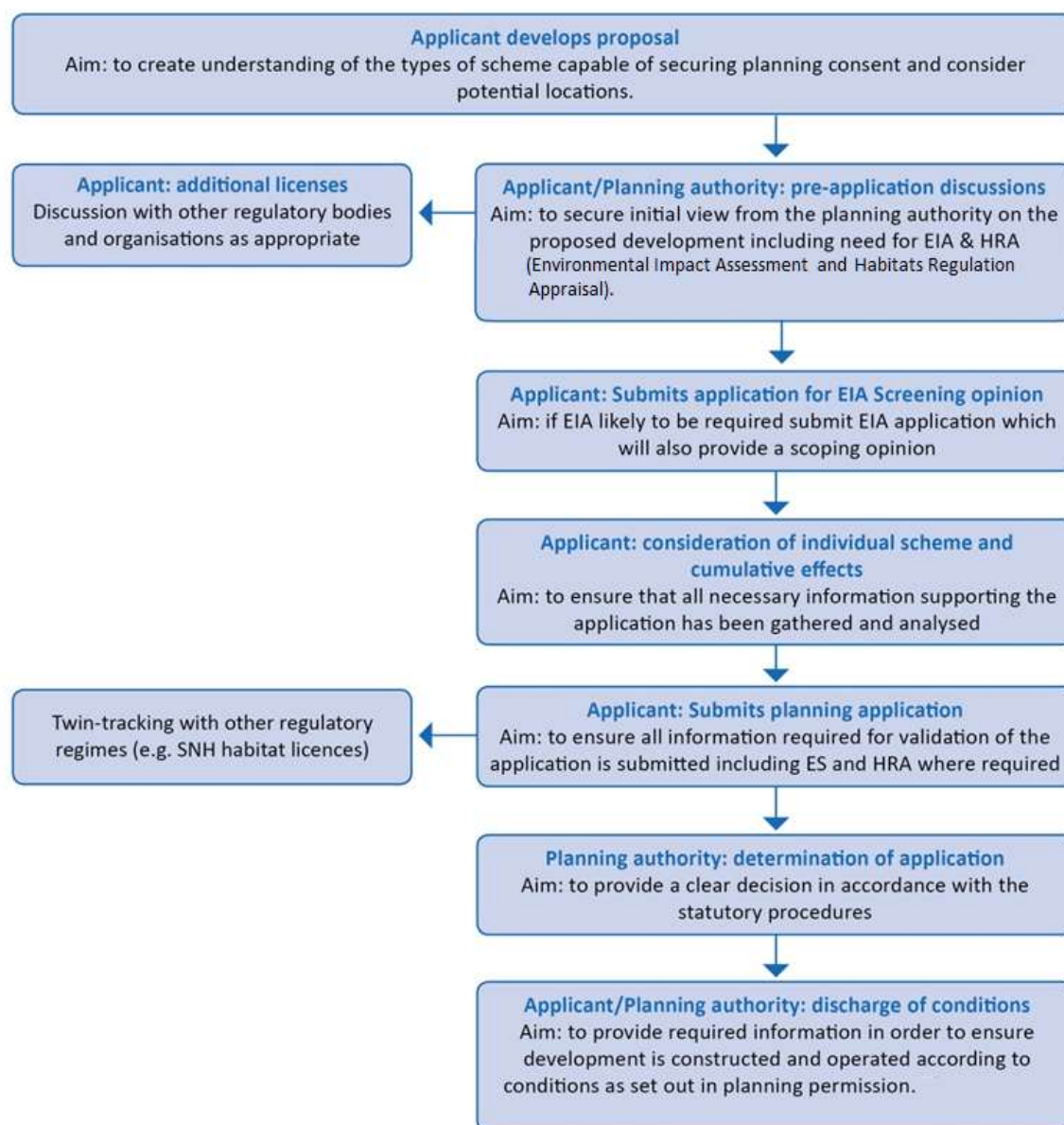


## Introduction and Regulatory Context

- 1.1 This Supplementary Guidance has been prepared under the provisions of Section 22 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and forms part of the West Lothian Local Development Plan (LDP). It is a material consideration in the determination of planning applications and expands upon Policy NRG 3 of the LDP.
- 1.2 This SG sets out the council's spatial approach to wind energy development and details the criteria against which wind energy proposals will be assessed. The guidance is intended to assist developers in ensuring they submit all the required information to support their planning applications.
- 1.3 In the course of preparing the LDP, the council undertook a landscape appraisal exercise. One of the key observations from this was the high level of visibility of landscape in West Lothian, due largely to the routing of major road and rail transport arteries across the area. This is most evident in the Almond Valley which is set between the Bathgate Hills to the north and the Pentland Hills to the south-east, whilst also being under one of the main flight paths for Edinburgh Airport.
- 1.4 For the purposes of this supplementary guidance, the scale of wind turbines is defined as:
  - single and small wind turbine developments - a maximum of two turbines having an upper limit of 35 metres to blade tip; and
  - wind farm developments - more than two turbines above 35 metres to blade tip.
- 1.5 More recently the introduction of 'tall' on-shore wind turbines (i.e. in excess of 120m to blade tip) has given rise to a gear change in the potential of wind farms to contribute to the national energy supply. This is because each tall wind turbine produces significantly more megawatts of power than turbines below these height limits. It is likely that re-powering of older wind farms will attract tall turbines. The council's capacity study did not however include the tall turbine scale and the Scottish Government is anticipated to be producing guidance on 'tall turbines' in due course.
- 1.6 The responsibility for determining planning applications for wind farm development is split between West Lothian Council and the Scottish Government Energy Consents Unit, the regulatory authority, and is determined by the generating capacity of the proposals. Where the generating capacity is less than 50 megawatts the council has jurisdiction and where the generating capacity is greater than 50 megawatts Section 36 of the Electricity Act 1989<sup>1</sup> gives control to Scottish Government, although the council does still have a role as a statutory consultee. For the avoidance of doubt, this guidance will be used by the council when considering proposals in both categories of development.
- 1.7 The table below sets out how this SG will be used to assess wind energy developments relative to the scale of the proposal. However, assessment may vary in specific cases depending on the nature, scale and location of the development.

<sup>1</sup> See [Section 36](#) for further information on the operation of the process

Figure 1: Summary Flowchart of Planning Process for Wind Energy Applications

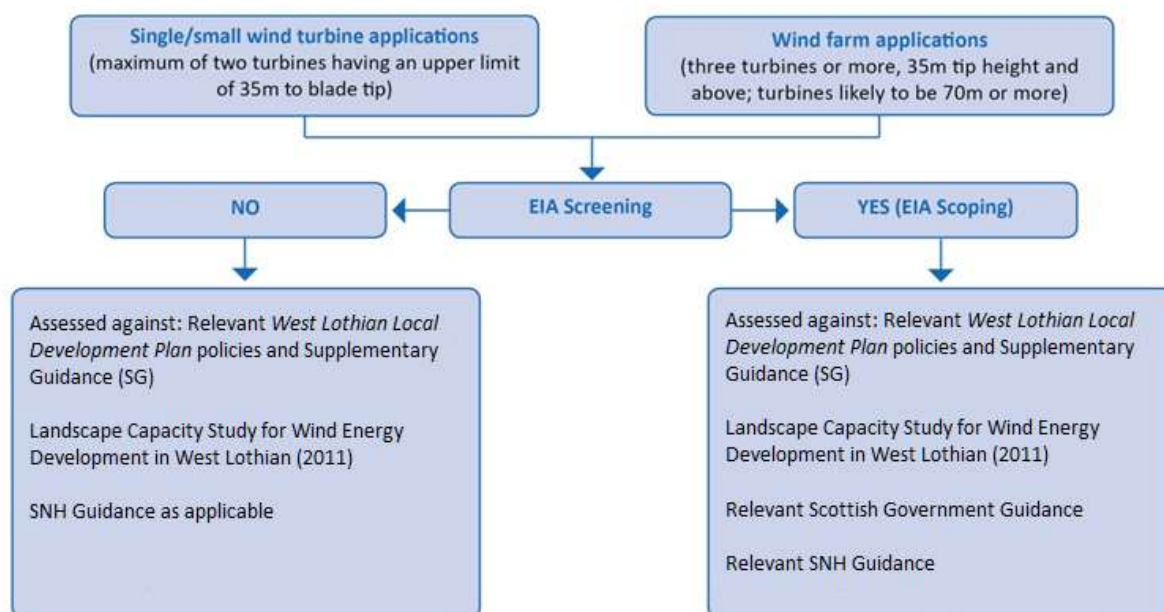


### Environmental Impact Assessment (EIA) and Habitats Regulation Appraisal (HRA)

- 1.8 When determining an application for planning permission for a wind energy proposal the council has a statutory duty to consider whether an Environmental Impact Assessment is required, having regard to the significance of potential environmental impacts. Consideration must also be given to whether a proposal would impact on so called 'sensitive areas' as described in Planning Circular 1/2017: [Environmental Impact Assessment Regulations](#)
- 1.9 Figure 2 sets out the main policy sources for addressing wind energy developments based on scale and EIA thresholds. This is a simplified diagram giving the signposts through complex assessment criteria for wind energy development and therefore should not be viewed as a definitive list.



Figure 2: Scale and EIA Thresholds for Assessing Wind Energy Development



### Other consents that may be required

- 1.10 A summary of the main regulatory regimes is outlined in Figure 3 (also see Glossary for an explanation of acronyms).

Figure 3: Main Permission and Licenses Required for Wind Energy Development

Planning Authority	Scottish Government (s.36 Electricity Act 1989)	SEPA (CAR & PPC)	SNH	Scottish Forestry
Determination <50 MW generating capacity	Determination > 50 MW generating capacity	Water abstraction and river engineering works (CAR) Waste management (WM) Pollution prevention and control (PPC)	Licences for protected species	Felling permissions and associated environmental impact assessments



## Planning Policy Context

- 2.1 This supplementary guidance (SG) has been developed with regard to and in compliance with the relevant national, strategic and local development plan policies.

### **National policy**

- 2.2 The Scottish Government's [National Planning Framework 3](#) (NPF3) was published in June 2014 and includes a number of national initiatives, developments and targets which support the use and development of renewable energy technologies. The importance of wind energy development is emphasised in NPF3 in order to reduce reliance on carbon fuels and thus combat climate change as well as for its potential socio-economic benefits.

### **Scottish Planning Policy (SPP) 2014**

- 2.3 [SPP](#) 2014 explicitly requires local planning authorities through Local Development Plans to:
- support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity; and
  - guide development to appropriate locations and to advise on the issues that will be taken into account when specific proposals are being assessed.
- 2.4 SPP requires that all planning authorities prepare spatial frameworks for wind energy development following a standardised methodology and for development plans to set out criteria for the decision-making process for determining applications on wind energy.
- 2.5 These considerations include economic impacts, energy targets, greenhouse gas emissions, cumulative impacts, landscape and visual impacts. Other impacts and effects indicated are for communities and individual dwellings, natural heritage, carbon rich soils, public access, historic environment, tourism and recreation, aviation and defence, telecommunications, traffic and hydrology
- 2.6 In accordance with SPP this guidance sets out and explains the factors which will be taken into account when the council determines proposals for wind energy development with assessment criteria relevant to the consideration of applications being dependant on the scale of a development and its relationship to the surrounding area.

### **Scottish Energy Strategy**

- 2.7 In December 2017, the Scottish Government published its strategic vision for Scotland's future energy system – [The Future of Energy in Scotland: Scottish Energy Strategy](#). This is a long-term strategy for the next thirty years and adopts challenging renewable energy targets built around three main principles:
- a whole-system view
  - an inclusive energy transition
  - a smarter local energy model
- 2.8 The Scottish Government's Energy Strategy targets are expected to be met from a range of renewable energy sources, including on and off shore wind, but also hydro, solar, biomass and geothermal.
- 2.9 The Scottish Government's most recent energy/emissions targets were published in February 2018 as the [Climate Change Plan: third report on proposals and policies 2018 – 2032](#) (CCP, 2018). It sets out how

Scotland can deliver its target of 66% emissions reductions, relative to the baseline (i.e. 2010), for the period 2018–2032. With respect to wind energy developments there are three targets which are of relevance (noting that many wind farm sites involve peatland and/or treed areas, and, trees and peat act as carbon stores):

- aim for 100% of electricity demand to be met by renewables by 2020;
- seek to increase woodland cover from around 18% to 20% by 2032; and
- seek restoration of 40% (250,000 hectares) of Scotland's peatland by 2030.

### The Strategic Development Plan (SDP1)

- 2.10 Policy 10 of the [Strategic Development Plan](#) for Edinburgh and South East Scotland (SESplan) (SDP, 2013) sets out the broad policy relative to renewable energy development.

#### **Policy 10 - SUSTAINABLE ENERGY TECHNOLOGIES**

*The Strategic Development Plan seeks to promote sustainable energy sources. Local Development Plans will:*

*a. Support the future development and associated infrastructure requirements of Longannet and Cockenzie power stations in relation to their role as non-nuclear baseload capacity generators and the reuse of waste heat from these developments. Support Energy Park Fife at Methil and developments connected with offshore renewable energy at Leith and Rosyth; and*

*b. Set a framework for the encouragement of renewable energy proposals that aims 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.*

### The West Lothian Local Development Plan (LDP)

- 2.11 The [West Lothian Local LDP](#) was adopted in September 2018. Background documents to the LDP have informed this guidance, including the [West Lothian Landscape Capacity Study](#), the [West Lothian Landscape Character Classification](#) and the [West Lothian Local Landscape Designation Review](#). Policy NRG 3 of the LDP provides further context for preparation of this guidance. The policy recognises that proposals for on-shore wind energy will be looked at favourably provided that a proposal does not give rise to unacceptable environmental effects including cumulative, landscape and visual impacts.

#### **Policy NRG3 - WIND ENERGY DEVELOPMENT**

*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 Supplementary Guidance – “Wind Energy Development”. Development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significantly adverse impact on local communities, the natural and historic environment, public safety and the economy of the local area.*

*The council will have regard to the precautionary principle when assessing wind energy proposals where nationally or internationally important landscape and natural heritage resources are potentially being impacted on.*

## Part 1 : Spatial Framework for Wind Energy

# three

## Spatial Framework for Wind Energy

### Scottish Planning Policy 2014 (SPP) - Spatial framework methodology

- 3.1 Scottish Government policy supports and enables energy infrastructure developments with spatial frameworks for wind energy assisting the delivery of future energy supply for Scotland.
- 3.2 SPP seeks to ensure a consistent approach across Scotland by identifying a requirement for all local development plans to include a spatial framework for onshore wind energy.
- 3.3 SPP requires that Development Plans should indicate the minimum scale of onshore wind development that their spatial framework is intended to apply to. In the case of West Lothian the spatial framework, applies to (as defined at 1.7 above): *wind farm developments of more than two turbines above 35 metres to blade tip.*
- 3.4 Scottish Planning Policy requires that spatial frameworks identify certain constraints and effectively divides each authority area into 3 categories indicating the different levels of protection and potential acceptability of onshore wind energy developments. Table 1 – as copied from SPP - provides the basis for the sieving process set out in this guidance which parties should have regard to in considering wind energy developments.

**Table 1: Spatial Frameworks**

<b>Group 1: Areas where wind farms will not be acceptable:</b> National Parks and National Scenic Areas.		
<b>Group 2: Areas of significant protection:</b> Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
<b>National and international designations:</b> <ul style="list-style-type: none"> <li>• World Heritage Sites;</li> <li>• Natura 2000 and Ramsar sites;</li> <li>• Sites of Special Scientific Interest;</li> <li>• National Nature Reserves;</li> <li>• Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>• Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<b>Other nationally important mapped environmental interests:</b> <ul style="list-style-type: none"> <li>• areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>• carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<b>Community separation for consideration of visual impact:</b> <ul style="list-style-type: none"> <li>• an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<b>Group 3: Areas with potential for wind farm development:</b> Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

3.5 There are additional international and national designations beyond West Lothian's boundaries in adjacent local authority areas which may require inclusion and consideration at planning application stage and in the preparation of a supporting Environmental Statement (i.e. bird reserves and wildlife connectivity sites) but for the purposes of this guidance information pertaining to Groups 1-3 is confined to West Lothian. Within a West Lothian context therefore, the following considerations apply.

**Group 1: Areas where wind farms will not be acceptable**

3.6 National Parks and National Scenic Areas are the only areas where wind farms are not acceptable. There are no national parks or national scenic areas in West Lothian and thus there are no Group 1 Areas identified in this guidance

**Group 2: Areas of significant protection**

3.7 Group 2 Areas of significant protection include:

- National and international designations (Group 2a);
- Other nationally important mapped environmental interests (Group 2b); and
- Community separation for consideration of visual impact (Group 2c).

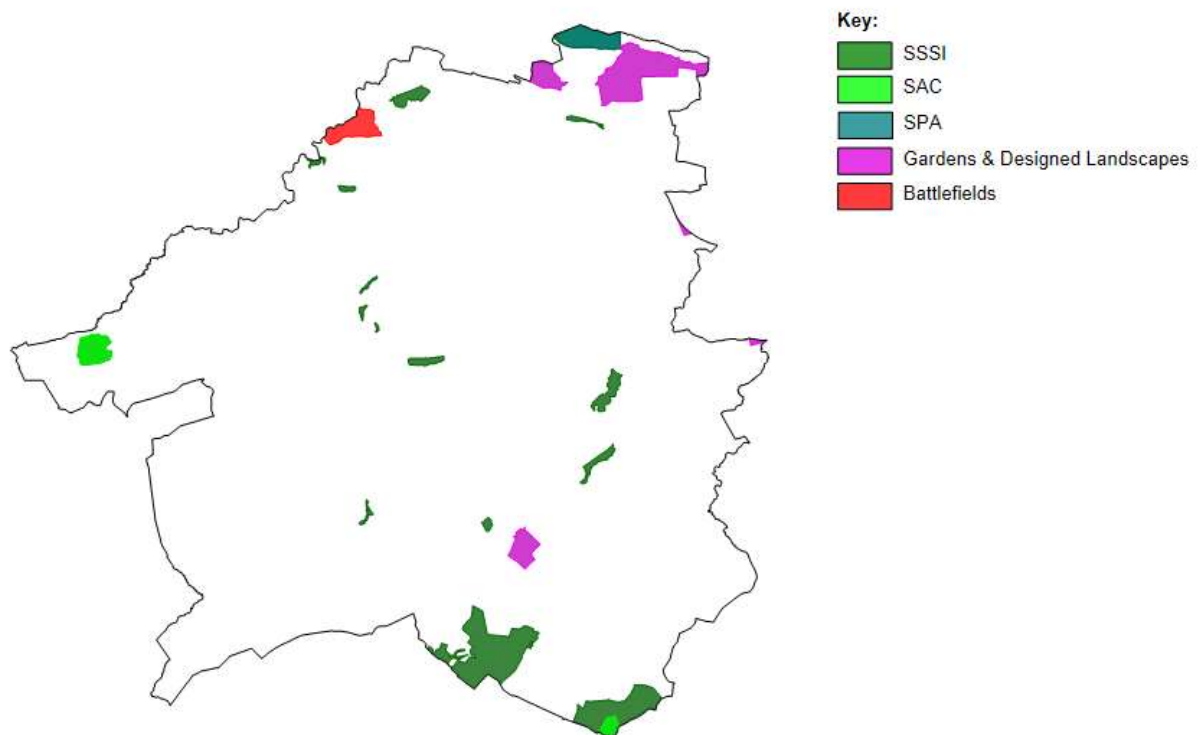
**Table 2: Group 2a - International and National Designations in West Lothian**

DESIGNATION	WEST LOTHIAN SITES
<b>World Heritage Sites</b>	Forth Rail Bridge (within City of Edinburgh Council area with protection of landscape setting requirements in West Lothian)
<b>European and Ramsar sites:</b>	
<b>Special Areas of Conservation</b>	Blawhorn Moss, near Blackridge Craigengar, Pentland Hills
<b>Special Protection Areas</b>	Firth of Forth (part in West Lothian)
<b>Sites of Special Scientific Interest</b>	Blawhorn Moss, near Blackridge Calder Wood, near Mid Calder Carriber Glen, near Linlithgow Cobbinshaw Moss, near Harburn Cobbinshaw Reservoir, near Harburn Craigengar, Pentland Hills East Kirkton Quarry, Bathgate Firth of Forth Hermand Birchwood, West Calder Linhouse Valley, Murieston, Livingston Linlithgow Loch Lochcote Marsh, Torphichen Petershill, Bathgate Philpstoun Muir, near Linlithgow Skolie Burn, Loganlea, Addiewell Tailend Moss, Bathgate
<b>National Nature Reserves</b>	Blawhorn Moss, by Blackridge

<b>Sites identified in Historic Scotland's Inventory of Gardens and Designed Landscapes</b>	Harburn House, south-east of West Calder Hatton House, east of Wilkieston (southern part only, main part within City of Edinburgh) Hopetoun House, near the Firth of Forth House of the Binns, north-east of Linlithgow (In addition, Newliston House, immediately east of Broxburn, is predominantly within Edinburgh City)
<b>Sites identified in Historic Scotland's Inventory of Historic Battlefields</b>	Battle of Linlithgow Bridge site (part is within Falkirk Council area)

- 3.8 These areas are identified below in Map 1: Spatial Framework Group 2a. It should, however, be noted that Group 2a areas are not totally excluded from wind farm development as SPP advises that development in these areas may be appropriate in some limited circumstances. In such an event developers would be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Further information on viewshed analysis around the Firth of Forth including those viewsheds which require protection through the planning process can be found in [The Forth Bridge World Heritage Site: Key Viewpoints](#)

**Map 1: Spatial Framework Group 2a: Areas of Significant Protection - International and National Designations**





**Group 2b areas: Other nationally important mapped environmental interests**

- 3.9 Peatlands cover 20% of Scotland's landmass and are important stores of carbon. [Scottish Natural Heritage](#) published [Scotland's National Peatland Plan \(2015\)](#) which reinforces SPP guidance and advises that:

*In the preparation of spatial frameworks for onshore wind farms, carbon rich soils, deep peat and priority peatland habitat are recognised as nationally important mapped environmental assets. These are afforded significant protection where effects on the qualities of these areas from wind farm development cannot be substantially overcome.*

[LDP Policy ENV 6](#) Peatlands and Carbon Rich Soils offers significant protection to peatland.

