



*Have your say on the
West Lothian Local Development Plan Proposed Plan
Consultation Response Form*

West Lothian Council has published its *Proposed Plan* together with supporting documents including an *Environmental Report (SEA)*, *Habitats Regulation Appraisal*, *Strategic Flood Risk Assessment* and *Equalities & Human Rights Impact Assessment*. These can be viewed on the West Lothian Council website at <http://www.westlothian.gov.uk/proposedplan>

If you wish to make representations on the *Proposed Plan* or associated documents, you are encouraged to use the online consultation portal. It's quick and easy and will help us to process representations more efficiently, reducing the overall cost and environmental impact of the exercise.

If you need assistance with completing or submitting your representation online please call the Customer Service Centre (CSC) on 01506 280000. Please advise the Customer Service Centre that your enquiry relates specifically to the *Local Development Plan* and ask for it to be logged and directed to the Development Planning and Environment Team. Someone will contact you. Alternatively you can email us at wlldp@westlothian.gov.uk We will endeavour to respond as quickly as possible but in any event within three working days of receiving your enquiry.

It is important that all representations are submitted no later than midnight on Sunday 22 November 2015. Representations received after that time will not be considered.

Your comments should be concise, having regard to paragraph 84 of Scottish Government Circular 6/2013: Development Planning which states that representations should be no more than 2,000 words plus any limited supporting productions.

Data Protection Statement

Please be aware that when you make representations on the Proposed Plan through the consultation portal (and/or in a conventional written format) personal information provided as part of a representation cannot be treated as confidential. Representations require to be made available online and for public inspection at the council's office (this would include your name and postal address but would exclude any information which would be subject to the Data Protection Act 1998 i.e. signature, postal address, telephone number, email).

We are also required to pass these details to the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA). This is because they may at a later date wish to invite you to an Examination of the Proposed Plan to discuss your representation. Before using the consultation portal you should also note that any information posted may be subject to disclosure under the Freedom of Information (Scotland) Act 2002. West Lothian Council will not be liable for any loss or damage arising from or in connection with the disclosure of any information including the disclosure of user generated content.

FOREWORD (page 4)

This introduction by the Leader of the Council establishes the role of the LDP and how it will help deliver the council's core objectives.

BACKGROUND (page 6, paragraphs 1.1-1.5)

Provides a brief historical context to the economic development of West Lothian which helps explain how settlements established and have developed.

CONTEXT (page 7, paragraphs 2.1-2.2)

Provides wider context for the LDP in geographic terms and explains how the LDP fits with the Strategic Development Plan (SDP1).

ROLE AND PURPOSE OF PLAN (page 7, paragraphs 3.1-3.5)

Establishes the role and purpose of the LDP in terms of its being a material consideration in the determination of any planning applications for development in West Lothian and, when adopted by the council, will replace the West Lothian Local Plan. It also sets out what documents the plan must comply with i.e. the Planning etc (Scotland) Act 2006 and what documents will accompany the plan i.e. the Action Programme etc.

VISION STATEMENT AND AIMS (page 8, paragraphs 4.1-4.3)

Establishes the vision for the LDP in terms of outcomes desired over the plan period and identifies the key aims of the plan by individual subject areas i.e. Economic Development & Growth, Community Regeneration, Sustainable Housing Locations, Infrastructure Requirements and Delivery, Town Centres and Retailing, the Natural and Historic Environment, Climate Change and Renewable Energy and Waste and Minerals.

THE SPATIAL STRATEGY (INCLUDING POLICY FRAMEWORK) (page 10, paragraphs 5.1-5.10)

In the context of the Strategic Development Plan (SDP), the LDP identifies West Lothian as being one of thirteen Strategic Development Areas where development will be focused in sustainable locations where infrastructure is either available or can be provided and in locations where there are no environmental constraints.

