



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 June 2020

A meeting of the **Council Executive** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Tuesday 23 June 2020** at **11:00am** or at the conclusion of Education Executive whichever is the later.

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, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Minutes
 - (a) Confirm Draft Minute of Meeting of Council Executive held on Tuesday 25 February 2020 (herewith)
 - (b) Confirm Draft Minute of Meeting of Council Executive held on Tuesday 26 May 2020 (herewith).

Public Items for Decision

5. Coronavirus (Scotland) (No2) Act 2020 - Powers to Intervene in Care Provisions - Report by Head of Social Policy/Chief Social Worker (herewith).
6. Active Travel Related Grant Funding 2020/21 - Report by Head of Operational Services (herewith).
7. Regional Transport Transition Plans - Report by Head of Operational Services (herewith).
8. COVID 19 Impacts - Local Bus Contracts and Total Transport Review - Report by Head of Operational Services (herewith).
9. Food Service Plan 2020/2021 - Report by Head of Planning, Economic Development and Regeneration (herewith).
10. Health and Safety Service Plan 2020/2021 - Report by Head of Planning, Economic Development and Regeneration (herewith).
11. West Lothian Council Community Asset Transfer Annual Report 2019/20 - Report by Head of Finance and Property Services (herewith).
12. Proposed Disposal of the Former West Calder Workspace Society Place, West Calder - Report by Head of Finance and Property Services (herewith).
13. Property Disposals: Standhill North, West Main Street Armadale - Proposed Drainage Service and Starlaw Road, Bathgate - Proposed Sale of Land
14. Winchburgh Core Development Area - School Estate Investment Update - Report by Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) (herewith).
15. 22 South Bridge Street, Bathgate - Proposed Temporary Licence Agreement - St Margaret of Scotland Hospice - Report by Head of Finance and Property Services (herewith).
16. Procurement Approval Report - Report by Head of Corporate Services (herewith).
17. Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing - Evidence on Police Complaints - Report by Head of Housing Customer and Building Services (herewith).
18. West Lothian Rapid Rehousing Transition Plan (RRTP) 2020/21 Update - Report by Head of Housing, Customer and Building Services (herewith).
19. Participation Request Annual Report 2019/20 - Report by Head of Planning, Economic Development and Regeneration (herewith).

20. Consultation on the Centralised Animal Feed Controls Delivery Model - Report by Head of Planning, Economic Development and Regeneration (herewith).
21. Supplementary Guidance: Developer Obligations for General Infrastructure for Site Delivery (Excluding Transport and Education Infrastructure, Cemetery and Public Art Provision) - Report by Head of Planning, Economic Development and Regeneration (herewith).
22. Supplementary Guidance: Developer Contributions Towards Transport Infrastructure - Report by Head of Planning, Economic Development and Regeneration (herewith).
23. COVID-19: Post-Recess Calendar of Meetings - Report by Governance Manager (herewith).
24. Housing Capital Outturn and Updated 2020/21 to 2022/23 Budget - Report by Depute Chief Executive (herewith).
25. 2019/20 Housing Revenue Account - Outturn Report - Report by Depute Chief Executive (herewith).
26. General Services Capital Investment Strategy 2020/21 to 2027/28 Update - Report by Head of Finance and Property Services (herewith).
27. Draft 2019/20 General Fund Revenue Outturn - Report by Head of Finance and Property Services (herewith).
28. Re-Opening of Schools and Early Learning and Childcare - Report by Depute Chief Executive (herewith).

Public Items for Information

29. Disabled Persons' Parking Places (Scotland) Act 2009 Annual Report for Period 1 April 2019 to 31 March 2020 - Report by Head of Operational Services (herewith).
30. Note Action Taken in Terms of Standing Order 31 (Urgent Business)
 - (a) Key Worker Hubs, Free School Meals and Food Fund - Future Provision - Report by Depute Chief Executive (herewith).
 - (b) Close Down and Reopening of Recycle Centres Due to Covid Lockdown - Report by Head of Operational Services (herewith).

NOTE **For further information please contact Val Johnston or Eileen Rollo at committeeservices@westlothian.gov.uk**

DATA LABEL: Public

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 FEBRUARY 2020.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, George Paul, Damian Timson, Diane Calder (substituting for Peter Johnston), Angela Doran (substituting for Cathy Muldoon), Andrew McGuire (substituting for Harry Cartmill)

Apologies – Councillor Harry Cartmill, Peter Johnston, Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 25 – New Cedarbank School – Project Update – Councillor Peter Heggie declared an interest in this item of business in that he had a child who attended James Young High School.

2. ORDER OF BUSINESS

Following advice that Agenda Item 18 – Planning Guidance: The Vennel, Linlithgow had still a further process to go through before consideration at Council Executive and it was agreed that this item of business would be withdrawn at this time.

The Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 28 (Directions from West Lothian Integration Joint Board), 29 (St John's Stakeholder Group) and 30 (Community Planning Partnership Board) were to be taken as read and their recommendations noted without further consideration.

With regard to agenda item 27 (Town Centre Fund Capital Grant 2019/20) the Chair asked for this to be discussed as there was an update from the Scottish Government that would have an impact on the projects.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 4 February 2020 as a correct record. The Minute was thereafter signed by the Chair.

4. ENDO WARRIORS WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing details of support to Endo Warriors West Lothian and the national Endometriosis Awareness Week in March 2020, and seeking approval for Endo Warriors to discuss the council's support at a meeting in the Scottish Parliament on 3 March 2020.

The report recommended that the Council Executive:

1. Note that officers were instructed to investigate how the local group could be supported following a motion at full Council on 19 November 2019;
2. Note that officers had arranged support as detailed in Section D.2 of the report;
3. Note that Endometriosis Awareness Week was in March and that as part of the "Light Up Yellow" campaign the lanterns in the roof of the Civic Centre would be turned yellow from 6-8 March 2020; and
4. Give approval for West Lothian Council's support to be discussed by Endo Warriors West Lothian at a meeting to be held in the Scottish Parliament on 3 March 2020.

Decision

To approve the terms of the report.

5. PROCUREMENT ARRANGEMENTS - PROVISION OF SKIP HIRE AND WASTE RECYCLING SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the procurement of a three-year contract with an option to extend up to a further 24 months in total, for the provision of skip hire and recycling services employing the methodology and criteria detailed in Section D of the report.

The report recommended that the Council Executive approves:

1. The commencement of a tendering procedure for the procurement of a three-year contract with an option to extend up to a further 24 months for the provision of skip hire and recycling services; and
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

6. PROCUREMENT ARRANGEMENTS - SUPPLY OF FIRE, COMPOSITE DOORS & ACCESSORIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the procurement of a three-year contract with an anticipated start date of 1 May 2020 with an option to extend for up to a further 24 months, for the supply of fire, composite and

communal doors, employing the methodology and criteria detailed in Section D of the report.

The report recommended that the Council Executive approve:

1. The commencement of tendering procedures for the procurement of a three-year contract for the supply of fire and composite doors and associated products with an option to extend for up to a further 24 months; and
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

7. MEMBERS' TRAINING - THE EFFECTIVE AUDIT & RISK COMMITTEE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the attendance of the Chairs of Audit Committee and Governance & Risk Committee at an external training event on "The Effective Audit & Risk Committee".

The report recommended that the Council Executive authorise attendance by the Chairs of Audit Committee and Governance and Risk Committee at an external training event on "The Effective Audit & Risk Committee" on 17 March 2020 or 30 June 2020 at a cost of £295 each.

Decision

To approve the terms of the report for Councillor Horne (Chair Audit Committee and Councillor Timson (Chair Governance and Risk Committee) to attend external training on "The Effective Audit & Risk Committee"

8. SCOTTISH GOVERNMENT CONSULTATION ON HOUSING TO 2040

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval of the council's proposed response to the Scottish Government's consultation on their draft housing vision and consultation paper "Housing to 2040 Consultation on outline policy options". The closing date for responses to the consultation was 28 February 2020.

The report recommended that the Council Executive approve the council's response as set out in Appendix 2 of the report and its submission to the Scottish Government by 28 February 2020.

Decision

To approve the terms of the report.

9. CIH SCOTLAND'S HOUSING FESTIVAL 2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the attendance of the appropriate elected member to attend the CIH (Chartered Institute of Housing) Scotland's Housing Festival 2020 on the 3rd and 4th March at the Edinburgh International Conference Centre.

The report recommended that the Council Executive approve the attendance of the Executive Councillor for Services for the Community at the CIH Scotland's Housing Festival on 3rd and 4th March in Edinburgh.

Decision

To approve the attendance of Councillor George Paul at the CIH Scotland's Housing Festival on 3rd and 4th March 2020 in Edinburgh.

10. LOCAL FIRE AND RESCUE PLAN REVIEW 2020.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing the proposed response to the Scottish Fire and Rescue Service Questionnaire relating to the Local Fire and Rescue Plan Review.

The report recommended that Council Executive approve the response to the Scottish Fire and Rescue Service Questionnaire and its submission by the deadline of 18 March 2020.

Decision

To approve the terms of the report.

11. U27, LOGANLEA TO ADDIEWELL ROAD OVER SKOLIE BURN BRIDGE - REVOCATION OF 17 TONNE WEIGHT RESTRICTION ORDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the revocation of the existing 17 tonne weight restriction at Skolie Burn Bridge, Addiewell. The proposal was being put forward following works to replace the bridge with a new bridge which would not be subject to a weight limit.

The report recommended that the Council Executive approves the revocation of the existing order titled: "The West Lothian Council (U27, Loganlea to Addiewell road over Skolie Burn Bridge (17 Tonne Weight Restriction) Order 1997" which came into operation on 9 May 1997.

Decision

To approve the terms of the report.

12. SCOTLAND'S LOW EMISSION ZONES - CONSULTATION ON REGULATIONS AND GUIDANCE, WEST LoTHIAN COUNCIL'S RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the Scottish Government's Consultation on Regulations and Guidance for Scotland's Low Emission Zones (LEZs) and to recommend a formal response.

The report recommended that the Council Executive notes the contents of the report and agrees Appendix 1 to the report as the council's response to the Scottish Government's consultation.

Decision

To approve the terms of the report.

13. REVIEW OF WEST LoTHIAN CITIZEN PANEL

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval on the proposal to review and refresh the Citizens Panel and carry out a Quality of Life Survey in summer 2020.

The report recommended that Council Executive approve the proposal to review the Citizens Panel and carry out a Quality of Life Survey in summer 2020.

Decision

To approve the terms of the report.

14. SESPLAN BUDGET UPDATE 2019/20 AND RATIFICATION OF OPERATIONAL BUDGET 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the SESplan Operating Budget for 2019/20 and to advise of the need to ratify the SESplan Operating Budget for 2020/21 following its approval by the SESplan Joint Committee on 25 November 2019.

The report recommended that Council Executive:

1. Note the decision by 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. Approve a rebate of £5,000 per each of the six constituent Councils within the current 2019/20 financial year;
3. Ratify the updated Operating Budget for the financial year 2020/21 as agreed by SESplan Joint Committee on 25 November 2019;
4. Note that member authority contributions for financial year 2020/21 were nil; and
5. Note that Operating Budget for 2021/22 would be brought to a meeting of the SESplan Joint Committee in late 2020.

Decision

To approve the terms of the report.

15. CROSS-PARTY CLIMATE EMERGENCY WORKING GROUP

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the work of the Cross-Party Climate Emergency Working Group and to agree a timescale for reporting the findings of the group.

The report recommended that Council Executive:

1. Note the progress of the cross-party working group; and
2. Agree that the findings of the group be reported to Council at its meeting on 17 March 2020.

Decision

To approve the terms of the report.

16. PRODUCT SAFETY INCIDENT MANAGEMENT PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of the proposed Product Safety Incident Management Plan that had been developed in line with guidance from the Office of Product Safety and Standards.

The report recommended that the Council Executive:

1. Note the content of the report and the Product Safety Incident Management Plan; and
2. Approve the Product Safety Incident Management Plan.

Decision

To approve the terms of the report.

17. PLANNING GUIDANCE: THE VENNEL, LINLITHGOW

This item of business was withdrawn.

18. WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME NO. 12

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the proposed Development Plan Scheme (DPS No. 12) for the West Lothian Local Development Plan (LDP2).

The report recommended that the Council Executive:

1. Approve the content of the Development Plan Scheme No. 12 contained in appendix 1 to the report;
2. Note the requirement to submit the Development Plan Scheme to Scottish Government by 31 March 2020; and
3. Note that revisions to the Development Plan Scheme may be required to reflect emerging legislative requirements

Decision

To approve the terms of the report.

19. PROPOSED RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON PLANNING PERFORMANCE AND FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development advising of a Scottish Government consultation on a proposed revised fee structure for planning applications and related process and to seek approval for the proposed response to the consultation as set out as Appendix 2 to the report.

The report recommended that the Council Executive:

1. Note the Scottish Government's proposals on measuring the performance of the planning system and planning authorities;
2. Note the proposed changes to the fee structure for planning and other applications;
3. Note the proposal by the Scottish Government to employ a

planning improvement co-ordinator;

4. Note the proposed introduction of additional services which could be charged for;
5. Note the suggestion concerning the ability to waive or reduce planning fees in certain circumstances; and
6. Approve the proposed response to the consultation as set out as Appendix 2.

Decision

To approve the terms of the report.

20. PLANNING GUIDANCE - PLANNING FOR NATURE: DEVELOPMENT MANAGEMENT & WILDLIFE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of a consultation on draft Planning Guidance (PG) on Planning for Nature: Development Management and Wildlife and seeking approval of the guidance.

The report recommended that the Council Executive:

1. Note the comments received on the draft guidance following consultation;
2. Approve the responses to the comments received during consultation on the draft Planning Guidance (Appendix 1 to the report) and which was cross referenced with Appendix 3, a track change version of the guidance identifying where revisions proposed by consultees had been made;
3. Approve the content of the Planning Guidance “Planning for Nature: Development Management and Wildlife” (Appendix 2); and
4. Delegate 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.

Decision

To approve the terms of the report.

21. SALE OF 964M² AT GREENDYKES ROAD, BROXBURN TO ALDI STORES LIMITED

The Council Executive considered a report (copies of which had been

circulated) by the Head of Finance and Property Services seeking approval for the sale of 964M² of land at Greendykes Road, Broxburn to Aldi Stores Limited.

The report recommended that the Council Executive:

1. Approve the sale of 964M² of land at Greendykes Road, Broxburn to Aldi Stores Limited for the sum of £96,400, subject to the terms set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report.

22. ACQUISITION OF 0.14 HECTARES AT MAIN STREET, BLACKRIDGE FROM DALMARNOCK LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the acquisition of 0.14 hectares at Main Street, Blackridge from Dalmarnock Limited £85,000

The report recommended that the Council Executive:

1. Approve the acquisition of 0.14 hectares at Main Street, Blackridge from Dalmarnock Limited for £85,000; and
2. Authorise the Head of Finance and Property Services to agree to any changes required to the current terms in order to conclude the transaction, on the basis that any revised terms and conditions still represented best value for the council.

Decision

To approve the terms of the report.

23. PINEWOOD SCHOOL - PROJECT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) and the Head of Finance and Property Services, providing an update on progress on the proposals for Pinewood School, Blackburn and seeking approval for proposed amendments which took account of the latest circumstances.

The report recommended that the Council Executive:

1. Note the findings of consultations, technical investigations and development cost appraisals;
2. Approve the proposed amended project scope and outline design of the revised development proposed;
3. Note that, if approved, the proposed increase in investment to include within the updated Capital Programme 2020/21 to 2027/28 report that would be presented to Council for consideration;
4. Note that, if approved, applications to obtain the necessary statutory consents would be progressed;
5. Note that, if approved, the project would progress on the basis of the timescales outlined within the report; and
6. Delegate authority to the Head of Finance and Property Services to progress the project to financial close and to enter into the necessary development agreements to commence construction.

Decision

To approve the terms of the report.

24. NEW CEDARBANK SCHOOL - PROJECT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) and the Head of Finance and Property Services providing an update on progress on the delivery of new Cedarbank School and changes proposed, including those as a consequence of the statutory education consultation.

The report recommended that the Council Executive:

1. Note the findings of the statutory education consultation on the proposed relocation of Cedarbank School to land adjacent to the existing James Young High School;
2. Note the impact of the statutory education consultation approved by Education Executive and changes to the project parameters as a consequence of the consultation and site constraints identified following technical appraisals;
3. Approve the proposed amended project scope and outline design of the revised development;
4. Note that, if approved, the proposed increase in investment was included within the updated Capital Programme 2020/21 to 2027/28 report that would be presented to Council for consideration;

5. Note that, if approved, applications to obtain the necessary statutory consents would be progressed;
6. Note that, if approved, the project would progress on the basis of the timescales outlined within the report; and
7. Delegate authority to the Head of Finance and Property Services to progress the project to financial close and to enter into the necessary development agreements to commence construction.

Decision

1. To approve the terms of the report.
2. A report providing details of feedback on the project to be submitted to a meeting of the Education PDSP as required.

25. SCOTTISH DRAFT BUDGET 2020 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 6 February 2020, and the local government finance settlement for 2020/21, as published in Finance Circular 1/2020 dated 6 February 2020.

The report recommended that the Council Executive:

1. Note the issue of the Scottish Draft Budget 2020/21, which included Scottish Government departmental spending plans for 2020/21;
2. Note the outcomes of the local government finance settlement in respect of revenue and capital funding for 2020/21;
3. Note that the revenue grant funding for West Lothian contained in the settlement, including assumed recurring items yet to be distributed, of £342.272 million reflects an increase of £6.404 million compared to 2019/20 recurring funding, however it included £9.9 million of revenue funding directly relating to new Scottish Government spending commitments, meaning that the council had a reduction in core revenue funding of £3.519 million in 2020/21;
4. Note the general capital grant of £15.143 million was almost £4 million less than budgeted, with £299,000 for Cycling, Walking and Safer Streets and £3.3 million in capital funding for early learning and childcare in 2020/21;
5. Note that the revenue grant funding package set out by the Scottish Government would not provide the funding required to meet unavoidable cost pressures such as pay awards,

demographics and indexation and that, as a result, significant budget savings would be required in 2020/21;

6. Note the reductions in core revenue funding to the council since 2014/15 and the significant savings that had been required since 2007/8;
7. Agree that the Head of Finance and Property Services updates the 2020/21 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updated the capital programme taking account of the finance latest funding position and circumstances; and
8. Agree that the Head of Finance and Property Services should keep the position regarding Scottish Government funding under review and report to elected members of any developments.

Decision

To approve the terms of the report.

26. TOWN CENTRE FUND - CAPITAL GRANT 2019/20

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration, providing an update on the progress with the delivery of the projects supported through the £1.826 million Town Centre Fund Capital Grant for 2019/20.

It was advised that since the report was published the Scottish Government had agreed to extend the deadline for works to commence and contracts to be signed until March 2021, with a further 6 months for projects to be completed.

Recommendation 3 advised that a further update would be provided to Council Executive in March 2020, however given that the Scottish Government had agreed an extension of time it was suggested that a report could be brought back in September 2020.

The report recommended that the Council Executive:

1. Note that 109 projects were agreed;
2. Note that whilst delivery of some projects would be tight it was expected that all would be delivered or contractually committed by the 31 March 2020; and
3. Note that a further update would be provided to Council Executive in March 2020.

Decision

1. To note the contents of the report and the Scottish Government

extension to the deadline to deliver or be contractually committed to the projects until March 2021.

2. To agree that a further update be brought to Council Executive in September 2020.

27. DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Health & Social Care Partnership) advising of the West Lothian Integration Joint Board (IJB) had agreed joint commission plans for 2019/23 for older people, mental health, learning disability and physical disability services; and had issued new Directions to the council which superseded several Directions issued on 10 May 2019.

The report recommended that the Council Executive:

1. Note that the West Lothian IJB had agreed joint commission Plans for 2019/23 for older people, mental health, learning disability and physical services;
2. Note the four new Directions issued to the council by the IJB;
3. Note that the Directions superseded Directions previously received;
4. Note the council's legal duty to comply with the Directions; and
5. Note the reporting arrangements to ensure compliance with the Directions.

Decision

To note the contents of the report.

28. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the business and activities of St John's Hospital Stakeholder Group.

The report recommended that the Council Executive note the minutes of the meetings of St John's Hospital Stakeholder Group held on 24 April 2019, 28 August 2019, and 23 October 2019.

Decision

To note the contents of the report.

29. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update of the West Lothian Community Planning Partnership Board meetings held on 3 September 2018, 26 November 2018, 25 March 2019, 27 May 2019 and 2 September 2019.

The report recommended that the Council Executive note the minutes of the West Lothian Community Planning Partnership meetings held on 3 September 2018, 26 November 2018, 25 March 2019, 27 May 2019 and 2 September 2019.

Decision

To note the contents of the report.

30. PRIVATE SESSION

The Council Executive resolved under Section 50(A) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 13 of Schedule 1A of the Act.

31. CLOSING ORDER FOR A HOUSE, WEST CALDER

Advice was requested about members' participation in this item of business when they may later at a different committee have to deal with the landlord registration issue mentioned in the report. The Governance Manager advised that in making their own personal decisions about taking part they should bear in mind that this report is about premises and not a person, that there are two separate statutory tests involved, that there are two separate legal decisions to be made, and that the decision today is not about whether the landlord is a fit and proper person to be a registered landlord.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to make a Closing Order on property used as a house in West Calder, to prohibit the use of the house for human habitation until it met the "Tolerable Standard". The report outlined the reasons why such action was necessary.

The recommended that the Council Executive:

1. Note the reasons why a Closing Order was necessary;
2. Approve the making of a Closing Order for the house in West Calder as a statutory notice requiring the property to be brought up to the tolerable standard had not been complied with; and

3. Note the service recommendation that the Landlord's "Fit and Proper Person" status under the terms of the statutory Landlord Registration scheme be reviewed.

Decision

To approve the terms of the report.

MINUTE of MEETING of the COUNCIL EXECUTIVE held within WEBEX VIRTUAL MEETING ROOM, on 26 MAY 2020.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, Cathy Muldoon, George Paul, Damian Timson, Pauline Clark (substituting for Janet Campbell)

Apologies – Councillor Janet Campbell

1 DECLARATIONS OF INTEREST

Agenda Item 13(f) – West Lothian Leisure 2020/21 Funding Agreement – Councillor Tom Conn declared an interest in this item of business in that he was a West Lothian Leisure Board member.

Agenda Item 13(f) – West Lothian Leisure 2020/21 Funding Agreement – Councillor Chris Horne declared an interest in this item of business in that he was a West Lothian Leisure Board member.

Agenda Item 13 (m) – Covid 19 Food Fund – Councillor Kirsteen Sullivan declared an interest in that she was a volunteer with the Food Fund scheme.

2. ORDER OF BUSINESS AND CONSIDERATION OF REPORTS FOR INFORMATION.

The Chair welcomed Dr Alison McCallum, Director of Public Health, NHS Lothian to the meeting.

The Council Executive agreed in accordance with Standing Order 8(3) that agenda items 12, 13(a), 13(b), 13(c), 13(e), 13(g), 13(h), 13(i), 13(j), 13(k), 13(l), 13(m), 13(n), 13(p), 13(q), 13(r), 13(s) were to be taken as read and their recommendations approved without further consideration.

The Council Executive agreed that information agenda items 13(d), Riverlife: Almond & Avon – Almond Barrier Project, 13(f), West Lothian Leisure 2020/21 Funding Agreement, and 13(o), West Lothian Leisure, Implications of Covid-19 would be considered.

3. COVID-19: USE OF EMERGENCY DECISION-MAKING POWERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive on the use of emergency and other delegated powers in tackling the impact of the coronavirus emergency.

The report recommended that the Council Executive:

1. Note the use made of delegated powers in tackling the coronavirus

emergency; and

2. Note that a debrief exercise would be carried out when possible and to agree that the outcome of that should be reported to Partnership and Resources Policy Development and Scrutiny Panel for consideration.

Motion

To approve the recommendations of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

To note that a debrief exercise will be carried out when possible and to agree that the outcome of that should be reported to Full Council for consideration.

- Moved by Councillor Frank Anderson and seconded by Councillor Pauline Clark.

A roll call vote was taken. The result was as follows:-

Motion

Harry Cartmill

Tom Conn

David Dodds

Lawrence Fitzpatrick

Cathy Muldoon

George Paul

Kirsteen Sullivan

Amendment

Frank Anderson

Pauline Clark

Peter Heggie

Chris Horne

Charles Kennedy

Damian Timson

Decision

Following a vote the motion was successful by 7 votes to 6 and it was agreed accordingly.

4. COVID 19 - UPDATE ON FINANCIAL IMPACT ON THE COUNCIL

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial impact of Covid-19, including an initial estimate of the net additional costs on the council's 2020/21 General Fund Revenue

Budget and General Services Capital Programme. It also provided an update on the additional support the council was delivering to communities and businesses across West Lothian to help alleviate the impact of the pandemic.

The report recommended that the Council Executive:-

1. Note that the council had invested considerable expenditure to deliver additional urgent support to communities and businesses across West Lothian;
2. Note that the anticipated additional net cost in 2020/21 as a result of the implications of Covid-19 was £13.472 million for the general fund revenue budget, with an underlying increase in costs of £5.125 million for the general services capital programme.
3. Notes that COSLA leaders agreed on 15 May 2020 that additional government funding of £155 million should be distributed to individual councils using the normal government distribution formula and that funding of £1.629 million was being provided via the health budget for West Lothian to assist with the health and social care response;
4. Notes that even after the anticipated additional funding was accounted for, there was an estimated revenue pressure of approximately £6.9 million in 2020/21;
5. Agrees that officers should continue to monitor the financial impact of Covid-19, including identification of potential options to manage the financial pressures outlined in the report, which would include use of balances to mitigate pressure;
6. Agrees that further updates should be provided to Council Executive around the financial impact of Covid-19 on the council, the first of which would be the month three budget monitoring exercise to be reported to Council Executive after the summer recess.
7. Agrees that officers should continue to engage with Scottish Government and COSLA around further government funding for the council to fund the significant additional costs being incurred by the council.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

The Conservative Group notes the hard work and dedication of the Officers of West Lothian Council in delivering an effective COVID19 response, whilst the Council budgets are under already significant

financial strain. While the shared £155m funding is welcome, it is clear however that there is still a large gap in finances to be bridged.

The Conservative Group further notes the work of officers in engaging with Scottish Government and COSLA in relation to any further government funding that could be made available, and we wish the officers every success in this.

While the COSLA Leaders Group has recently placed their focus in asking the UK Government for further local authority funding, it is noted that funding to Scottish local authorities comes from the Scottish Government; and that that is where any additional funding may emanate from. To that end, the Conservative Group are concerned that COSLA are focusing their efforts in the wrong place. Instead of seeking to persuade the Chancellor of the Exchequer, who has no power over Scottish Government decisions, it should instead be the Cabinet Secretary for Finance of the Scottish Government and the First Minister who are lobbied.

The Conservative Group therefore wishes to amend this paper to add two additional recommendations that:

8. Agrees that the Scottish Government has consistently underfunded local authorities during this administration, and instructs the Chief Executive to write to the Cabinet Secretary for Finance and the First Minister stating the full amount of extra funding needed to achieve a balanced budget without further cost cutting and the Council position that this should be fully covered by the Scottish Government.

9. Agrees that any further services the Scottish Government instructs local authorities to take on should be fully funded, and that the Chief Executive writes to the First Minister to seek assurance of this.

- Moved by Councillor Chris Horne and seconded by Councillor Damian Timson

A roll call vote was taken. The result was as follows :-

<u>Motion</u>	<u>Amendment</u>
Frank Anderson	Peter Heggie
Harry Cartmill	Chris Horne
Pauline Clark	Charles Kennedy
Tom Conn	Damian Timson
David Dodds	
Lawrence Fitzpatrick	
Cathy Muldoon	

George Paul

Kirsteen Sullivan

Decision

Following a vote the motion was successful by 9 votes to 4 and it was agreed accordingly.

5 COVID-19: MEETING ARRANGEMENTS TILL 31 JULY 2020

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager providing details of a timetable of meetings till 31 July 2020 for bodies in the Scheme of Administration.

The report recommended that the Council Executive:-

1. Agree the meeting arrangement till 31 July 2020, as set out in section D.3 of the report with meetings to take place by remote access.
2. Agree that a timetable of meetings for the period 1 August 2020 till 31 July 2021 should be brought to the next available meeting of Council Executive.

Decision

To approve the terms of the report.

6. TENANTED NON-RESIDENTIAL PROPERTY PORTFOLIO - SUPPORT FOR BUSINESS TENANTS IMPACTED BY THE COVID 19 PANDEMIC

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to defer rent for eligible business tenants of the council's Tenanted Non-Residential Property (TNRP) portfolio, who apply and could demonstrate hardship, in order to aid business recovery and mitigate against the negative financial impact of the Covid-19 pandemic.

The report recommended that the Council Executive:-

1. Approve the proposals set out in the report to provide the deferment of rents charged by the council to eligible TNRP business tenants who apply and could demonstrate hardship as a consequence of the Covid-19 lockdown and the associated restrictions;
2. Agree that the deferment will be considered on a case by case basis, subject to the criteria outlined in the report;
3. Notes that proposals set out in the report were compatible with

Scottish Government and COSLA advice;

4. Agrees that, should funding support for commercial property landlords or tenants be forthcoming from the Scottish and / or UK Government, officers would assess on a case by case basis if this shall replace or in part replace the proposed support outlined in the report;
5. Delegates authority to the Head of Finance and Property Services to determine applications as set out in this report; and
6. Agrees that the proposals set out in the report should be kept under review and that Council Executive be provided with an update later in 2020/21 following implementation of any approved measures.

Decision

To approve the terms of the report.

7. POLICE SCOTLAND LOCAL POLICE PLAN 2020-2023

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing the Draft Local Police Plan for the period 2020-2023 for West Lothian.

The report recommended that the Council Executive:-

1. Note the request from Council to include the amendments to the Plan in respect of the following priorities – Protecting the most vulnerable people; Reducing violence & anti-social behaviour; and Tackling serious and organised crime;
2. Approve the Local Police Plan 2020-2023 subject to the inclusions as outlined in recommendation 1; and
3. Inform Police Scotland of the council's recommendation.

Decision

To approve the terms of the report.

8. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO SVL SOLUTIONS LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approve to directly award a contract for the continued provision of support and maintenance of the Customer Services Centres voice recording system, to SVL Solutions Ltd, for a period of 6 months with the option to extend on a

monthly basis for a maximum period of 6 months.

The report recommended that the Council Executive approve the direct award of a contract for the continued provision of support and maintenance of the Customer Service Centres voice recording system, to SVL Solutions Ltd, for a period of 6 months with the option to extend on a monthly basis for a maximum period of 6 months. The total value of the contract over the initial 6 month period will not exceed £4,481, with the option to extend on a monthly basis at a cost of £749.00 per month for a maximum of 6 months.

Decision

To approve the terms of the report.

9. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO THE WILDLIFE INFORMATION CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to make a direct award to the Wildlife Information Centre for the assessment of planning applications and to undertake a local biodiversity site assessment process for development planning.

The report recommended that the Council Executive approves a direct award of technical consultancy work to the Wildlife Information Centre for the provision of advice on protected species issues in relation to submitted planning applications and progressing of the local biodiversity sites process for a period from 1 June 2020 – 31 May 2023. The anticipated contract value is £31,130.

Decision

To approve the terms of the report.

10. INTEGRATION JOINT BOARD - APPOINTMENT OF MEMBERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising that as a result of the expiry of their statutory term of appointment, to appoint three members to the West Lothian Integration Joint Board.

The report recommended that the Council Executive:

1. Note that the statutory three-year appointment period to the Integration Joint Board for Councillors Cartmill, Paul and Timson would end on 7 June 2020.
2. Re-appoint those members or to appoint other members to the Board in their place.

3. As a result of the expiry of the appointment of the councillor designated to be Chair or Vice-Chair, to designate of the resulting four appointed members to take those roles as determined by the Integration Scheme.
4. To note that the appointment period of those members would expire at the next local government elections in May 2022.

Motion

To approve the terms of the report and appoint Councillors, Cartmill, Paul and Timson to the IJB and to designate Councillor Cartmill as Chair/Vice Chair as appropriate.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

To appoint Councillor Cartmill one SNP member yet to be named and Councillor Timson and to designate Councillor Cartmill as Chair/Vice Chair as appropriate.

- Moved by Councillor Frank Anderson and seconded by Councillor Pauline Clark.

A roll call vote was taken. The result was as follows :-

Motion

Amendment

Harry Cartmill

Frank Anderson

Tom Conn

Pauline Clark

David Dodds

Lawrence Fitzpatrick

Peter Heggie

Chris Horne

Charles Kennedy

Cathy Muldoon

George Paul

Kirsteen Sullivan

Damian Timson

Decision

Following a vote the motion was successful by 11 votes to 2 and it was agreed accordingly.

11. RIVERLIFE: ALMOND & AVON - ALMOND BARRIERS PROJECT - MID CALDER WEIR

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on progress, to outline the issues that had arisen in development of the project to adapt Mid Calder Weir and afford Council Executive an opportunity to review its previous decision in favour of a partial rock ramp.

The Council Executive was asked to note the action that had been taken in terms of Standing Order 31 (Urgent Business) with regard to this report.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business).

12. WEST LOTHIAN LEISURE 2020/21 FUNDING AGREEMENT

The Council Executive considered a report (copies of which had been circulated), by the Head of Finance and Property Services seeking approval for the 2020/21 Annual Funding Agreement between the council and West Lothian Leisure (WLL) and approval of the provisional funding amounts for the financial years 2021/22 and 2022/23.

The Council Executive was asked to note the action that had been taken in terms of Standing Order 31 (Urgent Business) with regards to this report.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business).

13. COVID-19: WEST LOTHIAN LEISURE - IMPLICATIONS OF COVID 19

It was advised that this item of business was no longer required to be considered and therefore the action taken in terms of Standing Order 31 (Urgent Business) was noted.

14. PUBLICATION OF ELECTED MEMBERS REMUNERATION, EXPENSES AND ALLOWANCE INFORMATION

The Committee considered a report (copies of which had been circulated) by the Head of Corporate Services) providing details of the levels of Elected Members Remuneration, Allowances and Expenses paid from 1 April 2019 to 31 March 2020, and to provide details of training undertaken during this period.

The report recommended that the Council Executive note the terms of the report and to display the attached schedules as per the appendices on the council's website.

Decision

To note the terms of the report.

15. FOR INFORMATION ALL REPORTS APPROVED UNDER STANDING ORDER 31 SINCE 24 MARCH 2020

The Council Executive agreed in accordance with Standing Order 8(3) that agenda items 12, 13(a), 13(b), 13(c), 13(d), 13(e), 13(g), 13(h), 13(i), 13(j), 13(k), 13(l), 13(n), 13(p), 13(q), 13(r), 13(s) were to be taken as read and their recommendations approved without further consideration.

COVID-19 POTENTIAL FINANCIAL IMPLICATIONS AND ISSUES

- (a) To note the action taken in terms of Standing Order 31 (Urgent Business).

COVID-19: CALENDAR OF MEETINGS UNTIL 31 JULY 2019

- (b) To note the action taken in terms of Standing Order 31 (Urgent Business)

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

- (c) To note the action taken in terms of Standing Order 31 (Urgent Business).

DATA CENTRE, CAIRD STREET, HAMILTON - NEW LICENCE FOR USE BY IT SERVICES FOR DISASTER RECOVERY

- (e) To note the action taken in terms of Standing Order 31 (Urgent Business)

COVID-19: DELEGATION OF POWERS AND DUTIES

- (g) To note the action taken in terms of Standing Order 31 (Urgent Business)

COVID -19 HIRE CAR MEDICAL ASSESMENTS - CIVIC GOVERNMENT (SCOTLAND) ACT 1982

- (h) To note the action taken in terms of Standing Order 31 (Urgent Business)

COVID-19: INTEGRATION SCHEME REVIEW

- (i) To note the action taken in terms of Standing Order 31 (Urgent Business).

COVID-19: ONE LINLITHGOW BUSINESS IMPROVEMENT DISTRICT - REQUEST FOR RESILIENCE FUNDING SUPPORT

- (jj) To note the action taken in terms of Standing Order 31 (Urgent Business).

PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO FRONTIER SOFTWARE PLC

- (k) To note the action taken in terms of Standing Order 31 (Urgent Business)

NATIONAL PLANNING FRAMEWORK 4 (NPF4) - INFORMAL CONSULTATION BY SCOTTISH GOVERNMENT AND RATIFICATION OF EDINBURGH AND SOUTH EAST SCOTLAND CITY DEAL RESPONSE TO NPF4

- (l) To note the action taken in terms of Standing Order 31 (Urgent Business)

COVID-19 FOOD FUND

- (m) To note the action taken in terms of Standing Order 31 (Urgent Business).

EDINBURGH CHOICES FOR CITY PLAN 2030 - CONSULTATION RESPONSE

- (n) To note the action taken in terms of Standing Order 31 (Urgent Business).

COVID-19: ENTERPRISING BATHGATE BID REQUEST FOR RESILIENCE FUND SUPPORT

- (p) To note the action taken in terms of Standing Order 31 (Urgent Business).

COVID-19: PUBLIC INSPECTION OF DOCUMENTS - SUSPENSION OF DUTIES

- (q) To note the action taken in terms of Standing Order 31 (Urgent Business)

SCOTTISH GOVERNMENT ENERGY EFFICIENT SCOTLAND AREA BASED SCHEMES (ABS): ALLOCATION OF FUNDING 2019/20 AND 2020/21

- (r) To note the action taken in terms of Standing Order 31 (Urgent Business).

THE MILL CENTRE

- (s) To note the action taken in terms of Standing Order 31 (Urgent Business)

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

CORONAVIRUS (SCOTLAND) (NO.2) ACT 2020 – POWERS TO INTERVENE IN CARE PROVISIONS

REPORT BY HEAD OF SOCIAL POLICY / CHIEF SOCIAL WORK OFFICER

A. PURPOSE OF REPORT

To inform the Council Executive of powers to intervene in care provisions, available to local authorities and introduced by the Coronavirus (Scotland) (No.2) Act 2020 which came into force 27 May 2020.

To inform the Council Executive of the formation of a West Lothian Care Home Clinical and Care Oversight Group.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the provisions available in relation to external care homes; Emergency Directions, Emergency Intervention Order and Powers to purchase.
2. Notes that these additional actions relate to situations where there is a serious risk to life, health or wellbeing to individuals related to the coronavirus pandemic.
3. Notes the potential role of Chief Social Work Officer as nominated officer in an emergency intervention order.
4. Notes that a Care Home Clinical and Care Professional Oversight Group for West Lothian is in place and meets daily.
5. Notes that officers will continue to work in partnership with all care providers providing support to them during this time.
6. Notes new legal duties for care home providers, the Care Inspectorate and Ministers.
7. Delegate responsibilities for the council's new role and the new powers and duties to the Head of Social Policy, subject to the qualifications set out in the report. In particular, to authorise the Head of Social Policy (or Chief Social Work Officer, if different) to fulfil the duties of the nominated person in the event of any such appointment, drawing on officer support where required for that purpose.
8. To agree that a report should be made quarterly to Council Executive on the work of the Care Homes Clinical and Care Professional Oversight Group and the exercise and implications of any of these new powers and duties.

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
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II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Adult Support and Protection (Scotland) Act 2007 Coronavirus (Scotland) (No.2) Act 2020 National Care Home Contract
III	Implications for Scheme of Delegations to Officers	The Scheme of Delegations will be amended to reflect the new delegation of responsibility.
IV	Impact on performance and performance Indicators	The performance of external care services is reported to the council on an annual basis and throughout the year if a care home achieves a lower than average or an excellent inspection rating from the regulator the Care Inspectorate. Care Home ratings are linked to penalty and enhancement payments under the terms of the National Care Home Contract.
V	Relevance to Single Outcome Agreement	People most at risk are protected and supported to achieve improved life chances
VI	Resources - (Financial, Staffing and Property)	The potential financial impact of the provisions has yet to be established. There is no existing council budget available to meet potential costs associated with the Act. The expectation at this stage would be that any costs incurred would be funded by the Scottish Government through Local Mobilisation Plans.
VII	Consideration at PDSP	N/A. The Social Policy PDSP has not met since the legislation was passed.
VIII	Other consultations	None to date. The new powers will be communicated to all care providers in West Lothian in keeping with council values of being honest, open and accountable and working in partnership.

D. TERMS OF REPORT

D1 Background

On 11 March 2020 the World Health Organisation declared the coronavirus a pandemic.

A significant focus of the Covid-19 pandemic is now centred on the care home sector where the consequences of the infection for this vulnerable population are significant.

Care homes are providing care and support for frail older people, who often have high levels of physical dependence and dementia, many of whom are in the last years or months of life.

Covid-19 outbreaks are difficult to prevent in care home settings for several

reasons. These include the type of direct care required to support personal activities of daily living, atypical presentations of the infection making it harder to recognise infection, many residents are physically frail with multiple co-morbidities which in themselves increase susceptibility and the high infectivity of the virus.

D2 Coronavirus (No2) Scotland Act 2020

The Scottish Parliament passed the Coronavirus (No 2) (Scotland) Act 2020 on 20th May.

The Act came into force on 27 May and includes the following provisions:

- Emergency directions from a Health Board to a care home
- Emergency intervention in the operations of a care home by Scottish Ministers
- Purchasing of a care home or a care at home service.
- New care home provider legal duties
- New Care Inspectorate legal duties
- New Minister's legal duties

The above powers in relation to emergency directions, emergency intervention orders and purchasing of care home provisions have been put in place to allow public bodies to make swift interventions where required to do so.

The circumstances in which it is anticipated these powers would be used are rare and only where there are significant failings and risks to life, health or wellbeing.

The above temporary powers are all related to Covid-19 and can only be used in a situation where coronavirus is a factor in the failure of a service.

D3 Care Home Clinical and Care Professional Oversight Groups

It is expected that multi-professional care home clinical and care oversight arrangements are implemented in each local authority area as determined by Scottish Government as of 18 May. This process is designed to fulfil a key role in preventing the need for circumstances meriting such emergency statutory measures for care homes or alternatively the process will support the identification of issues of such significance which are not responsive to change and therefore indicate of the need for such powers to be pursued.

The above Oversight Group approach is implemented in recognition that care homes in particular need additional support to help them ensure the wellbeing of residents during the Covid- 19 pandemic.

The new oversight arrangements build on processes already in place in West Lothian. The following professional roles are included in the multi-disciplinary process;

- Chief Officer, Health and Social Care Partnership
- NHS Director of Public Health or delegate
- Executive Nurse Lead
- Medical Director
- Chief Social Work Officer

The Oversight Group meets on a daily basis and considers and evaluates information collated in respect of each care home and its Covid-19 status, the

health of residents, staffing and workforce information, infection control information and information in relation to staff and resident testing.

There is daily analysis of the information and the development of actions to support care homes during the pandemic. This may include securing access for them to expert advice on implementation of infection prevention and control measures.

This senior oversight and analysis is supplemented by assurance and support visits undertaken by health and social care staff. These are planned for all 16 care homes and are undertaken with full regard to infection control arrangements. The care homes are asked to undertake a self-evaluation exercise in advance of the visit and a template for assurance is in place which is used during the visit and to inform the development of any required action plan focussed on Covid-19 care and infection control arrangements.

It is recognised that significant challenges are experienced by the care home sector in West Lothian and nationally.

Within that context however the Oversight Group and the previous oversight arrangements have to date not identified concerns which would indicate the need for application of the powers detailed in this report.

The sensitivity of these issues calls for close control, monitoring and reporting. It is proposed that reports concerning the new arrangements are brought to Council Executive on a quarterly basis during any period in which the Oversight Group continues to operate. Such reports may require to be taken in private.

D4 Care Homes; Emergency Directions

These powers are conferred on Health Boards. A Health Board can direct a care home during the coronavirus pandemic to take actions where they find this to be necessary to reduce the risk to the health of those in the care home.

D5 Care Homes: Emergency Intervention Order

Where there is a serious risk to life, health or wellbeing to those persons in a care home and for reasons related to coronavirus, Scottish Ministers can apply to the Sheriff Court or Court of Session for an emergency intervention order.

This intervention order authorises the Scottish Ministers to nominate an officer to take over the day to day operation of a care home.

It is anticipated and noted in Scottish Government guidance issued 9 June that Scottish Ministers will normally ask the Court to appoint the Chief Social Work Officer of the Local Authority as the nominated officer.

Factors which may influence the decision to make an emergency intervention order may include if the Care Inspectorate have raised significant concern or have made clear their intention to apply for cancellation of a care home services registration or have made an application for cancellation to the Sheriff Court. In addition, actions or requirements from any relevant criminal investigations or proceedings or where the Care Home Clinical and Professional Oversight Group raise significant concerns may also be relevant factors in determining whether an application is made.

It is accepted that the majority of care in Scotland is delivered to a high quality and exercise of these powers is envisaged to be required in extreme situations.

It is fully expected that if there are any concerns at any stage to life, health or wellbeing that Providers, the Care Inspectorate, Local Authorities and Health Boards would work together to ensure concerns are addressed timeously without recourse to statutory measures unless no viable alternative.

D6 Nominated Officer

It is the role of the nominated officer to take operational leadership of the care home to ensure relevant improvements are made.

The nominated officer in order to fulfil the required functions is authorised to enter and occupy the accommodation, direct and control the provision of the care home service and do anything necessary to ensure the service is provided to an appropriate standard.

They will perform this function for the time specified in the order. Such an Order can remain in place for up to 12 months. The duration of an order can be extended by the court by a period of up to six months. The service provider must comply with any directions made by the nominated officer.

Further clarification has been sought in relation to the role of the CSWO in this provision.

The specific aspects requiring further clarification include whether such a nomination requires the agreement of the CSWO or any other officer of the Council prior to being proposed.

Further clarification has also been sought internally in relation to insurance and from Scottish Government in relation to indemnity and whether Scottish Ministers as the application body recommending a CSWO as the nominated officer will indemnify each CSWO.

The Act does not identify whether the nominated officer is able to appoint or delegate functions to appropriate officers in terms of day to day operation of the care home and this matter requires clarification.

There is no doubt that resourcing such an obligation is an issue. A CSWO must be satisfied that they have the capacity to undertake such a function. This is particularly relevant as those within council with the experience of running good care facilities are fully engaged in undertaking such activity currently and delivering care.

Social Work Scotland, the professional leadership body for the social work profession is working with Scottish Government on the draft guidance issued in relation to the Act and in particular the role of the CSWO. The Society of Local Authority Lawyers and Administrators in Scotland may also support this work.

There is further consideration at Scottish Government to the overall package of support being made available to nominated officers from Scottish Government.

There is no existing council funding available to meet any potential costs associated with the Act and to date no clarity has been provided by the Scottish Government on how additional costs would be funded. The potential costs could relate to purchase costs, additional recurring costs and liabilities. From a financial perspective, these would clearly be significant risks to the council unless assurance was provided that full funding would be available from the Scottish Government through Local Mobilisation Plans.

It is appropriate for the Head of Social Policy to be given authority and accountability for the council's role and responsibilities and for the Council's Chief Social Work Officer to be authorised to act in relation to a court appointment.

The Scheme of Delegations will be amended to reflect that. However, the most significant decisions and those arising outwith operational boundaries will be brought to members, such as the proposed purchase of a care home or care service or where there are significant matters of cost or potential liability.

D7 Powers to purchase care home and care at home services.

Where a provider is unable to continue to deliver care due to a failure of service as a result of: financial distress; risk to the life, health or wellbeing of an individual; or that the Provider has recently stopped providing services, then a Health Body (directed by Scottish Ministers) can purchase a care home or a Local Authority can purchase a care home or a care at home service, where a provider is willing to sell. Such purchases may also include the assets or liabilities of the service provider.

These emergency powers aim to ensure the continuity of care for people receiving services and are introduced to provide a safeguard for the worst-case scenario.

Factors which may inform consideration of this measure may also include whether the Care Inspectorate have raised significant concern or have made clear their intention to apply for the cancellation of a care home services registration or have made an application to the Sheriff Court. There may be actions or requirements following criminal investigation or proceedings or where members of the senior leadership in the partnership and the Care Home Clinical and Professional Oversight Group raise concerns that would lead to consideration of this provision.

Where a Health Board or Local Authority purchases a service through using these powers, it is expected that the staff will continue to work for the service but under new management. These staff's position would be covered by the Transfer of Undertakings (Protection of Employment) regulations (TUPE)

There are a number of factors set out in draft guidance which should be considered when decision making in relation to this measure and the purchase of a care service. These would include;

- Impact on individuals
- Operational management
- Current configuration of provision in the area
- Financial costs
- Value for money on any public sector purchase must be shown and whether the approach is affordable.

The final decision to pursue a voluntary purchase will lie with the purchasing body.

A health Board or Local Authority can purchase a care home in these terms, where there is agreement and a local Authority can also purchase a care at home service where there is agreement.

D8 New care home provider legal duties

Care home providers must report daily to the Care Inspectorate on all deaths, deaths due to coronavirus and deaths suspected to be due to coronavirus.

D9 New care inspectorate legal duties

The Care Inspectorate must report every week to the Ministers on the figures from care homes on coronavirus and other deaths.

They must report to Parliament fortnightly on care home services it has inspected and the findings of those inspections.

The Care Inspectorate must inform councils and health boards when a provider in their area notifies an insolvency event.

D10 New Ministers' legal duties

Ministers must lay each report from the Care Inspectorate on care home deaths before Parliament within 7 days of receipt.

E. CONCLUSION

In West Lothian a daily senior professional and leadership care home oversight process is in operation. This builds on practice already established.

This oversight and analysis is supported by a range of other activity and actions focussed on supporting care home providers to manage the most challenging of crises facing the social care sector.

There are constructive and robust relationships with care home providers and with care at home providers enabling the early alerting of issues and provision of any required support.

Clinical and care senior oversight arrangements to date have not led to the identification of significant provider concerns in West Lothian that could lead to consideration of emergency intervention orders or purchase of a care home or care at home provider.

In circumstances where significant difficulties and risks emerge, the professional oversight group will galvanise and coordinate activity to ensure that any required improvement actions are supported.

Clarification has been sought from Scottish Government in relation to a number of aspects concerning the potential appointment of Chief Social Work Officers as the nominated officer in terms of Emergency Intervention Orders.

Any such appointment and its implications, including financial impact would be reported to the Council Executive as soon as practicable.

A quarterly report will be presented to the Council Executive on the work of the Care Home Clinical and Care Professional Oversight Group and the exercise and implementation of any of the new powers and duties.

F. BACKGROUND REFERENCES

Coronavirus (Scotland) (No.2) Act 2020

<https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

Appendices/Attachments: None

Contact Person: Jo MacPherson, Head of Social Policy and Chief Social Work Officer 01506 281336

JO MACPHERSON
HEAD OF SOCIAL POLICY / CHIEF SOCIAL WORK OFFICER

Date of meeting: 23/06/2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

ACTIVE TRAVEL RELATED GRANT FUNDING 2020/21

REPORT BY OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to inform Council Executive of:

- additional funding from the Scottish Government for Cycling Walking and Safer Streets (CWSS) for financial year 2020/21;
- other funding provision for active travel related schemes (Places for Everyone (PfE); and Smarter Choices Smarter Places (SCSP); and
- Spaces for People (SfP) funding being made available through Sustrans (Scotland) to implement temporary measures to make essential travel and exercise safer during Covid-19.

The report also seeks approval for the allocation of funding for the various proposed projects relating to the above.

B. RECOMMENDATION

It is recommended that Council Executive notes the contents of the report and approves:

1. The allocation of the additional funding of £502,000 for CWSS for 2020/21, as set out in Appendix 1 and notes the re-phasing of the CWSS project as a result of the potential impacts of Covid-19.
2. The allocation of £163,000 for SCSP, as set out in the report and the proposed direct award to Sustrans of (Scotland) £59,035 for the support of an I Bike officer for 2020/21.
3. The allocation funding of £601,500 for SfP, as set out in Appendix 2.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The delivery of these projects will contribute to improved road safety and encourage active travel.
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	The project will contribute to outcomes: “We live in resilient, cohesive and safe communities.”
VI	Resources - (Financial, Staffing and Property)	The projects will be funded through the various grant funding streams including match funding from Sustrans through Places for Everyone funding for the CWSS projects.
VII	Consideration at PDSP	The report was circulated to the Environment PDSP members in advance of the Council Executive meeting for comments.
VIII	Other consultations	The Financial Management Unit has been consulted and is satisfied with the contents of the report. Consultation on individual projects will be carried out during their development.

D. TERMS OF REPORT

D.1 Background

Various funding streams are available to local authorities to encourage active travel through engagement with communities and improvements to path networks.

The Scottish Government has been providing funding for CWSS since 2002/03. Some of this funding has been used to match funding from Sustrans for active travel projects. Officers have also been proactive in obtaining grant funding through other grant streams such as Smarter Choices and Smarter Places (through Paths for All).

Recently, as a result of the Covid-19 outbreak, £30 million has been made available by the Scottish Government, through Sustrans (Scotland), to make it safer for people who choose to walk, cycle or wheel for essential trips and exercise during Covid-19. The funding aims to enable statutory bodies to implement measures focused on protecting public health, supporting physical distancing and preventing a second wave of the outbreak.

D.2 CWSS Funding

On 6 February 2020, Scottish Government increased funding for CWSS from £245,000 to £299,000 for 2020/21. The total budget of £595,000 for CWSS projects was approved by Council on 28 February 2020, as part of the Capital Programme update report for 2020/21 to 2027/28.

The Scottish Government made a further announcement on 27 February 2020 that it would provide an additional £502,000 in grant funding to West Lothian Council for CWSS projects for 2020/21. The 2020/21 CWSS funding now totals £801,000 and increases the total allocated budget for 2020/21 to £1.097 million.

The conditions of the grant funding stipulate that it must be spent by 31 March 2021. Officers have identified a list of projects that they anticipate can be completed over the coming year, which is set out in Appendix 1.

However, due to the potential impact of Covid-19 on the ability to deliver projects successfully within the timescales, it is proposed that the budget allocation for 2020/21 be set at £801,000, the total of the grant funding, with the remaining £296,000 re-phased to 2021/22.

The estimated value of the proposed projects for 2020/21(Appendix 1) includes an over-programming of around £253,000. This will help officers to manage the delivery of projects, for example if there are any delays associated with consultation, land purchase etc., to ensure that the full grant can be claimed.

All proposed projects meet the funding requirements by providing a safer environment and encourage active travel.

Scheme Identification / Consultation

The proposed projects were initially identified through consultation with communities during the Whitburn Charrette process, the Stoneyburn Regeneration Plan 2017-27 and the Council's Active Travel Plan. Further consultation will be carried out during the development of each project.

During the development of the Armadale to Whitburn cyclepath project in 2019 an online survey was conducted to seek public opinion. The survey contributed valuable feedback and suggestions for future projects. It is proposed that similar surveys will be carried out for the projects listed in Appendix 1.

External Funding Opportunities

As in previous years, officers have developed the delivery programme to maximise CWSS funding and have been successful in using it as match funding for other available external funding streams, such as Sustrans (Scotland) Places for Everyone funding.

Funding Awarded

Officers have once again taken this match funding approach, receiving 50% match funding through Places for Everyone towards the construction of the Armadale to Whitburn Cyclepath. This project was due to commence on site in March 2020, but has been suspended in line with Scottish Government guidance on Covid-19 that all non-essential works must cease. Works will commence once these restrictions are relaxed.

Funding Pending

Last financial year, Sustrans (Scotland) awarded 100% funding for the design of Whitburn Town Walk Improvements Phase 2, Stoneyburn Links - Bents to A706 and Capstan Walk, Linlithgow. Final designs have still to be approved, but it is anticipated that these projects could be constructed during 2020/21 with 50% of the construction costs being funded through Places for Everyone.

Officers have also made a bid for 100% funding for the design of the Blackburn Corridor, Wester Inch to Whitehill Industrial Estate and Edinburgh Road - Guildyhaugh to Bathgate Railway Station. A decision on whether the bids have been successful was due to be announced in April/May 2020, however, there has been a delay in final approval for the funding from Scottish Government. If successful, it is anticipated that these projects will progress to construction with a view to be completed by 31 March 2021.

D.3 SCSP Funding

The Smarter Choices, Smarter Places programme has been running since 2015/16 and supports local authorities in Scotland to encourage more active and sustainable travel choices.

The funding is awarded to local authorities to encourage less car use and more journeys by foot, bicycle, public transport and car share. It is supported by Transport Scotland and allocated on a population basis to local authorities. This year West Lothian Council received £163,000.

On 9 June 2017, Council Executive approved a programme of initiatives that included the continuation of Love to Ride and two new initiatives of an I-Bike officer and a signing strategy for walking and cycling network.

Love to Ride

Love to Ride is an online platform aimed at encouraging more people to cycle by:

- making it easy and fun for existing riders to encourage their friends, co-workers and community to ride.
- supporting and encouraging new riders to overcome their barriers and start enjoying the benefits of riding.

The grant funding will be used to provide a project management resource to deliver a programme of cycling behaviour changes through business and community engagement.

The Love to Ride West Lothian programme will link into existing initiatives, events and local services to boost their reach, engagement and effectiveness. The existing lovetoride.net/westlothian web platform has 538 participants and 35 organisations registered.

I-Bike Project

The provision of an I-Bike officer is unique to Sustrans (Scotland). The support will be provided for a period of up to 12 months for direct engagement with a number of primary and secondary schools within an area to encourage, promote and develop active travel initiatives.

The I-Bike officer works with Education and Community Health Development Put Your West Foot Forward to support and seek to increase walking, cycling and scooting activity, and promoting active travel journeys to schools.

The I-Bike project benefits from the experience and knowledge of the Sustrans organisation, which has a proven record of engagement and experience in delivering support in all areas of cycling.

The effectiveness of the resource is assessed annually through the grant process. The I-Bike Report 2020, covering initiatives in 2018/2019, shows that the project is achieving its aims to get more pupils traveling actively, with a 4.2% increase in pupils travelling to school by an active mode and a 2.8% decrease in pupils traveling to school by car.

Signing Strategy For Walking And Cycling Network

Last year the SCSP funding was used to review signage on the path network in Livingston between Livingston North and Livingston South railway stations.

Consultants provided a report recommending what signage needs updating, renewed or added to improve the directional signage between the stations. This report will be used to allow officers to prepare a package of works for implementation

Funding Breakdown

The SCSP award of £163,000 will be allocated as follows:

- I Bike Project - £59,035
- Love to Ride - £40,948
- Sign scheme for Livingston - £15,000

The remaining £48,019 funding allocation has still to be agreed with Paths for All officers. However, it is proposed to use this to implement improvements on the path network under the capital works programme for 2020/21.

D.4 Spaces for People (SfP) Funding

SfP funding aims to enable statutory bodies to implement measures focused on protecting public health, supporting physical distancing and preventing a second wave of the outbreak.

Following the announcement of the SfP initiative the council undertook a community engagement on-line survey. This included a press release and Facebook / Twitter posts. The survey sought the views of the community to allow an informed judgement to be made of what was important to them and where their concerns lay in relation to social distancing and using the path network. The survey, which was open for comments between 15 May and 22 May, received 470 responses from all over West Lothian with 89.7% supporting the introduction of temporary measures.

Within the survey the people were asked:

- Whether they had exercised less more or the same during the period of lockdown
- To prioritise a range of measure being considered by the council; and
- Asked for their local ideas.

The projects submitted in the bid were a composition of suggestions brought forward by both community and council officers and packaged under the following themes:

1. Localised footway widening at pinch points/parking suspension.
2. Loaning Parking and on street parking suspension
3. Introduction of walker / cycle friendly zones on rural roads (reduced speed limits to 40mph)
4. Advisory/temporary cycle lanes.
5. Introduce temporary 20mph areas within towns and villages.
6. Introduce temporary physical distancing signage
7. Strategic clearance works to widen footpaths and cycle tracks.
8. Public Transport - physical distancing measures at bus stops.
9. Introduce pedestrian phases at controlled crossing points

Each package of measures within this application seeks to create a safer environment for pedestrians and cyclist by enabling physical distancing to be achieved and encouraging continuing active travel.

The locations that have been identified will enable safer journeys for those travelling for essential shopping, services and places of work.

The current lockdown situation in terms of peoples' movements and available space is not the norm and as lockdown measures are relaxed there will become space pressures in our towns and villages. Pressure points will arise as people get out and about more. Peoples' perception of available space is likely to change based on their own views of personal risk.

Bus stop social distancing measure will allow more space to be made available to those using the bus network and will reduce pressure on narrow footways.

The general reduction in speed limits in our towns and villages, along with localised footway widening and removal of parking, will aid in making our town and village centres safer for pedestrian and cyclists where road widths are narrow and restrictive to free movement (and space).

Increasing pedestrian green time for pedestrians and cyclists at key traffic signal / crossing facilities will reduce the number of users congregating in areas with limited footway width.

The opportunity is being taken within the bid to promote wider walker and cycling friendly rural areas. By doing so, some protection will be given to those that live and exercise in our rural communities.

Funding Award

Officers received a letter, dated 4 June 2020, confirming the Sustrans' decision to approve funding award of £601,550 for various measures in West Lothian (attached).

E. CONCLUSION

This report notes the additional funding of £502,000 being provided by the Scottish Government and the revised phasing of the expenditure for CWSS projects due to the potential impacts of Covid-19.

The report also sets out proposals for the various active travel related funding in relation to the projects to be undertaken in 2020/21.

The provision of an I Bike officer to promote cycling among school pupils is a service unique to Sustrans. As such, it is necessary that the provision of the I Bike service is given as a direct award to Sustrans, to a maximum value of £59,035 for 2020/21, noting that the total aggregated spend to date would then amount to £236,070.

The additional funding being provided for CWSS, SCSP, SfP and subsequent match funding will contribute to the delivery of improved infrastructure within West Lothian and encourage active travel.

F. BACKGROUND REFERENCES

Asset Management Strategy and General Services Capital Programme 2020/21 to 2027/28 – Report by Head of Finance and Property Services to Council 28 February 2020

Procurement Arrangements – Implementation Of Sustrans I Bike Project - Report By Head Of Corporate Services to Council Executive on 23 October 2018

Smarter Choices Programme And Active Travel Progress - Report By Head Of Operational Services to Council Executive 6 June 2017

Adoption of West Lothian Active Travel Plan 2016-2021 - Report by Head of Operational Services to Council Executive 26 April 2016

Appendices/Attachments: Appendix 1: List of Proposed CWSS Projects
 Appendix 2: List of Proposed SfP Projects
 Letter of SfP Funding Award

Contact Person: *Ronald Fisher, Design Engineer Manager, Tel: 01506 284597, email: Ronnie.fisher@westlothian.gov.uk*

Jim Jack, Head of Operational Services

Date of meeting: 23 June 2020

Appendix 1: List of Proposed CWSS Projects

Project	Estimate Outturn Project Cost	Places for Everyone Funding (Awarded)	Places for Everyone Funding (Bid submitted and Pending)	CWSS Funding Contribution
B8084 Armadale to Whitburn Cyclepath	£635,500	£317,750		£317,750
Blackburn Corridor Cyclepath	£206,837		£106,474	£100,363
Capstan Walk, Linlithgow - Cyclist and Pedestrian Imp.	£122,200		£35,375	£65,250
Edinburgh Road, Guildyhaugh to Bathgate Railway Station Segregated Cyclepath	£160,000		£84,000	£76,000
Stoneyburn Links - Bents to Fauldhouse Cyclepath The construction costs for two phases of works: Bents to A706 £350,000 A706 to Fauldhouse £900,500 (includes bridge over A706)	£1,368,000		£738,500	£629,500
Stoneyburn Links – B7015 to A706 C28	£422,000		£224,750	£197,250
Wester Inch to Whitehill Industrial Estate Cyclepath	£195,125		£99,750	£95,375
Whitburn Town Walk Improvements Phase 2	£552,500		£287,875	£264,625
Total =	£3,662,162	£317,750	£1,576,724	£1,746,113

Appendix 2: List of Proposed SfP Projects

Package 1 - Localised footway widening at pinch points/parking suspension	Cost (£)
Oliphants Bakery, High Street, Linlithgow	11,500
Tesco Express, East Main Street, East Calder	8,700
Opposite Smithy Brae, Kirknewton	5,800
Bank Street and Main Street, Mid Calder	5,800
A71 north side shops, West Calder	11,500
Back Station Road, Linlithgow	4,100
Station Road, Kirknewton (incl. footway and cycleway widening)	6,500
Total =	53,900

Package 2 - Loaning Parking and on street parking suspension	Cost
East Loanings, between St. Michael's Wynd and the 4 Mary's Pub, and West Loanings, between Lion Well Wynd and New Well Wynd, Linlithgow	4,500
Opposite Mill Road, on West Main Street, Armadale	2,900
Total =	7,400

Package 3 - Introduction of walker / cycle friendly zones on rural roads (reduced speed limits to 40mph):	Cost
Bathgate Hills (includes Linlithgow, Broxburn, Uphall, Ecclesmachan, Dechmont, Bridgend)	46,000
Faucheldean area (included limited traffic calming)	8,700
Niddry Road area, Winchburgh	2,900
Harburn area (includes West Calder, Harburn, Brucefield)	23,000
Bonnytoun Farm Road, at Oracle, Linlithgow	2,300
Total =	82,900

Package 4 – Advisory/temporary cycle lanes	Cost
East Main Street (Kilpunt roundabout westwards), Broxburn	17,300
Edinburgh Road & St.Ninian's Road, Linlithgow	30,000
Advisory cycle lanes on distributor roads, Livingston	80,000
Advisory cycle lanes, Blackridge	15,000
Total =	142,300

Appendix 2: List of Proposed SfP Projects

Package 5 - Introduce temporary 20mph areas within towns and villages	Cost
All urban and rural towns	75,000
Total =	75,000

Package 6 - Introduce temporary physical distancing signage	Cost
Six urban towns	50,000
Twenty-four rural towns	50,000
Livingston	30,000
Total =	130,000

Package 7 – Strategic clearance works to widen footpaths and cycle tracks	Cost
Clearance work on the strategic network including NCR75 and other areas to improve accessibility and ensure safety	50,000
Nellburn Path - Lochshot, Livingston	15,000
Total =	65,000

Package 8 – Public Transport - physical distancing measures at bus stops	Cost
Layby bus stops, Linlithgow (4no.)	10,000
South Bridge Street outside St David's House, Bathgate (1no.)	2,500
King Street, stops at old train station, Bathgate (3no.)	6,000
East Main Street outside Scotmid, Broxburn (1no.)	2,500
Eastbound at the CIS Centre, Whitburn Cross (1no.)	2,500
Outside the Post Office, West Calder (1no.)	2,500
Tesco Distribution Centre A89, rural Bathgate (1no.)	5,000
Main Street in Kirknewton (1no.)	5,000
Total =	36,000

Appendix 2: List of Proposed SfP Projects

Package 9 – Introduce pedestrian phases at controlled crossing points	Cost
Installing a permanent (24/7) pedestrian phase to controlled pedestrian crossing points to prevent individuals touching existing push buttons at : <ul style="list-style-type: none"> • Armadale Cross • Whitburn Cross • North/South Bridge in Bathgate • A89/Whitburn Road junction in Bathgate • Bathgate Academy/A89 junction • Greendykes Road/A899 junction in Broxburn • Almondvale Avenue in Livingston 	9,000
Total =	9,000
Total of Bid Submission 1 =	£601,500

To: Ronnie.Fisher@westlothian.gov.uk

04 June 2020

Dear Mr Fisher,

Spaces for People Funding Decision

Thank you for your application to Spaces for People. Please find below the outcome of your application.

Project Title	Decision	Funding Awarded (£)
Various Measures within West Lothian (Spaces for People)	approved	601,500

We will be in touch shortly to discuss the approved activities in your application, legal agreements and any support requests.

We also ask that you share all proposed press releases on the fund with senior communications officer, Charlotte Otter (charlotte.otter@sustrans.org.uk) prior to publication.

Sustrans have created [Space to Move](#) which maps the latest street changes across the UK. Please let us know if you would not like us to record your project on this map.

In the meantime, please email spacesforpeople@sustrans.org.uk if you have any further questions.

Kind regards,

Sarah Glynn (Infrastructure Officer)
Sustrans

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

REGIONAL TRANSPORT TRANSITION PLANS

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to invite Council Executive to note that an operational South East of Scotland Transport Transition Group has been established in response to the letter issued by the Cabinet Secretary for Transport, Infrastructure and Connectivity (attached at Appendix 1).

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Agree in principle to participating in the development of a Regional Transport Transition Plan to tackle the post-COVID public transport challenges.
2. Note that officers are content with the overall direction of the Terms of Reference but have some concerns, as highlighted in the report, which they will pursue and will report back to Council Executive on any significant unresolved matters if they deem that necessary; and
3. Note that officers will present the Regional Transport Transition Plan to Council Executive when fully developed by the South East of Scotland Transport Transition Group, and on an interim basis to PDSP if appropriate.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs.
	Being honest, open and accountable.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	An IIA will be undertaken as the regional and national transport transition plans.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Has relevance across a number of council activities.

VI Resources - (Financial, Staffing and Property)	<p>Financial: None during the drafting stage of the RTP.</p> <p>Staffing: Resourced during the development stage from in-house staff. The development work will also utilise staff from Transport Scotland, SEStran and the City Region project team.</p> <p>Property: None.</p>
VII Consideration at PDSP	N/A
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Background

On 22nd May the Cabinet Secretary for Transport, Infrastructure and Connectivity wrote to all Councils in order to outline plans for the direct engagement with local authorities in the Edinburgh and Glasgow City Regions. The letter makes clear the urgency and the scale of the public transport challenge which will require immediate joined up working to manage the operational interactions between the respective networks.

On 3rd June, the Edinburgh and South East of Scotland Transport Appraisal Board which includes representatives of Transport Scotland and SEStran met in order to map the way forward. It was agreed to establish the South East of Scotland Transport Transition Plan Group and to invite both Clackmannanshire and Falkirk to attend given their role in SEStran. Given the urgency of the transport challenge, the group will meet weekly in order to work together with Transport Scotland and SEStran to develop operational plans in response to the Covid-19 recovery.

D2 The letter attached to this report was sent by the Cabinet Secretary to Council Leaders and Chairs of Regional Planning Partnerships. It announces the preparation of a National Transport Transition Plan, preparation of which will be guided by a National Advisory Group. The letter notes the reduction in public transport capacity during the lockdown and, because of ongoing social distancing requirements, the certainty of such reduced capacity for an extended period of time. It therefore highlights the risk of increased car use, with consequent adverse impacts on congestion, air quality, and increased inequalities; and the need to counteract this through a 'green recovery'.

Moving on to the process of assessment and implementation of measures the letter refers specifically to the urgency and scale of the public transport challenges in the Edinburgh and Glasgow city regions, and notes that Transport Scotland will be looking to engage with local authorities and regional transport partnerships in those regions.

D3 Further supporting information published by Scottish Government states the overall aim of the Plan:

"To operate a safe transport service, mitigating risks where possible for those using our transport network and for transport operators". It goes on to set out the following objectives, to:

"inform passengers about when and how to safely access public transport; support management of travel demand, reinforcing broader messages on physical distancing and discouraging unnecessary travel; sustain behavioural changes, encouraging active travel options and staggering journeys to avoid peak times; and inform passengers and road users of busy areas and times to encourage alternative choices."

Amongst the key issues it states the following:

“Public transport has an essential function in our society. We need to consider the impact on those who are most vulnerable and those who are most dependent on public transport and for accessing essential services.

There may be a tendency to use private cars when available due to the ability to physically distance. We need to ensure the adverse environmental and physical impacts are limited by promoting cycling, walking and wheeling where possible.”

In more detailed initial discussions at regional level with Transport Scotland the following matters were noted:

- Following the terms of the Cabinet Secretary's letter, Transport Scotland considers that the broad membership of the Edinburgh and South East Scotland City Region Deal (ESESCRD) Transport Appraisal Board forms a basis for moving quickly to assess and instigate action within the region that contributes to the aim and objectives of the Transport Transition Plan; and involving all SEStran authorities in establishing the Transport Transition Plan Group.
- It will be the responsibility of the regional group to ensure full engagement with the transport operators in the region.
- Public transport capacity is expected to be between 10% and 25% of pre-Covid-19 levels for an extended period.
- Transport Scotland have commissioned consultants to gather data towards preparation of an overall 'route map', and the results will be shared with the regional group.
- Transport Scotland are also undertaking surveys of consumer confidence in public transport in order to assess the most effective interventions to support that.
- Promoting more and better active travel opportunities is an integral part of the Plan.
- There is a need for measures to be implemented quickly so as to contribute most effectively to the overall economic recovery which will follow the easing of restrictions.
- The National Advisory Group will meet regularly and will link closely with national organisations including CoSLA and SOLACE.

D4 South East Scotland Regional Transport Transition Plan

The City Region Deal Transport Appraisal Board met on 3rd June to begin work on the regional Transport Transition Plan (TTP). By way of reminder, that Board is part of the City Region Deal governance structure, and comprises representatives from all of the City Deal partners as well as from Transport Scotland and the Regional Transport Partnership (SEStran). It is not a decision-making part of the City Region Deal governance structure.

In taking forward the preparation and implementation of the regional TTP it was agreed to establish the Regional TTP Group and, for completeness, to invite Falkirk and Clackmannanshire Councils to join the Group. Engagement with operators of public transport in the region will be essential, and the well-established links to these operators can be readily used to ensure a collectively sound, focused and comprehensive approach.

Meetings of the Group are being held on a weekly basis, with one of the first tasks being to agree a project plan of urgently required transport measures and interventions.

Survey work, modelling and analysis is being conducted by Transport Scotland and, together with data held by SEStran and partner Councils, can provide a robust basis upon which to identify priority actions.

The full range of possible interventions has yet to be established. In broad terms there will be a need for measures that seek to flatten the peak periods of demand for travel, and those which maximise the supply and attractiveness of public transport as well as the opportunities for safe other modes of travel (walking and cycling) to reduce reliance upon, and discourage increased use of, the private car.

By way of a few examples, measures to flatten demand could include encouragement of continued high levels of home working, and the varying of workplace operating hours. Measures to maximise public transport and active travel could include more road space given over to bus lanes on arterial routes, more 'bus gates', and extensions to existing, or temporary additional, park and ride sites.

The provisions of the regional TTP will also be aligned with the principles set out in current and emerging national, regional, and local transport strategies to mitigate the impact of climate change, and to ensure that improvements to the transport system recognise and seek to reduce inequalities in access to employment, education/training, and services.

If the TTP is to be effective in supporting the region's economic recovery from the impact of the Covid-19 restrictions it is essential that operational transport measures and interventions are prioritised and implemented quickly. Transport Scotland have advised that, where possible, they should be programmed for implementation over the next few weeks. This will therefore also require an ongoing communications strategy to inform and engage with communities, transport operators, and transport users.

D5 Terms of Reference (ToR)

A copy of the draft terms of reference prepared by Transport Scotland for the purposes and operation of the TTP Group, and which were considered at the meeting of the Group on 10th June are attached to this report at Appendix 2. They are due for further consideration by the City Region Deal Executive Board on 18th June after individual councils have established their own positions.

The Group is established as a vehicle for providing and sharing information and expertise, developing proposals and making recommendations. It is not a decision-making body and will not be able to commit partners collectively or individually in terms of policy and spending.

Accordingly, it will be for partners to determine the extent of authority to be delegated to their representatives and their own internal decision-making and reporting procedures.

D6 Officer Comments on Terms of Reference

Having reviewed the draft Terms of Reference, officers have some reservations over the governance of the group but do not see these as a reason not to participate in the group. The council's position will be made clear and these reservations will be raised directly with the Co-Chairs moving forward to ensure that they are mindful of them as development work progresses. The main officer points are:

1. The group requires to work in terms of operational issues normally within the scope of powers delegated to council officers.
2. The group requires to work with a view to achieving a consensus amongst partners in its proposals and recommendations.
3. The need to identify that the group have no powers to make decisions that are binding on its partners in relation to policy and spending.
4. The Terms of Reference need to acknowledge and respect the restrictions placed by partners on council officers in what commitments may be given and decisions may be made.
5. The need for a record of all meetings, scheduled and ad hoc, to be kept by the secretariat in the form of an Action Note that will be circulated to all partners within two days or as soon thereafter of the meeting.

Given the need for urgency in response to the Covid-19 recovery the immediate short term measures which are expected to be proposed are essentially operational in nature. After further discussion with partner councils, should officers consider there are significant unresolved issues or risks for the council they will report back to Council Executive. The final version of the proposed Plan will be reported to committee and, depending on the lifespan of the Group and meeting dates, will report on an interim basis if appropriate.

E. Conclusion

The need for a regional transport transition plan is vital post-COVID. The council's participation in the newly established regional transport transition planning group is important in so far as it will enable the post-COVID public transport challenges for West Lothian to be inputted and considered as part of the development of both Scotland's regional and national transport transition plans.

F. BACKGROUND REFERENCES

Appendices/Attachments:

APPENDIX 1 Letter from the Cabinet Secretary for Transport, Infrastructure and Connectivity

APPENDIX 2 Regional Transport Transition Plan - Terms of Reference

Contact Person: Graeme Malcolm, Roads & Transportation Manager, Tel. 01506 282351

E-mail: Graeme.malcolm@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 23 June 2020

Cabinet Secretary for Transport, Infrastructure and
Connectivity
Michael Matheson MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

To Council Leaders & Regional Transport
Partnership Chairs

22 May 2020

Colleagues,

Transport Transition Plan Engagement

I would like to thank you and your Council for the significant work that you have undertaken during this unprecedented time to keep the local transport networks safe and operational.

During the Scottish Parliament Rural Economy and Connectivity Committee meeting on the 13 May 2020, I outlined our intention to set out how our Transport Transition Plan will support Scotland's people and businesses on our transition out of lockdown. Further detail can be found at <https://www.transport.gov.scot/news/cabinet-secretary-sets-out-latest-transport-response-to-covid-19-outbreak/>. This will be an evolving process and we will engage Local Authorities and Regional Transport Authorities as it develops.

We are drawing together evidence to inform our plan, however one clear and significant challenge is around public transport. During lock down demand for public transport has fallen by between 85 and 90 per cent against 'normal' since 23 March. As we move towards easing lock down measures operators are estimating that capacity will be between 10 and 25 per cent of 'normal' with the level of physical distancing required. There is a risk this will result in increased private car use, leading to congestion, poor air quality and increased transport inequalities, particularly for the 29 per cent of households in Scotland that do not have access to a car.

We continue to take action to stabilise the transport system and prepare for physical distancing. Further details on the action I have taken can be viewed at <https://www.transport.gov.scot/coronavirus-covid-19/>. A key focus of our on-going work is to ensure that we continue to support a green recovery to deliver our Climate Change commitments and reduce inequalities.

As our national work continues I know you will also be leading your local and regional transport planning responses, in line with your transport responsibilities, which I recognise will be central to the success of the transition. I would encourage you to continue to take a cross boundary approach with your neighbouring authorities where needed.

While we have already been working closely, there will be a continuing need for collaboration to align approaches across our respective transport networks. I therefore intend to include within the Transport Transition Plan a statement on how we continue to engage with local authorities, regional transport partnerships and operators to operationalise the measures across Scotland. I would therefore ask you to consider what Transport Scotland input you may require in relation to your own transition transport planning. Please forward this to Amy Phillips (Amy.Phillips@transport.gov.scot) at Transport Scotland in the first instance.

Our engagement to date has reflected the differing challenges across the country, such as the on-going ferry operation discussions we have held with Island Authorities from start of the crisis. In the short term, Transport Scotland is also looking to engage directly with the local authorities in the Edinburgh and Glasgow city regions at an operational officer level. The urgency and scale of the public transport challenge in these areas requires immediate joined up working to manage the operational interactions between the respective networks for which we are responsible.

We are not seeking to underplay the challenges across rural areas of Scotland, other cities and areas of the country. We value Local Authorities' consideration in this regard, therefore I have asked for a Transport Transition Plan National Advisory Group to be set up with proposed membership to include representatives from COSLA, SOLACE, RTPs, SCOTS and other selected members.

We have held on-going discussions with COSLA, SOLACE, RTPs and SCOTS since the start of the emergency and will continue engagement on the Transport Transition Plan in the coming weeks as outlined above.

We look forward to engaging on our respective plans as we rise to the collective transport challenges as we safely transition out of lockdown to the new normal.



MICHAEL MATHESON

APPENDIX 2

Purpose and Draft Terms of Reference for Transport Transition Plan South East Scotland Region Group

Purpose

1. To align approaches and share knowledge of national, regional and local transport planning activity to safely increase capacity across the transport system and manage demand in our journey along Scotland's route map through and out of the crisis. This will include broader considerations relating to equality impacts and consideration of tailoring measures, for example to specific geographies and sectors.

Draft Terms of Reference

2. The Group will:
 - a) consider regional, local and national transport as it applies in the travel to work area with a focus on issues within and on approaches to city centres to assist in Transport Scotland's evolving Transport Transition Plan;
 - b) focus on increases in travel demand and capacity in line with the second National Transport Strategy sustainable travel hierarchy and interactions between modes as appropriate while considering the four harms set out in *COVID-19: A Framework for Decision Making (23 April 2020)*;
 - c) identify regionally specific and cross-cutting issues, challenges and opportunities associated with increasing travel demand and capacity;
 - d) collectively engage to address these as and where appropriate;
 - e) input consideration of regional equality issues as per due regard to the need to eliminate discrimination and advance equality of opportunity;
 - f) input into scenario planning and provide advice on whether proposed scenarios or policy interventions appropriately and effectively reflect the operational requirements of the transport system from the regional perspective;
 - g) work together on key transport messaging and communication strategies to support the recovery and build confidence in the public transport system;
 - h) offer insight and feedback from those delivering services and measures to input into government decision making;
 - i) review and challenge material to support the response produced by Transport Scotland/Scottish Government, sectoral bodies and/or others; and
 - j) continue to bring together expertise and data in the monitoring of networks as we transition out of lockdown; and
 - k) advise Transport Scotland on the readiness of transport sectors to manage increased demand/service provision as appropriate.

3. Confidentiality

As the Group may be asked for its views on proposals that are still in development, and which have not yet been made available to the public, all discussions and material will be confidential.

Papers may be shared with named individuals who are not members of the group with the prior agreement of the co-chairs.

4. Conduct

Members of the group are expected to contribute their expertise as independent members and not to promote the interests of one organisation or sector. Members are asked to challenge assumptions and scenarios and should, likewise, expect to be challenged by other members of the group however this will be done respectfully.

5. Membership

- The City of Edinburgh Council
- Clackmannanshire Council
- East Lothian Council
- Falkirk Council
- Fife Council
- Midlothian Council
- Scottish Borders Council
- West Lothian Council
- SEStran
- Transport Scotland
- Public Transport Operators to be invited as required and agreed with the co-chairs.
- Other representatives can be invited with prior agreement of the co-chairs.

6. Secretariat

The secretariat function will be provided by the Edinburgh and South East Scotland City Region Deal Project Management Office.

Frequency of meetings to be confirmed, however it is anticipated that meetings will initially be held once or twice weekly, with the first taking place on the week commencing 1 June. Shorter, *ad hoc* meetings with selected members could take place more frequently depending on the requirement and speed of decision making that is required.

Frequency, role, remit and need for the group by all partners to be reviewed every two weeks.

The secretariat will aim to provide papers a day in advance but this may not be possible due to the speed at which work is commissioned and the need for quick turnaround.

The names and roles of all of those attending should be submitted to the secretariat in advance to enable a roll call at the start of each meeting and for the record, including any substitutions to agreed representatives.

7. Chairs

It is proposed that Grace Vickers, as Chair of the Edinburgh City Region Deal Transport Appraisal Board, and Alison Irvine, Transport Scotland Co-Chair, noting that these are bespoke and sit alongside, but separate to, the City Region Regional Transport Working and other Transport Groups.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID 19 IMPACTS - LOCAL BUS CONTRACTS AND TOTAL TRANSPORT REVIEW

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive on the outcomes of the Total Transport Review completed in March 2020. This report will also highlight the impacts of COVID 19 on the recommendations of the review and inform the next steps required.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Note the assessment and analysis of the review;
2. Note the recommendations within the review;
3. Note both the initial and revised timescales for the redesign and tender of subsidised transport services;
4. Instruct officers to progress the extension of local bus contracts and delay the contract review period for subsidised services.

C. SUMMARY OF IMPLICATIONS

I	Council Values	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.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	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.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	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.

V	Relevance to Single Outcome Agreement	The local bus network contributes to a number of outcomes by connecting communities with services and employment.
VI	Resources - (Financial, Staffing and Property)	The approved Public Transport budget for 2020/21 is £9.72 million
VII	Consideration at PDSP	There report was shared with D&T PDSP and there were no comments to be included.
VIII	Other consultations	Systra Ltd, Financial Management Unit, Procurement Services and Legal Services.

D. TERMS OF REPORT

D.1 Background

It has been previously report that there are a number of pressures facing Public Transport within West Lothian. The commercial local bus network has previously been relatively stable however there have been significant changes recently with many long standing routes changing and the introduction of a new operator into the area. Whilst new competition to the market is welcomed the changes have had an impact on the subsidised network as well as specific areas in West Lothian which has resulted in the council extending the subsidised network to provide continuity of transport links. The council must recognise the pressures facing the public transport industry such as declining patronage and congestion and consider the requirement for alternative transport models.

In June 2019, Council Executive agreed that officers should progress a Total Transport Review which would demonstrate the capability of alternative transport models in a West Lothian context for future consideration. Following consultation with the council's Corporate Procurement Unit transport consultants Systra Ltd were awarded the contract to undertake this study in liaison the council's Public Transport Unit. This report provides a summary of their assessment. It should be noted that the study was completed prior to the start of the COVID 19 pandemic and as such the outcomes and recommendations were based on the commercial and subsidised network before lockdown and restrictions on public transport were in place.

D.2 Current Strategy and Model of Subsidised Services

The study reviewed the current Passenger Transport Strategy and model of public transport in West Lothian.

The council currently contracts 20 local bus routes and 10 Demand Responsive Taxibus (DRT) Services which operate across various areas within West Lothian to support the commercial network and provide town centre services where there is no commercial interest. The current contracts were designed and tendered in 2016 with a contracted end date of 5 April 2021.

Appendix 1 shows the performance of the local bus services for the last 3 financial years and appendix 2 provides the performance of the DRT Services for the last 3 financial years.

This performance information highlights that there has been a decline in patronage across most of the subsidised local bus routes within West Lothian. It is well documented that there is an overall decline in bus patronage across Scotland and wider UK. This decline is highlighted in the Scottish Transport Statistics which show a 2.2% decrease in passenger journeys across Scotland for 2018-19 compared to 2017-18 and a 22% fall from a peak in 2007/08. Therefore a decline in the use of subsidised services may also be expected. However the decline in the use of subsidised bus services may indicate that the service design no longer reflects the travel patterns and requirements of passengers.

In 2015, Council Executive approved the West Lothian Passenger Transport Strategy (Appendix 3). In terms of local bus services, the current strategy prioritises working with commercial operators to ensure a viable Primary and Secondary Network in order to provide direct, inter urban services on the main transport corridors in West Lothian. Although consideration of connectivity at this higher level is still relevant, the decline in patronage suggests that more focus is required on connecting passengers to key destinations.

There are changes to the way in which communities are required to access some key services and amenities with services such GP Surgeries, banks and post offices potentially located in neighbouring areas. A revision of the Passenger Transport Strategy could consider how these services can be accessed and demand for them met in order to support the delivery of the key community priorities and increasing patronage through better connectivity.

In addition, the current strategy does not provide detail of specific prioritisation of council subsidy, in particular during periods of change. As the subsidised network is mainly based on extensions of the commercial network the current frequency of change has resulted in sections of the subsidised network becoming unstable. In light of the need to be able to adapt to changes quickly, and determine the appropriate allocation of council resources to where they are most required, a more specific means of prioritisation within the design and tendering processes for public transport services is required.

In order to develop a strategy which focuses on key destinations, an understanding of the connections currently available within communities was required. This was obtained through TRACC analysis.

D.3 TRACC Analysis

The TRACC accessibility model created for this study was developed to a level of detail, as such, that it can consider accessibility by public transport at a 'postcode' level right across the West Lothian area. The model does this for access to an agreed set of locations and then measures the accessibility and journey time allowing for walking to a bus/rail stop, using the public transport services, interchanging between services as required, and walking to the destination from the final bus/rail stop.

The locations chosen within the study relate to a number of the council's corporate priorities. The groups of destinations considered can be summarised as:

- ☐ Sports Centres;
- ☐ Partnership Centres and Community Centres;
- ☐ Train Stations;
- ☐ Town Centres;
- ☐ Hospitals;
- ☐ GP Surgeries;
- ☐ Employment; and
- ☐ Further Education.

Appendix 4 provides a summary of the TRACC analysis completed for selected towns within West Lothian. Please note that information for all towns exists within the data set for the model however only selected towns are shown within the appendix.

Any outputs which show below 75% of residents can access a destination within 30 minutes have been highlighted. These outputs show how access to services varies across the towns and villages in West Lothian. Broxburn, East Whitburn and East Calder all show accessibility to the majority, if not all destination types, is considerably below the majority of locations in West Lothian. This difference in accessibility is largely due to the location of bus stops on the Main Streets, which can be located over 400m from many of residential areas.

Additionally, geographically, the south and/or west of the Council Area often has poorer access to facilities than the north or east. When access to Town Centres was assessed with the inclusion of only the more frequent services, it was found that a number of the more outlying towns and villages did not have access to these services. This was particularly true of evenings and Sundays, which revealed a number of areas dependent on hourly or less frequent services.

An example of mapping output for GP services access is provided in Appendix 5.

It is recognised that many of the routes within the subsidised network will be contributing to the results of the TRACC analysis and, as such, minimal changes to these routes would be recommended. However, in order to provide transport solutions to improve connections for the identified areas alternative transport models have been explored which would provide greater flexibility than traditional extensions of existing large vehicle commercial routes.

D.4 Alternative Transport Models

As part of the review, the study considered a number of specific transport options for the West Lothian area, in relation to their potential inclusion in a revised subsidised network model. These options include:

- ☐ Community Transport (Community Led Operations and third sector transport providers)
- ☐ Internal Fleet Operations
- ☐ Small Vehicle/DRT Transport solutions

4.1 Community Led Transport

Community transport is run by the community for the community. It provides a flexible and accessible community-led solution which is often directed towards the most isolated in the community. Currently, according to the Community Transport Association, there are no registered community led transport organisations in West Lothian.

Given the community-based work required to develop and maintain community led transport it can be a challenging option to progress as it requires significant resource within the community. Although these schemes should be community led the council can support communities interested in progressing specific transport solutions. It is likely that a community transport champion will be required to help the sector maximise its potential, and assist the council in exploiting the opportunities community-led DRT can offer for a more flexible and cost-effective alternative to conventional, fixed route subsidised bus services.

4.2 Third Sector Community Transport Providers

A workshop was held with HcL to discuss opportunities to develop existing transport models to further meet the needs of existing customers and generate potential user growth. The discussion was focussed on the Dial-A-Bus service and explored the current use of the scheme including potential constraints and areas of development.

It was noted at the point of engagement that HcL was progressing an application to migrate the current Dial-A-Bus service to a 'community bus model' (WeLCom bus) which will open the service to other passengers who may value a door to door service, for example parents with young children. HcL will seek to register the WeLCom bus as a local bus service and will therefore be subject to regulation by the Traffic Commissioner.

HcL will also seek to create a fare structure which is based on, and broadly in line with, existing registered local bus services however this newly revised model will allow passengers to use the National Entitlement Card where eligible. This change in model would see the inclusion of agreed bus stops and timetable operation in addition to the pre-booked home pick up service provided currently extending opportunities for community connections to services and amenities.

It was also noted that the application process was currently underway with the hope that a revised model will be in place later in the year in advance of the commencement of the revised subsidised routes. The council will work with HcL to design the timetable for the revised service with a view to supporting access to GP Surgeries and Town Centre services within a new network model in addition to the subsidised and commercial routes.

4.3 Demand Responsive Services/Smaller Vehicle Operations

As previously reported, the council currently subsidises 10 DRT routes to provide small vehicle transport solutions for areas where there are no commercial or subsidised bus services. Details of the routes are contained within appendix 2.

These routes are designed to support the aims of the current strategy and performance indicator providing hourly connections to a set destination for onward travel.

The study highlighted that DRT services can be designed and contracted in alternative forms to support key connections for communities. These services should be based on a planned network-wide comprehensive approach with long-term and consistent support, giving a fresh approach, based on a number of principles:

- ☐ Framework of inter-urban bus and local rail services
- ☐ Feeder services
- ☐ Demand responsive provision in areas of low demand
- ☐ Involvement of communities
- ☐ Using integrated (Total Transport) approaches to achieve efficient provision
- ☐ Using technology to support information provision, ticketing and on-demand service provision

The above principles could be used to redesign and expand DRT services within West Lothian to improve connectivity to key destinations outlined in the TRACC analysis previously.

4.4 Internal Fleet Operations

The study explored the use internal fleet operations as an alternative model of providing local connections within West Lothian. Local authorities have followed this model where they have found existing arrangements with commercial bus operators for local bus services and home-to-school transport either limited in availability, expensive and/or inflexible.

The study highlighted that internal fleet operations provide an opportunity for a more expansive network whilst providing a much more tailored and bespoke service which remains very flexible. This model also keeps current contractors incentivised to offer best value.

However, there are challenges associated with expansion to internal fleet operations including the increased regulatory burden associated with providing local bus services. Additionally, there may be the potential adverse impact on the commercial bus sector; expanding the council's direct operations may reduce competition for contracts thereby actually increasing contract costs.

Within West Lothian, internal fleet operations may therefore be best utilised in areas where there is no commercial crossover such as town centre services. The TRACC Analysis has identified areas where connections could be delivered through internal fleet operations.

Additionally, Lothian Community Transport Services (LCTS) provided information on MIDAS training services for internal drivers and escorts. Costing for these services will be included in any financial modelling on internal fleet operations.

D.5 Community Engagement

As part of the study it was agreed that community engagement exercises would be undertaken to seek the views of passengers on the following review themes:

- The current Passenger Transport Strategy outcomes
- The service level of the commercial and subsidised networks
- The model of Passenger Transport Services
- Community priorities for transport connections

As part of this engagement process West Lothian Council held a special meeting of the Community Public Transport Forum (CPTF) attended by Community Council Chairs and representatives.

A summary of the main discussion outcomes is as follows:

- There was a strong agreement from CPTF members that one of the main focuses of the commercial and subsidised network should be to ensure communities have access to vital services and where this was not provided commercially the council should be aiming to provide these connections.
- CPTF members agreed that commuter routes were essential within the West Lothian public transport network however members felt that commercial operators should be providing a wider range of operating hours without subsidy from the council.
- The group highlighted a preference for commuter routes to be provided directly however there was an understanding that transport links could be used to bring passengers into transport hubs for onward travel. The CPTF members raised a strong concern however that the use of a transport hub model should not greatly impact overall journey time or cost.
- The use of different transport models including smaller vehicles was welcomed by the Forum providing that accessible vehicles were used.
- Similarly, the forum agreed that demand responsive services could be used to provide vital links in some areas however it was felt that peak times would be better served by traditional bus services.

West Lothian Council also completed 'at bus stop' surveys with passengers within the town centre areas of Livingston, Armadale, Whitburn, Broxburn, Bathgate and Linlithgow over the course of a week period as well as with the Disability West Lothian and 50+ forums. The sample size was limited with 68 participants however the engagement was targeted to cover the main bus terminals within each area.

Passengers were asked 22 questions covering the following main themes:

- Purpose of travel and usage of bus services;
- Concessionary travel and mobility aids;
- Focus of council support for bus services
- Model of transport services

Frequency of bus services was identified as a high priority for surveyed passengers with three-quarters stating this was more important than operating hours or days of service. When asked what type of bus services was deemed to be most important to be supported by the council, just over half stated Town services connecting local facilities with about a third considering rural town connections as most important and a quarter of passengers surveyed believing that commercial service enhancements should be supported.

The survey results also highlighted that many passengers would consider using alternative transports models to improve community connections and frequency of services. Half of surveyed passengers stated that demand responsive services would be acceptable within future network design and two-thirds agreeing that the use of smaller accessible vehicles would also be acceptable.

D.6 Review Recommendations

The study made a number of recommendations in relation to public transport within West Lothian. These are summarised as follows:

- Develop a specific prioritisation approach for West Lothian, drawing on agreed readily available indicators.
- Revise the current Passenger Transport Strategy. This should articulate the vision for public transport and define the space for commercial providers, Community Transport and the council's internal fleet provision.
- Use TRACC analysis to target resources at an agreed set of priorities for transport spending in West Lothian.
- Consult with successful Community Transport operators about best practice to support and advise communities interested in progressing community transport, and identify support mechanisms within WLC to champion the sector.
- West Lothian Council continue to support third sector community transport providers to enhance the transport model to be inclusive of a wider passenger base providing connections for communities as well as maintaining support for passenger with mobility difficulties.
- Consideration and further investigation of costs and benefits associated with utilising the internal fleet to deliver town centre access for communities identified in the TRACC analysis.

Officers supported the review recommendations and it is suggested that they are progressed in conjunction with the network redesign and retender process for the subsidised local bus network.

D.7 Resource and Financial Implications

The agreed Public Transport budget for 2020/21 is £9.7M with £1.9M allocated for Local Bus and DRT services. The council has agreed an additional one off funding of £300K for both 2021/22 and 2022/23 to further support the subsidised public transport network.

A network redesign and retender process requires to be undertaken prior to the end of the current contracted services and it is recognised that any changes to the subsidised network will require to be met within the available resources.

It is therefore anticipated that option based tendering will be utilised in order to undertake an affordability analysis on the revised design of a subsidised network. The council will be required to consider both suitability and affordability when selecting transport models for specific areas.

D.8 Recent Legislative Changes for Consideration

On 15 November 2019, the Transport (Scotland) Bill received Royal Assent. The revised Transport (Scotland) Act 2019 aims to empower local authorities and establish consistent standards across local bus provision in order to tackle current and future challenges. Key provisions under the Act include a new model for Bus Service Improvement Partnerships (BSIPs), new Local Franchising structure and new/extended powers for local transport authorities to provide bus services to meet social needs. Transport Scotland is currently developing guidance for the legislation changes in liaison with key stakeholders to be published later in 2020.

The Scottish Government has also announced a commitment to invest over £500 million in improved bus priority infrastructure, to tackle the negative impacts of congestion on bus services and raise bus usage. The fund also seeks to leverage further improvements through partnership working and is therefore linked to the BSIP model.

In February 2020, as part of the Budget, the Scottish Government also announced the introduction of free travel for those aged 18 and under from January 2021. Although further details of the scheme are still to be developed, the scheme proposes to take a step towards tackling climate change and encourage future public transport users. Once further details are known, the council should consider how the scheme will influence public transport within West Lothian and explore future possibilities within both the subsidised school transport and local bus networks.

D.9 Initial Considered Timeline

In order to progress the recommendations of the review the following next steps were identified:

- Report to D&T PDSP on outcome of the Total Transport Review:
- Report to Council Executive on the outcome of the Total Transport Review and seek approval to review the Passenger Transport Strategy:
- Revise Passenger Transport Strategy and report back to PDSP for comment and Council Executive for approval:
- Undertake a full subsidised network redesign of local bus services based on the outcome of the revised Passenger Transport Strategy inclusive of revised transport models;
- Report to PDSP and Council Executive on outcome of network redesign.

An initial timeline was devised corresponding with the contractual lead in time for retendering services with a view to new contracts commencing in April 2021. Appendix 6 provides the detail of the timeline including engagement and reporting timescales.

Due to the complexities and value of the subsidised local bus contracts a longer lead in time is required to consult, design and tender the route prior to the end date of the current contracts; the lead in time is approximately 12 months. The study was completed in advance of the planned contract review period to ensure that the outcomes of the study could be considered within the review and redesign period. As noted, the contract review period was originally due to start at the end of March 2020 however committee meetings were temporarily suspended due to the COVID 19 pandemic which impacted the timeline for the review. COVID 19 has also had a significant impact on the commercial local bus network.

D.10 Impact of COVID 19 on Local Bus Network

The local bus network has been severely impacted by the Covid 19 pandemic with patronage levels falling by approximately 85% and, as a result, the 2 main large local bus operators have significantly reduced their network coverage to minimise the financial impact on the company. From the engagement with suppliers there is an understanding that the overall reduction in patronage is having a significant impact on commercial business and the temporary reduction in the network is necessary to mitigate some of the impact of this. At this point it is unclear how the network will recover post covid 19 and highly unlikely that the commercial network will be reinstated without change.

The travelling habits of passengers are likely to be different after any recovery period with new travelling habits formed and many passengers potentially opting not to use public transport due to health and safety concerns. Additionally, any physical distancing requirements set by the Government will also have an impact on commercial services reducing the number of people permitted to be on public transport at any one time; local bus operators have indicated that, with physical distancing measures on board, capacity will be reduced to between 10% and 20%. This will affect the ability of a route to be commercially viable for operators and there is therefore a significant chance that the subsidised network will have to be amended to provide links and services which were previously provided on a commercial basis.

The Public Transport Unit has been liaising with local operators continuously throughout this period to keep updated with movement in the network and projections for service review and recovery. Early discussions with operators have highlighted concern regarding continuing both contracted and commercial services in their current form.

D.11 Impact of COVID 19 on Contract Review Period and TTR Recommendations

The recommended principals for a revised Passenger Transport Strategy were based on the current strong commercial market within West Lothian. The recommended principals aim to provide better internal community connections with many of the historically subsidised journeys (early morning, evening and weekends) beginning to be included within the commercial market. As it is now likely that the commercial market post COVID 19 will be reduced and council subsidy potentially required to cover existing connections there is a risk that the council would be unable to deliver a revised strategy based on new principals.

The planned stakeholder engagement will also be impacted by COVID 19. The current physical distancing measures would mean that the consultation method/and period may need to be revised giving a higher emphasis on online consultation. As the commercial market is currently reduced to a limited service and patronage is restricted it may be difficult to manage customer expectations for when normal services resume. The current financial impact of COVID 19 will also affect any tender process with the potential for a significant increase in the cost of subsidised services.

Although COVID 19 may result in the delay of the contract review period there is still an ability to progress some recommendations identified within the TTR and, in some cases, this may be required to aid the recovery of the public transport network and ensure vital connections are available.

The council should continue to progress Internal Fleet Operations, expansion of Demand Responsive Transport Services and support community transport options to enhance the transport model to be inclusive of a wider passenger base.

D.12 Required Changes

Given the risks identified it is recommended that the review of the Passenger Transport Strategy, stakeholder consultation and contract redesign are postponed until such times as the recovery of the local bus commercial market has stabilised and the recently published Government restrictions and physical distancing measures on public transport are implemented and the impacts assessed.

The timeline and method for beginning stakeholder consultation will be determined by Public Health advice from the Scottish Government however consideration could be given to communicating any intended revised dates for passenger consultation to ensure that members of the public are kept updated. The consultation should progress as quickly as permitted within the guidance issued.

Procurement and Legal Services have confirmed that the current contracts could be varied to include an extension of 6 months to end in September 2021 with the possibility of an additional 6 months if required.

There may be a requirement to amend the timetables within the contracts to better reflect any revised commercial activity however this would allow the council to utilise the current parameters and budget within the existing contracts. The extension of the contracts would allow a revised contract review period to be established based on the recovery of the local bus market providing a realistic lead in time for effective stakeholder engagement and contract design. An example of a revised contract review period is contained within Appendix 7.

There may be a risk that a local bus operator does not wish to extend the current contract either due to a lack of resources or because the contract is no longer financially viable in the current situation. The council would then be required to retender any affected contracts which may result in an increased cost for services.

E. CONCLUSION

Passenger Transport has undertaken a review of transport services in West Lothian in liaison with Systra Ltd. The study has highlighted the need to review the passenger transport strategy and recommended that it is aligned to the council's key priorities to provide prioritisation of subsidy connecting communities to key services. The study has also identified alternative transport models which are relevant within the West Lothian context and recommended that these are included within the next redesign and tender stage of passenger transport services.

However, the current COVID 19 pandemic has had a significant impact on the local bus network both locally and nationally with many routes operating a reduced service to minimise the financial impact on operators. The recovery of the market is unclear and it is highly unlikely that the commercial network will be reinstated without change. The current uncertainty and instability of the network will impact the timeline for reviewing the passenger transport strategy and subsidised contracts.

F. BACKGROUND REFERENCES

Systra Ltd Community Transport Review

Appendices/Attachments:

Appendix 1 – Local Bus Service Performance Report

Appendix 2 – Demand Responsive Taxibus Performance Report

Appendix 3 – West Lothian Passenger Transport Strategy

Appendix 4 – TRACCC Analysis

Appendix 5 – Example of Mapping Output for TRACC Analysis

Appendix 6 – Initial Considered Local Bus Redesign and Tender Timeline

Appendix 7 – Revised Local Bus Redesign and Tender Timeline

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Jim Jack, Head of Operational Services

Date of meeting: 23 June 2020

Appendix 1 – Local Bus Service Performance Report

Contract No	Operator	Route Description	Month Rate 2019/20	Revised Budget 2019/20 (Net)	Monthly Passenger Average 17-18	Monthly CPP Average 17-18	Monthly Passenger Average 18-19	Monthly CPP Average 18-19	Monthly Passenger Average 19-20	Monthly CPP Average 19-20
LBS 1	SD TRAVEL	Linlithgow Town Service	£5,464.58	£37,775	4032	£1.10	4067	£1.15	3063	£1.42
LBS 16	SD TRAVEL	Livingston to Western General	£7,745.86	£85,223	627	£10.60	572	£12.23	470	£12.18
LBS 20S	FIRST SCOTLAND	Fauldhouse - Edinburgh Edinburgh to Bathgate	£324.11	£3,889	138	£2.27	129	£2.98	52	£5.21
LBS 21	FIRST SCOTLAND	Fauldhouse to Blackburn	£1,527.90	£18,335	954	£2.40	764	£1.84	390	£5.51
LBS 21E	FIRST SCOTLAND	Edinburgh to Fauldhouse	£7,315.36	£87,784	361	£32.73	1685	£4.08	922	£6.20
LBS 26	FIRST SCOTLAND	Fauldhouse to Deans	£2,268.69	£27,224	1916	£2.34	247	£15.55	236	£7.50
LBS 26E	FIRST SCOTLAND	Fauldhouse to Deans	£8,658.06	£103,897	3059	£2.87	2261	£3.53	1120	£6.08
LBS 30	SD TRAVEL	Bathgate to Boghall	£1,879.59	£22,555	337	£5.41	404	£4.63	364	£4.09
LBS 30SAT	SD TRAVEL	Bathgate to Boghall	£934.90	£11,219	616	£8.64	625	£1.50	423	£1.86
LBS 31	SD TRAVEL	Livingston to Bathgate via Linlithgow	£32,963.33	£395,560	14412	£1.98	13954	£2.11	11196	£2.97
LBS 31S	E&M HORSBURGH	Livingston to Bathgate via Linlithgow	£3,720.28	£37,764	602	£4.73	600	£4.88	450	£6.69
LBS 40-X40	E&M HORSBURGH	St John's to Royal Infirmary	£29,932.80	£199,618	7771	£2.31	6465	£3.06	5744	£3.33
LBS 449	SD TRAVEL	Bo'ness to Bathgate	£4,451.46	£26,176	273	£14.22	237	£17.22	178	£20.71
LBS 5	E&M HORSBURGH	Wester Inch Town Service	£10,466.68	£94,502	4498	£2.42	4234	£2.69	3180	£3.14
LBS 50	SD TRAVEL	Boghall to Harthill via Armadale and Blackridge	£4,134.93	£42,080	543	£6.31	434	£8.98	272	£10.91
LBS 6	E&M HORSBURGH	Armadale Town Service	£8,884.96	£82,401	3215	£3.34	2836	£3.97	1751	£5.45
LBS 7	E&M HORSBURGH	Uphall to Winchburgh or South Queensferry	£13,496.38	£5,940	3620	£3.03	1724	£6.76	735	£15.12
LBS 71	BLUE BUS LIMITED	Breich to Fauldhouse	£7,111.95	£85,343	381	11.25	439	£10.22	2905	£2.36
LBS 8	SD TRAVEL	Boghall to Bathgate	£1,713.08	£12,076	324	£4.29	342	£4.09	237	£4.72
LBS 9	E&M HORSBURGH	Livingston south Town Service	£11,843.48	£113,851	4608	£1.75	3958	£2.42	2657	£2.83

Appendix 2 – Demand Responsive Taxibus Performance Report

Contract No	Service Area	17/18 Average Monthly Passengers	18/19 Average Monthly Passengers	19/20 Average Monthly Passengers
WL DRT TB1A	Newton - South Queensferry	61	97	49
WL DRT TB2	Roman Camp/Drumshoreland - Broxburn	45	47	100
WL DRT TB3	Harburn/Crosswoodhill - West Calder	142	109	105
WL DRT TB4	Westwood - West Calder	13	3	4
WL DRT TB5	Broxburn - Deans Industrial Estate	0	0	0
WL DRT TB6	Gowanbank - Bathgate	0	0	48
WL DRT TB7	Beecraigs - Linlithgow	21	18	9
WL DRT TB8	Breich - West Calder/Fauldhouse	1	0	0
WL DRT TB23A	Linlithgow - South Queensferry	7	9	12
WL DRT TB29	Hillhead/Westfield - Armadale	N/A	N/A	258

Appendix 3 – West Lothian Public Transport Strategy

West Lothian Council is committed to maintaining a public transport network that meets the majority of transport needs within its geographic boundary and provides connections to neighbouring areas. A key council activity is the augmentation of passenger transport services provided by commercial and voluntary sector operators to provide a comprehensive network.

The principal powers for the council to do this derive from the 1985 Transport Act, which states that local authorities in Scotland have duties (under section 63) “to secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose”; and “to formulate from time to time general policies as to the descriptions of services they propose to secure”. In so doing, the Act states, local authorities shall “have regard to the transport needs of members of the public who are elderly or disabled”.

Furthermore, Section 51 of the Transport Act (Scotland) 1980 requires that councils provide free home to catchment school transport for children aged eight years or less living at least two miles from school and children over eight living at least three miles from school. This statutory minimum distance entitlement was amended in 1996 to the effect that, in transporting pupils, councils must have regard to the safety of pupils that are not provided with transport on the grounds of distance.

The council has powers to provide direct financial support to transport operators in particular circumstances through:

- Revenue payments to support non-commercial services; and
- Capital grants to improve facilities or rolling stock.

This document sets out how West Lothian Council will meet these duties, and how it will prioritise resources towards competing demands for investment in public transport services.

Policy PTS1: General Basis of Support

The council will, within legislative constraints, actively seek to deploy revenue and capital resources to provide direct financial support for public transport operations in West Lothian which cater for social needs that would otherwise be unmet, and which represent good value for the community.

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.

Policy PTS2: Prioritisation of funding

The council will provide funding, within available resources, to support passenger transport services that meet the requirements of policy PTS1.

In the event of available funding being unable to meet all potential needs, the council will prioritise funding towards those services that provide a transport option for people that would otherwise have no travel choices and to those which deliver larger numbers of journeys per unit of subsidy provided.

When making choices between investment options, the council will be also be guided by the following order of priorities:

1. Meeting the statutory minimum requirements for home to catchment school transport (of providing free provision for children aged eight years or less living at least two miles from that school and children over eight living at least three miles from that school, and for children for whom there is a specific road safety concern on their journey to that school), subject the principles set out in the policy for school transport (see policy PTS4 below);
2. Providing free transport from home to catchment school transport for primary children aged nine and over living at least two miles from school, subject to the principles set out in policy PTS4;
3. Providing free home to catchment school transport for primary children living within two miles of school and secondary school children living within three miles from school for pupils that are defined within the principles set out in policy PTS4 as having additional transport needs;
4. Working with operators to ensure a viable primary network of scheduled bus services is available, providing direct, inter urban services on the main transport corridors in West Lothian, using wheelchair accessible vehicles to operate minimum half hourly Monday to Saturday daytime and hourly evening and Sunday frequency on these routes:
 - Falkirk-Linlithgow-Edinburgh
 - Bathgate-Livingston
 - Whitburn-Livingston
 - Livingston-Edinburgh via A89
 - Livingston-Edinburgh via A71.

These routes will guarantee a regular service to the intermediate settlements of Blackburn, Bridgend, Broxburn, East Calder, East Whitburn, Mid Calder, Kirknewton, Seafield, Threemiletown, Uphall, Wilkieston and Winchburgh.

5. Working with operators to ensure a viable secondary network of scheduled bus services is available, on the secondary transport corridors in West Lothian, using wheelchair accessible vehicles on minimum hourly daytime frequency Monday to Saturday on these routes:
 - Falkirk-Bathgate-Livingston
 - Blackridge-Bathgate
 - Fauldhouse-Whitburn-Armadale-Bathgate
 - Bathgate-Linlithgow
 - Linlithgow-Livingston
 - Fauldhouse-Livingston
 - Winchburgh-Broxburn-Uphall Station-Livingston
 - Linlithgow-Bo'ness.

These routes will guarantee a regular service to the intermediate settlements of Addiewell, Bathville, Bents, Birniehill, Burngrange, Ecclesmachan, Loganlea, Polbeth, Pumpherston, Stoneyburn, Torphichen, Uphall Station, West Calder, Westfield and Whiteside.

6. Supporting demand responsive or scheduled transport services to operate in locations and at times to provide access to key social needs that would otherwise be unmet, which are appropriate to the needs of target communities and individuals, when there is at least a reasonable level of demand and when they can be provided for reasonable levels of subsidy per passenger journey;
7. Providing free transport to catchment school for primary children living between one and a half and two miles of school and secondary school children living between two and three miles from school, where such transport can be provided on a good value basis by the council.

Policy PTS3: User charges

In accordance with its 2013 Review of Income and Concessions, the council will usually seek to recover some of the costs of transport it supports from users, subject to any agreed national or regional concessionary travel scheme or where free transport to school is provided by statute or council policy. These could be in the form either of direct payments to the council or to service providers (which, in the latter case, will be considered as part of contractual agreements). Any such payments will be used in order that available council finances are able to provide transport support to a larger number of people.

In setting user charges, the council will, unless specific different circumstances apply, usually seek to set these charges at about the levels that would be incurred were the journey to be made by the user on a commercially operated scheduled bus.

Policy PTS4: School transport

Efficient and sustainable school transport services will be provided to ensure that the council meets the statutory minimum requirements for home to catchment school transport.

The council will maintain guidelines as to in which circumstances pupils will be eligible for additional support transport needs, assess all new requests for such transport and review each pupil's continued eligibility for transport on a regular basis.

Policy PTS5: Pump-prime funding

The council will, where there is a robust case and when funding is available, provide short-term investment (including indirectly through marketing) to commercial or voluntary sector transport operators, where this would create new or support existing or other transport services (be they scheduled or demand responsive bus services or other publicly-available transport options such as social car schemes or car clubs) that are expected to become financially sustainable (i.e. operate without on-going council support). Funding will only be considered for services that would meet unmet social needs, would otherwise not be available and would not detract from the viability of commercial or other existing services;

Policy PTS6: Service quality

Contracts between the council and transport operators will mandate that service provision at least meets minimum statutory requirements for vehicle and service quality. The council may specify contracts beyond statutory minimum requirements (including for vehicle specification) where these are felt to be necessary to provide a reasonable service to the target users or otherwise offer best value.

Policy PTS7: Service co-ordination

Within the bounds of statute and in partnership with operators, the council's Public Transport Unit will co-ordinate transport provision in West Lothian such that different services complement each other effectively in order to achieve best value for the council's investment in public transport and aid efficient operation for service providers.

Policy PTS8: Infrastructure and information

The council will provide and maintain, in all locations subject to its control, appropriate infrastructure (including roads, bus stops, shelters, information displays) as are necessary for the provision of the key and secondary networks of scheduled bus services and other passenger transport services that it supports.

The council, in general, expects service operators to inform potential users of relevant services and encourage their use. It will, however, provide support to relevant regional or national transport information dissemination systems and may provide financial or other assistance to help potential users get better information on services where there is a clear benefit in doing so.

Policy PTS9: Procurement

The council will determine the procurement model and contract periods for each service to be supported, in every case to deliver best value outcomes for the council and service users.

Policy PTS10: Contract compliance

The council will monitor the compliance with contract of the services provided by any organisation it enters into agreement with to provide public transport or related services. Non-compliance with contract conditions may lead to reductions in support payments or to premature termination of the contract. In the latter circumstance, the council may exclude the supplier from tendering for further contracts for a set period.

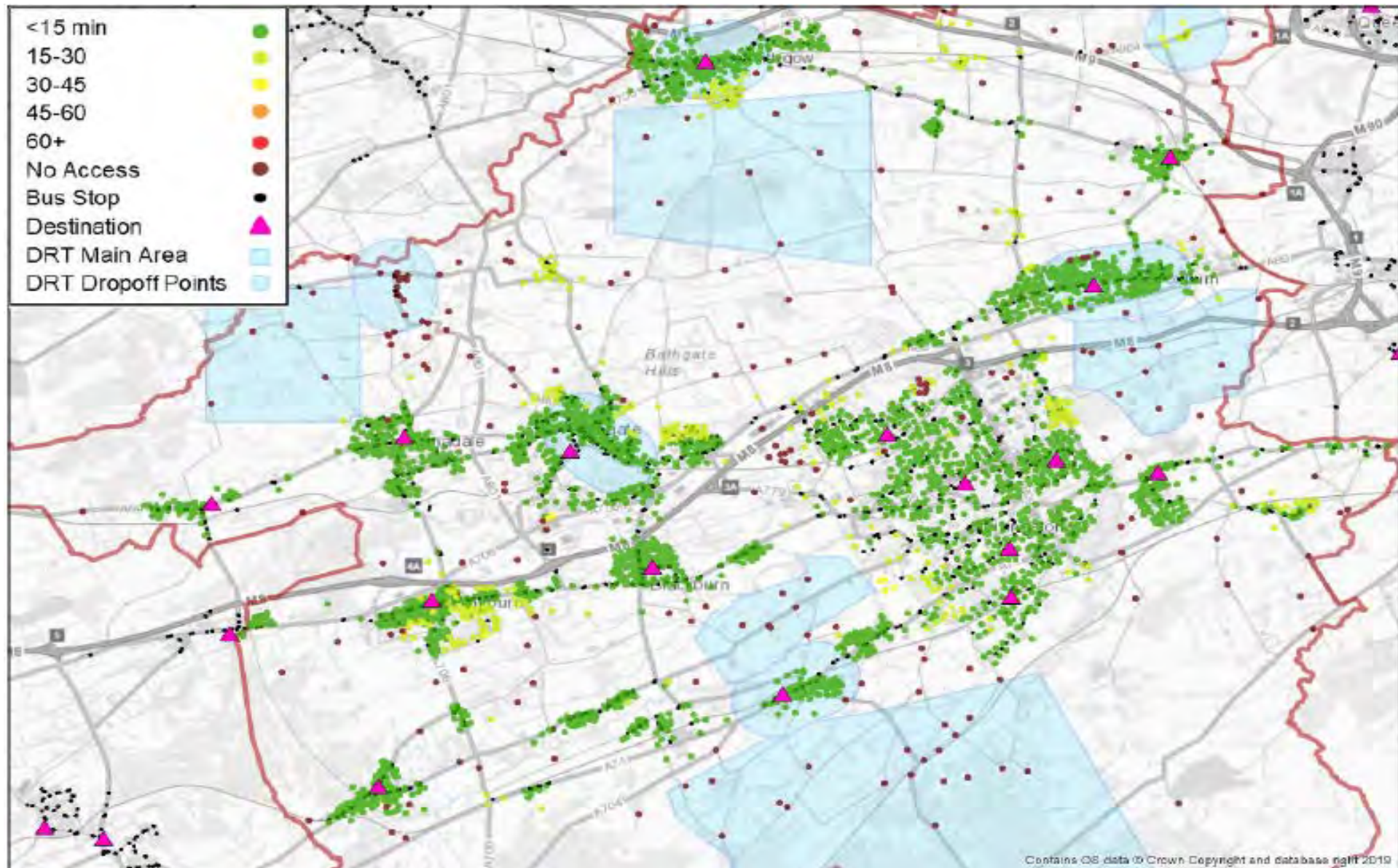
Appendix 4 – Summary of TRACC Analysis

Proportion of population within 30 minutes public transport journey time (all weekday daytime excl Employment and FE 0600-0900)

Table 3. Proportion of population within 30 minutes public transport journey time (all weekday daytime excl Employment and FE 0600-0900)

	SPORTS CENTRES	COMMUNITY CENTRES	PARTNERSHIP CENTRES	TRAIN STATIONS	TOWN CENTRES	HOSPITAL	GP SURGERY	EMPLOYMENT	ACCESS TO FE
Livingston	81.5%	76.8%	73.7%	82.0%	81.5%	78.8%	81.9%	82.3%	95.1%
Bathgate	77.9%	87.4%	88.1%	88.1%	88.1%	39.9%	88.1%	84.3%	1.3%
Linlithgow	83.2%	64.2%	83.8%	83.2%	83.8%	77.4%	83.4%	67.4%	5.3%
Whitburn	91.6%	91.6%	80.3%	90.3%	91.6%	10.7%	89.7%	88.9%	7.2%
Armadale	88.9%	66.9%	88.9%	88.9%	88.9%	0.2%	88.9%	88.9%	0.0%
Blackburn	79.1%	79.1%	79.1%	79.1%	79.1%	76.1%	79.1%	79.1%	69.5%
Bridgend	9.8%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	0.0%
Broxburn inc Uphall	54.3%	54.3%	54.3%	53.8%	54.3%	35.1%	54.3%	54.3%	10.8%
East Calder	55.7%	55.7%	55.7%	55.7%	55.2%	44.2%	55.7%	31.7%	85.9%
East Whitburn	67.2%	93.0%	67.2%	64.6%	67.2%	63.1%	67.2%	67.2%	55.1%
Kirknewton	91.6%	91.6%	91.6%	91.6%	86.3%	0.0%	91.6%	55.8%	97.8%
Mid Calder	82.3%	82.3%	82.3%	82.3%	82.3%	82.3%	82.3%	82.3%	100.0%
Seafield	80.7%	80.7%	80.7%	80.7%	80.7%	80.7%	80.7%	80.7%	100.0%
Threemiletown	39.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	0.0%
Wilkieston	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Winchburgh	84.7%	84.7%	84.7%	84.7%	84.7%	84.7%	84.7%	84.7%	0.0%

Appendix 5 – Access to GP Surgeries – 800m walking distance to bus stop



Appendix 6 – Initial Considered Local Bus Redesign and Tender Timeline

Task	Date
Total Transport Review Paper - PDSP	31/03/2020
Total Transport Review Paper – Council Executive	21/04/2020
Prepare Revised Strategy	22/04/20 – 01/05/20
Strategy Paper – D&T PDSP Meeting	02/06/2020
Strategy Paper – Council Executive Meeting	09/06/2020
Passenger Engagement	10/06/20 – 14/08/20
Contract Redesign based on new strategy	10/06/20 – 14/08/20
Contract Options Paper - D&T PDSP Meeting	01/09/2020
Contract Options Paper/ Tender Approval - Council Executive	08/09/2020
Contracts out to tender (Timescales dependent on Framework)	09/09/2020
Tender Close	07/10/2020
Tender Evaluation Deadline - including passenger forecasts, cost per passenger estimates	08/10/20 - 19/11/20
Ranking of Contracted Services	08/10/20 - 19/11/20
Forecasts of budget implications of tender results	08/10/20 - 19/11/20
Contract Award Paper - Council Executive Meeting	22/12/2020
Contract Award Letters to Operator	05/01/2021
Registration with Traffic Commissioner	19/02/2021
Contract Start Date	05/04/2021

Appendix 7 – Revised Contract Review Timeline

Task	Revised Date
Total Transport Review Paper - D&T PDSP	June 2020
Total Transport Review Paper - Council Executive	June 2020*
Prepare Revised Strategy	July - October 2020
Strategy Paper - D&T PDSP	November 2020
Strategy Paper - Council Executive	December 2020
Passenger Engagement	January - February 2021
Contract Redesign based on new strategy	January – March 2021
Contract Options Paper - D&T PDSP	May 2021
Contract Options Paper/ Tender Approval - Council Executive	May 2021
Contracts out to tender (Timescales dependent On Framework)	May 2021
Tender Close	June 2021
Tender Evaluation Deadline - including Passenger forecasts, cost per passenger estimates	June/July 2021
Ranking of Contracted Services	July 2021
Forecasts of budget implications of tender results	July 2021
Contract Award Paper - Council Executive Meeting	September 2021
Contract Award Letters to Operator	September 2021
Registration with Traffic Commissioner	September 2021
Contract Start Date	October 2021

* Report to Council Executive seeking approval to revise the contract review period and vary the local bus contracts to extend by 6 months with the possibility of a further 6 months extension.

The revised dates would require a 6-month extension to the current local bus contracts to October 2021.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

FOOD SERVICE PLAN 2020/2021

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to make the Council Executive aware of the obligation upon the council to approve an annual Food Service Plan, and to seek approval for the Food Service Plan 2020/2021.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the content of the report and accompanying Food Service Plan; and
2. approves the Food Service Plan 2020/2021.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The Food Law Code of Practice (Scotland) determines the requirements upon local authorities for the delivery of food safety and public protection activities.</p> <p>The statutory requirements outlined in section 1 of the code are to be brought to the attention of local authority officials and or elected members responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.</p> <p>The Public Health (Scotland) Act 2008 places a duty on the NHS Lothian to produce a joint health protection plan in collaboration with relevant local authorities.</p> <p>The Drinking Water Quality Regulator (DWQR) maintains an overview and direction for local authority duties in regard to private water supplies.</p> <p>The plan does not require a strategic</p>

	environmental assessment. The plan deals with issues of equality and risk.
III Implications for Scheme of Delegations to Officers	There are no implications for the scheme of delegation. In terms of the Food Law Code of Practice (Scotland) the designated lead food officer is the Environmental Health Manager.
IV Impact on performance and performance Indicators	<p>The Food Service Plan identifies how work will be prioritised to ensure a high level of performance in work that has greatest impact on protecting public health.</p> <p>Performance indicators are reported internally and publically through Pentana.</p>
V Relevance to Single Outcome Agreement	<p>SOA 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>SOA 7 We live longer, healthier lives and have reduced health inequalities.</p>
VI Resources - (Financial, Staffing and Property)	The service plan has been developed to be delivered within current resources. This requires prioritisation and changes to the extent and method of service delivery. This means not all aspects of the service can be delivered in line with all external requirements and expectations.
VII Consideration at PDSP	The report and food service plan have been provided to members of the Environment PDSP. No changes to the service plan or report were required following consideration by panel members.
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Background

Since the 1 April 2015, Food Standards Scotland (FSS) is responsible for all strategic and policy aspects of food standards, food safety and feed safety in Scotland. This is a responsibility previously undertaken for the whole of the UK by the Food Standards Agency.

There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to be brought to the attention of local authority officials and/or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

The obligations that apply to the delivery of official controls by local authorities include ensuring:

- The effectiveness and appropriateness of official controls.
- That controls are applied at an appropriate risk-based frequency.
- That they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
- That staff are free from conflicts of interest.
- That they have access to an adequate laboratory capacity and capability for testing.

The Food Service Plan outlines how these and other official control obligations are being met and pursued within West Lothian. Appendix 1 to this report gives a summary of these obligations and approach taken.

FSS is responsible for ensuring that appropriate and adequate arrangements are in place to meet official control obligations in Scotland. This role includes the production of statutory Codes of Practice approved by Ministers setting standards for the delivery of official controls by local authorities and the monitoring of service delivery through annual returns and audit of relevant local authority services

D2 Purpose of the Plan

Safe food and drink is something which the vast majority of the population take for granted. The safety of this fundamental human need relies on a competent, trustworthy and properly regulated and managed supply monitored mainly by environmental health professionals working within local authorities. This essential work often goes unnoticed. The consequences of a failure in the safety of the food and drink we consume can be catastrophic in costs to human health, the food industry, governments, reputation, public confidence and trust. One of the purposes of the Food Service Plan is to outline how such controls are delivered in West Lothian within current resources.

The plan, however, also incorporates other closely linked elements of public health protection undertaken by officers within the environmental health service including infectious disease control and the regulation of private water supplies and recreational water quality and safety.

Although elements of the food service are reflected in the service management plan for Planning, Economic Development and Regeneration, the creation of a detailed food service plan is a distinct requirement. The structure of the service plan is determined by guidance contained within the framework agreement, and a copy of the proposed plan for 2020/2021 is attached for review and consideration.

D3 Protection

The key role of the service is public health protection. The service plan gives an overview of how this is delivered in West Lothian. The mission statement for the service is – *“To protect public health and contribute to a healthy community in West Lothian by ensuring the safety, wholesomeness and quality of food and water through education and enforcement.”*

The service plan identifies the different aspects and approaches of service delivery to ensure a rounded, balanced and effective approach to public health protection.

The plan reflects the risk based prioritisation of the service and recognises that not all aspects can be delivered in line with the requirements of the Food Law Code of Practice (Scotland). For example, not all food safety inspections can be targeted by their due date. This and other aspects have been outlined in previous service plans.

The service plan reflects a number of positive outcomes in terms of improvements to food safety standards within West Lothian food establishments including increasing levels of compliance and maintaining high levels of customer satisfaction from business operators.

D4 Performance and Performance Management

The Food Service Plan details important elements of performance by presenting statistics and case studies to illustrate the balance between the output and outcomes of service delivery.

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Public reporting through Pentana.
- Audit by Food Standards Scotland (formerly Food Standards Agency).
- Legislation, enforcement and technical guidance.
- Internal working documents and procedures.
- Food Service Plan.
- Internal monitoring of performance.
- Appraisal and Development Review (ADR) process.
- Training and professional development of officers and management.
- Reporting to external agencies.
- Internal reporting to elected members and corporate management.

The changing nature of demands upon the service requires a flexible approach to balancing often competing priorities. Food safety and public health protection will always provide challenges. Officers and managers continue to take a constructive and professional approach to such matters, and through prioritisation, effective work planning and delivery, the service has ensured good performance in high priority areas of work.

Performance against the 2019/2020 food service plan was impacted predominately by vacancies in the service. There is a national concern regarding recruitment and retention of professional staff, and trainee development is also proving challenging with a significant reduction in student availability. There were also changes to the food law code of practice with a new inspection approach and rating scheme introduced during the year.

In addition to the routine delivery of service demands the following activities were successfully delivered during 2019/2020:

- Maintaining a high level of performance in delivering inspection targets for highest risk premises.
- A high percentage of premises achieving a Pass rating in the food hygiene information scheme.
- A high percentage of premises rated as broadly compliant for food safety official controls.
- Adapting to changes in the food law code of practice and implementing new systems for recording and rating inspections.
- Improving web content to provide more information for business operators and members of the public on food safety issues.
- Developing frontline officers in engaging with partners and other agencies through working groups, networking and representing service at various events. This is essential for succession planning and ensuring new or different views and perspectives are brought forward.

D5 Challenges

Dealing with risks to public health along with an increasing workload remains a significant challenge for the service, as does capacity and resilience in the event of a major incident. However, the challenge and demand continues to be positively managed and supported by officers. This is achieved through established work priorities, improved efficiency and effectiveness in work planning and actions, ensuring appropriate and balanced enforcement action, supporting businesses where possible to work safely, and supporting officers in dealing with difficult and complex public health protection work. The priority focus remains on outcomes and not just output. This approach has been in place for many years with some adjustments and refinements over time.

The impacts and consequences of CoVID-19 will be significant in terms of delivering the plan for 2020/2021. The service is actively engaged in the enforcement of restriction regulations, and initial developments within the contact tracing programme. These specific demands are likely to increase as businesses which are currently closed try to re-open and maintain public health controls for staff and the public. The routine inspection and sampling plans will be revised during the year to accommodate developments in national strategies, guidance and legal controls to address this pandemic.

The plan for 2020/2021, and beyond, is to ensure the service focuses resources at priority areas of work, and takes correct action to protect public health when risks are identified.

E. CONCLUSION

The Food Service Plan 2020/2021 aims to reflect the ongoing work of Environmental Health & Trading Standards in protecting food safety and public health in West Lothian.

F. BACKGROUND REFERENCES

1. Report to Council Executive – Food Service Plan 2019/2020, 25 June 2019.

Appendices/Attachments: Two

Appendix 1 Summary of official control obligations.

Food Service Plan 2020/2021.

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Craig McCorriston
Head of Planning, Economic Development & Regeneration

23 June 2020

Appendix 1

The Food Service Plan 2020/2021 deals with the following matters in more detail and depth. However the following outlines the main operational obligations on competent authorities in terms of Regulation (EC) 882/2004 and the measures for delivery within West Lothian.

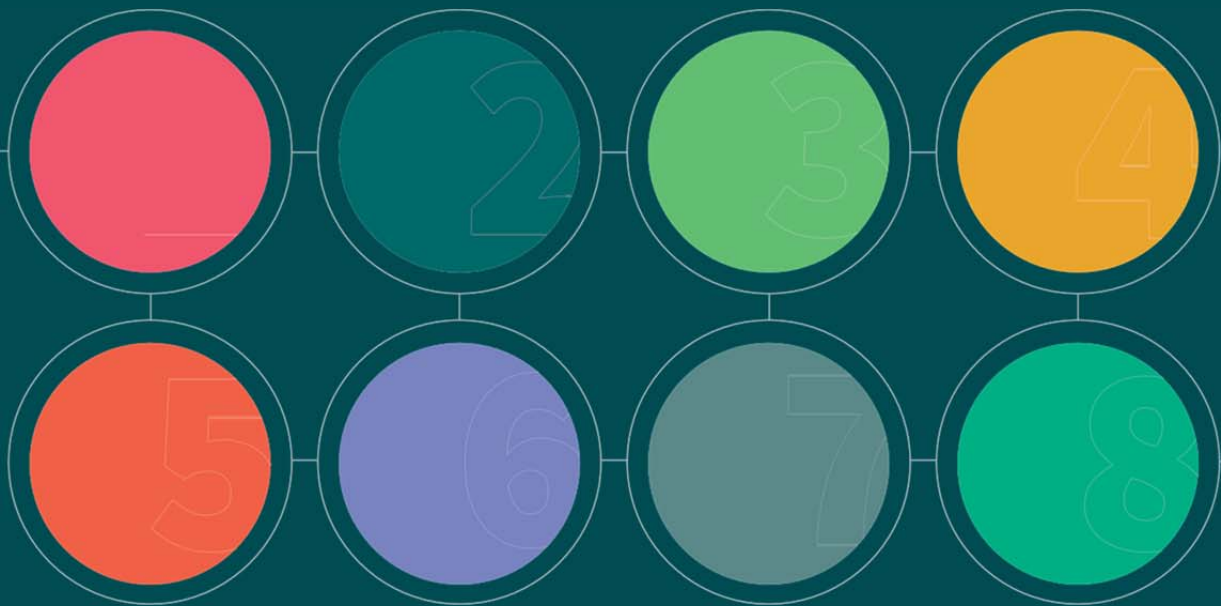
Obligation on local authorities	Summary of service delivery in West Lothian
<p>Official controls are applied at an appropriate risk-based frequency. (Article 3, (1))</p>	<p>It has been highlighted in previous food service plans that not all controls are completed in accordance with the timescales determined within the Food Law Code of Practice (Scotland). Prioritisation is given to the highest risk premises for inspection. There was an impact on service delivery from vacancies within the service. There was an issue with attracting suitably qualified staff to advertised posts. This impact is ongoing. Recruitment to vacant posts will be pursued through 2020/2021.</p> <p>In 2019/2020:</p> <ul style="list-style-type: none"> • 85% of highest risk establishments were inspected by due date. • There was an increased number of premises not able to be inspected during 2019/2020 and requiring to be carried into 2020/2021 inspection plan. • The introduction of the new food law rating scheme in July 2019 combined the food hygiene and food standards inspection plans, and increased the inspection demand on the service going forward. • There were a significant number of establishments subject to alternative enforcement and not inspection by a qualified officer. • There were a large number of service requests received. 93.3% were responded to by the due date.
<p>The effectiveness and appropriateness of official controls. (Article 4, (2)(a))</p>	<p>The service has been audited by Food Standards Agency Scotland (now Food Standards Scotland). No major concerns were highlighted during audits. There is a balanced approach to enforcement and education, and a high level of business compliance, and business satisfaction with the approach taken by officers. The enforcement policy for the service is cited as a good example in the Scottish Regulators Code of Practice.</p> <p>In 2019/2020:</p> <ul style="list-style-type: none"> • For all risk rated food establishments in West Lothian, 96.8% were broadly compliant in terms of food law requirements. • 96% of relevant establishments within the food hygiene information scheme held a Pass award. • 81% of establishments deemed improvement required, subsequently achieved a Pass award following intervention by officers.
<p>Staff carrying out official controls are free from</p>	<p>This is addressed through the councils' code of conduct</p>

conflicts of interest. (Article 4, (2)(b))	for employees.
They have access to an adequate laboratory capacity and capability for testing. (Article 4, (2)(c))	Public Analyst Scientific Services have been appointed to provide laboratory services. They are an official control laboratory and meet the necessary requirements. A food sampling plan is included within the service plan. Sampling outcomes are recorded on a national database – UKFSS.
They have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly. (Article 4, (2)(c) & (2)(d))	<p>There is no official standard provided for determining sufficient numbers of staff. However, in recent years the service has delivered a high standard of output and outcomes. The professional development requirements for officers in terms of the code of practice are being met, and officers have the necessary facilities to complete their work. It is recognised within the service plan that work is not easily quantifiable and impacts on workload delivery will vary depending on circumstances. Resources available to support service delivery continue to be kept under review. Vacancies within the service have impacted on official control delivery. These vacant posts will continue to impact in 2020/2021 as recruitment is pursued. There are no reductions in staffing from previous service plan.</p> <p>West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £14,994, and West Lothian is £8,625 – figures from Local Government Benchmark Framework 2018/2019). Although there is some variability in the levels of service provision there is no real evidence of serious detriment to food safety and public health in West Lothian at this time.</p>
They have legal powers to carry out official controls. (Article 4, (2)(e))	Officers carrying out official controls are authorised in terms of the Council's scheme of delegation. Authorisation documents are available for officers. Officers will be authorised in terms of legislation applicable and appropriate to level of professional competence and grading.
They have contingency plans in place, and are prepared to operate plans in event of emergency. (Article 4, (2)(f))	The service will implement emergency plans as appropriate. There are different national and regional incident management plans for purposes of consistency. Staff have been involved in testing these plans. There is a service wide business continuity plan which is tested and reviewed appropriately. There are also internal procedures and information to assist officers involved in emergency situations.
They shall ensure efficient and effective co-ordination between all competent authorities involved. (Article 4, (3))	The service will liaise and co-operate appropriately with Food Standards Scotland. The service is also involved with other regional local authority colleagues in the Lothian & Borders Food Liaison Group which provides regular links to ensure consistency of approach and sharing of intelligence. Officers are also involved in national networks and working groups. The service also

	has access to MEMEX for food crime intelligence sharing. The service also uploads official control data to the Scottish National Database. It will work with primary and home authority local authorities in ensuring consistent food law enforcement.
They shall ensure the impartiality, quality and consistency of official controls at all levels. (Article 4, (4))	Officers will follow national guidance and internal policies and procedures to ensure consistency of approach. Officers will regularly discuss issues of concern with colleagues and will come forward for consideration at monthly team meetings. Issues for clarification or opinion can also be shared with regional liaison group colleagues, and if necessary taken to national groups for determination. Concerns of interpretation will also be raised with Food Standards Scotland. The service has a Council approved and publically available enforcement policy which demonstrates a graduated and transparent approach to enforcement. It is recognised within the Scottish Regulators Code of Practice as a good example. All inspection reports and guidance issued will direct customers and business operators to the process of raising concerns which might arise from the implementation of official controls. Customer survey information with business customers has always reported high levels of satisfaction with officers and official control activity.
They shall carry out internal audits or may have external audits carried out to ensure the objectives of the regulation are being achieved. (Article 4, (6))	Internal monitoring procedures are in place. These will include performance management – with internal and public performance standards being made available. Monitoring will also involve accompanied visits, case review, 1-2-1 meetings and performance appraisal in compliance with the Council's ADR process. External audits are carried out by Food Standards Scotland. Annual returns have been made (LAEMS and SFEAR). Official control data is uploaded to Food Standards Scotland – Scottish National Database.
They shall ensure staff performing official controls receive appropriate training for area of competence, and have aptitude for multidisciplinary cooperation. (Article 6, (a)-(c))	Ongoing training and development is essential, and the food law code of practice anticipates at least 10 hours CPD will be provided annually. Training records are kept, and training opportunities are provided for all staff. Training and development needs will be discussed and considered as part of 1-2-1 and ADR discussions. A number of staff are involved with internal and external partners, working groups and represent the service competently in such circumstances. This is a key element of succession planning within the service.
They shall carry out activities with high level of transparency and make relevant information publically available. The public will have access to information on control activities and their effectiveness, and information relating to product withdrawals. (Article 7, (1))	An annual food service plan is developed and approved by Council Executive. This is a public document and is available on the council website. A lot of other information has been made available on the council website. The service participates in the Food Hygiene Information Scheme to ensure appropriate public information is available regarding food hygiene compliance in local food establishments. The service will also encourage businesses to pursue Eatsafe awards, which are also

	publically available information regarding standards of compliance. The service will issue media information appropriately. It will also ensure provision of information in terms of freedom of information. Food Standards Scotland co-ordinate product withdrawals. Information will be shared with the public and businesses appropriately.
They shall ensure staff maintain professional secrecy in regard to certain information obtained in carrying out official controls. This includes confidential investigation and legal proceedings, and personal data. (Article 7, (2) &(3))	Staff are made aware of legal obligations. Staff will also complete internal council training sessions on data protection and information security. These are regularly completed by staff to ensure awareness is maintained.
They shall carry out official controls in accordance with documented procedures containing information and instruction for staff performing official controls. (Article 8, (1))	Staff will have access to and will be aware of national standards and guidance, e.g. Food Law Code of Practice. All staff have access to internal systems or web access for necessary documents. There are also internal policies and procedures which staff are made aware of and are expected to follow. These are openly available, and contain appropriate cross referencing to other relevant guidance. Internal monitoring will consider compliance with procedures.
They shall have in place procedures to verify the effectiveness of official controls carried out and ensure that corrective action is taken when needed. (Article 8, (3)(a) & (b)).	Internal monitoring, including accompanied visits will take place appropriately. Performance management processes are also in place. For example, a monthly report considers the premises which have been inspected and require a revisit based on the rating for compliance. It will ensure that officers are following up issues of concern. Reports are also provided which identify improving standards within food establishments over time, and through food hygiene information scheme. The outcomes and information is collected and stored on CIVICA APP system. The service is also audited by Food Standards Scotland.
They shall provide reports on official controls carried out and ensure business operators are provided with a copy of the report. (Article 9)	It is standard procedure to ensure that a report is left with a business operator after official control inspections and interventions. A written report will be left at time of visit, and if necessary followed up by a more detailed typed report. Guidance is also left to explain purpose of visit and also direct to sources of further information. Reports are designed to ensure compliance with the requirements within the Food Law Code of Practice.
They shall carry out official controls using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis. (Article 10, (1))	Various methods and techniques for official controls are used and are reflected in internal policies and procedures, and information recording on CIVICA APP system. Methods and techniques are considered appropriately in context of the hazard and risk activity of business operation or process. There is a prioritisation of work activities which is also included in the food service plan.

Planning, Economic Development and
Regeneration
Environmental Health & Trading Standards
Food Service Plan 2020/2021



OVERVIEW:

In order to follow the recommendations of the Food Law Code of Practice (Scotland) and the obligations on competent authorities contained in Regulation (EC) 882/2004, West Lothian Council is required to develop and approve an annual food service plan. The structure of the food service plan is determined by the guidance contained within the Framework Agreement on Local Authority Food Law Enforcement.

The plan outlines how food safety and animal feedingstuffs will be monitored and controlled. The plan also covers other public health functions undertaken by the commercial team within environmental health. Food safety is the responsibility of environmental health. Animal feedingstuffs and hygiene at primary production are the responsibility of trading standards.

The service plan covers seven sections:

- food service aims and objectives;
- authority background;
- service delivery;
- resources;
- quality assessment;
- service plan and operational plan review; and
- animal feedingstuffs and hygiene at primary production.

The majority of the service plan relates to the work covered by the commercial team within environmental health. Section 7 covers the specific work undertaken by trading standards.

Safe food and drink is something which the vast majority of us take for granted. The safety of this fundamental human need relies on a competent, trustworthy and properly regulated and managed supply, monitored mainly by environmental health professionals working within local authorities. This essential work often goes unnoticed. The consequences of a failure in the safety of the food and drink we consume can be catastrophic in costs to human health, the food industry, governments, public confidence and trust. The purpose of this service plan is to outline how such controls are delivered in West Lothian.

SECTION 1 – SERVICE AIMS AND OBJECTIVES

1.1 Mission Statement

To protect public health and contribute to a healthy community in West Lothian by ensuring the safety, wholesomeness and quality of food and water through education and enforcement.

1.2 Corporate Plan & Single Outcome Agreement Links

Priority 6: Delivering positive outcomes on health.

Priority 8: Protecting the built and natural environment.

SOA6 We live longer, healthier lives and have reduced health inequalities.

<https://www.westlothian.gov.uk/article/33026/Corporate-Plan>

1.3 Aims and Objectives

Our priority customers for the work we undertake are the public and businesses within West Lothian. We support the following objectives of Food Standards Scotland Strategic Priorities:

1. Food is safe.
2. Food is authentic.
3. Consumers have healthier diets.
4. Responsible food businesses flourish.

1.4 Official Control Obligations

There are specific legal obligations placed on local authorities in regard to delivering food safety official controls. Section 1 of the Food Law Code of Practice (Scotland) requires the statutory obligations covered to be brought to the attention of local authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of official controls.

The obligations are outlined in different articles of Regulation (EC) 882/2004. Appendix 7 gives details of these obligations and how they are met within West Lothian.

1.5 Our priorities

The food service has to be delivered on a priority basis alongside other public health and safety priorities within the environmental health service. This reflects the nature of the work undertaken and that the service cannot be divided up into uniform time units for completing tasks. Each inspection or service request will have its own complexity and issues which determine the amount of work and time required to address.

The priorities are based on both reactive and proactive work and the potential public health impact of each. Delivery of service priorities will be within the context of resources available

and staff skills, knowledge, experience and capacity. A basic overview of environmental health service priorities and staff contribution is given in Appendix 1.

Service priorities have been established to ensure the best practical service in addressing the food safety and public health needs of our communities. They also reflect guidance issued by the Scottish Food Enforcement Liaison Committee and Food Standards Scotland in regard to prioritising food inspections. Health and safety enforcement and public health priorities have been included to reflect the combined work undertaken by officers. (A separate health and safety service plan is also prepared and published). Food service priorities are outlined in Appendix 5.

The purpose of the service is to intervene and prevent the human and financial costs of foodborne illness impacting downstream on society, businesses, health care services etc. The financial costs are estimated to impact substantially on the UK economy, individuals, businesses and NHS (£9.1 billion annually), with 180 deaths, and 16,300 hospital admissions*. Food borne illness has a significant impact on lost working days and, for small food businesses, it can be financially disastrous. The focus of the food service in West Lothian is to do everything possible within available resources to prevent and minimise the impact of foodborne disease.

*Food Standards Agency – [The Burden of Foodborne Disease in the UK 2018](#)

SECTION 2 - AUTHORITY BACKGROUND

2.1 Profile

West Lothian is a mixed rural and urban authority covering a geographical area of 42,504 Ha. The population is approximately 183,100*. The Environmental Health & Trading Standards service is located in Linlithgow Partnership Centre, Linlithgow. There are 1756** food premises within the area ranging from farms, retailers and caterers, to large manufacturers. (*National Records of Scotland mid-year estimate 2019, **As of 01/04/20)

2.2 Organisational Structure

The service structure is as per appendix 1.

The commercial team is part of the Environmental Health & Trading Standards service which is part of Planning, Economic Development and Regeneration.

The authority has appointed Public Analyst Scientific Services to provide analytical and food and feed examination services.

The Trading Standards team within Environmental Health & Trading Standards service undertakes animal feedingstuffs enforcement. This function has however been under review in recent years, and it is expected that Food Standards Scotland will assume the role

of competent authority for feedstuffs during 2020/2021, which will impact on the role local authorities have in future.

2.3 Scope of the Food Service

The scope of the food service and feedingstuffs enforcement is set out in appendix 2.

2.4 Demands on the Service

Services are available from 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.00pm Friday. The team, however, has to accommodate working out with these times due to operating times of businesses. Routine evening and early morning working is necessary to carry out the inspection and sampling programmes. Emergency contact details have been provided to appropriate partner agencies in regards to incident management and food alerts, should these occur out with normal working hours. However, the arrangements are limited to point of contact notification only.

There are 10 approved premises in West Lothian in terms of Regulation (EC) 853/2004 (premises dealing with manufacture of food products of animal origin). A number of premises currently meet the exemption criteria for approval but may well require to be approved in the future.

There is a regular turnover in many of the catering businesses with new owners and changes in operation of the business. In the last 10 years there has been a 28% increase in registered food businesses.

In line with the enforcement policy, officers are required, when necessary, to take appropriate enforcement action. This may include service of notices, closure of premises, and reports to the Procurator Fiscal leading to prosecutions and time in court. The level of action required has been relatively consistent in recent years. Previous case studies of enforcement action showed the time spent dealing with one problematic food business equated to approximately five routine inspections.

The principles of better regulation have been a key aspect of how the food service is delivered for a number of years. As well as food safety, officers in the commercial team will also carry out a number of workplace safety and smoking enforcement inspections. This is done to ensure best use of resources and avoid unnecessary additional visits to premises. It is encouraging to note the positive feedback from business consultation exercises in relation to their experience of inspections and enforcement activities.

The service cost per head of population has remained constant in recent years even though West Lothian's population continues to increase. Most recent government figures (2017/2018)¹ estimate that the UK public spend £45.31 per person per week on food and drink. There is no specific budget for the food service plan only. However, the inspecting, sampling, monitoring, enforcing and all other services through this service plan and the health and safety service plan cost the West Lothian population £0.06 per person per week.

¹Family food 2017/2018 – A national statistics publication by DEFRA.

<https://www.gov.uk/government/statistics/family-food-201718>

It is, however, vitally important to remember that the principal purpose of the food service in West Lothian is public health protection. In previous years a number of changes were made to the approach taken to inspections e.g. prioritisation of workload, changes in inspection reporting and recording, changes to inspection and workload allocation and geographical distribution, better use of flexible working and council buildings. Further adaptation of the service will be required during 2020 and beyond. We will ensure that attention continues to be given to positive outcomes irrespective of the breadth of service provision in future. Some of these issues are highlighted in 6.3.

Consumer Expectations

National surveys continue to show the importance of food safety for consumers. The top four food safety issues for consumers are:

- Chemicals from the environment, such as lead, in food (32%)
- Food hygiene when eating out (31%)
- The use of pesticides to grow food (31%)
- Food poisoning (28%)

45% of respondents reported concern about food safety in UK restaurants, pubs, cafes and takeaways. 40% of respondents reported concern about food safety in UK shops and supermarkets.

84% of respondents reported being aware of the hygiene standards in places they eat out at or buy food from.

61% of respondents trusted that people who produce and supply food make sure it is safe, honest and ethically approved.

FSA Biannual Public Attitudes Tracker Report – November 2019.

<https://www.food.gov.uk/about-us/biannual-public-attitudes-tracker>

2.5 Enforcement Policy

In terms of the framework agreement on food law enforcement the service has a written enforcement policy which has been approved by the council. The policy has undergone an equality impact assessment, and is followed by officers. The policy has also been cited as a good example in the Scottish Regulators Code of Practice. A copy of the policy is available to anyone on request and is also available on the West Lothian Council website. (<http://www.westlothian.gov.uk/environmental-health>)

Alternative enforcement arrangements are allowed within the code of practice for certain risk rated food hygiene and food standards inspections. Visits and alternative interventions will be carried out in accordance with internal procedures outlined in Appendix 5.

SECTION 3 - SERVICE DELIVERY

All officers in the commercial team contribute to the development and implementation of this plan. This section outlines areas of work to which they contribute. Framework policies and procedures relating to animal feeding stuffs inspections, sampling etc. are implemented and monitored by officers in trading standards. These matters are discussed in section 7.

In order to meet ever changing demands, the service is always looking at ways of working most effectively. Performance management is a key factor in ensuring this can be achieved (see section 4.4). The quality of the service delivered is essential in protecting public health, and the service is working to ensure that everyone plays a part in delivering the best service possible.

3.1 Food Premises

There are currently 1756 food premises within West Lothian which require to be inspected by the team. Food safety inspections will be carried out to assess food hygiene and food standards (composition, labelling etc.) compliance. Inspection frequencies are determined by the nature of the business and performance against specific criteria set out in the food law code of practice.

In 2019 the food law code of practice was updated in Scotland. Previously there were two inspection programmes which separated food hygiene and food standards compliance. In Scotland these have now been combined into one inspection plan for most food establishments. There are a few exceptions which will still receive separate food hygiene and food standards inspections. This change in approach will ensure that appropriate attention is given to all key elements of food safety at every visit made to a food establishment.



Food premises profiles, inspection targets and revisit information are outlined in Appendix 3.

The approach to premises inspections has been reviewed and new procedures have been introduced to ensure better recording of activities following inspection and also ensure that significant failures are followed up appropriately. This allows officers to target problem premises. An overview of the "Food Safety Interventions Policy" can be found in appendix 5.



The service participates in the Food Hygiene Information Scheme. This is a national scheme to advise customers at point of use of the food hygiene performance of the food businesses they use. Each business is rated following the routine hygiene inspections completed by officers. Information on whether the business receives a Pass or Improvement Required award will be published to the website hosted by the Food Standards Agency, and a certificate is provided for the business to display on the premises.

3.2 Food Complaints and Food Fraud

The commercial team receives a number of complaints about unsatisfactory food or food premises. These are investigated in line with our procedures on dealing with complaints.

Investigating food complaints can be quite involved and often requires working with colleagues in other local authorities. This, along with the time taken to receive reports from the public analyst etc., can increase the time taken to resolve the complaint. Complaints about food very rarely result in formal action, mainly due to the lack of evidence which could be relied on in court. However, they do help identify failings in food processing and handling which require to be rectified to prevent further problems occurring in the future, and can be the starting point of food recalls.



Food fraud and food crime came to public attention during the discovery of undeclared horse meat in various meat products in early 2013. During routine inspections and sampling, officers are looking for evidence of any attempts to mislead consumers or provide food which is dangerous. Food Standards Scotland have established a food crime investigation unit to work more closely with local authorities in improving intelligence, detection and enforcement in regard to food fraud and criminal activity. The expectations, focus and demands of this work are likely to increase. The Food Standards Agency and Food Standards Scotland published a baseline report on food crime in the UK. This can be found on the Food Standards Agency web site <https://www.food.gov.uk/sites/default/files/media/document/fsa-food-crime-assessment-2016.pdf> The service receives and provides intelligence reports on potential food crime through MEMEX which is a secure data sharing system.

3.3 Home Authority Principle / Primary Authority Partnership

West Lothian Council has no arrangements in place for being home authority or primary authority (not relevant in Scotland at this time) with any business activity.

These are formal arrangements made between local authorities and large scale business operating regionally or nationally. The intention is to reduce the regulatory burden on the business and agree a consistent application of legal interpretation by focusing concerns raised by other local authority enforcement officers through the local authority rather than the business. It is fair to say there are a number of concerns with these arrangements and the burdens placed on the home or primary authority.

3.4 Advice and support to Business

All officers will be involved in giving advice to businesses on food safety and workplace safety issues. This is an important aspect of work as it helps to ensure that businesses which request help can be set up complying with the necessary legal requirements. It has been established as one of our priorities for higher risk food establishments and fits the model of targeting upstream intervention.

