

APPENDIX 2

WEST Lothian Local Development Plan

ACTION PROGRAMME – SUMMARY OF CONSULTATION REPRESENTATIONS WITH COUNCIL RESPONSES

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Andrew Bennie Planning Ltd</p>	<p><i>Action Programme Introduction (page 3)</i></p> <p>Whilst it is noted that the document advises that the council has “drafted this Action Programme with input from a number of its own internal service providers, relevant key agencies to the LDP process (Scottish Water, the Scottish Environment Protection Agency, Scottish Natural Heritage, Transport Scotland, the Scottish Government) and other organisations / delivery bodies named in the document”, it is of some concern that the Council have not sought to engage with either the land owners of the various development sites detailed within the document or with those developers who are directly engaged in the actual delivery of these developments. As a consequence of this omission, it is clear that the document does not take into account important viability considerations which have a major impact upon the ability of sites to either fully provide for those Infrastructure Actions which are detailed within Schedule 2 of the document or to provide for these actions within the timescales indicated.</p> <p>In order to ensure that this document provides for realistic and achievable outcomes, it is considered necessary that the Council must engage fully and constructively with both landowners and developers before the document is presented to the Council’s Executive for final approval.</p>	<p>A draft Action Programme was published alongside the LDP Proposed Plan, and whilst not part of the formal LDP Examination process, the opportunity was nevertheless available for any party to comment on the content of the Action Programme.</p> <p>The provisions of the Action Programme arise out of the LDP which has been fully and properly consulted on and which was adopted by the council in September 2018. Specific consultation on the Action Programme during November/December 2018 provided further opportunity to comment. Reporting the Action Programme to the Council Executive is a requirement of the LDP adoption process and there is held to be no justification for delaying this.</p> <p>No change to the Action Programme is proposed.</p>
	<p><i>Required</i></p> <p>Whilst it is acknowledged and accepted that the provision of a new distributor road linking the East Broxburn and Winchburgh sections of the overall CDA is provided for within the terms of the adopted LDP, it is considered that, in transportation terms, the case for this new section of road has never been fully made or justified. As these two areas are already linked by an existing public road (which itself will require to be upgraded in line with the provisions of the LDP) it is considered to be both unnecessary and unreasonable to require the provision of an additional new</p>	<p>Provision of the new distributor road is an explicit requirement of the adopted LDP. The LDP has been through Examination with the Reporter supporting the site allocation and associated developer requirements. The Development Management process would provide the opportunity to further review requirements and take into account viability</p>

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	<p>road in addition to the upgrading of the existing road as both effectively achieve the same end.</p> <p>It is further considered that the construction of this new road will encourage a greater number of car borne journeys, which would not be in the best interests of the promotion of sustainable modes of transport.</p> <p>The provision of this proposed new road also presents significant challenges from a constructional and civil engineering perspective, due to the prevailing topography and ground conditions, both of these considerations adding significantly to the potential costs associated with the provision of this road.</p> <p>As the delivery of both the Winchburgh and East Broxburn sections of the wider CDA already involve major abnormal development costs, the avoidance of costs associated with the provision of this new road would assist greatly in ensuring the long term viability of both of these developments.</p> <p>Consequently, at this stage, it is submitted that the requirement for the provision of this road is either deleted from the current Action Programme or alternatively, that the timescale for the provision of the same be pushed back to the period beyond 2024, at which point it will be possible to take an informed view as to whether this road is required.</p> <p>Furthermore, it is also clear that transport modes are now on the cusp of great change and that these changes must be properly factored into all new infrastructure proposals.</p>	<p>considerations.</p> <p>It is proposed to amend the Action Programme in relation to provision of the road to 'post 2024'. See page 16 of the Action Programme</p>
	<p><i>LDP Proposals Map Reference P-21 (New Primary School to support CDA development)</i></p> <p>It is noted that this new school provision does not require to be provided until sometime after 2024 and support is given for the provision of this new school within this general timeframe. The fact that the provision of this new school does not require to be provided until after 2024, provides suitable verification of the fact that at present, the relevant catchment schools have sufficient capacity to accommodate the pupil output from the proposed development of the East Broxburn section of the wider CDA.</p>	<p>At this time, costs can only be indicative but are based on similar schools at Calderwood and Winchburgh (Holy Family). Costs have also been informed by the Hub contract procurement process.</p> <p>No change to the Action Programme is proposed.</p>

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	<p>Given that it is stated that the “education solution” associated with the provision of this school still requires to be identified, it is considered unreasonable at this stage to place any cost against the school or to set out any phasing requirements associated therewith as clearly both of these considerations will be informed and determined by the eventual outcome of the identified education solution. Consequently, it is submitted that all information detailed within the “Indicative Cost” box should be deleted at this stage.</p> <p>In addition to the above, as the possibility of a degree of public funding towards the capital cost of this school, secured through either the current City Deal or any future such arrangement, cannot be wholly discounted at this stage, a suitable caveat should be added to the “Funding Source” box.</p>	
	<p>Page 19 – LDP Proposals Map Reference & Key Infrastructure Action Required Other proposals linked to East Broxburn CDA see LDP Appendix 2 – Housing Land Site Delivery Requirements</p> <p>Given the wide ranging nature of these general requirements and the various considerations associated with the timing of the provision thereof, it is submitted that the information provided within the “Timescale” box should be amended to read “2020-2024 and beyond”.</p>	<p>Noted.</p> <p>It is proposed to amend the Action Programme to take account of this comment. See page 19 of the Action Programme</p>
	<p>Broxburn, LDP Site References H-BU 1, H-BU 4, H-BU 8 and H-BU 9 (running through pages 116 – 131)</p> <p>As there is a high degree of repetition between the Infrastructure Requirements relating to each of the above noted sites, the comments below should be taken as relating to each of the sites, with the comments being provided under the Infrastructure Requirement to which they are concerned.</p> <p>1: Developer contributions required towards St. Nicholas denominational primary school extension.</p> <p>Given that the required extension to St. Nicholas denominational primary school was completed in August 2016, and as such was not provided in order to accommodate any pupils arising from the development of the East Broxburn section</p>	<p>It has long been the council’s policy (enshrined in an SPG) that the cost of extending St Nicholas Primary School would be entirely funded and recovered through developer contributions. This was because all committed development at the time the SPG was conceived (in 2014) was capable of</p>

