

# West Lothian Local Development Plan Main Issues Questionnaire

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The council has commenced preparation of its first *Local Development Plan* (LDP). The LDP will replace the *West Lothian Local Plan* and will set out a local interpretation of the requirements of the *Strategic Development Plan* (SESplan) and national guidance. The LDP is a land use plan that identifies site specific development opportunities, sets out the council's key development priorities and provides the policy context for the consideration of applications for planning permission.

The current *West Lothian Local Plan* was adopted by the council in January 2009 is available to view on the council's website at <http://www.westlothian.gov.uk/WLLP>

The *Main Issues Report* (MIR) for the West Lothian LDP is the first key stage in the preparation of the LDP and we are seeking your views on this. All documentation for the MIR can be viewed at <http://www.westlothian.gov.uk/MIR>

Full details on the timetable and stages for preparing the LDP are set out in the Development Plan Scheme 6 which is also available online: <http://www.westlothian.gov.uk/article/2725/Development-Plan-Scheme>

A questionnaire to accompany the MIR is set out below and we would be happy if you would complete and return to us.

There are 98 questions that accompany the *Main Issues Report*. You do not have to respond to all of the questions set out only those which you feel are of particular relevance to you. Completed questionnaires should be returned to us by e-mail to [wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk) by no later than **5pm on Friday, 17 October 2014**.

Alternatively, please download a copy of the form and send it to us at: Development Planning, West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ (postal address only).

You can keep up to date on the LDP by subscribing to our LDP e-newsletter. If you have not already subscribed, you can do so by going to the following link and following the relevant instructions:

<https://newsletters.westlothian.gov.uk/eNewsletterPro/optin/optinealert.htm>

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Please note that any comments you make will be open to public scrutiny, but we will keep your contact details private and confidential and will only use your name or business name.

## By filling in this questionnaire you are helping to shape the future of West Lothian

It would also be helpful if you would complete the *Equal Opportunities Questionnaire*, set out at the end of this document.

### **Local Development Plan Vision Statement**

*By 2024 West Lothian's population will have grown and an improved employment position within a more diversified local economy will have been established. It will be better connected by road and public transport and will have a greater choice of housing and an appropriate range of education, community, health, retail, recreation and leisure facilities and a network of green spaces to meet the needs of its growing population. Development will take place in a sustainable way that protects and improves the area's built and natural heritage assets, meets the challenges of climate change and renewable energy and helps regenerate deprived areas and improves the quality of life for people living in West Lothian.*

#### **Question 1**

Do you agree with the *vision for the LDP*, or, are there other aspects that should be considered?

  

#### **Question 2**

Do you have an alternative vision, and if so, what is it?

#### **Question 3**

Do you agree with the proposed 'Aims' of the LDP? If not, why not?

#### **Question 4**

Do you have an alternatives, and if so, what are they?

**Main Issue 1: Economic Development and Growth (paragraphs 3.1 - 3.31)**

Which areas of West Lothian would be best to direct new economic development towards?

How can the LDP support the council's *Economic Strategy* and facilitate the creation of jobs?

**Preferred approach**

The council's *preferred approach* to employment land is to review the range of uses which could be accommodated on employment land with a view to accommodating a more flexible approach. This flexible approach will involve removing the single user status of two large sites (Linhouse and Eliburn in Livingston), and allowing a wider range of uses on currently allocated employment sites at locations to be identified in the LDP. Such an approach, for example, would apply to certain traditional employment allocations and industrial estates such as East Mains Industrial Estate, Broxburn and Deans & Houstoun Industrial Estates, Livingston and at Whitehill and Whiteside Industrial Estates, Bathgate and Murraysgate, Whitburn reflecting the broad range of uses which already exist at these locations and to allow for other employment/commercial orientated uses to be accommodated e.g. car showrooms, trade centre outlets and certain leisure uses.

The LDP will continue to support development of existing employment allocations, including sites within the core development areas, and support the servicing of employment allocations to assist in attracting inward investment. New employment land allocations will also be identified to supplement and in some cases complement the existing supply, including a new strategic employment site at Balgornie adjacent to the recently opened Junction 4a on the M8 at Whitburn.

In addition, the LDP will seek to encourage small business development by promoting small workshop developments within communities and home working in appropriate locations. In a limited number of cases, existing employment land is identified as being suitable for potential residential development.

The council's preferred use of the former Vion plant in Broxburn is to allocate the site for housing.

