



West Lothian Council Planning Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 May 2023

A hybrid meeting of the **West Lothian Council Planning Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Thursday 25 May 2023 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of West Lothian Council Planning Committee held on Thursday 11 August 2022 (herewith)
5. Procedure for Pre-determination Hearings (herewith)

Public Items for Decision

6. Application No.0952/P/22 - Planning permission in principle for a 5.9ha residential development with associated works, land at Eastoun Farm, Bathgate (herewith)

NOTE **For furth information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

MINUTE of MEETING of the WEST LOTHIAN COUNCIL PLANNING COMMITTEE held within MSTEAMS VIRTUAL MEETING, on 11 AUGUST 2022.

Present – Councillors Cathy Muldoon (Chair), Stuart Borrowman, Alison Adamson, William Boyle, Diane Calder, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Jim Dickson, Lawrence Fitzpatrick, Lynda Kenna, Danny Logue, Anne McMillan, Craig Meek, Pauline Orr, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillors Janet Campbell, Ann Davidson, Mary Dickson, Angela Doran-Timson, Damian Doran-Timson, Peter Heggie, Maria MacAulay, Moira McKee Shemilt and Sally Pattle

Absent – Councillors Carl John, Andrew McGuire and Andrew Miller

1 DECLARATIONS OF INTEREST

Agenda Item 6 – Application No.0241/P/22

Councillor Diane Calder stated a connection in that, as local ward member, she had participated in numerous communications from constituents and taken part in community council meetings where the matter was discussed; however, she had offered no opinion on the merits of the application.

Councillor Lawrence Fitzpatrick stated a connection as a council-appointed member to the West of Scotland Archaeology Service, who were a statutory consultee on the application.

2 MINUTES

The committee confirmed the Minute of its meeting held on 7 April 2022.

3 PROCEDURE FOR PRE-DETERMINATION HEARINGS

The committee noted the procedure that had been circulated with the agenda papers and which would be followed for the pre-determination of the planning application before committee.

4 APPLICATION NO.0241/P/22

Councillors Harry Cartmill and Pauline Clark left the meeting during consideration of this item and did not take part in the remainder of the meeting or in the determination of the application.

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration

concerning an application as follows:

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
<u>0241/P/22</u>	Planning permission in principle for a 12.3 ha residential development with associated infrastructure, landscaping and engineering works at land at Burnhouse Farm, Dechmont	To note the content of the report and to refer the application to West Lothian Council (Planning) for determination

The committee then heard from Ms Gillian Anderson, Dechmont Community Council, speak in support of the community council's and residents' objection to the application.

The committee then heard from local resident Ms Isabelle Gall speak in support of her objection to the application.

The committee then heard from Mr Graeme Patrick, the applicant, speak in support of the application. Mr Stuart Salter, the applicant's agent, was also in attendance and available to answer any questions.

Committee noted that whilst Mr Willam Colhoun had requested to address committee, he was not in attendance.

Committee also noted that whilst Mr Kevin McGivern had requested to address committee, he had been unable to attend the meeting.

Decision

Having concluded the pre-determination of the application, the committee agreed to refer the planning application to a meeting of West Lothian Council (Planning) for determination.



WEST LOTHIAN COUNCIL PLANNING COMMITTEE

PROCEDURE NOTE

1. The officers' report and other relevant documents shall be circulated to members with the agenda for the meeting at least four clear days before the meeting and be made available on the internet in the usual way on the following day. Each applicant, and other parties, will be able to view the Reports on the internet from that time.
2. Applicants, objectors, and those parties that have made representations will be contacted at least five clear days before the meeting to invite them to speak, and to give notice of their intention to speak by no later than noon three days prior to committee. Parties that do not give notice on their intention to speak by noon three days prior to committee will not be entitled to speak at committee.
3. No documents other than those circulated to members with the agenda shall be permitted to be placed before the committee except with the permission of the Chair through a ruling under Standing Orders.
4. Officers shall present their reports, according to the Order of Business on the agenda, unless the Chair adjusts the running order.
5. The Chair may also invite council officers from services other than Development Management to address the committee as appropriate.
6. After the officer has presented a report, parties who have made objections/representations against that application, and who have timeously expressed an intention to speak at the hearing, shall address the committee. They shall be restricted to five minutes for each objector/party making a representation, or such other period as the Chair may allow in exceptional circumstances. The Chair may request that objectors, or those parties making representations, with a common interest agree to appoint a spokesperson to speak on their behalf. The Chair may also take steps to avoid undue repetition.
7. Parties who have made representations in favour of the application, and who have timeously expressed an intention to speak at the hearing, shall address the committee. They shall be restricted to five minutes each (and not per agent or representative) or such other period as the Chair may allow in exceptional circumstances. The Chair may request that supporters with a common interest agree to appoint a spokesperson to speak on their behalf. The Chair may also take steps to avoid undue repetition.
8. Applicants who have expressed a wish to take part in the hearing shall then address the committee. They shall be restricted to five minutes for each representative of the applicant or such other period as the Chair may allow in exceptional circumstances. The Chair may take steps to avoid undue repetition.
9. After all parties have addressed the committee, members will, through the Chair, be able to put questions to them and to any council officers present. The parties shall not be permitted to ask questions.
10. Council officers may be offered the opportunity to respond to points made during presentations or questioning.
11. Members may then, through the Chair, comment on that application. Any views expressed by members will be considered to be provisional views, pending the completion of a hearing on each

case. Parties who have addressed the committee shall not be permitted to take part in that discussion and debate.

12. After each case, or after hearing all cases, at the discretion of the Chair, the committee shall adjourn its proceedings and a meeting of full council shall be immediately convened for the purposes of making a decision on the application or applications.
13. There shall be no presentation of a report to the meeting of full council and no hearing or questioning of officers shall take place there. Parties who have taken part in the meeting of the Planning Committee shall not be entitled to take part.
14. Members shall be invited to move motions and amendments and to participate in a debate on any such motions and amendments, and then to make a decision on the applications, through a vote if necessary. Those decisions shall be the council's determination of the applications for planning permission.
15. Following disposal of that item of business the Chair shall adjourn the meeting. If there remains business for the Planning Committee then that meeting shall be reconvened.
16. Should the business of the committee and full council not be concluded on the day then the meeting will require to be adjourned to a future date to be determined by the Clerk in consultation with the Chair.