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	<p>of the CDA, it is questionable whether retrospective developer contributions towards the cost thereof can be reasonably justified.</p> <p>Consequently, this Infrastructure Requirement should be deleted.</p> <p>2: Developer contributions required to enhance local park provision at nearby park.</p> <p>In order to assess its reasonableness, greater clarity requires to be provided by way of detailed narrative as regards the nature and extent of the required enhancements.</p> <p>3: Developer contributions towards transportation infrastructure.</p> <p>In order to assess its reasonableness, greater clarity requires to be provided by way of detailed narrative as regards the nature and extent of any such infrastructure, with it being submitted that scope exists to review this matter within the next iteration of the Action Programme given that such infrastructure is not required until after 2020, at which point the emerging SG will be in place.</p>	<p>being accommodated within the existing capacity of the school. Further housing can only be supported and serviced by creating additional capacity.</p> <p>No change to the Action Programme is proposed.</p> <p>Detailed provision cannot be defined at this stage but will be informed via requirements arising from the review of the council's open space strategy and through discussion as part of the planning application process.</p> <p>No change to the Action Programme is proposed at this time.</p> <p>The council is committed to preparing supplementary guidance for developer contributions towards transport infrastructure. The nature and extent of transport infrastructure will also be informed through the submission of a master plan and planning application for development in the area. The council is required to review/update the Action Programme on an annual basis which will allow for updating of the Action Programme as more information regarding the nature and extent of infrastructure requirements becomes available.</p> <p>No change to the Action Programme is proposed at this time.</p>

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	<p>4: New distributor road linking new housing at Winchburgh with new housing at East Broxburn</p> <p>As detailed above, it is submitted that the provision of this road cannot be reasonably justified and that accordingly, this requirement should be deleted.</p> <p>5: Park and ride provision at Kilpunt south of A89 (with potentially a road bridge across the Brox Burn).</p> <p>As the land required to provide this facility lies outwith the control of those parties responsible for the delivery of the East Broxburn section of the wider CDA, and as said parties do not have control over any land upon which this facility could be provided, it is considered that it is wholly unreasonable to include this requirement as it is beyond the power of the developers to provide the same.</p> <p>Accordingly, this requirement should be deleted.</p> <p>6: Joint preparation (with Winchburgh CDA developers) Management Plan for the scheduled ancient Greendykes and Faucheldean Bings and for the 'green corridor' between Winchburgh and East Broxburn and funds to allow implementation of the plan.</p> <p>As the promoters of these two sites have no control over the Scheduled Greendykes Bing, which is owned by the Council, it is considered wholly</p>	<p>Provision of the new distributor road is an explicit requirement of the adopted LDP. The LDP has been through Examination with the Reporter supporting the site allocation and associated developer requirements. The Development Management process would provide the opportunity to further review requirements and take into account viability considerations.</p> <p>It is proposed to amend the Action Programme in relation to provision of the road to 'post 2024'. See page 55 of the Action Programme</p> <p>Provision of the park and ride is a requirement of the LDP. The council is in discussion with City of Edinburgh Council as part of cross-boundary transport matters related to the A89/Newbridge area.</p> <p>No change to the Action Programme is proposed.</p> <p>Given the proximity of Greendykes and Faucheldean Bings to the East Broxburn/Winchburgh CDA it is entirely reasonable</p>

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	<p>unreasonable for them to be obliged or required to prepare any form of Management Plan in respect thereof.</p> <p>As owner of this Scheduled Monument, the responsibility for the preparation of such a Plan should rest entirely with the Council.</p> <p>On the matter of the Scheduled Faucheldean Bing, Ashdale Land & Property Company Limited have no ownership interest therein and as such should not be required to participate in any future Management Plan in respect thereof. The text of the Action Programme, of necessity, requires to be revised to reflect these considerations.</p> <p>7: Joint funding (with Winchburgh CDA developers) of works to rehabilitate the non - scheduled parts of the Greendykes Bing.</p> <p>Any works required to rehabilitate the non-scheduled section of Greendykes Bing present a number of significant technical and practical challenges, which present major cost considerations.</p> <p>In view of the fact that the scheduled section of the bing will remain, it is considered that the rehabilitation of the non-scheduled section thereof cannot reasonably be justified as being required on general amenity grounds and furthermore, cannot be justified as being necessary to enable the delivery of the East Broxburn housing allocations.</p> <p>Given these considerations, it is submitted that this requirement be deleted from the Action Programme.</p> <p>8: Contribution to improvements at Stewartfield Park.</p> <p>In order to assess its reasonableness, greater clarity requires to be provided by way of detailed narrative as regards the nature and extent of the required improvements.</p>	<p>for the council to seek input to the preparation of the Management Plan and developer contributions to any subsequent improvement works and these requirements are explicitly identified in Appendix 2 of the adopted LDP.</p> <p>No change to the Action Programme is proposed.</p> <p>These requirements are explicitly identified in Appendix 2 of the adopted LDP.</p> <p>No change to the Action Programme is proposed.</p> <p>Requirements would be clarified through the planning application process and through discussion with the council's NETS, Land and Countryside Services who are currently reviewing the Open Space Strategy. A future iteration of the Action Programme should allow for more clarity on</p>