The service recognises that a well run and viable business will most likely be a safe business. Officers will direct business owners to support and help from colleagues working through Business Gateway. Information sheets are left at every inspection with details of where businesses can get further help and support in this and other aspects of food safety and workplace safety. This all works towards protecting public health and reducing the financial impact of compliance on businesses.

The ongoing work with established businesses is assisted by a number of helpful information sheets, guidance booklets, and other educational resources. Much of the information used is produced within the team and aims to give businesses the necessary information for complying with the law and improving hygiene and safety standards. We aim to include all new premises in our inspection programme within three months of registering. It is recognised that this is out with the timeframe expectations of the food law code of practice. We are looking at ways of improving these timeframes during 2020/21 where this can be achieved in accordance with other priorities. Part of this approach is to rate lowest risk businesses within the minimal inspectable risk category. This means there will be no inspection carried out, which allows officers to focus on higher risk businesses. Appendix 3 shows a comparison of enquiries received over recent years. Business satisfaction survey results are also found in Appendix 3

3.5 Sampling – Food and Drink

The team develops an annual sampling plan. Sampling is necessary to monitor the quality and safety of food and drink being produced and sold within West Lothian. Sampling of food prior to a hygiene inspection is a useful indicator of how the business is operating.

The range of samples taken is split into chemical and microbiological. The current target for chemical samples is 0.8 samples per 1000 population and for microbiological the target is 1.1 samples per 1000 population.



Samples can fail for various reasons and require to be followed up by officers. A national report on sampling by Scottish local authorities identified a failure rate of 5.4% for chemical*, and 20.7% for microbiological* during a 12 month period. Scottish local authorities are now working in a more co-ordinated way in terms of sampling priorities. This is being done in association with Food Standards Scotland (FSS).

(*Local Authority Food Sampling in Scotland 1st July 2018 to 30th June 2019 Report)

As all local authorities are facing similar challenges work has been done to target local resources towards even more focused national sampling initiatives. The targeted sampling is based on data collected over recent years for all samples taken in Scotland and means that each year all local authorities will contribute to providing better information on existing and emerging food safety issues. Local sampling targets still form part of each local authority sampling plan and remain useful for a limited range of issues.



This joint focused approach will have some potential impact on local sampling as, overall, smaller numbers of samples may be taken due to costs of focused sampling activities. It is however a good example of how environmental health professionals are trying to ensure a public health focus in achieving the best results in difficult times.

Appendix 3 has details of samples taken during 2019/2020, and also the sampling plan for 2020/2021.

Case Study 1

Helping to shape the future of food safety

Officers within the service will contribute to the many developments in food safety and public health protection being considered at a national level. Food Standards Scotland have identified a significant change in staff resources allocated to food safety throughout Scotland and along with local authorities are looking at new ways of providing public health protection and new priorities for attention. Whilst our main focus will always be the impacts of food safety at a local level we also recognise the importance of helping to shape future developments to ensure we can maintain the best level of protection for the people of West Lothian. We have been actively involved in developing a new national approach to food safety inspections, and inspection rating systems for businesses. Officers have also been involved in groups working on issues relating to food exports, and official control charging, which may have significant impacts in years to come.

3.5.1 Sampling – Water Quality

Sampling of drinking and recreational water is also undertaken. This involves sampling mains and private water, as well as swimming pools, spa pools etc. The private water regulations place a requirement upon local authorities, and those responsible for private supplies, to ensure drinking water standards meet those of public water. The team is

involved in sampling and monitoring local private supplies and undertaking risk assessments on them. Sampling is required on an ongoing annual basis. An annual return on sampling, enforcement and water quality standards is made to the Scottish Government (Drinking Water Quality Regulator). These results are then published in a publically available report on the DWQR web pages <http://dwqr.scot/information/annual-report/>.

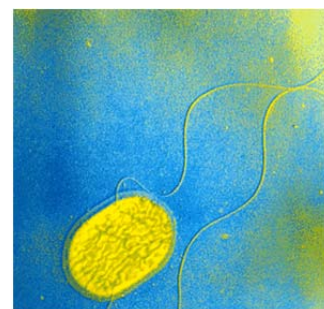
During 2018/2019 DWQR introduced an online risk assessment system which the team has to enter data onto regarding local supplies.

There is no routine sampling of mains water supplies with any concerns being directed to Scottish Water and the Drinking Water Quality Regulator. This is necessary to accommodate other workload and sampling plan priorities. The council does however retain the statutory right to sample if required.

The sampling of swimming pools, spa and recreational waters will be reactive to any concerns or incidents. The safety and quality of water should be part of the routine management and monitoring carried out by facility operators. Management controls of such environments are assessed during routine inspections by officers.

3.6 Control and Investigation of Outbreaks of Food Related Infectious Disease

Controlling and preventing the further spread of infectious disease is a key part of the service provided by the commercial team. This work is done in partnership with Lothian NHS and the Consultant in Public Health Medicine. Notifications of food poisonings and infectious diseases such as, *Salmonella*, *Campylobacter*, *Cryptosporidium*, *E. coli* O157 etc., are passed to the team by Lothian NHS. The role of the service is to investigate cases looking for possible sources, or outbreaks, and in doing so take preventative measures to stop the further spread of infection. Recent statistics are shown in appendix 3.



A major outbreak plan has been developed by Lothian NHS and the local authorities of West Lothian, Edinburgh, Midlothian and East Lothian. Procedures for dealing with sporadic cases are also in place. As part of the review of sporadic procedures it has been agreed that cases of campylobacter will no longer be investigated routinely by this service. Notified cases will be sent guidance and information about the illness by Lothian NHS, Health Protection Team. Statistics will be reported to the team annually by Lothian NHS. Case numbers will be reviewed regularly and any issues will be discussed between Lothian NHS and the local authorities.

3.7 Food Emergencies and Safety Incidents

Food safety emergencies and incidents which pose a serious risk to public safety are identified as a priority issue for the commercial team. Procedures are in place to ensure that warnings issued by Food Standards Scotland (FSS), and local incidents which need to be reported to FSS, are dealt with properly.

Most alerts are for information only but a number of press releases and trade notifications have to be completed by the team in relation to the warnings. As well as food alerts, FSS has a system for notifying local authorities of allergy alerts. These were previously part of the main alert scheme. The main reasons for such alerts is the failure to declare the presence of one of the many allergens now listed in the food information regulations.

Emergency contact details for the service have been provided to FSS to allow notification of any incidents.

3.8 Liaison with Other Organisations

It is important to realise that the food team does not work in isolation from other internal services or external organisations. Internally, the team works with planning, building standards, economic development, licensing, legal, education, occupational health, corporate communications, and social policy to provide a joined up service.

The framework agreement with Food Standards Scotland (FSS) and food law code of practice requires local authorities to work together and with national bodies to contribute to consistency of enforcement. Externally, the team works with other local authorities, through Lothian and Borders Food Liaison Group, and Scottish Food Enforcement Liaison Committee's Food Safety sub-group and Food Standards sub-group. The team maintains links with Lothian NHS and Scottish Water through the Health Protection Liaison group. A Joint Health Protection Plan has been developed and approved by Council Executive. A positive working relationship has been developed with the Procurator Fiscal service. The service is audited by FSS.

Appendix 4 lists the team's main customers, partners and stakeholders.

Case Study 2

Dealing with irresponsible food business operators

Although the levels of compliance within West Lothian food businesses are high and have improved over the years, there are still a small percentage of food business operators who fail to operate safely and this requires serious action to be taken to protect public health. During 2019 officers were involved in serving notices on a number of establishments to stop the preparation and sale of food. On many occasions these actions are required when we discover new businesses who have not registered and are operating dangerously, or businesses which have moved from low risk to high risk food preparation without notifying this service, and are doing so in premises which are not suitable. Very often we only become aware of these situations through complaints or concerns received.

Thankfully such poorly performing businesses remain in the minority.

3.9 Food Safety and Standards Promotion

It is clear that inspection of premises and enforcement of the law will not in itself bring about the necessary improvements in public health. There needs to be a balance of education with enforcement. Although limited, the team's input to education and promotion of food safety is recognised as an important tool and will be provided as resources permit.



Officers are the main source of support for most small businesses within West Lothian. They have a key role during inspections of ensuring business operators and food workers understand all the necessary requirements placed upon them. Feedback from businesses as part of our annual survey is very positive and is one of the publically reported key performance indicators for the service.

Officers will promote the Healthy Living Awards, as appropriate, within catering businesses. This is likely to be a significant issue in terms of public health as the costs of treating poor health caused by poor diet rise substantially in years to come.

24 businesses in West Lothian hold the Eatsafe award for hygiene standards. We hope more businesses will be able to meet these requirements in coming years.

Our food hygiene DVD "Food Safety is Everybody's Business" continues to be used with catering businesses to help them train staff. It is currently available in English, Polish, Italian, Urdu, Punjabi and Cantonese. Some of the materials have also been provided through the council website with video material uploaded and available on the food safety web pages.



Case Study 3

Food hygiene information scheme – improving food safety

During 2019 we started to actively monitor the impact the food hygiene information scheme was having on West Lothian businesses. Whilst the service continues to promote the scheme with consumers it is clear that improvements in business compliance are evident as a result of the scheme being in operation. Since the scheme was introduced in West Lothian the percentage of businesses achieving a Pass rating has increased (currently around 96%). It was also clear where inspections found issues of non-compliance the significant majority of those businesses (81%) were taking appropriate action to achieve a Pass rating.

SECTION 4 - RESOURCES

4.1 Financial Allocation

There is no specific budget allocation for delivery of the food service plan. The service delivery is shared by officers within the commercial team along with delivery of other environmental health functions. This includes delivery of the health and safety service plan. A full time equivalent staff figure is provided in appendix 3.

A budget has been set for food, drink and water sampling as follows:

	Budget 19/20	Budget 20/21
Sampling	£22,000	£22,000

West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £14,994*, and West Lothian is £8,625* – figures from Local Government Benchmark Framework 2018/2019). There will, however, be some variability between local authorities in terms of the level of service delivered. (*The framework definition of environmental health includes the operation of public conveniences which are not an operational or service function of Environmental Health & Trading Standards in West Lothian but still get counted against costs of service.)

4.2 Staffing

The service is staffed as per the structure indicated in appendix 1.

Food safety is only one element of the role of environmental health. The pressures on the whole service increase year on year with changes in legislation, increasing population and demand on the service having to be managed on a priority basis. We are therefore identifying and targeting priority areas of work, delivering aspects of the service differently, reducing or removing aspects previously delivered, and continuing to work as effectively as possible to protect public health.

Appendix 1 gives an overview of staff contribution across the service areas and priorities.

4.3 Staff Development Plan

The Food Law Code of Practice (Scotland) requires a minimum of 10 hours food safety training to be completed by every officer annually. Officers who are members of the Royal Environmental Health Institute of Scotland are also required to complete 20 hours training and development every year as part of the Continuous Professional Development scheme.

Training and development needs are assessed during individual Appraisal and Development Review meetings held in accordance with the council's Investor in People accreditation. Monthly 1-2-1 performance meetings are also held with officers.

A competency framework for the food service has been developed to help give more detail to skills and knowledge pertinent to the different work areas. This was produced in support

of national guidance which provided a simple framework but lacked detail. It will provide officers with links to necessary legislation, guidance, technical information, scientific papers etc. and will continue to develop over time. The framework is also being extended to other areas of the environmental health service.

Recruiting suitably qualified and competent staff is becoming an increasing problem within the environmental health profession. Appendix 1 has details of current age profiles within the environmental health service. Planning for the future is a key element to ensure sustainability and resilience. Developing our own officers and trainee plans will be a key part of this going forward in the next 5 to 10 years.

4.4 Performance Management

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Legislation, enforcement and technical guidance.
- Internal working documents and procedures – e.g. framework policies and procedures, enforcement policy, customer service standards, council HR policies and procedures etc.
- Food service plan.
- Internal monitoring of performance – e.g. team meetings, one to one discussions, monthly reporting to senior officers, public reporting of performance through Pentana, accompanied visits, customer survey and service complaints.
- Appraisal and Development Review (ADR) process.
- Training and professional development of officers and management.
- Reporting to external agencies – e.g. Food Standards Scotland, Scottish Government.
- Internal reporting to elected members – performance committee, Environment PDSP, Council Executive.
- Audit by Food Standards Scotland.

SECTION 5 - QUALITY ASSESSMENT

5.1 Quality Assessment

The Environmental Health & Trading Standards service participates in the West Lothian Assessment Model. This is West Lothian Council's adaptation of the European Foundation for Quality Management. This is being used to help deliver continuous improvement of the service in years to come. The service is assessed as part of the corporate Customer Service Excellence award.



The food safety and animal feeding stuffs work is subject to audit by the Food Standards Scotland. All audit reports can be found at <https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/audit-and-monitoring> . The service was last audited in February 2014. Audit reports are sent to the Chief Executive and are reported to appropriate elected member forums.

The environmental health team were also recognised as best performers for 2019 in the APSE Performance Networks Awards. This is a benchmark network of around 250 local authorities throughout the UK.



Internal monitoring of procedures and customer feedback regarding food safety inspections and food complaints is also used to assess the quality of the service provided. Customer consultation is a key development issue and a customer and business consultation survey is carried out once a year.

SECTION 6 - SERVICE PLAN AND OPERATIONAL PLANS REVIEW

6.1 Review against Service Plans and Team Plans.

The food service plan will be reviewed in six months.

Internal plans, policies and procedures are reviewed annually, or as and when required.

6.2 Identification of any Variance from the Service Plan

The changing nature of demands upon the service requires a flexible approach to balancing priorities. Food safety and public health protection will always provide challenges. Officers and managers continue to take a constructive and professional approach to such matters, and through prioritisation, effective work planning and delivery, the service has ensured good performance in a number of areas.

There were a number of significant impacts on the service during 2019/2020. The biggest impacts continue to be in regard to staffing within the service. There were a number of changes throughout 2019/2020 due to staff departures, and vacancies not being filled. There is a widespread recruitment challenge within the environmental health profession. The service was not able to attract enough suitable candidates to fill vacant posts. There is also a challenge in training students to fill professional officer posts as the number of students available has also declined significantly in recent years. The service is continuing to co-operate with others nationally to find solutions.

In addition to the challenges from staffing resource there was a significant change to the inspection of food establishments with the introduction of a new food law code of practice in Scotland. This has introduced a new approach in combining food hygiene and food standards inspection plans into a single approach along with a new inspection rating scheme which has moved from 5 categories of rating to 15 categories. This applies to almost every type of food premises with a few exceptions where the old scheme of separate inspections

still applies. The transition from the old scheme to the new scheme is likely to take a number of years as businesses will only transfer following inspection. This makes reporting on our performance significantly challenging and complicated. Under the old system a premises with an A rating was deemed highest risk, now under the new scheme it is deemed lowest risk, but in addition there are 3 business categories which also differentiate the risk of a business. Whilst the approach to protecting public health and safety is not impacted, the ability to represent the activities of the service and define premises risks to others is likely to be challenging. The changes required to the software system for running our inspection plans to accommodate the new scoring scheme means that historical data for inspection ratings can no longer be reported on. This will impact a number of performance reports for 2019/20. There have also been no definitions or guidance issued nationally and so local determinations have to be made in terms of premises risk, levels of compliance and other measures for reporting. Our approach has been to consider premises in narrower and more general priority groupings which will hopefully be easier to present going forward.

The inspection programme for 2019/2020 was impacted by staffing resource and this has meant a significant number of premises inspections will have to be carried over into 2020/2021. However, as we approached the end of 2019/2020 the impacts of CoVID-19 were starting to be realised and this will further impact the ability of the service to resolve inspection backlogs and other routine work.

The service has managed to resolve a number of concerns with Food Standards Scotland and has now agreed to participate in the Scottish National Database. This will provide Food Standards Scotland with a real time overview of food safety activities by all Scottish Local Authorities. At this time there remains very little benefit to our service from this system and we will continue to keep under review the impacts of any consequences which may arise in administration of this system against meeting our public health obligations.

In response to the potential implications of the United Kingdom's future relations within the European Union, a food safety resilience plan was updated during 2019/2020 to help ensure there is a prioritised approach to the issues which might impact food safety in West Lothian. There are a number of concerns which might impact around food security, imported food controls, export controls, and food crime.

However, even in challenging times it is important to acknowledge the positive aspects of team work addressed and delivered during 2019/2020. These include:

- Maintaining a high level of performance in delivering inspection targets for highest risk premises.
- A high percentage of premises achieving a Pass rating in the food hygiene information scheme.
- A high percentage of premises rated as broadly compliant for food safety official controls.
- Adapting to changes in the food law code of practice and implementing new systems for recording and rating inspections.
- Improving web content to provide more information for business operators and members of the public on food safety issues.

- Developing frontline officers in engaging with partners and other agencies through working groups, networking and representing service at various events. This is essential for succession planning and ensuring new or different views and perspectives are brought forward.

Performance and workload comparisons are made in Appendix 3.

6.3 Areas for Improvement / Challenges.

In addition to the challenges from workload and staffing resource which would have impacted the service in normal circumstances, the ongoing CoVID-19 situation has created a delay in being able to carry out the inspection and sampling plans for 2020/2021. The impact on the inspection plan has been acknowledged by Food Standards Scotland nationally, and there are discussions to determine how local authorities can address plans, backlogs and future demands going forward.

The following have been identified as the key challenges for 2020/2021 and ongoing:

- Ongoing demands on officers from challenging premises and incidents in terms of food safety, workplace safety and public health issues.
- Responding to challenges, consequences and new work demands from CoVID-19.
- The developing and changing regulatory landscape as the UK prepares to adapt to impact of future trade agreements with the European Union and other parts of the world.
- Ensuring that officers are supported, developed and capable of dealing with challenging, time consuming and high risk workload. Maintaining capacity in skills and knowledge, as well as officer resource.
- Establishing and targeting workload priorities with available resources which deliver and maintain the best achievable levels of public health protection.
- Resolving vacancies and staffing availability to ensure continuation of service delivery.

There are no specific projects identified for attention in 2020/2021.

The biggest demand on the food service remains dealing with risks to public health balanced against an increasing workload. These challenges will be significant in the year ahead. However any challenge and demand continues to be positively managed and also supported by officers. This is pursued through established work priorities, improved efficiency and effectiveness in work planning and actions, ensuring appropriate and balanced enforcement action, supporting businesses where possible to work safely, and supporting officers in dealing with difficult and complex public health protection work. The priority focus remains on outcomes and not just output. This approach has been in place for many years with some adjustments and refinements over time.

The plan for 2020/2021, and beyond, is to ensure the service focuses resources at priority areas of work, and takes the correct action to protect public health when risks are identified.

SECTION 7 - ANIMAL FEEDING STUFFS AND PRIMARY PRODUCTION.

7.1 Service Delivery

The control and monitoring of animal feeding stuffs is currently undertaken by Trading Standards, however it is anticipated that the transfer of official controls for feeding stuffs to Food Standards Scotland will be concluded within the first half of 2021/2022. Less than 0.2 FTE staff are responsible for registration, inspection and sampling activities in relation to all feedstuffs establishments within West Lothian. There are currently 163 premises that have applied for registration/approval or made a declaration of conformity.



7.2 Inspection

The inspection procedure is as detailed in the document “West Lothian Council, Planning and Economic Development Services, Feeding Stuffs Inspection Procedure”. Feeding stuff premises are currently subject to the NTSB/SCOTSS premises risk assessment scheme and (in relation to primary production) Annex 10 of the Food Law Code of Practice, which determine the risk category and inspection frequency. During 2019/20 there were no feed hygiene inspections carried out and no programmed visits to primary producers are planned for 2020/21.

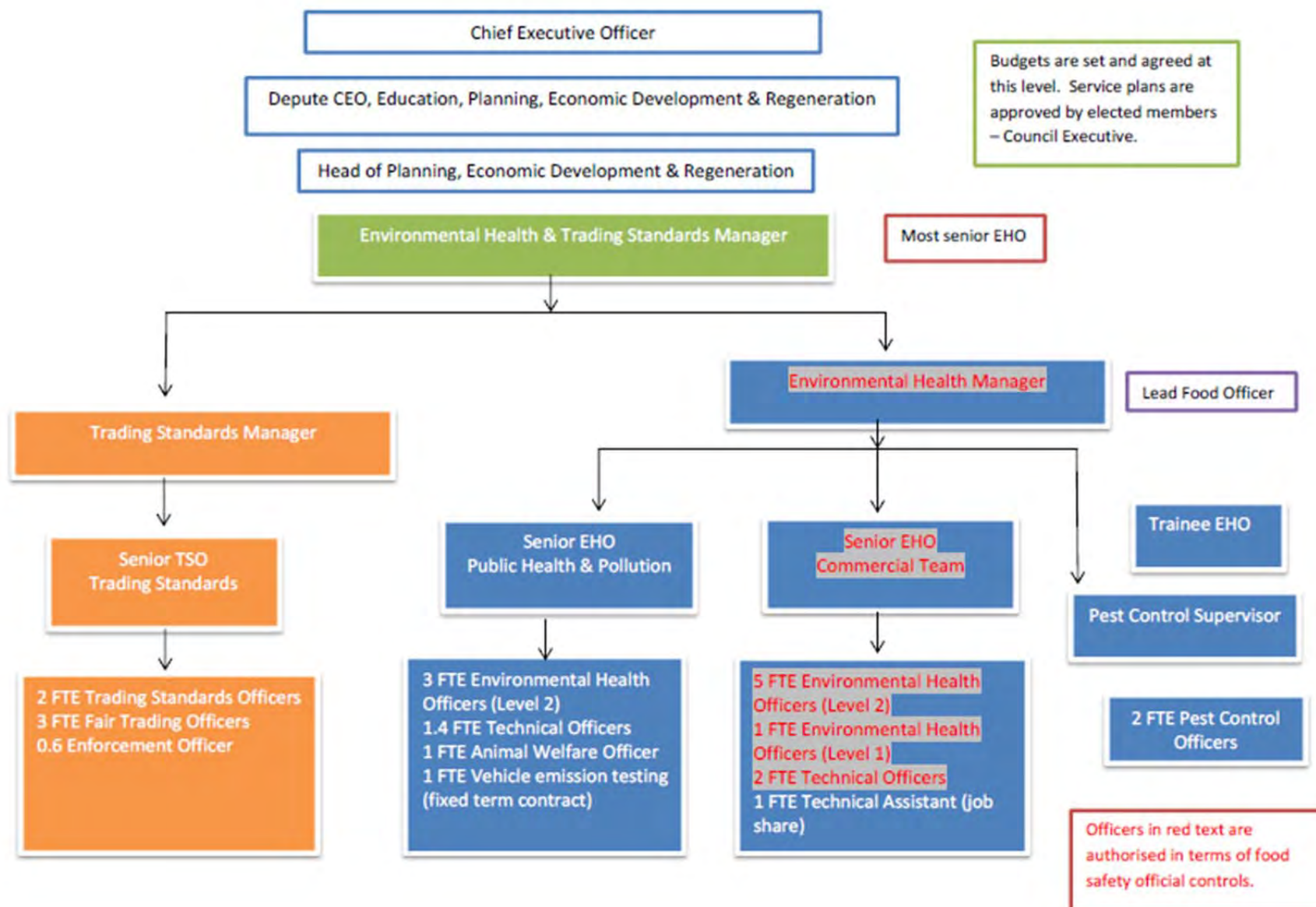
7.3 Staffing

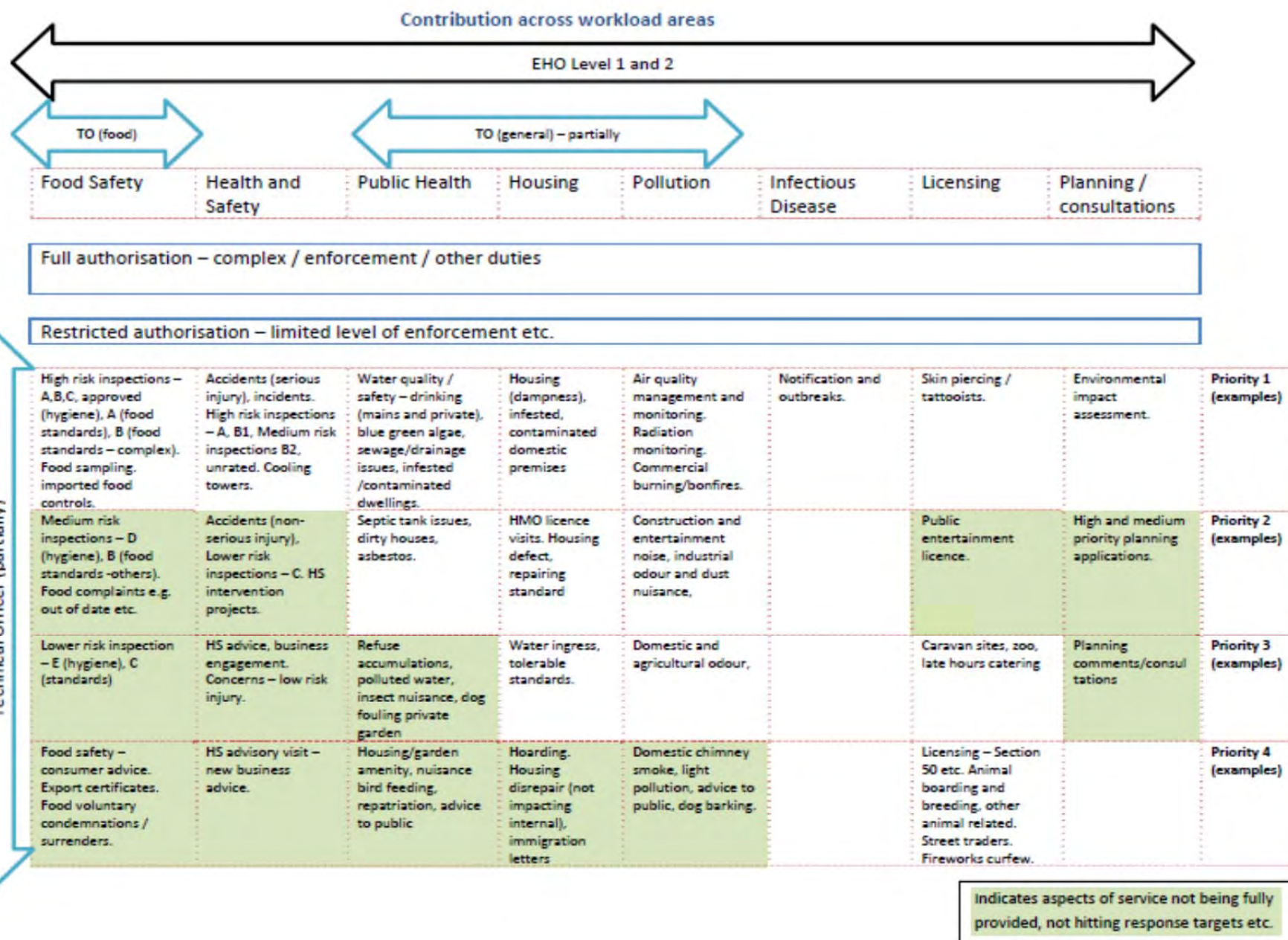
The Trading Standards section currently comprises four Trading Standards Officers, three Fair Trading Officers and one Enforcement Officer. All Trading Standards Officers are authorised to enforce the Agriculture Act 1970 and subordinate and associated legislation, with less than 0.2 FTE staff nominally allocated to this function. Two Trading Standards Officers are authorised to undertake Level 2 duties as specified in the Feed Law Code of Practice 2019.

Appendices:

- Appendix 1 – Service structure.
- Appendix 2 – Scope of food service.
- Appendix 2a – Extended public health links from food safety controls.
- Appendix 2b – Objectives of the food service.
- Appendix 3 – Workload and performance comparisons.
- Appendix 4 – List of customers / partners / stakeholders.
- Appendix 5 – Overview of food interventions policy.
- Appendix 6 – Service requests / complaints – service standards and prioritisation.
- Appendix 7 – Official control obligations

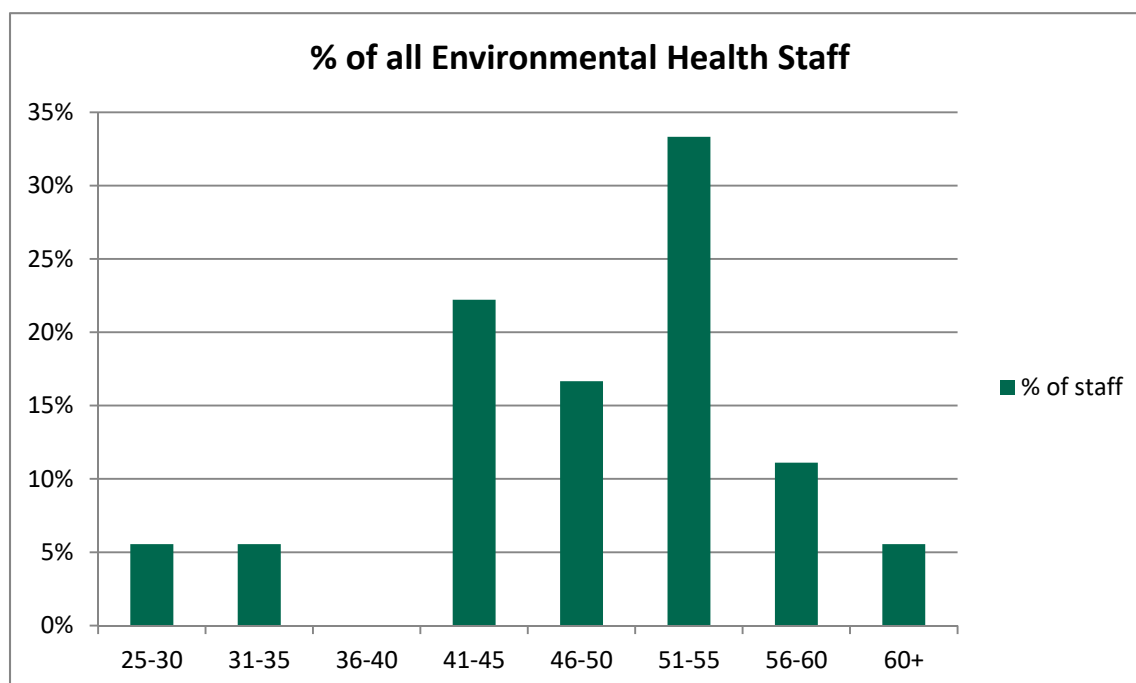
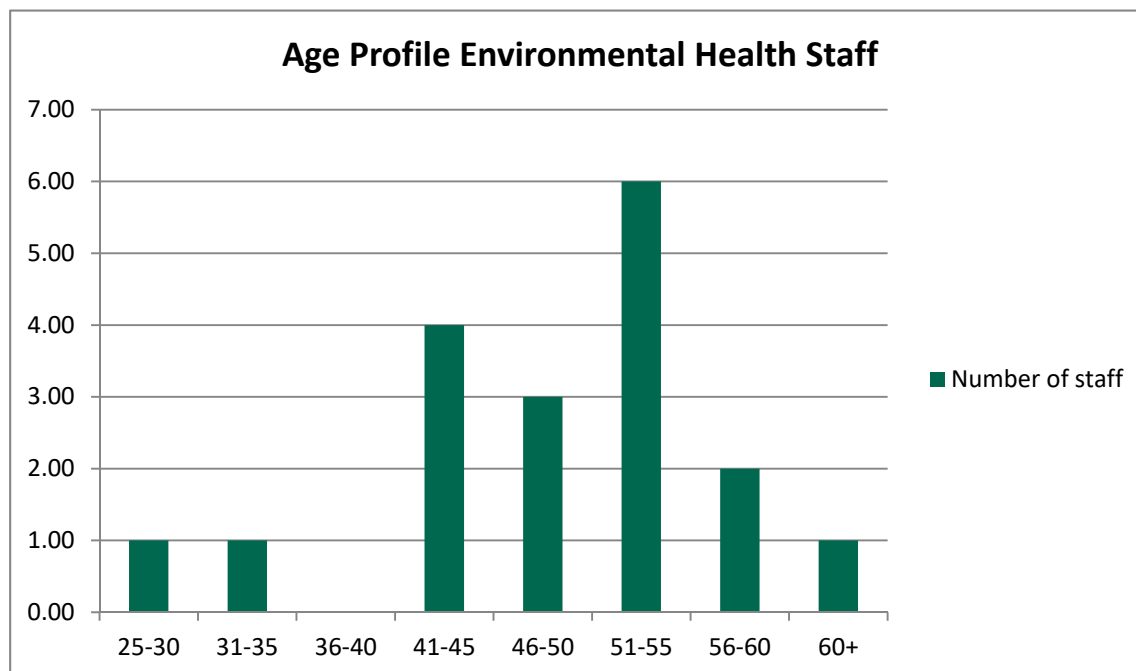
Appendix 1 – Environmental Health and Trading Standards Structure (April 2020)





Appendix 1

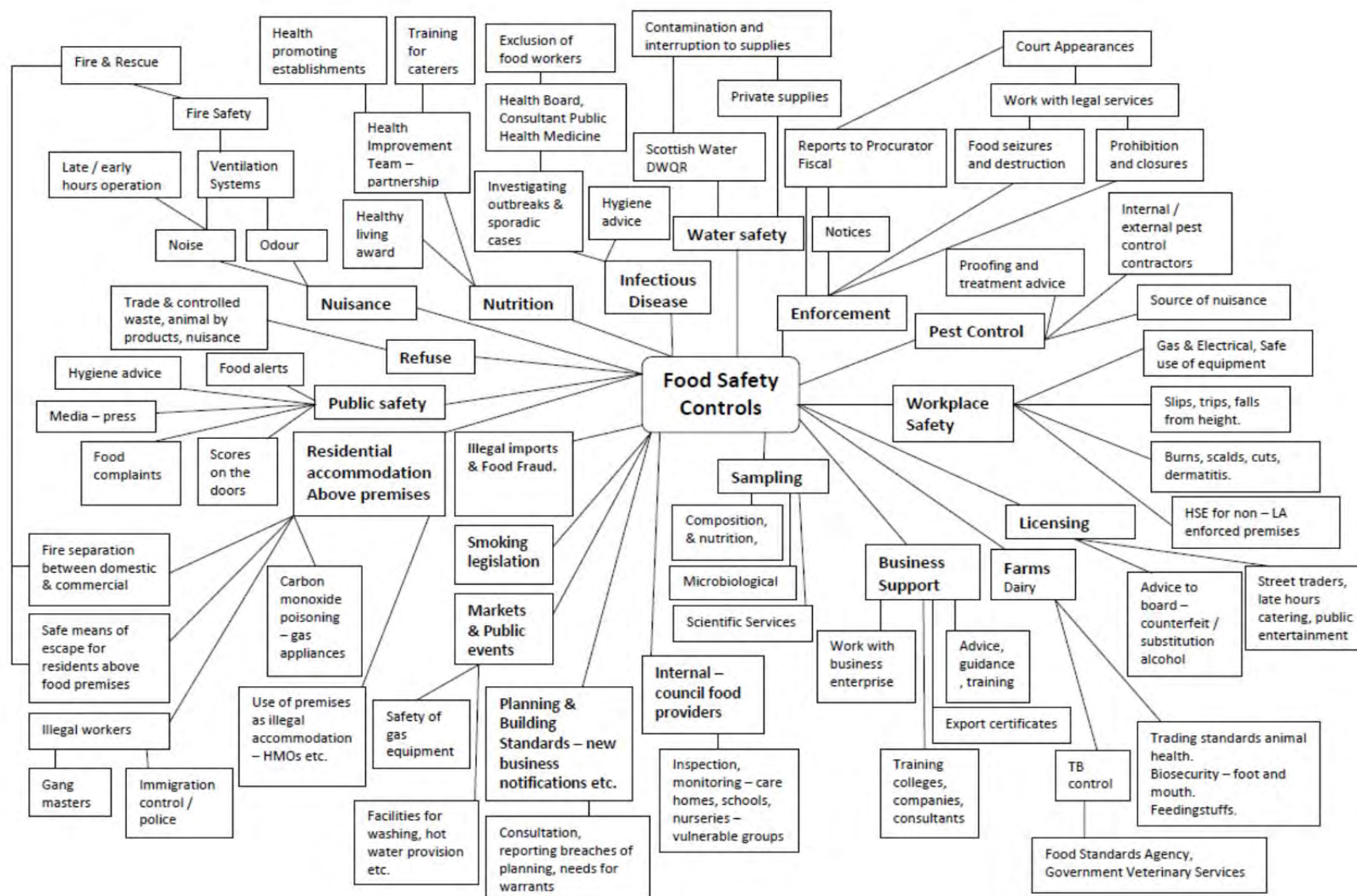
Environmental Health staff age profile (at 01/04/2020)



Appendix 2 – Scope of Food Service

Function	Activities
Food safety (hygiene and standards)	<p>To inspect premises in line with The Food Law Code of Practice (Scotland) and prioritise the inspection of premises on a basis of high to low risk.</p> <p>To adhere to relevant team policies and procedures.</p> <p>To ensure compliance with the law by means of education, training, motivation and enforcement.</p> <p>To ensure that re – visits are made to premises when necessary, and in line with our inspection procedures.</p> <p>To ensure compliance with legal requirements in terms of licensing and approval of premises.</p> <p>To ensure that a sampling programme is devised and followed.</p>
Food enquiries and investigations	<p>To react to emergencies and immediate threats to public health.</p> <p>React to and investigate, where appropriate, enquiries and complaints relating to food safety and quality, and hygiene in food premises.</p> <p>React to and respond appropriately to food alerts.</p> <p>To adhere to team policies and procedures.</p> <p>When necessary seize, detain and arrange for condemnation of food not meeting food safety requirements.</p> <p>Respond to requests for verification of voluntary surrender of food for condemnation.</p> <p>Respond to requests for export certificates.</p>
Business and consumer advice	<p>Carry out visits to premises to give guidance or to follow up complaints.</p> <p>Provide guidance and advice to new businesses to help comply with food law.</p> <p>Provide training and education for trade and other groups in West Lothian.</p> <p>Deal with general enquiries for help and guidance on relevant food matters.</p>
Reporting and liaison – working together	<p>To ensure that policies and procedures are in place and followed as per the Framework Agreement on Food Law enforcement.</p> <p>Prepare reports and returns to various groups and agencies.</p> <p>Work together with others to improve food safety and the service provided.</p> <p>Work together as a team.</p>
Water quality and safety	<p>To ensure that a sampling plan is in place and carried out to measure the safety and quality of private and public drinking water supplies in West Lothian.</p> <p>To ensure that a sampling plan is in place and carried out to measure the safety and quality of recreational water, such as swimming pools, spas etc.</p> <p>To ensure that appropriate follow up action is taken when problems are identified with water safety and quality.</p> <p>To respond to requests, where appropriate, from people concerned about the safety and quality of water in West Lothian.</p>
Infectious disease control	<p>To investigate notified cases of food poisoning, and food or water – borne disease.</p> <p>To notify Public Health Medicine of possible outbreaks / cases for exclusion.</p> <p>To adhere to relevant team policies and procedures.</p> <p>To provide good advice to patients and public to prevent further spread of infection.</p> <p>To be involved in any incident or outbreak control team.</p>
Support activities and miscellaneous	<p>To manage the work of the food service.</p> <p>To provide technical and administrative support.</p> <p>To instigate special projects and initiatives to tackle particular food related issues.</p> <p>To use and maintain a system database to manage the inspection programme and process service requests.</p> <p>To maintain the competence of inspection staff and develop their skills and knowledge, by means of peer review, training and monitoring.</p> <p>To ensure that premises files are updated with appropriate information.</p>
Feedingstuffs	<p>To ensure the registration of feedingstuffs premises.</p> <p>To ensure registered premises are inspected.</p> <p>To ensure that feedingstuffs are sampled.</p> <p>To respond to complaints and concerns regarding quality and safety of feedingstuffs.</p> <p>To ensure compliance with all legal requirements in relation to feedingstuffs.</p>

Appendix 2a –Extended public health links from food safety controls



Appendix 2b – Objectives of food service

- *To ensure the safety of food by means of a programme of inspections designed to check compliance with current laws and codes of practice, and to educate, train and motivate all parts of the food industry. To enforce the law when necessary in the interests of public health.*
- *To protect the public and ensure the quality and safety of food and drink in West Lothian by inspection and sampling for analysis and examination. To inspect premises to ensure food standards legislation is being applied and improve compliance through a balance of education and enforcement.*
- *To react to emergencies and immediate threats to public health. To investigate food related enquiries and complaints. Reacting to food safety alerts issued by FSS and other bodies to secure the withdrawal of any suspect foods from premises within West Lothian. To ensure that food not meeting food safety requirements is removed from sale to the public. To issue appropriate export certification in relation to food being exported to countries out with the EU.*
- *To provide guidance and raise awareness of food safety within the business community and general population of West Lothian to ensure compliance with food law and help develop a better educated population.*
- *To work together with colleagues in West Lothian Council, other local authorities, professional bodies, central government and other interested parties to ensure a co – ordinated approach to food related matters. To provide relevant reports and statistics as required regarding the operation of the food service.*
- *To ensure the wholesomeness, safety and quality of drinking and pool waters in West Lothian.*
- *To be proactive and reactive in controlling and investigating instances of food or water – borne diseases and infections within West Lothian. To provide appropriate information to patients and work with partners in public health medicine to control the further spread of infection.*
- *To ensure activities which are necessary to support, compliment and develop the work of the food service are carried out (e.g. staff development and health and safety, performance monitoring and reporting service prioritisation, balancing better regulation and public health protection).*

Appendix 3 – Workload Comparisons

Activity	2016/2017		2017/2018		2018/2019		2019/2020	
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food Law Inspections (combine food hygiene and food standards from July 2019)	-	-	-	-	-	-	386	30
(By alternative enforcement)	-	-	-	-	-	-	204	0
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food hygiene inspections	777	45	781	72	723	47	156	278
(By alternative enforcement)	208	0	208	0	63	0	125	0
	Completed	Missed	Completed	Missed	Completed	Missed	Completed	Missed
Food standards inspections	601	27	769	52	247	35	56	75
(By alternative enforcement)	146	0	94	4	70	1	47	0
Revisits / other visits	776		714		666		213	
Number of premises	1698		1713		1733		1737	
Broadly Compliant Hygiene	90.9%		92.0%		93.5%		-	
Broadly Compliant Standards	99.6%		99.6%		99.7%		-	
Broadly complaint food law	-		-		-		96.8%	
Highest Priority Inspections completed by due date.	99.1%		97.4%		97.9%		85.0%	
Number of enquiries	695		671		670		741	
% Enquiries responded to on time (Target 85%)	92.9%		95.1%		95.2%		93.3%	
Number of food complaints	43		106		53		41	
Number of premises complaints	140		63		139		184	
Food alerts	10		11		2		20	
Advisory visits	32		41		23		5	
Infectious disease investigations/ notifications	215		187		220		306	
Export certificates	52		38		35		47	
Food condemnations	0		0		0		0	
Workplace safety interventions (food establishments)	154		198		177		110	
Samples taken	Type	No.	Type	No.	Type	No.	Type	No.
	Food Chem	163	Food Chem	151	Food Chem	146	Food Chem	171
	Food micro	266	Food micro	201	Food micro	175	Food micro	212
	Water mains	0	Water mains	0	Water mains	0	Water mains	0
	Water private	42	Water private	32	Water private	12	Water private	17
	Swimming pool	0	Swimming pool	0	Swimming pool	0	Swimming pool	0
Reports to fiscal	1		0		0		0	
Hygiene improvement notices	5		16		10		3	
Remedial action notices	22		15		10		8	
Emergency Closures (including voluntary)	0		0		0		0	
Number of staff available	7		7.1		7		6	
£ Cost / Head of population / year (Per Week)	£2.24 (£0.04)		£2.39 (£0.05)		£3.31* (£0.06)		£3.27* (£0.06)	

*Costs now include food service plan and health and safety service plan delivery. No specific food service plan budget.

Appendix 3 - Inspection Workload Targets

Inspection Workload 2020/2021

Table 1. Food Safety Inspections 2020/2021

Priority Group	Total Number in Group	Planned Inspections / Interventions due for 20/21
1	98	97
2	433	426
3	1348	700

During 2019/2020 the Food Law Code of Practice was changed to bring in a new inspection programme and risk rating scheme for food establishments in Scotland. This brought together the previous inspection programmes for food hygiene and food standards into one inspection. There are a small minority of establishments that will not be covered e.g. approved establishments. In previous service plans the inspection workload has been set out in terms of food hygiene and food standards plans with risk categories A to E and unrated in each. Existing establishments will only transfer to the new risk rating scheme following inspection and this process may take a few years to complete. The new scheme has categories A to E within 3 business groupings. Under the previous scheme A rated premises were highest risk and priority, but under the new scheme they are lowest risk and priority (but that depends on the business group). Therefore, in order to simplify the inspection plan, premises have been categorised in terms of priority groupings based on the different inspection rating schemes priorities.

Appendix 3 – Sampling Performance Measures

Sampling Outcomes 2019/2020

Sample Type	% Pass
Food microbiology	71%
Food Chemical	78%

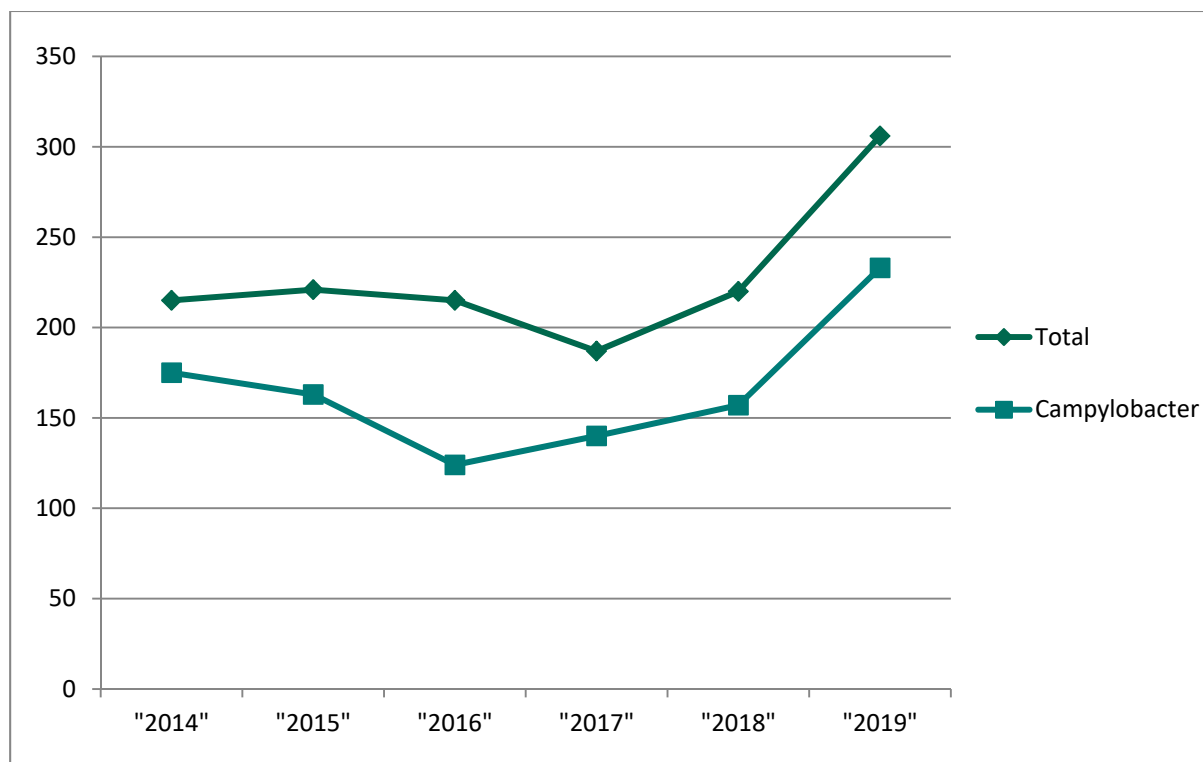
Sampling Plan 2020/2021 (Draft)

The sampling plan for 2020/2021 will be completed at a later stage in the year. At the beginning of 2020/2021 the restrictions and controls in place for CoVID-19 have limited laboratory service to essential / reactive sampling, and business activity has reduced significantly to prevent routine monitoring sampling to be planned and carried out.

Normal annual sampling targets are outlined in table below but these will also be revised in accordance with other work demands and the CoVID-19 landscape.

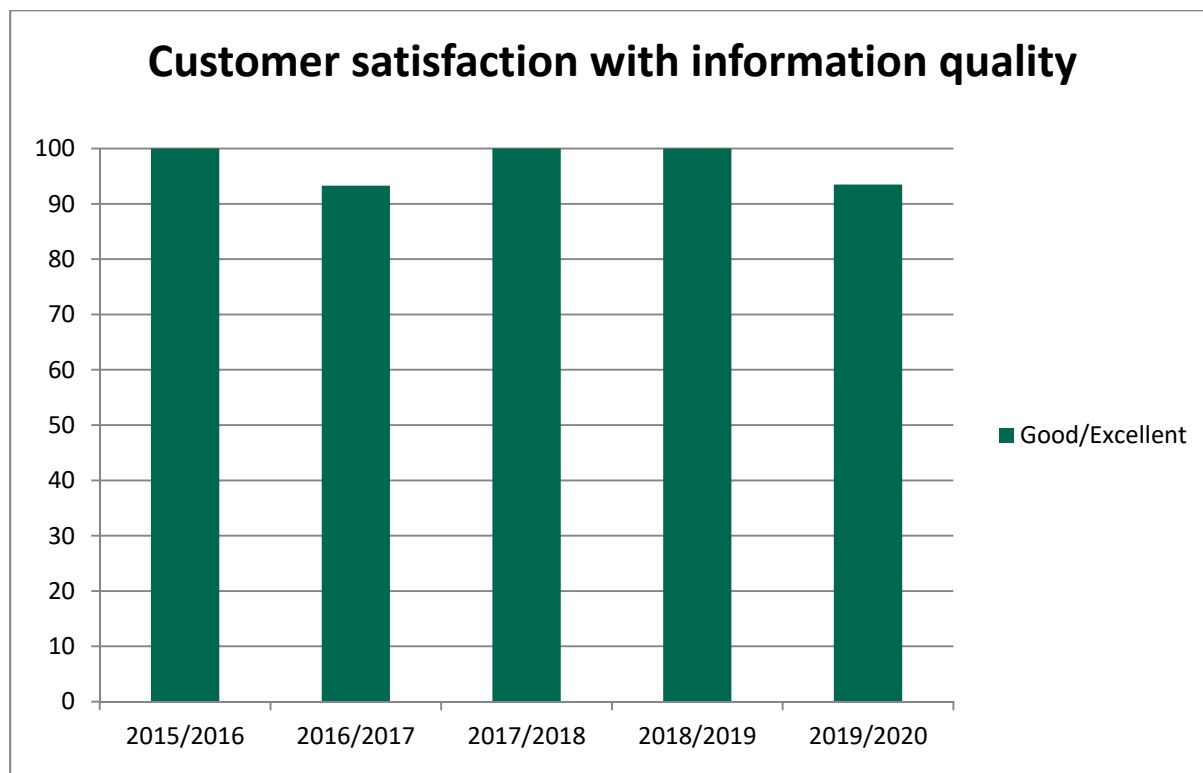
Sample Type	Number
Food Microbiological	200
Food Chemistry	170
Private Water Supply (PWS) Regulated Micro	11
PWS Regulated Chemical	11

Appendix 3. Infectious Disease Notifications – West Lothian



Appendix 3 – Business Customer Satisfaction

Business Customer Satisfaction. (Percentage of businesses who rated officer's explanation of how to comply with legislation as good or excellent)



Overall customer satisfaction remains high. It is encouraging to note that officers input to business visits is viewed so positively. Business customers are surveyed annually to help us ensure that officers are providing the best service possible. It remains a difficult balance when officers are having to take enforcement action and convey challenging information. Other information gathered in our annual surveys is highlighted in the table below.

	2019/2020	2018/2019	2017/2018
Staff overall knowledge and professionalism (good/excellent)	95.8%	100%	100%
Overall level of service (good / excellent)	95.8%	100%	100%
Treated fairly at all times	97.5%	100%	100%

This feedback would tend to support the view that local businesses support the visits to their premises and the assistance offered by officers.

Appendix 4 – Customers / Partners / Stakeholders

GROUP	RELATIONSHIP	COMMUNICATION EXAMPLES	PROPOSED FOR 2020/2021
Businesses within West Lothian	Inspections; application of legislation; advisory activities; investigation into incidents, sampling, education, training, enforcement, motivation. New business support.	Provide guidance, training materials online, technical information, guidance notes, information leaflets, Use of Interpretation and Translation for ethnic languages as appropriate, press releases, mail shots etc. Improved web content and links to other sources of information.	No change to current approach.
Public	We protect them. We investigate complaints on their behalf. We provide guidance and information.	Press releases, infectious disease information sheets. Customer feedback on food complaints. Food hygiene information scheme. Web information on food safety issues.	No change to current approach.
FSS	They provide direction and guidance on a partnership basis. We report to them annually. They audit our performance.	Audit reports. We consult them on technical guidance and policy. They consult with us on legal, policy and technical matters. Will engage through working groups and similar. Upload of data to Scottish National Database.	No change to current approach.
Elected Members (Councillors)	We respond to complaints and enquiries and provide information as required.	Reports to Environment PDSP, and Council Executive. Advice to licensing board.	No change to current approach.

		Annual Service Plan is presented to Council Executive for approval. Email local members when premises in area is closed.	
Other LA Services – Planning, Building Standards, Economic Development, Legal & Licensing, Facilities Management, Education services, Integration Joint Board, Social policy.	Act as statutory consultee. Provide and receive guidance and support. Work in partnership in specific areas of interest.	Planning and building warrant application comments. Licensing applications and comments. Reports as required. Meetings with facilities management, as required, to discuss common issues from inspections. Developed social policy food safety and infection control procedures document.	Ongoing communication where changes in legislation or policy likely to impact on services.
Lothian NHS	We work together on investigation and control of infectious diseases.	EHO/HPT meetings. Sporadic and outbreak plans. Agreed joint health protection plan.	No change to current approach.
Other local authorities	Share information and best practice. Sampling initiatives. Developing guidance and working standards to ensure consistency of approach. Contribution to national policies and legislation development.	Liaison groups. Scottish Food Enforcement Liaison Committee. National working groups.	No change to current approach.
PF and legal system.	Take legal action based on reports sent by us.	We send reports. Work together on content of report. We provide technical guidance. Send reports electronically.	No change to current approach.

2020/21

Food Service Plan

Care Inspectorate	Act as Consultee / Advisor	Written reports and telephone calls to Care Inspectorate Officers	No change to current approach.
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Appendix 5

Overview of food interventions policy:

The Food Law Code of Practice (Scotland) advocates achieving compliance through the use of a range of interventions and allows local authorities some flexibility in the type of intervention used at a food business.

West Lothian Council recognises that different approaches are required to ensure a business complies with the law in terms of food hygiene and food standards. It is however important to recognise that the approach used by officers will be determined by the circumstances identified at the time of a visit and not in advance.

It is recognised that the code of practice expects a risk based approach to inspections is put in place by local authorities. With this in mind West Lothian Council has always established a priority basis for workload, as follows:

Priority	Category	Description
1	Emergencies and threats to public health	<ul style="list-style-type: none"> Food alerts for action (issued by Food Standards Scotland) – high threat to public health. Fatalities / serious accidents. Communicable disease outbreaks and public health incidents. Communicable disease investigations. Revisits to secure compliance. Formal action to protect public health (remedial action notices, hygiene emergency prohibition, seizure and detention of food, prohibition notice etc.) High priority food and water concerns and monitoring. Serious workplace safety concerns.
2	Highest consequence proactive	<ul style="list-style-type: none"> Routine priority 1 group inspections.
3	Medium consequence proactive / reactive	<ul style="list-style-type: none"> Routine priority 2 group inspections. Guidance to potentially high risk new establishments. Project / support activities to address high consequence public health issues. Routine high risk / unrated health and safety interventions. Street traders certificates of compliance, and Section 50 certificates (Licensed establishments). Export certificates. Project / support activities to support service delivery and customer / business information access.
4	Lower consequence proactive / reactive	<ul style="list-style-type: none"> Routine priority group 3 inspections. Consultations / comments – licensing of events, planning etc. Guidance to low risk new establishments. Low priority food and water concerns.

The priorities reflect the combined work areas of food safety, workplace safety and public health.

Food Safety Inspections

Category	Inspection target	Intervention
Priority 1	By due date (+ 28days)	Inspection
Priority 2	By due date (+ 28days)	Inspection*
Priority 3	Within financial year	Inspection /Alternative enforcement**
853/2004 establishment	By due date (+ 28days)	Inspection
*Priority being given to premises where there is potential cross contamination issues.		
**Includes premises with no inspectable risk (already categorised as alternative enforcement)		

Priority	Inspection categories (risk ratings before inspection)
1	Food hygiene Annex 5 – A, B, approved establishments (not cold stores) Food standards Annex 5 – A Food law rating scheme – 1D, 1E, 2D, 2E, 3D, 3E.
2	Unrated premises. Food hygiene Annex 5 – C Food hygiene Annex 5 – approved establishments (cold stores). Food standards Annex 5 - B Food law rating scheme – 1A, 1B, 1C, 2C.
3	Food hygiene Annex 5 – D, E Food standards Annex 5 – C Food law rating scheme – 2A, 2B, 3A, 3B, 3C Primary Production Holdings (All premises rated alternative enforcement / minimal inspectable risk)

Inspections and Interventions

All inspections and interventions will be carried out in accordance with West Lothian Council's inspection procedures and enforcement policy. Inspections will be conducted in accordance with chapter 4.2 of the Food Law Code of Practice (Scotland) and will utilise the appropriate West Lothian Council inspection aide memoire. Not all inspections are able to be targeted by the due date as required by the code of practice.

Alternative Enforcement – Food Hygiene & Food Standards

In line with the principles of the Food Law Code of Practice (Scotland) West Lothian Council ensures that priority is given to food premises which present a greater risk to public health and food safety. In order to do this a hierarchical approach to inspections and visits has been established. In order to ensure the best use of the staff resources we have available and also ensure that we maintain a level of intelligence regarding premises within our area

it has been appropriate to remove a number of food premises from our routine inspection programme and target them through an alternative enforcement approach.

Premises which are subject to alternative enforcement have been identified above. Alternative enforcement will be considered as follows:

Alternative enforcement visits

Officers undertaking alternative enforcement visits within such premises will not need to be qualified as per code of practice requirements. The purpose of this approach will be to establish the operating arrangements of such premises and distribute appropriate guidance to food business operators. A record of such visits will be completed and held electronically. Should there be a change in the business operation likely to change the inspection rating of the premises then such matters will be referred back for a qualified officer to pursue.

The purpose is to link in with work already being done by other non-food officers and ensure a better system for gathering information and maintaining business contact.

Where the premises is deemed to be operating in a way which requires no further intervention by a qualified officer then a rating will be applied to maintain the premises within its current category (or comparable if considered under food law rating scheme) and ensure a further visit is made within the time frame for such premises outlined in the code of practice.

Premises which are visited by a non-qualified officer in terms of this approach cannot be included within the scope of the food hygiene information scheme.

Premises which are allocated to qualified officers due to link with higher risk inspection, can be inspected as normal.

Alternative enforcement – non-visit business contact

Premises identified as falling within the alternative enforcement strategy which are not linked to a higher risk inspection, and where other workload activities prevent site visit will be contacted by letter or email. The purpose will be to provide basic food safety guidance, and request that the business operator advises this service of any material change in business ownership or operation. Any notified change in ownership or significant change in business operation will be followed up by a visit by a qualified officer in due course.

This approach will be kept under review.

Non – Broadly Compliant Premises

Following an inspection any business that does not meet the broadly compliant criteria should be subject to further intervention. Such action should normally be implemented no later than 1 month after the initial inspection (dependant on nature of non-compliance).

Officers will determine the most appropriate action giving consideration to the West Lothian Council enforcement policy and inspection procedures.

Interventions will be recorded by officers, and may include:

- further inspection and audit;
- verification and surveillance;
- advice and education; and
- formal sampling.

Change of Ownership / Premises

An officer will inspect a changed business for food law compliance, and health and safety (where appropriate) irrespective of what the initial planned inspection was for. Risk ratings will be applied against the new premises details.

Food Hygiene Information Scheme

Officers will ensure that they follow nationally issued guidance and internal procedures when inspecting businesses and assessing in terms of the FHIS. Only businesses which have been inspected and rated by a qualified officer will be included within the scope of the scheme.

Officers will be mindful of the response times for visit requests in terms of the scheme and ensure these are met.

Appendix 6

Service Requests and complaints – service standards and prioritisation:

Response times and updates:

We will aim to respond to 85% of enquiries within 2 working days of receipt. We will aim, if required, to update customers of progress within 28 days of receipt. Our response may be by phone, mail or email.

New business advice

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

Further assistance such as review of plans, or site visits will no longer be possible for routine new business work due to other workload demands.

Licensed premises – Section 50 Certificates

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

There will be no routine site visits. Final site visits will be carried out only after notification that the appropriate building warrant has been issued and premises are in finished condition ready for operation. The site visit will be carried out within 15 working days of request by the customer to the appropriate officer. If the premises is visited and not complying with requirements then further visits will be carried out. Revisits will be carried out within 15 working days of notification by the customer that works have been completed.

The timeframes reflect the need to balance other higher priority workload within the service.

Street trader application – Vehicle inspections – New Licences

We will provide initial advice over the phone, by email or letter. We will provide written guidance to assist (if required), and / or, direct customers to other sources of information.

Inspections of new vehicles to issue a hygiene certificate will be carried out within 15 working days of the customer requesting a visit with the appropriate officer. These inspections will only take place on a specified afternoon or morning once a week.

The timeframes reflect the need to balance other higher priority workload within the service.

Investigation of consumer concerns – food and drink, premises etc.

Concerns will be prioritised and addressed relevant to the nature of the concern.

The following types of concern are examples of those considered high priority:

- Cases of confirmed food poisoning linked to food establishment or food stuff.
- Numbers of unconfirmed illness associated with food establishment or food stuff.
- Foods subject to serious contamination or in a condition likely to be a risk to public health.
- Concerns regarding poor hygiene conditions within premises likely to give rise to contamination of food being prepared.
- Concerns regarding illness or infection associated with drinking or recreational water.

The following types of concern are examples of those considered low priority. They are likely to be subject to referral to a future inspection or other intervention:

- Notification of out of date food being sold. Unless there is a poor history within the premises, or after a number of similar complaints in a short period of time.
- Concerns about front of house hygiene conditions in premises. Unless there is a poor history within the premises, or after a number of similar notifications in a short period of time.
- Concerns about drinking and recreational water not linked to illness or infection. Concerns about mains water will be referred to Scottish Water and the Drinking Water Quality Regulator.
- Concerns regarding quality and nature of food and drink sold in food premises. Unless there is a poor history within the premises, or after a number of similar notifications in a short period of time.

Appendix 7 – Official Control Obligations

The following outlines the main operational obligations on competent authorities in terms of Regulation (EC) 882/2004 and the measures for delivery within West Lothian Council.

Obligation on local authorities	Summary of service delivery in West Lothian
<p>Official controls are applied at an appropriate risk-based frequency. (Article 3, (1))</p>	<p>It has been highlighted in previous food service plans that not all controls are completed in accordance with the timescales determined within the Food Law Code of Practice (Scotland). Prioritisation is given to the highest risk premises for inspection. There was an impact on service delivery from vacancies within the service. There was an issue with attracting suitably qualified staff to advertised posts. This impact is ongoing. Recruitment to vacant posts will be pursued through 2020/2021.</p> <p>In 2019/2020:</p> <ul style="list-style-type: none"> • 85% of highest risk establishments were inspected by due date. • There was an increased number of premises not able to be inspected during 2019/2020 and requiring to be carried into 2020/2021 inspection plan. • The introduction of the new food law rating scheme in July 2019 combined the food hygiene and food standards inspection plans, and increased the inspection demand on the service going forward. • There were a significant number of establishments subject to alternative enforcement and not inspection by a qualified officer. • There were a large number of service requests received. 93.3% were responded to by the due date.
<p>The effectiveness and appropriateness of official controls. (Article 4, (2)(a))</p>	<p>The service has been audited by Food Standards Agency Scotland (now Food Standards Scotland). No major concerns were highlighted during audits. There is a balanced approach to enforcement and education, and a high level of business compliance, and business satisfaction with the approach taken by officers. The enforcement policy for the service is cited as a good example in the Scottish Regulators Code of Practice.</p> <p>In 2019/2020:</p> <ul style="list-style-type: none"> • For all risk rated food establishments in West Lothian, 96.8% were broadly compliant in terms of food law requirements. • 96% of relevant establishments within the food hygiene information scheme held a Pass award. • 81% of establishments deemed improvement required, subsequently achieved a Pass award following intervention by officers.

Staff carrying out official controls are free from conflicts of interest. (Article 4, (2)(b))	This is addressed through the councils' code of conduct for employees.
They have access to an adequate laboratory capacity and capability for testing. (Article 4, (2)(c))	Public Analyst Scientific Services have been appointed to provide laboratory services. They are an official control laboratory and meet the necessary requirements. A food sampling plan is included within the service plan. Sampling outcomes are recorded on a national database – UKFSS.
They have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly. (Article 4, (2)(c) & (2)(d))	<p>There is no official standard provided for determining sufficient numbers of staff. However, in recent years the service has delivered a high standard of output and outcomes. The professional development requirements for officers in terms of the code of practice are being met, and officers have the necessary facilities to complete their work. It is recognised within the service plan that work is not easily quantifiable and impacts on workload delivery will vary depending on circumstances. Resources available to support service delivery continue to be kept under review. Vacancies within the service have impacted on official control delivery. These vacant posts will continue to impact in 2020/2021 as recruitment is pursued. There are no reductions in staffing from previous service plan.</p> <p>West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £14,994, and West Lothian is £8,625 – figures from Local Government Benchmark Framework 2018/2019). Although there is some variability in the levels of service provision there is no real evidence of serious detriment to food safety and public health in West Lothian at this time.</p>
They have legal powers to carry out official controls. (Article 4, (2)(e))	Officers carrying out official controls are authorised in terms of the Council's scheme of delegation. Authorisation documents are available for officers. Officers will be authorised in terms of legislation applicable and appropriate to level of professional competence and grading.
They have contingency plans in place, and are prepared to operate plans in event of emergency. (Article 4, (2)(f))	The service will implement emergency plans as appropriate. There are different national and regional incident management plans for purposes of consistency. Staff have been involved in testing these plans. There is a service wide business continuity plan which is tested and reviewed appropriately. There are also internal procedures and information to assist officers involved in emergency situations.
They shall ensure efficient and effective co-ordination between all competent authorities involved. (Article 4, (3))	The service will liaise and co-operate appropriately with Food Standards Scotland. The service is also involved with other regional local authority colleagues in the Lothian & Borders Food Liaison Group which provides regular links to ensure consistency of approach and sharing of intelligence. Officers are also involved

	in national networks and working groups. The service also has access to MEMEX for food crime intelligence sharing. The service also uploads official control data to the Scottish National Database. It will work with primary and home authority local authorities in ensuring consistent food law enforcement.
They shall ensure the impartiality, quality and consistency of official controls at all levels. (Article 4, (4))	Officers will follow national guidance and internal policies and procedures to ensure consistency of approach. Officers will regularly discuss issues of concern with colleagues and will come forward for consideration at monthly team meetings. Issues for clarification or opinion can also be shared with regional liaison group colleagues, and if necessary taken to national groups for determination. Concerns of interpretation will also be raised with Food Standards Scotland. The service has a Council approved and publically available enforcement policy which demonstrates a graduated and transparent approach to enforcement. It is recognised within the Scottish Regulators Code of Practice as a good example. All inspection reports and guidance issued will direct customers and business operators to the process of raising concerns which might arise from the implementation of official controls. Customer survey information with business customers has always reported high levels of satisfaction with officers and official control activity.
They shall carry out internal audits or may have external audits carried out to ensure the objectives of the regulation are being achieved. (Article 4, (6))	Internal monitoring procedures are in place. These will include performance management – with internal and public performance standards being made available. Monitoring will also involve accompanied visits, case review, 1-2-1 meetings and performance appraisal in compliance with the Council's ADR process. External audits are carried out by Food Standards Scotland. Annual returns have been made (LAEMS and SFEAR). Official control data is uploaded to Food Standards Scotland – Scottish National Database.
They shall ensure staff performing official controls receive appropriate training for area of competence, and have aptitude for multidisciplinary cooperation. (Article 6, (a)-(c))	Ongoing training and development is essential, and the food law code of practice anticipates at least 10 hours CPD will be provided annually. Training records are kept, and training opportunities are provided for all staff. Training and development needs will be discussed and considered as part of 1-2-1 and ADR discussions. A number of staff are involved with internal and external partners, working groups and represent the service competently in such circumstances. This is a key element of succession planning within the service.
They shall carry out activities with high level of transparency and make relevant information publically available. The public will have access to information on control activities and their effectiveness, and information relating to product withdrawals. (Article 7, (1))	An annual food service plan is developed and approved by Council Executive. This is a public document and is available on the council website. A lot of other information has been made available on the council website. The service participates in the Food Hygiene Information Scheme to ensure appropriate public information is available regarding food hygiene compliance in local food establishments. The service will also encourage businesses to pursue Eatsafe awards, which are also publically available

	information regarding standards of compliance. The service will issue media information appropriately. It will also ensure provision of information in terms of freedom of information. Food Standards Scotland co-ordinate product withdrawals. Information will be shared with the public and businesses appropriately.
They shall ensure staff maintain professional secrecy in regard to certain information obtained in carrying out official controls. This includes confidential investigation and legal proceedings, and personal data. (Article 7, (2) &(3))	Staff are made aware of legal obligations. Staff will also complete internal council training sessions on data protection and information security. These are regularly completed by staff to ensure awareness is maintained.
They shall carry out official controls in accordance with documented procedures containing information and instruction for staff performing official controls. (Article 8, (1))	Staff will have access to and will be aware of national standards and guidance, e.g. Food Law Code of Practice. All staff have access to internal systems or web access for necessary documents. There are also internal policies and procedures which staff are made aware of and are expected to follow. These are openly available, and contain appropriate cross referencing to other relevant guidance. Internal monitoring will consider compliance with procedures.
They shall have in place procedures to verify the effectiveness of official controls carried out and ensure that corrective action is taken when needed. (Article 8, (3)(a) & (b).	Internal monitoring, including accompanied visits will take place appropriately. Performance management processes are also in place. For example, a monthly report considers the premises which have been inspected and require a revisit based on the rating for compliance. It will ensure that officers are following up issues of concern. Reports are also provided which identify improving standards within food establishments over time, and through food hygiene information scheme. The outcomes and information is collected and stored on CIVICA APP system. The service is also audited by Food Standards Scotland.
They shall provide reports on official controls carried out and ensure business operators are provided with a copy of the report. (Article 9)	It is standard procedure to ensure that a report is left with a business operator after official control inspections and interventions. A written report will be left at time of visit, and if necessary followed up by a more detailed typed report. Guidance is also left to explain purpose of visit and also direct to sources of further information. Reports are designed to ensure compliance with the requirements within the Food Law Code of Practice.
They shall carry out official controls using appropriate control methods and techniques such as monitoring, surveillance, verification, audit, inspection, sampling and analysis. (Article 10, (1))	Various methods and techniques for official controls are used and are reflected in internal policies and procedures, and information recording on CIVICA APP system. Methods and techniques are considered appropriately in context of the hazard and risk activity of business operation or process. There is a prioritisation of work activities which is also included in the food service plan.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

HEALTH AND SAFETY SERVICE PLAN 2020/2021

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to make the Council Executive aware of the obligation upon the council to approve an annual health and safety service plan, and to seek approval for the Health and Safety Service Plan 2020/2021.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the content of the report and accompanying Health and Safety Service Plan; and
2. approves the Health and Safety Service Plan 2020/2021.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Health and Safety at Work etc. Act 1974, Section 18, National Local Authority Enforcement Code requires local authorities to develop and approve an annual health and safety service plan.</p> <p>The Public Health (Scotland) Act 2008 places a duty on the NHS Lothian to produce a joint health protection plan in collaboration with relevant local authorities.</p> <p>The plan does not require a strategic environmental assessment. The plan deals with issues of equality and risk.</p>
III Implications for Scheme of Delegations to Officers	There are no implications for the scheme of delegation.
IV Impact on performance and performance Indicators	The Health and Safety Service Plan identifies how work will be prioritised to ensure a high level of performance in work that has greatest impact on protecting public health.

		Performance indicators are reported internally and publically through Pentana.
V	Relevance to Single Outcome Agreement	SOA 3 Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. SOA 7 We live longer, healthier lives and have reduced health inequalities.
VI	Resources - (Financial, Staffing and Property)	The service plan has been developed to be delivered within current resources.
VII	Consideration at PDSP	The report and service plan have been provided to members of the Environment PDSP. No changes to the service plan or report were required following consideration by panel members.
VIII	Other consultations	None.

D. TERMS OF REPORT

In order to meet the requirements of the National Local Authority Enforcement Code (national code), West Lothian Council is required to develop and approve an annual health and safety service plan. The national code is given legal effect under Section 18 of the Health and Safety at Work etc. Act 1974.

D1 Purpose of the plan

The plan outlines how health and safety will be monitored and enforced within West Lothian businesses and other regulated activities. Whilst the main responsibility for ensuring health and safety remains with the businesses and individuals who create the risk, environmental health officers have a statutory duty in ensuring effective risk management, supporting businesses, protecting the West Lothian community, and contributing to the wider public health agenda.

Although elements of health and safety activity will be reflected in the service management plan for Planning, Economic Development and Regeneration the creation of a detailed health and safety service plan is a distinct requirement. The proposed plan for 2020/2021 is attached for review and consideration.

D2 Protection

The key role of the service is public health protection. The service plan gives an overview of how this is delivered in West Lothian. The mission statement for the service is – *“To protect and enhance the health, safety and welfare of people living and working in West Lothian by ensuring risks in the changing workplace are properly controlled.”*

The service shares enforcement and regulatory responsibilities for health and safety with the Health and Safety Executive (HSE). The main demands on the service are driven by routine risk rated inspections and interventions, accident reports and investigations, and concerns and requests for service regarding health and safety. The term health and safety has taken on a very negative and trivialised interpretation due

to risk averse and claims conscious organisations using it as a broad brush excuse for avoiding certain activities. However, the real issues which officers have to address in protecting public health include:

- Prevention of serious and fatal accidents.
- Preventing injuries from falls from height, slips, trips and falls, manual handling and upper limb disorders.
- Preventing exposure to harmful substances (chemicals, asbestos, fine particulates, carbon monoxide etc.)
- Preventing injuries from vehicles and machinery (e.g. fork lift trucks).
- Preventing health impact issues (e.g. asthma, dermatitis, infectious diseases, legionella, stress, violence, skin piercing / tattooing etc.)

Service priorities have been established to ensure the best practical service in addressing the safety and public health needs of our communities. They also reflect guidance issued by the HSE in regard to prioritising safety inspections and enforcement activity. Service priorities are outlined in the plan.

The financial and human costs of work related illness and injury are vast and impact individuals, businesses and taxpayers. In 2017/2018 the cost to the UK was £15 billion. The largest costs impact on the individuals effected, not just in terms of financial cost but quality of life or loss of life. The individual impact is valued at £8.6 billion. The cost to employers is £3 billion, and the tax payer costs are £3.4 billion.

D3 Performance and Performance Management

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Legislation, enforcement and technical guidance.
- Internal working documents and procedures.
- Health and Safety Service Plan.
- Internal monitoring of performance.
- Appraisal and Development Review (ADR) process.
- Training and professional development of officers and management.
- Reporting to external agencies.
- Internal reporting to elected members and corporate management.
- Public reporting through Pentana.

The changing nature of demands upon the service requires a flexible approach to balancing priorities. Workplace safety and public health protection will always provide challenges. Officers and managers continue to take a constructive and professional approach to such matters, and through prioritisation, effective work planning and delivery, the service has ensured good performance in high priority areas of work.

The delivery of the 2019/2020 service plan was impacted by ongoing vacancies within the commercial team, and a balancing of workload priorities throughout other parts of the environmental health service. There is a widespread recruitment challenge within the environmental health profession. The service was not able to attract enough suitable candidates to fill vacant posts. There is also a challenge in training students to

fill professional officer posts as the number of students available has also declined significantly in recent years. The service is continuing to co-operate with others nationally to find solutions. However, an appropriate focus has been maintained in the highest risk aspects of work.

D4 Challenges

The impacts and consequences of CoVID-19 will be significant in terms of delivering the plan for 2020/2021. The service is actively engaged in the enforcement of restriction regulations, and initial developments within the contact tracing programme. These specific demands are likely to increase as businesses which are currently closed try to re-open and maintain public health controls for staff and the public. The inspection and intervention plans will be revised during the year to accommodate developments in national strategies, guidance and legal controls to address this pandemic. It may be necessary to consider health and safety regulatory interventions as another way of ensuring CoVID-19 controls in workplaces.

The following have been identified as the key challenges for 2020/2021 and ongoing:

- Ongoing demands on officers from challenging premises and incidents in terms of workplace safety and public health issues.
- Ensuring that officers are supported, developed and capable of dealing with challenging, time consuming and high risk workload.
- Establishing and targeting workload priorities with available resources which deliver and maintain the best achievable levels of public health protection, whilst balancing a business friendly and supportive culture.
- Managing customer expectations for service requests, accidents and incidents in line with service priorities.
- Further development of alternative approaches to business engagement to attain maximum benefit for the council and businesses.

The plan for 2020/2021, and beyond, is to ensure the service focuses resources at priority areas of work, and takes correct action to protect public health when risks are identified.

E. CONCLUSION

The Health & Safety Service Plan 2020/2021 aims to reflect the ongoing work of environmental health officers in protecting safety and public health in West Lothian.

F. BACKGROUND REFERENCES

1. Report to Council Executive – Health and Safety Service Plan 2019/2020, 25 June 2019.

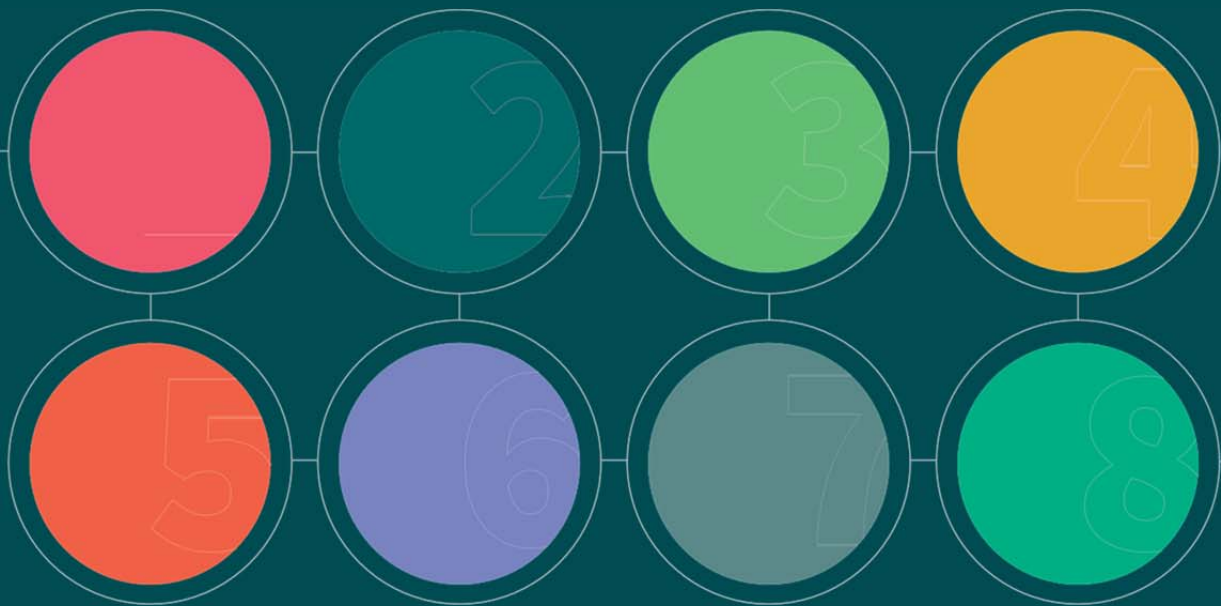
Appendices/Attachments: Health & Safety Service Plan 2020/2021

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Craig McCorriston
Head of Planning, Economic Development & Regeneration

23 June 2020

Planning, Economic Development and
Regeneration
Environmental Health & Trading Standards
Health and Safety Service Plan 2020/2021



Health and Safety Service Plan

OVERVIEW

In order to meet the requirements of the National Local Authority Enforcement Code (national code), West Lothian Council is required to develop and approve an annual health and safety service plan. The national code is given legal effect under Section 18 of the Health and Safety at Work etc. Act 1974.

The plan outlines how health and safety will be monitored and enforced within West Lothian businesses. Whilst the main responsibility for ensuring health and safety remains with the businesses and individuals who create the risk, environmental health officers have a statutory duty in ensuring effective risk management, supporting businesses, protecting the West Lothian community, and contributing to the wider public health agenda.

The service plan covers:

- service aims and objectives;
- authority background;
- service delivery;
- partnership and working with others;
- staff development and performance management;
- quality assessment; and
- service plan review.

A safe working environment is something many would take for granted. There is unfortunately significant confusion created by those who use health and safety as an excuse to avoid any type of risk. Very little of this has any bearing on real issues of health and safety and the necessary controls which should be in place to protect workers and members of the public. Ridiculous health and safety excuses grab headlines whilst essential work in protecting workers and the public goes largely unnoticed. Local authority enforcement officers and the Health and Safety Executive have shared responsibility for ensuring public and worker protection throughout the UK. The consequences of workplace accidents, ill health and fatalities are a significant burden on public health and the economy. Sensible, proportionate and firm management of health and safety is essential for everyone's benefit.

SECTION 1 ~ SERVICE AIMS AND OBJECTIVES

1.1 Corporate Plan & Single Outcome Agreement Links

Priority 6: Delivering positive outcomes on health.

Priority 8: Protecting the built and natural environment.

(web link <https://www.westlothian.gov.uk/article/33026/Corporate-Plan>)

SOA7 We live longer, healthier lives and have reduced health inequalities.

1.2 Commitment

Our commitment is to protect and enhance the health, safety and welfare of people living and working in West Lothian by ensuring risks in the changing workplace are properly controlled.

In delivering this service plan we acknowledge and contribute across the six strategic themes of '*Helping Great Britain Work Well*' – HSE, Health and Safety Strategy:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support.

A safe and healthy working environment also contributes to the health and wellbeing of the population within West Lothian. This is recognised within the Joint Health Protection Plan for Lothian agreed by NHS Lothian, and West Lothian Council, City of Edinburgh Council, East Lothian Council and Midlothian Council.

1.3 Our priorities

The service has to be delivered on a priority basis. This reflects the nature of the work undertaken and that the service cannot be divided up into uniform time units for

Health and Safety Service Plan

completing tasks. Each inspection, accident, and service request will have its own complexity and issues which determine the amount of work and time required to address.

The priorities are based on both reactive and proactive work and the potential public health impact of each. Delivery of service priorities will be within the context of resources available and staff skills, knowledge, experience and capacity.

Service priorities have been established to ensure the best practical service in addressing the safety and public health needs of our communities. They also reflect guidance issued by the Health and Safety Executive in regard to prioritising safety inspections, interventions and enforcement activity. Service priorities are outlined in Appendix 3.

The Costs of Health and Safety

The financial and human costs of work related illness and injury are vast and impact individuals, businesses and taxpayers. In 2017/2018 the cost to the UK was £15 billion. The largest costs impact on the individuals effected, not just in terms of financial cost but quality of life or loss of life. The impact is valued at £8.6 billion. The cost to employers is £3 billion, and the tax payer costs are £3.4 billion.

<http://www.hse.gov.uk/statistics/cost.htm>

SECTION 2 ~ AUTHORITY BACKGROUND

2.1 Profile

West Lothian is a mixed rural and urban authority covering a geographical area of 42,504 Ha. The population is approximately 183,100*. The Environmental Health & Trading Standards service is located in Linlithgow Partnership Centre, Linlithgow. There are 2397** premises within the area ranging from offices, retailers, service sector, warehouses, leisure and public events. (*National Records of Scotland mid-year estimate 2019, **As of 01/04/20)

2.2 Organisational Structure

The service structure is as per appendix 1. The plan will be delivered by officers within the commercial team.

The commercial team is part of the Environmental Health & Trading Standards service which is part of Planning, Economic Development and Regeneration.

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2.3 Scope of the Service

The scope of the service is outlined as follows:

- *To inspect business premises within West Lothian, in accordance with recognised inspection frequencies in order to secure a safe and healthy workplace environment in accordance with relevant legislation, approved codes of practice, and other initiatives;*
- *To investigate accidents, work-related diseases and dangerous occurrences reported to the service, as required by the local accident investigation criteria, taking enforcement action where necessary and giving advice as appropriate;*
- *To react to public and business complaints and enquiries in relation to health, safety and welfare within West Lothian workplaces;*
- *To provide health, safety and welfare advice and guidance and to ensure compliance of new business and businesses transferred to new owners;*
- *To ensure activities that are necessary to support, compliment and develop the work of the health and safety service are carried out; and*
- *To prepare relevant reports, statistical, and other relevant information to local businesses and other service units within West Lothian Council, Central Government, professional bodies and any other interested parties as appropriate.*

2.4 Demands on the Service

The service shares enforcement and regulatory responsibilities for health and safety with the Health and Safety Executive. The main demands on the service are driven by routine risk rated inspections and interventions, accident reports and investigations, and concerns and requests for service regarding health and safety. The term health and safety has taken on a very negative and trivialised interpretation due to risk averse and claims conscious organisations using it as a broad brush excuse for avoiding certain activities. However, the real issues which officers have to address in protecting public health include:

- Prevention of serious and fatal accidents.
- Preventing injuries from falls from height, slips trips and falls, manual handling and upper limb disorders.
- Preventing exposure to harmful substances (chemicals, asbestos, fine particulates, carbon monoxide etc.)
- Preventing injuries from vehicles and machinery (e.g. fork lift trucks).

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- Preventing health impact issues (asthma, dermatitis, infectious diseases, legionella, stress, violence etc.)

Services are available from 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.00pm Friday. The team, however, has to accommodate working out with these times due to operating times of businesses. On occasion evening and early morning work is necessary to carry out the inspection and intervention programmes. There is generally no proactive work for events at weekends. Emergency contact details have been provided to appropriate partner agencies in regards to incident management should these occur out with normal working hours. However, the arrangements are limited to point of contact notification only.

There is a regular turnover in many of the businesses with new owners and changes in operation of the business. In the last five years there has been a 6% increase in registered food businesses (28% in the last 10 years). However, the overall business profile for health and safety enforcement has reduced by 4.9%.

In line with the enforcement policy, officers are required, when necessary, to take appropriate enforcement action. This may include service of notices, prohibition of activities and equipment, and reports to the Procurator Fiscal leading to prosecutions and time in court.

The principles of better regulation have been a key aspect of how the service is delivered for a number of years. As well as workplace safety inspections and interventions, officers in the commercial team will also carry out a number of food safety and smoking enforcement inspections. This is done to ensure best use of resources and avoid unnecessary additional visits to premises. It is encouraging to note the positive feedback from business consultation exercises in relation to their experience of inspections and enforcement activities.

It is, however, vitally important to remember that the principal purpose of the service in West Lothian is public health protection. In previous years a number of changes were made to the approach taken to inspections e.g. prioritisation of workload, changes in inspection reporting and recording, changes to inspection and workload allocation and geographical distribution, better use of flexible working and council buildings. Further streamlining of the service will be required during 2020 and beyond. We will ensure that attention continues to be given to positive outcomes irrespective of the breadth of service provision in future. Some of these issues are highlighted in 6.3.

The Importance of Health and Safety to Business

A survey of employees and employers by the Health and Safety Executive highlighted the importance of health and safety in the workplace. Employers tended to see the importance more acutely than employees in many cases (where other work considerations were a higher priority) – however this may be reflective of the general sense that workplaces are in the main safe and controlled environments. There were however a number of responses from employees which raised concerns that their current working environments were not safe. Although a smaller percentage it still amounts to a significant number of workplaces if translated across the whole of the UK.

The majority of employers say that health and safety requirements benefit their company as a whole (73%), save money in the long-term (64%) and defend them against unjustified compensation claims (57%). Most employers also disagree with the contentions that health and safety requirements hamper their business (78%) and are biased against small businesses (54%).

The response from West Lothian business customers has always been favourable for any contact with officers from this service. Customer survey responses are outlined in appendix 5.

<https://www.ipsos.com/sites/default/files/migrations/en-uk/files/Assets/Docs/Archive/Polls/hse.pdf>

2.5 Enforcement Policy

In terms of the national local authority enforcement code the service has a written enforcement policy which has been approved by the Council. The policy has undergone an equality impact assessment, and is followed by officers. The policy has also been cited as a good example in the recently approved Scottish Regulators Code of Practice. A copy of the policy is available to anyone on request and is also available on the West Lothian Council website. (<http://www.westlothian.gov.uk/environmental-health>)

SECTION 3 ~ SERVICE DELIVERY

Officers in the commercial team contribute to the development and implementation of this plan. This section outlines areas of work to which they contribute.

In order to meet ever changing demands, the service is always looking at ways of working most effectively. Performance management is a key factor in ensuring this can be achieved (see section 4.4). The quality of the service delivered is essential in protecting public health,

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and the service is working to ensure that everyone plays a part in delivering the best service possible.

3.1 Inspections and interventions

There are currently 2397 businesses and work places within West Lothian which are allocated to the service for the purpose of monitoring and enforcing health and safety. Inspections and interventions are determined in line with the national local authority enforcement code and LAC 67/2 (rev 8) issued by the Health and Safety Executive. An annual inspection and intervention policy is outlined in appendix 2 and is based on national and local priorities for health and safety.

To ensure best use of resources, inspections and interventions are linked, where possible, to the food safety inspections due and are set as an internal performance indicator. Non-food premises will be targeted in a way which is proportionate to the relevant risk nature of the business. This will range from full and unannounced inspections, to targeted issue specific interventions, interventions for officer development purposes, and general advisory letters / communications to the very lowest risk establishments.

Officers will also have an input to on site safety at public events. There will be input through discussion with organisers, the licensing process and meetings with other council services.

Premises profiles and intervention information is outlined in appendix 3.

3.2 Accidents – investigation / prevention

There is a statutory duty on employers to report injuries, diseases and dangerous occurrences within certain criteria and timeframes. A risk based and proportionate approach is taken by the service to the investigation of any reports received. It is often said that accidents just happen, however that is not true and the reality is that every accident has a cause. The nature and frequency of the issues reported is used to help identify local priorities for intervention, and any more immediate follow up response required.

A key part of any inspection or intervention is to identify the approach being taken by business operators and staff to reduce the likelihood of accidents and address any issues resulting from these engagements with businesses.

Information on accidents reported in West Lothian is found in Appendix 3.

3.3 Requests for service and concerns regarding safety

Officers will investigate concerns raised by employees or others regarding health and safety in West Lothian premises. The nature of concerns can vary from failure to provide basic welfare provisions for staff, to serious concerns regarding dangerous working practices.

These will be responded to on a priority basis. Appendix 4 has a breakdown of business types and risk bands in relation to service requests received. This information will help inform local elements of the health and safety intervention policy.

3.4 Advice and support to Business

All officers will be involved in giving advice to businesses on workplace safety issues as part of routine visits. Advice can also be given to new businesses. This is an important aspect of work as it helps to ensure that businesses which request help can be set up complying with the necessary legal requirements. It has been established as one of our priorities for higher risk businesses and fits the model of targeting upstream intervention.

The service recognises that a well run and viable business will most likely be a safe business. Officers will direct business owners to support and help from colleagues working through Business Gateway. Information sheets are left at every inspection with details of where businesses can get further help and support in this and other aspects of workplace safety. This all works towards protecting public health and reducing the financial impact of compliance on businesses.

The ongoing work with established businesses is assisted by a number of helpful information sheets, guidance booklets, and other educational resources. A great deal of useful information is available on the Health and Safety Executive website, and through organisations such as Healthy Working Lives. The service web pages provide links to these and other web sites.

3.5 Primary Authority Partnership

West Lothian Council has no formal agreements in place to act as a primary authority partner.

There are however a number of national companies trading in West Lothian who have made such arrangements with an appropriate local authority, and due consideration is given to the context of these partnership arrangements in terms of our interventions and potential enforcement activity.

3.6 Liaison with Other Organisations

It is important to realise that the commercial team does not work in isolation from other internal services or external organisations. Internally, the team works with planning, building standards, economic development, licensing, legal, occupational health, and media to provide a joined up service.

The national code requires local authorities to work together, liaise and carry out appropriate peer review in terms of ensuring consistent application of statutory requirements and aspects of the national code itself. West Lothian Council is part of the Lothian and Borders Health and Safety Liaison Group. This group meets approximately 4 times a year and group members will continue discussion through email and other forms of communication to ensure shared understanding and consistency of application on various issues. The group also has representation from the Health and Safety Executive, and discussions can take place with the designated local authority unit staff as and when required.

SECTION 4 ~ RESOURCES

4.1 Financial Allocation

There is no specific budget allocation for delivery of the health and safety service. The service delivery is shared by officers within the commercial team along with delivery of other environmental health functions. This includes delivery of the food service plan.

West Lothian has the third lowest costs per 1,000 population for environmental health (Scottish average is £14,994*, and West Lothian is £8,625* – figures from Local Government Benchmark Framework 2018/2019). There will, however, be some variability between local authorities in terms of the level of service delivered. (*The framework definition of environmental health includes the operation of public conveniences which are not an operational or service function of Environmental Health & Trading Standards in West Lothian but still get counted against costs of service.)

4.2 Staffing

The service is staffed as per the structure indicated in appendix 1.

The current FTE allocation available for service delivery is 1.25 officers. However, currently 7 members of staff are authorised and contributing to the workload along with other environmental health functions.

Health and safety is only one element of the role of environmental health. The pressures on the whole service increase year on year with changes in legislation, increasing population

Health and Safety Service Plan

and demand on the service having to be managed on a priority basis. We are therefore targeting priority areas of work, delivering aspects of the service differently, reducing or removing aspects previously delivered, and continuing to work as effectively as possible to protect public health.

4.3 Staff Development Plan

As per the national code and the Health and Safety at Work etc. Act 1974, the service has a statutory duty to “make adequate arrangements for enforcement” and to legally appoint suitably qualified officers. The service has to ensure that officers have suitable and ongoing competence in order to exercise duties and powers in terms of the Act.

'Section 26 of the Health and Safety at Work etc. Act 1974' allows local authorities to indemnify inspectors appointed under that Act under specified circumstances. It is the policy of this authority to indemnify inspectors appointed under that Act against the whole of any damages and costs or expenses which may be involved, if the authority is satisfied that the inspector honestly believed that the act complained of was within their powers and that their duty as an inspector entitled them to do it, providing the inspector was not wilfully acting against instructions.'

Training and development needs are therefore assessed during individual Appraisal and Development Review meetings held in accordance with the council's Investor in People accreditation, and during monthly 1-2-1 meetings with line manager.

It is also recognised that knowledge and awareness of different sectors, work activities and processes needs to be maintained. As the national focus for inspections and interventions has changed this has reduced the onsite activity of officers to maintain familiarity and experience in a number of areas. This has potential consequences for competence of officers in addressing serious issues should they arise. Therefore the interventions plan for West Lothian will aim to ensure that interventions within different business sectors and activities continue to ensure officer skills, knowledge and competence is not lost.

A health and safety competency framework for officers is being developed to help give more detail to skills and knowledge pertinent to the different work areas. This was produced in support of national guidance – the Regulators Development Needs Assessment (RDNA). It will provide officers with links to necessary legislation, guidance, technical information, scientific papers etc. and will continue to develop over time. The framework is also being extended to other areas of the environmental health service.

4.4 Performance Management

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publically. Performance expectations and standards are outlined and reported in the following ways:

- Legislation, enforcement and technical guidance.
- Internal working documents and procedures – e.g. enforcement policy, customer service standards, council HR policies and procedures etc.
- Health and safety service plan.
- Internal monitoring of performance – e.g. team meetings, one to one discussions, monthly reporting to senior officers, public reporting of performance through Pentana, accompanied visits, customer survey and service complaints.
- Performance review and personal development planning.
- Training and professional development of officers and management.
- Reporting to external agencies – e.g. LAE1 to HSE.
- Internal reporting to elected members – performance committee, Environment PDSP, Council Executive.

SECTION 5 ~ QUALITY ASSESSMENT

5.1 Quality Assessment

The Environmental Health & Trading Standards service participates in the West Lothian Assessment Model. This is West Lothian Council's adaptation of the European Foundation for Quality Management. This is being used to help deliver continuous improvement of the service in years to come. The service is assessed as part of the corporate Customer Service Excellence award.



The environmental health team were also recognised as best performers for 2019 in the APSE Performance Networks Awards. This is a benchmark network of around 250 local authorities throughout the UK.



Health and Safety Service Plan

Internal monitoring of procedures and customer feedback is also used to assess the quality of the service provided. Customer consultation is a key development issue and a customer and business consultation survey is carried out once a year.

SECTION 6 ~ SERVICE PLAN AND OPERATIONAL PLAN REVIEW

6.1 Review against Service Plan

The service plan will be reviewed in six months.

Internal plans, policies and procedures are reviewed annually, or as and when required.

6.2 Identification of any Variance from the Service Plan

The biggest impact on the delivery of the 2019/2020 service plan were vacant officer posts within the team. Even though posts were advertised it was not possible to attract suitably qualified officers to fill all vacancies. Work was re-aligned and there has been an impact on other elements of service delivery within environmental health. Recruiting to vacant posts will continue to be pursued during 2020/2021.

There was a need to focus available officer resources on higher priority work in other parts of the service, particularly in regard to food safety official controls. This has an impact on the inspection plan for health and safety, and required alternative enforcement approaches to premises which would have routinely been subject to on-site interventions.

The targeting of inspections and interventions has been tackled on a priority basis. During 2019/2020 50% of interventions were completed by the target date. This was a drop in performance for inspections by target date and there were a reduced number of on-site inspections from previous year. There was also a reduction in the number of other visits made during the year for health and safety.

There was an improved performance in terms of response to service requests. Although there was an increase in health and safety concerns, there was reduction in licensing enquiries during the year.

There was a reduction in accidents reported to the service from the previous year. This is a positive indicator of business compliance.

The business satisfaction responses for those businesses we engage with remains very positive.

Health and Safety Service Plan

Performance and workload comparisons are made in appendix 3.

As part of the development of officers and ensuring competencies in health and safety are increased and maintained, officers developed a targeted intervention plan for warehouse safety. This was piloted during 2018/2019 and continued during 2019/2020. There has also been an increase in site investigation of accidents and complaints, and officers have also received instruction and training to take on more licensing enquiries. Following highly publicised fatalities there is now a greater focus on events and establishments using inflatables (e.g. bouncy castles etc.), and through increasing developments in the beauty and body transformation industries (piercing, tattooing etc.) a more focused input to public health controls to prevent serious infections. This development work is essential in ensuring greater confidence and competence in officers, and allows a greater sharing of priority workload amongst officers.

6.3 Areas for Improvement / Challenges.

In addition to the challenges from workload and staffing resource which would have impacted the service in normal circumstances, the ongoing CoVID-19 situation has created a delay in being able to carry out the inspection plans for 2020/2021. As the service continues to regulate CoVID-19 restriction controls in premises and workplaces it is likely that any on-site activity will be focused on these aspects of welfare and safety. There is likely to be a significant reduction in proactive interventions to sites and an increased use of alternative enforcement strategies to ensure businesses and sites maintain health and safety controls and measures.

The following have been identified as the key challenges for 2020/2021 and ongoing:

- Ongoing demands on officers from challenging premises and incidents in terms of workplace safety and public health issues.
- Ensuring that officers are supported, developed and capable of dealing with challenging, time consuming and high risk workload.
- Ensuring workload priorities are appropriately aligned with available resources to deliver and maintain the best achievable levels of public health protection, alongside a culture of positive business engagement.
- Managing customer expectations for service requests, accidents and incidents in line with service priorities.
- Further development of alternative approaches to business engagement to attain maximum benefit for the council and businesses, including improving web content information and links to assist local businesses.

All inspections and focused interventions for 2020/2021 are outlined in appendix 3.

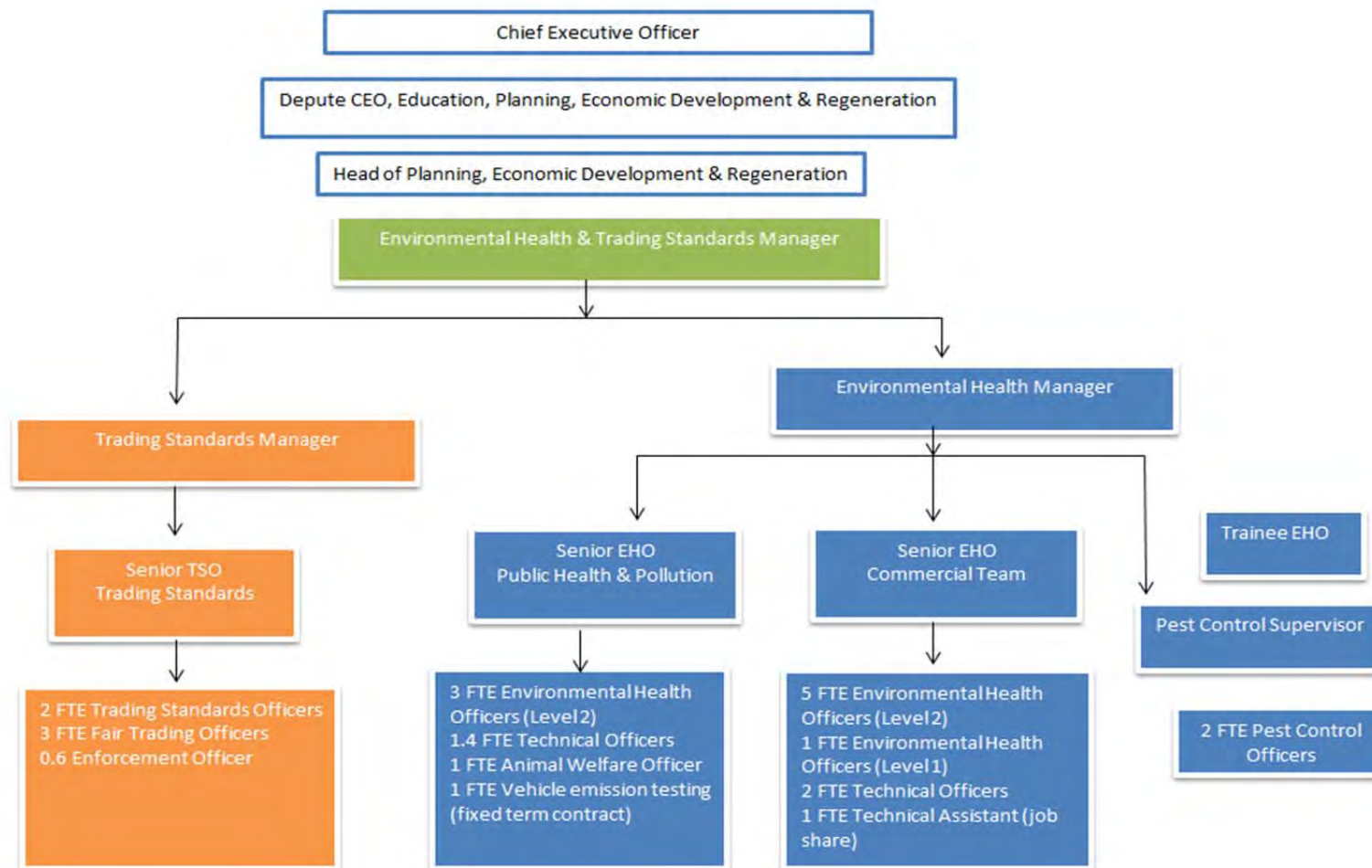
Health and Safety Service Plan

The plan for 2020/2021, and beyond, is to ensure the service focuses resources at priority areas of work, and takes the correct action to protect public health when risks are identified.

Appendices:

- Appendix 1: Environmental Health and Trading Standards Structure
- Appendix 2: West Lothian Health and Safety Intervention Policy and Matrix
- Appendix 3: Workload comparison and priorities
- Appendix 4: Accident reports and service request review
- Appendix 5: Business customer satisfaction
- Appendix 6: Customers / partners / stakeholders

Appendix 1 – Environmental Health and Trading Standards Structure (April 2020)



Appendix 2

EH&TS West Lothian Council Health & Safety Intervention Policy & Matrix

Introduction

The purpose of this document is to outline how officers will engage with businesses on health and safety matters whilst following LAC 67/2 (Revision 9) and the National Local Authority Enforcement Code ([the code](#)). The objective is to promote safe and healthy workplaces by encouraging compliance with health & safety legislation through various interventions, taking enforcement action where appropriate and proportionate.

Local Authorities are required to visit premises under various pieces of non-health & safety legislation. Where West Lothian Council also enforces health and safety in these premises it will be an opportunity review the level of health & safety compliance, having regard to current guidance. Officers are expected to deal with matters of evident concern or other major health & safety issues. Advice or guidance on general health & safety matters may also be given. Additionally where a visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated.

West Lothian Council is also required to keep its premises database as accurate and up to date as possible. Regular contact with businesses is therefore essential and as such all premises due for review under the risk rating scheme will receive a mailshot as a minimum intervention.

In line with the National Local Authority Enforcement Code new business will be provided with an advisory visit.

West Lothian Council, and its officers, will use health & safety powers appropriately and not abuse powers of entry to gain access to premises, or information, to follow up non-health and safety issues.

National Local Authority Enforcement Code

The Code sets out what is meant by 'adequate arrangements for enforcement'. It replaces the existing S18 Standard and concentrates on the following four objectives:

- Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and

- Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.

LAC 67/2 (Revision 9)- Targeting local authority interventions

Summary of Appropriate Interventions

Proactive Inspections

Proactive inspection should only be used for:

- Specific projects/programmes of inspection identified by HSE for LA attention
- High risk premises /activities within the specific LA enforced sectors published by HSE ([See List of activities/sectors for proactive inspection by LAs](#)); or
- Locally identified potential poor performers. This is where specific local intelligence indicates that risks are not being effectively managed.

Intervention Types (Details in LAC 67/2 (Revision 9) – Annex D)

All premises will be reviewed at the beginning of the financial year, and based on nature of establishment, local intelligence and other elements of LAC 67/2 (Revision 9), will be allocated a suitable intervention utilising appropriate elements from those outlined below;

Intervention	Description
<i>Partnerships (Non inspection intervention)</i>	Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.
<i>Motivating Senior Managers (Non inspection intervention)</i>	Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).
<i>Supply Chain (Non-inspection intervention)</i>	Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts.

<i>Design and Supply (Non-inspection intervention)</i>	“Gearing” achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks, preferably taking ownership of improvement targets.
<i>Intermediaries</i>	Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders.
<i>Working with other regulators and Government departments</i>	Where appropriate work with other regulators (including HSE, DVSA other LA regulators, the Police etc.) to clarify and set demarcation arrangements; promote cooperation; coordinate and undertake joint activities where proportionate and appropriate; share information and intelligence.
<i>Encouraging and recognising compliance</i>	Encouraging the development of examples with those organisations that are committed to performance and then using these examples to show others the practicality and value of improving their own standards.
Proactive Inspection	Alongside the Code, HSE publishes a list of higher risk activities falling into specific LA enforced sectors. Under the Code, proactive inspection should only be used for the activities on this list and within the sectors or types of organisations listed, or where there is intelligence showing that risks are not being effectively managed. The list is not a list of national priorities but rather a list of specific activities in defined sectors to govern when proactive inspection can be used. However, if a business carries out an activity on this higher risk list, it does not mean that it must be proactively inspected: LAs still have discretion as to whether or not proactive inspection is the right intervention for businesses in these higher risk categories.
<i>Incident and Ill Health Investigation (Reactive)</i>	Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action, learning and applying the lessons.
<i>Dealing with Concern and Complaints(Reactive)</i>	Encouraging duty holders to be active and making sure that significant concerns and complaints from stakeholders are dealt with appropriately.

<p><i>Enforcement</i></p> <p>(WLC, EH&TS Enforcement Policy)</p>	<p>Inspection and investigation provides the basis for enforcement action to prevent harm, to secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.</p>
<p><i>Revisit</i></p>	<p>To follow up on earlier interventions to check their impact and efficacy</p>

List of activities/sectors for proactive inspection by LAs – only these activities falling within these sectors or types of organisation should be subject to proactive inspection

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: <ul style="list-style-type: none"> Not yet demonstrated the ability to manage their legionella risk in a sustained manner, includes new cooling towers/evaporative condensers, or Relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
2	Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/ occupational lung disease - silicosis)	Industrial retail/wholesale premises	Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.
8	Musculoskeletal Disorders (MSDs)	Residential care	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution	Work at height
10	Manual Handling	High volume Warehousing/Distribution	Lack of effective management of manual handling risks
11	Unstable loads	High volume Warehousing/Distribution Industrial retail/wholesale	Vehicle loading and unloading

		premises ⁴	
12	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
13	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign
15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators	Poorly managed fusing of fireworks

Table 1 - Intervention Planning & Approach

Category	Comments	Intervention	Re-rate Y/N
Category A	Suitable for proactive inspection where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.* May also be considered for other interventions.	Identify the risk and consider the use of all interventions to address that risk, including proactive inspection. Where a food safety inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern. Interventions for officer development purposes.***	Y
Category B1	Premises in this category are generally not suitable for proactive inspection, however a combination of the remaining interventions in Annex C may be used. May be suitable for proactive intervention where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.*	Where a food safety inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated. Where no visit, for non health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit will be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention. Interventions for officer development purposes.***	Y
Category B2	Premises in this category are generally not suitable for proactive inspection, however a combination of the remaining interventions in Annex C may be used.	Where a food safety inspection or other visit, officers will have regard to matters of evident concern or potential major health & safety concerns. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated.	Y

	May be suitable for proactive intervention where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed.*	Where no visit, for non health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit will be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention. Interventions for officer development purposes.***	
Category C	Premises in this category are generally not suitable for proactive intervention, however a combination of the remaining interventions in Annex C may be used. May be suitable for advisory visit where there is intelligence showing that hazards and risks are not being effectively managed.*	Where a food safety inspection or other visit, officers will have regard to matters of evident concern or potential major health & safety concerns. Where that inspection or visit coincides with the due date under the risk rating scheme, the risk rating will be reviewed and where necessary re-rated. Where no visit, for non health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit may be allocated. In other circumstances the business will be subject to the other intervention strategy**. The premises will be re-rated with the previous risk score for the date of intervention. Interventions for officer development purposes.***	Y (where premises was due or significant change to business or fall in standards)
New Business	LAs are able to rate a new premise by desktop assessment, an advisory visit, or in exceptional cases a proactive inspection. Often the information available in relation to the new premises will be minimal and as such a visit is usually necessary.	Advisory Visit. Any matters of evident concern, or matters of potential major concern will be addressed in line with enforcement policy.	Y
Revisits	Used to follow up enforcement action and advisory visits	All enforcement activity will be followed by a revisit to confirm compliance or institute further action. Where requested or agreed, and where appropriate, further visits may	Y (where significant)

		be made to follow up advisory visits and other interventions.	improvement in standards)
Accidents and service requests (premsies complaints, etc)	In relation to RIDDOR reports, follow the HSE Accident selection criteria . Where there is intelligence showing that hazards and risks are not being effectively managed.*	All accidents recorded, reviewed. Investigations as appropriate. All service requests are recorded, reviewed and investigated in line with council policies, but having regard to the code. Interventions for officer development purposes.***	N

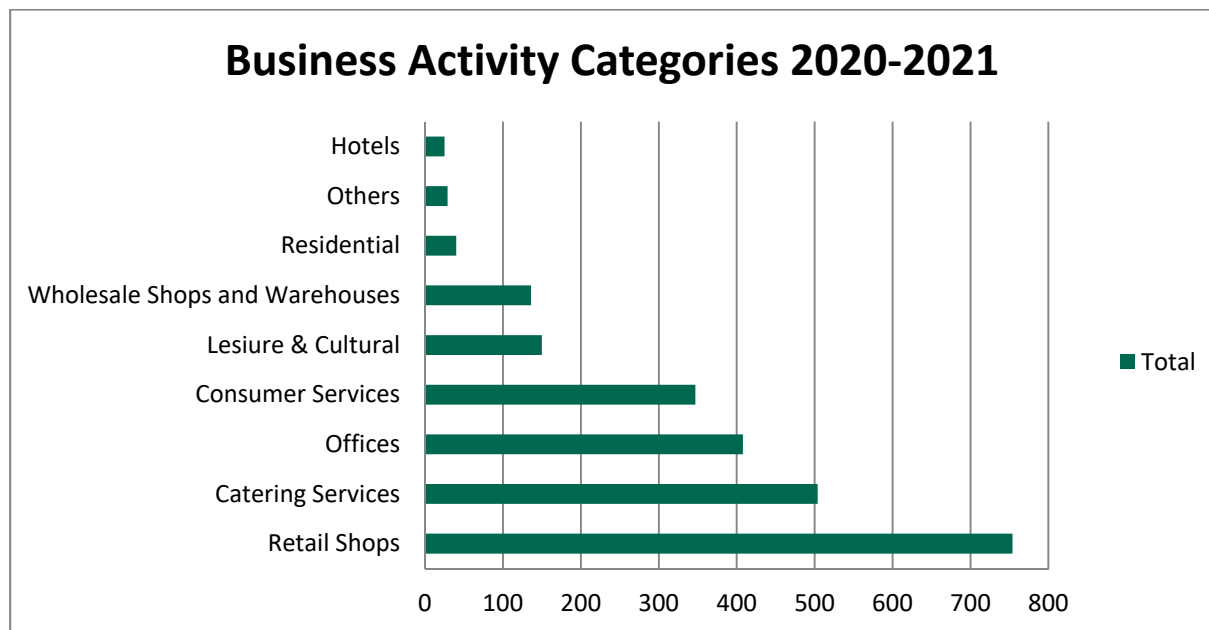
**for local planning purposes business sectors identified as more significant in terms of accident reports, and service request demands will be focus of proactive inspection or intervention visit.*

*** Other intervention strategy can include visits (project / advisory), but mainly will consist of non-visit communication and information provision.*

**** Officer development visits will be appropriate to certain business types and activities. These visits will most likely be pre-announced.*

Appendix 3 – Workload Comparisons and Priorities

Activity	2016/2017	2017/2018	2018/2019	2019/2020
On site inspections / interventions completed	219	205	177	110
Alternative interventions (non-site visit)	178	303	142	272
Revisits and other visits	118	78	119	86
Number of enquiries (not licensing)	86	74	60	94
Number of licensing enquiries	258	216	200	132
Enquiries responded to on time (Target 85%)	95.9%	87.2%	84.6%	90.9%
Number of registered premises	2538	2521	2443	2402
Reports to Procurator Fiscal	0	0	0	0
Improvement Notices	2	1	0	6
Prohibition Notices	2	2	2	4
Accident reports	95	108	90	73



Inspection and Intervention Workload

Table 1. 2020/2021 Planned Interventions

Risk Category	Premises Category	Intervention Description	Number planned
A	All categories	Visit	3
B1	Wholesale shops & warehouses	Visit	1
	Retail shops	Visit	4
	Catering services	Visit	3
	Other categories	Other intervention strategy	1
B2	Wholesale shops & warehouses	Visit*	13
	Retail shops	Visit*	60
	Catering services	Visit*	22
	Other categories	Other intervention strategy	78
C	Wholesale shops & warehouses	Visit*	2
	Retail shops	Visit*	25
	Catering services	Visit*	12
	Other categories	Other intervention strategy	45
Newly registered	All categories	Visit* / other intervention strategy	43

*For 2020/2021 will visit only if allocated with other type of higher risk food safety intervention, or consider appropriate for officer development purposes. Otherwise will be subject to other intervention strategy.

Workload Priorities

Priority	Category	Description
1	Emergencies and threats to public health	<ul style="list-style-type: none"> Fatalities / serious accidents. Public health incidents. Revisits to secure compliance. Formal action to protect public health (prohibition notices etc.) Serious workplace safety concerns.
2	Highest consequence proactive	<ul style="list-style-type: none"> Routine workplace safety inspections: <ul style="list-style-type: none"> Risk band A and B1.
3	High consequence proactive / reactive	<ul style="list-style-type: none"> Guidance to potentially high risk new establishments. Project / support activities to address high consequence public health issues.
4	Medium consequence proactive / reactive	<ul style="list-style-type: none"> Routine health and safety interventions: <ul style="list-style-type: none"> Unrated. Risk band B2. Street traders certificates of compliance, and Section 50

		<p>certificates (Licensed establishments).</p> <ul style="list-style-type: none"> • Project / support activities to support service delivery and customer / business information access.
5	Lower consequence proactive / reactive	<ul style="list-style-type: none"> • Alternative enforcement interventions: <ul style="list-style-type: none"> • Risk band C. • Consultations / comments – licensing of events, planning etc. • Guidance to low risk new establishments.

Appendix 4 – Accident Notifications and Requests for Service Review

A review of accidents reported and requests for service to the team between 2016 – 2019 was used to identify issues for consideration as part of the intervention policy and matrix. A review of the nature of accidents and injury types was considered against business types and risk grades for businesses. The three year period was felt appropriate in order to get enough data to do a meaningful assessment. It will therefore form part of the intervention policy for the next three years (2020 – 2023), and thereafter on a rolling 3 year assessment and plan.

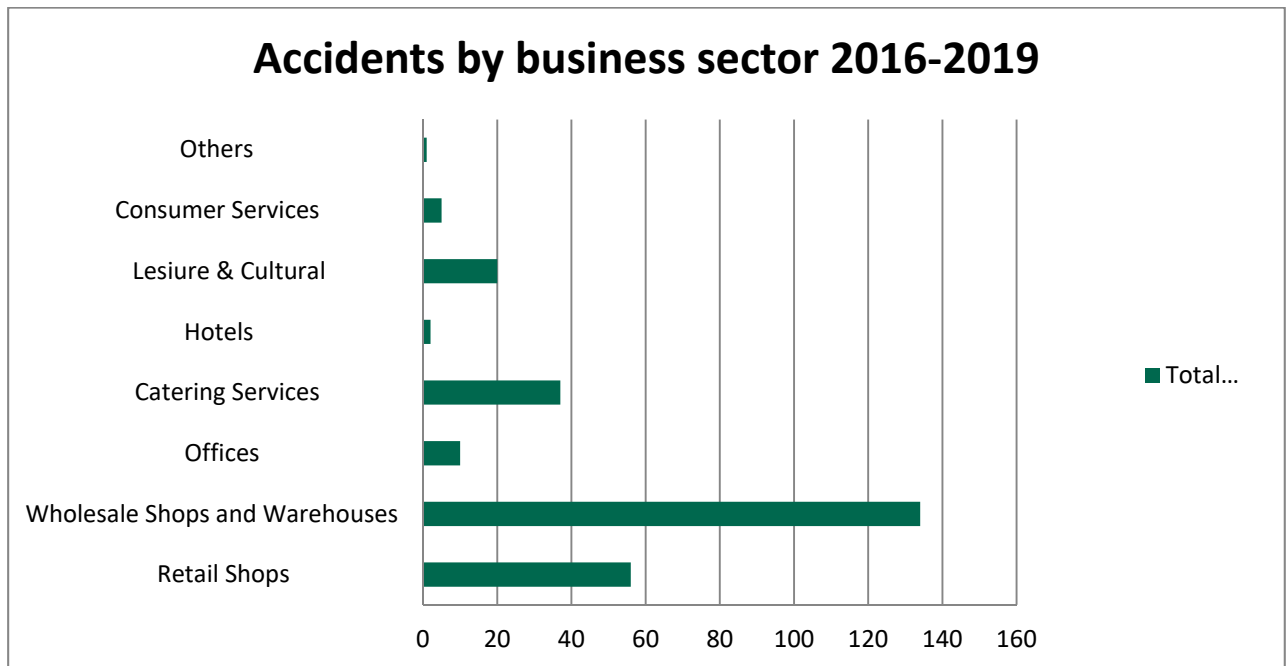


Table 1.

Of the accidents reported most came from the wholesale shops and warehouses, and retail shops sectors (see table 1). Catering services sector was the next highest reporter.

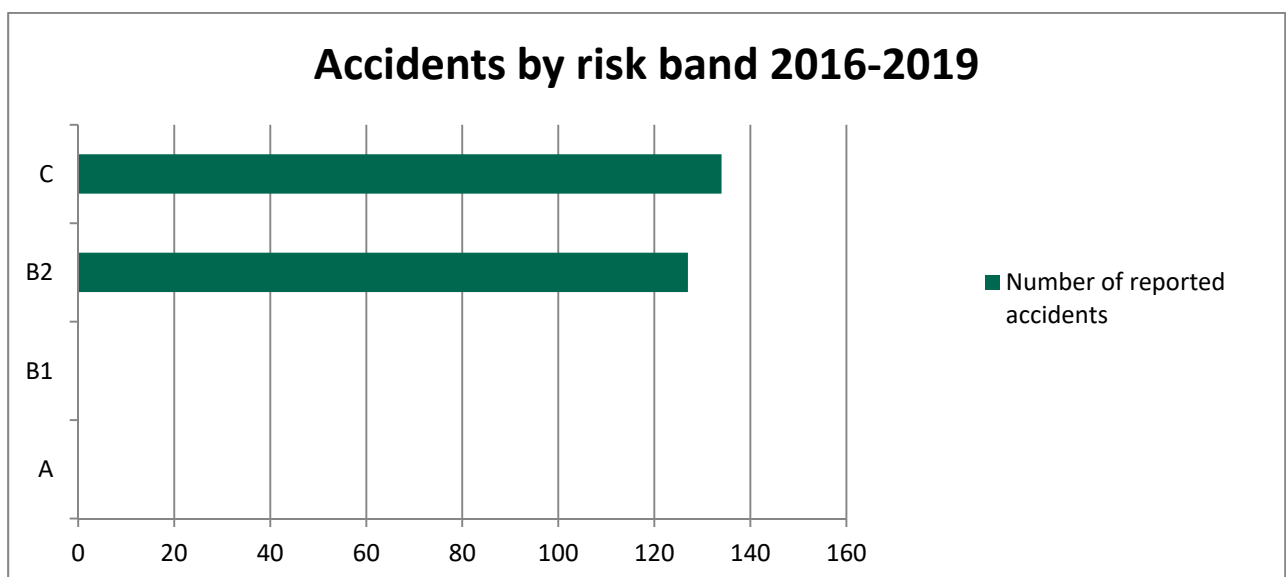


Table 2.

The highest number of reported accidents came from businesses within risk band C. (Table 2) These are generally the premises rated as lowest risk following inspections. These along with B2 rated premises (next highest reported) are not highlighted within HSE guidance as routinely requiring inspection. However, this local data would suggest further intervention and consideration is required.

The types of accident being reported and types of injury resulting were also analysed for all premises and those within risk bands B2 and C. The results highlight the same 3 prominent issues for accident types and for injury types in all cases. See table 3 and 4 below.

3 most reported accident types (Table 3):

- Slips, trips and falls (same level)
- Handling / lifting etc.
- Hit by moving / flying object.

3 most reported injury types (Table 4):

- Contusion / bruising.
- Fracture.
- Cut or abrasion.

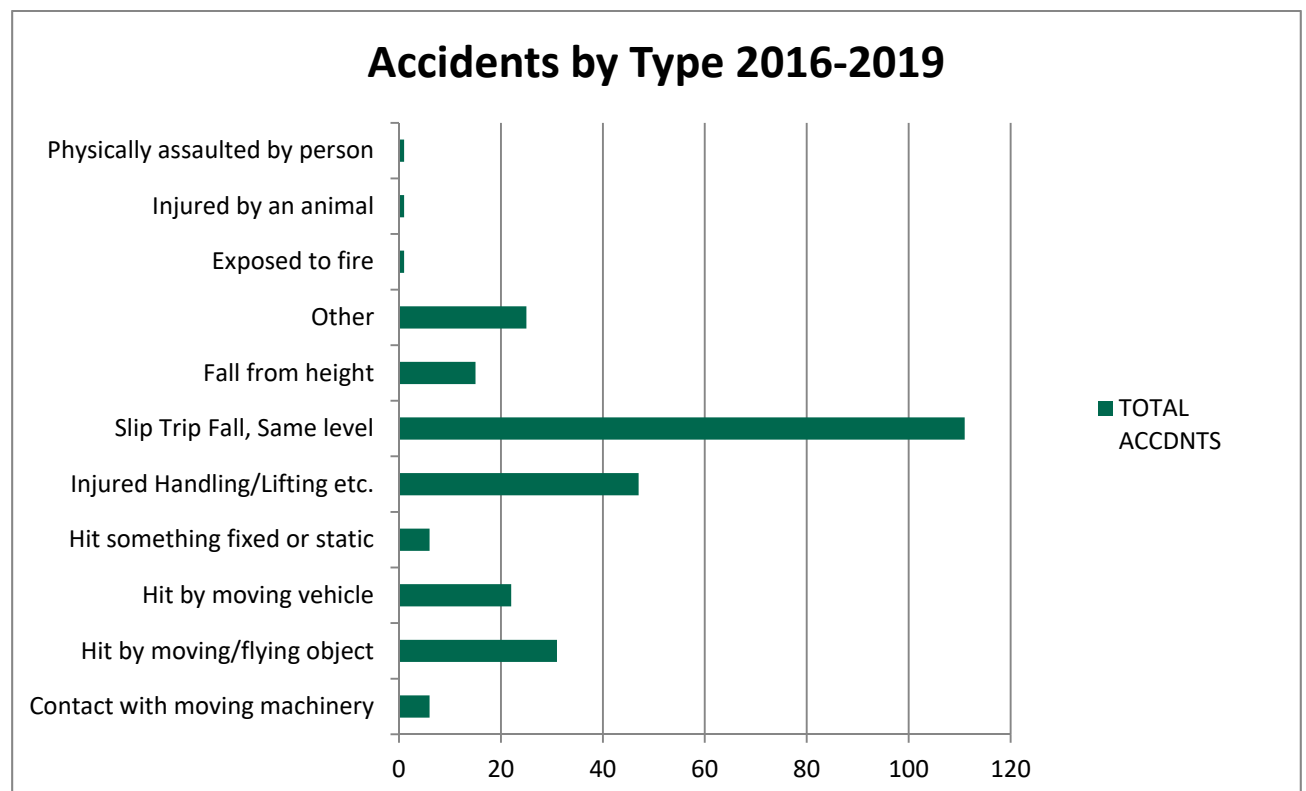


Table 3.

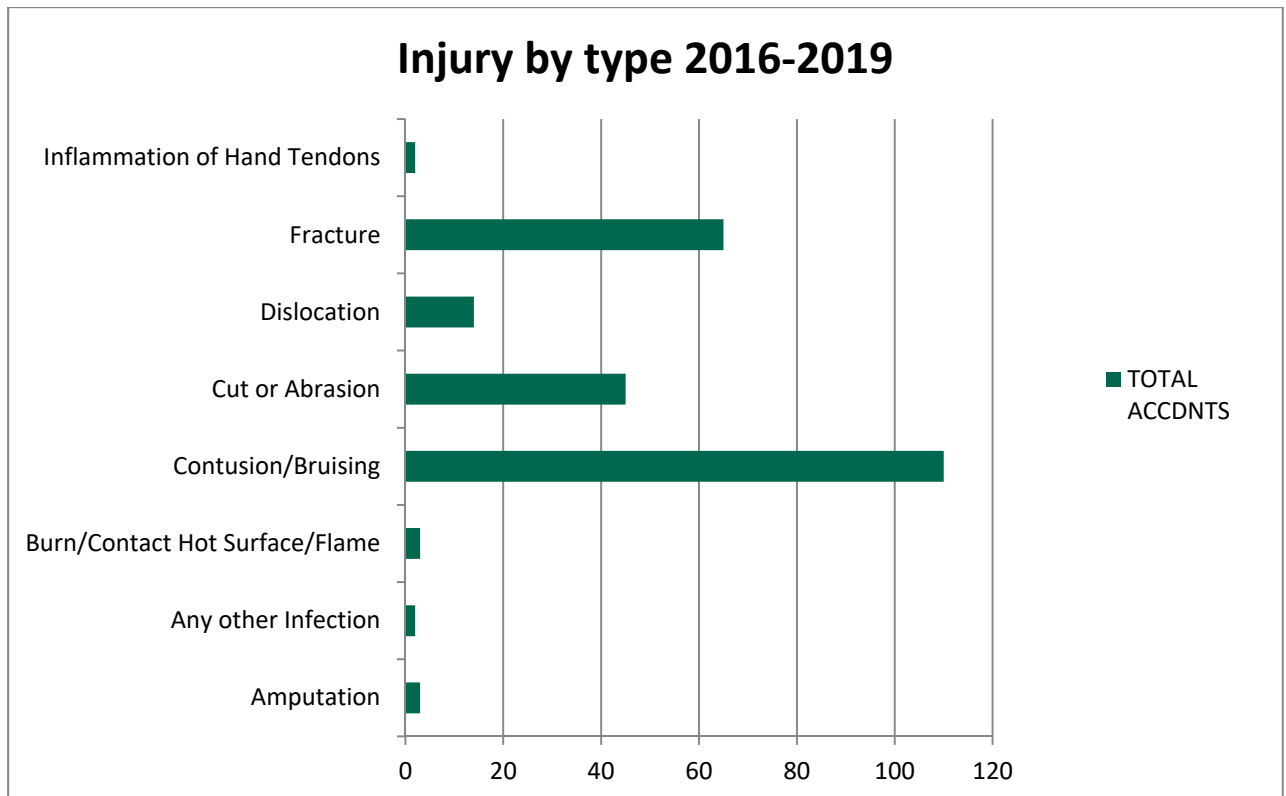


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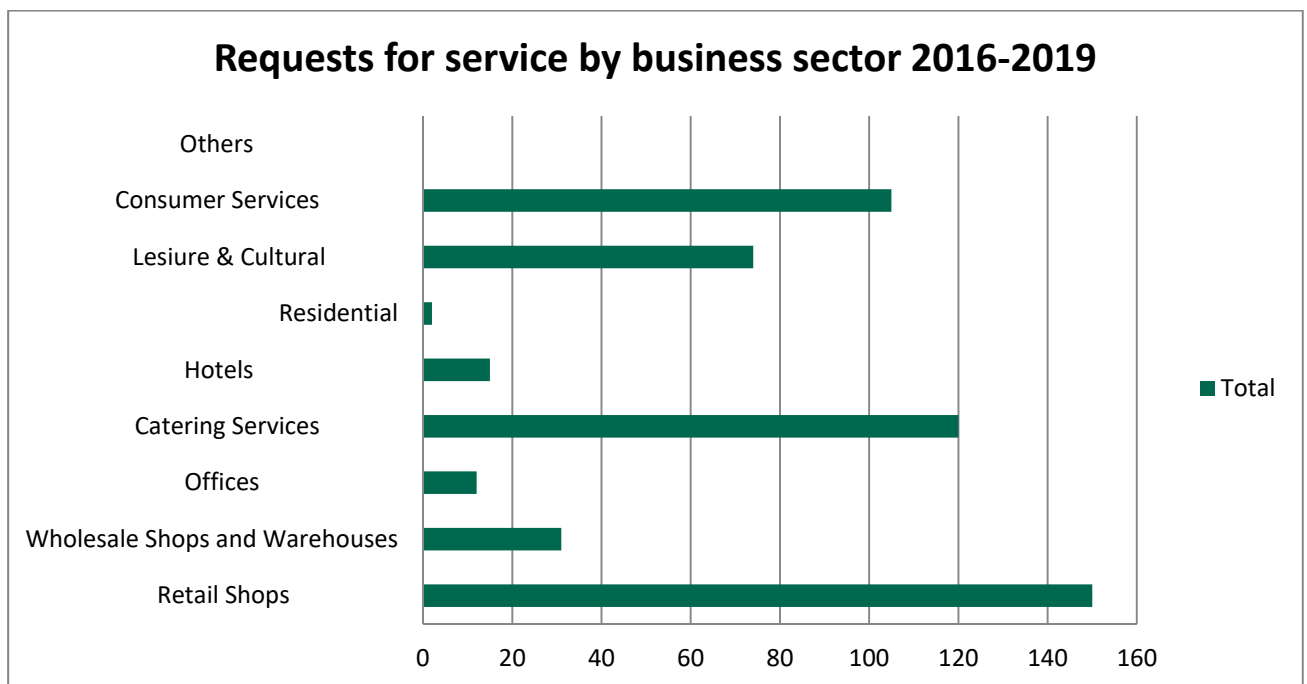


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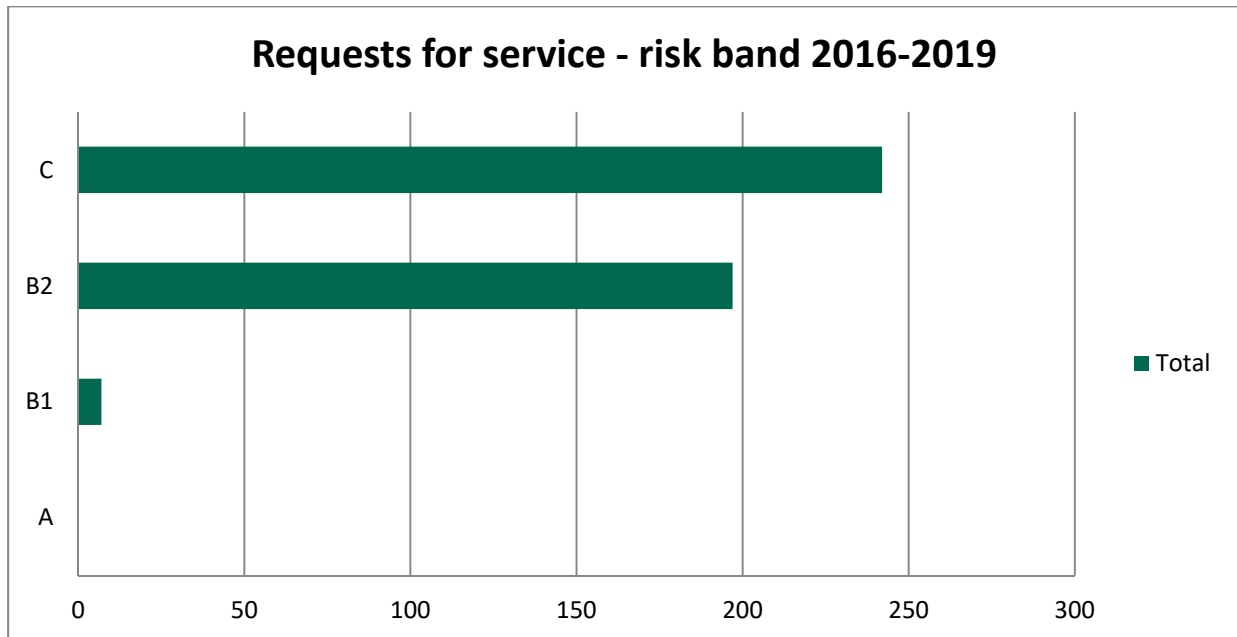


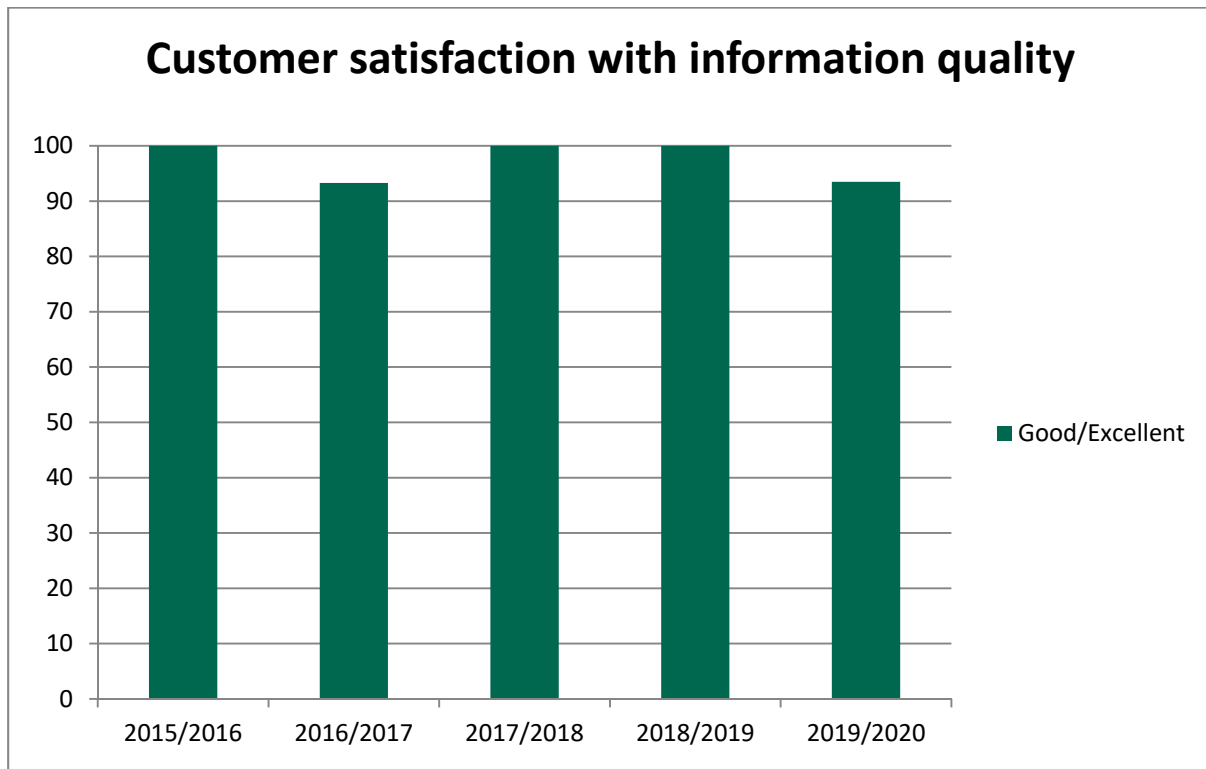
Table 6.

Table 5 and 6 look at the requests for service received by business sector and risk band. A large number of requests dealt with by the service did not have an allocated business type. However, the information generally supports the data in regard to the top 3 business sector categories and risk banding for accidents outlined above.

This data helps provide a focus for the local intervention strategy within West Lothian.

Appendix 5 – Business customer satisfaction

Business Customer Satisfaction. (Percentage of businesses who rated officer's explanation of how to comply with legislation as good or excellent)



Overall customer satisfaction remains high. It is encouraging to note that officers input to business visits is viewed so positively. Business customers are surveyed annually to help us ensure that officers are providing the best service possible. It remains a difficult balance when officers are having to take enforcement action and convey challenging information. Other information gathered in our annual surveys is highlighted in the table below.

	2019/2020	2018/2019	2017/2018
Staff overall knowledge and professionalism (good/excellent)	95.8%	100%	100%
Overall level of service (good / excellent)	95.8%	100%	100%
Treated fairly at all times	97.5%	100%	100%

This feedback would tend to support the view that local businesses support the visits to their premises and the assistance offered by officers.

Appendix 6 – Customers / Partners / Stakeholders

GROUP	RELATIONSHIP	COMMUNICATION EXAMPLES	PROPOSED FOR 2020/2021
Businesses within West Lothian	Inspections; application of legislation; advisory activities; investigation into incidents, accidents, education, training, enforcement, motivation. New business support.	Provide guidance, training, technical information, guidance notes, information leaflets, talks, seminars. Use of mail shot to lowest risk establishments.	Improve email contact details for businesses. Improve web content on relevant health and safety issues.
Public	We protect them. We investigate concerns on their behalf. We provide guidance and information.	Customer feedback on requests for service / accidents etc. Production of health and safety service plan and publication on website.	No change to current approach.
HSE	They provide direction and guidance on a partnership basis. We report to them annually (LAE1 return)	We consult them on technical guidance and policy. They consult with us on legal, policy and technical matters. Representation on local liaison and national working groups.	No change to current approach.
Elected Members (Councillors)	We respond to concerns and enquiries and provide information as required.	Reports to Environment PDSP, and Council Executive. Advice to licensing board. Annual Service Plan is presented to Council Executive for approval.	No change to current approach.
Other LA Services – Planning, Building Standards, Economic	Act as statutory consultee. Provide and receive guidance and support. Work in partnership in specific areas	Planning and building warrant application comments. Licensing applications and comments.	No change to current approach.

Development, Legal & Licensing, Education services, Operational services.	of interest.	Reports as required. Highlight issues of concern as required.	
Lothian NHS	We work together on investigation and control of infectious diseases.	EHO/HPT meetings. Sporadic and outbreak plans. Agreed joint health protection plan.	No change to current approach.
Other local authorities	Share information and best practice. Sampling initiatives. Developing guidance and working standards to ensure consistency of approach. Contribution to national policies and legislation development.	Liaison groups. National working groups.	No change to current approach.
PF and legal system.	Take legal action based on reports sent by us.	We send reports. Work together on content of report. We provide technical guidance. Send reports electronically.	No change to current approach.
Care Inspectorate	Act as Consultee / Advisor	Written reports and telephone calls to Care Inspectorate Officers	No change to current approach.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN COUNCIL COMMUNITY ASSET TRANSFER ANNUAL REPORT 2019/20

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to present Council Executive with a copy of the West Lothian Council Community Asset Transfer Annual Report for 2019/20.

B. RECOMMENDATION

It is recommended that Council Executive approve the West Lothian Council Community Asset Transfer Annual Report 2019/20 for publication.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customer's needs. Making best use of our resources. Providing equality of opportunities. Being honest, open and accountable. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Community Asset Transfer has the potential to assist in supporting the delivery of all eight strategic outcomes contained in the Single Outcome Agreement.
VI Resources - (Financial, Staffing and Property)	Community Asset Transfer is being actively promoted as a voluntary means of driving efficiencies in support of the Transforming Your Council agenda, via the Empowering Communities work stream.
VII Consideration at PDSP	A copy of this report and the accompanying West Lothian Council Community Asset Transfer Annual Report 2019/20 was circulated to the members of the Partnership and Resources

PDSP for consideration. No comments were made by the panel members.

VIII Other consultations

The council's Governance Manager has been consulted on this annual report to ensure it satisfies relevant legal requirements.

D. TERMS OF REPORT

D1. Background

Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) came into effect on 23 January 2017. It gives community bodies a right to make requests to all local authorities, Scottish Ministers and a wide-ranging list of public bodies, for the transfer of any land or buildings they feel they could make better use of.

The background to this legislation is a belief that empowering communities is key to creating a more prosperous and fairer Scotland and that it is the role of central and local government to work in partnership with communities and support them to lead change for themselves. The legislation is designed to support the view that community ownership or control of land and buildings can make a major contribution towards strengthening communities in this way.

In response to that legislation and to ensure the council was compliant with the resulting mandatory procedural requirements, officers developed a Community Asset Transfer Policy, taking cognisance of best practice. The new policy was ratified by Council Executive on 28 November 2017.

To ensure statutory compliance and best value, the council's community asset transfer procedures were subject to an internal audit by the Audit, Risk and Counter Fraud Manager during the 2018/19 financial year. The findings of that audit were very positive, endorsing the established procedures and confirming them as being both compliant and effective.

D2. West Lothian Council Community Asset Transfer Annual Report 2019/20

Part 5 (Section 95) of the Act requires the council to publish an annual Community Asset Transfer Report for the period 1 April to 31 March. That report must contain specific information, including details of the number of community asset transfer requests received during the reporting period, how many of those requests were approved or refused and information relating to any appeals received. The report must also provide details of how the council has sought to actively promote community asset transfer and support those communities seeking to make an asset transfer request.

A copy of the West Lothian Council Community Asset Transfer Report for 2019/20 is included at Appendix 1 of this report. The report was circulated to members of the Partnership and Resources PDSP for consideration. No comments were made by the panel members.

E. CONCLUSION

Council Executive is recommended to approve the West Lothian Council Community Asset Transfer Annual Report 2019/20 for publication.

F. BACKGROUND REFERENCES

Council Executive – 28 November 2017 – Community Empowerment (Scotland) Act 2015: Community Asset Transfer Policy and Governance Review

Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015.

Appendices/Attachments: Appendix 1: West Lothian Council Community Asset Transfer Annual Report 2019/20.

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel. (01506) 281825, e-mail: scott.hughes@westlothian.gov.uk

Donald Forrest,
Head of Finance and Property Services

Date of meeting: 23 June 2020

APPENDIX 1

WEST LOTHIAN COUNCIL COMMUNITY ASSET TRANSFER ANNUAL REPORT 2019/20

1. Introduction

This Community Asset Transfer Annual Report has been prepared in compliance with the mandatory requirements of Part 5 (Section 95) of the Community Empowerment (Scotland) Act 2015. The report has been prepared by West Lothian Council's Asset Manager as the Lead Officer for Community Asset Transfer and it covers the period 1 April 2019 to 31 March 2020.

2. Community Asset Transfer Requests Received

West Lothian Council (WLC) received three community asset transfer requests during the period 1 April 2019 to 31 March 2020. Those requests are summarised in Table 1 below.

Table 1: Community Asset Transfer Requests received (1 April 2019 to 31 March 2020)

No.	Applicant	Subject Property	Proposed Use	Application Status
1.	West Calder and Harburn Community Development Trust	Former West Calder Workspace, Society Place, West Calder, EH55 8SA	Heritage centre and events facility.	Refused
2.	Fauldhouse and Breich Valley Community Development Trust	Former Eastfield Training Centre, Eastfield Road, Fauldhouse, EH47 9LE	Community hub for the promotion of physical activity, health and well-being, strengthening community cohesion and improving the local environment.	Live
3.	Ladywell Good Neighbour Network	Former public house (The Ferns), Fernbank, Ladywell, Livingston, EH54 6DT	Community hub to deliver a range tailored services to support the Ladywell community.	Live

3. Community Asset Transfer Requests Accepted or Refused

No community asset transfer requests were approved by WLC's Asset Transfer Committee during the period 1 April 2019 to 31 March 2020.

Two community asset transfer requests were refused by WLC's Asset Transfer Committee during the period 1 April 2019 to 31 March 2020. Details of those refused applications are provided in Table 2 below.

Table 2: Community Asset Transfer Requests refused (1 April 2019 to 31 March 2020)

No.	Applicant	Subject Property	Asset Transfer Committee Date
1.	West Lothian Wolves Basket Ball Club (Note: This asset transfer request was received during 2018/19 and was reported as part of the 2018/19 Community Asset Transfer Annual Report)	Former Blackburn Community Centre, Ash Grove, Blackburn, EH47 7LL	2 April 2019
2.	West Calder and Harburn Community Development Trust	Former West Calder Workspace, Society Place, West Calder, EH47 9LE	24 February 2020

WLC did not receive any community asset transfer requests during the period 1 April 2019 to 31 March 2020 that resulted in the transfer of ownership or the lease of land, or resulted in other rights in respect of that land being conferred on a community transfer body.

4. Applications for Internal Reviews

WLC received one application for internal review in respect of a decision taken by the Asset Transfer Committee in relation to an asset transfer request during the period 1 April 2019 to 31 March 2020. Details of that application for internal review as provided in Table 3 below.

Table 3: Internal Review Applications (1 April 2019 to 31 March 2020)

No.	Applicant	Subject Property	Internal Review Application Status
1.	West Calder and Harburn Community Development Trust	Former West Calder Workspace, Society Place, West Calder, EH47 9LE	Live (deadline for Internal Review decision is 22 September 2020)

5. Appeals of Decisions Taken

There were no appeals to the Scottish Ministers in respect of a decision taken by the Asset Transfer Committee or the Asset Transfer Review Body in relation to an asset transfer request during the period 1 April 2019 to 31 March 2020.

6. Promotion of the use of Community Asset Transfer Requests

WLC's approved Community Asset Transfer Policy and its supporting governance arrangements are recognised as being both progressive and proactive. They encourage a corporate approach to the use of community asset transfer as a driver for positive change that has the potential to deliver benefits not only for our communities, but also for WLC itself.

WLC's Transforming Your Council agenda includes a dedicated work stream entitled "Empowering Communities". The aim of that work stream is to encourage community groups to use asset transfer as a means of acquiring and operating community assets, including community centres, village halls and sports pavilions. That work stream is supported by staff resources and a significant, dedicated capital investment budget for community-led asset transfer projects.

Council officers from a range of key services have sought to actively promote community asset transfer during the reporting period by engaging directly with a wide range of community groups and by delivering a series of “roadshow” events across West Lothian in partnership with the West Lothian Voluntary Sector Gateway.

Throughout the year, officers have also undertaken a series of one-to-one meetings with a range of community groups, provide an introduction and insight into community asset transfer and its benefits.

WLC members of the Association of Chief Estate Surveyors (ACES) have discussed community asset transfer with a view to sharing information and learning from good practice across the thirty two local authorities.

7. Support for Community Transfer Bodies making an Asset Transfer Request

WLC's Asset Manager along with colleagues from Customer Services, Economic Development and Community Regeneration have met with a range of community groups to explain the principles of asset transfer and to discuss the provisions of the council's Community Asset Transfer Policy.

Officers have worked with these groups to understand their individual aspirations and to provide tailored advice as to how the groups might best take their respective projects forward, be it through asset transfer, participation requests or another model.

In some instances, this partnership working has led to arrangements being made without the need for a formal asset transfer request. Examples include the granting of a three-year “community benefit lease” of Polbeth Village Hall to the Polbeth Community Hub and an agreement to grant Whitburn Community Development Trust a similar lease to facilitate the delivery of a community garden project on council-owned land in Whitburn.

In other instances, officers have provided property-specific information (e.g. ownership plans, condition surveys or asbestos reports), given expert advice on the preparation of business plans and worked as link-officers signposting groups to other sources of external support and funding. As a result of that practical support, there are a number of community groups currently preparing the ground and actively undertaking due diligence in advance of submitting an asset transfer request.

Table 4 below provides details of the community groups that officers have engaged with during the reporting period.

Table 4: Record of Community Engagement (1 April 2019 to 31 March 2020)

COMMUNITY GROUP	SUBJECT PROPERTY
1. Empowering Communities: General	
Community Asset Transfer Roadshow Event: Chalmers Hall, Linlithgow	West Lothian wide
Community Asset Transfer Roadshow Event: Burgh Halls, Linlithgow	West Lothian wide
Community Asset Transfer Roadshow Event: Armadale Partnership Centre, Armadale	West Lothian wide
Community Asset Transfer Roadshow Event: West Lothian Civic Centre, Livingston	West Lothian wide

Table 4: Record of Community Engagement (1 April 2019 to 31 March 2020) - Continued

COMMUNITY GROUP	SUBJECT PROPERTY
2. Empowering Communities: Community Centres	
West Calder Community Centre Management Association	West Calder Community Centre
Polbeth Community Hub	Polbeth Village Hall
Carmondean Community Centre Management Association / Livingston United Church	Carmondean Community Centre
3. Empowering Communities: Sports Pavilions	
Blackburn United Community Sports Club	Sports facilities at Murrayfield Park, Blackburn
Watson Memorial Bowling Club	Sports pavilion at Watson Park, Armadale
Armadale Community Football Club	Sports facilities at Watson Park, Armadale
Whitburn Community Football Club	Sports facilities at KGV Park, Whitburn
West Lothian Football Club	Sports pavilion at KGV Park, Uphall
Limefield Bowling Club	Sports pavilion at Limefield, Polbeth
Mid Calder Bowling Club	Land at Mid Calder Bowling Club
Bathgate Thistle Community Football Club	Sports facilities in Bathgate
4. Community Asset Transfer: General Interests	
West Calder & Harburn Community Development Trust	Former West Calder Workspace, Society Place, West Calder
Fauldhouse & Breich Valley Community Development Trust	Former Eastfield Training Centre, Fauldhouse
Ladywell Good Neighbour Network	Former public house (The Ferns), Fernbank, Livingston
Craigshill Good Neighbourhood Network	Former Almondbank Library, Livingston
Broxburn Brass Band	Land or buildings in Broxburn
Bathgate Brass Band	Land or buildings in Bathgate
The Larder	Asset transfer opportunities across West Lothian
Broxburn Community Council	Land or buildings in Broxburn
The Herald's Trust	Asset transfer opportunities across West Lothian

8. Community Asset Transfer going forward

Going forward into the 2020/21 financial year and beyond, the council will continue to promote community asset transfer as an important means of delivering positive change across our communities. We will continue to support our communities, building capacity and developing confidence amongst those groups with an interest in asset transfer.

In particular, we will continue to use our dedicated resources to take the Empowering Communities work stream forward.

Officers continue to be heavily involved in a significant amount of “pre-application” enabling work across a range of community-led projects. That work has resulted in an increased number of asset transfer requests being lodged during 2019/20 and a number of other community groups have indicated that they intend submitting formal asset transfer requests during 2020/21.

In accordance with approved policy, all asset transfer requests received by the council will be evaluated by the Community Asset Transfer Officer Board and reported to the Asset Transfer Committee for determination.

(END)

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED DISPOSAL OF THE FORMER WEST CALDER WORKSPACE, SOCIETY PLACE, WEST CALDER

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval for the sale of the former West Calder Workspace in Society Place, West Calder to SW Enviro Limited.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of the former West Calder Workspace in Society Place, West Calder to SW Enviro Limited for £50,000.
2. Notes that SW Enviro Limited and West Calder and Harburn Community Development Trust have prepared and entered into a Memorandum of Understanding that would see those two organisations work in partnership to redevelop the former West Calder Workspace property in the event of SW Enviro Limited's offer to purchase being accepted by the Council Executive.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed sale complies with S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Outcome 3: Our economy is diverse and West Lothian is an attractive place for doing business. Outcome 4: We live in resilient, cohesive and safe communities.

Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built environment.

VI Resources - (Financial, Staffing and Property)

The former West Calder Workspace buildings are currently vacant and subject to ongoing deterioration. The council is incurring significant revenue holding costs. The proposed sale would relieve the council of those costs and provide a capital receipt of £50,000 during the 2020/21 financial year.

VII Consideration at PDSP

Not applicable.

VIII Other consultations

The local elected members for the ward have received a copy of this report for information.

D. TERMS OF THE REPORT

D.1 Background

The former West Calder Workspace buildings comprise a three-storey, brick-built former bakery dating from the early 1900's and a single story, stone-built former stable block dating from the late 1800's.

These buildings were latterly converted into a series of small office suites and business units that were let out by the council to local businesses as part of the Tenanted Non-Residential Property (TNRP) portfolio. The buildings are located on a site extending to 0.24 hectares, shown hatched in black on the plan at Appendix 1.

The units became redundant in 2013 following the council's acquisition of a former doctor's surgery building at Dickson Street in West Calder, which was redeveloped to create modern, fit-for-purpose TNRP business space. On 21 May 2013, Council Executive agreed that the former West Calder Workspace buildings at Society Place should be marketed for sale.

D.2 West Calder and Harburn Community Development Trust: Asset Transfer

Council Executive, at the meeting in May 2013, noted an interest in the redundant buildings from West Calder and Harburn Community Development Trust (WCHCDT). WCHCDT held aspirations to redevelop these buildings and sought to explore a potential acquisition from the council via community asset transfer. Council Executive agreed at that meeting that WCHCDT should be allowed to develop their proposals and that this should run in parallel with the council's marketing of the property.

The vacant property was subsequently marketed for sale, however no viable commercial interests were received at that time. Officers continued to engage with WCHCDT and discuss their intentions.

On 29 August 2017, in the absence of either a commercial interest or an asset transfer request from WCHCDT, Council Executive authorised officers to make preparations for the buildings to be demolished and gave WCHCDT a maximum of twelve months to conclude any proposed asset transfer.