Notes

- a. Legislation requires major planning applications which are significantly contrary to the Development Plan to have a mandatory hearing before a committee of the council.
- b. The West Lothian Planning Committee is the body chosen by the council to provide those pre-determination hearings.
- c. The procedures to be followed in such hearings are not set down in legislation but planning authorities have a wide discretion to apply their own procedures. The council decided that the procedures to be followed should be set by the council's Chief Solicitor in consultation with the Chair of the committee.
- d. These procedures have been set with regard to the nature and extent of the business to be done by the committee, the requirement to provide a fair hearing appropriate to the circumstances of the case(s) and to be fair and even-handed in the way in which all parties are dealt with.



WEST LOTHIAN PLANNING COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Planning permission in principle for a 5.9 Ha residential development with associated works at Land At Eastoun Farm, Easton Road, Bathgate

2 DETAILS

Reference no.	0952/P/22	Owner of site	Mr and Mrs Walker
Applicant	Taylor Wimpey	Ward & local members	Bathgate Cllr Pauline Stafford Cllr Harry Cartmill Cllr Willie Boyle Cllr Tony Pearson
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to West Lothian Planning Committee:

- 2.1 The proposal is classified as a major development that has been deemed by the council's Head of Planning, Economic Development & Regeneration to be significantly contrary to the development plan.
- 2.2 There is a requirement under the council's scheme of delegation that in determining such proposals the applicant and those persons who have made representations on the application may appear before, and be heard by, a committee of the council. In accordance with the scheme of delegation, the decision on an application of this type shall be discharged only by the full council and not by a committee of the council.
- 2.3 A subsequent report will be presented to West Lothian Council in order that a decision on the application can be made.

3 RECOMMENDATION

- 3.1 It is recommended that West Lothian Planning Committee notes the contents of this report and the terms of representations made both at the notification stage on the application and by those, if any, appearing at the hearing, prior to West Lothian Council being invited to decide the application.

4	DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY
----------	---

- 4.1 This application is for Planning permission in principle for a residential development with associated works on a 5.9 ha hectare site. The site is within the designated Bathgate Countryside Belt and outwith the Bathgate settlement boundary as identified in the West Lothian Local Development Plan (LDP).
- 4.2 The application site comprises two agricultural fields that are bisected by Easton Road. Race Road bounds the northern field at its eastern boundary. A residential development is under construction on the opposite side of Race Road. The Sibcas facility is also situated to the east of the site. To the north of the application site are residential properties at Jardine Place. The farmhouse and farm buildings of Eastoun Farm are located to the west of the site. Broadleaved woodland bounds the site to the south.
- 4.3 The proposed development has an indicative capacity of 160 homes with 15% of the total number of houses proposed to be affordable housing, as well as an ancillary community hub and open space. The indicative development framework submitted with the application shows vehicular access is proposed via two accesses off Easton Road.
- 4.4 The application is accompanied by the following reports which are available to view in the case file:
- (a) Pre-Application Consultation (PAC) Report;
 - (b) Planning Statement and Addendum;
 - (c) Design and Access Statement;
 - (d) Economic and Community Benefits Report;
 - (e) Landscape and Visual Appraisal;
 - (f) Engineering Assessment and Drainage Report;
 - (g) Flood Risk Assessment;
 - (h) Transportation Assessment and Addendum;
 - (i) Preliminary Ecological Appraisal;
 - (j) Bat Survey Report;
 - (k) Otter and Vole Survey;
 - (l) Arboricultural Report;
 - (m) Coal Mining Risk Assessment; and
 - (n) Phase 1 Contaminated Land Desk Study.

History

- 4.5 The relevant planning history is noted below:
- 0726/EIA/22: EIA screening opinion for residential development of approximately 160 homes, EIA Not Required, 25/08/2022
 - 0401/PAC/22: Proposal of application notice for residential development and associated infrastructure, Consultation approved, 19/05/2022

EIA Development

- 4.6 The scale and nature of the development is such that it falls within the description of development set out in Class 10 (b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.7 A screening assessment has been carried out in accordance with the EIA Regulations and, due to its location and characteristics of potential impact, the development does not constitute EIA development.

Equalities Impact

- 4.8 The application has been assessed and has no impact in terms of equalities or human rights.

5 REPRESENTATIONS

- 5.1 A total of 106 representations have been received, all of which are objections.
- 5.2 The representations are summarised below and a sample of the representations is attached to this report.

Comments	Response
The proposal does not accord with the local development plan.	Agreed.
Impact on wildlife	The council's Ecology and Biodiversity team do not object to the application.
Unacceptable traffic and road safety impact	Transportation has raised no objections to the application in terms of traffic impact and road safety.
Impact on flooding	The council's Flood Risk team has raised no objections to the application on flooding grounds having examined the Flood Risk Assessment and Drainage Report.
Loss of trees	The tree report recommends removal of four trees due to tree condition. Any tree removals will have to be considered at a detailed stage if planning permission in principle is granted.
Impact on residential amenity through loss of privacy and sunlight	Impacts on residential amenity cannot be fully established, at this stage, as a detailed layout has not been submitted.
Ground stability issues	The Coal Authority has raised no objection to the application.

Air pollution	The council's Environmental Health team has raised no objection to the proposal on air quality grounds.
Impact on education capacity	The council's Education Planning Officer has raised no objection to the proposal, subject to receipt of relevant developer contributions.
Impact on healthcare facilities	There is currently no justification to take developer contributions towards healthcare facilities.

6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objection subject to conditions relating to the need for a construction management plan and a contribution towards quiet roads initiative.	Noted. These conditions will be necessary in the event that planning permission in principle is granted.
WLC Education Planning	No	No objections to the application, subject to securing developer contributions towards education infrastructure.	Noted. This condition and a legal agreement for securing contributions will be necessary in the event that planning permission in principle is granted.
WLC Environmental Health	No	The noise assessment proposes closed windows. This does not accord with the Planning and Noise SG. It is a judgement for Planning whether this is acceptable for the overall development. Issues relating to weather station data used for the noise assessment have been resolved.	Noted. The noise assessment proposes closed windows on the Easton Road frontage. This is not acceptable and the Planning and Noise SG does not allow for closed windows on greenfield sites.
WLC Flood Risk Management	No	Part of the site is at risk of surface water flooding. Minimum buffers between this area and development will need to be in line with SEPA guidance for the detailed layout. The drainage assessment is considered competent.	Noted. This matter can be covered in conditions in the event that planning permission in principle is granted. An updated drainage assessment will be required in the event that planning permission in principle is granted.