The preferred approach would also include meeting the requirements of the SDP in full.

**Alternative approach**

**Question 5**

Do you agree with the 'Preferred' approach to employment land which would introduce an opportunity for a broader range of land use to be supported within existing employment land allocations and industrial estates?

If not, why not?

**Question 6**

Do you agree with the 'Alternative' approach to employment land?

**Question 7**

Do you have any other alternative approaches? What are they and how would you make them work?

**Question 8**

Has the council identified enough employment land in West Lothian to meet requirements and are the larger employment sites in the right locations?

**Question 9**

Do you agree that the single user employment site at Linhouse, Livingston (ELv54) should be sub-divided for employment and mixed uses, including residential use of up to 250 houses?

If not, why not?

**Question 10**

Do you agree that the former strategic employment allocation at Eliburn, Livingston (ELv25) should continue to be promoted for employment uses but not as a single user site?

If not, why not?

**Question 11**

Do you agree that a site at Balgornie Farm, north of Whitburn, should be allocated for strategic employment land purposes?

If not, why not?

What other locations would you suggest?

## Main Issue 2: **Community Regeneration** (paragraphs 3.31 - 3.34)

Where should the focus for community regeneration in West Lothian be and what should this seek to deliver?  
How can the LDP incentivise development to take place within regeneration areas?  
How can the LDP support the council's Regeneration Plan?

### **Preferred approach**

The council's preferred approach to community regeneration is to focus regeneration initiatives on areas identified in the Scottish Index of Multiple Deprivation 2012. This principally includes the smaller settlements in the west of West Lothian identified as Armadale, Blackburn, Blackridge, Fauldhouse, Stoneyburn and Whitburn. Other areas include Bathgate and Boghall and settlements within the Breich Valley where headline levels of disadvantage including unemployment, financial exclusion, poor health and lower education attainment have been identified.

These communities are often characterised by a range of factors which can include high levels of unemployment, low income, lower levels of education attainment, and access to services. To create more balanced communities, address issues of multiple deprivation and to attract private sector investment it is proposed to seek to identify initiatives to generate more investment in these communities.

### **Alternative approach**

#### **Question 12**

Do you agree with the 'Preferred' approach to community regeneration in West Lothian?

If not, why not?

  

#### **Question 13**

Do you agree with the 'Alternative' approach to community regeneration in West Lothian?

If not, why not?

  

#### **Question 14**

Do you have any other alternative approaches?

What are they and how would you make them work?

### Main Issue 3: **Housing Growth, Delivery and Sustainable Housing Locations** (paragraphs 3.35 - 3.63)

How much new housing is required in West Lothian?

Where should new housing development take place, and where should it not be encouraged?

How can the risks associated with the existing development strategy as set out in the *West Lothian Local Plan* be reduced?

How can the rate of house building in West Lothian be increased to ensure that the required five year effective housing land supply is achieved and that the assessed housing need and demand is met in full over the plan period?

#### **Preferred Strategy**

The council's preferred strategy is scenario 3 to provide for more housing than the minimum required by the supplementary guidance required to support the SDP and the LDP should allocate housing land for an additional 3,500 houses above existing committed development. This would result in a level of development beyond requirements set out in the housing supplementary guidance to support the SDP. However, this scenario is only preferred if the council can be satisfied that the infrastructure required to support this scale of development can be delivered in full and also in recognition that it is not anticipated that this increased allowance will be delivered by 2024 but is there to allow for the delivery of development into the period 2024-2032.

This recognises that the strategy in the existing adopted local plan is reliant to some extent on a limited number of large, complex sites with high infrastructure costs being brought forward. It is now considered that a range of smaller housing sites, in various locations across West Lothian, is needed in order to provide for greater choice and effectiveness of sites, introduce local flexibility for the LDP and to ensure that a generous housing land supply is available, providing as a minimum, an effective five year housing land supply at all times, as required by SPP.

There is also a need to sustain the momentum built up in some of the existing large housing growth areas and make sure that these developments are viable going forward. Modest additional allocations in some of these areas will provide a degree of future proofing of the plan and help meet part of the need and demand for housing beyond the end of the plan period. Much of the existing housing land supply in core development areas and elsewhere will not be built out within the plan period and allocating additional housing sites in these areas through the LDP will help to maintain investor confidence and inform investment planning.

The allocation required by the draft supplementary guidance prepared by SESplan of 2,130 new houses beyond existing allocations of 22,847 units provides for a total of 24,977 units over the period 2012-2024.