- 3.10 The [Carbon Calculator for Wind Farms on Scottish Peatlands factsheet](#) is a particularly helpful source of information. Information from the council's [Phase 1 Habitat Survey](#) also provides a local source of data. Mire and Bog Habitat was surveyed and mapped in 1993 and is indicative of the location of these important habitats and carbon stores. SNH has also provided a [Carbon and Peatland Map 2016](#) which provides an indication of the likely presence of peat in each mapped area.

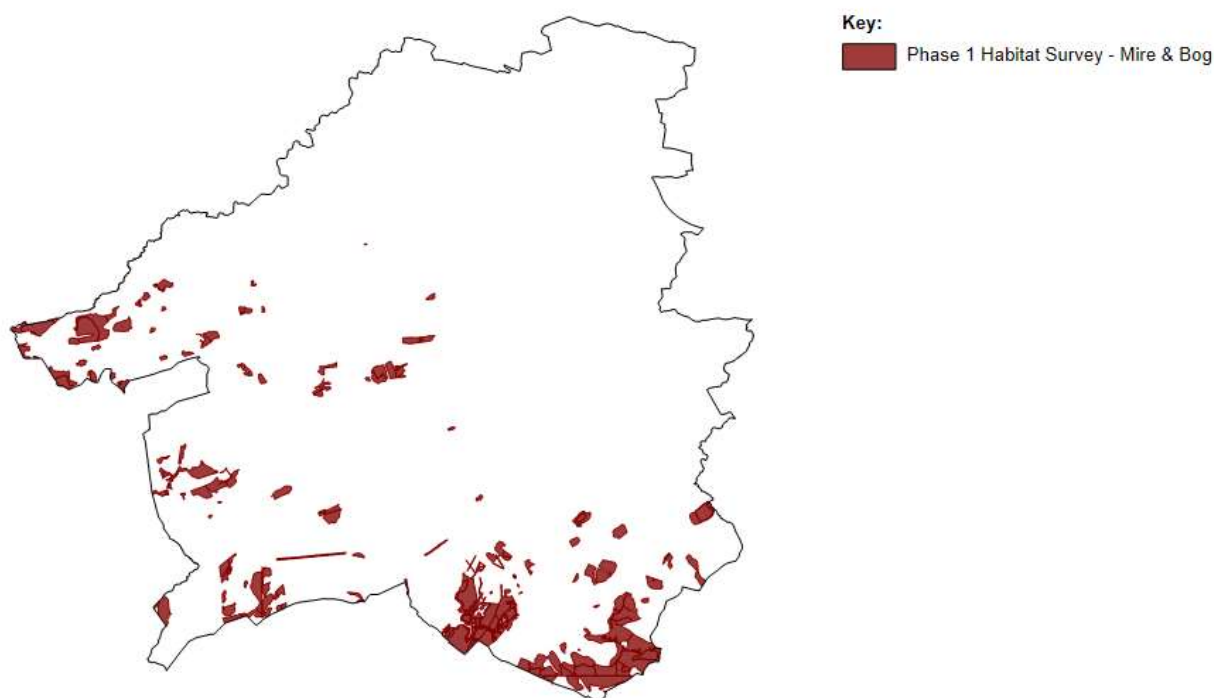
**Table 3: Group 2b - Other Nationally Important Mapped Environmental Interests**

Group 2b areas: Other nationally important mapped environmental interests	West Lothian assessment
Areas of wild land as shown on the 2014 SNH map of wild land areas	There are no areas of 'wild land' as identified by SNH in West Lothian
Carbon rich soils, deep peat and priority peatland habitat	<p>There are significant areas of peatland in the west and south of West Lothian tallying with moorland and upland habitat, as well as several associated SSSIs</p> <p>Blawhorn Moss National Nature Reserve (also a SSSI and SAC) is of particular interest as a large remnant of lowland raised bog in central Scotland</p> <p>See SNH's <i>Carbon rich soils, deep peat and priority peatland habitats map (2015)</i> for further details</p>

- 3.11 Other habitats, including wetlands, may be afforded significant protection in relation to development. Site specific surveys will still be required for all development proposals. Further information is given in Section 5.0 *Policy Considerations* of this document under the heading 'Peat, soils and water'. Areas identified within Group 2b are shown on Map the map below.



## Map 2: Spatial Framework Group 2b: Areas of Significant Protection - Other Nationally Important Mapped Environmental Interests



### Group 2c areas: Community separation for consideration of visual impact

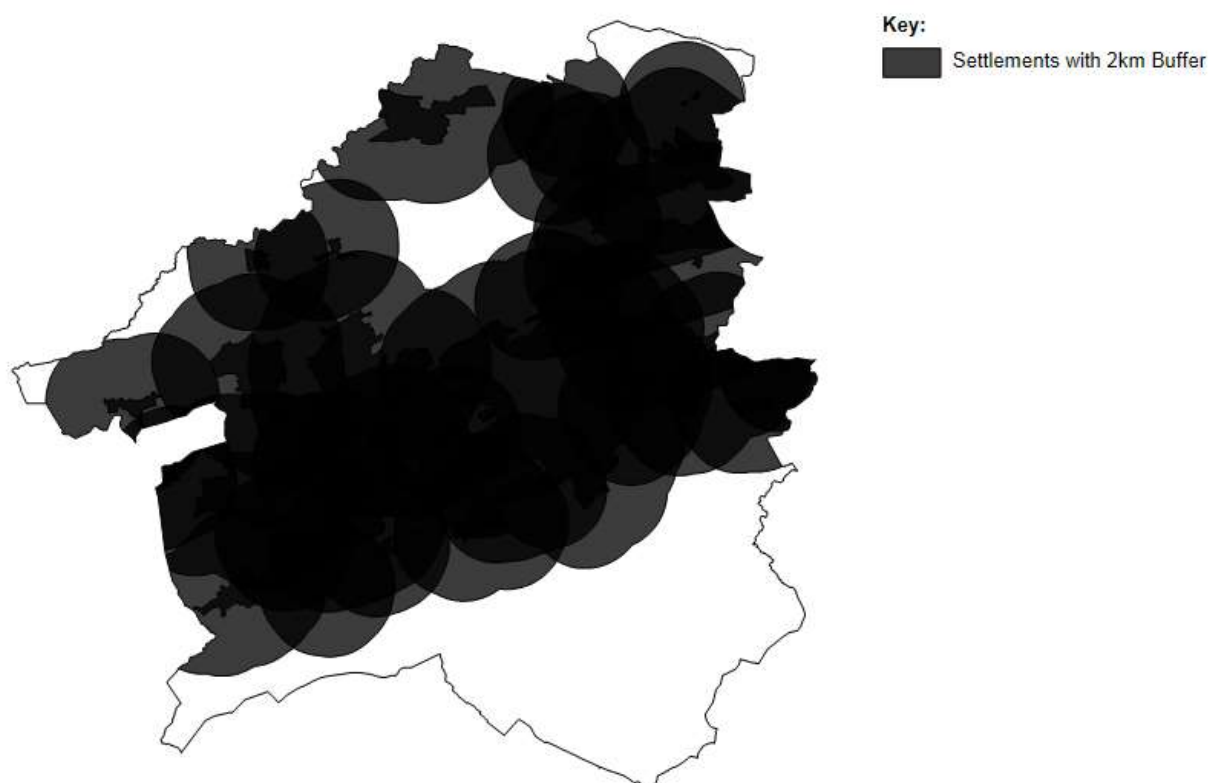
- 3.12 Column 3 of Table 1 in Scottish Planning Policy (see above) identifies specific factors for the establishment of Group 2c areas for spatial frameworks.
- 3.13 The determination of the extent of these areas is based on '*landform and other features which restrict views out from the settlement*' and requires consideration of the impacts on visual amenity in and around requisite settlements. Settlements within West Lothian and those within 2km of West Lothian's administrative boundary are listed in the following table. An indicative map of these Group 2c communities is shown on page 17.

**Table 3: Community Separation Considerations for Visual Impact**

Group 2c areas: Community separation for consideration of visual impact	
<b><i>Communities within West Lothian</i></b>	<b><i>Communities in adjacent local authorities within 2km of council boundary requiring consideration and assessment</i></b>
Addiewell & Loganlea Armadale Bathgate Blackburn Blackridge Breich Bridgend	<b><i>City of Edinburgh</i></b> Kirkliston Newbridge South Queensferry  <b><i>Falkirk</i></b> Avonbridge

<p>Broxburn  Dechmont  Ecclesmachan  East Calder  East Whitburn  Fauldhouse  Greenrigg  Kirknewton  Linlithgow  Livingston (including Mid Calder,  Pumpherston &amp; Uphall Station)  Longridge  Newton &amp; Woodend  Philpstoun  Polbeth  Seafield  Stoneyburn &amp; Bents  Torphichen  Uphall  West Calder  Westfield  Whitburn  Winchburgh  Wilkieston</p>	<p>Blackness  Bo'ness  Whitecross</p> <p><b>North Lanarkshire</b>  Harthill</p> <p><b>South Lanarkshire:</b>  Tarbrax  Woolfords</p>
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**Map 3: Spatial Framework Group 2c: Areas of Significant Protection - Community Separation for Consideration of Visual Impact**



- 3.14 The tables below summarise the results of a desktop analysis of the indicative potential mitigating landforms and other factors which may alter the 2km visual separation distances from visual impacts of wind farms on communities. In considering proposals for wind energy development full consideration of visual impact on communities should be undertaken and included as part of the supporting information required at planning application stage and as listed in the Development Management criteria in paragraph 169 of [SPP](#).

**Table 4: Community Separation Considerations for Visual Impact: Desktop Assessment**

<b>Communities with settlement boundaries in LDP</b>	<b>Indicative potential intervening land form</b>	<b>Other indicative potential mitigating factors on visual impacts</b>
<b>Group 2C Communities within West Lothian</b>		
Addiewell & Loganlea	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Armadale	<i>Hill/ridge to north-west</i>	<i>Forest to south-west</i>
Bathgate	<i>Hills to north</i>	<i>Industrial estates to south</i>
Blackburn	<i>N/a</i>	<i>“ “ “ “ to north and west</i>
Blackridge	<i>Uplands to north</i>	<i>Woodlands to south-east</i>
Breich	<i>N/a</i>	<i>Forest to south</i>
Bridgend	<i>Ridge to south</i>	<i>N/a</i>
Broxburn	<i>N/a</i>	<i>Rail embankment to north and east</i>
Dechmont	<i>Hills to north</i>	<i>Forest/ woods to south</i>
Ecclesmachan	<i>Hills to west</i>	<i>Forest/ woods to west</i>
East Calder	<i>N/a</i>	<i>Forest/ woods to south and north</i>
East Whitburn	<i>Ridge to south</i>	<i>Forest/ woods to south and south-west</i>
Fauldhouse	<i>Ridge to north</i>	<i>Forest/ woods to south and north</i>
Greenrigg	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Kirknewton	<i>Hills to east</i>	<i>Various woodland &amp; forests</i>
Linlithgow	<i>Hill to north</i>	<i>Forest/ woods to south</i>
Livingston (inc. Mid Calder, Pumphreston & Uphall Station)	<i>N/a</i>	<i>Various woodland &amp; forests; industrial Estates</i>
Longridge)	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Newton & Woodend	<i>Ridge to north</i>	<i>Various woodland &amp; forests</i>
Philpstoun	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Polbeth	<i>N/a</i>	<i>Various woodland &amp; forests</i>

Seafield	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Stoneyburn & Bents	<i>Ridge to north-west</i>	<i>Various woodland &amp; forests</i>
Torphichen	<i>Hills/ridges to north and south</i>	<i>Various woodland &amp; forests</i>
Uphall	<i>Ridge to north-west</i>	<i>Various woodland &amp; forests</i>
West Calder	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Westfield	<i>Ridge to north-west and SW</i>	<i>Various woodland &amp; forests</i>
Whitburn	<i>Moor to south-west</i>	<i>Various woodland &amp; forests</i>
Winchburgh	<i>Various bings</i>	<i>Various woodland &amp; forests</i>
Wilkieston	<i>Hills to south-east</i>	<i>Various woodland &amp; forests</i>
<b>Group 2C Communities in adjacent local authorities within 2km requiring consideration and assessment:</b>	<b><i>Indicative potential intervening land form (Assessment only for West Lothian)</i></b>	<b><i>Other indicative potential mitigating factors on visual impacts (Assessment only for West Lothian)</i></b>
<i>City of Edinburgh Council:</i>		
South Queensferry	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Kirkliston	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Newbridge	<i>N/a</i>	<i>Various woodland &amp; forests</i>
<i>North Lanarkshire Council :</i>		
Harthill	<i>N/a</i>	<i>Various woodland &amp; forests</i>
<i>South Lanarkshire:</i>		
Woolfords	<i>Ridge to north-west</i>	<i>Various woodland &amp; forests</i>
Tarbrax	<i>N/a</i>	<i>Various woodland &amp; forests</i>
<i>Falkirk Council:</i>		
Avonbridge	<i>Ridges to south-west</i>	<i>Various woodland &amp; forests</i>
Whitecross	<i>N/a</i>	<i>Various woodland &amp; forests</i>
Bo'ness	<i>Ridge to south</i>	<i>Various woodland &amp; forests</i>
Blackness	<i>N/a</i>	<i>Various woodland &amp; forests</i>

### Group 3: Areas with potential for wind farm development

3.15 SPP advises for this grouping that...

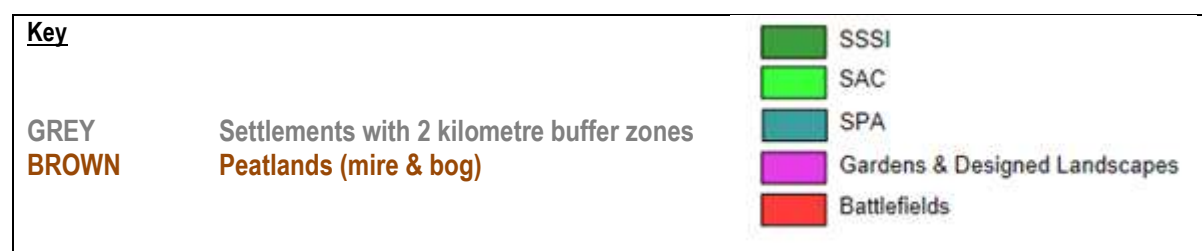
*Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. (SPP, p. 39)*

3.16 'Group 3: Areas with potential for wind farm development' combines the outcomes of map sieving exercises for the above outline Groups i.e.:

- Group 1: Areas where wind farms will not be acceptable
- Group 2a: Areas of significant protection: National and international designations
- Group 2b: Areas of significant protection: Other nationally important mapped environmental interests
- Group 2c: Areas of significant protection: Community separation for consideration of visual impacts

3.17 Map 4 shows the Groups 1 + 2a + 2b + 2c areas as 'all constraints combined' shown as the different tints. Thus the white areas within the plans are the potential 'Group 3' areas. However these Group 3 areas are not automatically acceptable areas for the development of windfarms and each proposal will require to be tested against a range of pertinent planning policies.

Map 4: Spatial Framework Group 3 - All Constraints Combined



## Part 2 : Guidance and Assessment

# four Landscape Character: Guidance and Constraints

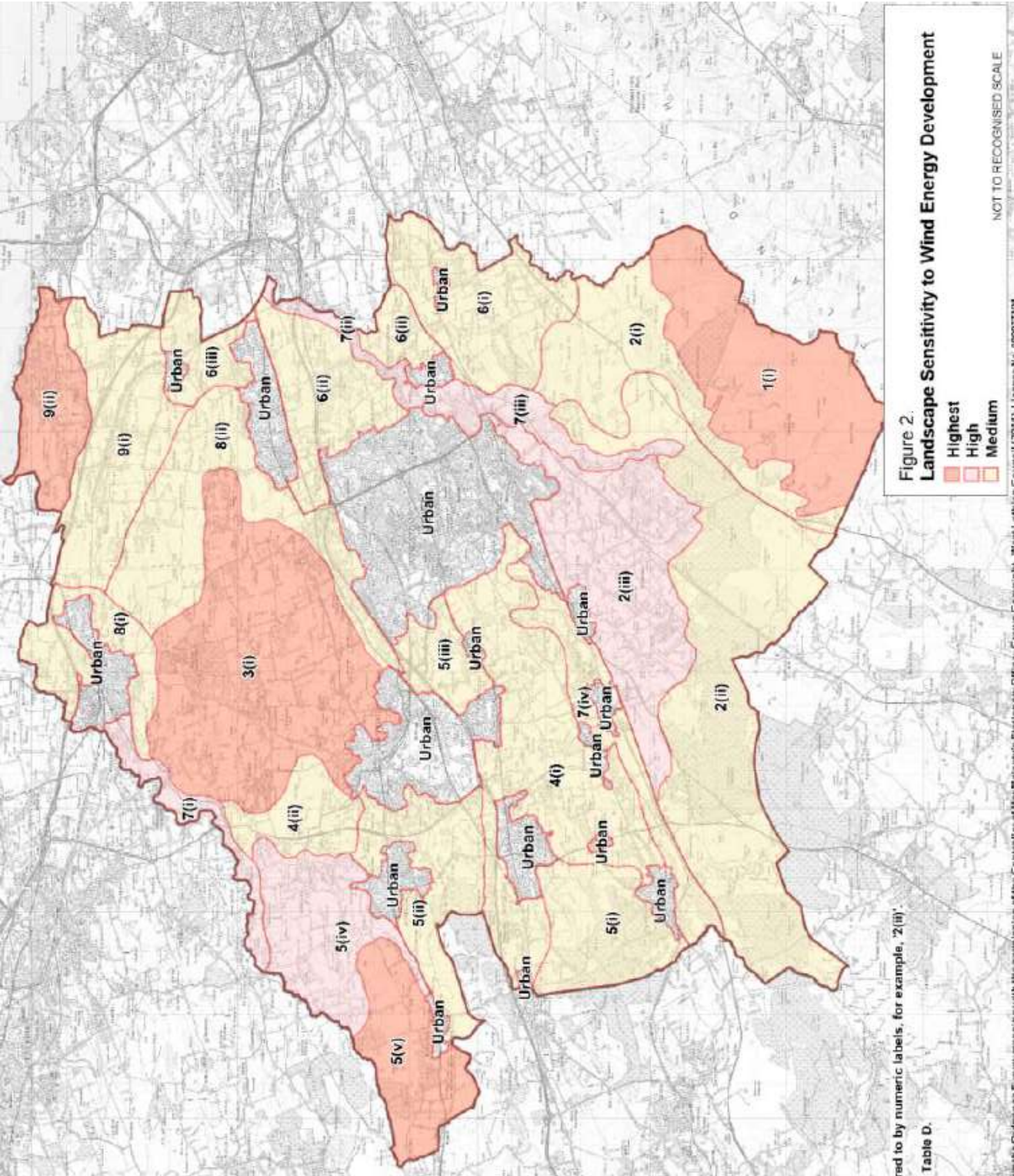
- 4.1 The sensitivity of the landscape and its ability to accommodate wind turbines / wind farms is an important consideration in the general assessment of wind energy proposals. Landscape character assessment (LCA) and landscape and visual impact assessment (LVIA) are specialist areas with a very precise vocabulary. The following relevant terms are defined in the Glossary section on page 52: cumulative impact, important viewpoints, inter-visibility, landform, landscape, landscape capacity, landscape character, landscape character area / unit, landscape character type, local landscape designation, and, setting.
- 4.2 For wind energy proposals, key considerations are potential impacts on landscape character and potential visual impacts. The council commissioned a [Landscape Capacity Study for Wind Energy](#) (LCS) to determine the extent of wind energy potential based on landscape and visual assessment in West Lothian. The methodology used was confined to an assessment of landscape character and a visibility analysis and excludes criteria such as cumulative impacts and aviation constraints.
- 4.3 Map 5 illustrates the 23 landscape units within West Lothian and shows their sensitivity to potential wind energy development. An assessment of higher sensitivity for a landscape translates into a lower capacity for wind energy development. A full explanation of the methodology and the colour-coding for the map is given in the LCS and is summarised below for assistance.