WLC Open Space Officer	No	Requirement for a Local Equipped Area of Play (LEAP). Exact location to be part of a detailed application but the play area is indicatively shown at the north east part of the site, which is steep. A flat site is expected to be created for the play area.	Noted. A condition will be necessary to secure open space provision in the event that planning permission in principle is granted.
WLC Ecology & Biodiversity	No	No objection to the application, as long as the recommendation in ecology reports are followed.	Noted. These matters can be covered in conditions in the event that planning permission in principle is granted.
WLC Contaminated Land Advisor	No	The Phase 1 desktop study is satisfactory. The detailed application requires a Phase 2 site investigation. The need for remediation will be confirmed on completion of the Phase 2.	Noted. These matters can be covered in conditions in the event that planning permission in principle is granted.
Bathgate Community Council	Yes	Objects on the grounds of the site not being allocated for housing, infrastructure provision, coalescence and quiet roads not being compatible with the proposed development. Questions what mitigation is in place for farm machinery going through the development and the operation of a working farm next to housing.	Noted.
West of Scotland Archaeology Service	No	No objections to the application subject to a condition covering a programme of archaeological works.	Noted. This condition will be necessary in the event that planning permission in principle is granted.
Coal Authority	No	No objections to the application. The Coal Mining Risk Assessment confirms mineral support conditions on the site are satisfactory.	Noted.

7 PLANNING POLICY ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises Scotland's Fourth

National Planning Framework (NPF 4) and the West Lothian Local Development Plan (LDP).

7.2 Relevant development plan policies are listed below.

Policy	Policy Summary	Assessment	Conform ?
National Planning Framework (NPF) 4 Policy 1 Tackling climate change and the nature crisis	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	The development is not proposed in an unsustainable location. However, it is development of an unallocated greenfield site.	No
NPF 4 Policy 2 Climate change mitigation and adaptation	This policy requires development to be sited and designed to minimise greenhouse gas emissions and adapt to risk from climate change.	The detailed design will set out how greenhouse gas emissions will be minimised. However, the development is not proposed in an unsustainable location.	Yes
NPF 4 Policy 3 Biodiversity	This policy requires development proposals to conserve, restore and enhance biodiversity.	The applicant has put forward biodiversity enhancement proposals. These can be secured through a condition in the event permission is granted.	Yes
NPF 4 Policy 4 Natural places	This policy requires steps to be taken to identify the presence of protected species affected by a proposal and to fully consider potential impacts on protected species when determining the application in question.	The applicant has submitted a PEA, bat survey and otter and water vole survey, as well as a statement of enhancement measures. Mitigation measures for badgers, further bat surveys for tree removals and enhancement measures will need to be secured through a condition in the event permission is granted.	Yes
NPF 4 Policy 5 Soils	This policy sets criteria relating to soil management, prime agricultural land and peatland.	The application site is not affected by peat and is not prime agricultural land. A soil sustainability plan can be secured through a condition in the event permission is granted.	Yes
NPF 4 Policy 6 Forestry, woodland and trees	This policy states there is a presumption against development that adversely affects trees and woodland,	A tree survey has been submitted that shows a need to remove four tree trees due to their poor condition.	Yes

	unless there is a proven locational need and it achieves significant public benefits.	Any further tree removals will need to be justified as part of a detailed application in the event that permission is granted.	
NPF 4 Policy 9 Brownfield, vacant and derelict land and empty buildings	The policy states that proposals on greenfield sites will not be supported unless they are allocated for development in the LDP.	The application site is greenfield land that has not been allocated for housing development in the LDP.	No
NPF 4 Policy 13 Sustainable Transport	This policy sets criteria in relation to transport impact of development and active travel.	Transport impacts of the development are acceptable, subject to conditions in the event that planning permission in principle is granted.	Yes
NPF 4 Policy 15 Local Living and 20 minute neighbourhoods	This policy requires proposals to contribute to local living and, where relevant, 20 minute neighbourhood.	The development is not proposed in an unsustainable location.	Yes
NPF 4 Policy 16 Quality Homes	Policy 16 f) sets criteria for the assessment of sites not allocated for housing development in LDPs.	The proposal does not comply with the criteria of 16 f).	No
NPF 4 Policy 18 Infrastructure First	This policy requires developers to enter into a legal agreement to mitigate the impacts of development on infrastructure.	The applicant has agreed to the relevant developer contributions.	Yes
West Lothian Local Development Plan (LDP) (2018) HOU 2 Maintaining an Effective Housing Land Supply	The council is required to maintain a minimum of a 5 year effective housing land supply at all times throughout the lifetime of the plan. Where additional sites are needed to maintain a 5 year effective housing land supply, greenfield sites will be supported subject to the certain criteria.	The concept of a five year effective housing land supply has been removed from the Scottish planning system following the replacement of SPP with NPF4. In the event that HOU 2 is deemed to not be incompatible with NPF 4 Policy 16, HOU 2 should be afforded limited weight in decision making having regard to the MHTLR figures published in NPF4 as a	N/A

		material consideration of significant weight which demonstrate that the Council has sufficient land to meet housing demand.	
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of more than 40 houses in Bathgate to contribute towards affordable housing via on-site provision of 15% of the total number of units.	The applicant has stated they will meet the terms of this policy.	Yes
West Lothian LDP ENV 1 Character and Special Landscape Areas	This policy states development will not be permitted where it may significantly and adversely affect local landscape character.	The proposal does not adversely impact local landscape character.	Yes
West Lothian LDP ENV 2 Housing Development in the Countryside	This policy sets out the exceptions to the presumption against new build housing in the countryside.	The proposal does not meet any of the exceptions set out in Policy ENV 2.	No
West Lothian LDP ENV 4 Loss of Prime Agricultural Land	This policy states that development will not be permitted where it results in the loss of prime agricultural land classes 1, 2, and 3.1 unless the development forms a key component of the spatial strategy set out in the LDP.	The application site classed as 3.2 agricultural land under the James Hutton Institute's Land Capability for Agriculture map and is therefore not prime agricultural land.	Yes
West Lothian LDP ENV 5 Soil Sustainability Plans	This policy states that a soil sustainability plan is required for developments of over one hectare on greenfield land.	A soil sustainability plan can be secured through a condition in the event permission is granted.	Yes
West Lothian LDP ENV 6 Peatlands and Carbon Rich Soils	This policy states peat extraction and development likely to have an adverse effect on peatland and/or carbon rich soils will not be supported.	The application site is not affected by peat.	Yes