- **Economic Development and Growth** (page 12, paragraphs 5.11-5.22)
- **Flexibility within traditional industrial estates** (page 14, paragraphs 5.24-5.25)
- **Enterprise Areas** (page 17, paragraphs 5.24-5.25)
- **Local business opportunities, small business start-ups and working from home** (page 17, paragraph 5.26)
- **Tourism** (page 17, paragraphs 5.27-5.28)
- **Promoting community regeneration** (page 19, paragraphs 5.29-5.35)
- **Housing land requirements for the LDP** (page 20, paragraphs 5.36-5.49)
- **Effective Housing Land and Generous Supply** (page 23, paragraphs 5.50-5.53)
- **New Housing Sites and Design** (page 24, paragraphs 5.4-5.56)
- **Strategic Allocations (including previously identified Core Development Area Allocations)** (page 25, paragraphs 5.57-5.61)
- **Whitburn/Charette** (page 26, paragraph 5.62)
- **Linlithgow and Linlithgow Bridge** (page 26-27)
- **Deans South, Livingston; Area for Comprehensive Re-development** (page 27, paragraph 5.68)
- **Affordable Housing** (page 27, paragraphs 5.69-5.74)
- **Accommodation for Gypsies, Travellers and Travelling Show People** (page 29, paragraph 5.75)
- **Residential Care and Supported Accommodation** (page 29, paragraphs 5.76-5.77)
- **Infrastructure Requirements and Delivery** (page 30, paragraphs 5.78-5.84)
- **Providing for Community Needs** (page 32, paragraphs 5.85-5.88)
- **Education** (page 32, paragraphs 5.89-5.92)
- **Healthcare Provision** (page 33, paragraphs 5.93-5.96)
- **Sports Facilities** (page 33, paragraphs 5.97-5.101)
- **Green Infrastructure and Green Networks** (page 34, paragraphs 5.102-5.105)
- **Water and Drainage** (page 34, paragraphs 5.106-5.107)
- **Travel in and around West Lothian** (page 34, paragraphs 5.108-5.112)
- **Roads** (page 35, paragraph 5.113)

- **A71 Corridor** (page 35, paragraphs 5.114-5.115)
- **A801 Corridor** (page 35, paragraphs 5.116-5.117)
- **A89/A8** (page 35, paragraphs 5.118-5.126)
- **Rail** (page 37, paragraphs 5.127-5.130)
- **Walking and Cycling** (page 37, paragraphs 5.131-5.132)
- **Town Centres and Retailing** (page 39, paragraphs 5.133-5.138)
- **Landscape Character and Local Landscape Designations** (page 41, paragraphs 5.139-5.143)
- **Countryside Belts** (page 42, paragraph 5.144)
- **Development in the Countryside** (page 42, paragraphs 5.145-5.147)
- **Lowland Crofting** (page 44, paragraphs 5.148-5.152)
- **Green Networks, Local Biodiversity Sites and Geodiversity Sites** (page 45, paragraphs 5.153-5.155)
- **Forestry** (page 46, paragraphs 5.156-5.163)
- **Union Canal** (p.49 paragraphs 5.164-5.165)
- **Pentland Hills Regional Park** (page 49, paragraphs 5.164-5.165)
- **Country Parks** (page 50, paragraph 5.169)
- **Allotments/Community Growing** (page 51, paragraphs 5.170-5.171)
- **Temporary/Advance Greening** (page 51, paragraphs 5.172-5.174)
- **Biodiversity** (page 52, paragraphs 5.175-5.180)
- **Geodiversity** (page 53, paragraph 5.181)
- **West Lothian Open Space Strategy** (page 53, paragraphs 5.182-5.184)
- **Historic and Cultural Environment** (page 54, paragraphs 5.185-5.187)
- **Conservation Areas** (page 55, paragraphs 5.185-5.188)
- **Former Bangour Village Hospital, Dechmont** (page 56, paragraph 5.189)
- **Conservation Area at Abercorn/Hopetoun Estate** (page 56, paragraph 5.190)
- **Other Areas of Built Heritage and Townscape Value** (page 57, paragraphs 5.191-5.199)
- **Listed Buildings** (page 58, paragraphs 5.185-5.187)
- **Historic Gardens and Designed Landscapes** (page 59, paragraphs 5.200-5.201)
- **Historic Battlefields** (page 60, paragraph 5.202)
- **Archaeology** (page 60, paragraph 5.203)
- **Scheduled Monuments** (page 60, paragraphs 5.204-5.206)
- **Public Art** (page 61, paragraphs 5.207-5.208)
- **Climate Change Measures** (page 62, paragraphs 5.209-5.214)
- **Low Carbon Development and Renewable Energy** (page 63, paragraphs 5.215-5.221)
- **Wind Farms and Wind Turbines** (page 65, paragraphs 5.222-5.225)
- **Energy and Heat Networks** (page 66, paragraphs 5.226-5.229)
- **Off-gas Grid Areas and Renewable Heat Requirement for New-build Housing** (page 67, paragraphs 5.230-5.232)
- **The Water Environment and Flood Risk Management** (page 67, paragraphs 5.233-5.239)
- **Air Quality and Noise** (page 70, paragraphs 5.240-5.242)
- **Edinburgh Airport** (page 71, paragraph 5.243)
- **Noise** (page 71, paragraph 5.244)
- **Contaminated Land** (page 71, paragraphs 5.245-5.246)
- **Vacant and Derelict Land** (page 72, paragraphs 5.249-5.250)
- **Minerals and Waste** (page 73, paragraphs 5.251-5.256)
- **Site Restoration** (page 75, paragraphs 5.257-5.238)
- **Unconventional Gas Extraction including Hydraulic Fracking** (page 75, paragraph 5.259)
- **Waste** (page 76, paragraph 5.260)