At WCHCDT's request, that deadline was extended and a community asset transfer request was subsequently received from them and validated by officers on 19 June 2019. WCHCDT's proposal was for the property to be redeveloped to create a heritage centre and events facility, subject to them securing external funding in the region of £4.20 million to deliver the project.

WCHCDT's asset transfer request was considered in accordance with the council's approved Community Asset Transfer Policy by the Asset Transfer Committee on 24 February 2020. The decision of the committee was to refuse the request on the basis that WCHCDT had been developing their proposals and seeking funding since 2013 and had thus far been unable to secure any of the estimated £4.20 million needed to deliver the project. Throughout that period, the condition of the redundant West Calder Workspace buildings had continued to deteriorate, incurring significant ongoing holding costs for the council and causing increasing concerns over public safety. The committee also recognised that officers had received expressions of interest from a number of local businesses who were seeking to redevelop the property commercially.

In response to the decision to refuse their application, WCHCDT have exercised their right to lodge a request for an internal review by the council's Asset Transfer Review Body. That request remains live and the Asset Transfer Review Body has until 22 September 2020 to issue its decision if the disposal proposed in this report does not progress. WCHCDT have confirmed that should the disposal to SW Enviro progress they will withdraw their internal review request.

D.3 Offers to purchase the former West Calder Workspace

During the autumn of 2019, officers received enquiries from various parties who were interested in purchasing the former West Calder Workspace property and redeveloping it commercially. Officers explored and clarified those interests, but were prohibited by the terms of the Community Empowerment (Scotland) Act 2015 from selling the property to any third party until WCHCDT's asset transfer request had been fully considered and determined (including any requests for an internal review or subsequent appeals to the Scottish Ministers).

In light of the Asset Transfer Committee's decision to refuse WCHCDT's request, officers set a closing date of 18 March 2020 for offers to purchase the former West Calder Workspace property.

Two offers were received at that closing date. The offer from SW Enviro Limited for £50,000 represents the highest financial offer received at the closing date. The offer is not subject to any suspensive conditions.

SW Enviro Limited are a local commercial ventilation installation, cleaning and maintenance business with their roots in West Calder. The company is seeking to expand and establish new headquarters and training facilities in the area and has identified the former West Calder Workspace buildings as an ideal redevelopment opportunity.

In January 2020, SW Enviro Limited engaged with WCHCDT to discuss their respective interests in the former West Calder Workspace property and to explore how those interests could be realised through partnership working. This has led to SW Enviro Limited and WCHCDT voluntarily preparing and signing a Memorandum of Understanding whereby the two organisations have agreed to work in partnership to redeveloped the redundant buildings in the event of SW Enviro Limited's offer to purchase being accepted by the council. SW Enviro Limited's offer to purchase included a letter of support from WCHCDT.

In light of their very positive engagement with SW Enviro Limited and the Memorandum of Understanding that those two organisations have subsequently entered into, WCHCDT have stated that they will voluntarily withdraw their request to the Asset Transfer Review Body for an internal review if the Council Executive accepts SW Enviro Limited's offer to purchase the former West Calder Workspace property.

The offer received from SW Enviro Limited represents the best terms reasonably obtainable by the council and offers the potential for community involvement in the future redevelopment of the former West Calder Workspace buildings. It is therefore recommended that the offer received at the closing date from SW Enviro Limited be accepted by the Council Executive.

It should be noted that the proposed sale of the property would be from the council to SW Enviro Limited. Thereafter, any subsequent redevelopment of the property would be a matter for SW Enviro Limited as the new owners to progress as they see fit with WCHCDT and/or any other parties.

E. CONCLUSION

It is in the council's best interests to accept the offer received from SW Enviro Limited for the purchase of the former West Calder Workspace property in Society Place, West Calder.

F. BACKGROUND REFERENCES

Council Executive - 21 May 2013 – The Future of West Calder Workspace

Council Executive - 29 August 2017 – Update on Former West Calder Workspace

Asset Transfer Committee – 24 February 2020 – WCHCDT Asset Transfer Request

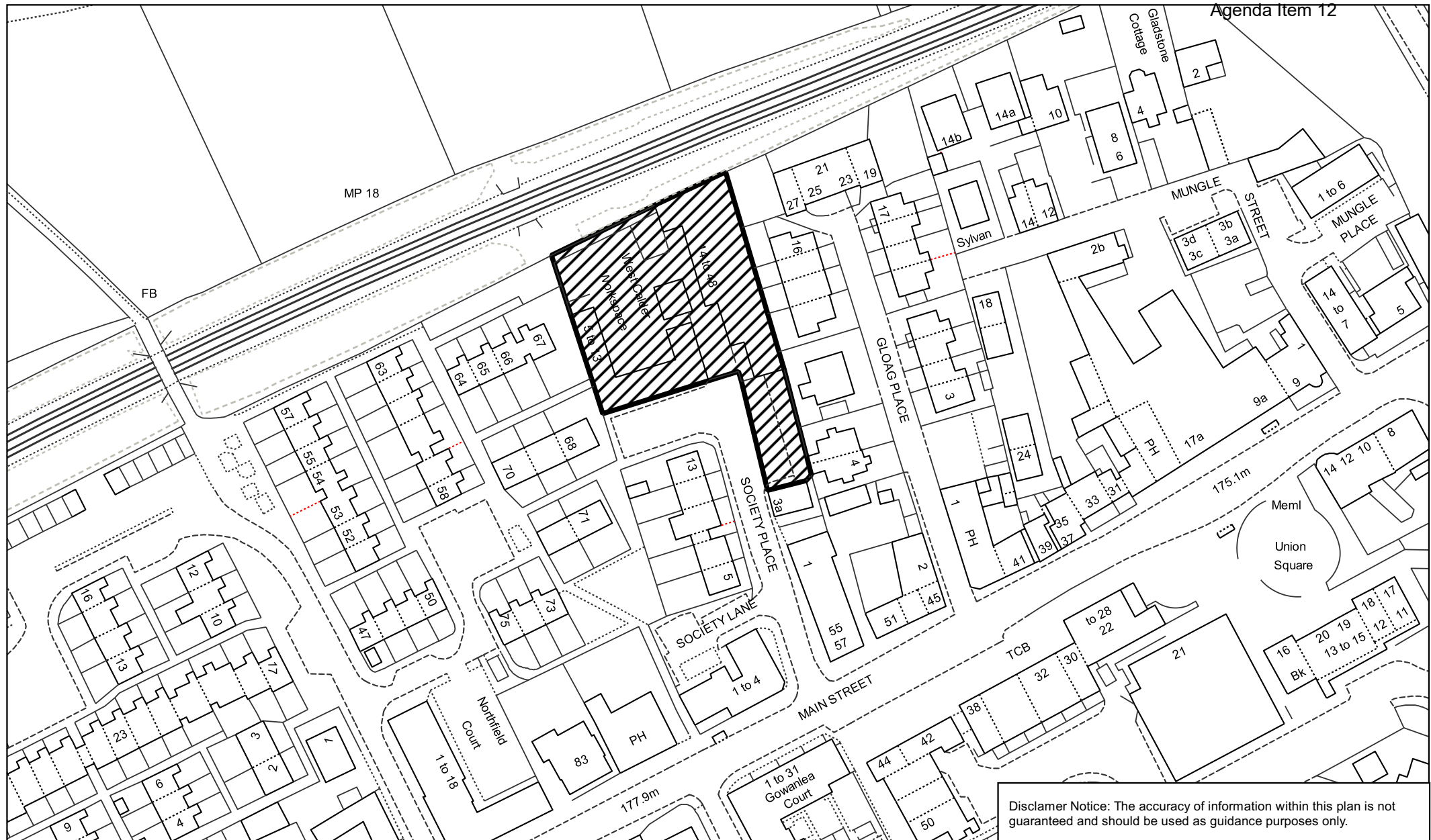
Appendices/Attachments:

Appendix 1 – Location Plan

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services
Tel: (01506) 281825, E-mail: scott.hughes@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 23 June 2020



DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPERTY DISPOSALS:

STANDHILL NORTH, WEST MAIN STREET, ARMADALE – PROPOSED DRAINAGE SERVITUDE

STARLAW ROAD, BATHGATE – PROPOSED SALE OF LAND

REPORT BY HEAD OF PROPERTY AND FINANCE

A. PURPOSE OF REPORT

To obtain Council Executive consent to conclude two property disposals relating to the grant of servitude rights to The Woodhead Trust for a foul sewer at Standhill North, Armadale, and the sale of land to Glen Turner Company Ltd. at Starlaw Road, Bathgate.

B. RECOMMENDATION

It is recommended that Council Executive :

1. Approves the granting of appropriate servitude rights to facilitate the construction of a new foul sewer under council land adjoining Standhill North, Armadale to The Woodhead Trust (or their nominees) for the sum of £70,000, and subject to the details outlined below,
2. Approves the sale of land extending to approximately 2588 sq. m. at Starlaw Road, Bathgate, to The Glen Turner Company Limited for the sum of £60,000, and,
3. Grants delegated powers in both transactions to the Head of Finance and Property Services and the Chief Solicitor to negotiate and agree any necessary changes to the terms and conditions for both transactions, provided that any amended terms still represent best value to the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Both transactions comply with the disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for	None, other than the specific delegation

	Scheme of Delegations to Officers	provided for in this report.
IV	Impact on performance and performance Indicators	Not applicable.
V	Relevance to Single Outcome Agreement	Not applicable.
VI	Resources - (Financial, Staffing and Property)	The Housing Revenue and General Services Accounts will benefit from capital receipts of £70,000 and £60,000 respectively during the financial year 2020/21.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Housing; Development Management; Planning and Economic Development. The local elected members for the ward have been provided with a copy of this report for information.

D. TERMS OF REPORT

Background

The transactions included in this report are to facilitate the development of a residential development site at Standhill North, Armadale and expansion of the Glen Turner Distillery at Starlaw Road, Bathgate. A favourable outcome in both of these developments is important for the local economies in which they are located.

In the case of the Armadale transaction, completion of the residential development will also make a significant contribution to the council's affordable housing target through the Section 75 agreement which covers the site.

Current Position

In both transactions, the promoters of the proposals approached the council to acquire the rights necessary for their individual schemes. Direct negotiations ensued with both parties resulting in provisional agreements to dispose of the rights described above for the sums of £70,000 and £60,000 respectively.

The main detailed heads of terms for each transaction are contained in Appendices 1 and 2 of this report, and plans of the areas involved are contained in Appendices 3 and 4.

E. CONCLUSION

Given the circumstances outlined above, it is considered in the council's best interests to proceed with both transactions in terms of both the direct financial benefits to the council as well as the wider benefits which will accrue to the local economy.

F. BACKGROUND REFERENCES

1. West Lothian Local Development Plan

Appendices/Attachments:

- Appendix 1: Grant of servitude, Standhill North, Armadale – main heads of terms
- Appendix 2: Sale of land at Starlaw Road, Bathgate – main heads of terms
- Appendix 3: Grant of servitude, Standhill North, Armadale – location plan
- Appendix 4: Sale of land at Starlaw Road, Bathgate – plan showing areas to be sold

Contact Person: Jack Orr, Group Commercial Property Surveyor

Tel. 01506 281829; email: jack.orr@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 23 June 2020

Appendix 1 – Standhill North, Armadale – Proposed Foul Sewer

Provisional Heads of Terms

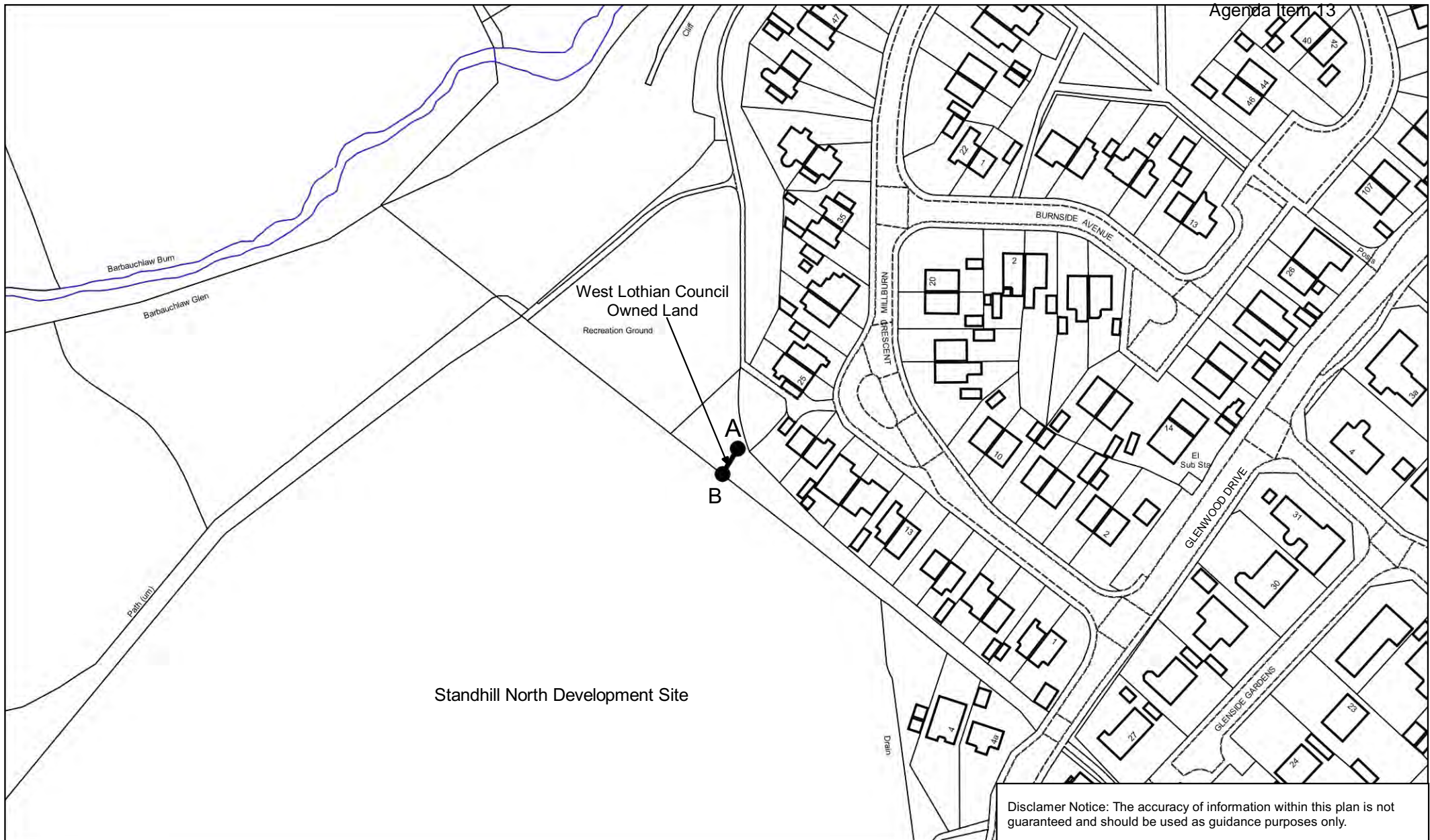
1. Grantor – West Lothian Council
2. Grantee – The Woodhead Trust (The Developer)
3. Area of servitude – exact area to be agreed following detailed topographical survey.
4. Rights to be granted – servitude right to lay, use, maintain, inspect and renew when necessary a foul drainage sewer between the points A and B on a plan to be exhibited by the developer and agreed with the council. All areas of council land disturbed as a result of the exercise of the servitude rights will be fully reinstated to the satisfaction of the council.
5. Plan –the developer to be responsible for preparation of a plan suitable to allow it to be recorded in the Land Registers of Scotland.
6. Temporary working area – any temporary working area required over and above the servitude area required for installation to be identified and shown separately on the plan.
7. Consideration - £70,000 – payable in full at the date on which the servitude agreement is completed. No VAT will be payable.
8. WLC surveyor's fee – developer to pay the sum of £360 at the date on which the servitude agreement is completed.
9. WLC legal fees – developer to pay the sum of £450 at the date on which the servitude agreement is completed. This sum is an estimate only at this stage, and is subject to confirmation in due course.
10. There will be other detailed terms and conditions contained in the formal servitude agreement which are common to agreements of this type.



DATA LABEL: Public

Appendix 2 – Proposed Disposal, Land at Starlaw, Bathgate

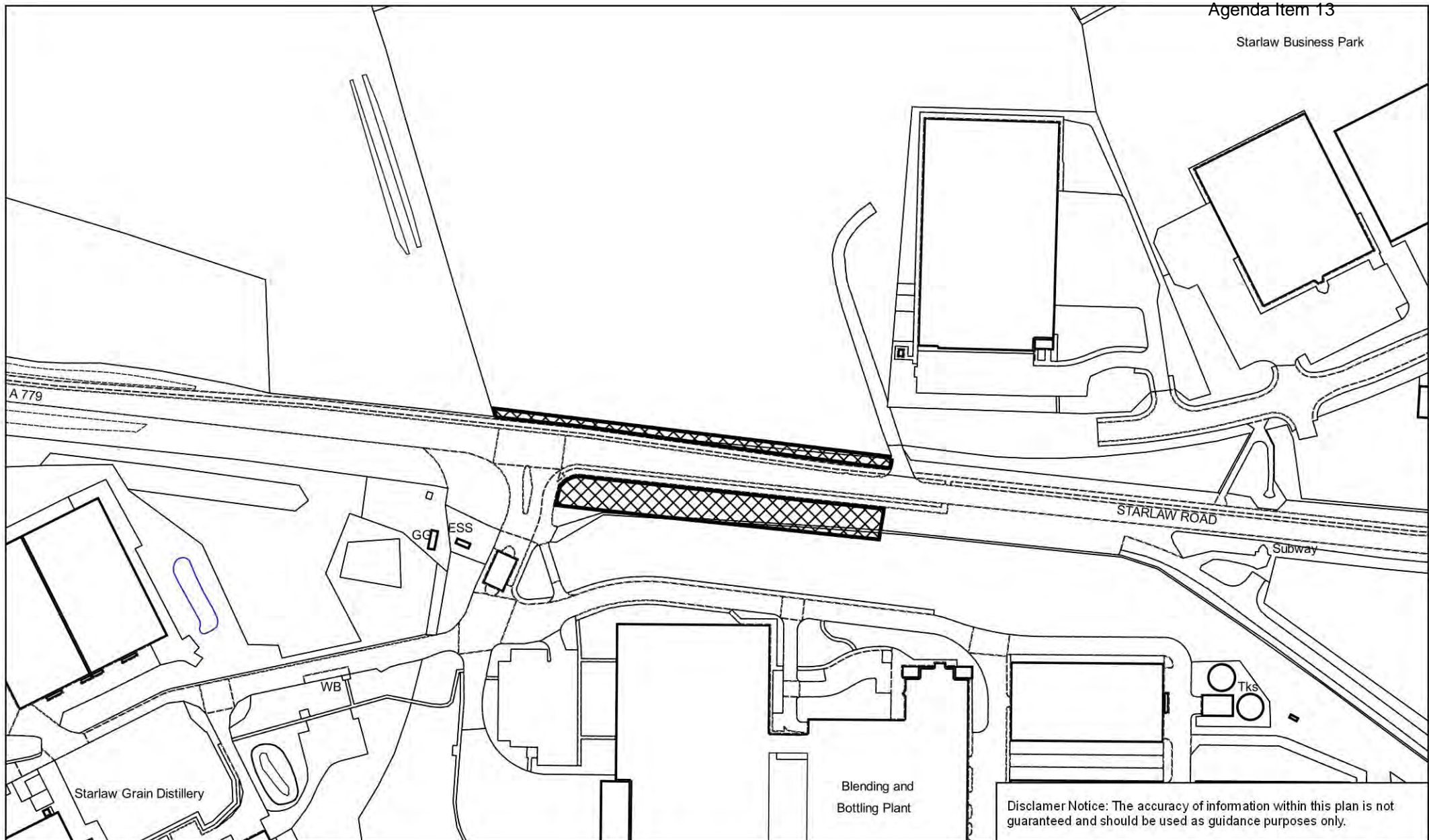
Provisional Heads of Terms

1. Seller– West Lothian Council
2. Purchaser – The Glen Turner Company Limited
3. Area – 2558 sq.m. or thereby
4. Price - £60,000 – payable in full at the date on date of entry. No VAT will be payable.
5. Date of entry – on conclusion of legal formalities, or such other date as may be agreed between the parties.
6. Suspensive condition – The offer is subject to the proposed purchaser completing the purchase from Scottish Enterprise, obtaining planning consent and building regulation consent for construction of the new warehouses and associated facilities.
7. There will be other detailed terms and conditions contained in the formal servitude agreement which are common to agreements of this type.



 <p>West Lothian Council</p>	<p>Proposed Servitude Drainage Route, Standhill North, Armadale</p>	<p>Not to Scale</p>	<p>A4</p>	<p>N </p>
<p>Property Management, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>3/3/2020</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2020</p>		

Starlaw Business Park



Starlaw Road, Livingston

Not to Scale

A4

N



Property Management, West Lothian Civic Centre, Livingston, EH54 6FF

6/3/2020

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DATA LABEL: PUBLIC



WINCHBURGH CORE DEVELOPMENT AREA – SCHOOL ESTATE INVESTMENT UPDATE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES AND HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)

A. PURPOSE OF REPORT

The purpose of the report is to seek approval to progress the proposed new non-denomination secondary, denominational secondary, replacement Holy Family primary school and nursery in the Winchburgh Core Development Area, Winchburgh through financial close to construction. As to set out the risks and key decisions required to progress the project through financial close to construction completion as outlined in this report.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. Notes the outline layouts and designs were previously agreed and have been finalised with detailed design now nearing completion as set out in the report;
2. Approves progressing the project towards financial close on the basis of the current estimated construction cost of £60.728 million which is higher than the previously reported affordability cap of £60.389 million but remains within the original approved budget of £60.919 million.
3. Notes that the final construction costs will be subject to confirmation following a post Covid19 review and subject to guidance from Scottish Government on the consideration of the pandemic for HUBco delivered Design Build and Development Agreement construction contracts.
4. Accepts that costs associated with the main project risks identified within the report will continue to be the responsibility of the council, noting that current estimates as outlined in the report can be managed within the approved budget;
5. Instructs officers to progress the statutory procedures to stop up part of a right of way which current exists between the B9080 and the Union Canal, through the school site, to allow for its diversion, in accordance with planning permissions which include for the re-alignment of the existing right of way;
6. Approves delegating authority to the Head of Finance and Property Services to execute and deliver the financial design and build development agreement (DBDA) and associated documentation on behalf of the Council at Financial Close, subject to the costs being within the approved budget;
7. Notes that costs, delivery timescales and project milestones as set out in the report are based on building working being able to recommence in early July 2020; and
8. Notes the successful outcomes of the Statutory Education Consultations.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs. Being honest, open and accountable. Making best use of our resources. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <p>The implementation of the West Lothian Local Plan (WLLP) and the emerging Local Development Plan (LDP) require substantial funding for education infrastructure which will in the main be funded through developer contributions.</p> <p>The additional funding of £4 million will be met through the General Services Capital Programme (Property) 2020/21 to 2027/28.</p> <p>Health and Safety requirements including Covid19 mitigation measures during construction will be the responsibility of the contractor.</p> <p>Recommendation 5 instructs officers to initiate the statutory process to stop up part of the right way at the site.</p> |
| III Implications for Scheme of Delegations to Officers | Recommendation 6 seeks approval to delegate authority to the Head of Finance and Property to execute and deliver the project agreement and associated documents to allow the construction of the new school to commence. |
| IV Impact on performance and performance Indicators | The proposed project will support various performance measures contained in the Corporate Asset Management Strategy and Property Asset Management Plan including those relating to property Compliance, Condition, Suitability, Sufficiency, Sustainability and Accessibility. |
| V Relevance to Single Outcome Agreement | The proposed project will support the delivery of Single Outcome Agreement objectives including: Our children have the best start in life and are ready to succeed; We are better educated and have access to increased and better quality learning and employment opportunities; and We make the most efficient and effective use of resources by minimising our impact on the built and natural environment. |
| VI Resources - (Financial, Staffing and Property) | All project costs to support specifically additional housing development related increases in capacity are fully recoverable from developers. |

The revenue consequences arising from the new school are reflected in future revenue budgets.

The final funding package of the schools incorporating the council's contributions and developer funding was approved in June 2019 as part of the General Services Capital Programme 2019/20 to 2027/28. The total budget approved was £60.919m

The project is included within the approved General Services Capital programme for 2021/21 with funding of £59.5m remaining to deliver all three schools. The project remains within the original approved budget of £60.919m

The project will be managed through existing staff resources and supported by funded internal posts and external technical consultants from within the projects financial resources.

VII Consideration at PDSP

No requirement to report to PDSP.

VIII Other consultations

Education, Planning, and Financial Management Unit.

Local elected members have been provided with a copy of the report for information and have been consulted on the stopping up of the Right of Way. Police Scotland will be consulted on the right of way change also.

D. TERMS OF REPORT

D1 Background

The Council Executive at its meeting on 25 June 2019 agreed to progress the development of a new denominational secondary school, a new non-denominational secondary school, replacement Holy Family Primary School, physical education and community block, to supporting new housing to be delivered through the Core Development Area (CDA) at Winchburgh. This is compatible with the implementation of the approved West Lothian Local Plan (WLLP). To support new housing, additional education infrastructure is required. Any additional infrastructure will be fully funded through developer contributions.

At Winchburgh, the additional education capacity will consist of a new denominational secondary school which will initially have a capacity of six hundred and sixty pupils, a non-denominational secondary school with an initial capacity for six hundred and sixty pupils, a replacement Holy Family Primary School with a capacity of two hundred and thirty-one pupils (single stream) and a nursery for sixty four children. The schools have been designed with the capability to expand beyond the initial capacity to allow for future expansion if necessary.

This report updates Council Executive on the progress on delivery of the new schools, the risks associated with the project including those relating to the Covid19 pandemic, ground conditions and land rights and outlines the mitigation measures for these. The report outlines the timescales and process to progress the project to the financial close stage and construction completion.

D2 Approved Design

The proposed layouts are shown within Appendix 1. The new schools will incorporate the latest innovation in secondary and primary education design building upon the councils established approach of constructing the best possible learning environments. The designs have been developed with all key stakeholders, including local community groups, the Archdiocese of St Andrews and Edinburgh and Winchburgh Developments Ltd, to ensure total integration within the Core Development Area as an anchor landmark for the west gateway to the village.

This new school accommodation has been designed taking on board the successful elements from recent secondary, primary and nursery school projects, with innovative design which is both suitable and sustainable, ensuring the Winchburgh schools meets the same high standard obtained in the design and construction of West Calder High School.

D3 Current Projected Costs / Proposed Affordability Cap

The total estimated final cost of the project based on the operational dates, the current accommodation schedule, fees (incurred to date and projected), the confirmed material pallet and construction requirements has been advised as £60,728,324. This will form the commercial offer to the council which will be agreed at financial close.

It should be recognised that the proposed figure of £60.728m is £0.339m more than the affordability cap set out using national space / area and cost metrics for secondary and primary schools and reflects the council's specific requirements together with additional site requirements. Rigorous market testing and achieving economies of scale on a build of this size have offset the additional costs relating to re-phasing as a consequence of the Covid19 pandemic and the enhanced ground remediation strategy. The estimated project costs remains within the approved budget of £60.919m. Winchburgh Developments Ltd are carrying out site remediation, preparation and servicing of utilities in advance of the main construction works commencing which has reduced some project risks.

The council appointed external technical advisors to scrutinise construction cost elements and to evaluate the market testing processes which have been undertaken. They have confirmed that the project represents value for money based on the specifications, market conditions, timescales for delivery and nature of the site.

The report seeks approval to formally accept the proposed construction costs on the basis of the confirmed design and timescales.

It is proposed that the Head of Finance and Property Services is provided with delegated authority to conclude the appropriate commercial and legal agreements to progress the project to financial close on the basis that there is no material change in costs or timescales and any alterations continue to represent best value.

D4 Covid19 Risk

As with all commercial transactions and construction contracts at present, the largest single risk to the project is potential impacts as a result of Covid19. These include wider macro-economic uncertainties, material availability and strategies for socially distancing whilst undertaking construction works once lockdown measures have been lifted.

The project costs identified in D3 recognise the current and projected market conditions reflecting Covid19 and will continue to be evaluated up to financial close in accordance with guidance that is available.

The project milestones identified in D7 have taken account of current advice on the likely timescales indicated on easing of lockdown procedures, and socially distancing measures on construction sites, which have increased the programme to compensate for the alterations in working processes.

The costs, delivery timescales and project milestones as set out in the report, are based on building works being able to recommence in early July 2020 and Scottish Government guidance for measures to mitigate Covid19 transmission risks on construction sites is similar and consistent with existing UK Government guidance. Should there be a material change to costs or programme as a consequence of requirements an update report will be provided.

The modern design of the schools means that covid19 or similar virus outbreaks can be more effectively managed over traditional school layouts. With the overall reduction in circulation corridors, increased use of open learning plazas, break out areas and multiple staircases 'one-way' route plans and socially distancing measures can be implemented more effectively. Many of the learning spaces are open plan, which reduces touch points where viruses may be passed on.

D5 Projected Pupil Numbers

The majority of pupil demand for both the denominational and non-denominational secondary schools comes from existing children. If Covid19 does negatively affect the housing build rate in West Lothian in the medium term then there will be a modest reduction in projected numbers and both schools will take longer to reach their initial 660 capacity.

Appendix 3 shows a relatively modest 3-5% decrease in Secondary demand for 2027-28 across West Lothian from 13,109 to 12,881 or 12,524 under two scenarios of reduction in house completions from the original 900 per annum model. This reflects the fact that the majority of future secondary demand comes from children already attending West Lothian Primary schools.

Should there be a material change to pupil number projections, costs projections above agreed budget or programme delays an update report will be provided.

D6 Specific Project Risks

Ground Conditions – The development site is adjacent to the former Auld Cathie landfill and, whilst it was never used for landfill or industrial process, the proposals will include enhanced substructure and land engineering works to mitigate any potential risks. Detailed site investigations have been undertaken on the site and risk levels are low however, it is proposed to adopt a high specification of ground protection. This has resulted in additional costs to the project of approximately £300,000 meaning that the affordability cap has not been achieved. It should be noted that the project remains within the approved budget envelope.

Historic Right of Way – The site is subject to a historic right of way that has been diverted for a number of years to accommodate the remediation works on the adjacent Auld Cathie site to the west and housing development to the east.

As part of the land diligence for the development and to ensure the project progresses along timescales to accommodate projected pupil numbers, in the future, the council will acquire the site from Winchburgh Developments Ltd and apply to have the route formally stopped up with a new re-aligned right of way route, shown in blue on the plan included within appendix 2.

The new route is in accordance with the planning permissions for the schools development (0925/MS/19); the Auldscathie District Park (1123/FUL/18) and the erection of four houses to the north of the old B9080 (0336/MS/19 and 0986/MS/19). The southern part of the route will be along adopted footpaths, including the majority of the route through the school site and will revert to un-adopted paths through the new district park.

The proposed new right of way will be more integrated with the wider local transport strategy and support improved walking and access arrangements in and around the core development area and schools sites. Planning and Legal Services intend to progress the necessary statutory process expediently which will ensure resolution prior to the schools completion.

Construction Inflation or Contractor Cost Risk – As with all Design, Build and Development Agreements where commercial costs are confirmed in advance of financial close, until conclusion of legal agreements there is a risk of cost volatility. Whilst the main potential risk associated with this at present is Covid19, it is relevant for all contracts where price is agreed in advance due to the many variables involved such as material supplier and sub-contractors availability.

The foregoing are not unusual particularly for east central Scotland and represent the main risks that could, if fully realised, impact on cost and timescales. Whilst it is preferable to have these fully mitigated in advance of financial close, the complexity of development and the responsibilities of the parties under the standard construction agreements mean that risks are shared.

Officers will continue to monitor and manage risks, including any that may emerge throughout the project. The highlighting of these within the report is to aid the understanding and approach adopted for the construction contract commercial risk, recognising that, should they all be realised, the project will exceed the affordability cap but is estimated to remain within budget.

Any material change in costs that would result in the project exceeding the approved budget or time impacts resulting in completion being significantly delayed will be reported upon should they occur.

D7 Next Stages and Current Project Timescales / Milestones

The proposed project cost and design, if approved, will progress in accordance with the following outline programme for delivery;

Project Stage / Milestone	Projected Date
Council Executive	23 June 2020
Financial Close	17 July 2020
Construction Commencement	14 September 2020
All Schools Construction Completion	December 2022
All Schools operationally available	January 2023

Due to the impact of Covid19, an initial delay of three months has been experienced as have changes to operating procedures during construction have meant a further two months revision over originally estimated timescales. This means completion is currently projected for December 2022 with operational availability in January 2023.

It is traditional for schools to open in August as this enables greater flexibility on the mobilisation of resources and to manage any emerging risk as the building is brought into operation. It has been confirmed that mobilisation and operational availability can be achieved for January 2023.

D8 Education Consultation

A formal consultation for the establishment of a new non-denominational secondary school at Winchburgh and relocation of Holy Family Primary School at Winchburgh has been undertaken. No expressions of opposition to the proposals were received. The Education Scotland report noted that 'The new school has the potential to provide modern, improved facilities closer to the young people's homes and communities.' At its meeting on 21 January 2020 Education Executive approved the findings of the consultation and the proposals.

The formal consultation for the establishment of a new denominational secondary school at Winchburgh has also been completed. Following consideration of these, the Education Scotland report noted that the proposal 'takes account of the necessity to address the capacity issues at St Margaret's and St Kentigern's Academies'.

E. CONCLUSION

Achieving Financial Close for the new project is a key milestone providing cost and programme certainty, based on the figures and dates set out in the report. Once Financial Close is achieved, the contractor will mobilise enabling main construction works commencement on 14 September 2020 which will enable delivery in advance of January 2023.

The costs and timescales outlined in the report reflect requirements that are likely to be necessary to enable construction work to proceed in terms of mitigating Covid19 transmission through physical distancing and other measures. Should there be a material change in these or any of the risks identified or that may emerge result in

projected costs exceeding the approved budget or cause delay to completion, a further report to Council Executive will be presented.

The delivery of the project will enable current projected house building at the Winchburgh CDA to continue. It should be noted that, should wider economic evidence and uncertainty affect the housing market and impact negatively on the projected demand the costs of the projects will reflect those outlined in the report. In such circumstances further updates will be provided.

F. BACKGROUND REFERENCES

Winchburgh Core Development Area – School Estate Investment Update - Council Executive 25 June 2019

General Services Capital Investment Strategy 2019/20 to 2027/28 - Update 25 June 2019

Establishment of New Non-Denominational Secondary School and Associates Proposals. – Education Executive 21 January 2020

Relocation of Holy Family Primary School, Winchburgh. – Education Executive 21 January 2020

Asset Management Strategy and General Services Capital Programme 2020/21 to 2027/28 – 28 February 2020

Planning permissions for the schools development (0925/MSC/19); the Auldcathie District Park (1123/FUL/18) and the erection of 4 houses to the north of the old B9080 (0336/MSC/19 and 0986/MSC/19).

Appendices/Attachments:

Appendix 1 - Proposed Site Plan and General Arrangement drawings

Appendix 2 – Proposed new right of way route

Appendix 3 – School Roll Projections 2018/19 to 2028/29

Contact Person: Paul Kettrick, Corporate Estates Manager, Finance and Property Services

Tel: 01506 281826 e-mail: paul.kettrick@westlothian.gov.uk

Neil McIntyre, Property Capital Programme and Projects Principal

Tel: 01506 281120 e-mail: neil.mcintyre@westlothian.gov.uk

Donald Forest, Head of Finance and Property Services

James Cameron, Head of Education (Learning, Policy and Resources)

23 June 2020

Appendix 1.1 Site Plan



LEGEND

- VEHICULAR BLACKTOP
- PEDESTRIAN ASPHALT
- POROUS BLOCK PAVING
- MODULAR PAVING
- MULTI USE GAMES AREA (MUGA)
- SYNTHETIC TURF SPORTS PITCHES
- NATURAL TURF SPORTS PITCH
- AMENITY GRASS
- AMENITY SHRUB PLANTING
- HEDGE PLANTING
- STRUCTURAL TREE PLANTING
- SPECIMEN TREE PLANTING
- WOODLAND PLANTING
- FENCE ENCLOSURES
- AMBULANCE ROUTE
- NOTIONAL MOUNDING

Council Executive 23 June 2020

IMPORTANT
 Agenda Item 14
 The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. Do not make assumptions - refer to the Landscape Architect. Do not scale from this drawing. If in doubt - ask!

REVISIONS

REV A - 20/02/19 - RCG/SJH
 UPDATED FLOOR PLANS.
 IMPORTED ROADS AND CAR PARKS ADJUSTED.
 SYNTHETIC PITCHES SHIFTED AND GENERAL LANDSCAPE UPDATE.
 STATUS CHANGED TO STAGE 1.
 REV B - 29/08/19 - RCG/SJH
 GENERAL UPDATE TO INCORPORATE ALL CHANGES TO SCHEME SINCE LAST ISSUE.
 REV C - 03/09/19 - RCG/SJH
 DENOMINATIONAL SCHOOL FLOOR PLAN AMENDED WITH LANDSCAPE MASTERPLAN UPDATED ACCORDINGLY.
 REV D - 04/09/19 - RCG/SJH
 LEGEND ADDED AND ISSUED FOR PLANNING.
 REV E - 04/09/19 - RCG/SJH
 SUB STATION ADDED WITH LANDSCAPE MASTERPLAN UPDATED ACCORDINGLY.
 REV F - 11/09/19 - JCG/SJH
 RED LINE BOUNDARY AMENDED IN NE CORNER.
 REV G - 12/09/19 - JCG/SJH
 PATH REALIGNED ALONG SE BOUNDARY.
 REV H - 21/11/19 - RCG/SJH
 SUB STATION RE-POSITIONED & ISSUED FOR STAGE 2.
 REV I - 22/11/19 - RCG/SJH
 REVERTED TO CAR PARK STATUS Q.U.O.

Hirst
 LANDSCAPE ARCHITECTS

18 ROYAL TERRACE, GLASGOW, G3 7NY - T: 0141-332-0292
 F: 0141-332-2058 - E: info@hirsts.co.uk - W: www.hirsts.co.uk

Issue for
STAGE 2

Project
WINCHBURGH CCDAEP

Title
**LANDSCAPE MASTERPLAN
 DEVELOPED SCHEME**

Client
**WEST LOTHIAN COUNCIL
 HUB SOUTH EAST SCOTLAND**

Drawn	Checked
RCG	SJH
Scale	Date
1:1000@A1	06/12/18

Job No	Drawing No	Revision
WBHS-HLA-XX-XX-DR-L-90-001	I	



Appendix 1.2 - Non Denominational Secondary School Floor Plans

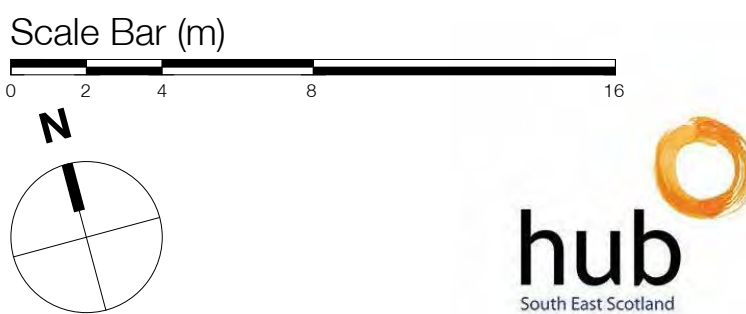
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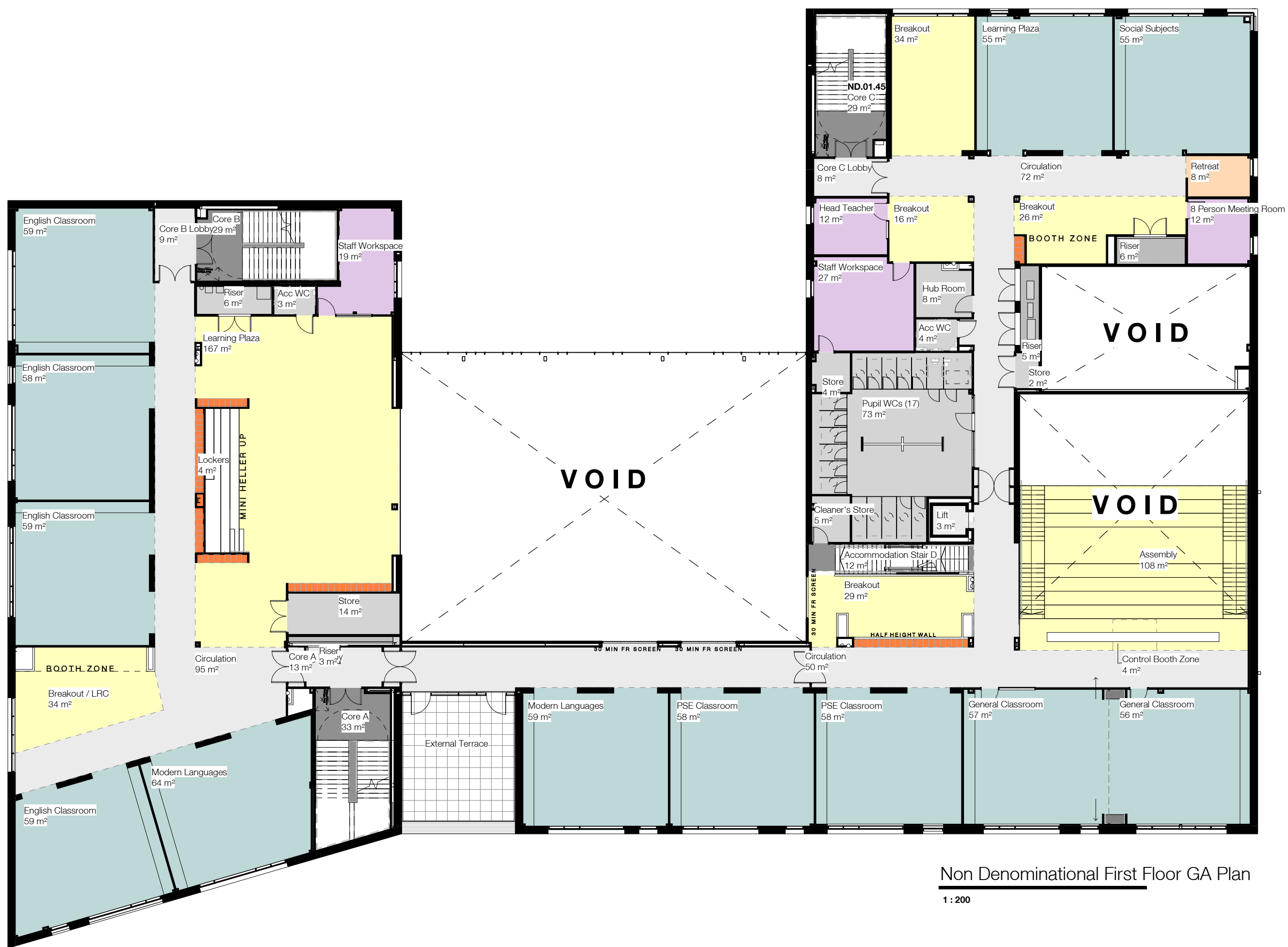
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Scale Bar (m)



Non Denominational Second Floor GA Plan



Non Denominational First Floor GA Plan



Non Denominational Ground Floor GA Plan

C1	Interim issue	CGH	MAH	01/05/2020
P1	Stage 2 submission adjustments - please see note above	CGH	MAH	05/03/2020
P10	KSP amendments and updated kitchen layout	MSOF	MAH	11/10/2019
P8	General Update	MSOF	AFO	01/10/2019
P9	Updated following Room Layout Workshop on 26/02/2019 and in line with general design development	MSOF	AFO	16/07/2019
P7	Issued for Stage 01	DCA	AFO	02/05/2019
P6	GA updates incorporated following	DCA	AFO	18/04/2019
P5	GA updates incorporated as per SZ and WLC engagement sessions and CS&R comments	DCA	AFO	08/03/2019
P4	Updated following SZ and WLC engagement sessions and GA updates	MSOF	DCA	04/03/2019
P3	Issued for Stage 01 design freeze	MSOF	DCA	11/02/2019
P2	Updated as per FRFE workshop on 22/01/2019 and in line with general design development	MSOF	DCA	31/01/2019
P1	First issue	DCA	AFO	07/12/2018
Rev.	Description	Drawn	Checked	Date

Amendment
Suitability
For Information

Project
West Lothian Council
WBS - Non Denominational High School
Winchburgh

Drawing
Non Denominational High School - GA Floor Plans

Drawing No.						
Project ID	Originator	Zone	Level	Type	Role	Number
WBS	- RYD -	ND -	ZZ -	DR -	A -	3005
Ryder Project No.		Scale at A1		Status		Revision
3328-00		As indicated		S2		C1

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Appendix 1.3 - PE & Community Block Floor Plan

Council Executive 23 June 2020

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Agenda Item 14

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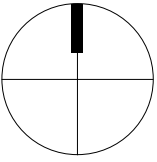
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024816

N





PE and Community Building - Ground Floor Plan

1 : 200

P9	Amendment to roof and inclusion of downpipes	MSOF	MHA	01/05/2020
P8	Further Stage 2 amendments	MSOF	MHA	06/04/2020
P7	Stage 2 issue - please see note above	MSOF	MHA	06/03/2020
P6	General Update	MSOF	AFO	01/10/2019
P5	Energy Centre layout revised as per DSSR layouts. Level 01 plant rooms updated with escape as per fire strategy drawings. Issued for Stage 01	DCA	AFO	02/05/2019
P4	GA updates incorporated following KSR	DCA	AFO	18/04/2019
P3	GA updates incorporated as per SZ and WLC engagement sessions	MSOF	AFO	08/03/2019
P2	Issued for Stage 01 design freeze	MSOF	DCA	11/02/2019
P1	First issue	DCA	AFO	10/12/2018
Rev.	Description	Drawn	Checked	Date

Amendment
Suitability
For Information
Project
West Lothian Council
WBS - PE and Community Building
Winchburgh
Drawing
PE and Community Building - Ground Floor Plan

Drawing No.	Originator	Zone	Level	Type	Role	Number
Project ID	- RYD - SB	- GF	- DR	- A	- 3010	
WBS						
Ryder Project No.	Scale at A1	Status	Revision			
3328-00	1 : 200	S2	P9			

Appendix 1.4 - Denominational Secondary School Floor Plans

Council Executive 23 June 2020

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Scale Bar (m)

0 2 4 8 16

N

hub

South East Scotland

Denominational High School - Second Floor Plan
1 : 200

Denominational High School - First Floor Plan
1 : 200

Denominational High School - Ground Floor Plan
1 : 200

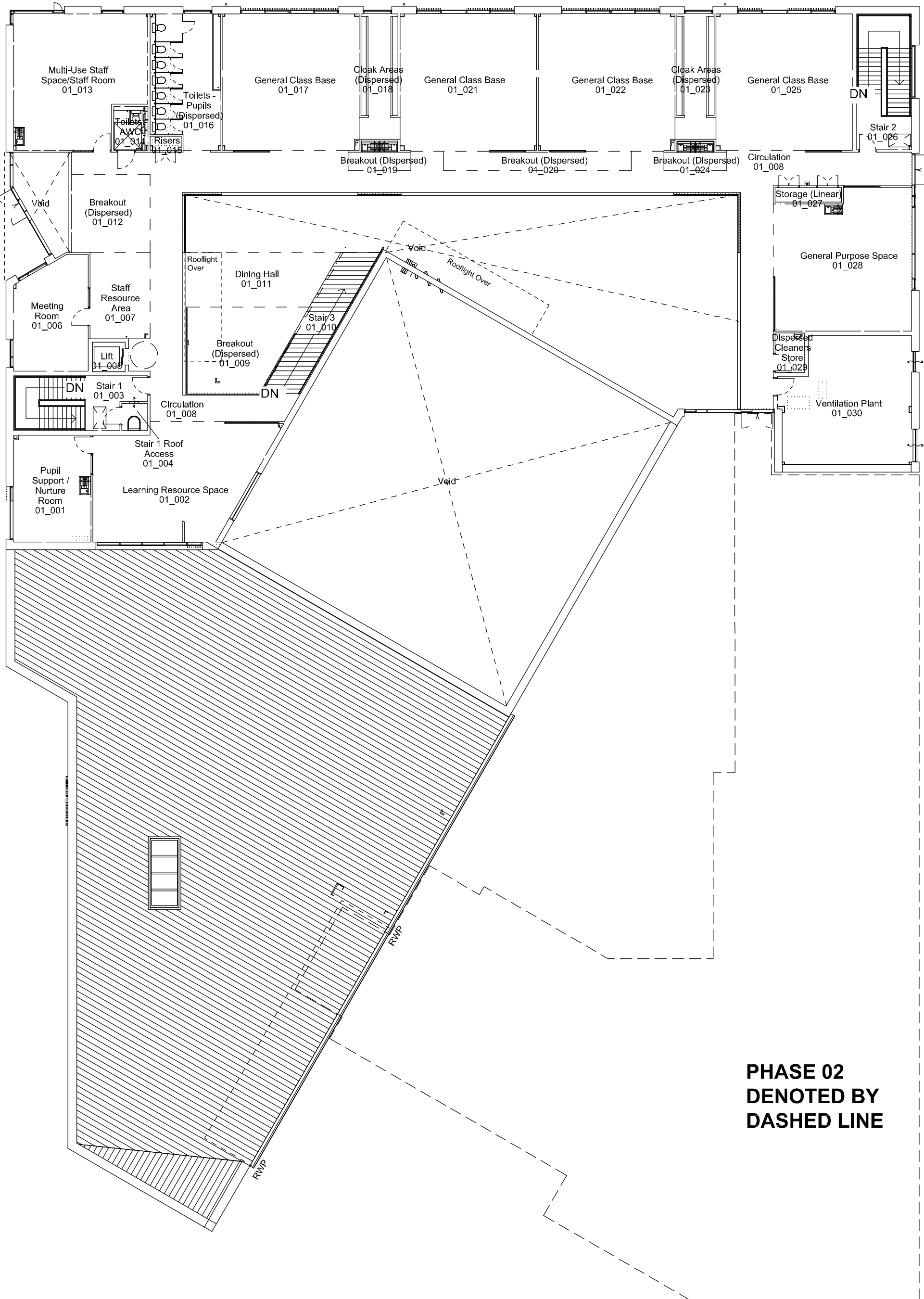
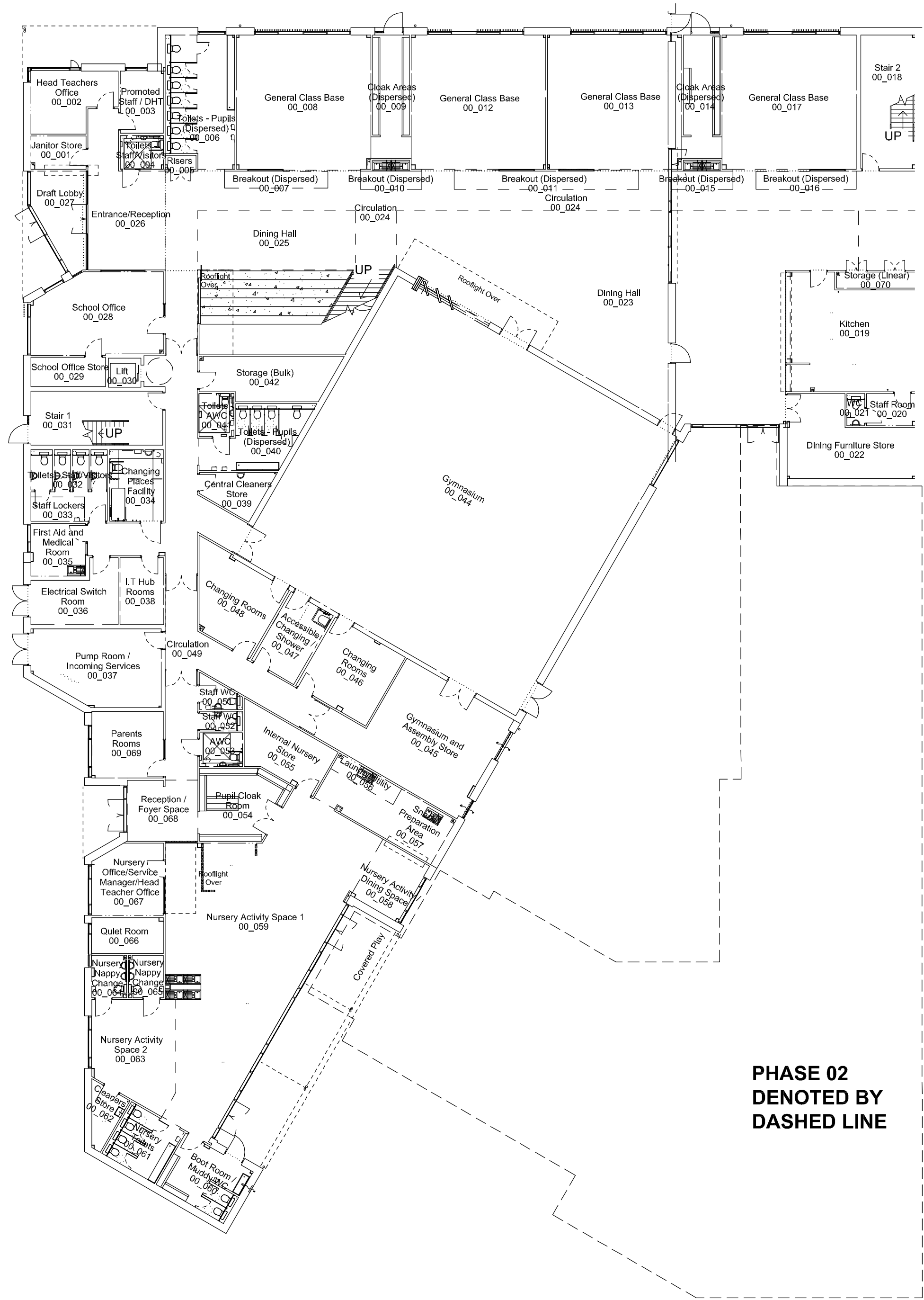
C1	Interim issue	CCH	MHA	01/05/2020
P11	Stage 2 issue - please see note above	MSOF	MHA	06/03/2020
P10	KSR amendments and adjustments subject to structural coordination	MSOF	MHA	11/10/2019
P9	General Update	MSOF	AFO	01/10/2019
P8	Updated following Room Layout Workshop on 25/06/2019 and in line with general design development	MSOF	AFO	16/07/2019
P7	Issued for Stage 01	DCA	AFO	02/05/2019
P6	GA updates incorporated following KSR	DCA	AFO	18/04/2019
P5	GA updates incorporated as per SZ and WLC engagement sessions and DSSR comments	DCA	AFO	08/03/2019
P4	Updated following SZ and WLC engagement sessions and GA updates	MSOF	DCA	04/03/2019
P3	Issued for Stage 01 design freeze	MSOF	DCA	11/02/2019
P2	Updated as per F&E workshop on 22/01/2019 and in line with general design development	MSOF	DCA	31/01/2019
P1	First issue	DCA	AFO	07/12/2018
Rev	Description	Drawn	Checked	Date
Amendment				
Suitability				
For Information				
Project				
West Lothian Council				
WBS - Denominational High School				
Winchburgh				
Drawing				
Denominational High School - GA Floor Plans				
Drawing No.				
WBS	Originator	Zone	Level	Type
	WBS	- RYD - DS - ZZ -	DR -	A -
	Number			
	- 3000			
Ryder Project No.				
3328-00	Scale at A1	Status	Revision	
	As indicated	S2	C1	

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- 214 -

Appendix 1.5 - Holy Family Primary School Floor Plans



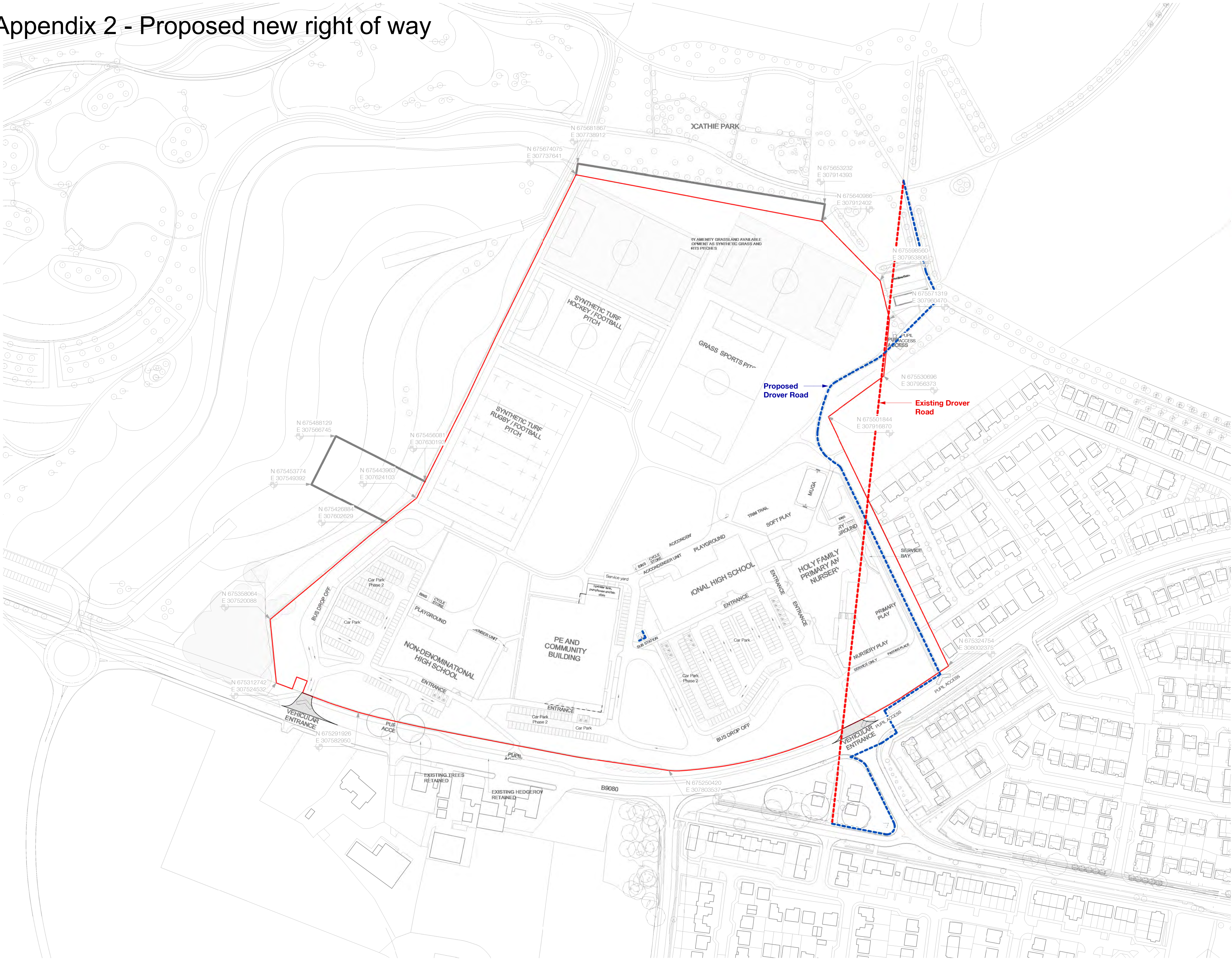
Rev Description Date Dm By Chk By

jmarshitects

Project	Holy Family Primary School	64 Queen Street Edinburgh EH2 4NA
Title	Ground Floor Plan	T : 0131 464 6100 F : 0131 464 6150
Client	West Lothian Council / Hub South East	edin@jmarshitects.net www.jmarshitects.net
Information	Scale: 1 : 200 @ A1	

Drawing Number	6435-JMA-01-00-DR-A-00-0100	Status	Revision
Project - Originator - Volume - Level - Type - Role - Class - Number		S2	P04

Appendix 2 - Proposed new right of way



Council Executive 23 June 2020
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Agenda Item 14

All drawings are based upon site information supplied by third parties and as such their accuracy cannot be guaranteed. All features are approximate and subject to clarification by a detailed topographical survey, statutory service enquiries and confirmation of the legal boundaries.

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Scale Bar (m)
0 10 20 50 100
N
KEY
Application Boundary
Existing Drover Road
Proposed Drover Road

P2	Routes updated based on comments	LBAN	MHA	09/06/2020
P1	First Issue	LBAN	MHA	09/06/2020
Rev.	Description	Drawn	Checked	Date

Amendment
Suitability
For Information
Project
West Lothian Council
WBS - Winchburgh High Schools - Site Model
Winchburgh
Drawing
Drover Road - Existing and Proposed Routes

Drawing No.	Originator	Zone	Level	Type	Role	Number
Project ID	- RYD	- ZZ	- ZZ	- DR	- A	- 1052
WBS						
Ryder Project No.	Scale at A1	Status	Revision			
3328-00	As indicated	S2	P2			

Appendix 3 School Roll Projections 2018/19 to 2028/29

Table 1: Published Forecasts

Secondary Roll - 900 House Scenario

School	Capacity	Max S1 Entry	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Armadafe Academy	1,210	220	1,041	1,081	1,131	1,187	1,244	1,291	1,315	1,345	1,376	1,391	1,381
Bathgate Academy	1,210	220	913	964	1,015	1,068	1,112	1,146	1,150	1,154	1,132	1,130	1,090
Broxburn Academy	1,210	220	873	913	963	991	1,036	1,076	1,089	1,090	1,066	1,038	995
Deans High School	1,100	200	995	995	999	975	972	976	958	948	926	912	869
Inveralmond High School	1,320	240	1,037	1,017	1,007	976	979	997	986	977	949	906	872
James Young High School	1,210	220	1,140	1,147	1,183	1,213	1,209	1,211	1,227	1,226	1,231	1,234	1,236
Linlithgow Academy	1,320	240	1,265	1,327	1,407	1,473	1,522	1,573	1,591	1,614	1,634	1,670	1,740
West Calder High School	1,100	220	696	712	761	799	839	885	938	1,006	1,082	1,163	1,245
Whitburn Academy	1,210	220	816	864	890	906	917	921	927	927	936	966	976
St Kentigerns	1,430	260	1,233	1,272	1,310	1,341	1,374	1,400	1,404	1,408	1,404	1,417	1,407
St Margaret's	1,100	200	1,091	1,108	1,141	1,160	1,188	1,225	1,240	1,263	1,275	1,282	1,284
West Lothian	13,420	2,460	11,100	11,400	11,806	12,087	12,393	12,700	12,824	12,958	13,012	13,109	13,095

Plans to deal with capacity pressures

Linlithgow Academy	New non-denominational Secondary School at Winchburgh
West Calder High School	New non-denominational Secondary School at Winchburgh
St Margaret's	New denominational Secondary School at Winchburgh

Table 2
3 years 600 Houses pa Post Covid Scenario with gradual increase thereafter

Secondary Schools

School	Capacity	Max S1 Entry	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Armada Academy	1,210	220	1,041	1,056	1,124	1,175	1,226	1,269	1,291	1,320	1,351	1,368	1,361
Bathgate Academy	1,210	220	913	958	1,014	1,066	1,109	1,142	1,146	1,151	1,130	1,130	1,091
Broxburn Academy	1,210	220	873	896	957	981	1,020	1,056	1,066	1,066	1,043	1,019	981
Deans High School	1,100	200	995	1,002	1,000	976	974	976	957	945	923	909	867
Inveralmond High School	1,320	240	1,037	1,072	1,008	978	983	1,003	992	983	955	912	877
James Young High School	1,210	220	1,140	1,150	1,174	1,195	1,182	1,181	1,196	1,196	1,201	1,206	1,213
Linlithgow Academy	1,320	240	1,265	1,321	1,396	1,453	1,489	1,530	1,542	1,561	1,580	1,620	1,697
West Calder High School	1,100	220	696	731	746	771	795	830	876	942	1,018	1,105	1,198
Whitburn Academy	1,210	220	816	854	885	898	907	910	914	913	922	952	963
St Kentigerns	1,430	260	1,233	1,261	1,306	1,335	1,364	1,388	1,391	1,395	1,393	1,407	1,399
St Margarets	1,100	200	1,091	1,129	1,131	1,143	1,163	1,196	1,209	1,231	1,243	1,254	1,261
West Lothian	13,420	2,460	11,100	11,430	11,739	11,970	12,211	12,480	12,579	12,704	12,761	12,881	12,909

New Secondary Schools

Winchburgh Academy	660	120
Sinclair Academy	660	120

2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
58	120	203	302	406	594
92	195	294	385	472	538

Moderate demand scenarios assuming 2022 opening at both schools with S1 only.

Table 3
3 years 400 Houses pa Post Covid Scenario with gradual increase thereafter

Secondary Schools

School	Capacity	Max S1 Entry	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Armada Academy	1,210	220	1,041	1,056	1,119	1,168	1,214	1,252	1,269	1,294	1,321	1,332	1,318
Bathgate Academy	1,210	220	913	958	1,013	1,065	1,106	1,139	1,142	1,148	1,129	1,130	1,092
Broxburn Academy	1,210	220	873	896	953	974	1,009	1,041	1,046	1,042	1,015	990	950
Deans High School	1,100	200	995	1,002	1,000	977	974	977	957	943	920	905	862
Inveralmond High School	1,320	240	1,037	1,072	1,008	979	986	1,007	997	990	963	921	887
James Young High School	1,210	220	1,140	1,150	1,168	1,184	1,165	1,159	1,170	1,166	1,166	1,163	1,164
Linlithgow Academy	1,320	240	1,265	1,321	1,390	1,440	1,467	1,499	1,501	1,509	1,513	1,540	1,603
West Calder High School	1,100	220	696	731	735	752	767	790	824	877	940	1,013	1,095
Whitburn Academy	1,210	220	816	854	881	893	900	901	903	899	905	930	936
St Kentigerns	1,430	260	1,233	1,261	1,304	1,331	1,358	1,379	1,380	1,383	1,379	1,392	1,381
St Margarets	1,100	200	1,091	1,129	1,125	1,132	1,147	1,174	1,182	1,198	1,204	1,209	1,210
West Lothian	13,420	2,460	11,100	11,430	11,696	11,894	12,094	12,319	12,372	12,450	12,454	12,524	12,499

New Secondary Schools

Winchburgh Academy	660	120
Sinclair Academy	660	120

2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
55	114	192	286	385	465
91	193	290	379	462	527

Moderate demand scenarios assuming 2022 opening at both schools with S1 only.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

22 SOUTH BRIDGE STREET, BATHGATE
PROPOSED TEMPORARY LICENCE AGREEMENT – ST MARGARET OF SCOTLAND
HOSPICE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To obtain Council Executive approval to enter into a temporary licence agreement with St Margaret of Scotland Hospice for use as a charity shop.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the current situation in relation to 22 South Bridge Street, Bathgate,
2. Approves the granting of a temporary licence to occupy the property in favour of St Margaret of Scotland Hospice for a fee of £1 per month, if asked,
3. Notes that the proposed occupation of the property will be for a limited period, with a specific requirement that the occupants will be required to vacate the property on one month's notice at any time, and,
4. Grants all necessary powers of delegated authority to the Head of Finance and Property Services to negotiate and conclude an appropriate licence agreement to reflect these requirements

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Requires a specific exemption from the policies and practices approved previously by the Council Executive in relation to properties held on the council's Tenanted Non-Operational Portfolio (TNRP); complies with requirements of Disposal of Land by Local Authorities (Scotland) Regulations, 2010.
III	Implications for Scheme of Delegations to Officers	None, save for the specific request for delegated authority powers in this case.
IV	Impact on performance and performance	None.

Indicators

V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
VI	Resources - (Financial, Staffing and Property)	Nominal £1 per month charge for monthly licence; maximum saving of £68678 (full year) expenditure during financial year 2020/21.
VII	Consideration at PDSP	None required
VIII	Other consultations	Planning; Financial Management Unit; Legal Services previously consulted on implications of Disposal of Land Regulations. A copy of this report has been provided to the local elected members for their information.

D. TERMS OF REPORT

D.1 Background

The property at 22 South Bridge Street, Bathgate, is located on the ground floor and largely sits beneath St David House. A plan showing its location is attached with this report. Since it was built in 1980, it has been leased as a supermarket, initially to William Low and Company, who were taken over by Tesco some years ago. Tesco only traded from the site for a few years before building a new supermarket elsewhere in the town at Guildiehaugh. Since then, the unit has had a number of occupiers, most recently, and for a number of years, St Margaret of Scotland Hospice.

The unit was included in the purchase of St David House by the council in 2014. At that time, the Tesco lease was still in place, and an annual rental of £85,000 per annum was paid by Tesco to the council, although the property was occupied by St Margaret of Scotland Hospice on the basis of a short term licence agreement. This was at a nominal consideration of £1 per month. The lease to Tesco expired in September 2019, since which time the subjects have been vacant.

D.2 Current Position

Prior to the property being vacated last September, officers were in contact with other potential occupiers. However, these inquiries have so far been unsuccessful. This is mainly due to the fact that the shop unit was specifically built 40 years ago as a supermarket, at a time when that retail environment was very different from today. For example, the property cannot be serviced by articulated lorries, it has a small car park located on an upper level, with the only pedestrian access being by stairs with no lift provision. Moreover, all of the secondary and discount food retailers who potentially could be interested in the property are already represented in the town. These factors make it very unlikely that a leasehold occupier will be found in the short term to occupy the unit.

Notwithstanding the position outlined above, officers have been continuing to look at other ways of using the property to maximise the benefit of the council. However, by their nature these investigations will take a period of time.

During this period, as well as not receiving any income from the property, the council is faced with significant expenditure during the financial year 2020/21. The highest element of this expenditure is non-domestic rates, which, even after vacant rates relief has been applied, amounts to £68,678. Officers have investigated through the council's specialist rating consultants whether the current rateable value for the property can be challenged, and potentially reduced. However, their advice is that there are no appropriate grounds for challenge.

The previous occupiers of the premises, St Margaret of Scotland Hospice, have contacted the council to investigate the possibility of them re-occupying the property on substantially the same terms as they did with Tesco. Whilst this would not provide any rental income to the council, it would mean that the substantial rates bill would be avoided as the Hospice would be able to obtain 100% charitable relief from this payment. It would also provide them with an additional retailing resource in the short term to supplement their other nine shops located throughout Scotland.

Given the current Covid-19 pandemic, any physical occupation of the property by St Margaret of Scotland Hospice will only take place as and when current lock down restrictions are amended to allow this to happen, and will be subject to the application of any requirements imposed on retailers as part of that process.

D.3 Disposal of Land By Local Authorities (Scotland) Regulations, 2010

Section 74(2) of the Local Government (Scotland) Act, 1973, imposed a legal duty on local authorities to dispose of property on "the best terms reasonably obtainable," unless they obtained the consent of the Scottish Ministers to do otherwise. This position was altered by the above regulations which in essence allow councils to do so, provided they have fully appraised individual situations before making such a decision.

Given the situation at 22 South Bridge Street, it is arguable whether or not the Regulations would apply, particularly given the temporary nature of the proposed occupation by St Margaret of Scotland Hospice. Nevertheless, officers have fully appraised the situation and considered the benefits and dis-benefits of the proposal as required to do under the Regulations, and are satisfied that these tests have been met and that there is merit in proceeding as outlined in this report.

D.4 Approved Council Policies and Procedures

Policies and practices previously approved by the Council Executive and governing the lease of properties held on the TNRP specifically state that properties being let should be at full market value. However, given the specific circumstances which apply in this case, it is considered that a specific exemption should be made to that policy.

E. CONCLUSION

Given the timescales required to fully consider all future options for the effective and efficient use of the property at 22 South Bridge Street, Bathgate, it is necessary to manage the property both to facilitate that process whilst, at the same time, minimising council expenditure on the building. After evaluating the options available, it is considered that the grant of a short term licence agreement in favour of St Margaret of Scotland Hospice addresses these requirements whilst at the same time providing the charity with an outlet for the sale of goods, the money raised from which will provide an additional fund raising resource for them.

F. BACKGROUND REFERENCES

1. Disposal of Land By Local Authorities (Scotland) Regulations, 2010
2. A Strategy for Council Non Operational Property – Council Executive – March 2011

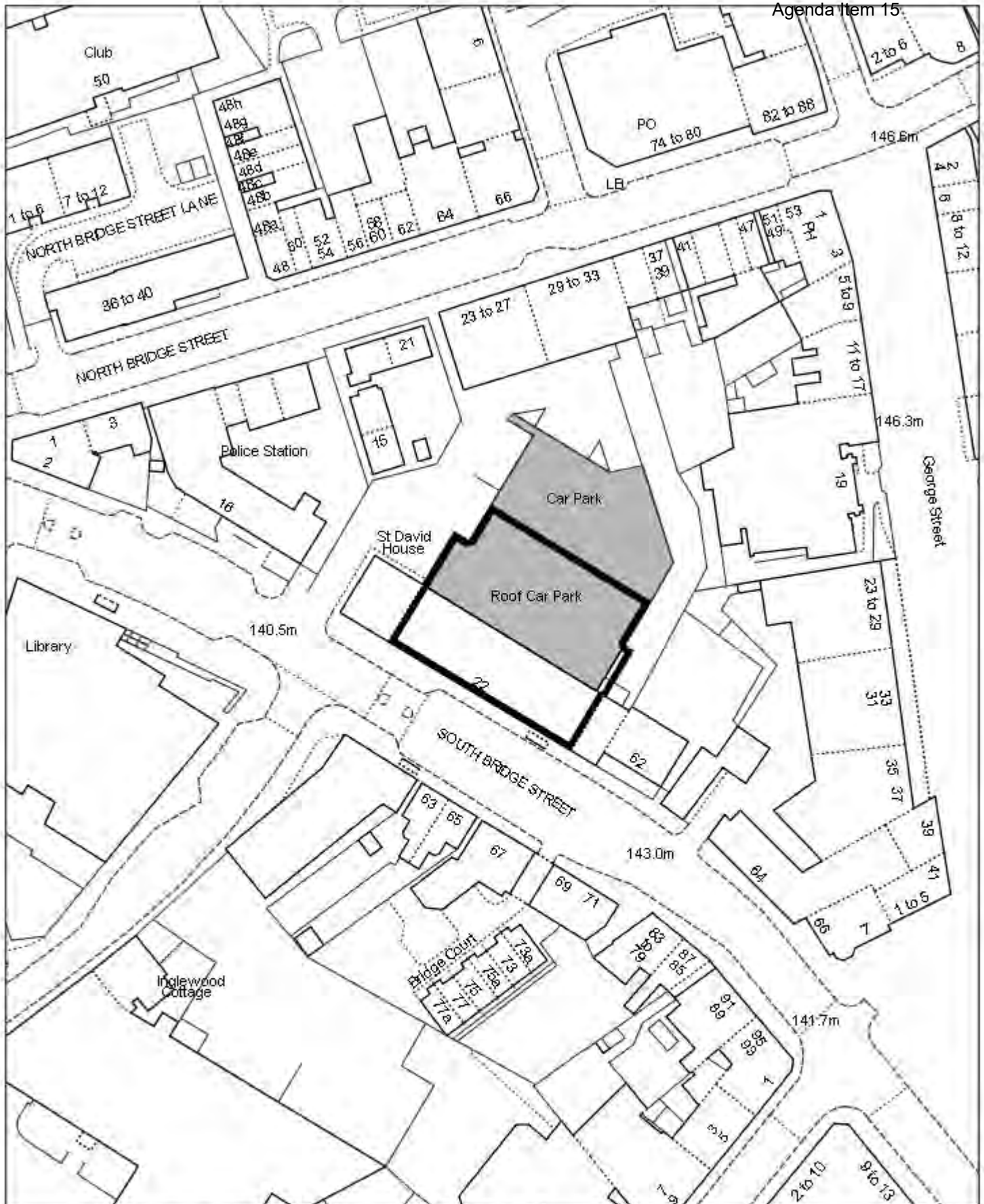
Appendices/Attachments: Location plan

Contact Person: Jack Orr, Group Property Surveyor

Tel: 01506 281829; e mail: jack.orr@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 23 June 2020



A4

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22 South Bridge Street, Bathgate

1:1000



Property Management and Development, West Lothian Civic Centre, Livingston, EH54 6FF

17/3/2020

DATA LABEL: PUBLIC DATA LABEL: OFFICIAL-Sensitive



COUNCIL EXECUTIVE

PROCUREMENT APPROVAL REPORT

REPORT BY THE HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

B. RECOMMENDATION

It is recommended that Council Executive approves:

1. The direct award to Edge Analytics Ltd for the provision of education forecasting, for a period of 5 years with an optional consultancy support of 20 days, if required;
2. The extension of the contract with Hays Specialist Recruitment to March 2021, for a part time temporary electrical engineer;
3. The commencement of tendering procedures for the procurement of a 3 year contract with an option to extend up to a further 24 months for the provision of welfare cabins and lockable storage, employing the methodology and criteria set detailed in Section D; and
4. The direct award for the continued provision of support and maintenance of the Capita Open Housing/Open Contractor system for a period of 2 years at a cost not exceeding £120,000 per annum.

C. SUMMARY OF IMPLICATIONS

I	Council Values	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
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	Resources - (Financial, Staffing and Property)	See part D of the report
VII	Consideration at PDSP	N/A
VIII	Other consultations	See part D of the report

D TERMS OF REPORT

D.1 Direct Award to Edge Analytics Ltd

The council presently has a contractual arrangement for service provision with Edge Analytics Ltd which is due to expire 30 June 2020. In the absence of any suitable Education Forecasting product to meet council requirements, it is proposed that a direct award is made to Edge Analytics Ltd. This will allow the council to prepare an updated set of school roll forecasts to assist in future planning of the school estate and council budgeting. It is noted that in 2016, the only compliant bid following a tendering exercise was from Edge Analytics Ltd. Additional analytical support would also be available for a daily fee of £750 +VAT per day for up to 20 days and a total of £15,000.

Education Services and IT Services were consulted on the proposals to direct award to Edge Analytics and the Corporate Finance Manager was consulted on budget implications.

The annual budget for the provision of education forecasting is £17,600 and the total anticipated cost for 5 years is £88,000, with an optional 20 day consultancy of £15,000. Provision has been made within the Planning Services budget for this.

The Procurement (Scotland) Regulations 2016 make provision for circumstances in which a contract can be awarded without competition under Clause 6) (1) (b) (ii). In this instance competition is absent for technical reasons as the School Roll Forecasting system is a propriety system of Edge Analytics Ltd and as such they are the only supplier able to provide support and maintenance services.

D.2 Direct Award to Hays Specialist Recruitment

In June 2019 a permanent appointment to the post of Electrical Engineer was made. The current contract for the temporary Electrical Engineer was extended to 31st May 2020 to cover the conclusion of the projects that had been started at that time. However, the current electrical engineering workload has increased resulting in a single Electrical Engineer not being sufficient to deliver all the necessary capital projects. Additional projects have also recently been approved over and above the agreed planned improvement programme. These impact on the ability of the permanent Electrical Engineer to undertake the necessary design development in advance of summer 2021 planned improvements.

The current COVID-19 lockdown has also resulted in a number of projects within Construction Services being delayed. It is anticipated that the temporary part time Electrical Engineer will assist with the delivery of these delayed projects as well as providing professional electrical engineering advice and guidance to ensure the safe re-occupation of council properties. The contract with Hays Recruitment will be extended to 31st March 2021.

The Corporate Finance Manager was consulted on the proposals to extend the contract with Hays Specialist Recruitment.

The cost of the temporary part time Electrical Engineer is recharged to the directly to the capital projects worked on as part of Construction Service recharge.

The Procurement (Scotland) Regulations 2016 make provision for circumstances where a contract can be awarded without competition under clause 6 (1) (c). In this instance competition is absent due to the extreme urgency required to secure the Electrical Engineer post, brought about by the unforeseeable delays to the construction programme as a result of the COVID-19 pandemic.

D.3 Tendering for the provision of Welfare Cabins and Lockable Storage

Welfare cabins and lockable storage are required for Building Services and Roads sites to provide safe storage of council materials, tools, wet rooms to dry clothes and equipment and break facilities for staff. Other service areas may also utilise the storage element of this contract making it of council wide importance.

Due to a limited market an open procedure is proposed. Compliant tenders will be evaluated on 70% price and 30% quality. It is proposed to carry out a procurement with an estimated value of £300,000 per annum.

Financial Management Unit, Risk and Insurance and Health and Safety have been consulted on the proposals to commence tendering for welfare cabins and lockable storage. A Prior Information Notice (PIN) notice has been issued to ensure early engagement with supply chain.

The costs of the contract for Welfare Cabins and lockable storage shall be met from existing budgets as follows: Building Services £250,000 per year / Operational Services £50,000 per year.

D.4 Extension of Integrated Housing Management System contract

The current Integrated Housing Management system for all Housing, Customer and Building Services management of our tenancies and assets is Open Housing/Open Contractor, and is provided by Capita Business Services. The support and maintenance contract with Capita sets out service levels against which the provider will address any system failure and/or reduction in the performance of Open Housing/Open Contractor. This agreement ensures business continuity and that the provider carries out critical maintenance/upgrades as required. By extending our

contract with Capita for a further two years this enables the service to implement a service design approach to defining the requirements for the new contract for IT service provision for council tenants and associated assets by engaging with customers and others, to carry out a full feasibility study on solutions available in the marketplace to replace the existing Open Housing system and to consider opportunities to implement and interface with other systems that delivers end to end customer journeys with improved outcomes.

The Procurement (Scotland) Regulations 2016 make provision for circumstances in which a contract can be awarded without competition under Clause 6) (1) (b) (ii). In this instance competition is absent for technical reasons as Open Housing is a propriety system of Capita Business Services and as such they are the only supplier able to provide support and maintenance services

E. CONCLUSION

It is recommended that Council Executive approves the procurement of the contracts set out in the report.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Julie Whitelaw
Head of Corporate Services

23 June 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING - EVIDENCE ON POLICE COMPLAINTS

A. PURPOSE OF REPORT

To seek approval from Council Executive to submit comment on the Independent Review of Complaints Handling Investigations and Misconduct Issues in relation to Police Scotland.

B. RECOMMENDATION

Council Executive is asked to;

1. Approve the proposed response as detailed within section D2 of the report.
2. Have the approved response submitted by Officers, by the deadline of 10th July 2020.

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 Providing equality of opportunity
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Antisocial Behaviour etc (Scotland) Act 2004 applies Section 45 of the Police and Fire Reform (Scotland) Act 2012
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	This report will have a positive impact on the following SOA indicators; SOA10 – We live in well designed, sustainable places where we are able to access the services we need SOA11 – We have strong resilient and

supportive communities, where people take responsibility for their actions and how they affect

V	Relevance to Single Outcome Agreement	Community Safety Partnership
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	Circulated to PDSP panel members and community representatives for comment and information.
VIII	Other consultations	None

D. TERMS OF REPORT

D.1 Background

In June 2018 the Scottish Government appointed the Right Honourable Dame Elish Angiolini DBE QC to undertake an independent review of complaints handling, investigations and misconduct issues in relation to policing in Scotland, in the wake of the Police and Fire Reform (Scotland) Act 2012.

The Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing is scheduled to publish its final report in Autumn 2020, and have written seeking views and evidence that the council may wish to provide on:

- How the local scrutiny committee operates in your local authority;
- The quality of the statistical information provided to members by the local divisional commander;
- The effectiveness of the arrangements in place for scrutinising Police Scotland's complaint handling, identifying trends and responding to local issues; and
- Any changes and improvements that could be made.

A copy of the letter is set out in **Appendix 1**.

D.2 Council Response

Under the current reporting arrangements, whilst a range of performance indicators are reported, West Lothian Council receives no formal report from Police Scotland with regards to any statistical information on complaints made about the Police Service in West Lothian. The proposed response is set out below:-

1. The local scrutiny arrangements in place within West Lothian Council are the Policy Development and Scrutiny Panel (PDSP), Community Safety Board; Community Planning Partnership, Council Executive and Local Area Committees attended by Ward Cllrs.
2. To date there has been no specific statistical information provided to any of the council's scrutiny committees by the local divisional commander in respect of complaints made about the Police Service in West Lothian.

3. With regards to effectiveness of the arrangements, as the council has not received any statistical information and data, the council is unable to provide any view or evidence.
4. It would be beneficial for the council and residents of West Lothian for Police Scotland to report on complaint data in respect of complaint handling, number, type, trends etc. and any learning that could be shared, with the main focus on West Lothian whilst providing comparative data for the whole of the Lothian and Scottish Borders Division. In terms of frequency of reporting, the council would propose that Police Scotland would align this to the current reporting timetable which is quarterly.

E. CONCLUSION

Local Authorities are being invited to provide views and evidence in respect of the effectiveness of the scrutiny arrangements currently undertaken by Police Scotland. Under the current reporting arrangements, whilst a range of performance indicators are reported, West Lothian Council receives no formal report from Police Scotland with regards to any statistical information on complaints made about the Police Service in West Lothian.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

Appendix 1

Contact Person:

Alison Smith, Housing Management & Community Safety Manager,
Housing, Customer and Building Services
Tel: 01506 281367
Alison.Smith@westlothian.gcsx.gov.uk

AnnMarie Carr
Head of Housing, Customer and Building Services
10 June 2020

The Rt Hon Dame Elish Angiolini DBE QC

T: 0131 244 7055

E: secretariat@independentpolicingreview.scot

Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing

To Police Conveners

27 May 2020

Dear Convener

INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

EVIDENCE ON POLICE COMPLAINTS

The purpose of this letter is to seek your views and invite evidence on the police complaints handling system as it operates in Scotland.

Dame Elish Angiolini's Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing is scheduled to publish its final report in autumn 2020. The Review's Terms of Reference from the Cabinet Secretary for Justice and the Lord Advocate are annexed to this letter.

Dame Elish's preliminary report, which was published on 21 June 2019, can be found here: <https://www.gov.scot/publications/preliminary-report-independent-review-complaints-handling-investigations-misconduct-issues-relation-policing/>

In addition to making some 30 recommendations, the preliminary report also invited further views on her recommendations, on options for change and on a number of specific issues including: the role of local scrutiny committees in relation to police complaints; the role of independent custody visiting in relation to police complaints; strengthening learning culture across organisations dealing with complaints; and the case for structural change across the system.

As you know, Section 45 of the Police and Fire Reform (Scotland) Act 2012 requires local police commanders to provide the local authority with "statistical information on complaints made about the Police Service in, or the policing of, its area".

Dame Elish would welcome any views and evidence that your Committee may wish to provide on:

- how the local scrutiny committee operates in your local authority;
- the quality of the statistical information provided to members by the local divisional commander;
- the effectiveness of the arrangements in place for scrutinising Police Scotland's complaint handling, identifying trends and responding to local issues; and
- any changes and improvements that could be made.

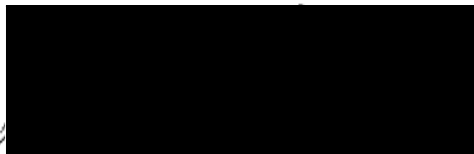
If you wish to submit any evidence on these matters, or any other relevant matter, please respond to this letter, by Friday 10 July 2020 if possible, by e-mail to secretariat@independentpolicingreview.scot You may wish to send a copy of your reply to COSLA.

You can also respond by post to the address below, but the current constraints on social interaction and travel mean that an e-mailed response is our preferred option.

Secretary to the Independent Policing Review
Room 1W.01
St. Andrew's House
Regent Road
EDINBURGH
EH1 3DG

If you or your supporting officers have any queries about this letter, please feel free to call me on 0131 244 1839 or 07825 011509.

Yours sincerely



IAN D KERNOHAN
Review Secretary

REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

Terms of Reference

The purpose of the Review is to:

- consider the current law and practice in relation to complaints handling, investigations and misconduct issues, as set out in relevant primary and secondary legislation;
- assess and report on the effectiveness of the current law and practice; and
- make recommendations to the Cabinet Secretary for Justice and the Lord Advocate for improvements to ensure the system is fair, transparent, accountable and proportionate, in order to strengthen public confidence in policing in Scotland.

Whilst the Review will encompass the investigation of criminal allegations against the police, it will not address the separate role of the Lord Advocate in investigating criminal complaints against the police or the role of HMICS in scrutinising the state, effectiveness and efficiency of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA). The consideration of specific complaints and investigations will not form part of the review beyond informing an overall assessment of the efficacy of current systems and processes.

The Review will consist of two phases:

- The **first phase** will include a consideration of current procedures and guidance to identify areas for immediate improvement;
- The **second phase** will include a wider assessment of the frameworks and practice in relation to complaints handling, investigations and misconduct issues, covering the Police Investigations and Review Commissioner, the SPA and Police Scotland. Recommendations in the final report should take into account human rights considerations, as well as seeking to identify longer-term improvements.

DATA LABEL: PROTECT



COUNCIL EXECUTIVE

WEST LOTHIAN RAPID REHOUSING TRANSITION PLAN (RRTP) 2020/21 UPDATE

REPORT BY HEAD OF HOUSING CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive on the progress of the West Lothian Rapid Rehousing Transition Plan (RRTP) and to consider the update for 2020/21 prior to submission to the Scottish Government by 30 June 2020.

The paper also provides an update on the implementation date of changes to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (UAO).

B. RECOMMENDATION

It is recommended that Council Executive:

1. Note the positive progress of the delivery of the West Lothian RRTP in 2019/20;
2. Note the Scottish Government allocation towards the delivery of the plan of £302,000 in 2019/20 and £313,000 for 2020/21 through the Ending Homeless Together (EHT) fund;
3. Note the changes to the UAO and the implementation date of 4th May 2020 with an extension to the 30 September 2020, and
4. Approves the RRTP update 2020/21 for submission to the Scottish Government by 30 June 2020.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Housing (Scotland) Act 1987 as amended in accordance with the Homelessness (etc) (Scotland) Act 2003, Housing (Scotland) Act 2001, Housing (Scotland) 2014. Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014
III	Implications for Scheme of Delegations to Officers	N/A
IV	Impact on performance and performance Indicators	The Scottish Government have agreed a performance monitoring framework for the RRTP. Further work will be required on the impact of the extension to the UAO.

V	Relevance to Single Outcome Agreement	Outcome 6: People most at risk are protected and supported to achieve improved life chances. Outcome 7: we live longer, healthier lives and have reduced health inequalities.
VI	Resources - (Financial, Staffing and Property)	The Scottish Government have allocated £615,000 towards the delivery of the West Lothian RRTP (£302,000 for 2019/20 and £313,000 for 2020/21). A further £240,000 has also been allocated through the ADP towards the delivery of Housing First in West Lothian. Annual budget for expenditure on B&B of £747,000 with additional funding of £500,000 for 2020/21.
VII	Consideration at PDSP	The report has been circulated to members of the Services for the Community PDSP for comment.
VIII	Other consultations	The development and delivery of the RRTP update was undertaken following consultation with services and partners. Partners are represented on the RRTP project Board and working groups.

D. TERMS OF REPORT

D.1 Background

The West Lothian (RRTP) 2019-2024 was approved by Council Executive on the 25th June 2019 following consideration by the Services for the Community PDSP on the 11th June 2019. A mid-year update on progress was considered by the Services for the Community PDSP on the 10th December 2019. The plan set out a clear vision for the transition to a rapid rehousing approach in West Lothian over the five-year period, including a greater focus on prevention of homeless, a reduction in the use of B&B accommodation and the delivery of a Housing First model.

The RRTP identified the need for £3million of additional Scottish Government transition funding to support the delivery of the plan over the period 2019-2024. The Scottish Government have provided two awards for the delivery of the RRTP, £302,000 for 2019/20 and a further £313,000 for 2020/21. It is anticipated that the Scottish Government allocation to local authorities for 2021/22 will be known over the coming months.

This is significantly below the funding requested. It is anticipated that the Scottish Government allocation to local authorities for 2021/22 will be known over the coming months.

The Scottish Government have indicated that whilst they regard RRTPs as locally owned and the responsibility of local authorities and their partners, they have requested an annual update of the RRTP be submitted to the Scottish Government by 30th June 2020. The plan has been prepared against the backdrop of the COVID-19 pandemic and it is recognised throughout the plan there will be consequences of the pandemic impacting on its delivery during 2020/21. The Scottish Government has also brought forward the implementation date of the extension to Unsuitable Accommodation Order (UAO) by a year to May 2020. Both

of these factors will require ongoing re-engineering of the RRTP in 2020/21.

D.2 RRTP Progress

Progress on the delivery of the RRTP has been collaborative in its operation both at a strategic level through the quarterly meetings of the West Lothian RRTP Board and at an operational level through the associated working groups. Reflecting engagement with partners the working groups have been reduced from four to three by merging activities. All of the West Lothian Registered Social Landlords (RSLs) have played their part by increasing the lets to homeless during 2019/20.

This annual update provides a review of the key factors impacting on homelessness locally, an update on the key statistics for 2019/20, and undertakes analysis of comparisons with 2017/18 and 2018/19. A comparison of the outturn position for 2019/20 against RRTP modelling has been undertaken, in addition to a review of the successes and challenges of the first year. An updated RRTP action plan for 2020/21 is also included.

D.3 RRTP Performance

As part of the monitoring of RRTP's, the Scottish Government through the National Rapid Rehousing Sub-Group has developed a suite of indicators to measure progress on an annual basis. The fourteen indicators are included as Appendix 3 within the RRTP update. A number of significant achievements have been delivered when comparing key figures from 2017/18, 2018/19 and 2019/20 including:

- 83% reduction in the use of B&B/Hotel for emergency accommodation from 77 places at 31 March 2019 to 13 places at 31 March 2020;
- 3.4% reduction in the number of homelessness presentations by between March 2019 and March 2020;
- 11% increase in percentage of social rented lets to homeless up from 54% in 2017/18 to 65% in 2019/20;
- 35% reduction in backlog of homeless cases with a duty to accommodate from 1,061 as of 31 March 2018 to 838 as of 31 March 2019, and to 686 as of 31 March 2020;
- Increase in the number of people found unintentionally homeless with a decrease in loss contacts and people found intentionally homeless;
- Decrease in length of stays in Temporary Tenancies from 98.2 days in 2018/19 down to 88.2 days in 2019/20;
- Decrease in breaches of the UAO from 89 in 2018/19 down to 26 in 2019/20;
- Tenancy sustainment for homeless applicants has increased from 87% in 2018/19 to 89% in 2019/20;
- Establishment of the Flexible Fund assisting 12 homeless households in 2019/20 to access private rented sector;
- Commencement of a Housing First Co-ordination and Review Team and a Housing First Service targeting 10 people with addictions/mental health delivered through a Public Sector Partnership, and
- Recruitment of additional Housing Options Officers and Tenancy Support Officers.

D.4 Unsuitable Accommodation Order (UAO)

On 5 May 2020 legislation was laid in parliament that amended the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. The changes were

announced by the Programme for Government in September 2019 and were originally to be implemented by May 2021, however the Scottish Government advised recently that they have been brought forward in direct response to the Coronavirus outbreak.

The amendments mean that any household placed in unsuitable temporary accommodation, including Bed and Breakfast accommodation for longer than 7 days will constitute a statutory breach. The Minister for Local Government, Housing and Planning gave a commitment to work with local authorities to develop the UAO guidelines and definitions as well as offering support to local authorities who have identified that meeting the order will be challenging. A Local Authority working Group, co-chaired by the Minister and COSLA has been established with Head of Service Housing, Customer and Building Services representing the council at the first meeting on the 27 May 2020.

A number of additional amendments have been made to the order which include additional exemptions to allow the use of:

- small scale shared temporary accommodation where it is a choice;
- community hosting, and
- rapid access accommodation for rough sleepers

Additional reasons to deem accommodation as unsuitable have also been added which include accommodation is not in the locality of the place of employment of a member of the household, considering the distance of travel by public transport or transport provided by a local authority and accommodation is not suitable for visitation by a child who is not a member of the household and in respect of whom a member of the household has parental rights.

A temporary extension has been provided to the Order until 30 September 2020 to allow the use hotel/B&B accommodation where it is the best option to allow people to either self-isolate or adhere to social distancing guidelines. However as of 1 October 2020, any household who occupies temporary accommodation that does not meet the amended UAO for longer than 7 days will constitute a breach.

The council has made significant progress in Year 1 of the delivery of the RRTP in reducing the number of statutory breaches of the UAO for families and pregnant women as well as reducing the use of B&B accommodation by all homeless people. COVID-19 has directly resulted in the need to use B&B accommodation due to the lack of through put of households in temporary accommodation into settled accommodation. The council is also experiencing an increase in demand from people fleeing domestic abuse or being asked to leave the households.

D.5 RRTP Scenarios

One of the main aims of rapid rehousing is to improve flow by increasing offers of permanent accommodation to homeless households thereby reducing the backlog of open cases and improving the through put in temporary accommodation. Remodelling of the original scenario show that there are not enough lets to meet new demand, due the impact of COVID 19 and the anticipated impact of the implementation of the UAO.

A revised set of three updated scenarios have been developed as shown in Appendix 2 within the RRTP update. Each of the scenarios assumes an increase in demand and a potential decrease in permanent lets as a result of the pandemic.

- **Current Scenario:** This scenario assumes the agreed lets to homeless targets, averaging 69% in Years 1 and 2 (2019/20 and 2020/21) in the original RRTP remain. Against a backdrop of an increase in demand and a potential decrease in permanent lets. This results in a 370% increase in the use of B&B accommodation and 370% increase in open cases over the remainder of the plan period.
- **Scenario 1:** This scenario assumes that there is a continuation of the increase in demand for Year 2 and a decrease in lets available. The scenario assumes a decrease in demand by 5% per annum in Years 3 to 5 (2021/22 to 2023/24). This scenario also assumes that there is no new build or open market acquisitions in Year 5 (2023/24).

The council would increase its target lets to homeless from 75% to 87.5% for 2020/21 and to 62.5% for 2021/22 and then reducing to 50% for the remainder of the plan. RLS would increase lets from current agreements to 55%, subject to negotiations with RSL Partners

Under this scenario, by increasing the lets to homeless over the next 24 month period would result in a slower rise in the numbers of open cases, and self-accommodation cases over the remainder of the plan period.

- **Scenario 2:** This scenario assumptions are the similar to Scenario 1, with the only change being the assumption of a new build and open market purchases programme of 74 units in year 4 and 225 units in year 5. The proposed lets to homeless are the same as Scenario 1

Under this scenario, by increasing the lets to homeless over the next 24 month period would result in a sustained reduction in the number of people requiring emergency B&B accommodation across the remaining term of the plan.

The preferred position for implementation is Scenario 1 as it is considered the most likely to be delivered due to uncertainties with new build programmes in the last two years of the RRTP. This requires a significant increase in the overall percentage of social rented lets to homeless households from 69% to 75%, but would result in a significantly lower use of B&B accommodation and help with reducing the backlog of open cases.

It should be noted that discussions are ongoing with RSL partners on the proposed increase in lets to homeless. Agreed target lets to homeless and projections will be monitored on a monthly basis and reported to the RRTP Board quarterly.

D.6 Budget Pressures

The council has an annual budget for emergency B&B accommodation and additional provision has been made within this budget for 2020/21 which will help deal with the projected rise in homeless presentations due to COVID19. The budget will revert to normal provision from 2021/22 onwards and will provide for an average of 34 B&B emergency accommodation spaces each night.

Scenario 1 of the RRTP modelling shows that there is likely to be a pressure on the emergency accommodation budget in year 5 when the projected number of people requiring this type of accommodation is higher (49) than what is budgeted for.

D.7 Challenges and Priorities

Whilst good progress is being made on the delivery with the RTTP, the public health crisis and meeting the requirements of the UAO by 30th September 2020 will impact on the delivery of the plan.

As part of modelling assumptions detailed in Section D.5, an increase in homeless presentations is projected for 2020/21 due to COVID-19. The reduction in letting of void properties during lock down as well as the closure of the construction industry as had an impact on through put in temporary accommodation. This has resulted in an increasing trend to use B&B accommodation again since March 2020 as well as the backlog of homeless open cases increasing.

The decision by the Scottish Government to bring forward the commencement of the UOA to May 2020 will increase the pressures on demand for suitable temporary accommodation at a time when throughput has slowed and service delivery changes to meet public health requirements to ensure the safety of customers and staff.

D.8 Resources

The RRTP identified the need for £3million of additional Scottish Government transition funding to support the delivery of the plan over the period 2019-2024. The Scottish Government have provided two awards for the delivery of the RRTP, £302,000 for 2019/20 and a further £313,000 for 2020/21. It is anticipated that the Scottish Government allocation to local authorities for 2021/22 will be known over the coming months.

In addition to the Scottish Government resources, the West Lothian Drug and Alcohol Partnership have provided £240,000 towards the provision of the Housing First project for people with mental Health/Addictions.

Supplementing the ADP and Ending Homelessness Together fund allocations, there are commissioned resources through West Lothian Integration Joint Board (IJB) and voluntary sector which impact on the delivery of the RRTP to the value of £2.5million.

The majority of resources are being utilised to support additional staff and services including mediation and Housing First, to shift further to a homeless prevention approach. Due to COVID-19 and the UAO, a review of unallocated resources will be undertaken to ensure resources are targeted key activities.

D.9 Next Steps

The next six months will be an important stage in the delivery of the RRTP as we continue to progress out of COVID19 lockdown and improve our understanding of impact of the UAO requirements. The service will continue to engage with partners and homeless customers to continue to refine and target services and monitor progress. Any further Scottish Government resource allocations will allow the RRTP to be re-engineered which will be considered at future updates to the council.

Date	Action
12 th June	Consultation with Services for the Community PDSP
23 rd June	Council Executive
30 th June	Submission to Scottish Government

E. CONCLUSION

Positive progress has been made on the delivery of the West Lothian RRTP, against a back drop of lower than expected funding through the Ending Homelessness Together fund.

The backdrop of COVID19 and predicted increase in homeless presentations in 2020/21 along with the significant challenges of the UAO on the suitability of temporary accommodation will present further challenges to the service and its partners as we seek to provide a sustainable solution to homelessness locally.

F. BACKGROUND REFERENCES

- Reports to Services for the Community PDSP on the 10 December 2019, 19 March 2019 and 11 June 2019.
- Report to Council Executive on 25 June 2019

Appendices/Attachments: Appendix 1: RRTP Update 2020/21

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Annmarie Carr

Head of Housing Customer and Building Services

23 June 2020



**West Lothian
Council**

**Appendix 1: Rapid Rehousing Transition Plan
Update
2020/2021
(Draft)**

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1. Executive Summary

The provision of a 5-year Rapid Rehousing Transition Plan (RRTP) for each of Scotland's 32 Local Authorities covering the period 2019-2024 was regarded as a key pillar in the delivery of the Ending Homelessness Together Plan.

Recognising that RRTPs and their actions are locally owned by the council and its partners and is seen as a dynamic living document, the Scottish Government have sought an update of the RRTP on an annual basis. This report provides the inaugural annual update for the first year 2019/20.

The progress on the delivery of the RRTP has been collaborative, both at strategic level through the quarterly meetings of the West Lothian RRTP Board and at an operational level through the associated working groups.

This annual update provides a review of the key factors impacting on homelessness locally, an update on the key statistics for 2019/20, and undertakes analysis of comparisons with 2017/18 and 2018/19. A comparison of the outturn position for 2019/20 against RRTP modelling is included, in addition to a review of the successes and challenges of the first year. An updated RRTP action plan for 2020/21 is also included.

The plan has been prepared against the backdrop of the COVID-19 pandemic and it is recognised throughout the plan that consequences of the pandemic will impact on the overall delivery during 2020/21. The Scottish Government has also brought forward the implementation date of the extension to Unsuitable Accommodation Order (UAO) by a year to May 2020. Both of these factors will require ongoing re-engineering of the RRTP in 2020/21.

To reflect COVID-19 and the UAO, adjustments have been made to the original modelling assumptions for year 2 of the RRTP in terms of increase in demand for housing assistance and increasing demand for temporary accommodation. Over the same period assumptions have been made to reflect the slowdown in new build completions across the housing sector as well as a reduction in social lets.

During 2020/21 the RRTP will seek to strengthen homelessness prevention by improving the Housing Options offering across all partners and by greater engagement with the private sector. We will continue to maximise the lets to homeless through achieving agreed targets and expand our Housing First provision.

2. Introduction and Purpose

The RRTP sets out the vision, strategic direction and detailed action plan for the delivery of a rapid rehousing approach to homelessness.

Through a partnership vision of “Working Together”, West Lothian Council, West Lothian IJB, Registered Social Landlords (RSLs) and the voluntary sector, aim to reduce homelessness through early intervention and prevention. Through the provision of consistent advice and information, we will strive to work with people to offer a range of housing options to find a settled home with access to services and support mechanisms. Where homelessness does occur, we will work with people to ensure they are housed as quickly as possible with reduced lengths of stay in temporary accommodation. This vision is underpinned by 4 high level actions:

- Increase focus on early intervention, prevention and housing options to stop homelessness happening in the first place;
- Improving access to affordable housing options and reducing lengths of stay in temporary accommodation by improving the flow through the system diverting away from the use of B&B Accommodation;
- To ensure where homelessness does occur that housing options are focused on enabling households to navigate through the system as quickly as possible;
- Implement actions required to ensure people have access to the required levels of support.

The RRTP sets out the case for £3million investment from the Scottish Government over the lifetime of the plan to support the transition through the Scottish Government Ending Homelessness Together Fund. To date funding allocations for 2019/20 and 2020/21 have been awarded as shown in Table 1. Funding has been considerably lower than requested which has resulted in the council and partners having to reprioritise activity and significantly reduce the actions required to fully deliver the plan.

Table 1: RRTP Funding request to the Scottish Government 2019/20-2023/24

	Year 1 (2019/20)	Year 2 (2020/21)	Year 3 (2021/22)	Year 4 (2022/23)	Year 5 (2023/24)	Total
Request	£746,000	£955,000	£952,000	£290,000	£57,000	£3,000,000
Awarded	£302,000	£313,000	TBA	TBA	TBA	£615,000
Funding Shortfall	£444,000	£642,000	£952,000	£290,000	£57,000	£2,385,000

The purpose of this first annual update of the West Lothian RRTP 2020/21 is to review overall progress of Year 1 against targets. The update will provide:

- A review of the key factors impacting on homelessness locally,
- Updates on the key statistics and undertake analysis of comparisons with 2017/18 and 2018/19
- Compare the outturn position for 2019/20 against RRTP modelling,
- Consider the impact on homelessness services as a result of COVID-19 and
- Review and update the action plan for 2020/21.

The impact of the COVID-19 pandemic on health, housing and the local economy cannot at this stage be fully quantified however it is expected to place significant additional pressure on scarce resources in several policy areas including affordable social housing and demand for homeless services. Alongside this COVID-19 will have the potential to result in major changes in the operational delivery

Appendix 1

of services due to increase in demand from violent and non-violent people, being asked to leave and affordability issues which continues to be a significant challenge within West Lothian.

It should be noted as part of this update, the council has not fully assessed the potential impact of complying with the extension of the Unsuitable Accommodation Order (UAO) to all homeless applicants, implementation of which has been brought forward from May 2021 to May 2020. Whilst supportive of the principles of the UAO, the timescale for delivery will be extremely challenging for the council given the previous high use of bed and breakfast and the likely increase in homeless presentations anticipated as a result of the pandemic.

It is recognised that the imbalance between affordable supply and demand of social housing lies at the root cause of homelessness in West Lothian. To support the delivery of the RRTP proposed changes to the councils housing allocation policy will be necessary, and the council has agreed to a consultation on a revised policy. The results of the consultation will be considered by the council later in the year.

3. Economic Context

Material poverty remains a significant issue for many households and communities locally. West Lothian, similar to other parts of Scotland recovering from the impact of the credit crunch and subsequent recession with substantial job losses and a rise in local levels of unemployment, now has to deal with the economic impact of COVID-19.

Unemployment at local authority level is measured by the proportion of working age people not in work. In West Lothian this is 4.8% for April 2020 up from 2.8% in April 2019, compared to 5.4% Scotland for April 2020 and 3.1 % for April 2019.

It is worth noting the significant impact of COVID19 lockdown on the numbers claiming unemployment benefit since March 2020 (5,620 claimants in April compared to 3,450 claimants in March).

All of the economic projections on the impact of COVID-19 anticipate significant rises in unemployment during 2020/21. The Institute for Social and Economic Research (ISER), Jobs at Risk Ranking, April 2020 identifies 19,086 jobs at risk in West Lothian through the impact of COVID-19.

Headline unemployment level has risen since March 2018 from 1.9% to 3.0%, and there are still underlying issues of poverty and deprivation with a core of individuals and households experiencing extreme hardship and wider groups experiencing financial difficulties and challenges.

Low pay as well as unemployment continue to be key factors. Gross wage levels for West Lothian (both residence and workplace) are below the Scottish and UK levels. An estimated 18% of West Lothian working residents earn below the living wage level of £8.25 per hour compared to 19% for Scotland as a whole. The West Lothian Anti-Poverty strategy 2019-2024 identifies that 25% of all households have an overall income of less than £16K per annum and 38% have an overall household income of less than £20,000 per annum. This will increasingly drive people to regard council and RSL housing as the main affordable options for this significant cohort of people.

The Scottish Index of Multiple Deprivation (SIMD) identifies small concentrations of deprivation across all of Scotland in a consistent way. From the latest 2020 SIMD, there are now 21 West Lothian Datazones in the 15% most deprived in Scotland, an increase of 5 from 2016. Therefore, the total population living in datazones in most deprived 15% is now 15,700 which accounts for 8.7% of the total West Lothian Population.

4. Factors influencing the RRTP

4.1. Housing Tenure in West Lothian

The pattern of housing tenure in West Lothian is similar to that of Scotland but with a higher level of Local Authority rented stock. In 2018 there were estimated to be 79,000 dwellings in West Lothian. Table 2 shows that of these 62% were owner occupation, 11% private rented, 17% local authority, 9% housing associations with 2% of the estimated stock being vacant private dwellings. The overall housing stock between 2017 and 2018 is broadly comparable at 79,000 dwellings. However, there are some significant changes within overall figures in that the private rented sector has declined from 12,000 to 8,000, a 33% decrease compared to a 5.5% decrease nationally over the same period. The owner occupation sector has grown from 47,000 to 49,000 houses, an 8% increase compared to 2.5% increase nationally.

Table 2: National and West Lothian Estimated Stock of Dwellings by Tenure (2018)

Dwelling Type	West Lothian (000s)	West Lothian (%)	Scotland (000s)	Scotland (%)
Local Authority Rent	13	17%	314	12%
HA Rent	7	9%	282	11%
Owner Occupied	49	62%	1,541	59%
Private Rented Sector	8	11%	371	14%
Vacant Private Dwellings	2	2%	97	4%
Total	79	100%	2,585	100%

Source: <https://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HSfS/Stock/>

In 2019, West Lothian had a social rented stock of 21,375 units provided by the council and a range of national and local housing associations.

West Lothian Council's social rented housing stock was 14,016 homes as of December 2019 which represents approximately 66% of the total social rented stock available.

RSLs in West Lothian social rented housing stock was 7,359 homes which represents 34% of the total social rented stock available.

4.2. Applications for Housing

At the end of March 2020 there were 7,999 applicants on the West Lothian Housing Register compared to 8,301 at the end of March 2019, a reduction of 3.6%. Table 3 below provides a breakdown of priority group for housing applications and changes since the first RRTP was finalised. Between September 2018 and March 2020, Unsatisfactory Housing applications have increased by 5%, Homeless applications have reduced from 8% to 7% and transfer applications and general need applications have also decreased. Further analysis of the 7,999 advises that 3,329 (42%) had no housing needs points (this includes homeless applicants as they don't have points) or 2,792 (35%) which does not include homeless applicants.

Table 3: Reason for Housing Applications (September 2018 - March 2020)

Group	September 2018	March 2019	March 2020
Homeless Applicant	8%	6%	7%
Transfer Applicant	20%	19%	18%
General Needs Applicant	46.5%	47%	44%
Unsatisfactory Housing	19%	21.5%	26%
Housing with Care	1.5%	1.5%	1%
Outwith West Lothian	5%	5%	4%
Total	100%	100%	100%

Source: internal information held by WLC

4.3. Private Rented Housing in West Lothian

In West Lothian, there has been a mixed pattern in the private rented sector. Between 2013 and 2018 the number of registered private landlords rose from 4,107 to 5,465. However, since 2018 the number of private registered landlords has reduced to 5,099 as at March 2020. The number of registered properties in the private rented sector has followed a similar trend, increasing from 7,215 in 2013 to 8,216 in 2018, however has now reduced to 7,520 properties at March 2020.

4.4. Need for Affordable Housing in West Lothian

West Lothian Local Housing Strategy (LHS) 2017-2022 identified both affordable and market housing supply targets based on Housing Need and Demand Assessment (HNDA)². These targets are 300 affordable homes per annum and 333 market homes per annum. Housing supply targets will be reviewed and monitored during the course of the LHS.

A target of 3,000 new affordable homes over the period 2012-2022 has been set in West Lothian and work is ongoing with RSLs to achieve this target. Over the period 2012/13 to 2017/18 a total of 1,032 affordable homes have been provided leaving a balance of 1,968 to be provided between the council and RSLs by end of 2021/22.

Table 4: All Tenure new build completions 2012/13 -2017/18 and 2018/19-2019/20

	2012/13-2017/18	2018/19	2019/20
WLC New Builds	804	361	315
RSL New Builds	228	55	110
Sub Total	1,032	416	425
Private Completions	2,939	631	683
Total	3,971	1,047	1,108

Source: WLC LHS 2017-2022

4.5. Increasing Affordable Housing Supply

The current Strategic Housing Investment Plan (SHIP) 2020-25 identifies sites for up to 2,949 affordable homes over the five-year period 2019/20 to 2024/25. This includes 270 homes for Mid-Market Rent and 93 for shared equity. The Scottish Government has provided Resource Planning Assumptions (RPAs) to support the delivery of affordable housing. The RPA for 2020/21 is £14.690 million. Indicative figures may be available later this year but future funding will not be able to be confirmed until after the Scottish Parliament elections in 2021. In developing the RRTP it is clear that significant additional affordable housing supply will be required by 2025 to meet local demand. Due to a lack of Scottish Government long term commitment to new build provision and grant funding this requires to be considered a major risk to the delivery of the RRTP.

Table 5: New Build Affordable Completions and Projections

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Total
RSL	55	110	103	283	0	0	551
WLC	361	315	38	158	151	0	1,022
Total	415	425	141	441	151	0	1,573

*above figures exclude market acquisitions and mortgage to rent. Source: WLC internally held data

4.6. Open Market Acquisitions

In addition to new build affordable housing, the council and RSLs also acquire homes on the open market.

Table 6: Open Market Acquisitions by West Lothian Council

Year	Number of Units
2012/13 - 2015/16	66
2016/17	45
2017/18	38
2018/19	73
2019/20	35
2020/21	33
2021/22	45
Total	335

Source: WLC internally held data

There have also been a further 21 acquisitions concluded by RSLs during 2012/13-2018/19.

The open market acquisitions have been successful in quickly increasing the available social rented stock to reflect housing needs – Livingston, Bathgate, larger family properties as well as properties to meet medical needs.

During 2019/20, 35 acquisitions were completed by the council and it is proposed that a further 33 acquisitions will be purchased in 2020/21.

5. West Lothian Homeless Position

5.1. West Lothian Homeless Profile

Summary Homeless Position 2019/20

1,469 total homeless applicants in West Lothian in the year

1,157 households where West Lothian Council has a duty to provide settled accommodation, defined here as unintentionally homeless

674 homeless open case with a duty to house as of 31st March 2020

186 households Sleeping Rough at least once in the last 3 months

The following section provides a breakdown and analysis of key homeless statistics from 2017/18 to 2019/20 to provide a homeless position after Year 1 of the West Lothian RRTP. It should be noted that the information for Quarter 4 in 2019/20 has yet to be validated by the Scottish Government with figures being obtained from internal council reports and may be subject to amendment.

5.2. Homeless Applications

Table 7 below demonstrates that compared to 2018/19 there has been a 3.4% reduction in homelessness where by applications have fallen from 1,516 in 2018/19 to 1,469 in 2019/20. Since 2017/18 there has been a 3.1% reduction in homeless applications. This compares to an 11% increase in applications over the period 2013/14 to 2017/18.

Table 7: West Lothian Homeless Applications 2017/18-2019/20

Homeless Applications	2017/18	2018/19	2019/20	Number change 18/19 – 19/20	% change 18/19 – 19/20
Total	1,527	1,516	1,469	-47	-3.1%

Source: HL1 report

5.3. Age Profile and Household Composition

Table 8 below shows that there has been a reduction in homeless applicants between 2018/19 and 2019/20 from all age groups with the exception of 16/17 year olds which has remained static and 18 – 25 year olds which has saw an increase of 0.2%. Table 8 shows that the largest group of applicants continues to be from 26 – 59 year olds reaching 64.3% of all applicants in 2019/20 compared to 65.4% in 2018/19. This is a decrease of 4.6% whilst overall applications have decreased by 3.1%. The 25s and under age group remains the second largest group of applicants ranging from 31.2% in 2018/19 to 32.2% in 2019/20.

Table 8: Age Profile of Homeless Applicants 2017/18 to 2019/20

	2017/18		2018/19		2019/20		Number change 18/19 – 19/20	% change
	West Lothian		West Lothian		West Lothian			
16 to 17 yrs	79	5.2%	71	4.7%	71	4.8%	0	0%
18 to 25 yrs	458	30%	401	26.5%	402	27.4%	+1	+0.2%
26 to 59 yrs	945	61.9%	991	65.4%	945	64.3%	-46	-4.6%
60 yrs plus	45	2.9%	53	3.5%	51	3.5%	-2	-3.8%
Total	1,527		1,516		1,469		-47	-3.1%

Source: HL1 report

Homeless applications from single people in West Lothian continue to make up the vast majority of applications. In 2019/20 65.6% of applications were from single people which was the same as 65.6% in 2018/19. It should be noted that there has been a 4.7% decrease from single men presenting as homeless while an increase of 0.7% in single females. Single parents make up the second largest group of applicants consisting of 21.9% in 2019/20 compared to 21.3% in 2018/19. There has been a reduction in applications from single parent females by 7.5% however applications from single parent males has increased by 44.2%.

Table 9: Household Composition of Homeless Applicants

Household Types	2017/18	2018/19	2019/20	No change 2018/19 – 2019/20	% change
Single Person: Male	658	706	673	-33	-4.7%
Single Person: Female	279	288	290	+2	+0.7%
Total Single Person	937	994	963	-31	-3.1
Single Parent: Male	60	43	62	+19	+44.2%
Single Parent: Female	276	280	259	-21	-7.5%
Total Single Parent	336	323	321	-2	-0.6%
Total Apps Single Person Households	1,273	1,317	1,284	-33	-2.5%
Couple without children	110	90	92	+2	+2.2%
Couple with children	126	90	82	-8	-8.9%
Other without children	7	6	4	-2	-33.3%
Other with children	11	13	7	-6	-46.2%

Source: HL1 report

5.4. Reasons for Homeless Applications

Asked to leave continues to be the most prevalent reason for people making a homeless application although this has decreased by 14.0%. Household dispute has increased by 7.3% and violent household dispute has increased by 2.1%. These increases in 2019/20 can be attributed to the fact that extensive staff training has been carried out on the quality of recording. This took place in November 2019. We fully expect to continue to see a decrease in Asked to Leave and increases in Relationship Breakdowns, which will bring West Lothian in line with national averages. Table 10 provides a breakdown of the top 3 reasons for homelessness.

Table 10: Reasons for Homelessness

Reason West Lothian (Top 3)	2017/18		2018/19		2019/20	
	No	%	No	%	No	%
Asked to leave	703	59.1%	903	54.8%	600	40.8%
Household Dispute (non-violent – non abusive)	225	10%	153	13.3%	302	20.6%
Household Dispute (violent – abusive)	140	9.1%	139	10.6%	187	12.7%

Source: HL1 report

5.5. Rough Sleeping

West Lothian traditionally does not have any visible street rough sleepers however applicants will advise that during the 3 months prior to their application they may have slept in a car, stairwell or factory for example. Table 11 provides a comparison of applicants who have stated they slept rough at some point 3 months prior to their application and or the night before their application. Both indicators show an increase of 17.7% for those who slept rough in the last 3 months and 14% for those who slept rough the night before.

The Housing Need Service will be embarking on a forthcoming Housing Options campaign to raise awareness of homelessness and housing options to encourage applicants to seek early assistance and highlight where assistance can be sought to anyone who might find themselves either at risk of homelessness or homeless.

Table 11: Rough Sleeping in West Lothian 2017/18-2019/20

	2017/18	2018/19	2019/20	Number change 2018/19 – 2019/20	% change
Rough Sleepers 3 months	163	158	186	+28	+17.7%
Rough Sleepers Night Before	112	100	114	+14	+14%

Source: HL1 report

5.6. Prison Discharge

Table 12 shows that there has been a significant percentage increase in prison leavers presenting as homeless however when reviewing the numbers this equates to 12 people. The council continues to work with prisoners prior to release to discuss their housing options and works in partnership with the Scottish Prison Service and Criminal Justice to prevent homelessness in line with the national approach.

Table 12: Prison Leavers presenting as homeless 2017/18-2019/20

	2017/18	2018/19	2019/20	Number change 18/19 – 19/20	% change
Prison Leavers	15	10	22	+12	+120%

Source: HL1 report

5.7. Homeless Assessment Decisions and Outcomes

Despite overall homeless applications decreasing from 1,516 in 2018/19 to 1,469, Table 13 shows that there has been an increase in those applicants found to be homeless and therefore where there is a duty to provide temporary and permanent accommodation. So whilst applications are lower in 2019/20 there is a higher duty to provide temporary and permanent accommodation. Applicants found to be unintentionally homeless have increased by 14.2% whereas lost contact before decision has positively decreased by 38.9%.

Table 13: Homeless Assessment Decisions 2017/18-2019/20

	2017/18	2018/19	2019/20	Number change 2018/19 – 2019/20	% change
Assessments – Unintentional	1,185	1,013	1,157	+144	+14.2%
Assessments – Intentional	58	79	64	-15	-19%
Lost Contact Pre-decision	128	157	96	-61	-38.9%

Source: HL1 report

5.8. Homelessness Case Duration

Over the period 2018/19 to 2019/20 the average case duration of a homeless (unintentional case) has reduced from 48.8 weeks to 39.7 weeks as shown in table 14

Table 14: Homeless Case Duration 2017/18- 2019/20

Average HL1 Case Duration (weeks)	2017/18	2018/19	2019/20
Homeless Unintentional	45.0	48.8	39.7

Source: HL1 report

5.9. Tenancy Sustainment and Repeat Homelessness

West Lothian traditionally has a high rate of sustainability and achieves good positive outcomes by offering high standards of permanent accommodation and appropriate housing support where required. Table 15 below provides a breakdown of sustainment between 2017/18-2019/20, and shows that in 2019/20 there was a slight improvement in sustainability across all housing applicant groups when compared with 2017/18 and 2018/19.

Table 15: Tenancy Sustainment

Year	Homeless Applicants	Transfer Applicants	General Need Applicants
2017/18	87%	96%	90%
2018/19	87%	96%	86%
2019/20	89%	98%	94%

Source: Insight Reports

5.10. Repeat Homelessness

West Lothian has traditionally had a low level of repeat homeless and this continues as can be seen in table 16. During the period 2018/19 to 2019/20 repeat homelessness has reduced by 40%. Table 16 below illustrates that there was a spike in repeat presentations between 2017/18 and 2018/19 which reduces in 2019/20, but not to the levels of 2017/18.

Table 16: Numbers of repeat homeless cases 2017/18-2019/20

	2017/18	2018/19	2019/20
Numbers of repeat homeless	10	27	16

Source: HL1 report

5.11. Youth Homelessness

At 19.2 per 1,000 households, West Lothian has the third highest rate of youth homelessness in Scotland and has a history of significant numbers of homeless presentations by young people. It is recognised however that the reported figures underestimate the true picture of youth homelessness as many young people who may be “sofa surfing” do not approach the council for assistance. Table 17 below provides information on applications aged 16-25 years old. Although the percentage of overall applications from young people has been reducing it remains consistently higher than the national average and one of the key priorities for the west Lothian RRTP.

Table 17: Homeless Applications by 16-25 years olds

Year	West Lothian Applicants (16-25 years)	West Lothian % of Homeless Applicants 16- 25 years	National % of Homeless Applicants 16 – 25 years
2017/18	536	30.5%	28%
2018/19	472	31.1%	24%
2019/20	473	32.2%	TBC

Source: Scottish Government West Lothian specific HL1 annual reports & Scottish government Homeless annual statistics publications, supplementary tables and charts

5.12. Homelessness Prevention and Homeless Outcomes

Prevention of homelessness is fundamental in the delivery of the RRTP and reducing homelessness. During the period 2018/19 to 2019/20 homeless prevention cases have reduced by 31.9%, although have increased overall by 4.9% since 2017/18 as shown in Table 18. Increasing the level of homeless prevention cases will be a key action in 2020/21 and during the remainder of the plan period.

Table 18: Homeless Prevention 2017/18-2019/20

	2017/18	2018/19	2019/20
Prevent1 Approaches	731	1,127	767

Source: HL1 Insight reports

The most common prevention outcomes are 'Remained in Current Accommodation', which has increased significantly from 30% in 2017/18 to 49.7% in 2019/20 and 'Made Homelessness application to LA' which has increased from 39.3% in 2017/18 spiking at 51.1% in 2018/19 and then reducing to 31.1% in 2019/20. The top 5 prevention outcomes are shown in Table 19.

Table 19: Top 5 Homeless Prevention Outcomes

Prevent1 Outcomes	2017/18		2018/19		2019/20	
	Number	%	Number	%	Number	%
Moved-in with friends/relatives	40	5.2%	45	4.2%	43	5.5%
Not known	40	5.2%	52	4.8%	24	3.1%
Lost contact with applicant	46	6.0%	8	0.7%	15	1.9%
Remained in current accommodation	233	30.3%	336	31.2%	386	49.7%
Made homelessness application to local authority	302	39.3%	550	51.1%	241	31.1%
All	769		1076		776	

6. West Lothian Homeless Demand v Supply Gaps Analysis

Summary Position Homeless Demand Vs Supply

1,157 homeless unintentional demand cases in 2019/20
674 homeless live cases (backlog) as of 31/03/2020
161 lost contacts and refusals
981 social lets available in 2019/20 (excluding RSL specialist provision)
953 (65%) social lets went to statutory homeless households in 2019/20

The number of Open Cases at the end of March 2020 is lower than what was projected within the original RRTP (772). This is primarily a result of a reviewing all open cases and closing of a large number of outstanding historic cases. The demand in Year 1 of the RRTP was 8% higher than what had originally been projected, despite an overall decrease in the number of Homeless Presentations throughout the year.

The number of applicants achieving a permanent outcome to their homeless application throughout the year was 981, which was 26 short of the original target. The main reason for this was the overall percentage of lets going to homeless applicants. Both the council and RSL's, achieved an overall 65% lets to homeless which was lower than the 69% agreed in the original RRTP. Appendix 1 shows the full performance vs target figures for year 1.

A baseline position (Year 0) was developed to identify the total gap in social lets in 2018/19 of 819. This consisted off the unintentional homeless demand for 2017/18 plus the total number of open cases at the end of March 2018. Using the outturn figures for end of 2019/20, Table 20 shows that compared with baseline position from 2018/19, the position below shows a gap in social rented stock of 674 at the end of March 2020.

Table 20: Demand and Supply Gap Analysis

Demand and Supply Gap Analysis	Year 0	2019/20 Projections	2019/20
Homeless Unintentional Demand Cases	1,165	1,107	1,157
homeless live cases (backlog)	1,061	838	686
Less Contacts and Refusals	117	166	161
Total Homeless Demand	2,109	1,779	1,682
Social lets available	1,290	1,007	981
Gaps in Social Lets	819	772	701

Lets to Homeless

The RRTP identified that to address the demand for accommodation the four main providers of social rent housing agreed a minimum RRTP percentage lets to homeless over the plan period as shown in Table 21.

Table 21: Target Minimum Percentage Lets to Homeless 2019-2024

	2019-20 Target	2019-20 Actual	2020-21	2021-22	2022-23	2023-24
WLC	75 %	71%	75 %	50 %	50 %	50 %
Almond HA	60 %	58%	60 %	50 %	50 %	50 %
Other RSLs	50 %	45%	50 %	50 %	50 %	50 %
Total	69 %	65%	69 %	50 %	50 %	50 %

Lets to homeless have increased from 54% in 2017/18 to 65% in 2019/20, which is recognised as being some of the highest in the country. However, the target of 69% was not achieved which equated to a shortfall of 36 units. In 2019/20 the council let 762 houses, 71% of its stock to homeless compared to 72% in 2018/19. In comparison RSLs let an average of 48% to homeless in 2019/20 which is an increase from 21% of lets to homeless in 2017/18.

As set out in Section 4.2, during 2019/20 there has been a decrease in the General Needs housing lets and a corresponding increase in the Unsatisfactory Housing (UH) lets as seen on Table 3. The lets to UH group has increased and this will be from properties requiring medical applicants due to adaptations and also homelessness prevention work.

Revised Position

One of the main requirements of RRTP's is to improve flow by increasing offers of permanent accommodation to homeless households thereby reducing the backlog of open cases and improving the throughput in temporary accommodation.

Updated scenarios have been modelled, for 2020/21 as shown in Appendix 1. This includes the following assumptions some of which will be impacted as a result of COVID-19.

- Homeless presentations are expected to increase by 12.5% as a direct result of COVID-19
- The backlog of 674 will continue to rise as a result of no lettings in April
- Mainstream lets to homeless will be impacted for the period April to June 2020
- The new build programme will be impacted as sites take time to restart
- Increase in use of private sector as highlighted in the recent CRISIS report "Rapid Rehousing Transition Plans: A Scottish Overview.

These projections will be monitored on a monthly basis and reported to the RRTP Board quarterly. They will assist in developing proposed targets for meeting the RRTP vision of reducing homelessness, reducing use of B&B accommodation and reducing length of stay in temporary accommodation.

Currently there are not enough lets to meet new demand, due to a number of factors including the impact of COVID 19 and the impact of the implementation of the UAO. A revised set of three updated scenarios have been developed as shown in Appendix 2.

Current Scenario

This scenario assumes the agreed lets to homeless targets, averaging 69% in Years 1 and 2 (2019-21) in the original RRTP, remain against a backdrop of the impact of COVID 19 which projects an increase in demand and a potential decrease in permanent lets. As a consequence, retaining the currently agreed lets to homeless would result in a 370% increase in the use of B&B and 370% increase in open cases over the remainder of the plan period.

Appendix 1

Within this scenario the council would look increase the number of dispersed Temporary Tenancies throughout years 2 – 5 as a way of limiting the use of emergency accommodation for applicants. Increasing temporary accommodation from RSL partners as well as the private sector would also form part of the programme of increasing temporary accommodation. The knock on effect of this would mean a decrease in stock available for permanent lets.

Scenario 1

This scenario assumes that as a result of the impact of COVID 19 there is a continuation of the increase in demand for year 2 and a decrease in lets available. Like the other scenarios the council would look to increase the stock of temporary accommodation throughout the remaining years of the plan. The scenario assumes a decrease in demand by 5% per annum in Years 3-5 (2021-2024). This scenario also assumes that there is no new build or open market acquisitions in Year 5 (2023-24).

Lets to homeless:

WLC: Increase in target from 75% to 87% for 2020-21 and to 62.5% for 2021-22; 50% for 2022-24.

RLS: Increase in target from 50% to 55% for 2021-22 and 54% for 2021-22.

Under this scenario, by increasing the lets to homeless over the next 18-month period would result in a slower rise in the numbers of open cases, and self-accommodation cases over the remainder of the plan period.

Scenario 2

Scenario 2 projects an allowance is made for additional new build and/or open market acquisitions in Years 4 and 5 as well as an increase in lets to homeless from RSL partners in year 2 and part of year 3.

This scenario assumes that as a result of the impact of COVID 19 there is a continuation of the increase in demand for year 2 and a decrease in lets available. Like the other scenarios the council would look to increase the stock of temporary accommodation throughout the remaining years of the plan. The scenario assumes a decrease in demand by 5% per annum in Years 3-5 (2021-2024). This scenario also assumes a new build or open market purchases programme in Years 4 & 5 of 74 units in year 4 and 225 units in year 5.

Lets to homeless:

WLC: Increase in target from 75% to 87% for 2020-21 and to 62.5% for 2021-22; 50% for 2022-24.

RLS: Increase in target from 50% to 55% for 2021-22 and 54% for 2021-22.

Under this scenario, by increasing the lets to homeless over the next 18- 24 month period would result in a sustained reduction in the number of people requiring emergency B&B accommodation across the remaining term of the plan.

The updated scenarios for year 2 onwards (2020-2024) have assisted in developing proposed targets for meeting the RRTP vision of reducing homelessness, reducing use of B&B accommodation and reducing length of stay in temporary accommodation.

The preferred scenario for implementation is Scenario 1 which increases the percentage of social rented lets to homeless households from 69% to 77% and will result in a significantly lower use of B&B Accommodation as emergency accommodation and allow the council to work towards complying with the UAO.

The council has an annual budget for emergency B&B accommodation and additional provision has been made within this budget for 2020/21 which will help deal with the projected rise in homeless

Appendix 1

presentations due to COVID19. The budget will revert to normal provision from 2021/22 onwards and will provide for an average of 34 B&B emergency accommodation spaces each night.

Scenario 1 of the RRTP modelling shows that there is likely to be a pressure on the emergency accommodation budget in year when the projected number of people requiring this type of accommodation is higher (49) than what is budgeted for.

Both of the scenarios result in a significant increase in the lets to homeless by the council and RSLs over the next 18 month period as shown on Table 22.

Table 22: Revised Minimum Percentage Lets to Homeless 2019-2024

	2019-20 Target	2019-20 Actual	2020-21	2021-22	2022-23	2023-24
WLC	75 %	71%	87.5 %	63 %	50 %	50 %
Almond HA	60 %	58%	68 %	68 %	50 %	50 %
Other RSLs	50 %	45%	75 %	63 %	50 %	50 %
Total	69 %	65%	77 %	65 %	50 %	50 %

Going forward into Year 2 of the RRTP the council and RSLs will seek to increase the commitment to meeting their individual targets to reach the agreed average target of a minimum of 77% social lets to homeless as shown in Table 22, and negotiations are underway with the RSLs to increase their lets to homeless to 75%.

However, as a result of COVID-19 lets have been suspended since 23 March 2020 and at the time of writing have yet to resume. To continue to achieve the 77% target over the whole of 2020/21 may require a higher level of lets to homeless once the letting restrictions have been lifted.

7. West Lothian Temporary Accommodation Provision

Summary Position 31/03/2020

81.5% of accommodation is temporary mainstreamed furnished flats/houses provided by the local authority, RSLs or PSL

65% of main stream furnished flats/houses are provided by the council

7% of temporary accommodation is hostel type accommodation

16% of temporary accommodation is supported accommodation for vulnerable people

7% of temporary accommodation is bed and breakfast, a 1% decrease from 31.3.2018

3% of temporary accommodation is self-contained flats/shared flats at Blackburn Assessment Centre

Table 23 below shows that between 31 March 2018 and 31 March 2020, there has been an increase in the provision of temporary accommodation from a capacity of 549 units to 622 units with a peak during 2018/19 of 638. There has been an increase in Local Authority temporary stock over the last 3 years as well as accommodation from the private sector.

Prior to March 2017, the council had managed to minimise the use of B&B/Hotel accommodation and historically had only used this type of emergency accommodation as a last resort. However there has been a rise in the use of this type of accommodation over the last 3 years with a peak coming in 18/19 when an average of 99 B&B rooms were used through the year. This figure dropped by 28% through to the end of March

This has in the main been the result of increase in percentage lets to homeless, with reduced length of stay as well as the increase in alternative temporary accommodation through council stock and PSL properties.

Pre COVID-19 there had been progress with low rates in the use of B&B accommodation, no cases in breach of unsuitable accommodation, and implementation of sharing spaces. The recently announced changes to the Unacceptable Accommodation Order by the Scottish Government will have significant implications for the RRTP and is anticipated will require additional temporary tenancies, greater use of the private sector and exploring even higher levels of let to homeless.

Since COVID-19 there has been a reduction in the capacity of Temporary Accommodation in West Lothian due to the move away from sharing spaces during the lock down period. The council have reduced all of the sharing spaces within Blackburn Homeless Unit so tenants are no longer sharing facilities, closed the Young Persons unit at Newlands House as this was all shared accommodation, reduced the spaces within the Open Door Supported Accommodation Hostel to remove the need for sharing facilities and have let all dispersed Temporary Tenancies as single tenant properties.

At the time of writing lock down remains and there is a need to continue to reduce the use of sharing spaces to reduce risks to customers and staff. The council has increased the number of dispersed Temporary Tenancies (TT) from mainstream voids. At the same time the council and partner RSL's are identifying processes to free up temporary accommodation through supporting homeless people to move into their permanent properties where it is safe to do so. As part of the recovery planning

Appendix 1

process the council and its partners are looking to increase lets to homeless, increased dispersed TTs and support homeless people to move.

Table 23: Temporary Accommodation Type and Length of Stay

Temporary Accommodation Type	Capacity 2017/18	Capacity 2018/19	Capacity 2019/20	Length of Stay 2017/18	Length of Stay 2018/19	Length of Stay 2019/20
WLC Ordinary Dwelling	374	403	404	195.5 days	244.2 days	182 days
Housing Assoc/RSL	43	48	54	172.8 days	283.9 days	217.3 days
Private Sector Lease	30	38	49	128.8 days	242.8 days	168.2 days
Hostel WLC Owned	50	50	44	56.4 days	89.5 days	66.4 days
Bed and Breakfast (Ave per night)	52	99	71	20.7 days	30.3 days	25.8 days
Totals (all)	549	638	622	93.8 days	98.2 days	88.2 days

Source: HL3 report

To improve the temporary accommodation available for young people, the council has approved £4million for the establishment of a new, purpose built supported unit in Livingston. The facility will provide self-contained accommodation and on-site support for 12 young people plus outreach support and self-contained accommodation for a further 12 to 16 young people nearby. The accommodation is situated close to local support services, training, education and employment opportunities as well as amenities and transport links. Construction is planned to begin by January 2021 and complete by November 2021.

Although there has been progress with reducing the length of stay in temporary accommodation, the lack of a small number of large bedroom houses, 4 ,5 and 6 bedroom results in a small number of larger families waiting in temporary accommodation for longer than acceptable periods of time as shown in Table 24. Over the last three years the average time in temporary accommodation for a 5-bedroom property is 728 days and 407 days for a 4-bedroom property compared to 250 days for 3 or less bedroom properties. During the remainder of the plan period the council and its partners will explore options to address this, learning from good practice elsewhere in Scotland.

Table 24: Applications from large families 2018/19 to 2019/20

	2018/19 Presentations	2018/19 Duty to accommodate	2019/20 Presentations	2019/20 Duty to Accommodate
Couple with 4 children	7	7	1	0
Couple with 5 children	0	0	5	4
Couple with 6 children	0	0	0	0
Couple with 7 children	0	0	1	1
Total	7	7	7	5

Source: Internal WLC data

8. Identifying Support Needs

The delivery of effective enhanced housing management and support needs are considered to be important measures in the transition to sustained tenancy management and encouraging tenants to achieve an improved quality of life within the RRTP framework.

An analysis of the enhanced housing management and support needs of 1,312 homeless applicants was undertaken between August and October 2018 as shown in Table 25. This was to achieve a better understanding of the support needs to enable people to be rehoused as quickly as possible and also identify people with multiple complex/high support needs where a rehousing solution may not be suitable.

The analysis for West Lothian generated similar results as the national figures which indicate that approximately 75% of all homeless people across Scotland have no/low support needs.

Table 25: Homeless Support Need Analysis

Support Needs	Oct 2018	Percentage
No/Low Support Needs	1,013	76.40%
Medium Support Needs	237	17.87%
SMD/Complex Needs	57	4.30%
Residential Support	5	0.38%
Total	1,312	100%

Through the current housing support practices, tenancy sustainment has increased from 87% to 89% between 2018/19 and 2019/20, and levels of repeat homelessness have reduced by 40% over the same period. Due to COVID-19 an update on the homeless support needs analysis has not been provided due to work on an agreed definition of high, medium and low being slightly delayed.

As part of the RRTP Action Plan, work is underway to review the current supported accommodation provision in West Lothian as well as community-based tenancy support. This will include improving the support assessment process of homeless people and this is included in the RRTP Action Plan. The completion of this will allow a comparison to be undertaken with the data shown on Table 25 in a future update of the RRTP.

9. Housing First

West Lothians Housing First Model, was developed by the council in partnership with NHS Lothian, and the third sector during 2019/20 with the establishment of the Housing First Co-ordination and Assessment Team which has been developed from the success of the Vulnerable Persons Resettlement Service. The service is funded through the West Lothian Alcohol and Drug Partnership (ADP) and has recruited a Manager and Support Worker.

The Housing First packages are being developed through a Public Social Partnership (PSP) approach with the Cyrenius being the Lead Agency developing the service. A Memorandum of Understanding has been agreed, with all key partners and a project team which reports to a high-level Strategic Governance Group chaired by the Head of Housing, Customer and Building Services with a wide range of strategic partners including the police, DWP and West Lothian IJB and members of the ADP.

The aim of the service is to provide housing first service to people with addictions and mental health issues. A new ten-person project focussing on the needs of people with Mental Health/Addictions commenced in the final quarter of 2019/20 with two people receiving a service.

There is also funding available for the continuation of Housing First for Young People. At present this is an eleven-person project delivered through the Rock Trust and Almond Housing Association and has been operational since 2017. The project is currently subject to external evaluation which will help to inform future provision. It was agreed prior to COVID-19 lockdown that this will progress as part of the Public Social Partnership for Young People who are Vulnerable Due to their age with the Rock Trust being agreed as the Lead Agency for developing the service.

The partners wish to scope the establishment of a future Housing First project based on the needs of Women/Domestic Abuse, to be developed over the plan period.

10. Partnership and Governance

Delivery of the RRTP is dependent on effective partnership working at a local level and the process of preparing and implementing the RRTP has given a renewed focus on homelessness across partners and also engaged new partners.

The West Lothian approach to collaboration and engagement including representatives across the council, health and social care, RSLs and the third sector and is recognised as good practice in the Rapid Rehousing Transition Plans: A Scottish Overview 2020. (include link)

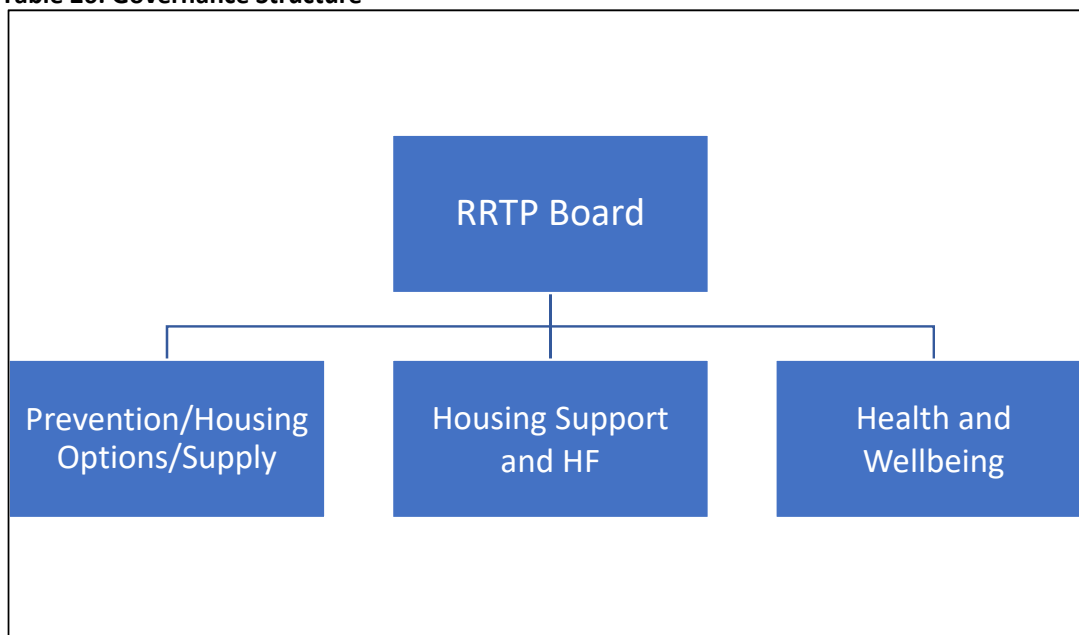
During 2020/21 the partners will consider opportunities to strengthen and widen partner links including with the private sector.

Engagement with service users and consulting/ co-producing services with service users is at the heart of the council's policy development. The RRTP will continue to strengthen the links with service users both in the development of actions and evaluation of pilot activity.

The multi-agency West Lothian RRTP Board has four working groups aligned with the 4 RRTP high level actions and responsible for, Early intervention and Prevention of Homelessness, Housing Support and Housing First, Housing Supply and Temporary Accommodation and Homelessness Health and Wellbeing.

Following engagement with partners and a review of the working groups after Year 1, it is planned that during 2020/21 the working groups for Prevention and Supply will be integrated into a single working group given the inter relationship between them and a new term of reference developed. The other working groups; Housing Support and Housing First, and Homelessness Health and Wellbeing will remain unchanged as shown below. The RRTP Board and Working Groups will meet on a quarterly basis. Table 26 shows the revised Governance structure.

Table 26: Governance Structure



11. Performance and Achievements

11.1. Performance Year 1

As part of the monitoring of RRTPs, the Scottish Government through the provisions of the National Rapid Rehousing Sub-Group has developed a suite of indicators to measure progress on an annual basis and this is attached as Appendix 3. There are a total of 14 indicators, one of which the Scottish Government have yet agreed to measurement. In West Lothian the first year of the plan has seen improvements in some areas such as time to close the case, length of stay in temporary accommodation, levels of repeat homelessness, and tenancy sustainment. Of the 14 indicators, 9 have seen a positive improvement and 2 showing that there is more work to be done over the plan period, 3 indicators have yet to be reported.

A number of significant achievements have been developed when comparing key figures from 2017/18, 2018/19 and 2019/20 including:

- 83% reduction in the use of bed and breakfast provision for emergency accommodation has reduced from 77 to 13 between March 2019 and March 2020
- 3.1% reduction in the number of homelessness presentations by between March 2019 and March 2020
- 11% Increase in percentage of social rented lets to homeless up from from 54% in 2017/18 to 65% in 2019/20
- 35% reduction in backlog of homeless cases with a duty to accommodate from 1,061 as of 31 March 2018 to 838 as of 31 March 2019, and to 686 as of 31 March 2020
- Increase in number of people found unintentionally homeless, decrease in loss contacts and people found intentionally homeless
- Decrease in length of stays in TTs from 98.2 days in 2018/19 down to 88.2 days in 2019/20
- Decrease in breaches of UAO from 89 in 2018/19 down to 26 in 2019/20
- Establishment of the Flexible Fund assisting 12 cases in 2019/20 and greater use of the private rented sector to prevent homelessness

The service has commenced the re provisioning of the Housing Options service moving to a drop in service approach with locations in Bathgate and Livingston. The delivery of this new model has been affected by COVID-19 and will be fully operational in 2020 as part of recovery planning for the service

11.2. Challenges

The impact of COVID-19 on the delivery of the RRTP cannot at this stage be overestimated. From an operational perspective, the lockdown restrictions and ongoing impact on service delivery coupled with the economic impact on many of our communities most vulnerable citizens will impact during 2020/21 and require sensitive and creative solutions. Increase in demand from, domestic violence, non-violent household dispute, affordability, young people being asked to leave has been evidenced since mid-April 2020. During the initial stages of lockdown presentations for homelessness declined, however towards the end of April 2020 and into May 2020 applications have risen higher than that of the previous year. When comparing March 2019 to date compared to March 2020 to date there has been a 3% increase in applications for homelessness, however when comparing May 2019 to May 2020 there has been a 46% increase in applications.

Appendix 1

The most significant change in applications is from non-violent dispute of 11%, followed by asked to leave 6% then prison release 1%

Implementation of the requirements of the Homeless Persons (Unacceptable Accommodation) (Scotland) Order 2020 will require significant changes to the delivery of services locally and will have a great impact on the outcomes of the RRTP in years three to five. Further work is required to determine the impact of bringing forward the implementation of the UAO by a year along with the challenges of COVID-19.

The imbalance between demand for affordable housing, in particular affordable social housing compared to supply, remains the greatest challenge for the delivery of the RRTP. Whilst the council have seen a 3.4% reduction in the number of homelessness applications there has been an 8.5% increase in the number of applicants that require to be statutory housed.

It has been recognised that all of the RRTPs across Scotland require a cultural shift to achieve the full potential. During 2019/20 this process started in West Lothian however the impact of COVID-19 and meeting the terms of the Unacceptable Accommodation Order will require the pace of this culture shift to increase across all partners.

12. Key priorities for 2020/21

The overall vision and aims of the five-year RRTP is to shift to a prevention approach to homelessness through the provision of a housing options and support at an earlier stage. For people who do become homeless, the RRTP aims to support people to find a permanent outcome as quickly as possible while minimising the length of stay and number of transitions in temporary accommodation and in turn reducing the use of B&B accommodation.

The key funding strategic priorities identified in the RRTP are:

- Housing Options and Resettlement Team – to prevent homelessness and to provide support
- Housing First and
- Prevention

The significant shortfall in funding allocated in comparison to the bid requested has resulted in the prioritisation of RRTP activity. Subsequently there has been less investment in some areas of prevention activity, engagement with the private sector as a way of expanding choice, and the culture change necessary to deliver sustainable improvements.

The priorities for 2020/21 required to be considered against the backdrop of the COVID-19 pandemic which will impact across the partners, and the changes required to comply with the Unsuitable Accommodation Order.

It is recognised that the culture change necessary to deliver sustainable improvements is a key area for the remainder of the plan period and resources will be developed to support this.

The voice of the service user is crucial in the delivery of RRTP and changes have been made to the Homeless Housing Network to strengthen the links with those who are or have experienced homelessness. During the remainder of the period of the plan the council and its partners will strengthen the role of service users in the development, and the evaluation of RRTP actions.

On reviewing the analysis of outturn figures for 2019/20 when compared with the statistics for 2017/18 and 2018/19 along with the key areas of success the following actions will be prioritised for 2020/21.

- Shift to a prevention of homeless approach through a refocused and consistent approach to Housing Options aligned with a targeted communications campaign.
- Introduction and implementation of an updated housing allocations policy
- Continue high percentage social rented lets to homelessness in West Lothian.
- Increase number of dispersed TT's and sharing accommodation.
- Modernise supported accommodation delivery and the tenancy support service.
- Pilot of a youth homeless team and a mediation service for young people.
- Support and increase continued provision of Housing First model for young people.
- Implement SHORE standards in line with national requirements.
- Identify future supply requirements of new build affordable housing stock to meet local housing needs for Years 3, 4 and 5 of the plan.
- Seeking to address the issue of large families through better use of stock, and use of open market acquisitions.
- Explore increased collaboration with the private sector.
- Develop pathways for vulnerable groups in transition to inform collaborative working.

13. Funding and Resources

The RRTP identified the need for £3million of additional Scottish Government transition funding to support the delivery of the plan over the period 2019-2024. The Scottish Government have provided two awards for the delivery of the RRTP, £302,000 for 2019/20 and a further £313,000 for 2020/21. It is anticipated that the Scottish Government allocation to local authorities for 2021/22 will be known over the coming months.

In addition to the Scottish Government resources, the West Lothian Drug and Alcohol Partnership have provided £240,000 towards the provision of the Housing First project for people with mental Health/Addictions.

Supplementing the ADP and Ending Homelessness Together fund allocations, there are commissioned resources through West Lothian Integration Joint Board (IJB) and voluntary sector which impact on the delivery of the RRTP to the value of £2.5million.

The majority of resources are being utilised to support additional staff and services including mediation and Housing First, to shift further to a homeless prevention approach.

The expenditure to date has been for staff recruitment for the priorities agreed by the West Lothian RRTP Project Board as follows:

- Housing Options and Resettlement Provisions – including a team leader and tenancy sustainment Officers
- Housing Options Youth Housing Pilot – including Young Persons Housing Options Officer and Youth Tenancy Sustainment Officer
- Project Management and Service Development – including a Project Manager and Quality Development officer

Due to COVID-19 and the UAO, a review of unallocated resources will be undertaken to ensure resources are targeted key activities.

Appendix 1

14. Action Plan 2020/21

An updated action plan for the RRTP is attached as Appendix 4

Appendix 1

Appendix 1

	Original Year 1	Year 1 Actual
Open Cases	838	686
New Demand	1,107	1,130
Less loss contacts and refusals	166 -	161
Total Demand	1,779	1,655
Private Rented Sector	0	20
Lets to Homeless	1,007	961
Total Supply	1,007	981
Open Cases	772	674
Temp Tenancies - Council	462	448
Temp Tenancies - RSL	64	54
Temp Tenancies - PSL	105	49
B&B	23	17
Self Accommodation	118	106
Total	772	674
(a) New demand reduction	5%	-8%
(b) Less loss contacts and refusals	15%	10%
(c) Mainstream Lets		
WLC Lets	930	1,066
RSL Lets	360	352
Total Available Lets	1,290	1,418
(d) Homeless Mainstream Lets		
WLC Homeless Lets	810	761
RSL Homeless Lets	180	200
Total Available Homeless Lets	1,007	961
WLC New Build	318	318
RSL New Build	151	57
Total	469	375
New build secondary Lets to Homeless	117	188
Total Lets to Homeless	1007	961

Appendix 1

Appendix 2

Scenario 1				
COVID 19 Implications for Yr 2 - Increase Demand / Decrease in Available Lets				
WLC Lets - 87% Yr 2 and 75% 1st half Yr 3				
RSL Lets - 55% Yr2 and 54% Yr3				
Decrease in demand 5% Yr 3-5				
No New Build or OMAS Yr 5				
	Year 2	Year 3	Year 4	Year 5
	2020/21	2021/22	2022/23	2023/24
Open Cases	674	760	713	807
New Demand	1,203	1,074	1,020	969
Less loss contacts and refusals	- 120	- 107	- 102	- 97
Total Demand	1,757	1,727	1,631	1,679
Private Rented Sector	30	30	30	30
Lets to Homeless	966	984	794	718
Total Supply	996	1,014	824	748
Open Cases	760	713	807	931
<i>cases that were open overdue closure</i>				
Open Cases:				
Temp Tenancies - Council	491	491	491	491
Temp Tenancies - RSL	65	65	65	65
Temp Tenancies - PSL	75	90	105	105
B&B	23	12	26	49
Self Accommodation	106	55	120	222
Total	760	713	807	931

Appendix 1

Scenario 2				
COVID 19 Implications for Yr 2 - Increase Demand / Decrease in Available Lets				
WLC Lets - 87% Yr 2 and 75% 1st half Yr 3				
RSL Lets - 55% Yr 2 and 54% Yr 3				
Decrease in demand 5% Yr 3-5				
New Build and OMAS Programme Yrs 4 & 5				
	Year 2	Year 3	Year 4	Year 5
	2020/21	2020/22	2020/23	2020/24
Open Cases	674	760	713	608
New Demand	1,203	1,074	1,020	969
Less loss contacts and refusals	- 120	- 54	- 51	97
Total Demand	1,757	1,727	1,631	1,480
Private Rented Sector	30	30	30	30
Lets to Homeless	966	984	843	905
Total Supply	996	1,014	873	935
Open Cases	760	713	758	545
<i>cases that were open overdue closure</i>				
Open Cases:				
Temp Tenancies - Council	491	491	491	491
Temp Tenancies - RSL	65	65	65	54
Temp Tenancies - PSL	75	90	105	90
B&B	23	12	17	22
Self Accommodation	106	55	79	100
Total	760	713	758	757

Appendix 1

Appendix 3

As part of the monitoring of RRTP's, the Scottish Government through the provisions of the National Rapid Rehousing Sub-Group has developed a suite of indicators to measure progress on an annual basis.