West Lothian LDP ENV 7 Countryside Belts and Settlement Setting	This policy states that development in countryside belts should have a locational justification, should not result in coalescence and should maintain the strategic purposes of the countryside belt.	There is no locational justification for the development.	No
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy states there is a presumption against development that adversely affects woodlands unless there is a proven locational need. Loss of ancient woodland is not supported	Whilst tree removal is required for the access points, the applicant has not demonstrated that the vehicular access and footpath requirements outlined by WLC Transportation will not result in unnecessary tree removal. The proposal will not result in loss of ancient woodland.	No
West Lothian LDP ENV 20 Species Protection and Enhancement	This policy states that development which affects a species protected by law will not be supported unless four criteria are met.	The applicant has submitted a PEA, bat survey and otter and water vole survey, as well as a statement of enhancement measures. Mitigation measures for badgers, further bat surveys for tree removals and enhancement measures will need to be secured through a condition in the event permission is granted.	Yes
West Lothian LDP ENV 32 Archaeology	This policy states that development will not be permitted which has a significant adverse impact on an identified regionally or locally important archaeological or historic site.	WoSAS has assessed the application and raised no objection, subject to a condition for a programme of archaeological work.	Yes
West Lothian LDP ENV 34 Art and Development	Developers of major residential sites will be required to fund or contribute to the cost of works of art appropriate to the setting and scale of	Developer contributions will need to be secured towards public art.	Yes

	their surrounding area.		
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy requires developers to enter into a legal agreement to mitigate the impacts of development on infrastructure.	The applicant has agreed to the relevant developer contributions.	Yes
West Lothian LDP TRAN 1 Transport Infrastructure	This policy states that development will only be permitted where transport impacts are acceptable.	Transport impacts of the development are acceptable, subject to conditions in the event that planning permission in principle is granted.	Yes
West Lothian LDP NRG 1 Climate Change and Sustainability	The reduction of greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change in particular directing new developments to locations accessible by a choice of modes of transport.	The development is not proposed in an unsustainable location.	Yes
West Lothian LDP EMG 2 Flooding	This policy states development will not be permitted where development will be adversely impacted by flooding.	A flood risk assessment has been submitted with the application and has been found to be acceptable by the council's Flood Risk Management team. Part of the site is susceptible to surface water flooding and any detailed design will require an appropriate stand-off, in line with SEPA guidance.	Yes
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	A drainage assessment has been submitted with the application and has been found to be acceptable by the council's Flood Risk Management team	Yes
West Lothian LDP EMG 5 Noise	This policy states there is a presumption against sensitive land uses being proposed next to existing noisy uses and vice versa.	The noise assessment proposes closed windows on the Easton Road frontage. This mitigation is not acceptable as the Planning and Noise SG does not allow for	No

	The terms of the Planning and Noise SG apply.	exceptional circumstances, e.g. closed windows, on greenfield sites.	
West Lothian LDP EMG 6 Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	The submitted Coal Mining Risk Assessment and Phase 1 Desktop Study are both satisfactory. A Phase 2 site investigation is required to be condition in the event permission is granted.	Yes

7.3 Other planning policy documents of relevance are:

Statutory Supplementary Guidance

- Development in the Countryside
- Residential Development Guide
- Affordable Housing
- Flooding and Drainage
- Planning and Noise
- Planning and Education
- Developer Contributions Towards Cemetery Provision
- Developer Contributions Towards Public Art

Non-Statutory Planning Guidance

- Planning for Nature
- Air Quality
- West Lothian Active Travel Plan 2016-21 “Making Active Connections”

8. ASSESSMENT

8.1 The determining issues in relation to this application are set out below:

Principle of Development

8.2 The application site is located outwith the settlement boundary of Bathgate, and is within the designated Bathgate Countryside Belt.

8.3 There is no locational justification for the development under LDP Policy ENV 7 and the proposal does not meet any of the exceptions for new build housing development in the countryside under Policy ENV 2. Assessment against the exceptional release policies for housing in LDP Policy HOU 2 and NPF 4 Policy 16 is required.

8.4 The applicant argues the council has a shortfall in meeting its housing land requirement (HLR)

in the LDP and this unallocated greenfield site should be brought forward for development to help remedy that shortfall.

Incompatibility

- 8.5 From 13 February, on adoption and publication by Scottish Ministers, NPF 4 forms part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance.
- 8.6 Section 24 of the Town and Country Planning (Scotland) Act 1997 provides that, whether an LDP has been adopted prior to or after the adoption and publication of NPF4, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail.
- 8.7 A key area of assessment in determining whether this unallocated greenfield site should be brought forward for development to remedy any identified shortfall in HLR is if there is incompatibility between exceptional release clauses contained in NPF4 and the West Lothian LDP, namely policies 16 (f) from NPF4 and HOU2 from the WLLDP.
- 8.8 The applicant has submitted a Kings Counsel (KC) opinion that opines there is no incompatibility between LDP Policy HOU 2 and NPF4 Policy 16 (f) as Policy 16 (f) is incapable of sensible application before the adoption of a new style LDP under NPF 4. This is because the 'new approach is clearly dependent on new LDPs to set the *LHLR* and to establish a deliverable land *pipeline*. These are concepts that do not exist in current LDPs' (or in the superseded SPP). The KC opinion concludes that Policy 16(f) cannot be applied without a new style LDP. Notwithstanding the terms of the KC Opinion it is the officer view that it is inconsistent with the intentions set out by the Scottish Ministers and the Chief Planner in their letter on Transitional Arrangements on the implementation of NPF4.
- 8.9 Members should note that an appeal at Mossend, West Calder, which the KC opinion relates to, has been recalled by Scottish Ministers due to the appeal raising national issues in terms of the application of NPF 4. Other appeals of a similar nature in West Lothian, and it is understood elsewhere, have been sisted pending the Ministers determination of the Mossend appeal. This position does not prevent the council from progressing the determination of the application which is the subject of this report.
- 8.10 The determination of whether Policy HOU2 is incompatible with Policy 16 (f) involves firstly interpreting each policy before determining whether there are provisions within Policy HOU2 which are incompatible with those of Policy 16 (f). This involves the exercise of planning judgement.
- 8.11 The Chief Planner's Letter on Transitional Arrangements for NPF 4, published on 8 February 2023, states the following:

"Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. SPP (2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the

‘presumption in favour of development that contributes to sustainable development’ and the concept commonly known as the ‘tilted balance’. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.”