### Key to Map 5

Highest	Orange	Highest sensitivity areas to wind energy development
High	Pink	High sensitivity areas to wind energy development
Medium	Yellow	Medium sensitivity areas to wind energy development
Low	N/a	No low sensitivity landscape areas were identified in West Lothian



Map 5: Landscape Sensitivity to Wind Energy Development



(N.B. – map extracted from the council’s Landscape Capacity Study that includes numbering which relates to that report)



### Landscape capacity for wind energy based on Landscape Capacity Study

- 4.4 Based on the landscape sensitivity assessment and the visual analysis it can be seen from Map 6 that some areas within the landscape units remain – are not greyed out and included landscape sensitivity colour-coding - which may have potential for wind energy. However, this is purely an assessment using landscape and visual sensitivity criteria and cannot be taken in isolation of the other assessments set out in the guidance, specifically policy considerations and the assessment checklist.
- 4.5 The Landscape Capacity Study defines two Landmark Features and their landscape settings – Pentland Hills Uplands and Linlithgow Loch and Palace – as well as 9 important viewpoints and their sensitive visual compartments (which are listed below). Collectively these features form the *Sensitive Visual Compartment and Landmark Features* layer which is superimposed over the landscape unit sensitivity analysis resulting in a remaining area which may have capacity for wind energy. Areas of Highest Capacity are assessed as having no capacity for wind energy.

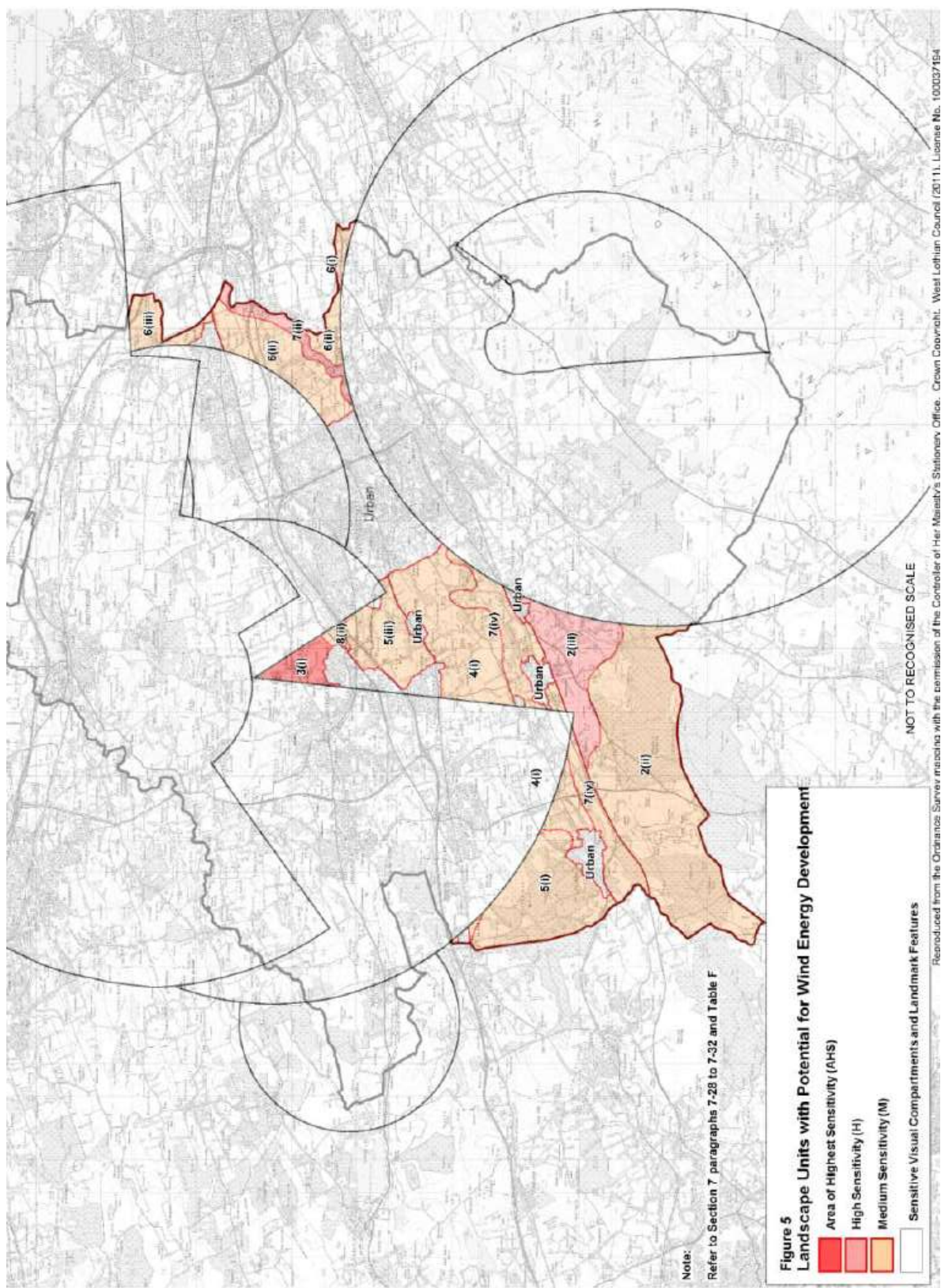
**Table 5: Landmark landscape features & Identified viewpoints**

<p><b>Landmark landscape features:</b></p> <ul style="list-style-type: none"> <li>▪ Pentlands Hills Uplands</li> <li>▪ Linlithgow Loch and Palace</li> </ul>	<p><b>Identified viewpoints:</b></p> <ul style="list-style-type: none"> <li>▪ Tower at House of The Binns</li> <li>▪ A904 Viewpoint to the Forth Bridges</li> <li>▪ Avon Aqueduct</li> <li>▪ Cockleroy hill top, Beecraigs Park</li> <li>▪ Binny Craig, Bathgate Hills</li> <li>▪ The Knock / Cairnpapple Hill, Bathgate Hills</li> <li>▪ Blawhorn Moss National Nature Reserve, Blackridge</li> <li>▪ Harperrig Reservoir, Pentlands</li> <li>▪ West Cairn Hill, Pentlands</li> </ul>
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### Key to Map 6

Highest Sensitivity Areas	Red	Highest sensitivity areas to wind energy development
High Sensitivity Areas	Pink	High sensitivity areas to wind energy development
Medium Sensitivity Areas	Orange	Medium sensitivity areas to wind energy development
<b>Sensitive visual compartments &amp; Landmark Features</b> – greyed out areas on map following which relate to the identified Landmark landscape features and Identified viewpoints		

Map 6: Landscape Units with Potential for Wind Energy Development

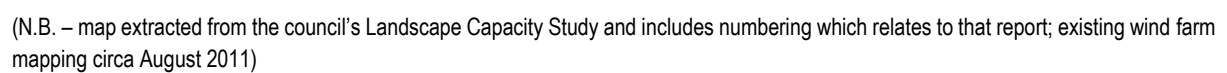


(N.B. – map extracted from the council’s Landscape Capacity Study and includes numbering which relates to that report)

### Existing wind farms and potential for wind energy development

- 4.6 Based solely on landscape and visual assessment, there are eight potentially acceptable locations for wind energy identified in the *Landscape Capacity Study for Wind Energy Development in West Lothian* (2011). These potential sites are:
- East Mains Industrial Estate, Broxburn
  - Houstoun Industrial Estate, Livingston
  - Livingston/ M8 Corridor
  - Junction 4/M8 Corridor
  - Almond Valley, West Calder
  - Pates Hill Extension, Breich
  - Tormywheel (or Woodmuir Plantation if Tormywheel not constructed), Breich
  - Fauldhouse Hills, Fauldhouse
- 4.7 These sites are shown on Map 7 however, not all these sites are likely to be practicable in terms of the scale of any wind energy development proposed, not least because of potential conflict with the operations of Edinburgh Airport, and detailed assessment through the planning application process will be required. For more urban sites, small scale wind turbines would be anticipated.
- 4.8 Generally speaking wind energy development has slowed down since UK Government subsidies started to be reduced. Feed In Tariffs (FIT) scheme in support of renewables has undergone several changes since being introduced in 2010 including deployment caps on all technologies and capacities (with the exception of CHP – combined heat and power). However since Map 7 was drafted some additional wind farms have been consented and are not identified this map, most notably:
- Burnhead/ Stoneridge Wind Farm, north of Blackridge Height in Falkirk
  - Pearie Law Wind Farm, north-west of Cobbinshaw Reservoir
  - Harburnhead Wind Farm, east of Cobbinshaw Reservoir





# five

## Policy Considerations

- 5.1 The council is generally supportive of proposals for renewable energy technologies and encourages developers to make use of an easy-to-use 'assessment checklist' (see chapter 7) when preparing a submission for planning approval.
- 5.2 In addition to the spatial framework requirements and the landscape character & visual assessment already discussed, there is a wide range of other planning policy considerations against which wind energy proposals will be assessed. This section of the guidance provides an overview of the information that the council will ordinarily require at planning application stage. This is, however, not exhaustive and the council reserves the right to require additional information where it considers it necessary to do so.
- 5.3 The Development Management criteria from paragraph 169 of [SPP](#) are set out below and integrated into this section of the guidance.
- Net economic impact
  - Contributions to energy targets
  - Effects on greenhouse gas emissions
  - Cumulative impacts
  - Impacts on communities and individual dwellings
  - Landscape and visual impacts (LVIA)
  - Effects on the natural heritage
  - Impacts on carbon rich soils
  - Public access: long distance routes (LDRs), cycle and scenic routes
  - Impacts on the historic environment
  - Impacts on tourism and recreation
  - Impacts on aviation, defence interests and seismological recording
  - Impacts on telecommunications and broadcasting installations
  - Impacts on road traffic
  - Impacts on adjacent trunk roads
  - Effects on hydrology, the water environment and flood risk
  - Need for conditions relating to decommissioning developments
  - Opportunities for energy storage
  - Need for obligations to ensure site restoration
- 5.4 The main source of information for national policy considerations relative to wind energy is the Scottish Government. At the time of publication there are two specific web locations, one dealing with [energy infrastructure / consents](#) and another providing [onshore wind energy advice](#).
- 5.5 Another useful source of advice can be obtained from the [Scottish Natural Heritage](#) website advises on how development interacts with natural habitats, including areas of peat and forestry guidance, and also on decommissioning.
- 5.6 The West Lothian LDP contains the key policies which are material considerations in the assessment of wind energy proposals. These are set out in the table following.



Table 6: Relevant West Lothian Local Development Plan Policies

POLICY REFERENCE	TOPIC
ENV 1	Landscape character & special landscape areas
ENV 6	Peatlands and carbon rich soils
ENV 9	Woodlands, forestry, trees and hedgerows
ENV 11	Protection of Water Environment / Coastline and Riparian Corridors
ENV 17	Protection of International Nature Conservation Sites
ENV 18	Protection of National and Local Nature Conservation Sites
ENV 19	Protection of Local Biodiversity and Geodiversity Sites
ENV 20	Species Protection and Enhancement
ENV 30	Historic Gardens and Designed Landscapes
ENV 31	Historic Battlefields: Battle of Linlithgow Bridge (1526)
ENV 33	Scheduled Monuments

### Landscape character and visual impact considerations

- 5.7 All applications submitted to the council for wind energy developments require to be accompanied by a Landscape and Visual Impact Assessment (LVIA). This should demonstrate the potential impact of a development to a radius of 35km (unless otherwise agreed with the council).
- 5.8 A LVIA should have two distinct elements:
- (1) *Landscape impact assessment* – This considers the potential changes to the character of the physical landscape as a result of the proposed development.
  - (2) *Visual impact assessment* – This considers the potential changes to views and appreciation of a landscape and how people are likely to respond to these changes.
- 5.9 As part of the LVIA, applicants will be expected to consider impacts on the existing landscape character, and make an informed judgment on the impact of the proposal on the landscape. The impact of the proposal on all landscape character types affected should always be assessed.
- 5.10 The LVIA should map the potential extent of the visibility of the proposal and identify any key viewpoints, including where the turbine will be sighted on the trunk road network. It should embrace a range of techniques including Zones of Visual Influence, wire line diagrams and photo montages where appropriate.
- 5.11 The details and complexity of the LVIA will be dictated by the complexity and scale of the proposal and the relative sensitivity of location. However, the assessment must be based on the general principles, techniques and methodology set out by the Landscape Institute in 'Guidelines for Landscape and Visual Impact'.
- 5.12 For single wind turbine development, the council will require applicants to follow SNH guidance 'Assessing the impact of small-scale wind energy proposals on the natural heritage' and 'Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in heights'. These set out appropriate levels of landscape visual impact appraisal for smaller scale projects.
- 5.13 Proposals within or in the vicinity of special landscape areas (SLAs) will be assessed against policy ENV 1 of the LDP:

- 5.14 The council offers a [pre-application advice service](#) which landowners, applicants and agents can use to establish whether proposals would be likely to secure planning permission. There is however a fee for this service. The extent of the LVIA can be discussed as part of this service. See the [Pre-Application Enquiry webpage](#) and the related scale of [planning fees](#) for details. Fees are calculated with regard to the complexity of the proposals and there are additional charges for site visits and meetings.

#### **Policy ENV 1 - LANDSCAPE CHARACTER & SPECIAL LANDSCAPE AREAS**

***Development will not be permitted where it may significantly and adversely affect local landscape character. 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.***

- 5.15 See the previous section on Landscape character assessment for detailed information and the [West Lothian Landscape Character Classification 2014](#) which provides background information about landscape areas and types.

#### **Habitat, protected species, biodiversity, nature conservation, forests, woodlands**

##### **Habitat and species designations**

- 5.16 Early engagement with SEPA, SNH and the council's Development Management unit are encouraged to ensure that the proposals within the planning submission, including the Habitat Management Plan (HMP), are acceptable.
- 5.17 Although the foundations of wind turbine structures may only be a few metres in diameter the construction work may in practice create a larger zone of disturbance and therefore requires to be taken proper account of. The ranges of ecological features which may be impacted upon include:
- *Terrestrial habitats* - potential impacts on land which has high biodiversity value at a European (SAC, SPA, RAMSAR, sites), national (SSSI, NNR, UKBAP priority habitats) or regional and local level (LBAP priority habitats)
  - *Species* – impacts on species or their habitats which have a high biodiversity value at a European level, a national level or regional and local level

- *Natural heritage designations* - protecting national and international natural heritage designations is a statutory requirement.

**NB: This is not an exhaustive list and each site will require to be considered separately.**

- 5.18 Species which should generally be considered in relation to wind energy developments in West Lothian are set out in table below. The list will vary depending on the scale of the proposals and habitats present, and may include other protected species not listed here. In order to comply with the *Habitats Directive* all European Protected Species (EPS) sites must be surveyed prior to determination of any planning application.

**Table 7: List of species to be considered in relation to wind energy development**

Mammals	Birds & bats	Amphibians
<p>Badger Otter Beaver Red squirrel Hedhehog Water vole</p>	<p><u>All</u> wild birds, their nests and their eggs are protected by law unless a special exception is made in the Act. And that many of the rarer birds have additional protection under Schedule 1 of the <i>Wildlife and Countryside Act</i> as amended and those listed on Annex 1 of the EU birds directive</p> <p>Bats</p>	<p>Great crested newt</p>

- 5.19 For large wind farm proposals and other wind energy schemes where specific species/habitats are affected, applicants will be required to submit a Habitat Management Plan (HMP) setting out the means of land management that will secure biodiversity objectives. HMPs should provide a focus for landscape scale restoration of large networks of bogs, scrub woodland, heath and other key habitats, benefiting biodiversity and maximising the carbon storage potential of degraded habitats. There is a spatial correlation in West Lothian between peatlands, forestry and upland areas with good wind resource. Early engagement with SEPA, Forestry Scotland and the council's Development Management Unit is encouraged to ensure HMP proposals are acceptable. It should be noted that SNH only wish to be consulted on HMPs in circumstances where there are designated site issues or other specialist considerations.
- 5.20 When preparing a planning application regard should also be had to the council's Planning Guidance *Planning for Nature: Development Management and Wildlife*. This overarching guidance addresses policy context and identifies designated sites; key habitats and protected species in West Lothian. It advises on site appraisal, ecological surveys, good design and mitigation measures and contains helpful information relating to licensing requirements.

#### **Local nature conservation designations**

- 5.21 There are a number of local nature conservation sites in West Lothian and they fall within two categories:
- *Statutory* designations – Local Nature Reserves
  - *Non-statutory* designations – Local Wildlife Sites, Country Parks, Regionally Important Geological Sites (RIGS)



- 5.22 A development must have no unacceptable significant adverse impact on Local Nature Conservation Sites, sensitive bird areas identified by Royal Society for the Protection of Birds (RSPB) and in accordance with extensive guidance from SNH. Where applications are advised by SNH and RSPB at scoping stage that there may be significant cumulative impacts on ecological and/or ornithological interests, developers will be required to undertake a cumulative impact assessment, to include all operating and consented schemes and those that are the subject of valid but undetermined applications.
- 5.23 For larger schemes, and other schemes where specific/habitats are affected, developers will be required to submit a Habitat Management Plan (HMP) setting out the means of land management that will secure biodiversity objectives. Restoration proposals should take into account opportunities to enhance biodiversity. Discussion on the HMP should take place at an early stage with SNH, RSPB, and [Scottish Forestry/Forestry and Land Scotland](#) (as appropriate).
- 5.24 Where wind energy proposals are small-scale and an EIA is not required, applicants should provide information to support their applications in line with that recommended in [SNH guidance 'Assessing the impact of small-scale wind energy proposals on the natural heritage'](#) (V2) (2014).

### ***Bird sensitivity***

- 5.25 There are three main areas of potential risk to birds:
- displacement through indirect loss of habitat
  - death through collision or interaction with turbine blades
  - direct habitat loss through construction
- 5.26 An assessment of a potential wind farm's effect on the bird interest of a site should thoroughly consider each of these three potential risks for each bird species known to be present on the site.
- 5.27 EU and national legislation requires that full account must be taken of the impact on the qualifying interests of Special Protection Areas (SPAs). In some cases these interests can extend beyond the boundary of the site (for example foraging, roosting and flight paths of bird species associated with SPAs).

### ***Bat sensitivity***

- 5.28 Bats are European Protected Species and their roosts are protected by law.
- 5.29 There are five bat species listed as being resident in West Lothian in the council's Planning Guidance: [Planning for Nature: Development Management and Wildlife](#)
- 5.30 Recent evidence shows that wind turbines can result in a high mortality rate of bats. Taller turbines reach higher above the ground, have much larger rotor swept areas, and thus further overlap the normal flight heights of nocturnal migrating songbirds and bats. While direct collision is thought to be responsible for most of the bat fatalities observed at wind facilities research suggests that a high proportion of bat fatality may be due to barotrauma (i.e., injury resulting from suddenly altered air pressure). Fastmoving wind turbine blades create vortices and turbulence in their wakes, and bats may experience rapid pressure changes as they pass through this disturbed air, potentially causing internal injuries leading to death.
- 5.31 [SNH provides helpful guidance on bats and onshore wind turbines](#) which should be referred to.

### ***Forests and woodlands***

- 5.32 Woodlands within West Lothian are under increasing pressure from a wide range of development pressures. The Scottish Government's *Policy on [Control of Woodland Removal: Implementation Guidance](#)* includes a presumption in favour of protecting woodland resources and woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. Renewable energy developments are referred to as a type of development where woodland removal is acceptable provided compensatory planting is provided.
- 5.33 There is a joint SEPA-SNH-Forestry Commission for Scotland position statement '[Use of Trees Cleared to Facilitate Development on Afforested Land](#)' which should be referred to where felling is considered.
- 5.34 In the first instance where felling is required (e.g. key hole felling and progressive restructuring) or under consideration, their conservation value should be assessed as they could be protected woodland sites, included in the Ancient Woodland Inventory, valued as semi-natural woodland, and/or listed as veteran trees. Compensatory planting may be required under the Scottish Forestry's Control of [Woodland Removal Policy](#).
- 5.35 In cases where West Lothian has extensive forestry and woodland coverage, this often coincides with upland areas which have potential for wind farms. Full assessment will be required as per the Scottish Government's Policy on Control of Woodland Removal and the following documentation requires to be provided as part of the planning application:
- A *Forest Plan* that details all major forest operations over the lifespan of the wind farm. When developing the plan, the developer should follow Scottish Forestry's *Strategic Forest Plan* guidance. All operations should be compliant with the [UK Forestry Standard](#). The restructuring of the woodland area may increase the diversity of tree species and habitats with biodiversity benefits.
  - *Woodland habitat* assessment in terms of its social, economic and environmental value.
  - Proposed mitigation for area of woodland to be felled. Where compensatory planting is required, full details should be provided that are compliant with the *UK Forestry Standard*. The compensatory planting land must have the necessary forestry consents to allow tree planting.
  - Assessment of landscape impact of the felling plans. The developer should refer to *the UK Forest Standard, Forest and Landscape* guidelines when undertaking this assessment.
  - Where the technique of *key holing* turbines into woodlands is proposed, this prescription must be supported by a full description of both the top height and yield class of the surrounding woodland, as well as the topography of the site. This information is necessary to demonstrate how these factors influence wind flow and inform the extent of felling that is required to mitigate against reductions in wind yield.
- 5.36 It is important to draw a clear distinction in the Forest Plan between infrastructural felling and ongoing forest management felling as the consenting regime differs between the two. Infrastructural felling is required to construct and operate the windfarm and is consented through planning legislation. Ongoing forest management felling includes the wider restructuring of the forest and is consented via the Forestry Act, 1967. In either event, all operations should be compliant with the UK Forest Standard. Progressive restructuring of the woodland area can offer many benefits, not only for the improvement of the woodlands silviculture, but also for providing the opportunity to key hole turbines, mitigate against wind yield losses and minimise deforestation.
- 5.37 Applications for planning permission must include detailed provision for compensatory planting and this will ordinarily be secured through planning conditions.