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		<p>requirements to be provided.</p> <p>No change to the Action Programme is proposed at this time.</p>
<p>CALA Homes East Ltd.</p>	<p>Schedule 1: Key infrastructure actions allied to proposals</p> <p><i>P-44: M9/J3 West Facing Slip Roads; P-45: Coach Park & Ride facility; and P-115: Traffic management measures in Linlithgow town centre</i></p> <p>An Air Quality Management Area in Linlithgow was declared in April 2016 due to exceedances of both Nitrogen dioxide (NO2) and fine particulates (PM10). Clearly, air quality issues in Linlithgow are a consequence of existing factors. This is confirmed in the Draft AQMA Action Plan (ref ED 62673 dated 1/11/2017).</p> <p>The Action Programme confirms that the purpose of the proposed Action P-44 is: <i>“Related to initiatives to improve the air quality and amenity of Linlithgow High Street by reducing through traffic levels and ultimately improving local road network infrastructure. Supplementary Guidance on developer contributions towards transport infrastructure is to be prepared.”</i></p> <p>Actions P-45 and P-115 are also related to measures to improve air quality in Linlithgow High Street, which is a known matter caused by existing conditions. Circular 3/2013 (paragraph 21) confirms that: <i>“Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development. Situations may arise where an infrastructure problem exists prior to the submission of an application for planning permission. Where the need to improve, upgrade or replace that infrastructure does not arise directly from the proposed development then planning authorities should not seek to address this through a planning obligation.”</i> It is therefore surprising to note that the Action Programme determines that all of the above transport related Actions for Linlithgow are to be solely funded by developer contributions when it is known that air quality issues in Linlithgow are caused by existing factors. Circular 3/2013 (paragraph 13) confirms that: <i>“Where a planning obligation is considered essential, it must have a relevant planning</i></p>	<p>There are existing air quality issues in Linlithgow and these may be impacted by future development. As a consequence there is a legitimate requirement to consider and address them. Supplementary Guidance on Air Quality, approved by the Council Executive on 18 December 2018 sets out specific developer requirements. These requirements may be further informed by supplementary guidance on transport which is to be prepared in support of the LDP and would adhere to the terms of Circular 3/2013. The council has no funding in place for proposals P-44, P-45 and P-115.</p> <p>No change to the action Programme is proposed.</p>

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	<p><i>purpose and must always be related and proportionate in scale and kind to the development in question.</i> Therefore, it is not reasonable, nor is it in accord with Circular 3/2012, for the entire cost of Actions P-44, P-45 and P-115 to be funded solely by developer contributions. These actions are a requirement of existing conditions and as such the Council should also be identified as a funding source for all of these actions.</p> <p>We therefore recommend that the “Funding Source” box be updated to include “WLC” for the actions identified under references P-44: M9/J3 West Facing Slip Roads; P-45: Coach Park & Ride facility; and P-115: Traffic management measures in Linlithgow town centre. Developer contributions towards these actions should be reasonable, related and proportionate in scale and kind to the developments in question.</p> <p>We also refer to the Supreme Court Judgment in the case of Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland).</p> <p>Schedule 5: Supplementary and planning guidance</p> <p><i>Supplementary Guidance: Developer Obligations for Transportation Infrastructure</i></p> <p>We also note that Supplementary Guidance for Developer Contributions towards transport infrastructure is to be prepared in due course. This is to be completed within 12 months of adoption of the LDP (4th September 2019). The Guidance should ensure that the requirements of Circular 3/2012 and the Elsick Judgment are met.</p> <p>Schedule 2: Key infrastructure actions allied with housing land allocations</p> <p><i>H-LL 3 Boghall East – new health centre</i></p> <p>The site is subject to a current application for 54 homes (reference 1110/FUL/18). The actions specified in the Draft Action Programme generally reflect the details of the allocation in the Local Development Plan. We note that a feasibility study is proposed to identify a location and funding programme for a new health centre in</p>	<p>Noted.</p> <p>Noted.</p> <p>It is proposed to amend the Action Programme to reflect that contributions towards a new</p>

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	<p>Linlithgow. The Draft Action Programme includes a requirement for developer contributions towards a new health centre for Linlithgow as an Action for this site. It is premature to note this as a required Action at this stage when the outcome of the feasibility study is not known. We note that similar contributions are not identified under allocations H-LL 4; H-LL 5; and H-LL 13. We recommend that such a contribution is not identified as an Action in the Action Programme for any site in Linlithgow until the outcome of the feasibility study is known.</p> <p><i>H-LL 3 Boghall East – transport infrastructure</i></p> <p>With respect to developer contributions for transport infrastructure, a Transport Statement has been prepared for the site in support of current application 1110/FUL/18. The scope of the Statement was agreed in advance with the Council. The Statement does not identify any impacts on the safe operation of the road network, including nearby junctions, which requires any form of mitigation through planning obligations. It was also confirmed that because of the negligible impact of the development, an Air Quality Assessment was not deemed to be necessary for planning application 1110/FUL/18. Through the assessment of the site for the planning application, no link has been established between the impact of the development and the Linlithgow Transport Actions (P-44, P-44, P-115) specified in the Action Programme. Taking account of the requirements of Circular 3/2012 and the Elsieck Judgment (which requires more than a trivial link between development impact and planning obligation), we would therefore recommend that the Action requiring “Developer obligations towards Transportation Infrastructure” is deleted for this site.</p> <p><i>H-LL 12 Preston Farm</i></p> <p>The actions specified in the Draft Action Programme generally reflect the details of the allocation in the Local Development Plan. With respect to developer contributions for transport infrastructure, we recommend that the text is updated to read “Developer obligations towards Transportation Infrastructure, if required” as the impacts of the development of the site on transport infrastructure will only be known following detailed assessment yet to be undertaken.</p>	<p>health centre will be required from all proposed housing sites in Linlithgow should a feasibility study conclude such provision necessary. <i>See pages 156, 157, 158, 159, 160, 161, 163, 164, 166 and 167 of the Action Programme.</i></p> <p>The Transport Statement is currently the subject of assessment by the council’s Roads and Transportation Service. Given this, it would be premature at this time to alter the Action Programme. The Action Programme is to be reviewed and updated on an annual basis. Any changes arising from the council’s consideration of the planning application for site H-LL 3 can be included in the next iteration of the Action Programme.</p> <p>No change to the Action Programme is proposed at this time.</p> <p>The Action Programme is to be reviewed and updated on an annual basis. Any changes arising from the council’s consideration of a planning application for site H-LL 12 can be included in the next iteration of the Action Programme and reflect the requirements arising from the proposed supplementary guidance on transport.</p>