- 8.12 The first line of the extract above is perfectly clear in that Policy 16 applies when NPF4 becomes part of the development plan. It is not deferred for implementation at a later date. Given that NPF4 became part of the development plan on 13 February, Policy 16 must now apply. It is important to be aware that Policy 16 of NPF 4 does not replicate the previous requirements of SPP (2014). The SPP requirement to maintain at least a 5 year supply of effective housing land at all times and the advice that shortfalls in supply indicate that an LDP is no longer up to date, are no longer part of Scottish Government Planning Policy. Court judgements relating to the ‘tilted balance’ have ceased to have force following the removal of five year effective housing land supply from national planning policy.
- 8.13 NPF 4 Policy 16 (f) states *“Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances”*. These circumstances include where: there agreed timescale for build-out; the proposal is consistent with the spatial strategy and other policies; and either one or more of: delivery of sites happening earlier in the deliverable housing pipeline; the proposal being consistent with policy on rural homes; the proposal being for smaller scale development in a settlement boundary; or the proposal being for less than 50 affordable homes supported by a local authority supported affordable housing plan.
- 8.14 LDP Policy HOU 2 states that *“The council is required to maintain a minimum of a 5 year effective housing land supply at all times throughout the lifetime of the plan”* and proposals are to be assessed against four criteria *“Where additional sites are needed to maintain a 5 year effective housing land supply”*. The SESplan Strategic Development Plan and its policies, including Policy 7, which set out criteria for exceptional release of housing sites where planning authorities within the SESplan region were not maintaining a five year effective housing land supply, have fallen on the adoption of NPF 4.
- 8.15 Policy HOU 2 must now be considered in the context of Policy 16 of NPF 4 and in particular 16 (f). It is considered that LDP Policy HOU2 is incompatible with NPF 4 policy 16 (f) on the basis that both are exceptional release policies that set out different release mechanisms. Policy 16 (f) specifically states that development proposals for new houses on land not allocated for housing in the LDP will only be supported in limited circumstances where the criteria set out in it are met. The criteria provide a different exceptional release mechanism to that of HOU 2. The HOU 2 release mechanism is incompatible with that of Policy 16 (f). The policy intent of Policy 16 (f), of new housing being in the right location, and the Policy outcome of the “Provision of new homes in the right location to accommodate future need and demand for new homes supported by appropriate infrastructure” also supports this conclusion.
- 8.16 The transitional guidance recognises that existing LDP exceptional release mechanisms are likely to be incompatible with NPF 4 Policy 16 (f). It states *“Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF 4 the latter will prevail”*. This is a clear recognition of the issue in relation to policies like HOU 2.

- 8.17 Whilst the practical result of this incompatibility will be that until a new LDP is adopted there will be a limited policy release mechanism, the Scottish Government will have been aware of this when it adopted the NPF. The Scottish Government will no doubt have had regard to the Minimum All-Tenure Housing Land Requirement (MATHLR) figures set out in Annex E of the NPF and the assessments that resulted in these figures when it made the informed decision to adopt the NPF.
- 8.18 The transitional arrangements letter issued by the Chief Planner on the Minister clarifies that NPF4 Policy 16 is applicable from the date of adoption, i.e. 13 February 2023. In other words, it is not necessary to wait for the adoption of the new style LDP's before applying policy 16.
- 8.19 In assessing the proposed development against Policy 16 (f), the proposal is not consistent with the spatial strategy of the WLLDP and a build programme in calendar years has not been set out by the appellant. There is sufficient effective supply to deliver the MATHLR figure for West Lothian in HLA 2021 and the proposal is not for rural homes; a small scale opportunity in a settlement boundary; or for less than 50 affordable homes, as part of a local authority housing plan. The proposal is contrary to Policy 16 (f).
- 8.20 In the event that there is not considered to be incompatibility, policy HOU 2 should be afforded limited weight in decision making having regard to the assessment of housing demand as detailed below and following the removal of the SESplan SDP, and its housing figures, as well as Scottish Planning Policy.

MATHLR Figures and HNDA 3

- 8.21 In *West Lothian Council v The Scottish Ministers et al* 2023 CSIH 3 ('Hens Nest Road judgement') the Lord President states the following at para 28:
- "Whether there is a shortfall in the effective HLS in any LDP area is a matter of planning judgement. Development plan policies, which provide a mechanism for the exceptional release of greenfield land, such as policies 7 and HOU 2, are a means to an end and not an end in themselves. That end is the fulfilment of the overall purpose of a development plan, which is to ensure that the housing need in the area is met."*
- 8.22 The housing land requirement (HLR) in the LDP still exists but is based on a Housing Supply Target figure and an associated evidence base in SESplan that has now been replaced by NPF 4.
- 8.23 The MATHLR identified in Annex E of NPF 4 in the case of West Lothian is 9,850 dwellings over a 10-year period (and which is inclusive of an in-built *flexibility allowance* of 25%).
- 8.24 The MATHLR figure for West Lothian was prescribed by Scottish Ministers after having been informed by outputs of the Housing Needs & Demand Assessment (HNDA) for the South East Scotland Area 2022 (HNDA3) which has been certified 'robust and credible' status from the Centre for Housing Market Analysis (CHMA). Importantly, this assessment took into account 'backlog need' of housing from previous years.

- 8.25 The MATHLR figure for West Lothian is a material consideration to be afforded significant weight. It is noted that the MATHLR figures are an Annex to NPF 4, and should therefore be attached significant weight. Albeit they are not part of Policy 16, NPF 4 at p.95 states that “*NPF 4 should be read as a whole*”. The Chief Planner’s Letter re-iterates this by stating on p.2 of the letter that

“Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and should be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will therefore require to be weighed up in the balance of planning judgement” [council emphasis].

- 8.26 In the current circumstances, the MATHLR figure for West Lothian provides a bridge between the current West Lothian LDP and LDP 2, which will be prepared under NPF 4 and new Development Planning regulations. Whilst the West Lothian LDP HLR still exists on paper, little weight can be placed on it given its underpinning in the SESplan HST has been replaced. It is an inflated figure that bears no resemblance to the most up-to-date evidence for housing need and land requirements in West Lothian.

- 8.27 Ultimately, it is a matter of planning judgement as to whether the MATHLR figure is a material consideration of sufficient weight to outweigh the HLR, as part of the development plan in the West Lothian LDP, as a measure of housing need in West Lothian. The council’s view is that it would be illogical to place weight on the appeal proposal being needed to meet an HLR figure where its underpinning figure has been replaced and where the figures are based on an evidence base from 2010 in HNDA 1. The MATHLR figure being part of NPF 4 affords it significant weight in the determination of this appeal and addresses the matter of previous appeal decisions affording it lesser weight prior to NPF 4’s adoption.

