

**Strategic Environmental Assessment: Screening Report and Determination
West Lothian Local Development Plan – DPEA Modifications**

03 April 2018

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1) Record of Determination and Publicity Requirements

Title of Plan, Programme or Strategy:

West Lothian Local Development Plan – DPEA Modifications to Proposed Plan

Responsible Authority:

West Lothian Council

Record of Determination

In accordance with section 9(1) of the 2005 Act, West Lothian Council submitted to the Consultation Authorities a screening report summarising its views as to whether the West Lothian Local Development Plan – DPEA Modifications to Proposed Plan will have significant environmental effects.

In formally determining whether a SEA is required, the council has taken into account the views of the three Consultation Authorities issued through SEA Gateway on 14 March 2018.

The responses provided by the Consultation Authorities, while concerned about one specific site and flood risk on three other minor sites, are otherwise in agreement with West Lothian Council's findings that, overall, a Strategic Environmental Assessment would not be required for the DPEA recommendations imposed on West Lothian Council in relation to the LDP Proposed Plan.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	Yes – for one site: H-LL 13
Scottish Environment Protection Agency	Yes – 3 minor sites
Scottish Natural Heritage	No
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	Yes

Formal Determination	Statement of Reason
<p>3 April 2018</p>	<p>West Lothian Council's reasoning for a determination that there are no overall likelihood of significant environmental effects is as follows:</p> <p>When assessing the five additional sites recommended for inclusion in the West Lothian Local Development Plan - Proposed Plan for housing development by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA) Reporters appointed to carry out an Examination of the Plan, Historic Environment Scotland found that <u>overall</u> only one of the sites, H-LL 13 Kettlestoun Mains in Linlithgow, has the potential for significant potential environmental effects.</p> <p>HES has advised that the potential for significant environmental effects arising from development of the site are in relation to the proximity of the proposed site within the wider area identified as part of the Inventory of Historic Battlefields - Scotland which covers the Battle of Linlithgow Bridge in 1526. As indicated in the Screening Report prepared by the council, the Kettlestoun Mains site is partially a former used quarry and as the DPEA Reporters pointed out, the location of battlefield, along with landscape setting and proximity to the River Avon and Local Biodiversity Site associated with the river, are matters that can be addressed through the Development Management process.</p> <p>The area of the Battle of Linlithgow Bridge is known to be wide ranging and disputed in some aspects as to where certain events in the battle occurred. This was an issue when the Inventory of Historic Battlefields was drawn up and a boundary for the battlefield was under consideration.</p> <p>It remains the council's view that through the Development Management process, as indicated by the DPEA Reporters, the issue of the impact of any development at site H-LL 13 Kettlestoun Mains, can be addressed and mitigated through the siting and location of built development or open space within the site as well as planning conditions relating to archaeological site survey and excavation of certain areas of interest should that be required prior to development. Any subsequent post excavation reports, as well as a watching brief on construction trenches, again through planning conditions imposed on any planning permission, would be funded by developers along with any subsequent interpretation that may be suitable on conclusion of archaeological investigations into the battlefield site.</p> <p>The council has a Service Level Agreement with the West of Scotland Archaeological Service who would be involved in giving pre-application advice to developers on archaeological issues related to any proposed development on the Kettlestoun Mains site, as well as during the development and post-development phases. LDP Proposed Plan policies ENV31: Historic Battlefields: Battle of Linlithgow Bridge (1526)" and ENV32: "Archaeology" refers.</p>

Overall, the five additional development sites, recommended by the DPEA Reporters for inclusion in the West Lothian Local Development Plan - Proposed Plan, need to be seen in the context of over 440 allocated sites within the Proposed Plan.

While SNH has no issues to raise with regard to the sites causing significant environmental effects, SEPA merely raise the point that of the five sites, only two; site E-LV 44 Deer Park, Livingston and site H-LV 32 Eucal Business Centre, Livingston may have significant environmental impacts in relation to flood risk. Site E-LV 44 Deer Park presents a very minor extension to tidy up the site boundary to the existing Deer Park employment site which is an allocated development site in the adopted West Lothian Local Plan (2009) and has been carried forward into the West Lothian Local Development Plan – Proposed Plan, while Site H-LV 32 Eucal Business Centre, Livingston presents a conversion of an existing small business centre complex in the centre of Craigshill, Livingston.

Planning permission for the conversion of buildings at site H-LV 32 Eucal Business Centre to housing development, had previously been granted by the council although this planning permission has since lapsed. The site was allocated for housing in the adopted West Lothian Local Plan (2009), before being de-allocated in the West Lothian Local Development Plan – Proposed Plan due to partial occupancy of the building as business units. However, new site owners pursued re-use for housing and the DPEA Reporters have accepted housing use on the site.