- 5.38 For proposals for wind farms on forested land key-holing should be carried out wherever possible rather than clear felling as large scale felling can result in a peak release of nutrients which can affect local water quality. SEPA is likely to have concerns relating to any proposals to fell to waste where the waste generated by the process will be managed by techniques such as chipping, mulching or spreading. Felling operations should be undertaken with a view to preventing and reducing waste arisings. Further information can be found at [SEPA guidance Management of Forestry Waste](#)

## Peat, soils and water

### **Peatlands and carbon rich soils**

- 5.39 Peatlands and carbon rich soils, including wetlands, may be afforded significant protection in relation to development. Site specific surveys will be required for all wind energy development proposals in this category. SNH has revised [Scotland's National Peatland Plan](#) (2015), as well as producing other guidance on peatlands and carbon rich soils which will need to be taken into account in assessment work.
- 5.40 If turbines and associated infrastructure (turbine foundations, array road network, drainage, borrow pits, transmission lines and other physical features) are to be located in areas of peat a detailed peat depth survey is required in order to inform the assessment of the proposal. Deep peat (greater than 0.5 metres) should be avoided. Mitigation measures proposed to off-set adverse impacts on the peatland environment require to be identified.
- 5.41 SEPA recommend that developers undertake a detailed peat survey in line with Scottish Government Guidance (link below) using a maximum 100m grid spacing. Peat should be probed to full depth and clearly presented on a spatial map with the proposed infrastructure overlain.
- 5.42 The Scottish Government's published method for assessing [carbon losses and savings](#) requires to be carried out. Developers are expected to follow best practice for minimising carbon emissions and disturbance of peat, and the 'carbon calculator' represents a useful tool in assessing proposed practices.

In addition, SEPA recommends the following web-sites:

- [Regulatory Position Statement: Developments on Peat](#)
- [Developments on peatlands, Guidance on the assessment of peat volumes, reuse of excavated peat and the minimisation of waste 2012](#)
- [Peatland Survey Guidance 2017](#)

### **Borrow Pits**

- 5.43 Borrow pits associated with wind farm development shall only be acceptable where there are no significant adverse effects on environmental designations, protected species, flood risk areas, settlements and residential amenity and where proper provision has been made for the restoration and aftercare of the borrow pit areas. Borrow pits associated with the wind farm development though located outwith the application site will require a separate application and will be assessed against the relevant policy in the West Lothian Local Development Plan.

### **Prime Agricultural Land**

- 5.44 Wind energy development on Prime Agricultural Land (as defined by the James Hutton Institute classes 1, 2 and 3.1) shall only be acceptable where restoration proposals will return the land to its former

status.

## Water

- 5.45 The water environment (e.g. watercourses, lochs, wetlands, riparian areas) is identified by SEPA as a potential constraint for wind farm development. A principal concern is the potential impact from construction works in or adjacent to water bodies. These works may involve watercourse crossings, river bank modifications and/or culverting. Water abstraction and impacts on water resources (e.g. springs) may be other important considerations.
- 5.46 Applications for planning permission must include a statement setting out protective/preventative measures unless the council explicitly agrees to waive this requirement. Further advice regarding water quality, including whether any construction works will require a [controlled activities regulations \(CAR\)](#) Licence can be found on the SEPA website.
- 5.47 Apart from water quality and quantity, the [Water Framework Directive](#) (WFD) also requires maintenance of the good ecological status of water bodies and consideration of any potential impacts on hydro-morphological and hydrological processes. These issues may be a constraint to wind farm developments in terms of site location, layout and design.
- 5.48 The WFD which directs responsible authorities (including SEPA and West Lothian Council) to maintain the good ecological status of water bodies (should) address the following issues:
- to implement via the River Basin Management Planning process, measures which not only maintain the quality and quantity of water and
  - the promotion of improvements in the *quality of the water environment*.
- 5.49 Unnecessary engineering works must be avoided and developers will be required to demonstrate they have put in place all suitable mitigation measures to minimise adverse effects. Additionally, sustainable drainage systems (SUDS) will require to be employed on-site and should comply with the [CIRIA's The SuDs Manual C753](#). Temporary Sustainable Drainage measures will require to be employed to avoid siltation of the finalised drainage scheme.
- 5.50 Wetland habitats are protected under the Water Framework Directive and should be surveyed as part of the water environment and habitats assessment for all development proposals. Further guidance on wetland survey requirements can be found within SEPA Planning Guidance Document LUPS-GU31 - [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#).
- 5.51 Flood risk - all windfarm infrastructure should be located outwith areas of medium to high flood risk in order that there is no piecemeal reduction in flood plain storage. If a flood risk is identified then a Flood Risk Assessment should be carried out following the guidance set out in [SEPA's Technical Flood Risk Guidance for Stakeholders](#)
- 5.52 Further guidance on all the issues relevant to SEPA can be found in SEPA guidance [Planning Advice on Windfarm Developments](#)
- 5.53 All proposals and applications for wind energy development will be sent to Scottish Water for review so that the council can assess for any impact on the following:
- Drinking water quality and quantity
  - Below-ground assets

- Radio telemetry interference
- 5.54 This allows Scottish Water to assess any potential impact on operations and to suggest adequate control measures if required.
- 5.55 Surveying for Groundwater Dependent Terrestrial Ecosystems (GWDTE) is likely to be required and the output from this surveying may put restrictions on the siting of wind farm infrastructure. GWDTEs are types of wetland, specifically protected under the Water Framework Directive. Full details of groundwater surveying can be found in SEPA's guidance note LUPS-GU31 ["Guidance on Assessing the Impact of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems \(GWDTEs\)"](#)
- 5.56 The water environment - the impact of wind energy development (including dust, blasting and impact on water) must be assessed in accordance with Planning Advice Note PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (Paragraph 53); in relation to groundwater; information (Paragraph 52 of PAN 50) only needs to be provided where there is an existing abstraction or GWDTE within 250m of the borrow pit.

### Historic Environment

- 5.57 Wind energy developments have the potential for direct and/or indirect impacts on the historic environment by virtue of the location of turbines and ancillary development, or changes to ground water levels or surface water patterns, which may affect archaeological deposits.
- 5.58 Impact may be of a direct nature, for example where: construction works would take place an area of archaeological sensitivity and could cause irreversible damage to valuable irreplaceable assets. Impacts may, however, also be less obvious and more indirect, for example where the proposed development serves to change the setting of important historic features within the landscape, including views from and towards the feature of interest.
- 5.59 Developments must therefore be conceived and designed to avoid or minimise such impacts. Historic Scotland's guidance on setting explains how the impact of change can be assessed and mitigated in [Managing Change in the Historic Environment: Setting](#)
- 5.60 Where development is proposed that has the potential to impact on the cultural and historic environment, developers will require to:
- Identify the cultural and historic assets that might be affected:
  - by searching the [Historic Environment Scotland National Record of the Historic Environment](#) to locate known archaeological sites, monuments and buildings;
  - by contacting [West of Scotland Archaeology Service \(WoSAS\)](#) which has an on-line search facility;
  - by seeking information on designed landscapes which can be found in the [Historic Environment Scotland's Inventory of Gardens and Designed Landscapes](#);
  - by identifying if the site lies within a [conservation area](#);
  - define the setting of each cultural and historic asset - the location of structures and buildings of a scheme which may affect the archaeological, built or cultural resource including through its setting;
  - Assess how the proposal is likely to impact on this asset and its setting, for example the effects of direct impacts on sites due to land-take by tracks and ancillary structures; and
  - Consider the potential for previously unknown cultural heritage assets being affected by the proposals, either through early discussion with WoSAS (the council's Archaeology Service), or by engaging independent archaeological advice.

Due to the upland and rural nature of most wind energy proposals, non-designated heritage assets are also likely to factor at assessment stage of proposals.

## Communities, tourism, recreation, traffic

### ***Communities and residential amenity***

- 5.61 There are thirty identified settlements in West Lothian and these are listed in Section 3.0 of this guidance (pp. 15-19).
- 5.62 The indicative *Areas of significant protection* for 'community separation for consideration of visual impact' are set out in on pages 14-19 in accordance with Scottish Planning Policy guidance on spatial frameworks for wind energy. Accordingly, within 2km of the edge of towns and villages wind energy proposals the council will continue to be judged on a case by case basis with respect to LVIA for community and residential amenity.
- 5.63 There is currently no standard minimum distance specified in Scottish Government guidance between individual residential properties and wind turbines, other than in relation to 'shadow flicker'. In certain circumstances shadow flicker from turbines can cause a nuisance for neighbouring properties and a separation distance of 10 rotor diameters is usually recommended. Shadow flicker is the flickering effect caused when rotating wind turbine blades periodically cast shadows through constrained openings such as the windows of neighbouring properties.
- 5.64 A Health Impact Assessment (HIA) should accompany all applications for wind farms.
- 5.65 Wind turbine noise has the potential to be a nuisance for nearby residential properties. Guidance on noise and the methodology to be used for noise assessment purposes is set out in Appendix B.

### ***Communities outwith settlement boundaries and individual properties***

- 5.66 For individual properties and smaller settlements outside settlement boundaries assessment is through the Development Management criteria listed in paragraph 169 of [SPP](#) and the policy framework in the [LDP](#). Decisions on individual developments will take into account specific local circumstances and topography.
- 5.67 Wind turbine noise has the potential to be a nuisance for nearby residential properties. Guidance on noise is set out in Appendix B.

### ***Outdoor recreation and tourism interests***

- 5.68 The visual impact of wind farms from viewpoints, visitor attractions and tourist routes is an important consideration. The Important Viewpoints for amenity and tourism identified in the council's Landscape Capacity Study relate well to areas for tourism and recreation uses, figures 12 & 13 of the [West Lothian Landscape Capacity Study](#) refer).
- 5.69 This SG seeks to ensure that important views will not be adversely affected by development and Planning Authorities are required to protect Rights of Way, Core Paths and other important routes. The right of responsible access for the public is upheld by the council as a statutory duty.
- 5.70 Any impacts identified on recreational routes and uses, require to be assessed in full and proposed mitigation measure identified. Where appropriate an Access Plan should be prepared with the purpose of informing and guiding the development and future management of the site for recreational access use.

Key issues for developers will include:

- assessing the effect of development on accessible open countryside, paths and tracks;



- assessing the effect of development on landscape and visual effects on the visitor experience (including recreational); and
- assessing the potential for enhancement of recreational opportunities through additional access routes, infrastructure and facilities.

5.71 SEPA also has a duty to consider impacts on recreation and amenity. If a proposal has the potential to impact upon recreational use additional information may be requested, for instance, on how well used a waterway is for water sports or boating activities, or how often a riparian site is visited. [SEPA](#) should be consulted for further advice.

### ***Traffic and transportation***

5.72 If it is proposed to site wind turbines close to major roads, it is recommended that pre-application discussion is held with Transport Scotland's Trunk Roads Network Management (TRNM). To ensure safety, a minimum set-back from roads and railways should be observed and the Highways Agency in England helpfully suggests this as being not less than one and a half times the height of the turbine.

5.73 The construction of wind farm and turbine developments can have significant short term impacts on the local road network. This is particularly important for the movement of large components (abnormal load routing) during the construction period, periodic maintenance and for decommissioning.

5.74 For wind farm developments the council requires that a Transport Assessment/Statement Scoping form be completed and recommend pre-application discussions to ensure full details are submitted with the application. Details of the development will be required such as a programme of works, phases of development, impact on road network, surveys and travel plan.

### **Aviation, defence and telecommunications safeguarding**

5.75 Aviation is a material consideration in the determination of onshore wind energy applications.

5.76 Key guidance related to development and aviation is set out in:

- [Scottish Planning Circular 2/2003 Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#); and
- The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) ([Scotland](#)) Direction 2003 and which identifies the need for safeguarding of Glasgow, Edinburgh and Prestwick airports and NATS (En Route) Ltd technical installations.

5.77 The council will decline to determine an application until it is in receipt of consultation responses from Edinburgh Airport, NATS En Route (NERL) and any other relevant aviation consultees.

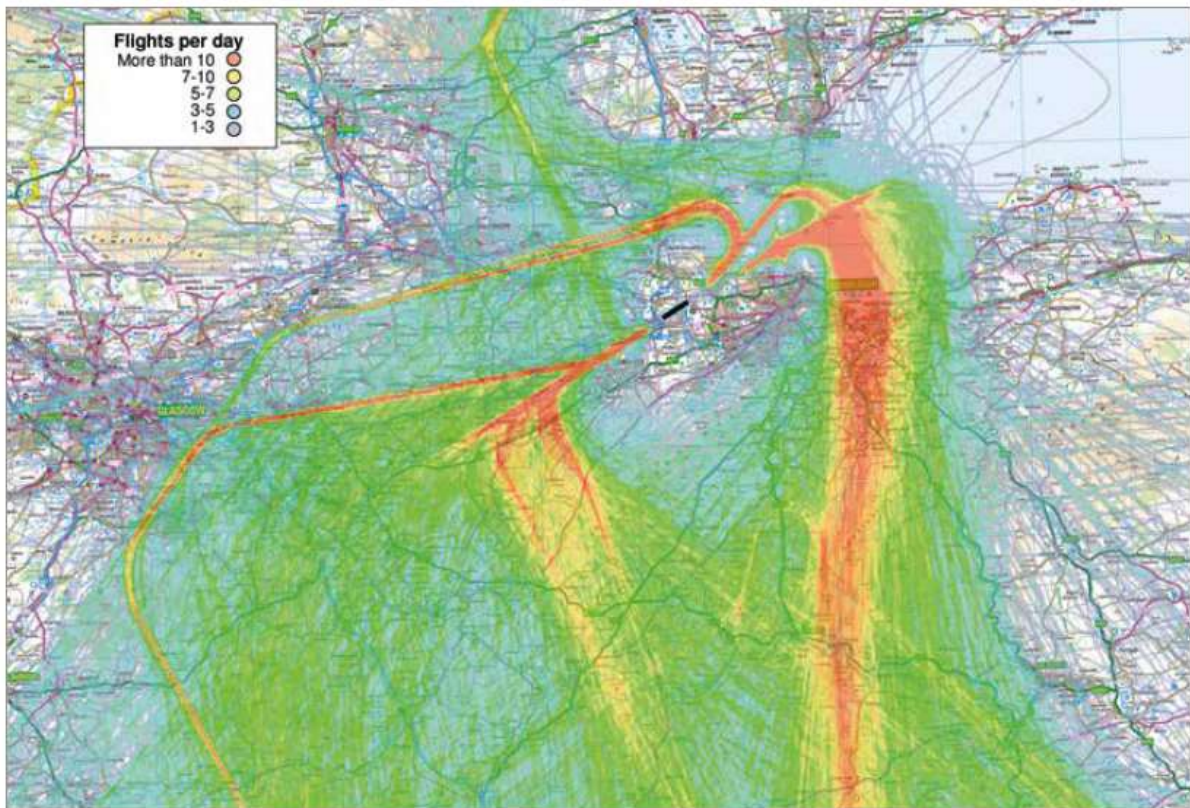
5.78 NATS (En Route) Ltd (NERL) offer a pre-planning service to developers. All pre-planning enquires and scoping requests should be made via the pre-planning service on [NATS](#) website. It should be noted that NATS's response when consulted will only be related to the impact upon its own infrastructure and operations. Airports, airfields and other aviation stakeholders require to be consulted separately.

5.79 The operators of Edinburgh International Airport, currently Global Infrastructure Partners (GIP), are responsible for safeguarding its radar and airspace. The airport is located approximately two kilometres to the northeast of the West Lothian Council boundary but navigation support for its main flight path reaches far into West Lothian.

5.80 The West Lothian administrative area falls entirely within the 'Edinburgh Airport Airspace Area' and therefore all applications for wind energy development within West Lothian require consultation with the airport operator. Map 8 identifies the current (2020) arrival and departure flight paths. However the airport continues to pursue airspace change proposals and this may change in future.

- 5.81 Technical solutions to the conflicts between wind turbines and aviation radar and navigation systems are evolving and through early consultation with aviation authorities in many cases solutions can be found. However the use of suspensive conditions to address aviation issues will generally not be considered unless the principle of the type of solution to be developed has been established and there is agreement between the developer and the relevant operator that such a solution can be delivered in a reasonable time frame.

#### Map 8: Edinburgh Airport – Current Arrival and Departure Flight Paths



- 5.82 Other aviation activity is undertaken by the Ministry of Defence (MOD) who conduct glider and other pilot training operations at Kirknewton Airfield located to the southeast of the West Lothian council just inside the administrative boundary with City of Edinburgh Council. Proposals for wind energy development in this area will as a matter of course be notified to the MOD in order to establish the likelihood on any impact on operations at Kirknewton.
- 5.83 Kirknewton Flying Club is also a civilian user of the Kirknewton Airfield and operates recreational pilot training and services. The council will therefore consult it on wind energy applications which might have an impact on their operation of light aircraft, gliders, micro-lights and other aviation interests.
- 5.84 Early engagement with the relevant aviation consultees is essential in order to determine the scope and nature of any issues and where possible to identify and agree appropriate mitigation measures.
- NB: The identification of areas through the Spatial Framework or the council's Landscape Capacity Study should not be taken to imply that these areas are free from aviation constraints.
- 5.85 Proposals for wind energy development will be appraised with regard to the Development Management criteria list at paragraph 169 of [SPP](#) which requires that "impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised".



- 5.86 It must be satisfactorily demonstrated that no electromagnetic disturbance is likely to be caused by a proposal to any existing transmitting or receiving system or, that measures can be taken to remedy or minimise any such disturbances. In relation to TV reception, pre surveys should be carried out and agreed demonstrating the baseline position, and if required, appropriate mitigation measures and remedial procedures should be agreed with the council.



## Supporting Information and Site Planning

### **Access tracks and electricity cable trenching**

- 6.1 Turbines are likely to be connected by multiple electrical circuit 'arrays', with the output connecting to a substation. The cabling for this would be expected to be laid in trenches of varying width (depending on the number of cables) and approximately 1 m in depth alongside the site tracks. An Environmental Statement (ES) should address the wind farm electricity cabling as generally following the access track routes, with detailed design being provided as part of the planning application.

### **Decommissioning**

- 6.2 Planning applications require to be accompanied by a scheme of decommissioning, equipment removal, site restoration and aftercare, and financial arrangements sufficient to ensure that the necessary works can be carried out.
- 6.3 If the turbine ceases to operate before the consent expires, with no prospect of restarting, there will be provisions in consents (or planning agreements) to bring forward the decommissioning scheme.

### **Assessment of cumulative impacts**

- 6.4 Paragraph 169 of SPP states - 'Planning authorities should be clear about likely cumulative impacts....recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development'. Within the West Lothian LDP area, landscape and visual impacts are likely to be the most significant cumulative consideration, but due account will also be taken of other cumulative impacts issues, e.g. natural heritage considerations such as birds.
- 6.5 As part of any submission developers will be asked to consider the cumulative impacts of their proposal with others that are at scoping stage or approved. Consideration will be given to how many turbines will be visible from key viewpoints, and what the in-combination or in-sequence visual impacts will be (for example, if cycling or walking along the Union Canal towpath or National Cycle Route 75).
- 6.6 Generally cumulative impact assessment information should be provided at the following proportionate rates:
- Large scale wind farms – up to 60km radius
  - Medium scale wind farms – up to 30km radius
  - Small scale wind energy – up to 10km
- 6.7 The council requires all applications for wind farms of two or more turbines to contain a cumulative impact assessment unless the council explicitly agrees to waive this requirement. In areas where there are multiple small scale proposals and/or wind farms the council may invite developers of smaller schemes to submit a cumulative impact assessment.
- 6.8 Only operational, consented and schemes going through the planning process are usually included in any cumulative impact assessment i.e. not proposals in scoping.

### Wind developments outwith West Lothian and cross-boundary impacts

- 6.9 It may be the case that, while the site of a wind energy development is within a certain administrative area, a disproportionate amount of impacts, particularly visual, fall outwith the determining authorities jurisdiction. For wind energy developments near administrative boundaries, be it within or outwith West Lothian, where impacts may occur across a local boundary, it is important that developers provide an assessment of these cross boundary impacts to ensure that full documentation is provided before an application is lodged for decision making.