DEVELOPMENT PROPOSAL BY SETTLEMENT (page 79)

Provides details of development proposals which are supported by the LDP in each town and village across West Lothian and assigns each one a unique reference for ease of identification.

- **Addiewell & Loganlea** (page 79)
- **Armadale** (page 80)
- **Bathgate** (page 81)
- **Blackburn** (page 82)
- **Blackridge** (page 83)
- **Breich** (page 83)
- **Bridgehouse & Bridgecastle** (page 83)
- **Bridgend** (page 83)
- **Broxburn** (page 84)
- **Burnside** (page 84)
- **Dechmont & Bangour** (page 85)
- **East Calder** (page 85)
- **East Whitburn** (page 86)
- **Ecclesmachan** (page 86)
- **Fauldhouse** (page 86)
- **Greenrigg** (page 86)
- **Kirknewton** (page 87)
- **Landward area** (page 87)
- **Linlithgow & Linlithgow Bridge** (page 89)
- **Livingston** (page 90)
- **Longridge** (page 93)
- **Mid Calder** (page 93)
- **Newton and Woodend** (page 93)
- **Philpstoun/East & West Philpstoun/Old Philpstoun** (page 93)
- **Polbeth** (page 93)
- **Pumpherstoun** (page 93)
- **Seafield** (page 93)
- **Stoneyburn/Bents** (page 94)
- **Threemiletown** (page 94)
- **Torphichen** (page 94)
- **Uphall** (page 94)
- **Uphall Station** (page 94)
- **West Calder & Harburn** (page 95)
- **Westfield** (page 95)
- **Whitburn** (page 96)
- **Wilkieston** (page 97)
- **Winchburgh** (page 97)

APPENDICES (page 99)

A number of appendices are included at the end of the LDP which provides additional detail on specific elements of the Proposed Plan.

- **Appendix 1 – Employment Land Allocations** (page 99)
- **Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements** (page 119)
- **Appendix 3 – Schedule of Land Ownership** (page 259)
- **Appendix 4 – LDP Supplementary Guidance (SG) and Planning Guidance (PG)** (page 265)
- **Appendix 5 – List of Policies** (page 273)
- **Appendix 6 – List of Proposals** (page 275)

GLOSSARY (page 280)

An explanation of unfamiliar terms or expressions used in the LDP is provided to assist understanding of the document.

PROPOSALS MAPS

The LDP comprises a series of five maps which define settlement boundaries and illustrate land use zonings.

ACCOMPANYING DOCUMENTS

Alongside the LDP is a suite of documents which are required by statute as part of the preparation and supporting evidence for the LDP.

- **Strategic Environmental Assessment (SEA) Environmental Report.**
- **Equalities & Human Rights Impact Assessment (EQHRIA).**
- **Strategic Flood Risk Assessment (SFRA).**
- **Habitats Regulations Appraisal.**
- **Transport Appraisal (TA).**
- **Action Programme.**

ADDITIONAL COMMENTS

Do you wish to submit any additional comments on the LDP?

Once you have filled in this form, please return to:

Development Planning
Planning and Economic Development
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Thank you for your participation and contribution.

Your details (mandatory)

Please indicate in what capacity you are making this submission:

- as an individual (and representing your own views)
 as a representative of a private or commercial organisation (and representing the views of that organisation)
 as a representative of a public organisation (and representing the views of that organisation)
 as an agent (and making comments on behalf of other individuals that you represent or third parties)
 other

Please complete the following contact information:

Name	<input type="text" value="Philip"/>
Email	<input type="text" value="Neaves"/>
Telephone	<input type="text" value=""/>
Address	<input type="text" value=""/>
Organisation name	<input type="text" value="Felsham Planning and Development"/>
Client's name	<input type="text" value="Ineos Upstream Limited"/>

Is this the first time you have made a written representation on the Proposed Plan? (mandatory)

- Yes No

If you have previously submitted a site to be considered for development when the council was initially seeking Expressions of Interest (EOI), or commented on the *Local Development Plan* at the *Main Issues Report (MIR)* stage, or made a previous submission to the *Proposed Plan* please provide the reference given to you at that time if known.