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	<p>However, it is not likely that contributions from development at Preston Farm will be reasonably linked to the proposed M9 slip roads and the proposed coach park in particular, given the location of the site and likely flow of traffic from it. A Transport Statement carried out in support of representations in support of the site to the LDP confirmed that traffic impacts on the wider road network around the site would be trivial. It is therefore premature to include transport contributions as an Action at this stage.</p> <p>General Comment – Linlithgow Actions</p> <p>We note that the Action Programme highlights existing concerns related to drainage capacity and water quality at Linlithgow Loch. The Action Programme seeks resolution to this and states “<i>Developers will be expected to invest to take account of these inter-related issues to better the situation and such investment may include off site activities. Developers may require to invest in additional engineering and to pick up surface water from existing developments off site in order to provide capacity in the combined drainage system.</i>” Whilst we recognize the importance of ensuring adequate drainage capacity is available, we have concerns with any requirement to address existing deficiencies through planning obligations. We refer to paragraphs 13 and 21 of Circular 3/2012 (see above). Planning obligations should not be used to resolve existing deficiencies. Obligations should have a planning purpose and should be reasonable, related and proportionate in scale and kind to the developments in question. Therefore, the planning obligation should reflect only the proportionate effect of the development impact.</p> <p>We agree that early engagement with SEPA, Scottish Water and the Council’s Flood Manager should be undertaken, but we do not believe that the developer should be expected to contribute more than the proportionate share in accord with Circular 3/2012. As a general note in respect of emerging Supplementary Planning Guidance, the Elsieck Judgment confirms, “<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>”...meaning “...that if a planning obligation, which is otherwise irrelevant to the planning application, is sought as a policy in the development plan, the policy seeking to impose such an obligation is an irrelevant consideration when the planning authority considers the application for planning permission.”</p>	<p>No change to the Action Programme is proposed at this time.</p> <p>Noted.</p> <p>Supplementary Guidance on Flooding and the Water Environment (October, 2018) sets out issues associated with Linlithgow Loch and the role that the Union Canal could play in addressing issues with the sewerage network in Linlithgow. This would be used to inform discussion regarding developer contributions whilst also having full regard to the requirements of Circular 3/2013.</p> <p>No change to the Action Programme is proposed.</p>

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<p>Clarendon Planning and Development (David Howel)</p>	<p>The comments are made in relation to the Gavieside CDA and an imminent planning application that is intended to be submitted to the Council in December 2018. The application pack and associated masterplan and landscape strategy will provide a basis for taking forward the Gavieside development area and provide additional information to be considered in the finalisation of the LDP Action Programme.</p> <p>The specific changes requested are:</p> <p>Schedule 1: Key Proposals: P-58 New Primary School Associated with Gavieside CDA</p> <p>Gavieside CDA, Proposal P-58, page 42: the funding source should be amended to: "To be agreed as part of PPP application process".</p> <p>Schedule 2: Key Housing Allocations</p> <p>Site H-LV13 Gavieside Farm, Site Requirements, Pages 170-173:</p> <p>2nd point (New distributor road...) on Page 171 to be amended with additional line at end: "if justified by a Transport Assessment".</p> <p>4th point on Page 171 (Improvements to A705...) also to have additional line added: "if required in relation to the agreed distributor road network."</p> <p>6th point on Page 171 (The provision in the northern part of the Polbeth area...). This area is outwith the LDP allocation area and should be removed.</p>	<p>Planning applications for sites indicated in the Action Programme will be assessed on their individual merit and in relation to the prevailing policy framework. The details from the planning application, once submitted and assessed by the council, would then be used to inform a future iteration of the Action Programme.</p> <p>No change to the Action Programme is proposed at this time.</p> <p>The Action Programme text for page 171 - 6th point states that: <i>The provision in the northern part of the Polbeth area of high quality structure planting with a network of connecting paths to Bristonhill Moss area and the existing woodland areas. A small corridor of land which is designated Countryside Belt in the LDP separates the village of Polbeth from large Core Development Area allocations at Gavieside /West Livingston as Mossend/ Cleugh</i></p>

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	<p>7th point on Page 171 (Safeguard land for extension of Almond Valley Heritage Centre...). This area is outwith the LDP allocation area and should be removed.</p>	<p>Brae well as other encroachments at Brotherton Farm site (H-LV 33) and Briston Moss (H-LW 1). To maintain and reinforce settlement identity and separation new woodland planting is sought on the area between the Gavieside site and Polbeth. A path connection is needed between the Gavieside CDA site and Polbeth but due to the need to bridge the West Calder Burn it is likely to be more feasible to achieve this through the Limefield Glen Walkway path project (P-120).</p> <p>No change to the Action Programme is proposed.</p> <p>The Action Programme text for pages 171/2 - 7th point states that '<i>Safeguard land for extension of Almond Valley Heritage Centre light rail route on north side of River Almond</i>'. AVHC has confirmed that this dated proposal related to the former Freeport Centre, West Calder is no longer viable and that they only seek a small turnaround for their children's railway within their own grounds.</p> <p>It is proposed to amend the Action Programme by deleting the reference to this specific requirement.</p> <p><i>See pages 173 and 174 of the Action Programme.</i></p>

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<p>PPCA for Hopetoun Estates (Peter Allan)</p>	<p>The Estates' interests are best represented by reference to Schedules 1 and 2 of the programme which deal with 'Key Infrastructure Actions allied to Proposals', and 'Key Infrastructure Actions allied with Housing Land Allocations'.</p> <p>In the Estates' opinion, the Schedules, when read with the grant of planning permission in principle for the Winchburgh CDA, including the s.75 Agreement, provide an adequate reference source for what is currently expected from both the developers and the council. They also aid an understanding of the proposed timetable for the provision of key infrastructure.</p> <p>In relation to the wider Winchburgh CDA, it is important to note the wording in the revised LDP Policy CDA 1 which offers an opportunity to increase the land supply for new housing and mixed uses, as follows: <i>The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Areas, subject to the preparation of master plans to be approved by the council.</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>PPCA for Winchburgh Developments (Robin Matthew)</p>	<p><i>Schedule 1: Key infrastructure actions allied to proposals</i></p> <p><i>P-17 Distributor Road in association with Winchburgh CDA</i></p> <p>Update Status box to confirm that phasing update granted consent in October 2018.</p> <p><i>P-89 Alternative site for golf course as restoration / after use for Auldcathie landfill site</i></p> <p>Update to reflect detailed planning application lodged with Council for District Park as after use for former Auldcathie landfill site in November 2018.</p>	<p>Noted.</p> <p>Action Programme to be updated accordingly. <i>See page 17 of the Action Programme.</i></p> <p>Noted.</p> <p>Action Programme to be updated accordingly. <i>See page 54 of the Action Programme.</i></p>