- 8.28 The most recent annual West Lothian Housing Land Audit (HLA), for the period 1 April 2021 to 31 March 2022, indicates that there were 832 completions and it demonstrates an effective supply of 12,383 houses to 2028. When annualised this equates to an average of 1,769 houses per annum and indicates that the MATHLR figure can be comfortably met and exceeded within the 10 year period. Beyond 2028 there is a further supply of 6,628 houses.

- 8.29 The MATHLR figure and its associated evidence base in HNDA 3 take account of backlog need and show a much lower housing need for the West Lothian Council area than HLR figure in the LDP, which is based on an HST figure in the now replaced SESplan. HLA 2022 demonstrates that existing housing sites (allocated in the LDP and windfall sites) are meeting the housing need for the area. There is therefore no need for the proposal to meet housing need in West Lothian. This is a reasonable and proportionate approach, and conclusion to reach, given the circumstances of the appeal proposal relating to housing land supply.

- 8.30 In summary, NPF 4 is now part of the statutory development plan. There is an incompatibility between LDP Policy HOU 2 and NPF 4 Policy 16 with the latter prevailing in the assessment of non-allocated greenfield housing sites. The proposal is contrary to Policy 16 (f). NPF 4’s MATHLR figure for West Lothian and its associated evidence base in HNDA 3 set out the most up-to-date housing need for the West Lothian area. The MATHLR figure is a significant material

consideration that provides a bridge between LDPs. It would be illogical to place weight on an inflated LDP HLR figure when its underpinning in SESplan has been replaced. HLA 2022 demonstrates that the housing need in the MATHLR and HNDA 3 is currently being met and the proposal is not necessary to meet housing need in West Lothian.

9. SUMMARY & CONCLUSION

- 9.1 This application is for a residential development that is significantly contrary to the development plan.
- 9.2 The site is situated outwith a settlement boundary and in the countryside belt, therefore, the development plan presumption against unjustified housing development prevails.
- 9.3 The council can demonstrate that there is more than sufficient effective housing land to meet current housing land requirements.
- 9.4 In summary, the proposal conflicts with the development plan (National Planning Framework 4 and West Lothian Local Development Plan, 2018). There are no material considerations that outweigh the development plan presumption against residential development at this location.
- 9.5 Members are asked to note the conflict with development plan policies when the application is reported to Full Council for a decision.

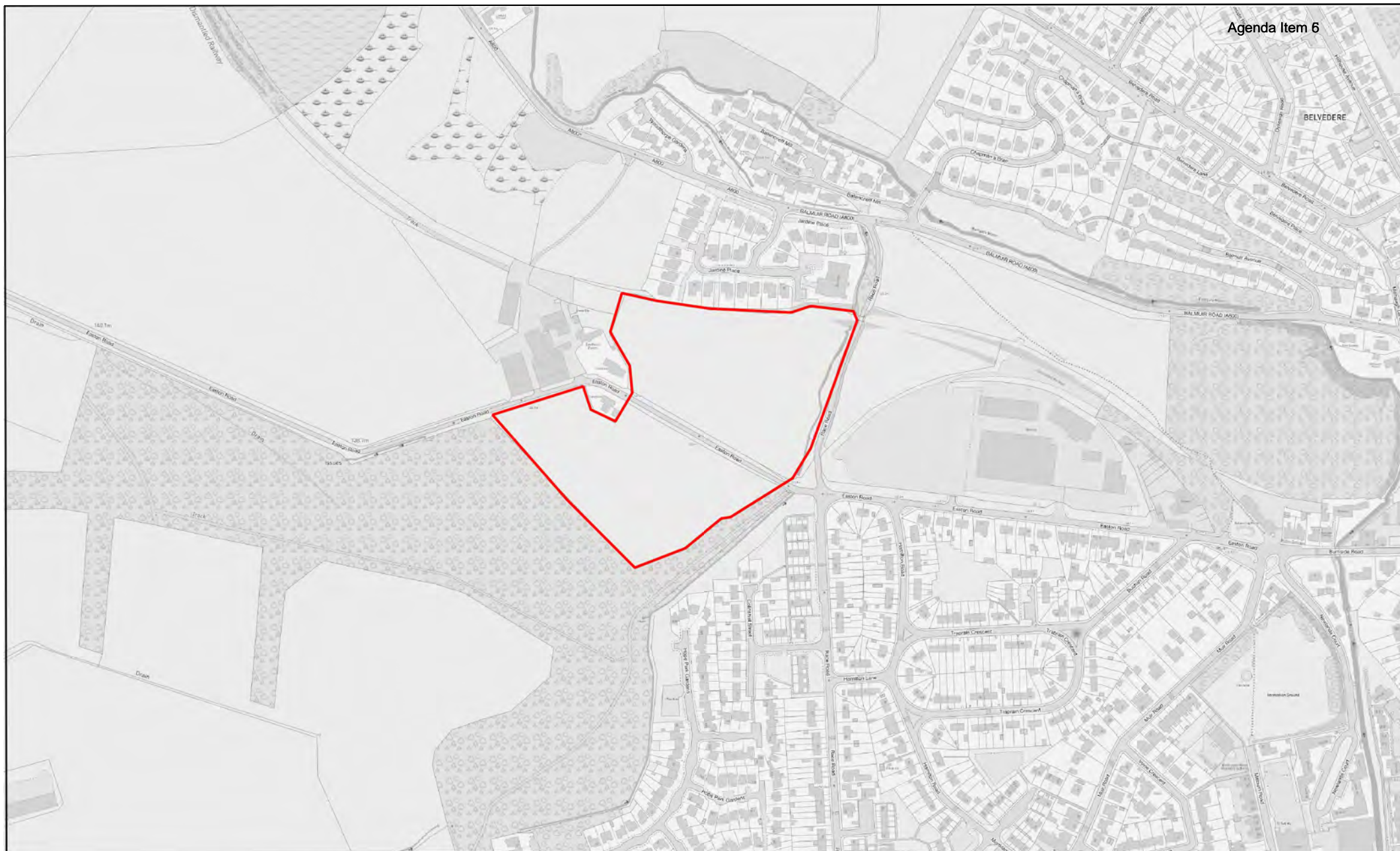
10. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Sample of Representations
- Chief Planner's Letter

An aerial plan, site layout and site photos are also available in the accompanying slide presentation pack.