With regard to site E-LV 44 Deer Park, the council has no authority to make modifications to the West Lothian Local Development Plan to include reference to the requirement for a Flood Risk Assessment to be prepared for the site post modifications. This can, however be addressed under Policy EMG 2 of the West Lothian Local Development Plan and at the planning application stage through the Development Management process and the design and layout of proposed development. It has been explicitly discussed and agreed with Development Management colleagues that such procedures will be observed.

Similarly, SEPA suggest a Flood Risk Assessment for site H-WC 6, Hartwood Road West, West Calder.

In addition to consulting the above bodies, the council has also taken into account the criteria set out in Schedule 2 of the Environmental Assessment (Scotland) Act 2005 in determining whether or not the modifications proposed by the DPEA to the West Lothian Local Development Plan – Proposed Plan are likely to have significant environmental effects. The council has concluded that environmental effects can be addressed and mitigated through the Development Management process.

	<p>Finally, it will be noted that the West Lothian Local Development Plan – Proposed Plan has already been subject of a full Strategic Environmental Assessment at an earlier stage in the LDP process.</p> <p>Thus, West Lothian Council, following consideration of the DPEA Reporters’ recommendations arising from Examination of the West Lothian Local Development Plan – Proposed Plan and modifications arising, has made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan – Proposed Plan are unlikely, overall, to have any major significant negative environmental effects and therefore a further SEA is not required.</p>
<p>West Lothian Local Development Plan – DPEA Modifications to Proposed Plan shall not be subjected to a Strategic Environmental Assessment.</p>	

Publicity requirements for the determination

In accordance with section 10(1) of the Environmental Assessment (Scotland) Act 2005 , within 28 days of the determination having been made, the Council will send a copy of the formal determination and related statement of reasons (prepared in accordance with section 8(2) (b)) to the Scottish Government SEA Gateway and the three Consultation Authorities.

In accordance with section 10(2) of the 2005 Act, within 14 days of the determination having been made, a copy of the determination, along with the Screening Report, shall be provided for inspection by the public at West Lothian Council’s principle office at Civic Centre, Howden South Road, Livingston, EH54 6FF or on request from wldp@westlothian.gov.uk.

The determination shall also be advertised in the West Lothian Courier and Linlithgow Journal & Gazette newspapers to notify the public and will be available to view at www.westlothian.gov.uk from 5 April 2018.

Signature:

Craig McCorriston,
 Head of Planning, Economic Development &
 Regeneration

as delegated by West Lothian Council Executive at its meeting on 22nd March 2018.

Date: 3 April 2018

Cover Note

Part 1
To SEA Gateway, Scottish Government, Area 1H (Bridge), Victoria Quay, Edinburgh. EH6 QQ.
Part 2
An SEA Screening Report is attached for the Plan, entitled: West Lothian Local Development Plan – DPEA Modifications to Proposed Plan
The Responsible Authority is: West Lothian Council
Complete parts 3,4 or 5
Part 3
Please tick the appropriate box <input type="checkbox"/> an SEA is required because the PPS falls under the scope of Section 5 (3) of the Act and is likely to have significant environmental effects or <input type="checkbox"/> an SEA is required because the PPS falls under the scope of Section 5(4) of the Act and is likely to have significant environmental effects or <input checked="" type="checkbox"/> an SEA is not required because the PPS is unlikely to have significant environmental effects
Part 4
The PPS does not require an SEA under the Act. However we wish to carry out an SEA on a voluntary basis. We accept that because the SEA is voluntary the Statutory 28 days timescale for views from the Consultation Authorities cannot be guaranteed.
Part 5
None of the above apply <input type="checkbox"/> We have prepared this screening report because:
Part 6
Contact Name: Chris Alcorn Job Title: Principal Planner

Contact Address: **c/o Civic Centre, Howden South, Livingston. EH54 6FF.**

Contact Phone: 01506-282428

Contact email: chris.alcorn@westlothian.gov.uk

Part 7

**Chris Alcorn
Principal Planning Officer**

Date: 3 April 2018

2) SEA Screening Report

West Lothian Council has undertaken screening for the West Lothian Local Development Plan – DPEA Modifications with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005. The Screening Report has been submitted to the Scottish Government SEA Gateway, setting out the views of West Lothian Council on the likelihood of the significant environmental effects for the West Lothian Local Development Plan – DPEA Modifications and the potential for requiring an SEA.