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	<p><i>P-96 Three new neighbourhood centres</i></p> <p>Add reference to beyond 2024 in Timescale column to reflect revised agreed masterplan timescale.</p> <p><i>P-97(a) and (b) – joint secondary school campus (denominational and non-denominational)</i></p> <p>Update to reflect latest tri-partite funding arrangements and timescale for delivery of phase 1 by August 2022.</p> <p>Include reference to delivery of first new primary school as per latest agreed position.</p> <p><i>P-100 School extension (Holy Family Winchburgh Primary School)</i></p> <p>Update to reflect phased extension completed. First new primary school provision expected on Block L schools' campus opening August 2022.</p> <p><i>Schedule 2: Key infrastructure actions allied with housing land allocations</i></p> <p><i>Delivery of new non-denominational secondary school in Winchburgh and developer contributions to that. Various references. Certain references show this,</i></p>	<p>Noted.</p> <p>Action Programme to be updated accordingly. See page 57 of the Action Programme.</p> <p>Noted.</p> <p>The Action Programme reflects the confirmed position on timescales for delivery and funding arrangements.</p> <p>No change is proposed to the Action Programme at this time.</p> <p>There are two separate proposals; phased extension completed refers to P-99 and is shown in completed education projects above; P-100 is still to be completed; the date & location outlined by Winchburgh Developments have not yet been approved by the council.</p> <p>No change is proposed to the Action Programme at this time.</p> <p>Noted.</p> <p>References in the Action Programme will be</p>

	<p>correctly, going beyond 2024 in terms of completion whilst others do not. Consistent approach required across references.</p> <p><i>“Joint preparation (with Winchburgh CDA developers) Management Plan for the scheduled ancient Greendykes and Faucheldean Bings and for the ‘green corridor’ between Winchburgh and East Broxburn and funds to allow implementation of the plan. Joint funding (with Winchburgh CDA developers) of works to rehabilitate the non-scheduled parts of the Greendykes Bing.” Various references.</i></p> <p>Remove references to Winchburgh CDA developers and joint preparation and funding. There is no requirement to undertake the works specified in the draft Action Programme in either the planning permission in principle or the Section 75 legal agreement associated with the strategic expansion of Winchburgh (planning permission 1012/P/05).</p> <p><i>Holy Family Winchburgh Primary School future expansion.</i></p> <p><i>Various references.</i></p> <p>Noted as TBC but now updated by provision of first new primary school as part of Block L schools’ campus to be opened August 2022.</p>	<p>reviewed and amended for consistency. See pages, 214, 217, 221, 223, 225, 228, 232, 235, 236, 240 and 241 of the Action Programme.</p> <p>Given the proximity of Greendykes and Faucheldean Bings to the East Broxburn/Winchburgh CDA it is entirely reasonable for the council to seek input to the preparation of the Management Plan and developer contributions to any subsequent improvement works and these requirements are explicitly identified in Appendix 2 of the adopted LDP.</p> <p>No change to the Action Programme is proposed.</p> <p>The Action Programme reflects the council’s current agreed position on timescales for delivery and funding arrangements. See comment at P-100 above.</p> <p>No change is proposed to the Action Programme at this time.</p>
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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Transport Planning Limited (Alex Sneddon)</p>	<p><i>P-44 – westbound slip roads at M9 Junction 3</i></p> <p>It is noted that this scheme is at the ‘proposal stage’ although it is unclear what this means. The junction lies within three roads authorities (WLC, Falkirk and the trunk road authority) and the funding for the west facing ramps is identified as being allocated to ‘developer contributions’, suggesting no funding is available from the three authorities. The cost of the scheme is not identified but it is unlikely that development in the area that would create impact on any west facing ramps could possibly afford the cost of the intervention, even if it were justified. It is fairly clear that this intervention would accommodate some existing traffic demand (so not all demand would arise from development) but it is completely unclear what the actual benefit of this scheme would be. The text notes the scheme is <i>“Related to initiatives to improve the air quality and amenity of Linlithgow High Street by reducing through traffic levels and ultimately improving local road network infrastructure. Supplementary Guidance on developer contributions towards transport infrastructure is to be prepared.”</i> but it remains opaque how building additional road capacity to encourage more road traffic or road traffic based diversions will achieve this. Our view is that this should be removed.</p>	<p>There are existing air quality issues in Linlithgow and these may be impacted by future development. As a consequence there is a legitimate requirement to consider and address them. Supplementary Guidance on Air Quality, approved by the Council Executive on 18 December 2018 sets out specific developer requirements. These requirements may be further informed by supplementary guidance on transport which is to be prepared in support of the LDP and would adhere to the terms of Circular 3/2013. The council has no funding in place for proposal P-44.</p> <p>Provision of the slip roads is an explicit requirement of the adopted LDP. The LDP has been through Examination with the Reporter supporting the site allocation and associated developer requirements. The Development Management process would provide the opportunity to further review requirements and take into account viability considerations.</p> <p>The additional slip roads at M9-J3 are also referenced in the Strategic Development Plan (SDP1) and the Falkirk LDP 1. Reference to the slip roads has also been rolled forward into the Falkirk LDP 2 Proposed Plan. The West Lothian LDP is required to be consistent with the terms of SDP1.</p> <p>No change to the Action Programme is proposed.</p>