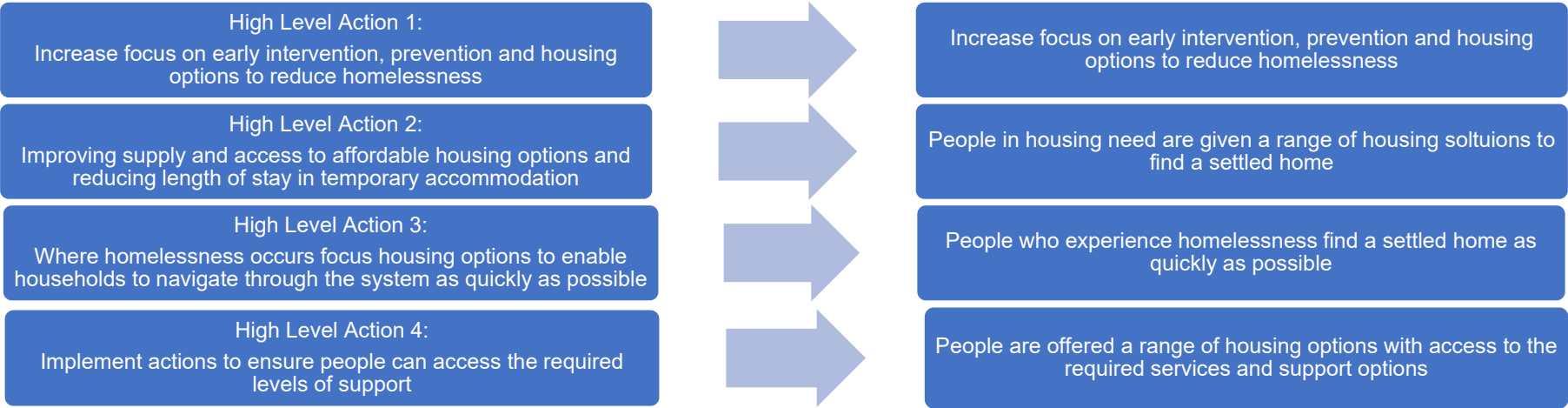
	Indicator	Source	2017/18	2018/19	2019/20
1	Time to close case	HL 1	45.0 wks	48.8 wks	39.7 wks
2	Length of stay in TA	HL 3	93.8 days	98.2 days	88.2 days
3	Number of homelessness referrals that result in a let	SHR 23	N/A	N/A	TBC *
4	Number of lets to statutory homeless	SHR C2	591	701	752
5	Households entering TA in year	HL 3	1531	1955	1829
6	Households exiting TA in year	HL 3	1421	1965	1849
7	Households leaving TA by length of stay	HL 3	N/A	N/A	TBC *
8	Housing Options approaches in year	Prevent 1	731	1,127	767
9	Outcomes for households assessed as unintentionally homeless	HL 1	1,047	1,170	1,273
10	Outcomes for households through Housing Options	Prevent 1	769	1,076	776
11	Tenancy sustainment of statutory homeless lets	SHR Ind 16	87%	87%	89%
12	Repeat homeless presentations	HL 1	10	27	16
13	Number of placements in TA per household	HL 3	1.57	1.81	1.65
14	Use of Housing First approach	To be confirmed			

Appendix 1

Appendix 4

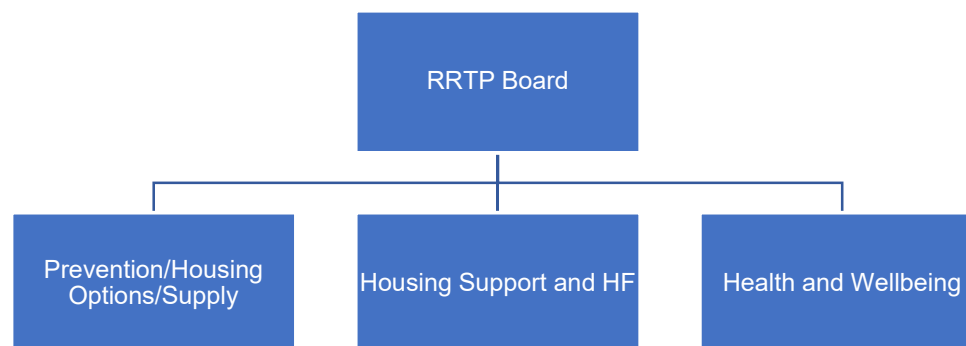
West Lothian RRTP Action Plan 2020/21

High Level Actions



Appendix 1

Governance



	KEY ACTION	HIGH LEVEL ACTION	LEAD	TARGET DATE
Prevention/Housing Options and Supply Working Group				
1.	Develop plans to ensure the council meets the requirements of the Unsuitable Accommodation Order	2	Housing Need	30.09.2020
2.	Implement new approach to accessing the Housing Options Team	1	Housing Need/RSL	30.12.2020
3.	Develop the Housing Options website and supporting media communication	1, 3	Housing/Communications/RSLs	30.12.2020
4.	Conclude the review of the council's Allocation Policy to prevent homelessness and ensure faster throughout to housing for homeless applicants	2	Housing Need	31.12.2020

Appendix 1

	KEY ACTION	HIGH LEVEL ACTION	LEAD	TARGET DATE
5.	Improve services between the councils Access2employment service and third sector partners to provide employability support to young people and others who are homeless or at risk of homelessness	3	Housing Need	30.06.2021
6.	Refine the Sustainable Housing on Release for Everyone (SHORE) standards and improved joint working with Criminal Justice	1	Soc Policy /Housing Need	30.12.2020
7.	Develop a partnership approach with local lettings agents and individual landlords. Enhance pathways into PRS as a means to discharging duty or preventing homelessness	1	Housing	30.06.2022
8.	Implement a new model for young people at risk of homelessness aligned to the moving on model for young people and develop pathways.	1	Soc Policy/ Housing Need	30.06.2021
9.	Deliver Education Programme to identify and prevent potential homelessness and actions to raise awareness of homelessness within schools	1	Housing Need	30.09.2020
10.	Expand mediation/conflict resolution services for young people and their families	1	Housing Need	30.12.2020
11.	Review access to financial advice through West Lothian Advice Shop to focus on early intervention and prevention	1, 3	Housing Need/Anti-Poverty Team	30.12.2020
12.	Review Flexibility Fund and look to enhance the use of the existing flexibility fund	3	Housing Need	30.09.2020
13.	Complete the balance of the 3,000 new affordable houses targeted over the period 2012 – 2022 ensuring alignment with RRTP with SHIP.	2	Housing Strategy/RSLs	31.03.2022
14.	To seek government grant in 2022/23 and 2023/24 to ensure that a minimum of 300 new affordable homes can be completed each year.	2	Housing Strategy	31.03.2024
15.	Ensure target lets to homeless are achieved through the development of stronger partnership and monitoring arrangements with RSLs	2	Housing Need/RSLs	30.03.2021
16.	Increase PSL furnished temporary accommodation	2	Housing Need	31.03.2021

Appendix 1

	KEY ACTION	HIGH LEVEL ACTION	LEAD	TARGET DATE
17.	Increase shared temporary accommodation by 10 properties	2	Housing Need	31.03.2021
18.	Implement a multifunctional Housing Options and Resettlement Service	3	Housing Need	31.03.2022
19.	Work with RSLs to optimise the rehousing process through the review of current practice and implementing new action required and optimise lets to homeless agreements.	3	Housing Need	30.12.2020
Housing Support and Housing First				
1.	Implement Housing First Service for 10 people with addictions	4	Housing Need	31.03.2021
2.	Implement Housing First project for 5 young people	4	Housing Need	30.06 2021
3.	Create an interim resettlement team to provide low level support to create faster throughput to permanent housing and higher sustainability.	4	Housing Need/Hsg Management	
4.	Implement and monitor new support process for homeless households and those at risk of homelessness to focus assessment on individual needs.	4	Housing Need/Hsg Management	31.12.2020
5.	Explore models of provision for low level support/enhance housing management/increase sustainability required to prevent homelessness across housing services. Identify capacity within existing teams to transition to new approach	4	Housing Need/Hsg Management	31.03.2022
6.	Review all homeless cases estimated as needing 'medium' support against the new social care eligibility criteria to quantify gaps in provision	4	Housing Need/Soc Policy	30.12.2020
7.	Review and reconfigure current support provision within the council's homeless units at Blackburn and Strathbrock to meet support accommodation requirements	4	Housing Need	31.03.2022
8.	Review the accommodation and service provision provided for people fleeing domestic abuse and assess if accommodation meets the Unsuitable Accommodation Order and services align with the violence against women's strategy	4	Housing Need/Soc Policy	31.03.2022

Appendix 1

	KEY ACTION	HIGH LEVEL ACTION	LEAD	TARGET DATE
9.	Review current customer journey for assessing wrap around specialist support to fast track referral process for people requiring to be rehoused quickly	4	Housing Need	30.12.2020
10.	Expand existing and develop new Housing First Model's to meet individual client groups including, Domestic Abuse and mental Health through reconfiguring current social policy contracts	4	Housing Need/Social Policy	31.03.2023
11.	Deliver the £4M new build supported accommodation provision for young people by November 2021	1, 2, 4	Housing Strategy/ Housing Need	30.11.2021
Health and Wellbeing Working Group				
1.	Review and update Health and Homeless Standards for homeless people accessing health services	3, 4	NHS	30.12.2020
2.	Complete project with ISD to collate and align homeless data with health and social care data	3, 4	NHS	30.12.2020
3.	Develop pathways for vulnerable people in transition at risk of homelessness	1	Housing Need	30.05.2021
4.	Identify triggers of homelessness and referral process for people accessing health and social care services	1, 3, 4	NHS/ IJB/ Housing	30.12.2020
5.	Promote community based responses to homelessness and prevention of homeless	1, 3, 4	Housing	30.12.2022
6.	Review Health and Homeless Service and implement changes	3, 4	Housing/IJB	30.12.2020
7.	Quantify the residential accommodation requirements for adults where housing in the community would not be suitable including Addictions, Domestic Abuse and mental Health	2, 4	Housing/Soc Policy/Health	31.03.2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PARTICIPATION REQUEST ANNUAL REPORT 2019/20

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to present the draft West Lothian Council Participation Request Annual Report for 2019/20 for approval.

B. RECOMMENDATION

It is recommended that Council Executive approves the annual report and agrees that this is submitted to the Scottish Government and published on the council's website by the 30 June deadline.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Community Empowerment (Scotland) Act 2015, Participation Request (Procedure) (Scotland) Regulations 2017
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Participation requests may have relevance to any outcome
VI	Resources - (Financial, Staffing and Property)	The Community Empowerment (Scotland) Act 2015 Part 3 gives community bodies a right to make requests to be involved in achieving outcomes. This process may have significant implications on resources although it is not possible to quantify this at this early stage.

VII	Consideration at PDSP	Report circulated to P&R PDSP members. There were no comments on the report.
VIII	Other consultations	None

D. TERMS OF REPORT

D.1 Background

Part 3 of the Community Empowerment (Scotland) Act 2015 came into force in April 2017, introducing legislation around participation requests. Participation requests provide a mechanism for community bodies to put forward their ideas for how services could be changed to improve outcomes for their community. Requests can be made to a number of public service authorities who must each have their own process in place for dealing with requests. The council's process was adopted on 1 April 2017. Three participation requests have been received since then (two approved and one refused).

The Scottish Government is statutorily required to evaluate Part 3 of the Act within three years of its implementation. This evaluation report was published in April 2020. Between 2017-2019, 46 requests were received across Scotland. 27 were accepted and 14 were refused. The majority were received by local authorities and submitted by community councils.

Early findings suggest that participation requests can help to enable participation, establish shared understanding and build improved communication between public service authorities and communities and represent a means by which communities can have more influence in decision-making, but it is too soon to tell the longer term outcomes. It is also suggested that it is too early to determine if an appeals mechanism is required but this is to be kept under review. It is recommended that government and public service authorities need to take further steps to promote participation requests and improve engagement, focusing on less advantaged communities in particular. The council is already taking steps to do this and the council's support and promotion processes are seen as good practice in Scotland.

D.2 Draft West Lothian Council Participation Request Annual Report 2019/20

Each public service authority is required to publish an annual report setting out the number of participation requests received; number of requests agreed; the number refused; number of requests which resulted in changes to a public service provided by, or on behalf of, the public service authority; and action taken to promote and support the use of participation requests. Annual reports should cover the period 1 April to 31 March and are to be published by 30 June each year. A template has been provided by the Scottish Government for the first time for the 2019/20 report. A completed template is attached as Appendix 1.

No new requests were received in 2019/20; however the report provides an update on the two ongoing requests from last year and sets out how the council has promoted and supported the use of participation requests.

The annual report template is to be submitted to the Scottish Government by 30 June. The council must also publish the annual report by 30 June. Subject to Council Executive approval the report will be made available on the Participation Request page of the council's website.

E. CONCLUSION

Participation requests give communities the opportunity to become involved in helping to achieve changes or improvements they want to see. West Lothian Council has a process in place for managing requests. The council is required to publish an annual report providing information on requests received and activities to promote and support requests. A template has been provided by the Scottish Government. Council Executive is asked to approve the annual report for 2019/20 and agree that this will be submitted to the Scottish Government and published on the council's website by the 30 June deadline.

F. BACKGROUND REFERENCES

'Participation Requests: Evaluation of Part 3 of the Community Empowerment (Scotland) Act 2015', Scottish Government, April 2020

Appendices/Attachments:

1. Draft West Lothian Council Participation Request Annual Report 2019/20

Contact Person: Joanna Anderson, Community Planning Development Officer, 01506 281086

joanna.anderson1@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development and Regeneration

23 June 2020

Participation Requests Reporting Template 2019/20 for Public Service Authorities

Section 32 of the Community Empowerment (Scotland) Act 2015 requires public service authorities to produce an annual report on Participation Request activity and publish this no later than 30 June each year. Following feedback from stakeholders and in response to one of the recommendations of the Participation Request Evaluation Report published on 8 April 2020, this template has been created to gather participation request data for the period 1 April 2019 to 31 March 2020. Information provided will help inform policy and practice at local and national level as the data will be collated and shared by the Scottish Government's Community Empowerment Team. However, it is for each public service authority to make their own annual report publicly available by 30 June 2020, whether using this template or not.

Please provide information in the four sections below and email the completed template by 30 June 2020 to community.empowerment@gov.scot.

Section One – Public Service Authority Information

Organisation: West Lothian Council

Address: Civic Centre, Livingston, EH54 6FF

Completed by: Joanna Anderson

Role: Community Planning Development Officer

Email: joanna.anderson1@westlothian.gov.uk

Telephone: 01506 281086

Date of completion: 5/6/2020

Are you the Participation Request Lead Contact for the organisation: Yes

If not please provide the name, job title and email address for the lead contact for any queries:

Section 2: Participation Request Data in 2019/20

Please complete following overview table:

Total Applications Received in 2019/20	Number of validated applications in 2019/20	Number of applications agreed in 2019/20	Number of applications refused in 2019/20	Number received in 2019/20 and yet to be determined	Number received prior to 2019/20 and yet to be determined
0	0	0	0	0	0

2.1 Please provide details of Participation Requests received in 2019/20 which resulted in changes to public services provided by or on behalf of your public service authority and tell us about those changes:

Name of Community Participation Body	Was the Participation Request successful? (Y/N)	Previous way of working	Way of working following changes
N/A			

2.2 Please use this space to provide any further comments relating to the above data, such as describing the **outcome improvement process** and how the community participation body was involved in it, or details of any wider benefits, such as improved community engagement and ongoing participation.

N/A

Section Three – Partnership Working & Promotion of Participation Requests

3.1 Please provide details of any engagement with support organisations such as local Third Sector Interfaces and public sector Community Learning and Development staff or national organisations such as the Scottish Community Development Centre.

For example has any new practices to support Participation Requests been developed from working with other bodies, or any learning gained?

Since the council's participation request process was first implemented in 2017, a number of community sessions have been delivered to raise awareness of participation requests as well as other parts of the Community Empowerment Act. Some of these were delivered in partnership with the local Third Sector Interface, Voluntary Sector Gateway West Lothian.

In 2019/20, the council received support from the Scottish Community Development Centre (SCDC) to promote participation requests to marginalised and disadvantaged groups. Three sessions were held to provide support to groups interested in making a request and to help shape the new SCDC accessible resources being developed. The third session was delivered virtually via Zoom due to COVID-19. Efforts were made to reach out to local people and groups representing those experiencing socio-economic disadvantage and those with protected characteristics. Representatives attended from the West Lothian Community Race Forum, community councils and groups and individuals involved in the regeneration steering groups (these are the Community Planning Partnership's locality planning groups which are based around those areas in the bottom 20% of the Scottish Index of Multiple Deprivation). These sessions also provided an opportunity to get further feedback on the council's Participation Request Toolkit. The feedback was largely positive; however the way the information is presented will be tweaked to ensure that it is more accessible and user-friendly. Wider materials and support will also be reviewed to ensure these are tailored for more marginalised groups.

3.2 Please provide details of action taken to promote the use of Participation Requests or support Community Participation Bodies in making a Participation Request.

For example this could include: Support before making a request, such as to determine whether a participation request is the most appropriate route; - Support to make the request such as assist groups to complete forms, or identify appropriate outcomes; and/or Support to take part effectively in outcome improvement processes.

West Lothian Council has promoted and supported the use of participation requests through various channels.

- The council's Community Planning Development Officers have been identified as the designated point of contact for participation requests. This helps ensure community groups know who to contact to find out more about how to make a request, to discuss potential requests or consider alternative mechanisms to participate.
- A clear process for making a participation request to the council has been developed. All information on the process can be found on a dedicated page on the council's website. The application form is available on the website and also includes detailed guidance notes. Community groups can also find other useful information on the website, including [Frequently Asked Questions](#) (FAQs) on the Community Empowerment Act relevant to West Lothian, an [easyread version](#) of the FAQs and links to Scottish Government and Scottish Community Development Centre's guidance.

- The Participation Request [‘Toolkit’](#) has been developed to provide information on participation requests and to guide community groups through the council’s process. This is available on the website and has been shared widely.
- All materials and information on the website include an offer of support to community groups, who are encouraged to engage with the council’s Community Planning Development Officers as early as possible around potential requests. This early discussion has already resulted applications previously considered invalid being developed into valid requests. This early discussion also allows community groups to be signposted to existing mechanisms for involvement and engagement that may be more appropriate.
- A staff briefing is being prepared to ensure council staff are aware of the process should they be involved in making a decision on a particular request. Presentations have also been delivered to elected members on participation requests (as part of a wider session on community participation). It is intended that this will be repeated in 2020/21.

3.3 Please let us know what actions you have been taking to ensure that your processes are inclusive.

For example, this could include accessible information and other support, which enable wider use of participation requests by all population groups including those with protected characteristics.

As outlined above, the council will use the feedback from the SCDC sessions to review and refresh the Toolkit and other materials to ensure that these are accessible and user-friendly. The exiting easy-read materials will also be reviewed and refreshed if required.

Once the Toolkit and other materials have been reviewed, these will be widely shared with local community groups and through the council’s social media as an opportunity to further promote the process. Efforts will be made to go out to ‘hard to reach’ groups again (including equality forums and regeneration steering groups). The Voluntary Sector Gateway West Lothian, wider community planning partners and local community networks will also be asked to help with this promotion through their own communication channels.

3.4 Please outline any plans you have to continue involving local people and local groups in outcome improvement processes as a result of your Participation Request policies.

The council’s process encourages community groups to engage in early discussion with council officers on potential requests. This will help to ensure that any applications submitted are appropriate, robust and well thought out and allows discussion on what an outcome improvement process may look like.

The council also continues to engage with and involve communities through other participation mechanisms, for example via the local regeneration steering groups, the Joint Forum of Community Councils in West Lothian, community equality forums, MSYPs, Citizens Panel surveys, tenant participation mechanisms, the Anti-Poverty Strategy’s Experts by Experience Panel.

Section Four – Additional Information

4.1 Please use this space to provide any further feedback not covered in the above sections.

Although no new requests were submitted in 2019/20 there are two ongoing requests, submitted in 2018/19. The outcome improvement process for each request is underway and a report will be published upon completion. A summary of each request and an update on the outcome improvement process is included below. Full detail on these requests can be found on the Participation Request page of the council's website.

Bathgate Community Council (BCC): Increased awareness within the Bathgate community of the council's roads policies and where the community can influence and improve existing policies through local involvement.

Update: BCC visited the Roads depot to meet staff and find out more about the service. Meetings were also held with officers to improve understanding of Roads processes and specific points and actions were raised in relation to the Bathgate area. A follow-up meeting to review progress and effectiveness of changes is to be held to conclude the process.

Linlithgow and Linlithgow Bridge Community Council (LLBCC): Request for representation on the Vennel project team and to contribute to the project briefing process to ensure the views of the community are taken into account (*note: there is no Vennel Project Team but the request was agreed in relation to the process leading up to a decision being taken by committee on the Vennel redevelopment*)

Update: A meeting has been held with LLBCC and council officers to consider LLBCC's response to the council's consultation on draft proposals for the Vennel. A final proposal has not yet been taken to PDSP and committee. Once committee has decided how to proceed, officers will discuss with the CC if and how ongoing involvement can be achieved.

Completed by: Joanna Anderson

Role: Community Planning Development Officer

Email: joanna.anderson1@westlothian.gov.uk

Tel: 01506 281086

Date of completion: 5/6/2020

Subject to the pressures of responding to the Covid-19 emergency situation and recovery – if possible please email the completed template by 30 June 2020 to community.empowerment@gov.scot

If you have any queries please contact Malcolm Cowie, Participation Request Policy Manager at Malcolm.cowie@gov.scot

Thank you!

Community Empowerment Team, Scottish Government

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COUNCIL EXECUTIVE

CONSULTATION ON THE CENTRALISED ANIMAL FEED OFFICIAL CONTROLS DELIVERY MODEL

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of the Food Standards Scotland (FSS) consultation on the proposed centralised model for delivery of official controls for animal feeds, and seek approval for the proposed response from West Lothian Council to this consultation.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the content of this report and the proposed consultation response detailed in Appendix 1 of this report; and
2. approves this report and appendix as the council's response to the Food Standards Scotland consultation.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	There are no strategic environmental assessment, equality, health or risk assessment issues associated with this report.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The authority currently reports on feed enforcement activities to FSS. The consultation proposals would remove the need to report on such activities as feed enforcement responsibility would be transferred to FSS.
V	Relevance to Single	SOA8 We make the most efficient and

	Outcome Agreement	effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	A nominal reduction of approximately £8000 was made to the overall council's financial settlement in 2018/19 in anticipation of the process being centralised. However, this sum is currently being repaid to the council by FSS on a quarterly basis until the process is complete.
VII	Consideration at PDSP	A report on the consultation was shared with members of the Environment PDSP and no substantive comments have been received.
VIII	Other consultations	None.

D. TERMS OF REPORT

D1 Background

During the period 2009 - 2014, the auditors of the European Union Food and Veterinary Office (FVO) and the Food Standards Agency (FSA) identified a number of issues relating to how feed official controls were organised and delivered by local authority trading standards services in Scotland. The issues of concern included inspection frequencies not being in accordance with risk, lack of feed safety controls (including cross contamination concerns), and concerns about officer competency (suggesting that officer would require to be occupied at least 50% of working time to maintain competency). In addition, a review of inspection numbers across Scotland from the period 2010/11 to 2015/16 identified a year on year decrease from 3,313 to 1,327.

FSA undertook a full review of how feed controls were delivered in the UK in 2012 and implementation of the outcomes of the review took place from 2013 in England, Wales and Northern Ireland. Scotland delayed the progress of a new delivery model at that time in order to establish Food Standards Scotland (FSS).

In September 2015, the FSS Board agreed that as a result of the concerns raised at audit, and evidence from the local authority enforcement returns, the model of delivery of official controls (inspections and sampling etc.) in Scotland should change. It recommended a model which has greater accountability and control, and dedicated resource, should be implemented to address concerns raised about the performance of feed official control delivery in Scotland, in line with changes made elsewhere in the UK. In January 2016, the FSS Board agreed that its executive should develop a centralised model of delivery for implementation, which was originally planned for 2018/19. However, for a variety of reasons this was never achieved. Two previous FSS consultations on the review of animal feed enforcement were the subject of reports to Council Executive on 2 August 2016 and 24 October 2017 respectively.

Until 2018/19, local authorities were funded a total of £325,000 through the block grant to deliver this function. Since 2019/20, this funding was transferred to FSS however FSS has continued to make this grant payment to local authorities on a quarterly basis to facilitate the status quo until FSS can resolve the new model of delivery.

D2 Implications for West Lothian

Within West Lothian the official controls of animal feed is a small part of the overall consumer and public protection role of the team. There are currently 156 establishments covered by regulatory controls, and this work equates to less than 0.2FTE staff requirement across management, administration and frontline officer posts within the service. Officers undertaking duties meet the qualification competency requirements of the Feed Law Code of Practice.

Whilst there are many benefits from services and regulation being delivered at a local level it is recognised that a centralised model is perhaps better placed to address the concerns identified through audit by the EU Food and Veterinary Office. The transfer of official controls would also allow West Lothian trading standards staff more focus on higher priority consumer and public protection work.

D3 Proposals

The current consultation considers two options;

Option 1 – Do nothing (status quo). The consultation paper concludes the status quo, or ‘do nothing option’, would have no reasonable prospect of increasing the number of feed official controls, thereby increasing the risk of non-compliance and jeopardising ongoing and future trade within the feed export market, currently worth around £157 million to the economy in Scotland.

Option 2 - Introducing legislation to provide for effective enforcement and delivery of feed official controls. The consultation paper describes this option as the transfer of functions for feed official controls to FSS with the power to delegate to a qualifying third party which would provide improved national coordination between FSS and local authorities, although the function will, at all times, remain with and be the responsibility of FSS. This option was agreed by the FSS Regulatory Strategy Programme Board in October 2019.

Local authorities will not be obliged to take part in this programme of work, however FSS proposes to put in place agreements with each local authority or third party, typically in a delegation and service level agreement defining; the relationship between both parties, roles and responsibilities, work programme specific to the area concerned, funding and governance arrangements.

D4 Response to the consultation

The proposed response to the consultation is attached as Appendix 1.

E. CONCLUSION

The consultation published by FSS seeks views on the proposed centralised delivery model for animal feed controls. The proposed response is attached as Appendix 1 and is consistent with the responses provided by the council to two previous consultations on this subject on 2 August 2016 and 24 October 2017 respectively.

F. BACKGROUND REFERENCES

Food Standards Scotland Consultation on the Centralised Animal Feed Official Controls Delivery Model, launched on 13 May 2020 -

<https://consult.foodstandards.gov.scot/regulatory-policy/animal-feed-2020/>

Report to Council Executive – The Feed Enforcement (Scotland) Regulations 2018
Consultation, 24 October 2017

Report to Council Executive – Animal Feed Review in Scotland, 2 August 2016

Appendices/Attachments: Appendix 1. Proposed response to consultation

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Craig McCorriston

Head of Planning, Economic Development and Regeneration

Date of meeting: 23 June 2020

Appendix 1 – Proposed response to Food Standards Scotland consultation on the centralised animal feed official controls delivery model

Question 1.

We invite all stakeholders to comment on the assumption that a centralised model, delivered by FSS or delegated to LAs to deliver on behalf of FSS, is required to achieve effective feed safety official controls. If you disagree, please provide comments as to why you consider such a model should not be introduced. If stakeholders consider that alternative model(s) would be effective, it would be helpful to provide evidence to support this.

Proposed response

The consultation paper sets out a sound rationale for not continuing with the status quo. The council supports the proposal for a centralised model as this is method most likely to provide the level of knowledge and expertise required by field officers across the country that will ensure adequate controls.

Question 2.

FSS invites all stakeholders, in particular LAs, views on the proposed transitional arrangements.

Do stakeholders agree that official controls functions started or in progress under the existing legislative program be completed by the LA before transferring to FSS, or should they transfer to FSS on day 1, regardless of their status?

Please provide examples and evidence to support these views.

Proposed response

The council believes that all official control functions should be transferred on day 1, regardless of status. There is no evidence within the consultation paper that suggests there will be a large number of controls started or in progress on day 1 and there is no reason to believe that most simple ongoing administrative matters could not be transferred to FSS along with informal handover discussions between the respective local authority officers and FSS staff. This authority has little practical experience of more complex issues but would see no reason why they could not be treated on a case by case basis.

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COUNCIL EXECUTIVE

SUPPLEMENTARY GUIDANCE: DEVELOPER OBLIGATIONS FOR GENERAL INFRASTRUCTURE FOR SITE DELIVERY (EXCLUDING TRANSPORT AND EDUCATION INFRASTRUCTURE, CEMETERY AND PUBLIC ART PROVISION)

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the outcome of consultation on a draft Supplementary Guidance (SG) on Developer Obligations for General Infrastructure for Site Delivery. It should be noted that this guidance *does not* embrace transport and education infrastructure or cemetery and public art provision as these subjects are being addressed by separate guidance.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the comments received on the draft guidance following consultation;
2. approves the responses to the comments received during consultation on the draft Supplementary Guidance (Appendix 1) and which is cross referenced with Appendix 3, a track change version of the guidance identifying where revisions proposed by consultees have been made;
3. approves the content of the Supplementary Guidance 'Developer Obligations for General Infrastructure for Site Delivery'; (Appendix 2);
4. notes that following consideration by the Council Executive the Supplementary Guidance will require to be submitted to the Scottish Ministers for consideration prior to being adopted as statutory Supplementary Guidance in support of the West Lothian Local Development Plan; and
5. 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

I Council Values

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

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II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	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. Going forward, new guidance will support the Local Development Plan and the development management process. This guidance accords with Policy INF 1 (Infrastructure Provision and Developer Obligations) of the adopted LDP. It has previously been determined that 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 guidance and there are no risk assessment issues.
III	Implications for scheme of delegation	None.
IV	Impact on performance and performance indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 4 - We live in resilient, cohesive and safe communities. Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None.
VII	Consultations at PDSP	The guidance on Developer Obligations for General Infrastructure for Site Delivery was reported to the Development and Transport PDSP on 3 September 2019 and no comments were made by members.
VIII	Other consultations	Legal Services, Finance and Estates and NETS & Land Services.

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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, including the development of over 24,000 houses.

In order to deliver the planned growth set out in the LDP, improvements to infrastructure must be delivered alongside development and the council is entitled to require developers to mitigate the impact of their development and to pay for, or contribute towards, improvements to infrastructure that arises as a direct consequence of the development, or from the cumulative impact of the development and which might not otherwise be needed.

D2 Purpose and effect of Supplementary Guidance

As a general rule, statutory Supplementary Guidance is the preferred format for guidance which requires developers to make a financial contribution.

While recognising that the new Planning Act (2019) no longer provides for Statutory Guidance (it only retains non-statutory guidance), it will nevertheless be some time before the secondary legislation which changes these arrangements comes into force and it is therefore necessary to continue working within the existing regulatory regime. As a consequence, Supplementary Guidance continues to be prepared for the time being.

The new guidance expands upon existing policies and proposals and is 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. Supplementary Guidance becomes part of the development plan, giving it the same weight in decision making as the LDP. It is subject to consultation and, unlike non-statutory Planning Guidance, must be approved by Scottish Ministers before it can be adopted by the council.

Supplementary Guidance is helpful in establishing the requirement for infrastructure and services that are attributable to a development early in the planning process and ensures that the burden of additional infrastructure is fairly absorbed by the landowner and developer and not by the council.

D3 Supplementary Guidance: Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision)

Supplementary Guidance is also required to be compliant with Scottish Planning Policy (SPP 2014) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements which establishes that Planning Obligations can be used to address the potentially negative impact of developments on infrastructure providing they meet all of the following five tests:

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- necessary to make the proposed development acceptable in planning terms;
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area;
- fairly and reasonably relate in scale and kind to the proposed development; and;
- are reasonable in all other respects.

Policy 9 of the Strategic Development Plan (SDP) is specifically concerned with infrastructure and provides the strategic policy context for the securing of developer contributions towards its provision. The corresponding LDP policy context is provided by Policy INF 1 (Infrastructure Provision and Developer Obligations) and Policy CDA 1 (Development in the Previously Identified Core Development Areas).

This guidance continues to support the previously established CDA allocations at three strategic locations: Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) together with the strategic development allocation at Polkemmet, Heartlands (Whitburn) and Bangour (by Dechmont) and to create sustainable and well designed and integrated places for new residents and the existing community.

In many instances, particularly in the Winchburgh and Calderwood CDAs, infrastructure projects have already been or are being delivered through planning approval and associated legal agreements and in such cases these arrangements will prevail. The provisions and requirements of this guidance will only be pertinent to the development of sites where there is no approved planning consent in place on the date the guidance is approved by the council.

It is also not uncommon for the council to sometimes forward fund infrastructure to assist in the delivery of housing development and community regeneration, for example the relocation and re-provisioning of the public library in Armadale, and the guidance reaffirms the council's resolve to recover such expenditure through the levying of appropriate developer contributions.

D6 Consultation Responses

The guidance was the subject of public consultation over a period of six weeks and has given rise to representations from five parties specifically Livingston Village Community Council, Winchburgh Developments Ltd. Springfield Properties, Homes for Scotland and EWP Investments Ltd. These are summarised and presented with the council's proposed responses as Appendix 1.

Revisions suggested by consultees (which are recommended to be accepted) have further been identified in Appendix 3, a 'track changed' version of the guidance for ease of reference.

If approved for adoption by Council Executive, the guidance requires to be the subject of a 'screening determination' in order to test the council's assertion that it should be exempted from a separate SEA (strategic environmental assessment).

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It is proposed that this is delegated to the Head of Planning, Economic Development & Regeneration, to agree and conclude after having taken account of the views offered by the Consultation Authorities (SEPA, Scottish Natural Heritage and Historic Environment Scotland). If a SEA is required the details of the SEA will be reported to Council Executive.

E. CONCLUSION

It is recognised that new development creates a requirement for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on existing communities, local amenity and the quality of the environment.

The guidance identifies the range of developer contributions required to assist in the delivery of the development strategy set out in the adopted West Lothian LDP and it explains the process and mechanics of achieving this. It is maintained that this is consistent with the most current Scottish Government policy guidance and the Strategic Development Plan (SDP).

The guidance has been produced with the intent of being adopted as statutory Supplementary Guidance in support of the West Lothian Local Development Plan and therefore requires to be submitted to Scottish Ministers for scrutiny before it can be adopted.

F. BACKGROUND REFERENCES

- Adopted West Lothian Local Development Plan (2018)
- Scottish Planning Policy (SPP 2014)
- Planning Circular 6/2013 : Development Planning
- Planning Circular 3/2012 : Planning Obligations and Good Neighbour Agreements

Appendices/Attachments: Three

Appendix 1: Summary of Consultation Comments and Proposed Response

Appendix 2: Supplementary Guidance - Developer Obligations for General Infrastructure
for Site Delivery

Appendix 3: Track Changed version of guidance to highlight revisions proposed by consultees
and which it is recommended the council agrees

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Craig McCorriston

Head of Planning, Economic Development & Regeneration

23 June 2020

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APPENDIX 1

(SG) DEVELOPER CONTRIBUTIONS TOWARDS GENERAL INFRASTRUCTURE FOR SITE DELIVERY SUMMARY OF CONSULTATION REPRESENTATIONS WITH COUNCIL'S RESPONSES

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
<p>Winchburgh Developments Limited <i>Robin Matthew, PPCA Ltd</i></p>	<p>1 ■ Winchburgh Developments Limited supports the exemption from the Planning Guidance requirements given to extant planning permissions and notes that the planning permission in principle in place for the strategic expansion of Winchburgh (1012/P/05) is accompanied by a series of detailed planning conditions and a Section 75 legal agreement that directs the delivery and timing of infrastructure for this particular development.</p> <p>2 ■ At paragraph 5.7 (page 13) it is proposed that the last sentence of this paragraph is amended (changes shown in italics) to read –</p> <p>“It should however be noted that <i>whilst</i> the council is not obliged to accept any alternative project, offer, or other scenario as may be suggested, or proposed by a developer <i>any such proposals will be considered on merit against Local Development Plan requirements and local circumstances</i>”.</p> <p>It is argued that the proposed change does not dilute the responsibility of a developer to deliver the requisite infrastructure but simply allows for a flexible approach to delivery of the solution required that takes account of local circumstances and / or requirements.</p>	<p>1 ■ <i>Comments noted.</i></p> <p>2 ■ <i>Comments noted and the revision accepted. The text of paragraph 5.7 has been amended as requested.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>3 ■ At paragraph 6.1 (page 17) it is proposed that the bold text “new and” is deleted within the paragraph.</p> <p>4 ■ The Supplementary Guidance, when adopted, should and will apply to all unconsented residential development. The sentence, as currently drafted, suggests that it will apply to all new development when it will not as live planning consents, which will deliver new residential development such as that at Winchburgh, are exempt from the Supplementary Planning Guidance as stated in paragraph 3.2.</p> <p>5 ■ It is explained that the opportunity to jointly prepare a management plan for the Bings and corridor between Winchburgh and East Broxburn was previously investigated by Winchburgh Developments Limited as part of the Winchburgh planning permission in principle process but rejected by the East Broxburn developers.</p>	<p>3 ■ <i>Comments noted. It is acknowledged that the proposed text amendment would serve to clarify the scope of the Planning Guidance and is accepted.</i></p> <p>4 ■ <i>Paragraph 6.1 has been amended and will now read as:</i></p> <p><i>“To ensure the necessary infrastructure is in place to take account of the impacts of new developments this SG applies to all unconsented residential developments in West Lothian including the Core Development Areas (CDAs), namely Armadale, East Broxburn and Winchburgh, Calderwood (East Calder) and Gavieside (West Livingston) and the strategic development allocation site at Heartlands (Whitburn) and Bangour (Dechmont). Developments outwith these areas may also be required to contribute to infrastructure requirements to enable development to proceed.”</i></p> <p>5 ■ <i>A representation of a very similar nature was made by Winchburgh Developments when the LDP Action Programme was consulted on earlier this year and the Council Executive subsequently agreed to reject the proposition.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>This is not however a requirement of the Winchburgh planning permission in principle (1012/P/05) and it is requested that at Annex A, bullet point 3 (page 21) the requirement is either deleted or the reference within the East Broxburn CDA to it on page 22 reworded to place the responsibility for delivery solely with the East Broxburn CDA developers and/or landowners.</p> <p>6 ■ In Annex A, bullet point 5 (page 21), the SG states that the obligation for “works to rehabilitate the non-scheduled parts of Greendykes Bing” has been placed upon the Broxburn CDA developers as being more relevant to that CDA”. This is further expanded upon within the Broxburn CDA bullet point on page 22 which notes that it will form part of future planning permissions for that CDA. That being the case, it is proposed that bullet point 5 within the Winchburgh CDA is deleted.</p> <p>7 ■ In Annex A, bullet point 6 (page 21) there is reference to the restoration of the Auldcathie landfill site and the provision of a new District Park. It is proposed that the SG is updated to record that the formation of such a park has now secured planning permission (1123/FUL/18) and will be delivered in accordance with the planning conditions set out in that consent.</p>	<p><i>Members were advised then that, given the proximity of Greendykes and Faucheldean Bings to the East Broxburn/Winchburgh CDA, it was entirely reasonable for the council to seek input to the preparation of the Management Plan and developer contributions to any subsequent improvement works and it was noted that these requirements are explicitly identified in Appendix 2 of the adopted LDP. The situation is unchanged and it is therefore <u>not proposed</u> to revise the text of the SG.</i></p> <p>6 ■ <i>The table of requirements in the SG directly derives from Appendix 2 of the adopted LDP, ‘Winchburgh Site Delivery Requirements’ (page 118) and to preserve consistency with the LDP it is not considered appropriate to make the proposed revision.</i></p> <p>7 ■ <i>Comments noted and the revision accepted. Under the column headed ‘Notes’ additional text has been inserted which reads:</i></p> <p><i>“Planning permission (1123/FUL/18) for the formation of a District Park was granted on 28 March 2019 and the park is expected to be delivered in accordance with the planning conditions set out in that consent”.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>8 ■ In Annex A, bullet point 8 (page 21) it is proposed that the final column is updated to record that detailed planning permission for the formation of a marina has now secured planning permission (0642/MS/19) and will be delivered in accordance with the planning conditions set out in that consent (subject to Scheduled Monument Consent being secured).</p>	<p>8 ■ <i>Comments noted and the revision accepted. Under the column headed 'Notes' the existing text has been deleted and replaced as follows:</i></p> <p><i>"Planning permission (0642/MS/19) for the formation of a marina was granted on 11 September 2019 and, subject to securing the corresponding Scheduled Monument Consent, the marina will be delivered in accordance with the planning conditions set out in that consent. Active discussion is ongoing between the developer and Scottish Canals on this matter and future phases of development along the Canal".</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
<p>Livingston Village Community Council <i>Brian Johnstone</i></p>	<p>1 ■ At para 2.4 (page 4) the community council wishes to see a stronger emphasis on the phrase “Developments will only be supported if and when the necessary services, infrastructure and facilities are in place”. It is asserted that far too often the infrastructure part follows the development where the infrastructure should be ready before the completed development.</p> <p>2 ■ Para 2.5 (page 4) references the assessment of the infrastructure effect of proposals, singularly and cumulatively, and the community council proposes that this should be undertaken independently - by neither the developer or the council as planning authority.</p> <p>A number of recent development proposals in the Livingston area to change employment land to residential use are cited to illustrate what is perceived as a need for the council to take a more strategic view of infrastructure requirements and the council is challenged to adopt a masterplan approach to development in this part of Livingston and to consider identifying Kirkton Campus as a new Core Development Area (CDA).</p>	<p>1 ■ <i>LDP Policy INF 1 explicitly states that development will not be permitted to commence unless:</i> <i>funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered;</i> <i>phasing to manage demand on infrastructure has been agreed; or</i> <i>in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.</i></p> <p><i>This text has therefore been incorporated into para 2.4 to achieve clarity and consistency.</i></p> <p>2 ■ <i>An assessment of the impact of development proposals on infrastructure, the environment and general amenity are fundamental and legitimate material considerations which fall within the competence of the council as local planning authority and it would be inappropriate and impractical to ‘outsource’ such matters. That said, the council does consult with and take advice from utilities and other infrastructure providers as part of the established decision making process.</i></p> <p><i>It is not proposed that any revision should be made to this particular element of the guidance.</i></p>

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		<p><i>The scope of this guidance is such that it does not extend to include providing a direction on the subject of master planning or land use designation (new CDA's). While Policy DES 1 of the West Lothian Local Development Plan is broadly supportive of developers producing masterplans, design statements and design guides in support of their proposals, this is not a blanket requirement and is very much site specific with the council reserving the right to require masterplans to be prepared for strategic as it deems appropriate.</i></p> <p><i>Furthermore, the West Lothian Local Development Plan did not identify any additional CDAs but instead sought to support and secure the implementation of housing and mixed use in the previously identified CDAs in Armadale, East Broxburn/Winchburgh and Livingston & Almond Valley.</i></p> <p><i>However, if there is desire for additional CDAs to be designated it should be pursuant to the preparation of the next LDP. Community councils and other parties will be contacted and made aware of this programme in due course.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>3 ■ At para 3.4 (page 5) the community council quotes the phrase “timely provision” (of infrastructure) and while agreeing with the sentiment it is nevertheless critical of the council having consented to, for example, the occupation of a housing development in advance of infrastructure or public realm improvements having been implemented. It queries how community councils can be assured or guaranteed that this will happen and reiterates the view that development should not be allowed to take place without the necessary supporting infrastructure.</p> <p>4 ■ It is recognised that planning approval is often made subject to conditions which place obligations on developers but the community council is concerned that some developers choose to ignore conditions or do not address obligations until after houses have been occupied and which can sometimes be too late. Assurance is sought as to how each and every applied condition is timeously dealt with.</p>	<p>3 ■ <i>It has previously been explained that the linking of infrastructure provision to development delivery can take place in a number of different ways and also over different time frames and it does not always require to be provided ‘up front’. See the terms of LDP Policy INF 1 above. It is also the case that the provision of some infrastructure is the responsibility of third parties and not always the developer.</i></p> <p><i>Furthermore, the provision of infrastructure is ordinarily regulated by planning conditions which may be re-enforced by legal agreements thereby providing the council with a significant degree of control and effective remedies to address non-compliance.</i></p> <p>4 ■ <i>Where complaints are made that a development has been carried out without planning permission, or that conditions attached to a planning permission are not being complied with (timeously or at all), such complaints are investigated as a matter of course. Planning Services currently employ dedicated enforcement staff tasked with investigating and resolving all breaches of planning control. The council's Enforcement Charter provides information on the enforcement process and what action the council can take over a breach of planning control.</i></p>

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	<p>5 ■ At para 4.9 (page 8) the community council queries the accuracy of a statement that planning conditions cannot be used to require work on land beyond the application site or works outwith the control of the applicant and requests clarification or rewording as appropriate.</p>	<p><i>While the council would always wish to be more proactive and be able to more widely 'police' compliance with the terms of planning conditions and legal agreements there is unfortunately little prospect of being able to achieve this in the current financial climate where resources are finite.</i></p> <p><i>Substantive progress can however be evidenced in terms of the performance of the enforcement function over recent years and existing monitoring and enforcement arrangements are held to be sufficiently robust and fit for purpose and it is not considered necessary to make any revision to this particular aspect of the guidance.</i></p> <p>5 ■ <i>It is acknowledged that the wording of this paragraph is partially erroneous. Planning Circular 4/1998 – <u>The Use of Conditions in Planning Permission</u> confirms that the planning authority <u>may</u> impose conditions regulating the development or use of land even if it is outside the site which is the subject of the application but <u>only</u> in situations where land is under the control of the applicant. The SG text has therefore been corrected to reflect this position.</i></p> <p><i>Separately, a typographical error relating to the position on the page of sub heading 'Circular 3/2012 – Planning Obligations and Good Neighbour Agreements' has been addressed.</i></p>

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	<p>6 ■ The community council identifies what it sees as an inconsistency in a statement at para 4.13 (page 9). It is suggested that the text infers that development should not detract from the quality of the environment and the point is made that all housing adds to increased traffic, and with no increase or provision to increase public transport does not add but detracts from the quality of the environment- ergo - no new housing should be allowed.</p> <p>7 ■ The reference to 'planning obligations binding successors' at para 4.19 (page 10) is welcomed by the community council but it is questioned if it has ever been enforced and an explanation sought as to how a site successor knows what previous planning obligations are., the concern being that it could easily be overlooked by a successor. It is further concluded that enforcement of planning controls is weak, needs more resources and should be more proactive and not be triggered by complaints.</p>	<p>6 ■ <i>The text which has been referenced relates to the purpose of the planning system in Scotland, not to 'development' per se and is not wholly pertinent. In any event the Planning (Scotland) Act 2019 makes it clear that the purpose of planning is to manage the sustainable development and use of land in the long term public interest (and not to frustrate it or enforce a moratorium on new development).</i></p> <p><i>Notwithstanding, it is proposed to delete paragraph 4.13 as it does not enhance understanding of the guidance. This of course has consequential changes for the numbering of paragraphs in the remainder of Section 4.</i></p> <p>7 ■ <i>A planning obligation is akin to a contract entered into between a landowner and the council and is a legitimate mechanism to make an otherwise unacceptable development acceptable in planning terms.</i></p>

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		<p><i>While the most common use of planning obligations is to secure financial contributions for the provision of necessary infrastructure they also sometimes have a role for restricting the use of land or buildings.</i></p> <p><i>Planning obligations are an established feature of the planning application process and their use is strictly regulated by Scottish Government as set out in Planning Circular 3/2012 – Planning Obligations and Good Neighbour Agreements.</i></p> <p><i>Planning obligations run with the land and are therefore legally binding and enforceable against the owner of the land and successors in title to the original parties to the agreement. Planning Obligations are registered in the Land Register of Scotland (where the property to which it relates is registered) or alternatively they are recorded in the General Register of Sasines.</i></p> <p><i>While a planning obligation is in existence, the land cannot be sold or disposed of unless the new owner of the land agrees to accept and comply with the terms of the planning obligation. When a property is sold and subsequent purchasers undertake title searches as part of the standard conveyancing process any planning obligations will be revealed. It is therefore highly improbable that obligations will be overlooked.</i></p>

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	<p>8 ■ The community council considers clause (b) at para 4.22 as an 'escape clause' which enables developers to defer the provision of infrastructure to later phases of development and would like to see this removed.</p>	<p><i>While the council would always wish to be more proactive and be able to more widely 'police' compliance with the terms of planning conditions, planning obligations and legal agreements, there is unfortunately little prospect of being able to achieve this in the current climate where resources have to be prioritised. Substantive progress can however be evidenced in terms of the performance of the enforcement function over recent years and existing monitoring and enforcement arrangements are held to be sufficiently robust and fit for purpose. It is therefore not considered necessary to make any revision to this particular aspect of the guidance.</i></p> <p>8 ■ Comments noted. However, the clause which has been referenced replicates 'word for word' the text of SDP Policy 9 (Infrastructure) and as such cannot be dispensed with.</p> <p><i>Both the SDP and the LDP allow for the phased provision of some infrastructure and this is quite legitimate and explicitly provided for in Circular 3/2012 – Planning Obligations and Good Neighbour Agreements. It states that 'In developing planning obligations, consideration should be given to the economic viability of proposals and alternative solutions should be considered alongside options of phasing or staging payments'. It is therefore not considered necessary or appropriate to make the proposed revision.</i></p>

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	<p>9 ■ Para 5.7 (page 13) states that ‘in exceptional circumstances, the council will consider alternative projects identified by the developer, to an equivalent value for that settlement.’ This however comes with a disclaimer that the council is not obliged to accept any alternative project, offer, or other scenario as may be suggested, or proposed by a developer.</p> <p>The community council describes this as ‘intriguing’ and asks if contributions towards the proposed East Calder High School by the developer of the Gavieside Farm mixed use development site (H-LV 13) in the Livingston West CDA falls into this clause. The concern is that this may allow for contributions being gathered for one project to be used to fund infrastructure in another location with the ‘donor’ area effectively losing out. The transparency of such decision making is also queried.</p>	<p>9 ■ <i>The requirement for the developer of the Gavieside Farm site (H-LV 13) to fund the proposed East Calder High School is justified on the basis of there being a necessity to provide capacity for this substantial new development and there is a very clear and explicit ‘cause and effect’ relationship. Consequently it is confirmed that this has nothing to do with the subject matter of para 5.7 in the guidance. It should also be noted that this SG does not in any event have any relevance to infrastructure of an educational nature.</i></p> <p><i>The situation described in para 5.7 of the guidance is by contrast referencing a very different (smaller) scale of infrastructure and relate primarily to the lists of projects identified by settlement in Annex 1.</i></p> <p><i>All the council is indicating is that it is prepared in principle to at least consider alternative/substitute projects to those identified subject to them being (a) in the same settlement and (b) being of an equivalent value. Creating a modest element of flexibility is not considered to be unreasonable or likely to have any significantly negative ramifications and it is comfortably within the normal competencies of council officers.</i></p>

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	<p>10 ■ The time frame for developers signing Section 75 agreements is identified at para 5.11 (page 15) as being '6 months from the date of the council's <i>resolution to approve</i>'. This is however regarded as excessive and it is proposed that it should be reduced. Furthermore it is suggested that only a 'one time' short extension of perhaps a month should be consented and even then only in exceptional circumstances.</p> <p>11 ■ The community council makes complimentary comments regarding Figure 1: Step-by-Step Guide to establishing a Section 75 legal agreement (pages 15 to 16) but suggests that it could be further enhanced by adding an indicative time frame for each step of the process.</p>	<p>10 ■ <i>Comments noted. Experience has pointedly demonstrated that the drafting of planning obligations can be a complex, resource intensive and time consuming exercise and that is even when all parties work constructively and use their best endeavours. The current time frame of 6 months is already considered ambitious and challenging and there is currently no appetite on the part of the council (Development Management and Legal Services in particular) to make any revision to these arrangements. Generally, this timeframe functions satisfactorily. It is however a matter which it would be reasonable to keep under review.</i></p> <p>11 ■ <i>Comments noted. While there is in principle merit to this suggestion the practical difficulty lies in the fact that the processing time of each planning application and any related planning obligation can be substantially different given the number of variable factors at play. The addition of a timeline would therefore be of dubious value and it is consequently not proposed to add one.</i></p>

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	<p>12 ■ Clarification is sought with regard to the practical arrangements for collecting developer contributions timeously and it is suggested that this should perhaps have been explained in the SG.</p> <p>13 ■ The community council has commented on Annex A - General Infrastructure Requirements with particular regard to the table dealing with West Livingston/Mossend (page 23). The enhancement of river corridors and greenway extensions. Is welcomed however this is regarded as too late for the river corridor at the Stadium.</p> <p>It is noted that the community council opposed housing development on the North side of Lidl's store because it was deemed to encroach too close to the River Almond. In the event the representations were dismissed and the housing has since been built. It is requested that such a situation should not be repeated in future.</p>	<p>12 ■ <i>The management and collection of developer contributions is ultimately the responsibility of the Development Management team which in turn is resourced and has the necessary technical support available to it undertake these tasks. A digital contributions ledger is used to log, programme and monitor developer contribution payments with outturns being provided to case officers on a regular basis. It is not however considered necessary, nor would it serve any meaningful purpose for this process to be detailed in the guidance.</i></p> <p>13 ■ <i>Comments noted. No revisions to the guidance have been sought and none can be made in any event because the table is populated with information sourced and imported verbatim from the adopted West Lothian Local Plan which is settled.</i></p>

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	<p>14 ■ The early masterplans for Gavieside indicated a new distributor road to the west of Livingston and a new route involving another bridge over the Almond which the community council feel should still be retained on the masterplan and implemented as a means of easing traffic to the west of the town.</p> <p>15 ■ Pursuant to earlier comments concerning the proliferation of housing proposals in the Kirkton Campus area there is a suggestion that consideration should be afforded to an additional north/south route but it is recognised that such a major project falls outwith the scope of this particular SG and would need to be addressed by a separate discussion.</p>	<p>14 ■ <i>Comments noted. No revisions to the guidance have been sought and none can be made in any event because the table is populated with information sourced and imported verbatim from the adopted West Lothian Local Plan which is settled. Observations on the Gavieside Farm site have however been copied to Development Management colleagues for information.</i></p> <p>15 ■ <i>Comments noted. No revisions to the guidance can be made because the table is populated with information sourced and imported verbatim from the adopted West Lothian Local Plan which is settled. However if there is desire to secure a new road representations should be made when the next LDP is being prepared. Community councils and other parties will be contacted and made aware of this programme in due course.</i></p>

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	<p>16 ■ It is noted that provision for health care facilities to service the development of the Gavieside Farm site has been referenced in the table but there is concern that the prospect of more intensive residential development in the Kirkton Campus area has not been pre-empted and it is requested that the council should alert NHS providers to this.</p> <p>17 ■ The response concludes with a general observation that there is little evidence of site being policed during the construction programme and there is a perception that inspections only occur when someone lodges a complaint. The community council therefore wish to see more planning monitoring and enforcement being undertaken in the early phases of development, particularly if breaches are suspected.</p>	<p>16 ■ <i>Comments noted. The council has had and continues to have an ongoing dialogue with NHS Lothian representatives regarding future requirements for healthcare provision allied to new housing development across West Lothian, both planned for sites (LDP allocated) and 'windfall' sites. Furthermore, LDP Policy HOU 7 – Healthcare and Community Facilities in New Housing Developments – advises that in locations where the capacity, quality or locations of health service provision and/or community facilities are identified as being inadequate to meet the needs arising from a proposed development, an appropriate developer contribution may be sought to ensure a satisfactory quantity or quality of such provision, commensurate with the impact of the new development.</i></p> <p>17 ■ <i>While the council would always wish to be more proactive and be able to more widely 'police' compliance with the terms of planning conditions and legal agreements there is unfortunately little prospect of being able to achieve this in the current financial climate where resources are finite. Substantive progress can however be evidenced in terms of the performance of the enforcement function over recent years and existing monitoring and enforcement arrangements are held to be sufficiently robust and fit for purpose.</i></p>

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<p>Springfield Properties Plc David Howel, Pegasus Consultancy</p>	<p><i>Comments from Springfield Properties, the owners of development site at West Livingston/Mossend, relate exclusively to the table headed 'West Livingston/Mossend CDA' in Annex A of the guidance (page 23).</i></p> <p>1 ■ <i>It is proposed that the reference to the provision of a new 'public car park' for the new village at Gavieside is changed to 'sufficient public parking' as this better reflect detailed design proposals that are being prepared.</i></p> <p>2 ■ <i>It is proposed that the requirement for the preparation of a management plan (and funding) relating to Briestonhill Moss should be deleted on the grounds that this area lies outwith the boundary of the planning application site and the ownership control of the applicant.</i></p>	<p>1 ■ <i>Comments noted. However the details of any parking solution proposed is ultimately a matter to be addressed through a planning application. No revisions to the guidance can be made because this table is populated with information sourced and imported verbatim from the adopted West Lothian Local Plan which is settled.</i></p> <p>2 ■ <i>Briestonhill Moss is a potential Local Biodiversity Site (LBS) and is located to the south of the allocated development site. It is entirely reasonable that development proposals respect the sensitive landscape character and setting of the site and the measures identified are intrinsically pursuant to that. Furthermore, they are identified in Appendix 2 - Schedule of Housing Sites/Site Delivery Requirements of the adopted Local Development Plan which the table in the guidance simply replicates.</i></p>

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	<p>3 ■ It is proposed that a requirement for the provision of structure planting and a network of connecting paths to Bristonhill Moss area and existing woodland areas should be deleted for similar reasons described above.</p> <p>4 ■ It is proposed that the safeguarding of land for an extension of the Almond Valley Heritage Centre light rail route on the north side of River Almond is removed because the development site at Gavieside does not embrace this land.</p> <p>5 ■ It is proposed that the requirement to enhance river corridors within the masterplan area is augmented with the proviso 'subject to land control/agreement' recognising that there may be situations where the river corridor is outwith the control of the developer.</p>	<p><i>No change to the guidance is therefore proposed. It is not uncommon for works of this nature to be required of developers although it is recognised that the agreement of the landowner would require to be secured to ensure the implementation of said management plan.</i></p> <p>3 ■ <i>In allocating land for development at West Livingston/Mossend it was recognised that the provision of open space locally was deficient and a conscious decision was made to remedy this. This requirement is identified in Appendix 2 - Schedule of Housing Sites/Site Delivery Requirements of the adopted Local Development Plan which the table in the guidance simply replicates. No change to the guidance is therefore proposed.</i></p> <p>4 ■ <i>This requirement is not site specific to the development site at Gavieside and has wider application which requires to be maintained. No change to the guidance is therefore proposed.</i></p> <p>5 ■ <i>Land ownership will always be a determining factor as to whether a condition of a planning permission can be enforced and it does not therefore require to be explicitly referenced. No change to the guidance is therefore proposed.</i></p>

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	<p>6 ■ It is proposed that the required extension of the existing greenway associated with the River Almond (between Kirkton and Easter Breich is augmented with the proviso 'subject to land control/agreement' recognising that there may be situations where it is outwith the control of the developer.</p> <p>7 ■ It is proposed that the requirement for new greenways associated with West Calder Burn, Harwood Water and Breich Water is augmented with the proviso 'subject to land control/agreement' recognising that there may be situations where it is outwith the control of the developer.</p> <p>8 ■ A requirement for developers to make a contribution to library provision is acknowledged albeit that details will still require to be confirmed through the planning application.</p> <p>9 ■ The identification of a requirement in the guidance for local neighbourhood centres at Gavieside to provide a focus for communities is noted. However it is proposed that the requirement is changed to a singular 'centre' to be included with detailed design proposals for Phase 1.</p>	<p>6 ■ <i>As above.</i></p> <p>7 ■ <i>As above.</i></p> <p>8 ■ <i>Comments noted.</i></p> <p>9 ■ <i>There is recognition in the guidance that this is a matter to be addressed through a planning application and it would be premature to make any revision to the requirements until such an application had been concluded. No change to the guidance is therefore proposed.</i></p>

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	<p>10 ■ The identification of a requirement in the guidance for land for community facilities on the West side of Livingston and at Gavieside in particular is noted. It is however advised that NHS Lothian's response to the planning application in respect of development at Gavieside did not identify any specific requirements and it is requested that the last line of text requiring further consultation with NHS Lothian Healthcare Trust be deleted. It is further explained that detailed design proposals for Phase 1 already include flexible space for local community uses.</p> <p>11 ■ Additional Comments are made regarding a number of transport related infrastructure requirements, specifically:</p> <ul style="list-style-type: none"> • New distributor road to the west of Livingston to serve the new community at Gavieside and bypass Polbeth; • Transport assessments to determine the final road network and junction improvements necessary to support the Livingston and Almond Valley CDA proposals; • The potential for road closures at Mossend (West Calder), Polbeth Road will be considered and will be promoted if there is community support; • Improved access to West Calder railway stations; • Key public transport requirements to include the provision of park and ride facilities at Gavieside, West Calder railway station; and 	<p>10 ■ <i>There is recognition in the guidance that this is a matter to be addressed through a planning application and it would be premature to make any revision to the requirements until such an application had been concluded. No change to the guidance is therefore proposed.</i></p> <p>11 ■ <i>The title of this Supplementary Guidance makes it clear that it excludes consideration of transport infrastructure. Matters which have been identified by Springfield Homes in this regard are consequently not within the competence of this SG and have not been responded to. These elements of the representation may nevertheless be pertinent to another SG currently in preparation entitled 'Developer Contributions Towards Transport Infrastructure' and will therefore be addressed when a report on that SG is brought to the Council Executive for consideration in due course.</i></p>

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	<ul style="list-style-type: none">• The Gavieside Park and Ride facility/Livingston Fastlink and developer contributions to public transport initiatives. <p>Notwithstanding, the majority of comments relating to these requirements are 'noted and agreed' by Springfield Properties and with only very minor revisions being suggested.</p>	

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<p>Homes for Scotland <i>Claire Pollock</i></p>	<p>1 ■ The importance of the council's duty to ensure that sufficient infrastructure provision is made to offset the impact of additional residential development on infrastructure, existing communities, local amenity and the quality of the environment is recognised.</p> <p>2 ■ Because this SG excludes contributions relative to transport and education infrastructure, cemetery and public art provisions, the respondents are concerned that it does not take sufficient account of what may be substantial contributions or obligations developers may have agreed to make with regard to other SG and it is feared that this could result in a repetition of work and an increased risk to the viability of development proposals.</p> <p>3 ■ It is suggested that the focus for developer contributions (secured through Section 75 and other legal agreements) should be on the subject of affordable housing and infrastructure where there is a proven and accepted link between its use and the delivery of new homes.</p>	<p>1 ■ <i>Comments noted.</i></p> <p>2 ■ <i>One of the functions of SG is to provide developers with advance notice of the nature and scope of contributions which the council are likely to seek in order that they can be anticipated and addressed at the earliest opportunity and a competent developer would be expected to be conversant with such guidance. Furthermore, the infrastructure requirements for allocated housing sites have been clearly telegraphed in the Appendix 2 of the LDP and should therefore not pose any surprise to developers.</i></p> <p>3 ■ <i>It is the council's position that the developers contributions being sought are wholly compatible with these criteria.</i></p>

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	<p>4 ■ It is asserted that the role of supplementary guidance should be to provide clear justification for the delivery of policy and to identify what exactly is expected of the developer. However it is argued that the SG fails to provide sufficient detail on the delivery of LDP policies and lacks clear justification for how the proposed general infrastructure obligations were reached.</p> <p>5 ■ The guidance is criticised for lacking clarity and for providing insufficient justification around the scope of legal agreements. Furthermore it is suggested that there has been little regard to the cumulative amount this could add to administrative burdens for both the council and applicants.</p> <p>6 ■ It is feared that without clear guidance the likelihood of council's ability to "issue decision notices within six months of the council's resolution to approve" (para 511, page 15), is low. This will lead to further delays and uncertainty, consequentially increasing the risk to the viability of development proposals.</p>	<p>4 ■ <i>It is the council's contention that the general infrastructure obligations <u>are</u> explicitly identified in the LDP. Furthermore, there are in many instances examples of Section 75 Agreements which have already been negotiated and concluded and which are serving to deliver elements of general infrastructure.</i></p> <p>5 ■ <i>The council refutes the suggestion that the guidance lacks clarity and does not agree that additional justification requires to be provided for utilising legal agreements to secure developer contributions. Concerns relative to the 'administrative burdens' are held to be heavily overstated but should in any event fall within what it is reasonable to expect when securing planning permission for substantive residential development.</i></p> <p>6 ■ <i>The processing time for legal agreements cannot be too rigidly prescribed as it is inevitably subject to many variables. However the indicative time frame of being able to conclude negotiations on legal agreement and issue decision notices within 6 months from the date of the council's 'resolution to approve' is considered realistic and achievable in most circumstances and should therefore be retained.</i></p>

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	<p>This delay and uncertainty is particularly harmful to small and medium sized home builders who are heavily reliant on debt finance, have less resources to deal with administration and fewer active sites on which to make up anticipated sales. The respondents consider that it would be mutually beneficial to both stretched Local Authority Planning teams and home builders to ensure that legal agreements and monetary requirements are identified early in supplementary guidance and are justified through a strong evidence base and policy hook within the LDP; allowing the process to be more streamlined.</p>	<p><i>It will be noted that another respondent (Livingston Village Community Council) argued for the 6 month period to be substantially reduced and serves to demonstrate the contentious nature of this competing views which the council has to somehow reconcile.</i></p> <p><i>It is the council's position that LDP Policy INF 1 actually provides a particularly robust policy 'hook' that is specifically focused on infrastructure provision. It is also significant that the precise wording of Policy INF 1 was drafted by the reporter as a modification to the LDP to read "Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out in Policy INF 1".</i></p> <p><i>A 'Schedule 4' (Issue 1F) and dealing with the subject of developer contribution, infrastructure and developer contributions was prepared at the time of the LDP Examination and provides relevant and helpful context.</i></p>

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	<p>7 ■ The SG is criticised for not reflecting the exact wording of para 90 of the LDP, a preamble to LDP Policy INF 1. The specific complaint is that the SG states that general infrastructure requirements also includes Land for Community facilities, serviced employment land, management of existing trees and woodland and recycling facilities (Annex A, Table 1). The SG is also claimed to lack any justification for the introduction of land as a contribution or section 75 obligation and the absence of a clear 'policy hook' within the LDP for the provision of land is identified as a reason for removing this particular requirement from the guidance.</p> <p>8 ■ With particular regards to land for community facilities and serviced employment land, there is concern that it is not made entirely clear how this will be expected to be brought forward.</p> <p>9 ■ The SG has identified a unit cost of £350 toward the delivery of town and village centre improvements but the respondents regard this as an arbitrary figure without any justification and seek clarification. They also call for the guidance to be amended so as to confirm if £350 is a capped amount which will be taken into consideration when further section 75 agreements are negotiated.</p>	<p>7 ■ <i>Annex A, Table 1, is populated with information sourced and imported verbatim from the adopted West Lothian Local Plan. LDP Policy CDA 1 intimates that "Infrastructure requirements are identified in Appendix 2" which is precisely where Table 1 of Annex A is sourced from and provides the relevant justification. The respondents criticisms would perhaps be more appropriately targeted at the Adopted LDP but the opportunity to have contested this has been and gone. In any event, no revision to the SG is proposed.</i></p> <p>8 ■ <i>These requirements are expected to be addressed through the submission of planning applications and the approval of CDA masterplans and are therefore no different from any other LDP infrastructure requirements.</i></p> <p>9 ■ <i>New development inevitably imposes additional pressure on existing facilities /amenities/infrastructure which simply would not arise had it not been for the new development and contributions are therefore deemed to be wholly justified. Developers and occupants of new developments are as much a part of the community as anybody else and, as such are expected to benefit from <u>and</u> contribute to enhancements to the town centres in which new development is proposed.</i></p>

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		<p><i>The guidance seeks to ensure that developer contributions are used to mitigate the impact of new development on town centres while enhancing the environmental quality of the shared public realm and helping to bolster civic pride in the area.</i></p> <p><i>In this instance a standardised charge has been proposed, mainly because there is no identifiable 'global' cost for what is a non-specific collection of town centre improvement projects and it makes it impossible to apportion contribution on a pro-rata basis (as might otherwise be the case with major infrastructure such as schools and roads).</i></p> <p><i>It does however mean that there is absolute consistency and transparency about the scale of contributions and puts prospective developers on an equal footing, and because the cost of improvements is distributed amongst more developments a lower tariff can be applied.</i></p> <p><i>The proposed contribution sum of £350 was derived by indexing the previous figure of £250 (originally identified in 2007 Supplementary Planning Guidance entitled "CDA Developer Contributions for Town and Village Centre Improvements) with the RICS Building Cost Information Service Tender Price Index (Q4, 2017) in order to bring it more up to date. There is an argument that the indexing of the £250 figure should even be re-calculated at 2020 prices but this has been resisted.</i></p>
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		<p><i>It may be that the mechanism for securing developer contributions required to fund development will change in the medium to longer term as a direct consequence of the new Planning (Scotland) Act 2019.</i></p> <p><i>The Act grants enabling powers to Scottish Ministers to make regulations for the introduction of an 'infrastructure levy', to be operated by planning authorities to raise funds to support the provision of infrastructure projects. Unfortunately the Act provides scant detail about how the levy would work in practice. It's also the case that the Act includes a 'sunset' clause which removes the regulation making power if no regulations are made within seven years of the Act.</i></p>
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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>10 ■ The SG advises that “Where developers are of a view that fulfilling a planning obligation would make the economics of the development unviable and look to amend the levels of contribution, the prospective developer will be required to submit a development appraisal which...the council...will verify”. The respondents have suggested that the SG should therefore indicate what the council would be prepared to accept in terms of developer profit level and internal rates of return in such situations.</p> <p>11 ■ The respondents nevertheless remain concerned that the guidance fails to take account of the impact it will have on <u>existing land deals</u> (in so far as developers will not have the ability to recover the new obligation costs on deals which have already been contracted) and on <u>proposed developments</u> which do not yet have detailed consent (where the opportunity to factor in additional infrastructure costs during the purchase of land will have passed).</p>	<p>10 ■ <i>It would be counter-productive for the council to identify what percentage of profit or minimal rate of return it was prepared to accept as the threshold for determining whether developer contributions should be set aside. These are instead matters which require to be considered on a case by case basis between the council and a developer having had access to relevant financial data and based on the unique circumstances of the site in question. Comparable arrangements are already provided for in the recently adopted SG relating to affordable housing contributions and considered to be a perfectly reasonable and practical template to follow. No revision to the SG is therefore proposed.</i></p> <p>11 ■ <i>The basic principles of this SG are not substantively dissimilar from previous guidance on the subject of developer contributions and which are themselves extrapolated from Appendix 7.1 of the West Lothian Local Plan (2009). This appendix identically cites “town centre improvements”, “land for community facilities”, “serviced employment land”, “management of existing trees and woodland” and “recycling facilities” as some of the anticipated requirements for local facilities and amenities applicable to all CDA housing proposals.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<i>There is clear continuity between the former and current development plans and it is therefore not unreasonable to assume that any land acquired and banked over the last 10 years would have been done so in full knowledge of these continuing requirements. However regardless of this, the development industry is well acquainted with all manner of risks and it is difficult to believe that competent and prudent developers would not have strategies and contingencies in place to address a continually evolving business climate.</i>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
<p>EWP Investments Ltd <i>Calum Glen, Geddes Consulting</i></p>	<p>1 ■ A substantive part of the 17 page submission is taken up with a detailed account of the legislation and relevant planning policy and guidance that is pertinent to the SG.</p> <p>2 ■ The main substance of the representation can however be distilled to two specific issues (1) the appropriateness/legitimacy of the requirements in the guidance for developer contributions towards the replacement cost of the public library in Armadale and (2) the appropriateness/legitimacy of the requirements in the guidance for developer contributions towards town centre improvements in Armadale.</p> <p>(1) <u>Library Provision in Armadale</u></p> <p>Developer contributions towards funding the replacement of Armadale library are regarded by the respondents as arbitrary payments which seek to extract advantages, benefits or payments from landowners or developers which are not directly linked to the proposed development.</p> <p>In particular the respondents argue that the requirement for developers to contribute to the provision of library facilities in Armadale fails to satisfactorily meet the five policy tests identified in Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.</p>	<p>1 ■ <i>Being largely of a factual nature this element of the response only requires noting.</i></p> <p>2 ■ <i>To suggest that the quantum of proposed new development in Armadale (more than 2,000 houses) would have only negligible impact on library (and other community services) is rejected. Future demand for library provision is a natural outcome of the housing expansion in West Lothian and there is a reasonable relationship between new housing developments and the future cumulative demand for these facilities. Furthermore, equalising the contribution across all housing developments in the Armadale CDA is an appropriate and pragmatic approach in this particular location to ensure compliance with policy INF 1 and satisfies the terms of Circular 3/2012 as contributions deal equitably with the cumulative impacts across the Armadale CDA.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>1 - Necessity 2 - Planning Purpose 3 - Relationship to Proposed Development 4 - Scale and Kind 5 - Reasonableness</p> <p>The respondents have submitted detailed commentary in relation to each but in order to avoid repetition the key overarching issues raised are summarised and responded to below with the respondents conclusion being that the SG requirement for a financial contribution towards the cost of the new library is removed</p> <p>While accepting that a planning obligation is the most appropriate mechanism for collecting financial contributions the respondents have nevertheless questioned whether contributions to fund improved library facilities are strictly necessary to make a proposed housing development acceptable in planning terms.</p>	

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>3 ■ Specifically, the SG is criticised for providing no evidence to enable an assessment to be made of the impact of CDA housing developments on library provision within the town and it is concluded that without such an evidence base the SG cannot demonstrate how new housing development would necessitate a requirement to deliver improved library facilities. It is the respondents view that a clear link between the development and any mitigation provided by a developer contribution has not been demonstrated by the council.</p> <p>It is further asserted that the replacement library in Armadale would have been required regardless of any new development taking place in the town (given the documented physical limitations of the previous facility) and it is implied that the Council has sought to have developers fund a project which it had responsibility for.</p>	<p>3 ■ <i>The requirement for contributions is determined by the capacity of an existing facility (in this case the public library in Armadale) and its ability to serve development. In circumstance where a facility is of an adequate size to cope with both existing and anticipated increase in usage no contribution would be required. However in this instance it was concluded <u>more than 10 years ago</u> that the planned for expansion of Armadale would have a significant impact on library provision and that compensatory provision therefore required to be made.</i></p> <p><i>Regrettably there are no surviving records which evidence how the pro-rata division of costs was originally calculated. The established convention is however that where there is held to be an impact on current provision from new development, the council will seek contributions towards the creation of additional accommodation or the reconfiguration of existing facilities, whichever is most appropriate. This is to ensure that the existing population is not disadvantaged by an increase of usage from new residents the proposed development is expected to generate.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<p><i>In this particular instance the council took the decision to provide a wholly new library (constructed as an extension to the nearby community centre) for a number of reasons including longstanding access issues and physical constraints impeding an extension of the existing building. The new library was forward funded and built by the council and opened in 2009.</i></p> <p><i>It is considered a reasonable expectation for the occupants of new homes to have access to a wide range of facilities and services including libraries. In these circumstances there is a very clear relationship between the residential expansion of Armadale and the future cumulative demand for this community and educational facility.</i></p> <p><i>It is also not unreasonable to assume that the demand for library provision should primarily be met in the general locality of the housing (i.e. within the town of Armadale).</i></p> <p><i>Arrangements for developers to shoulder the cost of providing extended library facilities to meet the needs of the new population arising from the 2,070 houses to be developed in the Armadale CDA were initiated and agreed some 10 years ago and are enshrined in previous Supplementary Planning Guidance (SPG) and integral to extant planning permissions/agreements.</i></p>

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		<p><i>In this regard, the new SG is doing nothing more than ensuring these arrangements are carried forward with the goal of recovering the expenditure made by the council when originally forward funding the project.</i></p> <p><i>The council considers that such contributions meet the terms of Circular 3/2012 and would have expected this requirement to have been 'struck down' by Reporters in the course of the LDP enquiry had there been any suggestion of it not being justified or legitimate. However, in the Report of Examination on the LDP (Schedule 4, Issue F) the Reporter remarked that he did not consider there to be an unreasonable reliance upon developers to address infrastructure needs.</i></p> <p><i>It is also the case that the Council recognises that it has obligations to provide for the needs of the existing Armadale community, as has been demonstrated by it assuming more than two thirds of the total cost of the replacement facility.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>4 ■ The developer contribution costs are considered unreasonable. It is averred that the 'per unit' cost has been erroneously calculated and argued that there is also no justifiable basis to apply indexation to this figure.</p> <p>The respondent has identified a discrepancy in the financial calculation referenced in Annex 2 of the guidance. In particular, the guidance advises that the new Armadale library came in over budget at a total cost of £1,118,00 while the previous SPG had anticipated the cost being £775,000, a difference of £343,000. However at para 2.7 (page 28) a different figure of £368,000 is identified and adoption of this inflated figure has given rise to an incorrect 'per unit' cost of £166. It is suggested that this reduces to £143 when calculated using the correct figures and it is requested that the guidance be revised accordingly.</p> <p>5 ■ The guidance intimates that developer contributions should be linked to the Building Tender Price Index using Q4 2017 as the base date but the respondent queries the appropriateness of such an approach in these circumstances, highlighting the fact that these are out-turn costs of an already constructed project and arguing that there is no basis to index them.</p>	<p>4 ■ <i>It is acknowledged that the figure of £368,000 is erroneous and has contributed to an inaccurate developer contribution sum. It is therefore agreed that the working calculations shown in the guidance should be corrected. However, using the same methodology this yields a new unit cost of £163 and it should be noted that this does not accord with the respondents lesser figure of £143.</i></p> <p>5 ■ <i>Noted and agreed. The purpose of these contributions was only ever intended to enable the council to recover the 'forward funding' expenditure it had paid out and the requirement to index payments should therefore be removed.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>6 ■ The respondents observe that paragraph 92 of the LDP states that 'Appendix 2 (of the LDP) provides details of infrastructure needed to support the development of allocated housing sites' but argue that Appendix 2 doesn't do this and instead only advises that the council will seek a contribution to improved library facilities in Armadale.</p> <p>7 ■ The respondents are critical that the SG doesn't explain how this financial contribution will specifically mitigate the impact of development upon library provision in Armadale.</p>	<p>6 ■ <i>The council is satisfied that Appendix 2 delivers exactly what paragraph 92 promises. The replacement library in Armadale was already operational by the time the LDP was adopted and there was consequently no 'additional' physical infrastructure envisaged or which required to be detailed in these circumstances.</i></p> <p><i>The new library facility had been quite intentionally specified to accommodate the planned growth in the town and developers are therefore only being required to shoulder a proportionate share of the cost of these works which, lest it be forgotten, the Council had taken a decision to forward fund in the interests of stimulating and supporting residential development in the town.</i></p> <p>7 ■ <i>It is considered to be self-evident that such a substantive increase in the population of Armadale (as a consequence of planned new housing development) required a corresponding increase in the capacity of the facility to accommodate an increased demand.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>8 ■ The respondents are critical that the SG is not supported by any technical study or evidence which demonstrates that the development of new homes within the Armadale CDA creates a requirement for the improvement or expansion of the previous library facility. The SG is regarded as a document that only seeks to communicate the need for developers to contribute to the cost of these works and that there is nothing more than a trivial link between new housing development and improved library provision in Armadale. It is further stated that the use of libraries is generally in decline, inferring that the justification for investment of this nature is questionable. Contrary to the terms of Circular 3/2012, and reinforced by a recent legal decision made by the UK Supreme Court, it is the respondents opinion that the SG is being used by the Council to extract advantages, benefits and payments which are not directly linked to the proposed development.</p>	<p>8 ■ <i>The requirement for developer contributions to fund a replacement library in Armadale originate from the previous West Lothian Local Plan (2009). It records that the Core Development Area (CDA) strategy identified the need for developers to fund and deliver key infrastructure and facilities to remedy deficiencies in local facilities which resulted from additional housing and the CDA Action Plan (Appendix 7.1 of the WLLP) specified improved library facilities at Armadale as requiring developer contributions. It is made clear in the accompanying SPG of 2009 that the cost and the design of the library meets the requirements of the existing population and also the future population arising from the 2,070 units allocated in the Armadale CDA.</i></p> <p><i>At the same time however, there is explicit confirmation that developer contributions are 'pro rata' i.e. only being sought to meet the <u>additional cost</u> of providing library facilities for the 2,070 units and that the council had committed funds to meet the needs of the existing population. There was/is no question that developers are being required to cover anything other than the legitimate and proportionate costs of the impact of their developments on public library provision in Armadale.</i></p>

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	<p>9 ■ While acknowledging that the SG identifies costs for the delivery of the replacement of Armadale Library it doesn't provide any information on the actual quantum of the works that were delivered, nor how this addressed the impact of development within the Armadale CDA. It is argued that in the absence of any methodology or evidence base to determine the impact of development on library provision in Armadale it isn't possible to determine whether the contribution figure per home is proportionate.</p> <p>10 ■ The respondents consider it unreasonable that developer contributions are only being sought for new homes in the Armadale CDA and suggest that the net should have been cast much wider to apply to <u>all</u> new housing development in Armadale and embrace both planned (LDP allocated) <u>and</u> windfall sites.</p>	<p>9 ■ <i>The pro-rata division of costs for the new library was originally calculated on the basis of the anticipated increase in the number of new households in Armadale. Existing households numbered in the region of 5,000 and new households approximately 2,400. This represented a one to two thirds ratio and as a consequence the costs of the new replacement library facility were similarly apportioned.</i></p> <p>10 ■ <i>The developer 'contribution zone' embraces the Armadale Core Development Area (CDA) and originates from the previous Supplementary Planning Guidance which was adopted in 2009.</i></p> <p><i>While there is an argument to be made that contributions should have been levied on all new residential developments in Armadale regardless of whether it was located in the CDA or not, it is the case that the vast majority of new housing in the intervening period has actually been built within the CDA as anticipated. As a consequence, the value of contributions which may have potentially been forgone had the zone embraced the whole of Armadale is negligible and is unlikely to have made any substantive difference to the pro-rata charge. The respondent's proposition to broaden out the scope of the guidance is therefore not supported.</i></p>

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	<p>(2) Town Centre Improvements in Armadale</p> <p>11 ■ Section 4.0 of the representation is titled 'Planning Obligation Towards Armadale Town Centre' but the opening paragraph (4.1) declares that the purpose of the section is to assess the requirements to make developer contributions towards the provision of improved library provision within Armadale based on the five policy tests of Circular 3/2012.</p> <p>12 ■ It is argued that the development of the Armadale CDA poses a number of financial challenges including the high costs from abnormal ground conditions and modest land values. As a consequence any additional financial contributions which the council seek to levy on CDA developers, in addition to an affordable housing requirement 10% higher than sites out with the CDA in Armadale, puts substantial viability pressure on development and by extension delivery of the Council's LDP Strategy.</p>	<p>11 ■ Paragraph 4.1 of the respondent's submission is clearly erroneous given that the subject of Armadale Library is extensively addressed in the preceding section. It is therefore reasonable to conclude that paragraph 4.1 is a text remnant from an earlier edit and that the content of this part of the submission instead relates to the title of Section 4 (Town Centre Improvements in Armadale) and it is responded to on this basis.</p> <p>12 ■ <i>The developer contributions which are identified in the SG are essentially the self- same contributions identified in the previous West Lothian Local Plan and, most pertinently, legitimised by the currently adopted West Lothian Local Development Plan. The SG does not change the scope of contributions and so this criticism is (at best) misdirected.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>13 ■ The respondents argue that the requirement for developers to contribute towards town centre improvements in Armadale fails to satisfactorily meet the five policy tests identified in Scottish Government Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.</p> <p>1 - Necessity 2 - Planning Purpose 3 - Relationship to Proposed Development 4 - Scale and Kind 5 – Reasonableness</p> <p>14 ■ The respondents have submitted detailed commentary in relation to each but in order to avoid repetition the key over-arching issues raised are summarised and responded to below with the respondents conclusion being that the SG requirement (for either a package of proposals identified by the developer and agreed with the council or a financial contribution made by the developer which would be added to a town and village centre improvement fund administered by the council) is removed from the SG.</p>	<p>13 ■ <i>The developer contributions which are identified in the SG are essentially the self- same contributions identified in the previous West Lothian Local Plan and, most pertinently, legitimised by the currently adopted West Lothian Local Development Plan. The SG does not change the scope of contributions and so this criticism is (at best) misdirected.</i></p> <p>14 ■ <i>See responses below.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>15 ■ While the respondents accept that a planning obligation is the most appropriate mechanism for collecting financial contributions towards improved town centre improvements they nevertheless question whether contributions are justifiably necessary to make a proposed housing development acceptable in planning terms. It notes that Circular 3/2012 requires a planning obligation to satisfy the demanding test of being so directly related to the regulation of a proposed development that it should not be permitted without it. The respondents are of the opinion that it fails to do so in this instance.</p>	<p>15 ■ <i>The suggestion that the quantum of proposed new development in Armadale (more than 2,000 houses) would have no discernible impact on the physical fabric of the town is implausible and is therefore dismissed, as is the accompanying assertions that the requirement for developers to contribute to a scheme of town and village improvements is not allied to mitigating the impact of their development on existing populations. New housing development inevitably has an impact on the character and infrastructure of existing settlements and it is fair and reasonable that it should contribute towards mitigating any negative consequences.</i></p> <p><i>Developer contributions are legitimately sought where a development proposal (or a combination of developments) create an environmental impact that requires to be mitigated.</i></p> <p><i>A substantial expansion of residential properties will almost inevitably bring additional pressures to bear on the built and natural environment, existing amenities and services, and while there is a very clear and demonstrable 'cause and effect' relationship, much of this is very difficult to measure and quantify conventionally.</i></p>

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	<p>16 ■ The SG is criticised for failing to demonstrate how developer contributions for town centre improvements directly relate to a specific residential development. It is further suggested that the nature of some of the 'improvement works' developers are expected to fund have little or no direct relevance to a development's impact in planning terms, for example, CCTV cameras, promotion and marketing campaigns and site assembly and that these will not of themselves mitigate the impact of a development. Rather, these works are regarded as addressing existing issues which are not a direct result of the proposed development.</p>	<p><i>It is however not unreasonable to expect new development to make a positive contribution to enhancing what can be described as the quality of place in order to maintain a vibrant and fully functioning town centre and it must surely also be in the developers commercial interests to support and help enhance the attractiveness of the town they are building new homes in.</i></p> <p>16 ■ <i>New development almost inevitably imposes additional pressure on existing facilities /amenities/infrastructure which simply would not arise had it not been for the new development and contributions are therefore deemed to be wholly justified.</i></p> <p><i>The council's intent is that developer contributions should:</i></p> <ul style="list-style-type: none"> <i>• mitigate the direct impacts of development on infrastructure;</i> <i>• ensure that development meets the need of users;</i> <i>• in the case of housing development, ensure that development does not add to imbalances already identified); and,</i> <i>• ensure that, where appropriate, development contributes to civic pride in the area through a high quality public realm.</i>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>17 ■ The SG is criticised for failing to precisely demonstrate what developer contributions for town centre improvements would be used for and how they would actually mitigate the developments individual or cumulative impact on infrastructure (in accordance with the terms of LDP Policy INF 1).</p> <p>The respondents complain that the SG only identifies a generic list of potential improvements to town and village centres and conclude that this fails to provide evidence of a direct link between a new housing development and the requirement for such improvements and, furthermore, makes it impossible to determine whether this proposed financial contribution of £350 'per unit' would contribute to improvements necessary as a consequence of or in connection with the development. It is argued that the SG simply seeks to obtain financial contributions (i.e. a charging rate) for all new development within the CDAs.</p>	<p>17 ■ <i>New development inevitably imposes additional pressure on existing facilities /amenities/infrastructure which simply would not arise had it not been for the new development and contributions are therefore deemed to be wholly justified. Developers and occupants of new developments are as much a part of the community as anybody else and, as such are expected to benefit from <u>and</u> contribute to enhancements to the town centres in which new development is proposed.</i></p> <p><i>The guidance seeks to ensure that developer contributions are used to mitigate the impact of new development on town centres while enhancing the environmental quality of the shared public realm and helping to bolster civic pride in the area.</i></p> <p><i>In this instance a standardised charge has been proposed, mainly because there is no identifiable 'global' cost for what is a non-specific collection of town centre improvement projects and it makes it impossible to apportion contribution on a pro-rata basis (as might otherwise be the case with major infrastructure such as schools and roads).</i></p> <p><i>It does however mean that there is absolute consistency and transparency about the scale of contributions and puts prospective developers on an equal footing, and because the cost of improvements is distributed amongst more developments a lower tariff can be applied.</i></p>

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		<p><i>The proposed contribution sum of £350 was derived by indexing the previous figure of £250 (originally identified in 2007 Supplementary Planning Guidance entitled “CDA Developer Contributions for Town and Village Centre Improvements) with the RICS Building Cost Information Service Tender Price Index (Q4, 2017) in order to bring it more up to date. There is an argument that the indexing of the £250 figure should even be re-calculated at 2020 prices but this has been resisted.</i></p> <p><i>It may be that the mechanism for securing developer contributions required to fund development will change in the medium to longer term as a direct consequence of the new Planning (Scotland) Act 2019.</i></p> <p><i>The Act grants enabling powers to Scottish Ministers to make regulations for the introduction of an ‘infrastructure levy’, to be operated by planning authorities to raise funds to support the provision of infrastructure projects. Unfortunately, the Act provides scant detail about how the levy would work in practice. It’s also the case that the Act includes a ‘sunset’ clause which removes the regulation making power if no regulations are made within seven years of the Act.</i></p>
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	<p>18 ■ The respondents consider Option 1 unfeasible (due to the absence of detail concerning the potential package of proposals a developer could implement themselves and how the issue of carrying out such works on land it did not control might practically be addressed) thereby making Option 2, a financial contribution to the council's improvement fund) an almost default obligation.</p>	<p>18 ■ <i>The council does not accept that there is any debate to be had as to whether developers <u>should</u> contribute towards town and village centre improvements. This is an explicit requirement of the LDP (Appendix 2 – Schedule of Housing Sites Site Delivery Requirements) that they do so.</i></p> <p><i>The LDP was the subject of a robust Examination by an independent Reporter appointed by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA) and Appendix 2 was endorsed as part of the adopted plan and it is therefore reasonable for the council to expect this to be adhered to.</i></p> <p><i>Notwithstanding the foregoing, the council has been keen to ensure that developers have the discretion to decide how best they can discharge this obligation in a manner that they find most convenient and it has helpfully provided developers with the opportunity to bring forward their own bespoke, creative and innovative proposals should they so wish.</i></p> <p><i>At the same time, there remains the 'back stop' proposition of paying over a fixed financial contribution to the council and vesting it with the responsibility of deciding the projects such monies are expended on. These are considered perfectly reasonable options to offer to developers under the circumstances.</i></p>
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	<p>19 ■ It is noted that Appendix 2 of the LDP references the <i>Armadale Town Centre Public Realm Design Framework</i> and that this establishes the basis for public realm investment and town centre improvements in Armadale. It is however observed that the projects identified in the Framework do not explicitly require developers to make financial contributions towards them and that none of the projects link the impact of new residential development on existing town centre facilities.</p>	<p>19 ■ <i>Public Realm Design Guides (PRDGs were originally prepared for each of West Lothian's five traditional town centres (Armadale, Bathgate, Broxburn & Uphall, Linlithgow and Whitburn). These guides generally date from 2009 and were prepared within the context of the previous West Lothian Local Plan. The PRDGs are in the process of being updated and are to be taken forward as Planning Guidance (PG) in support of the LDP.</i></p> <p><i>The intent was to establish, through consultation, a clear vision and strategy for the public realm and from this to develop a project-based strategy and design framework that supports the development plan and locality planning.</i></p> <p><i>Despite the passage of time, PRDGs continue to have relevance and are currently in the process of being updated and taken forward as Planning Guidance (PG) in support of the LDP.</i></p> <p><i>The PRDGs identify a plethora of town centre improvement projects which collectively contribute to the enhancement of the public domain that benefits whole communities and includes new tree planting, improvements to public open spaces, street furniture and signage.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<p><i>While recognising that the PRDGs do not explicitly reference residential developers to make financial contributions towards the town centre projects identified, Appendix 2 of the LDP most definitely does. On page 116 under the heading “Requirements specific to housing developments in the previously designated Core Development Areas (CDAs) “these requirements are itemised as:</i></p> <ul style="list-style-type: none"> <i>* Land for community facilities;</i> <i>* Funds for town centre improvements in adjacent/host communities (i.e. Armadale, Winchburgh, Broxburn, West Calder, Polbeth and East Calder);</i> <i>* Serviced employment land;</i> <i>* Woodland planting to implement Green Network objectives;</i> <i>* Management of existing trees and woodlands;</i> <i>* Open space provision and indoor and outdoor sports facilities in accordance with approved strategies of the council;</i> <i>* Provision of public art and commuted sums for future maintenance; and</i> <i>* Recycling facilities.</i> <p><i>Furthermore the LDP (para 148) goes on to advise that the PRDGs establish a framework for public realm investment and the basis for the town centre improvement works.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>20 ■ The SG has identified a 'per unit' cost of £350 toward the delivery of town and village centre improvements and is criticised for this figure not having been sufficiently evidenced and justified. The respondents regard this as an arbitrary figure and that it is not possible to determine whether it is proportionate to and/or sufficient to mitigate the impact of a new residential development as intended.</p>	<p>20 ■ <i>New development inevitably imposes additional pressure on existing facilities /amenities/infrastructure which simply would not arise had it not been for the new development and contributions are therefore deemed to be wholly justified. Developers and occupants of new developments are as much a part of the community as anybody else and, as such are expected to benefit from <u>and</u> contribute to enhancements to the town centres in which new development is proposed.</i></p> <p><i>The guidance seeks to ensure that developer contributions are used to mitigate the impact of new development on town centres while enhancing the environmental quality of the shared public realm and helping to bolster civic pride in the area.</i></p> <p><i>In this instance a standardised charge has been proposed, mainly because there is no identifiable 'global' cost for what is a non-specific collection of town centre improvement projects and it makes it impossible to apportion contribution on a pro-rata basis (as might otherwise be the case with major infrastructure such as schools and roads).</i></p> <p><i>It does however mean that there is absolute consistency and transparency about the scale of contributions and puts prospective developers on an equal footing, and because the cost of improvements is distributed amongst more developments a lower tariff can be applied.</i></p>

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		<p><i>The proposed contribution sum of £350 was derived by indexing the previous figure of £250 (originally identified in 2007 Supplementary Planning Guidance entitled “CDA Developer Contributions for Town and Village Centre Improvements) with the RICS Building Cost Information Service Tender Price Index (Q4, 2017) in order to bring it more up to date. There is an argument that the indexing of the £250 figure should even be re-calculated at 2020 prices but this has been resisted.</i></p> <p><i>It may be that the mechanism for securing developer contributions required to fund development will change in the medium to longer term as a direct consequence of the new Planning (Scotland) Act 2019.</i></p> <p><i>The Act grants enabling powers to Scottish Ministers to make regulations for the introduction of an ‘infrastructure levy’, to be operated by planning authorities to raise funds to support the provision of infrastructure projects. Unfortunately, the Act provides scant detail about how the levy would work in practice. It’s also the case that the Act includes a ‘sunset’ clause which removes the regulation making power if no regulations are made within seven years of the Act.</i></p>
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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>21 ■ The SG is criticised for not giving sufficient credit and weighting to the provision of other significant facilities and services by CDA developers e.g. schools, nurseries and shops and it is suggested that demands for additional contributions towards Town Centre improvements are often burdensome.</p> <p>22 ■ The SG is censured for failing to recognise that development in CDAs can also create its own positive momentum, attracting additional infrastructure investment and creating tangible benefits for the existing population but this rarely gets any recognition or credit.</p>	<p>21 ■ <i>It is not uncommon for developers to be required to make contributions allied to high end infrastructure, for example education and transport. However, these should have no bearing on other legitimate contributions and certainly do not provide the basis or justification for some kind of 'trade-off' as suggested. The requirement for and the scope of developer contribution has been widely telegraphed and should therefore have been factored into the economics of a development. There is no legitimacy for developers claiming 'viability' as a justification for being exempted from contributions.</i></p> <p>22 ■ <i>It is not disputed that a new residential development can of itself make a positive contribution to the vitality of an area. Housing is its own economic engine that simultaneously enhances a communities' ability to attract new business and increases local jobs, income, and taxes.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>23 ■ The SG is criticised for omitting any reference to the Town Centre Fund Capital Grant 2019/20 of £1.826 million which has been allocated to the council via the local authority capital settlement from the Scottish Government and the share of this funding (£102,084) that has been specifically allocated by the council to Armadale.</p>	<p>23 ■ <i>The purpose of the Scottish Government Town Centre Fund Capital Grant is to enable local authorities to stimulate and support place based economic investments which encourage town centres to diversify and flourish, creating footfall through local improvements and partnerships. Specifically, this fund aims to contribute to transformative investments which drive local economic activities and re-purpose town centres to become more diverse, successful and sustainable.</i></p> <p><i>The Fund offers significant <u>additional</u> capital funding to improve West Lothian's town centres and is therefore separate from the developer contributions which are the subject of the SG. The projects which the Fund is designed to deliver are community identified projects that would not otherwise have been carried out.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>24 ■ The respondents conclude that the council, through the SG, is seeking to extract excessive contributions towards the costs of infrastructure or to obtain extraneous benefits unrelated to new residential development and contrary to Circular 3/2012</p>	<p><i>The Council Executive agreed on 11 June 2019 that funding should be allocated through a grant application process with Armadale receiving £102,084. In the event, applications for funding were oversubscribed to the tune of more than £77,000 and, as a consequence, the projects selected were those considered to have the greatest community value. These included accessibility improvements to public open space and roadside gateway signs. Projects benefitting from grant assistance were however required to be delivered, or at least contractually committed by March 2020. It was anticipated that unsuccessful projects could be considered for funding from the West Lothian Council administered Town Centre Improvement Fund for Armadale with projects including street tree replacement and new public seating being cited and these are precisely the type of works which the SG envisages developer contributions funding.</i></p> <p>24 ■ <i>This somewhat provocative characterisation of developer contributions for town centre and village improvements is not recognised and is rejected. Developer contributions are legitimately sought where a development proposal (or a combination of developments) create an environmental impact that requires to be mitigated.</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<i>A substantial expansion of residential properties will almost inevitably bring additional pressures to bear on the built and natural environment, existing amenities and services, and while there is a very clear and demonstrable 'cause and effect' relationship, much of this is very difficult to measure and quantify conventionally.</i>

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Planning Services
Development Planning & Environment



SUPPLEMENTARY GUIDANCE (SG)
**Developer Obligations for General Infrastructure
for Site Delivery**

'CONSOLIDATED VERSION'
Amended to incorporate revisions proposed by consultees

APPENDIX 2
THIS VERSION PRODUCED FOR THE COUNCIL EXECUTIVE MEETING
ON 23 JUNE 2020

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Introduction

- 1.1 This Supplementary Guidance is one of a series supporting policies in the West Lothian Local Development Plan 2018 (LDP). The LDP was adopted by the council on 4 September 2018 and is framed within the context of Scottish Planning Policy (2014); Circular 3/2012: Planning Obligations and Good Neighbour Agreements; and Circular 4/1998: The Use of Planning Conditions in Planning Permissions.
- 1.2 Supplementary Guidance forms part of the LDP and as such is a statutory document in the determination of planning applications. It elaborates on key policies contained in the adopted LDP and provides advice to developers and others on the issues to be taken into account when submitting proposals for planning permission. Supplementary Guidance is a material consideration in the determination of planning applications. It is particularly important in considering and helping to ensure the delivery of the Core Development Areas (CDA) across West Lothian and the strategic allocations of Heartlands, Whitburn and Bangour to create sustainable and well designed and integrated places for new residents and the existing community. This Supplementary Guidance is also relevant for all other development sites identified in the LDP (particularly housing) and is intended to be read alongside the relevant policies of the LDP together with other related and pertinent guidance.
- 1.3 For the avoidance of doubt, all previous Supplementary Planning Guidance (SPG's) with regards to general infrastructure provision contributions are superseded by this guidance from the date it is approved by the council and other Supplementary Guidance prepared in support of the LDP.

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Justification

- 2.1 The West Lothian Local Development Plan (LDP) outlines a development strategy that supports sustainable planned growth across West Lothian up to 2024 and beyond. In particular, it continues to support the previously established Core Development Area (CDA) allocations at three strategic locations: Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) together with the strategic development allocation at Heartlands, Whitburn and Bangour.
- 2.2 Although the development strategy will have many positive effects by providing new homes, jobs and economic development, it is recognised that new development also creates a requirement for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on existing communities, local amenity and the quality of the environment.
- 2.3 In order to deliver the planned growth set out in the LDP, improvements to infrastructure must be delivered alongside development. The planning system allows, and indeed expects developers to mitigate the impact of their development and to pay for, or contribute towards, improvements to infrastructure that arises as a direct consequence of the development, or from the cumulative impact of the development and which would not otherwise be needed.
- 2.4 This Supplementary Guidance has been prepared to explain how the council, through relevant policies of the LDP and with regard to the LDP Action Programme, will secure such improvements. Development will therefore only be supported if:
 - (a) funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered;
 - (b) phasing to manage demand on infrastructure has been agreed; or
 - (c) in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.
- 2.5 Development proposals will be assessed with regard to their impact on the capacity of infrastructure, (either on an individual or cumulative basis) and such provision will ordinarily be secured through planning conditions or planning obligations / legal agreements.

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Purpose and scope of the guidance

- 3.1 It is important to be aware that this Supplementary Guidance does not make, replace or amend existing Local Development Plan policy but is intended to provide further guidance to developers, their agents and communities on the application and interpretation of planning policy generally and policies **CDA 1** (*Development in the Previously Identified Core Development Areas*) and **INF 1** (*Infrastructure Provision and Developer Obligations*) of the LDP in particular.
- 3.2 In many instances development will have commenced, and in some, be at an advanced stage. In these situations it is very probable that developer contributions will have already been agreed through the related planning consent/legal agreement and these arrangements will therefore prevail. The provisions and requirements of this Supplementary Guidance will consequently only be pertinent to the development of sites where there is no approved planning consent in place on the date this guidance is approved by the council.
- 3.3 This Supplementary Guidance is an important material consideration in the determination of planning applications and will form the basis for discussions on individual planning applications and the drafting of planning conditions and / or planning obligations.
- 3.4 The main objectives of this Supplementary Guidance are:
 - to set out the council's policies and procedures in respect of the use of planning conditions and planning obligations;
 - to explain the circumstances under which the council will collect financial contributions to mitigate the impacts of a development;
 - to provide clear guidance on the council's approach so that it is applied in a fair, consistent and transparent manner; and
 - to provide certainty for developers and to help ensure the timely provision of environmentally sustainable forms of infrastructure to support growth.
- 3.5 This Supplementary Guidance outlines the national and local legislative and policy framework for planning obligations and provides additional detail on topic areas for which West Lothian Council will ordinarily seek planning obligations, these include community facilities required in support of the CDAs and open space provision.
- 3.6 For an appreciation of developer obligations in the wider context it is recommended that this Supplementary Guidance should be read in conjunction with separate guidance relating to Affordable Housing, Education infrastructure, Transport infrastructure, Developer contributions towards Cemetery Provision and Public Art and, in due course the Green Network. The full programme of proposed supplementary and planning guidance is set out in Appendix 4 of the LDP. All Supplementary Guidance which has been prepared to date can be viewed on the council's [website](#). Other Planning Guidance (PG) may also be prepared in support of the LDP where need arises.

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- 3.7 A key aim of this Supplementary Guidance is to provide a clear framework for developers to identify if a planning obligation is required as part of a planning application. It is important that the process of securing appropriate developer contributions does not result in undue delays in the determination of planning applications and the council is therefore keen to assist those considering the development of land to understand, at an early stage in the planning application process, the likely scope and scale of any developer contributions which the council will require.
- 3.8 Developers and landowners seeking to submit planning applications for residential development are encouraged to make use of the council's pre-application enquiry service in order that any site specific requirements are identified and discussed at an early stage. Details of this service can be accessed on the *council's website*. *Please note that this is a chargeable service.*

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Policy context and legal basis

- 4.1 Section 75 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 allows planning authorities to secure developer contributions, through the use of planning obligations, to overcome obstacles to the granting of planning permission.
- 4.2 Legal agreements can also be made under other legislation including the Local Government (Scotland) Act 1973, the Countryside (Scotland) Act 1967, Sewerage (Scotland) Act 1986 and the Roads (Scotland) Act 1984 and provide a possible alternative mechanism to secure developer contributions. They are useful where the nature of the contribution is relatively straightforward, involves a one-off payment and/or does not require to be secured through successors in title. For this reason they can help speed up the development process. The council has used, and will continue to use alternative agreements where appropriate and where they are considered to speed up the development process.
- 4.3 This Supplementary Guidance has been developed in the context of the following policy and Scottish Government advice:
- Scottish Planning Policy 2014
 - Circular 6/2013 - Development Planning
 - Circular 3/2012 - Planning Obligations and Good Neighbour Agreements
 - Strategic Development Plan for South East Scotland (SDP) (2013)
 - West Lothian Local Development Plan (LDP) (2018)

Scottish Planning Policy (SPP) 2014

- 4.4 Scottish Planning Policy requires guidance to indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

Circular 6/2013 - Development Planning

- 4.5 The Circular states that Local Development Plans must identify the items for which financial or other contributions will be sought, and the circumstances where they will be sought. In this way site requirements may be reflected in land values agreed by landowners and developers prior to planning permission being granted. Provisions in the Planning etc. (Scotland) Act 2006 require that planning obligations are publicised by Planning Authorities and that there is greater transparency in negotiating developer contributions. This Supplementary Guidance assists with these objectives and has been prepared in the context of the aforementioned policy and Scottish Government advice.

Planning Conditions

- 4.6 Conditions applied to a grant of planning permission can enable many development proposals to proceed where it might otherwise be necessary to refuse planning permission and the council has wide-ranging powers under the Town and Country Planning (Scotland) Act 1997 (as amended) to impose them, and has done so extensively.

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- 4.7 Where there is a choice between applying planning conditions or entering into a planning obligation, the use of a condition is almost always preferable. Planning obligations, while entirely legitimate and often necessary, are by their nature time consuming and resource intensive and will almost inevitably delay the issuing of planning permission.
- 4.8 Conditions attached to any planning consent must comply with *Circular 4/1998: The Use of Planning Conditions in Planning Permissions* and should only be imposed where they are:
1. necessary
 2. relevant to planning
 3. relevant to the development to be permitted
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects

Circular 4/1998 advocates the use of standard or model planning conditions and provides guidance on a range of the most frequently used. In granting conditional planning permission, the council is also obliged to give clear and precise reasons for the imposition of every condition.

- 4.9 Planning conditions are not however without their limitations. They can only be used to require works on land beyond the application site (as defined by the "red boundary line" on the application plan) where the land in question is under the control of the applicant. Furthermore, conditions cannot be used to secure a financial contribution.

Circular 3/2012 - Planning Obligations and Good Neighbour Agreements

- 4.10 The council will therefore seek to negotiate and enter into a Planning Obligation whenever a development, which is otherwise acceptable in planning terms, requires mitigation and which cannot be secured through planning conditions. In accordance with national policy and advice and the approach taken by the Planning and Environmental Appeals Division (DPEA) Reporters in appeal decisions, the council will only seek to use a planning obligation where the matter(s) cannot be adequately addressed by planning condition(s).
- 4.11 The legislative basis for planning obligations is set out in Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 4.12 Contributions secured through a planning obligation (Section 75 agreement or other legal agreement as necessary) shall be consistent with the five tests set out in *Circular 3/2012*. These are as follows:
- Necessary to make a proposal acceptable in planning terms (overcome a barrier to the approval of planning permission);
 - Serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - Be related to the proposed development either as a direct consequence of it or arising from the cumulative impact of development in an area (there must be a clear direct link between development and the infrastructure to be provided);

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- Must fairly and reasonably relate in scale and kind to the proposed development (provide or contribute to the provision of infrastructure that would not be necessary were it not for the development, on a proportionate pro-rata basis as appropriate, but not to resolve existing deficiencies); and
 - Be reasonable in all other respects.
- 4.13 In seeking to enter into planning obligations with a developer, such arrangements must be operated in accordance with the fundamental principle that planning permission may not be bought or sold. In accordance with Circular 3/2012 planning obligations should only be used where they relate to the development being proposed.
- 4.14 Where a proposed development would either; create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a damaging impact on the environment or local amenity that cannot be resolved satisfactorily through the use of planning conditions or another form of legal agreement, a planning obligation could be used provided it would clearly overcome or mitigate those identified barriers to the grant of planning permission. There must however be a clear link between the development and any mitigation offered as part of the developer's contribution. In addition, when determining whether a planning obligation is required, the council will take account of the existence of any other agreements or conditions relating to infrastructure provision that already apply to the development.
- 4.15 A developer can apply to the council to modify or discharge an obligation within a Section 75 legal agreement and has a subsequent right of appeal to the Planning and Environmental Appeals Division (DPEA) if the authority refuses the application. Such applications are made under the terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 4.16 Planning obligations can take various forms and the nature of the contribution that developers can make will depend on the specific circumstances of the location of the development site and the scale and type of development scheme that is being proposed.
- 4.17 'In Kind' or 'Direct Provision' is where the developer builds or directly provides the proposed subject of the planning obligation. Such provision is often made within the development site in question. The issue of whether the developer should provide the mitigation measures in kind or whether the council, or another organisation, would be in the best position to provide the necessary works will be determined on a case-by-case basis and will be addressed via the negotiation involving all interested parties.
- 4.18 Planning obligations bind successors in title i.e. future purchasers of any part of the land that is subject to the obligations, as they are placed on the title of the land. This means that a planning obligation can be enforced against both the original landowner (this is usually the development site owner) and against anyone who subsequently acquires an interest in the land. As such, it is expected that those parties with an interest in the land in question, at the point in time that the Section 75 agreement is signed, will be expected to enter into planning obligations with the council.

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Strategic Development Plan for South East Scotland (SDP)(2013)

- 4.19 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The SDP and the LDP form part of the 'development plan' that planning applications in West Lothian are assessed against.

- 4.20 The SDP sets the strategic policy context for the securing of developer contributions towards infrastructure. Paragraph 123 states:

'Developer contributions are important and will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. LDPs will set out the broad principles for planning obligations including the items for which contributions will be sought and the occasions on which they will be sought. Mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers.'

- 4.21 The SDP requires the West Lothian LDP to specify the items and identify the circumstances in which developer contributions would be sought, specifically **Policy 9 (Infrastructure)**, which states that:

'LDP's will:

- (a) safeguard land to accommodate the necessary infrastructure;*
- (b) provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed; 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'.*

West Lothian Local Development Plan (LDP)

- 4.22 The policy context for securing developer contributions and negotiating planning obligations is set out in Policies **INF 1 & CDA 1** of the West Lothian Local Development Plan.

- 4.23 Policy **INF 1 (Infrastructure Provision and Developer Contributions)** sets out the rationale for seeking developer contributions in appropriate circumstances and policy **CDA 1 (Development in the Previously Identified Core Development Areas)** complements this by explaining that planning conditions and legal agreements will be used to secure infrastructure. Policies **INF 1 & CDA 1** are reproduced below for information.

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Policy INF 1

The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.

Where appropriate developer obligations have been secured, planning permission will normally be granted. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.

Development will not be permitted to commence unless:

- a. funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered; or*
- b. phasing to manage demand on infrastructure has been agreed; or*
- c. in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.*

Only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out above. Proposed sites for new infrastructure are listed in Chapter 6'.

Policy CDA 1

The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) in Armadale, East Broxburn/Winchburgh and Livingston & Almond Valley subject to the preparation of master plans to be approved by the council. Infrastructure requirements are identified in Appendix 2 and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out in Policy INF 1.

Planning conditions and legal agreements will be used to secure infrastructure funding and proper phasing of development. Developer contributions will be sought in accordance with Scottish Government Circular 3/2013 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation. Contributions will also be required to remedy deficiencies in local facilities and amenities which result from proposed developments.

A diversity of house types, tenures and densities must be provided within these areas. Within the mixed use areas net housing densities shall average at least 25 residential units per hectare. Affordable housing shall be provided within the previously identified CDAs in accordance with policy HOU 4 (Affordable Housing and relevant Supplementary Guidance).

- 4.24 When assessing planning applications, the council will determine whether planning conditions and/or planning obligations are suitable in order to make otherwise unacceptable development, acceptable.
- 4.25 Appendices 1 & 2 of the LDP provide details on the employment land and housing site allocations in West Lothian and includes commentary on the constraints already identified at site level which may necessitate a requirement for planning conditions or planning obligations in order to make the proposed development acceptable in planning terms. The LDP Action Programme sets out actions required to deliver the plan's policies and proposals and identifies the appropriate parties or organisations that are required to carry out the action(s), including where available anticipated costs of proposals.

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Implementation

- 5.1 In preparing the West Lothian LDP an assessment was made of the likely pressures on services, infrastructure, facilities and amenities within specific settlements and the Core Development Areas as a result of the major housing allocations identified in the LDP and a number of specific projects have been identified. Appendix 2 of the LDP 'Schedule of Housing Sites/Site Delivery Requirements' (p.115) identifies the key infrastructure that is required in order to deliver in full the development strategy set out in the LDP.
- 5.2 When a planning application relating to residential development is submitted to the council for consideration, the council will assess the requirement for the prospective developer to make appropriate developer contribution(s) in accordance with the provisions of this Supplementary Guidance.
- 5.3 Each planning application will be considered in line with Policies **INF 1 & CDA 1** and the terms of this and other relevant guidance. However, this does not preclude the council seeking other contributions not specifically covered by this Supplementary Guidance where they meet the statutory tests (set out in Circulars 4/1998 and 3/2012 - see paragraph 4.8 and 4.12) and enable an otherwise unacceptable development proposal to be acceptable to the council.
- 5.4 Planning obligations should be recognised as a necessary cost of development. Developers should therefore make themselves aware of the likely planning obligation requirements associated with a proposed development and factor in the likely cost of obligations into land acquisition and development costs at an early stage.
- 5.5 Developers will be required to make contributions at the levels set for the particular project or settlement within which the development is proposed.
- 5.6 The requirement for a developer to make appropriate developer contributions will be treated as a material planning consideration in the assessment and determination of planning applications for development.
- 5.7 In exceptional circumstances, the council will consider alternative projects identified by the developer, to an equivalent value for that settlement. It should however be noted that whilst the council is not obliged to accept any alternative project, offer, or other scenario as may be suggested, or proposed by a developer any such proposal will be considered on merit against Local Development Plan requirements and local circumstances.
- 5.8 Where developers are of a view that fulfilling a planning obligation would make the economics of the development unviable and look to amend the levels of contribution, the prospective developer will be required to submit a development appraisal which the council, through the District Valuer, or another independent chartered valuation surveyor agreed by the council, will verify. This appraisal requires to be funded by the developer/applicant. The council will also require documentary evidence necessitating "open-book accounting" to show the viability of a proposal will be curtailed by the requirement for planning obligations. If a development appraisal shows that a site is not viable the council may elect to review developer obligations and consider a degree of 'prioritisation'. However, in the event of a development being assessed as unviable

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the council will consider all the options which will include refusal of the application due to its inability to fund the required levels of infrastructure.

Legal Agreements

5.9 Local authorities have powers to enter into agreements to regulate planning matters under various statutes. Where it is necessary to secure that future, owners and occupiers of the land are bound by a planning obligation (for example where phased financial contributions towards infrastructure are required), it is necessary to secure this by agreement or unilateral undertaking under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. All planning obligations involve developers entering into legally binding contracts with the council and planning permission will not be issued by the council until the relevant agreement has been formally concluded.

5.10 Whilst Section 75 agreements are bespoke and can be time consuming to negotiate and conclude, they typically contain the following elements:

- date of the agreement;
- identification of the parties involved;
- definition of any terms contained within the document;
- site and development proposal details;
- relevant conditions;
- details of any provisions or restrictions required under the agreement; and
- signatures of all the parties involved.

The Section 75 agreement will usually be drafted by the council's Legal Services. A template Section 75 agreement can be requested from the Development Management case officer in these circumstances.

Key items that will be required to be provided to the council's Legal Services include the following:-

Titles

In every case all title deeds to the land must be provided for examination. These should demonstrate that the landowner has the ability to enter into the planning obligation in respect of the affected property. Where there are other interests in the property further titles may be required and other parties might need to enter into the planning obligation.

Plans

Plans which clearly show the extent of the area of land which is to be subject to the planning obligation should be provided. These should correspond with the title deeds to the land.

Searches

Searches over the **General Register of Sasines** or **Land Register** brought down to a date as close as possible to the date when the planning obligation is to be sent for recording (or registration). The searches must show no competing interest to the land or matter restricting the ability to enter into the planning obligation. Searches should be provided to Legal Services by the applicant/landowner's solicitor.

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Heritable Creditor Consents

Any heritable creditor (e.g. a mortgage lender or floating charge holder) will be required to consent to the granting of the planning obligation. The heritable creditor will need to sign the planning obligation and the landowner will meet any costs associated with procuring such consent. Applicants are encouraged to make contact with any heritable creditor as soon as the requirement for a planning obligation is identified as it can often take some time for the creditor to approve applications for consent. It is important to note that no progress can be made on the planning obligation until Legal Services has received the relevant title deeds or land certificate. It is therefore advisable to provide those documents as quickly as possible to avoid any delay in the proposed development.

- 5.11 Should a planning application be approved subject to the signing of a Section 75 agreement, the council requires the agreement to be negotiated and signed without undue delay. The council's aim is to issue decision notices within 6 months from the date of the council's '*resolution to approve*'. Where evidence is provided by the applicant to the council's satisfaction that the agreement cannot be signed within this period, then a variation on the stipulated time limit will be considered on a case-by-case basis. Should this information not be forthcoming, the council may decide to refuse the planning application based on the non-completion of the Section 75 agreement.
- 5.12 A planning obligation must be registered against the title of the land in either the General Register of Sasines or Land Register of Scotland (as applicable). Once a planning obligation has been registered it becomes binding on all future owners of the land. It may affect tenants and other occupiers, depending on the specific terms. Any restrictions on future use of the land or property will affect all future transfers or sales.
- 5.13 Figure 1 explains the procedures which the council and applicant will typically take to establish a Section 75 agreement.

Figure 1: Step-by-Step Guide to establishing a Section 75 legal agreement

Pre-Application Discussions

Applicants are encouraged to enter into discussions at the earliest possible stage with the council's Development Management (DM) officers prior to submitting a planning application. Such discussions provide a valuable opportunity for all parties to consider the scope and impact of the development proposal. The council offers a service for [pre-planning application advice enquiries](#) (which is a chargeable service accessible through the council's website). This service is separate to any Pre-application Consultation that a developer may be required to undertake in respect of certain planning applications. The DM Case Officer and relevant service area(s) raise potential planning obligations on the proposal if applicable.



Planning Application Received

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The DM Case Officer makes an initial assessment of Section 75 implications related to the proposal and whether the issues raised at the pre-application stage have been addressed.



Planning Application Consultation

Following the submission of a planning application, the formal consultation process will commence with the involvement of all relevant bodies, statutory as well as non-statutory and council services. Their responses will help identify any additional requirements for further planning obligations not already addressed as part of the pre-application discussions.



Comments received. DM Case Office and Legal Services negotiate with developers to agree 'heads of terms' for planning obligations.



Planning Application Recommendation

Following the consultation process and subsequent discussion with the applicant, a report may be prepared outlining the DM case officer recommendation and the nature and details of the planning obligation. The council may resolve to grant planning permission, subject to the applicant entering into a Section 75 Agreement, or refuse the planning application.



Section 75 Agreement - Drafting

Following a '*resolution to grant planning permission*', the DM Case Officer will instruct Legal Services to draft the Section 75 Agreement. Legal Services in liaison with the DM Case Officer will undertake to co-ordinate any detailed discussions, including with other internal council services, regarding the precise terms of the Agreement should this be required.



The Council's Legal Services send draft agreement to all parties to check and agree.



Section 75 Agreement - Signing and Legal Completion

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The Section 75 Agreement is signed, legally completed and details are recorded onto monitoring systems and the Register of Sasines and/or Land Register. The planning decision notice, with the planning permission, is then issued.



Securing the developer contributions

- 6.1 To ensure the necessary infrastructure is in place to take account of the impacts of new developments this Supplementary Guidance applies to **all unconsented residential developments** in West Lothian including the Core Development Areas (CDAs), namely *Armadale, East Broxburn and Winchburgh, Calderwood (East Calder) and Gavieside (West Livingston) and the strategic development allocation site at Heartlands (Whitburn) and Bangour (Dechmont)*. Developments outwith these areas may also be required to contribute to infrastructure requirements to enable development to proceed.
- 6.2 The specific projects to be implemented or funded by developers are set out in Table 1 and are consistent with Appendix 2 and policies **INF 1** and **CDA 1** of the West Lothian LDP. Reference should also be made to the LDP Proposals Map which defines the geographical extent of the areas listed in Table 1 and hence the areas within which developer contributions will be required towards infrastructure. Developer contribution rates have been informed (where known) by costs set out in the LDP Action Programme which has been prepared to support the LDP and by existing planning consents and associated Section 75 agreements.

It should be noted that developer contributions towards education, transport infrastructure, cemetery provision and public art are set out in separate guidance entitled:

- Supplementary Guidance: Planning and Education
- Supplementary Guidance on Developer Contributions towards Transport Infrastructure
- Supplementary Guidance on Cemetery Provision
- Supplementary Guidance on Developer Contributions Towards Public Art

Developers are required to have regard to these alongside this Supplementary Guidance on general infrastructure requirements.

- 6.3 Developer contributions will be calculated on the basis of whole sites identified in the LDP. Applications for parts of allocated sites will pay a proportion of the total site contributions. This Supplementary Guidance will not be applied retrospectively to sites which already have planning permission in principle or to applications for the approval of matters specified by condition without any requirement to contribute to general infrastructure, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will however be required to comply with the terms of this guidance and to policies set out in the LDP.
- 6.4 The only exemptions will be small developments comprising four or less units, unless they are clearly part of a phased development of a larger site. In such cases the council will seek to agree appropriate sums with the applicant.

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- 6.5 Developer contributions shall be secured by means of agreements concluded between the applicant and the council under Section 75 of the Town and Country Planning (Scotland) Act 1997 or Section 69 of the Local Government (Scotland) Act 1973, prior to the issue of planning permission. In some cases, where a relatively small financial contribution is involved, it may be possible to avoid formal agreements and for the council to collect contributions on the basis of an exchange of letters prior to planning permission being granted or through a section 69 Agreement.
- 6.6 The council recognises that funds received through planning obligations process need to be clearly linked to the provision of specific pieces of infrastructure. To provide this clarity, the council has set up a financial tracker to monitor the source of funds, the purpose for which they are gathered, and how they are spent. All contributions received will be "ring fenced" and will be spent only on funding the projects identified in Table 1.
- 6.7 The costs identified within this guidance will be subject to review on an annual basis, through the LDP Action Programme. These costs will be index linked against the Building Cost Information Service (BCIS) All-in Tender Price Index or similar comparable industry standards and subject to independent verification where necessary. This guidance will be reviewed and updated periodically to ensure that the level of contribution being required of developers remains relevant and takes account of changing circumstances. This will include updating contributions to take account of the BCIS All-in Tender Price Index.
- 6.8 In general, Section 75 agreements contain a pay-back period. A section of the agreement indicates that if the council does not use the contributions within the specified timescales or monies are no longer required for the purpose for which they were collected they will be repaid, on a pro-rata basis, to those parties who made the contributions towards the project. The specified time periods will depend on the project involved.
- 6.9 In some instances, planning contributions will be in the form of infrastructure provided directly by a developer. Direct provision will be factored into the overall contributions that a site will make and where appropriate, this may be offset against total costs of the infrastructure project. Where direct provision of infrastructure is required, bonds or other legal security may also be agreed to safeguard the council from risk.
- 6.10 There may be instances where infrastructure is required in advance of all developer contributions having been received by the council. Where this is the case alternative funding options may be investigated. In these situations, contributions will continue to be sought from developers to meet the full cost of the infrastructure which has been provided. There may also be circumstances where the council has forward funded infrastructure projects to assist in development delivery. Where this is the case the council will seek to recoup monies from developers by way of developer contributions; this approach is consistent with paragraphs 23 of Circular 3/2012.
- 6.11 Over the lifetime of the LDP developers/landowners are likely to seek planning permission for sites not allocated in the West Lothian Local Development Plan - such sites are known as windfall sites. The impact of these sites will not have been considered in any capacity assessments which determine the need for improved or additional infrastructure. Non-exempt windfall sites will be required to provide developer contributions towards infrastructure as set out in this guidance.

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- 6.12 Section 76 (1) (b) of the Town and Country Planning Act (Scotland) 2006, as amended, allows developers to enter into unilateral agreements to make an appropriate contribution in relation to the impact of their proposals. Where a unilateral undertaking is in place, unless it makes provision for all the infrastructure impacts of the proposed development, the need for any additional contributions to meet the requirements set out in this Supplementary Guidance will be secured through a planning obligation.
- 6.13 Depending on the particular circumstances of a proposed residential development and to assist in development delivery, the council may, on application, agree for payments to be made at a later stage in the development process than would otherwise be considered appropriate, for example once houses have been sold, albeit subject to indexation as described above.

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Annex A

General infrastructure requirements

- 1.1 The LDP has identified specific infrastructure requirements for housing sites in the Winchburgh, East Broom, Armadale, Calderwood and Mossend/West Livingston CDAs and these are reproduced in Table 1 and should be read in conjunction with the relevant LDP Maps.
- 1.2 In many instances conditional planning permission has already been granted for the development of these allocated sites and any legal agreements which set out the required developer obligations have been concluded and are unchanged as a consequence of this guidance. In these circumstances the scope and cost of related infrastructure projects will already have been established and have not required to be set out here.
- 1.3 Where residential development on 'windfall' sites and as yet unconsented/undeveloped sites within the CDA (and the Heartland Strategic Development Area) are brought forward, they will be subject to the same range of infrastructure requirements with arrangements and costs being determined on a case by case basis through the respective planning applications.

Table 1: Requirements for infrastructure, local facilities and amenities for housing proposals to be implemented or funded by CDA developers

ALL CDAs		
Description of facilities and amenities	Details of planning permission where applicable	Notes
• Land for community facilities		
• Serviced employment land		
• Woodland planting to implement Green Network objectives		
• Management of existing trees and woodlands		
• Open space provision and indoor and outdoor sports facilities in accordance with approved strategies of the council		
• Recycling facilities		

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WINCHBURGH CDA*See LDP Map 2 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Public car park for new town centre; 	Condition 24 of permission 1012/P/05	Implementation required during first phase of Town Centre/by the completion of the 1001 st house.
<ul style="list-style-type: none"> Additional landscaping and improved recreational access and management plan for Claypit and surrounding area; 	Condition 19 of permission 1012/P/05	Implementation required prior to the completion of the 600 th house.
<ul style="list-style-type: none"> Joint preparation (with East Broxburn CDA developers) of a management plan for the scheduled Greendykes and Faucheldean Bings and for the "green corridor" between Winchburgh and East Broxburn and funds to allow implementation of the plan; 		The council owns part of Greendykes Bing and a study funded by Central Scotland Green Network (CSGN) in 2013/14 identified various options for the green network corridor. Supplementary guidance on the Green Network will specifically address this requirement.
<ul style="list-style-type: none"> Preparation of a strategy to restore Niddry Bing and funds to allow implementation of the plan; 	Conditions 5 & 34 of permission 0033/M/09	
<ul style="list-style-type: none"> Joint funding (with East Broxburn CDA developers) of works to rehabilitate the non-scheduled parts of Greendykes Bing; 		Obligation has been placed on the Broxburn CDA developers as being more relevant to that CDA.
<ul style="list-style-type: none"> Preparation of a strategy for the restoration of Auldathie landfill site and funds to allow implementation of the plan; 	Conditions 5 & 14 of permission 1012/P/05 & 1123/FUL/18	Planning permission (1123/FUL/18) for the formation of a District Park was granted on 28 March 2019 and the park is expected to be delivered in accordance with the planning conditions set out in the consent
<ul style="list-style-type: none"> Enhancement of existing river corridors within master plan area; 	Conditions 18 & 21 of permission 1012/P/05	These requirements are expected to be addressed by developers as part of the wider landscape strategy.
<ul style="list-style-type: none"> Land for canal related facilities having regard to the Edinburgh-West Lothian Union Canal moorings study previously prepared by British Waterways (now Scottish Canals); 	Condition 24 of permission 1012/P/05	Planning permission (0642/MSC/19) for the formation of a marina was granted on 11 September 2019 and, subject to securing Scheduled Monument Consent, the marina will be delivered in accordance with the planning conditions set out in that consent. Active discussion is ongoing between the developer and Scottish Canals on this matter and future phases of development along the Canal.
<ul style="list-style-type: none"> Contribution to library provision; 		Contribution defined in Clause 15 of the planning obligation between WLC/The Winchburgh Trust /Regenco (Winchburgh) Ltd.
<ul style="list-style-type: none"> The current supply of open space in the existing settlements is not of a sufficient size and types to cater for the potential demand from new housing. Winchburgh/East Broxburn should include appropriate levels of each part of the West Lothian open space typology, including district parks, neighbourhood parks, local parks, sports areas, play spaces, green path corridors and amenity greenspace; 	Conditions 17 21 of permission 1012/P/05	Phased implementation required prior to the completion of a specific number of houses, i.e. 501, 551, 1001, 1501, and 2501. See S75 for precise details. The West Lothian Open Space Strategy is currently under review and due to be considered by the council in 2020. This may outline further open space requirements for the Winchburgh area. The planning application for rehabilitation of the adjacent Auldathie Landfill site for playing pitches and associated open space will go a considerable way to addressing the current identified deficiency.
<ul style="list-style-type: none"> The proposed "Heritage Park" around the scheduled monuments of Greendykes & Faucheldean Bings is in the sensitive countryside gap between the expanded settlements. This concept could address the provision of a district and neighbourhood park acquired from the 2015 WL Open Space Strategy. 		Not a condition nor is it included as part of the planning obligation. Supplementary guidance on the Green Network will specifically address this requirement, as will conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.

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EAST BROXBURN CDA*See LDP Map 2 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Joint preparation (with Winchburgh CDA developers) of a management plan for the scheduled Greendykes and Faucheldean Bings and for the "green corridor" between Winchburgh and East Broxburn and funds to allow implementation of the plan. 		The council owns part of Greendykes Bing and a study funded by Central Scotland Green Network (CSGN) in 2013/14 identified various options for the green network corridor. Supplementary guidance on the Green Network will specifically address this requirement.
<ul style="list-style-type: none"> Joint funding (with Winchburgh CDA developers) of works to rehabilitate the non-scheduled parts of Greendykes Bing; 		Obligation has been placed on the Broxburn CDA developers as being more relevant to that CDA. Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> Land for canal related facilities having regard to the Edinburgh – West Lothian Union Canal moorings study previously prepared by British Waterways (now Scottish Canals); 		Obligation likely to be placed on the Broxburn CDA developers as being more relevant to that CDA. Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> Contribution to improvements at Stewartfield Park; 		Works already implemented including off-site access and signposting.
<ul style="list-style-type: none"> Woodland planting to north of mixed use sites at Pyothall Road, Greendykes Road West and Greendykes Road East as extension of Broxburn Community woodland and green network corridor; 		Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA. .
<ul style="list-style-type: none"> The current supply of open space in the existing settlements is not of a sufficient size or type to cater for the potential demand from new housing. Winchburgh/East Broxburn should include appropriate levels of each part of the West Lothian open space typology, including district parks, neighbourhood parks, local parks, sports areas, play spaces, green path corridors and amenity greenspace. 		Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA. .
<ul style="list-style-type: none"> The proposed "Heritage Park" around the scheduled monuments of Greendykes & Faucheldean Bings is in the sensitive countryside gap between the expanded settlements. This concept could address the provision of a district and neighbourhood park acquired from the 2015 WL Open Space Strategy. 		Not a condition nor is it included as part of the planning obligation. Supplementary guidance on the Green Network will specifically address this requirement, as will conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.

ARMADALE CDA*See LDP Map 4 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Enhancement of open space area at Black Moss between Avondale Drive and Upper Bathville and formation of community woodland on western edge of Armadale; 		
<ul style="list-style-type: none"> Woodland planting adjacent to A801, to north and east of mixed use allocation at Colinshiel and on the west edge of the allocations at Standhill; 		
<ul style="list-style-type: none"> Extension of Armadale Round Town Walk (re-named Davie Kerr Heritage Trail) into both the Colinshiel and Standhill areas; 		
<ul style="list-style-type: none"> Contribution to improved library facilities; 		See Annex B
<ul style="list-style-type: none"> Management plan for Colinshiel Wood; 		

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<ul style="list-style-type: none"> If facilities of a district level are not able to be provided within the new settlement boundary due to space constraints, then facilities in neighbouring district parks (e.g. Balbardie Park Bathgate and proposed district park in Whitburn), should be extended and upgraded to meet the increased demand. 		
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CALDERWOOD CDA*See LDP Map 5 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Public car park at East Calder; 		Contribution of £50 (indexed to 1 st quarter 2012) per residential unit in the CDA is being taken so that the council can deliver the car park
<ul style="list-style-type: none"> Public car park for new local neighbourhood centre; 	Condition 12 of 0524/P/09	Parking to be provided as part of the neighbourhood centre. First phase of the neighbourhood centre required prior to occupation of the 1001 st residential unit.
<ul style="list-style-type: none"> Native woodland planting adjacent to A71 and to improve screening of Camps Industrial Estate; 	Condition 10 of 0524/P/09	
<ul style="list-style-type: none"> Contribution to improved library facilities; 		Library now provided in the partnership centre.
<ul style="list-style-type: none"> Land for the extension of the existing health centre or for the construction of a new health centre; 		NHS Lothian is considering options for the health centre.
<ul style="list-style-type: none"> Extension of "the Muddies"- Mansefield Park. 	0609/FUL/15	The land for the park extension will be provided by Persimmon as part of its development at Raw Holdings. Contribution of £500 (indexed to 1 st quarter 2012) per residential unit in the CDA is being taken so that the council can deliver the park extension.
<ul style="list-style-type: none"> Landscaping treatments at the eastern and southern boundaries to provide containment and prevent development creepage. 	Condition 10 of 0524/P/09	Landscaping required prior to occupation of the 980 th residential unit.

WEST LIVINGSTON / MOSSEND CDA*See LDP Map 3 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Public car park for new village centre at Gavieside 		To be secured through any planning application for the Gavieside allocation.
<ul style="list-style-type: none"> Management plan for remaining part of Briestonhill Moss and funds to implement plan; 		To be secured through any planning application for the Gavieside allocation.
<ul style="list-style-type: none"> The current level of open space provision in the northern part of the Polbeth area is poor. Therefore, the provision of the proposed structure planting should be of a high quality, with a network of connecting paths to Briestonhill Moss area and the existing woodland areas; 		To be secured through any planning application for the Gavieside allocation.
<ul style="list-style-type: none"> Safeguard land for extension of Almond Valley Heritage Centre light rail route on north side of River Almond; 		
<ul style="list-style-type: none"> Enhancement of river corridors within master plan area; 		
<ul style="list-style-type: none"> Extension of existing greenway associated with River Almond (between Kirkton and Easter Breich); 		To be secured through any planning application for the Gavieside allocation.
<ul style="list-style-type: none"> New greenways associated with West Calder Burn, Harwood Water and Breich Water; 		To be secured through any planning application for the Gavieside allocation.
<ul style="list-style-type: none"> Contribution to library provision. 		To be secured through any planning application for the Gavieside allocation.

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<ul style="list-style-type: none"> • New distributor road network to the west of Livingston to serve the new community at Gavieside and bypass Polbeth 		<p>Study and survey work are underway to ascertain the best means of improving the road network at West Livingston that might now no longer require an expensive bridge crossing of the River Almond near the sensitive Almond Pools nature area and an accompanying two land carriageway, with a crawler lane on the north side, to reach Toll Roundabout.</p> <p>Options may include a signalised and expanded junction at Simpson Parkway and Macintosh Road.</p>
<p>Transport assessments will determine the final road network and junction improvements necessary to support the Livingston and Almond Valley CDA proposals.</p> <p>The potential for road closures at Mossend (West Calder), Polbeth Road will be considered and will be promoted if there is community support.</p>		(As above)
Improved access to West Calder railway stations.		<p>The access road to facilitate a new entrance and access to West Calder Station on its north side has been constructed as part of the A71 overbridge raising works related to the electrification of the Edinburgh-Shotts line. However additional work on the platform and related structures will be required with consultation with Network Rail and also a minimum 200 space car park for Park and ride (and land set aside for the extension of this facility) and public transport interchange.</p> <p>The existing access will need to be closed off for passenger use, albeit retained for the business and residential properties that currently use the south access at Limefield Road / A71.</p>
Key public transport requirements include the provision of park and ride facilities at Gavieside, West Calder railway station.		(As above)
The Gavieside "park and ride" facility will allow the Livingston "Fastlink" to be extended to serve the new housing and employment proposed in this part of the CDA. Land should be safeguarded in the masterplan for a possible future extension of this park and ride facility to serve Livingston Town Centre. The CDA Action Plan also envisages that developers will contribute to public transport initiatives.		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.
Local neighbourhood centres are envisaged at Gavieside to provide a focus for communities.		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.
<p>Land for community facilities will be required at Gavieside but, at this stage, the precise details are not yet known.</p> <p>Further consultation with West Lothian Healthcare NHS Trust will be required on health centre provision on the west side of Livingston.</p>		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.

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HEARTLANDS STRATEGIC DEVELOPMENT AREA*See LDP Map 4 for general location of requirements*

Description of facilities and amenities	Details of planning permission where applicable	Notes
Planning permission in principle (0493/P/02) was approved in May 2006 and identified a range of infrastructure requirements including:	0493/P/02	
<ul style="list-style-type: none"> South-western distributor road between the A706 and the B7066. 		<p>Work ongoing on design and construction programme. Planning application expected by the end of 2019.</p> <p>A planning application, reference 0449/FUL/20 and embracing the first phase of the new road (from Longridge Road to connect with Polkemmet Road/Dickson Terrace) was submitted in June 2020.</p>
<ul style="list-style-type: none"> A strategic public access network setting out footpaths and cycleways and the linkages between the development and surrounding land uses including the forests, Polkemmet Country Park and the settlements of Whitburn, Fauldhouse and Longridge. 		Included within the masterplan and being taken forward and implemented on individual phases.
<ul style="list-style-type: none"> Land for the development of a neighbourhood centre; 		Land safeguarded in approved masterplan.
<ul style="list-style-type: none"> A four way grade separated interchange on the M8; 		Completed
<ul style="list-style-type: none"> A new public transport interchange at Cowhill; 		Required by conditions and s75 agreement.
<ul style="list-style-type: none"> Public art, open space and play area provision. 		Strategy document required by condition, which will include timescales for implementation. While a public art strategy has been drafted it has still to be submitted for consideration and approval by the council.

Annex B

Specific infrastructure requirements

1.0 Developer Contributions for Town Centre and Village Improvements

- 1.1 The adopted West Lothian Local Development Plan (LDP) which was adopted on 4 September 2018 supports a sustained level of growth with more than 24,000 new houses being planned for over the plan period.
- 1.2 More than 12,000 of these new houses will be located in the previously established Core Development Areas (CDAs): Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) and in excess of 3,500 houses have been identified for development within the strategic development allocation at Heartlands (Whitburn) and Bangour (by Dechmont).
- 1.3 The scale of development planned for these CDAs and the strategic development areas will result in demand for additional facilities and improved town and village centres within the communities close to where the major housing growth is taking place and developers within these areas are therefore required to contribute towards town and village centre improvements. NB: This is essentially a continuation of arrangements established under the previous West Lothian Local Plan (WLLP) and supporting Supplementary Planning Guidance (SPG) in 2007.
- 1.4 There are 2 options by which developers can contribute towards town and village centre improvements: implementation of a package of proposals identified by the developer and agreed with the council; or a financial contribution by the developer to the established town and village centre improvement fund which is administered by the council.

(1) Implementation of a package of proposals by developers

- 1.5 It will be acceptable for developers to be pro-active and identify a package of proposals which they wish to implement themselves to improve town and village centres in adjacent/host communities. This option may be attractive to some developers because, depending on the nature of the works carried out, they may be able to obtain a return on their investment.
- 1.6 Where the developer wishes to be pro-active and implement a package of proposals, the approval process for the package of proposals will be as follows:
 - ▶ The developer will carry out local consultation to assist with identifying deficiencies and desired improvements.
 - ▶ The developer will present the council with a report which identifies the improvements which the developer wishes to carry out and sets out the timescale for the implementation of the works. Deliverability will be essential so the report should demonstrate that there are no known constraints which would prevent the works being implemented. The council will initiate local consultation on the developer's proposals.

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- ▶ If necessary, negotiation between the council and the developer will take place and the package of proposals will be adjusted if required. The council will carry out further consultation if the package of proposals has changed materially.
 - ▶ Once the council's Development Management Manager is satisfied that the package of proposals is acceptable, committee approval will be sought.
- 1.7 In many cases, planning permission will be necessary for the improvement works which are proposed. This will be a wholly separate undertaking to the process described above. Approval in principle of a package of town and village centre improvements will not oblige the council to grant planning permission for any specific proposal. In any event, all planning applications will be determined having regard to the development plan and to material considerations.
- 1.8 The following list identifies the type of works that could be considered for inclusion in a package of proposals for town and village centre improvements:
- redevelopment of gap sites for private housing, affordable housing or other appropriate town centre uses;
 - townscape enhancement;
 - refurbishment of derelict buildings and land (including CPO);
 - landscape improvements;
 - upgrading of footpaths; and
 - car park improvements;

This list is not exhaustive.

- 1.9 It is anticipated that works may be phased over a period of time and with the arrangements set out in a section 75 agreement.

(2) Financial contribution by developers to a town and village centre improvement fund

- 1.10 As an alternative to carrying out town and village centre improvements themselves, developers may instead choose to contribute to a town and village centre improvement fund which has been established by the council for this purpose. In such cases, a standard contribution of £350 per residential unit (see note below) would apply. It is recognised that town centres may be just one consideration for contribution that will have to be balanced against others in any case. Each proposal will have different impacts and will be considered on a case specific basis. Phasing of contributions will be acceptable with the arrangements being set out in section 75 agreements. There will also be a requirement in the section 75 agreements that any money not spent within an agreed timescale should be returned to the developer.
- 1.11 The following list identifies the type of improvement works that the council could consider carrying out using the funds received from developers:
- landscape works including the provision and maintenance of public space;
 - new or replacement street furniture and lighting;
 - a scheme of townscape enhancements;
 - litter management and recycling (excluding general street cleaning activities);
 - crime prevention measures e.g. CCTV;

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- improved public transport facilities;
- new or replacement signage and information;
- a promotion and marketing campaign;
- car parking improvements and management; and
- town and village centre studies;
- site assembly/site servicing (including CPO); and
- traffic calming/traffic management.

This list is not exhaustive.

1.12 In this instance, a standard contribution of £350 per residential unit would apply and the council will secure developer contributions for town and village centre improvements through section 75 agreements.

1.13 To be clear about which developers will contribute to improvements in specific towns and villages, the following principles will apply:

- Armadale CDA developers will only contribute towards improvements in Armadale town centre;
- Winchburgh CDA developers will only contribute towards improvements in the existing village centre of Winchburgh;
- Broxburn CDA developers will only contribute towards improvements in Broxburn town centre;
- West Livingston/Mossend CDA developers will only contribute towards improvements in the village centres of West Calder and Polbeth;
- Calderwood CDA developers will only contribute towards improvements in the existing village centre in East Calder;
- Polkemmet, Heartlands (Whitburn) developers will only contribute towards improvements in Whitburn town centre; and
- Bangour Village Hospital developers will only contribute towards improvements in the existing village centres of Dechmont and Uphall.

1.14 The LDP aims to improve the physical environment of existing town centres, through the council integrating its own programmes of action with those of agencies, developers, traders and local communities with whom it works in partnership. The council will, therefore, explore opportunities to secure other funding and work in partnership with others to maximise new investment. It is the council's objective that improvements secured through this particular initiative will act as a catalyst for attracting further investment and help maximise benefits.

2.0 Developer Contributions for a Replacement Armadale Library

2.1 There is a specific requirement identified in Appendix 2 of the LDP, Schedule of Housing Sites/Site Delivery Requirements, to improve library facilities in Armadale in order to meet the needs of the new and growing population arising from the housing allocations in the Armadale Core Development Area (CDA). This initiative is essentially a continuation of arrangements established under the previous West Lothian Local Plan (WLLP) and supporting Supplementary Planning Guidance (SPG) in 2009.

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- 2.2 To be clear, contributions are only being sought to meet the additional cost of providing library facilities for the 2,000 plus new homes in the Armadale CDA and all contributions secured will be *ring fenced* and will only be used to recover expenditure incurred by the council on the forward funding of new and improved library facilities in Armadale.
- 2.3 It had been established that there was insufficient land to expand the original Armadale library on its site at West Main Street and this influenced the decision to replace the facility on the current site at North Street, a project which was financed by the council as part of a ten year capital investment plan approved in December 2007.
- 2.4 The total cost of the replacement library, designed to meet the requirements of the existing population and the anticipated growth in population arising from 2,070 houses allocated in the Armadale CDA was originally estimated at £775,000 (but since confirmed as substantially higher at £1,118,000).
- 2.5 The council assumed just under two thirds of the estimated cost to meet the library needs of the existing population with the remainder of £275,000 being the sum directly attributed to facilitating the demand of the new housing allocations and to be financed over time through developer contributions.
- 2.6 An original base tariff of £133 per house was established when the previous SPG was adopted in 2009 (2,070 house units multiplied by £133 = £275,000) and it was advised that this would be updated in successive years by being linked to the Building Tender Price Index (using fourth quarter 2009 as the base date).
- 2.7 In the event the actual total cost of the library was £343,000 greater than the estimate and approximately one third of this figure (£114,333) therefore requires to be added to the sum to be recovered from developers thus creating a revised outstanding balance of £389,333. As of 31 July 2019, the council had received no contributions towards the replacement library.
- 2.8 In addition to the 2,070 houses originally allocated as part of the Armadale CDA, the LDP made a new housing allocation of 320 units at Tarrareoch Farm (H-AM 19). When added together this establishes a pool of 2,390 houses liable to make contributions. When the outstanding balance of £389,333 is divided by 2,390 houses the 'per unit figure' which developers within the Armadale CDA are required to contribute towards the proportional cost of providing the replacement Armadale Library is £163.

(SG) Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision)

Approved by West Lothian Council Executive

DATE TO BE INSERTED IN DUE COURSE

Subsequently adopted as Supplementary Guidance (SG)

DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston, EH54 6FF Tel: 01506 28 00 00 Email: dpgeneral@westlothian.gov.uk



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West Lothian
Council

Planning Services
Development Planning & Environment



SUPPLEMENTARY GUIDANCE (SG)
**Developer Obligations for General Infrastructure
for Site Delivery**

'TRACK CHANGED VERSION'
Amended to highlight revisions proposed by consultees

APPENDIX 3
THIS VERSION PRODUCED FOR THE COUNCIL EXECUTIVE MEETING
ON 23 JUNE 2020

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one

Introduction

- 1.1 This Supplementary Guidance (SG) is one of a series supporting policies in the West Lothian Local Development Plan 2018 (LDP). The LDP was adopted by the council on 4 September 2018 and is framed within the context of [Scottish Planning Policy \(2014\)](#); [Circular 3/2012: Planning Obligations and Good Neighbour Agreements](#); and [Circular 4/1998: The Use of Planning Conditions in Planning Permissions](#).
- 1.2 Supplementary Guidance (SG) forms part of the LDP and as such is a statutory document in the determination of planning applications. SGs elaborate on key policies contained in the adopted LDP and provide advice to developers and others on the issues to be taken into account when submitting proposals for planning permission. SGs are themselves a material consideration in the determination of planning applications. They are particularly important in considering and helping to ensure the delivery of the Core Development Areas (CDA) across West Lothian and the strategic allocations of Heartlands, Whitburn and Bangour to create sustainable and well designed and integrated places for new residents and the existing community. This SG is also relevant for all other development sites identified in the LDP (particularly housing) and is intended to be read alongside the relevant policies of the LDP together with other related and pertinent guidance.
- 1.3 For the avoidance of doubt, all previous Supplementary Planning Guidance (SPG's) with regards to general infrastructure provision contributions are superseded by this SG from the date it is approved by the council and other SG prepared in support of the LDP.

Commented [LS1]: NB: The abbreviation 'SG' has either been expanded to 'Supplementary Guidance' or 'guidance' in the majority of instances where it appears in the document for the sake of clarity.

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Justification

- 2.1 The West Lothian Local Development Plan (LDP) outlines a development strategy that supports sustainable planned growth across West Lothian up to 2024 and beyond. In particular, it continues to support the previously established Core Development Area (CDA) allocations at three strategic locations: Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) together with the strategic development allocation at Heartlands, Whitburn and Bangour.
- 2.2 Although the development strategy will have many positive effects by providing new homes, jobs and economic development, it is recognised that new development also creates a requirement for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on existing communities, local amenity and the quality of the environment.
- 2.3 In order to deliver the planned growth set out in the LDP, improvements to infrastructure must be delivered alongside development. The planning system allows, and indeed expects developers to mitigate the impact of their development and to pay for, or contribute towards, improvements to infrastructure that arises as a direct consequence of the development, or from the cumulative impact of the development and which would not otherwise be needed.
- 2.4 This SG has been prepared to explain how the council, through relevant policies of the LDP and with regard to the LDP Action Programme, will secure such improvements. Development will therefore only be supported if: ~~and when the necessary services, infrastructure and facilities are in place, or when satisfactorily binding legal arrangements can be concluded to accommodate it.~~
- (a) ~~funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered;~~
 - (b) ~~phasing to manage demand on infrastructure has been agreed; or~~
 - (c) ~~in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.~~
- 2.5 Development proposals will be assessed with regard to their impact on the capacity of infrastructure, (either on an individual or cumulative basis) and such provision will ordinarily be secured through planning conditions or planning obligations / legal agreements.

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Purpose and scope of the guidance

- 3.1 It is important to be aware that this SG does not make, replace or amend existing Local Development Plan policy but is intended to provide further guidance to developers, their agents and communities on the application and interpretation of planning policy generally and policies **CDA 1** (*Development in the Previously Identified Core Development Areas*) and **INF 1** (*Infrastructure Provision and Developer Obligations*) of the LDP in particular.
- 3.2 In many instances development will have commenced, and in some, be at an advanced stage. In these situations it is very probable that developer contributions will have already been agreed through the related planning consent/legal agreement and these arrangements will therefore prevail. The provisions and requirements of this SG will consequently only be pertinent to the development of sites where there is no approved planning consent in place on the date this guidance is approved by the council.
- 3.3 This SG is an important material consideration in the determination of planning applications and will form the basis for discussions on individual planning applications and the drafting of planning conditions and / or planning obligations.
- 3.4 The main objectives of this SG are:
- to set out the council's policies and procedures in respect of the use of planning conditions and planning obligations;
 - to explain the circumstances under which the council will collect financial contributions to mitigate the impacts of a development;
 - to provide clear guidance on the council's approach so that it is applied in a fair, consistent and transparent manner; and
 - to provide certainty for developers and to help ensure the timely provision of environmentally sustainable forms of infrastructure to support growth.
- 3.5 This SG outlines the national and local legislative and policy framework for planning obligations and provides additional detail on topic areas for which West Lothian Council will ordinarily seek planning obligations, these include community facilities required in support of the CDAs and open space provision.
- 3.6 For an appreciation of developer obligations in the wider context it is recommended that this SG should be read in conjunction with separate SGs relating to Affordable Housing, Education infrastructure, Transport infrastructure, Developer contributions towards Cemetery Provision and Public Art and, in due course the Green Network. The full programme of proposed supplementary and planning guidance is set out in Appendix 4 of the LDP. All SG and PG which has been prepared to date can be viewed on the council's [website](#). Other Planning Guidance (PG) may also be prepared in support of the LDP where need arises.
- 3.7 A key aim of this SG is to provide a clear framework for developers to identify if a planning obligation is required as part of a planning application. It is important that the process of securing appropriate developer contributions does not result in undue delays in the determination of planning applications and the council is therefore keen to assist those considering the

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development of land to understand, at an early stage in the planning application process, the likely scope and scale of any developer contributions which the council will require.

- 3.8 Developers and landowners seeking to submit planning applications for residential development are encouraged to make use of the council's pre-application enquiry service in order that any site specific requirements are identified and discussed at an early stage. Details of this service can be accessed on the [council's website](#). *Please note that this is a chargeable service.*

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Policy context and legal basis

- 4.1 Section 75 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 allows planning authorities to secure developer contributions, through the use of planning obligations, to overcome obstacles to the granting of planning permission.
- 4.2 Legal agreements can also be made under other legislation including the Local Government (Scotland) Act 1973, the Countryside (Scotland) Act 1967, Sewerage (Scotland) Act 1986 and the Roads (Scotland) Act 1984 and provide a possible alternative mechanism to secure developer contributions. They are useful where the nature of the contribution is relatively straightforward, involves a one-off payment and/or does not require to be secured through successors in title. For this reason they can help speed up the development process. The council has used, and will continue to use alternative agreements where appropriate and where they are considered to speed up the development process.
- 4.3 This SG has been developed in the context of the following policy and Scottish Government advice:
- Scottish Planning Policy 2014
 - Circular 6/2013 - Development Planning
 - Circular 3/2012 - Planning Obligations and Good Neighbour Agreements
 - Strategic Development Plan for South East Scotland (SDP) (2013)
 - West Lothian Local Development Plan (LDP) (2018)

Scottish Planning Policy (SPP) 2014

- 4.4 SPP requires SGs to indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

Circular 6/2013 - Development Planning

- 4.5 The Circular states that Local Development Plans must identify the items for which financial or other contributions will be sought, and the circumstances where they will be sought. In this way site requirements may be reflected in land values agreed by landowners and developers prior to planning permission being granted. Provisions in the Planning etc. (Scotland) Act 2006 require that planning obligations are publicised by Planning Authorities and that there is greater transparency in negotiating developer contributions. This SG assists with these objectives and has been prepared in the context of the aforementioned policy and Scottish Government advice.

Planning Conditions

- 4.6 Conditions applied to a grant of planning permission can enable many development proposals to proceed where it might otherwise be necessary to refuse planning permission and the council has wide-ranging powers under the Town and Country Planning (Scotland) Act 1997 (as amended) to impose them, and has done so extensively.
- 4.7 Where there is a choice between applying planning conditions or entering into a planning obligation, the use of a condition is almost always preferable. Planning obligations, while entirely

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legitimate and often necessary, are by their nature time consuming and resource intensive and will almost inevitably delay the issuing of planning permission.

4.8 Conditions attached to any planning consent must comply with [Circular 4/1998: The Use of Planning Conditions in Planning Permissions](#) and should only be imposed where they are:

1. necessary
2. relevant to planning
3. relevant to the development to be permitted
4. enforceable;
5. precise; and
6. reasonable in all other respects

Circular 4/1998 advocates the use of standard or model planning conditions and provides guidance on a range of the most frequently used. In granting conditional planning permission, the council is also obliged to give clear and precise reasons for the imposition of every condition.

~~Circular 3/2012 – Planning Obligations and Good Neighbour Agreements~~

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4.9 Planning conditions are not however without their limitations. They ~~cannot~~ can only be used to require works on land beyond the application site (as defined by the “red boundary line” on the application plan) ~~where the land in question is under or works outwith~~ the control of the applicant. Furthermore, conditions cannot be used to secure a financial contribution.