Key Facts:

Responsible Authority:

West Lothian Council

Title of Plan:

West Lothian Local Development Plan – DPEA Modifications

Purpose of Plan:

The West Lothian Local Development Plan will set out the strategic land use planning allocations for the 5 year period of the plan

What promoted the Plan:

Requirement under Planning etc Scotland Act (2006)

Plan Subject:

Strategic spatial land use strategy across West Lothian

Period covered by the Plan:

The Plan will cover the 10 year period from 2014 until 2024

Frequency of update:

Likely for early Review - potentially in 2019

Area Covered by the Plan:

The plan covers the whole geographical area of West Lothian

Summary of nature/content of the plan

A Local Development Plans (LDP) is prepared by the local planning authority, in this case West Lothian Council. It sets out a local interpretation of the requirements of national and strategic policy. In particular it must conform to the approved Strategic Development Plan (SDP) which has been prepared by the strategic planning authority (SESplan) and its purpose is to implement requirements on a more detailed site-specific basis than exists within the SDP.

The Plan comprises a written statement detailing a spatial strategy, including policies and proposals together with a Proposals Map.

LDP's are intended to provide the vision and strategy for how communities will grow and develop in the future and also to provide certainty for communities and prospective investors about where development should take place and where it should not. LDP's also identify the supporting infrastructure required for growth and set out detailed policies and proposals which are the basis for decision making on future planning applications

Date: 3 April 2018

Consideration of the likely significant environmental effects

West Lothian Council's determinations of the likely significance of the effects of the West Lothian Local Development Plan – DPEA Modifications on the environment of West Lothian are set out below. The screening was undertaken with references to the criteria in Schedule 2 of the 2005 Act.

Title of plan/programme/strategy		
West Lothian Local Development Plan – DPEA Modifications		
Responsible Authority		
West Lothian Council		
Criteria for determining the likely significance of effects on the environment (para numbers refer to Schedule 2 of the Act)	Likely to have significant environmental effects? (Yes / No)	Summary of significant environmental effects (positive and negative)
The characteristics of plans and programme		
1(a): The degree to which the Plan sets a framework for the projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	Minor Negative effects: The DPEA Modifications are minor and are addressed in the above determination statement.
1(b): The degree to which the Plan influences other PPS including those in the hierarchy	No	Minor Positive effect: The Local Development Plan is the overarching plan that has already undergone SEA.
1(c): The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	Minor Positive effect: Sustainable development is reflected in the strategy and vision statement of the Local Development Plan. This will contribute to the continued promotion of healthy environments and

		sustainable development across West Lothian.
1(d): Environmental problems relevant to the plan	No	The Local Development Plan has regard to environmental issues across West Lothian and has specific policies designed to protect and safeguard various environmental assets.
1(e): The relevance of the Plan for the implementation of community legislation on the environment (for example PPS linked to waste management or water protection)	No	None identified.
Characteristics of the effects and the area likely to be effected		
2(a): The probability, duration frequency and reversibility of the effects	No	Minor positive effects: Medium and long term effects are anticipated from the implementation of the LDP.
2(b): The cumulative nature of the effects	No	Minor positive effects: Implementation of the LDP will have an overall positive cumulative effect across West Lothian, especially in terms of developing and promoting the benefits of sustainable communities and a healthy environment.
2(c): Trans-boundary nature of the effects (i.e. environmental effects on other EU Members States	No	The LDP is unlikely to have significant environmental impact outwith West Lothian.
2(d): The risks to human health or the environment (for example due to accidents)	No	The overall vision of the LDP is to improve the quality of development and life through the provision of appropriate sustainable sites and services.
2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)	No	Covers West Lothian administrative authority.
2(f): The Value and vulnerability of the area likely to be affected due to: (i) Special natural characteristics or cultural heritage (ii) Exceeded environmental	No	Minor Negative effects: The detailed issue relating to the Kettlestoun Mains site at west Linlithgow and potential archaeological remains related to the battle of Linlithgow Bridge has been address in the determination

<p>quality standards or limit values;</p> <p>or</p> <p>(iii) Intensive land use</p>		statement above.
<p>2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	No	<p>Positive effects: There are policies with the LDP safeguarding and protection Specials Landscape Areas e.g. ENV 1 ENV 6, ENV17 – 19.</p>

Summary of environmental effects

The West Lothian Local Development Plan has already undergone an extensive SEA examining its policies, proposals and land use allocations. They strengthen West Lothian Council’s commitment to sustainability and sustainable development.

The Council considers it **unlikely** that the relatively minor changes proposed by the DPEA Reporters in their Modifications to the LDP will raise major significant environmental effects that cannot be addressed through the Development Management process and as advocated by the DPEA reporters. Should potential additional effects be identified through the design process, appropriate mitigation or enhancement measures can be applied via planning conditions on any planning permissions released by the council.

Appendices

Appendix 1 - Screening Report: West Lothian Local Development Plan – DPEA Modifications to Proposed Plan

Appendix 2 - Maps of 5 change sites related to DPEA Modifications

Appendix 3 - Consultation Authorities replies to Screening Report (14 March 2018).