	<p>P-45 - Coach Park & Ride facility</p> <p>It is noted that this scheme is at the 'proposal stage' although it is unclear what this means. Locating a coach based park and ride facility at M9 Junction 3 is, as far as we are aware, unsupported by any assessment of likely usage and it would serve to undermine other LDP objectives related to travel in the area, most notably other park and ride interventions at Winchburgh. The text notes the scheme is <i>"Related to initiatives to improve the air quality and amenity of Linlithgow High Street by reducing through traffic levels and improving management of commuter traffic."</i> It is unclear how locating a coach based park and ride facility at the east end of Linlithgow would reduce through traffic which, if arising anywhere to the east of the centre of town would need to drive via Linlithgow (and back again) to and from any facility, plus additional coach traffic (if such a scheme were justified) and its associated diesel pollutants would impact on the High Street. Developer contributions are again earmarked to fund this scheme and the link between development demand and existing suppressed demand for coach usage is also unclear – there are service buses available in Linlithgow which could be used or supplemented and any demand (if any exists) for coach based park and ride could well arise from existing potential users and therefore be unrelated to new development. Our view is that this should be removed.</p>	<p>There are existing air quality issues in Linlithgow and these may be impacted by future development. As a consequence there is a legitimate requirement to consider and address them. Supplementary Guidance on Air Quality, approved by the Council Executive on 18 December 2018 sets out specific developer requirements. These requirements may be further informed by supplementary guidance on transport which is to be prepared in support of the LDP and would adhere to the terms of Circular 3/2013</p> <p>Provision of the coach park and ride facility is an explicit requirement of the adopted LDP. The LDP has been through Examination with the Reporter supporting the site allocation and associated developer requirements.</p> <p>No change to the Action Programme is proposed.</p>
	<p>P-115 - Traffic management measures in Linlithgow town centre</p> <p>It is noted that this scheme is at the 'proposal stage' although it is unclear what this means. The scheme is identified thus <i>"The traffic management measures to be taken forward to mitigate traffic flow issues in Linlithgow primarily relate to improvements at existing junctions highlighted in the Systra traffic modelling study. They are also related to initiatives to improve the air quality of Linlithgow High Street."</i> Impacts arising from development at individual locations could be identified in individual Transport Assessments. Mitigation measures could also take other forms than 'traffic management measures' as the direct implication of this intervention is based around junction 'improvements' aimed at easing traffic flow thereby making it easier (and more attractive) to use the private car. Any linkage between development, its impact and existing issues is occluded as this is clearly an existing issue.</p>	<p>Provision of traffic management measures in Linlithgow is an explicit requirement of the adopted LDP. The LDP has been through Examination with the Reporter supporting the site allocation and associated developer requirements.</p> <p>Traffic management measures would be further informed by supplementary guidance on transport which is to be prepared in support of the LDP and would adhere to the terms of Circular 3/2013.</p> <p>No change to the Action Programme is proposed.</p>

	<p>General</p> <p>Between pages 11 – 60 of the draft, there are 21 pink shaded transport interventions listed. None of them are costed. In the event this guidance is published it will serve no purpose as there are no costings and therefore – even if development impacts COULD be attributed - costs cannot be apportioned. The practical impact of this is that an Action Programme that is aimed at enabling development will instead halt it, as no agreement will be able to be reached on contribution levels.</p> <p>It is also noted that a word search of the document for ‘electric’, ‘vehicle’ and ‘charging’ yields zero results. For a document that is focussed (at least in Linlithgow) on air quality impacts, it is surprising that the document does not deal with EV charging as a means of tackling air quality issues; which air quality should be projected to improve given the current Government Policy on the sale of electric vehicles.</p> <p>It is suggested the document needs to be withdrawn and transport interventions:-</p> <ol style="list-style-type: none"> a. Reconsidered with regard to their link with development proposals; b. Costed; and c. Brought up to date to be in line with the national hierarchy of travel modes rather than being focused on motorised transport. 	<p>The council is committed to preparing supplementary guidance for developer contributions towards transport infrastructure. The nature and extent of transport infrastructure will also be informed through the submission of a master plan and planning application for development in the area. These actions will assist in identifying costs for the transport interventions set out in the Action Programme. The council is required to review/update the Action Programme on an annual basis which will allow for updating of the Action Programme as more information regarding the nature and extent of infrastructure requirements becomes available.</p> <p>Supplementary Guidance (SG) on Air Quality was approved by the Council Executive on 18 December 2018. The SG includes reference to requirements for electric vehicle charging points.</p> <p>No change to the Action Programme is proposed.</p>
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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Historic Environment Scotland (HES) (William Kidd)</p>	<p>Suggest that HES should be included among the key agencies on page 3 of the Action Programme</p> <p>Schedule 1: P-102(b) Access to / from and along the Union Canal</p> <p>Advise that HES should be included under the responsibility / involvement column due to the canal's status as a scheduled monument.</p> <p>Schedules 2 & 3</p> <p>Notes that under the responsibility/involvement column that it is limited to lead officers and does not indicate HES involvement even where there might be a legitimate historic environment interest and advises of the importance of early consultation and engagement with HES where masterplans and complex issues involved.</p> <p>Schedule 4</p> <p>Welcome involvement recognised in delivery of policies ENV 23 - 33, and, suggest that HES should be identified for a role in policy ENV 12 The Union Canal</p>	<p>Noted.</p> <p>Action Programme to be amended accordingly. <i>See page 3 of the Action Programme.</i></p> <p>Noted.</p> <p>Action Programme to be amended accordingly. <i>See page 29 of the Action Programme.</i></p> <p>While recognising that HES may have a legitimate interest in some of the allocated sites referenced in Schedules 2 (Housing) & 3 (Employment) this does not of course preclude HES from engaging in the planning application process and it should also be noted that the council also intends to prepare Planning Guidance on the Historic Environment in due course.</p> <p>No change is proposed to the Action Programme at this time.</p> <p>Noted.</p> <p>Action Programme to be amended accordingly. <i>See page 262 of the Action Programme.</i></p>