Commented [LS5]: Text deleted

Commented [LS6]: Text added

Commented [LS7]: Text deleted

~~Circular 3/2012 - Planning Obligations and Good Neighbour Agreements~~

Commented [LS8]: Heading re-located

4.10 The council will therefore seek to negotiate and enter into a Planning Obligation whenever a development, which is otherwise acceptable in planning terms, requires mitigation and which cannot be secured through planning conditions. In accordance with national policy and advice and the approach taken by the Planning and Environmental Appeals Division (DPEA) Reporters in appeal decisions, the council will only seek to use a planning obligation where the matter(s) cannot be adequately addressed by planning condition(s).

4.11 The legislative basis for planning obligations is set out in Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

4.12 Contributions secured through a planning obligation (Section 75 agreement or other legal agreement as necessary) shall be consistent with the five tests set out in [Circular 3/2012](#). These are as follows:

- Necessary to make a proposal acceptable in planning terms (overcome a barrier to the approval of planning permission);
- Serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
- Be related to the proposed development either as a direct consequence of it or arising from the cumulative impact of development in an area (there must be a clear direct link between development and the infrastructure to be provided);
- Must fairly and reasonably relate in scale and kind to the proposed development (provide or contribute to the provision of infrastructure that would not be necessary were it not for the

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development, on a proportionate pro-rata basis as appropriate, but not to resolve existing deficiencies); and

- Be reasonable in all other respects.

~~4.13 Circular 3/2012 re-iterates two broad objectives of the planning system;~~

~~(a) that it operates in the public interest; and~~

~~(b) that it fosters sustainable development by providing homes, investment and jobs in a way that adds to rather than detracts from the quality of the environment.~~

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~~4.1413~~ In seeking to enter into planning obligations with a developer, such arrangements must be operated in accordance with the fundamental principle that planning permission may not be bought or sold. In accordance with Circular 3/2012 planning obligations should only be used where they relate to the development being proposed.

Commented [LS10]: Pages re-numbered to reflect deleted paragraph

4.1514 Where a proposed development would either; create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a damaging impact on the environment or local amenity that cannot be resolved satisfactorily through the use of planning conditions or another form of legal agreement, a planning obligation could be used provided it would clearly overcome or mitigate those identified barriers to the grant of planning permission. There must however be a clear link between the development and any mitigation offered as part of the developer's contribution. In addition, when determining whether a planning obligation is required, the council will take account of the existence of any other agreements or conditions relating to infrastructure provision that already apply to the development.

4.1615 A developer can apply to the council to modify or discharge an obligation within a Section 75 legal agreement and has a subsequent right of appeal to the Planning and Environmental Appeals Division (DPEA) if the authority refuses the application. Such applications are made under the terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

4.1716 Planning obligations can take various forms and the nature of the contribution that developers can make will depend on the specific circumstances of the location of the development site and the scale and type of development scheme that is being proposed.

4.1817 'In Kind' or 'Direct Provision' is where the developer builds or directly provides the proposed subject of the planning obligation. Such provision is often made within the development site in question. The issue of whether the developer should provide the mitigation measures in kind or whether the council, or another organisation, would be in the best position to provide the necessary works will be determined on a case-by-case basis and will be addressed via the negotiation involving all interested parties.

4.1918 Planning obligations bind successors in title i.e. future purchasers of any part of the land that is subject to the obligations, as they are placed on the title of the land. This means that a planning obligation can be enforced against both the original landowner (this is usually the development site owner) and against anyone who subsequently acquires an interest in the land. As such, it is expected that those parties with an interest in the land in question, at the point in time that the Section 75 agreement is signed, will be expected to enter into planning obligations with the council.

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Strategic Development Plan for South East Scotland (SDP)(2013)

4.2019 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The SDP and the LDP form part of the 'development plan' that planning applications in West Lothian are assessed against.

4.2120 The SDP sets the strategic policy context for the securing of developer contributions towards infrastructure. Paragraph 123 states:

'Developer contributions are important and will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. LDPs will set out the broad principles for planning obligations including the items for which contributions will be sought and the occasions on which they will be sought. Mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers.'

4.2221 The SDP requires the West Lothian LDP to specify the items and identify the circumstances in which developer contributions would be sought, specifically **Policy 9 (Infrastructure)**, which states that:

'LDP's will:

- (a) safeguard land to accommodate the necessary infrastructure;*
- (b) provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed; 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'.*

West Lothian Local Development Plan (LDP)

4.2322 The policy context for securing developer contributions and negotiating planning obligations is set out in Policies **INF 1 & CDA 1** of the West Lothian Local Development Plan.

4.2423 Policy **INF 1 (Infrastructure Provision and Developer Contributions)** sets out the rationale for seeking developer contributions in appropriate circumstances and policy **CDA 1 (Development in the Previously Identified Core Development Areas)** complements this by explaining that planning conditions and legal agreements will be used to secure infrastructure. Policies **INF 1 & CDA 1** are reproduced below for information.

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Policy INF 1

The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.

Where appropriate developer obligations have been secured, planning permission will normally be granted. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.

Development will not be permitted to commence unless:

- a. funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered; or*
- b. phasing to manage demand on infrastructure has been agreed; or*
- c. in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.*

Only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out above. Proposed sites for new infrastructure are listed in Chapter 6'.

Policy CDA 1

The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) in Armadale, East Broxburn/Winchburgh and Livingston & Almond Valley subject to the preparation of master plans to be approved by the council. Infrastructure requirements are identified in Appendix 2 and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out in Policy INF 1.

Planning conditions and legal agreements will be used to secure infrastructure funding and proper phasing of development. Developer contributions will be sought in accordance with Scottish Government Circular 3/2013 'Planning Obligations and Good Neighbour Agreements', as interpreted by emerging case law and amended by subsequent amendments and legislation. Contributions will also be required to remedy deficiencies in local facilities and amenities which result from proposed developments.

A diversity of house types, tenures and densities must be provided within these areas. Within the mixed use areas net housing densities shall average at least 25 residential units per hectare. Affordable housing shall be provided within the previously identified CDAs in accordance with policy HOU 4 (Affordable Housing and relevant Supplementary Guidance).

4.2524 When assessing planning applications, the council will determine whether planning conditions and/or planning obligations are suitable in order to make otherwise unacceptable development, acceptable.

4.2625 Appendices 1 & 2 of the LDP provide details on the employment land and housing site allocations in West Lothian and includes commentary on the constraints already identified at site level which may necessitate a requirement for planning conditions or planning obligations in order to make the proposed development acceptable in planning terms. The LDP Action Programme sets out actions required to deliver the plan's policies and proposals and identifies the appropriate parties or organisations that are required to carry out the action(s), including where available anticipated costs of proposals.

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Implementation

- 5.1 In preparing the West Lothian LDP an assessment was made of the likely pressures on services, infrastructure, facilities and amenities within specific settlements and the Core Development Areas as a result of the major housing allocations identified in the LDP and a number of specific projects have been identified. Appendix 2 of the LDP 'Schedule of Housing Sites/Site Delivery Requirements' (p.115) identifies the key infrastructure that is required in order to deliver in full the development strategy set out in the LDP.
- 5.2 When a planning application relating to residential development is submitted to the council for consideration, the council will assess the requirement for the prospective developer to make appropriate developer contribution(s) in accordance with the provisions of this SG.
- 5.3 Each planning application will be considered in line with Policies **INF 1 & CDA 1** and the terms of this and other relevant SG. However, this does not preclude the council seeking other contributions not specifically covered by this SG where they meet the statutory tests (set out in Circulars 4/1998 and 3/2012 - see paragraph 4.8 and 4.12) and enable an otherwise unacceptable development proposal to be acceptable to the council.
- 5.4 Planning obligations should be recognised as a necessary cost of development. Developers should therefore make themselves aware of the likely planning obligation requirements associated with a proposed development and factor in the likely cost of obligations into land acquisition and development costs at an early stage.
- 5.5 Developers will be required to make contributions at the levels set for the particular project or settlement within which the development is proposed.
- 5.6 The requirement for a developer to make appropriate developer contributions will be treated as a material planning consideration in the assessment and determination of planning applications for development.
- 5.7 In exceptional circumstances, the council will consider alternative projects identified by the developer, to an equivalent value for that settlement. It should however be noted that whilst the council is not obliged to accept any alternative project, offer, or other scenario as may be suggested, or proposed by a developer any such proposal will be considered on merit against Local Development Plan requirements and local circumstances.
- 5.8 Where developers are of a view that fulfilling a planning obligation would make the economics of the development unviable and look to amend the levels of contribution, the prospective developer will be required to submit a development appraisal which the council, through the District Valuer, or another independent chartered valuation surveyor agreed by the council, will verify. This appraisal requires to be funded by the developer/applicant. The council will also require documentary evidence necessitating "open-book accounting" to show the viability of a proposal will be curtailed by the requirement for planning obligations. If a development appraisal shows that a site is not viable the council may elect to review developer obligations and consider a degree of 'prioritisation'. However, in the event of a development being assessed as unviable the council will consider all the options which will include refusal of the application due to its inability to fund the required levels of infrastructure.

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Legal Agreements

- 5.9 Local authorities have powers to enter into agreements to regulate planning matters under various statutes. Where it is necessary to secure that future, owners and occupiers of the land are bound by a planning obligation (for example where phased financial contributions towards infrastructure are required), it is necessary to secure this by agreement or unilateral undertaking under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. All planning obligations involve developers entering into legally binding contracts with the council and planning permission will not be issued by the council until the relevant agreement has been formally concluded.
- 5.10 Whilst Section 75 agreements are bespoke and can be time consuming to negotiate and conclude, they typically contain the following elements:
- date of the agreement;
 - identification of the parties involved;
 - definition of any terms contained within the document;
 - site and development proposal details;
 - relevant conditions;
 - details of any provisions or restrictions required under the agreement; and
 - signatures of all the parties involved.

The Section 75 agreement will usually be drafted by the council's Legal Services. A template Section 75 agreement can be requested from the Development Management case officer in these circumstances.

Key items that will be required to be provided to the council's Legal Services include the following:-

Titles

In every case all title deeds to the land must be provided for examination. These should demonstrate that the landowner has the ability to enter into the planning obligation in respect of the affected property. Where there are other interests in the property further titles may be required and other parties might need to enter into the planning obligation.

Plans

Plans which clearly show the extent of the area of land which is to be subject to the planning obligation **may be required**. These should correspond with the title deeds to the land.

Commented [LS12]: Text changed to 'should be provided'

Searches

Searches over the [General Register of Sasines](#) or [Land Register](#) brought down to a date as close as possible to the date when the planning obligation is to be sent for recording (or registration). The searches must show no competing interest to the land or matter restricting the ability to enter into the planning obligation. Searches should be provided to Legal Services by the applicant/landowner's solicitor.

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Heritable Creditor Consents

Any heritable creditor (e.g. a mortgage lender or floating charge holder) will be required to consent to the granting of the planning obligation. The heritable creditor will need to sign the planning obligation and the landowner will meet any costs associated with procuring such consent. Applicants are encouraged to make contact with any heritable creditor as soon as the requirement for a planning obligation is identified as it can often take some time for the creditor to approve applications for consent. It is important to note that no progress can be made on the planning obligation until Legal Services has received the relevant title deeds or land certificate. It is therefore advisable to provide those documents as quickly as possible to avoid any delay in the proposed development.

- 5.11 Should a planning application be approved subject to the signing of a Section 75 agreement, the council requires the agreement to be negotiated and signed without undue delay. The council's aim is to issue decision notices within 6 months from the date of the council's '*resolution to approve*'. Where evidence is provided by the applicant to the council's satisfaction that the agreement cannot be signed within this period, then a variation on the stipulated time limit will be considered on a case-by-case basis. Should this information not be forthcoming, the council may decide to refuse the planning application based on the non-completion of the Section 75 agreement.
- 5.12 A planning obligation must be registered against the title of the land in either the General Register of Sasines or Land Register of Scotland (as applicable). Once a planning obligation has been registered it becomes binding on all future owners of the land. It may affect tenants and other occupiers, depending on the specific terms. Any restrictions on future use of the land or property will affect all future transfers or sales.
- 5.13 Figure 1 explains the procedures which the council and applicant will typically take to establish a Section 75 agreement.

Figure 1: Step-by-Step Guide to establishing a Section 75 legal agreement

Pre-Application Discussions

Applicants are encouraged to enter into discussions at the earliest possible stage with the council's Development Management (DM) officers prior to submitting a planning application. Such discussions provide a valuable opportunity for all parties to consider the scope and impact of the development proposal. The council offers a service for [pre-planning application advice](#) enquiries (which is a chargeable service accessible through the council's website). This service is separate to any Pre-application Consultation that a developer may be required to undertake in respect of certain planning applications. The DM Case Officer and relevant service area(s) raise potential planning obligations on the proposal if applicable.



Planning Application Received

The DM Case Officer makes an initial assessment of Section 75 implications related to the proposal and whether the issues raised at the pre-application stage have been addressed.

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Planning Application Consultation

Following the submission of a planning application, the formal consultation process will commence with the involvement of all relevant bodies, statutory as well as non-statutory and council services. Their responses will help identify any additional requirements for further planning obligations not already addressed as part of the pre-application discussions.



Comments received. DM Case Office and Legal Services negotiate with developers to agree 'heads of terms' for planning obligations.



Planning Application Recommendation

Following the consultation process and subsequent discussion with the applicant, a report may be prepared outlining the DM case officer recommendation and the nature and details of the planning obligation. The council may resolve to grant planning permission, subject to the applicant entering into a Section 75 Agreement, or refuse the planning application.



Section 75 Agreement - Drafting

Following a 'resolution to grant planning permission', the DM Case Officer will instruct Legal Services to draft the Section 75 Agreement. Legal Services in liaison with the DM Case Officer will undertake to co-ordinate any detailed discussions, including with other internal council services, regarding the precise terms of the Agreement should this be required.



The Council's Legal Services send draft agreement to all parties to check and agree.



Section 75 Agreement - Signing and Legal Completion

The Section 75 Agreement is signed, legally completed and details are recorded onto monitoring systems and the Register of Sasines and/or Land Register. The planning decision notice, with the planning permission, is then issued.

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Securing the developer contributions

6.1 To ensure the necessary infrastructure is in place to take account of the impacts of new developments this SG applies to all ~~new and unconsented residential developments~~ in West Lothian including the Core Development Areas (CDAs), namely *Armada, East Broxburn and Winchburgh, Calderwood (East Calder) and Gavieside (West Livingston)* and the strategic development allocation site at *Heartlands (Whitburn) and Bangour (Dechmont)*. Developments outwith these areas may also be required to contribute to infrastructure requirements to enable development to proceed.

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6.2 The specific projects to be implemented or funded by developers are set out in Table 1 and are consistent with Appendix 2 and policies **INF 1** and **CDA 1** of the West Lothian LDP. Reference should also be made to the LDP Proposals Map which defines the geographical extent of the areas listed in Table 1 and hence the areas within which developer contributions will be required towards infrastructure. Developer contribution rates have been informed (where known) by costs set out in the LDP Action Programme which has been prepared to support the LDP and by existing planning consents and associated Section 75 agreements.

It should be noted that developer contributions towards education, transport infrastructure, cemetery provision and public art are set out in separate SG entitled:

- Supplementary Guidance: Planning and Education
- Supplementary Guidance on Developer Contributions towards Transport Infrastructure
- Supplementary Guidance on Cemetery Provision
- Supplementary Guidance on Developer Contributions Towards Public Art

Developers are required to have regard to these alongside this SG on general infrastructure requirements.

6.3 Developer contributions will be calculated on the basis of whole sites identified in the LDP. Applications for parts of allocated sites will pay a proportion of the total site contributions. This SG will not be applied retrospectively to sites which already have planning permission in principle or to applications for the approval of matters specified by condition without any requirement to contribute to general infrastructure, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will however be required to comply with the terms of this SG and to policies set out in the LDP.

6.4 The only exemptions will be small developments comprising four or less units, unless they are clearly part of a phased development of a larger site. In such cases the council will seek to agree appropriate sums with the applicant.

6.5 Developer contributions shall be secured by means of agreements concluded between the applicant and the council under Section 75 of the Town and Country Planning (Scotland) Act 1997 or Section 69 of the Local Government (Scotland) Act 1973, prior to the issue of planning permission. In some cases, where a relatively small financial contribution is involved, it may be possible to avoid formal agreements and for the council to collect contributions on the basis of

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an exchange of letters prior to planning permission being granted or through a section 69 Agreement.

- 6.6 The council recognises that funds received through planning obligations process need to be clearly linked to the provision of specific pieces of infrastructure. To provide this clarity, the council has set up a financial tracker to monitor the source of funds, the purpose for which they are gathered, and how they are spent. All contributions received will be "ring fenced" and will be spent only on funding the projects identified in Table 1.
- 6.7 The costs identified within the SG will be subject to review on an annual basis, through the LDP Action Programme. These costs will be index linked against the Building Cost Information Service (BCIS) All-in Tender Price Index or similar comparable industry standards and subject to independent verification where necessary. This SG will be reviewed and updated periodically to ensure that the level of contribution being required of developers remains relevant and takes account of changing circumstances. This will include updating contributions to take account of the BCIS All-in Tender Price Index.
- 6.8 In general, Section 75 agreements contain a pay-back period. A section of the agreement indicates that if the council does not use the contributions within the specified timescales or monies are no longer required for the purpose for which they were collected they will be repaid, on a pro-rata basis, to those parties who made the contributions towards the project. The specified time periods will depend on the project involved.
- 6.9 In some instances, planning contributions will be in the form of infrastructure provided directly by a developer. Direct provision will be factored into the overall contributions that a site will make and where appropriate, this may be offset against total costs of the infrastructure project. Where direct provision of infrastructure is required, bonds or other legal security may also be agreed to safeguard the council from risk.
- 6.10 There may be instances where infrastructure is required in advance of all developer contributions having been received by the council. Where this is the case alternative funding options may be investigated. In these situations, contributions will continue to be sought from developers to meet the full cost of the infrastructure which has been provided. There may also be circumstances where the council has forward funded infrastructure projects to assist in development delivery. Where this is the case the council will seek to recoup monies from developers by way of developer contributions; this approach is consistent with paragraphs 23 of Circular 3/2012.
- 6.11 Over the lifetime of the LDP developers/landowners are likely to seek planning permission for sites not allocated in the West Lothian Local Development Plan - such sites are known as windfall sites. The impact of these sites will not have been considered in any capacity assessments which determine the need for improved or additional infrastructure. Non-exempt windfall sites will be required to provide developer contributions towards infrastructure as set out in this SG.
- 6.12 Section 76 (1) (b) of the Town and Country Planning Act (Scotland) 2006, as amended, allows developers to enter into unilateral agreements to make an appropriate contribution in relation to the impact of their proposals. Where a unilateral undertaking is in place, unless it makes provision for all the infrastructure impacts of the proposed development, the need for any additional contributions to meet the requirements set out in this SG will be secured through a planning obligation.
- 6.13 Depending on the particular circumstances of a proposed residential development and to assist in development delivery, the council may, on application, agree for payments to be made at a

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later stage in the development process than would otherwise be considered appropriate, for example once houses have been sold, albeit subject to indexation as described above.

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Annex A

General infrastructure requirements

- 1.1 The LDP has identified specific infrastructure requirements for housing sites in the Winchburgh, East Broom, Armadale, Calderwood and Mossend/West Livingston CDAs and these are reproduced in Table 1 and should be read in conjunction with the relevant LDP Maps.
- 1.2 In many instances conditional planning permission has already been granted for the development of these allocated sites and any legal agreements which set out the required developer obligations have been concluded and are unchanged as a consequence of this SG. In these circumstances the scope and cost of related infrastructure projects will already have been established and have not required to be set out here.
- 1.3 Where residential development on 'windfall' sites and as yet unconsented/undeveloped sites within the CDA (and the Heartland Strategic Development Area) are brought forward, they will be subject to the same range of infrastructure requirements with arrangements and costs being determined on a case by case basis through the respective planning applications.

Table 1: Requirements for infrastructure, local facilities and amenities for housing proposals to be implemented or funded by CDA developers

ALL CDAs		
Description of facilities and amenities	Details of planning permission where applicable	Notes
• Land for community facilities		
• Serviced employment land		
• Woodland planting to implement Green Network objectives		
• Management of existing trees and woodlands		
• Open space provision and indoor and outdoor sports facilities in accordance with approved strategies of the council		
• Recycling facilities		

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WINCHBURGH CDA

See LDP Map 2 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
• Public car park for new town centre;	Condition 24 of permission 1012/P/05	Implementation required during first phase of Town Centre/by the completion of the 1001 st house.
• Additional landscaping and improved recreational access and management plan for Claypit and surrounding area;	Condition 19 of permission 1012/P/05	Implementation required prior to the completion of the 600 th house.
• Joint preparation (with East Broxburn CDA developers) of a management plan for the scheduled Greendykes and Faucheldean Bings and for the 'green corridor' between Winchburgh and East Broxburn and funds to allow implementation of the plan;		The council owns part of Greendykes Bing and a study funded by Central Scotland Green Network (CSGN) in 2013/14 identified various options for the green network corridor. Supplementary guidance on the Green Network will specifically address this requirement.
• Preparation of a strategy to restore Niddry Bing and funds to allow implementation of the plan;	Conditions 5 & 34 of permission 0033/M/09	
• Joint funding (with East Broxburn CDA developers) of works to rehabilitate the non-scheduled parts of Greendykes Bing;		Obligation has been placed on the Broxburn CDA developers as being more relevant to that CDA.
• Preparation of a strategy for the restoration of Auldcaithie landfill site and funds to allow implementation of the plan;	Conditions 5 & 14 of permission 1012/P/05 & 1123/FUL/18	Includes provision for a district park. Planning permission (1123/FUL/18) for the formation of a District Park was granted on 28 March 2019 and the park is expected to be delivered in accordance with the planning conditions set out in the consent.
• Enhancement of existing river corridors within master plan area;	Conditions 18 & 21 of permission 1012/P/05	These requirements are expected to be addressed by developers as part of the wider landscape strategy.
• Land for canal related facilities having regard to the Edinburgh-West Lothian Union Canal moorings study previously prepared by British Waterways (now Scottish Canals);	Condition 24 of permission 1012/P/05	Implementation required during first phase of new Town Centre. Planning permission (0642/MSC/19) for the formation of a marina was granted on 11 September 2019 and, subject to securing Scheduled Monument Consent, the marina will be delivered in accordance with the planning conditions set out in that consent. Active and advanced discussion is ongoing between the developer and Scottish Canals for a new marina adjacent to the town centre are well advanced on this matter and future phases of development along the Canal.
• Contribution to library provision;		Contribution defined in Clause 15 of the planning obligation between WLC/The Winchburgh Trust /Regenco (Winchburgh) Ltd.
• The current supply of open space in the existing settlements is not of a sufficient size and types to cater for the potential demand from new housing. Winchburgh/East Broxburn should include appropriate levels of each part of the West Lothian open space typology, including district parks, neighbourhood parks, local parks, sports areas, play spaces, green path corridors and amenity greenspace;	Conditions 17 21 of permission 1012/P/05	Phased implementation required prior to the completion of a specific number of houses, i.e. 501, 551, 1001, 1501, and 2501. See S75 for precise details. The West Lothian Open Space Strategy is currently under review and due to be considered by the council in 2020. This may outline further open space requirements for the Winchburgh area. The planning application for rehabilitation of the adjacent Auldcaithie Landfill site for playing pitches and associated open space will go a considerable way to addressing the current identified deficiency.
• The proposed "Heritage Park" around the scheduled monuments of Greendykes & Faucheldean Bings is in the sensitive countryside gap between the expanded		Not a condition nor is it included as part of the planning obligation. Supplementary guidance on the Green Network will specifically address this

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settlements. This concept could address the provision of a district and neighbourhood park acquired from the 2015 WL Open Space Strategy.		requirement, as will conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
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EAST BROXBURN CDA

See LDP Map 2 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Joint preparation (with Winchburgh CDA developers) of a management plan for the scheduled Greendykes and Faucheldean Bings and for the "green corridor" between Winchburgh and East Broxburn and funds to allow implementation of the plan. 		The council owns part of Greendykes Bing and a study funded by Central Scotland Green Network (CSGN) in 2013/14 identified various options for the green network corridor. Supplementary guidance on the Green Network will specifically address this requirement.
<ul style="list-style-type: none"> Joint funding (with Winchburgh CDA developers) of works to rehabilitate the non-scheduled parts of Greendykes Bing; 		Obligation has been placed on the Broxburn CDA developers as being more relevant to that CDA. Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> Land for canal related facilities having regard to the Edinburgh – West Lothian Union Canal moorings study previously prepared by British Waterways (now Scottish Canals); 		Obligation likely to be placed on the Broxburn CDA developers as being more relevant to that CDA. Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> Contribution to improvements at Stewartfield Park; 		Works already implemented including off-site access and signposting.
<ul style="list-style-type: none"> Woodland planting to north of mixed use sites at Pyothall Road, Greendykes Road West and Greendykes Road East as extension of Broxburn Community woodland and green network corridor; 		Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> The current supply of open space in the existing settlements is not of a sufficient size or type to cater for the potential demand from new housing. Winchburgh/East Broxburn should include appropriate levels of each part of the West Lothian open space typology, including district parks, neighbourhood parks, local parks, sports areas, play spaces, green path corridors and amenity greenspace. 		Will be subject to conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.
<ul style="list-style-type: none"> The proposed "Heritage Park" around the scheduled monuments of Greendykes & Faucheldean Bings is in the sensitive countryside gap between the expanded settlements. This concept could address the provision of a district and neighbourhood park acquired from the 2015 WL Open Space Strategy. 		Not a condition nor is it included as part of the planning obligation. Supplementary guidance on the Green Network will specifically address this requirement, as will conditions and planning obligations relative to future planning approvals for developments in the Broxburn CDA.

ARMADALE CDA

See LDP Map 4 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
<ul style="list-style-type: none"> Enhancement of open space area at Black Moss between Avondale Drive and Upper Bathville and formation of community woodland on western edge of Armadale; 		
<ul style="list-style-type: none"> Woodland planting adjacent to A801, to north and east of mixed use allocation at Colinshiel and on the west edge of the allocations at Standhill; 		
<ul style="list-style-type: none"> Extension of Armadale Round Town Walk (re-named Davie Kerr Heritage Trail) into both the Colinshiel and Standhill areas; 		

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• Contribution to improved library facilities;		See Annex B
• Management plan for Colinsiel Wood;		
• If facilities of a district level are not able to be provided within the new settlement boundary due to space constraints, then facilities in neighbouring district parks (e.g. Balbardie Park Bathgate and proposed district park in Whitburn), should be extended and upgraded to meet the increased demand.		

CALDERWOOD CDA

See LDP Map 5 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
• Public car park at East Calder;		Contribution of £50 (indexed to 1 st quarter 2012) per residential unit in the CDA is being taken so that the council can deliver the car park
• Public car park for new local neighbourhood centre;	Condition 12 of 0524/P/09	Parking to be provided as part of the neighbourhood centre. First phase of the neighbourhood centre required prior to occupation of the 1001 st residential unit.
• Native woodland planting adjacent to A71 and to improve screening of Camps Industrial Estate;	Condition 10 of 0524/P/09	
• Contribution to improved library facilities;		Library now provided in the partnership centre.
• Land for the extension of the existing health centre or for the construction of a new health centre;		NHS Lothian is considering options for the health centre.
• Extension of "the Muddies"- Mansefield Park.	0609/FUL/15	The land for the park extension will be provided by Persimmon as part of its development at Raw Holdings. Contribution of £500 (indexed to 1 st quarter 2012) per residential unit in the CDA is being taken so that the council can deliver the park extension.
• Landscaping treatments at the eastern and southern boundaries to provide containment and prevent development creepage.	Condition 10 of 0524/P/09	Landscaping required prior to occupation of the 980 th residential unit.

WEST LIVINGSTON / MOSSEND CDA

See LDP Map 3 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
• Public car park for new village centre at Gavieside		To be secured through any planning application for the Gavieside allocation.
• Management plan for remaining part of Bristonhill Moss and funds to implement plan;		To be secured through any planning application for the Gavieside allocation.
• The current level of open space provision in the northern part of the Polbeth area is poor. Therefore, the provision of the proposed structure planting should be of a high quality, with a network of connecting paths to Bristonhill Moss area and the existing woodland areas;		To be secured through any planning application for the Gavieside allocation.
• Safeguard land for extension of Almond Valley Heritage Centre light rail route on north side of River Almond;		
• Enhancement of river corridors within master plan area;		
• Extension of existing greenway associated with River Almond (between Kirkton and Easter Breich);		To be secured through any planning application for the Gavieside allocation.
• New greenways associated with West Calder Burn, Harwood Water and Breich Water;		To be secured through any planning application for the Gavieside allocation.
• Contribution to library provision.		To be secured through any planning application for the Gavieside allocation.

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<ul style="list-style-type: none"> New distributor road network to the west of Livingston to serve the new community at Gavieside and bypass Polbeth 		<p>Study and survey work are underway to ascertain the best means of improving the road network at West Livingston that might now no longer require an expensive bridge crossing of the River Almond near the sensitive Almond Pools nature area and an accompanying two land carriageway, with a crawler lane on the north side, to reach Toll Roundabout.</p> <p>Options may include a signalised and expanded junction at Simpson Parkway and Macintosh Road.</p>
<p>Transport assessments will determine the final road network and junction improvements necessary to support the Livingston and Almond Valley CDA proposals.</p> <p>The potential for road closures at Mossend (West Calder), Polbeth Road will be considered and will be promoted if there is community support.</p>		(As above)
Improved access to West Calder railway stations.		<p>The access road to facilitate a new entrance and access to West Calder Station on its north side has been constructed as part of the A71 overbridge raising works related to the electrification of the Edinburgh- Shotts line. However additional work on the platform and related structures will be required with consultation with Network Rail and also a minimum 200 space car park for Park and ride (and land set aside for the extension of this facility) and public transport interchange.</p> <p>The existing access will need to be closed off for passenger use, albeit retained for the business and residential properties that currently use the south access at Limefield Road / A71.</p>
Key public transport requirements include the provision of park and ride facilities at Gavieside, West Calder railway station.		(As above)
The Gavieside "park and ride" facility will allow the Livingston "Fastlink" to be extended to serve the new housing and employment proposed in this part of the CDA. Land should be safeguarded in the masterplan for a possible future extension of this park and ride facility to serve Livingston Town Centre. The CDA Action Plan also envisages that developers will contribute to public transport initiatives.		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.
Local neighbourhood centres are envisaged at Gavieside to provide a focus for communities.		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.
<p>Land for community facilities will be required at Gavieside but, at this stage, the precise details are not yet known.</p> <p>Further consultation with West Lothian Healthcare NHS Trust will be required on health centre provision on the west side of Livingston.</p>		Likely to be imposed as a planning condition solely on the West Livingston CDA developers when a planning permission is concluded related to the approving the masterplan for this part of the overall Almond Valley and Livingston CDA.

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HEARTLANDS STRATEGIC DEVELOPMENT AREA
See LDP Map 4 for general location of requirements

Description of facilities and amenities	Details of planning permission where applicable	Notes
Planning permission in principle (0493/P/02) was approved in May 2006 and identified a range of infrastructure requirements including:	0493/P/02	
<ul style="list-style-type: none"> South-western distributor road between the A706 and the B7066. 		Work ongoing on design and construction programme. Planning application expected by the end of 2019.
<ul style="list-style-type: none"> A strategic public access network setting out footpaths and cycleways and the linkages between the development and surrounding land uses including the forests, Polkemmet Country Park and the settlements of Whitburn, Fauldhouse and Longridge. 		Included within the masterplan and being taken forward and implemented on individual phases.
<ul style="list-style-type: none"> Land for the development of a neighbourhood centre; 		Land safeguarded in approved masterplan.
<ul style="list-style-type: none"> A four way grade separated interchange on the M8; 		Completed
<ul style="list-style-type: none"> A new public transport interchange at Cowhill; 		Required by conditions and s75 agreement.
<ul style="list-style-type: none"> Public art, open space and play area provision. 		Strategy document required by condition, which will include timescales for implementation. Currently under discussion and with formal submission imminent.

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Annex B

Specific infrastructure requirements

1.0 Developer Contributions for Town Centre and Village Improvements

- 1.1 The adopted West Lothian Local Development Plan (LDP) which was adopted on 4 September 2018 supports a sustained level of growth with more than 24,000 new houses being planned for over the plan period.
- 1.2 More than 12,000 of these new houses will be located in the previously established Core Development Areas (CDAs): Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) and in excess of 3,500 houses have been identified for development within the strategic development allocation at Heartlands (Whitburn) and Bangour (by Dechmont).
- 1.3 The scale of development planned for these CDAs and the strategic development areas will result in demand for additional facilities and improved town and village centres within the communities close to where the major housing growth is taking place and developers within these areas are therefore required to contribute towards town and village centre improvements. NB: This is essentially a continuation of arrangements established under the previous West Lothian Local Plan (WLLP) and supporting Supplementary Planning Guidance (SPG) in 2007.
- 1.4 There are 2 options by which developers can contribute towards town and village centre improvements: implementation of a package of proposals identified by the developer and agreed with the council; or a financial contribution by the developer to the established town and village centre improvement fund which is administered by the council.

(1) Implementation of a package of proposals by developers

- 1.5 It will be acceptable for developers to be pro-active and identify a package of proposals which they wish to implement themselves to improve town and village centres in adjacent/host communities. This option may be attractive to some developers because, depending on the nature of the works carried out, they may be able to obtain a return on their investment.
- 1.6 Where the developer wishes to be pro-active and implement a package of proposals, the approval process for the package of proposals will be as follows:
 - ▶ The developer will carry out local consultation to assist with identifying deficiencies and desired improvements.
 - ▶ The developer will present the council with a report which identifies the improvements which the developer wishes to carry out and sets out the timescale for the implementation of the works. Deliverability will be essential so the report should demonstrate that there are no known constraints which would prevent the works being implemented. 3333The council will initiate local consultation on the developer's proposals.

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- ▶ If necessary, negotiation between the council and the developer will take place and the package of proposals will be adjusted if required. The council will carry out further consultation if the package of proposals has changed materially.
- ▶ Once the council's Development Management Manager is satisfied that the package of proposals is acceptable, committee approval will be sought.

1.7 In many cases, planning permission will be necessary for the improvement works which are proposed. This will be a wholly separate undertaking to the process described above. Approval in principle of a package of town and village centre improvements will not oblige the council to grant planning permission for any specific proposal. In any event, all planning applications will be determined having regard to the development plan and to material considerations.

1.8 The following list identifies the type of works that could be considered for inclusion in a package of proposals for town and village centre improvements:

- redevelopment of gap sites for private housing, affordable housing or other appropriate town centre uses;
- townscape enhancement;
- refurbishment of derelict buildings and land (including CPO);
- landscape improvements;
- upgrading of footpaths; and
- car park improvements;

This list is not exhaustive.

1.9 It is anticipated that works may be phased over a period of time and with the arrangements set out in a section 75 agreement.

(2) Financial contribution by developers to a town and village centre improvement fund

1.10 As an alternative to carrying out town and village centre improvements themselves, developers may instead choose to contribute to a town and village centre improvement fund which has been established by the council for this purpose. In such cases, a standard contribution of £350 per residential unit (see note below) would apply. It is recognised that town centres may be just one consideration for contribution that will have to be balanced against others in any case. Each proposal will have different impacts and will be considered on a case specific basis. Phasing of contributions will be acceptable with the arrangements being set out in section 75 agreements. There will also be a requirement in the section 75 agreements that any money not spent within an agreed timescale should be returned to the developer.

1.11 The following list identifies the type of improvement works that the council could consider carrying out using the funds received from developers:

- landscape works including the provision and maintenance of public space;
- new or replacement street furniture and lighting;
- a scheme of townscape enhancements;
- litter management and recycling (excluding general street cleaning activities);
- crime prevention measures e.g. CCTV;

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- improved public transport facilities;
- new or replacement signage and information;
- a promotion and marketing campaign;
- car parking improvements and management; and
- town and village centre studies;
- site assembly/site servicing (including CPO); and
- traffic calming/traffic management.

This list is not exhaustive.

1.12 In this instance, a standard contribution of £350 per residential unit would apply and the council will secure developer contributions for town and village centre improvements through section 75 agreements.

1.13 To be clear about which developers will contribute to improvements in specific towns and villages, the following principles will apply:

- Armadale CDA developers will only contribute towards improvements in Armadale town centre;
- Winchburgh CDA developers will only contribute towards improvements in the existing village centre of Winchburgh;
- Broxburn CDA developers will only contribute towards improvements in Broxburn town centre;
- West Livingston/Mossend CDA developers will only contribute towards improvements in the village centres of West Calder and Polbeth;
- Calderwood CDA developers will only contribute towards improvements in the existing village centre in East Calder;
- Polkemmet, Heartlands (Whitburn) developers will only contribute towards improvements in Whitburn town centre; and
- Bangour Village Hospital developers will only contribute towards improvements in the existing village centres of Dechmont and Uphall.

1.14 The LDP aims to improve the physical environment of existing town centres, through the council integrating its own programmes of action with those of agencies, developers, traders and local communities with whom it works in partnership. The council will, therefore, explore opportunities to secure other funding and work in partnership with others to maximise new investment. It is the council's objective that improvements secured through this particular initiative will act as a catalyst for attracting further investment and help maximise benefits.

2.0 Developer Contributions for a Replacement Armadale Library

2.1 There is a specific requirement identified in Appendix 2 of the LDP, Schedule of Housing Sites/Site Delivery Requirements, to improve library facilities in Armadale in order to meet the needs of the new and growing population arising from the housing allocations in the Armadale Core Development Area (CDA). This initiative is essentially a continuation of arrangements established under the previous West Lothian Local Plan (WLLP) and supporting Supplementary Planning Guidance (SPG) in 2009.

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- 2.2 To be clear, contributions are only being sought to meet the additional cost of providing library facilities for the 2,000 plus new homes in the Armadale CDA and all contributions secured will be *ring fenced* and will only be used to recover expenditure incurred by the council on the forward funding of new and improved library facilities in Armadale.
- 2.3 It had been established that there was insufficient land to expand the original Armadale library on its site at West Main Street and this influenced the decision to replace the facility on the current site at North Street, a project which was financed by the council as part of a ten year capital investment plan approved in December 2007.
- 2.4 The total cost of the replacement library, designed to meet the requirements of the existing population and the anticipated growth in population arising from 2,070 houses allocated in the Armadale CDA was originally estimated at £775,000 (but since confirmed as substantially higher at £1,118,000).
- 2.5 The council assumed just under two thirds of the estimated cost to meet the library needs of the existing population with the remainder of £275,000 being the sum directly attributed to facilitating the demand of the new housing allocations and to be financed over time through developer contributions.
- 2.6 An original base tariff of £133 per house was established when the previous SPG was adopted in 2009 (2,070 house units multiplied by £133 = £275,000) and it was advised that this would be updated in successive years by being linked to the Building Tender Price Index (using fourth quarter 2009 as the base date).
- 2.7 In the event the actual total cost of the library was ~~£368,000~~ £343,000 greater than the estimate and approximately one third of this figure (~~£122,666~~) (£114,333) therefore requires to be added to the sum to be recovered from developers thus creating a revised outstanding balance of ~~£397,666~~ £389,333. As of 31 July 2019, the council had received no contributions towards the replacement library.
- 2.8 In addition to the 2,070 houses originally allocated as part of the Armadale CDA, the LDP made a new housing allocation of 320 units at Tarrareoch Farm (H-AM 19). When added together this establishes a pool of 2,390 houses liable to make contributions. When the outstanding balance of ~~£397,666~~ £389,333 is divided by 2,390 houses the 'per unit figure' which developers within the Armadale CDA are required to contribute towards the proportional cost of providing the replacement Armadale Library is ~~£166~~ £163. Going forward, payments should be linked to the Building Tender Price Index (using the fourth quarter 2017 as the base date).

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(SG) Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision)

Approved by West Lothian Council Executive **DATE TO BE INSERTED IN DUE COURSE**
Subsequently adopted as Supplementary Guidance (SG) **DATE TO BE INSERTED IN DUE COURSE**

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COUNCIL EXECUTIVE

SUPPLEMENTARY GUIDANCE: DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of the outcome of consultation on draft Supplementary Guidance on developer contributions towards transport infrastructure and to seek approval of the guidance. The Supplementary Guidance is required to support the West Lothian Local Development Plan.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. agrees the responses to the consultation comments (Appendix Two);
2. agrees the content of the Supplementary Guidance Developer Contributions Towards Transport Infrastructure (Appendix Three); and
3. delegates the Head of Planning, Economic Development & 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

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>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. Going forward, new Supplementary Guidance and Planning Guidance are intended to support the Local Development Plan and the development management process.</p> <p>The LDP is a material consideration in the determination of any planning applications for development in West Lothian. The Supplementary Guidance has been prepared in support of policies INF 1, TRAN 1 and TRAN 2.</p>

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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 Supplementary Guidance and there are no risk assessment issues.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	The council has in some instances forward funded transport infrastructure to assist in delivery of development.
VII	Consultations at PDSP	The Supplementary Guidance was reported to the Development and Transport PDSP on 3 September and 5 November 2019.
VIII	Other consultations	Roads and Transportation Service, Legal Services, Property and Finance.

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 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 replace SPGs and to support the policies of the LDP 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).

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Supplementary 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 and planning guidance provide additional detail on specific subject areas within development plans and in many instances explain how planning policies will be implemented.

D2 Supplementary Guidance – Developer Contributions towards Transport Infrastructure

The Supplementary Guidance complements other supplementary and planning guidance prepared in support of the LDP, for example Planning Guidance on Air Quality and Supplementary Guidance on Developer Obligations Towards Other Infrastructure. It covers requirements for developer contributions towards transport infrastructure required in support of the LDP and sets out proposed contribution rates. The proposed Supplementary Guidance, issued for public consultation, is attached as Appendix One.

The Supplementary Guidance relates to key transport infrastructure projects and sets out developer contribution requirements. It has been informed by Transport Modelling as well as transport appraisals submitted as part of the planning applications for the Core Development Areas (CDAs).

In some instances, transport infrastructure projects are being provided at developer expense and have already been or are being delivered through planning approval and associated legal agreements; these are detailed in the Supplementary Guidance, for example requirements associated with the Calderwood development. In some instances, projects have been forward funded by the council and the Supplementary Guidance sets out how the council intends to re-coup costs in these instances.

Key transportation projects identified include the A71, A89/A8 corridor, A801, Blackridge Railway Station, M9 slip roads at Linlithgow and requirements associated with the Core Development Areas (CDAs) at Armadale, Livingston and the Almond Valley (Calderwood at East Calder, Gavieside/Mossend/Cleugh Brae to the west of Livingston) and East Broxburn and Winchburgh. Each project is set out in the Supplementary Guidance together with anticipated costs and a developer contribution rate.

D3 Outcome of Consultation

The Supplementary Guidance was the subject of public consultation over a 6-week period and has given rise to 13 representations principally from the development industry or their agents. In one instance the respondent has asked for comments to be kept confidential, however, the matters raised are reflective of comments received by other interested parties. With the exception of those comments where the respondent has asked that they be kept confidential all other comments received have been summarised and a proposed response is set out in Appendix Two.

Revisions suggested by consultees and which are recommended to be endorsed have been identified in Appendix Three, a 'track changed' version of the Supplementary Guidance which is provided for ease of reference.

Key revisions to note are as follows:

- clarification to the text in relation to the A801 advising that previous modelling work has been replaced and updated and that this is set out in a new Appendix

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to the Supplementary Guidance (Appendix 2) which provides the methodology for calculating developer contributions to the A801;

- removal of incorrect reference to Circular 1/2010 and inclusion of reference to Circular 3/2012 '*Planning Obligations and Good Neighbour Agreements*';
- clarification that where there has been an overpayment in contributions a full refund of the amount overpaid, as opposed to partial refund, would be made;
- amendments to developer contribution rates towards the A71;
- clarification on the contribution rate for Linlithgow; and
- to reflect Transport Scotland requirements that trunk road infrastructure shall be met by the developer.

Key points to note from the consultation responses are that in general the development industry does not support the level of contributions which are set out in the Supplementary Guidance and question the council's approach and compliance with the requirements of Circular 3/2012: Planning Obligations and Good Neighbour Agreements which establishes that Planning Obligations can be used to address the potentially negative impact of developments on infrastructure providing they meet all of the following five tests:

- are necessary to make the proposed development acceptable in planning terms;
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area;
- fairly and reasonable relate in scale and kind to the proposed development; and;
- are reasonable in all other respects.

The proposed response to the comments addresses these matters and that it is the officers' view that the five tests above have been met. Policy INF 1 of the adopted LDP is clear that without the necessary infrastructure development cannot proceed.

D4 Next Stages

If approved by Council Executive for adoption, the guidance requires to be the subject of a 'screening determination' in order to test the council's assertion that it should be exempted from a separate SEA (strategic environmental assessment).

It is proposed that this is delegated to the Head of Planning, Economic Development & Regeneration, to agree and conclude and after having taken into account of the views offered by the Consultation Authorities (SEPA, Scottish Natural Heritage and Historic Environment Scotland). If a SEA is required the details of the SEA will be reported to Council Executive. Thereafter, the guidance requires to be submitted to Scottish Government for final approval.

E. CONCLUSION

The Supplementary Guidance sets out the level of developer contributions which will be required to assist in delivery of the development strategy set out in the adopted West Lothian LDP. It replaces a number of SPGs relating to transport proposals in West Lothian and consolidates these into a single supplementary guidance on transport and reflects requirements set out in the LDP development strategy.

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The Guidance has been produced with the intent of being adopted as statutory Supplementary Guidance in support of the West Lothian Local Development Plan and therefore requires to be submitted to Scottish Ministers for scrutiny before it can be adopted.

F. BACKGROUND REFERENCES

- Adopted West Lothian Local Development Plan (2018)

Appendices/Attachments: Three

Appendix 1: Supplementary Guidance: Developer Contributions Towards Transport Infrastructure (consultation version)

Appendix 2: Summary of Consultation Comments and Proposed Response

Appendix 3: Tracked Change version of Supplementary Guidance to highlight proposed revisions

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DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE

Consultation Draft - November 2019

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Annex A Linlithgow Model Development Testing

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Introduction

- 1.1 The West Lothian Local Development Plan (LDP) was adopted by the council on 4 September 2018. The LDP sets the pattern of development for West Lothian over the period 2014 – 2024 but also provides for longer term growth beyond this period. Developer contributions towards transport infrastructure will be required to support delivery of development set out in the LDP.
- 1.2 This Supplementary Guidance (SG) supersedes all previous Supplementary Planning Guidance (SPG) relating to developer contributions towards transport infrastructure and covers requirements for developer contributions towards transport infrastructure set out in the West Lothian Local Development Plan (LDP). The SG should be read in conjunction with SG on *Air Quality* and SG *General Infrastructure*.
- 1.3 The council will work with developers and interested parties to deliver the development strategy set out in the West Lothian LDP and provide guidance on the levels of contributions required for a development proposal through the pre-application process.
- 1.4 This SG will not be applied retrospectively to sites which already have planning permission in principle or to applications for the approval of matters specified by condition without any requirement to contribute to general infrastructure, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will however be required to comply with the terms of this SG and to policies set out in the LDP.

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Legislative Background

- 2.1 The Planning etc (Scotland) Act 2006 amends the Town and Country Planning (Scotland) Act 1997 by replacing the existing section 75 with a revised section 75 adding new sections 75A – 75G. Sections 75, 75A, 75B and 75C deal with planning obligations (previously known as planning agreements or section 75 agreements). A landowner may, in respect of land, either by agreement with the council or unilaterally, enter into an obligation (hereinafter referred to in this guidance as a “planning obligation or obligations”) restricting or regulating the development or use of the land. Sections 75D – 75G deal with good neighbour agreements. The new provisions and associated regulations came into operation on 1 February 2011. For the avoidance of doubt the regulations apply to all agreements made or in preparation prior to, and after this date.
- 2.2 Legal agreements can also be made under other legislation including the Local Government (Scotland) Act 1973, the Countryside (Scotland) Act 1967, Sewerage (Scotland) Act 1986 and the Roads (Scotland) Act 1984 and provide a possible alternative mechanism to secure developer contributions. They are useful where the nature of the contribution is relatively straightforward, involves a one-off payment and/or does not require to be secured through successors in title. For this reason they can help speed up the development process. The council has used, and will continue to use, alternative agreements where appropriate and where they are considered to speed up the development process.
- 2.3 Scottish Planning Policy (SPP) and planning circulars state that Planning Obligations can be used to address the potentially negative impact of developments on infrastructure. Scottish Government Circular 3/2012: *Planning Obligations and Good Neighbour Agreements* sets out the basis for planning obligations which will be required to be met as a consequence of new development proposals.
- 2.4 Circular 3/2012 sets out a number of policy tests for planning obligations, these are:
 - necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - be reasonable in all other respects (paragraphs 24-25)
- 2.5 This SG is consistent with the requirements of Circular 3/2012.
- 2.6 SPP and Planning Advice Note: PAN 75 – Planning for Transport identify the requirements to secure development which is sustainable, provides high quality public transport access to encourage modal shift and also facilitates movement by public transport including interchange facilities. The West Lothian LDP has been prepared within this context.

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Development Plan Context

Strategic Development Plan

- 3.1 The Strategic Development Plan (SDP1) for Edinburgh and South East Scotland sets the strategic policy context for the securing of developer contributions towards infrastructure. Paragraph 123 states:

“Developer contributions are important and will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. LDPs will set out the broad principles for planning obligations including the items for which contributions will be sought and the occasions on which they will be sought. Mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers.”

- 3.2 Policy 9 provides the strategic policy support for the delivery of infrastructure as follows:

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.

- 3.3 Strategic transport improvements within the West Lothian Council area include:

Edinburgh – Glasgow Rail Improvements
 Edinburgh –Glasgow via Shotts rail line electrification
 A801 improvements
 Winchburgh rail station
 Winchburgh M9 junction
 M9 junction 3 upgrade
 A71 improvements

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A89 improvements
Park & ride proposals

West Lothian Local Development Plan (LDP)

- 3.4 The West Lothian Local Development Plan (LDP) was prepared within the context of Strategic Development Plan 1 (SDP1). Developer contributions towards infrastructure are referenced within policy INF1 of the LDP. This SG provides further detail around policy INF1 and describes when planning obligations will be sought, where exemptions may apply, and the methodologies through which planning obligations have been calculated. The LDP provides for 24,597 houses, employment land and other development to meet community needs over the period 2014 – 2024 and beyond.
- 3.5 The following LDP policies provide the context within which this SG has been prepared.

Policy INF 1 Infrastructure Provision and Developer Obligations

The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.

Where appropriate developer obligations have been secured, planning permission will normally be granted. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.

Development will not be permitted to commence unless:

- a. funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered; or*
- b. phasing to manage demand on infrastructure has been agreed; or*
- c. in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.*

Only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out above. Proposed sites for new infrastructure are listed in Chapter 6.

Note: Supplementary Guidance explaining how developer obligations will be implemented will be developed during the Plan period.

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- 3.6 The LDP also includes specific policies relating to transport infrastructure. This SG is produced to support these policies and to give assistance to developers.

Policy TRAN 1 Transport Infrastructure

The council will co-operate with other agencies in preparing investment programmes to enhance the environment by active travel infrastructure, public transport facilities, traffic and parking management in its towns and villages.

Development will only be permitted where transport impacts are acceptable.

This will be established where appropriate, through a Transport Assessment which covers all modes of transport and has been approved by the council.

Parking levels for development shall conform to the council's current adopted standards.

Further guidance is found in the council's draft Active Travel Plan (2015) which will be taken forward as Supplementary Guidance alongside the council's draft Local Transport Strategy (refresh) (2016).

Strategic transport infrastructure requirements are set out in Chapter 6 of the LDP.

Policy TRAN 2 Transportation contributions and associated works

Developers will be required to provide or contribute towards, the provision of travel improvements including traffic and environmental management measures, measures to promote trips by sustainable modes including walking, cycling, public transport, car sharing, and road improvements where these would be justified as a result of new development or redevelopment.

Travel plans and an associated monitoring framework will be required to support major new developments such as the previously identified Core Development Areas, strategic housing allocations and inward investment proposals.

- 3.7 A number of transport proposals are identified in the LDP and these are set out in Table 1, those proposals highlighted in green are identified in the LDP Action Programme to be delivered in whole or part through developer funding.

Table 1: West Lothian Local Development Plan Transport Proposals

Ref	Location	Proposal
P-1	Addiewell rail station	Bus interchange, parking and path upgrade between Addiewell and railway station
P-119	Heatherfield (West)	Colinshiel link road
P-16	Clarkson Road /Greenykes Road	Safeguarded road line - Broxburn Distributor Road
P-17	East Broxburn CDA	Distributor road in association with Winchburgh CDA west of Fauldeldean to Glendevon at Winchburgh
P-31	Milrig Holdings/Kirknewton railway station	Park & ride and bus interchange

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P-33	Kilpunt	Land reservation for park and ride in support of Broxburn CDA
P-34	A801 Avon Gorge Crossing	Land reservation for new road crossing
P-35	Land east of Winchburgh	Land reservation for Dalmeny Chord (associated with the Edinburgh Glasgow Improvement Programme (EGIP))
P-36	Land between boundary with Edinburgh and Broxburn/Livingston	An extension of the Edinburgh Tramline to Broxburn, Uphall and Livingston is identified in SDP1 and account requires be taken of this when considering proposals for development in the north western part of West Lothian.
P-37	A8/A89/A899 corridor	A study to identify the specific initiatives to enhance sustainable transport options for travelling along the A8/A89/A899 corridor between Livingston Town Centre, the West Lothian/City of Edinburgh boundary, Newbridge and to Maybury Junction. Land will be safeguarded adjacent to the route for these initiatives and confirmed in detail upon completion of the study.
P-102	Linlithgow, Broxburn, Philpstoun and Winchburgh	Access to/from and along the Union Canal
P-103	Blackridge/ Kirknewton and Blackness/ Sth Queensferry	Links from the National Cycle Network (NCR) 75 (across central West Lothian) and NCN 76 ("Round the Forth" route)
P-107	Armada/ Whitburn	Cycle route at B8084 from Whitdale Roundabout to Armada Railway Station
P-108	Linlithgow/ Blackness	Cycle route at A803 from Linlithgow to the B903
P-109	Newton/ Sth Queensferry	Cycle route at A904 Newton to City of Edinburgh boundary
P-110	Livingston/ Wilkieston	Cycle route at A71 from Lizzie Brice's roundabout to Wilkieston
P-111	Ecclesmachan/ Threemiletown	Cycle route at B8046 Ecclesmachan to Threemiletown
P-112	West Calder/ Harburn	Cycle route at B7008 West Calder (Turniemoon crossroads) to Harburn
P-114	Bangour/ Dechmont	Off road pedestrian/cycle route at Drumcross/Blacklaw Ridge Road/Bathgate Quiet Hills Initiative
P-117	Bathgate / Harthill	New pedestrian / cycle route from Inchcross Roundabout, Bathgate along the A706 and B7066 at Whitburn towards Greenrigg / Harthill
P-44	M9 (Junction 3) westbound slips	Westbound slip roads on M9 at Burghmuir
P-45	M9 (Junction 3)	Coach park and ride facility
P-46	Kettilstoun Mains Park	Provision of cycle track west of existing leisure centre
P-115	Linlithgow	Traffic management measures in town centre
P-101	South Murieston /Linhouse	Distributor Road
P-70	Houstoun Road / Drumshoreland Road link	Houstoun Road / Drumshoreland Road distributor road link
P-75	West Calder railway station	Bus interchange and parking at West Calder rail station (associated with Mossend/Cleugh Brae CDA)
P-76	Road reservation	Road corridor linked to Mossend/Cleugh Brae/Gavieside CDA requirements north from A71 to A705
P-83	Cowhill	Express coach service, with associated park & ride
P-84	A706 – B7066 link, Polkemmet	Land safeguarded for road corridor
P-88	North of Wilkieston A71 bypass;	Relief road north of Wilkieston
P-90	M9 at Duntarvie	Land reservation for new motorway junction on the M9
P-91	Winchburgh CDA	Land reservation for rail station and associated park and ride
P-92	Winchburgh CDA	Distributor road in association with Broxburn CDA (south of Glendevon /west of Faucheldean)

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- 3.8 In addition, development proposals set out in the LDP are likely to impact on the transport network and may require developer contributions to assist in site delivery. This specifically applies to the Core Development Areas (CDAs), Linlithgow, and Heartlands at Whitburn. Details of these, together with contributing sites are set out in Table 2. Other sites identified in the LDP for development but outwith the areas listed in Table 2 may require transport interventions to assist in delivery, for example new junctions or junction improvements. Where this is the case, costs associated with these would be determined on submission of planning applications and the interventions would require to be delivered at developer expense. Windfall sites, that is sites which are not allocated for development in the LDP, will also be required to contribute to transport infrastructure.

Table 2: West Lothian Local Development Plan Transport Infrastructure Requirements and Contributing Sites

Area/Settlement	Transport Infrastructure Requirements
<p>Almond Valley and Livingston Core Development Area</p> <p>Livingston – H-LV13, E-LV48</p> <p>West Calder – H-WC 1, H-WC2, H-WC3, H-WC4</p> <p>East Calder (Calderwood and Raw Holdings) – H-EC 1, H-EC2, H-EC3, H-EC4, H-EC5, H-EC6, H-EC7, H-EC8, H-EC9, H-EC10, E-EC 1</p> <p>Wilkieston – H-WI 2</p>	<p>A71/A89 corridor</p> <p>P-110 cycle route at A71 from Lizzie Brice's roundabout to Wilkieston</p> <p>P-76 Road corridor linked to Mossend/Cleugh Brae/ Gavieside CDA requirements north from A71 to A705</p> <p>West Livingston/Mossend</p> <ul style="list-style-type: none"> • network of pedestrian and cycleway links including cycleway connections to National Cycle Route 75 at Almond North to Starlaw; • improvements at West Calder railway station including provision of park and ride, bus turning facility, cycle parking at the north side of the station and the partial closure of the existing substandard access onto Limefield Road; • bus priority measures are required along Charlesfield Road with provision of a park and ride site requiring further assessment; • new distributor road network with bridges across the River Almond and West Calder Burn linking Toll Roundabout with Alba Campus; • new distributor road network linking A71 with Simpson Parkway (Kirkton Campus) via Stepend and Gavieside Farm; and • improvements to A705 and footways between Toll Roundabout and Seafield; <p>Calderwood</p> <ul style="list-style-type: none"> • contribution to improvements at Kirknewton railway station including provision of new park and ride facility,

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	<p>bus turning facility and cycle parking at Milrig Holdings;</p> <ul style="list-style-type: none"> • network of pedestrian and cycleway links including cycleway connections to National Cycle Route 75 and Kirknewton Railway Station; • network of distributor roads linking B7015 with A71 (with bus priority); • upgrading of B7031 from A71 to Kirknewton Railway Station; and • north relief road for Wilkieston linking A71 with B7030 (LDP Proposal P-88).
<p>Armadale Core Development Area</p> <p>H-AM5, H-AM6, H-AM7, H-AM8, H-AM9, H-AM10, H-AM11, H-AM12, H-AM13, H-AM14, H-AM15, H-AM19</p>	<ul style="list-style-type: none"> • Armadale Station Park and Ride; • new distributor road network serving the southern expansion of the town linking Lower Bathville, A801 and B8084; • new distributor road serving expansion at Colinsiel linking East Main Street with B8084; • network of pedestrian and cycleway links including new cycleway connections to National Cycle Route 75 and links to the paths in the surrounding countryside; • dualling the A801 between Boghead Roundabout and M8 junction 4; and • contributions to park and ride provision on the south side of Armadale railway station.
<p>East Broxburn and Winchburgh Core Development Area</p> <p>H-BU4, H-BU 5, H-BU8, H-BU9, H-BU10, E-BU5</p> <p>H-WB3, H-WB4, H-WB5, H-WB6, H-WB7, H-WB8, H-WB9, H-WB10, H-WB11, H-WB12, H-WB13, H-WB16, E-EB1, E-WB2</p>	<ul style="list-style-type: none"> • new Distributor road network linking new housing at Winchburgh (west of Faucheldean) with new housing at East Broxburn; • improvements to B8020 between Winchburgh and Broxburn; • new railway station at Winchburgh and associated park and ride and public transport interchange; • new junction on the M9 (in the vicinity of Duntarvie) with associated park and ride; • network of pedestrian and cycleway links including cycleway connections to Union Canal towpath/core path and links to the paths in the surrounding countryside; • park and ride provision at Kilpunt south of A89 (with potentially a road bridge across the Brox Burn); • network of pedestrian and cycleway links including

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	<p>cycleway connections to Union Canal towpath and improved links to town centre via Stewartfield Park;</p> <ul style="list-style-type: none"> • new distributor road linking Clarkson Road with the A89 via Candleworks, Albyn and West Wood; • new distributor road linking Clarkson Road with B8020 via the mixed use site at Greendykes Road West; and • contributions to public transport improvements on the A89 and at Newbridge roundabout as identified in future SG.
E-BB 5a, b c and d (See map 1)	A801 dualling (M8 junction 4 to Pottishaw roundabout)
H-BL 1, H-BL2, H-BL 3, H-BL 4, H-BL 5 and H-BL 6, E-BL1, E-BL2Z	Blackridge Railway Station
H-LL 3, H-LL4, H-LL 5, H-LL 7, H-LL 11, H-LL 12, E-LL2	<p>P-44 M9 (Junction 3) westbound slips Westbound slip roads on M9 at Burghmuir</p> <p>P-45 M9 (Junction 3) Coach park and ride facility</p> <p>P-115 Linlithgow Traffic management measures in town centre</p> <p>P-118 Linlithgow new access associated with proposed housing site H-LL 10</p>
West Lothian wide	Travel Plans and Residential Travel Information Packs

*source Appendix 2 West Lothian Local Development Plan and Action Programme

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Transport Appraisal and Modelling

- 4.1 To inform the preparation of the West Lothian Local Development Plan (LDP) the council undertook a transport appraisal and commissioned transport modelling to:
 - provide evidence to the council and in turn Transport Scotland regarding impact of proposed developments on the motorway network through West Lothian;
 - help plan future transport network improvements through identifying congested junctions and identifying solutions; and
 - provide a mechanism to link the funding of potential improvements of the network to specific developments that are likely to generate additional traffic which will result in improvements being required to the network.
- 4.2 The SEStran Regional Model was used as a base for the modelling work. Since adoption of the LDP, further modelling work has been undertaken specifically to inform developer contribution requirements towards transport infrastructure to support development in Linlithgow.
- 4.3 Transport appraisals and modelling were prepared by the council and consultants (SYSTRA) in accordance with the Development Planning and Management Transport Appraisal Guidance (DPMTAG). Transport Scotland was consulted at each stage in the appraisal process. DPMTAG is an objective-led approach which considers all modes of transport in generating and appraising appropriate transport interventions and mitigation of any consequential impact of planned growth identified through the development strategy.
- 4.4 In addition, transport assessments which have been undertaken in support of planning applications for the former Core Development Areas of Armadale, Winchburgh, East Broxburn and Uphall, and Livingston and the Almond Valley (Calderwood, Gavieside/Cleugh Brae/Mossend) and other development sites within the LDP area have also been taken into account and continue to be implemented and inform ongoing development at these and other locations across West Lothian.
- 4.5 Transport modelling was also undertaken to inform the *Strategic Development Plan* (SDP1) however, this was based on a different level of development and spatial strategy to that which is set out in the West Lothian Local Development Plan (LDP). The transport appraisal undertaken by Transport Scotland for the SDP modelled the development outlined in the proposed SDP.
- 4.6 Although the LDP seeks to give priority to sustainable transport modes such as active travel, public transport and car share in compliance with SPP 2014, meeting the identified overall level of housing need and economic growth aspirations which are set out in the LDP will have implications for the transport network. An increase in the capacity of the road network in some key locations will also be required if both the housing and employment growth set out in the LDP are to be accommodated.
- 4.7 Further transport assessment work is anticipated over the lifetime of the LDP for other development proposals in the plan area. Such assessments should take account of all current transport policy and include:
 - a) Consideration of new government and local targets for carbon reduction and transport modal split;

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- b) A no net detriment assessment of development traffic, which will look to mitigate the adverse effects of development traffic only (i.e. without a need to allow for underlying traffic growth);
- c) Consideration of the potential effects of land uses other than housing development. (e.g. retail and leisure development); and
- d) Local rail infrastructure requirements including a commitment to consult Network Rail where development may impact on the rail network.

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five

Transport Infrastructure requirements

- 5.1 The specific nature of transportation requirements is usually determined through a Transport Assessment (TA) in association with the preparation of a planning application. It is the responsibility of the applicant/prospective developer to prepare or commission the preparation of an appropriate TA which then allows for detailed traffic impacts to be properly addressed and suitable design solutions for the scale and nature of the proposed development identified prior to consent being granted.
- 5.2 Where proposals are anticipated to impact on the trunk road network, Transport Scotland encourages early engagement. Trunk road infrastructure in addition to that listed within this SG may be required to support development, the cost of which is expected to be met by the developer. As roads authority, any modifications to the trunk road network will require Transport Scotland approval.

A71 Corridor

- 5.3 Within the Livingston and Almond Valley CDA there are two major allocations at Calderwood and at West Livingston/Mossend providing for housing and mixed use development, including employment allocations. The development proposals at Calderwood and West Livingston/Mossend will impact on transport demand along the A71 corridor and given the scale of development proposed the council has undertaken a number of studies to identify sustainable transport solutions on the A71 corridor. Further transport analysis has been submitted as part of the planning application process for developments within the CDA. Developer contributions towards transportation improvements to the A71 are required to support these developments and specifically towards public transport improvements on the A71 which influence future modal share and contribute towards reducing car based transport.
- 5.4 Developer contribution costs are being shared by the council and developers for transportation infrastructure costs on the A71 and part funded jointly by the Livingston and Almond Valley CDA developers. Some costs are being fully funded only by the Calderwood CDA developer which is currently under construction. These are set out in the section 75 Agreements attached to planning permission for development within the CDA. At February 2019 the council has received £15, 476.54 in developer contributions towards improvements to the A71. The council has undertaken some improvement works to the Livingston section of the A71.
- 5.5 The key infrastructure requirements in relation to movements that go along or impact on the A71 corridor are set out in Table 3. These key infrastructure requirements have been tested as part of the overall development strategy and are directly linked to each CDA area and are considered necessary to enable the identified scale of development to progress. The detailed information from the transport assessments in support of the planning applications for Calderwood was used to assess the potential impact of the development on the transport network on the A71.
- 5.6 Stirling Developments Ltd has accepted that as the largest developer within the Calderwood CDA they will be responsible for providing and forward funding the junction improvements onto the A71 and also the Wilkieston Bypass. These are necessary to accommodate the impact of the Calderwood CDA. Planning conditions attached to the planning approval in principle for the

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Calderwood development indicate trigger points when infrastructure and junction improvements are required. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Each housing developer's contribution is based on a percentage of their housing development in relation to the total scale of housing proposed for the whole of the Calderwood CDA. The council will collect each developer's contribution based on a housing unit cost and reimburse Stirling Developments Ltd after construction of each of the following works.

- 5.7 In the event that the CDA developers make contributions in advance of the final costs being known, these developers shall be entitled to a part refund from the council of any overpayment made.

Table 3: A71 Infrastructure Requirements

NB: costs have been indexed to fourth quarter 2017

A71 Corridor Study Schemes Proposed Scheme	Anticipated Costs	CDA Developer	Developer Requirement
Bus lane and bus priority at the A71/Kirknewton/East Calder junction	£605,555	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
Eastbound bus lane from above to the junction of the A71 with the B7030	£1,038,095	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
New traffic light layout with bus priority at the A71/B7031 junction	£1,041,555	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.
Eastbound bus lane on the A71 between the B7031 and the B7015	£4,775,238	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
New traffic light layout with bus priority at the junction of the A71/B7015	£519,048	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.
Wilkieston north west bypass to B7030	£2,941,270	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.

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- 5.8 Of the schemes listed in Table 3, in some instances costs are to be shared by all of the Livingston and Almond Valley CDA developers and are not specific to a single developer. Projects which are the subject of shared costs are set out in Table 4.

Table 4: A71 Corridor Study Schemes – Shared Costs

Bus priority contributions for A71 (excludes junctions)
<p>Total trips 5,240 west of B7031 junction using 2-way AM and PM peak flows:</p> <ul style="list-style-type: none"> • base traffic ATC 2007 3,205 trips (61.1%) • Calderwood 1,387 trips (26.5%) • Gavieside 648 trips (12.4%)
Feasibility cost for proposed bus priority measures on A71 - £6,665,769
<p>Taking the above trips and calculating the scheme on a pro-rata basis means:</p> <p>Base traffic £4,076,928 Calderwood £1,764,490 West Livingston/Mossend £824,316</p> <p>To apportion the costs for each developer it is easier to work out a rate per house:</p> <p>Calderwood 2800 units £666.00 per unit West Livingston/Mossend 220 units £504.00 per unit</p>
Calderwood CDA Shared Infrastructure Costs*
<p>Stirling Developments Ltd has forward funded and constructed the shared infrastructure however, the following levels of contributions will be secured from other developers in the Calderwood CDA area and repaid to Stirling Developments Ltd by the council upon completion of the infrastructure:</p> <p>Wilkieston Bypass Estimated cost £2,941,270 all for Calderwood with 2,800 units = £1050 per unit.</p> <p>Traffic signals at B7015 junction Estimated cost £519,048 all for Calderwood with 2,800 units = £185 per unit.</p> <p>Signalisation and road re-alignment at B7031 junction Estimated cost at £1,041,555 for all Calderwood with 2,800 units = £372 per unit.</p> <p>*fourth quarter 2017 prices</p>

- 5.9 Studies carried out to date to inform infrastructure requirements along the A71 corridor include the West Lothian Sustainable Transport Study and the A71 Corridor Study together with transport appraisals carried out to support planning applications for developments along the corridor.
- 5.10 There is a current requirement within the approved SDP to safeguard the A71 Upgrade from Hermiston to East Calder. This requirement is identified as Item 94 of the Action Programme and is safeguarded by SDP policy 9. This safeguarding has also been identified in the West Lothian LDP (P-88 refers). The LDP also identifies a proposal for a cycle route along the A71

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from Lizzie Bryce to Wilkieston. This project has not as yet been costed and funding is yet to be agreed.

- 5.11 In terms of public transport, service improvements on the Edinburgh to Glasgow via Shotts line have been implemented increasing peak hour services and improving passenger capacity on the route.
- 5.12 Given the ongoing development within the Livingston and Almond Valley CDA is considered vital that clear priorities are established to implement the elements of the A71 public transport strategy in the most beneficial order. There are two key bus routes that serve the Calderwood area and access the A71. The No.X27 and X23 routes from East Calder use the B7015 along to the A71 junction and then the A71 into Edinburgh. The priority section to introduce measures to improve public transport journey times on the A71 is from the B7015 to Wilkieston. The second route uses the Langton Road signals with A71 to access Kirknewton. The No.X28 and local bus No.23 currently use this route and then access the A71 at the signals with Linburn Road.
- 5.13 The No.X40 route between St John's Hospital and Edinburgh Royal Infirmary running approximately once an hour in each direction is the only bus service operating between Lizzie Bryce roundabout and the B7015. Therefore, in the medium to long term it is unlikely that there will be a bus from Livingston to Edinburgh directly via the A71 that will be at a frequency or have sufficient demand to make this route worthwhile. It is therefore proposed that the council reallocates monies for the formation of bus lanes on the A71, collected or intended to be collected under Section 75 agreements following the now superseded 2006 Supplementary Planning Guidance (SPG) "A71 Corridor Study", to a proposed bus lane on the A71 between the B7015 and the B7030 and further, that a strategy regarding implementation of bus priority measures should now be considered with the following priorities:-
- a) Eastbound bus lane on the A71 between the B7015 and the B7030;
 - b) Bus lane and bus priority (north/south) at the Kirknewton/East Calder junction (C27);
 - c) Widen the A71 between west of Curriehill Road and Heriot-Watt north gate on the south side to create third lane (eastbound bus lane);
 - d) Bus lane and bus priority on the A71 from the Kirknewton/East Calder junction (C27) to the B7031;
 - e) Eastbound bus lane between the entrance to the Dalmahoy Hotel and Addiston Mains. (Proposed widening on the north side); and
 - f) Bus lane and bus priority (eastbound) at the Kirknewton/East Calder junction (C27).
- 5.14 Two of the priorities listed above are within the City of Edinburgh Council administrative area. Given that contributions are required to the wider package of measures from both local authorities, it is consider appropriate that they continue to be identified in the priority list.
- 5.15 The Almondell part of the Calderwood CDA is under construction and subject to Section 75 Agreement. Planning consent has been granted for part of Raw Holdings area of the Calderwood CDA. The transport assessment submitted with the Almondell planning application

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identified a change to the proposed junction improvements outlined in the A71 Corridor Study. The assessment identified that a signalised junction on the A71/B7015 would be more appropriate than the roundabout proposed in the Corridor Study. The proposed roundabout and part time signals at the staggered A71/B7031 junction have been replaced with a signalised junction – all fully funded by the Calderwood development.

- 5.16 The remaining improvements on the A71, which are not fully developer funded but require contributions to the overall cost, are the provision of bus priority along the A71 between the junctions most heavily affected by the developments. These schemes are identified in Tables 3 and 4. From transport assessments undertaken for Mossend and Calderwood it has been possible to allocate how these costs should be shared between the Livingston and Almond Valley CDA developments. These bus priority measure costs are to be met by both the Calderwood and West Livingston/Mossend CDA developers as well as West Lothian and the City of Edinburgh councils.

A89/A8

- 5.17 The A89/A8 route is a key cross boundary travel corridor between West Lothian and Edinburgh. A shared cycle footpath caters for longer distance cycling trips. However, improvements to public transport are key to delivering sustainable transport options in the Winchburgh and East Broxburn CDA. Previous study work on the A89/A8 corridor has been reviewed and developed to look at cross boundary public transport issues in partnership between West Lothian Council, City of Edinburgh Council and Transport Scotland.
- 5.18 The requirement for a park and ride site at Kilpult is already identified and the study when completed will identify specific initiatives along the A89/A8 corridor and in particular will identify public transport improvements at Newbridge Roundabout. As reflected in the LDP Action Programme, developer contributions will be sought towards park and ride provision in addition to other improvements identified for the A89/A8 corridor.

A801 Corridor

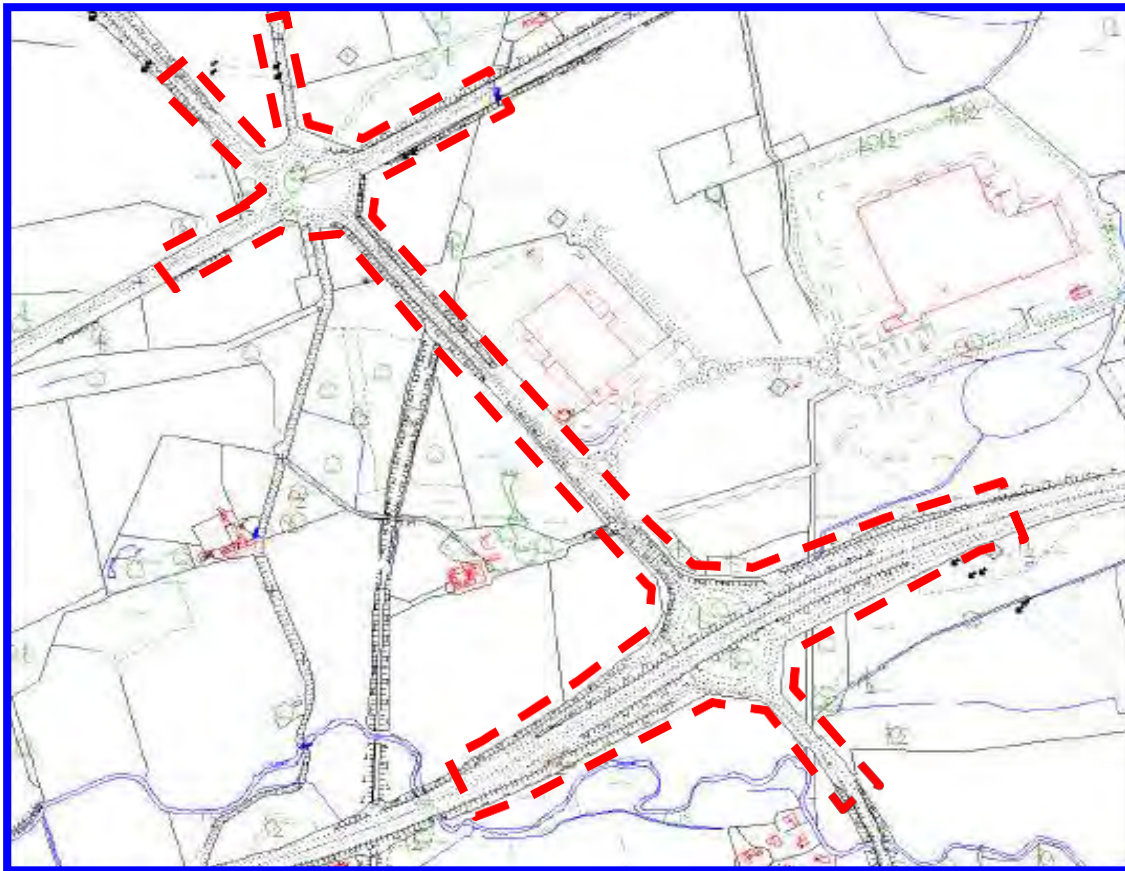
- 5.19 The A801 traverses West Lothian in a north/south direction connecting central West Lothian to Falkirk–Grangemouth. Planning permission has been secured for a new Avon Gorge crossing and is partially funded. West Lothian and Falkirk Councils continue to seek funding from the Scottish Government for construction of the crossing - the long established ‘missing link’ between the M8 and M9 via the A801, across the Avon Gorge into Falkirk - and associated works with both councils safeguarding land for implementation. The closure and removal of through traffic from existing routes associated with the A801 will create opportunities to improve accessibility and local links to the Avon Valley Heritage Trail.
- 5.20 The LDP includes sites where development would impact on the A801 at its southern end linking with the M8, including land within the previously identified CDA allocation at Armadale, the employment sites at Pottishaw/ Riddochhill and further afield at Polkemmet and Cowhill. Developer contributions will be sought towards dualling of the section of A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate. This section of the A801 is currently single carriageway and includes the access roundabout at J4M8. The M8 is a trunk road managed and maintained by Transport Scotland whilst this section of the A801 is a local road which is managed and maintained by West Lothian Council.

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- 5.21 Through traffic modelling work carried out by SIAS on behalf of West Lothian Council, it has been identified that there is a need to upgrade this section of the A801 to dual carriageway standard in order to provide safe and appropriate road infrastructure to facilitate the development proposals set out in the LDP.
- 5.22 Upgrading of this section of some 800 metres of the A801 indicated in Figure 2 will require:
- Modifications to M8 junction 4 roundabout
 - Dualling of the south section (M8 junction 4 to J4M8)
 - Modifications to J4M8
 - Dualling of the north section (J4M8 to Pottishaw roundabout)
 - Modifications to Pottishaw Roundabout
- 5.23 The cost of the work required has been estimated at £5,958,283 million (quarter 4, 2017). Factors which have been taken into consideration in calculating the cost per trip have been estimated for developments that are allocated in the LDP and assumes that all developments accord with the LDP.
- 5.24 The assessment work shows junction modifications are required at Pottishaw Roundabout in the form of approach lane widening, the proposed site access roundabout on the A801 and also the need for dualling the south section of the A801 from the Pottishaw roundabout to junction 4 of the M8.
- 5.25 There is a section 75 legal agreement for the J4M8 office development and completion of the site development. The developer will either secure the A801 works at the appropriate time, or else a payment equivalent to the value of the works to contribute to the cost of the A801 upgrade will be made.
- 5.26 This project will require the approval of the Transport Scotland as trunk road authority in so far as it affects the slip road to and from the M8. Transport Scotland may require developers to pay for modifications to the slip roads at M8 junction 4 as part of their development proposals. The costs of any such required works to the M8 slip roads would be additional to developer contribution to West Lothian Council for A801 dualling and would be secured through planning conditions or agreements as a result of a Transport Assessment.

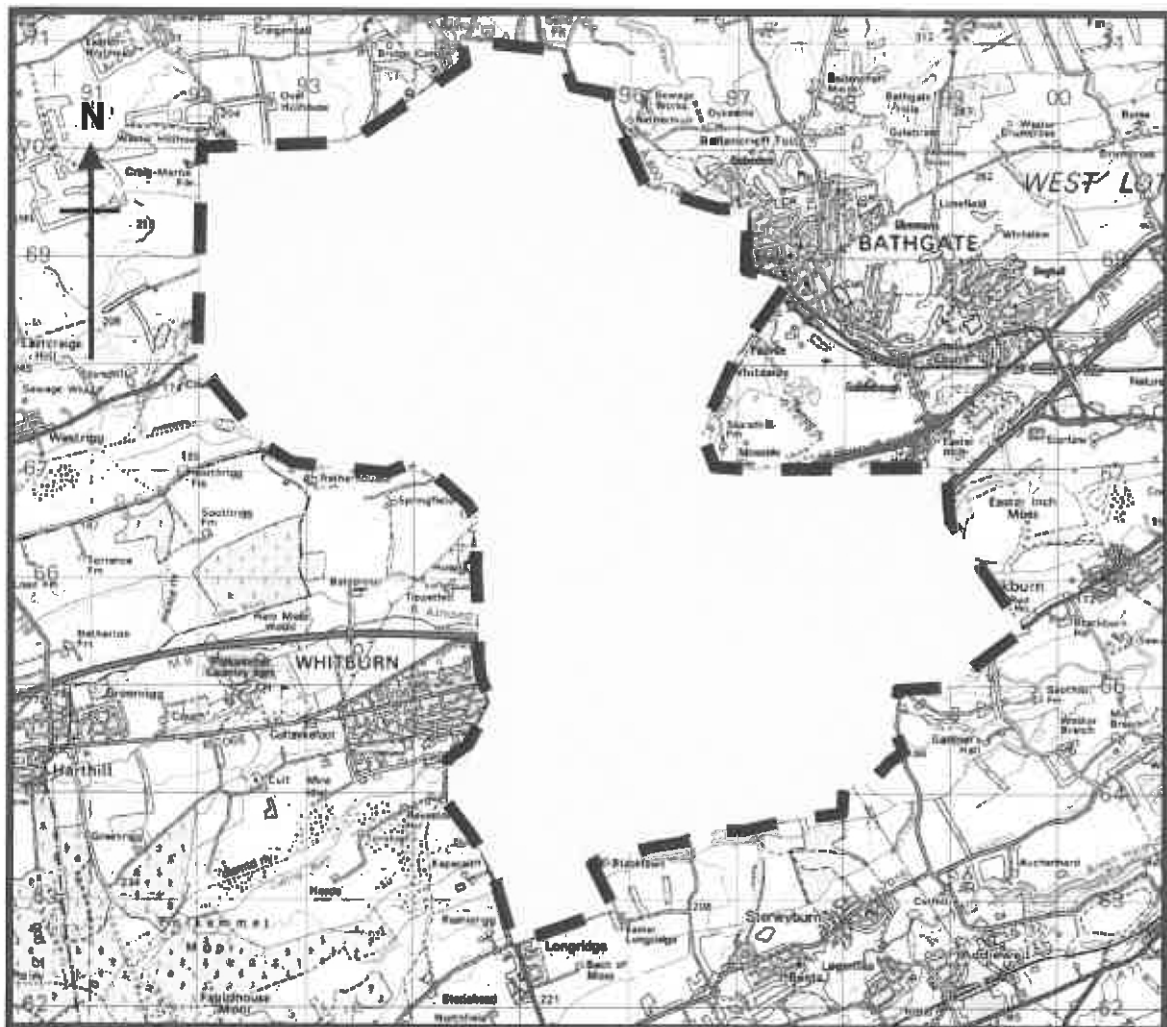
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Figure 2: A801 – M8 Junction 4 to Pottishaw Roundabout



- 5.27 Certain types of development within the defined developer contribution zone shown in Figure 3 would be required to pay a developer contribution towards the upgrading of this section of the A801. Developments included in the contribution zone are set out in Table 6. However, not all of these allocations will require to make contributions by virtue of extant planning permission or having been built out since adoption of the LDP.

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Figure 3: Catchment Area for developer Contributions for Dualling A801 – M8 Junction 4 to Pottishaw Roundabout**Table 6: Developments within the Contribution Zone for Dualling of the A801**

LDP Site Reference	Location/Site Address	No. of Units (estimate)/use class	Remaining capacity at 31 March 2018
Housing Allocations			
H-WH 4	Whitdale East Main Street, Whitburn	49	0
H-BB 1	Daisyhill Road, Blackburn	9	9
H-BB 2	Riddochill Road, Blackburn	15	15
H-BB 3	West Main Street (West) , Blackburn	6	6
H-BB 4	West Main Street (East) , Blackburn	6	6
H-BB 5	16 Bathgate Road, Blackburn	5	5
H-BB 6	11 East Main Street (former garage), Blackburn	7	7
H-BB 7	Redhouse West, Blackburn	100	45
H-BB 8	East Main Street (former adult training centre) , Blackburn	12	12
H-BB 9	Ash Grove, Site A, Blackburn	5	5
H-BB 10	Ash Grove, Site B, Blackburn	5	5

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H-BA 6	Easton Road	298	298
H-BA 7	Little Boghead site 2	20	20
H-BA 21	13-15 Glasgow Road, Meadowpark	22	22
H-BA 29	Glasgow Road	53	45
H-BA 27	Whitburn Road	100	100
H-BA 14	Windyknowe, Glasgow Road (east), Bathgate	14	0
H-BA 15	Windyknowe, Glasgow Road (west), Bathgate	46	46
H-BA 18	9 Hardhill Road (former Creamery garage) , Bathgate	14	14
H-AM 1	Muirfield, North Street, Armadale	10	10
H-AM 3	Nelson Park/Mallace Avenue, Armadale	26	26
H-AM 4	High Academy Street (former nursery), Armadale	6	6
H-AM 5	Colinshiel (Site A) , Armadale	135	135
H-AM 6	Colinshiel (Site B) , Armadale	135	135
H-AM 7	Tarrareoch (Southdale Meadows), Armadale	85	0
H-AM 8	Tarrareoch Remainder, Armadale	131	131
H-AM 9	Netherhouse Phase 1, R1A East (Ferrier Path) , Armadale	13	0
H-AM 10	Netherhouse Phase 1, R1B West (Hanlin Park), Armadale	26	0
H-AM 11	Netherhouse, Remainder, Armadale	85	0
H-AM 12	Standhill (North), Armadale	300	300
H-AM 13	Standhill (South), Armadale	110	110
H-AM 14	Trees Farm, Armadale	254	254
H-AM 15	Lower Bathville, Armadale	400	400
H-AM 16	Mayfield Drive, Armadale	22	22
H-AM 17	Drove Road, Armadale	26	26
H-AM 18	Stonerigg Farm, Armadale	11	11
H-AM 19	Tarrareoch Farm, Armadale	320	320
25/17	Torbane Drive, East Whitburn	12	12
25/16	1 Bathgate Road, East Whitburn	5	5
1/43	7 North Street, Armadale	19	19
1/40	Bathville Cross phase 4	3	3
	Bathville Cross phase 5	9	9
Employment Allocations			
E-BB 1	Riddochill, Inchmuir Road 1, Bathgate	Use classes 4, 5 & 6	
E-BB 3	Pottishaw Place, Bathgate	Use classes 4, 5 & 6	
E-BB4	Inchmuir Road, Bathgate	Sui generis	
E-BB 5 a-d	Pottishaw, Bathgate	Use classes 4, 5 & 6	
E-BB 6	West Main Street, Blackburn	Use class 4	
E-EW 1	Whitrigg (north east), East Whitburn	Use class 6	
E-EW 2	Whitrigg (south west), East Whitburn	Use classes 4, 5 & 6	

Source: West Lothian Local Development Plan, September 2018 & Housing Land Audit 2018

- 5.28 Contributions will not be sought where there is an extant planning permission provided the developer does not exceed the capacity specified in the terms of the planning permission. The contribution would only be sought from the following types of development within the catchment area:

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- residential;
- business (Use Class 4);
- industrial (Use Class 5); and
- storage and distribution (Use Class 6)

5.29 From the Transport Assessment (TA) for the mixed-use development at south Armadale by EWP Investments, the amount of trips on the A801 between the Pottishaw roundabout and the M8 was identified. The amount of trips accessing the A801 equates to 70% of development flows.

5.30 The LDP housing and employment land allocations have predicted two way peak flow for the combined AM and PM period of 1831 trips for Armadale and 112 trips from Bathgate. The total housing element will generate a total of 1943 trips.

Table 7 – LDP Housing Allocations to Armadale

Site Reference	Site Name	Number of Units	Trips
H-AM 7 to 11 H-AM 14 H-AM19	Tarrareoch (Southdale Meadows) Tarrareoch (Remainder) Netherhouse Phase 1, R1A East (Ferrier Path) Netherhouse Phase 1, R1B West (Hanlin Park) Netherhouse (remainder) Trees Farm Tarrareoch Farm	1320	962
H-AM 5 & 6	Colinshiel (Site A & Site B)	270	196
H-AM 12 & 13	Standhill (North) & Standhill (South)	410	257
H-AM 15	Lower Bathville	400	416

5.31 For Bathgate the two sites are H-BA 7 & H-BA 27 with a total of 112 trips peak combined AM & PM flows.

5.32 The LDP industrial element comprising 26,800sqm business park and 21,900sqm industrial estate has been dropped by the reporter following Examination of the LDP proposed plan and replaced with housing allocation H-AM 19. There is still 1000sqm office allocation identified which would generate 38 trips. Area E-LW2 generates 107 trips and J4M8 sites E-NN 5a-d generates 300 industrial trips and 387 office trips. The total employment trip generation equates to 832 trips.

5.33 The total number of peak combined AM & PM new trips are 2775 trips.

5.34 Dividing the scheme cost of the A801 Dualling by the predicted trip increase provides a cost per trip for the total development cost. This works out at £2,137 **per trip** on the A801. The developer contribution rates are set out in Table 8.

Data Label : Public

Table 8: Developer Contributions for A801 Upgrade to Dual from M8 to Boghead Roundabout

Component of Scheme	Cost
Cost estimate for road upgrade	£4,005,750
Land Purchase (assumed 1ha)	£36,728
Design Time	£148,636
Topographical surveys	£5,945
Ground Investigations	£22,295
Wildlife, habitat and ecological survey	£5,202
SUDS drainage design	£89,182
Assume Public Utility costs of	£1,102,882
Sub Total	£5,416,621
Contingencies 10%	£ 541,662
Total Cost	£5,958,283

5.35 The council will consider whether developer contributions will be required for the dualling of the A801 through appraisal of Transport Statements (TS) or Transport Assessments (TA) submitted in support of planning applications. Small scale developments which do not require a TS or TA will be exempt from contributing to the scheme. In circumstances where the council is satisfied that a contribution to the scheme is appropriate, the council will have regard to *Circular 1/2010 "Planning Agreements"* and will only seek contributions which are reasonable and relate to the scale and kind of development proposal. Contributions will be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided. The council will have regard to the following principles in considering development proposals:

- (i) Where an applicant owns the land required to implement part of the dualling proposal, the council will require the land to be transferred to the council. This will form part of the applicants contribution to the scheme. If the council needs to acquire land through compulsory purchase to implement all or part of the scheme, the cost of doing so will be met through developer contributions.
- (ii) The council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. Agreements will make provision for returning funds after an agreed period of time if not used. Beyond capacity, developments may be delayed until sufficient funds have been accumulated to implement part or all of the dualling scheme. The need for suspensive conditions will be assessed on a case by case basis.
- (iii) Where agreement cannot be reached on the impact of a proposed development and the amount of contributions, planning permission will be refused.

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Blackridge Railway Station

- 5.36 A new rail station at Blackridge has been forward funded by the council in parallel with the £312 million Airdrie to Bathgate rail project. The council has underwritten approximately £2m of the construction costs of the new station and intends to recover this amount through developer contributions. The total cost of providing the station, access road and park and ride facility was £1,980,000
- 5.37 The station addresses the cumulative transport impacts of new development on Blackridge and its environs, providing better transport links and stimulating other social, economic and environmental benefits.
- 5.38 Developer contributions will be required from all new residential developments in Blackridge and within the vicinity of Blackridge and will be used to reimburse the council for all legitimate expenditure associated with the new railway station and improvements to existing or new public spaces or circulation routes where these integrate the station or facilitate movement between new developments. The contribution zone is set out in the map below.
- 5.39 The only exemptions will be small developments comprising four or less units, unless they are clearly part of a phased development of a larger site. In such cases the council will seek to agree appropriate sums with the applicant.
- 5.40 Where outline consent has already been granted, without any requirement to contribute to the new railway station, a reserved matters application pursuant to that outline will not in normal circumstances be expected to provide a new contribution. However, any new outline or detailed application will be expected to comply with the terms of this SG. Contribution rates are set out in Table 9.

Table 9: Developer Contributions Towards Blackridge Railway Station

EXPENDITURE		
ACCESS ROAD AND BRIDGE	RAIL STATION	
access road and bridge 0 £850,00	WLC cash contribution	£536,000
	Car park costs	£744,000
	Transport Scotland credit	- £150,000
	Total	£1,130,000
Total costs to be recovered from developers £1,980,000		

Methodology for calculating contributions

- 5.41 The developers of LDP sites H-BL4, H-BL5 and H-BL6 will be required to make a pro-rata contribution (X) towards the costs associated with the delivery of the new railway station based on the notional site capacity of 250 residential units.
- 5.42 The developers of the land immediately east of local plan site H-BL4 shall contribute 100% of the costs associated with the construction of the access road serving the station park and ride facilities (£850,000) plus a pro-rata contribution (X) towards the costs associated with the delivery of the new railway station. (X) is calculated by subtracting the cost of the access

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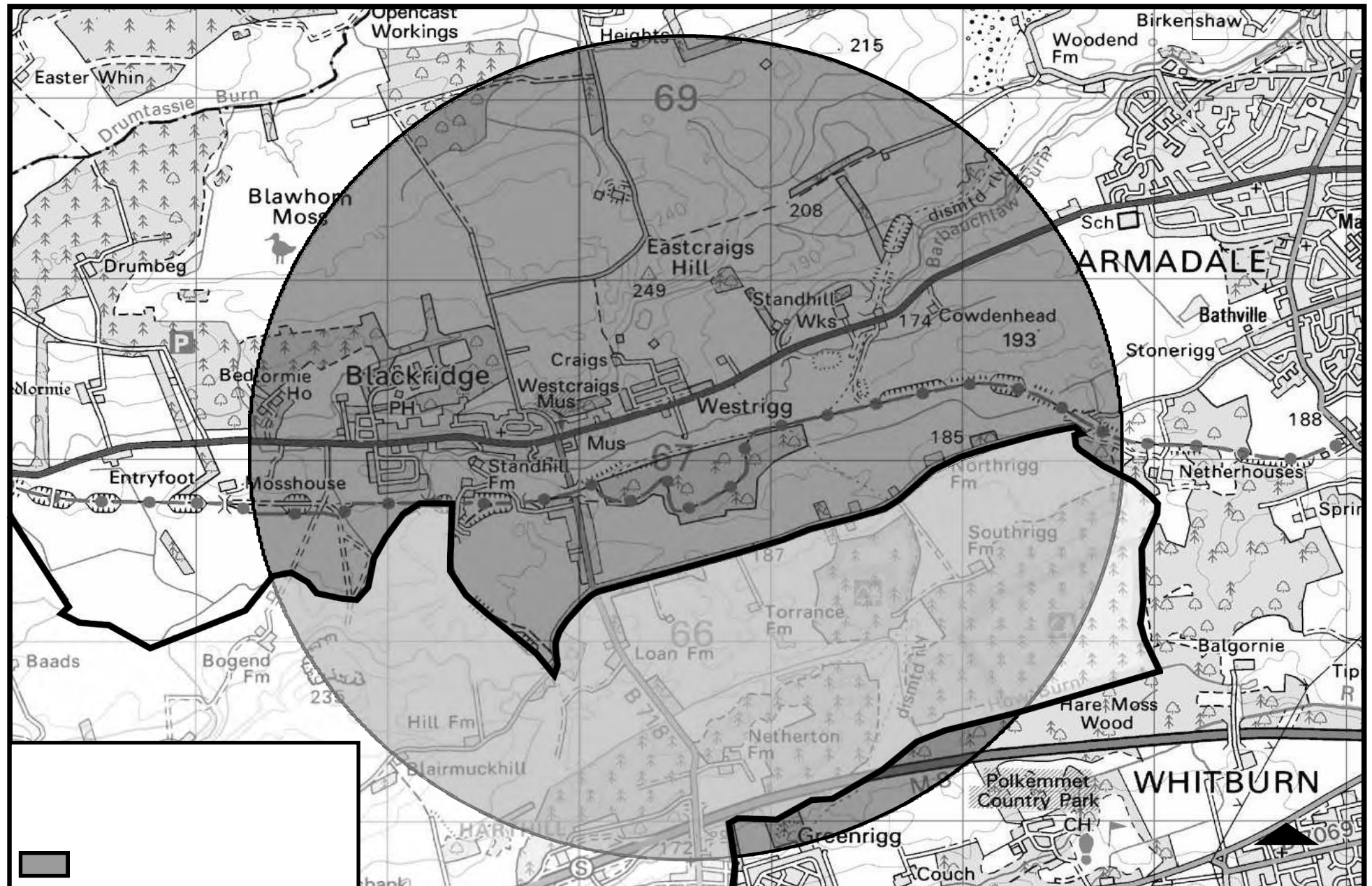
road serving the station park and ride facilities (£850,000) from the total costs to be recovered (£1,980,000) and dividing the resultant sum of £1,130,00 by 480. The figure of 480 is obtained as follows:

Site Ref	Site Name	No. of Units
H-BL4	Craiginn Terrace	210
H-BL5	Woodhill Road	30
H-BL6	South of Craiginn Terrace (part of H-BL4)	10
n/a	Notional windfall element	230
Total		480

(X) is therefore $\text{£}1,130,000 \div 480 = \text{£}2,354$

- 5.43 These specific contributions should be considered as being additional to any other contribution required in relation to the development to cover improvements to the road network or traffic management. These could include provision for pedestrian and cycle facilities, infrastructure creating accessibility improvements to public transport or other road based improvements required as a direct result of the development. Where a Transport Assessment has been prepared, this should provide a basis for addressing the transport impacts in a holistic manner, and set out the basis of the relationship between railway station contributions and any other transport contributions.
- 5.44 Depending on the particular circumstances of a proposed residential development, the council may, on application, agree for payments to be made at a later stage in the development process than would otherwise be considered appropriate, for example once houses have been sold, albeit subject to indexation as described above. The council also recognises that changes in the economy can have an adverse effect on land values, house completion rates and house sales. As such, the council is prepared to consider more flexible terms for the payment of developer contributions towards the provision of the new station

Data Label : Public



Data Label : Public

Armadale Station Park & Ride

- 5.45 Network Rail, as part of the Airdrie to Bathgate rail project, has constructed a rail station at Armadale. The station includes a park and ride (P&R) facility, on the north side of the railway line, to serve the existing population of Armadale. This provides a car park of approximately 200 spaces. The LDP proposes new housing allocations in Armadale. A key component of the new allocations is the allocation of land for 2000 houses. The LDP requires developers in Armadale to contribute to additional park and ride facilities on the south side of the proposed railway line. This includes:
- land to be transferred to the council at nil cost for 150 car parking spaces will be safeguarded in the CDA masterplan, by the developers of the Trees farm area, adjacent to the southern side of the railway station; and
 - financial contributions from developers to fund the construction of 120 spaces within this area.
- 5.46 The remaining land for 30 spaces requires to be safeguarded for longer term expansion until 2020, at which time the need for safeguarding will be reviewed.
- 5.47 The previous Supplementary Planning Guidance for developer contributions towards the park and ride facility indicated that 30 spaces were to be provided to support the employment proposals set out in the LDP, with 90 spaces to be provided to support proposed residential development. The LDP Proposed Plan Report of Examination removed the employment land allocation at south Armadale in favour of housing development whilst still requiring park and ride facilities. To accommodate the park and ride facility it is proposed that housing developers in the Armadale CDA provide financial contributions to fund the construction of 120 spaces within the park and ride area in addition to provision of land for the park and ride facility. The developer contributions will ensure that the southern park and ride facility will meet the needs of the new population arising from the development of the Armadale CDA.
- 5.48 Developers of land within 800 metres walking distance of the station will be exempt from financial contributions. Although the park and ride facilities will be adjacent to the station, residents within the 800 metre walking distance are presumed to walk to the station and not the park and ride facility, therefore the station is the best point from which to measure the 800 metres. A map illustrating the 800 metre walking distance is below. Contributing sites are set out in Table 10.

Data Label : Public

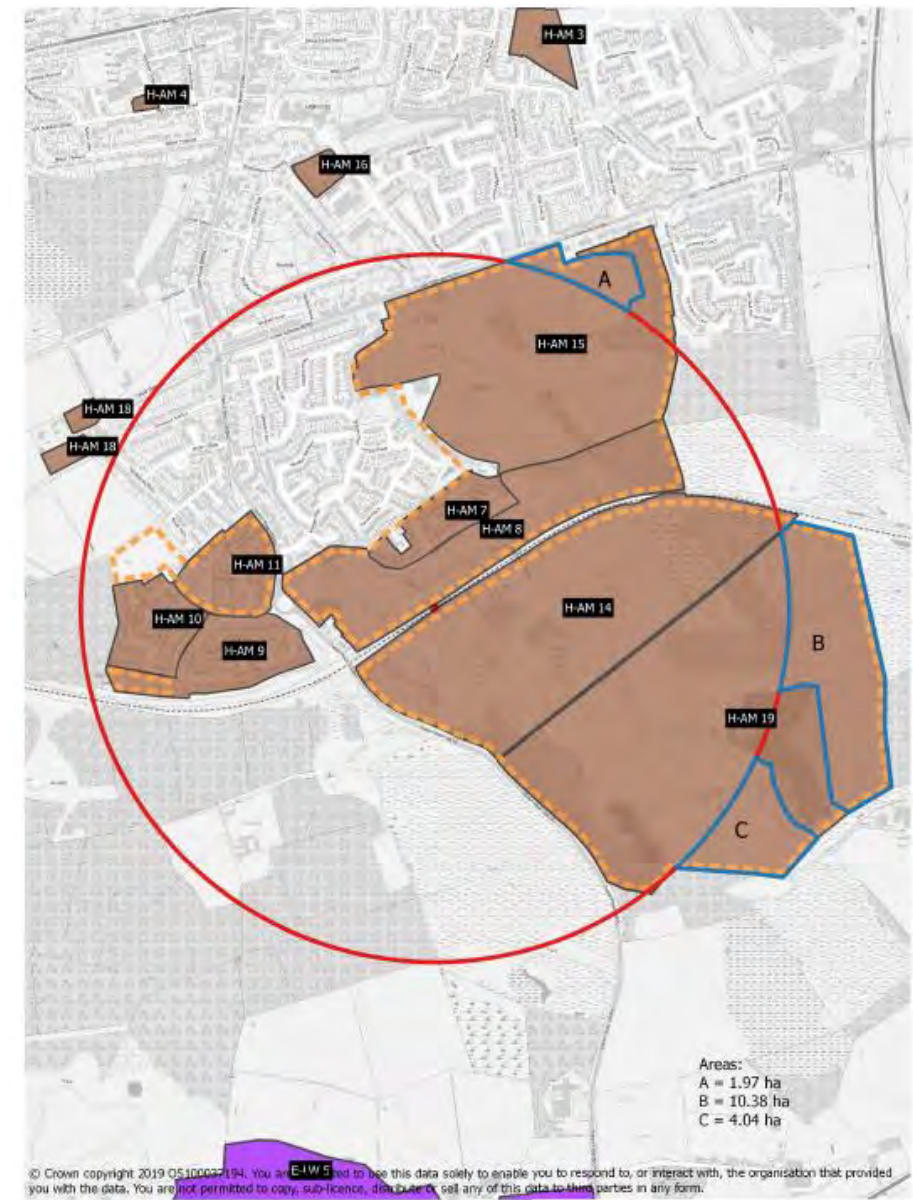


Table 10: Proposed Development Sites outwith 800 metre walking distance from Armadale Railway Station

Site Reference	Site Address	No. of units	Planning Status	Section 75 contribution
H-AM 1	Muirfield (North Street)	10	No consent	
H-AM 4	High Academy Street	6	No consent	
H-AM 5	Colinshiel(Site A)	135	No consent	-
H-AM 6	Colinshiel(Site B)	135	No consent	-
H-AM 12	Standhill (North)	300	Minded to grant	£136,800
H-AM 13	Standhill (South)	100	Approved	£45,600
H-AM 16	Mayfield Drive	22	Approved	£8,800
H-AM 17	Drove Road	26	No consent	-
H-AM 19	Tarrareoch Farm	100*	Approved	£106,000

*LDP allocation is 320 units, a proportion of which lie within 800 metre walking distance

Data Label : Public

- 5.49 At 31 March 2019 no developer contributions towards Armadale Railway Station had been received by the council. Table 11 sets out the how the contributions have been calculated.

Table 11: Developer Contribution Rates for Park and Ride Facility at Armadale Rail Station

Cost per parking space x number of spaces*	Total Cost
£4,560 x 120 spaces	£547,200
£4,560 x 30 spaces	£136 800
	£684,000
Deduction from consented sites	£288,400

*indexed to fourth quarter 2017

- 5.50 Network Rail has delivered a railway station at Blackridge. This facility has been forward funded by the council. The council may wish to utilise some of the funding from the Standhill North and Standhill South sites (H-AM12 and H-AM 13), in the north west of Armadale, towards the cost of providing park and ride facilities at Blackridge Station, rather than at Armadale Station. The reason for having this option is that if it becomes clear that some of the Standhill residents are more likely to use Blackridge Station then it would be appropriate to use some of the contributions for an extension of the park and ride facility at Blackridge. The funding methodology for Blackridge Station and its associated works, including a park and ride facility is set out elsewhere in this SG.

M9 Junction 3 and Linlithgow

- 5.51 The LDP identifies a requirement for safeguarding of western slip roads at Junction 3 on the M9 at Linlithgow and a new four way junction at Duntarvie near Winchburgh.
- 5.52 The new 4 way junction at Duntarvie near Winchburgh has been provided at developer expense as part of the Winchburgh Core Development Area (CDA) development.
- 5.53 In relation to the western slip roads at Junction 3 on the M9 at Linlithgow, the LDP identifies development sites which will be required to contribute towards provision of the slip roads.
- 5.54 In addition to the provision of the western slip roads at Junction 3, there is also a need to address transport management measures which are required in Linlithgow town centre, specifically at the High Street/Blackness Road/High Port junction and the St Ninian's Road/High Street junction.
- 5.55 To inform this SG and developer contribution rates for Linlithgow transport infrastructure traffic modelling which was carried out to inform the LDP has been further refined and now looks at both the AM and PM periods. The modelling report is attached as Annex A. Traffic levels through the town are below saturation levels however additional factors regarding inappropriate parking, loading and unloading to businesses and busses stopping creating tailbacks are not helping vehicle movement.
- 5.56 Anticipated development sites in Linlithgow are set out in Tables 12 and 13. Sites identified in Table 12 which await development will be required to contribute towards junction improvements in Linlithgow as well as Junction 3 of the M9. Where windfall sites come forward these will also require to contribute.

Data Label : Public

Table 12: Proposed Housing Sites in Linlithgow

LDP Site Reference	Location	Site Size (Ha)	Capacity (Units)
H-LL 1	81-87 High Street	0.3	41
H-LL 2	Westerlea Court, Friarsbrae	0.3	12
H-LL 3	Boghall East	3.2	50
H-LL 4	Land east of Manse Road	1.2	25
H-LL 5	Falkirk Road (land at BSW Timber)	0.7	1.8
H-LL 7	Clarendon House, 30 Manse Road	2.6	8
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	20.0	200
H-LL 12	Preston Farm	6.0	60
H-LL 13	Kettlestoun Mains	14.3	210

- 5.57 A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.
- 5.58 The proposed network mitigation on its own does not allow the level of delay in the network to return to the same level as in the Base. The network mitigation does, however, allow the queues on St Ninian's Road southbound to dramatically improve. However, this tends to have a knock-on impact to delays on High Street and Preston Road. The roundabout at the junction of High Street/Mains Road becomes a pinch-point (especially as capacity is further constrained by the signalised pedestrian crossing to the east). Further improving the capacity of this area may prove difficult given the competing traffic flows in peak hour traffic and the offset nature of the junctions.
- 5.59 The proposed West Facing Slips (WFS) at J3 of M9 Motorway has the effect of removing a substantial amount of traffic from Linlithgow High Street, therefore the scenarios including west facing slips show improvements in network performance over the Do Nothing scenario.
- 5.60 The result of opening the west facing slips is to relieve Linlithgow town centre of through traffic to/from the east side of Linlithgow wishing to head towards Falkirk, Stirling and beyond. Traffic generation from the other developments to the west side of Linlithgow are now able to use this spare capacity such that there is no overall traffic change prior to carrying out the improvements.
- 5.61 Although the employment sites set out in Table 13 are also likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Employment land allocations at Mill Road (sites E-LI 1 and E-LI 2) are largely built out; site E-LI 3 remains largely undeveloped. Should such sites come forward for development a contribution rate would be levied based upon trips generated.

Data Label : Public

Table 13: Proposed Employment Sites in Linlithgow

LDP Site Ref	Location	Site (Ha)	Size (X100m2)
E-LI 1	Mill Road Industrial Estate, Linlithgow Bridge (plot a)	0.6	18
E-LI 2	Mill Road Industrial Estate, Linlithgow Bridge (plot b)	1.31	39
E-LI 3	Land at Burghmuir, north of Blackness Road	9.6	288

5.62 To meet the requirements of Circular 1/2010 it has been demonstrated that all the proposed developments in Table 12 shall contribute on a per unit basis. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant contribution rate is **£15,938** per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.

Table 14: Developer Contribution Rate for Transport Improvements in/around Linlithgow

LDP Site Ref	Location	Capacity (units)
H-LL 3	Boghall East	50
H-LL 4	Land east of Manse Road	25
H-LL 5	Falkirk Road (land at BSW Timber)	18
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	200
H-LL 12	Preston Farm	60
H-LL 13	Kettlestoun Mains	210
Total Number of Units		563
Total Cost of transport improvements £8,973,000/563 = £15,938		



Travel Plans and Residential Travel Information Packs

- 6.1 Policy TRAN 2 of the LDP requires developers to provide travel plans and an associated monitoring framework to support major new developments such as the previously identified Core Development Areas, strategic housing allocations and inward investment proposals. This is required in order to support and promote sustainable travel and is consistent with *Scottish Planning Policy 17 Planning for Transport*.
- 6.2 The contributions are to be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided.
- 6.3 The LDP includes proposals for some 25,000 houses and 638 hectares of employment land. Unrestrained, this scale of development will have significant effects of adding to congestion on the local transport network and have an adverse effect on the environment and health. Travel planning can help to mitigate the adverse effects of less sustainable travel through the promotion of better use of the most sustainable modes of transport. Any reduction in travel, or improvement in the mode of travel, benefits the West Lothian transport network and the environment. Travel planning can play a part in increasing the efficiency of the local transport network. Residential developments will be required to produce a *Sustainable Travel Information Pack* (IP) to be provided in each new home. The contents of the pack will be site specific and should be integrated with wider information on local amenities and services. The pack is to be produced by the developer and requires council approval as part of planning consent.
- 6.4 Employment developments will be required to submit a *Staff Travel Plan* (TP) as part of a transport assessment (or transport statement) in support of their planning application. Exemptions will be made for small developments, which do not require a transport assessment or transport statement. Developers should contact the council at the pre application stage to seek guidance on the contents of the travel plan and the requirements for a transport assessment or transport statement.
- 6.5 The types of development requiring a travel plan or travel information pack are set out in Table 14.

Table 14: Class Use, Information Types and Contribution Levels

Development Type	Travel Plan	Travel Information Pack
Residential <10 dwellings IP No	√	n/a
Residential 10 or more dwellings IP and TP £20 per dwelling	√	√
Business (Use Class 4) TP £30 per 100m ² GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	

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Industrial (Use Class 5) TP £30 per 100m2 GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	
Storage and distribution (Use Class 6) - £30 per 100m2 GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	

- 6.6 The contribution required by employment developments will be the lower of the two methods of calculation. The council will monitor the level of contribution and revise if appropriate.
- 6.7 The travel information pack and Travel Plan should include information on the location of local services and amenities and provide information of the options for travel to and from the development and should emphasise the need to travel by the most sustainable practical mode.
- 6.8 Priority should be given to the modes in the following sustainable travel hierarchy:
- (i) Fuel free modes: walking and cycling
 - (ii) Fuel efficient modes: public transport
 - (iii) Efficient use: car sharing
 - (iv) Most polluting: single occupancy car
- 6.9 For residential developments, planning permission will be conditional on the submission of an acceptable travel information pack. Developers will be required to regularly monitor and revise travel information packs and travel plans.

seven

Governance

- 7.1 The council recognises that funds received through the planning obligations process need to be clearly linked to the provision of specific pieces of infrastructure. To provide this clarity the council has set up a financial tracker to monitor the source of funds, the purpose for which they are gathered, and how they are spent; and in which transportation, education, greenspace, public art and employment land contributions will be kept and ring fenced for the delivery of infrastructure in related geographical areas.
- 7.2 The costs identified within the SG will be subject to review on an annual basis, through the LDP Action Programme. These costs will be index linked against the Building Cost Information Service (BCIS) or similar comparable industry standards and subject to independent verification where necessary.
- 7.3 In some instances, planning contributions will be in the form of infrastructure provided directly by a developer e.g. junction improvements to accommodate access to development sites or transport infrastructure required as part of the core development areas. Direct provision will be factored into the overall contributions that a site will make and where appropriate, this may be offset against total costs of the infrastructure project. Where direct provision of infrastructure is required, bonds or other legal security will also be agreed to safeguard the council from risk.
- 7.4 In most instances a developer will not be required to provide a piece of strategic infrastructure directly but will contribute in line with Figure 1 of this SG. There may be instances where infrastructure is required in advance of all developer contributions having been received by the council. Where this is the case alternative funding options may be investigated – these include City Deal and input through the council's capital programme. In these situations, contributions will continue to be sought from developers to meet the full cost of the infrastructure which has been provided. This approach is consistent with paragraphs 17 – 17 of Circular 3/2012.
- 7.5 Developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. This SG will not be applied retrospectively to sites which have full planning permission or planning permission in principle, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will be subject to the provisions of this guidance and to LDP policies.
- 7.6 Over the lifetime of the LDP developers/landowners are likely to seek planning permission for sites not allocated in the LDP - such sites are known as windfall sites. The impact of these sites will not have been considered in any capacity assessments which determine the need for improved or additional infrastructure. Non-exempt windfall sites will be required to provide developer contributions towards transport infrastructure as set out in this SG.

Unilateral Undertakings

- 7.7 Section 76 (1) (b) of the Town and Country Planning Act (Scotland) 2006, as amended, allows developers to enter into unilateral agreements to make an appropriate contribution in relation to the impact of their proposals. Where a unilateral undertaking is in place, unless it makes

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provision for all the infrastructure impacts of the proposed development, the need for any additional contributions to meet the requirements set out in this guidance will be secured through a planning obligation.

Viability

- 7.8 Developers may consider that the economics of the development and requirements for planning obligations will be greater than a development is able to bear and look to alter the levels of developer contributions required. Any assessment in this respect must be supported by a development appraisal which the council, through the District Valuer, or another independent chartered valuation surveyor agreed by the council, will verify. This appraisal requires to be funded by the developer/applicant. The council will also require documentary evidence necessitating “open-book accounting” to show the viability of a proposal will be curtailed by the requirement for planning obligations. If a development appraisal shows that a site is not viable the council may elect to review developer obligations and consider a degree of ‘prioritisation’. However, in the event of a development being assessed as unviable the council will consider all the options which will include refusal of the application due to its inability to fund the required levels of infrastructure.

Repayment of Contributions

- 7.9 In some instances the need or level of a contribution may change over time. This may be for a number of reasons including the cost of the infrastructure changing, the level of contributing development altering or the infrastructure, for which the obligations were originally gathered, no longer being required. In these instances the council may recalculate the level of obligations and apply or refund any difference to the per house contribution. It will also be the responsibility of the council to use the obligations for their intended purpose and within the timescale set by any related legal agreements. If the council does not use the contributions within the specified timescales then the obligations will be returned to those who made the contribution.
- 7.10 The approach ensures that this SG requires proposed development to make an equitable and reasonable contribution to strategic transport improvements with costs apportioned relative to the location of development and probable additional impact on strategic infrastructure. Local measures will be identified in site specific Transport Assessments prepared by site promoters.
- 7.11 Proposed sustainable transport measures to promote the use of public transport, including improved walking and cycling routes to railway stations, will be expected to be included with planning applications and their supporting Transport Assessments. These measures will be directly funded by developers.

Audit and Review Procedures

- 7.12 This SG will be reviewed and updated periodically to ensure that the level of contribution being required of developers remains relevant and takes account of changing circumstances. This will include updating contributions to take account of the BCIS All-in Tender Price Index.
- 7.13 The council, upon recouping all costs associated with the construction of the new station, will no longer apply this SG in relation to future development proposals.

ANNEXE A

LINLITHGOW MODEL DEVELOPMENT TESTING





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1. INTRODUCTION

- 1.1.1 This note details analysis of various development and network scenarios coded and assigned to the Linlithgow Vissim model. This model was recently updated and recalibrated as detailed in “20190108_Linlithgow_VISSIM_Model_Report.pdf”. As such the base model used for the scenario testing has robust representations of the AM and PM peak periods for the 2018 base year.
- 1.1.2 SYSTRA has developed two basic forecast year scenarios which continue from seven previous scenarios assessed in previous work (using the 2015 version of the Linlithgow Vissim model):
- Scenario 8 – modelling of all LDP housing sites in Linlithgow as set out in Table 1 (proposed housing sites), Table 2 (employment sites) and including the proposed M9 J3 Westbound facing slips.
 - Scenario 9 – based on Scenario 8 above but with the addition of the Bo’Ness housing site in Falkirk Council area as listed in Table 3. Trip generation is derived from TRICS and mode choice from 2011 Census for Bo’Ness.
- 1.1.3 In each case, the maximum development size was used so that the scenarios represented the worst-case traffic impact.

Table 1. West Lothian Local Development Plan – Proposed Housing Sites in Linlithgow

LDP SITE REFERENCE	LOCATION	SITE SIZE (HA)	CAPACITY (UNITS)
H-LL 1	81-87 High Street	0.3	41
H-LL 2	Westerlea Court, Friarsbrae	0.3	12
H-LL 3	Boghall East	3.2	50
H-LL 4	Land east of Manse Road	1.2	25
H-LL 5	Falkirk Road (land at BSW Timber)	0.7	18
H-LL 7	Clarendon House, 30 Manse Road	2.6	8
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	20.0	200
H-LL 12	Preston Farm	6.0	60
H-LL 13	Kettlestoun Mains	14.3	210

Table 2. West Lothian Local Development Plan – Proposed Employment Sites in Linlithgow

LDP SITE REF	LOCATION	SITE	SIZE (X100M ²)
E-LL 1	Mill Road Industrial Estate, Linlithgow Bridge	0.6	5
E-LL 2	Land at Burghmuir, north of Blackness Road	9.6	6

Table 3. West Lothian Local Development Plan – Other Proposed Developments in Linlithgow

COUNCIL SITE REF	LOCATION	CAPACITY (UNITS)
HO1-LDP1	Drum Farm	183
HO2-LDP1	Kinglass Farm	160
HO3-LDP1	Kinglass Farm 2 (Off Drum Rd)	25
MO1-LDP1	Boness Foreshore	750
102-LDP2	Crawfield Road	450
103-LDP2	North Bank Farm	200
104-LDP2	Carrieden Brae North, Muirhouses	120
105-LDP2	East Muirhouses	120
106-LDP2	Dunacre Road	28

- 1.1.4 Note that the M9 J3 Westbound facing slips are based on the latest proposal (provided by WLC) which indicates the use of roundabouts as means of access to the existing road network.
- 1.1.5 The scenarios detailed above have variants with and without the west facing slips at M9 J3, these have the naming convention 8b and 9b. This naming convention has been chosen to differentiate the above scenarios from previous modelling work.
- 1.1.6 The methodology is as per previous modelling in test scenarios (1-7) for the M9 J3 west facing slips for those sites that are located in Linlithgow and to the south. For reference, this methodology, extracted from our proposal, is documented below:
- The original model does not contain any traffic interaction on the M9 as it was not part of the original scope. As we will be modelling west facing slips onto the M9, we will not be able to monitor the merge point located on the M9 ramp. In other words, this project cannot measure the impact of any scenario on the operation of the M9; and
 - It is our intention to estimate the level of traffic associated with the new the M9 Junction 3 layout by amending the traffic patterns already contained within the development scenarios. A common-sense approach will be undertaken to enable traffic only associated with certain zones to be allowed to use the new junction setup, for example, it is anticipated that development traffic located to the west of



Linlithgow will not route through the town centre to access the westbound on-slips to travel west.

- 1.1.7 With regards to the Bo’Ness housing sites, SYSTRA have undertaken a more detailed evaluation of the trip distribution using TRICS. The TRICS database provides an indication of typical multi-modal trip rates for residential developments of this nature. These rates are then used to further refine the modal split assumption and to determine locally specific origin / destination patterns.

2. DEMAND SCENARIOS

- 2.1.1 The TRICS database was used to determine the level of car usage associated with the housing locations. Average trip rates were obtained for the AM and PM Peaks as shown in the tables below.

Table 4. Residential trip rates

PERIOD	MODE	CENSUS PERCENTAGE	MODAL SPLIT	TRIP RATE (PER DWELLING)
AM	Car/Van	67%		0.848
PM	Car/Van	67%		1.013

Table 5. Industrial employment trip rates

PERIOD	MODE	TRIP RATE (PER 100 M ²)
AM	Car/Van	0.571
PM	Car/Van	0.438

Table 6. Business park employment trip rates

PERIOD	MODE	TRIP RATE (PER 100 M ²)
AM	Car/Van	1.247
PM	Car/Van	0.939

- 2.1.2 The trip pattern of the new development sites is based on an existing trip pattern of a similar area within the model, using the existing zone loading points. Trips from the new development sites are assessed to determine their loading points onto the network and added to the existing model matrices.
- 2.1.3 Table 6 below provides an indication of the total number of trips loaded onto the network as a result of the development scenarios

Table 7. Development Scenario Traffic Demand.

PERIOD	MODEL	MATRIX TOTALS (LIGHT VEHS)
AM	2017 Base	3,613
	Base + Full Dev Demand	6,284
	Base + Full Dev Demand - Bo'Ness	5,557
	WFS Base Demand + WFS Full Dev Demand	6,284
	WFS Base Demand + WFS Full Dev Demand – Bo'Ness	5,557
PM	2017 Base	4,252
	Base + Full Dev Demand	7,357
	Base + Full Dev Demand - Bo'Ness	6,669
	WFS Base Demand + WFS Full Dev Demand	7,357
	WFS Base Demand + WFS Full Dev Demand - Bo'Ness	6,669

- 2.1.4 For the full-development scenario the maximum size of development was used in each case. This included the large Bo'Ness development.
- 2.1.5 From the scenarios denoted “- Bo'Ness”, trips from/to the Bo'Ness development were eliminated. This resulted in 727 fewer trips in the AM period and 688 fewer trips in the PM period.
- 2.1.6 On the introduction of the West Facing Slips (WFS) at M9 J3 we have assumed that all trips which currently go from the east of Linlithgow to the west (leaving the modelled area on the A803) will now use the WFS. This is illustrated in Figure 1 where the zones within the blue catchment area and going to / from the red circled zone will instead use the WFS (green circle). The WFS are represented by zone 56 (to M9) and zone 57 (from M9).
- 2.1.7 The change to the demand matrices representing the WFS scenario affects around 90-140 trips in the peak hours (in each direction and including development trips). Effectively, this scenario reroutes upwards of 200 vehicles / hour from Linlithgow High St for the full-development scenario.

SYSTRA



Figure 1. WFS Demand modification (blue = WFS catchment zones, red = original origin / destination zone, green = new WFS zones)

3. WFS SCHEME LAYOUT

3.1 Vissim Network Changes

3.1.1 Figure 2 below shows the M9 J3 West Facing Slips (WFS) proposal received from West Lothian Council in early 2019. The design consists of two new roundabouts which tie in with the existing east facing slips.

3.1.2 Figure 3 shows the equivalent section of the Linlithgow Vissim model with the WFS coded. The M9 itself and the slips' interaction with the M9 are not included in the model.

3.1.3 **SYSTRA have completed a feasibility costing for the proposed WFS.** Please note that what we have completed is an extremely high-level cost estimate, which is based on our recent experience of developing high-level cost estimates for different Grade Separated Junction (GSJ) layout options for a potential GSJ on the Scottish trunk road network. Therefore, once more information is available a more robust cost estimate will require to be undertaken to establish accurate construction costs. The anticipated costs are as follows:

Cost Estimate

- | | |
|--|--------------|
| • Eastbound diverge and westbound merge: | £7.5M |
| • Roundabouts (x2): | <u>£1.0M</u> |
| • Total: | £8.5M |

3.1.4 Rather than providing a single cost estimate we believe that it is prudent to provide a cost range. Therefore, please assume that the cost range for construction of the eastbound diverge and westbound merge plus the two roundabouts is **£6.5M to £10.5M**.

Assumptions & Exclusions

- This cost estimate only covers the **construction costs** associated with the junction i.e. other costs such as design costs (inc. costs associated with design work such as the acquisition of a topographical survey, costs associated with a ground investigation, etc.) and site supervision costs are not included;
- No work to the existing overbridge across the M9 or to the existing eastbound merge and westbound diverge are necessary;
- The underlying ground is suitable for construction of the eastbound diverge and westbound merge i.e. there will be no requirement to excavate unsuitable material and replace with suitable backfill material prior to construction of the diverge and merge;
- The presence of any existing Public Utilities apparatus within the footprint of the works is not known at this time and therefore a nominal allowance is included in the above costs, the actual costs could vary significantly from this amount;
- Costs associated with land acquisition have been omitted;
- Costs associated with ecological and environmental mitigation measures have been omitted;



- Any connections to (and amendments to) the existing local road network, properties or farm accesses that may be required as a consequence of the works have not been included in this cost estimate; and
- It has been assumed that suitable drainage outfalls will be available on both sides of the M9 within the proximity of the works.



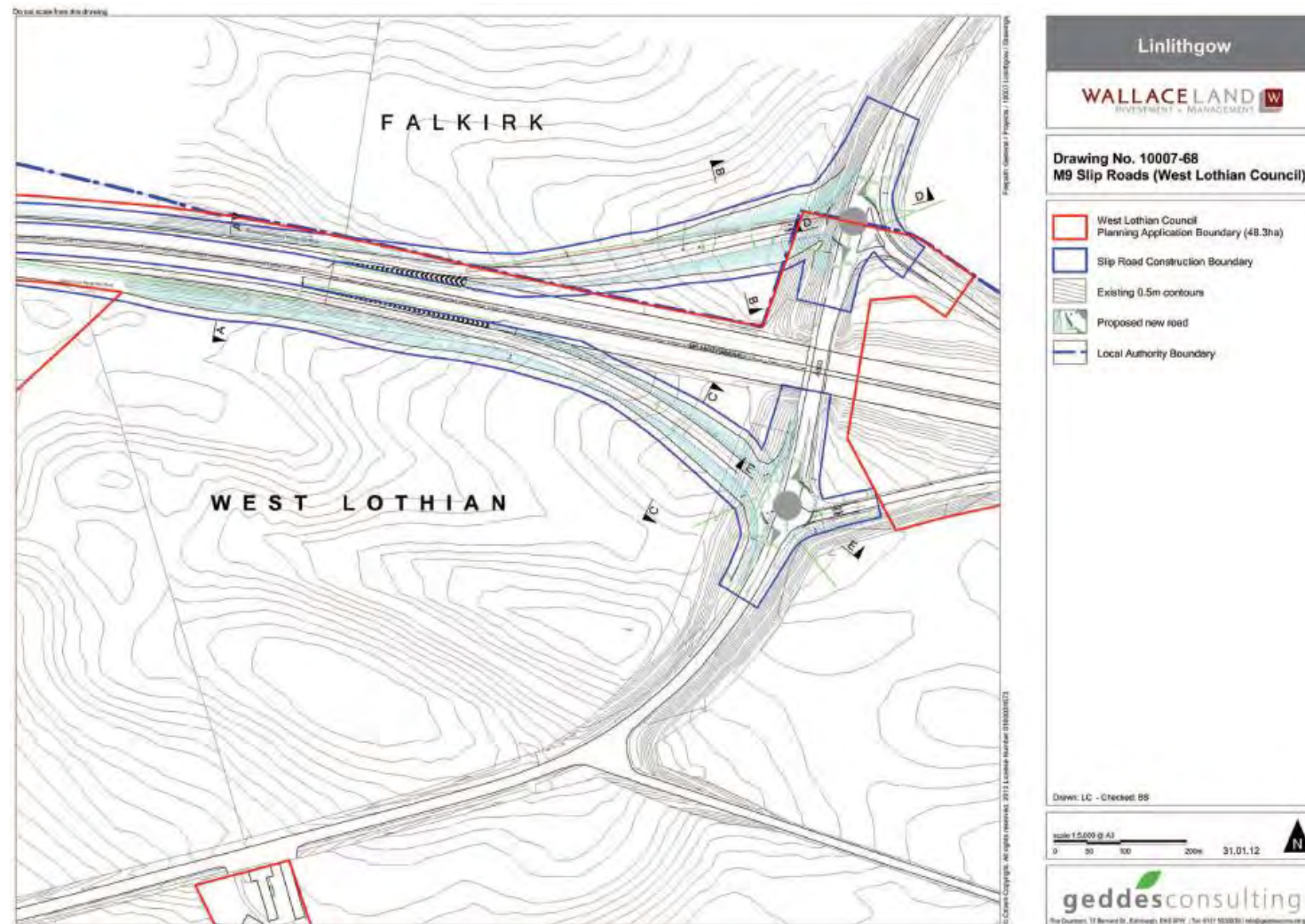


Figure 2. WFS Plan



Figure 3. WFS Network Changes

4. MITIGATION

4.1 Blackness Road / High Port / High Street

- 4.1.1 The existing roundabout at this junction can be the cause of blocking back from the High Port signalised junction as well as from the signalised pedestrian crossing on High St. As such, WLC requested that we evaluate the replacement of this roundabout with a fully signalised junction. An initial evaluation of the space available indicated that two lanes could be accommodated on all approaches. Replacing an existing roundabout with a signalised junction can sometimes lead to increased delay but does allow better balancing of the capacity for various approaches better pedestrian facilities and more reliable journey times.
- 4.1.2 To enhance the provision for pedestrians at this location (there are currently no zebra or signalised crossings on High Port or High St) and to address the clear pedestrian demand evident during our site-visit, we have coded an all-red traffic phase to allow for a “scramble” pedestrian crossing – i.e. allowing all pedestrian movements at the same time in the signal cycle.
- 4.1.3 The cycle time of the signals was matched to the existing signals at Back Station Road to allow the most robust vehicle progression through both junctions. The close-by pedestrian crossing on High St was also set to this cycle time to allow better traffic progression westbound along High St. The existing signalised crossing on Blackness Rd was removed.
- 4.1.4 Reduced speed areas representing the slowing of traffic due to School Crossing Patrol were also removed due to the introduction of signalised crossings.
- 4.1.5 Figure 4 shows the layout of this junction as coded in the Vissim model.

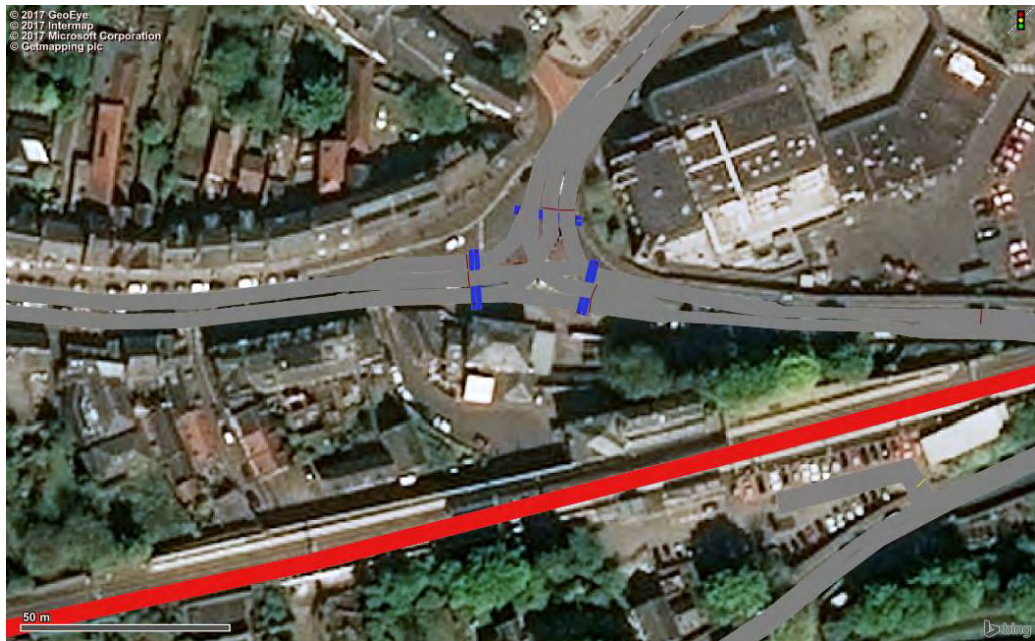


Figure 4. Blackness Rd signals

- 4.1.6 SYSTRA has calculated the approximate cost of the improvements at High St/Blackness Rd/High Port (roundabout to signalised junction) to be **£330k**.
- 4.1.7 This price is based on the following assumptions:
- (a) Surface course replacement over extents of junction (planing off top 40mm and replacing), islands , ped crossing points for all-ways movement, new footways where there are changes to road areas, new bollards, new pedestrian guard-rails.
 - (b) Based upon no understanding of the presence or location of utilities, we have made no allowances for utilities protection or diversions, which could be significant.
 - (c) In terms of traffic management during construction, we have merely made allowance via 20% contingencies (we expect there will be high traffic management costs).
 - (d) Given that the junction is in an urban location and has existing road/footway we have assumed no allowance for earthworks/poor ground.
 - (e) Drainage allowances made for tying into existing drainage system with new gullies.

4.2 St Ninian's Road / High Street

- 4.2.1 To mitigate the queuing created by the development demand at this location, a mini-roundabout was coded at the junction of St Ninian's Rd / High St. This intervention enables priority to be given to right-turning traffic from St Ninian's and taken from High St westbound.
- 4.2.2 It was necessary to move the bus stop opposite St Ninian's Rd to the east of the junction to allow for two approach lanes. Keep clear areas were also coded to help prevent traffic queuing through the junction.

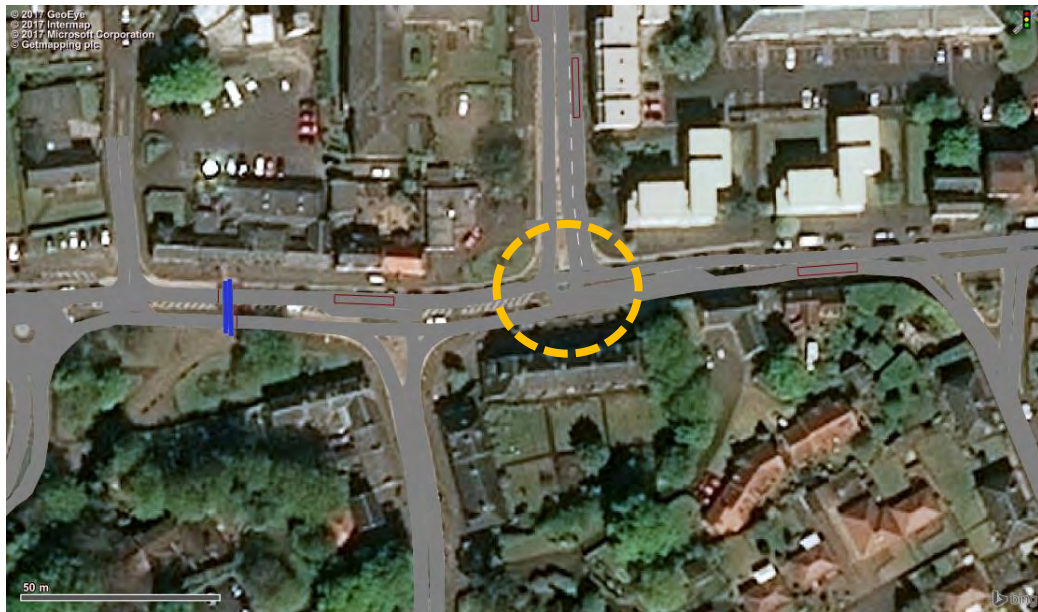


Figure 5. St Ninian's Road mini-roundabout

4.2.3 SYSTRA has calculated the approximate cost of the improvements at St Ninians Rd/High St (priority junction to mini-roundabout) to be **£143k**.

4.2.4 This price is based on the following assumptions:

- (a) We have allowed for surface course replacement over the full extents of junction (planing off top 40mm and replacing), new islands, new footways where there are changes to road areas, new bollards, new pedestrian guard-rails.
- (b) Based upon no understanding of the presence or location of utilities, we have made no allowances for utilities protection or diversions, which could be significant.
- (c) In terms of traffic management during construction, we have merely made allowance via 20% contingencies (we expect there will be high traffic management costs).
- (d) Given that the junction is in an urban location and has existing road/footway we have assumed no allowance for earthworks/poor ground.
- (e) Drainage allowances made for tying into existing drainage system with new gullies.

4.3 Back Station Road / High Port

4.3.1 No physical mitigation is possible at this junction due to the constraints of railway and embankments. Signal green times were however balanced to cope with the increased demand on Back Station Rd westbound.



4.4 Mill Rd / Main St

- 4.4.1 No physical mitigation was considered at this junction. However, signal timings were optimised to balance queues on each approach and better use the full capacity of the existing layout.



5. RESULTS SUMMARY

5.1.1 For consistency, we present the same key performance indicators as used in previous studies. Table 4 compares the AM period results of all development scenarios against those of the Base model. Table 5 shows the results for the PM period.

5.1.2 Detailed journey time results for key routes through Linlithgow are presented in Section 5.8.

5.1.3 We have also extracted link vehicle density plots from the models which effectively illustrate the average queue lengths on the network.

5.2 Key performance indicators

5.2.1 The various demand scenarios were assigned to the model network to assess their impacts on various key performance indicators. Full network statistics are presented in Table 4 and Table 5. Most indicators are self-explanatory, however descriptions of those that are not can be found below.

5.2.2 **Number of vehicles in the network** – vehicles remaining in the network at the end of the evaluation interval i.e. those vehicles that have started but not completed their trip.

5.2.3 **Number of vehicles that have left the network** – vehicles that have completed their trips at the end of the evaluation interval.

5.2.4 **Demand Latent** – the number of vehicles that haven't been able to access the network from their zone i.e. when a link is queued back to a zone, vehicles may not be released.

5.3 Do Nothing (full development demand no mitigation)

5.3.1 In the AM period, the results show that the impact of the full development traffic on the Base network is an increase in average delay of 14s.

5.3.2 In the PM period, average delay is around a minute higher than the AM period for the equivalent scenario. The Do Nothing scenario results in an increase in average delay of 15s over the Base result.

5.3.3 Figure 6 and Figure 7 show link vehicle density plots for the AM and PM Do Nothing scenarios – key queues are highlighted. These figures show a large increase in queue lengths on St Ninian's Road in both the AM and PM periods. An increase in traffic demand on Back Station Road results in increased queues here in both time periods. Similarly, queues increase in length on Blackness Rd particularly in the PM peak.

5.3.4 At the Main St / Mill Road junction in the PM peak, an increase in demand results in longer eastbound queues.

5.3.5 There is general congestion on High St in both periods.



Figure 6. AM Do Nothing link vehicle density

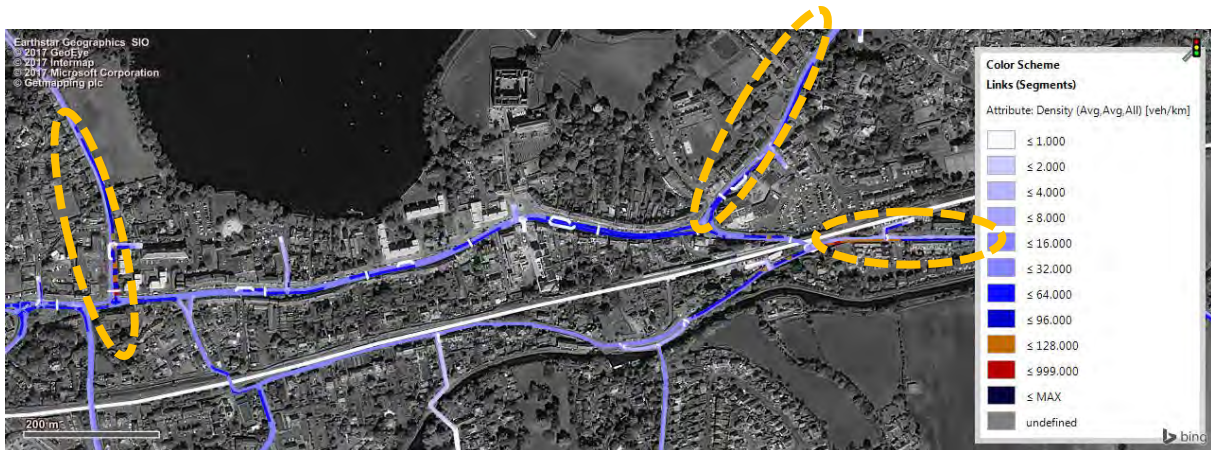


Figure 7. PM Do Nothing link vehicle density

5.4 Scenario 9a (full development demand WFS)

5.4.1 The introduction of the WFS allows the full development traffic to be accommodated onto the network (9a scenario) with a lower average delay than the Base model. This is because the impact of the WFS is to significantly reduce traffic travelling eastbound through Linlithgow. Some queuing remains on St Ninian's Road however and the Back Station Road and Blackness Rd are also subject to congestion particularly in the PM peak.

5.4.2 Figure 8 and Figure 9 show link vehicle density plots for this scenario with key areas of congestion highlighted.



Figure 8. AM Scenario 9a link vehicle density



Figure 9. PM Scenario 9a link vehicle density

5.4.3 Appendix 1 details the existing and proposed trips that may use the new slips.

5.5 Scenario 8a (No Bo’Ness WFS)

- 5.5.1 Removing the demand associated with the Bo’Ness development slightly improves the network average travel time and average vehicle speeds in the AM peak. Consequently the AM scenario operates with less delay than the Base model.
- 5.5.2 In the PM peak this scenario has a greater impact, reducing the network average travel times by 17s over Scenario 9a so that the average delay is 132s (the lowest result for any PM scenario) although still much higher than the equivalent AM scenario.

5.6 Discussion of unmitigated network results

- 5.6.1 Analysis of the unmitigated network model results shows that there are several key pinch points on the network that add to delay. The most evident are at St Ninian’s Rd, where right turning traffic is unable to access the High St and so forms long queues; and at the High St / Blackness Rd / High Port / Back Station Rd area, where traffic blocks back through the roundabout and causes congestion.
- 5.6.2 It is however, evident that the impact of the development traffic is significantly reduced when the WFS scheme is introduced. It is also the case that removing traffic associated with development at Bo’Ness also leads to a general improvement in network conditions (and a reduction in the number of “vehicles that have left the network” due to the lower demand associated with this scenario).
- 5.6.3 Bearing this in mind, and taking cognisance of the network constraints (particularly canal / railway bridges or tunnels) we have therefore tested mitigation measures at St Ninian’s Rd / High St (to reduce the very large queues evident here in all scenarios) and at Blackness Rd / High St roundabout (to reduce the incidences of blocking back from the Back Station Rd junction, to improve journey time reliability and to improve pedestrian ambience at this key location).



5.7 Discussion of mitigated network results

- 5.7.1 The proposed network mitigation at St Ninian's Rd resolves the queue at this location caused by development traffic by giving priority to right turning traffic from St Ninian's Rd over westbound traffic on High St. As a consequence of this, more traffic is pushed onto High St's westbound approach to the Mains Rd (A706) roundabout and this section of road quickly reaches capacity. The signalised pedestrian crossing at this location reduces the capacity further leading to blocking back along High St and Preston Rd.
- 5.7.2 The proposed network mitigation at Blackness Rd / High St / High Port does serve to better manage traffic in terms of keeping this junction clear and provides improved pedestrian facilities. However, the capacity of the junction is not improved over the existing roundabout and so queues, particularly on Blackness Rd, are not generally improved.
- 5.7.3 Figure 10 shows the AM link vehicle density plot for the Scenario 9b mitigated (Full Development demand). The queue triggered on Preston Rd is highlighted. Figure 11 shows the PM link vehicle density plot for the equivalent PM scenario. The queue on Preston Rd is less severe in this period but queues at Blackness Rd are worse than in the AM.



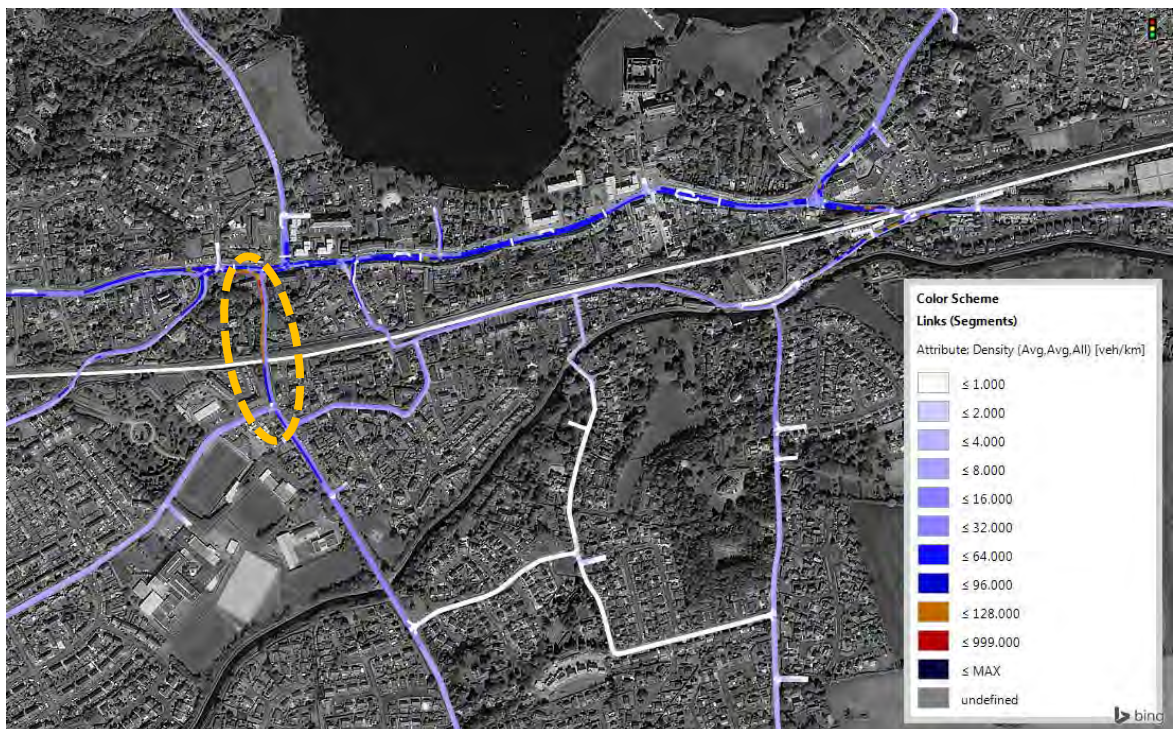


Figure 10. AM Scenario 9b mitigated



Figure 11. PM Scenario 9b mitigated

- 5.7.4 Network results show that the mitigated scenarios generally increase average delay over the unmitigated scenarios. This is a consequence of vehicles stopping at a new signalised junction and westbound vehicles on High St losing priority to development traffic on St Ninian's Rd.
- 5.7.5 The impact of the mitigation on delay in the WFS scenarios is however low. Despite increases in delay over the *unmitigated* Scenario 8a, the *mitigated* Scenario 8a (no



Bo'Ness with WFS) has lower average delay than the Base model in both AM and PM periods.

- 5.7.6 Scenario 9a mitigated (full development demand and WFS) also has lower delay than the Base model in the PM period.





MODELS	BASE AM	DO NOTHING AM	9B MITIGATED AM	8B MITIGATED AM	9A AM	8A AM	9A MITIGATED AM	8A MITIGATED AM
Description	<i>Base AM</i>	<i>Full DevDemand DoNothing</i>	<i>Full DevDemand Mitigated</i>	<i>NoBoness Mitigated</i>	<i>Full Dev Demand WFS</i>	<i>NoBoness WFS</i>	<i>Full DevDemand WFS Mitigated</i>	<i>NoBoness WFS Mitigated</i>
Average delay time per vehicle [s]	107	121	172	138	89	82	117	102
Average number of stops per vehicles	3	4	5	4	2	2	3	3
Average speed [mph]	16	14	13	15	17	17	16	17
Average stopped delay per vehicle [s]	51	58	92	70	41	38	60	52
Total Distance Travelled [km]	9,098	11,142	10,903	10,156	10,897	9,997	10,750	9,951
Total travel time [hrs]	347	451	509	424	409	366	429	375
Total delay time [hrs]	119	168	239	171	124	101	163	126
Number of Stops	12,381	17,795	22,997	16,253	12,308	10,118	15,853	12,359
Total stopped delay [hrs]	57	80	128	86	57	46	83	64
Number of vehicles in the network	286	426	509	364	359	319	361	303
Number of vehicles that have left the network	3,739	4,536	4,499	4,097	4,631	4,110	4,626	4,137
Demand Latent	0.8	0	4	1	0.4	0.6	0.4	0.6

Table 8. Key Performance Indicators AM period



SCENARIO	BASE PM	DO NOTHING PM	9B MITIGATED PM	8B MITIGATED PM	9A PM	8A PM	9A MITIGATED PM	8A MITIGATED PM
Description	<i>Base PM</i>	<i>FullDevDemand DoNothing</i>	<i>FullDevDemand Mitigated</i>	<i>NoBoness Mitigated</i>	<i>FullDevDemand WFS</i>	<i>NoBoness WFS</i>	<i>FullDevDemand WFS Mitigated</i>	<i>NoBoness WFS Mitigated</i>
Average delay time per vehicle [s]	168	183	206	178	149	132	158	149
Average number of stops per vehicles	5	5	5	4	4	4	4	4
Average speed [mph]	13	12	12	13	14	15	13	14
Average stopped delay per vehicle [s]	88	103	111	98	69	59	82	77
Total Distance Travelled [km]	10,341	12,889	12,659	12,064	12,239	11,570	12,072	11,381
Total travel time [hrs]	492	652	661	580	562	494	561	504
Total delay time [hrs]	218	290	327	258	238	191	251	215
Number of Stops	21,929	26,613	29,571	23,040	24,582	19,877	23,763	19,842
Total stopped delay [hrs]	114	164	175	142	111	85	130	111
Number of vehicles in the network	549	713	698	566	606	503	629	545
Number of vehicles that have left the network	4,118	5,006	5,006	4,642	5,140	4,712	5,092	4,652
Demand Latent	5	67	75	35	6	2	29	21

Table 9. Key Performance Indicators PM period

5.8 Journey Time Analysis

- 5.8.1 Figure 12 below provides an illustration of the journey time routes used in the analysis. These are the same routes as used in the Base model validation and results are presented for both directions on all routes. Routes are therefore designated NB (northbound), SB (southbound), EB (eastbound), WB (westbound), SW (southwest bound) or NE (northeast bound).

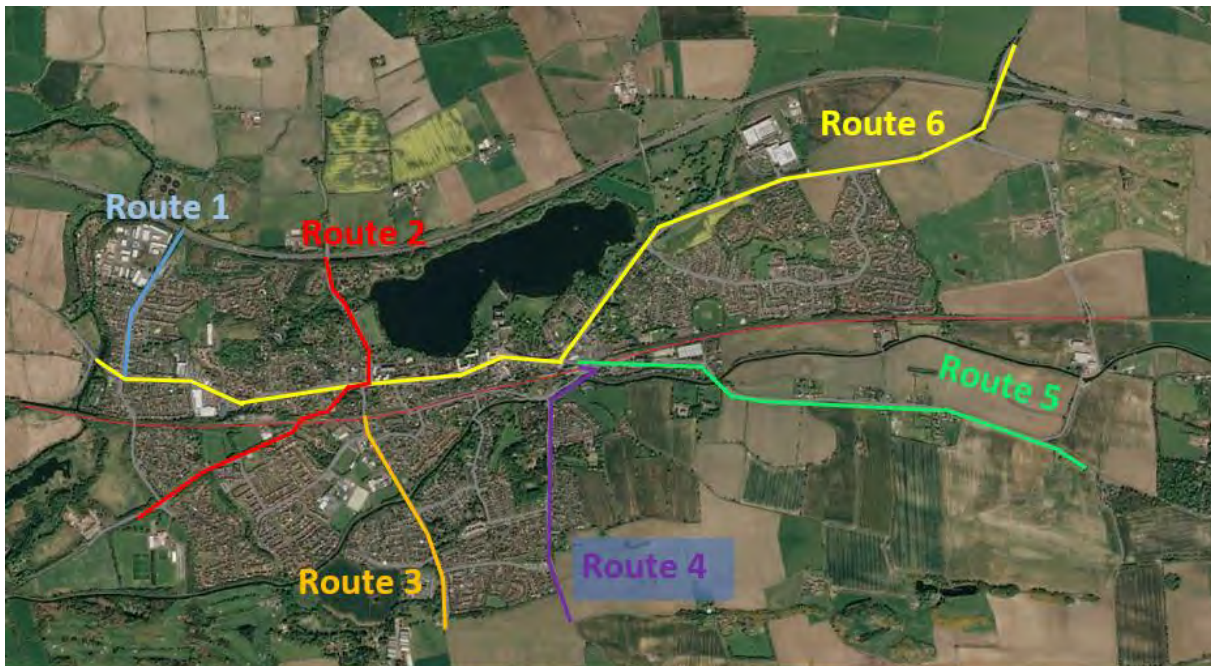


Figure 12. Journey Times Routes.

- 5.8.2 Table 10 (AM) and Table 11 (PM) below show the results for each journey time route for each scenario. The tables are presented as the change of each result from the equivalent Base model result. Results are also colour coded so that red = worse, yellow = no change, and green = better.
- 5.8.3 **AM Period**
- 5.8.4 The results for the **Do Nothing** scenario highlight that the largest issue is on St Ninian's Rd southbound where the journey time increases by 319s. This is due to the weight of development traffic using this road and the subsequent lack of capacity at the junction with High St, where right turning vehicles don't have sufficient gaps to make their turn. There are also significant increases on routes 4-NB, 5-WB, 6-SW and 6-NE of 40-70s. These are mostly caused by congestion at the Blackness Rd / High St / High Port roundabout.
- 5.8.5 Introducing network mitigation (**9b mitigated**) shows that the mini-roundabout at St Ninian's Road / High St substantially improves the travel time on route 2-SB (now just 6s worse than Base result). This is at the expense of travel times on Preston Rd northbound



(route 3-NB) where the weight of the now released development traffic causes 162s of additional delay. Routes 4-NB, 6-SW and 6-NE don't respond well to the introduction of traffic signals at Blackness Rd / High St, all showing additional delay, however route 5-WB does show a modest improvement.