EOI & MIR reference number can be found on any email or written communication we may have previously sent you.

Enter EOI (Expression of Interest) reference here

Enter MIRQ (*Main Issues Report*) reference here

Once form has been completed please sign and date (mandatory)

You do not have to respond to all of the questions set out only those which you feel are of particular relevance to you.

Signature Date

FOR OFFICE USE ONLY

Proposed Plan reference

Please use this form for sections: Foreword; Background; Context; Role and Purpose of Plan; Vision Statement and Aims; The Spatial Strategy (including Policy Framework); Appendices; Glossary; Proposal Maps; Strategic Environmental Assessment (SEA) Environmental Report; Equalities and Human Rights Impact Assessment (EQHRIA); Strategic Flood Risk Assessment (SFRA); Habitats Regulations Appraisal; Transport Appraisal (TA); and Action Programme.

Section title Section 5, Spatial Strategy, Minerals and Waste

Page nos. 74 and 75

Paragraph nos. 5.259

Please see attached supporting statement

Section title Section 5, Spatial Strategy, Minerals and Waste

Page nos. 74 and 75

Paragraph nos. 5.259

Please see attached supporting statement

Please use this form for sections: The Spatial Strategy and Development by Settlement

Settlement	<input type="text"/>		
Site address / location	<input type="text"/>		
Site Ref	<input type="text"/>	Page nos.	<input type="text" value="74 and 75"/>
<p>Please see attached supporting statement</p>			

Settlement	<input type="text"/>		
Site address / location	<input type="text"/>		
Site Ref	<input type="text"/>	Page nos.	<input type="text" value="74 and 75"/>
<p>Please see attached supporting statement</p>			

Additional comments

Please use this space to add any additional comments which have not been covered elsewhere in this questionnaire.

Please see attached supporting statement

West Lothian Draft Local Development Plan – Proposed Plan Consultation

Submission on Behalf of INEOS Upstream Ltd

November 2015

Introduction

Felsham Planning and Development is instructed to submit a representation to the Local Development Plan on behalf of INEOS Upstream Ltd. Our client is concerned about the wording of policies MRW2 and MRW5 and seeks amendments to give more positive policy support for onshore hydrocarbons.

Onshore hydrocarbons are likely to become an important part of the national energy policy. PEDLs have been awarded in Scotland and there are PEDL licences covering the LDP area. Notwithstanding the current moratorium the LDP needs to plan positively for the operations envisaged in the knowledge that the planning system provides strong controls on development at each stage of the process.

There needs also to be recognition that onshore hydrocarbons are different from other forms of minerals extraction. Therefore, this objection seeks to delete reference to onshore oil and gas from policy MRW3 and to have a single revised policy MRW5 to cover onshore hydrocarbons. We set out our proposed revised policy and supporting text at the end of this representation.

Background

The LDP requires a policy to cover all the hydrocarbons that are potentially found in the area licenced by the Department of Energy & Climate Change (DECC) under the Petroleum Exploration & Licence (PEDL) regime and could be extracted over the plan period.

Onshore hydrocarbons are important because they are a potential long-term source of indigenous natural gas. These untapped energy resources have the potential to meet the UK's need for a secure and diverse energy supply. The LDP needs to recognise that there are a range of sources of this resource and policy should cover all onshore hydrocarbons, and recognise that the planning and other regulatory processes provide sufficient safeguards to enable the LDP to contain a positive statement of support, in line with the support given in SPP.

Therefore, the LDP should address the full range of onshore hydrocarbon extraction including:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Onshore hydrocarbon exploration and development is incremental in nature with a phased approach to exploration, appraisal and production. The initial exploration phases, if successful, determine the strategy for the development of the PEDL area. With CBM, testing the ability of a coal seam to produce commercial volumes of gas cannot be achieved with the use of one borehole. Typically a number of boreholes will be drilled across a known isolated slab of coal within a Licence Area. These wells will then be pumped as a collective to have a uniform drainage effect on the coal. Commercial production will be determined by the volume of gas being produced when the volume of water that is being produced has reached a plateau. If the initial Pilot Test is successful additional wells are added to the initial appraisal cluster in order to scale up the production and commerciality of an area. Each well bore is expected to have a useful production life of up to 25 years.