By contrast, the preferred strategy proposes 26,347 houses which provides 3,500 houses above the base supply houses which is an increase of around 15% above the base supply.

This scale of housing allocation will reduce the risk of the LDP development strategy not being successful and is justified on the basis of:

- the need to maintain a five year supply of effective housing land at all times as required by Scottish Government planning policy;
- the need to ensure that there is a generous supply of housing land to accommodate the needs and demands of those seeking a house in West Lothian;
- the need to maintain West Lothian's attractiveness as an area which provides a range and choice of housing sites for those wishing to invest;
- linking the council's Economic Strategy to that of the housing market by providing a range and choice of house types suitable to indigenous and inward investors and the construction industry;
- providing for future affordable housing build programmes;
- continuing to redevelop appropriate brownfield sites;
- allowing the WLLP core development allocations and the strategic allocation at Heartlands, Whitburn to deliver over the long term whilst achieving the five year effective supply through the allocation of predominantly small to medium sized sites where requirements for infrastructure to assist delivery are less onerous on developers;
- allocating above 3,500 will generate the need for a 4th new secondary school which will be expensive to deliver in addition to existing infrastructure commitments;
- replacing allocations in the adopted *West Lothian Local Plan* which may no longer be supported by the site owners or due to reasons of development viability; and
- recognising that as the LDP progresses some housing sites may be delayed or may no longer come forward for a variety of reasons including unexpected development viability.

The preferred strategy is based around an aspiration for growth aimed at delivering sustainable economic prosperity and quality of life for communities in West Lothian and in particular building on the existing significant core development area allocations and strategic sites and will provide a broader range of housing sites.

*Alternative Strategy 1*

*Alternative Strategy 2*

**Question 15**

Do you agree with the 'Preferred' strategy for housing growth in West Lothian?  
If not, why not?



**Question 16**

Do you agree with 'Alternative Strategy 1' for housing growth in West Lothian?

If so, why?

**Question 17**

Do you agree with 'Alternative Strategy 2' for housing growth in West Lothian? If so, why?

**Question 18**

Do you have another alternative strategy?

What is it and how would you make it work?

**Question 19**

How can the council maintain an effective five year housing land supply given the current economic climate?

Preferred and alternative options for housing sites, including potential de-allocations from the *West Lothian Local Plan* (paragraphs 3.64 – 3.73)

### Preferred Option

The council's preferred option is that some housing sites allocated in the adopted *West Lothian Local Plan* and identified in Housing Land Audit 2012 are not included in the LDP. Details of sites are set out in the Settlement Statements accompanying the MIR.

### Alternative Option

#### Question 20

Do you agree with the 'Preferred' option for the removal of existing housing allocations from the development plan?  
If not, why not?

  

#### Question 21

Do you agree with the 'Alternative' option' for the removal of existing housing allocations from the development plan?  
If not, why not?

  

#### Question 22

Do you have any other alternative options?  
What are they and how would you make them work?

The Core Development Areas (*paragraphs 3.74 - 3.76*)

**Preferred Approach to the Core Development Areas**

The council's 'Preferred' approach to the core development areas is to continue to support their delivery and allow for further longer term allocations at Winchburgh.

**Alternative Approach to the Core Development Areas**

**Question 23**

Do you agree with the 'Preferred' approach to the core development areas?  
If not, why not?

**Question 24**

Do you agree with the 'Alternative' approach to the core development areas?  
If not, why not?

**Question 25**

Do you have any other alternative options?  
What are they and how would you make them work?

**Preferred Approach to Heartlands, Whitburn**

The council's 'Preferred' approach to Heartlands, Whitburn is to look favourably on proposals for additional housing within the existing housing allocation, subject to infrastructure constraints being resolved.

**Alternative Approach**

**Question 26**

Do you agree with the 'Preferred' approach to Heartlands, Whitburn?

If not, why not?

**Question 27**

Do you agree with the 'Alternative' approach to Heartlands?

If not, why not?

**Question 28**

Do you have any other alternative options?

What are they and how would you make them work?

**Preferred approach**

The council's 'Preferred' approach to Linlithgow is that the "area of restraint" be re-considered to allow for greenfield release of housing, employment and potential tourist related development. Should the area of restraint be removed, any development would be dependent upon the delivery of a new secondary school at Winchburgh and therefore would be focussed principally in latter plan period. Any land release would follow a sequential approach as set out in paragraph 3.93

**Alternative approach**

**Question 29**

Should the definition of Linlithgow as an 'area of restraint' be removed, and if so, how should the town be developed in the future?