- 5.8.6 Removing Bo'Ness traffic from the mitigated network (**8b mitigated**) results in substantial improvements to Route 3-NB and Route 6-SW and more modest improvements to Routes 5-WB and 6-NE.
- 5.8.7 The introduction of the WFS (**9a**) leads to improved results when compared to the Do Nothing scenario. Most journey times are very close to those of the Base model with the exception of Route 5-WB which increases by 75s due to delays approaching town on Back Station Rd.
- 5.8.8 The mitigated WFS scenarios (**9a mitigated and 8a mitigated**) show a similar pattern of results but with scenario 8a mitigated having several improvements as expected with the reduction of demand. The main change is around the Blackness Rd / High St junction where scenario 8a mitigated has lower journey times due to the signalised junction here now being able to operate within capacity.
- 5.8.9 **PM Period**
- 5.8.10 In the PM period, the **Do Nothing** scenario shows large increases in journey times on routes 1-SB, 2-SB and 5-WB. These are caused by the scale of development traffic approaching the High St and Main St on these routes. The improvement in travel time for Route 6-SW is due to reduced delays on the approach to Blackness Rd / High St roundabout and on the section approaching Linlithgow Bridge. In this scenario, the assignment attempts to avoid excessive congestion on the High St by routing eastbound traffic off High St and instead to the south via Royal Terrace. This results in less delay for traffic on Route 6-SW but causes severe delays elsewhere.
- 5.8.11 As in the AM period, introducing mitigation (**9b mitigated**) shows that the mini-roundabout at St Ninian's Road / High St substantially improves the travel time on route 2-SB (now running faster than the Base model). Preston Rd northbound (route 3-NB) shows a modest 27s of additional delay as a result of the extra development traffic now able to access the High St. Routes 5-WB, 6-SW and 6-NE don't respond well to the introduction of traffic signals at Blackness Rd / High St, all showing substantial additional delay. The travel time increase on route 1-SB is successfully mitigated by the optimisation of traffic signals at the Mill Rd / Main St junction.
- 5.8.12 Removing Bo'Ness traffic from the mitigated network (**8b mitigated**) results in substantial improvements to Routes 5-WB and 6-SW. The signalised junction at Blackness Rd / High St now operates better leading to lower delay (rather than over capacity as in the Do Nothing).
- 5.8.13 As in the AM period, the introduction of the WFS (**9a**) leads to improved results compared to the Do Nothing scenario. Some routes are, however, still subject to substantial increases in delay (2-SB, 5-WB, 6-SW at +60s or more over the Base result).



- 5.8.14 Removing the Bo’Ness development from the WFS scenario (**8a**) has a very positive impact on delays in the PM period. The majority of routes in this scenario are faster than the Base with only route 5-WB slower.
- 5.8.15 As in the AM period, the mitigated WFS scenarios (**9a mitigated and 8a mitigated**) show a similar pattern of results but Scenario 8a mitigated shows substantial improvements on route 6 in both directions. Scenario 8a does have a modest increase in travel time on route 3-NB on Preston Rd.





Route	Route Description	Distance (m)	Do Nothing (secs) AM		9b mitigated AM Full Dev Demand Mitigated (secs)		8b mitigated AM Dev Demand No Boness Mitigated (secs)		9a AM Full Dev Demand WFS(secs)		8a AM Dev Demand No Boness WFS (secs)		9a mitigated AM ALL DEMAND WFS Mitigated (secs)		8a mitigated AM No Boness WFS Mitigated (secs)		20.Full Dev Demand WFS Preston RT (secs)	
1-NB	Mill Road/Main	718.2	0%	0.0	-1%	-0.4	0%	-0.2	1%	0.6	1%	0.5	1%	0.4	0%	0.1	1%	0.3
1-SB	Mill Road (M9	716.52	9%	8.4	7%	6.2	8%	7.6	17%	15.7	17%	14.9	5%	4.1	4%	4.0	6%	5.3
2-NB	A706 / Kettlestoun	1897.84	7%	15.8	15%	33.7	12%	27.0	0%	-0.6	-3%	-6.0	8%	18.0	4%	9.2	2%	3.6
2-SB	St Ninian's Rd (M9	1897.79	128%	319.2	3%	6.3	-5%	-13.4	5%	13.5	-5%	-13.2	-7%	-16.6	-9%	-23.0	26%	63.6
3-NB	Preston Road ->	880.2	-1%	-1.0	109%	162.0	8%	11.4	-4%	-5.7	-4%	-6.2	33%	49.6	0%	0.7	-4%	-6.3
3-SB	Railway Bridge ->	880.2	0%	0.6	1%	1.2	0%	0.4	1%	1.6	1%	0.8	1%	0.9	0%	0.2	1%	1.0
4-NB	Manse Rd -> High	1186.54	37%	67.7	62%	113.3	60%	108.4	3%	4.6	2%	2.9	55%	100.0	33%	60.6	5%	9.9
4-SB	High Port -> Manse	1195.32	4%	6.9	11%	17.7	5%	7.7	2%	2.6	3%	5.4	10%	14.8	5%	7.5	2%	3.7
5-EB	High Port -> B9080	2313.16	-1%	-2.8	-1%	-1.5	-1%	-2.6	-1%	-2.5	-2%	-4.2	-2%	-3.7	-2%	-4.0	-2%	-3.3
5-WB	B9080 -> High Port	2311.93	17%	38.5	10%	23.0	15%	33.3	33%	75.0	26%	58.0	29%	65.8	11%	25.3	34%	75.1
6-SW	A803 / Springfield	4939.27	8%	51.0	30%	186.3	5%	29.0	0%	-0.6	-7%	-46.3	7%	46.0	-2%	-12.7	2%	12.1
6-NE	Linlithgow Bridge ->	4913.89	8%	46.9	15%	91.7	14%	88.7	3%	21.1	1%	3.8	6%	38.3	2%	15.0	5%	29.5
Total		23850.86	19%	551.0	22%	639.5	10%	297.1	4%	125.2	0%	10.5	11%	317.6	3%	82.8	7%	194.6
Average Speed (mph)			-16%		-18%		-9%		-4%		0%		-10%		-3%		-6%	

Table 10. AM Journey time summary with respect to the Base model



Route	Route Description	Distance (m)	Do Nothing (secs) PM		9b mitigated PM Full Dev Demand Mitigated(secs)		8b mitigated PM Dev Demand No Boness Mitigated (secs)		9a PM Full Dev Demand WFS (secs)		8a PM Dev Demand No Boness WFS (secs)		9a mitigated PM ALL DEMAND WFS Mitigated (secs)		8a mitigated PM No Boness WFS Mitigated (secs)	
1-NB	Mill Road/Main	718	1%	1.4	0%	0.3	0%	0.1	0%	-0.1	0%	0.2	0%	-0.1	0%	0.0
1-SB	Mill Road (M9)	717	257%	329.0	31%	40.0	19%	24.5	8%	10.8	5%	6.5	-3%	-3.6	-6%	-7.4
2-NB	A706 / Kettlestoun	1,898	5%	11.2	17%	38.6	11%	24.6	3%	7.8	2%	4.5	6%	13.9	4%	8.6
2-SB	St Ninian's Rd (M9)	1,898	57%	200.4	-26%	-91.9	-28%	-99.5	29%	100.3	-18%	-63.9	-27%	-93.7	-29%	-102.3
3-NB	Preston Road ->	880	1%	1.3	17%	27.1	3%	4.3	4%	6.4	2%	3.0	40%	61.6	67%	103.8
3-SB	Railway Bridge ->	880	6%	8.8	0%	0.7	1%	0.9	4%	5.9	4%	5.9	0%	0.1	0%	0.7
4-NB	Manse Rd -> High	1,187	11%	24.0	10%	22.3	-13%	-27.8	4%	9.0	-11%	-24.4	34%	74.6	30%	67.0
4-SB	High Port -> Manse	1,195	4%	6.3	13%	22.0	14%	23.8	2%	2.5	0%	0.4	13%	21.5	10%	16.9
5-EB	High Port -> B9080	2,313	-1%	-2.5	-5%	-10.2	-6%	-12.0	-1%	-1.6	-1%	-1.4	-3%	-6.2	-3%	-7.0
5-WB	B9080 -> High Port	2,312	36%	97.5	20%	54.1	2%	6.4	20%	53.9	14%	38.4	3%	7.0	1%	2.9
6-SW	A803 / Springfield	5,016	-16%	-135.6	19%	161.8	3%	29.9	7%	60.8	-4%	-37.2	7%	61.0	-5%	-47.1
6-NE	Linlithgow Bridge -	4,915	0%	-0.1	11%	74.2	7%	43.7	2%	14.3	-2%	-14.6	3%	20.5	-2%	-16.0
Total		23,929	15%	541.5	10%	339.1	1%	18.9	8%	269.9	-2%	-82.7	4%	156.6	1%	20.1
Average Speed (mph)			-13%		-9%		-1%		-7%		2%		-4%		-1%	

Table 11. PM Journey time summary with respect to the Base model

6. CONCLUSION

- 6.1.1 This note has provided details of the methodology used to assess various development and mitigation scenarios for Linlithgow using the Linlithgow Vissim Model (2018 base year).
- 6.1.2 Forecast matrices were developed from LDP housing and employment information for Linlithgow as well as from information for sites in Falkirk Council area (Bo’Ness). The effect of the proposed M9 J3 West Facing Slips was also modelled by amending trip origins / destinations for a catchment area towards the east of Linlithgow.
- 6.1.3 Several network mitigation measures were coded in response to issues evident in the Do Nothing scenarios. These included a mini-roundabout at St Ninian’s Rd / High St, a signalised junction at Blackness Rd / High St / High Port and signal optimisation at various other junctions.
- 6.1.4 The results of the modelling showed that the impact of development traffic on the Base network will be substantial with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian’s Rd southbound and all routes using the Blackness Rd / High St / High Port junction.
- 6.1.5 The proposed network mitigation on its own doesn’t allow the level of delay in the network to return to the same level as in the Base. The network mitigation does however allow the long queues on St Ninian’s Rd southbound to dramatically improve. However, this tends to have a knock-on impact to delays on High St and Preston Rd. The roundabout at the junction of High St / Mains Rd becomes a pinch-point (especially as capacity is further constrained by the signalised pedestrian crossing to the east). Further improving the capacity of this area may prove difficult given the competing traffic flows in peak hour traffic and the offset nature of the junctions.
- 6.1.6 The proposed WFS has the effect of removing a substantial amount of traffic from High St, therefore the scenarios including WFS show improvements in network performance over the Do Nothing scenario. These improvements are further enhanced when Bo’Ness development traffic is also removed from the network.



Appendix 1

New Development zones using the west facing slips M9J3 (AM peak)

Vissim Zones	Description	To WFS		From WFS	
		AM Light Vehicles	AM Heavy Vehicles	AM Light Vehicles	AM Heavy Vehicles
47	Boghall East	3	0	1	0
50	Claredon House 30 Manse Road	0	0	0	0
51	Wilcoxholm Farm / Pilgrims Hill	12	0	3	0
55	Land at Burghmuir, North of Blackness Road	2	0	3	0
	Total	17	0	7	0

New Development zones using the west facing slips M9J3 (PM peak)

Vissim Zones	Description	To WFS		From WFS	
		PM Light Vehicles	PM Heavy Vehicles	PM Light Vehicles	PM Heavy Vehicles
47	Boghall East	2	0	4	0
50	Claredon House 30 Manse Road	0	0	0	0
51	Wilcoxholm Farm / Pilgrims Hill	8	0	14	0
55	Land at Burghmuir, North of Blackness Road	10	0	2	0
	Total	20	0	20	0

Development Vissim zones above will be directly impacted by the introduction of the WFS. The trips that these zones were previously generating towards A803 west (Vissim zone 1) are now using the WFS zone instead (Vissim zones 56 out of the Network, and 57 into the Network). The total number of development trips relocated are 24 in the AM peak and 40 in the PM peak.



Existing Zones using the new west facing slips M9J3 (AM)

Vissim Zones	Description	To WFS		From WFS	
		AM Light Vehicles	AM Heavy Vehicles	AM Light Vehicles	AM Heavy Vehicles
3	A803 to/from Bo'ness	4	0	13	0
4	East Facing on-Slip road	0	0	8	0
5	East Facing off-Slip road	2	1	0	0
6	Kingsfield Golf & Leisure	3	0	0	0
7	Springfield Road	8	0	3	0
8	Oracle Campus	3	0	10	0
9	Grange View	3	0	3	0
10	Oracle Campus	6	0	10	0
11	Springfield Road	11	0	3	0
12	Barons Hill Avenue	10	0	3	0
13	Regent Centre	10	0	11	0
14	B9080	17	4	10	3
15	Clarendon Road	6	0	2	0
22	Linlithgow Station Parking East	4	0	2	0
37	Edinburgh Road	6	0	0	0
40	Linlithgow Station Parking West	2	0	2	0
	Total	95	5	80	3

Existing Zones using the new west facing slips M9J3 (PM)

Vissim Zones	Description	To WFS		From WFS	
		PM Light Vehicles	PM Heavy Vehicles	PM Light Vehicles	PM Heavy Vehicles
3	A803 to/from Bo'ness	8	0	23	0
4	East Facing on-Slip road	0	0	7	0
5	East Facing off-Slip road	8	1	0	0
6	Kingsfield Golf & Leisure	4	0	0	0
7	Springfield Road	6	0	5	0
8	Oracle Campus	2	0	15	0
9	Grange View	2	0	5	0
10	Oracle Campus	4	0	15	0
11	Springfield Road	8	0	5	0
12	Barons Hill Avenue	6	0	4	0
13	Regent Centre	7	0	11	0
14	B9080	10	3	19	0
15	Clarendon Road	3	0	1	0
22	Linlithgow Station Parking East	4	0	5	0
37	Edinburgh Road	16	0	0	0
40	Linlithgow Station Parking West	4	0	5	0
	Total	92	4	120	0



The existing trips above that were previously using the main street towards A803 west (Vissim zone 1) are now using the WFS instead (Vissim zones 56 out of the Network, and 57 into the Network), this includes trips to / from Bo'ness.

The methodology employed did not result in the generation of trips between the new Bo'ness housing allocation sites and the WFS. This is because no new trips for the housing sites were generated to / from Zone 1. Therefore no new trips were reallocated to the WFS.



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SG Developer Contributions Towards Transport Infrastructure

Approved by West Lothian Council Executive

DATE TO BE INSERTED IN DUE COURSE

Subsequently adopted as Supplementary Guidance (SG)

DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Planning, Civic Centre, Howden South Road, Livingston, EH54 6FF

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APPENDIX 2

SUPPLEMENTARY GUIDANCE (SG) DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE SUMMARY OF CONSULTATION REPRESENTATIONS WITH COUNCIL'S RESPONSES

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
Winchburgh Developments Limited Robin Matthew <i>PPCA Ltd</i>	The strategic transport improvements listed in paragraph 3.3 relevant to Winchburgh are noted and are contained within the planning permission in principle for the strategic expansion of the settlement.	<i>Noted.</i>
	Table 1 includes reference to a distributor road link to East Broxburn west of Faucheldean to Glendevon as part of the Winchburgh and East Broxburn CDAs. The northern section of this is included within the Winchburgh planning permission in principle boundary but its full delivery is dependent on the grant and implementation of planning permission for strategic residential development at East Broxburn.	<i>Noted. A planning application has been lodged with the council.</i>
	WDL notes reference to a land reservation for the Dalmeny (Almond) Chord project to the east of Winchburgh and confirms that discussions are ongoing with Network Rail over final delivery of rail infrastructure to serve an expanded Winchburgh. The masterplan reserves land for a station and park and ride at Winchburgh at this time.	<i>Noted.</i>

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	<p>WDL notes the need to provide access to and from the Union Canal and this is integrated into the planning permission in principle and associated approved masterplan. WDL has recently obtained matters specified in conditions consent and Scheduled Monument Consent for formation of a marina at Winchburgh with associated pedestrian access including footbridge access to the forthcoming Town Park on the site of the Claypit to the east. Further canal related activities will come forward in later applications associated with the growth of the settlement.</p>	<p><i>Noted.</i></p>
<p>Kirknewton Community Council Vic Garrad</p>	<p>The community council welcomes the opportunity to comment on the Supplementary Guidance (in so far as it relates to issues affecting the Kirknewton community council area) and is supportive of action to address the issue of developer contributions towards transport infrastructure as it is felt that insufficient consideration has previously been given to the negative impact of new development on existing roads infrastructure.</p>	<p><i>Noted. However, the potential impact new development may have on roads (and other infrastructure) is always taken into account when considering a proposal and any necessary remedial works or offsetting is routinely addressed through planning conditions and or developer obligations.</i></p>
	<p>With reference to SDP Policy 9 (Strategic Transport Improvements within the West Lothian Area) it notes and supports:</p> <ul style="list-style-type: none"> • undertakings to safeguard the A71 upgrade from Hermiston to East Calder and that this is also referenced in the LDP Action Programme; • proposals for a cycle route along the A71 from Lizzie Bryce to Wilkieston (but queries whether this will be protected in a segregated lane?); • a bus lane and bus priority at the A71 Kirknewton / East Calder Junction; 	<p><i>Support noted.</i></p>

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	<ul style="list-style-type: none"> • a new traffic light layout with Bus priority at the A71 / B7031 ; and • upgrading of the B7031 from the A71 to Kirknewton Railway Station. 	
	<p>With reference to Table 1- West Lothian Local Development Plan Transport Proposals, it notes and supports proposals for:</p> <ul style="list-style-type: none"> • an extension of the Edinburgh Tramline to Livingston (Proposal 36) • an extension to the National cycle Network across central West Lothian (Proposal 103) • a bypass relief road North of Wilkieston to B7030. (Proposal 88); and • housing allocation H-WI 1in Wilkieston. 	<i>Support noted.</i>
	<p>With regard to a financial contribution required to be made by the developer of the Calderwood residential site for a Park and Ride and bus interchange at Kirknewton Station (Proposal 31) it observes that there remain ongoing practical difficulties in securing satisfactory road access arrangements to the facility. It notes that the community council has previously suggested the formation of a new roundabout on the B7031 which it believes would provide for a much safer access and the opportunity is hereby taken to advocate and reinforce support for this approach.</p>	<i>Noted, and while the suggestions are constructive, it is ultimately for the developer to submit and agree with the council the practicalities of any access solution within the context of the approved permission. This Supplementary Guidance, coming after permission has been granted, would have no consequence or relevance in these circumstances.</i>
	<p>The community council remains of the view that Kirknewton Railway Station urgently requires a pedestrian bridge crossing and that the existing level crossing arrangements should be replaced with a bypass. The cumulative effect of</p>	<i>Comments noted but it is neither competent nor the purpose of this Supplementary Guidance to prescribe or retrospectively amend the scope of the works which development contributions are to fund. These are instead legitimate matters for the terms of</i>

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	so many unresolved issues relative to Kirknewton Railway Station give rise to ongoing safety concerns and is stressful for the local community.	<i>the relevant planning permission to address.</i>
	The community council has previously requested that new development should be required to provide for the widening of Park Terrace in order to address issues of traffic congestion and aid parking and it continues to press for this.	<i>Comments noted but it is neither competent nor the purpose of this Supplementary Guidance to prescribe or amend the scope of the works which development contributions are to fund. This is instead a legitimate matter for any future planning application to consider.</i>
	Reference is made to a recent grant of planning permission in principle for residential development at Wilkieston and it is suggested that this warrants an assessment to be undertaken of the cumulative impact of development on the alignment of what is described as a 'hazardous' road and a bridge.	<i>The proposals referenced were subjected to a technical appraisal by Transportation officials and were deemed to be generally satisfactory. While several conditional imposed on the consent were suggested by Transportation officials they related, in the main, to the provision of bus stops, shelters, footpaths and compliance with visibility splays. None of the conditions require remediation of the road alignment or works to the bridge and it would therefore not be competent to seek to have this Supplementary Guidance impose such additional requirements.</i>
	It is suggested that Kirknewton Village (and the approach roads in its vicinity) should be the subject of a major evaluation pending any further development and the community council would like to engage with the council on this.	<i>Request noted. Community engagement will be required to inform preparation of a new local development plan (LDP2) and would be undertaken during that process.</i>
Homes for Scotland Claire Pollock	Notes that the Supplementary Guidance is one of several pieces of draft guidance which seek financial contributions to fund infrastructure allied to new residential development and welcomes the opportunity to comment.	<i>Noted.</i>

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	<p>It is noted that the recently enacted Planning Act (2020) will ultimately remove supplementary guidance from the statutory development plan and it is asserted that this change was made in part to simplify the complexity of considerations which the development industry has to deal with. The respondent therefore considers it unfortunate that the council has chosen to set out its developer obligations in more than one document since this is held to be burdensome to navigate and makes it difficult to get an appreciation of the cumulative impact of contributions on the viability and deliverability of a development.</p>	<p><i>The council's approach to preparation of supplementary and planning guidance is set out in the adopted West Lothian Local Development Plan. The approach to separate out supplementary guidance by topic area has allowed the council to progress matters more readily than it might have had such guidance been set out in a single document. Scottish Government has raised no concerns with the council's approach.</i></p>
	<p>Generally, issue is taken with the costing of interventions, the methodology for apportioning the cost of contributions between different developments and consideration of the baseline users of new interventions.</p>	<p><i>Costing are taken from background studies commissioned by the council. Where final costs of projects are unknown the costs have been informed by technical knowledge and expertise within the council. Some costs are being fully funded only by developers and these are set out in the section 75 Agreements attached to planning permission for development, for example the Calderwood CDA. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance.</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>

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	<p>It is suggested that the level of developer contributions should be decided on a case by case basis albeit with adherence to Scottish Government planning policy (SPP), the five specific tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) and relevant case law (<i>Elsick</i> Supreme Court Judgement) all of which it is said reinforce the need for proportionality and make it clear that there must be a substantive relationship between a development and any contributions.</p>	<p><i>Equalising the contribution across all developments in the contribution zones identified is an appropriate and pragmatic approach to ensure compliance with policy INF 1 and satisfies the terms of Circular 3/2012 as contributions deal equitably with the cumulative impacts across the area within which the infrastructure is required.</i></p>
	<p>It is asserted that Section 75 Agreements and developer contributions were not intended to be used to cover all infrastructure and should not be used to address existing deficiencies.</p> <p>It is suggested that the benefits of new infrastructure to existing journeys is not clearly considered and that an element of cross subsidisation between house building and other uses is being sought and the council is invited to provide further explanation.</p>	<p><i>There are in many instances examples of Section 75 Agreements which have already been negotiated and concluded and which are serving to deliver infrastructure requirements.</i></p> <p><i>Both the SDP and the LDP allow for the phased provision of some infrastructure and this is quite legitimate and explicitly provided for in Circular 3/2012 – Planning Obligations and Good Neighbour Agreements. It states that ‘In developing planning obligations, consideration should be given to the economic viability of proposals and alternative solutions should be considered alongside options of phasing or staging payments’. It is therefore not considered necessary or appropriate to make the proposed revision.</i></p> <p><i>The developer contributions which are identified in the Supplementary Guidance are essentially the self- same contributions identified in the previous West Lothian Local Plan and, most pertinently, legitimised by the currently adopted West Lothian Local Development Plan. The Supplementary Guidance does not change the scope of contributions and so this criticism is (at best) misdirected.</i></p>

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		<i>There was/is no question that developers are being required to cover anything other than the legitimate and proportionate costs of the impact of their developments.</i>
	<p>The Supplementary Guidance is criticised for not setting out enough information to enable a judgement to be reached on whether the five tests of Circular 3/2012 have been met, i.e.</p> <ul style="list-style-type: none"> 1 - Necessity 2 - Planning Purpose 3 - Relationship to Proposed Development 4 - Scale and Kind 5 - Reasonableness <p>It is suggested that the approach to justifying the calculations in the Supplementary Guidance varies throughout the document, as do the methodologies for determining any contributions, and that these variations are inadequately explained.</p>	<p><i>The council considers that such contributions meet the terms of Circular 3/2012 and would have expected this requirement to have been 'struck down' by Reporters in the course of the LDP enquiry had there been any suggestion of it not being justified or legitimate. However, In the Report of Examination on the LDP (Schedule 4, Issue F) the Reporter remarked that he did not consider there to be an unreasonable reliance upon developers to address infrastructure needs.</i></p> <p><i>The developer contributions which are identified in the Supplementary Guidance and methodology are essentially the self-same contributions identified in the previous West Lothian Local Plan and, most pertinently, legitimised by the currently adopted West Lothian Local Development Plan. The Supplementary Guidance does not change the scope of contributions and so this criticism is (at best) misdirected.</i></p>
	<p><u>Costing of Contributions</u></p> <p>It is observed that the cost of developer contributions can adversely impact on the viability of developments, particularly for small to medium home builders, and that it is therefore important for their justification to be made clear and their implications for a development to be fully understood.</p>	<p><i>Noted. Options for phasing or staging of payments can be considered where developers can demonstrate to the council's satisfaction that the cost of developer contributions will adversely impact on the viability of developments. This approach is set out in policy INF1 of the Local Development Plan and is referenced in paragraph 7.8 of the Supplementary Guidance.</i></p>

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	<p>It is suggested that the Supplementary Guidance lacks sufficient detailed justification in the costing of the proposed transport infrastructure contributions. Specifically, it is unclear how the methodology for calculating contributions has been reached as the presentation of the costing of different interventions varies throughout the document.</p>	<p><i>Costing are taken from background studies commissioned by the council. Where final costs of projects are unknown the costs have been informed by technical knowledge and expertise within the council. Some costs are being fully funded only by developers and these are set out in the section 75 Agreements attached to planning permission for development, for example the Calderwood CDA. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance.</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>
	<p>By way of illustration it is noted that while a breakdown of costs is provided for the A801 upgrade to dual carriageway from the M8 to Boghead Roundabout, only a single figure is provided for the new M9 slip roads. Furthermore, none of the interventions for either project explain how the cost has been derived, i.e. whether this is based on a detailed worked up scheme or a preliminary estimate. In order to demonstrate that the sum sought is necessary and reasonable and complies with the five policy tests, the council is invited to provide additional information.</p>	<p><i>Annexe A to the draft supplementary guidance provides a breakdown of costs for the transport mitigation measures required for Linlithgow; the Annexe further sets out how the costs have been derived.</i></p>

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	<p>For the prospective infrastructure interventions more clarity on what alternative solutions (if any) have been considered and justification for the chosen solution should be set out in the Supplementary Guidance. It may be that more cost-effective solutions are available and these should have been explored.</p>	<p><i>The interventions set out in the Supplementary Guidance have been considered through the LDP Examination process. A 'Schedule 4' (Issue 1F) dealing with the subject of developer contributions, infrastructure and Policy INF1 "Infrastructure Provision and Developer Obligations was prepared at the time of the LDP Examination and provides relevant and helpful context.</i></p>
	<p>SPP seeks the efficient use of infrastructure (para. 29) and so, interventions to existing infrastructure should be considered in the first instance. The process is necessary to ensure that the interventions sought are reasonable in the terms of the Circular and consistent with SPP.</p>	<p><i>Noted.</i></p>
	<p><u>Methodology for Apportioning Costs</u></p> <p>It is argued that the methodology for apportioning costs between developments and different uses is inconsistent. It is not explained why home builder contributions for infrastructure improvements on the A801 are sought based on a trip rate but that all other transport infrastructure contributions for home builders is sought on a per home basis.</p>	<p><i>Costing are taken from background studies commissioned by the council. Where final costs of projects are unknown the costs have been informed by technical knowledge and expertise within the council. Some costs are being fully funded only by developers and these are set out in the section 75 Agreements attached to planning permission for development, for example the Calderwood CDA. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance.</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>

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		<p><i>Where it is possible to use a roof tax rather than a trip rate then this would be the preferred solution as it gives developers a clear cost of expected infrastructure required to permit their development. A trip rate requires the developer to determine how many of the anticipated vehicles from their site will access the road section/junction before a cost can be given. There are times when a mix of commercial and housing is required. In such circumstances a roof rate is inappropriate and the use of a trip rate is more appropriate.</i></p>
	<p>Similarly, it is unclear why contributions from employment (Class 4, 5 & 6) sites are sought in relation to the A801 but are not sought in relation to the M9 slips despite them being included in the transport model.</p>	<p><i>Paragraph 5.61 of the draft Supplementary Guidance sets out the council's justification regarding contributions towards the M9 slips from employment sites. Contributions from employment sites have not been excluded. The council's position is that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Should such sites come forward for development a contribution rate would be levied based upon trips generated. Any overpayment arising as a result would be refunded.</i></p>
	<p>It is noted that an earlier version of the Draft Transport Guidance did originally include the Linlithgow employment sites in the apportioning of the M9 slips project cost. At that time contributions were proposed to be £10,749.63 per residential unit and £5,198.87 per 100sqm of employment space in this draft. However in a report to the Development and Transport Policy Development and Scrutiny Panel on 5 November 2019 the following explanation was given:</p> <p>“Taking these projects into account (total cost £473,000) and adding this to the cost of the new slip roads on junction 3 of the M9 (estimated at £6.5 million to £10.5 million) brings a</p>	<p><i>The earlier version of the Supplementary Guidance which was reported to the council's Development and Transport Policy Development and Scrutiny Panel on 3 September 2019 had omitted reference to requirements for transport management measures within Linlithgow town centre, namely at the High Street/Blackness Road/High Port junction and the St Ninian's Road/High Street junction. Costings for these transport interventions are set out in Annexe A to the Supplementary Guidance and have remained constant. These are required in addition to the provision of the new west facing slip roads at junction 3 of the M9.</i></p>

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	<p>total infrastructure cost of £8,973,000. This increases the proposed developer contribution rate to £15,938 as a result. Sites anticipated to contribute are set out in section 5 of the draft Supplementary Guidance,” (p. 3)</p> <p>This provides an incomplete explanation of the changes. The global Linlithgow infrastructure contributions increased from £8,500,000 in the September iteration of the draft Guidance to £8,973,000 in the November iteration of the consultation draft. This is an increase of 6%. This clearly doesn’t explain a 48% increase in the cost per residential unit. The reason for this change is that employment sites have been excluded from contributing, and it is of great concern that the reason for this was not set out in the Report to the Panel.</p> <p>The issue is instead addressed indirectly with the addition of para. 5.61 of the Guidance which states;</p> <p>“Although the employment sites set out in Table 13 are also likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Employment land allocations at Mill Road (sites E-LI 1 and E-LI 2) are largely built out; site E-LI 3 remains largely undeveloped. Should such sites come forward for development a contribution rate would be levied based upon trips generated.”</p> <p>It is argued that this paragraph does not adequately explain the change in approach and that it is unclear whether it is implying that between September and November the market changed to such an extent that such development was no longer likely to come forward. This is considered unlikely.</p>	<p><i>Contributions from employment sites have not been excluded. The council’s position is that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. This is set out in the Supplementary Guidance and the covering report to the Development and Transport Policy Development and Scrutiny Panel of 5 November 2019. Should such sites come forward for development a contribution rate would be levied based upon trips generated. A full refund of the amount overpaid would be made by the council.</i></p>
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	<p>In light of development being completed on the former sites the respondent queries why it would not be forthcoming on site E-LI 3. It is argued that the site has been included in the LDP then it should be able to be developable in much the same way as a housing site. It is concluded that there is no justification for excluding employment sites, particularly as they are factored in for other contributions.</p>	
	<p>The explanation provided in paragraph 5.61 that should the employment sites come forward a contribution rate would be levied based upon trips generated raises further questions given that the residential contributions are per unit.</p> <p>Firstly, this would result in over payment of contributions which would necessitate the return of some contributions.</p> <p>Secondly, it is inconsistent with the charging of contributions per residential unit. This is held to be an unreasonable approach requiring housing development to fund the entirety of infrastructure interventions regardless of the proportion of trips associated with the development using the infrastructure, while other uses just pay based on their share of the trips. This is methodologically inconsistent and is dealt with further below.</p>	<p><i>Employment sites within the town have been largely built out. This, in addition to consideration of the take up of employment sites in the past make it unlikely that developer contributions would be forthcoming from employment land allocations within the town. However, the council would apply a contribution rate should such sites come forward for development. Where housing use is proposed on any current employment land allocation in the town, the contribution rate would be that set out for residential development. A full refund of the amount overpaid would be made..</i></p> <p><i>Developer contributions are required to pay for infrastructure improvements where it is shown that the development causes an overcapacity issue. For road traffic effects this equates to the increase in the number of trips. However, the easier way to work out the same contribution is where all developments have an impact the total cost of the infrastructure improvement is divided by the new number of housing units giving a roof rate.</i></p>
	<p><u>Linlithgow Mitigation Package and Modelling Report</u></p> <p>The respondent has significant concerns with regard to the Linlithgow mitigation package and the modelling report it is based on.</p> <p>The modelling report makes reference to development sites</p>	<p><i>Due to Falkirk Council LDP2 identifying possible housing sites on the outskirts of Bo'ness it was considered that there may be impacts in Linlithgow from these sites. The assessment identifies limited impact in Linlithgow from these sites with the exception from the site down St Ninians Road. Representations will be made at the appropriate time in the process.</i></p>

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	<p>within Bo'ness which is <u>within Falkirk Council's administrative area</u>. Where these sites have been included in the modelling report as having an impact on the Linlithgow town centre, these trips form part of the identification of mitigation measures, for example at St. Ninian's Road south bound. The majority of the trips originate from Bo'ness as Datashine: commute advises. It is argued that it is highly unlikely that development in the west, south or east of Linlithgow would route north to Bo'ness to then access the town centre via St. Ninian's. However, there is concern that there is no mechanism to gather contributions from development in the Falkirk Council administrative area and there is no clear link between allocated development in Linlithgow and this intervention.</p> <p>Further, one of the modelling scenarios simply removes Bo'ness generated traffic from the model and this is cited to have generated improvements in Linlithgow town centre traffic flow. Unless there is a proposal to close all roads from Bo'ness to Linlithgow, it is not realistic to simply exclude Bo'ness generated traffic from the model. It is concluded that all such scenarios should be removed.</p>	<p><i>The anticipated extra volume of traffic on High Street past the St Ninian's junction due to the development sites will require a junction improvement. Rather than just one site having to provide the improvement as it causes the capacity failure it is appropriate that all developments in the Linlithgow area collectively contribute to an appropriate junction design.</i></p> <p><i>The modelling scenarios were looking at all options. At this stage it cannot be guaranteed how many sites in the Falkirk Council area will come forward for development, therefore if no sites were considered the effect on Linlithgow alongside proposed development sites in the West Lothian Council area, approved through the LDP process would be unknown.</i></p>
	<p>With regard to the new M9 slips, it is claimed that the proposed west facing slips would significantly reduce traffic from the town centre but this is not evidenced in the modelling report. Appendix 1 suggests that in the AM peak, 207 trips are rerouted to/from the west facing slips and only 24 of these are from new development sites. 207 trips over one hour equates to 3.45 trips every minute and for development traffic it equates to just 0.4 trips per minute. This is regarded as wholly insignificant.</p> <p>For the PM peak, 40 development related trips are</p>	<p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue in Linlithgow with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p>

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	<p>anticipated to reroute to the new slips, with 216 trips from existing areas rerouting in addition. Again, these impacts are regarded as inconsequential. It is clear that the vast majority of these rerouted trips are from existing areas and the impact of new development is negligible.</p> <p>It is noted that table 7 shows a total of 6,284 network trips in the AM peak period and rerouting 207 of also equates to just 3%. This is similarly negligible and imperceptible on a network trip.</p>	<p><i>The council is content that if new housing developments within the town all contribute towards the westbound slips at Junction 3 then the new trips from the developments will replace the diverted trips from east side of the town.</i></p>
	<p>Further concerns with the modelling report are identified in paragraph 1.16, second bullet point which states;</p> <p>“A common-sense approach will be undertaken to enable traffic only associated with certain zones to be allowed to use the new junction setup, for example, it is anticipated that development traffic located to the west of Linlithgow will not route through the town centre to access the westbound on-slips to travel west.”</p>	<p><i>See comments above.</i></p>
	<p>The respondent is in agreement with the above and therefore questions the existence of any meaningful relationship between these development sites and the need for the new slips and the legitimacy of having to contribute to them. It is concluded that such a relationship does not exist.</p>	<p><i>It is the council's position that modelling work undertaken to inform the approach to Linlithgow establishes the relationship between proposed development sites and the need for contributions towards the new slips and that developers of those sites set out in the Supplementary Guidance will require to make contributions.</i></p> <p><i>The relationship between development sites and the new slips are that traffic on the east side of the town that is going or coming from Falkirk, Stirling and beyond will not have to travel through the town to access the motorway at Junction 4. This traffic reduction will be replaced with traffic from the new developments to the west side of the town who are travelling to</i></p>

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		<i>or from Edinburgh direction therefore keeping about the same overall amount of traffic through the High Street.</i>
	<p>Additional concerns are raised with regard to Tables 10 and 11 in so far as they indicate that the mitigation package does not provide any tangible benefit to town centre traffic flow. Scenario 9a (using the AM peak as an example) demonstrates a negative situation compared to the 'Do Nothing' approach at:</p> <p>1-NB Mill Road; 2-NB A706 Kettlestoun; 3-NB Preston Road; 3-SB Railway Bridge; 4-NB Manse Road; 4-SB High Port; 5-WB B9080;</p> <p>The only significant improvement is noticed at 2-SB St Ninian's. This benefits traffic flow generated from north of Linlithgow and Bo'ness and is not related to allocated sites in the LDP. This action could also be undertaken independently of the new slips and generate an improvement at that junction.</p> <p>As the modelling shows there is a general worsening of traffic and increase in delay, there is no tangible benefits from the delivery of the proposed package of measures.</p>	<p><i>The traffic modelling shows that in the do nothing situation the increase in traffic flow from the developments causes long queues on St Ninian's Road. However, the option solution tested shows that although the queue on St Ninian's Road has gone there are delay's to High Street traffic. When comparing the overall time delay between the two options there is no discernible saving for the possible improvement.</i></p> <p><i>It will be for the council to consider what its priorities are for traffic flow and movement throughout the town and to decide what improvements are best suited. If contributions are taken from developers and subsequently not carried out then they would be refunded as part of the Section 75 terms of agreement.</i></p>

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	<p>It is argued that there is no evidence within either the draft Supplementary Guidance or the modelling report that provides a demonstrable and tangible link between development in Linlithgow and this package of transport interventions.</p>	<p><i>It is the council's position that modelling work undertaken to inform the approach to Linlithgow establishes the relationship between proposed development sites and the need for contributions towards the new slips and that developers of those sites set out in the Supplementary Guidance will require to make contributions.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p>
	<p>It is observed that the north side (eastbound) slip lies within the Falkirk Council administrative area and that Falkirk Council has no plans to prepare any guidance seeking contributions towards the new west facing slips at Junction 3 on the M9. It is therefore unclear why the entire cost should be burdened by development in Linlithgow, particularly given the lack of evidence within the consultation package.</p> <p>Indeed, the draft Supplementary Guidance notes:</p> <p>"Traffic levels through the town are below saturation levels however additional factors regarding inappropriate parking, loading and unloading to businesses and buses stopping creating tailbacks are not helping vehicle movement."</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the</i></p>

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	<p>This underscores the fact that there is existing capacity in the town centre. It also suggests that other measures, such as proper enforcement of car parking and loading, may greatly assist vehicle movements. The modelling report simply demonstrates that the package of measures being sought leads to overall detriment.</p>	<p><i>Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p> <p><i>Whilst enforcement of car parking and loading restrictions may assist with vehicle movements in the town, the additional development proposed by the new development allocations will add to traffic levels in the town. The provision of the west facing slip roads on the M9 at junction 3 will provide for some of this traffic to be diverted out of the town, easing congestion and improving air quality within the town.</i></p>
	<p>The Supplementary Guidance is criticised for having failed to demonstrate how/if the methodology used has taken into consideration obligations sought for the West Facing Slips on the M9 by Falkirk Council also.</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p>

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	<p>It is noted that the West Facing Slips are identified in both the West Lothian LDP and Falkirk Council LDP as an infrastructure proposal. However, as West Lothian Council are seeking to collect 100% of the costs for the WFS the supplementary guidance suggests there has been a lack of collaborative working between the local authorities and this is resulted in flawed methodology for calculating developer obligations of the WFS and is in direct opposition with policy test No 4 of Circular 3/2012.</p> <p>It is therefore recommended that the obligations being sought by West Lothian Council for WFS is reconsidered through collaboratively working with Falkirk Council to establish developer contributions/obligations which are compliant with the tests of Circular 3/201.</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p>

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	<p>The inconsistencies which have been identified are significant and call into question whether the contributions sought are fairly and reasonably related to the development. The absence of explanation and evidence has precluded meaningful consultation on this matter. These significant issues should be addressed, and it is proposed that the Guidance should be re-consulted on.</p>	<p><i>Additional modelling work undertaken by independent consultants to inform the Supplementary Guidance and developer contribution rates to be applied has demonstrated that the level of contributions sought are fair and justified.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p>
	<p><u>Existing Users</u></p> <p>The approach taken to existing users is inconsistent and varies throughout the Supplementary Guidance.</p>	<p><i>Costing are taken from background studies commissioned by the council. Where final costs of projects are unknown the costs have been informed by technical knowledge and expertise within the council. Some costs are being fully funded only by developers and these are set out in the section 75 Agreements attached to planning permission for development, for example the Calderwood CDA. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>

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	<p>For the A71 existing users (“base traffic”) are accounted for in the apportioning of the costs. However, for much of the other infrastructure sought it is not clearly set out how many users of the infrastructure will be from existing properties and how many will be from allocations which do not yet have consent. It is considered essential that these considerations are set out for each sum sought. New developments should only mitigate any impact they are directly responsible for. It would be unreasonable for new developments to pay for all infrastructure when many users, potentially a substantial majority, will be existing residents. This would be contrary to the tests in Circular 3/2012 which requires a direct relationship between the intervention and proposed development and for the obligation sought to fairly and reasonably relate in scale and kind to the proposed development.</p>	<p><i>The delivery of allocations impacting on the A71 is predicated on the need for developer contributions. The relationship between the intervention and the proposed development has been demonstrated in background studies on the A71 and in the submissions attached to development proposals at Calderwood. Some costs associated with the A71 are being fully funded only by the Calderwood developers and these are set out in the section 75 Agreements attached to planning permission for development. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance.</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>
	<p>It is requested that the Supplementary Guidance is amended to make clear for each infrastructure intervention what share of end users are expected to be from new development and that this should be robustly justified. The obligations sought from developers should also reflect this split.</p>	<p><i>At any masterplan assessment transportation studies are carried out as per Scottish Government guidance on Transportation Assessment 2018 which uses existing traffic levels as a base and when development traffic is added any overcapacity of the network solutions is required to be funded from the developments that are causing the traffic increase. All funding requirements listed in the Supplementary Guidance are required to be developer funded.</i></p>

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	<p><u>Other Matters</u></p> <p>The requirement for developers to contribute to the cost of preparing legal agreements (paragraph 6.2) over and above planning fees is challenged.</p>	<p><i>Section 27 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, supplementary guidance may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan, and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance. After further consideration, it is concluded that the inclusion of a reference to legal fees does not sufficiently satisfy these requirements.</i></p> <p><i>The practicalities are that in any legal transaction, the payment of legal fees is negotiated and agreed by the parties. Usually where the transaction is for the particular benefit of one party, that party pays the fees for both parties. If the transaction is equally beneficial, each party pays its own fees. The council will continue to proceed on the basis that a Section 75 agreement is primarily for the benefit of the developer and the council will continue to charge what is, in fact, a very reasonable fee based on the complexity of the transaction.</i></p>
	<p>A fee of £20 per dwelling (identified in Table 14) is queried as lacking proper explanation. Further contributions in addition to the Sustainable Travel Information / Plan, which are provided at the developers expense is considered unreasonable and does not comply with Section 75 of the Act or Circular 3/2012. It is therefore proposed that this requirement is removed from the Supplementary Guidance.</p>	<p><i>As there is no policy hook in the LDP which specifically requires travel plan co-ordinator contributions to be secured through planning obligations, it is proposed to remove from the Supplementary Guidance the requirement for developer contributions in this regard. Travel Plans will, however, still require to be submitted with planning applications for all significant travel generating developments, as encouraged by SPP, and these would be appraised in the normal course of determining planning applications.</i></p>

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	<p>Paragraph 5.7 states that;</p> <p>“In the event that the CDA developers make contributions in advance of the final costs being known, these developers shall be entitled to a part refund from the council of any overpayment made”.</p> <p>It is however proposed that this statement should be amended to be more explicit in that any overpayment will be <u>refunded in full</u> as it is concluded that any deduction would be unreasonable. The following revised text is suggested;</p> <p>“In the event that the CDA developers make contributions in advance of the final costs being known, these developers shall be entitled to a full part refund from the council of any overpayment made”</p>	<p><i>Paragraph 5.7 will be amended to read:</i></p> <p><i>In the event that the CDA developers make contributions in advance of the final costs being known, these developers shall be entitled to a part <u>full</u> refund from the council of any overpayment made.</i></p>
<p>Wallace Land Stuart Shaw</p>	<p>The respondents agree with the summary of the legislative background and with the primacy given to Circular 3/2012 which states that planning authorities should promote obligations in strict compliance with the policy tests set out therein.</p>	<p><i>Noted.</i></p>
	<p>Generally, the respondents welcome the council bringing forward Supplementary Guidance on this issue and that an indication of costs is sought to be provided on a £/unit basis towards specifically identified transport infrastructure requirements.</p> <p>It is however suggested that there is inconsistencies with regard to the methodologies that have been used to reach</p>	<p><i>Support noted.</i></p> <p><i>Costing are taken from background studies commissioned by the council. Where final costs of projects are unknown the costs have been informed by technical knowledge and expertise within the council. Some costs are being fully funded only by developers and</i></p>

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	<p>the figures for each different transport infrastructure requirement.</p>	<p><i>these are set out in the section 75 Agreements attached to planning permission for development, for example the Calderwood CDA. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Methodology for calculating the developer contribution rate for each transport infrastructure project is set out in the Supplementary Guidance.</i></p> <p><i>In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to full refund from the council of the amount overpaid. This is set out in the Supplementary Guidance.</i></p>
	<p><u>M9 Junction 3 and Linlithgow</u></p> <p>While supporting the council's ambition to deliver this infrastructure to mitigate recognised existing traffic congestion and associated air quality concerns on Linlithgow High Street and Blackness Road, as well as to ensure that new development can be accommodated on the transport network, it is suggested that the council have nevertheless erred in their approach to the developer contributions towards the west facing slips (WFS) at M9 J3 in Linlithgow.</p>	<p><i>The council does not accept this statement. The council's approach to Linlithgow has been informed by transport modelling work carried out on behalf of the council by SYSTRA.</i></p>
	<p>The respondents advise that they control all of the land required to deliver the WFS at Junction 3 on the M9 and will therefore require to be 'on board' with any arrangements for the delivery of this important piece of strategic transport infrastructure.</p>	<p><i>Noted. As a trunk road engagement with Transport Scotland would be required. Compulsory Purchase powers could be pursued to acquire land required to facilitate delivery of the west facing slips at Linlithgow.</i></p>

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	<p>It is noted that the estimated cost of delivering the WFS is £8.5m but that this figure is a mid-range average of estimates and that there is a significant margin for error. More detailed work requires to be done to refine this figure and, as a consequence, the Supplementary Guidance suggests that if the total cost were to change the council would either refund or apply higher contributions retrospectively.</p> <p>The respondents are however of the view that it would not be competent for the council to levy a higher charge that was at variance with the terms of a Section 75 Agreement and it seeks to have this sentence deleted from the guidance.</p>	<p><i>More detailed work can only be done once full feasibility study has been undertaken and designs agreed.</i></p> <p><i>The appropriate wording will be included in any section 75 agreement between individual developers and the council.</i></p>
	<p>In any event, the respondent suggests that the council should produce more definitive estimates to better inform costs in this Supplementary Guidance. By way of example, it references East Lothian Council's (ELC) transport appraisal prepared for their Developer Contributions Supplementary Guidance and advocates a similar approach to assist with cost estimations. It is particularly critical that potentially crucial information relating to the presence or otherwise of utilities was not provided to SYSTRA to produce a more reliable cost estimate and requests that this is investigated further with a view to modifying the Supplementary Guidance.</p>	<p><i>The council has chosen to take the approach shown in the Supplementary Guidance as a way of informing the developers of infrastructure costs. The council accepts that estimations at this stage are not detailed but this approach gives certainty to the developers of costs upfront. If there is an over payment then as written in the section 75 full repayments will be given.</i></p>
	<p>The respondents do not agree with the conclusion that the proposed allocations in Linlithgow should be responsible for <u>100%</u> of the transport infrastructure costs.</p> <p>Annex 1 to the Supplementary Guidance confirms there are already existing traffic issues in Linlithgow centre and shows that new allocations will only contribute 13.9% of total trips</p>	<p><i>To enable development to proceed in Linlithgow the LDP makes it clear that issues such as air quality in Linlithgow High Street require to be addressed and that further development which generates additional traffic in Linlithgow High Street and Low Port can be expected to worsen air quality. The problems are principally associated with high volumes of stop start traffic in the High Street, which in most cases has no alternative practical</i></p>

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	<p>on the WFS. It is argued that it is unreasonable for developers to be required to provide mitigation for existing issues where these are not related to their own development and that such a requirement is judged not to meet Test No 4 of Circular 3/2012 because the proposed contributions do not reasonably relate to the scale of the development.</p> <p>The guidance should instead be amended so that Linlithgow allocations and windfall development only pay their proportionate share.</p> <p>Referencing the East Lothian Council Supplementary Guidance once again, it is noted that only 38% of funding for their identified transport schemes comes from developer contributions with the balance being sourced from Council budgets, central Government, and the City Deal.</p>	<p><i>east– west route and that further development which generates additional traffic in Linlithgow High Street and Low Port can be expected to worsen air quality. Provision of the new slip roads on the M9 will help to address this whilst also allowing for new development to proceed.</i></p> <p><i>Equalising the contribution across all developments in the contribution zone identified is an appropriate and pragmatic approach to ensure compliance with policy INF 1 and satisfies the terms of Circular 3/2012 as contributions deal equitably with the cumulative impacts across the area within which the infrastructure is required.</i></p> <p><i>The infrastructure proposals set out in the Supplementary Guidance are all required to accommodate the level of development set out in the adopted LDP therefore in relation to Circular 3/2012 they meet the test. How other councils wish to consider infrastructure requirements and the approach they take is a matter for them to decide upon.</i></p>
	<p>The respondents observe that the previous West Lothian Local Plan safeguarded land for WFS at Junction 3 of the M9 and are critical of the council for seeking to burden allocations in the 2018 LDP to pay 100% of the cost when there has evidently been an existing need for at least 9 years.</p>	<p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council’s requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and</i></p>

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		<i>interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council's position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i>
	<p>It is noted that Annex 1 of the Supplementary Guidance indicates that traffic from Bo'ness has a substantial impact on the road network in Linlithgow and, as a consequence, will also contribute to the use made of new WFS.</p> <p>Moreover, both Falkirk Council's existing LDP (2015) and current Proposed Plan identify the WFS as a specific infrastructure proposal. Their existing Action Programme 2017 indicates a timescale for implementation being between 2020 and 2024 and states that Falkirk Council intends to secure development contributions to achieve this. This being the case it is suggested that WLC cannot legitimately seek to fund the project by levying a 100% contribution on West Lothian developers when a neighbouring authority are concurrently charging for the same works.</p> <p>The respondents are also critical of the fact that there appears to have been no attempt by either local authority to work collaboratively and with Transport Scotland and other stakeholders. It suggests that this has resulted in guidance that is disjointed at best and in all likelihood, unlawful when considered in the context of Circular 3/2012</p> <p>The council is taken to task for having made representations on a recent planning application in the Falkirk Council area to the effect that the developer made a per unit contribution of</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p> <p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council's requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p>

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	£15,000 toward the WFS and thereby explicitly recognising that there is there is a consequential impact from development relating to the need while at the same time not recognising and factoring such contributions into the Supplementary Guidance.	
	<p>The respondents are aggrieved that as a result of what is perceived to be unclear and flawed estimates of both the total cost and cost distribution for the WFS, each allocation not yet under construction is due to pay £15,938 per unit. As a consequence new housing allocations in Linlithgow are carrying a disproportionate burden of the cost of infrastructure and this has the potential to compromise the delivery of the LDP. The council is therefore urged to ensure that the Supplementary Guidance is amended so that it fairly and reasonably relates to proposed and windfall development.</p>	<p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council's position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i></p> <p><i>Final costs can only be established once a final design scheme is agreed. A full refund of the amount overpaid would be made..</i></p>
	<p>Whilst recognising that it is perhaps not directly pertinent to the drafting of this Supplementary Guidance, it is suggested that the Council should consider (at the time of the next LDP) making further effective housing allocations in Linlithgow which would help reduce the 'per unit' cost of this infrastructure.</p>	<p><i>The scale of development proposed at Linlithgow is linked to education provision; namely capacity at Linlithgow Academy and the delivery of new education provision at Winchburgh. Further housing allocations at Linlithgow could be considered as part of preparation of LDP2. Windfall sites may come forward in the interim however these would be considered in the wider policy context set out in the LDP.</i></p>

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	<p>As noted previously, Wallace Land control all of the land required to deliver the WFS at Junction 3 on the M9 and suggest that this should be recognised as a ‘contribution in kind’ in the event that they were to develop housing in Linlithgow.</p>	<p><i>The LDP does not propose development within the area of land controlled by Wallace Land other than setting out support for the provision of the westbound slips at M9 junction 3 (P-44), coach park & ride (P-45) and a cycle route (P-108). Paragraph 34 of the LDP advises that land at Burghmuir, Linlithgow will be considered for high amenity strategic employment use should such demand arise over the plan period and no other suitable site within West Lothian can be identified or is available for development. Should this proposal come forward consideration could be given to a “contribution in kind”. Ultimately, however the council and Transport Scotland can use compulsory purchase powers to acquire the land needed to deliver the west facing slips.</i></p>
	<p>Finally, the respondent has identified two erroneous references to Scottish Government Circular in the Supplementary Guidance, pointing out that Circular 1/2010 at paragraph 5.35 and 5.62 should be amended to Circular 3/2012, which replaces and revokes Circular 1/2010 and the Annex to Circular 1/2010.</p>	<p><i>Reference to Circular 1/2010 is incorrect; the reference should be Circular 3/2012 ‘Planning Obligations and Good Neighbour Agreements’. It is proposed to amend the Supplementary Guidance to rectify this error.</i></p>
	<p>Wallace Land does not support the Supplementary Guidance in its current form. As it is intended to be adopted as statutory guidance it is considered imperative that it takes account of relevant evidence, is robust and in accord with Circular 3/2012. As it stands, the Supplementary Guidance requires to be significantly altered and Wallace Land conclude their response by intimating a readiness to meet with the Council to discuss their representations further.</p>	<p><i>Noted. The council has provided evidence to justify the approach set out in the LDP.</i></p>
<p>Ryden Mark Giles</p>	<p>Supports the submission made by Homes for Scotland</p>	<p><i>Noted.</i></p>

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	<p>We note multiple references within both the September and November draft Supplementary Guidance documents to Circular 1/2010 Planning Agreements. It is assumed that this reference should in fact be Circular 3/2012 as set out above.</p>	<p><i>Reference to Circular 1/2010 is incorrect; the reference should be Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'. It is proposed to amend the Supplementary Guidance to rectify this error.</i></p>
	<p>The Supplementary Guidance and supporting SYSTRA modelling report are unclear, inaccurate and inconsistent. However, of greater concern are the flaws in the methodology and the approach to calculating the contributions which in our mind does not comply with the requirements of Circular 3/2012 above. Moreover, the document does not justify the interventions proposed.</p>	<p><i>The modelling work and subsequent Supplementary Guidance are founded on sound principles and follow standard procedures. The requirements of Circular 3/2012 are met in relation to developer contributions. Modelling to support the LDP and subsequent detailed elements of areas of concern have existing traffic flows as a base and scenario testing with developments added, therefore any additional congestion issues are as a result of development and therefore their solution is at the developers expense as per the Circular.</i></p>
	<p>It is critical that contributions guidance sets out enough information to enable consultees to understand whether the policy tests have been met. The consultation is meaningless unless that information is provided.</p>	<p><i>Noted; it is the council's position that the information has been provided.</i></p>
	<p>The original version of the draft Supplementary Guidance was approved by Development and Transport Policy Development and Scrutiny Panel for consultation on 3 September. A further, revised version of the draft policy document was submitted to the same committee on 5th November. In considering the two draft documents it is noted that the methodologies for calculating contributions for interventions proposed in respect of Linlithgow are different.</p>	<p><i>The earlier version of the Supplementary Guidance which was reported to the council's Development and Transport Policy Development and Scrutiny Panel on 3 September 2019 had omitted reference to requirements for transport management measures within Linlithgow town centre, namely at the High Street/Blackness Road/High Port junction and the St Ninian's Road/High Street junction. Costings for these transport interventions are set out in Annexe A to the Supplementary Guidance and have remained constant. These are required in addition to the provision of the new west facing slip roads at junction 3 of the M9. A previous version of the draft Supplementary Guidance which was reported to the panel</i></p>

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		<p><i>omitted reference to requirements for transport management measures within Linlithgow town centre, namely at the High Street/Blackness Road/High Port junction and the St Ninian's Road/High Street junction. These are required in addition to the provision of the new west facing slip roads at junction 3 of the M9.</i></p> <p><i>Contributions from employment sites have not been excluded. The methodology was altered to reflect the council's revised position that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. This is set out in the Supplementary Guidance and the covering report to the Development and Transport Policy Development and Scrutiny Panel of 5 November 2019. Should such sites come forward for development a contribution rate would be levied based upon trips generated. A full refund of the amount overpaid would be made.</i></p>
	<p>The 5th November report is misleading as it fails to disclose to Members that the methodology for calculating the contribution from development sites in Linlithgow has in fact been changed from the September draft. This is a significant omission.</p> <p>To clarify, the September draft included vehicular trips associated with both housing and employment allocations (Linlithgow only) and calculated the contribution for the proposed interventions on a trip related basis. This methodology produced a contributions rate of £10,749.63 per unit for housing sites and £5,198.87 per 100sq.m for employment sites against a total cost estimate of £8.5m.</p> <p>In the November draft, the method adopted has removed the contributions sought from the allocated employment</p>	<p><i>The methodology was altered to reflect the council's revised position that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. This is set out in the Supplementary Guidance and the covering report to the Development and Transport Policy Development and Scrutiny Panel of 5 November 2019. Should such sites come forward for development a contribution rate would be levied based upon trips generated. A full refund of the amount overpaid would be made.</i></p> <p><i>The method of apportioning the cost of the required improvement to meet the requirement of Circular 3/2012 where only the developments which cause overcapacity issues have to pay is decided on the prospective types of development. For Linlithgow any development will have an impact on the town</i></p>

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	<p>sites as explained in 5.61 of the draft Supplementary Guidance.</p> <p>Against this background, the entire cost of the Linlithgow transport related interventions and works at £8.9m are split on a per unit basis between allocated residential sites in Linlithgow. Moreover, as can be seen in the reference to para 5.61 above if applications for the allocated employment sites do come forward, a contribution rate will be levied from them on a trip rate basis.</p> <p>There is no explanation within the November Supplementary Guidance (or associated report to committee) as to why the allocated employment sites can be levied on a trip rate basis but residential sites on a per unit basis. Moreover, if employment sites do come forward, the cost of the mitigation does not increase and therefore the Council will be receiving contributions in excess of the mitigation sought. There is no mechanism to recalculate and reduce the residential contributions. This would be necessary to ensure that all contributions are proportionate in scale and kind. The council has not clarified what will happen to the costs levied from the employment sites and how that relates to the works proposed.</p> <p>For comparative purposes, it is noted that elsewhere in the draft Supplementary Guidance the contributions towards interventions for the A801 are calculated on a trip generation basis. This clearly differs to the methodology for taking contributions from housing sites in Linlithgow. There is no explanation within the document as to why the council has sought to apply different methodologies for collecting contributions towards transport infrastructure.</p>	<p><i>centre therefore the solution identified by the council is the westbound motorway slips at Junction 3 in addition to junction improvements within the town, therefore it is easier for the developer to calculate infrastructure costs to know that there is a cost per unit for the site.</i></p> <p><i>If the contribution rate for housing sites was done on a per trip basis a developer would have to carry out a transport assessment to identify the number of trips, to then be able to calculate a cost. While the preferred method is to base a per unit cost and then the developer quickly and easily can work out the infrastructure cost.</i></p> <p><i>The A801 contributions are based on a trip rate as there is both housing and commercial development identified in the LDP and there is a strong opportunity that development will happen in the areas identified.</i></p> <p><i>Paragraph 5.61 of the draft Supplementary Guidance sets out the council's justification regarding contributions towards the M9 slips from employment sites. Contributions from employment sites have not been excluded. The council's position is that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Should such sites come forward for development a contribution rate would be levied based upon trips generated. A full refund of the amount overpaid would be made.</i></p>
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	<p>Moreover, it is unclear why the employment sites should be discounted. The SYSTRA modelling report confirms that employment traffic (at some level) is included. Employment related trips are therefore included in the modelled network demand and a factor in establishing mitigation. On the basis that they have been included in the modelling they cannot be excluded from contributions. This is not a reasonable approach.</p>	<p><i>Paragraph 5.61 of the draft Supplementary Guidance sets out the council's justification regarding employment sites. Contributions from employment sites have not been excluded. The council's position is that although employment sites are likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Should such sites come forward for development a contribution rate would be levied based upon trips generated. A full refund of the amount overpaid would be made.</i></p>
	<p>it is noted that paragraphs 5.51-5.62 of the draft Supplementary Guidance show the full cost of the proposed interventions for Linlithgow to be borne solely by allocated housing sites in the town. There is no reference to any contributions being required from allocated housing sites in Falkirk Council area (Bo'ness), which contribute over 2,000 houses and associated vehicular traffic onto the local network. These sites are highlighted in Table 3 of the SYSTRA report - Linlithgow Model Development Testing which underpins the Supplementary Guidance. That table incorrectly identifies those sites as 'Other Proposed Developments in Linlithgow'. Those sites are not based in Linlithgow or even West Lothian Council. Moreover, if it is assumed that these sites will contribute vehicular trips to the local network then there must be a cost contribution from those sites. However, as we note below Falkirk Council has no intention of seeking contributions towards the M9 slips as they are not considered necessary. This is a significant concern given WLC's position that the M9 J3 slips are a cross boundary issue.</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions will be required from developments in the Falkirk Council area towards the provision of the slip roads at junction 3 of the M9. West Lothian Council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate. West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area.</i></p> <p><i>The reference in Table 3 to such sites as 'Other proposed developments in Linlithgow' is incorrect and will be rectified in a revised version of the Supplementary Guidance.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The</i></p>

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		<i>amount of traffic that would be diverted away allows development to happen within the town.</i>
	<p>The justification for the above interventions is set out in para 5.51 to 5.62 of the draft Supplementary Guidance. The specific explanation for the M9 WFS is a reference to a safeguard within the adopted Local Development Plan (LDP). The requirement for developer contributions towards this safeguard is specifically confirmed in para 5.53. It is relevant at this point to reference the Supreme Court Judgement in respect of Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland) and in particular para 51 of that document which states that <i>“The inclusion of a policy in the development plan, that the planning authority will seek such a planning obligation from developers, would not make relevant what otherwise would be irrelevant.”</i></p> <p>Therefore, it must be demonstrated that there is more than a trivial link between a development and the infrastructure mitigation sought.</p>	<p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council’s requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council’s position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i></p> <p><i>The transport modelling undertaken for Linlithgow and which has informed the Supplementary Guidance and demonstrates the link between proposed development and the infrastructure required.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area</i></p>

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		<p><i>that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p> <p><i>It may be that the mechanism for securing developer contributions required to fund development will change in the medium to longer term as a direct consequence of the new Planning (Scotland) Act 2019. The Act grants enabling powers to Scottish Ministers to make regulations for the introduction of an 'infrastructure levy', to be operated by planning authorities to raise funds to support the provision of infrastructure projects.</i></p>
	<p>In seeking to justify the need for the proposed interventions the Supplementary Guidance is supported by a development testing model prepared by SYSTRA. In referencing this modelling the Supplementary Guidance states in para 5.55 that; <i>"Traffic levels in the town are below saturation levels however additional factors regarding inappropriate parking, loading and unloading to businesses and buses stopping creating tailbacks are not helping vehicle movements."</i> This statement is clear in confirming that there is existing capacity in the town centre. It also clarifies that traffic issues on the High Street are not simply caused by increasing traffic levels. Whilst the network undoubtedly does experience some congestion at times, this is largely related to the issues highlighted above including driver behaviour and other specific activities that take place along the High Street. It is a stark omission that there is no discussion or mention of any proposals to properly enforce parking and loading within the</p>	<p><i>Whilst the imposition of traffic management could assist in improving traffic flow, capacity within the town centre will change as a result of new development; this is highlighted in paragraph 5.57 of the Supplementary Guidance. The proposed West Facing Slips (WFS) at J3 of M9 Motorway has the effect of removing a substantial amount of traffic from Linlithgow High Street.</i></p> <p><i>There is also an air quality issue for the whole of Linlithgow and therefore the council should not just be supporting car usage in line with government recommendations. Pedestrians and cycling come first. The addition of traffic from the proposed developments puts an additional strain on town centre usage. The council acknowledges that the proposed solution allows economic development and only replaces existing traffic diverted away to use the new infrastructure with the development flows.</i></p> <p><i>Amendments are proposed to paragraph 5.57 as follows:</i></p>

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	<p>town centre. It is apparent that these simple measures would improve traffic flow.</p>	<p><i>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</i></p>
	<p>Of the two slips proposed within the intervention referenced as WFS, only the southern one lies within the West Lothian Council (WLC) administrative boundary. The other falls in to the Falkirk Council administrative boundary. Moreover, Transport Scotland is the Authority responsible for the upgrading and maintenance of the M9.</p> <p>In light of the above, it is unclear how WLC proposes to implement the proposed works. Whilst there is reference to improvement works to J3 M9 with Falkirk Council's extant LDP and emerging LDP2 which is currently at examination by the DPEA, this does not alter the fact that WLC is not the roads authority for Falkirk nor is it the authority for managing the trunk road network. Moreover, Falkirk Council does not currently envisage developer contributions being sought from housing sites towards the proposed WFS, as is highlighted through the consultation process associated with some recent planning applications in Bo'ness. Those applications are undernoted;</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting</i></p>

	<p>Application by Miller Homes on land at North Bank Farm, Bo'ness (ref: P/19/0129/PPP).</p> <p>Application by McTaggart and Mickel/AWG on land at Crawfield Lane, Bo'ness (ref: P/19/0409/PPP).</p> <p>The former application was refused on 20th September. It sought permission for circa 200 houses on a site of nearly 12 hectares. The committee report (P/19/0129/PPP – para 7b 19) states;</p> <p><i>“West Lothian Council requested that contributions are sought in relation to improvements to the M9 Junction 3. They suggested a contribution of £15,000 per unit. The Council’s Transport Planning Unit advise that M9 Junction 3 improvements are not required to deliver any of the proposed LDP or LDP 2 sites in Bo’ness.”</i></p> <p>This is a real concern particularly given the statement in the committee report of 5th November that the WFS are considered by WLC to be a cross-boundary issue (section D2, para 6).</p> <p>The second application remains undetermined but was presented to Committee via a pre-determination hearing on 21 October. The report to committee makes clear that Falkirk Council did not seek contributions towards the upgrading of J3 M9. However, as per the application above WLC made such as request through a representation to the application.</p> <p>In essence, Falkirk Council has not requested contributions towards the proposed WFS from these large scale, residential</p>	<p><i>planning consent.</i></p> <p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council’s requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council’s position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i></p> <p><i>Application P/19/0409/PPP was refused by Falkirk Council on 24 March 2020. Modelling work undertaken by West Lothian Council to inform the Supplementary Guidance Developer Contributions towards Transportation has concluded that development in the Falkirk Council area will impact on the road network within Linlithgow and that these developments should contribute towards the provision of the west facing slips at junction 3 of the M9.</i></p> <p><i>Given that part of the land required to provide the west bound slips lies within the Falkirk Council area ongoing dialogue with</i></p>
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	<p>applications. This evidence highlights a number of problematic issues;</p> <ul style="list-style-type: none"> • There is a clear disconnect between the two authorities which seriously questions how WLC can implement the works it proposes. • The Supplementary Guidance is clear in its advice that the entire cost of the WFS will be paid by contributing residential allocations within Linlithgow. However, in seeking contributions from sites in Bo'ness, WLC accepts that those sites also impact on the infrastructure at J3. This further demonstrates that the charging methodology applied by WLC is flawed and inconsistent with the requirements of Circular 3/2012 and tests in law. 	<p><i>Falkirk Council will be required in order to progress delivery of this infrastructure project.</i></p> <p><i>The recent "Notice of Intention" issued by the DPEA in relation to application P/19/0129/PPP and the absence of support from Falkirk Council and the DPEA for developer contributions towards the west bound slips from developers in the Falkirk Council area justifies the contribution rate set out in the draft Supplementary Guidance.</i></p>
	<p>WLC is proposing to charge a selection of residential allocations in Linlithgow for the entire cost of proposed works yet is separately proposing Falkirk Council extracts contributions from residential sites within its administrative boundary for those same works. The latter authority has not sought any contributions for those works and does not propose to do so. This demonstrates very clearly that there is no coordinated approach to the delivery of the proposed WFS.</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at</i></p>

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		<i>junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i>
	<p>The WFS scheme as proposed in the draft Supplementary Guidance is based on a proposal by Wallace Land brought forward a number of years ago within an application for mixed-use development on land at Burghmuir, Linlithgow. That proposal included a new west bound slip at J3 accessed via a new 4 way roundabout and is included within the SYSTRA report as Figure 2 on page 14. WLC has (we assume) not undertaken its own appraisal of how the WFS scheme might be implemented in the most cost efficient and effective manner. It simply adopts a proposal from an historic planning application for a mixed use development including retail and 600 residential units at Burghmuir (adjacent to J3) which was ultimately withdrawn.</p>	<p><i>Annexe A to the draft supplementary guidance provides a breakdown of costs for the transport mitigation measures required for Linlithgow; the Annexe further sets out how the costs have been derived.</i></p> <p><i>The council's Roads and Transportation Service is supportive of the proposed roundabout at the new west bound slip at junction 3. In dialogue with SYSTRA the roundabout was identified as an efficient and effective solution. It is coincidental that this solution adopts a similar approach to that which was put forward for the Burghmuir development.</i></p> <p><i>Application 0095/P/12 for development at Burghmuir was withdrawn. Application 0518/P/13 was refused by the council on 13th November 2013. An appeal against that refusal was dismissed on 27th July 2015.</i></p>
	<p>Notably the SYSTRA modelling states that <i>"a common sense approach will be undertaken to enable traffic only associated with certain zones to be allowed to use the new junction set up for example, it is anticipated that development traffic located to the west of Linlithgow will not route through the town centre to access the westbound on-slips to travel west."</i> We would agree that such traffic is unlikely to route through the town centre to then travel back west. Therefore, we must query why contributions to the WFS are being sought from those developments. On the basis of the available evidence, this approach does not accord with the test of law</p>	<p><i>Contributions towards the west facing slips are only one of the traffic mitigation measures required to enable development in Linlithgow to proceed. The council's position is that all proposed development will impact on traffic movements and therefore contributions to the complete package of transport improvements are required.</i></p> <p><i>Amendments are proposed to paragraphs 5.57 and 6.62 of the SG for clarity as follows:</i></p> <p><i><u>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would</u></i></p>

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	<p>as set out in the Elsieck case, nor does it pass those tests set out in Circular 3/2012.</p>	<p><i>have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</i></p> <p><i>5.62 To meet the requirements of Circular 1/2010 3/2012 'Planning Obligations and Good Neighbour Agreements' it has been demonstrated that all the proposed developments in Table 12 shall contribute on a per unit basis. Those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis. Table 12 identifies these sites and the cumulative the number of units is 624. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant contribution rate is While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit</i></p>
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		<p><i>contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.</i></p> <p><i>The council understands that Falkirk Council is supportive of the west off slip within their council area and do not see any reason to reject a planning application; Falkirk Council has protected the line in previous local plans and in the emerging LDP2.</i></p>
	<p>Site E-LI 1 is the same size (Ha) in both tables, but the floor areas are different and as traffic is related to floor area this is a concern. The floor area in the SYSTRA modelling report is 1,300m² less than in Table 13 of the draft Supplementary Guidance. It can also be seen that E-LI 3 Burghmuir is 9.6Ha but this site is listed as E-LL 2 in the SYSTRA report and the floor area is completely different. There appears to be a difference of some 28,200m². As the modelling report only refers to 600m² (which seems very small for a 9.6ha site) it appears that the model may have significantly underestimated the volume of traffic associated with the Burghmuir site. Lastly, site E-LI 2 appears to have been removed altogether from the SYSTRA report. We understand this site is not within the LDP and it is therefore unclear why it is mentioned in the draft Supplementary Guidance.</p>	<p><i>As far as any developable areas are concerned the LDP gives indicative number of units for housing areas and square metre areas for commercial units. Developers may try to put more built area on a site than it is expected.</i></p> <p><i>When a planning application is submitted the housing numbers or gross floor area for commercial use is used at the rate set in the Supplementary Guidance. When the works are done any monies not spent will be refunded proportionately through the Section 75 agreement.</i></p>
	<p>The development scenario model is set out in Table 7 and includes a scenario which removes the Bo'ness development sites as detailed within Table 3 of the same report. Those sites contribute vehicular trips to the local network associated with some 2,000 houses and as we have evidenced earlier through recent planning applications considered by Falkirk Council within the Bo'ness area, WLC clearly intends that these sites should contribute towards the cost of the proposed WFS. It is inaccurate and inconsistent</p>	<p><i>As stated, the modelling presents different development scenarios, this is set out in Table 7 of the Linlithgow Modelling report i.e. the west facing slips base demand + west facing slips with full demand plus proposed sites in Bo'ness and the west facing slips base demand + west facing slips with full demand minus the Bo'ness sites.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions</i></p>

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	<p>that the model seeks to present a development scenario without those sites.</p>	<p><i>from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council's position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i></p> <p><i>Application P/19/0409/PPP was refused by Falkirk Council on 24 March 2020. Modelling work undertaken by West Lothian Council to inform the Supplementary Guidance Developer Contributions towards Transportation has concluded that development in the Falkirk Council area will impact on the road network within Linlithgow and that these developments should contribute towards the provision of the west facing slips at junction 3 of the M9.</i></p> <p><i>Given that part of the land required to provide the west bound slips lies within the Falkirk Council area ongoing dialogue with Falkirk Council will be required in order to progress delivery of this infrastructure project.</i></p> <p><i>The recent "Notice of Intention" issued by the DPEA in relation to application P/19/0129/PPP and the absence of support from Falkirk Council and the DPEA for developer contributions towards the west bound slips from developers in the Falkirk Council area justifies the contribution rate set out in the draft Supplementary Guidance.</i></p>
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	<p>It must also be assumed that the justification for the proposed interventions is based on the output in term of vehicular trips from these allocated sites. Again, we cannot reconcile how the SYSTRA model can present a scenario to justify the proposed WFS without the inclusion of the Bo'ness sites.</p>	<p><i>The council required SYSTRA to present scenarios with and without the Bo'ness development sites, this is reflected in the modelling report – table 7 refers.</i></p>
	<p>Paragraph 1.1.6 states “it is anticipated that development traffic located to the west of Linlithgow will not route through the town centre to access the westbound on-slips to travel west.” Indeed, this is supported in Appendix 1 which shows only 3 housing sites and 1 employment site within the catchment for the proposed WFS and critically, resulting in traffic being rerouted from the town centre which we understand is the sole purpose of the WFS.</p> <p>Against this background, WLC must clarify why all allocated sites in Linlithgow are required to contribute towards the WFS when the assumptions underpinning the entire justification for that intervention assume that no traffic associated with sites outside of the catchment area (as described above) will use the WFS. Moreover, the sites which are stated to use the WFS will introduce a total of only 64 new trips to the network, which equates to 24 AM and 40 PM trips. As explained in more detail below, this level of traffic is imperceptible where there are more than 6,200 am peak network trips and 7,300 pm peak network trips. In light of the above, the legitimacy of promoting such a significant infrastructure intervention must be robustly justified in evidence provided by WLC. That is not currently the case.</p>	<p><i>Contributions towards the west facing slips are only one of the traffic mitigation measures required to enable development in Linlithgow to proceed. The council's position is that all proposed development will impact on traffic movements and therefore contributions to the complete package of transport improvements are required.</i></p> <p><i>All allocations in Linlithgow where planning permission has not yet been granted are required to contribute as the council has concluded that all will impact on the road network through the town. It has been demonstrated that provision of the west facing slips at M9 junction 3 will assist in addressing traffic issues in the town.</i></p> <p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows</i></p>

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		<p>development to happen within the town.</p> <p>Amendments are proposed to paragraphs 5.57 and 6.62 of the SG for clarity as follows:</p> <p><u>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which</u> In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</p> <p><u>5.62 To meet the requirements of Circular 1/2010 3/2012 'Planning Obligations and Good Neighbour Agreements' it has been demonstrated that all the proposed developments in Table 12 shall contribute on a per unit basis. those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis. Table 12 identifies these sites and the cumulative the number of units is 624. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant</u></p>
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		<i>contribution rate is While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.</i>
	<p>Modelling Scenarios</p> <p>Tables 4, 5 and 6 identify trip rates. It is not clear whether these are vehicle trip rates or person trip rates. A 67% modal split is identified in relation to the housing trips, but the employment trips have no such reference. Table 6 specifically notes the matrix totals for vehicle trips, but it is not possible to confirm whether the new development trips have been aggregated correctly. Also, 67% is a global assumption and many areas in Linlithgow are within walking distance of the railway station, whereas sites in Bo'ness are not and applying this modal split across the wider area is inaccurate. It is noted that 2011 Census data identifies 62.8% of commuter trips are by car. There is no explanation given for the figure of 67% which underpins the modelling work. It may well be therefore that the impact is overstated.</p>	<p><i>The modelling scenarios were for impacts from developments for vehicles. This was both for housing and commercial.</i></p> <p><i>Trip generation for each development site was taken from TRICS database for vehicles which already has the split of method of travel included in the different output results.</i></p>
	<p>Figure 1 identifies the catchment area associated with the proposed WFS. That is, those locations within Linlithgow where the model assumes traffic will use those slips rather than heading west across the town centre to the M9 Junction</p>	<p><i>Contributions towards the west facing slips are only one of the traffic mitigation measures required to enable development in Linlithgow to proceed. The council's position is that all proposed development will impact on traffic movements and therefore</i></p>

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	<p>4. This includes a large area across eastern Linlithgow and areas south of the railway and canal. This assumption is highly questionable. It is unlikely that those making a specific trip for example, to Linlithgow Academy in the AM peak period will then divert back to the new WFS across the town. Moreover, it is also unlikely that those coming from south of the canal and railway will divert via a new set of signals on Blackness Road or via the B9080.</p> <p>Moreover, even if this catchment area scenario is accepted it states that this will result in a rerouting of 207 vehicles per/hr from Linlithgow High Street in the AM peak. This trip scenario equates to 3 trips per minute and will not be discernible to any road users. It does not justify the extent of proposed interventions in the form of the WFS. Indeed, Table 7 highlights various matrix totals with typically around 6,200 / 7,300 movements in the AM and PM peaks respectively. Removing 207 trips from a matrix total of 6,200 is 3.3% with typical levels of daily variation in traffic being some 10%. For the PM peak the rerouted trips again equates to circa 3% of the matrix total. These proportions are negligible and 3 times less than typical travel pattern fluctuation and therefore, the impact of the WFS on reducing town centre traffic movements is not accepted.</p>	<p><i>contributions to the complete package of transport improvements are required.</i></p> <p><i>The catchment area is identified as being the anticipated area that drivers would choose to use the westbound slips to travel towards Falkirk, Stirling or beyond. It is considered inappropriate for a driver in another part of the town to travel to the new slips and that they would rather travel westwards and use Junction 4 on M9.</i></p> <p><i>It is considered that there can be up to 10% daily variation in traffic levels. However, the vehicle movements anticipated to divert towards the new motorway slips refer to existing vehicle movements from established housing in the area identified. These trips currently travel through the town to and from Junction 4 and it is considered that these trips shall cease and divert to the new slips when they are opened. Opening of the slips and the anticipated traffic re-direction is the only solution the council can see to allowing any new development in the Linlithgow area.</i></p>
	<p>The impact of the trips from proposed development is even more trivial. The 24 AM peak movements equate to just 0.4% of all network trips. The 40 PM peak movements equates to 0.5% of network trips. This evidence does not form a reasonable or robust basis from which to justify seeking any developer contributions and taking account of the Elsieck case, much less of an impact than was described in Elsieck as “trivial”.</p>	<p><i>The diverted trips from the housing to the east of the town who will use the new slips, allows the traffic volume replacement on the High Street from the new development. A condition of any development is that the traffic impact on the road network can either be accommodated or the development has to mitigate a solution that accommodates the traffic increase. The High Street is at full capacity, and while traffic management matters could be addressed these would not address the traffic increase that new developments would bring and reduce total volumes to acceptable levels.</i></p>

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		<p><i>Circular 3/2012 requires network improvements to be justified for a development, there is no defined proximity to the development where the improvement has to be within. The solution for Linlithgow to allow any development to take place is the provision of the slips which diverts existing through traffic to use allowing new traffic generated from developments to replace the numbers.</i></p>
	<p>Given that the Supplementary Guidance confirms the town centre is not at capacity and is below saturation, we have serious doubts that the 24 AM peak and 40 PM peak movements would be sufficient to create congestion on the local road network.</p>	<p><i>Whilst the imposition of traffic management could assist in improving traffic flow, capacity within the town centre will change as a result of new development; this is highlighted in paragraph 5.57 of the Supplementary Guidance. The proposed West Facing Slips (WFS) at J3 of M9 Motorway has the effect of removing a substantial amount of traffic from Linlithgow High Street.</i></p> <p><i>Traffic capacity is not the issue in the town centre, pedestrian movement and cycling should be at the forefront of road space allocation in line with government policy. For the High Street pedestrian connectivity and shop viability are more to the fore than the amount of vehicle movements through the area. Public transport also is required to be considered before vehicle use. The problem with the High Street is that with the frequent stopping of vehicles at each pedestrian crossing the air quality levels have suffered to such an extent that Linlithgow has failed in air quality standards and therefore solutions have to be found. New developments do not help unless they can be mitigated against which for Linlithgow is the provision of the new west facing slips at Junction 3.</i></p>

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	<p>At paragraph 5.6.2 the report states; <i>“It is also the case that removing traffic associated with development at Bo’ness also leads to a general improvement in network conditions”</i>. It is unclear why the report considers the removal of the Bo’ness sites under any scenario (for reasons set out earlier in this submission). The sites must be included because they will impact on J3 M9 and if not, then why has WLC already requested contributions from residential development proposals in Bo’ness?</p>	<p><i>The SYSTRA report explores a number of scenarios which includes the removal of Bo’ness traffic. It is anticipated that some development will come forward in the Bo’ness area with the council concluding that such sites will impact on junction 3 of the M9 and traffic movements through Linlithgow.</i></p> <p><i>It is for each Local Authority to agree the traffic generation and distribution from developments. The modelling for West Lothian anticipates the Bo’ness trips as recorded however the inclusion of these sites is yet to be confirmed through Falkirk LDP (2) process. The scenario tested was that if none of the sites that could access the new west facing slips were approved what would be the impact.</i></p>
	<p>Paragraph 5.7.4 states that <i>“Network results show that the mitigated scenarios generally increase average delay over the unmitigated scenarios.”</i> This statement is a real concern and implies that mitigation on the network will make matters worse. Indeed, paragraph 5.7.6 states that <i>“Scenario 9a mitigated (full development demand and WFS) also has lower delay than the Base model in the PM period”</i> and this would contradict the statement made at paragraph 5.7.4. As with numerous other issues raised within this submission there are clear and significant inconsistencies within the Supplementary Guidance and its supporting modelling work.</p>	<p><i>The modelling work carried out to support the Supplementary Guidance is sound and correct. The modelling has shown that by adding development to the existing road network there are certain areas of concern where traffic queues have exceeded acceptable levels. The modelling has suggested some solutions which overall have not reduced total delay but have reduced unacceptable delays to acceptable levels at the expense of free-flowing routes that now have acceptable delay levels; in essence spreading the delay evenly around the restriction site. It is for the council to consider the way forward but the overall cost will be met by developers with any additional funding returned to each developer through the section 75 agreement.</i></p>
	<p>Tables 8 and 9 on page 22 relate to Scenario 9a (full development demand WFS) and they identify link vehicle density plots with key areas of congestion highlighted. Including the WFS scenario, the AM and PM delay in the network is 89 seconds and 149 seconds respectively. The delay on the network with no interventions is 121 and 183 seconds respectively. Therefore, assuming the best case</p>	<p><i>The issue for Linlithgow is that the only route through the town is along the High Street. However, there is an air quality issue with the effect that no further development can happen in the area that will affect the High Street. As access to the M9 motorway is either Junction 3 for trips towards or from the Edinburgh direction and Junction 4 for trips towards or from the Falkirk and Stirling direction it has been identified through model testing that there</i></p>

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	<p>scenario the costs attributed to the WFS and other mitigation measures totalling circa £9m only offers the network and road users a benefit of 32 seconds in the AM and 34 seconds in the PM peaks. Considered in the context of a network journey, this is a negligible time saving and any delay is unlikely to be noticeable to drivers. Indeed, the benefit to offset these minor delays could be achieved through - for instance - implementing the St Ninians Road mitigation works, which could be brought forward without the WFS and associated costs.</p>	<p><i>are enough trips from the east of the town that would benefit having a full motorway junction operational at Junction 3. The amount of traffic that would be diverted away allows development to happen within the town.</i></p>
	<p>Tables 10 (AM) and 11 (PM) summarise the results for each of the tested journey time route scenarios. The tables identify the % journey times for each of the described routes with a colour coding where red represents 'worse than base', yellow 'no improvement' and green 'better'.</p> <p>2.42 Ignoring the 'no Bo'ness traffic' scenario which cannot be excluded from the network, these tables show that the total journey times (and average speeds) across all routes for both AM and PM peaks will result in longer journeys and slower average speeds. All scenarios are coded red. Indeed, even when all Bo'ness traffic is excluded, this only results in a negligible improvement in total journey times across at the PM peak of 2%.</p>	<p><i>There has to be an acceptance that by permitting new development which improves the economy the down side is traffic increase. This then leads on to ensuring that traffic growth is within capacity levels otherwise grid lock will result. The modelling results shown in the report refer to routes which include both free flow and queuing traffic. The Council shall ensure that development should only happen where it can be accommodated unless there are infrastructure improvements that can offset the delay that traffic increases bring. The overall journey times are slower than the base but this is comparing the wrong journey times. The Do nothing run time for each time segment shall set the times to improve on which the solutions have shown do achieve.</i></p>
	<p>Tables 10 and 11 indicate that the mitigation package does not provide any tangible benefit to town centre traffic flow. Scenario 9a (using the AM peak as an example) demonstrates a negative situation compared to the 'Do Nothing' approach at the following locations:</p> <p>1 - NB Mill Road</p>	<p><i>The modelling carried out to support the LDP identified Linlithgow High Street as a hot spot for queuing traffic. A further detailed study looking at the options for Linlithgow was not able to clearly identify a solution. To allow any development in the Linlithgow area there would need to be a masterplan idea that all developments pay collectively for infrastructure improvements. By using the Supplementary Guidance method and following Circular 3/2012 requirements it has been identified that the</i></p>

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	<p>2 - NB A706 Kettlestoun</p> <p>3 - NB Preston Road</p> <p>3 - SB Railway Bridge</p> <p>4 - NB Manse Road</p> <p>4 - SB High Port</p> <p>5 - WB B9080</p> <p>2.44 The only significant improvement is noted at 2 – SB St Ninians. This benefits traffic flow generated from north of Linlithgow and Bo’ness and is not related to allocated sites in the LDP. This intervention could be undertaken independently of the proposed WFS and potentially generate and improvement in traffic flow at that junction. Although this may be at the expense of other junctions within the town centre, which again places a significant doubt over the credibility and effectiveness of this proposed intervention.</p> <p>Therefore, The figures noted in Tables 10 and 11 demonstrate that the proposed mitigation does not offer the significant network improvements claimed. In many cases the mitigation creates greater detriment than the ‘Do Nothing’ scenario. This does not constitute a robust justification for the proposed mitigation measures and in particular the WFS.</p>	<p><i>development sites have an impact on the town centre and therefore a solution has to be found.</i></p> <p><i>The council will address the town centre issues when the step change is required and within the Section 75 any monies paid to the council and not spent will be refunded.</i></p>
	<p>The draft (November) Supplementary Guidance is inconsistent and misleading and in our view does not pass the relevant tests as set out in Circular 3/2012 and we significantly doubt that it meets tests from the Elsieck case and thereby, with Section 75 of the Act. Against this background, our representation to the Supplementary</p>	<p><i>See response to comments above.</i></p>

	<p>Guidance and supporting Linlithgow Model Development Testing by SYSTRA is summarised below;</p> <ul style="list-style-type: none"> • The process of promoting the draft Supplementary Guidance was misleading and the associated report to committee dated 5th November did not advise Members of the very significant changes to the methodology applied to the calculation of contributions from development in Linlithgow. • Contributions from allocated housing sites in Linlithgow are calculated on a per unit basis and this contradicts the approach adopted for allocated employment sites and other residential allocations within West Lothian – as set out for the proposed A801 dualling. • The cost of the mitigation works for Linlithgow is confirmed at circa £9m. This cost is to be borne by only allocated residential sites in the town. This approach ignores the following; • The modelling report includes employment allocations and this is used to identify and justify proposed mitigation. However, the Supplementary Guidance states that such sites are unlikely to come forward and therefore, does not set out a contributions rate. If these sites are unlikely to be delivered they should not be allocated in an LDP or included in the modelling scenario. The outcome of the model testing and proposed mitigation measures may well have been different. There is a clear disconnect between the modelling and proposed policy. • Not all allocated housing sites in Linlithgow are predicted to use the WFS as per the SYSTRA model and this is a significant issue. If these sites are unlikely to route 	<p><i>Whether the contribution rate is based on a per unit basis or a trip rate makes no overall change in the total required. Using a per-unit rate is easier for a developer to include the infrastructure cost in their cost assessment for the site. A trip rate figure would require a transport assessment to be carried out before costs could be determined.</i></p> <p><i>The commercial allocations are a carry-over from the West Lothian Local Development Plan and support employment being close to housing however the advice being given is that there is limited demand for new commercial building.</i></p> <p><i>Any new housing development requires traffic relief to the High Street so unless the infrastructure works are carried out then no development will be permitted. Housing opportunities in Linlithgow are in demand so it is reasonable to require the housing to bear the cost of the required improvements.</i></p> <p><i>The first part of this statement is correct but the following assumptions are wrong for the following reasons. All housing sites will have traffic going through the High Street which cannot accommodate any further traffic increase. The identified infrastructure improvement, that meets the requirements</i></p>
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	<p>through the town centre as stated in the SYSTRA modelling report (1.1.6) then they cannot be required to contribute to any of the proposed town centre mitigation works of the WFS. An approach which seeks to take such contributions would not accord with Section 75 of the Act and fails the tests set out in Circular 3/2012.</p> <ul style="list-style-type: none"> • The basis for the WFS at J3 M9 includes those allocated residential development sites within the Bo'ness area, which is within the Falkirk Council administrative boundary. As evidenced through the committee reports associated with two recent planning applications, WLC has made representations seeking a contribution towards the proposed WFS. Despite this evidence, the Supplementary Guidance cannot seek to levy any of the cost for the proposed WFS from allocated residential sites within Falkirk Council. • Furthermore, the consultation process associated with those applications highlighted that Falkirk Council did not seek to levy any contributions for the proposed works to J3 M9. There is a clear disconnect between the two authorities which highlights the inherent difficulty WLC has in seeking to implement those works. • The Supplementary Guidance confirms that town centre traffic levels are below saturation point. The purpose of the WFS is to remove traffic from the town centre. The SYSTRA modelling report confirms that only 207 AM peak trips and 256 PM peak trips would be rerouted with the WFS in place. This equates to around 3% of total traffic movements in the model. This is de minimus. Only 24 and 40 of those trips respectively relate to proposed new development traffic. This is 0.4% and 0.5 % respectively and simply cannot be relied on as justification for seeking 	<p><i>contained in Circular 3/2012 that release the traffic pressure on the town centre is the provision of the west facing slips at Junction 3.</i></p> <p><i>Amendments are proposed to paragraphs 5.57 and 6.62 of the SG for clarity as follows:</i></p> <p><i><u>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which</u> In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</i></p> <p><i><u>5.62 To meet the requirements of Circular 1/2010 3/2012 'Planning Obligations and Good Neighbour Agreements' it has been demonstrated that all the proposed developments in Table 12 shall contribute on a per unit basis. those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis. Table 12 identifies these sites and the cumulative the number of units is 624. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the</u></i></p>
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	<p>contributions towards such significant infrastructure interventions.</p> <ul style="list-style-type: none"> • The benefits in terms of improved journey times and average speeds on the network with the WFS are questionable. Indeed, tables 10 and 11 of the SYSTRA report confirm that the mitigation proposals actually increase delay at several points across the town centre. The only consistent exception relates to the proposed works at St Ninian's Road SB. The queuing at this location is a consequence of traffic from the north of Linlithgow and beyond. There is no link to development sites in the east, south or west such as Manse Road, Kettlestoun Mains, Preston Farm, Wilcoxholm Farm, Boghall East and Falkirk Road. The mitigation proposed at this location could be carried out without the WFS and again, there is no evidence of any link between the impact of traffic associated with allocated sites in Linlithgow and the need for this intervention. As such the evidence does not establish a link to the proposed interventions and those development sites identified above. 	<p>housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant contribution rate is <u>While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.</u></p>
	<p>To summarise: There is currently capacity on the network with Linlithgow Town Centre.</p> <p>The Council concedes that inappropriate parking, loading and unloading is a significant issue within the Town Centre. We therefore query why the Council does not appear to have considered any ways of tackling this issue in the first instance.</p> <p>The SYSTRA modelling report notes that development in the west of Linlithgow will not route through the town centre to</p>	<p>See response set out above.</p>

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	<p>utilise west facing slips in the east of Linlithgow. This is “common sense”.</p> <p>The WFS are predicted to remove around 3.3% of AM and PM peak trips from the town centre. The majority of these rerouted trips are from existing network usage, not new development traffic. This is quite simply imperceptible, of no tangible benefit and is less than the impact of daily travel pattern fluctuations.</p> <p>The impact of the M9 slips in terms of allocated employment and residential sites in the model is to reroute 24 AM peak and 40 PM peak trips from the town centre. This is 0.4% and 0.5% of am and pm peak network trips modelled - a less than trivial impact with regard to the Elsieck judgement.</p> <p>The majority of trips rerouted to the slips are from existing network usage. Yet there is no apportionment of cost to reflect this.</p> <p>In light of all of the above, it is clear that there are a number of serious issues within the methodology and modelling which underpin the Supplementary Guidance. The contribution rates sought are calculated on an inconsistent and unfair basis. They do not relate in any way to impact from development on particular infrastructure. Further, we consider that there is no technical evidence to justify the requirement for the proposed slip roads on J3 of the M9. Therefore, we urge the Council to reconsider the requirement for the slips and to focus on more readily deliverable solutions that may deliver more tangible benefit. We would also urge the Council to consider removing the WFS intervention from the proposed Supplementary Guidance. The approach adopted does not comply with the</p>	
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	provisions of Section 75 of the Act, the guidance in Circular 3/2012 and must be reconsidered.	
	<p>Other Matters</p> <p>We note in Section 6 of the draft Supplementary Guidance that the Council is seeking to apply a charge of £20 per residential unit as set out in Table 15 in relation to the preparation of Travel Plans and travel pack information. There is no justification or clarification for why this contribution is required. The Supplementary Guidance notes that planning permission is to be conditional on an applicant providing a Travel Plan to promote sustainable travel modes. The Travel Plan is prepared by the applicant. There is no explanation given as to why planning permission for residential development on an allocated or other site could only be made acceptable on the basis of an unexplained financial contribution of £20 per residential unit. This is contrary to Section 75 of the Act and we would therefore urge the Council to remove Section 6 from the draft guidance.</p>	<p><i>As there is no policy hook in the LDP which specifically requires travel plan co-ordinator contributions to be secured through planning obligations, it is proposed to remove from the Supplementary Guidance the requirement for developer contributions in this regard. Travel Plans will, however, still require to be submitted with planning applications for all significant travel generating developments, as encouraged by SPP, and these would be appraised in the normal course of determining planning applications.</i></p>
<p>Taylor Wimpey James Wall Holder Planning</p>	<p>Our comments are directed towards the Draft Guidance's approach to financing the delivery of the West Facing Slips at Junction 3 of the M9 and how that relates to Taylor Wimpey's land interests in Linlithgow. However, these concerns raise more general issues with the content and methodology of the Draft Guidance as a whole. In our view, the Guidance would be unlawful if adopted in its current form.</p>	<p><i>Noted. The Supplementary Guidance sets out the council's approach to developer contributions having regard to legislative requirements and requirements of the West Lothian Local Development Plan.</i></p>

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	<p>We question the accuracy of the identified cost of £8.5M for the West Facing Slips, which the Council acknowledge has been based on an “extremely high level” estimate with a cost range of £6.5M to £10.5M. The Draft Guidance indicates that if the identified cost changes then the Council would refund or apply higher contributions retrospectively. However, in our understanding, there is no lawful mechanism by which the Council could impose higher retrospective contributions. This section of the Draft Guidance should therefore be removed. Instead, the Council should establish an accurate price for the West Facing Slips to provide the basis for contributions. This is required to meet the 4th and 5th tests in Circular 3/2012.</p>	<p><i>Transport consultants commissioned by the council to undertake work to inform the Supplementary Guidance have estimated the costs of the west facing slips based on their experience of developing high level cost estimates for grade separated junction layout options on the trunk road network. As estimated costs, these may change as the final design for the west facing slips comes is agreed. In these circumstances the Supplementary Guidance would be revised to reflect any changes to costs. Where planning permission has been granted any higher cost would not be applied provided that the planning permission remains capable of being implemented; new applications would however be required to comply with any new Supplementary Guidance – paragraphs 1.4 and 7.5 of the Supplementary Guidance refer.</i></p>
	<p>It is not appropriate for new development allocations in Linlithgow to carry 100% of the transport infrastructure costs in Linlithgow for the following reasons.</p> <p>a. Firstly, there are existing congestion issues in and around Linlithgow which are clearly not arising from development that has not happened yet. The 4th test of Circular 3/2012 requires contributions to fairly and reasonably relate in scale and kind to the proposed development, and it would not be reasonable for developers to be expected contribute to mitigating a constraint that already exists. It is notable in this regard that East Lothian Council’s approved approach to developer contributions recognises that new development will only be responsible for a proportion of transport infrastructure, in recognition that new development is only partly responsible for the need for new infrastructure and not the sole basis for requiring it. The West Facing Slips were safeguarded in the West Lothian Local Plan 2009, thereby demonstrating that the need for this infrastructure has been longstanding and not arising because of new development.</p>	<p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council’s requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council’s position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the</i></p>

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	<p>b. Secondly, it is clear that it is not just traffic from Linlithgow that is contributing to congestion in and around Linlithgow. Annex 1 of the Draft Guidance shows that traffic from Bo'ness is having a substantial impact too, and Falkirk Council's existing and proposed Local Development Plan identify the West Facing Slips as infrastructure requirements for which contributions are to be secured. It is therefore clearly not appropriate for West Lothian Council to be proposing that the total cost of the West Facing Slips is met by new development in Linlithgow only.</p>	<p>town.</p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p>
	<p>Taylor Wimpey therefore objects to the Draft Guidance in its current form. The Council should reconsider the proportionate contributions of new development in Linlithgow, reflecting the fact that development here will only partly contribute to mitigating an infrastructure constraint which already exists and will be further exacerbated by other developments beyond Linlithgow which are not being taken account of by the Council.</p>	<p><i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions towards the provision of the slip roads at junction 3 of the M9 will be required from developments in the Falkirk Council area. The council has informed Falkirk Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate.</i></p> <p><i>West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area. Falkirk Council was informed of preparation of the Supplementary Guidance and invited to engage.</i></p> <p><i>The council made representations to Falkirk Council on its LDP and planning applications for housing development in the Bo'ness area where it was considered that these would impact on Linlithgow and where developer contributions towards the M9 at junction 3 should be sought. It is for Falkirk Council to determine whether or not a contribution should be applied when granting planning consent.</i></p>

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		<p><i>To enable delivery of the development strategy as set out in the adopted West Lothian Local Development Plan a key requirement is the provision of infrastructure to accommodate proposed development. Policy INF 1 sets out the council's requirements. These are further set out and expanded upon in the Action Programme accompanying the LDP.</i></p> <p><i>The LDP is clear that development will not be supported unless funding for necessary infrastructure (including contributions from developer obligations) is fully committed and that infrastructure is capable of being delivered. The developer contribution rate for M9 junction 3 at Linlithgow, as set out in the draft Supplementary Guidance, provides a contribution rate as a basis for discussion and which will allow for the council and interested parties to reach agreement on planning obligations which will then allow development in Linlithgow to proceed. In the absence of a contribution rate and an approved Supplementary Guidance for transport infrastructure, the council's position would be to refuse planning consent. Such a position would do little to assist in the delivery of housing in the town.</i></p>
<p>EWP Investments Ltd Andrew Marshall <i>Geddes Consulting</i></p>	<p>It is recommended that the Council provides the necessary technical assessment work underpinning the requirements of the draft Supplementary Guidance and then undertake a further consultation exercise if it seeks to retain the financial contributions which it has collected under the terms of the SPG (2009) and SPG (2010). Until this issue is addressed, it is not considered that the Council will be able to formally adopt the draft Supplementary Guidance.</p>	<p><i>The 2010 SPG was based on simplistic link traffic flows using the accepted 1800 vehicles link capacity level for single lane operation. The document identified that with base traffic flows and predicted development flows both from committed schemes and new sites identified in the West Lothian Local Development Plan 2009 that the traffic levels exceeded single lane operation.</i></p> <p><i>The council proposes to amend the Supplementary Guidance to set out more fully the methodology and justification for developer contributions towards the A801 – see comments below.</i></p>

	<p>Section 3 of this Representation provides an overview of the draft Supplementary Guidance requirements for developments to make financial contributions towards the dualling of the A801. This Section highlights that the Council's requirement is based on an assessment undertaken in 2005/06. This is now significantly out-of-date, and the Council no longer has a copy of the Report and cannot refer to its assumptions and findings. EWP has instructed WSP to undertake an assessment of traffic impacts on the A801 and this confirms that with the passage of time, there is no longer a requirement to dual the A801.</p>	<p><i>The 2010 SPG was based on simplistic link traffic flows using the accepted 1800 vehicles link capacity level for single lane operation. The document identified that with base traffic flows and predicted development flows both from committed schemes and new sites identified in the West Lothian Local Development Plan 2009 that the traffic levels exceeded single lane operation.</i></p> <p><i>For a more accurate assessment of the capacity of the road network, the procedure laid out in the Design Manual for Roads and Bridges (DMRB) should be followed. It is proposed to reflect this in the Supplementary Guidance with the addition of the following text to be set out in a new Appendix to the Supplementary Guidance, Appendix 2 and to include reference to this at paragraph 5.21.</i></p> <p><i>Proposed amendments:</i></p> <p><i>Paragraph 5.21</i> <i>"Through traffic modelling work carried out by SIAS on behalf of West Lothian Council, it has been identified that there is a need to upgrade this section of the A801 to dual carriageway standard in order to provide safe and appropriate road infrastructure to facilitate the development proposals set out in the LDP. <u>This modelling work has been replaced and updated using DMRB and COBA 2019 methodology. This is set out in Appendix 2.</u>"</i></p> <p><i>Appendix 2 – Methodology for Calculation of Developer Contributions Towards the A801</i></p> <p><i>"The council has had a volume and speed survey carried out on A801 southern approach leg to Pottishaw roundabout (Document 1). Following DMRB volume 5 TA 46/97 Traffic Flow Ranges for use in the Assessment of New Rural Roads it can be calculated that the average number of vehicles two-way passing</i></p>
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		<p><i>a specific point in a 24-hour period usually known as Annual Average Dailey Traffic (AADT) flow shall be measured against Table 2.1 of TA 46/97.</i></p> <p><i>The Cost Benefit Analysis document used by the government to appraise transport projects is known as COBA 2019. COBA is a convenient method to convert 12 hour traffic flows into AADT flows. Part 4 of the document relates to traffic input and details how to calculate flows into a standard number known as the Annual Average Daily Total (AADT).</i></p> <p><i>To calculate the AADT value use Section 6 of the document giving the Seasonality Index (SI). The A801 at this location is classed as a rural principal road where speed limit is above 40mph. Table 6/1 gives a default value of 1.10. Section 9 converts the count data to an Mfactor based on the formula relationship $M = a + b \times SI$, (where “a” and “b” for each month are given in Table 9/2. So since count was in December “a”= 285 and “b”=130. Using the formula a figure for “M” is 273. The E Factor is taken from Table 9/1 which is 1.15.</i></p> <p><i>COBA uses 12 hour, 16 hour or 24 hour flows. AADT is calculated from the formula 12 hour flow* E factor * M Factor / 365. So $(7432 + 7259) \times 1.15 \times 273 / 365 = 12,636$ vehicles. This is the current base existing two-way traffic flow on the A801.</i></p> <p><i>The traffic generated by all the developments taken from the applicant’s document 16 tables 7, 15 and 25 gives 1361 vehicles in peak hour. Using the same ratio as the existing flow profile in Document 1 the peak hour conversion is $14691 / 1815 = 8.094215$ then multiply by 1361 = 11,016 vehicles.</i></p> <p><i>The current base AADT is 12,636 which looking at Table 2.1 of TA 46/97 shows the carriageway at S2 which is single two way route. This means that the existing road is still just coping with</i></p>
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		<p><i>traffic volumes. When the predicted committed development flows and development flows predicted in the LDP are combined, a total of 23,652 vehicles are predicted. Looking at Table 2.1 of TA 46/97 there is a requirement for the road to be D2AP.</i></p> <p><i>The above has shown that there is a requirement for the route from M8 to Pottishaw roundabout to be a dual carriageway and so the cost per trip rate should be applied for all developments within the area identified in the Supplementary Guidance. If, as the project progresses, the cost of the works is less than has been planned for then the rate at which developments are required to contribute would be reduced accordingly. The council maintains that there is a clear and demonstrated need for the dualling to take place, as a direct result of developments within the catchment area.</i></p>
	<p>Section 4 of this Representation provides an overview of the draft Supplementary Guidance requirement for developments to make financial contributions towards the provision of an additional Park & Ride facility adjacent to the south of Armadale Railway Station. It is concluded that the Council has not presented sufficient information to justify this requirement.</p>	<p><i>The provision of the park & ride facility is a requirement for the Armadale core development area. As part of the transport assessment a method of travel to work is by train. Taking the number of trips proposed by train requires developers to provide appropriate parking provision as not all the core area is within walking distance. This would be identified through the transport assessment process and developers would be aware of their individual responsibilities, the Supplementary Guidance has removed the individual need and made it easier for the developers to identify.</i></p>
	<p>This Representation concludes that the draft Supplementary Guidance cannot be formally adopted until the Council has undertaken a <i>meaningful</i> consultation which is supported by the disclosure of the technical justification for the mitigation requirements set out in the draft Supplementary Guidance. It is concluded that there is no requirement for financial contributions towards the dualling of the A801 or Armadale Park & Ride and these requirements and financial contributions should be removed from the draft Supplementary Guidance.</p>	<p><i>The technical justification for seeking developer contributions towards the A801 is to be set out in a new Appendix to the Supplementary Guidance – see comments above. The proposed Appendix reflects the council's response to the current Planning Appeal POA-400-2004 Land at Armadale Station, Armadale (0821/PO/19).</i></p> <p><i>The Armadale park & ride is a direct requirement of the transport interventions forming part of the developer</i></p>

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		<i>Transportation Assessment in that a percentage of the travel to work methods is by train.</i>
	In regard to the requirements of the draft Supplementary Guidance to justify making financial contributions towards the dualling of the A801 and an additional Armadale Park & Ride facility, technical assessments should provide the necessary evidence. No evidence is presented as part of the draft Supplementary Guidance as part of this consultation or are readily available in any supporting documentation which is publicly available to justify the Council's position.	<p><i>The technical justification for seeking developer contributions towards the A801 is to be set out in a new Appendix to the Supplementary Guidance – see comments above. The proposed Appendix reflects the council's response to the current Planning Appeal POA-400-2004 Land at Armadale Station, Armadale (0821/PO/19).</i></p> <p><i>The Armadale park & ride is a direct requirement of the transport interventions forming part of the developer Transportation Assessment in that a percentage of the travel to work methods is by train.</i></p>
	In regard to the requirement to dual the A801, the draft Supplementary Guidance refers to traffic modelling work undertaken by SIAS (paragraph 5.21) as the basis for the requirement. The Council has confirmed that this is a reference to analysis carried out in 2005/06, which supported SPG (2010). The Council has also confirmed it is no longer able to provide a copy of the SIAS analysis, as it no longer has this Report. As set out in Section 3 of this Representation, even if the SIAS analysis from 2005/06 had been provided, it is now significantly out-of-date and fails to take into account all material changes which have impacted on traffic generation in the intervening period.	<i>See comments above.</i>
	There is also no technical assessment presented with the draft Supplementary Guidance or readily available which justifies the requirement for financial contributions towards the Armadale Park & Ride facility. The draft Supplementary Guidance, as well as the superseded SPG (2009), simply states that there is a requirement.	<p><i>See comments above in relation to the A801.</i></p> <p><i>The Armadale park & ride is a direct requirement of the transport interventions forming part of the developer Transportation Assessment in that a percentage of the travel to work methods is by train.</i></p>

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	<p>As such, there is ...<i>insufficient information to give 'intelligent consideration'</i> on the requirement to contribute towards the dualling of the A801 or Armadale Park & Ride facility. The consultation on the draft Supplementary Guidance, therefore, fails to accord with Section 22(3)(c) of the 1997 Act and the second Gunning Principle.</p> <p>In these circumstances, it is not considered that the Council will be able to formally adopt the draft Supplementary Guidance until such matters have been addressed, given that Scottish Ministers must be satisfied that adequate and meaningful consultation has been undertaken. It is recommended that the Council undertakes a new meaningful consultation, which provides the necessary technical justification to allow for '<i>intelligent consideration</i>' of these requirements. Such consultation should provide sufficient time for consideration, in accord with the third Gunning Principle.</p>	
	<p>No up-to-date assessment of the impact of residential and commercial development on the A801 is provided as part of the draft Supplementary Guidance. Paragraph 5.21 of the draft Supplementary Guidance confirms that the Council continues to rely on the traffic modelling work undertaken by SIAS in 2005/06. The Council has confirmed that it no longer has a copy of this analysis. It is, therefore, not possible for a member of the public to undertake '<i>intelligent consideration</i>' of this analysis as part of this consultation.</p>	<p><i>See comments above.</i></p>
	<p>The technical information and impact assessment supporting the dualling of the A801 is now between 13 and 14 years old. Since this initial work was undertaken, there have been a number of material changes affecting the number of vehicle trips on the A801. The impact of the following material</p>	<p><i>See comments above.</i></p>

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	<p>changes needs to be taken into account in the latest impact assessment:</p> <ol style="list-style-type: none"> 1. The opening of Junction 4A in 2013 was a new infrastructure intervention which has fundamentally altered traffic movements in and around the local road network; 2. The re-opening of the Armadale Rail Station in 2011 and its patronage which has modified the modal share for travel in the locality, reducing the use of car within the SPG's catchment area; 3. The impact of the economic recession on projections of future development (both economic and house building) and the resultant reduction of the anticipated levels of travel to work by car, has reduced predicted levels of commuting; and 4. More up to date information about the actual impact of traffic from completed developments in the intervening period since 2006. <p>On this basis, even if the Council was able to provide find a copy of the original SIAS analysis from 2005/06, its analysis will not take into account the above changes and cannot be an appropriate technical basis to justify the dualling of the A801.</p> <p>In the absence of an up-to-date assessment of the impact of developments on the A801, WSP has produced an updated assessment: <i>A801 Corridor Analysis</i> (2019) (Annex 2) – on behalf of EWP and other developers in the Armadale area.</p>	<p><i>The Transport Assessment prepared by EWP is referenced in the draft Supplementary Guidance (paragraphs 5.29 – 5.35 of the draft Supplementary Guidance refer). In preparing the draft Supplementary Guidance as it relates to the dualling of the A801, the council concluded that contributions towards dualling were still required despite the completion of Junction 4 on the M8 which the appellant argues has had the effect of reducing traffic on the A801 and removes requirements/justification for developer contributions towards dualling of this road corridor.</i></p>
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	<p>The <i>A801 Corridor Analysis</i> (2019) concludes that in either Scenario 1 or 2, the peak number of trips generated on the A801 will not breach the threshold of 1,800 trips. This level of trips was previously set by the Council as the threshold at which dualling would be required. This threshold was also agreed as part of previous traffic analysis work, submitted by WSP to the Council in 2015 as evidence that the dualling of the A801 was not required.</p> <p>The analysis presented in the <i>A801 Corridor Analysis</i> (2019) is the only up-to-date technical assessment of the impact of new development on the A801 available to the Council. The Council has not challenged its findings. This concludes that there is no technical requirement for the A801 to be dualled. This Analysis was first submitted to the Council in June 2019 and was available to the Council prior to the production of the draft Supplementary Guidance. WSP also met with representatives of the Council's Roads and Planning departments on two occasions to discuss the analysis. The Council to date has provided no formal response to this analysis, including the opportunity to formally respond to the Application under Section 75A within its statutory time period.</p>	<p><i>The Transport Assessment prepared by EWP is referenced in the draft Supplementary Guidance (paragraphs 5.29 – 5.35 of the draft Supplementary Guidance refer). In preparing the draft Supplementary Guidance as it relates to the dualling of the A801, the council concluded that contributions towards dualling were still required despite the completion of Junction 4 on the M8 which the appellant argues has had the effect of reducing traffic on the A801 and removes requirements/justification for developer contributions towards dualling of this road corridor.</i></p> <p><i>See comments above.</i></p>
	<p>It is recommended that the requirement for financial contributions towards the dualling of the A801 is removed from the draft Supplementary Guidance as there is no technical justification for this requirement. The only up to-date technical analysis which is available to the Council is WSP's <i>A801 Corridor Analysis</i> (2019) and demonstrates that there is no requirement to dual the A801.</p> <p>3.30 As set out in Section 4 of the <i>Supporting Statement – Application for Section 75A</i> (Annex 1), if the Council continue to require developments to make a financial contribution towards the dualling of the A801, such contributions will fail</p>	<p><i>Disagree. See comments above.</i></p>

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	all four tests of Circular 3/2012 <i>Planning Obligations and Good Neighbour Agreements</i>	
	As part of the existing Section 75 Legal Agreement for the Southdale development, EWP is required to transfer the site for the additional Park & Ride facility to the south of the Station for nil cost. The site is approximately 1.4 ha. EWP is also required to make a financial contribution of £105,000 (index linked) for the provision of 30 spaces associated with employment uses (if delivered).	<i>Noted and agreed.</i>
	<p>The draft Supplementary Guidance largely replicates the content of SPG (2009). The only substantive changes presented in the draft Supplementary Guidance are as follows:</p> <ul style="list-style-type: none"> • 120 spaces are now required for residential development only and not employment uses; • The cost per space has increased from £3,500 to £4,560; and • Developments outwith the CDA in Armadale are now also required to contribute. <p>As set out in Section 2 of this Representation, there is still no technical justification presented as part of the draft Supplementary Guidance to allow for an ‘<i>intelligent consideration</i>’ of the matters raised as part of the consultation. There is no technical assessment which justifies the requirement for an additional Park & Ride facility to the south of the Station or the level of spaces required from new development. There is also no analysis to demonstrate that occupiers of homes outwith 800m will not choose to walk to the station, cycle or take public transport.</p>	<p><i>Noted and agreed.</i></p> <p><i>The transport assessment carried out by developers demonstrates that travel by rail reduces car travel outwith the area therefore the park and ride space allocation is as a result that getting to the rail station may require driving if outwith walking or choosing not to cycle.</i></p>

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	<p>There is also no assessment of the existing uptake of the parking at the existing Park & Ride to the north of the Station to understand whether this existing capacity is fully utilised. It is also important to understand the origins of vehicles using the existing facility. There is no evidence presented by the Council that occupiers of new homes are the primary user of the existing facility, rather than people traveling from existing homes or outwith the settlement.</p>	<p><i>Extension of the rail station parking will happen as demand requires. Transport assessments for new developments show modal split for travel to work. If developers are suggesting that no trips are carried out by train from their sites then the Council will look at increasing the vehicle element and its knock-on effects to road transport infrastructure.</i></p>
	<p>If the Council continues to seek financial contributions towards the additional Park & Ride facility, a detailed appraisal should be undertaken about usage of the existing Park and Ride facility; origin of users; available capacity etc If this further appraisal supports the Council's position for more parking, a further consultation should be undertaken on the updated draft Supplementary Guidance, including publication of this appraisal.</p> <p>The draft Supplementary Guidance does not clarify what the cost per unit for new residential developments not already subject to consent should be. Table 10 of the draft Supplementary Guidance is also misleading in that it states 100 units as part of the Southdale development are currently required to contribute £106,000 towards the additional facility. The existing Section 75 Agreement for Southdale only requires this contribution if employment land is developed, not residential development. Expected contributions from existing consented development have also not been updated to take into account indexation.</p>	<p><i>Transport assessments for new developments show modal split for travel to work. If developers are suggesting that no trips are carried out by train from their sites then the council will look at increasing the vehicle element and its knock-on effects to road transport infrastructure.</i></p>
	<p>EWP is currently required to provide a 1.4ha site for the southern Park & Ride facility as part of the existing Section 75 Agreement for Southdale. If constructed, the additional facility will serve a number of developments and existing homes in the surrounding area. Given that the site is within the existing Southdale development, homes within closest proximity (at least within 800m) are most likely to choose to</p>	<p><i>The Park & Ride land should already have been handed over as the Section 75 says within 6 months of employment land starting the land should be provided to the council. There is already employment land operational within Southdale area.</i></p>

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	<p>walk or cycle to the Station. As such, Southdale is providing land for a facility at no cost for which it is likely to have no more than a negligible impact.</p> <p>The requirement for EWP to provide this land at nil consideration fails to accord with the tests of Circular 3/2012 as it does not relate in scale and kind to the Southdale development on the basis that the facility will not only be available to the Southdale development. Rather, it is likely that the Southdale development will benefit the least from the new facility, given ease of walking and cycling accessibility to the Station.</p>	<p><i>The requirement in the LDP was for Armadale CDA to provide a park & Ride facility. It is for the different developers as to how this can be achieved. The Circular is clear in that conditions are accountable. Southdale are not expected to construct the spaces and vehicular use. Their proportion of the infrastructure facility is estimated to be half of the total cost as they have been allocated 50% of the CDA housing development and most of the employment land.</i></p>
	<p>The concluding paragraph of the draft Supplementary Guidance on the Armadale Park & Ride requirement states that:</p> <p><i>The council may wish to utilise some of the funding from the Standhill North and Standhill South sites (H-AM12 and H-AM 13), in the north west of Armadale, towards the cost of providing park and ride facilities at Blackridge Station, rather than at Armadale Station. The reason for having this option is that if it becomes clear that some of the Standhill residents are more likely to use Blackridge Station then it would be appropriate to use some of the contributions for an extension of the park and ride facility at Blackridge...</i></p> <p>This statement highlights the ongoing uncertainty in the Council's requirement for the additional facility at Armadale. The Council's failure to undertake the necessary technical analysis confirms that it has no real understanding of the impact of the development of new homes in Armadale on parking demand at either Armadale Railway Station or Blackridge Station.</p>	<p><i>Park & Ride facilities sizing will be dependent upon demand and therefore it is appropriate that the council uses the Park & Ride funding where it can be demonstrated that the users from each development are more likely to use.</i></p> <p><i>The council is clear where infrastructure funding should be spent and for what reason as long as it relates to the development in question.</i></p>

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	<p>There is also no mechanism in place in the draft Supplementary Guidance for the Council to re-allocate financial contributions received for the Armadale Park & Ride facility towards other infrastructure projects. It is noted that Standhill North development is consented, and the Section 75 Agreement includes no provision for financial contributions to be spent at Blackridge Station.</p>	
	<p>There is no technical justification to support the Council's position that an additional Park & Ride facility is required to the south of Armadale Station or to support the level of additional parking spaces required. The draft Supplementary Guidance fails to demonstrate that the financial contributions are necessary to make development acceptable in planning terms or that contributions relate to the developments and not from existing homes (within or outwith the settlement).</p> <p>The requirement for EWP to provide the site for the facility at nil cost as part of the Southdale development does not relate in scale and kind to the Southdale development, as other developments and existing homes will also benefit from the facility, if constructed. In reality, the Southdale development is unlikely to have any significant impact on parking given the close proximity of homes and associated walking/cycling distances. The financial contribution is also not reasonable in this respect.</p> <p>The requirement for development to make financial contributions set out in the draft Supplementary Guidance fails to accord with all four tests of Circular 3/2012 and should be removed from the draft Supplementary Guidance.</p>	<p><i>Transport assessments for new developments show modal split for travel to work. If developers are suggesting that no trips are carried out by train from their sites then the council will look at increasing the vehicle element and its knock-on effects to road transport infrastructure.</i></p> <p><i>The proportion of the infrastructure facility is estimated to be half of the total cost as they have been allocated 50% of the CDA housing development and most of the employment land.</i></p> <p><i>Disagree for reasons given above</i></p>

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	<p>The Council is required as a result of the outcome of the LDP Examination to review and replace its series of SPGs which set out financial contributions towards infrastructure from new development.</p> <p>The Council has since published a series of draft Supplementary Guidances, which has included limited (if any) updated analysis or justification. As such, the deficiencies in the SPGs are not being adequately addressed by this review process by the Council.</p> <p>This draft Supplementary Guidance is not supported by any technical analysis to support the requirements for financial contributions towards the dualling of the A801 or the additional Park & Ride facility to the south of Armadale Railway Station. Instead, the draft Supplementary Guidance largely re-states the requirements set out in SPG (2009) and (2010).</p> <p>Insufficient information has been published or is readily available to allow for <i>'intelligent consideration'</i> of these requirements as part of the consultation on the draft Supplementary Guidance. This consultation has therefore failed to accord with the legal tests of the <i>Gunning Principles</i> and Section 22(3)(c) of the 1997 Act.</p> <p>If the Council considers that there is a requirement for the dualling of the A801 and an additional Park & Ride facility, the Council must undertake a further <i>meaningful</i> consultation which is supported by the necessary technical analysis which justifies its proposed mitigation.</p> <p>It is recommended that the requirement for financial contributions towards the dualling of the A801 is removed from the draft Supplementary Guidance, as this requirement</p>	<p><i>The analysis for the section on the A801 dualling requirements is included in the appropriate appendix of the Supplementary Guidance.</i></p> <p><i>No further analysis is required. The Supplementary Guidance and background appendices justify the position taken by the council. Therefore this relates to the proposed developments and so meets Circular 3/2012 tests.</i></p> <p><i>The revised analysis for the requirement of the A801 dualling has used the Southdale surveys from 2018 and 2019, therefore are considered to be within a reasonable timeframe for presentation. The Transport Assessment prepared by EWP is</i></p>
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	<p>is based on analysis which is now significantly out-of-date (13 to 14 years old) and no longer available to the Council. The only technical analysis which is available to the Council, which takes into account the material changes since 2005/06, is WSP's <i>A801 Corridor Analysis</i> (2019). This demonstrates that there is no technical requirement to dual the A801.</p> <p>If the Council continues to require developments to make a financial contribution towards the dualling of the A801, such contributions will fail four tests of Circular 3/2012 <i>Planning Obligations and Good Neighbour Agreements</i>.</p> <p>There is also no technical justification to support the Council's position that an additional Park & Ride facility is required to the south of Armadale Station or to support the level of 120 to 150 additional parking spaces required. The draft Supplementary Guidance fails to demonstrate that the financial contributions are necessary to make development acceptable in planning terms or that contributions relate to the developments and not from existing homes (within or outwith the settlement).</p> <p>The requirement for EWP to provide the site for the facility at nil cost as part of the Southdale development does not relate in scale and kind to the Southdale development, as other developments and existing homes will benefit from the facility. In reality, the residents in the Southdale development are unlikely to have any significant need for additional parking given the proximity of homes and associated walking/cycling distances. The financial contribution is therefore not reasonable in this respect.</p> <p>The requirement for development to make financial contributions towards the Park & Ride facility, as set out in</p>	<p><i>referenced in the draft Supplementary Guidance (paragraphs 5.29 – 5.35 of the draft Supplementary Guidance refer). In preparing the draft Supplementary Guidance as it relates to the dualling of the A801, the council concluded that contributions towards dualling were still required despite the completion of Junction 4 on the M8 which the appellant argues has had the effect of reducing traffic on the A801 and removes requirements/justification for developer contributions towards dualling of this road corridor.</i></p> <p><i>The justification is contained in the transport assessments from each of the developers within the Armadale area in that they show travel to work by train as a reduction in car travel, and as sites are outwith the walk distance then users will drive, it was considered that the CDA would contribute evenly to the provision of such a facility and developers were clear of this fact when considering to promote house building and employment land within the area identified.</i></p> <p><i>Refer to above for comments. The requirement is for the Armadale CDA area to provide a park & ride facility and it is up to the different developers how this is achieved. The solution used by the council is for Southdale to provide the land and other developers to pay in kind for the parking spaces based on a roof tax feasibility cost.</i></p> <p><i>Disagree for the reasons given above.</i></p>
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	<p>the draft Supplementary Guidance, fails to accord with four tests of Circular 3/2012 and should be removed from the draft Supplementary Guidance.</p> <p>It is recommended that the Council does not proceed to submit the draft Supplementary Guidance to Scottish Government as currently drafted and should consult on a modified draft Supplementary Guidance which removes the A801 dualling and Armadale Park & Ride financial contribution requirements, unless justified technically.</p>	<p><i>Disagree; full justification has been given.</i></p>
<p>Transport Scotland Deborah Livingstone</p>	<p>Welcome and recommend early engagement and sight on any proposals that may concern the trunk road.</p>	<p><i>Noted. The council would intend to fully engage with Transport Scotland on any proposals affecting the trunk road.</i></p>
	<p>Within paragraph 5.2 it is recommended the following sentence is amended from including the wording “is expected” to read “Trunk road infrastructure in addition to that listed within this Supplementary Guidance may be required to support development, the cost of which shall be met by the developer.”</p>	<p><i>Paragraph 5.2 will be amended to read:</i></p> <p><i>“Where proposals are anticipated to impact on the trunk road network, Transport Scotland encourages early engagement. Trunk road infrastructure in addition to that listed within this Supplementary Guidance may be required to support development, the cost of which is expected to be shall met by the developer. As roads authority, any modifications to the trunk road network will require Transport Scotland approval.</i></p>
	<p>Note the document details in paragraphs 5.19 – 5.26 that there is a need to improve the M8(T) junction 4 slip roads as part of the A801 dualling required to accommodate development identified within the LDP. However, it is noted the improvements to the M8(T) slip roads do not appear to be included within the overall A801 scheme and would be separate from the contribution mechanism, requiring developers to submit a Transport Assessment. The</p>	<p><i>No detailed design has been carried out at this stage. It is hoped that the design will not require any change to the slip roads but at this stage there can be no guarantees so it was considered appropriate that the potential changes may be required and so were highlighted.</i></p> <p><i>No design has been prepared yet but it is considered that the slip roads will not be affected. The statement is there as a just in case</i></p>

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	<p>Supplementary Guidance details Transport Scotland “<i>may require developers to pay for modifications to the slip roads at M8 junction 4 as part of their development proposals</i>”.</p> <p>This is not an acceptable position and any improvements required to the trunk road network as a result of development, will require to be included within the proposed funding mechanism for the delivery of the proposed A801 dualling scheme. It is not acceptable for the cost or delivery of the improvements to the trunk road slip roads, required as a consequence of proposed development, to be excluded from the total cost of works for the A801 scheme and the gathering of any contributions.</p> <p>The improvements to the M8 slip roads require to be costed and included within Table 8 ‘Developer Contributions for A801 Upgrade to dual from M8 to Boghead Roundabout’ to ensure the total cost of the scheme is provided and therefore included within the proposed funding and delivery mechanism.</p> <p>The design of any trunk road improvements would require to comply with DMRB and will require Transport Scotland approval. To undertake works on the trunk road network a Minute of Agreement is also required and further information on this can be found on Transport Scotland’s website.</p>	<p><i>requirement.</i></p>
	<p>In relation to the M9 junction 3 detailed within paragraphs 5.51 – 5.62, greater clarity is requested on the trigger points for regarding the requirement for the improvement/alteration of the M9 slips and the proposed delivery mechanism.</p>	<p><i>As the Council is taking in the contributions and may well carry out the works themselves there is no trigger point. The council would aim to carry out the works when there is sufficient funding available. The council accepts that there may be an issue in the short term but is prepared to accept this.</i></p>

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	<p>between Calderwood CDA and West Livingston/Mossend CDA.</p> <p>Table 4 provides a split based on peak flow assessment which identifies that 61.1% is base traffic trips, 26.5% is Calderwood CDA trips and 12.4% is West Livingston/Mossend CDA trips. Table 4 notes that based on this split, the share of costs is £4,076,928 (base traffic), £1,764,490 (Calderwood), £824,316 (West Livingston/Mossend) with a total of £6,665,734 (there is a slight discrepancy between % shares and total cost). This total figure is £246,846 higher than the residual figure noted above. This requires clarification.</p> <p>Table 4 then apportions a split cost per house for Calderwood of £666 (2800 units) and £504 for West Livingston/Mossend ('220' units - assume this is error and should read 2200 units). This adds up to £1,864,800 and £1,108,800 respectively. These costs differ again from the costs noted elsewhere in the table and require clarification.</p>	<ul style="list-style-type: none"> • Calderwood 1,387 trips (26.5%) • Gavieside 648 trips (12.4%) <p>Feasibility cost for proposed bus priority measures on A71 - £6,418,884</p> <p><i>Taking the above trips and calculating the scheme on a pro-rata basis means:</i></p> <p>Base traffic £3,921,938 Calderwood £1,701,004 West Livingston/Mossend £795,942</p> <p><i>To apportion the costs for each developer it is easier to work out a rate per house:</i></p> <p>Calderwood 2800 units £607.50 per unit West Livingston/Mossend 220 units £361.79 per unit</p> <p>Calderwood CDA Shared Infrastructure Costs*</p> <p><i>Stirling Developments Ltd has forward funded and constructed the shared infrastructure however, the following levels of contributions will be secured from other developers in the Calderwood CDA area and repaid to Stirling Developments Ltd by the council upon completion of the infrastructure:</i></p> <p>Wilkieston Bypass Estimated cost £2,941,270 all for Calderwood with 2,800 units = £1050.45 per unit.</p> <p>Traffic signals at B7015 junction Estimated cost £519,048 all for Calderwood with 2,800 units = £185.37 per unit.</p>
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		<p>Signalisation and road re-alignment at B7031 junction <i>Estimated cost at £1,041,555 for all Calderwood with 2,800 units = £372 per unit.</i></p> <p><i>*fourth quarter 2017 prices</i></p>
	Overall, Springfield accord with the view of Homes for Scotland that the draft Supplementary Guidance requires further clarifications and amendments in terms of methodology and calculations and should be re-issued for public consultation.	<i>Noted.</i>
Stirling Developments Siobhan Brady	Welcome opportunity to comment on the draft Developer Contributions Towards Transport Infrastructure Supplementary Guidance (hereafter referred to as the Guidance). Whilst we have reviewed the Guidance in full, this submission is restricted to matters relating to: Indexation; Table 3: A71 Infrastructure Requirements; Calculation of Anticipated Costs; and Contributing Units.	<i>Noted.</i>
	Note that the 2019 Planning Act will, once enacted, remove supplementary guidance from the statutory development plan. Thus, making the Guidance non-statutory.	<p><i>The LDP has been prepared under the terms of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 which sets out requirements for the preparation of Supplementary and Planning Guidance. The proposed Supplementary Guidance has been prepared within the context of the LDP and would remain in force until such time as it is replaced.</i></p> <p><i>The council awaits the publication of secondary legislation which will inform matters going forward.</i></p>

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	As a member of Homes for Scotland, we support the items raised in their representation. This notwithstanding, our submission highlights items that are of particular concern to Stirling Developments.	<i>Noted. A response to the comments raised by Homes for Scotland is set out above.</i>
	Stirling Developments questions the costs identified within the Guidance being index-linked against the Building Cost Information Service (BCIS). This is a UK wide dataset within which survey information from Scotland will only be a small minority. The longer the BCIS indexation is applied, the more likely it is that anticipated costs will be misaligned from the reality in the Scottish construction industry.	<i>To provide developers with the most unbiased method of tracking building cost changes it is important for the council to use a body at arms length both to itself and the development industry. The Royal Institute of Chartered Surveyors Building Cost Information Service (BCIS) is the premium source of long term information on building costs in the United Kingdom presently available which fulfils this brief. In recent years the Institute have been aware of the volatility in their figures and in March of 2020 they rebased their all in Tender Price index based on a methodology that includes reference to econometric data and a professional panel. This is expected to increase the stability of the index and today their index includes consistent and wide scale professional analysis. The BCIS are continuing to monitor the accuracy and volatility of the model. The service also issues a Scotland focused regional Index however when previously compared to the national index this was seen to have a greater amount of volatility to the national index. West Lothian went as far as investigating using this regional index instead of the national version however analysis of calculations resulted in financial disadvantage to developers. It has been for these reasons that West Lothian Council continue to consider the Royal Institutes UK All in Tender Price Index as the most valid index to be included in developer contribution calculations and with the rebasis in March 2020 it looks like the index will be more stable than previously – the council hopes that this will go some way to allay developers concerns.</i>
	The BCIS all in tender price tracker also shows considerably higher inflation than similar trackers produced by other sources and recently a change to the methodology was announced. It is therefore already likely to be an unreliable	<i>See comments above.</i>

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	predictor of current costs for construction projects in Scotland.	
	In addition to BCIS, we acknowledge the Guidance also refers to the use of " ... or similar comparable industry standards and subject to independent verification where necessary" (page 35). However, without understanding the circumstances where similar comparable industry standards and/or independent verification where necessary could be considered/applied, this statement offers little comfort.	<i>See comments above.</i>
	<p>With one exception, we understand Table 3: All Infrastructure Requirements (Guidance, page 15) to be an accurate reflection of:</p> <ul style="list-style-type: none"> • Land at Calderwood, Section 75 (March 2013); • Conditions attached to Calderwood's Granting Planning Permission in Principle (March 2013); • Calderwood Transport Assessment (June 2009). 	<i>Noted.</i>
	Reject the addition of "with bus priority" to the following items in the Table; the addition of "with bus priority" is not in line with the aforementioned documents	<i>Bus priority measures are a requirement of the LDP</i>
	Understand the A71 Infrastructure Requirements are subject to reviews to determine whether or not there has been any change in the requirement or need to carry out the A71 Corridor Improvements. This should be reflected in the Guidance.	<p><i>Paragraphs 7.2 and 7.12 of the draft Supplementary Guidance set out that costs identified within the Supplementary Guidance will be subject to review on an annual basis, through the LDP Action Programme. It is proposed to add a statement to the end of paragraph 5.16 as follows:</i></p> <p><i>"It should be noted that A71 infrastructure requirements are subject to review associated with Section 75 requirements."</i></p> <p><i>The Section 75 Agreement for the Calderwood development</i></p>

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		<i>includes review clauses.</i>
	In line with SESplan Strategic Development Plan (hereafter referred to as SDP1), "mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers" (paragraph 123).	<i>These have been set out in the draft Supplementary Guidance.</i>
	The information presented in the Table is limited whereby no justification or breakdown of anticipated costs is provided. It is unclear if the anticipated costs are preliminary at this stage or based upon a detailed scheme.	<i>The anticipated costs are feasibility costs as until there is sufficient funding accrued the final scheme may change due to different operating conditions. The Section 75 will afford developers the safety net that if the council does not spend the money within an agreed period it will be refunded.</i>
	<p>Given the scale of the anticipated costs included in the Table, it is vital that West Lothian Council (hereafter referred to as the Council) demonstrates:</p> <ul style="list-style-type: none"> • the alternative solutions (if any) that have been considered; • the justification for the chosen solutions; • that good value for money has been sought. 	<i>The solution that was proposed at the time was considered to be most appropriate to provide the advancement for public transport however once the scheme actually comes to be built the most appropriate design will be used depending on the direction of design guidelines. Construction costs will be tendered to ensure that the council can guarantee good value.</i>
	In addition to assisting landowners and developers, the calculations behind the anticipated costs is required to demonstrate that the contributions required are necessary and reasonable in line with Circular 3/2012 - Planning Obligations and Good Neighbour Agreements.	<i>The council considers that such contributions meet the terms of Circular 3/2012 and would have expected this requirement to have been 'struck down' by Reporters in the course of the LDP enquiry had there been any suggestion of it not being justified or legitimate. However, In the Report of Examination on the LDP (Schedule 4, Issue F) the Reporter remarked that he did not consider there to be an unreasonable reliance upon developers to address infrastructure needs.</i>

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		<i>The developer contributions which are identified in the Supplementary Guidance and methodology are essentially the self-same contributions identified in the previous West Lothian Local Plan and, most pertinently, legitimised by the currently adopted West Lothian Local Development Plan. The Supplementary Guidance does not change the scope of contributions and so this criticism is (at best) misdirected.</i>
	The Guidance is not consistent with either aforementioned document.	<i>See comment above.</i>
	Confirmation from the Council is requested that the number of units provided by other developers in the Calderwood CDA has been reviewed to take cognisance of all uplifts. For instance, we understand the site at Raw Holdings has been uplifted from 400 to 671 units. As is acknowledged in the Guidance, Calderwood carries the greatest share of these costs and it is only fair that all consented development in the Calderwood CDA is considered when calculating a pro-rated share.	<i>All development within the Calderwood CDA has been considered.</i>
Falkirk Council Alistair Shaw	Falkirk Council concurs with assumption in the Supplementary Guidance that the cost of the west facing slips will be borne by the developers of sites in the West Lothian Council area and Linlithgow in particular.	<i>Comments noted; however, the modelling work to inform the Supplementary Guidance indicated that developments in the Falkirk Council area are likely to impact on Linlithgow and as such Falkirk Council should give consideration towards seeking a contribution from developers within its administrative area.</i>
	With regard to Table 3 of Annex A of the Supplementary Guidance, it is noted that the list of housing sites in Bo'ness appears to have been sourced from the Main Issues Report of the Falkirk LDP2. The LDP has however since been taken forward to the Proposed Plan stage and as a consequence the number of housing sites allocated has reduced	<i>Noted. The Supplementary Guidance was prepared prior to publication of Falkirk LDP2.</i> <i>The modelling work was correct at the time it was commissioned. The test included a scenario where there was no development from Bo'ness in case sites were removed. There is still no</i>

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	somewhat. Table 3 is therefore no longer accurately representative of the anticipated level of development in the Bo'ness area.	<i>confirmation of the full permitted development so changing it now would not necessarily be correct. Section 75's will have a figure for developer contributions and a caveat that if extra funds are paid then a refund will be given.</i>
	Similarly, the traffic modelling work contained in Annex A also embraced some of the Bo'ness sites which have not been allocated and this will inevitably have some impact on the modelling data outcomes.	<i>The modelling work was correct at the time it was commissioned. The test included a scenario where there was no development from Bo'ness in case sites were removed. There is still no confirmation of the full permitted development so changing it now would not necessarily be correct. Section 75's will have a figure for developer contributions and a caveat that if extra funds are paid then a refund will be given.</i>
CEMEX Nigel Pacey AWG Property Ltd	The respondents are the owners of an allocated housing site in Linlithgow (H-LL 13 – Kettlestoun Mains) and their representations are specifically related to that section of the Supplementary Guidance which addresses the provision of west facing slips on the M9 at Junction 3.	<i>Noted.</i>
	The respondent does not agree that the developers of housing sites in Linlithgow should be required to contribute to the upgrading of the trunk road network. It is suggested that responsibility for this more appropriately lies with the Scottish Government and the legality of the Supplementary Guidance imposing contributions for this purpose are queried.	<i>Equalising the contribution across all developments in the contribution zones identified is an appropriate and pragmatic approach to ensure compliance with policy INF 1 and satisfies the terms of Circular 3/2012 as contributions deal equitably with the cumulative impacts across the area within which the infrastructure is required.</i>
	The location of Junction 3 means that traffic likely to use the new west facing slips will be generated from a much wider area than just Linlithgow. Development sites further afield (including those in neighbouring local authority areas) will also derive benefit from the proposed junction upgrades and	<i>In undertaking modelling work to support the draft Supplementary Guidance the council has sought to demonstrate that contributions will be required from developments in the Falkirk Council area towards the provision of the slip roads at junction 3 of the M9. West Lothian Council has informed Falkirk</i>

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	<p>this reinforces the respondents view that these works should properly be financed by the Scottish Government. However, at the very least, it would be more equitable to levy contributions over a wider geographical spread of development sites.</p>	<p><i>Council of this however, West Lothian cannot insist on Falkirk Council applying a developer contribution rate. West Lothian has made representation to Falkirk Council on its stance and on proposed developments in the Bo'ness area.</i></p>
	<p>The assumption that traffic generation from the allocated housing sites in Linlithgow will add to congestion and cause disruption is deemed to be premature in the absence of there being a detailed Transport Assessment for every site and for the council not having published its own analysis.</p>	<p><i>The council's analysis takes a holistic approach and is set out in the Supplementary Guidance, specifically Annexe A 'Linlithgow Model Development Testing'. Transport Assessments have been submitted for sites in Linlithgow which have recently been granted planning consent (H-LL 3, Boghall East) and sites subject to current planning applications (H-LL Wilcoxholm Farm/Pilgrims Hill).</i></p> <p><i>Amendments are proposed to paragraphs 5.57 and 6.62 of the SG for clarity as follows:</i></p> <p><i><u>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which</u></i> In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</p> <p><i><u>5.62 To meet the requirements of Circular 1/2010 3/2012 'Planning Obligations and Good Neighbour Agreements' it has been demonstrated that all the proposed developments in Table</u></i></p>

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		<p><u>12 shall contribute on a per unit basis. those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis. Table 12 identifies these sites and the cumulative the number of units is 624. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant contribution rate is</u> While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.</p>
	<p>It is noted that the SYSTRA modelling report doesn't envisage sites in the west of Linlithgow making use of M9 Junction 3 even if the new west facing slips were constructed. Various scenarios demonstrating how the respondents site (H-LL 13) would be accessed from different directions are described and the conclusion is that it would derive little benefit from the proposed works and calls into question whether there is a sufficiently substantive relationship between this particular housing development and any contributions.</p>	<p>The first part of this statement is correct but the following assumptions are wrong for the following reasons. All housing sites will have traffic travelling through the High Street which cannot accommodate any further traffic increase. The identified infrastructure improvement, that meets the requirements contained in Circular 3/2012 that release the traffic pressure on the town centre is the provision of the west facing slips at Junction 3.</p>

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	The respondents consider the potential delays highlighted by the SYSTRA report as minimal and likely to have only a marginal impact on traffic and overall journey times. It assumes most people would allow more leeway or flexibility in their journey time planning than the estimated delays.	<i>This does not get considered when carrying out a transport assessment. All assessments presented by developers include peak hour travel volumes; that is what has been tested. Presumptions about travel behaviour are not promoted by developers or their consultants.</i>
	The respondents are critical of the council for not having published any justification for the costs associated with the motorway junction upgrade works.	<i>Costs and the justification for these are set out in section 3 of the SYSTRA report.</i>
	Concern is expressed that the Supplementary Guidance does not include any concession for affordable housing and it is feared that this will have a detrimental impact on its development and delivery.	<i>It is council policy as set out in the LDP and supporting Supplementary Guidance that developer contributions are required towards affordable housing, education and public art. Other contributions may be required. The Supplementary Guidance sets out in policy INF 1 that the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.</i>
	It is suggested that works to upgrade the trunk road network would be at odds with the Scottish Governments sustainable transport strategy and could serve to increase private car usage. As an alternative it is proposed that investment should instead be targeted towards improving access to public transport (Linlithgow station).	<i>Other than requesting clarity on the trigger points regarding the requirement for the improvement/alteration of the M9 slips and the proposed delivery mechanism, Transport Scotland has raised no objections to the proposed development. The LDP makes provision for improvements to sustainable transport in Linlithgow and elsewhere. In relation to Linlithgow this includes proposals for coach park and ride, traffic management in the town and a cycle route.</i>
	The contribution rates are criticised for being punitively high and diminish the ability to realise sustainable residential development in West Lothian.	<i>Costing are taken from background studies commissioned by the council. In the event that contributions are in excess of the final costs of projects being known, developers will be entitled to a full refund from the council of any monies overpaid. This is set out</i>

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		<p><i>in the Supplementary Guidance.</i></p> <p><i>Final costs can only be established once a final design scheme is agreed. A full refund of the amount overpaid would be made.</i></p>
	<p>It is suggested that traffic attributable to the development of site H-LL 13 will not significantly add to congestion on Linlithgow High Street due in the main to the relative proximity of M9 Junction 4 and the fact there is less than a minutes difference in journey times between using J3 or J4 to access the motorway.</p>	<p><i>Trips towards and from Edinburgh to this site are what is in question. The travel distance through the town centre is still the shorter and quicker journey time but the High Street cannot accommodate any more traffic so all developments within Linlithgow area are required to release this congestion and improve air quality. The infrastructure solution identified is the only one that relieves this issue.</i></p> <p><i>Amendments are proposed to paragraphs 5.57 and 6.62 of the SG for clarity as follows:</i></p> <p><i><u>5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which</u></i> In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.</p> <p><i><u>5.62 To meet the requirements of Circular 1/2010 3/2012 'Planning Obligations and Good Neighbour Agreements' it has been demonstrated that all the proposed developments in Table</u></i></p>

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		<p><u>12 shall contribute on a per unit basis. those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis. Table 12 identifies these sites and the cumulative the number of units is 624. The cost estimate used is the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. The resultant contribution rate is While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.</u></p>
	<p>The respondent concluded that the effect of upgrading J3 to an 'all ways junction' has the potential to encourage more traffic to flow along Linlithgow High Street to its visual and environmental detriment.</p>	<p>Disagree; the SYSTRA Study says otherwise. However it is viewed that the new trips will extensively be from the new development sites identified in the LDP and hence the reason for the infrastructure requirement. Travel to Falkirk / Stirling or beyond are the trips the council has identified and they will either use Junction 3 or 4 to access the motorway network.</p>
	<p>It is asserted that the existing road network around Linlithgow caters well with current traffic flows and it is anticipated to still do so even with the proposed new developments which have been allocated in and around</p>	<p>Disagree; the travel to work trips as a result of the proposed developments raises the existing travel levels to a point where there is gridlock in the High Street. Currently there is an air quality issue which requires to be addressed.</p>

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	Linlithgow.	
	Historically, it is claimed that alterations to motorway junctions has resulted in radical changes to traffic flows and that this would have far reaching impact on the area and the amenity of existing residents. As a consequence it isn't justifiable.	<i>Motorway junctions tend to lead to other road networks servicing a large area and may well result in redistribution of traffic. However, there is limited scope for this around the Linlithgow area. There is little traffic routes that would be altered with the introduction of the west facing slips. The only traffic identified is the trips to / from the Falkirk / Stirling area and beyond to the east side of the town. These trips taken away from the High Street will allow trips from the new developments to replace them thus little overall changing traffic levels.</i>
	Calculation of developer contributions has been expressed in terms of a 'per unit' cost, unlike other sites in the Supplementary Guidance and it is claimed that this contravenes the principle of Circular 3/2012 which would expect contributions to be calculated with regard to the actual impact of a particular site on the network.	<i>The issue that requires to be addressed is that any new development in Linlithgow will produce trips through the town centre. However, there is an air quality issue that needs to be resolved on the High Street. The identified infrastructure solution is to take existing trips away from the High Street thus allowing new development trips to replace them. All proposed development sites in Linlithgow have been found to impact on the road network in the town. Given this a "per unit" cost is considered to be appropriate and in accordance with the principles of Circular 3/2012.</i>
	The respondent requests that the Supplementary Guidance is reconsidered. In particular the preparation of an impact assessment of the combined proposed developments, traffic flows and predicted transport modes is advocated and the council is requested to encourage and promote sustainable public transport initiatives before implementing the Supplementary Guidance.	<i>Disagree; the SYSTRA study, attached as Appendix 1 to the draft Supplementary Guidance provides such an assessment.</i> <i>Sustainable public transport initiatives are set out in the LDP and are required alongside the traffic mitigation measures for Linlithgow.</i>

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	<p>In the event that developer contributions are maintained it is submitted that they must be proportionate to the impact of the development but the respondent remains of the opinion that major infrastructure upgrades are more rightfully the responsibility of the Scottish Government.</p>	
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DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE

‘CONSOLIDATED VERSION’

Amended to incorporate revisions proposed by consultees

APPENDIX 2

**THIS VERSION PRODUCED FOR THE COUNCIL EXECUTIVE
MEETING**

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Introduction

- 1.1 The West Lothian Local Development Plan (LDP) was adopted by the council on 4 September 2018. The LDP sets the pattern of development for West Lothian over the period 2014 – 2024 but also provides for longer term growth beyond this period. Developer contributions towards transport infrastructure will be required to support delivery of development set out in the LDP.
- 1.2 This Supplementary Guidance (SG) supersedes all previous Supplementary Planning Guidance (SPG) relating to developer contributions towards transport infrastructure and covers requirements for developer contributions towards transport infrastructure set out in the West Lothian Local Development Plan (LDP). The SG should be read in conjunction with SG on *Air Quality* and SG *General Infrastructure*.
- 1.3 The council will work with developers and interested parties to deliver the development strategy set out in the West Lothian LDP and provide guidance on the levels of contributions required for a development proposal through the pre-application process.
- 1.4 This SG will not be applied retrospectively to sites which already have planning permission in principle or to applications for the approval of matters specified by condition without any requirement to contribute to general infrastructure, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will however be required to comply with the terms of this SG and to policies set out in the LDP.

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Legislative Background

- 2.1 The Planning etc (Scotland) Act 2006 amends the Town and Country Planning (Scotland) Act 1997 by replacing the existing section 75 with a revised section 75 adding new sections 75A – 75G. Sections 75, 75A, 75B and 75C deal with planning obligations (previously known as planning agreements or section 75 agreements). A landowner may, in respect of land, either by agreement with the council or unilaterally, enter into an obligation (hereinafter referred to in this guidance as a “planning obligation or obligations”) restricting or regulating the development or use of the land. Sections 75D – 75G deal with good neighbour agreements. The new provisions and associated regulations came into operation on 1 February 2011. For the avoidance of doubt the regulations apply to all agreements made or in preparation prior to, and after this date.
- 2.2 Legal agreements can also be made under other legislation including the Local Government (Scotland) Act 1973, the Countryside (Scotland) Act 1967, Sewerage (Scotland) Act 1986 and the Roads (Scotland) Act 1984 and provide a possible alternative mechanism to secure developer contributions. They are useful where the nature of the contribution is relatively straightforward, involves a one-off payment and/or does not require to be secured through successors in title. For this reason they can help speed up the development process. The council has used, and will continue to use, alternative agreements where appropriate and where they are considered to speed up the development process.
- 2.3 Scottish Planning Policy (SPP) and planning circulars state that Planning Obligations can be used to address the potentially negative impact of developments on infrastructure. Scottish Government Circular 3/2012: *Planning Obligations and Good Neighbour Agreements* sets out the basis for planning obligations which will be required to be met as a consequence of new development proposals.
- 2.4 Circular 3/2012 sets out a number of policy tests for planning obligations, these are:
 - necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - be reasonable in all other respects (paragraphs 24-25)
- 2.5 This SG is consistent with the requirements of Circular 3/2012.
- 2.6 SPP and Planning Advice Note: PAN 75 – Planning for Transport identify the requirements to secure development which is sustainable, provides high quality public transport access to encourage modal shift and also facilitates movement by public transport including interchange facilities. The West Lothian LDP has been prepared within this context.

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Development Plan Context

Strategic Development Plan

- 3.1 The Strategic Development Plan (SDP1) for Edinburgh and South East Scotland sets the strategic policy context for the securing of developer contributions towards infrastructure. Paragraph 123 states:

"Developer contributions are important and will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. LDPs will set out the broad principles for planning obligations including the items for which contributions will be sought and the occasions on which they will be sought. Mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers."

- 3.2 Policy 9 provides the strategic policy support for the delivery of infrastructure as follows:

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.

- 3.3 Strategic transport improvements within the West Lothian Council area include:

Edinburgh – Glasgow Rail Improvements
 Edinburgh –Glasgow via Shotts rail line electrification
 A801 improvements
 Winchburgh rail station
 Winchburgh M9 junction
 M9 junction 3 upgrade
 A71 improvements
 A89 improvements

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Park & ride proposals

West Lothian Local Development Plan (LDP)

- 3.4 The West Lothian Local Development Plan (LDP) was prepared within the context of Strategic Development Plan 1 (SDP1). Developer contributions towards infrastructure are referenced within policy INF1 of the LDP. This SG provides further detail around policy INF1 and describes when planning obligations will be sought, where exemptions may apply, and the methodologies through which planning obligations have been calculated. The LDP provides for 24,597 houses, employment land and other development to meet community needs over the period 2014 – 2024 and beyond.
- 3.5 The following LDP policies provide the context within which this SG has been prepared.

Policy INF 1 Infrastructure Provision and Developer Obligations

The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.

Where appropriate developer obligations have been secured, planning permission will normally be granted. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.

Development will not be permitted to commence unless:

- a. funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered; or*
- b. phasing to manage demand on infrastructure has been agreed; or*
- c. in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.*

Only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

Infrastructure requirements are identified in Appendix One and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out above. Proposed sites for new infrastructure are listed in Chapter 6.

Note: Supplementary Guidance explaining how developer obligations will be implemented will be developed during the Plan period.

- 3.6 The LDP also includes specific policies relating to transport infrastructure. This SG is produced to support these policies and to give assistance to developers.

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Policy TRAN 1 Transport Infrastructure

The council will co-operate with other agencies in preparing investment programmes to enhance the environment by active travel infrastructure, public transport facilities, traffic and parking management in its towns and villages.

Development will only be permitted where transport impacts are acceptable.

This will be established where appropriate, through a Transport Assessment which covers all modes of transport and has been approved by the council.

Parking levels for development shall conform to the council's current adopted standards.

Further guidance is found in the council's draft Active Travel Plan (2015) which will be taken forward as Supplementary Guidance alongside the council's draft Local Transport Strategy (refresh) (2016).

Strategic transport infrastructure requirements are set out in Chapter 6 of the LDP.

Policy TRAN 2 Transportation contributions and associated works

Developers will be required to provide or contribute towards, the provision of travel improvements including traffic and environmental management measures, measures to promote trips by sustainable modes including walking, cycling, public transport, car sharing, and road improvements where these would be justified as a result of new development or redevelopment.

Travel plans and an associated monitoring framework will be required to support major new developments such as the previously identified Core Development Areas, strategic housing allocations and inward investment proposals.