### Extensions or re-powering existing wind energy developments

- 6.10 Extensions to or re-powering of existing wind energy installations within West Lothian or adjoining authorities can have an environmentally damaging cumulative impact.
- 6.11 Where a significant increase in scale is proposed as a consequence of re-powering turbines, the council is aware that there is a balance to be struck between exponentially larger energy outputs from the much larger sweep of taller turbine rotors against the landscape and visual impacts of the required new spacing and layout.
- 6.12 Generally speaking, the existence of a wind farm consent should establish the principle of such development in that particular location and makes it more likely that further expansion would be considered favourably. Such proposals would however continue to be assessed on their merits on a case by case basis.

### Off-shore wind energy

- 6.13 West Lothian has a short coast line along the Firth of Forth which is constrained by overlapping spatial planning designations for both landward and marine areas. Off-shore wind energy applications are not anticipated.
- 6.14 In October 2018, the government's Marine Scotland Directorate published a consultation paper: *Offshore wind, wave and tidal energy applications: consenting and licensing manual*. It is anticipated that this will be adopted in due course providing the policy context for any potential off-shore wind turbine applications in West Lothian.
- 6.15 On-line guidance is provided by [Scottish Natural Heritage](#) on assessment criteria and includes useful links to the various consenting authorities.
- 6.16 National planning policy relating to 'off-shore wind' energy (development below the high tide line) can be found at the Scottish Government's web-site: [Simplified Marine Licensing](#).

Proposals for wind turbine and wind farm developments will be assessed against the criteria set out in this Assessment Checklist.

Landscape considerations	
<ul style="list-style-type: none"> <li>Proposals will be assessed for compliance with LDP Policy ENV 1 <i>Landscape Character &amp; Special Landscape Areas</i></li> </ul>	
<ul style="list-style-type: none"> <li>The cumulative visual and landscape impact of wind farm and wind turbine development must be fully assessed and shown to be acceptable.</li> <li>Applications for 2 or more turbines should contain a full cumulative impact assessment prepared in accordance with current Scottish Natural Heritage guidance.</li> </ul>	
<ul style="list-style-type: none"> <li>Wind farm applications must contain a full Landscape and Visual Impact Assessment (LVIA). Proposals will be assessed against appropriate guidance from SNH.</li> <li>For single wind turbine development, the council will require applicants to follow SNH guidance 'Assessing the impact of small-scale wind energy proposals on the natural heritage' and 'Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in heights'.</li> </ul>	
Habitat, protected species, biodiversity, nature conservation, forests, woodlands	
<ul style="list-style-type: none"> <li>A development must be shown to have no unacceptable significant adverse impact on Local Nature Conservation Sites, sensitive bird areas identified by Royal Society for the Protection of Birds (RSPB) and in accordance with extensive guidance from SNH.</li> <li>Where there is expected be significant cumulative impacts on ecological and/or ornithological interests, developers will be required to undertake a cumulative impact assessment, to include all operating and consented schemes and those that are the subject of valid but undetermined applications.</li> <li>For larger schemes, and other schemes where specific/habitats are affected, developers will be required to submit a Habitat Management Plan (HMP) setting out the means of land management that will secure biodiversity objectives</li> <li>Restoration proposals should also take into account opportunities to enhance biodiversity. Discussion on the HMP should take place at an early stage with SNH, RSPB and Scottish Forestry / Forestry and Land Scotland.</li> </ul>	

<ul style="list-style-type: none"> <li>▪ Wind energy proposal that include woodland removal should be discussed at an early stage with Scottish Forestry / Forestry and Land Scotland and also take account of the advice in Scottish Government's <a href="#">Control of Woodland Removal: Implementation Guidance</a>.</li> <li>▪ Tree cover loss will generally be resisted and only allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of this balance.</li> </ul>	
<b>Peat, soils and water</b>	
<ul style="list-style-type: none"> <li>▪ Developments must be designed to minimise soil disturbance, particularly from the construction of roads and tracks, turbines bases and other infrastructure to ensure that the carbon balance savings of the scheme are maximised.</li> <li>▪ Developers are encouraged to use the most current on-line guidance issued by SNH and the Scottish Government when preparing applications.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Wind energy development on 'Prime Agricultural Land' is generally discouraged.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Proposals allied to wind farm development must avoid unacceptable adverse impacts on the water environment and planning applications must be accompanied by appropriate drainage strategies and include details of protective measures.</li> </ul>	
<b>Historic environment</b>	
<ul style="list-style-type: none"> <li>▪ Applications for wind energy development must identify historic assets that could be affected by the proposed development, consider the potential for direct impacts on historic environment assets from components of the applications (such as turbine bases, access tracks and ancillary structures) and consider the potential for impacts on the setting of historic environment assets by identifying the setting of assets within the vicinity of the proposal.</li> <li>▪ Wind farm and turbine developments of any scale must accord with the heritage policy framework LDP planning policies.</li> </ul>	
<b>Communities, tourism and recreation, traffic</b>	
<ul style="list-style-type: none"> <li>▪ Proposals must have particular regard to their impact, singularly and cumulatively on communities and individual dwellings, public access, long distance routes (LDRs), cycle and scenic routes, tourism and recreation, local road traffic and on adjacent trunk roads.</li> <li>▪ Views from key tourist routes and visitor attractions must not be adversely affected.</li> <li>▪ Any negative impacts identified in relation to recreational routes and uses require to be assessed in full and proposed mitigation measure identified. If required, an Access Plan should be prepared.</li> </ul>	

<ul style="list-style-type: none"> <li>▪ When proposing to site wind turbines close to major roads, it is recommended that pre-application discussions are held with Transport Scotland's Trunk Roads Network Management (TRNM).</li> <li>▪ As a general guide turbines should adhere to a minimum set-back distance from roads and railways of at least one and a half times the height of the turbine.</li> <li>▪ The impact of construction on the local road network must be established. Consequently a Transportation Statement (TS) setting out the traffic impact for the construction and operational periods and demonstrating suitability of the transport routes for turbine components from their source shall be submitted with any planning application.</li> <li>▪ Access for construction traffic must not compromise highway safety, residential amenity or cause significant permanent damage to the environment.</li> <li>▪ It is likely that the council will require pre and post construction road surveys to be undertaken and developers may be required to enter a Section 96 Agreement with the council.</li> <li>▪ Where deemed appropriate, an appraisal of the ecological, landscape and visual impacts associated with road construction/upgrading will be required to be submitted by the developer with any planning application.</li> </ul>	
<b>Residential amenity</b>	
<ul style="list-style-type: none"> <li>▪ Development must not have significantly adverse impact on the amenity of residents nearby towns, villages and other properties by virtue of noise, visual dominance, shadow flicker, reflected light or other emissions.</li> <li>▪ All applications for wind energy developments must include a site specific noise assessment.</li> </ul>	
<b>Aviation, defence and telecommunications safeguarding</b>	
<ul style="list-style-type: none"> <li>▪ The impacts of a proposal on radar performance, defence interest and other air safety considerations must be satisfactorily addressed and demonstrated to the satisfaction of the relevant technical authorities. Developers are strongly advised to seek early engagement with the relevant consultees.</li> <li>▪ It must be satisfactorily demonstrated that no electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system or, that measures can be taken to remedy or minimise any such disturbances. In relation to TV reception, pre surveys should be carried out and agreed demonstrating the baseline position, and if required, appropriate mitigation measures and remedial procedures should be agreed with the council.</li> </ul>	

<b>Supporting information required at application stage</b>	
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<p><b><i>Restoration</i></b></p> <ul style="list-style-type: none"> <li>▪ All wind energy applications must acknowledge the need for decommissioning, restoration and aftercare at the end of the permission or the life of the turbines, if earlier, and not renewed by the council.</li> <li>▪ Conditions including a restoration bond or other approved mechanism as appropriate, will be imposed on any permission granted to this effect, requiring implementation measures to be agreed with the council in accordance with best practice at the time.</li> </ul>	
<p><b><i>Environmental Impact Assessment (EIA)</i></b></p> <ul style="list-style-type: none"> <li>▪ All applications for wind energy development which fall within the scope of the Environmental Assessment legislation to be accompanied by an Environmental Statement, and should be preceded by a pre-application Scoping Report.</li> </ul>	
<p><b><i>Legal Agreements</i></b></p> <ul style="list-style-type: none"> <li>▪ The council will ordinarily require an applicant to enter into a legal agreement to secure community benefit payments, restoration bond requirements and other matters which cannot be satisfactorily controlled by the imposition of planning conditions.</li> </ul>	
<p><b><i>Economic Benefits</i></b></p> <ul style="list-style-type: none"> <li>▪ Where deemed appropriate, applications must include details of the environmental, social and economic benefits that will arise from the project, both locally and nationally, including estimates of the overall number of jobs and economic activity associated with the procurement, construction and operation of the wind energy development.</li> </ul>	
<p><b><i>Environmental Protection</i></b></p> <ul style="list-style-type: none"> <li>▪ Developers are required to obtain all other necessary authorisations or licenses under the environmental protection regimes prior to construction. Further details can be found in <a href="#">PAN 51</a>: <i>Planning Environmental Protection and Regulation</i>.</li> </ul>	
<p><b><i>SEPA Requirements</i></b></p> <ul style="list-style-type: none"> <li>▪ Conditions may be imposed on the grant of planning permission which require the submission of Constructed Method Statements and Environmental Management Plans. These documents must also have regard to SEPA's Pollution Prevention Guidance Notes.</li> </ul>	

# eight Small-Scale Turbines Siting and Design Checklist

## Defining small-scale wind energy development

- 8.1 Turbine height, as measured to blade tip, is an important factor in establishing how the scale of a proposed turbine would fit with landscape characteristics of the potential site. For the purposes of the Spatial Framework element of this SG 'small-scale or small wind energy development' is defined as a maximum of two turbines having an upper limit of 35m to blade tip. Therefore a single wind turbine above this height restriction will be considered as a 'wind farm'.

**Table 8: General Guidance on Turbine Size & Landscape Scale**

Size Category	Height in metres (blade tip height for wind turbines)
Single storey house	5m
1.5 to 2 storey house	6m – 10m
Farmyard grain silo	10m
Telegraph pole	10.5m
Mature forest trees	20m
Grid pylon	30m - 35m

Extract adapted from SNH's: *Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in height* (March 2012)

## Cumulative impacts of small-scale turbines

- 8.2 The council is concerned about the potential cumulative impacts from single wind turbines and small wind energy developments. Speculative small-scale wind energy development has the potential to create cumulative impacts from a range of factors including inter-visibility, successive views, dominance over the receiving landscape, and noise. For single turbines, if approved over a range of locations in close proximity to each other, these could lead to unplanned *de facto* wind farms. This is an undesirable outcome and is to be avoided.

## Use of Landscape Capacity Study for small-scale wind energy

- 8.3 The council's [Landscape Capacity Study for Wind Energy](#) in West Lothian (2011) assesses each landscape unit in terms of its sensitivity (medium/ high/ highest) against a scale starting from a turbine of 51m to large wind farms with turbines of 130m. Turbines below 51m to blade tip will be assessed against this analysis on a proportional basis and weighted accordingly across assessment criteria.



### Applicability of spatial framework for small wind energy developments

- 8.4 The factors which were taken into account in the preparation of the Spatial Framework (Section 3.0) should also be a consideration in relation to smaller developments. Using the Spatial Framework it is possible to indicate where there may be particular restrictions on developments for single/ small wind turbine applications.

### Environmental Impact Assessment (EIA) for small wind energy

- 8.5 It should *not* be assumed that small wind energy developments are exempt from EIA. Figure 2: *Scale and EIA Thresholds for Assessing Wind Energy Development* on page 5 of this guidance provides a flow-chart illustrating where EIA applies. The council takes a view on the sensitivity of the proposal for the site and the need for EIA reporting.
- 8.6 The Scottish Government provides a web page dedicated to [environmental assessment](#) which includes a screening checklist for small scale wind energy developments and covers a broad range of issues.
- 8.7 The following Siting and Design Checklists for small wind energy is reproduced from SNH guidance to assist in the assessment of such proposals as they are the most frequent wind energy type of planning application at present.

General Issues	Checklist criteria
<b>Turbine choice</b>	<ul style="list-style-type: none"> <li>Have you considered a range of different turbine forms in relation to your site?</li> <li>Do the proposed turbines have the most appropriate form, appearance and blade movement for the proposed site? Consider whether another type of turbine might achieve a better fit?</li> </ul>
<b>Turbine colour</b>	<ul style="list-style-type: none"> <li>What is the relationship between the proposed turbines and nearby landform and skylines?</li> <li>Will the turbines be predominantly seen against the sky or is there a landform backdrop or trees?</li> <li>How will the turbine look in different seasons and weather conditions and can turbine colour choice help to make the turbines less prominent?</li> </ul>
<b>Scale / size of turbine</b>	<ul style="list-style-type: none"> <li>What are the sites key landscape and visual characteristics (landform/ elevation/ landcover/ built elements/ scale indicators)?</li> <li>Does the proposed turbine relate well to and not dominate these aspects?</li> </ul>
<b>Turbine arrays</b>	<ul style="list-style-type: none"> <li>Where a proposal is for a group of turbines, have you identified where they could be seen from and which are the most sensitive or significant views to the site?</li> <li>Consider how the turbines might best be arranged in order to respect and compliment their setting</li> </ul>
<b>Micro-siting</b>	<ul style="list-style-type: none"> <li>Has the site been surveyed as fully as possible to minimise the need for micro-siting, especially near to properties and other tall structures?</li> </ul>

<b>Ancillary infrastructure</b>	<ul style="list-style-type: none"> <li>▪ Have existing tracks been utilised wherever possible to minimise the need for new paths and roads?</li> <li>▪ Do proposed tracks fit sensitively with the landscape character and compliment the pattern of existing tracks and road networks?</li> <li>▪ Will the proposed tracks use surfacing material which will be sympathetic and which relates to the local landscape character?</li> <li>▪ Do proposed tracks and turbine bases avoid steep slopes and minimise the need for cut and fill operations?</li> <li>▪ Do new ancillary features, such as buildings, walls and fences use materials characteristic of the locality and are they appropriate to the scale and character of the landscape?</li> <li>▪ Has visibility of ancillary features been minimised? Is it proposed to bury connection cables?</li> </ul>
<b>Landscape character</b>	<ul style="list-style-type: none"> <li>▪ Has the local Landscape Character Assessment (LCA) been taken into account in order to establish the key landscape characteristics of the site?</li> <li>▪ Were OS 1:25000 maps and aerial photos used to help establish this?</li> <li>▪ Does the proposal relate well to the landscape?</li> <li>▪ Is the landscape tranquil or busy? Will the blade movement of the proposed turbine(s) change this?</li> <li>▪ Is the landform simple or complex and diverse? Will the proposal confuse or undermine these qualities?</li> <li>▪ Is the proposal likely to affect more than 1 landscape character or type?</li> <li>▪ Does it relate well to all of those it could potentially affect?</li> </ul>
<b>Designated landscapes</b>	<ul style="list-style-type: none"> <li>▪ Is the proposal within or near to a landscape designated for its special scenic or recreational qualities, and if so, has the proposal been designed to minimise potential impacts on these special qualities?</li> </ul>
<b>Landform</b>	<ul style="list-style-type: none"> <li>▪ Can local landform features be utilised to limit visibility of the proposal?</li> </ul>
<b>Landscape pattern and scale</b>	<ul style="list-style-type: none"> <li>▪ If the scheme is for more than one turbine, does the layout reflect and complement existing landform patterns?</li> <li>▪ Could the turbines be grouped better to fit in with landscape pattern and scale?</li> </ul>
<b>Focal features</b>	<ul style="list-style-type: none"> <li>▪ Will the proposed turbine(s) introduce a new focal landscape feature, visual confusion or compete with other notable features?</li> <li>▪ Does the proposal interrupt views to or from existing focal features?</li> <li>▪ Have opportunities to create a new sculptural image been maximised, especially in heavily modified or designed landscapes?</li> </ul>
<b>Perspective</b>	<ul style="list-style-type: none"> <li>• Does the proposal create a false or confusing sense of perspective, especially in combination with other wind energy developments?</li> </ul>

<b>Relationship with settlement</b>	<ul style="list-style-type: none"> <li>Do the turbines respect the scale of adjacent buildings?</li> <li>Does the proposal have a logical visual relationship with relation the settlement pattern?</li> <li>Will the turbines dominate approaches to settlement?</li> <li>Have the turbines been sited to minimise impact on people who live in, work in, travel through the locality or use the area for recreation?</li> </ul>
<b>Residential Amenity</b>	<ul style="list-style-type: none"> <li>What is the impact on residential amenity of a property as assessed indoors and outdoors?</li> </ul>
<b>Woodland</b>	<ul style="list-style-type: none"> <li>Can existing woodland be used to help screen the proposed development without affecting turbine performance?</li> <li>If the trees are broadleaved, how will seasonal differences in the vegetation affect how the turbines look at various times of the year?</li> <li>Are there any proposals in the lifetime of the turbines to fell/restock the trees, and if so, what effect will this have on their setting?</li> </ul>

<b>Cumulative Issues</b>	<b>Checklist criteria</b>
<b>General</b>	<ul style="list-style-type: none"> <li>Has the relationship between the differing blade movement speeds of different developments been considered?</li> <li>Can this be minimised?</li> </ul>
<b>In combination with smaller/micro turbines</b>	<ul style="list-style-type: none"> <li>Does the introduction of the turbines create local landscape “clutter”, especially where different turbine designs are being proposed close to each other?</li> <li>Could a turbine with the same form as the existing turbines be used?</li> </ul>
<b>In combination with other small-scale developments</b>	<ul style="list-style-type: none"> <li>Are the proposed turbines similar in form, colour and scale to those already existing in the locality?</li> <li>Does the proposal follow the existing small-scale turbine development pattern?</li> <li>Has inter-visibility with other small turbines been minimised from important viewpoints?</li> </ul>
<b>In combination with larger turbines</b>	<ul style="list-style-type: none"> <li>Does the small-scale proposal sit in or associate with the same landscape character type as the larger turbines?</li> <li>If so, does the proposal reflect existing turbine grouping patterns?</li> <li>Has the effect of introducing small-scale turbines on landscape perspective been considered? Is this likely to create visual confusion?</li> <li>Is the proposal near the coast where there are existing inshore or offshore wind turbines?</li> </ul>

<b>Filling in gaps between recognised clusters of wind farms or wind turbines</b>	<ul style="list-style-type: none"><li>▪ Will the proposal link 2 previously separate or distinct wind farm areas?</li></ul>
<b>Spatial planning</b>	<ul style="list-style-type: none"><li>▪ Does the proposal accord with the spatial plan for wind energy development, where this exists?</li><li>▪ Does the proposal follow guidelines set down by the Planning Authority in their Planning Guidance?</li></ul>

*Extract adapted from SNH's: Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in height (March 2012)*

## Glossary

### Abbreviations

CAR	<i>Water - Controlled Activities Regulations (SEPA application type)</i>
CSGN(T)	<i>Central Scotland Green Network Trust</i>
DNO	<i>Distribution Network Operator</i>
EIA	<i>Environmental Impact Assessment</i>
ES	<i>Environmental Statement</i>
FIT	<i>Feed in Tariff</i>
HES	<i>Historic Environment Scotland</i>
HMP	<i>Habitat Management Plan</i>
LBAP	<i>Local Biodiversity Action Plan</i>
LCA/U	<i>Landscape Character Area/ Unit</i>
LCS	<i>Landscape Capacity Study for Wind Energy in West Lothian, DTA, 2011</i>
LDR	<i>Long Distance Route, i.e. Union Canal Towpath, NCR 75</i>
(WL)LLDR	<i>West Lothian Local Landscape Designation Review, LUC, 2013</i>
LNR	<i>Local Nature Reserve</i>
LUC	<i>Land Use Consultants</i>
LVIA	<i>Landscape and Visual Impacts Assessment</i>
NATS	<i>National Air Traffic Services</i>
NERL	<i>NATS (En Route) Ltd</i>
NNR	<i>National Nature Reserve</i>
NPF	<i>National Planning Framework</i>
PAN	<i>Planning Advice Note (Scottish Government)</i>
PPC	<i>Pollution Prevention &amp; Control (SEPA application type)</i>
RSPB	<i>Royal Society for the Protection of Birds</i>
SLA	<i>Special Landscape Area</i>
SNH	<i>Scottish Natural Heritage</i>
SPP	<i>Scottish Planning Policy</i>
(WL) LDP	<i>(West Lothian) Local Development Plan (will supersede WLLP)</i>
WLC	<i>West Lothian Council</i>

### Definitions

(\* indicates sourced from Glossary of *Scottish Planning Policy*, 2014)

<b>Biodiversity*</b>	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
<b>Borrow pits</b>	Borrow pits are a source of good construction stone on-site. Where borrow pits are feasible there will be the benefit of reduced impacts and costs of transportation of materials, and fewer HGV vehicles on public roads. A borrow pit is a heavily worked area which can result in a high risk of sediment pollution during construction, with potential for permanent hydrological, ecological and visual impacts on the area.
<b>Crane Pads</b>	Crane pads are typically 40x20m for a 2-3MW turbine. In many cases crane pads are reinstated with a thin layer of peat, which is often stripped back at the first major service.
<b>Cultural Heritage</b>	Historical, artistic, literary, linguistic, and scenic associations of places and landscapes.
<b>Cumulative impact *</b>	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.