Shale gas also requires a number of boreholes across the Licence area. These boreholes will be tested and, if commercial production is determined to be achievable, additional wells may be added to the initial cluster. Each shale wellbore is expected to have a useful production life of up to 25 years.

Similar principles apply to exploration of the other onshore hydrocarbon resources identified above. In every case there is strong regulation outside the planning process. Planning provides significant controls to monitor the land use implications. Having regard to these safeguards there is no reason for the LDP not to contain a positive statement of support through policy and its supporting text.

Support within the emerging LDP and future associated documents is therefore essential to enable long term onshore hydrocarbon development strategy to realise these nationally valuable resources.

Basis of Representation

The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies.

Within the Command Paper, The Energy Challenge the UK Government welcomes proposals to increase the flexibility in the UK onshore hydrocarbon market through sustainable practices but without being too prescriptive.

SPP Revised 2014 paragraphs 240 deals with onshore hydrocarbon exploration and states:

"For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- *Identify licence areas;*
- *Encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. the number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations*
- *Confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations*
- *Ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road*
- *Provide a consistent approach to extraction where licences extend across local authority boundaries."*

Whilst there is currently a moratorium on exploration and development there has been no change to national policy. It is important that an energy policy framework is set within the LDP to recognise oil, CBM, shale gas and other forms of onshore oil and gas (as listed above) as a source of national energy production and the national, strategic and spatial implications of their proposed use as part of the range of energy resources.

The area covered by the LDP contains potentially significant reserves of unworked coal along with other hydrocarbon resources that can make a positive contribution to the nation's energy supply and sustainable economic development of the area by embracing new energy technologies, including CBM and shale gas. It is therefore important that the LDP recognises the guidance contained in SPP and the importance of unworked coal seams and oil and shale reservoirs establishing a vision for the area for the next 10 – 15 years.

Suggested Amendments

There should be a specific policy dealing with onshore hydrocarbons, with associated supporting text. This is a complex matter that will raise land use issues during the LDP period and requires specific consideration.

The LDP should not amend the application led approach to impact. The LDP will contain a range of policies to regulate development and assess impact and the document should be read as a whole. In a plan led system applications are determined in accordance with the development plan unless material considerations indicate otherwise. This gives the LDP significant control over development. It is a long established principle that all applications are determined on their merits having regard to the issues raised by each individual proposal and are judged accordingly against the relevant planning policies. Therefore, the issues and impacts should be identified in pre-application discussions with the applicant rather than scrutinising an application against a generic set of criteria that may not be relevant.

The proposals map should promote such opportunities and should be extended to safeguard PEDL areas.

Onshore hydrocarbons are a land use issue that will require specific consideration during the LDP period and is sufficiently complex to require a policy and supporting justification. We have set out above the case for a policy, supporting text, PEDL safeguarding and insert into the glossary to deal with this matter.

We set out below draft supporting text and revised policy MRW5 that we would like to see incorporated into the Local Development Plan. Reference to onshore oil and gas should be deleted from policy MRW3.

Supporting text - Onshore Hydrocarbons

The Department of Energy and Climate Change has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Council's area.

Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart.

Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

Policy MRW5 – Onshore Hydrocarbons

Proposals for the extraction of onshore hydrocarbons – coal bed methane, shale gas and other forms of onshore oil and gas exploration are in the national interest and will be favourably considered in the Safeguarded Areas indicated on the proposals map.

Applications for individual wells or groups of wells as part of the process of exploration and production for onshore unconventional hydrocarbon exploration, the associated interconnecting pipelines and other essential processing or distribution infrastructure to serve more than one development area will be permitted provided significant adverse environmental impacts do not arise.

Applications should be presented with sufficient information to adequately assess the environmental implications of the proposals including field development plans, where possible. Cumulative environmental impacts should be considered and assessed if necessary. Impacts on Natura 2000 sites or European Protected Species will be considered in accord with existing Policies.

Conditions and agreements should be attached to planning permissions to ensure the exploration and production operations have an acceptable impact on the local environment or residents. Permissions for wells will be conditioned for the life of the well.

Insert into the Glossary

Onshore oil and gas extraction includes the following type of development:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.