- 3.7 A number of transport proposals are identified in the LDP and these are set out in Table 1, those proposals highlighted in green are identified in the LDP Action Programme to be delivered in whole or part through developer funding.

Table 1: West Lothian Local Development Plan Transport Proposals

Ref	Location	Proposal
P-1	Addiewell rail station	Bus interchange, parking and path upgrade between Addiewell and railway station
P-119	Heatherfield (West)	Colinshiel link road
P-16	Clarkson Road /Greendykes Road	Safeguarded road line - Broxburn Distributor Road
P-17	East Broxburn CDA	Distributor road in association with Winchburgh CDA west of Fauldeldean to Glendevon at Winchburgh
P-31	Milrig Holdings/Kirknewton railway station	Park & ride and bus interchange
P-33	Kilpunt	Land reservation for park and ride in support of Broxburn CDA
P-34	A801 Avon Gorge Crossing	Land reservation for new road crossing

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P-35	Land east of Winchburgh	Land reservation for Dalmeny Chord (associated with the Edinburgh Glasgow Improvement Programme (EGIP))
P-36	Land between boundary with Edinburgh and Broxburn/Livingston	An extension of the Edinburgh Tramline to Broxburn, Uphall and Livingston is identified in SDP1 and account requires be taken of this when considering proposals for development in the north western part of West Lothian.
P-37	A8/A89/A899 corridor	A study to identify the specific initiatives to enhance sustainable transport options for travelling along the A8/A89/A899 corridor between Livingston Town Centre, the West Lothian/City of Edinburgh boundary, Newbridge and to Maybury Junction. Land will be safeguarded adjacent to the route for these initiatives and confirmed in detail upon completion of the study.
P-102	Linlithgow, Broxburn, Philpstoun and Winchburgh	Access to/from and along the Union Canal
P-103	Blackridge/ Kirknewton and Blackness/ Sth Queensferry	Links from the National Cycle Network (NCR) 75 (across central West Lothian) and NCN 76 ("Round the Forth" route)
P-107	Armada/ Whitburn	Cycle route at B8084 from Whitdale Roundabout to Armadale Railway Station
P-108	Linlithgow/ Blackness	Cycle route at A803 from Linlithgow to the B903
P-109	Newton/ Sth Queensferry	Cycle route at A904 Newton to City of Edinburgh boundary
P-110	Livingston/ Wilkieston	Cycle route at A71 from Lizzie Brice's roundabout to Wilkieston
P-111	Ecclesmachan/ Threemiletown	Cycle route at B8046 Ecclesmachan to Threemiletown
P-112	West Calder/ Harburn	Cycle route at B7008 West Calder (Turniemoon crossroads) to Harburn
P-114	Bangour/ Dechmont	Off road pedestrian/cycle route at Drumcross/Blacklaw Ridge Road/Bathgate Quiet Hills Initiative
P-117	Bathgate / Harthill	New pedestrian / cycle route from Inchcross Roundabout, Bathgate along the A706 and B7066 at Whitburn towards Greenrigg / Harthill
P-44	M9 (Junction 3) westbound slips	Westbound slip roads on M9 at Burghmuir
P-45	M9 (Junction 3)	Coach park and ride facility
P-46	Kettilstoun Mains Park	Provision of cycle track west of existing leisure centre
P-115	Linlithgow	Traffic management measures in town centre
P-101	South Murieston /Linhouse	Distributor Road
P-70	Houstoun Road / Drumshoreland Road link	Houstoun Road / Drumshoreland Road distributor road link
P-75	West Calder railway station	Bus interchange and parking at West Calder rail station (associated with Mossend/Cleugh Brae CDA)
P-76	Road reservation	Road corridor linked to Mossend/Cleugh Brae/Gavieside CDA requirements north from A71 to A705
P-83	Cowhill	Express coach service, with associated park & ride
P-84	A706 – B7066 link, Polkemmet	Land safeguarded for road corridor
P-88	North of Wilkieston A71 bypass;	Relief road north of Wilkieston
P-90	M9 at Duntarvie	Land reservation for new motorway junction on the M9
P-91	Winchburgh CDA	Land reservation for rail station and associated park and ride
P-92	Winchburgh CDA	Distributor road in association with Broxburn CDA (south of Glendevon /west of Faucheldean)

- 3.8 In addition, development proposals set out in the LDP are likely to impact on the transport network and may require developer contributions to assist in site delivery. This specifically

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applies to the Core Development Areas (CDAs), Linlithgow, and Heartlands at Whitburn. Details of these, together with contributing sites are set out in Table 2. Other sites identified in the LDP for development but outwith the areas listed in Table 2 may require transport interventions to assist in delivery, for example new junctions or junction improvements. Where this is the case, costs associated with these would be determined on submission of planning applications and the interventions would require to be delivered at developer expense. Windfall sites, that is sites which are not allocated for development in the LDP, will also be required to contribute to transport infrastructure.

Table 2: West Lothian Local Development Plan Transport Infrastructure Requirements and Contributing Sites

Area/Settlement	Transport Infrastructure Requirements
<p>Almond Valley and Livingston Core Development Area</p> <p>Livingston – H-LV13, E-LV48</p> <p>West Calder – H-WC 1, H-WC2, H-WC3, H-WC4</p> <p>East Calder (Calderwood and Raw Holdings) – H-EC 1, H-EC2, H-EC3, H-EC4, H-EC5, H-EC6, H-EC7, H-EC8, H-EC9, H-EC10, E-EC 1</p> <p>Wilkieston – H-WI 2</p>	<p>A71/A89 corridor</p> <p>P-110 cycle route at A71 from Lizzie Brice's roundabout to Wilkieston</p> <p>P-76 Road corridor linked to Mossend/Cleugh Brae/ Gavieside CDA requirements north from A71 to A705</p> <p>West Livingston/Mossend</p> <ul style="list-style-type: none"> • network of pedestrian and cycleway links including cycleway connections to National Cycle Route 75 at Almond North to Starlaw; • improvements at West Calder railway station including provision of park and ride, bus turning facility, cycle parking at the north side of the station and the partial closure of the existing substandard access onto Limefield Road; • bus priority measures are required along Charlesfield Road with provision of a park and ride site requiring further assessment; • new distributor road network with bridges across the River Almond and West Calder Burn linking Toll Roundabout with Alba Campus; • new distributor road network linking A71 with Simpson Parkway (Kirkton Campus) via Stepend and Gavieside Farm; and • improvements to A705 and footways between Toll Roundabout and Seafeld; <p>Calderwood</p> <ul style="list-style-type: none"> • contribution to improvements at Kirknewton railway station including provision of new park and ride facility, bus turning facility and cycle parking at Milrig Holdings;

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	<ul style="list-style-type: none"> • network of pedestrian and cycleway links including cycleway connections to National Cycle Route 75 and Kirknewton Railway Station; • network of distributor roads linking B7015 with A71 (with bus priority); • upgrading of B7031 from A71 to Kirknewton Railway Station; and • north relief road for Wilkieston linking A71 with B7030 (LDP Proposal P-88).
<p>Armadale Core Development Area</p> <p>H-AM5, H-AM6, H-AM7, H-AM8, H-AM9, H-AM10, H-AM11, H-AM12, H-AM13, H-AM14, H-AM15, H-AM19</p>	<ul style="list-style-type: none"> • Armadale Station Park and Ride; • new distributor road network serving the southern expansion of the town linking Lower Bathville, A801 and B8084; • new distributor road serving expansion at Colinshiel linking East Main Street with B8084; • network of pedestrian and cycleway links including new cycleway connections to National Cycle Route 75 and links to the paths in the surrounding countryside; • dualling the A801 between Boghead Roundabout and M8 junction 4; and • contributions to park and ride provision on the south side of Armadale railway station.
<p>East Broxburn and Winchburgh Core Development Area</p> <p>H-BU4, H-BU 5, H-BU8, H-BU9, H-BU10, E-BU5</p> <p>H-WB3, H-WB4, H-WB5, H-WB6, H-WB7, H-WB8, H-WB9, H-WB10, H-WB11, H-WB12, H-WB13, H-WB16, E-EB1, E-WB2</p>	<ul style="list-style-type: none"> • new Distributor road network linking new housing at Winchburgh (west of Faucheldean) with new housing at East Broxburn; • improvements to B8020 between Winchburgh and Broxburn; • new railway station at Winchburgh and associated park and ride and public transport interchange; • new junction on the M9 (in the vicinity of Duntarvie) with associated park and ride; • network of pedestrian and cycleway links including cycleway connections to Union Canal towpath/core path and links to the paths in the surrounding countryside; • park and ride provision at Kilpunt south of A89 (with potentially a road bridge across the Brox Burn); • network of pedestrian and cycleway links including cycleway connections to Union Canal towpath and improved links to town centre via Stewartfield Park;

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	<ul style="list-style-type: none"> • new distributor road linking Clarkson Road with the A89 via Candleworks, Albyn and West Wood; • new distributor road linking Clarkson Road with B8020 via the mixed use site at Greendykes Road West; and • contributions to public transport improvements on the A89 and at Newbridge roundabout as identified in future SG.
E-BB 5a, b c and d (See map 1)	A801 dualling (M8 junction 4 to Pottishaw roundabout)
H-BL 1, H-BL2, H-BL 3, H-BL 4, H-BL 5 and H-BL 6, E-BL1, E-BL2Z	Blackridge Railway Station
H-LL 3, H-LL4, H-LL 5, H-LL 7, H-LL 11, H-LL 12, E-LL2	<p>P-44 M9 (Junction 3) westbound slips Westbound slip roads on M9 at Burghmuir</p> <p>P-45 M9 (Junction 3) Coach park and ride facility</p> <p>P-115 Linlithgow Traffic management measures in town centre</p> <p>P-118 Linlithgow new access associated with proposed housing site H-LL 10</p>
West Lothian wide	Travel Plans and Residential Travel Information Packs

*source Appendix 2 West Lothian Local Development Plan and Action Programme

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Transport Appraisal and Modelling

- 4.1 To inform the preparation of the West Lothian Local Development Plan (LDP) the council undertook a transport appraisal and commissioned transport modelling to:
 - provide evidence to the council and in turn Transport Scotland regarding impact of proposed developments on the motorway network through West Lothian;
 - help plan future transport network improvements through identifying congested junctions and identifying solutions; and
 - provide a mechanism to link the funding of potential improvements of the network to specific developments that are likely to generate additional traffic which will result in improvements being required to the network.
- 4.2 The SEStran Regional Model was used as a base for the modelling work. Since adoption of the LDP, further modelling work has been undertaken specifically to inform developer contribution requirements towards transport infrastructure to support development in Linlithgow.
- 4.3 Transport appraisals and modelling were prepared by the council and consultants (SYSTRA) in accordance with the Development Planning and Management Transport Appraisal Guidance (DPMTAG). Transport Scotland was consulted at each stage in the appraisal process. DPMTAG is an objective-led approach which considers all modes of transport in generating and appraising appropriate transport interventions and mitigation of any consequential impact of planned growth identified through the development strategy.
- 4.4 In addition, transport assessments which have been undertaken in support of planning applications for the former Core Development Areas of Armadale, Winchburgh, East Broxburn and Uphall, and Livingston and the Almond Valley (Calderwood, Gavieside/Cleugh Brae/Mossend) and other development sites within the LDP area have also been taken into account and continue to be implemented and inform ongoing development at these and other locations across West Lothian.
- 4.5 Transport modelling was also undertaken to inform the *Strategic Development Plan* (SDP1) however, this was based on a different level of development and spatial strategy to that which is set out in the West Lothian Local Development Plan (LDP). The transport appraisal undertaken by Transport Scotland for the SDP modelled the development outlined in the proposed SDP.
- 4.6 Although the LDP seeks to give priority to sustainable transport modes such as active travel, public transport and car share in compliance with SPP 2014, meeting the identified overall level of housing need and economic growth aspirations which are set out in the LDP will have implications for the transport network. An increase in the capacity of the road network in some key locations will also be required if both the housing and employment growth set out in the LDP are to be accommodated.
- 4.7 Further transport assessment work is anticipated over the lifetime of the LDP for other development proposals in the plan area. Such assessments should take account of all current transport policy and include:
 - a) Consideration of new government and local targets for carbon reduction and transport modal split;

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- b) A no net detriment assessment of development traffic, which will look to mitigate the adverse effects of development traffic only (i.e. without a need to allow for underlying traffic growth);
- c) Consideration of the potential effects of land uses other than housing development. (e.g. retail and leisure development); and
- d) Local rail infrastructure requirements including a commitment to consult Network Rail where development may impact on the rail network.

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Transport Infrastructure requirements

- 5.1 The specific nature of transportation requirements is usually determined through a Transport Assessment (TA) in association with the preparation of a planning application. It is the responsibility of the applicant/prospective developer to prepare or commission the preparation of an appropriate TA which then allows for detailed traffic impacts to be properly addressed and suitable design solutions for the scale and nature of the proposed development identified prior to consent being granted.
- 5.2 Where proposals are anticipated to impact on the trunk road network, Transport Scotland encourages early engagement. Trunk road infrastructure in addition to that listed within this SG may be required to support development, the cost of which ~~is expected to~~ **shall** be met by the developer. As roads authority, any modifications to the trunk road network will require Transport Scotland approval.

A71 Corridor

- 5.3 Within the Livingston and Almond Valley CDA there are two major allocations at Calderwood and at West Livingston/Mossend providing for housing and mixed use development, including employment allocations. The development proposals at Calderwood and West Livingston/Mossend will impact on transport demand along the A71 corridor and given the scale of development proposed the council has undertaken a number of studies to identify sustainable transport solutions on the A71 corridor. Further transport analysis has been submitted as part of the planning application process for developments within the CDA. Developer contributions towards transportation improvements to the A71 are required to support these developments and specifically towards public transport improvements on the A71 which influence future modal share and contribute towards reducing car based transport.
- 5.4 Developer contribution costs are being shared by the council and developers for transportation infrastructure costs on the A71 and part funded jointly by the Livingston and Almond Valley CDA developers. Some costs are being fully funded only by the Calderwood CDA developer which is currently under construction. These are set out in the section 75 Agreements attached to planning permission for development within the CDA. At February 2019 the council has received £15, 476.54 in developer contributions towards improvements to the A71. The council has undertaken some improvement works to the Livingston section of the A71.
- 5.5 The key infrastructure requirements in relation to movements that go along or impact on the A71 corridor are set out in Table 3. These key infrastructure requirements have been tested as part of the overall development strategy and are directly linked to each CDA area and are considered necessary to enable the identified scale of development to progress. The detailed information from the transport assessments in support of the planning applications for Calderwood was used to assess the potential impact of the development on the transport network on the A71.
- 5.6 Stirling Developments Ltd has accepted that as the largest developer within the Calderwood CDA they will be responsible for providing and forward funding the junction improvements onto the A71 and also the Wilkieston Bypass. These are necessary to accommodate the impact of the Calderwood CDA. Planning conditions attached to the planning approval in principle for the Calderwood development indicate trigger points when infrastructure and junction improvements

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are required. However, as not all of the Calderwood developers were engaged in discussion on how the costs for each of the improvements was to be shared, it was left to the council to take appropriate contributions from the remaining Calderwood developers towards the three key elements of shared infrastructure. Each housing developer's contribution is based on a percentage of their housing development in relation to the total scale of housing proposed for the whole of the Calderwood CDA. The council will collect each developer's contribution based on a housing unit cost and reimburse Stirling Developments Ltd after construction of each of the following works.

- 5.7 In the event that the CDA developers make contributions in advance of the final costs being known, these developers shall be entitled to a ~~part~~ full refund from the council of any overpayment made.

Table 3: A71 Infrastructure Requirements

NB: costs have been indexed to fourth quarter 2017

A71 Corridor Study Schemes Proposed Scheme	Anticipated Costs	CDA Developer	Developer Requirement
Bus lane and bus priority at the A71/Kirknewton/East Calder junction	£605,555	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
Eastbound bus lane from above to the junction of the A71 with the B7030	£1,038,095	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
New traffic light layout with bus priority at the A71/B7031 junction	£1,041,555	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.
Eastbound bus lane on the A71 between the B7031 and the B7015	£4,775,238	Calderwood and West Livingston/Mossend	Contribution to costs. Cost sharing identified in Table 4.
New traffic light layout with bus priority at the junction of the A71/B7015	£519,048	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.
Wilkieston north west bypass to B7030	£2,941,270	Calderwood	100% funding. Requirement to access the CDA development area. Cost sharing between Calderwood developers identified in Table 4.

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- 5.8 Of the schemes listed in Table 3, in some instances costs are to be shared by all of the Livingston and Almond Valley CDA developers and are not specific to a single developer. Projects which are the subject of shared costs are set out in Table 4.

Table 4: A71 Corridor Study Schemes – Shared Costs

Bus priority contributions for A71 (excludes junctions)	
Total trips 5,240 west of B7031 junction using 2-way AM and PM peak flows:	
<ul style="list-style-type: none"> base traffic ATC 2007 3,205 trips (61.1%) Calderwood 1,387 trips (26.5%) Gavieside 648 trips (12.4%) 	
Feasibility cost for proposed bus priority measures on A71 - £6,665,769 £6,418,884	
Taking the above trips and calculating the scheme on a pro-rata basis means:	
Base traffic £4,076,928 £3,921,938 Calderwood £1,764,490 £1,701,004 West Livingston/Mossend £824,346 £795,942	
To apportion the costs for each developer it is easier to work out a rate per house:	
Calderwood 2800 units £666.00 £607.50 per unit West Livingston/Mossend 220 units £504.00 £361.79 per unit	
Calderwood CDA Shared Infrastructure Costs*	
Stirling Developments Ltd has forward funded and constructed the shared infrastructure however, the following levels of contributions will be secured from other developers in the Calderwood CDA area and repaid to Stirling Developments Ltd by the council upon completion of the infrastructure:	
Wilkieston Bypass Estimated cost £2,941,270 all for Calderwood with 2,800 units = £1050 £1050.45 per unit.	
Traffic signals at B7015 junction Estimated cost £519,048 all for Calderwood with 2,800 units = £185 £185.37 per unit.	
Signalisation and road re-alignment at B7031 junction Estimated cost at £1,041,555 for all Calderwood with 2,800 units = £372 per unit.	
*fourth quarter 2017 prices	

- 5.9 Studies carried out to date to inform infrastructure requirements along the A71 corridor include the West Lothian Sustainable Transport Study and the A71 Corridor Study together with transport appraisals carried out to support planning applications for developments along the corridor.
- 5.10 There is a current requirement within the approved SDP to safeguard the A71 Upgrade from Hermiston to East Calder. This requirement is identified as Item 94 of the Action Programme and is safeguarded by SDP policy 9. This safeguarding has also been identified in the West Lothian LDP (P-88 refers). The LDP also identifies a proposal for a cycle route along the A71 from Lizzie Bryce to Wilkieston. This project has not as yet been costed and funding is yet to be agreed.

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- 5.11 In terms of public transport, service improvements on the Edinburgh to Glasgow via Shotts line have been implemented increasing peak hour services and improving passenger capacity on the route.
- 5.12 Given the ongoing development within the Livingston and Almond Valley CDA it is considered vital that clear priorities are established to implement the elements of the A71 public transport strategy in the most beneficial order. There are two key bus routes that serve the Calderwood area and access the A71. The No.X27 and X23 routes from East Calder use the B7015 along to the A71 junction and then the A71 into Edinburgh. The priority section to introduce measures to improve public transport journey times on the A71 is from the B7015 to Wilkieston. The second route uses the Langton Road signals with A71 to access Kirknewton. The No.X28 and local bus No.23 currently use this route and then access the A71 at the signals with Linburn Road.
- 5.13 The No.X40 route between St John's Hospital and Edinburgh Royal Infirmary running approximately once an hour in each direction is the only bus service operating between Lizzie Bryce roundabout and the B7015. Therefore, in the medium to long term it is unlikely that there will be a bus from Livingston to Edinburgh directly via the A71 that will be at a frequency or have sufficient demand to make this route worthwhile. It is therefore proposed that the council reallocates monies for the formation of bus lanes on the A71, collected or intended to be collected under Section 75 agreements following the now superseded 2006 Supplementary Planning Guidance (SPG) "A71 Corridor Study", to a proposed bus lane on the A71 between the B7015 and the B7030 and further, that a strategy regarding implementation of bus priority measures should now be considered with the following priorities:-
- a) Eastbound bus lane on the A71 between the B7015 and the B7030;
 - b) Bus lane and bus priority (north/south) at the Kirknewton/East Calder junction (C27);
 - c) Widen the A71 between west of Curriehill Road and Heriot-Watt north gate on the south side to create third lane (eastbound bus lane);
 - d) Bus lane and bus priority on the A71 from the Kirknewton/East Calder junction (C27) to the B7031;
 - e) Eastbound bus lane between the entrance to the Dalmahoy Hotel and Addiston Mains. (Proposed widening on the north side); and
 - f) Bus lane and bus priority (eastbound) at the Kirknewton/East Calder junction (C27).
- 5.14 Two of the priorities listed above are within the City of Edinburgh Council administrative area. Given that contributions are required to the wider package of measures from both local authorities, it is consider appropriate that they continue to be identified in the priority list.
- 5.15 The Almondell part of the Calderwood CDA is under construction and subject to Section 75 Agreement. Planning consent has been granted for part of Raw Holdings area of the Calderwood CDA. The transport assessment submitted with the Almondell planning application identified a change to the proposed junction improvements outlined in the A71 Corridor Study. The assessment identified that a signalised junction on the A71/B7015 would be more appropriate than the roundabout proposed in the Corridor Study. The proposed roundabout and part time

Data Label : Public

signals at the staggered A71/B7031 junction have been replaced with a signalised junction – all fully funded by the Calderwood development.

- 5.16 The remaining improvements on the A71, which are not fully developer funded but require contributions to the overall cost, are the provision of bus priority along the A71 between the junctions most heavily affected by the developments. These schemes are identified in Tables 3 and 4. From transport assessments undertaken for Mossend and Calderwood it has been possible to allocate how these costs should be shared between the Livingston and Almond Valley CDA developments. These bus priority measure costs are to be met by both the Calderwood and West Livingston/Mossend CDA developers as well as West Lothian and the City of Edinburgh councils.

A89/A8

- 5.17 The A89/A8 route is a key cross boundary travel corridor between West Lothian and Edinburgh. A shared cycle footpath caters for longer distance cycling trips. However, improvements to public transport are key to delivering sustainable transport options in the Winchburgh and East Broxburn CDA. Previous study work on the A89/A8 corridor has been reviewed and developed to look at cross boundary public transport issues in partnership between West Lothian Council, City of Edinburgh Council and Transport Scotland.
- 5.18 The requirement for a park and ride site at Kilpunt is already identified and the study when completed will identify specific initiatives along the A89/A8 corridor and in particular will identify public transport improvements at Newbridge Roundabout. As reflected in the LDP Action Programme, developer contributions will be sought towards park and ride provision in addition to other improvements identified for the A89/A8 corridor.

A801 Corridor

- 5.19 The A801 traverses West Lothian in a north/south direction connecting central West Lothian to Falkirk–Grangemouth. Planning permission has been secured for a new Avon Gorge crossing and is partially funded. West Lothian and Falkirk Councils continue to seek funding from the Scottish Government for construction of the crossing - the long established 'missing link' between the M8 and M9 via the A801, across the Avon Gorge into Falkirk - and associated works with both councils safeguarding land for implementation. The closure and removal of through traffic from existing routes associated with the A801 will create opportunities to improve accessibility and local links to the Avon Valley Heritage Trail.
- 5.20 The LDP includes sites where development would impact on the A801 at its southern end linking with the M8, including land within the previously identified CDA allocation at Armadale, the employment sites at Pottishaw/ Riddochhill and further afield at Polkemmet and Cowhill. Developer contributions will be sought towards dualling of the section of A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate. This section of the A801 is currently single carriageway and includes the access roundabout at J4M8. The M8 is a trunk road managed and maintained by Transport Scotland whilst this section of the A801 is a local road which is managed and maintained by West Lothian Council.
- 5.21 Through traffic modelling work carried out by SIAS on behalf of West Lothian Council, it has been identified that there is a need to upgrade this section of the A801 to dual carriageway standard in order to provide safe and appropriate road infrastructure to facilitate the development

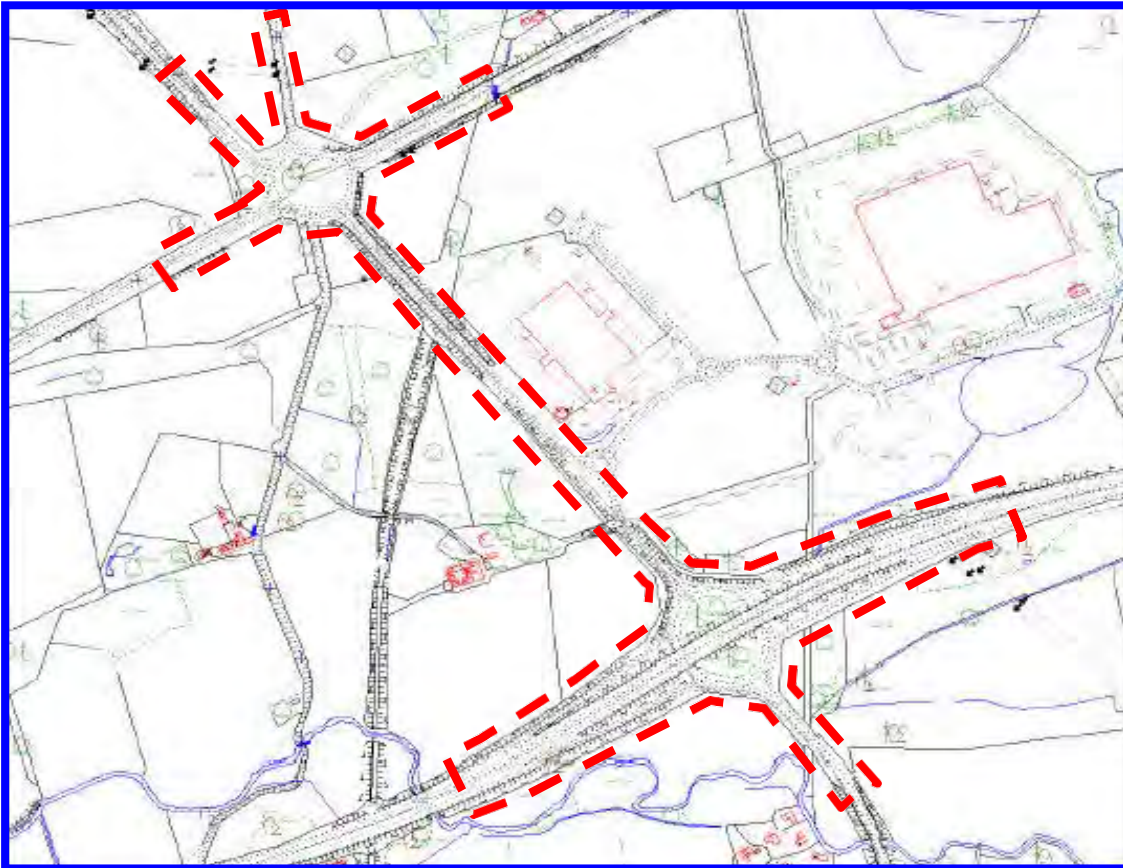
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proposals set out in the LDP. *This modelling work has been replaced and updated using DMRB and COBA 2019 methodology. This is set out in Appendix One.*

- 5.22 Upgrading of this section of some 800 metres of the A801 indicated in Figure 2 will require:
- Modifications to M8 junction 4 roundabout
 - Dualling of the south section (M8 junction 4 to J4M8)
 - Modifications to J4M8
 - Dualling of the north section (J4M8 to Pottishaw roundabout)
 - Modifications to Pottishaw Roundabout
- 5.23 The cost of the work required has been estimated at £5,958,283 million (quarter 4, 2017). Factors which have been taken into consideration in calculating the cost per trip have been estimated for developments that are allocated in the LDP and assumes that all developments accord with the LDP.
- 5.24 The assessment work shows junction modifications are required at Pottishaw Roundabout in the form of approach lane widening, the proposed site access roundabout on the A801 and also the need for dualling the south section of the A801 from the Pottishaw roundabout to junction 4 of the M8.
- 5.25 There is a section 75 legal agreement for the J4M8 office development and completion of the site development. The developer will either secure the A801 works at the appropriate time, or else a payment equivalent to the value of the works to contribute to the cost of the A801 upgrade will be made.
- 5.26 This project will require the approval of the Transport Scotland as trunk road authority in so far as it affects the slip road to and from the M8. Transport Scotland may require developers to pay for modifications to the slip roads at M8 junction 4 as part of their development proposals. The costs of any such required works to the M8 slip roads would be additional to developer contribution to West Lothian Council for A801 dualling and would be secured through planning conditions or agreements as a result of a Transport Assessment.

Figure 2: A801 – M8 Junction 4 to Pottishaw Roundabout

Data Label : Public



- 5.27 Certain types of development within the defined developer contribution zone shown in Figure 3 would be required to pay a developer contribution towards the upgrading of this section of the A801. Developments included in the contribution zone are set out in Table 6. However, not all of these allocations will require to make contributions by virtue of extant planning permission or having been built out since adoption of the LDP.

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Figure 3: Catchment Area for developer Contributions for Dualling A801 – M8 Junction 4 to Pottishaw Roundabout

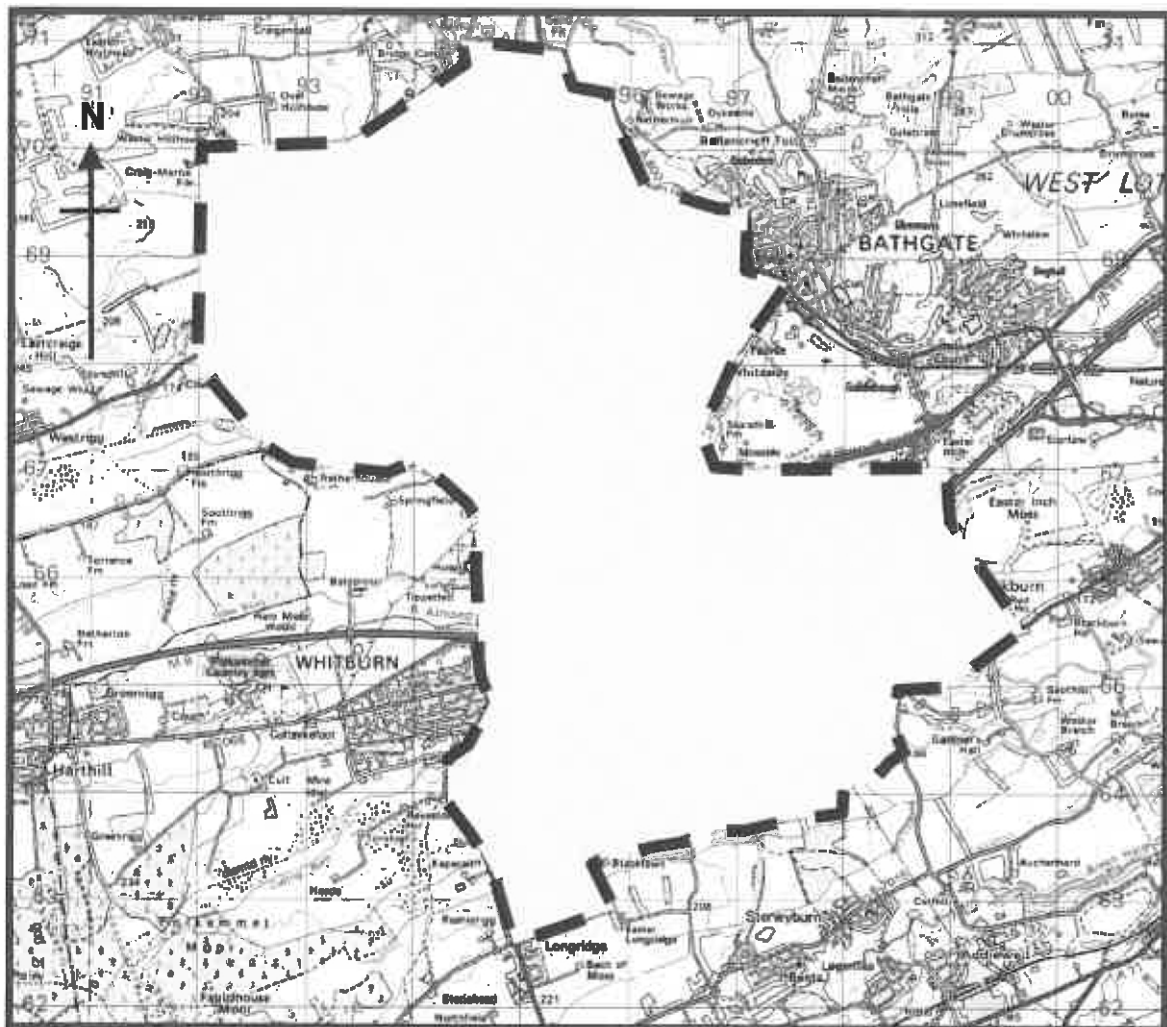


Table 6: Developments within the Contribution Zone for Dualling of the A801

LDP Site Reference	Location/Site Address	No. of Units (estimate)/use class	Remaining capacity at 31 March 2018
Housing Allocations			
H-WH 4	Whitdale East Main Street, Whitburn	49	0
H-BB 1	Daisyhill Road, Blackburn	9	9
H-BB 2	Riddochill Road, Blackburn	15	15
H-BB 3	West Main Street (West) , Blackburn	6	6
H-BB 4	West Main Street (East) , Blackburn	6	6
H-BB 5	16 Bathgate Road, Blackburn	5	5
H-BB 6	11 East Main Street (former garage), Blackburn	7	7
H-BB 7	Redhouse West, Blackburn	100	45
H-BB 8	East Main Street (former adult training centre) , Blackburn	12	12
H-BB 9	Ash Grove, Site A, Blackburn	5	5
H-BB 10	Ash Grove, Site B, Blackburn	5	5

Data Label : Public

H-BA 6	Easton Road	298	298
H-BA 7	Little Boghead site 2	20	20
H-BA 21	13-15 Glasgow Road, Meadowpark	22	22
H-BA 29	Glasgow Road	53	45
H-BA 27	Whitburn Road	100	100
H-BA 14	Windyknowe, Glasgow Road (east), Bathgate	14	0
H-BA 15	Windyknowe, Glasgow Road (west), Bathgate	46	46
H-BA 18	9 Hardhill Road (former Creamery garage) , Bathgate	14	14
H-AM 1	Muirfield, North Street, Armadale	10	10
H-AM 3	Nelson Park/Mallace Avenue, Armadale	26	26
H-AM 4	High Academy Street (former nursery), Armadale	6	6
H-AM 5	Colinshiel (Site A) , Armadale	135	135
H-AM 6	Colinshiel (Site B) , Armadale	135	135
H-AM 7	Tarrareoch (Southdale Meadows), Armadale	85	0
H-AM 8	Tarrareoch Remainder, Armadale	131	131
H-AM 9	Netherhouse Phase 1, R1A East (Ferrier Path) , Armadale	13	0
H-AM 10	Netherhouse Phase 1, R1B West (Hanlin Park), Armadale	26	0
H-AM 11	Netherhouse, Remainder, Armadale	85	0
H-AM 12	Standhill (North), Armadale	300	300
H-AM 13	Standhill (South), Armadale	110	110
H-AM 14	Trees Farm, Armadale	254	254
H-AM 15	Lower Bathville, Armadale	400	400
H-AM 16	Mayfield Drive, Armadale	22	22
H-AM 17	Drove Road, Armadale	26	26
H-AM 18	Stonerigg Farm, Armadale	11	11
H-AM 19	Tarrareoch Farm, Armadale	320	320
25/17	Torbane Drive, East Whitburn	12	12
25/16	1 Bathgate Road, East Whitburn	5	5
1/43	7 North Street, Armadale	19	19
1/40	Bathville Cross phase 4	3	3
	Bathville Cross phase 5	9	9
Employment Allocations			
E-BB 1	Riddochill, Inchmuir Road 1, Bathgate	Use classes 4, 5 & 6	
E-BB 3	Pottishaw Place, Bathgate	Use classes 4, 5 & 6	
E-BB4	Inchmuir Road, Bathgate	Sui generis	
E-BB 5 a-d	Pottishaw, Bathgate	Use classes 4, 5 & 6	
E-BB 6	West Main Street, Blackburn	Use class 4	
E-EW 1	Whitrigg (north east), East Whitburn	Use class 6	
E-EW 2	Whitrigg (south west), East Whitburn	Use classes 4, 5 & 6	

Source: West Lothian Local Development Plan, September 2018 & Housing Land Audit 2018

- 5.28 Contributions will not be sought where there is an extant planning permission provided the developer does not exceed the capacity specified in the terms of the planning permission. The contribution would only be sought from the following types of development within the catchment area:

Data Label : Public

- residential;
- business (Use Class 4);
- industrial (Use Class 5); and
- storage and distribution (Use Class 6)

- 5.29 From the Transport Assessment (TA) for the mixed-use development at south Armadale by EWP Investments, the amount of trips on the A801 between the Pottishaw roundabout and the M8 was identified. The amount of trips accessing the A801 equates to 70% of development flows.
- 5.30 The LDP housing and employment land allocations have predicted two way peak flow for the combined AM and PM period of 1831 trips for Armadale and 112 trips from Bathgate. The total housing element will generate a total of 1943 trips.

Table 7 – LDP Housing Allocations to Armadale

Site Reference	Site Name	Number of Units	Trips
H-AM 7 to 11 H-AM 14 H-AM19	Tarrareoch (Southdale Meadows) Tarrareoch (Remainder) Netherhouse Phase 1, R1A East (Ferrier Path) Netherhouse Phase 1, R1B West (Hanlin Park) Netherhouse (remainder) Trees Farm Tarrareoch Farm	1320	962
H-AM 5 & 6	Colinshiel (Site A & Site B)	270	196
H-AM 12 & 13	Standhill (North) & Standhill (South)	410	257
H-AM 15	Lower Bathville	400	416

- 5.31 For Bathgate the two sites are H-BA 7 & H-BA 27 with a total of 112 trips peak combined AM & PM flows.
- 5.32 The LDP industrial element comprising 26,800sqm business park and 21,900sqm industrial estate has been dropped by the reporter following Examination of the LDP proposed plan and replaced with housing allocation H-AM 19. There is still 1000sqm office allocation identified which would generate 38 trips. Area E-LW2 generates 107 trips and J4M8 sites E-NN 5a-d generates 300 industrial trips and 387 office trips. The total employment trip generation equates to 832 trips.
- 5.33 The total number of peak combined AM & PM new trips are 2775 trips.
- 5.34 Dividing the scheme cost of the A801 Dualling by the predicted trip increase provides a cost per trip for the total development cost. This works out at £2,137 per trip on the A801. The developer contribution rates are set out in Table 8.

Table 8: Developer Contributions for A801 Upgrade to Dual from M8 to Boghead Roundabout

Data Label : Public

Component of Scheme	Cost
Cost estimate for road upgrade	£4,005,750
Land Purchase (assumed 1ha)	£36,728
Design Time	£148,636
Topographical surveys	£5,945
Ground Investigations	£22,295
Wildlife, habitat and ecological survey	£5,202
SUDS drainage design	£89,182
Assume Public Utility costs of	£1,102,882
Sub Total	£5,416,621
Contingencies 10%	£ 541,662
Total Cost	£5,958,283

5.35 The council will consider whether developer contributions will be required for the dualling of the A801 through appraisal of Transport Statements (TS) or Transport Assessments (TA) submitted in support of planning applications. Small scale developments which do not require a TS or TA will be exempt from contributing to the scheme. In circumstances where the council is satisfied that a contribution to the scheme is appropriate, the council will have regard to *Circular 1/2010 'Planning Agreements'* *Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'* and will only seek contributions which are reasonable and relate to the scale and kind of development proposal. Contributions will be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided. The council will have regard to the following principles in considering development proposals:

- (i) Where an applicant owns the land required to implement part of the dualling proposal, the council will require the land to be transferred to the council. This will form part of the applicants contribution to the scheme. If the council needs to acquire land through compulsory purchase to implement all or part of the scheme, the cost of doing so will be met through developer contributions.
- (ii) The council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. Agreements will make provision for returning funds after an agreed period of time if not used. Beyond capacity, developments may be delayed until sufficient funds have been accumulated to implement part or all of the dualling scheme. The need for suspensive conditions will be assessed on a case by case basis.
- (iii) Where agreement cannot be reached on the impact of a proposed development and the amount of contributions, planning permission will be refused.

Data Label : Public

Blackridge Railway Station

- 5.36 A new rail station at Blackridge has been forward funded by the council in parallel with the £312 million Airdrie to Bathgate rail project. The council has underwritten approximately £2m of the construction costs of the new station and intends to recover this amount through developer contributions. The total cost of providing the station, access road and park and ride facility was £1,980,000
- 5.37 The station addresses the cumulative transport impacts of new development on Blackridge and its environs, providing better transport links and stimulating other social, economic and environmental benefits.
- 5.38 Developer contributions will be required from all new residential developments in Blackridge and within the vicinity of Blackridge and will be used to reimburse the council for all legitimate expenditure associated with the new railway station and improvements to existing or new public spaces or circulation routes where these integrate the station or facilitate movement between new developments. The contribution zone is set out in the map below.
- 5.39 The only exemptions will be small developments comprising four or less units, unless they are clearly part of a phased development of a larger site. In such cases the council will seek to agree appropriate sums with the applicant.
- 5.40 Where outline consent has already been granted, without any requirement to contribute to the new railway station, a reserved matters application pursuant to that outline will not in normal circumstances be expected to provide a new contribution. However, any new outline or detailed application will be expected to comply with the terms of this SG. Contribution rates are set out in Table 9.

Table 9: Developer Contributions Towards Blackridge Railway Station

EXPENDITURE		
ACCESS ROAD AND BRIDGE	RAIL STATION	
access road and bridge £850,000	WLC cash contribution	£536,000
	Car park costs	£744,000
	Transport Scotland credit	- £150,000
	Total	£1,130,000
Total costs to be recovered from developers £1,980,000		

Methodology for calculating contributions

- 5.41 The developers of LDP sites H-BL4, H-BL5 and H-BL6 will be required to make a pro-rata contribution (X) towards the costs associated with the delivery of the new railway station based on the notional site capacity of 250 residential units.
- 5.42 The developers of the land immediately east of local plan site H-BL4 shall contribute 100% of the costs associated with the construction of the access road serving the station park and ride facilities (£850,000) plus a pro-rata contribution (X) towards the costs associated with the delivery of the new railway station. (X) is calculated by subtracting the cost of the access road serving

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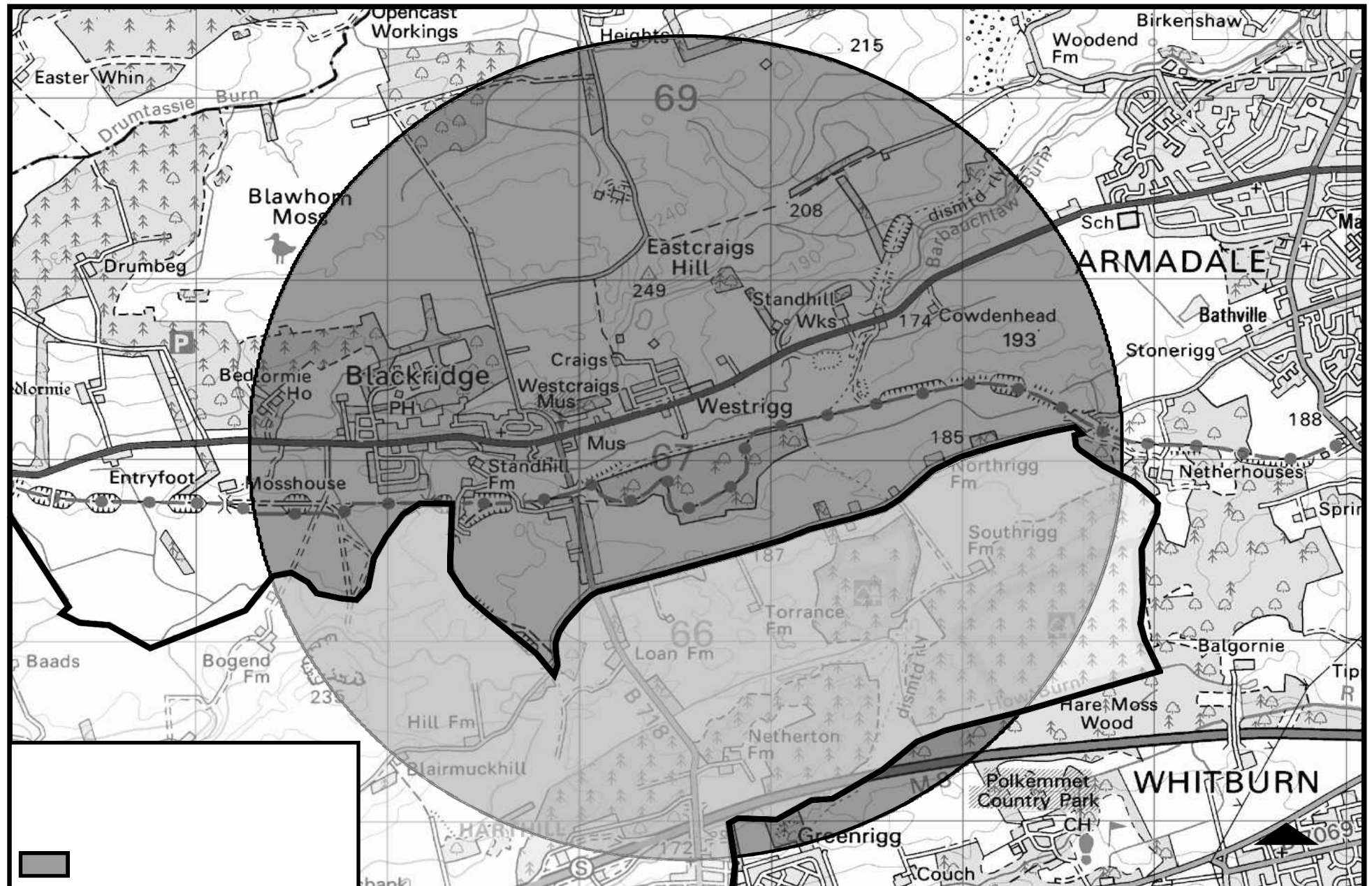
the station park and ride facilities (£850,000) from the total costs to be recovered (£1,980,000) and dividing the resultant sum of £1,130,00 by 480. The figure of 480 is obtained as follows:

Site Ref	Site Name	No. of Units
H-BL4	Craiginn Terrace	210
H-BL5	Woodhill Road	30
H-BL6	South of Craiginn Terrace (part of H-BL4)	10
n/a	Notional windfall element	230
Total		480

(X) is therefore $\text{£}1,130,000 \div 480 = \text{£}2,354$

- 5.43 These specific contributions should be considered as being additional to any other contribution required in relation to the development to cover improvements to the road network or traffic management. These could include provision for pedestrian and cycle facilities, infrastructure creating accessibility improvements to public transport or other road based improvements required as a direct result of the development. Where a Transport Assessment has been prepared, this should provide a basis for addressing the transport impacts in a holistic manner, and set out the basis of the relationship between railway station contributions and any other transport contributions.
- 5.44 Depending on the particular circumstances of a proposed residential development, the council may, on application, agree for payments to be made at a later stage in the development process than would otherwise be considered appropriate, for example once houses have been sold, albeit subject to indexation as described above. The council also recognises that changes in the economy can have an adverse effect on land values, house completion rates and house sales. As such, the council is prepared to consider more flexible terms for the payment of developer contributions towards the provision of the new station

Data Label : Public



Data Label : Public

Armadale Station Park & Ride

- 5.45 Network Rail, as part of the Airdrie to Bathgate rail project, has constructed a rail station at Armadale. The station includes a park and ride (P&R) facility, on the north side of the railway line, to serve the existing population of Armadale. This provides a car park of approximately 200 spaces. The LDP proposes new housing allocations in Armadale. A key component of the new allocations is the allocation of land for 2000 houses. The LDP requires developers in Armadale to contribute to additional park and ride facilities on the south side of the proposed railway line. This includes:
- land to be transferred to the council at nil cost for 150 car parking spaces will be safeguarded in the CDA masterplan, by the developers of the Trees farm area, adjacent to the southern side of the railway station; and
 - financial contributions from developers to fund the construction of 120 spaces within this area.
- 5.46 The remaining land for 30 spaces requires to be safeguarded for longer term expansion until 2020, at which time the need for safeguarding will be reviewed.
- 5.47 The previous Supplementary Planning Guidance for developer contributions towards the park and ride facility indicated that 30 spaces were to be provided to support the employment proposals set out in the LDP, with 90 spaces to be provided to support proposed residential development. The LDP Proposed Plan Report of Examination removed the employment land allocation at south Armadale in favour of housing development whilst still requiring park and ride facilities. To accommodate the park and ride facility it is proposed that housing developers in the Armadale CDA provide financial contributions to fund the construction of 120 spaces within the park and ride area in addition to provision of land for the park and ride facility. The developer contributions will ensure that the southern park and ride facility will meet the needs of the new population arising from the development of the Armadale CDA.
- 5.48 Developers of land within 800 metres walking distance of the station will be exempt from financial contributions. Although the park and ride facilities will be adjacent to the station, residents within the 800 metre walking distance are presumed to walk to the station and not the park and ride facility, therefore the station is the best point from which to measure the 800 metres. A map illustrating the 800 metre walking distance is below. Contributing sites are set out in Table 10.

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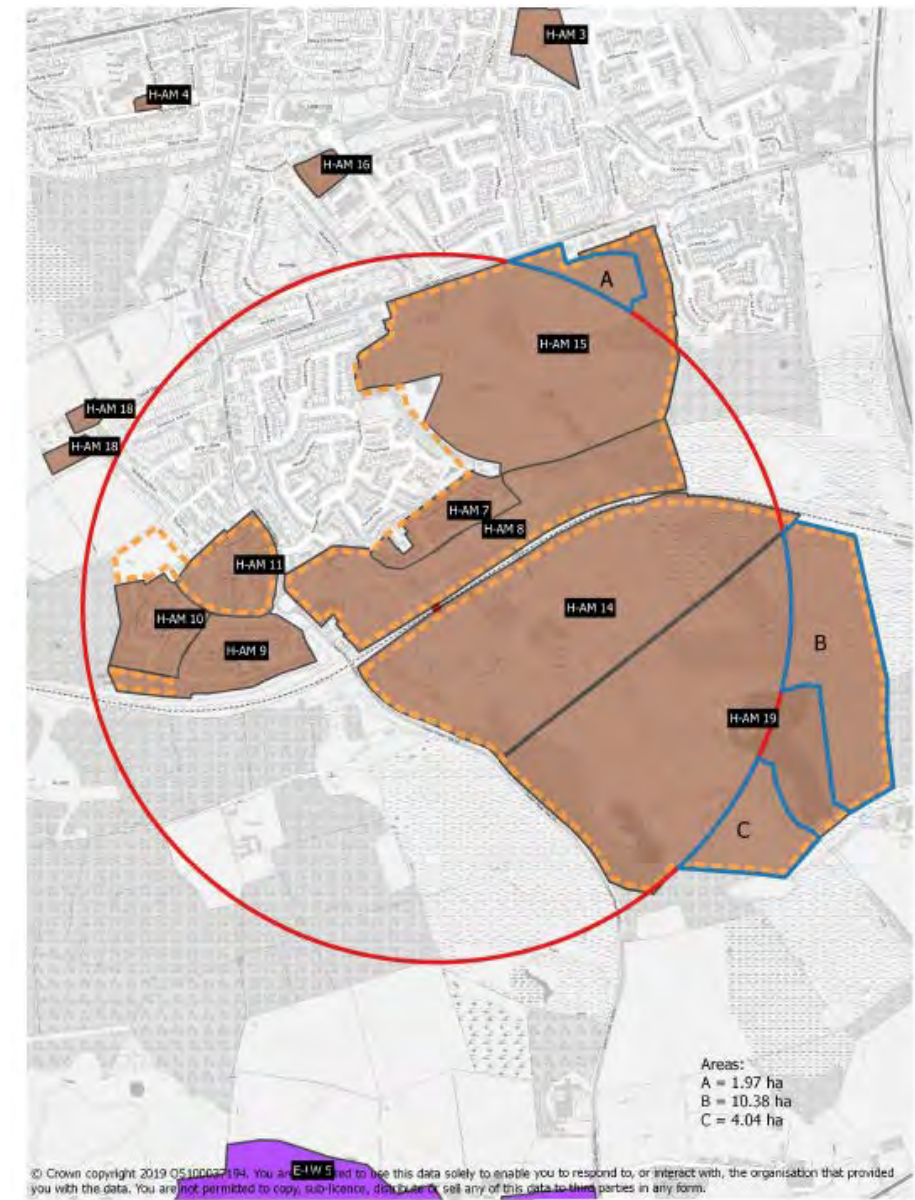


Table 10: Proposed Development Sites outwith 800 metre walking distance from Armadale Railway Station

Site Reference	Site Address	No. of units	Planning Status	Section 75 contribution
H-AM 1	Muirfield (North Street)	10	No consent	
H-AM 4	High Academy Street	6	No consent	
H-AM 5	Colinshiel(Site A)	135	No consent	-
H-AM 6	Colinshiel(Site B)	135	No consent	-
H-AM 12	Standhill (North)	300	Minded to grant	£136,800
H-AM 13	Standhill (South)	100	Approved	£45,600
H-AM 16	Mayfield Drive	22	Approved	£8,800
H-AM 17	Drove Road	26	No consent	-
H-AM 19	Tarrareoch Farm	100*	Approved	£106,000

*LDP allocation is 320 units, a proportion of which lie within 800 metre walking distance

Data Label : Public

- 5.49 At 31 March 2019 no developer contributions towards Armadale Railway Station had been received by the council. Table 11 sets out the how the contributions have been calculated.

Table 11: Developer Contribution Rates for Park and Ride Facility at Armadale Rail Station

Cost per parking space x number of spaces*	Total Cost
£4,560 x 120 spaces	£547,200
£4,560 x 30 spaces	£136 800
	£684,000
Deduction from consented sites	£288,400

*indexed to fourth quarter 2017

- 5.50 Network Rail has delivered a railway station at Blackridge. This facility has been forward funded by the council. The council may wish to utilise some of the funding from the Standhill North and Standhill South sites (H-AM12 and H-AM 13), in the north west of Armadale, towards the cost of providing park and ride facilities at Blackridge Station, rather than at Armadale Station. The reason for having this option is that if it becomes clear that some of the Standhill residents are more likely to use Blackridge Station then it would be appropriate to use some of the contributions for an extension of the park and ride facility at Blackridge. The funding methodology for Blackridge Station and its associated works, including a park and ride facility is set out elsewhere in this SG.

M9 Junction 3 and Linlithgow

- 5.51 The LDP identifies a requirement for safeguarding of western slip roads at Junction 3 on the M9 at Linlithgow and a new four way junction at Duntarvie near Winchburgh.
- 5.52 The new 4 way junction at Duntarvie near Winchburgh has been provided at developer expense as part of the Winchburgh Core Development Area (CDA) development.
- 5.53 In relation to the western slip roads at Junction 3 on the M9 at Linlithgow, the LDP identifies development sites which will be required to contribute towards provision of the slip roads.
- 5.54 In addition to the provision of the western slip roads at Junction 3, there is also a need to address transport management measures which are required in Linlithgow town centre, specifically at the High Street/Blackness Road/High Port junction and the St Ninian's Road/High Street junction.
- 5.55 To inform this SG and developer contribution rates for Linlithgow transport infrastructure traffic modelling which was carried out to inform the LDP has been further refined and now looks at both the AM and PM periods. The modelling report is attached as Annex A. Traffic levels through the town are below saturation levels however additional factors regarding inappropriate parking, loading and unloading to businesses and busses stopping creating tailbacks are not helping vehicle movement.
- 5.56 Anticipated development sites in Linlithgow are set out in Tables 12 and 13. Sites identified in Table 12 which await development will be required to contribute towards junction improvements in Linlithgow as well as Junction 3 of the M9. Where windfall sites come forward these will also require to contribute.

Data Label : Public

Table 12: Proposed Housing Sites in Linlithgow

LDP Site Reference	Location	Site Size (Ha)	Capacity (Units)
H-LL 1	81-87 High Street	0.3	41
H-LL 2	Westerlea Court, Friarsbrae	0.3	12
H-LL 3	Boghall East	3.2	50
H-LL 4	Land east of Manse Road	1.2	25
H-LL 5	Falkirk Road (land at BSW Timber)	0.7	18
H-LL 7	Clarendon House, 30 Manse Road	2.6	8
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	20.0	200
H-LL 12	Preston Farm	6.0	60
H-LL 13	Kettlestoun Mains	14.3	210

- 5.57 In making the decision to allocate land for housing in Linlithgow (see Table 12) the council anticipated that it would have transportation implications and hence the reason why a bespoke transport modelling exercise was commissioned to identify and mitigate them. A congested network results from the impact of the potential development for housing shown in Table 12 through Linlithgow town centre. This was confirmed by the modelling which In the event the modelling showed that the impact of development traffic on the Base network will be substantial, with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian's Road southbound and all routes using the Blackness Road / High Street / High Port junction.
- 5.58 The proposed network mitigation on its own does not allow the level of delay in the network to return to the same level as in the Base. The network mitigation does, however, allow the queues on St Ninian's Road southbound to dramatically improve. However, this tends to have a knock-on impact to delays on High Street and Preston Road. The roundabout at the junction of High Street/Mains Road becomes a pinch-point (especially as capacity is further constrained by the signalised pedestrian crossing to the east). Further improving the capacity of this area may prove difficult given the competing traffic flows in peak hour traffic and the offset nature of the junctions.
- 5.59 The proposed West Facing Slips (WFS) at J3 of M9 Motorway has the effect of removing a substantial amount of traffic from Linlithgow High Street, therefore the scenarios including west facing slips show improvements in network performance over the Do Nothing scenario.
- 5.60 The result of opening the west facing slips is to relieve Linlithgow town centre of through traffic to/from the east side of Linlithgow wishing to head towards Falkirk, Stirling and beyond. Traffic generation from the other developments to the west side of Linlithgow are now able to use this spare capacity such that there is no overall traffic change prior to carrying out the improvements.
- 5.61 Although the employment sites set out in Table 13 are also likely to generate trips impacting on the transport network, based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming. Employment land allocations at Mill Road (sites E-LI 1 and E-LI 2) are largely built out; site E-LI 3 remains largely undeveloped. Should such sites come forward for development a contribution rate would be levied based upon trips generated.

Data Label : Public

Table 13: Proposed Employment Sites in Linlithgow

LDP Site Ref	Location	Site (Ha)	Size (X100m2)
E-LI 1	Mill Road Industrial Estate, Linlithgow Bridge (plot a)	0.6	18
E-LI 2	Mill Road Industrial Estate, Linlithgow Bridge (plot b)	1.31	39
E-LI 3	Land at Burghmuir, north of Blackness Road	9.6	288

5.62 To meet the requirements of Circular 4/2010 3/2012 '*Planning Obligations and Good Neighbour Agreements*' ~~it has been demonstrated that all the proposed developments in Table 12 shall contribute on a per unit basis. those sites allocated for housing in the LDP (Table 12) should cumulatively contribute to the required mitigation works on a per unit basis.~~ Table 12 identifies these sites. The cumulative number of units is 624. The cost estimate used for the western facing slips at Junction 3 of the M9 is £8,500,000 at second quarter 2019 prices. The junction improvements within Linlithgow town centre are estimated at £473,000. The total cost of transport improvements in the town is therefore £8,973,000. From the housing sites set out in Table 12 which are not yet under construction, the total number of units is 563. ~~The resultant contribution rate is~~ While this suggests a contribution figure per unit of £14,380 (£8,973,000/624 unit) there does nevertheless need to be an appreciation that some of these sites have already been the subject of planning consent, and for this reason they require to be discounted from the calculation. This has the effect of changing the arithmetic of the contribution to £8,973,000/563 units and thereby making the per unit contribution of £15,938 per house/flat. Any windfall sites will also be required to contribute. The calculation is set out in Table 14.

Table 14: Developer Contribution Rate for Transport Improvements in/around Linlithgow

LDP Site Ref	Location	Capacity (units)
H-LL 3	Boghall East	50
H-LL 4	Land east of Manse Road	25
H-LL 5	Falkirk Road (land at BSW Timber)	4-8-18
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	200
H-LL 12	Preston Farm	60
H-LL 13	Kettlestoun Mains	210
Total Number of Units		563
Total Cost of transport improvements £8,973,000/563 =		£15,938



Travel Plans and Residential Travel Information Packs

- 6.1 Policy TRAN 2 of the LDP requires developers to provide travel plans and an associated monitoring framework to support major new developments such as the previously identified Core Development Areas, strategic housing allocations and inward investment proposals. This is required in order to support and promote sustainable travel and is consistent with *Scottish Planning Policy 17 Planning for Transport*.
- 6.2 The contributions are to be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided.
- 6.3 The LDP includes proposals for some 25,000 houses and 638 hectares of employment land. Unrestrained, this scale of development will have significant effects of adding to congestion on the local transport network and have an adverse effect on the environment and health. Travel planning can help to mitigate the adverse effects of less sustainable travel through the promotion of better use of the most sustainable modes of transport. Any reduction in travel, or improvement in the mode of travel, benefits the West Lothian transport network and the environment. Travel planning can play a part in increasing the efficiency of the local transport network. Residential developments will be required to produce a *Sustainable Travel Information Pack* (IP) to be provided in each new home. The contents of the pack will be site specific and should be integrated with wider information on local amenities and services. The pack is to be produced by the developer and requires council approval as part of planning consent.
- 6.4 Employment developments will be required to submit a *Staff Travel Plan* (TP) as part of a transport assessment (or transport statement) in support of their planning application. Exemptions will be made for small developments, which do not require a transport assessment or transport statement. Developers should contact the council at the pre application stage to seek guidance on the contents of the travel plan and the requirements for a transport assessment or transport statement.
- 6.5 The types of development requiring a travel plan or travel information pack are set out in Table 14.

Table 14: Class Use, Information Types and Contribution Levels

Development Type	Travel Plan	Travel Information Pack
Residential <10 dwellings IP No	√	n/a
Residential 10 or more dwellings IP and TP £20 per dwelling	√	√
Business (Use Class 4) TP £30 per 100m ² GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	

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Industrial (Use Class 5) TP £30 per 100m² GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	
Storage and distribution (Use Class 6) £30 per 100m² GFA or £700 per hectare of site area (the lower of the GFA and site area calculated sum)	√	

- 6.6 The contribution required by employment developments will be the lower of the two methods of calculation. The council will monitor the level of contribution and revise if appropriate.
- 6.7 The travel information pack and Travel Plan should include information on the location of local services and amenities and provide information of the options for travel to and from the development and should emphasise the need to travel by the most sustainable practical mode.
- 6.8 Priority should be given to the modes in the following sustainable travel hierarchy:
- (i) Fuel free modes: walking and cycling
 - (ii) Fuel efficient modes: public transport
 - (iii) Efficient use: car sharing
 - (iv) Most polluting: single occupancy car
- 6.9 For residential developments, planning permission will be conditional on the submission of an acceptable travel information pack. Developers will be required to regularly monitor and revise travel information packs and travel plans.

seven

Governance

- 7.1 The council recognises that funds received through the planning obligations process need to be clearly linked to the provision of specific pieces of infrastructure. To provide this clarity the council has set up a financial tracker to monitor the source of funds, the purpose for which they are gathered, and how they are spent; and in which transportation, education, greenspace, public art and employment land contributions will be kept and ring fenced for the delivery of infrastructure in related geographical areas.
- 7.2 The costs identified within the SG will be subject to review on an annual basis, through the LDP Action Programme. These costs will be index linked against the Building Cost Information Service (BCIS) or similar comparable industry standards and subject to independent verification where necessary.
- 7.3 In some instances, planning contributions will be in the form of infrastructure provided directly by a developer e.g. junction improvements to accommodate access to development sites or transport infrastructure required as part of the core development areas. Direct provision will be factored into the overall contributions that a site will make and where appropriate, this may be offset against total costs of the infrastructure project. Where direct provision of infrastructure is required, bonds or other legal security will also be agreed to safeguard the council from risk.
- 7.4 In most instances a developer will not be required to provide a piece of strategic infrastructure directly but will contribute in line with Figure 1 of this SG. There may be instances where infrastructure is required in advance of all developer contributions having been received by the council. Where this is the case alternative funding options may be investigated – these include City Deal and input through the council's capital programme. In these situations, contributions will continue to be sought from developers to meet the full cost of the infrastructure which has been provided. This approach is consistent with paragraphs 17 – 17 of Circular 3/2012.
- 7.5 Developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. This SG will not be applied retrospectively to sites which have full planning permission or planning permission in principle, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will be subject to the provisions of this guidance and to LDP policies.
- 7.6 Over the lifetime of the LDP developers/landowners are likely to seek planning permission for sites not allocated in the LDP - such sites are known as windfall sites. The impact of these sites will not have been considered in any capacity assessments which determine the need for improved or additional infrastructure. Non-exempt windfall sites will be required to provide developer contributions towards transport infrastructure as set out in this SG.

Unilateral Undertakings

- 7.7 Section 76 (1) (b) of the Town and Country Planning Act (Scotland) 2006, as amended, allows developers to enter into unilateral agreements to make an appropriate contribution in relation to the impact of their proposals. Where a unilateral undertaking is in place, unless it makes provision

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for all the infrastructure impacts of the proposed development, the need for any additional contributions to meet the requirements set out in this guidance will be secured through a planning obligation.

Viability

- 7.8 Developers may consider that the economics of the development and requirements for planning obligations will be greater than a development is able to bear and look to alter the levels of developer contributions required. Any assessment in this respect must be supported by a development appraisal which the council, through the District Valuer, or another independent chartered valuation surveyor agreed by the council, will verify. This appraisal requires to be funded by the developer/applicant. The council will also require documentary evidence necessitating “open-book accounting” to show the viability of a proposal will be curtailed by the requirement for planning obligations. If a development appraisal shows that a site is not viable the council may elect to review developer obligations and consider a degree of ‘prioritisation’. However, in the event of a development being assessed as unviable the council will consider all the options which will include refusal of the application due to its inability to fund the required levels of infrastructure.

Repayment of Contributions

- 7.9 In some instances the need or level of a contribution may change over time. This may be for a number of reasons including the cost of the infrastructure changing, the level of contributing development altering or the infrastructure, for which the obligations were originally gathered, no longer being required. In these instances the council may recalculate the level of obligations and apply or refund any difference to the per house contribution. It will also be the responsibility of the council to use the obligations for their intended purpose and within the timescale set by any related legal agreements. If the council does not use the contributions within the specified timescales then the obligations will be returned to those who made the contribution.
- 7.10 The approach ensures that this SG requires proposed development to make an equitable and reasonable contribution to strategic transport improvements with costs apportioned relative to the location of development and probable additional impact on strategic infrastructure. Local measures will be identified in site specific Transport Assessments prepared by site promoters.
- 7.11 Proposed sustainable transport measures to promote the use of public transport, including improved walking and cycling routes to railway stations, will be expected to be included with planning applications and their supporting Transport Assessments. These measures will be directly funded by developers.

Audit and Review Procedures

- 7.12 This SG will be reviewed and updated periodically to ensure that the level of contribution being required of developers remains relevant and takes account of changing circumstances. This will include updating contributions to take account of the BCIS All-in Tender Price Index.
- 7.13 The council, upon recouping all costs associated with the construction of the new station, will no longer apply this SG in relation to future development proposals.

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APPENDIX ONE:METHODOLOGY FOR CALCULATION OF DEVELOPER CONTRIBUTIONS TOWARDS THE A801

The council has had a volume and speed survey carried out on A801 southern approach leg to Pottishaw roundabout (Document 1). Following Design Manual for Roads and Bridges (DMRB) volume 5 TA 46/97 Traffic Flow Ranges for use in the Assessment of New Rural Roads it can be calculated that the average number of vehicles two-way passing a specific point in a 24-hour period usually known as Annual Average Dailey Traffic (AADT) flow shall be measured against Table 2.1 of TA 46/97.

The Cost Benefit Analysis (COBA) document used by the government to appraise transport projects is known as COBA 2019. COBA is a convenient method to convert 12 hour traffic flows into AADT flows. Part 4 of the document relates to traffic input and details how to calculate flows into a standard number known as the Annual Average Daily Total (AADT).

To calculate the AADT value use Section 6 of the document giving the Seasonality Index (SI). The A801 at this location is classed as a rural principal road where speed limit is above 40mph. Table 6/1 gives a default value of 1.10. Section 9 converts the count data to an Mfactor based on the formula relationship $M = a + b \times SI$, (where "a" and "b" for each month are given in Table 9/2. So since count was in December "a" = 285 and "b" = 130. Using the formula a figure for "M" is 273. The E Factor is taken from Table 9/1 which is 1.15.

COBA uses 12 hour, 16 hour or 24 hour flows. AADT is calculated from the formula $12 \text{ hour flow} \times E \text{ factor} \times M \text{ Factor} / 365$. So $(7432 + 7259) \times 1.15 \times 273 / 365 = 12,636$ vehicles. This is the current base existing two-way traffic flow on the A801.

The traffic generated by all the developments taken from the applicant's document 16 tables 7, 15 and 25 gives 1361 vehicles in peak hour. Using the same ratio as the existing flow profile in Document 1 the peak hour conversion is $14691 / 1815 = 8.094215$ then multiply by 1361 = 11,016 vehicles.

The current base AADT is 12,636 which looking at Table 2.1 of TA 46/97 shows the carriageway at S2 which is single two way route. This means that the existing road is still just coping with traffic volumes. When the predicted committed development flows and development flows predicted in the LDP are combined, a total of 23,652 vehicles are predicted. Looking at Table 2.1 of TA 46/97 there is a requirement for the road to be D2AP.

The above has shown that there is a requirement for the route from M8 to Pottishaw roundabout to be a dual carriageway and so the cost per trip rate should be applied for all developments within the area identified in the Supplementary Guidance. If, as the project progresses, the cost of the works is less than has been planned for then the rate at which developments are required to contribute would be reduced accordingly. The council maintains that there is a clear and demonstrated need for the dualling to take place, as a direct result of developments within the catchment area.

Data Label : Public

SG Developer Contributions Towards Transport Infrastructure

Approved by West Lothian Council Executive

DATE TO BE INSERTED IN DUE COURSE

Subsequently adopted as Supplementary Guidance (SG)

DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Planning, Civic Centre, Howden South Road, Livingston, EH54 6FF

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ANNEXE A

LINLITHGOW MODEL DEVELOPMENT TESTING





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1. INTRODUCTION

- 1.1.1 This note details analysis of various development and network scenarios coded and assigned to the Linlithgow Vissim model. This model was recently updated and recalibrated as detailed in “20190108_Linlithgow_VISSIM_Model_Report.pdf”. As such the base model used for the scenario testing has robust representations of the AM and PM peak periods for the 2018 base year.
- 1.1.2 SYSTRA has developed two basic forecast year scenarios which continue from seven previous scenarios assessed in previous work (using the 2015 version of the Linlithgow Vissim model):
- Scenario 8 – modelling of all LDP housing sites in Linlithgow as set out in Table 1 (proposed housing sites), Table 2 (employment sites) and including the proposed M9 J3 Westbound facing slips.
 - Scenario 9 – based on Scenario 8 above but with the addition of the Bo’Ness housing site in Falkirk Council area as listed in Table 3. Trip generation is derived from TRICS and mode choice from 2011 Census for Bo’Ness.
- 1.1.3 In each case, the maximum development size was used so that the scenarios represented the worst-case traffic impact.



Table 1. West Lothian Local Development Plan – Proposed Housing Sites in Linlithgow

LDP SITE REFERENCE	LOCATION	SITE SIZE (HA)	CAPACITY (UNITS)
H-LL 1	81-87 High Street	0.3	41
H-LL 2	Westerlea Court, Friarsbrae	0.3	12
H-LL 3	Boghall East	3.2	50
H-LL 4	Land east of Manse Road	1.2	25
H-LL 5	Falkirk Road (land at BSW Timber)	0.7	18
H-LL 7	Clarendon House, 30 Manse Road	2.6	8
H-LL 11	Wilcoxholm Farm/Pilgrims Hill	20.0	200
H-LL 12	Preston Farm	6.0	60
H-LL 13	Kettlestoun Mains	14.3	210

Table 2. West Lothian Local Development Plan – Proposed Employment Sites in Linlithgow

LDP SITE REF	LOCATION	SITE	SIZE (X100M ²)
E-LL 1	Mill Road Industrial Estate, Linlithgow Bridge	0.6	5
E-LL 2	Land at Burghmuir, north of Blackness Road	9.6	6

Table 3. West Lothian Local Development Plan – Other Proposed Developments in Linlithgow

COUNCIL SITE REF	LOCATION	CAPACITY (UNITS)
HO1-LDP1	Drum Farm	183
HO2-LDP1	Kinglass Farm	160
HO3-LDP1	Kinglass Farm 2 (Off Drum Rd)	25
MO1-LDP1	Boness Foreshore	750
102-LDP2	Crawfield Road	450
103-LDP2	North Bank Farm	200
104-LDP2	Carrieden Brae North, Muirhouses	120
105-LDP2	East Muirhouses	120
106-LDP2	Dunacre Road	28

- 1.1.4 Note that the M9 J3 Westbound facing slips are based on the latest proposal (provided by WLC) which indicates the use of roundabouts as means of access to the existing road network.
- 1.1.5 The scenarios detailed above have variants with and without the west facing slips at M9 J3, these have the naming convention 8b and 9b. This naming convention has been chosen to differentiate the above scenarios from previous modelling work.
- 1.1.6 The methodology is as per previous modelling in test scenarios (1-7) for the M9 J3 west facing slips for those sites that are located in Linlithgow and to the south. For reference, this methodology, extracted from our proposal, is documented below:
- The original model does not contain any traffic interaction on the M9 as it was not part of the original scope. As we will be modelling west facing slips onto the M9, we will not be able to monitor the merge point located on the M9 ramp. In other words, this project cannot measure the impact of any scenario on the operation of the M9; and
 - It is our intention to estimate the level of traffic associated with the new the M9 Junction 3 layout by amending the traffic patterns already contained within the development scenarios. A common-sense approach will be undertaken to enable traffic only associated with certain zones to be allowed to use the new junction setup, for example, it is anticipated that development traffic located to the west of



Linlithgow will not route through the town centre to access the westbound on-slips to travel west.

- 1.1.7 With regards to the Bo’Ness housing sites, SYSTRA have undertaken a more detailed evaluation of the trip distribution using TRICS. The TRICS database provides an indication of typical multi-modal trip rates for residential developments of this nature. These rates are then used to further refine the modal split assumption and to determine locally specific origin / destination patterns.

2. DEMAND SCENARIOS

- 2.1.1 The TRICS database was used to determine the level of car usage associated with the housing locations. Average trip rates were obtained for the AM and PM Peaks as shown in the tables below.

Table 4. Residential trip rates

PERIOD	MODE	CENSUS PERCENTAGE	MODAL SPLIT	TRIP RATE (PER DWELLING)
AM	Car/Van	67%		0.848
PM	Car/Van	67%		1.013

Table 5. Industrial employment trip rates

PERIOD	MODE	TRIP RATE (PER 100 M ²)
AM	Car/Van	0.571
PM	Car/Van	0.438

Table 6. Business park employment trip rates

PERIOD	MODE	TRIP RATE (PER 100 M ²)
AM	Car/Van	1.247
PM	Car/Van	0.939

- 2.1.2 The trip pattern of the new development sites is based on an existing trip pattern of a similar area within the model, using the existing zone loading points. Trips from the new development sites are assessed to determine their loading points onto the network and added to the existing model matrices.
- 2.1.3 Table 6 below provides an indication of the total number of trips loaded onto the network as a result of the development scenarios

Table 7. Development Scenario Traffic Demand.

PERIOD	MODEL	MATRIX TOTALS (LIGHT VEHS)
AM	2017 Base	3,613
	Base + Full Dev Demand	6,284
	Base + Full Dev Demand - Bo'Ness	5,557
	WFS Base Demand + WFS Full Dev Demand	6,284
	WFS Base Demand + WFS Full Dev Demand – Bo'Ness	5,557
PM	2017 Base	4,252
	Base + Full Dev Demand	7,357
	Base + Full Dev Demand - Bo'Ness	6,669
	WFS Base Demand + WFS Full Dev Demand	7,357
	WFS Base Demand + WFS Full Dev Demand - Bo'Ness	6,669

- 2.1.4 For the full-development scenario the maximum size of development was used in each case. This included the large Bo'Ness development.
- 2.1.5 From the scenarios denoted “- Bo'Ness”, trips from/to the Bo'Ness development were eliminated. This resulted in 727 fewer trips in the AM period and 688 fewer trips in the PM period.
- 2.1.6 On the introduction of the West Facing Slips (WFS) at M9 J3 we have assumed that all trips which currently go from the east of Linlithgow to the west (leaving the modelled area on the A803) will now use the WFS. This is illustrated in Figure 1 where the zones within the blue catchment area and going to / from the red circled zone will instead use the WFS (green circle). The WFS are represented by zone 56 (to M9) and zone 57 (from M9).
- 2.1.7 The change to the demand matrices representing the WFS scenario affects around 90-140 trips in the peak hours (in each direction and including development trips). Effectively, this scenario reroutes upwards of 200 vehicles / hour from Linlithgow High St for the full-development scenario.

SYSTRA



Figure 1. WFS Demand modification (blue = WFS catchment zones, red = original origin / destination zone, green = new WFS zones)



3. WFS SCHEME LAYOUT

3.1 Vissim Network Changes

3.1.1 Figure 2 below shows the M9 J3 West Facing Slips (WFS) proposal received from West Lothian Council in early 2019. The design consists of two new roundabouts which tie in with the existing east facing slips.

3.1.2 Figure 3 shows the equivalent section of the Linlithgow Vissim model with the WFS coded. The M9 itself and the slips' interaction with the M9 are not included in the model.

3.1.3 **SYSTRA have completed a feasibility costing for the proposed WFS.** Please note that what we have completed is an extremely high-level cost estimate, which is based on our recent experience of developing high-level cost estimates for different Grade Separated Junction (GSJ) layout options for a potential GSJ on the Scottish trunk road network. Therefore, once more information is available a more robust cost estimate will require to be undertaken to establish accurate construction costs. The anticipated costs are as follows:

Cost Estimate

- | | |
|--|--------------|
| • Eastbound diverge and westbound merge: | £7.5M |
| • Roundabouts (x2): | <u>£1.0M</u> |
| • Total: | £8.5M |

3.1.4 Rather than providing a single cost estimate we believe that it is prudent to provide a cost range. Therefore, please assume that the cost range for construction of the eastbound diverge and westbound merge plus the two roundabouts is **£6.5M to £10.5M**.

Assumptions & Exclusions

- This cost estimate only covers the **construction costs** associated with the junction i.e. other costs such as design costs (inc. costs associated with design work such as the acquisition of a topographical survey, costs associated with a ground investigation, etc.) and site supervision costs are not included;
- No work to the existing overbridge across the M9 or to the existing eastbound merge and westbound diverge are necessary;
- The underlying ground is suitable for construction of the eastbound diverge and westbound merge i.e. there will be no requirement to excavate unsuitable material and replace with suitable backfill material prior to construction of the diverge and merge;
- The presence of any existing Public Utilities apparatus within the footprint of the works is not known at this time and therefore a nominal allowance is included in the above costs, the actual costs could vary significantly from this amount;
- Costs associated with land acquisition have been omitted;
- Costs associated with ecological and environmental mitigation measures have been omitted;



- Any connections to (and amendments to) the existing local road network, properties or farm accesses that may be required as a consequence of the works have not been included in this cost estimate; and
- It has been assumed that suitable drainage outfalls will be available on both sides of the M9 within the proximity of the works.



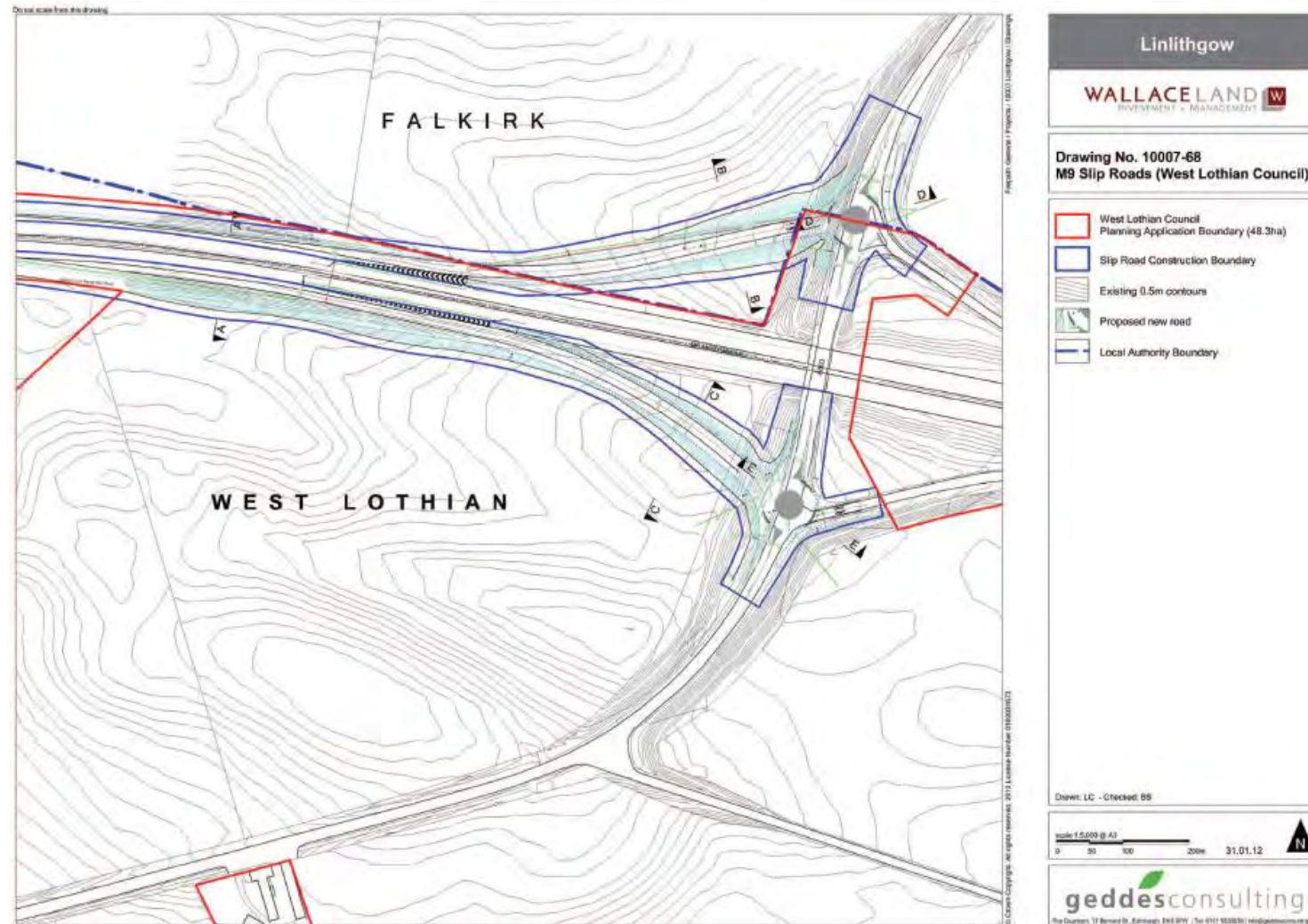


Figure 2. WFS Plan



Figure 3. WFS Network Changes

4. MITIGATION

4.1 Blackness Road / High Port / High Street

- 4.1.1 The existing roundabout at this junction can be the cause of blocking back from the High Port signalised junction as well as from the signalised pedestrian crossing on High St. As such, WLC requested that we evaluate the replacement of this roundabout with a fully signalised junction. An initial evaluation of the space available indicated that two lanes could be accommodated on all approaches. Replacing an existing roundabout with a signalised junction can sometimes lead to increased delay but does allow better balancing of the capacity for various approaches better pedestrian facilities and more reliable journey times.
- 4.1.2 To enhance the provision for pedestrians at this location (there are currently no zebra or signalised crossings on High Port or High St) and to address the clear pedestrian demand evident during our site-visit, we have coded an all-red traffic phase to allow for a “scramble” pedestrian crossing – i.e. allowing all pedestrian movements at the same time in the signal cycle.
- 4.1.3 The cycle time of the signals was matched to the existing signals at Back Station Road to allow the most robust vehicle progression through both junctions. The close-by pedestrian crossing on High St was also set to this cycle time to allow better traffic progression westbound along High St. The existing signalised crossing on Blackness Rd was removed.
- 4.1.4 Reduced speed areas representing the slowing of traffic due to School Crossing Patrol were also removed due to the introduction of signalised crossings.
- 4.1.5 Figure 4 shows the layout of this junction as coded in the Vissim model.

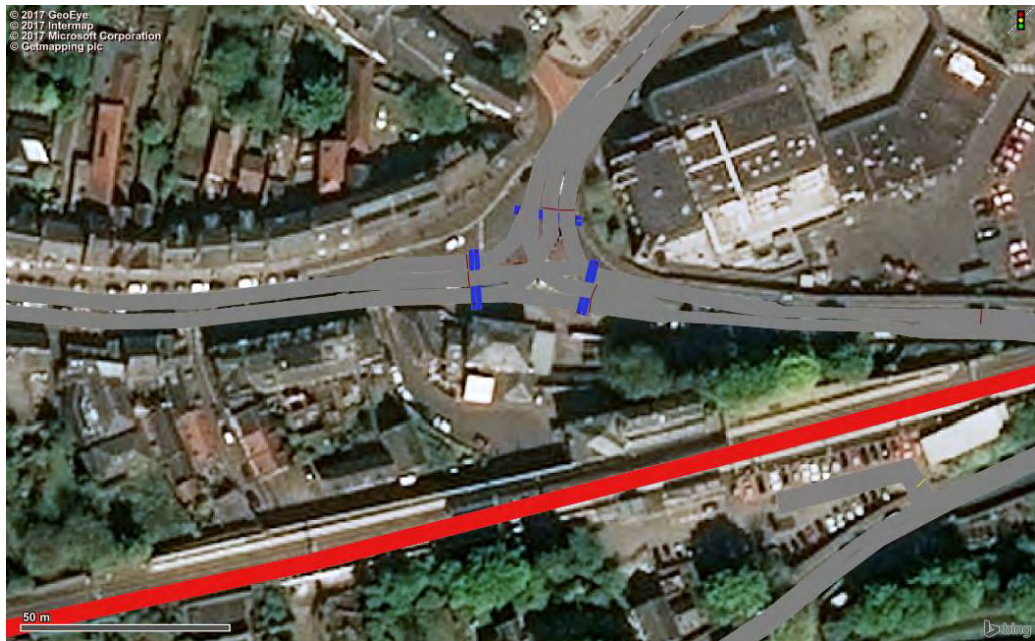


Figure 4. Blackness Rd signals

- 4.1.6 SYSTRA has calculated the approximate cost of the improvements at High St/Blackness Rd/High Port (roundabout to signalised junction) to be **£330k**.
- 4.1.7 This price is based on the following assumptions:
- (a) Surface course replacement over extents of junction (planing off top 40mm and replacing), islands, ped crossing points for all-ways movement, new footways where there are changes to road areas, new bollards, new pedestrian guard-rails.
 - (b) Based upon no understanding of the presence or location of utilities, we have made no allowances for utilities protection or diversions, which could be significant.
 - (c) In terms of traffic management during construction, we have merely made allowance via 20% contingencies (we expect there will be high traffic management costs).
 - (d) Given that the junction is in an urban location and has existing road/footway we have assumed no allowance for earthworks/poor ground.
 - (e) Drainage allowances made for tying into existing drainage system with new gullies.

4.2 St Ninian's Road / High Street

- 4.2.1 To mitigate the queuing created by the development demand at this location, a mini-roundabout was coded at the junction of St Ninian's Rd / High St. This intervention enables priority to be given to right-turning traffic from St Ninian's and taken from High St westbound.
- 4.2.2 It was necessary to move the bus stop opposite St Ninian's Rd to the east of the junction to allow for two approach lanes. Keep clear areas were also coded to help prevent traffic queuing through the junction.

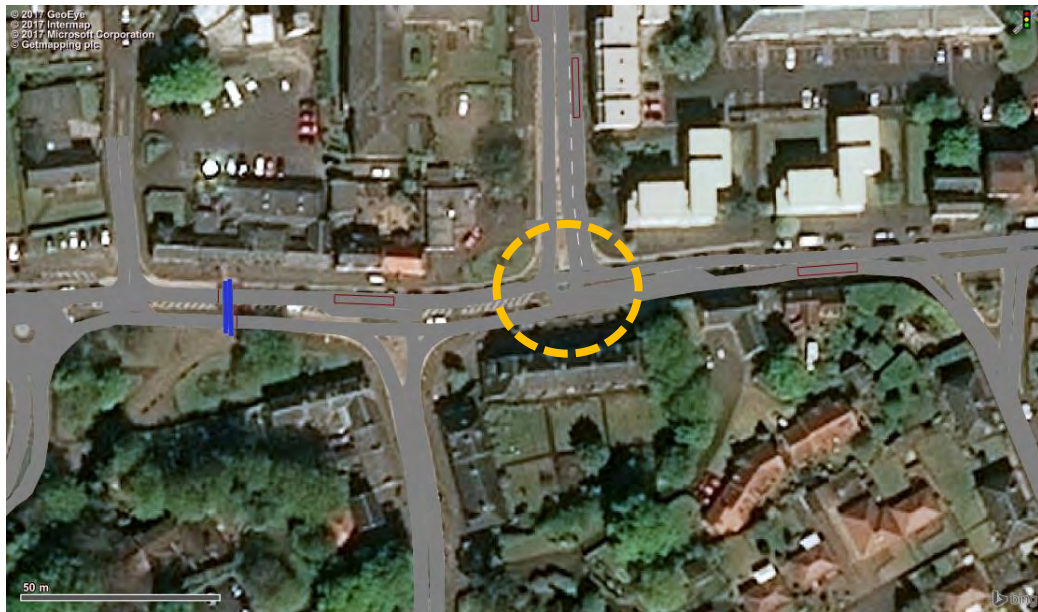


Figure 5. St Ninian's Road mini-roundabout

4.2.3 SYSTRA has calculated the approximate cost of the improvements at St Ninians Rd/High St (priority junction to mini-roundabout) to be **£143k**.

4.2.4 This price is based on the following assumptions:

- (a) We have allowed for surface course replacement over the full extents of junction (planing off top 40mm and replacing), new islands, new footways where there are changes to road areas, new bollards, new pedestrian guard-rails.
- (b) Based upon no understanding of the presence or location of utilities, we have made no allowances for utilities protection or diversions, which could be significant.
- (c) In terms of traffic management during construction, we have merely made allowance via 20% contingencies (we expect there will be high traffic management costs).
- (d) Given that the junction is in an urban location and has existing road/footway we have assumed no allowance for earthworks/poor ground.
- (e) Drainage allowances made for tying into existing drainage system with new gullies.

4.3 Back Station Road / High Port

4.3.1 No physical mitigation is possible at this junction due to the constraints of railway and embankments. Signal green times were however balanced to cope with the increased demand on Back Station Rd westbound.



4.4 Mill Rd / Main St

- 4.4.1 No physical mitigation was considered at this junction. However, signal timings were optimised to balance queues on each approach and better use the full capacity of the existing layout.



5. RESULTS SUMMARY

5.1.1 For consistency, we present the same key performance indicators as used in previous studies. Table 4 compares the AM period results of all development scenarios against those of the Base model. Table 5 shows the results for the PM period.

5.1.2 Detailed journey time results for key routes through Linlithgow are presented in Section 5.8.

5.1.3 We have also extracted link vehicle density plots from the models which effectively illustrate the average queue lengths on the network.

5.2 Key performance indicators

5.2.1 The various demand scenarios were assigned to the model network to assess their impacts on various key performance indicators. Full network statistics are presented in Table 4 and Table 5. Most indicators are self-explanatory, however descriptions of those that are not can be found below.

5.2.2 **Number of vehicles in the network** – vehicles remaining in the network at the end of the evaluation interval i.e. those vehicles that have started but not completed their trip.

5.2.3 **Number of vehicles that have left the network** – vehicles that have completed their trips at the end of the evaluation interval.

5.2.4 **Demand Latent** – the number of vehicles that haven't been able to access the network from their zone i.e. when a link is queued back to a zone, vehicles may not be released.

5.3 Do Nothing (full development demand no mitigation)

5.3.1 In the AM period, the results show that the impact of the full development traffic on the Base network is an increase in average delay of 14s.

5.3.2 In the PM period, average delay is around a minute higher than the AM period for the equivalent scenario. The Do Nothing scenario results in an increase in average delay of 15s over the Base result.

5.3.3 Figure 6 and Figure 7 show link vehicle density plots for the AM and PM Do Nothing scenarios – key queues are highlighted. These figures show a large increase in queue lengths on St Ninian's Road in both the AM and PM periods. An increase in traffic demand on Back Station Road results in increased queues here in both time periods. Similarly, queues increase in length on Blackness Rd particularly in the PM peak.

5.3.4 At the Main St / Mill Road junction in the PM peak, an increase in demand results in longer eastbound queues.

5.3.5 There is general congestion on High St in both periods.



Figure 6. AM Do Nothing link vehicle density

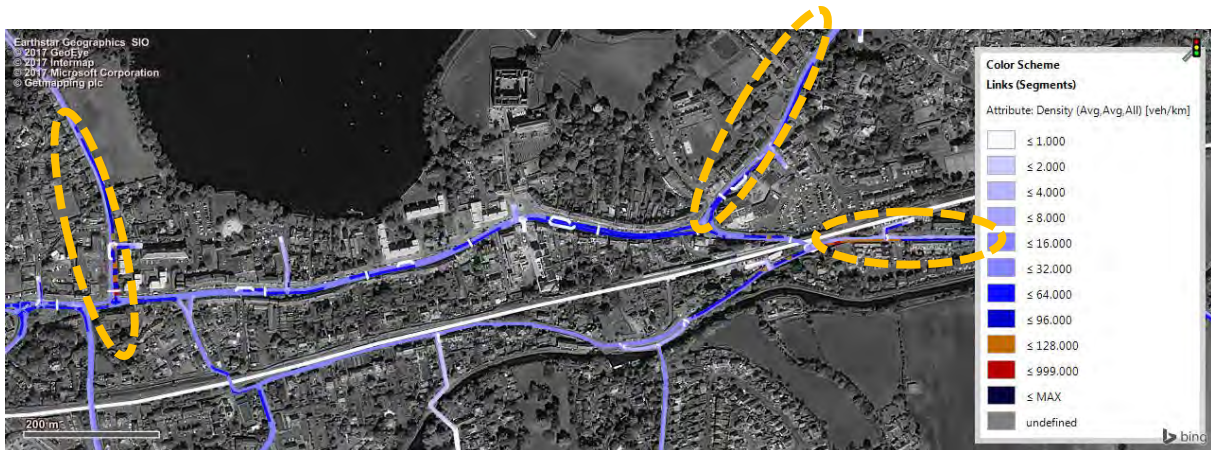


Figure 7. PM Do Nothing link vehicle density

5.4 Scenario 9a (full development demand WFS)

5.4.1 The introduction of the WFS allows the full development traffic to be accommodated onto the network (9a scenario) with a lower average delay than the Base model. This is because the impact of the WFS is to significantly reduce traffic travelling eastbound through Linlithgow. Some queuing remains on St Ninian's Road however and the Back Station Road and Blackness Rd are also subject to congestion particularly in the PM peak.

5.4.2 Figure 8 and Figure 9 show link vehicle density plots for this scenario with key areas of congestion highlighted.



Figure 8. AM Scenario 9a link vehicle density



Figure 9. PM Scenario 9a link vehicle density

5.4.3 Appendix 1 details the existing and proposed trips that may use the new slips.

5.5 Scenario 8a (No Bo’Ness WFS)

- 5.5.1 Removing the demand associated with the Bo’Ness development slightly improves the network average travel time and average vehicle speeds in the AM peak. Consequently the AM scenario operates with less delay than the Base model.
- 5.5.2 In the PM peak this scenario has a greater impact, reducing the network average travel times by 17s over Scenario 9a so that the average delay is 132s (the lowest result for any PM scenario) although still much higher than the equivalent AM scenario.

5.6 Discussion of unmitigated network results

- 5.6.1 Analysis of the unmitigated network model results shows that there are several key pinch points on the network that add to delay. The most evident are at St Ninian’s Rd, where right turning traffic is unable to access the High St and so forms long queues; and at the High St / Blackness Rd / High Port / Back Station Rd area, where traffic blocks back through the roundabout and causes congestion.
- 5.6.2 It is however, evident that the impact of the development traffic is significantly reduced when the WFS scheme is introduced. It is also the case that removing traffic associated with development at Bo’Ness also leads to a general improvement in network conditions (and a reduction in the number of “vehicles that have left the network” due to the lower demand associated with this scenario).
- 5.6.3 Bearing this in mind, and taking cognisance of the network constraints (particularly canal / railway bridges or tunnels) we have therefore tested mitigation measures at St Ninian’s Rd / High St (to reduce the very large queues evident here in all scenarios) and at Blackness Rd / High St roundabout (to reduce the incidences of blocking back from the Back Station Rd junction, to improve journey time reliability and to improve pedestrian ambience at this key location).

5.7 Discussion of mitigated network results

- 5.7.1 The proposed network mitigation at St Ninian's Rd resolves the queue at this location caused by development traffic by giving priority to right turning traffic from St Ninian's Rd over westbound traffic on High St. As a consequence of this, more traffic is pushed onto High St's westbound approach to the Mains Rd (A706) roundabout and this section of road quickly reaches capacity. The signalised pedestrian crossing at this location reduces the capacity further leading to blocking back along High St and Preston Rd.
- 5.7.2 The proposed network mitigation at Blackness Rd / High St / High Port does serve to better manage traffic in terms of keeping this junction clear and provides improved pedestrian facilities. However, the capacity of the junction is not improved over the existing roundabout and so queues, particularly on Blackness Rd, are not generally improved.
- 5.7.3 Figure 10 shows the AM link vehicle density plot for the Scenario 9b mitigated (Full Development demand). The queue triggered on Preston Rd is highlighted. Figure 11 shows the PM link vehicle density plot for the equivalent PM scenario. The queue on Preston Rd is less severe in this period but queues at Blackness Rd are worse than in the AM.

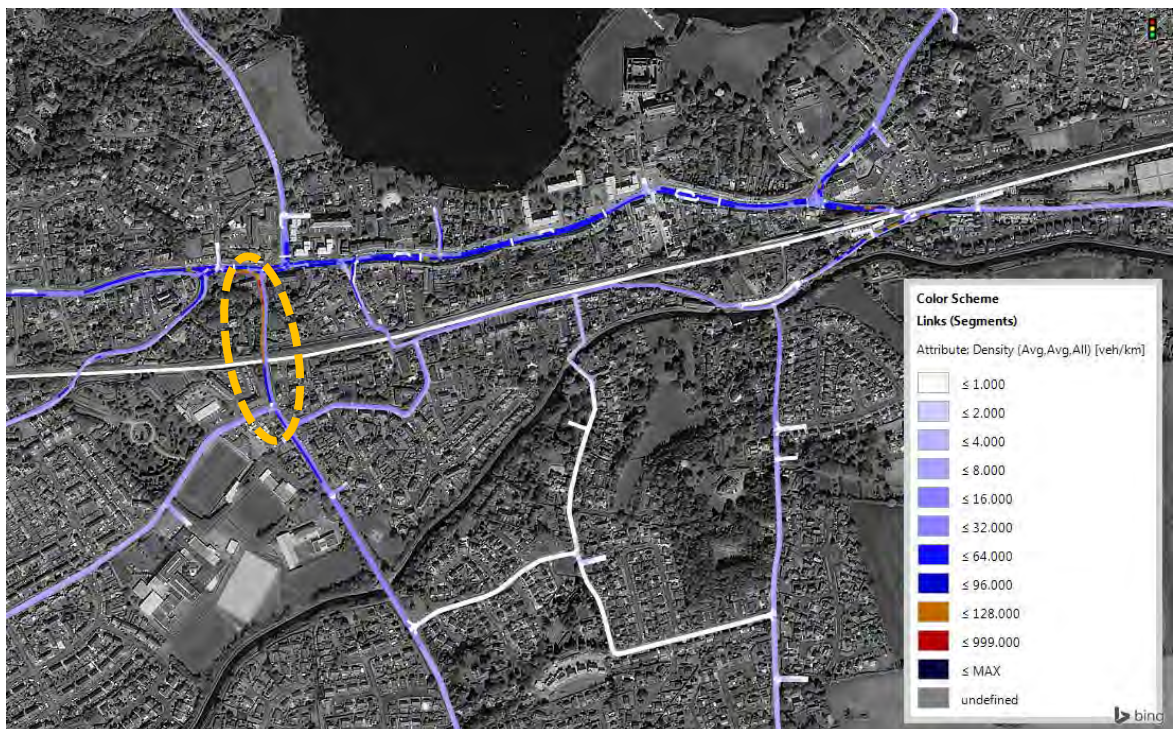


Figure 10. AM Scenario 9b mitigated



Figure 11. PM Scenario 9b mitigated

- 5.7.4 Network results show that the mitigated scenarios generally increase average delay over the unmitigated scenarios. This is a consequence of vehicles stopping at a new signalised junction and westbound vehicles on High St losing priority to development traffic on St Ninian's Rd.
- 5.7.5 The impact of the mitigation on delay in the WFS scenarios is however low. Despite increases in delay over the *unmitigated* Scenario 8a, the *mitigated* Scenario 8a (no



Bo’Ness with WFS) has lower average delay than the Base model in both AM and PM periods.

- 5.7.6 Scenario 9a mitigated (full development demand and WFS) also has lower delay than the Base model in the PM period.





MODELS	BASE AM	DO NOTHING AM	9B MITIGATED AM	8B MITIGATED AM	9A AM	8A AM	9A MITIGATED AM	8A MITIGATED AM
Description	<i>Base AM</i>	<i>Full DevDemand DoNothing</i>	<i>Full DevDemand Mitigated</i>	<i>NoBoness Mitigated</i>	<i>Full Dev Demand WFS</i>	<i>NoBoness WFS</i>	<i>Full DevDemand WFS Mitigated</i>	<i>NoBoness WFS Mitigated</i>
Average delay time per vehicle [s]	107	121	172	138	89	82	117	102
Average number of stops per vehicles	3	4	5	4	2	2	3	3
Average speed [mph]	16	14	13	15	17	17	16	17
Average stopped delay per vehicle [s]	51	58	92	70	41	38	60	52
Total Distance Travelled [km]	9,098	11,142	10,903	10,156	10,897	9,997	10,750	9,951
Total travel time [hrs]	347	451	509	424	409	366	429	375
Total delay time [hrs]	119	168	239	171	124	101	163	126
Number of Stops	12,381	17,795	22,997	16,253	12,308	10,118	15,853	12,359
Total stopped delay [hrs]	57	80	128	86	57	46	83	64
Number of vehicles in the network	286	426	509	364	359	319	361	303
Number of vehicles that have left the network	3,739	4,536	4,499	4,097	4,631	4,110	4,626	4,137
Demand Latent	0.8	0	4	1	0.4	0.6	0.4	0.6

Table 8. Key Performance Indicators AM period



SCENARIO	BASE PM	DO NOTHING PM	9B MITIGATED PM	8B MITIGATED PM	9A PM	8A PM	9A MITIGATED PM	8A MITIGATED PM
Description	<i>Base PM</i>	<i>FullDevDemand DoNothing</i>	<i>FullDevDemand Mitigated</i>	<i>NoBoness Mitigated</i>	<i>FullDevDemand WFS</i>	<i>NoBoness WFS</i>	<i>FullDevDemand WFS Mitigated</i>	<i>NoBoness WFS Mitigated</i>
Average delay time per vehicle [s]	168	183	206	178	149	132	158	149
Average number of stops per vehicles	5	5	5	4	4	4	4	4
Average speed [mph]	13	12	12	13	14	15	13	14
Average stopped delay per vehicle [s]	88	103	111	98	69	59	82	77
Total Distance Travelled [km]	10,341	12,889	12,659	12,064	12,239	11,570	12,072	11,381
Total travel time [hrs]	492	652	661	580	562	494	561	504
Total delay time [hrs]	218	290	327	258	238	191	251	215
Number of Stops	21,929	26,613	29,571	23,040	24,582	19,877	23,763	19,842
Total stopped delay [hrs]	114	164	175	142	111	85	130	111
Number of vehicles in the network	549	713	698	566	606	503	629	545
Number of vehicles that have left the network	4,118	5,006	5,006	4,642	5,140	4,712	5,092	4,652
Demand Latent	5	67	75	35	6	2	29	21

Table 9. Key Performance Indicators PM period

5.8 Journey Time Analysis

- 5.8.1 Figure 12 below provides an illustration of the journey time routes used in the analysis. These are the same routes as used in the Base model validation and results are presented for both directions on all routes. Routes are therefore designated NB (northbound), SB (southbound), EB (eastbound), WB (westbound), SW (southwest bound) or NE (northeast bound).

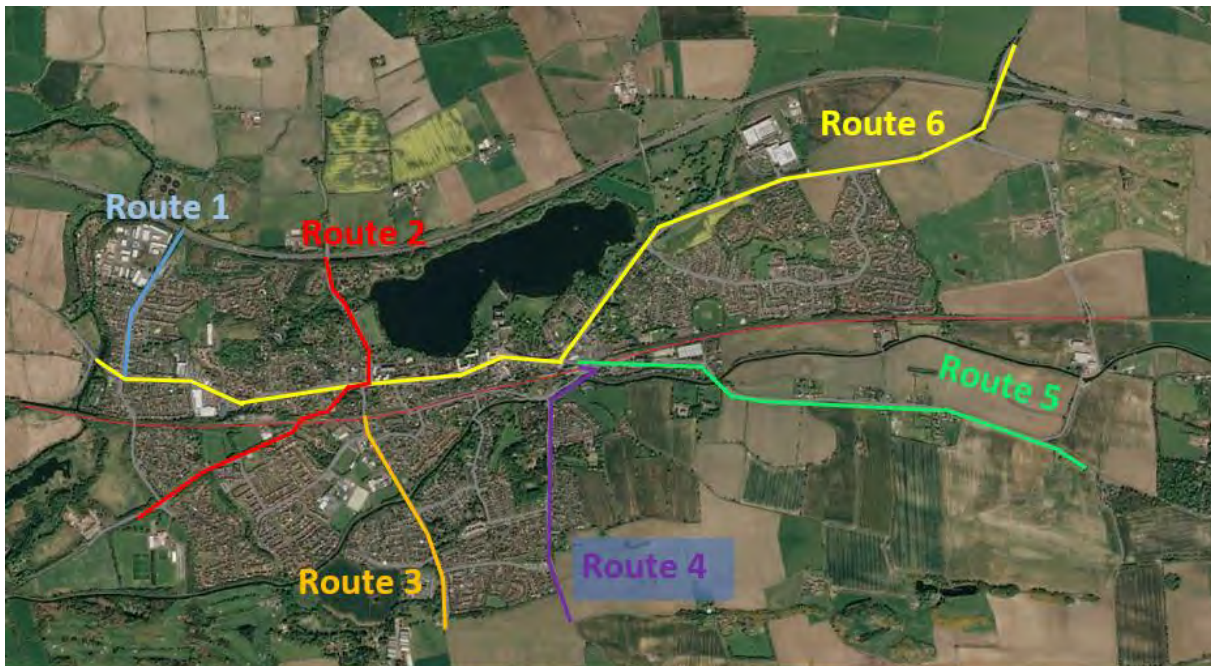


Figure 12. Journey Times Routes.

- 5.8.2 Table 10 (AM) and Table 11 (PM) below show the results for each journey time route for each scenario. The tables are presented as the change of each result from the equivalent Base model result. Results are also colour coded so that red = worse, yellow = no change, and green = better.
- 5.8.3 **AM Period**
- 5.8.4 The results for the **Do Nothing** scenario highlight that the largest issue is on St Ninian's Rd southbound where the journey time increases by 319s. This is due to the weight of development traffic using this road and the subsequent lack of capacity at the junction with High St, where right turning vehicles don't have sufficient gaps to make their turn. There are also significant increases on routes 4-NB, 5-WB, 6-SW and 6-NE of 40-70s. These are mostly caused by congestion at the Blackness Rd / High St / High Port roundabout.
- 5.8.5 Introducing network mitigation (**9b mitigated**) shows that the mini-roundabout at St Ninian's Road / High St substantially improves the travel time on route 2-SB (now just 6s worse than Base result). This is at the expense of travel times on Preston Rd northbound



(route 3-NB) where the weight of the now released development traffic causes 162s of additional delay. Routes 4-NB, 6-SW and 6-NE don't respond well to the introduction of traffic signals at Blackness Rd / High St, all showing additional delay, however route 5-WB does show a modest improvement.

- 5.8.6 Removing Bo'Ness traffic from the mitigated network (**8b mitigated**) results in substantial improvements to Route 3-NB and Route 6-SW and more modest improvements to Routes 5-WB and 6-NE.
- 5.8.7 The introduction of the WFS (**9a**) leads to improved results when compared to the Do Nothing scenario. Most journey times are very close to those of the Base model with the exception of Route 5-WB which increases by 75s due to delays approaching town on Back Station Rd.
- 5.8.8 The mitigated WFS scenarios (**9a mitigated and 8a mitigated**) show a similar pattern of results but with scenario 8a mitigated having several improvements as expected with the reduction of demand. The main change is around the Blackness Rd / High St junction where scenario 8a mitigated has lower journey times due to the signalised junction here now being able to operate within capacity.
- 5.8.9 **PM Period**
- 5.8.10 In the PM period, the **Do Nothing** scenario shows large increases in journey times on routes 1-SB, 2-SB and 5-WB. These are caused by the scale of development traffic approaching the High St and Main St on these routes. The improvement in travel time for Route 6-SW is due to reduced delays on the approach to Blackness Rd / High St roundabout and on the section approaching Linlithgow Bridge. In this scenario, the assignment attempts to avoid excessive congestion on the High St by routing eastbound traffic off High St and instead to the south via Royal Terrace. This results in less delay for traffic on Route 6-SW but causes severe delays elsewhere.
- 5.8.11 As in the AM period, introducing mitigation (**9b mitigated**) shows that the mini-roundabout at St Ninian's Road / High St substantially improves the travel time on route 2-SB (now running faster than the Base model). Preston Rd northbound (route 3-NB) shows a modest 27s of additional delay as a result of the extra development traffic now able to access the High St. Routes 5-WB, 6-SW and 6-NE don't respond well to the introduction of traffic signals at Blackness Rd / High St, all showing substantial additional delay. The travel time increase on route 1-SB is successfully mitigated by the optimisation of traffic signals at the Mill Rd / Main St junction.
- 5.8.12 Removing Bo'Ness traffic from the mitigated network (**8b mitigated**) results in substantial improvements to Routes 5-WB and 6-SW. The signalised junction at Blackness Rd / High St now operates better leading to lower delay (rather than over capacity as in the Do Nothing).
- 5.8.13 As in the AM period, the introduction of the WFS (**9a**) leads to improved results compared to the Do Nothing scenario. Some routes are, however, still subject to substantial increases in delay (2-SB, 5-WB, 6-SW at +60s or more over the Base result).



- 5.8.14 Removing the Bo'Ness development from the WFS scenario (**8a**) has a very positive impact on delays in the PM period. The majority of routes in this scenario are faster than the Base with only route 5-WB slower.
- 5.8.15 As in the AM period, the mitigated WFS scenarios (**9a mitigated and 8a mitigated**) show a similar pattern of results but Scenario 8a mitigated shows substantial improvements on route 6 in both directions. Scenario 8a does have a modest increase in travel time on route 3-NB on Preston Rd.





Route	Route Description	Distance (m)	Do Nothing (secs) AM		9b mitigated AM Full Dev Demand Mitigated (secs)		8b mitigated AM Dev Demand No Boness Mitigated (secs)		9a AM Full Dev Demand WFS(secs)		8a AM Dev Demand No Boness WFS (secs)		9a mitigated AM ALL DEMAND WFS Mitigated (secs)		8a mitigated AM No Boness WFS Mitigated (secs)		20.Full Dev Demand WFS Preston RT (secs)	
1-NB	Mill Road/Main	718.2	0%	0.0	-1%	-0.4	0%	-0.2	1%	0.6	1%	0.5	1%	0.4	0%	0.1	1%	0.3
1-SB	Mill Road (M9	716.52	9%	8.4	7%	6.2	8%	7.6	17%	15.7	17%	14.9	5%	4.1	4%	4.0	6%	5.3
2-NB	A706 / Kettlestoun	1897.84	7%	15.8	15%	33.7	12%	27.0	0%	-0.6	-3%	-6.0	8%	18.0	4%	9.2	2%	3.6
2-SB	St Ninian's Rd (M9	1897.79	128%	319.2	3%	6.3	-5%	-13.4	5%	13.5	-5%	-13.2	-7%	-16.6	-9%	-23.0	26%	63.6
3-NB	Preston Road ->	880.2	-1%	-1.0	109%	162.0	8%	11.4	-4%	-5.7	-4%	-6.2	33%	49.6	0%	0.7	-4%	-6.3
3-SB	Railway Bridge ->	880.2	0%	0.6	1%	1.2	0%	0.4	1%	1.6	1%	0.8	1%	0.9	0%	0.2	1%	1.0
4-NB	Manse Rd -> High	1186.54	37%	67.7	62%	113.3	60%	108.4	3%	4.6	2%	2.9	55%	100.0	33%	60.6	5%	9.9
4-SB	High Port -> Manse	1195.32	4%	6.9	11%	17.7	5%	7.7	2%	2.6	3%	5.4	10%	14.8	5%	7.5	2%	3.7
5-EB	High Port -> B9080	2313.16	-1%	-2.8	-1%	-1.5	-1%	-2.6	-1%	-2.5	-2%	-4.2	-2%	-3.7	-2%	-4.0	-2%	-3.3
5-WB	B9080 -> High Port	2311.93	17%	38.5	10%	23.0	15%	33.3	33%	75.0	26%	58.0	29%	65.8	11%	25.3	34%	75.1
6-SW	A803 / Springfield	4939.27	8%	51.0	30%	186.3	5%	29.0	0%	-0.6	-7%	-46.3	7%	46.0	-2%	-12.7	2%	12.1
6-NE	Linlithgow Bridge ->	4913.89	8%	46.9	15%	91.7	14%	88.7	3%	21.1	1%	3.8	6%	38.3	2%	15.0	5%	29.5
Total		23850.86	19%	551.0	22%	639.5	10%	297.1	4%	125.2	0%	10.5	11%	317.6	3%	82.8	7%	194.6
Average Speed (mph)			-16%		-18%		-9%		-4%		0%		-10%		-3%		-6%	

Table 10. AM Journey time summary with respect to the Base model



Route	Route Description	Distance (m)	Do Nothing (secs) PM		9b mitigated PM Full Dev Demand Mitigated(secs)		8b mitigated PM Dev Demand No Boness Mitigated (secs)		9a PM Full Dev Demand WFS (secs)		8a PM Dev Demand No Boness WFS (secs)		9a mitigated PM ALL DEMAND WFS Mitigated (secs)		8a mitigated PM No Boness WFS Mitigated (secs)	
1-NB	Mill Road/Main	718	1%	1.4	0%	0.3	0%	0.1	0%	-0.1	0%	0.2	0%	-0.1	0%	0.0
1-SB	Mill Road (M9)	717	257%	329.0	31%	40.0	19%	24.5	8%	10.8	5%	6.5	-3%	-3.6	-6%	-7.4
2-NB	A706 / Kettlestoun	1,898	5%	11.2	17%	38.6	11%	24.6	3%	7.8	2%	4.5	6%	13.9	4%	8.6
2-SB	St Ninian's Rd (M9)	1,898	57%	200.4	-26%	-91.9	-28%	-99.5	29%	100.3	-18%	-63.9	-27%	-93.7	-29%	-102.3
3-NB	Preston Road ->	880	1%	1.3	17%	27.1	3%	4.3	4%	6.4	2%	3.0	40%	61.6	67%	103.8
3-SB	Railway Bridge ->	880	6%	8.8	0%	0.7	1%	0.9	4%	5.9	4%	5.9	0%	0.1	0%	0.7
4-NB	Manse Rd -> High	1,187	11%	24.0	10%	22.3	-13%	-27.8	4%	9.0	-11%	-24.4	34%	74.6	30%	67.0
4-SB	High Port -> Manse	1,195	4%	6.3	13%	22.0	14%	23.8	2%	2.5	0%	0.4	13%	21.5	10%	16.9
5-EB	High Port -> B9080	2,313	-1%	-2.5	-5%	-10.2	-6%	-12.0	-1%	-1.6	-1%	-1.4	-3%	-6.2	-3%	-7.0
5-WB	B9080 -> High Port	2,312	36%	97.5	20%	54.1	2%	6.4	20%	53.9	14%	38.4	3%	7.0	1%	2.9
6-SW	A803 / Springfield	5,016	-16%	-135.6	19%	161.8	3%	29.9	7%	60.8	-4%	-37.2	7%	61.0	-5%	-47.1
6-NE	Linlithgow Bridge -	4,915	0%	-0.1	11%	74.2	7%	43.7	2%	14.3	-2%	-14.6	3%	20.5	-2%	-16.0
Total		23,929	15%	541.5	10%	339.1	1%	18.9	8%	269.9	-2%	-82.7	4%	156.6	1%	20.1
Average Speed (mph)			-13%		-9%		-1%		-7%		2%		-4%		-1%	

Table 11. PM Journey time summary with respect to the Base model

6. CONCLUSION

- 6.1.1 This note has provided details of the methodology used to assess various development and mitigation scenarios for Linlithgow using the Linlithgow Vissim Model (2018 base year).
- 6.1.2 Forecast matrices were developed from LDP housing and employment information for Linlithgow as well as from information for sites in Falkirk Council area (Bo’Ness). The effect of the proposed M9 J3 West Facing Slips was also modelled by amending trip origins / destinations for a catchment area towards the east of Linlithgow.
- 6.1.3 Several network mitigation measures were coded in response to issues evident in the Do Nothing scenarios. These included a mini-roundabout at St Ninian’s Rd / High St, a signalised junction at Blackness Rd / High St / High Port and signal optimisation at various other junctions.
- 6.1.4 The results of the modelling showed that the impact of development traffic on the Base network will be substantial with higher average delays on the network as a whole. Some individual routes through Linlithgow are severely affected, in particular St Ninian’s Rd southbound and all routes using the Blackness Rd / High St / High Port junction.
- 6.1.5 The proposed network mitigation on its own doesn’t allow the level of delay in the network to return to the same level as in the Base. The network mitigation does however allow the long queues on St Ninian’s Rd southbound to dramatically improve. However, this tends to have a knock-on impact to delays on High St and Preston Rd. The roundabout at the junction of High St / Mains Rd becomes a pinch-point (especially as capacity is further constrained by the signalised pedestrian crossing to the east). Further improving the capacity of this area may prove difficult given the competing traffic flows in peak hour traffic and the offset nature of the junctions.
- 6.1.6 The proposed WFS has the effect of removing a substantial amount of traffic from High St, therefore the scenarios including WFS show improvements in network performance over the Do Nothing scenario. These improvements are further enhanced when Bo’Ness development traffic is also removed from the network.



Appendix 1

New Development zones using the west facing slips M9J3 (AM peak)

Vissim Zones	Description	To WFS		From WFS	
		AM Light Vehicles	AM Heavy Vehicles	AM Light Vehicles	AM Heavy Vehicles
47	Boghall East	3	0	1	0
50	Claredon House 30 Manse Road	0	0	0	0
51	Wilcoxholm Farm / Pilgrims Hill	12	0	3	0
55	Land at Burghmuir, North of Blackness Road	2	0	3	0
	Total	17	0	7	0

New Development zones using the west facing slips M9J3 (PM peak)

Vissim Zones	Description	To WFS		From WFS	
		PM Light Vehicles	PM Heavy Vehicles	PM Light Vehicles	PM Heavy Vehicles
47	Boghall East	2	0	4	0
50	Claredon House 30 Manse Road	0	0	0	0
51	Wilcoxholm Farm / Pilgrims Hill	8	0	14	0
55	Land at Burghmuir, North of Blackness Road	10	0	2	0
	Total	20	0	20	0

Development Vissim zones above will be directly impacted by the introduction of the WFS. The trips that these zones were previously generating towards A803 west (Vissim zone 1) are now using the WFS zone instead (Vissim zones 56 out of the Network, and 57 into the Network). The total number of development trips relocated are 24 in the AM peak and 40 in the PM peak.



Existing Zones using the new west facing slips M9J3 (AM)

Vissim Zones	Description	To WFS		From WFS	
		AM Light Vehicles	AM Heavy Vehicles	AM Light Vehicles	AM Heavy Vehicles
3	A803 to/from Bo'ness	4	0	13	0
4	East Facing on-Slip road	0	0	8	0
5	East Facing off-Slip road	2	1	0	0
6	Kingsfield Golf & Leisure	3	0	0	0
7	Springfield Road	8	0	3	0
8	Oracle Campus	3	0	10	0
9	Grange View	3	0	3	0
10	Oracle Campus	6	0	10	0
11	Springfield Road	11	0	3	0
12	Barons Hill Avenue	10	0	3	0
13	Regent Centre	10	0	11	0
14	B9080	17	4	10	3
15	Clarendon Road	6	0	2	0
22	Linlithgow Station Parking East	4	0	2	0
37	Edinburgh Road	6	0	0	0
40	Linlithgow Station Parking West	2	0	2	0
	Total	95	5	80	3

Existing Zones using the new west facing slips M9J3 (PM)

Vissim Zones	Description	To WFS		From WFS	
		PM Light Vehicles	PM Heavy Vehicles	PM Light Vehicles	PM Heavy Vehicles
3	A803 to/from Bo'ness	8	0	23	0
4	East Facing on-Slip road	0	0	7	0
5	East Facing off-Slip road	8	1	0	0
6	Kingsfield Golf & Leisure	4	0	0	0
7	Springfield Road	6	0	5	0
8	Oracle Campus	2	0	15	0
9	Grange View	2	0	5	0
10	Oracle Campus	4	0	15	0
11	Springfield Road	8	0	5	0
12	Barons Hill Avenue	6	0	4	0
13	Regent Centre	7	0	11	0
14	B9080	10	3	19	0
15	Clarendon Road	3	0	1	0
22	Linlithgow Station Parking East	4	0	5	0
37	Edinburgh Road	16	0	0	0
40	Linlithgow Station Parking West	4	0	5	0
	Total	92	4	120	0



The existing trips above that were previously using the main street towards A803 west (Vissim zone 1) are now using the WFS instead (Vissim zones 56 out of the Network, and 57 into the Network), this includes trips to / from Bo'ness.

The methodology employed did not result in the generation of trips between the new Bo'ness housing allocation sites and the WFS. This is because no new trips for the housing sites were generated to / from Zone 1. Therefore no new trips were reallocated to the WFS.



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Data Label : Public

SG Developer Contributions Towards Transport Infrastructure

Approved by West Lothian Council Executive

DATE TO BE INSERTED IN DUE COURSE

Subsequently adopted as Supplementary Guidance (SG)

DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Planning, Civic Centre, Howden South Road, Livingston, EH54 6FF

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DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: POST-RECESS CALENDAR OF MEETINGS

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To agree a further timetable of meetings till 31 October 2020 for bodies in the Scheme of Administration, and consider members' attendances at meetings

B. RECOMMENDATIONS

1. To agree meeting arrangements till 31 October 2020, as set out in the appendices, with meetings to take place by remote access
2. To agree that a proposed timetable of meetings for the period from 1 November 2020 should be brought to an appropriate meeting of Council Executive before 31 October 2020
3. To note the application of statutory rules on councillors' attendance at meetings in the context of the coronavirus pandemic and consider any action that may be taken to resolve any difficulties

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making the best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Local Government in Scotland Act 2003; Coronavirus (Scotland) Act 2020; Standing Orders for the Regulation of Meetings; Scheme of Administration
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	None
VIII	Other consultations	Legal Services; Committee Services;

relevant committee chairs

D. TERMS OF REPORT

1 Background

- 1.1 On 24 March 2020 a decision was made to cancel council, committee and Policy Development & Scrutiny Panel (PDSP) meetings until 31 July 2020 due to the coronavirus pandemic. On 26 May 2020 arrangements for meetings till 31 July 2020, on a much-restricted basis and by remote access, were approved. Part of that latter decision was that a report should be brought to this meeting with proposals for the period from 1 August 2020.
- 1.2 The meetings which have taken place on and since 26 May have been by remote access using WebEx. They have included regulatory meetings where members of the public have participated using the same platform. Overall, as a result of careful planning, testing, support, cooperation and goodwill, meetings have gone well and feedback from members has been positive. Arrangements have been made for this meeting to be webcast, if committee agrees, to allow the public to be aware of the business being dealt. If successful that will be repeated.

2 Post-recess proposals

- 2.1 It is recommended that the by-now familiar cautious and gradualist approach is maintained. It is suggested that meetings are fixed, by remote access only, for August, September and October and that those should be on a wider basis than now but short of a resumption of a full calendar. The council's business needs to be done but the future phasing of the relaxation and variation of lockdown rules is not yet defined and the continuing or new impacts on council staff and other resources are not known. WebEx is becoming familiar to members and officers but there are still some issues to be addressed, including the enrolling and sharing of motions and amendments during meetings.
- 2.2 The appendices show the proposed meeting arrangements for that period. The approach and reasoning for these proposals are as follows:-
 - One meeting of full council is planned. That is required to consider and approve the annual accounts for signature and publication and is the normal arrangement for this time of the year
 - Two meetings of Council Executive and one of Education Executive are proposed. This is fewer than would normally be the case but reflects the strain on resources of supporting the normal number of meetings
 - Regulatory business at Development Management Committee and Licensing Committee requires more frequent meetings and those have been timetabled at what is very close to the normal number. One meeting of the Local Review Body is scheduled which is felt to be enough to deal with existing cases in a reasonable timescale
 - One meeting of West Lothian Leisure Advisory Committee is planned and is essential for oversight of the impact of the pandemic on its operations and finances
 - Two meetings of the Employee Appeals Committee are scheduled to deal with some of the current business and avoid an unmanageable backlog developing

- One meeting of each of Audit Committee and Governance & Risk Committee is timetabled, these being essential parts of the scrutiny arrangements needed at this time of the reporting year
- 2.3 No meetings have been included for Performance Committee or Education (Quality Assurance Committee). The WLAM process has been suspended due to COVID-19 and no new school inspections or internal assessments have been carried out.
- 2.4 No dates have been fixed for PDSP meetings since those arrangements are made by Lead Officers and Chairs. However, it is recommended that planning should take place for one meeting of each PDSP (apart from Education PDSP) to be held in September to feed into Council Executive on 6 October. For meetings prior to that, off-line consultation with PDSP members and representatives will continue. That planning should take into account and react to any changes in circumstances that may have an impact on the availability of sufficient resources to support those meetings.
- 2.5 It is recommended that planning takes place with a view to starting Local Area Committee meetings in November. The resourcing of LAC meetings, for partners as well as the council, will be an issue during this three month period at least.
- 2.6 Some bodies are not mentioned in the appendices because it is not expected that they will be called into play (e.g., Asset Transfer Committee). If required, Chairs can be asked to call special meetings to deal with anything that cannot be postponed till a later date.
- 2.7 A report is being presented to Education Executive today to deal with Placing in Schools Appeals Committee meetings.
- 2.8 Appendix 2 includes, for information, meetings of non-council bodies and other significant events where they have been taken into account in compiling the timetable. Those are shown in brackets.

3 Going forward

- 3.1 A report will be brought to an appropriate meeting of Council Executive in October to make recommendations for meetings from 1 November onwards. Proposals then will have to take account of circumstances current at the time but it is hoped that further moves towards a return to a full calendar of meetings can be proposed. If the recommendations in this report are approved then that will be brought to committee on 6 October 2020.
- 3.2 Officers will continue to support participants in the use of WebEx and will continue to seek feedback from all those involved in its use at meetings.

4 Members' attendance at meetings

- 4.1 Legislation states that councillors who fail to attend meetings for a continuous period of 6 months cease to be councillors unless the council accepts the reason for non-attendance. The six-month period starts on the date of the first meeting that could have been attended but was missed. The rules apply to attending meetings of council, committee or outside bodies as a council representative. Carrying out other councillor duties such as holding surgeries is not relevant for these purposes.

- 4.2 Some councillors were absent from meetings just before the cancellation of meetings between 24 March and their resumption this month. The six-month period will run out for some councillors in August or September. They have been advised of their position and advice offered about how to resolve the problem. Attendance at any council or committee meeting, even as a substitute, will interrupt the six-month period, as would attendance at an outside body as a council-appointed representative.
- 4.3 A decision about the reason for non-attendance cannot be formally made until the six-month period has run out for each councillor. It cannot be made in advance. Six months of non-attendance would normally lead to a report being presented to the first available meeting after that happens for each councillor affected. If the issue cannot be resolved for the affected councillors then officers will report as required by legislation.

E. CONCLUSION

- 1 Agreeing the proposed calendar of meetings by remote access will allow meetings to continue in a measured way, taking into account the diversion of council resources to COVID-19 work, and will enable members, officers and members of the public to become more accustomed to the technology used. Considering the rules about non-attendance at meetings will enable an early position to be adopted as to how the issue might be addressed.

F. BACKGROUND REFERENCES

- 1 Council Executive, 24 March 2020 (decision under Standing Order 31) and 26 May 2020

Appendices/Attachments: 1. List of meeting dates
 2. Calendar of meeting dates

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Graham Hope, Chief Executive

Date of meeting: 23 June 2020

APPENDIX 1

BODY	PROPOSED DATE(S)
Full council	Tuesday 29 September
Council Executive	Tuesday 18 August and Tuesday 6 October
Education Executive	Tuesday 8 September
Development Management Committee	Wednesday 12 August, Wednesday 16 September and Wednesday 28 October
Licensing Committee	Wednesday 26 August and Wednesday 21 October
Local Review Body	Wednesday 19 August
WLL Advisory Committee	Thursday 27 August
Employee Appeals Committee	Friday 25 September and Friday 30 October
Audit Committee	Monday 26 October
Governance & Risk Committee	Monday 26 October

Meeting times will follow normal arrangements as far as possible.

August 2020

August 2020							September 2020						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
27/7 - 1/8	27 Jul	28	29	30	31	1 Aug	2
3 - 8/8	3	4	5	6	7	8	9
10 - 15/8	10	11	12	13	14	15	16
		(SCHOOLS BACK) (WL IJB)	DMC		(LICENSING BOARD)		
17 - 22/8	17	18	19	20	21	22	23
		COUNCIL EXECUTIVE	LRB				
24 - 29/8	24	25	26	27	28	29	30
			LICENSING	WLL ADVISORY			
31/8 - 5/9	31	1 Sep	2	3	4	5	6

September 2020

September 2020							October 2020						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
31 Aug - 6 Sep	31 Aug	1 Sep	2	3	4	5	6
7 - 13 Sep	7	8	9	10	11	12	13
		EDUCATION EXECUTIVE	(IJB AR&GC)		(LICENSING BOARD)		
14 - 20 Sep	14	15	16	17	18	19	20
			DMC				
21 - 27 Sep	21	22	23	24	25	26	27
	(SCHOOLS OFF)	(SCHOOLS OFF) (WL IJB)			EMPLOYEE APPEALS		
28 Sep - 4 Oct	28	29	30	1 Oct	2	3	4
		FULL COUNCIL					

October 2020

October 2020							November 2020						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
28 Sep - 4 Oct	28 Sep	29	30	1 Oct	2	3	4
				(BY ELECTION POLLING)			
5 - 11 Oct	5	6	7	8	9	10	11
		COUNCIL EXECUTIVE		(COSLA CONFERENCE)	(COSLA CONVENTION) (LICENSING BOARD)		
12 - 18 Oct	12	13	14	15	16	17	18
	(SCHOOLS OFF)	(SCHOOLS OFF)	(SCHOOLS OFF)	(SCHOOLS OFF)	(SCHOOLS OFF)		
19 - 25 Oct	19	20	21	22	23	24	25
	(SCHOOLS OFF)		LICENSING				
26 Oct - 1 Nov	26	27	28	29	30	31	1 Nov
	AUDIT GOVERNANCE & RISK		(SJHSG) DMC		EMPLOYEE APPEALS		

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COUNCIL EXECUTIVE

HOUSING CAPITAL 2019/20 OUTTURN AND UPDATED 2020/21 TO 2022/23 BUDGET

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial outturn in relation to the Housing Capital Programme for 2019/20 and an updated 2020/21 to 2022/23 Housing Capital Budget.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the final outturn position for financial year 2019/20; and
2. Approves the updated 2020/21 to 2022/23 Housing Capital Budget.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Being honest, open and accountable, focusing on our customers' needs, making the best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None
IV. Impact on performance and performance Indicators	None
V. Relevance to Single Outcome Agreement	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
VI. Resources - (Financial, Staffing and Property)	<p>Council Executive approved a revised 2019/20 Housing Capital budget of £36.398 million on 25 June 2019.</p> <p>An updated four year capital programme for 2020/21 to 2022/23 was approved by Council on 18 February 2020, with a total budget of £100.703 million.</p>
VII. Consideration at PDSP	Not applicable.

VIII. Other consultations

Consultation has taken place with Housing, Customer and Building Services, tenants and Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

This report provides information on the financial position in relation to the Housing Capital programme as at 31 March 2020. It also sets out an updated budget position for 2020/21 to 2022/23, to take account of the outturn position, latest circumstances and funding assumptions.

D.2 2019/20 Summary of Financial Information

A revised Housing Capital Programme for 2019/20 of £36.398 million was approved by Council Executive on 25 June 2019. Actual expenditure to 31 March 2020 was £30.393 million. Table 1 below summarises the final outturn position over broad expenditure headings, and Appendix 1 provides a breakdown on a programme basis. A more detailed commentary on each of the main expenditure headings is also provided for information. The investment programme comprises new build social housing, refurbishment of existing stock and energy efficiency works, with a number of large scale housing projects undertaken by Building Services.

Table 1: Capital Expenditure Outturn 2019/20

	2019/20 Budget £'000	2019/20 Out-turn £'000	2019/20 Variance £'000
New Housing Supply	16,489	12,574	(3,915)
Major Refurbishment	1,815	1,311	(504)
Major Elemental Upgrades	3,724	3,461	(263)
Planned Programmes	3,247	3,011	(236)
Environmental / External Upgrading	829	523	(306)
Compliance Works	9,957	9,118	(839)
Miscellaneous	337	395	58
Total	36,398	30,393	(6,005)

New Housing Supply

Expenditure on the creation and acquisition of new homes amounted to £12.574 million in 2019/20. This included increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

There were 314 new build completions during the financial year across West Lothian, with the largest of the new build projects, Kirkhill in Broxburn, completing the remaining 71 houses on the site and concluding the project. The new build sites at Drumshoreland in Pumpherston, the former Vion development in Broxburn, and Deans South and Almondvale Stadium in Livingston have all completed during 2019/20, with only one handover remaining to complete the site at Wester Inch in Bathgate. Although the completion of these sites is expected to result in a net saving against budgeted resources, final contractor payments have still to be paid on some of the sites. There is a risk that some of these final payments may vary from current assumptions, with provision being retained within the new build budget pending agreement of final claims.

The 33 units at Brucefield in Livingston commenced in July 2019, with initial handovers planned for summer 2020 and, although the site is progressing well, slippage against budgeted expenditure was incurred due to revised cash flow forecasts and the manner in which the stage payments are structured.

A contractor for the Standhill site in Bathgate was appointed in 2018 and a start date on site in summer 2019 was originally projected. As reported at month 9 in 2019/20, delays in the contractor starting on site, principally due to issues in securing sub-contractors for the project, has resulted in slippage in this project for 2019/20.

It was anticipated that the Mossend site would begin during 2019/20, but delays in obtaining a planning agreement with the developers have meant that this project will now commence in 2020/21, with the budget allocated in 2019/20 being rolled forward into next financial year.

The current Covid-19 situation has had an effect on the new build programme in 2019/20, with sites having to close down for the last few weeks of the financial year, resulting in delays and slippage for some of the ongoing projects.

A total of 35 houses were purchased through the Open Market Acquisition Scheme, with Scottish Government grant funding continuing to be available to support the scheme. This major investment on new housing supply will provide new houses in areas across West Lothian of different sizes and styles, with many designed to support the occupation by people with limited movement ability, including wheelchair users.

Major Refurbishment

Major refurbishment encompasses major works on streets beyond traditional roof and render renewal works, and investment totalled £1.311 million during the year. Progress has been made in the ongoing project at Bathville Cross, however issues with the subcontractor going into administration and closure of the site in March 2020 due to Covid-19 have contributed to slippage on the project. Similarly, the project at the Lochs Scheme in Whitburn had also been progressing but weather issues and site closure due to the pandemic have caused slippage. Both projects are expected to progress during 2020/21, once Scottish Government guidance permits the sites to reopen.

Major Elemental Upgrades

Expenditure of £3.461 million was incurred on major elemental repairs projects, representing net slippage of budgeted resources. Projects largely encompass roof and roughcasting work undertaken or managed by Building Services.

Most of the 2019/20 programmed upgrade projects were anticipated to complete during the year, however the Covid-19 shutdown has meant that the projects in the Balbardie area of Bathgate, the Dedridge area of Livingston and at Bedlormie were unable to complete by 31 March 2020 and will now be finished in 2020/21, once Scottish Government guidance permits the sites to reopen.

Planned Programmes

Planned programmes maintain the safety of houses and components such as windows and doors. Expenditure of £3.011 million was incurred across the programme during 2019/20, with work including new kitchens and bathrooms, window and door refurbishments and renewals, stair upgrades, fencing programmes and high value repairs.

Savings were identified in a number of the demand led projects, such as the kitchens and bathrooms programme and the internal decoration and upgrade scheme due to lower than anticipated demand from tenants, with the savings being used to provide additional planned reactive investment.

Environmental and External Upgrading

Expenditure on environmental programmes and external upgrading amounted to £523,000 during 2019/20. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services. Delays in tenant environmental works and bin store improvement works have resulted in slippage, with the works expected to progress during 2020/21.

Compliance Works

Compliance works to housing stock include asbestos management works, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (EESH) regulations by the end of December 2020. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels.

As with previous years, there has been accelerated spend on asbestos works due to levels of demand, and there has also been accelerated spend in ongoing projects to install hard wired smoke detectors and to carry out periodic testing and electric upgrades, with some of the works now being aligned to the gas servicing contact to facilitate access to properties.

There was slippage within the energy efficiency projects, mainly due to loss of contractor capacity resulting from Scottish Power delays and lower demand for the programmes than anticipated as some tenants declined to participate in the projects. Within the External Wall Insulation Scheme, tender savings and a reduction in the number of houses to be included in the scheme in 2019/20 meant that the overall cost of the project was originally anticipated to be less than budgeted, however a contractor claim arose that was expected to increase the cost back to budgeted levels. It was anticipated that this claim could be settled before the end of the financial year, however delays in settling the claim have resulted in slippage. Remedial works at the Vennel have been delayed due to tender issues, with the works now planned to proceed in Autumn 2020, assuming Scottish Government guidance permits.

Miscellaneous

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service and home security for older people, with spend of £395,000 incurred during 2019/20.

D.3 2019/20 Capital Resources

Table 2 below shows the capital resources used to fund the housing capital programme in 2019/20. It can be seen that the investment programme is funded through a mix of borrowing, Capital Funded from Current Revenue (CFCR), government grants, council tax on second homes, capital receipts and developer contributions.

Table 2: Capital Resources Outturn 2019/20

	2019/20 Budget £'000	2019/20 Out-turn £'000	2019/20 Variance £'000
Borrowing	28,108	15,471	(12,637)
CFCR	6,195	9,750	3,555
Government Grants	1,760	4,878	3,118
Council Tax on Second Homes	85	86	1
Capital Receipts	0	8	8
Developer Contributions	250	200	(50)
Total Income	36,398	30,393	(6,005)

Borrowing

Borrowing requirements were less than budgeted estimates, due to a higher than budgeted level of CFCR, mainly as a result of the review of loans fund operations during 2019/20, additional and accelerated government grant funding and overall slippage in the programme, all of which reduced the overall borrowing requirement.

CFCR

The final CFCR was £9.750 million, based on affordability to the Housing Revenue Account after all other service issues had been taken into consideration.

The CFCR was higher than budgeted due to expenditure savings and an increased level of rental income within the Housing Revenue Account, based on stock changes during the year, and also due to revised capital financing charges resulting from a review of loans fund operations. Following the introduction of new capital finance and accounting regulations, a review of both the general fund and HRA loans fund advance repayments was carried out, and discussions held with the council's treasury advisors.

Changes to the way that current and future loans fund advances are calculated were approved by Council as part of the Annual Treasury Management Plan on 19 February 2019. On 24 September 2019, Council further approved changes to the method of repaying historic loans fund advances meaning that they will also be repaid over a longer period of time.

As reported to Council Executive during 2019/20, the debt repayments on prior year loans fund advances were recalculated following the Council's decision, resulting in a underspend of £1.480 million in loans fund principal repayments in 2019/20. The level of CFCR was increased by the same amount to reflect this updated methodology.

Government Grants

Total Scottish Government grants of £4.878 million were received, comprised of £3.828 million for new build properties and £1.050 million to support open market acquisitions.

Other Contributions

Council Tax from second homes, capital receipts and developer contributions continue to be directed towards the construction of new build housing and £294,000 was applied in 2019/20.

D.4 Updated Housing Capital Investment Programme 2020/21 to 2022/23

On 18 February 2020, the Council approved an updated Housing Capital Programme of £100.703 million for the three year period from 2020/21 to 2022/23. The three year Housing Capital Investment Programme includes significant resources invested in the creation of new homes and a strong focus on the maintenance of quality standards across the housing stock.

The proposed programme is based on reports to Council Executive on the Strategic Housing Investment Plan and Local Housing Strategy, as well as the Housing Rent Consultation and Capital Investment Strategy, which outlined proposals to be taken forward in relation to new housing supply and housing infrastructure. The updated three year programme will see continued investment to increase housing supply and deliver the 3,000 affordable homes programme by 2022, and external upgrading will continue in areas identified as in greatest need.

The Covid-19 pandemic and the resulting UK lockdown announced on 23 March 2020 have had a material impact on the housing capital programme, and this has been taken into account in the revised budget for 2020/21 to 2022/23. The programme has been reviewed in light of current restrictions, estimates of when these restrictions are likely to be eased and the likely impact that these changes will have on the various types of projects required to be carried out as part of the housing capital investment programme.

For the new housing supply element of the programme, the current shutdown in construction will inevitably mean a delay in delivering the planned new build and open market acquisition programme originally planned for 2020/21. Some contractors are on furlough and will only be able to confirm plans once they return, and open market acquisitions have not been possible over the first few months of the year due to Scottish Government restrictions on the housing market. Revised budgets have been updated based on current assumptions as to what can realistically be progressed during the remainder of 2020/21.

Given the current restrictions and the guidelines set out in the Scottish Government's routemap, it is very unlikely that capital projects that require internal access to properties, such as central heating replacements and other compliance works such as periodic electrical testing and smoke and heat detector upgrades, will be able to be carried out as planned before the pandemic. Even when the guidance permits these types of works to resume, there is expected to be continued restricted access to properties due to concerns over transmission of the virus and also due to continued restrictions around tenants who may be shielding due to health conditions or who are required to self-isolate as a result of the Scottish Government's Test and Protect approach.

Continued restricted access to properties is likely to be a major issue in meeting statutory deadlines to comply with energy efficiency standards and updated legislation on smoke and fire detectors. Budgets have been updated based on current assumptions as to when these works can be carried out, however if restrictions are eased sooner than current guidance indicates, then officers will ensure that all options to meet these requirements are implemented as soon as possible.

Other approved projects in the programme have been reprioritised, based on current assumptions. Projects that are likely to be able to proceed sooner due to the nature of the works involved, such as the major elemental upgrade projects, have been prioritised and it is hoped that these projects can proceed in the coming weeks as social distancing requirements will be easier to implement in these types of mainly outdoor based projects.

Although the capital programme has been reviewed and updated based on current guidance and assumptions, there remains a material risk that circumstances may change. Even if restrictions are eased over the next few weeks and months to allow works to recommence, a second wave of the Covid-19 virus later in the year would almost certainly result in further lockdown measures being implemented. There are also substantial risks around the affordability of the current approved programme. Although identified savings from within the programme have been used in the update to offset assumed increased costs as a result of the pandemic, the full impact of any increased costs is not likely to be known until the construction industry can fully resume. There may be further increased costs due to construction inflation, there may be further increased costs and delays due to lack of availability of materials, and there may be issues around availability of contractors as some companies may not survive the current crisis.

Given the ongoing material disruption and uncertainty around the Covid-19 situation, officers will continue to review the programme and will continue to report on the impact to Council Executive as part of the established budget monitoring exercise. Officers will also endeavour to pursue all options for delivery of the programme and to minimise any further delays where possible.

Taking into account the challenges and assumptions outlined above, the proposed updated programme is summarised below:

Table 3: Updated Capital Investment 2020/21 – 2022/23

Investment Area	2020/21 £'000	2021/22 £'000	2022/23 £'000	TOTAL £'000
New Housing Supply	11,800	44,950	3,309	60,059
Major Refurbishment	2,669	496	0	3,165
Major Elemental Upgrades	3,239	3,632	2,967	9,838
Planned Programmes	2,742	3,170	3,151	9,063
Environmental Upgrading	468	470	421	1,359
Compliance Works	7,855	8,082	5,966	21,903
Miscellaneous	468	1,500	260	2,228
Total Expenditure	29,241	62,300	16,074	107,615

D.5 Updated Capital Resources – 2020/21 to 2022/23

As noted by Council as part of the housing budget strategy on 18 February 2020, capital financing costs in respect of monies borrowed for the purpose of improving the housing asset stock, or acquiring new stock through new build or open market acquisition, must be charged to the HRA account under Schedule 15 of the Housing (Scotland) Act 1987. As such, the level of sustainable capital expenditure is coterminous with the Housing Rent strategy over the five year period and must be deemed as prudent and affordable, based on the Prudential Indicators contained within the General Fund Revenue Budget report. The level of capital financing charges and CFCR associated with the proposed programme are considered to be at an affordable level within the HRA Revenue Budget, based on an anticipated rent increase of 3% per annum. The projected ratio of gross rental income to capital financing charges will increase from 23.7% in 2019/20 to 26.2% by 2022/23.

The capital resources to fund the updated three year programme have been reviewed in light of the 2019/20 outturn position and the updated proposed resources are outlined below:

Table 4: Updated Capital Resources 2020/21 – 2022/23

Investment Area	2020/21 £'000	2021/22 £'000	2022/23 £'000	TOTAL £'000
CFCR	10,379	10,329	10,378	31,086
Borrowing	15,312	37,395	5,226	57,933
Government Grants	3,120	14,151	0	17,271
Developer Contributions	250	250	300	800
Council Tax on Second Homes	80	75	70	225
Capital Receipts	100	100	100	300
Total Funding	29,241	62,300	16,074	107,615

The Prudential Code requires the council to take account of a number of factors when agreeing capital spending plans. In overall terms, the revised Housing Capital budget for 2020/21 to 2022/23 is affordable, and revenue implications can be incorporated within the agreed HRA Revenue budget. Loans charges projections continue to indicate that plans are prudent, affordable and sustainable in the longer term.

E. CONCLUSION

There was material investment in the 2019/20 Housing Capital programme with a continuing high level of expenditure of £30.393 million in the financial year, which included £12.574 million of investment in new build housing. There were 314 completions at a number of individual sites across West Lothian, and more handovers of new stock are anticipated in the coming period. Significant investment was also made in the

housing stock to both improve the overall standard of the stock and to meet energy efficiency standards. Much of the focus of refurbishment projects and planned programmes, during 2019/20 continued to be on work undertaken within the terms of the Best Value framework, by Building Services.

Material investment will continue on the new build programme over the next three years, alongside work on major refurbishment and elemental repairs projects. There is a strong focus within the programme on the creation of additional social housing including delivering 3,000 affordable houses by 2022 and continuing with a programme of open market acquisition. These measures will increase the availability of social housing within communities for both existing residents and future generations. Alongside investment in new and additional housing stock, there will be continued investment in existing council housing stock and the environment, to improve homes and local amenity. Energy efficiency is recognised as a continuing priority, with an emphasis on meeting the requirements of the Energy Efficiency Standards for Social Housing legislation.

Revised budgets take into account estimated delays due to the current Covid-19 pandemic, based on latest guidance and assumptions, however there remains a material risk to the delivery of the programme if recovery from the lockdown period does not progress in the manner currently assumed. Officers will continue to monitor the impact of the current situation on the housing capital investment programme and will continue to make every effort to minimise any further delays where possible.

The updated planned programme of works for 2020/21 to 2022/23 includes £60.059 million for new housing supply and £47.556 million investment in the core housing stock. The total proposed programme of investment amounts to £107.615 million for 2020/21 to 2022/23.

Appendices/Attachments:

Appendix 1 – Housing Capital Programme Outturn 2019/20

Appendix 2 – Updated Housing Capital Investment Programme 2020/21 to 2022/23

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Graeme Struthers
Depute Chief Executive
23 June 2020

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West Lothian Council
Housing Capital Programme Outturn 2019/20

		2019/20 Budget £'000	2019/20 Actual £'000	2019/20 Variance £'000	Variance Analysis
<u>NEW SUPPLY HOUSING</u>					
New Build		11,748	8,425	(3,323)	Slippage
Open Market Acquisitions		4,591	4,066	(525)	Slippage
Mortgage to Rent		150	83	(67)	Saving
NEW SUPPLY TOTAL		16,489	12,574	(3,915)	
<u>REFURBISHMENT AND INVESTMENT</u>					
Major Refurbishment					
Bathville Flats, Armadale Building Services	87966	1,300	1,039	(261)	Slippage
Harrison Houses - Loch Scheme, Whitburn	87889	515	378	(137)	Slippage
Mayfield Area, Armadale	87891	0	(106)	(106)	Saving
Major Refurbishment Total		1,815	1,311	(504)	
Major Elemental Upgrades					
57 - 117 Lower Bathville	88033	30	42	12	Overspend
Anderson Avenue, Armadale	88047	0	28	28	Accelerated Spend
Auldhill Crescent, Bridgend	88034	28	43	15	Overspend
Badallan Place, Fauldhouse	88051	0	6	6	Accelerated Spend
Balbardie Av & Cres, Rosemary & Slate Roofs, Bathgate	87978	700	567	(133)	Slippage
Bedlormie	87987	810	735	(75)	Slippage
Cuthill, Stoneyburn	87861	0	1	1	Overspend
Dedridge Area, Livingston	88048	700	641	(59)	Slippage
Empire St, Baillie St, Bog Rd, Park View, Dean St, Whitburn	87858	0	1	1	Overspend
Fallas Place, Walker Road, Main Street	87982	0	1	1	Accelerated Spend
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	87886	600	626	26	Overspend
Lanrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	87885	400	450	50	Overspend
Race Road & Glasgow Road, Bathgate	88053	300	165	(135)	Saving
Strathlogie, Westfield	87967	156	155	(1)	Slippage
Major Elemental Upgrades Total		3,724	3,461	(263)	
Planned Programmes					
Assisted Decoration and Internal Upgrade Scheme	88026	350	237	(113)	Saving
Common Access Door Upgrades	88035	136	66	(70)	Slippage
Common Stair Upgrades	87841	100	50	(50)	Saving
Fencing	85683	100	76	(24)	Saving
Kitchens and Bathrooms	85658	807	615	(192)	Saving
Painting	87847	180	179	(1)	Saving
Planned Reactive/ HIO Investment	87864	974	1,154	180	Overspend
Rainwater Goods Testing and Upgrading	88036	200	182	(18)	Slippage
Windows & Doors Refurbishment / Renewal	88018	400	452	52	Accelerated Spend
Planned Programmes Total		3,247	3,011	(236)	
Environmental / External Upgrading					
Aerial Upgrades	88039	50	50	0	On Budget
Almondell, Broxburn	88031	72	82	10	Overspend
Bin Store Improvements	87871	79	1	(78)	Slippage
Play Areas	85678	83	83	0	On Budget
Programmed Drainage	85664	150	93	(57)	Slippage
Tenant Environmental Projects	87842	395	188	(207)	Slippage
Street Improvements	87869	0	26	26	Overspend
Environmental / External Upgrading Total		829	523	(306)	
Compliance Works (Direct and Assistive)					
Aids and Adaptations - Building Services	85345	428	395	(33)	Slippage
Aids and Adaptations - Occupational Therapists	85268	250	183	(67)	Saving
Asbestos Management	85674	690	1,059	369	Accelerated Spend
BISF Ladeside, Blackburn	88028	0	4	4	Overspend
Central Heating	85657	2,350	2,362	12	Accelerated Spend
Energy Efficiency/PV Panels	85671	1,449	528	(921)	Slippage
Energy Performance Certificates	88038	310	46	(264)	Slippage
External Wall Insulation	88022	2,336	1,823	(513)	Slippage
Firewalls	85660	43	30	(13)	Slippage
Hard wired smoke detectors	87851	800	1,629	829	Accelerated Spend
Legionella Upgrades	85675	20	1	(19)	Saving
Periodic testing and Electric Upgrades	85342	762	864	102	Accelerated Spend
Orlit Remedial Upgrades	88049	200	0	(200)	Slippage
The Vennel Remedial Works	88050	200	3	(197)	Slippage
Renewal of walls and footpaths	88024	119	191	72	Accelerated Spend
Compliance Works Total		9,957	9,118	(839)	
Miscellaneous					
Deans South, Livingston	87103	50	30	(20)	Saving
Deans South Siporex	87379	0	15	15	Overspend
Feasibility Surveys	85677	20	42	22	Accelerated Spend
Home Safety Service	85679	178	170	(8)	Slippage
Home Security for Senior People	85402	20	27	7	Overspend
IT	87953	69	108	39	Overspend
Unsuitable Accommodation Works	88060	0	3	3	Accelerated Spend
Miscellaneous Total		337	395	58	
REFURBISHMENT AND INVESTMENT TOTAL		19,909	17,819	(2,090)	
TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME		36,398	30,393	(6,005)	

On Budget	133	133	0
Slippage	26,624	19,531	(7,093)
Accelerated Spend	5,141	6,637	1,496
Saving	2,307	1,513	(794)
Overspend	2,193	2,579	386
	36,398	30,393	(6,005)

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Appendix 2

HOUSING CAPITAL INVESTMENT PROGRAMME 2020/21 to 2022/23

	Revised Budget 2020/21 £'000	Revised Budget 2021/22 £'000	Revised Budget 2022/23 £'000	Revised Total Budget £'000
NEW SUPPLY				
New Build	10,225	37,020	3,209	50,454
Open Market Acquisitions	1,425	7,830	0	9,255
Mortgage to Rent	150	100	100	350
TOTAL NEW SUPPLY	11,800	44,950	3,309	60,059
REFURBISHMENT AND INVESTMENT				
Major Refurbishment				
Bathville Flats, Armadale	1,628	111	0	1,739
Harrison Houses - Loch Scheme, Whitburn	1,041	385	0	1,426
	2,669	496	0	3,165
Major Elemental Upgrades				
Almond View & Cousland Terrace, Seafield	0	0	863	863
Anderson Avenue, Armadale	497	0	0	497
Auldhill Crescent, Bridgend	15	0	0	15
Badallan Place, Fauldhouse	287	0	0	287
Balbodie Av & Cres, Rosemary & Slate Roofs, Bathgate	72	0	0	72
Bedlormie	113	0	0	113
Church Place, Fauldhouse	0	277	0	277
Croftmalloch Estate - Harrison Houses, Whitburn	0	500	1,100	1,600
Cuthill, Stoneyburn	1	0	0	1
Dedridge Area, Livingston	1,680	897	715	3,292
Drummond Place, Blackridge	289	440	0	729
Empire St, Baillie St, Bog Rd, Park View, Dean St, Whitburn	1	0	0	1
Fallas Place, Walker Road, Main Street	0	670	0	670
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	10	0	0	10
Lanrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	38	0	0	38
Mansefield Court & Waverley Street, Bathgate	0	556	0	556
Preston Area - Linlithgow	0	292	289	581
Race Road & Glasgow Road, Bathgate	5	0	0	5
Strathlogie, Westfield	231	0	0	231
	3,239	3,632	2,967	9,838
Planned Programmes				
Assisted Decoration and Internal Upgrade Scheme	150	350	350	850
Common Access Door Upgrades	231	100	100	431
Common Stair Upgrades	105	100	250	455
Fencing	105	100	100	305
Kitchens and Bathrooms	315	680	680	1,675
Painting	210	200	200	610
Planned Reactive/ HIO Investment	1,061	1,090	921	3,072
Rainwater Goods Testing and Upgrading	232	150	150	532
Windows & Doors Refurbishment / Renewal	333	400	400	1,133
	2,742	3,170	3,151	9,063
Environmental / External Upgrading				
Aerial Upgrades	30	30	30	90
Almondell, Broxburn	10	0	0	10
Bin Store Improvements	78	0	0	78
Play Areas	50	50	50	150
Programmed Drainage	100	100	100	300
Tenant Environmental Projects	200	290	241	731
	468	470	421	1,359
Compliance Works (Direct and Assistive)				
Aids and Adaptations - Building Services	507	426	450	1,383
Aids and Adaptations - Occupational Therapists	250	200	200	650
Asbestos Management	690	690	321	1,701
Central Heating	1,496	3,398	3,294	8,188
Energy Efficiency/PV Panels	600	50	50	700
External Wall Insulation	1,498	1,262	0	2,760
Firewalls	13	0	0	13
Legionella Upgrades	19	0	0	19
Orlit Remedial Upgrades	252	334	334	920
Periodic testing and Electric Upgrades	618	817	700	2,135
Renewal of walls and footpaths	28	0	0	28
Smoke and heat detector upgrades	1,487	688	400	2,575
Stock Condition Surveys/Energy Performance Certificates	200	217	217	634
The Vennel Remedial Works	197	0	0	197
	7,855	8,082	5,966	21,903
Miscellaneous				
Deans South, Livingston	120	340	0	460
Feasibility Surveys	18	20	20	58
Home Safety Service	170	170	170	510
Home Security for Senior People	13	20	20	53
IT	50	50	50	150
Unsuitable Accommodation Works	97	900	0	997
	468	1,500	260	2,228
TOTAL REFURBISHMENT & INVESTMENT	17,441	17,350	12,765	47,556
TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME	29,241	62,300	16,074	107,615

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COUNCIL EXECUTIVE

2019/20 HOUSING REVENUE ACCOUNT – OUTTURN REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on financial performance in relation to the Housing Revenue Account (HRA) as at 31 March 2020.