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Network Rail (Nicola Slaven)</p>	<p><i>Schedule 1: P-1(a) Addiewell Railway Station – path upgrade</i></p> <p>Detailed comments advising of various constraints related to ownership, lighting, drainage</p> <p><i>Schedule 1: P-1(b) Addiewell Railway Station – access improvements to parking and bus interchange</i></p> <p>Detailed comments advising of various constraints related to ownership, parking and access issues</p> <p><i>Schedule 1: P-75 West Calder Railway Station- bus interchange and parking</i></p> <p>Detailed comments advising of various constraints related to ownership, parking and access issues regarding siting of improved facilities and potential conflicts with new accesses to West Calder High School, and possibly with new road to connect with housing sites at Mossend, Cleugh Brae and Gavieside CDA.</p>	<p>Noted.</p> <p>Comments have however been forwarded to Roads and Transportation for information and action.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>Comments have however been forwarded to Roads and Transportation for information and action.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>Comments have however been forwarded to Roads and Transportation for information and action.</p> <p>No change to the Action Programme is proposed.</p>

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Scottish Water (SW) (Sophie Day)</p>	<p>Scottish Water (SW) advises that their network impact assessment team are carrying out several strategic water and waste water studies in the West Lothian area and that as these studies progress, they will provide further updates to the action programme.</p> <p>Schedule 2: Housing Land Allocations</p> <p><i>East Calder catchment</i></p> <p>As identified in the Action Programme (under site specific requirements), Scottish Water encourage early engagement by Developers to discuss their proposals. Additionally Scottish Water has carried out a strategic drainage impact assessment for the East Calder catchment and mitigation on our existing sewerage network is required. Developer's advised to contact Scottish Water to discuss.</p> <p><i>Newbridge Waste Water Treatment Works</i></p> <p>Scottish Water advises that there is sufficient capacity in Newbridge waste water treatment works. Scottish Water advise that Newbridge waste water treatment works serves Broxburn and Dechmont/Bangour. Request that the Action Programme be amended accordingly.</p> <p><i>Pateshill Water Treatment Works</i></p> <p>Water treatment works has sufficient capacity. On Page 208 in the Action Programme it states 'Pateshill waste water treatment works requires early discussion with Scottish Water' – request to be amended to advise that there is sufficient capacity in Pateshill Water Treatment Works.</p>	<p>Noted.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>The Action Programme currently records that there may be capacity issues in the East Calder catchment area and therefore encourages early engagement with Scottish Water.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>Action Programme to be updated accordingly. <i>See pages 116, 117, 118, 121, 124, 125, 128, 129, 132, 135, 136 and 137.</i></p> <p>Noted.</p> <p>Action Programme to be updated accordingly. <i>See page 210 of the Action Programme.</i></p>

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
	<p><i>White Burn Catchment, Whitburn area</i></p> <p>Scottish Water has carried out a strategic drainage impact assessment within the White Burn catchment and it has been identified that mitigation is required on our existing sewerage network for the following sites; <i>Whitburn Polkemet Business Centre and Heartlands Phase 5</i>. The Developer should contact Scottish Water to discuss exact requirements. The remainder of developments in the catchment have no detrimental effect on the existing Scottish Water network.</p> <p><i>Winchburgh</i></p> <p>Scottish Water have been working closely with the Winchburgh Developer and a growth project will be carried out at Winchburgh Waste Water Treatment Works to accommodate the proposals. A water impact assessment has been completed for this development and mitigation identified that the Developer is responsible to carry out. Scottish Water is currently carrying out a strategic drainage impact assessment and is in close contact with the Developer regarding the study.</p>	<p>Noted.</p> <p>Action Programme to be updated accordingly. See pages 210 and 211 of the Action Programme.</p> <p>Noted.</p> <p>Action Programme to be updated accordingly. See pages 218, 222, 226, 229, 232, 233, 237 and 240 of the Action Programme.</p>
<p>Scottish Environment Protection Agency (SEPA) (Alasdair Milne)</p>	<p>Recommends that the Action Programme be a live working document rather than be annually updated.</p> <p>Note that SEPA has previously provided detailed and site specific comments as part of the LDP process, and, welcome reference to drainage issue in the Linlithgow area and that SEPA is listed as a partner.</p> <p>Request the removal of SEPA's listing as a partner from H-LV 10 because it relates to a play area.</p>	<p>It is a requirement of Scottish Ministers that the Action Programme be revised and published on an annual basis over the life-time of the LDP.</p> <p>Support noted.</p> <p>It is referenced in in Appendix Two of the LDP that site H-LV 10 Deans (West)/Hardie Road has potential flood risk and drainage issues although it does not specifically indicate SEPA's involvement. The LDP is itself a settled document and not part of this consultation.</p> <p>No change to the Action Programme is</p>

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
	<p>Schedule 4: Policy Actions</p> <p>Seek to be included as a partner for further guidance associated with policies NRG 3 <i>Wind Energy Development</i> and NRG 5 <i>Heat Networks</i>. (Action Programme, page 264)</p> <p>Schedule 5: Supplementary Guidance and Planning Guidance</p> <p>SEPA welcome the opportunity to comment on these documents at an early stage in their production.</p>	<p>proposed.</p> <p>Noted.</p> <p>Action Programme to be updated accordingly. See pages 267 and 268 of Action Programme.</p> <p>Noted.</p> <p>SEPA is identified as a Key Agency in Scottish Government Planning Circular 6/2013 <i>Development Planning</i>, in paragraphs 151-155, therefore the council will consult the agency as appropriate as part of the development of relevant further policy guidance.</p> <p>No change to the Action Programme is proposed.</p>
<p>SEStran (South East of Scotland Transport Partnership) (Peter Jackson)</p>	<p>SEStran advise that they aim to lead the development of a transportation system for South East Scotland that will enable business to function effectively and provide everyone living in the region with improved access to healthcare, education, public services and employment opportunities.</p> <p>Schedule 1: Key Proposals</p> <p>SEStran request that the following additional requirements are considered to the specific actions listed below for a number of considerations at the six sites listed:</p> <ul style="list-style-type: none"> - Where consideration is given to land allocation for new roads that this is complemented by provision for those wishing to walk, cycle, and access public 	<p>Noted.</p> <p>Noted.</p> <p>Action Programme to be updated accordingly. See pages 13, 16, 17, 23, 45 and 55 of the Action Programme.</p>