<b>Ecosystems services *</b>	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
<b>Feed in Tariffs (FiTs)</b>	Government subsidy to support renewable energy developments. This UK government finance scheme is in closure phase.
<b>Green networks *</b>	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
<b>Historic environment</b>	Includes ancient monuments (scheduled and unscheduled), archaeological sites and landscapes, historic buildings (listed, unlisted and those within Conservation Areas), historic gardens and designed landscapes (both on the Inventory of Gardens and Designed Landscapes, and those not included on the inventory), and their context and setting.
<b>Important viewpoints</b>	These are a set of agreed viewpoints arising from landscape consultancy work, though not a definitive list, they are useful for assessment of visual sensitivity. Visual sensitivity refers to the extent which views from 'important viewpoints' and from key routes within West Lothian are vulnerable to changes in the appearance of the landscape. Visual sensitivity is a professional judgement of the likely effect on the relatively 'unspoilt' nature of the view by wind energy or other land use development.
<b>Inter-visibility</b>	Where one turbine is visible from another turbine.
<b>Landform</b>	Landform is defined as 'a natural feature of the earth's surface'. (Oxford English Dictionary)
<b>Landscape</b>	Landscape means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.
<b>Landscape capacity</b>	Refers to the degree of change to which a particular landscape character type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type. Landscape capacity is a professional judgement reflecting the particular landscape characteristics and features of a given area and is likely to vary according to type and nature of change being proposed.
<b>Landscape character</b>	A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another.
<b>Landscape character area/ unit</b>	A single, unique and discrete geographical area within a particular landscape character type. It shares generic characteristics with other areas of the same type but also has its own individual identity. Also referred to as 'landscape area' or a 'landscape unit', they are usually named according to place names, rather than names describing generic characteristics, to reflect their distinct identity, such as 'Avonbridge to Armadale Plateau Edge'.
<b>Landscape character type</b>	A generic landscape, relatively homogenous in character and which possesses broadly similar combinations of natural and cultural characteristics, including patterns of geology, landform, soils, vegetation, land use, settlement and field pattern in every area where it occurs. Also referred to as 'landscape type', they are usually named after the broad geographic features which are common to the landscape character type, such as 'Lowland Plateaux'.
<b>Local landscape designation</b>	The process of protecting landscape at a sub-regional level; local landscape designations are the arising spatial policy elements, i.e. Special Landscape Areas.
<b>Micro-renewables /microgeneration</b>	The generation, from low or zero carbon sources, of electricity of up to 50kW capacity and heat of up to 45kW capacity, as set by the Electricity Act 2004.
<b>Micro-siting</b>	In some cases developers need to alter the precise location of the turbines following planning approval due to unforeseen constraints. This relocation is referred to as 'micro-siting' and is best avoided.
<b>National Nature Reserve (NNR) *</b>	An area considered to be of national importance for its nature conservation interests.
<b>National Scenic Area (NSA) *</b>	An area which is nationally important for its scenic quality.

<b>Open Space *</b>	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.
<b>PADHI *</b>	Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.
<b>Permitted Development (PD)</b>	Planning permission granted for certain classes of development by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. Also known as Permitted Development Rights (PDR).
<b>Prime agricultural Land *</b>	Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).
<b>Ramsar Site</b>	Wetlands of international importance designated under the Ramsar Convention.
<b>Repowering</b>	“Repowering” refers to power plants in general and includes measures which improve the efficiency and capacity by means of retrofitting with the latest technology. For wind farms this usually means considering fewer but larger turbines.
<b>Scheduled monument *</b>	Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.
<b>Sensitive receptor *</b>	Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the interrelationship between these factors. In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.
<b>Setting *</b>	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
<b>Shadow flicker</b>	Shadow flicker is caused by low sun behind the rotating blades of a wind turbine. This shadow is created by rotating blades and can cause alternating light and dark shadows to be cast on roads or nearby buildings. This can be a source of distraction and annoyance.
<b>Site Infrastructure</b>	This usually includes: track construction; turbine foundations including transformers and crane pads; cable trenching; borrow pits; substations / control and switchgear buildings; construction compounds; and permanent anemometry.
<b>Site of Special Scientific Interest (SSSI) *</b>	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
<b>Terrestrial habitats</b>	Ground based environments where a plant or animal naturally or normally lives and grows.
<b>Transport Statement (trunk roads)</b>	Normally consists of a document detailing the traffic generated by the development, an analysis of a junction on to the trunk road to ensure that it operates efficiently and an accident analysis. This is not necessarily an exhaustive list and applicants are advised to contact Transport Scotland to ensure that all the necessary analysis is completed.
<b>Viewshed</b>	The view of an area from a specific vantage point

## Contacts

For further information or advice please contact:

- For Development Planning (policy) enquiries: [DPgeneral@westlothian.gov.uk](mailto:DPgeneral@westlothian.gov.uk)
- For Development Management (applications) enquiries: [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)



## Appendix A

### Community Energy Benefits

In general, funds from wind energy developments should consider grant applications for projects within an identified 10km radius of each participating renewable energy development site. At present the council runs a [Community Development Trust for Wind Energy](#) in the Breich Valley area known as the West Lothian Development Trust.

Any discussions with developers on community contributions with the council should not be construed as pre-determining an application. Community contributions are not a material consideration in the assessment of a proposed development.

The council will refer to Circular 3/2012 Planning Obligations and Good Neighbour Agreements when assessing community wind energy projects.

Further information can be found in the guidance [Scottish Government: Good Practice Principles Community Benefits Onshore Renewable Energy Developments](#)

# Appendix B

## Assessment of Wind Turbine Noise

This advice note provides guidance for applicants on the minimum information required to allow a full assessment of the potential noise impacts of a proposed wind turbine development. It also considers the appropriate methodology and criteria to determine turbine noise immissions at noise sensitive receptors.

West Lothian Council has determined that noise from large turbine developments shall meet the following limits at noise sensitive receptors;

- 35dB  $L_{A90(10 \text{ min})}$  for all wind speeds up to 10 m/s for single turbines or wind farms (ETSU<sup>1</sup> simplified method) at the nearest noise sensitive receptors
- 35dB  $L_{A90(10 \text{ min})}$  day time hours and 40dB\*  $L_{A90(10 \text{ min})}$  night time hours or ETSU derived limits of background noise level plus 5dB (whichever is greater) for all wind speeds up to 12m/s.
- Up to 45dB  $L_{A90(10 \text{ min})}$  or ETSU derived limits of background noise level plus 5dB (whichever is greater) for all wind speeds up to 12m/s, at properties with valid financial interest.  
\*40dB  $L_{A90(10 \text{ min})}$  night time, reflects the changes to sleep disturbance criteria levels set by the World Health Organisation, *Guidelines on Community Noise 1999*.

### Small wind turbines

Small turbines with a power rating of 50kW or less and a rotor swept area of 200m<sup>2</sup> or less (16m rotor diameter) shall meet the following noise limits where the noise immissions are calculated in accordance with BWEA/Renewable UK Guidelines<sup>2</sup>. Note that the relationship between the noise parameters  $L_{Aeq(10 \text{ min})}$  and  $L_{A90(10 \text{ min})}$  for large turbines will not apply to the smaller turbines and noise limits are therefore set in terms of  $L_{Aeq(10 \text{ min})}$ .

- 35dB  $L_{Aeq(10 \text{ min})}$  day time hours and 40dB  $L_{A90(10 \text{ min})}$  night time hours or ETSU derived limits of background noise level plus 5dB (whichever is greater) for all wind speeds up to 12m/s.
- Up to 45dB  $L_{Aeq(10 \text{ min})}$  or ETSU derived limits of background noise level plus 5dB (whichever is greater) for all wind speeds up to 12m/s, at properties with valid financial interest.

The aforementioned noise restrictions for any turbine development must consider the impact from all turbines consented and or proposed (existing within the planning process) within the development area. This may include developments within other Local Authority areas. The IOA guidance<sup>3</sup> in relation to cumulative impacts should be followed when assessing which turbine developments should be considered.

### Noise Impact Assessment

All planning applications for wind turbine developments must be accompanied by a site specific noise impact assessment undertaken in accordance with ETSU-R-97, the Institute of Acoustics (IOA) *A Good Practice Guide to the Application of ETSU* and the IOA *Supplementary Guidance Notes*<sup>4</sup> which provide detailed guidance on the IOA *Good Practice Guide*.

All noise impact assessments must determine the predicted noise levels at the curtilage of identified noise sensitive receptors in the vicinity of the proposed turbine development.

Where the noise impact assessment demonstrates that predicted noise levels of less than 35dB  $L_{A90(10 \text{ min})}$  or, in the case of small turbines 35dB  $L_{Aeq(10 \text{ min})}$ , can be achieved at non-financially involved receptors, no site specific background noise survey will be required.

Noise predictions must be based on the turbine octave band sound power level data as determined in accordance with *IoA Good Practice Guide* using the following methodology;

Large Turbines – the use of ISO 9613-2 using the advice given within the *IoA Good Practice Guide* on input parameters.

Small Turbines (those less than 50kW and outwith the scope of the IOA Guidance) - the use of equation 3.5.1 of the British Wind Energy Association - *Small Wind Turbine Performance and Safety Standard* (29 Feb 2008). This equation uses hemispherical sound propagation and should be based on the use of the declared apparent sound power level at 8m/s at hub height. Where there is sufficiently robust octave band test data available, the methodology of ISO 9613-2 can be used to predict turbine noise emissions. A correction of +3dB however will be applied to the predicted turbine noise emissions to account for hemispherical propagation.

### **Cumulative Noise Impacts**

Any proposed, consented or existing turbine within 2km of the proposed turbine development must be taken into account when establishing cumulative noise impact, where the proposed turbine produces noise immissions are within 10dB of any existing, consented or proposed (within the planning process) turbine noise immissions.

In determining any cumulative assessment it may be assumed that any consented turbines will operate to their full consented noise limits. Predicted turbine noise immissions may be used where relevant adjacent turbine developments have not yet been consented.

In certain circumstances, particularly in the case of one or two turbines developments, the full ETSU noise limit or the council's night time limit may not be granted. The consented noise limit may be calculated as a margin above the predicted noise immissions. This ensures that there may be noise headroom available for other developments.

### **The use of Candidate Turbines**

Candidate turbines are often used to predict turbine noise immissions for a noise impact assessment. Where final turbine specification is different to that used to determine noise immissions, a further desktop site specific assessment will be required to demonstrate predicted noise levels are within the consented noise limits.

### **Noise Impact Assessment Reports**

Noise reports must contain the information (where relevant) highlighted in Chapter 6, Table 1, of the *IoA Good Practice Guide*. In addition, WLC will require the following:

- (a) Turbine specification, including hub height used to determine noise immissions;
- (b) Table of twelve digit grid references for the turbine(s);
- (c) Table of twelve digit grid references for the noise sensitive receptors;
- (d) Distances from turbine to noise sensitive receptors;
- (e) Turbine and receptor elevations;
- (f) Details of any financially involved property;
- (g) Details of the sound power levels, broadband and A-weighted octave band data, for the turbine and supporting documentation (test report, manufacturers specifications) from which sound power levels have been extracted;
- (h) A clear statement on uncertainty figures, tonality and any scaling of data used;
- (i) Where requested by the council, a copy of all background raw noise data used including marked excluded data and corrections, where applied, used in the construction of the background polynomial graphs. Such data will be presented in CSV format.

### **Definitions**

<b>Curtilage</b>	A domestic garden boundary.
<b>Financial Interest</b>	<p>Either, owning the land on which the turbines are to be sited, or, leasing the land on a long (greater than 20 year) lease, or, being a shareholder or owner of the development company.</p> <p>Where property is owned by someone with a financial interest in the development, but is leased to a third party, the occupiers of the property do not have any legal interest in the site and may be protected against amenity intrusions.</p> <p>Persons who have invested money in the wind turbine/farm and seek to gain a financial return from it.</p>
<b>Noise Sensitive Receptor</b>	<p>Properties used for residential purposes (including nursing homes,). Caravan and camping sites and holiday lets under separate ownership may be regarded as noise sensitive receptors depending on their usage.</p> <p>Noise sensitive receptors will include consented development with live planning permission. Unoccupied/abandoned/derelict property may be regarded as noise sensitive depending on the circumstances.</p>

## References

<sup>1</sup> The Assessment & Rating of Noise from Wind Farms. ETSU-R-97

<sup>2</sup> British Wind Energy Association (now Renewable UK, Small Wind Turbine Performance and Safety Standard; BWEA (29 Feb 2008)

<sup>3</sup> A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. Institute of Acoustics 2013

<sup>4</sup> Supplementary Guidance Notes 1-6 to the *Good Practice Guide*, Institute of Acoustics

# Appendix C

## Landscape Character Areas

### Summaries

Assessment of potential landscape and visual impacts (LVIA) of wind energy proposals is a key part in the decision making process. An Ordnance Survey based plan of each landscape unit supplemented by an LVIA table provides standard landscape character information, taking into account key findings of the council's *Landscape Capacity Study for Wind Energy Development in West Lothian* (2011). The tables below also take cognisance of the key areas of constraint as set out in SPP and include a traffic-light approach to landscape sensitivity. Non landscape criteria such as aviation are not included in the summaries below.

It is the case that a proposal in one unit could have significant impacts on an adjacent or nearby landscape unit, therefore, assessment by the criteria set out for each landscape unit should not be viewed in isolation from the broader landscape, visual and planning context.

The tables provide guidance for the assessment and acceptability of wind energy development subject to detailed consideration against policy criteria. The nature of West Lothian is such that there are virtually no areas which can be identified spatially as being relatively free from all constraints.

There are no national parks or national scenic areas in West Lothian, however, there are a number of nationally important sites within the administrative boundary which the council believes should be considered as constraints of national importance. These are noted in the tables below and are: Hopetoun House and Estate, Linlithgow Palace and Peel, Cairnpapple neolithic henge and stone circle, Torphichen Perceptory, Union Canal and Towpath, and, Five Sisters Shale Bing.

The extract below from the Council's landscape capacity study gives background to the identification of landscape objectives.

#### **Landscape Objectives with Reference to key Thresholds for Landscape Protection, Accommodation or Change** (*Landscape Capacity Study, pages 36-37: for Figure 5 see page 26 of this document*)

**7-16** *In assessing overall capacity it is helpful to identify and consider key thresholds or 'tipping points' of landscape change that may occur as a result of wind energy development, as recommended in SNHs guidance on Siting and Designing Wind Farms in the Landscape. The guidance advises that in judging whether or not an area should be kept free of windfarm impacts it is helpful to develop a clear view about which of three possible landscape objectives should apply: landscape protection, landscape accommodation or landscape change. These should not be seen as rigidly distinct objectives.*

**7-17** *Landscape Protection is required where the objective is to maintain the existing landscape character and visual resource, to retain or reinforce its present character and protect its quality and integrity. Capacity is limited since it is likely to be difficult to accommodate wind farms in these areas, although small scale turbine development and micro-generation may be acceptable where it relates well to the existing landscape in terms of scale and design, and where it relates well to the existing built environment. The landscape remains as a landscape with no wind farms or with infrequent wind energy development.*

**7-18** *Landscape protection will be the most appropriate objective within the sensitive visual compartments / cones where the setting of landmark landscape features and important viewpoints require protection (shown uncoloured in Figure 5), and in areas assessed as being Areas of Highest Sensitivity (shown coloured red in Figure 5). This objective will also be appropriate in areas of High sensitivity (shown coloured pink in Figure 5) where there are potential constraints requiring landscape protection.*

**7-19** *Landscape Accommodation is required where some wind energy development could be acceptable as long as overall landscape character and visual amenity is retained. Rather than seeking to protect the landscape, with this objective there may be important landscape-related constraints in terms of the siting and scale of wind energy development, but suitably designed wind farms which generally fit within the landscape could potentially be accommodated even though they may have an impact on the landscape locally. The landscape is a landscape with wind energy development.*

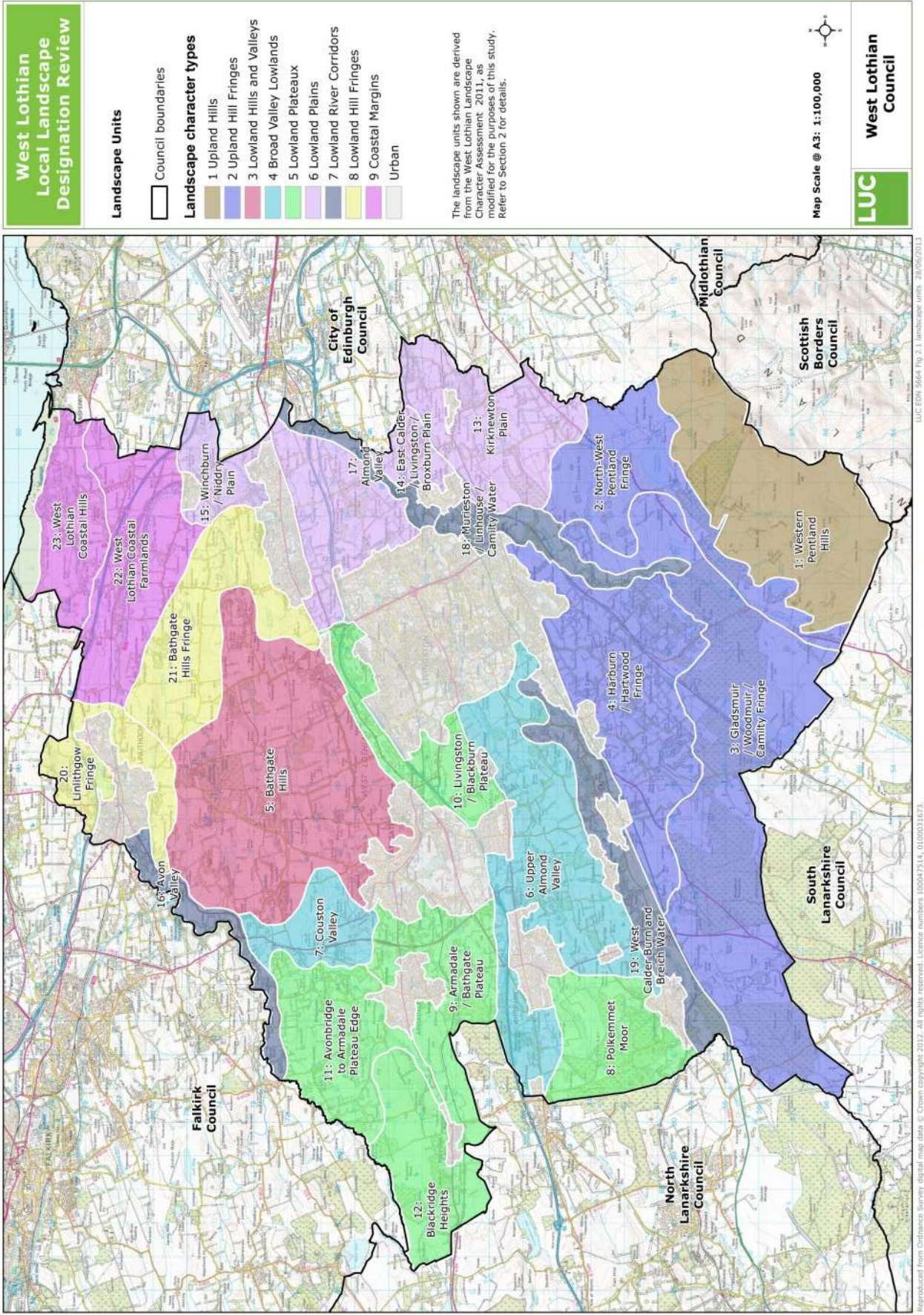
**7-20** *Landscape accommodation will be the most appropriate objective within areas of High sensitivity (shown coloured pink in Figure 5) where there are no potential constraints requiring landscape protection, and in areas of Medium sensitivity (shown coloured orange in Figure 5) with some landscape-related constraints but where some wind energy development could be accommodated if overall landscape character is retained.*

**7-21** *Landscape Change is appropriate in areas where it is accepted that landscape character can change as a result of wind energy development, creating new character and possibly the perception of a wind farm landscape. In general, there will be significant capacity for wind energy development in areas where landscape change is considered acceptable. In such areas, good landscape design principles still need to be followed to ensure that the development is appropriate in terms of scale and design.*

**7-22** *Landscape change could be the most appropriate objective in areas assessed as Low sensitivity (however, no such areas have been identified in this study), or could possibly be appropriate in some areas of Medium sensitivity (shown coloured orange in Figure 5) where there are no potential landscape-related constraints or where landscape character and visual amenity is already affected by existing wind energy development. Any further wind energy development would breach the threshold or 'tipping point' of landscape change but the council may consider the resulting landscape, visual and cumulative effects to be acceptable.*



Landscape Character Units in West Lothian





## Landscape Character Type: UPLAND HILLS

### Landscape Character Unit 1: WESTERN PENTLAND HILLS



#### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Landscape sensitivity assessment	Area of Highest Sensitivity
Landscape objective	Protection - Wind Energy Development (WED) and any other large scale, uncharacteristic development would be inappropriate
Landscape capacity assessment	NO CAPACITY
Landmark landscape features & Settings of Landmark Landscape Features	Impact on views from/to: Pentland Hills Uplands & Setting of this Landmark Landscape Feature
Principal sensitive routes (tourist and amenity)	Impact on views from/to: A70 east and south (Lang Whang) National Cycle Route 75
Important viewpoints & Sensitive visual compartments	Impact on views from/to: West Cairn Hill & its Sensitive visual compartment Harperigg Reservoir & its sensitive visual compartment
Other landscape considerations (SLA)	Pentland Hills SLA

#### CONSTRAINTS & NON-LVIA CONSIDERATIONS

Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.
Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	European site: <i>Special Area of Conservation</i> : Craigengar  <i>Site of Special Scientific Interest</i> : Craigengar <i>Site of Special Scientific Interest</i> : Cobbinshaw Moss, near Harburn <i>Site of Special Scientific Interest</i> : Cobbinshaw Reservoir, near Harburn
Group 2b – Areas of significant protection: Other nationally important	There are no areas of wild land identified by SNH in West Lothian



## DATA LABEL: PUBLIC

mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	Significant carbon rich soils and peatland areas; significant areas of Mire & Bog habitat mapped in Phase 1 Habitat Survey
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for:  Tarbrax, South Lanarkshire
Other factors	Pentland Hills Regional Park Rights of Way/ Paths: Cauldstane Slap; Crosswood Burn Assessment of cumulative impacts  There are a number of nationally important areas which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Type: UPLAND HILLS FRINGES

### Landscape Character Unit 2: NORTH-WEST PENTLAND FRINGE



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	High sensitivity
Landscape objective	Protection - to support landscape sensitivity and visibility analysis
Landscape capacity assessment	NO CAPACITY
Landmark landscape features & Settings of Landmark Landscape Features	Impact on views from/to: Setting of the Pentland Hills Uplands Landmark Landscape Feature

<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A70 South 'Lang Whang' A70 East 'Lang Whang'
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: West Cairn Hill - its sensitive visual compartment Harperigg Reservoir and its sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	Pentland Hills SLA
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian  Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i>  Livingston (including Mid Calder, Pumpherston & Uphall Station) Tarbrax, South Lanarkshire
<i>Other factors</i>	Pentland Hills Regional Park Rights of Way/ Paths: Cauldstane Slap; Crosswood Burn Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.