B. RECOMMENDATION

It is recommended that Council Executive notes the final outturn position for financial year 2019/20.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Being honest, open and accountable, focusing on our customers' needs, making the best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance Indicators	None.
V. Relevance to Single Outcome Agreement	Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need.
VI. Resources - (Financial, Staffing and Property)	A breakeven position was achieved in 2019/20.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Head of Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

This report provides information on the final outturn in relation to the HRA as at 31 March 2020.

D.2 Financial Position

The HRA achieved a breakeven position for 2019/20. Final capital financing charges were less than budgeted, with material underspends also noted in employee costs and supplies & services. These underspends were offset, in part, by overspends in premises costs and transfer payments. Income recovery was greater than budgeted. Overall, this resulted in an increased contribution in Capital Funded from Current Revenue (CFCR). The enhanced CFCR provision ensures not only a breakeven position, but provides a cost effective means of financing housing capital investment.

The table below summarises the position across income and expenditure categories, with comments on the most material issues noted in the text below.

	2019/20 Budget £'000	2019/20 Out-turn £'000	2019/20 Variance £'000
Employee Costs	4,830	4,465	(365)
Premises Costs	16,546	16,729	183
Transport Costs	135	113	(22)
Supplies & Services	3,322	2,982	(340)
Third Party Payments	872	896	24
Transfer Payments	1,386	1,717	331
Support Services	2,552	2,552	0
Capital Financing	15,716	13,487	(2,229)
CFCR	6,195	9,750	3,555
Total Expenditure	51,554	52,691	1,137
Total Income	(51,554)	(52,691)	(1,137)

Employee Costs

Employee costs were underspent by £365,000 during 2019/20, mainly as a result of vacant posts and staff turnover. There were a number of staff within the HRA on secondment and backfill arrangements were determined based on operational and business need, resulting in some short term savings within the area. There were also a number of vacancies due to staff turnover, which resulted in one off savings during the recruitment period to fill these posts.

Premises Costs

Expenditure on premises posts totalled £16.729 million, with the majority of spend incurred on repairs and maintenance works undertaken by Building Services. The overspend of £183,000 was mainly in property repair costs and gas servicing and maintenance.

Supplies & Services

Expenditure on supplies and services totalled £2.982 million, with a number of areas showing underspends compared with budgeted resources. The most material savings related to legal costs and the bad debt provision for accounts receivable.

Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. Irrecoverable rents to the value of £659,000 were written off during 2019/20. Increased levels of arrears at 31 March 2020, particularly for current tenants compared to the position at 31 March 2019, led to an increase in the level of bad debt provision.

Capital Financing & CFCR

Capital Financing Charges and Capital Funded from Current Revenue (CFCR) reflect the level of borrowing required to finance the Housing Capital investment programme. Loans fund charges during the year are predominantly determined by the level of borrowing and associated interest rates, however it should be noted that the level of charge to the HRA can also be influenced by the proportionate split between HRA and General Fund services.

Changes to the way that current and future loans fund advances are calculated were approved by Council as part of the Annual Treasury Management Plan on 19 February 2019. On 24 September 2019, Council further approved changes to the method of repaying historic loans fund advances meaning that they will also be repaid over a longer period of time, to ensure that the payments can be assessed as prudent and to ensure that the repayments reasonably reflect the period over which the community receives the economic benefit of assets that are now lasting longer than originally assumed.

Due to these changes in loan fund calculations, as well as the level and timing of HRA activities relative to the overall council borrowing requirements, HRA capital financing charges were underspent by £2.229 million. The £9.750 million CFCR entry in the HRA revenue outturn is also replicated in the Housing Capital outturn funding position.

Income

Income budgets for 2019/20 primarily relate to the estimated level of rents and other miscellaneous charges due to the HRA revenue account. Grant funding relating to the HEEPS scheme administered through the HRA is also included.

Actual income posted to the HRA account is total rent due from tenants and includes rents received and rents being pursued as housing arrears. Rent collected as a percentage of total rent due in 2019/20 was 98%. Account is taken of housing stock changes such as new build completions, open market acquisitions, mortgage to rent, and demolitions.

During 2019/20, 314 new build completions were recorded and 35 open market acquisitions concluded. These additions contributed to an income outturn £1.137 million over budget.

Changes arising from the implementation of Universal Credit, including direct payments and benefit claim processing, have impacted on the level of current tenant arrears. Arrears at the end of the financial year 2019/20, including both house and garage rents, amounted to £2.657 million for current tenants and £1.207 million for former tenants.

E. CONCLUSION

A breakeven position was achieved in 2019/20. Changes to loans fund calculations combined with increased income and expenditure savings resulted in an increased CFCR contribution in 2019/20, thereby reducing the borrowing requirement to fund the HRA capital programme.

Appendices/Attachments: None
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Graeme Struthers
Depute Chief Executive
23 June 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

GENERAL SERVICES CAPITAL INVESTMENT STRATEGY 2020/21 TO 2027/28 - UPDATE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report sets out the updated General Services Capital Investment Strategy for 2020/21 to 2027/28, taking account of year-end carry forwards, for consideration by Council Executive.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Approves the updated Capital Investment Strategy for 2020/21 to 2027/28, as set out in appendix 1 of the report;
2. Approves the projected resources for the period 2020/21 to 2027/28, as set out in section D4 of the report;
3. Notes that the reporting and monitoring agreed as part of the Corporate Asset Management Strategy and Ten Year Capital Strategy will continue, including quarterly monitoring reports to Council Executive;
4. Notes that the Covid-19 situation has major implications for the affordability and phasing of the capital programme.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The council's General Services capital programme is managed within the stringent requirements set out in the updated Prudential Code.</p> <p>The integrated approach to asset management and capital planning complies with the provisions of the Prudential Code and with Best Value requirements in the 2003 Local Government (Scotland) Act and the provisions of Sections 78, 79 and 236 of the Local Government (Scotland) Act 1973.</p> <p>Risks in relation to the capital programme will be identified and managed in accordance with the council's corporate approach to risk.</p> <p>The equality impact of the budget has been assessed in compliance with public sector duty requirements, as set out in the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and Fairer Scotland Duty, Part 1 of the Equality Act 2010.</p>

Strategic Environmental Assessments will be carried out for individual projects as required.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Effective capital implementation and asset management is vital to supporting corporate and service performance.
V	Relevance to Single Outcome Agreement	Effective prioritisation of resources will be essential to achieve key outcomes over the next eight years.
VI	Resources - (Financial, Staffing and Property)	An assessment of potential resources indicates that a prudent, affordable and sustainable capital investment programme for 2020/21 to 2027/28 is estimated to be £342.152 million.
VII	Consideration at PDSP	Asset Lead Officers provide annual asset performance reports to relevant Policy Development and Scrutiny Panels (PDSPs).
VIII	Other consultations	Preparation of the updated capital investment strategy for 2020/21 to 2027/28 has involved consultation with Depute Chief Executives, Heads of Service, asset lead officers and capital project managers.

D. TERMS OF REPORT

D.1 Background

On 19 February 2018 the council approved the Corporate Asset Management Strategy and General Services Capital Investment Strategy for 2018/19 to 2027/28. The capital investment strategy was prepared adopting the approach used in developing the 2013/14 to 2017/18 capital programme. Potential capital resources were determined for the ten year investment period, and Business Cases were prepared for each asset category following consultation with appropriate service areas for prospective capital investment for 2018/19 to 2027/28. Asset Lead Officers reviewed and scored the investment proposals for their respective asset categories, reviewed the SOBCs and prioritised the proposed investment list for the new capital investment strategy, reflecting the Corporate Asset Management Strategy.

SOBCs were prepared in consultation with service areas; and drafted for each asset category. Asset Lead Officers undertook scoring of the SOBCs to allow prioritisation of the bids for capital investment. SOBC scoring was based on the following categories, which link with the strategic outcomes of the Corporate Asset Management Strategy:

- Non-Financial Considerations (statutory and regulatory compliance, core asset management performance, demographic need for investment, sustainability and the environment).
- Service Delivery (service effect, community demographics and achievability).
- Corporate Priorities.
- Financial Assessment (revenue consequences, whole life costs, prudential borrowing / affordability risk).

This report provides a routine update of Capital Investment Strategy for 2020/21 to 2027/28, taking account of the latest circumstances and providing information on the updated phasing of significant projects, as well as advising of the 2019/20 outturn.

D.2 2019/20 Capital Outturn

The approved capital budget for 2019/20 was £33.389 million. The final outturn position shows expenditure in 2019/20 of £39.956 million with accelerated spend of £6.567 million as follows:

Asset Type	2019/20 Budget £'000	2019/20 Spend £'000	2019/20 Variance £'000
Property	18,382	20,910	2,528
Roads	11,828	12,738	910
Open Space	2,828	2,181	(647)
ICT	4,351	4,127	(224)
Overprogramming	(4,000)	0	4,000
Total	33,389	39,956	6,567

The expenditure incurred in 2019/20 equates to 120% of the approved budget with accelerated spend in property and roads asset categories. This position is a result of good progress in delivery of Additional Support Needs (ASN) and Early Learning and Childcare (ELC) property projects, along with accelerated spend in property planned improvements and statutory compliance, town centre fund projects and the Skolieburn and Bathgate Branch railway bridges. The slippage in open space was largely as a result of rephasing projects to enable external funding to be leveraged to enhance what can be delivered. Good progress has been made in the delivery of a number of ICT projects with some minor slippage for social care related projects and the new HR and Payroll system.

D.3 Updated Capital Investment Strategy 2020/21 to 2027/28

The capital investment strategy has now been updated to take account of the 2019/20 outturn and the latest circumstances stemming from the Covid-19 lockdown. The annual budget update exercise was undertaken as part of the capital planning process with asset lead officers ensuring that project phasing is realistic and achievable. Total proposed General Services capital investment for 2020/21 to 2027/28 is £342.152 million with details provided in Appendix 1. The total proposed investment by asset category is as follows:

Asset Category	2020/21 to 2027/28 Proposed Budget £'000
Property Assets	235,462
Roads and Related Assets	59,871
Open Space Assets	17,108
ICT Assets	29,711
Total	342,152

The proposed budgets take into consideration detailed asset conditions surveys and projected expenditure levels. Key items within each asset category are summarised as follows:

Property Assets

During 2019/20, significant property projects were undertaken including the first phase of works for the extension and reconfiguration of Ogilvie Additional Support Needs (ASN) School. Good progress was also made with Early Learning and Childcare (ELC) projects with a range of kitchen improvements and the extension to Polkemmet Primary school completed. Works also commenced on the redevelopment of the Ability Centre to create the new Livingston North partnership centre.

During 2020/21 there will be investment of over £34 million in property assets which will cover a wide range of capital works, including essential statutory and health and safety requirements and maintenance of front line buildings.

Various potential impacts to the capital programme have been identified as a result of the Covid-19 pandemic and the lockdown announced on the 23 March 2020. These include:

- Extended project delivery timescales beyond the initial lockdown period while contractors, sub-contractors and suppliers remobilise;
- With a large proportion of construction materials being imported, availability, production and distribution may be impacted as lockdowns are not aligned;
- Potential reduction in the number of contractors;
- Potential increase in construction inflation;
- Delays in procurement for capital projects further exacerbating delays in the supply chain.

The phasing of projects have been reviewed to take into account Covid-19 related delays and budgets now reflect what officers anticipate can be realistically delivered in 2020/21. It has been assumed that the Scottish Government will allow construction work to commence no later than Monday 29 June. An update on this will be provided at the Council Executive meeting.

Planned Improvements – Schools

As a result of the lockdown, the programme of planned improvements scheduled to be undertaken during 2020, and in particular the summer schools programme has been reviewed. Works are being progressed to mitigate the reduction to the programme wherever possible, however, due to time constraints, the schools programme will be particularly challenging.

Summer programme works that are programmed for summer 2020 include ELC kitchen works at Bathgate Early Years Centre, Polbeth nursery, Bellsquarry primary school nursery, St Anthony's primary school nursery and St Mary's and Simpson primary schools in Bathgate, ELC nursery canopy works at Bridgend and Dechmont primary schools and ELC snagging works at Carmondean and St Columba's primary school nurseries. Other works include a lift replacement at Howden St Andrews primary school, flooring works at Murrayfield primary school nursery, Bellsquarry primary school, Livingston family centre and Whitdale primary school and asbestos remediation works at St Ninian's, Blackburn, Fallahill, Murrayfield and St John the Baptist, Fauldhouse primary schools.

Planned Improvements – Operational Buildings

A number of maintenance and planned improvements works will be undertaken this year, including roof repair works at Fauldhouse Partnership centre costing £200,000. During 2020/21 the planned overall investment in operational buildings is £913,000. As a result of Covid-19 and the risks to Care Home residents, the bathroom and kitchen upgrade programme in care homes has been rephased to be undertaken in 2022/23.

Statutory Compliance

Since the lockdown was announced only essential statutory compliance and emergency repairs have been able to be undertaken which will result in a backlog of works in the coming months. In the next eight years over £14 million will be invested in statutory compliance works with an allocation of £3.35 million for 2020/21. These works will help to ensure that property assets are safe, secure and accessible for customers, visitors and members of staff and includes asbestos management, the control of legionella, emergency lighting and fire safety works.

Schools Projects

Investments in school projects, excluding developer funded projects, total £46.317 million over the next eight years. This includes a number of key projects to modernise service delivery in the ASN estate which includes a new Beattie Campus School, a new and relocated Cedarbank School and a re-configured and extended Pinewood School.

A review will be undertaken of education projects to reflect the Learning Estate Investment Plan and Strategy principles published by the Scottish Government. Developer funded education projects which will provide additional pupil capacity to support housebuilding in West Lothian will be reappraised to reflect school roll projections and supplementary planning guidance, including consideration of the impact of the pandemic on housing development. The full review and the council's new learning estate investment plan is proposed to be presented to members for consideration in late summer, early autumn. The timescales for this will reflect those emerging for the consideration of funding proposals for the second phase of the Scottish Government Learning Estate Investment Programme which is likely to require submission in early autumn with an announcement expected prior to the end of the year.

The Early Learning and Childcare projects at Blackridge and St Mary's primary schools had reached financial close and works had commenced on site for both projects at the time of the lockdown. As a result, there will be additional cost implications for the project and these will be advised as soon as they have been confirmed.

As a result of the ongoing Covid-19 pandemic, the Scottish Government has removed the legal requirement on local authorities to deliver the 1,140 funded hours of childcare for all three and four year olds and eligible two year olds by August 2020, as it recognised that it would not be possible for local authorities to deliver this provision by this date due to the lockdown.

Developer Funded School Investment

The new Denominational and Non-Denominational secondary schools and the replacement Holy Family primary school in Winchburgh have been delayed by at least three months as a result of the pandemic. The budgeted expenditure for these projects for 2020/21 has been reduced to £7 million in total to account for the projected delays. Financial close is proposed for 17 July 2020 and any increase in project costs will be confirmed as part of this process. Following financial close, the contractor will mobilise with the commencement of construction works anticipated for 17 August 2020. Efforts will be made through programming of works and commercial market testing to mitigate delays and costs, and updates on this will continue to be provided as part of capital programme reporting. A report on the new Winchburgh schools is being considered under a separate agenda item at this meeting of Council Executive.

Works at the new Calderwood Primary School were scheduled to commence on site in March but were stalled as a result of site preparation works not being completed by the developer. The delay increased further with the announcement of the Covid-19 lockdown. Effective remobilisation could be at least two to three months after the lockdown is lifted. Standstill costs of approximately £127,000 have been provided by the contractor up until the end of May.

Operational Buildings

CBC (Glasgow) Ltd, the contractors appointed to deliver the new Whitburn Partnership Centre entered into administration at the end of April. This will result in increased costs to the project and an extended development. Officers have commenced the tendering process and the indicative timescales are as follows; completion of the tendering process and appointment of the new contractor by the beginning of August, works will begin towards the end of August, with completion expected in winter 2021.

The council's existing ICT data backup and continuity facility located in South Lanarkshire will close at the end of March 2021. An opportunity was identified to house the data backup and continuity facility in Whitehill Service Centre, which requires the installation of a backup generator and the provision of an uninterruptable power supply, along with other alterations. Projected costs for this project have increased from initial estimates due to increases to the specification of the works and these having to be completed out with normal working hours.

Roads and Related Assets

Roads and related assets investment is aimed at key infrastructure assets such as roads, street lighting, bridges, footways, flood prevention, traffic signals and road casualty reduction schemes. Analysis of road and footpath condition statistics has been undertaken along with asset condition surveys. The total investment in roads and related assets for 2020/21 to 2027/28 will be £59.871 million.

As part of the roll forward exercise, budgets have been rephased to future years to reflect the level of works that can realistically be undertaken in the remainder of 2020/21. Various projects that were planned for this year have had to be rephased as a direct result of the lockdown.

Roads and Footways

The total revised budget for Roads and Footways for 2020/21 is £2.237 million, projects totalling approximately £1.9 million have been rephased to future years of the programme as a result of the impact of the Covid-19 lockdown. These impacts have included the suspension of

construction works since March, but also the need for staff resources to be redirected to implementing measures focused on protecting public health, supporting physical distancing. The budget for the B7015 between East Calder and the A71 has been increased by £151,000 to allow completion of the section of the B7015 that has been delayed due to development work in the area. A section west of the A71 has been completed and works are now planned for two further sections. Works on the first section will be carried out this year with the second section scheduled to be undertaken in 2021/22.

Roads Projects

On 27 February 2020, the Scottish Government announced additional grant funding of £502,000 for West Lothian for Cycling, Walking and Safer Streets (CWSS) projects in 2020/21 bringing the total grant funding to be spent on CWSS this year to £801,000. Transport Scotland has advised that there will not be any extension to the expenditure deadlines for this year to take into account the Covid-19 lockdown. The council will appeal for this decision to be reconsidered but in the meantime, the full £801,000 has been included in the budget for this year. If the full allocation of grant funding is to be utilised this year, this will have a knock on effect on other projects in the programme, requiring these to be rephased to try to resource the CWSS works. These include the A89 between Dechmont and Kilpunt roundabout; Balbardie Avenue, Bathgate; Main Street, East Whitburn and the A801 dualling.

Construction on the proposed cycle path along the B8084 from Armadale to Whitburn will commence once lockdown restrictions allow and will utilise CWSS funding. There are a number of projects still to be developed and are at varying stages in the design process. These include Blackburn Corridor, Wester Inch to Whitehill Industrial Estate, Guildiehaugh to Bathgate Railway Station on Edinburgh Road and Stoneyburn Links – Bents to A706. There will also be cyclist and pedestrian improvements to Capstan walk in Linlithgow and a second phase of improvements along Whitburn Town Walk.

Road Lighting

Road Lighting schemes totalling £2.630 million will be carried out during 2020/21. A number of projects have been rephased to be carried out during 2021/22 as a result of Covid-19. These include; Brown Street/Hailstones Crescent, Armadale, Main Street, Mid Calder Bishops Park Mid Calder and Dedridge North Road and Staunton Rise in Dedridge.

Flood Prevention and Drainage

The Heritage Lottery Fund, which is funding the Riverlife HLF project, has approved an extension to the project until the end of June 2021 to account for the impact of Covid-19. The budget has therefore been apportioned between 2020/21 and 2021/22.

Design works are progressing for Mid Calder weir which is part of the Almond Barriers project but the decision about whether to proceed to construction in the autumn or hold off until spring 2021 for more favourable weather conditions still needs to be taken. The contract for works at Limefield Weir has been awarded and will commence once lockdown restrictions allow.

Structures

Good progress was made during 2019/20 with Bathgate Branch Railway and Skolieburn bridges projects. Both projects will be completed this year but are forecast to overspend by £372,000 and £708,000 respectively as a result of compensation events that have arisen during both the contracts. For Bathgate Branch railway bridge project these compensation events included Network rail charges, unforeseen ground conditions impacting on scaffolding footings, additional traffic management and costs relating to an extension of time on the contract. Compensation events for Skolieburn bridge were due to ground conditions impacting on piling work, modifications to existing drainage, weather delays, additional carriageway surfacing and the impact on the works due to the Covid-19 pandemic.

Works on Guildiehaugh Railway Bridge in Bathgate had been planned to maximise railway line possession over the festive period in 2019/20. Unfortunately, due to late contractual reasons this could not be undertaken and works will have to be carried out under limited weekend working. This will significantly increase the cost of the works resulting in an anticipated overspend of £328,000.

Town Centres and Villages

Town Centre projects reported accelerated spend of £973,000 for 2019/20. A total of 109 town centre projects were awarded funding from the town centre fund totalling £1.826 million following Local Area Committee meetings and the Council Executive in October 2019.

In February 2020, the Scottish Government extended the expenditure deadline for these projects to 31 March 2021 and the completion deadline to 30 September 2021 so the residual £577,000 will be spent on completing the remaining projects in 2020/21.

Open Space Assets

Good progress was made in the Open Space programme in 2019/20 with 20 planned improvements projects and 13 play park projects completed. These included park refurbishments at Marrfield Park, Uphall Station; Howden Park North, Livingston; Holmes Park, Broxburn and Millbank Place East, Uphall and play areas at Kingfisher Brae, Livingston; Burnlea Drive, Bents; Burnside Terrace, Polbeth and Murrayfield Park, Blackburn.

A number of projects have been added to the Open Space programme for 2020/21 and 2021/22 that will be fully developer funded. These budgets total £370,000 and include works at Wyndford Park, Broxburn; community woodland path works and play area works at Wester Inch and adventure and toddler play areas in Kirkhill, Broxburn.

Additional funding options to enable the inclusion of a pump track at the Kettilstoun Mains facility are currently being explored with partner organisations, with the business case for this being deliberated later on this year. The full council contribution of £307,000 has therefore been rephased to 2021/22 to allow sufficient time for the revised proposal to be considered.

Sutherland Ball Court, Knightsridge has been accelerated to 2020/21 from 2021/22 so that this can be carried out at the same time as the play area project to minimise disruption.

The planned improvements project at Balbardie Park of Peace in Bathgate was originally scheduled for completion in 2017/18. Following the development of a masterplan for the park and the completion of a community consultation exercise, it was agreed that the project would be delivered over two phases to enable the maximisation of potential income opportunities from external grants. Phase one, which included improvements to footpath and drainage infrastructure within the park has been completed. The second phase of the project will incorporate the design and construction of a pump track. In 2019/20 the decision was taken to rephase the remaining £60,000 council budget from 2019/20 to 2020/21 to secure a minimum of £60,000 additional grant funding. Due to the impact of the Covid-19 lockdown the decision has been made to rephase the remaining budget over 2021/22 and 2022/23. When complete, the total project spend will amount to £257,000, including £145,000 of additional grant funding.

Works at Lothian Street Green in Bathgate which is the entrance into Balbardie Park will be undertaken as part of the wider park project.

Following planning permission being granted for the East Calder 3G pitch, the tender has been awarded with construction set to start on site following the relaxation of lockdown restrictions.

There is uncertainty surrounding the viability of the Watson Park 3G pitch project due to issues with the stability of the pitch. Indicative costs for the pitch could be as much as three times the total budget. The budget has been rephased to 2021/22 from 2020/21 until a decision is taken on how to proceed. A reappraisal of the project is being carried out and will be reported as soon as possible.

The 3G pitch project at St Margaret's Academy was due to go out to tender near the end of the 2019/20 financial year but this was delayed due to the Covid-19 lockdown. Repair works were carried out on the existing pitch prior to the lockdown and is now in a useable condition. Following discussions with the school and the supply chain, the decision has been taken to defer the project for a year, with completion anticipated for August 2021. A budget allocation of £20,000 has been made for 2020/21 for fees with the remaining £132,000 rephased to 2021/22.

ICT Assets

The final outturn position for the ICT asset category in 2019/20 was net slippage of £224,000 which represented 5% of the total approved budget. Although a net slippage position was reported, good progress was made with work on the Antivirus Malware, Microsoft Office & Exchange 2019 licencing and the rollout of Windows 10 projects all completed.

Adjustments have been made to the proposed phasing of the ICT programme for 2020/21 to take into consideration the impact of the Covid-19 lockdown and what can genuinely be delivered this year. Budgets that have been rephased include the corporate and education local area network refresh projects, the SWIFT replacement project, central server refresh and the email filtering/encryption project.

The procurement process for the replacement of SWIFT was stopped during 2019/20 as a result of challenges made by suppliers regarding eligibility criteria. The procurement exercise will recommence when all issues have been adequately resolved.

The HR and Payroll replacement system slipped £206,000 of the total 2019/20 budget due to payments being withheld until delivery milestones were satisfactorily achieved. As the new payroll system is operational, the remaining budget will be spent during 2020/21.

Digital Transformation will have a significant role to play in the capital programme going forward with sensors, the internet of things, robotics and artificial intelligence some of the areas being explored.

D.4 Updated Capital Resources – 2020/21 to 2027/28

To fund the General Services capital investment programme there are various sources of projected funding summarised as follows.

Funding Source	Total £'000
General Capital Grant	129,622
Capital Receipts and Capital Fund	65,500
Other Grants and Contributions	126,756
Borrowing	16,274
Overprogramming	4,000
Total	342,152

Projected capital resources are constrained, with available resources being substantially less than previous years. This is due to various factors including the reducing availability of capital receipts, reduced capital grant funding from the Scottish Government and reduced revenue resources to support the cost of prudential borrowing.

The Council's 2020/21 general capital grant allocation from the Scottish Government, as outlined in Finance Circular 1/2020, was £3.956 million less than assumed in the nine year capital investment strategy approved on 19 February 2019. The shortfall for 2020/21 has been accommodated within overall resources assuming that the shortfall will be met by an increase in general capital grant in future years. No reduction has been made to the programme for 2020/21 to reflect the reduced level of funding.

Should future grant assumptions not be met, and additional resources are not made available by the Scottish Government, the approved programme will need to be reviewed to identify options to address the significant reduction in resources and ensuring the continued affordability of the council's capital investment programme.

In addition to the assumed increases in Scottish Government grant funding not materialising, there are additional other risks to the affordability of the programme that will require careful management, as follows:

- Substantial delays in the receipt of developer contributions creating cash flow implications or developers seeking to change contributions through a section 75A application;
- Interest rates for borrowing are greater than forecast meaning that the proposed borrowing becomes unaffordable within the revenue budget;
- Ability to deliver an ambitious asset disposal programme due to uncertainties regarding the timing of disposals, school capacity constraints and the potential transfer of sites at nil value through community asset transfer provisions.

Subject to the review of the programme in light of the reduced grant funding for 2020/21, the level of borrowing is assessed as prudent, affordable and sustainable within the parameters of the council's treasury management plans and the Prudential Code for Capital Finance. The updated resources position has been incorporated into treasury management assumptions which indicate that the level of borrowing is at the maximum that is affordable based on current resources. The treasury forecasts are at the absolute maximum levels of affordability, and as outlined above, it is likely that additional revenue resources will be required in the latter years of the programme to ensure ongoing affordability. On this basis material changes to the programme are unable to be accommodated through additional borrowing.

The capital budget for 2020/21 includes £4 million of overprogramming. Given the risks inherent within a budget made up of a significant number of individual projects, and the continued uncertainty regarding the pandemic, this is considered realistic. Resources will continue to be carefully monitored and updates provided in line with reporting requirements.

D.5 Integrated Impact Assessment

Assessing impact is an important part of the public sector's decision making process. It is important in developing any proposal or policy to understand how the needs of different groups and the potential barriers they may face may differ. Integrated Impact Assessment (IIA) is a mechanism which enables the council to consider the needs/barriers and identify any adverse impacts of different groups. It enables us to:

- Develop appropriate policies and practices based on evidence
- Prevent or mitigate negative impacts
- Be more transparent and accountable
- Meet the council's legal requirements in terms of equality, Human Rights, Socio-economic disadvantage and child poverty

Following the key principles of relevance and proportionality within the Equality Act 2010, Integrated Impact Assessments (IIA) of policies and decisions of the council is a requirement of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. In addition, the Fairer Scotland Duty, part 1 of the Equality Act 2010 places a legal responsibility on the council to pay due regard to how it can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.

The council has made significant progress with regard to mainstreaming integrated impact assessment into the budget setting process. The assessments enable the council to identify impacts and to consider and develop mitigation measures. They are intended to inform the decision making process by making all relevant information available and not to prevent decisions being taken and implemented. This process also gives us the opportunity to identify and highlight positive impacts.

If during the relevance assessment it is determined that there are issues or concerns in relation to equality, human rights or socio-economic disadvantages then a full Integrated Impact Assessment will be required. In general, if there are two or more ticks in either the equality or socio-economic disadvantage sections of the relevance assessment form, then a full assessment (stage two) will be required as it indicates that impacts and/or areas of concern have been identified and require further investigation. A review of the screening process can be actioned at any time, especially if new information becomes available or unforeseen consequences arise.

IIAs will be carried out for any new projects as part of the formal consultation process and will be reported to Council Executive for consideration, prior to implementation of the project.

D.6 The Prudential Code and other factors to be taken into account

The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) controls capital spending in a system based on self-regulation by authorities. The key objectives of the Prudential Code are to ensure that capital expenditure plans are affordable, external borrowing is prudent and sustainable, and that treasury management decisions are taken in accordance with professional good practice. The Prudential Code requires the council to set a number of prudential indicators for the forthcoming three years.

CIPFA issued a revised Treasury Management Code of Practice and a revised Prudential Code in December 2017 which required all local authorities to prepare a Capital Strategy. The Capital Strategy for West Lothian Council was approved at a meeting of full Council on 19 March 2019. The strategy set out the outcomes and activities to be as well as performance indicators to be used to monitor delivery. An annual review will be undertaken of the outcomes and these will be reported to the Capital and Asset Management Board, the Corporate Management Team and the Partnership and Resources Policy Development and Scrutiny Panel in advance of being reported to Council Executive later in 2020.

Affordability, Prudence and Sustainability

Subject to the review of the programme in light of the reduced grant funding for 2020/21 and the budget pressures relating to the Covid-19 pandemic, I would assess that the updated capital programme for 2020/21 to 2027/28 is affordable. The revenue implications are incorporated within agreed revenue budgets and loan charge projections continue to indicate the capital programme is prudent and sustainable. All aspects of the programme are geared to securing best value however it may be necessary, on occasion, to re-phase budgets for operational reasons or to ensure best value.

Best Value

The council has continued to build a resilient culture of effective planning and governance, with strong evidence to demonstrate how the council meets the defined best value characteristics. The council's Best Value Framework, approved in June 2014, ensures that the council complies with the provisions contained within the Local Government in Scotland Act 2003. The 2003 Act requires the council to:

- secure best value in the performance of its functions;
- balance the quality and cost of the performance of its function and the cost of council services to service users;
- have regard to efficiency, effectiveness, economy and the need to meet equal opportunity requirements in maintaining that balance;
- fully discharge its duty to secure best value in a way which contributes to the achievements of sustainable development.

The delivery of the capital programme will be undertaken in compliance with the agreed Best Value Framework. The methodology adopted by the council to integrate capital planning with asset management ensures best value is at the forefront of the development process when the programme is being developed. In addition, all aspects of the delivery of the capital programme and asset management strategy will be geared to securing best value. The key objective to the integrated approach is to ensure the deployment for fit for purpose assets that support service delivery and targets capital investment where benefits can be maximised. The asset management and capital programme will ensure that resources are approximately allocated to priorities.

Risk Management and Uncertainties

Officers will continue to coordinate work on capital planning and asset management, managing risks and uncertainties through ongoing monitoring and control arrangements. This approach ensures that the focus is on delivery of the capital programme within approved budgets and timescales.

D.7 Governance of the Corporate Asset Management Strategy and Capital Investment Strategy

The corporate asset management strategy and capital investment strategy provides a strategic framework for securing best value in the use of the council's capital resources and asset infrastructure. Council, in February 2020 approved the following governance arrangements to ensure that the strategy was translated into ongoing delivery at operational level:

- Officers would complete a monthly risk based exercise to monitor progress on asset management and the capital programme.
- Quarterly monitoring reports would be presented to the Council Executive outlining progress on the asset strategy and capital programme.
- Officers would report to Local Area Committees annually on progress on capital investment in each ward.
- Officers would report to the relevant PDSP on asset management plans for each of the six asset categories annually.
- Reports of asset performance would be presented to the appropriate PDSP on an annual basis.

Quarterly monitoring reports and monthly risk schedules are completed as part of the approved capital monitoring process. As agreed, annual capital investment reports for each ward will be reported to the Local Area Committees later on in the year.

E. CONCLUSION

This report sets out for consideration the updated strategy for capital investment for the period 2020/21 to 2027/28. The capital investment strategy has been updated to take into account the 2019/20 year-end carry forwards as well as the most up to date asset condition information with an estimated programme value for the next eight years of £342.152 million.

The revised phasing of the budgets for each asset category has taken into account the delays to projects that will or have been incurred directly as the result of the Covid-19 lockdown. The lockdown will also have a financial effect on the capital programme due to increased costs for projects that have encountered delays. In addition, the actual capital grant funding received from the Scottish Government was less than anticipated so unless more funding is made available a review requires to be undertaken of the phasing and affordability of the capital programme in its entirety. It is intended that the review will be undertaken later on in the year and will be reported on in due course. Meanwhile, every effort will be made to ensure that the delays to the programme as a result of the pandemic will be minimised as much as possible.

F. BACKGROUND REFERENCES

General Services Capital Investment Strategy 2019/20 to 2027/28 - Update – Report by Head of Finance and Property Services to Council Executive 25 June 2019

Asset Management Strategy and General Services Capital Programme 2020/21 to 2027/28 - Report by Head of Finance and Property Services to Council 28 February 2020

Appendices/Attachments:

Appendix 1 – General Services Capital Investment Strategy 2020/21 to 2027/28

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Donald Forrest

Head of Finance and Property Services

23 June 2020

Data Label: Public

GENERAL SERVICES CAPITAL PROGRAMME - 2020/21 TO 2027/28

Asset Type	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
<u>Property Assets</u>									
Planned Improvements and Statutory Compliance	7,826	9,964	6,885	2,925	3,105	3,696	3,320	3,221	40,942
Property Projects	26,683	74,897	43,223	20,085	7,230	4,475	3,375	14,552	194,520
Property Assets - Total	34,509	84,861	50,108	23,010	10,335	8,171	6,695	17,773	235,462
<u>Roads and Related Assets</u>									
Roads and Footways	2,237	4,839	2,847	3,660	2,820	2,753	2,754	2,754	24,664
Flood Prevention and Drainage	1,041	1,060	3,829	0	0	0	0	0	5,930
Road Lighting	2,630	2,973	1,609	2,621	2,306	2,306	2,306	2,307	19,058
Structures and Town Centres	2,312	1,916	1,411	1,032	1,112	812	812	812	10,219
Roads and Related Assets - Total	8,220	10,788	9,696	7,313	6,238	5,871	5,872	5,873	59,871
<u>Open Space Assets</u>									
Open Space and Sports Facility Projects	1,316	1,446	812	1,119	925	908	908	909	8,343
Open Space and Sports Facility Planned Improvements	403	546	622	354	474	474	485	431	3,789
Children's Play Areas	369	564	325	195	195	195	195	313	2,351
Synthetic Turf Pitches	605	682	0	17	157	157	157	157	1,932
Cemeteries	89	88	91	60	63	63	73	83	610
Land Decontamination	9	74	0	0	0	0	0	0	83
Open Space Assets - Total	2,791	3,400	1,850	1,745	1,814	1,797	1,818	1,893	17,108
<u>ICT Assets</u>									
Corporate and Modernisation	3,640	3,277	2,420	3,869	1,817	1,166	737	1,608	18,534
School Investment	782	1,566	2,159	1,446	797	2,144	1,516	767	11,177
ICT Assets - Total	4,422	4,843	4,579	5,315	2,614	3,310	2,253	2,375	29,711
CAPITAL INVESTMENT STRATEGY - TOTAL	49,942	103,892	66,233	37,383	21,001	19,149	16,638	27,914	342,152

PROPERTY ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
<u>Planned Improvements & Statutory Compliance</u>									
<u>Schools Planned Improvements</u>									
Nursery Schools									
Inveralmond Early Years Centre - rewire	20	0	0	0	0	0	0	0	20
Ladywell Nursery - electrical upgrade	20	0	0	0	0	0	0	0	20
Woodlands Nursery - rewire	0	0	30	0	0	0	0	0	30
Nursery Schools - mechanical & electrical	0	30	30	30	30	20	20	20	180
Nursery Schools - Total	40	30	60	30	30	20	20	20	250
Primary Schools									
Balbardie PS, Bathgate - heating pipework upgrade	2	28	0	0	0	0	0	0	30
Croftmalloch PS, Whitburn - pipework upgrade	40	0	0	0	0	0	0	0	40
Dedridge PS, Livingston - chimney removal	24	0	0	0	0	0	0	0	24
East Calder PS - mechanical & electrical upgrade	0	0	375	0	0	0	0	0	375
Harrymuir PS, Livingston - heating upgrade	10	100	60	0	0	0	0	0	170
Howden St Andrew's PS, Livingston - lift upgrades	30	0	0	0	0	0	0	0	30
Kirkhill PS, Broxburn - electrical, lift upgrade, toilets, windows, ceilings & roofs	36	325	275	0	0	0	0	0	636
Meldrum PS, Livingston - ventilation upgrade	19	0	0	0	0	0	0	0	19
Our Lady of Lourdes PS, Blackburn - electrical upgrade & ceilings	200	300	0	0	0	0	0	0	500
Parkhead PS, West Calder - electrical upgrade	0	5	80	0	0	0	0	0	85
Parkhead PS, West Calder - heating pipework	100	220	0	0	0	0	0	0	320
Peel PS, Livingston - electrical upgrade, drainage, windows & roof	0	0	200	0	0	0	0	0	200
Riverside PS, Livingston - roof, mechanical & electrical upgrade	0	0	250	0	0	0	0	0	250
St Mary's PS, Bathgate - electrical upgrade	0	0	45	0	0	0	0	0	45
St Mary's PS, Polbeth - electrical upgrade	2	33	0	0	0	0	0	0	35
Uphall PS - electrical upgrade	0	0	80	0	0	0	0	0	80
Williamston PS, Livingston - suitability works and electrical upgrade	75	75	75	0	0	0	0	0	225
Cold Water Storage Tanks - access upgrades	20	20	10	0	0	0	0	0	50
Heating Pump Replacement Programme	15	20	20	0	0	0	0	0	55
Hot Water Services Upgrades - calorifiers/gas fire heaters	15	15	30	0	0	0	0	0	60
IT Server Room Upgrades	40	25	0	0	0	0	0	0	65
Primary Schools - mechanical & electrical	0	109	15	200	400	350	350	300	1,724
Zoning Controls Upgrades	24	0	0	0	0	0	0	0	24
Primary Schools - Total	652	1,275	1,515	200	400	350	350	300	5,042

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Secondary Schools									
Air Conditioning (A/C) Upgrade & Replacement Programme	30	80	75	0	0	0	0	0	185
Controls Upgrade Programme	24	0	0	0	0	0	0	0	24
Distribution Board Upgrade Programme	50	75	25	0	0	0	0	0	150
External Lighting/High Level Lighting/Timeclock Replacement Programme	47	25	25	0	0	0	0	0	97
Heating Pump Replacement Programme	28	25	25	0	0	0	0	0	78
Hot Water Services Upgrades - calorifiers/gas fire heaters	0	30	20	0	0	0	0	0	50
Pool Cover Replacement Programme	5	5	0	0	0	0	0	0	10
Pool Critical Spares Stock	30	10	0	0	0	0	0	0	40
Pool Planned Shutdown Maintenance	31	50	25	0	0	0	0	0	106
Secondary Schools - mechanical & electrical	0	0	0	150	275	275	275	275	1,250
Linlithgow Academy - electrical upgrade	52	200	145	0	0	0	0	0	397
Linlithgow Academy - heating upgrade	2	100	0	0	0	0	0	0	102
Linlithgow Academy - science labs upgrade	0	150	0	0	0	0	0	0	150
St Margaret's Academy, Livingston - pool seals	18	0	0	0	0	0	0	0	18
Secondary Schools - Total	317	750	340	150	275	275	275	275	2,657
Special Schools									
Special Schools - mechanical & electrical	7	20	10	15	15	15	15	15	112
Special Schools - Total	7	20	10	15	15	15	15	15	112
School General Planned Improvements									
Drainage Improvements	50	25	25	25	0	0	0	0	125
Gutter & Gullies Cyclical Works Programme	70	50	50	0	0	0	0	0	170
Heavy Catering Equipment Replacements	170	75	25	0	0	0	0	0	270
Gym Hall Flooring - Toronto PS	0	38	0	0	0	0	0	0	38
Kitchen Upgrades	0	0	0	50	50	50	50	50	250
Kitchen Upgrades - Inveralmond Community High School, Livingston	5	145	0	0	0	0	0	0	150
Rainwater Goods Replacement & Upgrade Programme	40	50	50	50	50	50	50	50	390
School Toilet Improvements	0	0	0	0	0	175	175	175	525
School Toilet Improvements - Balbardie PS, Bathgate (Infant)	10	190	0	0	0	0	0	0	200
School Toilet Improvements - Broxburn PS	5	45	0	0	0	0	0	0	50
School Toilet Improvements - Inveralmond High School, Livingston	0	45	0	0	0	0	0	0	45
School Toilet Improvements - Kirkhill PS, Broxburn	0	100	75	0	0	0	0	0	175
School Toilet Improvements - Letham PS, Livingston	0	0	50	0	0	0	0	0	50
School Toilet Improvements - Mid Calder PS	0	0	30	0	0	0	0	0	30
School Toilet Improvements - Our Lady's PS, Stoneyburn	5	0	0	0	0	0	0	0	5
School Toilet Improvements - Polkemmet PS, Whitburn	0	0	50	0	0	0	0	0	50
School Toilet Improvements - Riverside PS, Livingston	0	0	50	0	0	0	0	0	50
School Toilet Improvements - Springfield PS, Linlithgow	100	0	0	0	0	0	0	0	100
School Toilet Improvements - St Joseph's PS, Linlithgow	0	0	70	0	0	0	0	0	70
School Toilet Improvements - St Margaret's Academy, Livingston	0	20	0	0	0	0	0	0	20

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
School Toilet Improvements - St Ninian's PS, Livingston	5	100	0	0	0	0	0	0	105
School Toilet Improvements - St John Ogilvie PS	0	100	0	0	0	0	0	0	100
School Toilet improvements - Williamston PS, Livingston	7	100	0	0	0	0	0	0	107
School Toilet Improvements - Westfield PS	5	65	0	0	0	0	0	0	70
School Window Replacement	53	50	50	50	50	75	100	75	503
Window Cyclical and Maintenance	50	50	50	25	25	25	25	25	275
Window Replacement - Bankton PS, Livingston	5	150	0	0	0	0	0	0	155
Window Replacement - Bonnytown Nursery, Linlithgow	0	10	0	0	0	0	0	0	10
Window Replacement - Croftmalloch PS, Whitburn	5	220	0	0	0	0	0	0	225
Window Replacement - Dedridge PS, Livingston	0	0	100	0	0	0	0	0	100
Window Replacement - Our Lady's PS, Stoneyburn	9	90	0	0	0	0	0	0	99
Window Replacement - St Anthony's PS, Armadale	5	95	0	0	0	0	0	0	100
Window Replacement - St Mary's PS, Polbeth	0	0	100	0	0	0	0	0	100
Window Replacement - St Ninian's PS, Livingston	0	0	100	0	0	0	0	0	100
Window Screen & Door - Uphall PS	0	10	0	0	0	0	0	0	10
Window Replacement - Armadale PS	0	42	0	0	0	0	0	0	42
School General Planned Improvements - Total	599	1,865	875	200	175	375	400	375	4,864
School Estate Wide Planned Improvements									
Building Warrant Works Schools	8	0	0	0	0	0	0	0	8
Ceiling Replacement	0	0	0	125	100	100	75	75	475
Ceiling Replacement - Howden St Andrew's PS, Livingston	0	75	39	0	0	0	0	0	114
Ceiling Replacement - Toronto PS, Livingston	0	21	0	0	0	0	0	0	21
Cladding Replacement - Stoneyburn PS	96	0	0	0	0	0	0	0	96
Communal & Education Areas - decoration, fixtures & fittings	50	75	75	50	0	0	0	0	250
Door Access Upgrades Schools	65	30	30	10	10	10	10	10	175
Doors, Roller Shutters & Moveable Partitions - repair & replacement	100	80	80	70	50	50	50	50	530
External Painting Programme	71	60	50	50	50	50	0	0	331
External Render Programme	21	50	50	50	50	50	0	0	271
Render & Roof Replacement - Greenrigg PS	100	0	0	0	0	0	0	0	100
Roof Replacement & Repair	0	0	0	31	24	500	400	400	1,355
Roof Replacement & Repair - Addiewell PS	5	295	0	0	0	0	0	0	300
Roof Replacement & Repair - Armadale PS	0	0	60	0	0	0	0	0	60
Roof Replacement & Repair - Balbardie PS, Bathgate	0	0	140	0	0	0	0	0	140
Roof Replacement & Repair - Dedridge PS, Livingston	0	0	150	0	0	0	0	0	150

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Roof Replacement & Repair - Fallahill PS, Fauldhouse	5	95	0	0	0	0	0	0	100
Roof Replacement & Repair - James Young High School	100	50	0	0	0	0	0	0	150
Roof Replacement & Repair - Inveralmond High School, Livingston	200	200	100	0	0	0	0	0	500
Roof Replacement & Repair - Murrayfield PS, Blackburn	0	30	0	0	0	0	0	0	30
Roof Replacement & Repair - St John the Baptist PS, Fauldhouse	5	195	0	0	0	0	0	0	200
Roof Replacement & Repair - St Kentigern's Academy, Blackburn	150	140	144	0	0	0	0	0	434
Roof Replacement & Repair - St Mary's Primary, Polbeth	5	95	0	0	0	0	0	0	100
Roof Replacement & Repair - St Ninian's PS, Livingston	420	0	0	0	0	0	0	0	420
Roof Replacement & Repair - Toronto PS, Livingston	148	200	0	0	0	0	0	0	348
Roof Replacement & Repair - Uphall PS	5	70	0	0	0	0	0	0	75
Roof Replacement & Repair - Westfield PS	5	85	0	0	0	0	0	0	90
Roof Replacement & Repair - Whitdale PS, Whitburn	5	195	0	0	0	0	0	0	200
Roof Replacement & Repair - Winchburgh PS Cladding	40	0	0	0	0	0	0	0	40
Secondary School Changing Rooms	25	25	25	25	25	0	0	0	125
School Estate Wide Planned Improvements - Total	1,629	2,066	943	411	309	760	535	535	7,188
Schools Planned Improvements - Total	3,244	6,006	3,743	1,006	1,204	1,795	1,595	1,520	20,113

Operational Buildings Planned Improvements**Partnership Centres**

Administrative & Partnership Centres - controls upgrade	30	0	0	0	0	0	0	0	30
Administrative & Partnership Centres - distribution boards	20	30	0	0	0	0	0	0	50
Administrative & Partnership Centres - external lighting programme	20	25	5	0	0	0	0	0	50
Administrative & Partnership Centres - hot water services upgrades	0	20	20	0	0	0	0	0	40
Administrative & Partnership Centres - internal improvements & minor works	15	25	50	25	0	0	0	0	115
Administrative & Partnership Centres - mechanical & electrical	60	20	20	30	0	0	0	0	130
Administrative & Partnership Centres - planned improvements	22	50	50	110	160	160	160	160	872
Administrative & Partnership Centres - pump replacement programme	11	10	10	0	0	0	0	0	31
Administrative & Partnership Centres - reconfiguration & optimisation works	29	0	30	0	0	0	0	0	59
Bathgate Partnership Centre - minor works	65	0	0	0	0	0	0	0	65
Civic Centre - planned improvements	21	40	20	0	0	0	0	0	81
Civic Centre Courthouse - roof works	95	0	0	0	0	0	0	0	95
Fauldhouse Partnership Centre - roof works	200	0	0	0	0	0	0	0	200
Kirkton Service Centre - lifecycle planned improvements	10	20	0	0	0	0	0	0	30
Pool Plant Maintenance - Fauldhouse	0	50	0	0	0	0	0	0	50
Whitburn Community Centre - Boiler Replacement	40	0	0	0	0	0	0	0	40
St David House, Bathgate - window replacement	0	0	150	0	0	0	0	0	150
Partnership Centres - Total	638	290	355	165	160	160	160	160	2,088

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Social Policy									
Distribution Boards	30	10	10	0	0	0	0	0	50
Door Access Upgrade	8	10	0	0	0	0	0	0	18
External Lighting Programme	20	20	0	0	0	0	0	0	40
Generator Upgrade Programme	30	37	0	0	0	0	0	0	67
Heat Pump Replacement Programme	7	10	10	0	0	0	0	0	27
Hot Water Upgrade Programme	26	0	0	0	0	0	0	0	26
Jane Place - Render and External Works	80	0	0	0	0	0	0	0	80
Social Policy Kitchen & Bathroom Upgrades	25	229	250	0	0	0	0	0	504
Social Policy Residential - internal minor works	10	50	50	50	25	25	25	25	260
Young Person Centres - internal minor works	5	5	5	5	5	5	5	5	40
Craigmair, Livingston - internal minor works	10	10	10	0	0	0	0	0	30
Deans House, Livingston - internal minor works	8	5	5	0	0	0	0	0	18
Limecroft Care Home, Livingston - internal minor works	10	10	10	0	0	0	0	0	30
Strathbrock Family Centre, Broxburn - internal minor works	6	5	5	0	0	0	0	0	16
Whitdale Care Home - minor works, staff accommodation & toilets	0	100	67	0	0	0	0	0	167
Social Policy - Total	275	501	422	55	30	30	30	30	1,373
Operational Buildings Planned Improvements - Total	913	791	777	220	190	190	190	190	3,461
Tenanted Non Residential Properties (TNRP) Planned Maintenance									
Commercial Property - internal works programme	17	10	10	0	0	0	0	0	37
Commercial Property - mechanical & electrical	80	35	0	0	0	0	0	0	115
Commercial Property - minor works programme	20	5	0	0	0	0	0	0	25
Commercial Property - roof planned improvements & replacement	0	40	20	0	0	0	0	0	60
Commercial Property - window & doors improvement & replacement	78	44	20	0	0	0	0	0	142
TNRP - demolitions & compliance	0	250	250	175	100	100	50	50	975
TNRP - minor works programme	24	10	10	0	0	0	0	0	44
TNRP - planned improvements	0	200	200	123	175	175	175	175	1,223
Tenanted Non Residential Properties (TNRP) Planned Maintenance - Total	219	594	510	298	275	275	225	225	2,621
Planned Improvements Total	4,376	7,391	5,030	1,524	1,669	2,260	2,010	1,935	26,195
General Statutory Compliance & Miscellaneous Planned Improvements									
Accessibility Works	160	225	225	175	200	250	200	200	1,635
Air Quality	50	83	100	100	100	100	100	100	733
Almond Valley Heritage Trust	20	20	20	20	20	20	20	20	160
Asbestos Management	180	200	100	130	130	130	130	130	1,130
Boundary Walls & Fences Compliance	70	40	40	20	20	20	20	20	250
Chimney & Lighting Conductors	35	25	25	20	20	20	20	20	185
Community Centre Decoration & Floorcovering Programme	26	10	10	25	0	0	0	0	71

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Community Centre Internal Improvements & Minor Works	15	10	10	25	0	0	0	0	60
Control of Legionella	150	200	200	150	175	175	175	175	1,400
COVID-19 Property Adaptations	100	0	0	0	0	0	0	0	100
Demolition of Small Buildings	300	0	0	0	0	0	0	0	300
Electricity at Work	132	100	100	100	100	100	50	50	732
Emergency Lighting	145	150	150	100	150	100	100	100	995
Energy Legislation Compliance & Energy Management System	50	30	30	30	25	25	24	25	239
EV Charging Points	217	0	0	0	0	0	0	0	217
Finger Guards	30	10	5	5	5	5	5	5	70
Fire Alarm Upgrades	105	100	100	75	75	75	75	75	680
Fire Safety Risk Assessment Programme & Precautions	400	350	350	250	250	250	225	200	2,275
Gas Pipelines Safety – WLC responsibility	5	15	15	14	14	14	14	14	105
Hazardous Substances Detection	13	10	10	12	12	12	12	12	93
Intruder Alarm Upgrades	59	50	50	25	25	25	25	25	284
Lath & Plaster Ceiling Replacement Programme	50	50	50	25	25	25	25	25	275
Lift Upgrade Programme	10	10	20	20	20	20	20	20	140
Miners Memorial plaque	10	0	0	0	0	0	0	0	10
Non-Domestic Energy Efficiency Framework (NDEEF) - LED lighting	0	130	0	0	0	0	0	0	130
Non-Domestic Energy Efficiency Framework (NDEEF) - minor projects phase 1	50	50	0	0	0	0	0	0	100
Non-Domestic Energy Efficiency Framework (NDEEF) - Phase 2	640	160	0	0	0	0	0	0	800
Operational Property Loft Insulation Programme	200	300	0	0	0	0	0	0	500
Operational Property Minor Works	20	15	15	0	0	0	0	0	50
Pressure Vessels	43	40	40	20	20	20	20	20	223
Regal Theatre, Bathgate	0	50	0	0	0	0	0	0	50
Roof Void Access – statutory compliance	4	10	10	10	10	10	10	10	74
Secondary CDT, Science, PE & Home Economics Departments	10	10	10	10	10	10	10	10	80
Surplus Property Demolitions	119	100	150	20	20	20	20	20	469
Water Quality & Hydrants	12	20	20	20	10	10	10	10	112
Wedding Venue Refresh	20	0	0	0	0	0	0	0	20
General Statutory Compliance & Miscellaneous Planned Improvements - Total	3,450	2,573	1,855	1,401	1,436	1,436	1,310	1,286	14,747
Planned Improvements & Statutory Compliance Total	7,826	9,964	6,885	2,925	3,105	3,696	3,320	3,221	40,942

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
<u>Property Projects</u>									
<u>Schools</u>									
Schools General Projects									
<u>Additional Support Needs (ASN)</u>									
ASN Strategy - Beattie Campus, Livingston	243	2,250	2,600	0	0	0	0	0	5,093
ASN Strategy - New Cedarbank School, Livingston	1,000	4,000	1,951	0	0	0	0	0	6,951
ASN Strategy - Ogilvie Campus, Livingston (3 phase extension & planned improvements)	750	2,119	0	0	0	0	0	0	2,869
ASN Strategy - Pinewood School, Blackburn (extension & reconfiguration)	500	2,928	1,500	0	0	0	0	0	4,928
ASN Strategy - Skills Centre (Burnhouse Campus, Whitburn)	0	0	95	375	495	0	0	0	965
<u>Early Learning and Childcare (ELC)</u>									
ELC - Blackburn PS - Extension	250	700	0	0	0	0	0	0	950
ELC - Blackridge PS - new build	1,596	0	0	0	0	0	0	0	1,596
ELC - Bridgend PS - outdoor	10	0	0	0	0	0	0	0	10
ELC - Dechmont Infant School - outdoor	10	0	0	0	0	0	0	0	10
ELC - Early Years ICT	25	25	0	0	0	0	0	0	50
ELC - Early Years Play Equipment/Furniture	25	25	0	0	0	0	0	0	50
ELC - Eastertoun PS, Armadale - kitchen	15	313	0	0	0	0	0	0	328
ELC - Fallahill PS, Fauldhouse - refurbishment	6	90	0	0	0	0	0	0	96
ELC - Greenrigg PS - extension	150	200	0	0	0	0	0	0	350
ELC - Howden St Andrews PS, Livingston - extension	150	381	0	0	0	0	0	0	531
ELC - Howden St Andrews PS, Livingston - production kitchen upgrade	0	97	0	0	0	0	0	0	97
ELC - Kirkhill PS, Broxburn - extension & refurbishment	150	385	0	0	0	0	0	0	535
ELC - Letham/Riverside PS, Livingston - internal works	88	0	0	0	0	0	0	0	88
ELC - Minor Works	150	129	0	0	0	0	0	0	279
ELC - Murrayfield PS, Blackburn - kitchen upgrade	7	90	0	0	0	0	0	0	97
ELC - Parkhead PS, West Calder - extension	600	0	0	0	0	0	0	0	600
ELC - St John the Baptist PS - Production Kitchen	10	0	0	0	0	0	0	0	10
ELC - St Marys PS, Bathgate - new build	819	0	0	0	0	0	0	0	819
ELC - St Mary's PS, Bathgate - production kitchen upgrade	59	0	0	0	0	0	0	0	59
ELC - St Paul's PS, East Calder - extension	0	750	0	0	0	0	0	0	750
ELC - Stoneyburn PS - new production kitchen	10	319	0	0	0	0	0	0	329
ELC - Stoneyburn PS - extension	400	0	0	0	0	0	0	0	400
ELC - Woodlands Nursery, Livingston - refurbishment	5	144	0	0	0	0	0	0	149
<u>Other School Projects</u>									
Blackridge PS - sports pitch & access	113	250	0	0	0	0	0	0	363
Installation of LED Lighting in Primary Schools (non NDEEF)	23	45	45	45	45	45	45	45	338
New Non-Denom Secondary in Winchburgh (WLC Contribution)	391	2,000	1,450	0	0	0	0	0	3,841
Potential Learning Estate Programme – Deans PS, Livingston	25	50	2,500	925	0	0	0	0	3,500
Potential Learning Estate Programme – East Calder PS	10	900	2,550	0	0	0	0	0	3,460
Potential Learning Estate Programme – Eastertoun PS, Armadale	10	500	950	0	0	0	0	0	1,460

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	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Potential Learning Estate Programme – St Joseph's PS, Whitburn	10	50	2,500	940	0	0	0	0	3,500
Renewables	90	0	0	0	0	0	0	0	90
Riverside PS Wing Demolition	0	200	0	0	0	0	0	0	200
School Condition Surveys, Assessments & Layout Plans	50	50	50	0	0	0	0	0	150
School Estate Management Plan (SEMP) Feasibility Studies	10	10	10	5	5	5	5	5	55
Schools Boiler Replacement Programme	100	130	41	20	20	20	20	20	371
Schools General Projects - Total	7,860	19,130	16,242	2,310	565	70	70	70	46,317
Schools Projects - Developer Funded									
East Calder PS - capacity	0	0	250	0	0	0	0	0	250
Eastertoun PS, Armadale - refurbishment, extension & access	0	250	2,250	0	0	0	0	0	2,500
Education Estate Suitability & Feasibility - general	39	40	100	145	145	145	145	145	904
Holy Family PS, Winchburgh - new school	1,800	5,400	2,152	0	0	0	0	0	9,352
Howden St Andrew's PS, Livingston - extension to increase capacity	0	0	0	0	0	0	2,280	0	2,280
Livingston Village PS - extension	30	670	0	0	0	0	0	0	700
New Non-Denom PS (Single Stream/Pre-School) - Bangour	50	250	500	4,000	1,700	1,000	0	0	7,500
New Non-Denom PS (Single Stream/Pre-School) - Broxburn	0	0	0	0	0	0	0	7,500	7,500
New Non-Denom PS (Single Stream/Pre-School) - Calderwood	6,000	6,200	1,609	0	0	0	0	0	13,809
New Non-Denom PS (Single Stream/Pre-School) - Gavieside	0	50	250	5,000	2,200	0	0	0	7,500
New Secondary in Winchburgh - denominational	2,000	16,000	6,811	0	0	0	0	0	24,811
New Secondary in Winchburgh - non-denominational	3,000	12,500	5,136	0	0	0	0	0	20,636
Parkhead PS, West Calder - capacity	0	0	0	0	0	0	0	787	787
Pumpherstoun & Uphall Station PS - extensions phases 1 & 2	0	50	3,000	2,500	0	0	0	0	5,550
Southdale PS, Armadale - phase 2 extension	0	0	0	2,995	0	0	0	0	2,995
St Anthony's PS, Armadale - phase 2 extension and minor works	98	0	0	0	0	0	0	0	98
St Anthony's PS, Armadale - phase 3 extension to increase capacity	0	0	45	2,000	1,500	0	0	0	3,545
St John the Baptist PS, Fauldhouse - extension	0	0	0	0	0	0	0	340	340
St Joseph's PS, Whitburn - extension to increase capacity	0	0	0	0	0	2,280	0	0	2,280
St Mary's PS, Polbeth - extension to increase capacity	0	0	0	0	0	0	0	4,080	4,080
St Paul's PS, East Calder - extension to increase capacity	50	3,600	1,556	0	0	0	0	0	5,206
Whitburn Academy - additional capacity	0	0	0	0	0	0	0	750	750
Winchburgh/Holy Family PS - phase 4 extension & nursery	10	0	0	0	0	0	0	0	10
Schools Projects - Developer Funded - Total	13,077	45,010	23,659	16,640	5,545	3,425	2,425	13,602	123,383
Schools Total	20,937	64,140	39,901	18,950	6,110	3,495	2,495	13,672	169,700

PROPERTY ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Operational Buildings & Depot Modernisation									
Ability Centre – Partnership Centre, Livingston	644	50	0	0	0	0	0	0	694
Blackburn - demolition of former community centre	67	0	0	0	0	0	0	0	67
Children & Families Support Unit	0	500	500	0	0	0	0	0	1,000
Community Property - modernisation, integration & asset transfer	25	275	250	250	140	0	0	0	940
Complex Care Housing Development	350	2,650	0	0	0	0	0	0	3,000
Corporate Property Modernisation Strategy	100	300	275	100	200	200	100	100	1,375
East Calder Partnership centre	20	0	0	0	0	0	0	0	20
Emergency Planning & Business Continuity	420	0	0	0	0	0	0	0	420
Energy Saving Investment (including renewables)	10	0	0	0	0	0	0	0	10
General Operational Buildings Feasibilities	0	5	5	5	0	0	0	0	15
Maintenance for Buildings operated by West Lothian Leisure	220	220	220	180	180	180	180	180	1,560
Proposed purchase of Social Care facility	450	0	0	0	0	0	0	0	450
Single Person Homeless Accommodation & Assessment Centre	350	2,400	1,180	0	0	0	0	0	3,930
Watson Park, Armadale - bowling	10	0	0	0	0	0	0	0	10
Watson Park, Armadale - Pavilion	175	275	0	0	0	0	0	0	450
Whitburn Partnership Centre	1,390	2,548	48	0	0	0	0	0	3,986
Whitdale Older People Residential Care, Whitburn	0	300	200	0	0	0	0	0	500
Whitehill Service Centre	50	0	0	0	0	0	0	0	50
Operational Buildings Projects - Total	4,281	9,523	2,678	535	520	380	280	280	18,477
Miscellaneous Projects									
Asset Management System Implementation	9	0	0	0	0	0	0	0	9
Essential Professional Support	646	644	644	600	600	600	600	600	4,934
Property Condition Surveys and Drawings	30	30	0	0	0	0	0	0	60
Solar PV canopies and Electric Vehicles Charging	300	450	0	0	0	0	0	0	750
TNRP - dilapidations	480	110	0	0	0	0	0	0	590
Miscellaneous Projects - Total	1,465	1,234	644	600	600	600	600	600	6,343
Property Projects - Total	26,683	74,897	43,223	20,085	7,230	4,475	3,375	14,552	194,520
TOTAL PROPERTY ALLOCATION	34,509	84,861	50,108	23,010	10,335	8,171	6,695	17,773	235,462

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
<u>Roads and Footways</u>									
A Class Roads - Backlog and Lifecycle Investment									
Maintenance of A Class Roads	0	0	0	378	378	378	378	378	1,890
A70 - Between Auchinoon & Halfway House	0	0	258	0	0	0	0	0	258
A705 - Blackburn Cross	59	0	0	0	0	0	0	0	59
A706 - Longridge Road, Whitburn (Dixon Terrace to Croftmalloch Road)	0	24	0	0	0	0	0	0	24
A706 - Whitdale Roundabout	0	85	0	0	0	0	0	0	85
A71 - From Lizzie Brice Roundabout to Oakbank Roundabout	0	0	181	0	0	0	0	0	181
A71 - Newpark Roundabout	0	0	0	66	0	0	0	0	66
A71 - West End, Main Street, East End, West Calder	0	465	0	0	0	0	0	0	465
A801 - Roundabout M8 J4	20	0	0	0	0	0	0	0	20
A801 - Heatherfield to Westfield Roundabout	0	0	58	0	0	0	0	0	58
A89 - Between Dechmont & Kilpult Roundabout	0	305	0	0	0	0	0	0	305
A89 - Mossbank to Dechmont	0	0	0	95	0	0	0	0	95
A Class Roads - Backlog and Lifecycle Investment - Total	79	879	497	539	378	378	378	378	3,506
B Class Roads - Backlog and Lifecycle Investment									
Maintenance of B Class Roads	0	0	0	172	221	221	221	221	1,056
B7008 - A71 to C24	0	0	138	0	0	0	0	0	138
B7015 - Between East Calder and A71	100	80	0	0	0	0	0	0	180
B7015 - Fauldhouse to A706 Junction	10	37	0	0	0	0	0	0	47
B708 - Lower Bathville	0	178	0	0	0	0	0	0	178
B792 - Addiewell to Tenants March, West Calder	0	119	0	0	0	0	0	0	119
B792 - Ballencrief Toll to Torphichen	20	76	0	0	0	0	0	0	96
B792 - Slackend, Torphichen	15	0	0	0	0	0	0	0	15
B8020 - Beattie Road	5	0	0	0	0	0	0	0	5
B9080 - Winchburgh (at developments)	0	103	0	0	0	0	0	0	103
B Class Roads - Backlog and Lifecycle Investment - Total	150	593	138	172	221	221	221	221	1,937
C Class Roads - Backlog and Lifecycle Investment									
Maintenance of C Class Roads	0	0	0	190	198	246	247	247	1,128
C4 - Lookabootye to Railway	0	34	0	0	0	0	0	0	34
C5 - A904 Past Pardovan	0	10	22	0	0	0	0	0	32
C5 - Philpstoun to B8090	0	0	42	0	0	0	0	0	42

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
C9 - Glenmavis to Cathlaw	20	47	0	0	0	0	0	0	67
C10 - Bridgehouse to Armadale	30	54	0	0	0	0	0	0	84
C12 - Knock to Byres	0	0	48	0	0	0	0	0	48
C18 - Cathlaw to Longmuir	35	84	0	0	0	0	0	0	119
C19 - Ochiltree	10	27	0	0	0	0	0	0	37
C25 - Overshiel to B7015 (both sections)	0	10	25	0	0	0	0	0	35
C Class Roads - Backlog and Lifecycle Investment - Total	95	266	137	190	198	246	247	247	1,626
U Class Roads - Backlog and Lifecycle Investment									
Maintenance of U Class Roads	0	0	0	924	918	904	904	904	4,554
Aitken Orr Drive, Broxburn	0	0	0	100	0	0	0	0	100
Alderstone Road, Livingston - Eliburn North to Newyearfield Roundabouts	0	0	0	143	0	0	0	0	143
Aller Place, Eliburn, Livingston	0	34	0	0	0	0	0	0	34
Almond Road, Livingston - Howden East Road to Tay Walk	106	0	0	0	0	0	0	0	106
Almondvale South Road	0	97	0	0	0	0	0	0	97
Badallan Place, Fauldhouse	0	0	0	14	0	0	0	0	14
Balbardie Avenue, Bathgate (79 - 95)	0	27	0	0	0	0	0	0	27
Blaeberryhill Road, Whitburn	0	300	0	0	0	0	0	0	300
Boghall Drive, Boghall	90	0	0	0	0	0	0	0	90
Burnside Terrace, Fauldhouse	0	37	0	0	0	0	0	0	37
Church Street, Broxburn	0	0	0	50	0	0	0	0	50
Craigshill Road, Craigshill, Livingston	157	0	0	0	0	0	0	0	157
Dell Avenue, Armadale	0	0	0	34	0	0	0	0	34
Edinburgh Road, Bathgate - Station to Guildiehaugh	0	207	0	0	0	0	0	0	207
Eldrick Avenue, Fauldhouse	0	0	0	14	0	0	0	0	14
Eldrick Crescent, Fauldhouse	0	0	71	0	0	0	0	0	71
Elizabeth Gardens, Stoneyburn	0	38	0	0	0	0	0	0	38
Firth Road, Houston Industrial Estate, Livingston	0	53	0	0	0	0	0	0	53
Forth View, Kirknewton	0	0	55	0	0	0	0	0	55
Gleneagles Court, Whitburn	0	0	62	0	0	0	0	0	62
Golf Course Road, Knightsridge - resurfacing/patching scheme	0	0	55	0	0	0	0	0	55
Harburn Road	43	0	0	0	0	0	0	0	43
Hillhouse Avenue, Bathgate	0	0	0	37	0	0	0	0	37
Hillside Place, Longridge	0	0	41	0	0	0	0	0	41
Huron Avenue, Livingston	0	0	117	0	0	0	0	0	117
Knightsridge Road, Dechmont	60	0	5	0	0	0	0	0	65
Ladywell East Road, Livingston	0	90	0	0	0	0	0	0	90
Ladywell West Road, Livingston	0	0	0	59	0	0	0	0	59

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Linlithgow High Street	0	173	0	0	0	0	0	0	173
Longridge Road, Whitburn	0	0	94	0	0	0	0	0	94
Main Street, East Whitburn	0	41	0	0	0	0	0	0	41
Mayfield Drive, Armadale	0	249	0	0	0	0	0	0	249
Polkemmet Road, Greenrigg	0	0	50	0	0	0	0	0	50
Primrose Place, Eliburn, Livingston	0	0	79	0	0	0	0	0	79
Station Road, Addiewell	0	174	0	0	0	0	0	0	174
Thymebank, Ladywell	0	0	0	78	0	0	0	0	78
U11 - Torphichen	0	0	20	34	0	0	0	0	54
U14 - Beecraigs	0	0	0	83	0	0	0	0	83
U16 - 2 Sections Whole Length Patching	0	0	50	0	0	0	0	0	50
U16 - Longmuir to Kingscaval	0	0	38	44	0	0	0	0	82
U17 - Ecclesmachan to West Binny	0	0	20	65	0	0	0	0	85
U18 - Between Railway & B9080	0	225	0	0	0	0	0	0	225
U23 - Standhill Road, Bathgate	0	0	202	0	0	0	0	0	202
U26 - South of Broxburn (Between A89 Newhouses, Kilpunt, Birdsmill)	0	0	50	50	0	0	0	0	100
U40 - Turniemoon to West Torphin	49	0	0	0	0	0	0	0	49
U40 - West Torphin to Pearielaw	75	0	0	0	0	0	0	0	75
U Class Roads - Backlog and Lifecycle Investment - Total	580	1,745	1,009	1,729	918	904	904	904	8,693
Non Adopted Roads and Footways									
Maintenance of Non-Adopted Footways & Footpaths	0	40	40	40	40	40	40	40	280
Maintenance of Non-Adopted Roads	0	0	0	40	40	40	40	40	200
Bathgate West Nursery - school playground	17	0	0	0	0	0	0	0	17
Connolly School Campus, Blackburn - school playground	20	0	0	0	0	0	0	0	20
Crofthead Centre, Livingston - repairs to paths & steps	20	0	0	0	0	0	0	0	20
Fallas Place, Fauldhouse - parking bays	0	0	25	0	0	0	0	0	25
Faraday Place, Addiewell	0	25	0	0	0	0	0	0	25
Polbeth Community Centre	0	50	0	0	0	0	0	0	50
Uphall PS - car park	0	0	25	0	0	0	0	0	25
Woodcockdale Canalside Car Park	0	25	0	0	0	0	0	0	25
Non Adopted Roads and Footways - Total	57	140	90	80	80	80	80	80	687

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Adopted Footways - Backlog and Lifecycle Investment									
Maintenance of Footways, Footpaths & Cycleways	0	140	140	145	145	145	145	145	1,005
A705 - Seafield to Toll Roundabout	0	60	0	0	0	0	0	0	60
A706 - Bonnytounside, Linlithgow	7	0	0	0	0	0	0	0	7
Alderstone Path Rear - footpath	0	70	0	0	0	0	0	0	70
Balmuir Road, Bathgate	7	0	0	0	0	0	0	0	7
Elmwood Park to Netherwood Park	10	0	0	0	0	0	0	0	10
Gideon Street, Bathgate	11	0	0	0	0	0	0	0	11
Harrysmuir North/South/Terrace	8	0	0	0	0	0	0	0	8
Path to South of Harrysmuir PS	30	0	0	0	0	0	0	0	30
Whitehill Industrial Estate, Bathgate	26	0	0	0	0	0	0	0	26
Adopted Footways - Backlog and Lifecycle Investment - Total	99	270	140	145	145	145	145	145	1,234
Roads Projects									
A801 Dualling	0	57	0	0	0	0	0	0	57
Accessibility Schemes	30	10	0	0	0	0	0	0	40
Accessibility Works at Operational Facilities	25	25	25	25	100	0	0	0	200
Bus Passenger Infrastructure	60	24	25	34	34	34	34	35	280
Conversion of Part Time 20mph Signs to Full Time 20mph Zones	15	43	0	0	0	0	0	0	58
Community Recycling Centres Refresh	100	0	0	0	0	0	0	0	100
Cycling, Walking & Safer Streets/Active Sustainable Travel	801	486	486	486	486	485	485	484	4,199
Disabled Person's Parking	41	40	40	0	0	0	0	0	121
Improving signage at all CRC sites and patching at Linlithgow/Broxburn sites	50	0	0	0	0	0	0	0	50
Pumpherstoun Car Park Upgrade	5	0	0	0	0	0	0	0	5
Road Casualty Reduction Scheme	50	261	260	260	260	260	260	260	1,871
Roads Projects - Total	1,177	946	836	805	880	779	779	779	6,981
Roads and Footways Total - Total	2,237	4,839	2,847	3,660	2,820	2,753	2,754	2,754	24,664
Flood Prevention and Drainage									
Almond Barriers	620	385	0	0	0	0	0	0	1,005
Bathgate Watercourse Restoration	112	200	1,690	0	0	0	0	0	2,002
Broxburn Flood Prevention Scheme	165	400	2,139	0	0	0	0	0	2,704
Riverlife HLF	100	75	0	0	0	0	0	0	175
Risk Management Plan	44	0	0	0	0	0	0	0	44
Flood Prevention and Drainage - Total	1,041	1,060	3,829	0	0	0	0	0	5,930

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Road Lighting									
Energy Efficiency & Behaviour Change – LED replacement	1,471	1,429	230	320	320	320	320	321	4,731
Minor Works	45	39	39	30	0	0	0	0	153
Road Traffic Signs – lit & unlit	50	90	90	100	100	100	100	100	730
Road Lighting	0	0	0	1,391	1,586	1,586	1,586	1,586	7,735
Traffic Signal Improvements – junctions	193	180	180	200	200	200	200	200	1,553
Traffic Signal Upgrade – pedestrian/cycle crossings	100	100	100	100	100	100	100	100	800
A89 Dechmont	110	0	0	0	0	0	0	0	110
Bishops Park, Mid Calder	0	84	0	0	0	0	0	0	84
Braehead/Stewart Avenue Area, Linlithgow	0	480	0	0	0	0	0	0	480
Brown Street/Hailstones Crescent, Armadale	0	125	0	0	0	0	0	0	125
Brucefield Industrial Estate, Brucefield, Livingston	0	0	0	480	0	0	0	0	480
Carnegie Road, Deans, Livingston	0	0	240	0	0	0	0	0	240
Chapelton Area, Polbeth	209	0	0	0	0	0	0	0	209
Dedridge North Road, Dedridge, Livingston	0	110	0	0	0	0	0	0	110
East Bankton Place, Bankton, Livingston	0	0	100	0	0	0	0	0	100
Easton Road, Bathgate	0	0	55	0	0	0	0	0	55
Ecclesmachan Road, Uphall	0	0	80	0	0	0	0	0	80
Kilpunt Roundabout to Boundary	0	0	140	0	0	0	0	0	140
Main Street, Mid Calder	0	90	0	0	0	0	0	0	90
Main Street/Kirk Lane/Charlesfield Lane, Livingston Village	0	0	180	0	0	0	0	0	180
Ochiltree Area, Mid Calder	33	0	0	0	0	0	0	0	33
Palmer Rise, Dedridge, Livingston	0	0	175	0	0	0	0	0	175
Staunton Rise, Dedridge, Livingston	0	211	0	0	0	0	0	0	211
Talisman Rise/Templar Rise, Dedridge, Livingston	289	0	0	0	0	0	0	0	289
Westcraigs Road, Blackridge	0	35	0	0	0	0	0	0	35
Whitburn Road, Bathgate	130	0	0	0	0	0	0	0	130
Road Lighting - Total	2,630	2,973	1,609	2,621	2,306	2,306	2,306	2,307	19,058
Bridges									
Bridge Deck Surfacing Repairs	50	49	0	0	0	0	0	0	99
Bridges Maintenance	0	0	0	435	745	745	745	745	3,415
Principal Inspections	67	67	67	67	67	67	67	67	536
Underpass Refurbishments	0	220	219	0	0	0	0	0	439
Underpass Revetment Repairs	0	0	85	0	0	0	0	0	85
Almond East Bridge	160	0	0	0	0	0	0	0	160
Almond Valley Bridge - painting & moisture control	0	100	0	0	0	0	0	0	100
Anderson Culvert	0	20	0	0	0	0	0	0	20

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Annetscross Bridge	0	50	0	0	0	0	0	0	50
Bathgate Branch Railway Bridge	330	0	0	0	0	0	0	0	330
Castle Culvert	0	0	80	0	0	0	0	0	80
Cauld Burn Bridge	0	0	0	80	0	0	0	0	80
Cousland Interchange - pier/joint repairs	0	0	250	0	0	0	0	0	250
Cross Bridge	0	0	80	0	0	0	0	0	80
Cultrig Bridge - Parapet Replacement	0	20	0	0	0	0	0	0	20
Darread Linn Bridge	0	25	0	0	0	0	0	0	25
Easter Foulshiels Bridge	0	0	80	0	0	0	0	0	80
Easter Inch Bridge Parapets	129	0	0	0	0	0	0	0	129
Guildiehaugh Railway Bridge, Bathgate	520	0	0	0	0	0	0	0	520
Guildiehaugh Railway Bridge, Bathgate - waterproofing	0	0	0	150	0	0	0	0	150
Haugh Burn Bridge	0	0	20	0	0	0	0	0	20
Hospital Interchange - parapets replacement	0	0	0	0	150	0	0	0	150
Houston Interchange - painting	0	0	0	150	0	0	0	0	150
Howden House Underpass - parapets	0	0	150	0	0	0	0	0	150
Kinnenhill Bridge	0	234	0	0	0	0	0	0	234
Limefield Bridge - Polbeth	0	70	0	0	0	0	0	0	70
Lochmill Bridge	0	10	0	0	0	0	0	0	10
Lodge Bridge	0	20	0	0	0	0	0	0	20
Mains Burn Bridge	0	35	0	0	0	0	0	0	35
Mansewood Crescent Culvert - invert lining	0	56	0	0	0	0	0	0	56
Minor Bridge at Limefield House	0	0	100	0	0	0	0	0	100
Moss Interchange - parapets replacement	0	0	0	0	150	0	0	0	150
Murieston Ford Footbridge	39	0	0	0	0	0	0	0	39
Murray's Pool Bridge	0	40	0	0	0	0	0	0	40
New Howden Footbridge	0	0	55	0	0	0	0	0	55
North Bridge Mid Calder	0	0	100	0	0	0	0	0	100
Old Limefield House Bridge	0	0	0	150	0	0	0	0	150
Polkemmet Almond Road Bridge - masonry repairs	0	35	0	0	0	0	0	0	35
Pond Brae Culvert	0	5	0	0	0	0	0	0	5
Seafeld Tip Bridge	0	30	0	0	0	0	0	0	30
Skollieburn Bridge	440	0	0	0	0	0	0	0	440
Slackend Armco Culvert	0	10	0	0	0	0	0	0	10
Stepend Bridge	0	50	0	0	0	0	0	0	50
Williamston Bridge - parapet replacement	0	50	0	0	0	0	0	0	50
Bridges - Total	1,735	1,196	1,286	1,032	1,112	812	812	812	8,797

ROADS AND RELATED ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Town Centres and Villages									
Business Improvement District Incentive Fund	0	60	0	0	0	0	0	0	60
Villages Improvement Fund	0	179	0	0	0	0	0	0	179
Town Centre Fund - Addiebrowhill	34	0	0	0	0	0	0	0	34
Town Centre Fund - Armadale	31	0	0	0	0	0	0	0	31
Town Centre Fund - Bathgate	12	0	0	0	0	0	0	0	12
Town Centre Fund - Bellsquarry/Adambræ	8	0	0	0	0	0	0	0	8
Town Centre Fund - Blackburn	8	0	0	0	0	0	0	0	8
Town Centre Fund - Broxburn	20	0	0	0	0	0	0	0	20
Town Centre Fund - Carmondean	8	0	0	0	0	0	0	0	8
Town Centre Fund - Craigshill	21	0	0	0	0	0	0	0	21
Town Centre Fund - Deans	24	0	0	0	0	0	0	0	24
Town Centre Fund - Dedridge	14	0	0	0	0	0	0	0	14
Town Centre Fund - East Calder	0	0	0	0	0	0	0	0	0
Town Centre Fund - East Whitburn	41	0	0	0	0	0	0	0	41
Town Centre Fund - Eliburn	44	0	0	0	0	0	0	0	44
Town Centre Fund - Fauldhouse	1	0	0	0	0	0	0	0	1
Town Centre Fund - Greenrigg	6	0	0	0	0	0	0	0	6
Town Centre Fund - Howden	16	0	0	0	0	0	0	0	16
Town Centre Fund - Knightsridge	20	0	0	0	0	0	0	0	20
Town Centre Fund - Ladywell	10	0	0	0	0	0	0	0	10
Town Centre Fund - Linlithgow	64	0	0	0	0	0	0	0	64
Town Centre Fund - Livingston Village/Kirkton (Ward 4)	3	0	0	0	0	0	0	0	3
Town Centre Fund - Mid Calder	20	0	0	0	0	0	0	0	20
Town Centre Fund - Murieston/Bankton	4	0	0	0	0	0	0	0	4
Town Centre Fund - Seafeld	28	0	0	0	0	0	0	0	28
Town Centre Fund - Stoneyburn	22	0	0	0	0	0	0	0	22
Town Centre Fund - Uphall	42	0	0	0	0	0	0	0	42
Town Centre Fund - West Calder	26	0	0	0	0	0	0	0	26
Town Centre Fund - Whitburn	44	0	0	0	0	0	0	0	44
Town Centre Fund - Winchburgh	6	0	0	0	0	0	0	0	6
Armadale Town Centre	0	78	25	0	0	0	0	0	103
Bathgate Town Centre	0	85	25	0	0	0	0	0	110
Broxburn/Uphall Town Centre	0	163	25	0	0	0	0	0	188
Linlithgow Town Centre	0	97	25	0	0	0	0	0	122
Whitburn Town Centre	0	58	25	0	0	0	0	0	83
Town Centres and Villages - Total	577	720	125	0	0	0	0	0	1,422
TOTAL ROADS AND RELATED ASSETS ALLOCATION	8,220	10,788	9,696	7,313	6,238	5,871	5,872	5,873	59,871

OPEN SPACE ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Open Space and Sports Facility Projects									
Adapting to Climate Change	43	44	50	53	56	59	59	60	424
Addiewell PS - ball court	0	0	35	0	0	0	0	0	35
Air Quality Monitoring	47	0	0	0	0	0	0	0	47
Almondell Historic Wall	120	0	0	0	0	0	0	0	120
Bridgend Park, Linlithgow	19	0	0	0	0	0	0	0	19
Clement Rise, Livingston - Ball Court	0	50	0	0	0	0	0	0	50
Community Woodland Path	0	75	0	0	0	0	0	0	75
Country Parks Internal Pathways/Roadways	17	10	5	5	5	5	5	10	62
Craigton, Winchburgh - ball court	20	0	0	0	0	0	0	0	20
Glebe, Uphall - striker goal	0	5	0	0	0	0	0	0	5
Forestbank, Livingston - ball court	16	0	0	0	0	0	0	0	16
KGV, Whitburn - ball court	40	0	0	0	0	0	0	0	40
Kettilstoun Mains, Linlithgow	0	307	0	0	0	0	0	0	307
Kirkhill PS, Broxburn - kick pitch	0	0	20	0	0	0	0	0	20
Kirknewton PS - Multi Use Hames Area (MUGA)	50	0	0	0	0	0	0	0	50
Letham Park, Livingston - fitness equipment	0	0	35	0	0	0	0	0	35
Management & Regeneration of Woodlands	278	87	104	128	141	141	141	142	1,162
Mosswood, Livingston - Multi Use Games Area (MUGA)	0	42	0	0	0	0	0	0	42
MUGAs, Kick Pitches & Skate Parks Maintenance	0	0	0	381	221	201	200	200	1,203
Non Adopted Hard Landscaping Areas	19	18	22	26	26	26	26	27	190
Open Space General Feasibilities	46	50	50	50	0	0	0	0	196
Polbeth Community Centre - ball court	0	42	0	0	0	0	0	0	42
Public Art Programme	161	174	77	48	48	48	48	47	651
Raeburn Rigg, Livingston - kick pitch	0	42	0	0	0	0	0	0	42
Rural Paths	30	34	37	46	46	46	47	40	326
St John the Baptist PS & Nursery, Fauldhouse	0	0	20	0	0	0	0	0	20
Sutherland Way, Livingston - ball court	35	0	0	0	0	0	0	0	35
Tree Management & Safety	23	17	30	35	35	35	35	36	246
Waste Containers - cyclical replacement	352	269	287	347	347	347	347	347	2,643
Watson Park, Armadale - ball court	0	0	40	0	0	0	0	0	40
Whitburn/Blaeberry Community Centre - ball court	0	80	0	0	0	0	0	0	80
Wyndford Park, Broxburn	0	100	0	0	0	0	0	0	100
Open Space and Sports Facility Projects - Total	1,316	1,446	812	1,119	925	908	908	909	8,343

OPEN SPACE ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Open Space and Sports Facility Planned Improvements									
Open Space Planned Improvements	0	302	350	354	474	474	485	431	2,870
Balbardie Park of Peace, Bathgate	0	70	40	0	0	0	0	0	110
Beechwood Playing Field, Linlithgow	10	0	0	0	0	0	0	0	10
Birniehill Crescent Grass, Bathgate	0	0	37	0	0	0	0	0	37
Containers at recycling centres for reuseable items (one off cost)	10	0	0	0	0	0	0	0	10
Cunnigar Park, Mid Calder	49	0	0	0	0	0	0	0	49
Drumshoreland Park, Pumpherston	3	15	0	0	0	0	0	0	18
East Calder Park	0	79	0	0	0	0	0	0	79
Howden Park (North), Livingston	25	0	0	0	0	0	0	0	25
Ladywell Park, Livingston	40	0	0	0	0	0	0	0	40
Langton Park, East Calder	9	30	0	0	0	0	0	0	39
Linlithgow Loch Park	5	5	61	0	0	0	0	0	71
Livingston Blue/Green Network	4	25	21	0	0	0	0	0	50
Livingston Village Park, Livingston	40	0	0	0	0	0	0	0	40
Marchwood Crescent Park, Bathgate	20	0	0	0	0	0	0	0	20
Meadow Park, Bathgate	35	0	0	0	0	0	0	0	35
Park Furniture	35	20	20	0	0	0	0	0	75
Peel Park, Livingston	55	0	0	0	0	0	0	0	55
Stonebank, Ladywell	5	0	0	0	0	0	0	0	5
Watson Park, Armadale	0	0	93	0	0	0	0	0	93
Kirknewton Park	58	0	0	0	0	0	0	0	58
Open Space and Sports Facility Planned Improvements - Total	403	546	622	354	474	474	485	431	3,789
Children's Play Areas									
Children's Play Areas	0	225	225	95	95	95	95	87	917
Almondell Country Park, East Calder	24	0	0	0	0	0	0	0	24
Almondell Road Play Area, Broxburn	5	0	0	0	0	0	0	0	5
Balbardie Park Play Area, Bathgate	15	0	0	0	0	0	0	0	15
Beecraigs Country Park Play Area	0	44	0	0	0	0	0	0	44
Blackburn Road Play Park, Bathgate	25	0	0	0	0	0	0	0	25
Burnside Play Area, Fauldhouse	0	20	0	0	0	0	0	0	20
Granby Avenue Play Area, Howden	0	0	0	0	0	0	0	25	25
Harrysmuir Play Area, Pumpherston	5	0	0	0	0	0	0	0	5
Heatherbank Play Area, Livingston	12	0	0	0	0	0	0	0	12
Kirkfield West Play Area, Livingston Village	0	0	0	0	0	0	0	26	26
Kirkhill Adventure Play Area	0	100	0	0	0	0	0	0	100

OPEN SPACE ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Kirkhill Toddler Play Area	40	0	0	0	0	0	0	0	40
Kirkton Park Play Area, Livingston	13	0	0	0	0	0	0	0	13
Larchbank Play Area, Ladywell	0	0	0	0	0	0	0	25	25
Letham Park Play Area, Craigshill Livingston	26	0	0	0	0	0	0	0	26
Maryfield Play Area, Mid Calder	25	0	0	0	0	0	0	0	25
McLardy Court Play Area, Uphall	0	0	0	0	0	0	0	25	25
Play Safety	99	100	100	100	100	100	100	100	799
Polkemmet Country Park Play Area	0	50	0	0	0	0	0	0	50
Rosebery Place Play Area, Deans	0	0	0	0	0	0	0	25	25
Strathlogie Play Area, Westfield	0	25	0	0	0	0	0	0	25
Sutherland Way Play Area, Knightridge	25	0	0	0	0	0	0	0	25
Wester Inch Play Areas	55	0	0	0	0	0	0	0	55
Children's Play Areas - Total	369	564	325	195	195	195	195	313	2,351
Synthetic Turf Pitches									
Synthetic Turf Pitches	0	0	0	17	157	157	157	157	645
East Calder 3G Pitch	569	0	0	0	0	0	0	0	569
James Young High School	16	0	0	0	0	0	0	0	16
St Margaret's Academy	20	132	0	0	0	0	0	0	152
Watson Park 3G Pitch	0	550	0	0	0	0	0	0	550
Synthetic Turf Pitches - Total	605	682	0	17	157	157	157	157	1,932
Cemeteries									
Cemeteries	89	88	91	60	63	63	73	83	610
Cemeteries - Total	89	88	91	60	63	63	73	83	610
Land Decontamination									
Boghall Quarry - land decontamination	0	21	0	0	0	0	0	0	21
Eastfield	9	0	0	0	0	0	0	0	9
Land Decontamination - various works	0	53	0	0	0	0	0	0	53
Land Decontamination - Total	9	74	0	0	0	0	0	0	83
TOTAL OPEN SPACE ALLOCATION	2,791	3,400	1,850	1,745	1,814	1,797	1,818	1,893	17,108

ICT ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Corporate and Modernisation									
Antivirus/Malware	0	0	0	0	214	0	0	0	214
Asset Management Software	192	0	0	0	0	0	0	0	192
Central Firewall Refresh	0	131	0	0	139	0	0	0	270
Central Server Refresh	300	78	452	0	128	590	128	88	1,764
Central Storage Refresh	68	0	218	725	0	0	0	0	1,011
Customer Contact Centre - call recording system	75	0	0	0	0	0	0	0	75
Customer Relationship Management System	12	132	133	0	0	0	0	0	277
Desktop Refresh	281	261	504	120	269	77	27	128	1,667
Digital Transformation	328	215	215	60	60	60	60	60	1,058
Electronic Document Records Management (EDRM) - refresh	18	20	50	590	105	23	31	31	868
Electronic Document Records Management (EDRM) - system	0	0	202	0	0	0	0	0	202
Email Filtering/Encryption	310	167	0	443	32	0	0	32	984
Email System Upgrade	0	0	0	0	0	0	0	250	250
General Provision - IT future technology developments	89	50	0	0	0	0	0	0	139
HR & Payroll Replacement - system	216	10	10	500	10	10	10	10	776
Internet Protocol Telephony Refresh	176	0	0	475	0	0	0	0	651
Looked After Children (LAC) Device Replacement	0	0	70	0	0	0	0	0	70
Library Books (including eBooks & reader development)	91	95	95	95	95	95	95	95	756
Library/Customer Information Service Integration	51	0	0	0	0	0	0	0	51
Local Area Network Refresh	159	311	311	381	311	311	211	211	2,206
MFD Software	56	130	0	0	0	0	0	0	186
MS Office Refresh	0	0	0	0	0	0	0	475	475
Office Modernisation ICT	0	0	0	55	0	0	0	0	55
Remote Access/Swivel	0	47	0	0	76	0	0	0	123
Scottish Wide Area Network	0	175	0	0	0	0	175	0	350
Self service kiosks in libraries replacement	64	0	0	0	0	0	0	0	64
Social Care Administration (SWIFT) Replacement	500	1,066	0	0	150	0	0	0	1,716
Social Policy Electronic Call Monitoring	105	0	0	0	0	0	0	0	105
Social Policy Mobile Telephone Replacement	97	60	60	0	0	0	0	0	217
Technology Enabled Care Programme - internal infrastructure	225	100	100	425	0	0	0	0	850
Technology Enabled Care Programme - telehealth and teleconsultation	44	0	0	0	0	0	0	0	44
Upgrade from Windows 7	13	229	0	0	228	0	0	228	698
Vehicle Fleet Workshop & Stores Management Software	107	0	0	0	0	0	0	0	107
Workplace Manager Replacement - feasibility	63	0	0	0	0	0	0	0	63
Corporate and Modernisation - Total	3,640	3,277	2,420	3,869	1,817	1,166	737	1,608	18,534

ICT ASSETS - 2020/21 TO 2027/28

	Budget 2020/21 £'000	Budget 2021/22 £'000	Budget 2022/23 £'000	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Budget 2026/27 £'000	Budget 2027/28 £'000	Total Budget £'000
Schools									
Antivirus/Malware	0	0	0	0	214	0	0	0	214
Central Firewall Refresh	0	74	0	0	78	0	0	0	152
Central Server Refresh	50	42	45	59	30	77	13	24	340
Desktop Refresh	542	500	500	500	450	450	450	450	3,842
Education Wireless Local Area Network Refresh	100	500	552	653	0	536	653	268	3,262
Internet Protocol Telephony Refresh	71	50	44	209	0	0	0	0	374
School Telephone Replacement System	19	25	25	25	25	25	25	25	194
Scottish Wide Area Network Bandwidth Upgrade	0	375	0	0	0	0	375	0	750
Wireless Refresh	0	0	993	0	0	1,056	0	0	2,049
Schools - Total	782	1,566	2,159	1,446	797	2,144	1,516	767	11,177
TOTAL ICT ALLOCATION	4,422	4,843	4,579	5,315	2,614	3,310	2,253	2,375	29,711

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

DRAFT 2019/20 GENERAL FUND REVENUE BUDGET OUTTURN

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide Council Executive with a report on the draft outturn for the 2019/20 General Fund Revenue Budget.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the draft revenue budget outturn for 2019/20 and the resulting underspend of £3.730 million;
2. Notes that Council at the Budget setting meeting on 28 February 2020 agreed to use the retained balance, which included the projected underspend at period 9 of £1.588 million, a one-off windfall of £540,000 and treasury savings generated from the reprofiling of the loans fund principal of £608,000 to fund various projects and initiatives from 2020/21 to 2022/23 leaving a remaining underspend of £994,000;
3. Agrees to retain the uncommitted General Fund balance of £2.994 million until the report on re-opening of schools is considered later in the meeting, given the significant pressures facing the council;
4. Notes the updated position for council reserves and balances as set out in Section D6 of the report;
5. Approves the submission of the council's 2019/20 Efficiency Statement to COSLA, as set out in Appendix 2;
6. Notes that as previously agreed, further updates on the financial position will be provided to Council Executive including the financial impact of Covid-19 on the council, the next of which will be the month three budget monitoring exercise which will be reported after the summer recess;
7. Notes the update on the recurring pressures and that Heads of Service are progressing agreed actions to mitigate these pressures;
8. Agrees that Heads of Service must take all management action necessary to deliver agreed savings and control budget pressures as part of their overall delivery of services within available 2020/21 budgets.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customer's needs, being honest, open and accountable, making best use of resources, working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Health or Risk Assessment)	None.

III Implications for Scheme of Delegations to Officers	No implications at this stage.
IV Impact on Performance and Performance Indicators	Ongoing funding restraint is likely to have implications for performance.
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	The 2019/20 draft revenue outturn is an underspend of £3.730 million against the agreed 2019/20 revenue budget. After taking account of earmarked amounts for time limited investment, school Devolved School Management (DSM) balances, previous Council decisions and other service commitments, the uncommitted general fund balance as at 31 March 2020 is £2.994 million.
VII Consideration at PDSP	Financial performance is reported bi-annually to relevant PDSPs.
VIII Consultations	Depute Chief Executives and Heads of Service.

D. TERMS OF REPORT

D.1 Introduction

This report sets out the overall financial performance of the General Fund Revenue Budget for 2019/20 and provides information on the draft outturn position. The allocation of available resources is set out along with the updated position in respect of the General Fund reserves as at 31 March 2020.

D.2 2019/20 General Fund Outturn Position

The table below summarises the position in relation to the draft 2019/20 General Fund outturn.

	2019/20 Budget £'000	2019/20 Actual £'000	Variance £'000
Education	240,976	239,588	(1,388)
Planning, Econ. Dev & Regeneration	5,538	5,118	(420)
Operational Services	72,888	74,053	1,165
Housing, Customer & Building	9,506	9,670	164
Corporate Services	16,229	16,209	(20)
IJB – Adults and Elderly Services	69,438	69,438	0
Non IJB – Children's Services	34,539	33,638	(901)
Chief Executive, Finance and Property	42,964	42,204	(760)
Joint Boards	1,154	1,154	0
Service Expenditure – Total	493,232	491,072	(2,160)
Non Service Expenditure	10,924	9,576	(1,348)
TOTAL EXPENDITURE	504,156	500,648	(3,508)
FUNDING			
Scottish Government Revenue Grant	(321,078)	(321,078)	0
Council Tax	(82,608)	(82,830)	(222)
TOTAL FUNDING	(403,686)	(403,908)	(222)
DRAFT OUTTURN POSITION	100,470	96,740	(3,730)
Less allocated resources			2,736
DRAFT UNDERSPEND			(994)

D.3 Summary of 2019/20 Outturn Position

The table reflects the draft outturn for the year, taking account of required accounting entries in respect of budget and actual spend adjustments for areas such as insurance, pensions and capital financing charges.

The 2019/20 budget underspend is £3.730 million, subject to any changes before finalising submission of the draft annual statement of accounts. Council agreed in February 2020 to use the balance in retained resources which included the projected underspend at period 9 of £1.588 million, £540,000 windfall from the appeals process for Non Domestic Rates (NDR) and the Business Rates Incentivisation Scheme and the treasury savings generated from the reprofiling of the loans fund principal of £608,000 to fund various projects and initiatives over 2020/21 to 2022/23. The draft underspend increased by £994,000 from the position reported to Council Executive in February 2020 at month 9, mainly as a result of increased income from planning application and building warrants and an over recovery in council tax income largely due to the outcome of a comprehensive review of the level of exemptions and discounts in place. In addition, there has also been an increase in the council tax gross charge forecast since month 9. The position takes account of £1.329 million of costs relating to voluntary severance and early retirement which were met by the Modernisation Fund and all other movements in earmarked general fund reserves, including an increase of £105,000 in earmarked school carry forward balances. This brings the accumulated Devolved Schools Management (DSM) reserves balance to £951,000.

As noted, the underspend of £3.730 million is largely as a result of one-off factors and the outturn position confirms that officers continue to manage budgets effectively with any major budgetary pressures being highlighted at an early stage. The underspend represents 0.7% of the 2019/20 budget and the 2019/20 budget monitoring exercises have confirmed that there are no material structural and recurring underspends with council services.

There remain recurring pressures of around £1.8 million within the revenue budget and relevant Heads of Service are progressing various actions to ensure these pressures are mitigated on a recurring basis. It is therefore essential that previously agreed actions are implemented to ensure current and future year spend in these areas is managed within available resources.

In addition, it will be important that all other key demand led areas of the budget are closely monitored during 2020/21 and any overspend risks are highlighted on a timely basis to ensure action can be taken to mitigate pressures. Council Executive was provided with an update report on 26 May 2020 on the financial implications of the current Covid-19 pandemic. There is an estimated revenue pressure of approximately £6.9 million in 2020/21 even after the anticipated additional funding is accounted for. Council Executive agreed that officers should continue to monitor the financial impact of Covid-19 and engage with the Scottish Government and COSLA around further government funding for the council to mitigate the significant additional costs being incurred by the council. Further updates will be provided to Council Executive to allow consideration of the latest position and any action required to manage to the financial implications of the virus, the next of which will be included within the month three budget monitoring exercise to be reported to Council Executive after the summer recess.

D.4 Funding

Grant funding in 2019/20 was in line with budgeted assumptions and, as mentioned above, there was an over recovery in Council Tax income largely due to a comprehensive review of the level of exemptions and discounts in place.

D.5 Modernisation Fund

For 2019/20, costs of early retirement and voluntary severance were met by the Modernisation Fund to the value of £1.329 million, with a balance remaining of £1.538 million. As agreed by Council, the fund will be enhanced by £2 million during 2020/21. It is likely that utilisation of this fund in 2020/21 and beyond will have to be considered in context of the financial pressures facing the council in respect of the Covid-19 pandemic.

D.6 General Fund Reserves

For technical accounting and auditing purposes, the overall outturn for the year is an underspend of £3.730 million. This is the position shown in the council's unaudited accounts and Appendix 1 provides a reconciliation of the revenue budget outturn to this figure. The following table takes account of all movements in general fund reserves up to 31 March 2020, taking account of the net variance in 2019/20 of £3.730 million. Overall, the general fund balance, including earmarked amounts, increased by £2.206 million in 2019/20.

Taking account of previous Council decisions in relation to allocating £2.736 million towards funding various projects and initiatives agreed as part of the 2020/21 revenue budget on 28 February 2020, the uncommitted 2019/20 underspend is £994,000 and the total uncommitted general fund balance is £2.994 million. The agreed minimum uncommitted balance value is £2 million.

2019/20 Revenue Budget Outturn – General Fund Reserves

Description	Balance 31 March 2020 (£'000)
Balances held by schools under a scheme of delegation	951
Modernisation Fund	1,538
Government Grants	5,233
Time Limited Projects	1,062
Developer Contribution Fund	5,107
Anti-Poverty Fund	303
Lifetime Alcohol Licensing Fund	464
Voluntary Organisations Fund	63
Committed Funds from Loans Fund Review	2,154
Earmarked Balances	16,875
Uncommitted Balance	2,994

D.7 Utilisation of Uncommitted General Fund Balance

As noted within the report, the 2019/20 outturn position is an underspend of £3.730 million. After taking account of the amounts already allocated to fund investment over 2020/21 to 2022/23, there is a balance of £944,000, increasing the uncommitted General Fund Balance to £2.994 million which is above the agreed minimum of £2 million within the General Fund Balance.

Given the financial pressures facing the council in respect of the Covid-19 pandemic, estimated at this stage to be around £6.9 million, it is proposed to retain the uncommitted general fund balance of £2.994 million pending Council Executive considering the report on school re-opening later in the meeting. This will allow consideration of the latest position and any action required to manage to the financial implications of the school re-opening plan.

D.8 Anticipated Financial Implications of Covid-19

Council Executive was provided with an update report on 26 May 2020 on the financial implications of the current Covid-19 pandemic. At this stage, there is an estimated revenue pressure of approximately £6.9 million in 2020/21 even after the anticipated additional funding is accounted for. It was agreed that officers should continue to monitor the financial impact of Covid-19 and engage with Scottish Government and COSLA around further government funding for the council to meet the significant additional costs being incurred by the council.

Following completion of this initial exercise to identify the impact of the emergency response to

the current situation, officers are reviewing and developing plans to allow services to be delivered in line with Government recommendations around preventative measures, such as social distancing, and it is anticipated that this will result in further costs being incurred across the council. These areas will include the learning estate remobilisation plan, social care provision and homelessness.

Officers are in the process of developing a remobilisation plan for the learning estate to plan a safe, phased opening of schools and Early Learning & Childcare settings from August 2020. Each pupil in both mainstream and ASN schools will be allocated two days of in-school learning each week. The hours provided will equate to 50% of curriculum time with some extended provision for identified vulnerable children. This pattern of attendance will allow physical distancing measures to be implemented in line with national guidance. There will be direct in-school learning, teaching and assessment on school attendance days, to be followed by home based learning. The net revenue cost of the plan in financial year 2020/21 is estimated to be £4.833 million which includes additional costs for staff, school transport, cleaning and school meal provision.

Over the last two months, councils have undertaken cost collection exercises for COSLA to allow them to define the scale of the additional costs facing Local Government as a result of the emergency response to the current pandemic, for discussion with Scottish Government. A further iteration of the cost collection template has been issued to councils for completion by 19 June 2020 which seeks to establish an initial, high level, estimate of the full year financial impact in 2020/21 of COVID-19 and gauge the challenge facing all councils, taking account of both the initial costs incurred during the lockdown period and the further costs anticipated as restrictions are relaxed.

The council, in liaising with COSLA, will continue to make the case to the Scottish Government to provide additional resources to the council to ensure that the financial implications of Covid-19 are fully funded, both in relation to the initial costs being incurred during the lockdown period, and over the coming months when current restrictions are relaxed.

A separate ongoing exercise is being undertaken by West Lothian Health and Social Care partnership, to identify the additional social care costs which are delegated to them, using Local Mobilisation Plans. Costs relevant to council revenue budgets have been included within the figures reported.

Further updates will be provided to Council Executive to allow consideration of the latest position and any action required to manage to the financial implications of the virus, the next of which will be included within the month three budget monitoring exercise to be reported to Council Executive after the summer recess.

D.9 2019/20 Efficiency Statement

Scottish local authorities are required to submit an annual statement to COSLA each year providing details on budget efficiencies achieved. It should be noted that the Efficiency Statement only includes the element of budget reductions relating to efficiencies in relation to asset management, procurement and shared services.

Council Executive is asked to approve the proposed 2019/20 Efficiency Statement for submission to COSLA, a copy of which is attached in Appendix 2.

E. CONCLUSION

The overall 2019/20 general fund outturn, taking account of committed underspends, results in an uncommitted general fund balance of £2.994 million which is £994,000 higher than the agreed minimum balance value. There were a number of demand led budget overspends resulting in recurring pressures in 2019/20 which will require to be closely managed during 2020/21 to ensure a balanced budget position can be achieved. The financial impact of Covid-19 will continue to be reviewed on an ongoing basis to identify pressure areas and determine any management action required to ensure spending requirements remains within available

resources.

The 2019/20 Efficiency Statement sets out the details of efficiency measures achieved in 2019/20 and Council Executive is asked to approve its submission to COSLA.

F. BACKGROUND REFERENCES

Covid-19 Update on the estimated financial impact on the Council Report by Head of Finance & Property Services – 26 May 2020

Revenue Budget 2020/21 - 2022/23 - Report by Head of Finance and Property Services – 28 February 2020

2019/20 General Fund Revenue Budget – Month 9 Monitoring Report by Head of Finance and Property Services to Council Executive – 4 February 2020

Update on Review of the Loans Fund, Insurance Fund and Modernisation Fund - Report by Head of Finance and Property Services – 24 September 2019

Appendices/Attachments: Two

Appendix 1: 2019/20 General Fund Revenue Outturn

Appendix 2: 2019/20 Efficiency Statement

Contact Person: Fiona Russell, Group Accountant
fiona.russell@westlothian.gov.uk - Tel No. 01506 281312

Donald Forrest
Head of Finance and Property Services
Date: 23 June 2020

APPENDIX 1 - RECONCILIATION OF 2019/120 GENERAL FUND OUTTURN POSITION TO UNAUDITED FINANCIAL STATEMENTS

	2019/20 Budget £'000	2019/20 Actual £'000	2019/20 Variance £'000
<u>1. SERVICE EXPENDITURE</u>			
Education, Planning & Area Services			
Education	240,976	239,588	(1,388)
Planning, Economic Development & Regeneration	5,538	5,118	(420)
Education, Planning & Area Services - Total	246,514	244,706	(1,808)
Corporate, Operational & Housing Services			
Operational Services	72,888	74,053	1,165
Housing, Customer & Building Services	9,506	9,670	164
Corporate Services	16,229	16,209	(20)
Corporate, Operational & Housing Services - Total	98,623	99,932	1,309
Social Policy			
IJB - Adult and Elderly Services	69,438	69,438	0
Non IJB - Children's Services	34,539	33,638	(901)
Social Policy - Total	103,977	103,076	(901)
Chief Executive, Finance & Estates	42,964	42,204	(760)
Joint Boards	1,154	1,154	0
SERVICE EXPENDITURE - TOTAL	493,232	491,072	(2,160)
<u>2. NON SERVICE EXPENDITURE</u>			
Pensions, NDR Relief and Benefit Payments	10,924	9,576	(1,348)
TOTAL EXPENDITURE	504,156	500,648	(3,508)
<u>3. FUNDING</u>			
Revenue Support Grant	(321,078)	(321,078)	0
Council Tax	(82,608)	(82,830)	(222)
TOTAL FUNDING	(403,686)	(403,908)	(222)
BUDGET OUTTURN	100,470	96,740	(3,730)
MOVEMENT IN RESERVES AND ACCOUNTING ENTRIES			
*YEAR END ACCOUNTING ENTRIES TO RESERVES	0	1,524	1,524
MOVEMENT IN RESERVES AND ACCOUNTING ENTRIES - TOTAL	0	1,524	1,524
ACCOUNTING OUTTURN	100,470	98,264	(2,206)

* Relates to insurance, capital financing and pension and other technical accounting entries that under the Code of Practice on Local Authority Accounting need to be included in the council's revenue outturn

CONFIRMATION OF EFFICIENCIES DELIVERED IN 2019/20

1	Local Authority Name	West Lothian Council
2	Total cash efficiency achieved for 2019/20 £'000	£14.674 million
3	Summary of efficiency activity e.g. <p>The main initiatives the local authority has taken over the year to ensure a strategic approach to increased efficiency and productivity and the improvements achieved in these areas.</p> <p>The main information that the local authority uses to assess productivity, service quality and performance and how the scope, usefulness or reliability has been improved during the year.</p> <p>Specific steps the local authority has taken during the year to improve collaboration and joint working to deliver efficient and user-focussed services and the improvements achieved.</p>	<p>The 2019/20 budget efficiencies were developed as part of a medium term financial strategy which incorporates the council's corporate plan and capital and revenue budgets for the five years 2018/19 to 2022/23. The financial strategy is underpinned by eight priorities which were approved in February 2018.</p> <p>The development of the council's medium term financial strategy included consultation with a wide range of stakeholders in Autumn 2017. The feedback received was used to inform the council's medium term strategy, including the budget efficiencies for 2019/20.</p> <p>As identified in previous years, the council's ongoing commitment to efficiency has meant that the majority of 'easier to deliver' budget efficiencies have already been achieved. This makes it increasingly more challenging to identify measures that will not adversely impact on service delivery. The council's measures, in addition to the development of a medium term strategy and Corporate Plan priorities, have allowed the council to continue to focus on outcomes.</p> <p>In these circumstances, and following feedback received from the consultations, officers have been innovative about service redesign to ensure that outcomes are not compromised and the council continues to deliver the agreed priorities. As part of the budget setting process, an assessment of each efficiency measure and anticipated impact on performance, if any, is provided to Elected Members.</p>
4	Breakdown of efficiency saving by Procurement, Shared Services or Asset Management £'000 (only where relevant – not all efficiencies will fall into these categories, so the figures here do not have to match the overall total)	<p>Procurement = £1.499 million</p> <p>Shared Services = £1.220 million</p> <p>Asset Management = £4.323 million</p>
5	Evidence: What performance measures and/or quality indicators are used to ensure that efficiencies were achieved without any detriment to services?	<p>The 2019/20 results in relation to performance and customer satisfaction from the council's self evaluation model, key performance indicators in the performance management system, external audit reviews and governance inspections provide a</p>

		substantial volume of evidence that the council's performance was either maintained or improved across the full range of council services.
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Signed (Graham Hope, Chief Executive)

Signed (Cllr Lawrence Fitzpatrick, Council Leader)

Date:

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

RE-OPENING OF SCHOOLS AND EARLY LEARNING AND CHILDCARE

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To inform Council Executive of plans to re-open schools and early learning and childcare, in line with the Scottish Government Direction, Strategic Framework and Guidance, to outline key strategic decisions to enable implementation of the Local Phasing Delivery Plan and the School Recovery Plans, and to set out the resource implications of these plans.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. Notes that the Local Phasing Delivery Plan, submitted to the Education Executive for approval, is a dynamic document that will continue to evolve in response to changes in legislation and national guidance and in consultation with stakeholders.
2. Notes that each school will have in place a School Recovery Plan by 24 June 2020 to reflect local and establishment-specific circumstances and these will also be dynamic.
3. Agrees the model of school transport provision, and note that the social distancing requirements for public transport have significant cost implications and capacity risks for both mainstream and ASN school transport.
4. Agrees the model of provision of free school meals for all eligible pupils.
5. Notes that within each School Recovery Plan arrangements for school catering are being developed that maintain the breakfast option and the provision of a hot meal option in all schools.
6. Note the enhanced cleaning currently being implemented in schools.
7. Agree to write to the Scottish Government to request full funding for the cost implications of the re-opening schools plan, as set out in section D3 of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values

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

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Educational Continuity Direction No.2 and related guidance; non-statutory Scottish Government guidance to support implementation of a phased return to schools under Scotland's Coronavirus (Covid-19): strategic framework for reopening schools and early learning and childcare provision; an integrated impact assessment has been undertaken.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Significant changes to the delivery of education have the potential for impact on performance. The Plan sets out the steps to be taken to continue to support learning and teaching during the Covid-19 pandemic.
V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed.
VI	Resources - (Financial, Staffing and Property)	<p>The net revenue cost of the plan covering the re-opening of schools in financial year 2020/21 is estimated to be £4.833 million as set out in section D3 of the report.</p> <p>The Scottish Government has stated that it will work with councils to address resources issues that they face in reopening schools. An audit of building and staff resource requirements has been undertaken and appropriate measures put in place.</p>
VII	Consideration at PDSP	Due to urgency and short timescales it has not been possible to consult PDSP members and representatives.
VIII	Other consultations	Headteachers, Operational Services, Financial Management unit, teaching and non-teaching trade unions

D. TERMS OF REPORT

D.1 Local Phasing Delivery Plan

On 10 June 2020 the Scottish Ministers issued the Educational Continuity No.2 Direction under emergency coronavirus legislation. It took effect on 11 June 2020. It has the force of law and is accompanied by the equivalent of statutory guidance. The Direction will be reviewed after 21 days and it is expected that a further Direction will be made by 1 July to modify, replace or supplement it as appropriate. Both the Direction and the accompanying Guidance are therefore subject to change. At today's date the council is required to plan the re-opening of schools and early learning and childcare in line with its provisions. The Scottish Government however states that for the avoidance of doubt no such re-

opening may however take place unless and until this is permitted by a further Educational Continuity Direction.

The Scottish Government has published A Strategic Framework for Re-Opening Schools, Early Learning and Childcare Provision in Scotland with accompanying and non-statutory guidance to support implementation of a phased return to schools and the re-opening of Early Learning and Childcare.

A Local Phasing Delivery Plan has been developed to support implementation of the phased reopening of schools. The Plan contains details of the phasing of the reopening of schools, and Operational Guidance. The Plan has been submitted to the Education Executive for approval. A verbal update will be provided following that committee's meeting earlier on 23 June.

The Plan sets out in detail arrangements for a blended learning model, with an altered pattern of attendance, necessary as a result of the requirement to ensure physical distancing in schools.

The alterations necessary to ensure physical distancing and enhanced hygiene, and support the blended learning model of a mix of in-school and in-home learning will require changes to the transport, catering and cleaning services provided by Operational Services. They will also incur staffing and accommodation costs within Education Services.

All schools are required to produce a School Recovery Plan which includes establishment specific risk assessments and risk assessments for individual children where required particularly in regard to complex needs.

Education Executive was asked to delegate authority to the Depute Chief Executive to amend the Plan as required to reflect changing legislation and guidance, and emerging circumstances and experience.

D2 Transport, Catering and Cleaning

School Transport – Mainstream home to school transport

There are currently 139 contracted bus services for mainstream school transport across both secondary and primary provision. Meeting physical distancing requirements reduces school bus capacity to between 10% and 20% of pre Covid-19 levels and significantly increases the number of buses required to meet service needs.

Current modelling has identified a requirement for an additional 376 buses to provide the required capacity to transport the pupils to school. Engagement with our contracted suppliers has concluded that they have insufficient additional capacity available to provide this requirement.

The costs of supplying the additional buses are significant. To mitigate additional costs, the council will need to consider staggered bus start and finish times to meet the service needs within its contracted resource. For some communities this would require the first bus collection and school drop off to commence up to an hour earlier than previously timetabled. Buses with single runs would also be directed to assist areas requiring multiple runs. Provision would be made in schools to manage this process.

It should be noted that the council will be competing against other councils for the additional capacity that will be required and there is a considerable risk that the wider market will not be able to supply the required additional capacity.

Provision	Current Bus Numbers	Projected Bus Numbers	Variance
Secondary Schools	91	364	273
Primary Schools	48	151	103
Totals	139	515	376

School Transport – Additional Support Needs (ASN)

There are currently 155 contracted small vehicle services for ASN transport. The current model of provision is based on shared transport and multiple passengers. Reverting to single passenger journeys will meet the social distancing requirements but will result in significant additional costs.

The modelling assumes staggered school start and finish times and lower contract costs for each additional journey carried out by the contracted provider. The Scottish Government have stated that they will provide further guidance for ASN schooling. This may impact on the assumptions made above.

Provision	Current Journeys	Projected Addition Journeys	Variance
ASN	775	1,432	657

Catering

School pupils entitled to a breakfast will receive a nutritionally compliant breakfast at the start of the day.

Primary school lunches will include hot and packed lunch options. Ordering and payment of meals will not be changed. All meals will be consumed in classrooms or other specified areas and from disposable containers and cutlery.

Secondary school lunches will be provided via a new set cost menu (priced at £2.35) equivalent to the daily free school meal allowance. Meals will be ordered in advance via a mobile phone App and paid for via i-pay-impact. All meals will be consumed in classrooms or other specified areas and from disposable containers and cutlery.

Pupils may bring packed lunches from home for their own consumption.

School pupils entitled to free school meals but not rostered to be at school will be able to collect their meal as per the model agreed for summer school meal provision. There may be a need to review locations however the basic principles of local access will remain.

The blended learning approach creates a school catering budget pressure as a result of lost paid meal income due to reduced daily pupil numbers.

School Cleaning

School cleaning has been reviewed and enhanced in line with Scottish Government guidance. This includes use of an electrostatic cleaning method which provides a longer duration of cleanliness on hard and soft surfaces. This will be supplemented by provision of complementary cleaning products for use during the day to cleanse regular touch/contact points and any spillages. There will be additional school cleaning staffing resources during the school day.

D.3 Resources

Based on an initial costing exercise, it is estimated that the re-opening of schools plan will cost approximately £4.833 million in financial year 2020/21. An analysis of the additional costs anticipated is set out below:

	£'000	£'000
<u>Staff Costs (Schools)</u>		
Additional Teaching Staff (20fte)	720	
Additional Advanced PSW's (10fte)	<u>167</u>	
Total Staff Costs		887
<u>Property Costs</u>		
Set-up costs	90	
Lost income from school lets	180	
Further property related spend	<u>30</u>	
Total Property Costs		300
<u>School Transport Costs</u>		
Mainstream	2,016	
ASN	<u>859</u>	
Total School Transport Costs		2,875
School Catering		659
School Cleaning		112
Anticipated Cost of Re-Opening Schools Plan		4,833

The figures show the net cost implications for financial year 2020/21.

Council Executive was provided with an update report on 26 May 2020 on the financial implications of the current Covid-19 pandemic. At that stage, there was an estimated revenue pressure of approximately £6.9 million in financial year 2020/21, after anticipated additional Scottish Government funding was accounted for. The costs included within this report, which relates to the re-opening of schools plan of £4.833 million, are additional to the estimated revenue pressure already reported.

Education Scotland informed local authorities on 15 June 2020 that the Scottish Government would work with councils to address the resource issues that they face in reopening schools. The council's expectation is therefore that the additional costs, estimated to be £4.833 million, will be fully funded by Scottish Government.

If the Scottish Government does not provide funding for these costs then the council would need to identify alternative funding sources which could for example include utilisation of the uncommitted General Fund balance of £994,000, the uncommitted Modernisation fund of £3.5 million and other funding streams. Any such options would have significant adverse impact on the council's ability to make modernisation and staffing changes. It would also mean that these resources would be unavailable to fund the additional pressures already identified of £6.9 million or any other. It is therefore essential that government funding is provided for the costs that are directly as a result of Scottish Government guidance.

E. CONCLUSION

The Council Executive is asked to note plans to reopen schools and early learning and childcare in line with the Scottish Government Strategic Framework and Guidance have been submitted to the Education Executive for approval.

The Council Executive is asked to agree the key strategic decisions on transport, catering and cleaning that are required to enable implementation of the Local Phasing Delivery Plan and the School Recovery Plans and to agree that the council should write to the Scottish Government to seek funding for the costs associated with the Plans.

F. BACKGROUND REFERENCES

Educational Continuity No. 2 Direction (10 June 2020) and related statutory guidance - <https://www.gov.scot/publications/coronavirus-act-2020-educational-continuity-direction/>

Strategic Framework for Re-opening schools

Coronavirus (COVID-19): re-opening schools guidance

Coronavirus (COVID-19) Phase 3: guidance on reopening early learning and childcare services

Covid-19 Update on the estimated financial impact on the Council Report by Head of Finance & Property Services to Council Executive – 26 May 2020

Appendices – None

Contact Persons:

James Cameron, Head of Education (Learning, Policy and Resources)
Donald Forrest, Head of Finance and Property Services
Jim Jack, Head of Operational Services

Elaine Cook, Depute Chief Executive

Date of meeting: 23 June 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009
ANNUAL REPORT FOR PERIOD 1 APRIL 2019 TO 31 MARCH 2020

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to inform the Council Executive of the content of the 2019/20 Annual Report, prepared by West Lothian Council, on the implementation of the Disabled Persons' Parking Places (Scotland) Act 2009.

B. RECOMMENDATION

It is recommended that the Council Executive notes the contents of the Annual Report on functions undertaken, as directed by the Disabled Persons' Parking Places (Scotland) Act 2009 for the reporting period 1 April 2019 to 31 March 2020, contained in Appendix 1.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: None. Legal: Requirement of the Disabled Persons' Parking Places (Scotland) Act 2009.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	The provision of residential on-street disabled persons' parking places supports the following "Older people are able to live independently in the community with an improved quality of life"
VI Resources - (Financial, Staffing and Property)	Financial: None Staffing: None. Property: None.

VII Consideration at PDSP	None
VIII Other consultations	Disability West Lothian has been advised of the content of the annual report.

D. TERMS OF REPORT

Introduction

On 1 October 2009, the Disabled Persons' Parking Places (Scotland) Act 2009 came into force. Section 11 of the Act requires that an annual report be prepared detailing functions undertaken by the council.

Content of the Annual Report

Appendix 1 contains the full report which details West Lothian Council's performance in relation to the Disabled Persons' Parking Places (Scotland) Act 2009 over this reporting period. The report is in the format requested by the Scottish Government.

The report summarises actions in terms of works undertaken on-street and off-street in order to provide disabled parking facilities for Blue Badge holders. This is the tenth annual report and covers the period 1 April 2019 to 31 March 2020.

Consultation

Disability West Lothian has been advised of the content of the annual report.

E. CONCLUSION

The Disabled Person's Parking Places Annual Report is a statutory requirement set out in the Disabled Person's Parking Places (Scotland) Act 2009 and details the work carried out by the council for the reporting period 1 April 2019 to 31 March 2020. The report will be submitted to Scottish Ministers and published on the council's website.

F. BACKGROUND REFERENCES

Disabled Persons' Parking Places (Scotland) Act 2009.

Appendices/Attachments:

APPENDIX 1

ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO PARKING PLACES FOR DISABLED PERSONS' VEHICLES:

REPORTING PERIOD 2019 – 2020 REPORT

Contact Person: Gordon Brown, Roads Network Manager, 01506 282340

E-mail: gordon.brown@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 23rd June 2020

**ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO PARKING PLACES FOR DISABLED PERSONS' VEHICLES:
REPORTING PERIOD 2019 – 2020
DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009:**

PART 1(1) (Note: Part 1(1)(c) and Part 1(1)(e) are initial duties and will not be reported in the Scottish Ministers' report)

(a) Duties under Section 1

	Details of action taken in fulfilment of duty under section 1	West Lothian Council has provided information through various sources in order to reach as much of the community as possible. The following methods have been used to convey information. <ul style="list-style-type: none"> • Information on the council web page at all times. • The back doors of council vans have been vinyl wrapped with a message promoting the correct use of disabled parking places.
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(b) Designated Parking Places

	Number of parking places designated as being for use only by a disabled person's vehicle by virtue of the 2009 Act (excluding Section 9) (April 2019 – March 2020)	During the 19/20 period 96 parking places for use only by disabled persons' vehicle were designated within West Lothian.
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(d) Duties under Section 5

(i)	Number of requests received under section 5(1)	During the 19/20 period West Lothian Council received a total of 133 applications in relation to 5(1) of the act.
(ii)	Number of parking places identified under section 5(2)(b)	During the 19/20 period West Lothian Council identified a total of 109 disabled parking spaces in relation to 5(2)(b) of the act.

**ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO PARKING PLACES FOR DISABLED PERSONS' VEHICLES:
REPORTING PERIOD 2019 – 2020
DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009:**

(iii)	Reasons for any decision under section 5(3)(a)	Not applicable.
(iv)	Number of parking places for which the procedure under section 5(3)(b) was started.	During the 19/20 period West Lothian Council started the process detailed in Section 5(3)(b) for 70 parking places.
(v)	Periods between identifying a parking place under section 5(2)(b) and starting the related procedure under section 5(3)(b) (on average)	The average period between marking the a parking place as outlined in Section 5(2)(b) and commencing the related procedure as per Section 5(3)(b) was 192 days.

(f) Duties under Section 7

(i)	Number of developments for which a planning permission mentioned in section 7(1) was granted.	3 sites with off street disabled parking spaces.
(ii)	Its reasons for any decision under section 7(3) that it would not have the power to make a disabled off-street parking order.	West Lothian Council would not start the process without an agreement with the landowner.

**ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO PARKING PLACES FOR DISABLED PERSONS' VEHICLES:
REPORTING PERIOD 2019 – 2020
DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009:**

(iii)	Number of premises that include a parking place for which the Council sought arrangements under section 7(5).	Nil.
(iv)	The reasons why it was unsuccessful in making any such arrangements.	No agreements have been reached on starting the process.
(v)	Number of parking places in relation to which the procedure under section 7(6) was started.	Nil.

Duties under Section 8 (relates to disabled off-street parking orders only)

(i)	Its reasons for any decision under section 8(2) that the Council would not have the power to make a disabled off-street parking order.	None.
(ii)	Number of premises that include a parking place for which the Council sought arrangements under section 8(4)	None.
(iii)	The reasons why it was unsuccessful in making any such arrangements.	None.
(iv)	The number of parking places in relation to which the Council started the statutory procedure under section 8(5).	None.

(h) Disabled street parking and disabled off-street parking orders

**ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO PARKING PLACES FOR DISABLED PERSONS' VEHICLES:
REPORTING PERIOD 2019 – 2020
DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009:**

(i)	The number of such orders the making of which the Council started the statutory procedure in accordance with the 2009 Act	1
(ii)	The number of parking places designated as being for use only by a disabled person's vehicle under such an order.	96
(iii)	In relation to each such order, the period between the start of the statutory procedure and the making of the order.	292 days
(iv)	In respect of each case in which it started the statutory procedure but did not make the order the reasons why not.	None.

PART 1(2)

	A report prepared by a local authority under section 11(1)(a) may contain any other information about its performance of its functions in relation to parking places for disabled persons' vehicles during the reporting period that the authority considers appropriate.	
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DATA LABEL: OFFICIAL



COUNCIL EXECUTIVE

KEY WORKER HUBS, FREE SCHOOL MEALS AND FOOD FUND – FUTURE PROVISION

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To agree the provision for childcare for Key Workers, Free School Meals, and the Food Fund programme during the 2020 summer holidays.

B. RECOMMENDATION

That the Council Executive agrees:-

1. that summer provision for children of Key Workers will be consolidated into a smaller number of larger venues at:-
 - Low Port Centre, Linlithgow
 - Howden Park Centre, Livingston
 - Balbardie Sports Centre, Bathgate
 - Broxburn Family Centre (delivered by Simply Play)
2. to note that provision for children of Key Workers at Broxburn Family Centre by Simply Play will continue.
3. to delegate authority to the Head of Education – Learning Policy and Resources to move provision to a suitable alternative venue in cases where delivery is prevented by the re-opening of one of the venues identified for its normal use or other reason.
4. that all children entitled to free school meals are able to continue to receive a packed lunch or pick up a takeaway hot meal and a breakfast cereal bar/cereal at 7 secondary schools and 34 primary schools, with an additional 5 primary schools continuing to distribute packed lunches only, and that delivery arrangements continue for vulnerable children identified by Social Policy and Additional Support Needs (ASN) for Education.
5. to delegate authority to the Head of Education – Learning Policy and Resources to move provision to a suitable alternative venue in cases where delivery is prevented by summer capital works or other reason.
6. that the Food Fund payment of £10 per child, per week continues during the period of the summer holidays 2020.
7. that the council will continue to provide financial support to the West Lothian based food banks and other voluntary group consortium during the period of the summer holidays 2020, to be funded by the remaining balance of £81,000 from the Food Fund and the £177,000 unallocated from the Third Sector Hardship

Fund.

C. SUMMARY OF IMPLICATIONS

I	Council Values	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.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Scottish Government Directions require:-</p> <ul style="list-style-type: none"> • access (subject to relevant advice and guidance relating to public health and workplace safety) to teachers and staff (and others who are authorised by the education authority, such as contractors) to schools from June 2020. • continued provision for children of keyworkers and vulnerable children, pursuant to local arrangements. • continued provision for children entitled to free school meals.
III	Implications for Scheme of Delegations to Officers	-
IV	Impact on performance and performance Indicators	The proposals in the report will enable provision to continue over the school summer holiday period.
V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed.
VI	Resources - (Financial, Staffing and Property)	<p>The total cost of school meal provision over the summer holidays is estimated £527,102. This will be funded from the school holiday lunch club allocation for 2020/21 of £175,000 and £152,000 from a reallocation of monies from the Hardship Fund. The remaining balance of £202,102 will come from Pupil Equity Funding.</p> <p>The council has been allocated £1.045million from the £30million Scottish Government Food Fund.</p>
VII	Other consultations	West Lothian Leisure, Simply Play, Finance, Operational Services, HR Services.

D. TERMS OF REPORT

D 1 Provision of Key Worker Childcare

- D 1.1 In order to help Key Workers, who do not have any other childcare options, fulfill their essential duties, childcare provision for primary and S1-3 aged children and

young people is currently being provided at 8 venues across West Lothian (7 located in Primary Schools and 1 in Ogilvie Campus School for children of Key Workers that have severe and complex needs), and childcare for pre-school children is being provided by Early Learning and Childcare partner providers and Childminders and in council nurseries aligned with 5 of the key worker primary school locations.

- D 1.2 Current provision is located at Springfield Primary School, Linlithgow; Harrysmuir, Knightsridge and St Ninian's Primary Schools, Livingston; Simpson Primary School, Bathgate; Whitdale Primary School, Whitburn; and Broxburn Family Centre (delivered by Simply Play).
- D 1.3 Following the announcement that the phased re-opening of schools is expected to start on 11 August 2020 it is necessary for teaching staff to have access to school buildings to prepare them, and so it will be necessary to move the provision out of its current locations. It will also be necessary to make a different and distinct offer for holiday provision that is a childcare model that will not have teachers present in the venues. It will be necessary for the promoted teaching staff to concentrate their efforts on planning for the phased re-opening of schools, and so it will be necessary to change the management staff supporting the current provision. It is necessary to consult with trade unions in order to put in place revised staffing arrangements. It is desirable that parents are informed of the proposed changes as soon as possible.
- D 1.4 It is proposed that summer provision for children of Key Workers will be consolidated into a smaller number of larger venues at:-
- Low Port Centre, Linlithgow
 - Howden Park Centre, Livingston
 - Balbardie Sports Centre, Bathgate

Provision for children of Key Workers at Broxburn Family Centre by Simply Play will continue.

- D 1.5 Provision will continue to be offered from 8.00am to 6.00pm. It is proposed that provision is moved to the venues above from 15 June 2020, to allow access to the schools currently in use.
- D 1.6 The nature of the provision at the Council sites will change, with greater emphasis on health and wellbeing activities, similar to the holiday lunch club offer. This will be facilitated by access to the high quality indoor and outdoor facilities at the venues identified. Input from Youth CLD staff will ensure a balanced programme of activities.
- D 1.7 Planning will be based on continuation of current numbers, average attendance of 200 per day from 400 unique users over the period of provision. As this is a different offer, and to aid planning, all parents currently registered will require to register for the service and will require to satisfy the criterion for key worker provision, namely that if two parents both are key workers assisting with the national COVID-19 response with no alternate childcare. Working from home or returning to non-key worker employment does not satisfy the prime criterion.
- D 1.8 Staff at the sites will be drawn from non-sessional staff employed by education services, including Adult Learning, Early Learning and Childcare Nursery Nurses and Pupil Support Workers and Youth CLD. Management support will be provided by Early Learning and Childcare Area Managers. A staff ratio of approximately 1-8, as currently in operation, will be maintained, requiring

approximately 29 staff to be on duty when the provision is open, drawn from a larger pool. Two managers will be present at each site.

- D1.9 West Lothian Leisure is not in a position to absorb any additional costs other than incidentals but is currently exploring, with HMRC and its HR advisers, the viability of certain furloughed staff volunteering to, for example, open and close the venues. Also, given that West Lothian Leisure plans to re-open venues to the public when it is safe to do so, there will be ongoing FM activity in these venues such as cleaning, maintenance and compliance, however this work will be coordinated so as not to impact on the hub provision.
- D 1.10 The re-opening of the golf course at Bathgate will not compromise the use of the venue for child care as a separate temporary starters' office will be located on the course with no access to the sports centre by users. Should the Sports Centre open during the summer period, contingency plans are in place to move the Bathgate Key Workers Hub to Bathgate Academy.
- D 1.11 It is proposed to delegate authority to the Head of Education – Learning Policy and Resources to move provision to a suitable alternative venue in cases where delivery is prevented by the re-opening of one of the venues identified for its normal use or other reason.
- D 1.12 Operating procedures to deal with social distancing have been developed in relation to the existing sites, and can be transferred to the new sites and activities, with appropriate handover from current managers.
- D 1.13 Access to nutritious meals will continue, with food supplied by Operational Services and delivered to the sites identified. Day cleaning will be provided by Operational Services in line with current provision.
- D 1.14 The ASN Hub at Ogilvie Campus School will remain given the complex needs of the children but discussion over the holiday childcare requirements for the 6 families utilising this service will take place. Childcare for pre-school age children of Key Workers will continue to be offered in partnership with Partner Providers and Childminders.

D 2 Provision of Free School Meals

- D 2.1 Current emergency arrangements allow all children entitled to free school meals to receive a packed lunch or can pick up a takeaway hot meal and a breakfast cereal bar/cereal at 7 secondary schools and 34 primary schools. An additional 5 primary schools distributing packed lunches only. Current provision is listed in Appendix 1. Current uptake is 60% of those eligible and 3,300 meals are being provided daily. In addition to this service, meal deliveries are being made to vulnerable children identified by Social Policy and Additional Support Needs (ASN) for Education, and provides for around 320 meals being delivered daily to 150 families.
- D 2.2 It is proposed that all children entitled to free school meals are able to continue to receive a packed lunch or pick up a takeaway hot meal and a breakfast cereal bar/cereal at 7 secondary schools and 34 primary schools, with an additional 5 primary schools continuing to distribute packed lunches only, and that delivery arrangements continue for vulnerable children identified by Social Policy and Additional Support Needs (ASN) for Education.
- D 2.3 The Summer Programme of Capital Works is anticipated to prevent operation of a small number (currently estimated at three) of the schools currently used

to distribute free school meals. In each case alternatives exist.

- D 2.4 It is proposed to delegate authority to the Head of Education – Learning Policy and Resources to move provision to a suitable alternative venue in cases where delivery is prevented by summer capital works or other reason.
- D.2.5 The total cost of school meal provision over the summer holidays is estimated £527,102. This will be funded from the school holiday lunch club allocation for 2020/21 of £175,000 and £152,000 from a reallocation of monies allocated to the following three Third Sector Hardship Fund projects:
- A2 Section Payments (£50,000)
 - A3 Self Directed Support (£50,000)
 - A7 Discretionary Housing Payments (£52,000)

Based on spend to date and forecast further expenditure, these budgets would be able to accommodate the reductions. The remaining balance of £202,102 will come from Pupil Equity Funding.

D.3 Food Fund

- D.3.1 As previously reported to Council Executive, the council has been allocated £1.045million of funding to support households who may experience barriers in accessing food. The funding is intended to support those most in need including families with children who are eligible for free school meals, older people, those with long-term health conditions and pregnant women. Specific groups identified are:
- People with COVID-19 symptoms or living with someone with symptoms
 - Vulnerable: People over 70 years old, those with a long-term health condition (including chronic neurological conditions), pregnant people, and those with a weakened immune system – including people who receive the flu jab
 - Financially at risk households
 - Marginalised households
- D.3.2 The council is currently providing a £10 payment per child, per week to support families of children eligible for free school meals, paid into their bank account fortnightly. Eligible families are currently receiving £10, with payment commitments up to the end of the school term in June. By the end of June the council is expected to have made payments totalling £464,000 from the Food Fund resources.
- D.3.3 The council is also working in partnership with a consortium of West Lothian based food bank and other voluntary groups to support the council in the delivery of support to the specific groups as identified by the Scottish Government. By the end of June the council will have provided funding totaling £152,000 from the Food Fund resources.
- D.3.4 There will be a balance of approximately £429,000 remaining in the Food Fund and it is proposed that the council will continue with the £10 payment per child, per week, to support families over the summer holiday period at a projected cost of £348,000.
- D.3.5 It is also proposed that the remaining balance on the Food Fund of £81,000 augmented with the £177,000 unallocated from the Third Sector Hardship Fund is allocated to support the consortium of West Lothian based food bank and other voluntary groups to support the delivery of the Food Fund programme to the other

specific groups during the summer holiday period.

E. CONCLUSION

It is proposed that summer provision for children of Key Workers will be consolidated into a smaller number of larger venues at:-

- Low Port Centre, Linlithgow
- Howden Park Centre, Livingston
- Balbardie Sports Centre, Bathgate
- Broxburn Family Centre (delivered by Simply Play)

It is proposed that all children entitled to free school meals are able to continue to receive a packed lunch or pick up a takeaway hot meal and a breakfast cereal bar/cereal at 7 secondary schools and 34 primary schools, with an additional 5 primary schools continuing to distribute packed lunches only.

- F.** It is also proposed that the £10 per child, per week payment to support families of children eligible for free school meals continue during the period of the summer holidays 2020. At the same time the council will continue to provide financial support to the consortium of West Lothian based food banks and other voluntary groups which are assisting the council in meeting the requirements of the Food Fund programme.

Appendices/Attachments: Appendix 1 – Free School Meal Collection Points

Elaine Cook
Depute Chief Executive
23 June 2020

APPENDIX I – FREE SCHOOL MEAL COLLECTION POINTS

Secondary schools open for takeaway hot meal or packed lunch:-

- Broxburn Academy
- Linlithgow Academy
- Inveralmond Community
- The James Young High School (to be replaced with Bankton Primary School)
- St Margaret's Academy
- St Kentigern's Academy
- Whitburn Academy

Primary schools open for takeaway hot meal or packed lunch:-

- Addiewell Primary School
- Armadale Primary School
- Balbardie Primary School
- Blackridge Primary School
- Boghall Primary School
- Bridgend Primary School
- Carmondean Primary School
- Deans Primary School
- East Calder Primary School
- Harrysmuir PS, Livingston
- Howden St Andrew's Primary School, Livingston
- Kirkhill Primary School, Broxburn
- Kirknewton Primary School
- Knightsridge PS, Livingston
- Letham Primary School
- Longridge Primary School
- Mid Calder Primary School
- Murrayfield Primary School, Blackburn
- Our Lady's Primary School, Stoneyburn
- Parkhead Primary School
- Polkemmet Primary School, Whitburn
- Pumpherston and Uphall Station Primary School
- Riverside Primary School, Livingston
- Simpson PS, Bathgate
- Springfield PS, Linlithgow
- St Anthony's, Armadale
- St John The Baptist Primary School, Fauldhouse
- St Mary's PS. Bathgate (to be replaced with Balbardie Primary School)
- St Mary's, Polbeth
- St Ninians PS, Livingston (to be replaced with Bankton Primary School, Livingston)
- Torphichen Primary School
- Westfield Primary School
- Winchburgh Primary School
- Woodmuir Primary School

Van collection points:-

- Bellsquarry Primary - layby in front of school
- Dechmont Infant School - main road in front of school
- Greenrigg Primary - main road in front of school
- Peel Primary - main school car park
- Seafield Primary - Cousland Terrace (Behind School)

DATA LABEL: PUBLIC



CLOSE DOWN AND REOPENING OF RECYCLING CENTRES DUE TO COVID LOCKDOWN

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To update and inform the Council Executive of the requirement to close down all of the Recycling Centres within Scotland during Lockdown and the subsequent reopening of the sites to the public from 1st June with revised hours and operating practices to safeguard the public and employees.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the reasons for the closure of the Recycling Centres in line with national guidance
2. Agrees to the implementation of operational changes required to ensure physical distancing requirements are maintained following the change in guidance to permit the opening of the Recycling Centres from the 1st June
3. Agrees to the increase of site opening hours to enable 7 day per week operation on a standardised basis across all sites to improve access and throughput for the residents of West Lothian

C. SUMMARY OF IMPLICATIONS

I Council Values

- Focusing on customer needs
- Being honest, open and accountable
- Making best use of our resources

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

All activities within Recycling & Waste Services ensure the council is complying with statutory requirements at Scottish, UK and EU level with respect to the collection, handling and processing of household waste. The Refuse Disposal (Amenity) Act 1978 requires that Local Authorities provide sites where a person can dispose of refuse free of charge. The exception to this is refuse generated by business activities.

During the CoVID Lockdown period all Scottish Local Authorities were required to breach this requirement in order to comply with the Coronavirus (Scotland) Act 2020.

An appraisal of the risks posed by CoVID based upon national and sector guidance has been taken

and the precautions and operational changes required to safeguard the public and staff have been put into place to enable the opening of the sites from 1st June 2020.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance indicators	The closure of the sites during some of the busiest periods of the year and the subsequent transfer of material into household container collections has the potential to see a reduction in recycling rates and an increase in the cost of both collection and disposal.
V	Relevance to Single Outcome Agreement	SOA 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	<p>The closure of the sites saw the redeployment of staff internally within the service to ensure household collections could be maintained throughout the Lockdown period.</p> <p>In order to manage the demand following a period of 10 weeks of closure the sites have reopened on a 7 day per week basis from 10AM to 6PM, this has required internal redeployment of staff and the use of staff from other services to support the safe operation of the sites. This additional staffing resource fulfils the direction of the council to return to 7 day per week operation of the Recycling Centres and utilises the funding of £321,000 provided to do so following the council revenue budget setting on 28th February 2020.</p>
VII	Consideration at PDSP	None
VIII	Other consultations	Trade Union Representatives Scottish Government CoSLA

D. TERMS OF REPORT

D.1 INTRODUCTION

West Lothian's 5 Recycling Centres were closed following the outbreak of CoVID19, in line with all other areas of Scotland, due to accessing the sites not falling within the definition of an 'essential journey' during the period of the Stay at Home instructions from the Scottish Government. Under Phase 1 of the Scottish Governments route map through and out of the crisis, the reopening of Recycling Centres was permitted from the 28th May 2020, with a co-ordinated national position for opening agreed with CoSLA for the week commencing the 1st June 2020.

The council are in a position to re-open Recycling Centres , when the Scottish Government guidance changes, with some important alterations in operating practice put into place to ensure health and safety of customers and staff is maintained. The council has been working closely with the Scottish Government, CoSLA, SEPA and other Local Authorities to develop guidance and plan for the re-opening sites for the beginning of June. This approach has enabled a coordinated national communications campaign along with local specific messages to be delivered in order to keep the public informed and safe whilst the sites across Scotland open on a phased basis, with different operating practices to those before the Lockdown period commenced.

D.2 BACKGROUND

The service operate 5 Recycling Centres serving an area of 427 sq km in Broxburn, Blackburn, Linlithgow, Livingston (Oakbank) and Whitburn. The sites have around 650,000 unique visits per year which is the equivalent of more than 560 visits per working day per site. The sites, prior to 1st April 2020, were open as shown below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day
Oakbank	8am - 2pm		8am - 2pm		8am - 2pm	10am – 4pm	10am – 4pm
Whitburn	8am - 2pm		8am - 2pm		8am - 2pm	10am – 4pm	10am – 4pm
Blackburn		8am - 2pm		8am - 2pm		10am – 4pm	10am – 4pm
Linlithgow		8am - 2pm		8am - 2pm		10am – 4pm	10am – 4pm
Broxburn		8am - 2pm		8am - 2pm		10am – 4pm	10am – 4pm

At the meeting of West Lothain Council on 28th February 2020 the service was provided with revenue funds to increase the opening hours and days to enable 7 day a week access to the sites. Due to the timescales required to recruit and train members of staff the introduction of 7 day opening was planned for June 2020. With the Coronavirus pandemic causing a cessation of all Recycling Centre activities it had not been possible to permanently move towards 7 day opening as there was no clear date as to when Recycling Centres could be permitted to operate.

The service has been actively monitoring the sector and national guidance relating to Recycling Centres and all other aspects of operational activity to plan and prepare for any changes to legislation and guidance that would permit reopening sites. The planning has been carried out in conjunction with frontline staff, Trade Union representatives and other stakeholders including Police Scotland and the Roads & Transportation service.

The key risk areas requiring specific alterations to operating practices are the ability to maintain physical distancing when accessing the facilities and the management of traffic volumes, particularly during the initial period post reopening as the public rush to deposit materials generated over the 10 week closure.

D.2.1 Opening hours

In order to maximise the throughput of the sites the opening hours are extended to enable 7 day a week access to the public across all 5 sites.

The new opening hours are:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day	Hours per day
Oakbank	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm
Whitburn	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm
Blackburn	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm
Linlithgow	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm
Broxburn	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm	10am - 6pm

It is proposed that the sites will remain on 7 day working beyond this initial period as reducing the hours back would be a negative step in terms of public perception and the desire to improve access to these facilities made through the approval of funds within the Revenue Budget for this purpose.

D.2.2 Operating practices and site requirements

In order to achieve social distancing requirements of 2m, the internal operation of all sites has to be adjusted.

Initially, for at least 2 weeks, there will only be two streams of material separated out on site: Bagged Waste and Non-Bagged Waste. There will be no access to any of the smaller banks, bells, containers and compactors on the sites, which would result in people traversing across the sites and risk coming within 2m of others. Due to licencing and storage requirements no electrical items, gas canisters, tyres or liquids will be accepted at the site during this period.

This enables the sites to be operated in line with guidance published by a number of public, private and industry bodies on how to achieve distancing on recycling centre sites. By organising the sites in this manner distancing can be achieved and the key to safe operation is an upper limit of cars that can be on site at any one time. This is determined by the number of pairs of skips and the physical layout of each site.

The limit on the number of vehicles permitted within the tipping bays on site at one time are:

Oakbank - 5 cars
Whitburn - 5 cars
Blackburn - 5 cars
Linlithgow - 3 cars
Broxburn - 3 cars

In order to manage the access onto the sites lifting barriers will be re-installed at the sites to control traffic flow. Clear signage displayed at the site entrance and around the site will direct the public to maintain social distancing between themselves and our employees.

In line with recommendations from Police Scotland, at a national level, only cars will be able to access the sites during the initial period which would allow more users to access the sites and decrease waiting times. Allowing vans and/or trailers in at the initial stage would result in containers being filled rapidly and necessitate more container changes which, in the case of Broxburn and Linlithgow would require the site to be temporarily closed to undertake. By way of an example, 3 vans full of material would fill a container which could have serviced 30 or more cars prior to rolling or exchange.

D.2.3 Site specific requirements

The staffing requirement in the initial period of peak use, of at least the first two weeks after opening, involves having one employee operating the barrier to control traffic flow, one employee staffing a hook lift vehicle to compact and exchange skips and one or two employees on the site directing the public to the appropriate tipping locations (which is the standard operating complement outwith CoVID protocols).

Externally to the site there may be a requirement for additional staffing to manage TTRO implementation and control the queueing traffic where it backs up on to the public highway. TTRO requests have been completed by Roads & Transportation which would involve the measures noted in the following table. Consultation through the TTRO process and separately has been carried out with Police Scotland at a local level to ensure key stakeholders are aware of the changes being made and how any impacts will be managed and supported.

Site	Tipping Locations	Max Vehicles on Site	Minimum Employees Required at site	External Traffic Management Required	Type	Key issues
Broxburn	3	3	4	Possibly	If required	Nil
Linlithgow	3	3	4	Possibly	If required	Surrounded by residential streets with heavy parking
Blackburn	5	5	5	Requested	TTRO - No right turn into site	Blocking the Blackburn Cross
Whitburn	5	5	5	Requested	TTRO - No right turn into site	Use by North Lanarkshire residents
Oakbank	5	5	5	Requested	TTRO – Filter lane to Lizzie Bryce with external traffic management	No ability to queue cars. Single entrance directly off A71 roundabout.

D.2.4 Future adaptations

The traffic volumes coming through the site and the ability of the system designed to cope with the volumes will be monitored and reviewed on a daily basis.

If similar patterns of behaviour to those experienced in some English sites over the past few weeks occurs it is anticipated that this system will need to operate for a period of two weeks as a minimum.

Following the initial period, traffic volumes should subside and the TTROs and external traffic management could be removed. This will leave the barrier control, limits of vehicle numbers on site and two skips per bay operating.

If further reductions in traffic volumes occur then it may be possible to reintroduce specific skips for other materials, such as rubble/soil, cardboard or electronic goods, whilst

maintaining social distancing requirements.

The service will also be recruiting to positions during this period to fulfil the staffing requirements for 7 day working on a permanent basis as soon as practicable.

D.2.5 Communications

With the reopening of recycling centres happening on a national scale there will be a national level communications campaign led by Zero Waste Scotland on behalf of the Scottish Government. This will focus on the key messages to:

- Inform residents that if you or someone in your household is showing symptoms of coronavirus - stay at home and do not visit the recycling centre.
- inform householders that recycling centres are operating differently to help minimise disruption and effectively manage recycling centre visits
- mitigate associated risks of reopening - including overwhelming recycling centres, traffic control, groups of people congregating - by managing consumer expectations
- link with wider Scottish Government coronavirus guidance e.g. protecting public health, essential travel advice
- signpost householders to localised recycling centre information and rules
- ask householders where they can to, please continue to store items safely at home until full services resume, only visit your local recycling centre where there is no other safe option for managing your waste
- inform businesses that they need to check local information as the site are likely to be for household waste only at this time

At a local level, in partnership with Corporate Communications, the desire is to have a more practical approach to messaging with the key messages being:

- To manage the drop off process, there are changes to the layout of the sites
- There will be a limit to the number of cars allowed on site at one time to protect customers and staff, so expect queues
- Staff will be able to guide and inform customers but not assist them to empty materials to ensure social distancing is maintained
- In line with national advice only cars can access the centres during the initial opening period
- No electrical items, gas bottles, tyres or liquids can be accepted at this time, due to licencing requirements

Messaging will be via signs at the sites, information briefed through the CSC for customer contacts, website, social media and Frequently Asked Questions. If there is to be any change to the site operations the same routes for communication will be used to inform the site users and other stakeholders.

E. CONCLUSION

The operating practices and approach noted in this report provide a safe and compliant operating system within the Recycling Centres which enables physical distancing to be maintained whilst maximising the throughput of the sites. The initial period, as noted, requires additional staffing resource and a regular review of the performance of the measures put into place. The performance will be reviewed on a daily basis and alterations made as required ensuring safe access for the public and a safe working environment for our employees.

F. BACKGROUND REFERENCES

Scottish Government/CoSLA Guidance:

https://www.cosla.gov.uk/data/assets/pdf_file/0017/18053/WCT-HWRC-Guidance.pdf

Appendices/Attachments:

Nil

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JIM JACK
HEAD OF OPERATIONAL SERVICES
23 JUNE 2020