Craig McCorriston
Head of Planning, Economic Development & Regeneration

Date: 25 May 2023



Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Keith McRae

Address: 32 Jardine Place Bathgate EH48 4GU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objections, and comments referenced to the document listed on the Planning Portal "Design and Access Statement" (1 and 2), "DAS".

Amenity/Privacy

My property borders the Northern edge. The proposal features an 8m deep plantation, a change which helps protect privacy of residents. Clarification required:

- DAS, Page 36, illustrates trees comprising this plantation. Trees used should be low maintenance, not exceed a max full-grown height (say 5m).
- What are plantation management plans.

Until both issues addressed, I object to the plan.

Design/layout of buildings

I understand the site comprises 2 storey houses and ask for reassurance that existing gardens will not be overlooked.

Pending clarification, I object on this basis.

Environmental Impact/Flood Risk

The flood management plan is based on final run-off "no greater than the existing greenfield run-off" (DAS, Page 20). SEPA's map shows downstream estates at Ballencrieff/Woodthorpe as subject to flood risk.

The A801 from Jardine Place to Blacks Haulage, is prone to flooding.

Whilst the "no greater" run-off approach seems reasonable, given the adjacent brownfield site (designated H-BA6 in the Local Development Plan 2018) is zoned for development, this too will impact run-off.

Accordingly, the combined run-off from both sites may increase risk and requires to be modelled to ascertain the appropriateness of the "no greater than" approach. (i.e the proposal may compromise development of H-BA6).

The area is known to comprise old mine workings and I am concerned at the impact construction

will have on the geology of the area, and fabric of existing housing.

As a result of above, I object on these grounds.

Planning Policy

Many Jardine Place residents purchased property due the semi-rural location. Others did so relying on the Development Plan (2018) where the land is designated agricultural. This proposal changes the nature of the neighbourhood and is not in accordance with the Development Plan. TW rationale for ignoring the Development Plan, is that it is a "logical location" (DAS Page 3) being "located on the urban edge" and an "infill" (DAS page 34) pocket "almost entirely enclosed by existing development and mature woodland" (DAS page 34). This gives an inaccurate impression. The site has been agricultural since at least the 18th Century.

If TW's "logical" definition is accepted, every piece of land, surrounding any urban conurbation, is fair game. This gives no value to local planning and cannot be correct. It is not up to a commercial builder to dictate local policy.

A "logical location", and an "infill" location, is to pursue the adjacent brownfield site (H-BA6) which has easier access.

The plan contends there is "evidence of significant unmet housing demand in West Lothian" (DAS Page 10). No details are offered to support this. In any event, this is a task for WLC.

This proposal ignores the Development Plan. I object to on this basis.

Road Safety/Access

The site is located on a single-track road, the only other access being via roads through housing developments. Increased traffic levels are a concern where children walk to school. The Eastoun Road to A801 link is single track with no pavement.

Construction traffic access is a concern.

I object on this issue.

Infrastructure

My own experience and that of others, is that there is a pressure on local services. Schools are full, and surgeries operating at capacity.

Operating capacity of facilities needs assessed. I can only register a general concern and objection and leave it to WLC to address concerns.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Agnes Paton

Address: 17 Chapmans Brae Bathgate Eh48 4gu

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I objection to the houses being built at Eastoun Farm Bathgate for the following reasons

1. added traffic congestion on the exit road from chapmans brae and road system in this area are already inadequate with a number of people already killed on this road.
2. Added flooding on balmuir road which has caused entry issues to chapmans brae and already a red zone ..an extra 160 on the farm plus 240 houses at the brown belt sibcas site are too much
3. damage to the countryside and green belt zone
4. Better brown belt sites available elsewhere
5. Severe impact to doctors, dentist , pharmacist
School council bin men who are not coping with the current volumes
- 6 impact to the wildlife who use the area

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Elizabeth McGregor

Address: 10 jardine place Bathgate Eh48 4gu

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the above planning application for many reasons.

1. The flooding running downhill into the burn overflows which blocks the entrance to Race Road and entrance to Jardine Place, if emergency vehicles are needed they can not get access the area with the flooding.
2. the amount of traffic on the roads going in and out of the new housing estates including the Balmuir Road and jardine place entrances would be extremely dangerous for children walking to school and these country roads are not designed for the amount of heavy traffic the new houses are going to bring to the green belt area.
3. Health centre, schools, libraries are not coping with the volume of the population at the moment so the impact of these new houses are going to make this worse.
4. There is a lot of wildlife in the area were these houses are planning to be built and are seeing on regular basis, what is going to happen to these animals e.g Deer, owls, bats etc.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Derek Boyle

Address: 43 West Cairn View Murieston LIVINGSTON EH54 9FF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My parents have lived in this area for 40+ years and the roads now cannot cope with the current traffic, increasing the number of households will only add to this issue. Getting a doctor's appointment on the day you are feeling ill is currently mission impossible, again increased housing will only make this worse.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Paul Brown

Address: 13 mossie drive Blackburn Eh47 7dw

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Increase in public services particularly health care services and schools before more housing and then we can move on

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Stuart McLean

Address: 87 Muir Road Bathgate EH482QQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The roads around this area are busy enough without additional housing being built. There are additional houses being planned for Sibbald Brae which is fairly close to this area, additional houses will further add congestion.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Grant Sword

Address: 94 Jardine Place Bathgate EH484GU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to strongly object to this application by Taylor Wimpey. Not only will it hugely detrimental affect on the roads and footpath in the immediate vicinity but on all the other local services including schools and pre schools which are already near capacity.

Balmuir is already extremely dangerous with the speed limits regularly exceeded already causing safety concerns which will be exacerbated by the significant number of new houses proposed.

I'm also very concerned about the capacity of Race road adjacent to the site .

However my biggest concern is the additional flood risk this development will create, the burn already struggles with the current volume. Race road recently has become a mud drain since the site excavation recently - I can't imagine how it could possible cope with the extra flows from this new development

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr John Clarke

Address: 55 Easton rd Bathgate EH482AX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object as too much traffic already and dangerous around Easton. The affect on the local environment and greenbelt.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr William Davidson

Address: 6 Colinshiel Bathgate EH482AS

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object as the traffic will be chaotic at junction of race Road and Easton rd . Easton on whole will be impacted by too much traffic . We will also have privacy impacted and wildlife with deer and fox's, geese use field before they migrate and has been used for decades for the flocks that arrive.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Michelle Ward

Address: 77 Muir Road Lower Bathville Bathgate EH48 2QQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Doctors surgeries and schools are already stretched to capacity.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Christopher McGregor

Address: 10 jardine place Bathgate Eh48 4gu

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I be object to the application for the new housing.