## Landscape Character Unit 3: GLADSMUIR/ WOODMUIR/ CAMILTY FRINGE

**LANDSCAPE AND VISUAL IMPACT ASSESSMENT**

<i>Landscape sensitivity assessment</i>	Medium sensitivity
<i>Landscape objective</i>	Accommodation
<i>Landscape capacity assessment</i>	MEDIUM (where cumulative impacts; LVIA, separation distances accord with policy position)
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	Impact on views from: Settings of Landmark Landscape Features – Pentland Hills Uplands
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A704 A706 junction with A704 A70 east
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: West Cairn Hill & its Sensitive visual compartments
<i>Other landscape considerations (Cumulative effects, SLA)</i>	Cumulative effects with built and consented WED Pentland Hills SLA (small part)

**CONSTRAINTS & NON-LVIA CONSIDERATIONS**

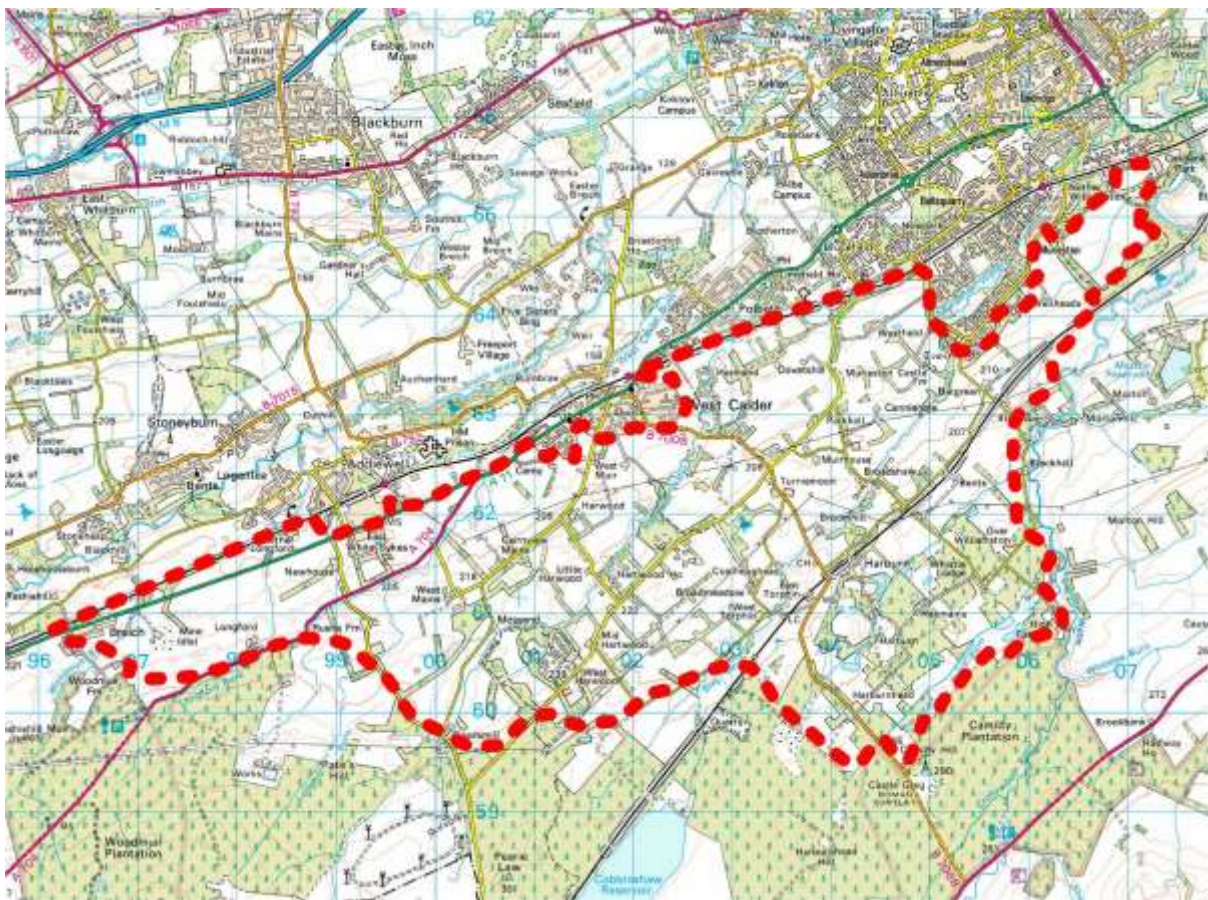
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Community separation for consideration of visual impacts applies for:</i>  Tarbrax, South Lanarkshire Woolfords, South Lanarkshire
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas</i>	There are no areas of wild land identified by SNH in in West Lothian



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of wild land, carbon rich soils, deep peat and priority peatland)	Significant carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Addiewell & Loganlea Breich Fauldhouse Livingston (including Mid Calder, Pumpherston & Uphall Station) Longridge Stoneyburn & Bents
Other factors	Cobbinshaw Reservoir and fishery Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Unit 4: HARBURN/ HARTWOOD FRINGE



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	High Sensitivity
Landscape objective	Protection/ Accommodation
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: A706 junction with A704
Important viewpoints & Sensitive visual compartments	West Cairn Hill - its Sensitive visual compartments
Other landscape considerations (SLA)	No SLA

	Cumulative effects with built and consented WED See HGDL below
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Site of Special Scientific Interest:</i> Hermand Birchwood, east of West Calder  <i>Site identified in Historic Scotland's Inventory of Gardens and Designed Landscapes:</i> Harburn House, south-east of West Calder
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian  Some Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Addiewell & Loganlea Breich Livingston (including Mid Calder, Pumpherston & Uphall Station) Longridge Polbeth Stoneyburn & Bents West Calder
<i>Other factors</i>	Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.



## Landscape Character Type: LOWLAND HILLS & VALLEYS

### Landscape Character Unit 5: BATHGATE HILLS



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Area of Highest Sensitivity
Landscape objective	Protection - Wind Energy Development (WED) and any other large scale, uncharacteristic development would be inappropriate
Landscape capacity assessment	NO CAPACITY
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: B8046 (and part of Ochiltree road)
Important viewpoints & Sensitive visual compartments	Impact on views from/to: The Knock – Cairnpapple Hill & its Sensitive visual compartment Binny Craig & its Sensitive visual compartment Cockleroy & its Sensitive visual compartment Avon Aqueduct - its Sensitive visual compartment
Other landscape considerations (SLA)	Bathgate Hills SLA
CONSTRAINTS & NON-LVIA CONSIDERATIONS	
Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.
Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	Sites of Special Scientific Interest: Lochcote Marsh, near Torphichen Petershill, near Bathgate East Kirkton Quarry, near Bathgate
Group 2b – Areas of significant protection: Other nationally important	There are no areas of wild land identified by SNH in West Lothian

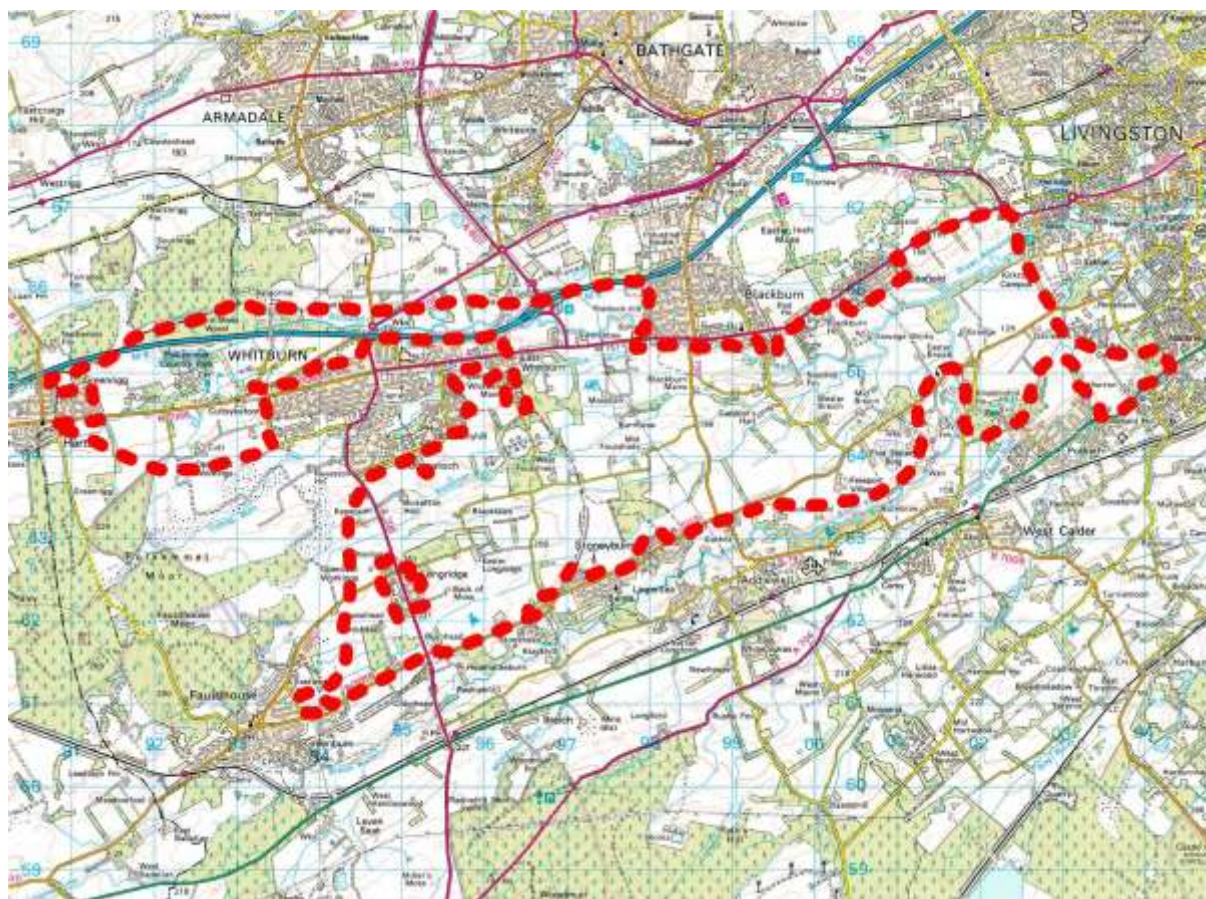


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mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Bathgate Dechmont Ecclesmachan Linlithgow Livingston (including Mid Calder, Pumpherston & Uphall Station) Torphichen Uphall Whitecross (FC)
Other factors	Beecraigs Country Park Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area: Cairnpapple - neolithic henge and stone circle Torphichen Perceptrory

## Landscape Character Type: BROAD VALLEY LOWLANDS

### Landscape Character Unit 6: UPPER ALMOND VALLEY



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation – where other policy criteria can be met
Landscape capacity assessment	LOW/ MEDIUM
Landmark landscape features & Settings of Landmark Landscape Features	None

<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A704 A705 Livingston to Seafield A706 and B7010 at Longridge A706 south of Whitburn Almond Valley Path Fauldhouse Rail Path National Cycle Route 75
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Cockleroy & its Sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	No SLA Cumulative effects with built and consented WED
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Addiewell & Loganlea Armadale Bathgate Blackburn Breich East Whitburn Fauldhouse Greenrigg Livingston (including Mid Calder, Pumpherston & Uphall Station) Longridge Polbeth Seafield Stoneyburn & Bents West Calder Whitburn
<i>Other factors</i>	Almond Valley Heritage Centre (adjacent, within Livingston) Assessment of cumulative impacts There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Five Sisters Shale Bing and scheduled monument, north of West Calder

## Landscape Character Unit 7: COUSTON VALLEY





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	Medium sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	NO CAPACITY (due to sensitive visual compartments)
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A800/A801
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: The Knock – Cairnpapple Hill & its Sensitive visual compartments Cockleroy & its Sensitive visual compartments
<i>Other landscape considerations (SLA)</i>	No SLA, but important to setting of Bathgate Hills SLA and Avon Valley SLA

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns)</i>	Community separation for consideration of visual impacts applies for: Armada Bathgate Torphichen



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and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Westfield
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Type: LOWLAND PLATEAUX

### Landscape Character Unit 8: POLKEMMET MOOR



## LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation
Landscape capacity assessment	LOW / MEDIUM (where cumulative impacts in and around Fauldhouse can be mitigated)
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: A704 A706 junction with A704 A70 east
Important viewpoints & Sensitive visual compartments	None
Other landscape considerations (SLA)	No SLA Cumulative effects with built and consented WED

## CONSTRAINTS & NON-LVIA CONSIDERATIONS

Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.
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Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	None
Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	There are no areas of wild land identified by SNH in West Lothian  Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: East Whitburn Fauldhouse Greenrigg Longridge Whitburn Harthill (NLC)
Other factors	Polkemmet Country Park Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	Medium sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	LOW / MEDIUM (LVIA to assess existing and potential cumulative impacts for Blackridge)
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A89 Blackridge to Armadale National Cycle Route 75
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: The Knock – Cairnpapple Hill - Sensitive visual compartments
<i>Other landscape considerations (SLA)</i>	West part important in setting of Blackridge Heights SLA

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian  Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog h
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area</i>	<i>Community separation for consideration of visual impacts applies for:</i> Armadale Bathgate



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not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Blackburn Blackridge East Whitburn Greenrigg Longridge Whitburn
Other factors	Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Unit 10: LIVINGSTON/ BLACKBURN PLATEAU



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation (community separation factors to be assessed)
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: A705 Livingston to Seafield National Cycle Route 75 Almond Valley Path
Important viewpoints & Sensitive visual compartments	None
Other landscape considerations (SLA)	Forms part of setting of Bathgate Hills SLA
CONSTRAINTS & NON-LVIA CONSIDERATIONS	



## DATA LABEL: PUBLIC

Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.
Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	Site of Special Scientific Interest: Tailend Moss, near Deans, Livingston
Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	There are no areas of wild land identified by SNH in West Lothian  Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog h
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Bathgate Blackburn Dechmont Livingston (including Mid Calder, Pumpherston & Uphall Station) Seafield Uphall
Other factors	Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Unit 11: AVONBRIDGE TO ARMADALE PLATEAU EDGE



### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Landscape sensitivity assessment	High sensitivity
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**DATA LABEL: PUBLIC**

<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	LOW CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A89 Blackridge to Armadale
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: The Knock – Cairnpapple Hill - its Sensitive visual compartments
<i>Other landscape considerations (SLA)</i>	Blackridge Heights SLA and Avon Valley SLA
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian  Some Carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Armadale Blackridge Westfield Avonbridge (FC)
<i>Other factors</i>	Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.

**Landscape Character Unit 12: BLACKRIDGE HEIGHTS**





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	<b>Area of Highest Sensitivity</b>
<i>Landscape objective</i>	Protection - Wind Energy Development (WED) and any other large scale, uncharacteristic development would be inappropriate
<i>Landscape capacity assessment</i>	LOW / NO CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: National Cycle Route 75
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Blawhorn Moss & its Sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	Blackridge Heights SLA Existing and potential cumulative impacts from WED

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	European sites:  <i>Special Area of Conservation:</i> Blawhorn Moss, north of Blackridge  <i>National Nature Reserve:</i> Blawhorn Moss  <i>Sites of Special Scientific Interest:</i> Blawhorn Moss
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian  Significant carbon rich soils and peatland habitat known through Phase 1 Habitat Survey: Mire & Bog habitat



**DATA LABEL: PUBLIC**

Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Armadale Blackridge Harthill (NLC)
Other factors	Assessment of cumulative impacts; existing wind farms / turbines  There are a number of nationally important which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Type: LOWLAND PLAINS

## Landscape Character Unit 13: KIRKNEWTON PLAIN



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: National Cycle Route 75
Important viewpoints & Sensitive visual compartments	Impact on views from/to: West Cairn Hill & its Sensitive visual compartments
Other landscape considerations (SLA)	Pentland Hills SLA
CONSTRAINTS & NON-LVIA CONSIDERATIONS	
Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.

**DATA LABEL: PUBLIC**

Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	Site identified in Historic Scotland's Inventory of Gardens and Designed Landscapes: Hatton House, east of Wilkieston (southern part only, main part within City of Edinburgh)
Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	There are no areas of wild land identified by SNH in West Lothian
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: East Calder Kirkliston Livingston (including Mid Calder, Pumpherston & Uphall Station) Wilkieston
Other factors	Kirknewton Airfield (adjacent within Edinburgh City) Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.