	<p>transport;</p> <ul style="list-style-type: none"> - Where improvements are being made to access stations / transport interchanges, that this is complemented by provision for those wishing to walk or cycle. <p>P-119 Colinshiel link road to A89 (Armadale, Heatherfield West) P-16 Broxburn Distributor Road P-17 Distributor Road in association with Winchburgh CDA P-92 Distributor road in association with Broxburn CDA. P-31 Park & Ride and bus interchange (Kirknewton) P-33 Land reservation for Park & Ride in support of Broxburn CDA P-37 P-101 Distributor Road (South Murieston – access to sites H-LV 35 and E-LV 46)</p>	<p>These are matters which will also be addressed through the development management process when applications are received</p>
<p>Scottish Natural Heritage (SNH) (Vivienne Gray)</p>	<p>No comments</p>	<p>Noted.</p>

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>City of Edinburgh Council (CEC) (Ben Wilson)</p>	<p>It is not clear from the tables set out in the Action Programme who is responsible and who is involved in each action. It would be helpful if this was made clear. We note that costings are not always provided, and assume that these may appear in later editions of the Action Programme.</p> <p>The City of Edinburgh Council is named within the draft Action Programme as “responsible / involved” in the following actions:</p> <p><i>P-33 Land reservation for park and ride to support Broxburn CDA</i></p> <p>P-33 is included within the Edinburgh LDP Action Programme January 2018. The action and the cost attributable to Edinburgh is also contained within the finalised Edinburgh Developer Contributions and Infrastructure Delivery Supplementary Guidance August 2018, which sets out the actions and costs within the West Edinburgh transport contribution zone. The timescale set out in the West Lothian Action Programme are in accordance with those in the Edinburgh Action Programme.</p>	<p>It is acknowledged that this first iteration of the LDP Action Programme is at a relatively high level. However, it is expected that the annual updates will present opportunities to include more detail on specific actions / projects and their costings.</p> <p>Noted.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>No change to the Action Programme is proposed.</p>
	<p><i>P-109 Cycle route at A904 Newton to City of Edinburgh Boundary</i></p> <p>The Edinburgh LDP Action Programme January 2018 includes an action to change the nature of the A904 / Builyeon Road; this includes new footway and cycle path.</p> <p><i>P-110 Strategic Cycle route parallel to A71 from Lizzie Brice’s roundabout to Wilkieston</i></p> <p>The City of Edinburgh Council has been involved in the feasibility of a cycle route parallel to the A71. The Edinburgh LDP identifies the route from the West Lothian Boundary along the A71 into Edinburgh as an active travel proposal on the</p>	<p>Noted.</p> <p>No change to the Action Programme is proposed.</p> <p>Noted.</p> <p>No change to the Action Programme is</p>

	<p>proposals map.</p> <p>P-37 Sustainable transport options for the A8 / A89 / A899 corridor</p> <p>In addition to those actions above, Action P-37 relates to land within the Edinburgh boundary. It states “Sustainable transport options for travel route along A8/A89/A899 corridor between Livingston town centre, the West Lothian/City of Edinburgh boundary, Newbridge and to Maybury junction: land to be safeguarded adjacent routes.” The City of Edinburgh Council should be included in the table of actions as a responsible/involved body or the text of the action amended to relate only to those elements within West Lothian. The Edinburgh LDP Action Programme includes active travel actions along the A8 corridor.</p> <p>Once the outcome of the current Strategic Development Plan work is known, it is anticipated that there may be further issues, particularly relating to transport and green networks, for both the Edinburgh and West Lothian action programmes which would benefit from future co-operation.</p>	<p>proposed.</p> <p>Noted.</p> <p>Action Programme to be updated accordingly. <i>See page 27 of the Action Programme.</i></p> <p>It is also the case that the Action Programme is to be updated on an annual basis. The outcome of the work associated with the current Strategic Development Plan would be included in the next iteration of the Action Programme.</p>
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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	PROPOSED COUNCIL RESPONSE
<p>Falkirk Council (Alistair Shaw)</p>	<p>P-34 A801 Avon Gorge Crossing</p> <p>Falkirk Council advises that they are progressing the A801 Avon Gorge Crossing in partnership with West Lothian Council and the Scottish Government. In the comments section, the Action Programme notes ‘consent anticipated’. Falkirk Council has all the necessary consents in place on its side of the boundary, and had understood that West Lothian Council likewise had consents in place, so that the scheme was ‘shovel ready’ once funding was confirmed. Clarification is sought on this matter.</p> <p>P-44 M9-J3 Westbound slip roads</p> <p>In relation to the construction of the west bound slips at M9 Junction 3, it should be noted that one of the slip roads is in the Falkirk Council area and we will be responsible for processing the necessary planning consents for this element of the scheme (the existing consent having lapsed). We note that Supplementary</p>	<p>It is confirmed that planning consents are in place in respect of these works.</p> <p>Action Programme to be updated accordingly. <i>See page 25 of the Action Programme.</i></p> <p>The additional slip roads at M9-J3 will also benefit the parts of Bo’ness/Falkirk area closest to the improved junction. The Falkirk LDP 1 appears to have most of its allocated sites in the eastern part of Bo’ness close to the A904 leading to J3. There is</p>

	<p>Guidance is to be prepared setting out the basis for contributions towards transport infrastructure (including, we assume, this scheme). At present, land is safeguarded on the Falkirk Council side in our LDP, and an indication provided that it will be developer funded. However, we have no plans for equivalent guidance within Falkirk Council, nor is there any substantial development allocated which we would expect to contribute to the slips. We would therefore assume that the northern slip on our side of the boundary would be funded from contributions generated from developments in West Lothian. It may be useful to discuss this internally including consideration of what opportunities may arise from the infrastructure levy in due course.</p>	<p>consequently a strong argument for contributions from developments in the Falkirk Council area to also fund P-44. These housing & mixed use sites have been rolled forward to the Falkirk LDP 2 Proposed Plan. WLC is in the process of preparing supplementary guidance on transport matters and propose to engage and consult with Falkirk Council accordingly.</p> <p>Action Programme to be updated accordingly <i>See page 38 of the Action Programme.</i></p>
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