Race Road can not handle the drainage that already runs down and floods Balmuir Road and the entrance to Jardine Place, the new housing development is only going to add more pressure to this flooding which is already a Red flood Zone Area.

The danger to our children with the construction work and heavy traffic that this is going to cause is an accident waiting to happen. The Balmuir Road is a country Road and not built for the heavy traffic that is going to be using this. What have you put in place for the extra cars, kids walking to school etc?

We bought our house as it was set off the country road, away from heavy traffic, pollution from cars and the wildlife that lives around the area are free to roam around the green belt area, by building on these farm fields are a danger to their habitat.

Schools in this area are overcrowding as it is, health centres you can't get appointments unless you wait at least 2 weeks, the amount of housing you are building is bringing even more people to try find schools, doctors etc.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Miss Wendy Campbell

Address: 73 Race road Bathgate EH48 2AU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to proposed planning as the increase in traffic and risk to grandchildren crossing roads. Roads not adequate for more traffic on Race Road and Easton Road. Easton Road full area doesn't have capacity for more traffic.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: David Weir

Address: 24 Jardine Place Bathgate EH484GU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the planning notice for the following reasons:

The adjacent field has been developed causing flooding problems on Balmuir road which has yet to be rectified. This development will likely worsen this issue.

Additional housing will impact another slice of the bathgate greenbelt damaging local wildlife.

The additional housing will put further pressure on local schools as well as already oversubscribed dentists and doctors.

The additional housing will add to already problematic traffic in the area, particularly on race road and the northern section of race road which is already problematic and unsafe for pedestrians.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Lynsay Armit

Address: 7 jardine place Bathgate Eh484gu

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the application 0952/p/22 to build new houses.

My objections are the flooding risk and amount of water currently coming of the works that have already started.

The pressure it's going to put on the schools, GP practice and pharmacies in Bathgate.

The traffics it will add to the area and make an already busy and dangerous road worse.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Pat Holloran

Address: 13 Jardine place Bathgate Eh484gu

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection to the building of new houses on Easton road is the Volume of traffic, The flood water As we have a high volume of water at the bottom of jardine place When the rain comes already. The impact it would have on Schools, the pharmacist and doctors as they Can not cope with the volume at the moment. As well as the destruction and well-being of the Wildlife.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Lee Fry

Address: 30 Bruce St Bathgate EH48 2SZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Already struggling to get an appointment at the local GP surgery.

Local schools overloaded

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Kenneth McAdam

Address: 53 Easton Road Bathgate EH48 2AX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this proposed housing development

Easton Road just could not cope with the large volume of extra traffic caused by this housing development. If the development was approved, I expect the council would have to impose costly speed calming measures and resident parking restrictions in order to safely manage the substantial increase in road traffic

Bathgate simply does not need any more housing developments to be built on green belt areas. The Council's planners have designated this area as a green belt rural area. Accordingly, this housing development should be refused.

The two fields in question are not scrub land, rather, they are highly fertile and productive fields. The country/world is in economic crisis with predicted global food shortages. On this basis, it would be short sighted and immoral for the council to allow development on this prime farming land.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr James Coia

Address: 14 Chapmans Brae Bathgate Eh484lh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I strongly object to the planning permission in principle to residential development at Easton farm .The infrastructure is unable to support any more vehicular activity.Not to mention pollution,noise and flooding that will be contributed to this development.And also the impact to our already under extreme pressure health service and GP surgeries,schools ,nurseries and pharmacies.Also our over stretched local authority.Hope yous take all this in to consider and stop this development.

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Mark Feeney

Address: 6 Monkland Road Bathgate EH48 2BQ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object the planned proposal at Eastoun farm as Race road is too busy and hard to navigate through. It's not wide enough and dangerous. Also gp practices are running at full capacity. schools are full and this will make the situation worse. I strongly hope this doesn't get the go-ahead and WLC acknowledge the issues this will cause. I am certified blind and this will make it more dangerous when I have to navigate to GPs, shops and local amenities in not just Easton but Bathgate town centre

Comments for Planning Application 0952/P/22

Application Summary

Application Number: 0952/P/22

Address: Land At Eastoun Farm Easton Road Bathgate West Lothian EH48 2HG

Proposal: Planning permission in principle for a 5.9 Ha residential development with associated works

Case Officer: Matthew Watson

Customer Details

Name: Miss Norma Watson

Address: 16 Jardine Place Bathgate EH48 4GU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development would appear to be at odds with the Council's future plans for preservation of such a greenbelt area and in my view would alter the local landscape significantly. The semi-rural location was a significant factor in our decision to purchase our property, such is the rarity of this Countryside belt.

The proposed development I understand is on a former mine works and such a development will negatively impact the landscape and surrounding area.

I understand that SEPA have considered the local area to be a "high risk" of flooding and the proposed development is of significant concern given that it is proposed to divert water into a stream opposite Jardine Place which is already unsuitable for purpose. Balmuir Road has a recurring flooding issue and these further proposals create a higher risk of flooding. It would appear to be without justification that such a development be allowed to go ahead when the issue of flooding is of such major concern.

I understand that this development is being justified as grounds to meet high property demands in the area at present. No evidence has been presented in support of such point and would require to be made available to allow this to be considered further and to allow further comment/action as necessary.

Additional housing in the area would most likely have a detrimental effect on local work force such as teachers, dentists, GPs, Emergency Services etc. Additional housing results in an increase in the local population which creates a higher demand on these already over-stretched services. Have the resulting impacts on such a proposed development been properly investigated? If so, is

there evidence to support such a development without adversely impacting such services that can be made available for consideration?

In addition to the local work forces, there is also the question of the local wildlife to be considered. One can only assume that the development proposed will bear significant impact on local wildlife habitats and could result in the depletion of the local wildlife. The area is known to have badgers, deer, foxes and further wildlife which will very likely be at significant risk with this development. Again, there has been no evidence produced that such an adverse effect will not be an issue.



T: 0131-244 7547
E: chief.planner@gov.scot

8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a



provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments¹, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

¹ [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)². The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

²NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

Policy 27(d) - Drive through developments

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.

In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth

West Lothian Planning Committee

25 May 2023

Application : 0952/P/22

Planning permission in principle for a 5.9 Ha residential development with associated works

Land at Eastoun Farm / Bathgate / EH48 2HG