**Landscape Character Unit 14: EAST CALDER/ LIVINGSTON/ BROXBURN PLAIN**(NB: split north and south of *Almond Valley landscape unit*)





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	Medium sensitivity
<i>Landscape objective</i>	Accommodation
<i>Landscape capacity assessment</i>	LOW
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: M8 A899 Livingston Spine Road Dechmont to Newbridge Cycle Path Union Canal Tow Path & Feeder Path
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Binny Craig - its Sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	Almond and Linthouse Valleys SLA

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

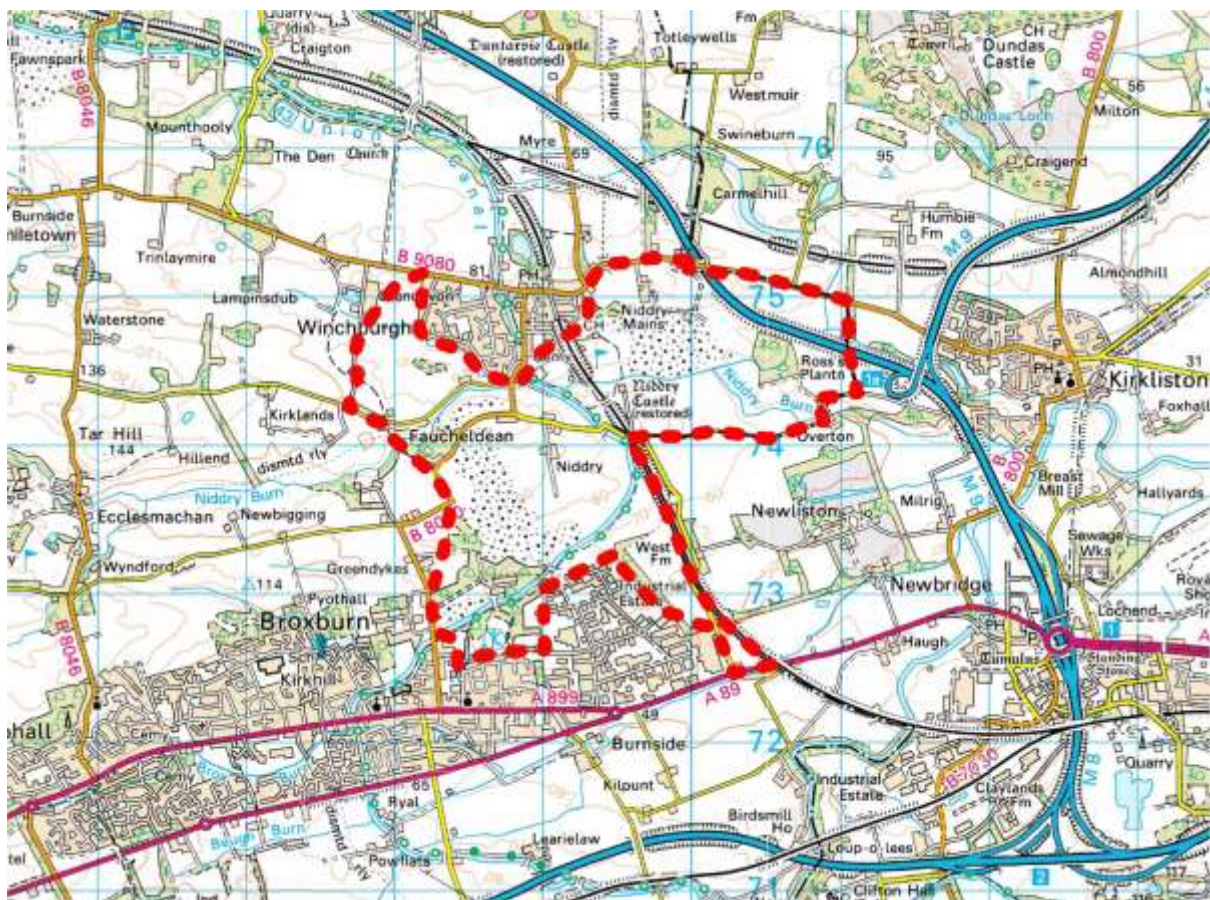
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a - Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b - Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c - Areas of significant protection: Community separation for</i>	Community separation for consideration of visual impacts applies for: Broxburn



## DATA LABEL: PUBLIC

consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Dechmont East Calder Ecclesmachan, Kirkliston Livingston (including Mid Calder, Pumpherston & Uphall Station) Uphall Wilkieston Newbridge (CEC)
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Union Canal and Towpath, by settlements of Linlithgow, Philpstoun, Winchburgh and Broxburn

### Landscape Character Unit 15: WINCHBURGH/ NIDDRY PLAIN



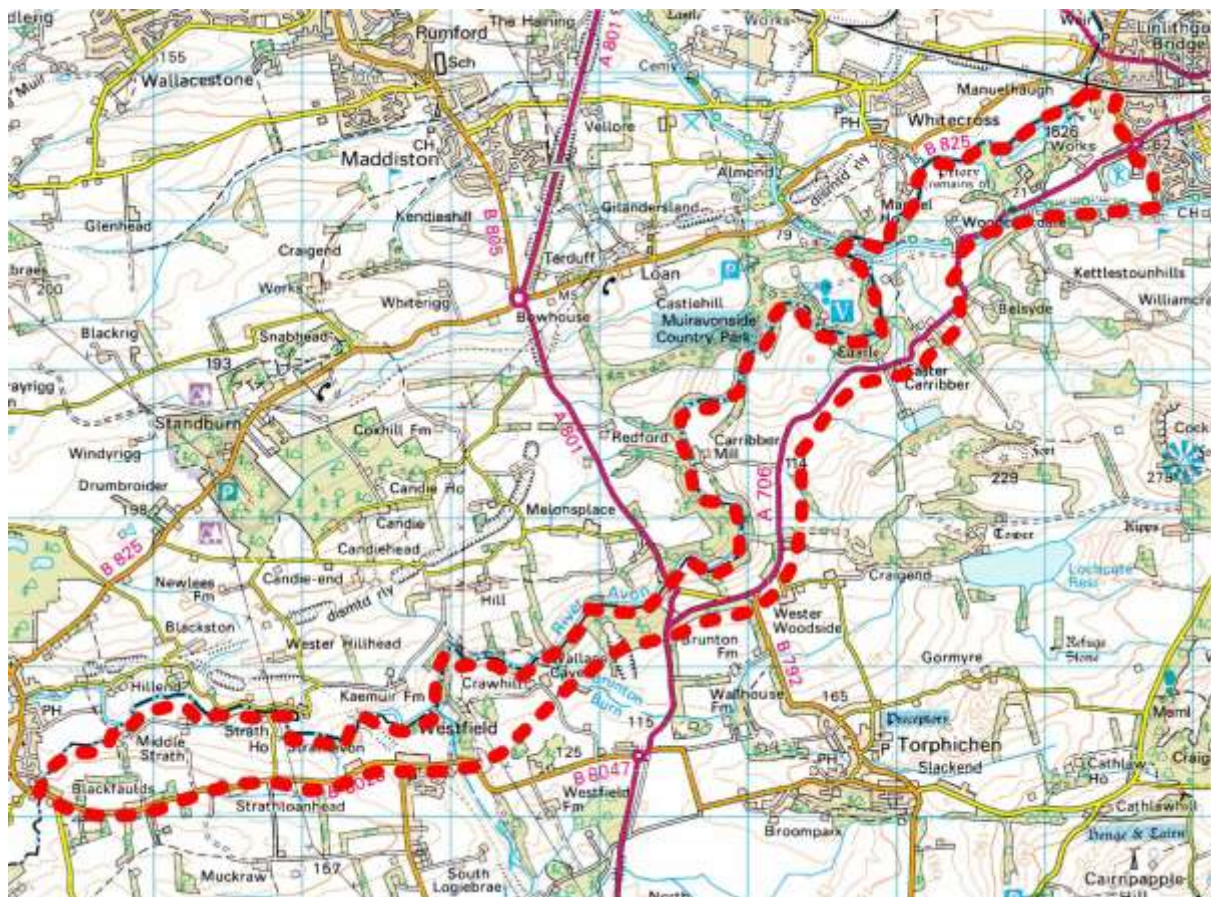
LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: M9 west of Junction 1a Union Canal Tow Path
Important viewpoints & Sensitive visual compartments	None
Other landscape considerations (SLA)	No SLAs

	This area scored highly in the Local Landscape Designation Review, is important in terms of industrial heritage and maintaining separation of communities to avoid coalescence. It is identified as Countryside Belt.
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Site identified in Historic Scotland's Inventory of Gardens and Designed Landscapes: Newliston House, immediately east of Broxburn, is predominantly within Edinburgh City</i>
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Broxburn Winchburgh Kirkliston (CEC) Newbridge (CEC)
<i>Other factors</i>	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area.  Union Canal and Towpath, by settlements of Linlithgow, Philpstoun, Winchburgh and Broxburn

## Landscape Character Type: LOWLAND RIVER CORRIDORS

### Landscape Character Unit 16: AVON VALLEY





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	High sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	NO CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: Union Canal Tow Path
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Cockleroy & its Sensitive visual compartment Avon Aqueduct & its Sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	Bathgate Hills SLA Avon Valley SLA

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Site of Special Scientific Interest:</i> Carriber Glen, near Torphichen  <i>Sites identified in Historic Scotland's Inventory of Historic Battlefields:</i> Battle of Linlithgow Bridge site (part in Falkirk Council area)
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Linlithgow Torphichen



## DATA LABEL: PUBLIC

not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Westfield Avonbridge (FC) Whitecross (FC)
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Union Canal and Towpath, by settlements of Linlithgow, Philipstoun, Winchburgh and Broxbu

## Landscape Character Unit 17: ALMOND VALLEY



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	High sensitivity
Landscape objective	Protection
Landscape capacity assessment	NO CAPACITY
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: Feeder Canal Path Union Canal Tow Path National Cycle Route 75
Important viewpoints & Sensitive visual compartments	Impact on views from/to: West Cairn Hill – sensitive visual compartment
Other landscape considerations (SLA)	Almond and Linhouse Valleys SLA
CONSTRAINTS & NON-LVIA CONSIDERATIONS	
Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.



Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	None
Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	There are no areas of wild land identified by SNH in West Lothian
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: East Calder Kirkliston Livingston (including Mid Calder, Pumpherston & Uphall Station) Newbridge (CEC)
Other factors	Almondell & Calderwood Country Park Assessment of cumulative impacts Edinburgh Airport flight path  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.



### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	High sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	NO CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A704 A706 junction with A704 A70 east
<i>Important viewpoints &amp; Sensitive visual compartments</i>	None
<i>Other landscape considerations (SLA)</i>	Almond and Linhouse Valleys SLA

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Sites of Special Scientific Interest:</i> Linhouse Valley, Murieston Calder Wood, near Mid Calder
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian



## DATA LABEL: PUBLIC

Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: East Calder Livingston (including Mid Calder, Pumpherston & Uphall Station)
Other factors	Assessment of cumulative impacts Edinburgh Airport flight path  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Unit 19: WEST CALDER BURN & BREICH WATER



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: A704, A706, A705 Fauldhouse Rail Path
Important viewpoints & Sensitive visual compartments	None
Other landscape considerations (SLA)	No SLA Cumulative effects with built and consented WED
CONSTRAINTS & NON-LVIA CONSIDERATIONS	

## DATA LABEL: PUBLIC

Group 1 - Areas where wind farms will not be acceptable: National constraints	No national parks or national scenic areas.
Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European & Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)	Site of Special Scientific Interest: Skolie Burn, Loganlea, Addiewell
Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)	There are no areas of wild land identified by SNH in West Lothian
Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Addiewell & Loganlea Breich Fauldhouse Livingston (including Mid Calder, Pumpherston & Uphall Station) Longridge Polbeth Seafield Stoneyburn & Bents West Calder
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance but none in this landscape character area.

## Landscape Character Type: LOWLAND HILL FRINGES



## Landscape Character Unit 20: LINLITHGOW FRINGE

**LANDSCAPE AND VISUAL IMPACT ASSESSMENT**

<i>Landscape sensitivity assessment</i>	Area of highest sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	NO CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	Linlithgow Loch and Palace Landmark Landscape & Setting of this Landmark Landscape Feature
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: M9 west of Jcn. 2 Union Canal Tow Path
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Cockleroy & its Sensitive visual compartment Avon Aqueduct - its Sensitive visual compartment
<i>Other landscape considerations (SLA)</i>	Airgarth Hill SLA Bathgate Hills SLA

**CONSTRAINTS & NON-LVIA CONSIDERATIONS**

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Sites of Special Scientific Interest:</i> Linlithgow Loch
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian



## DATA LABEL: PUBLIC

Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Bridgend Linlithgow Whitecross (FC) Bo'ness (FC)
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Linlithgow Palace and Peel Union Canal and Towpath, by settlements of Linlithgow, Philipstoun, Winchburgh and Broxburn

## Landscape Character Unit 21: BATHGATE HILLS FRINGE



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Medium sensitivity
Landscape objective	Accommodation
Landscape capacity assessment	LOW
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: B8046/ Ochiltree Road Union Canal Tow Path
Important viewpoints & Sensitive visual compartments	Impact on views from/to: Binny Craig - its Sensitive visual compartment Cockleroy - its Sensitive visual compartment

	Tower at House of the Binns - its Sensitive visual compartments
<i>Other landscape considerations (SLA)</i>	Important for setting of Bathgate Hills SLA
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	None
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	Community separation for consideration of visual impacts applies for: Bridgend Broxburn Dechmont Ecclesmachan Linlithgow Livingston (including Mid Calder, Pumpherston & Uphall Station) Philpstoun Uphall Winchburgh
<i>Other factors</i>	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Union Canal and Towpath, by settlements of Linlithgow, Philpstoun, Winchburgh and Broxburn

## Landscape Character Type: COASTAL MARGINS

### Landscape Character Unit 22: WEST LOTHIAN COASTAL FARMLANDS (Inland)





### LANDSCAPE AND VISUAL IMPACT ASSESSMENT

<i>Landscape sensitivity assessment</i>	Medium sensitivity
<i>Landscape objective</i>	Protection - to support landscape sensitivity and visibility analysis
<i>Landscape capacity assessment</i>	NO CAPACITY
<i>Landmark landscape features &amp; Settings of Landmark Landscape Features</i>	None
<i>Principal sensitive routes (tourist and amenity)</i>	Impact on views from: A904 Newton M9 west of Jcn. 2 Union Canal Tow Path
<i>Important viewpoints &amp; Sensitive visual compartments</i>	Impact on views from/to: Cockleroy - its Sensitive visual compartment Tower at House of the Binns - its Sensitive visual compartments
<i>Other landscape considerations (SLA)</i>	Forth Coast SLA Landscape setting protection of Forth Rail Bridge UNESCO World Heritage Site

### CONSTRAINTS & NON-LVIA CONSIDERATIONS

<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	<i>Sites of Special Scientific Interest:</i> Philpstoun Muir, near Linlithgow
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian

## DATA LABEL: PUBLIC

Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)	Community separation for consideration of visual impacts applies for: Bridgend Broxburn Ecclesmachan Linlithgow Newton & Woodend Philpstoun Winchburgh Queensferry (CEC)
Other factors	Assessment of cumulative impacts  There are a number of nationally important sites which the council believe should be considered as constraints of national importance. In this landscape character area:  Union Canal and Towpath, by settlements of Linlithgow, Philpstoun, Winchburgh and Broxburn

## Landscape Character Unit 23: WEST LOTHIAN COASTAL HILLS



LANDSCAPE AND VISUAL IMPACT ASSESSMENT	
Landscape sensitivity assessment	Area of Highest Sensitivity
Landscape objective	Protection - Wind Energy Development (WED) and any other large scale, uncharacteristic development would be inappropriate
Landscape capacity assessment	NO CAPACITY
Landmark landscape features & Settings of Landmark Landscape Features	None
Principal sensitive routes (tourist and amenity)	Impact on views from: A904 Newton
Important viewpoints & Sensitive visual compartments	Impact on views from/to: Tower at House of the Binns & its Sensitive visual compartments



	A904 Viewpoint & its Sensitive visual compartments
<i>Other landscape considerations (AGLV, cSLA)</i>	Forth Coast AGLV Forth Coast SLA Landscape setting protection of Forth Rail Bridge UNESCO World Heritage Site
<b>CONSTRAINTS &amp; NON-LVIA CONSIDERATIONS</b>	
<i>Group 1 - Areas where wind farms will not be acceptable: National constraints</i>	No national parks or national scenic areas.
<i>Group 2a – Areas of significant protection: National and international designations (World Heritage Sites, European &amp; Ramsar sites, SSSIs, National Nature Reserves, Inventory Gardens and Designed Landscapes, Historic Battlefields)</i>	European: <i>Special Protection Areas:</i> Firth of Forth (part in West Lothian)  <i>Sites of Special Scientific Interest:</i> Firth of Forth  <i>Site identified in Historic Scotland's Inventory of Gardens and Designed Landscapes:</i> Hopetoun House, near the Firth of Forth House of the Binns, north-east of Linlithgow
<i>Group 2b – Areas of significant protection: Other nationally important mapped environmental interests (areas of wild land, carbon rich soils, deep peat and priority peatland)</i>	There are no areas of wild land identified by SNH in West Lothian
<i>Group 2c – Areas of significant protection: Community separation for consideration of visual impact (an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge etc.)</i>	<i>Community separation for consideration of visual impacts applies for:</i> Newton & Woodend Philpstoun Winchburgh Queensferry (CEC)
<i>Other factors</i>	Assessment of cumulative impacts  There are a number of nationally important which the council believe should be considered as constraints of national importance. In this landscape character area:  Hopetoun House - Historic Garden and Designed Landscape, near South Queensferry  <i>World Heritage Site:</i> Forth Rail Bridge (within Edinburgh)

## (SG) Wind Energy Development

Approved by West Lothian Council Executive **DATE TO BE INSERTED**  
Subsequently adopted as Supplementary Guidance (SG) **DATE TO BE INSERTED**

West Lothian Council, Development Planning, Civic Centre, Howden South Road, Livingston, EH54 6FF  
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## Development & Transport Policy Development and Scrutiny Panel

### Workplan 2019/2020

Issue	Purpose	Lead Officer	Date	Referral to Council Exec
PDSP Development & Transportation P6 2019-2020 Finance and Performance	To provide the Panel with an update on the financial performance of the Development and Transportation portfolio.	Keith Johnston	11/02/2020	No
West Lothian Local Development Plan (LDP): Development Plan Scheme No 12	The purpose of this report is to advise the panel of a Development Plan Scheme (DPS No.12) for the West Lothian Local Development Plan (LDP2).	Fiona McBrierty	11/02/2020	Yes
Housing Land Supply	The purpose of this report is to update the panel on housing land matters.	Fiona McBrierty	11/02/2020	No
Planning Guidance: House Extension and Alteration Design Guide	The purpose of this report is to advise the panel of preparation of refreshed planning guidance on house extensions and alterations.	Fiona McBrierty	11/02/2020	Yes
Planning Guidance Non-Employment Uses within Employment Areas	The purpose of this report is to advise the panel of preparation of new planning guidance on non-employment uses within employment areas in support of policy EMP 1 of the West Lothian Local Development Plan (LDP)..	Margaret Stone	11/02/2020	Yes
Supplementary Guidance: Wind Energy	The purpose of this report is to advise the panel of preparation of statutory supplementary guidance (SG) on wind energy in support of the West Lothian Local Development Plan (LDP).	Sarah Collings	11/02/2020	Yes

SESplan Budget Update and Operating Budget 2020/21	The purpose of this report is to advise the panel of SESplan budgetary matters and to ratify the SESplan Joint Committee decision to approve the 2020/21 Operating Budget.	Steve Lovell	11/02/2020	Yes
Minute of Sesplan Joint Committee Minutes (for noting)	Minutes dated 24 June 2019 and 30 September 2019	Fiona McBrierty	11/02/2020	No
D&T Bathgate Town Service Petition	The purpose of this report is to consider petitions submitted by both the Mental Health Advocacy Project and residents of Belvedere and Easton areas regarding the reduction of the evening journeys of the LBS 5 Bathgate Town Service	Nicola Gill	11/02/2020	Yes
Scheme of Delegation	The purpose of this report is to set out proposed changes to the scheme of delegation for planning applications and other consents and the procedure for processing applications under delegated powers. It is also proposed to make changes to the way in which applications are advertised.	Ross Burton	31/03/2020	Yes
Public Realm Design Guides	To update the panel on progress/implementation of actions	Chris Alcorn	31/03/2020	Yes
Developer Contributions for Town Centre Improvements in Fauldhouse and Whitburn	To advise the panel on the receipt of contributions from the developer at Heartlands and to consider the disbursement of those funds.	Craig McCorriston	TBC	Yes
City Region Deal Annual Report	To advise the panel on the publication of the first City Region Deal Annual Report and to consider the terms of that annual report.	Craig McCorriston	TBC	Yes

Supplementary Guidance: Green Network	The purpose of this report is to advise the panel of preparation of statutory supplementary guidance (SG) on the green network in support of the West Lothian Local Development Plan (LDP).	Chris Alcorn	TBC	Yes
Planning Guidance: Woodland, Trees and High Hedges	The purpose of this report is to advise the panel of preparation of planning guidance (PG) relating to woodland, trees and high hedges.	Sarah Collings	TBC	Yes
Planning Guidance: Renewable Energy	The purpose of this report is to advise the panel of preparation of planning guidance (PG) on renewable energy in support of the West Lothian Local Development Plan (LDP).	Peter Rogers	TBC	Yes
West Lothian Local Development Plan Action Programme	The purpose of this report is to advise the panel of the annual review of the West Lothian Local Development Plan (LDP) Action Programme.	Fiona McBrierty	TBC	Yes
Progress Update on Employability Initiatives	The purpose of the report is to provide an update on the progress of employability work undertaken by Access2employment to support West Lothian residents into employment, training or education.	Clare Stewart	TBC	No
Supplementary Guidance: Healthcare & Community Facilities in New Housing Development	The purpose of this report is to advise the panel of preparation of supplementary guidance (SG) on healthcare and community facilities in new housing development in support of the West Lothian Local Development Plan (LDP).	Margaret Stone	TBC	Yes
Amendments to the Scheme of Delegation and other Planning Matters.	To advise the panel of proposed changes to the Scheme of Delegation and other Planning Matters.	Tony Irving	TBC	Yes
SEStran Minutes	To advise the panel on matters considered by SEStran committee.	Graeme Malcolm	Various Dates	No
SESPlan Minutes	To advise the panel on matters considered by SESplan Joint Committee.	Fiona McBrierty	Various Dates	No
Performance Report	To update the panel on the performance of the services which report to the panel	Craig MCCorrison	Quarterly	No



<b>D&amp;T PDSP Reports</b>	<b>Quarter 2</b> July - September	<b>Quarter 3</b> October – December	<b>Quarter 4</b> January – March	<b>Quarter 1</b> April – June
<b>PDSP scorecard report</b>	<ul style="list-style-type: none"> <li>• Performance scorecard report (Q1)</li> </ul>	<ul style="list-style-type: none"> <li>• Performance scorecard report (Q2)</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Performance scorecard report (Q3)</li> </ul>	<ul style="list-style-type: none"> <li>• Performance scorecard report (full year - Q1-4)</li> </ul>
<b>Corporate performance report</b>				<ul style="list-style-type: none"> <li>• Performance scorecard report (full year)</li> </ul>
<b>Management Plan</b>				<ul style="list-style-type: none"> <li>• PEDR Management Plan 2019/20</li> <li>• Operational Services Management Plan 2019/20</li> </ul>
<b>Service performance report</b>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>	<i>As required / requested by PDSP</i>