Should a sequential approach be applied to the release of land in and around Linlithgow to accommodate any new development?

**Question 30**

What alternatives are available in order to meet demand for housing (including affordable housing) and employment land opportunities in Linlithgow?

**Question 31**

Should land continue to be safeguarded for west facing slip roads on the M9 at Junction 3, Linlithgow? If so, should new development be promoted in Linlithgow to ensure that funding for these can be secured?

**Preferred approach**

The council's 'Preferred' approach to the Deans South estate, Livingston, is that the area be identified for comprehensive redevelopment for approximately 300 new houses.

**Alternative approach**

**Question 32**

Do you agree with the 'Preferred' approach for addressing the Deans South estate?

If not, why not?

**Question 33**

Do you agree with the 'Alternative' approach for addressing the Deans South estate?

If not, why not?

**Question 34**

Do you have any other alternative approaches?

What are these and how would you make it work?

Affordable housing (paragraphs 3.101 – 3.107)

**Preferred approach**

The council's 'Preferred' approach to affordable housing is to review the terms of the current affordable housing policy and set this out in supplementary guidance.

**Alternative approach**

**Question 35**

Do you agree with the 'Preferred' approach to affordable housing? If not, why not?

          

**Question 36**

Do you agree with the 'Alternative' approach to affordable housing? If not, why not?

          

**Question 37**

Do you have any other alternative approaches? What are they and how would you make them work?

## Main Issue 4: Infrastructure Requirements and Delivery

How can we ensure that new development in West Lothian makes best use of existing infrastructure?

How can we make sure that the cost of providing new infrastructure needed to support new development does not fall unduly on the tax payer?

How can we ensure that developer contribution costs are affordable and do not make the development of sites unviable?

### Preferred approach

The council's 'Preferred' approach to infrastructure provision, in particular education provision, is to promote additional growth which can for the most part utilise existing infrastructure capacity, and minimise additional significant new infrastructure requirements over and above existing planned upgrades and requirements. Developer contributions will continue to be sought, the basis for which will be set out in a combination of generic and specific supplementary guidance. The council's preferred approach to infrastructure delivery is supported by Policy 9 of the SDP. The preferred approach is also to further develop funding mechanisms and supplementary guidance to assist in delivery.

### Alternative approach

#### Question 38

Do you agree with the 'Preferred' approach to infrastructure provision? If not, why not?

  

#### Question 39

Do you agree with the 'Alternative' approach to infrastructure provision?  
If not, why not?



**Question 40**

Do you have any other alternative approaches?  
What are they and how would you make them work?

  **Question 41**

How can the level of infrastructure required to support the scale of development proposed be delivered?

**Preferred approach**

The council's 'Preferred' approach to promoting access to/from/within West Lothian is to address outstanding constraints in the strategic and local road network which are essential to accommodate community growth and in particular economic and housing growth and tackle existing traffic issues whilst promoting sustainable transport measures on an incremental basis in conjunction with new development, and as resources allow. Within this, the preferred approach is to promote development on or very near to existing public transport facilities or where there is potential for new facilities. This approach will help to sustain and improve services which in turn will become more attractive alternatives to the private car.

**Alternative approach****Question 42**

Do you agree with the 'Preferred' approach to promoting access to/from/within West Lothian?  
If not, why not?

#### Question 43

Do you agree that the council should continue to work towards the provision of a new rail station at Winchburgh?  
If not, why not?

  

#### Question 44

Do you have any other alternative approaches?  
What are they and how would you make them work?

  

#### Main Issue 5: **Town Centres and Retailing** (paragraphs 3.160 – 3.171)

What do we need to do to promote and sustain our traditional town centres in West Lothian and consolidate the sub-regional centre at Almondvale, Livingston?

#### **Preferred approach**

The council's 'Preferred' approach to town centre retail provision in West Lothian is to:

- sustain and improve town centres by applying the sequential approach to proposals for retail and leisure development;
- reduce leakage from some areas in accordance with the council's Retail Capacity Study;
- facilitate the creation of a new town centre in Winchburgh;
- safeguard existing and promote new local neighbourhood centres: and
- bring about village and town centre improvements by highlighting development opportunities, supporting the development of brownfield sites, implementing improvements through the capital plan and, where appropriate, securing developer contributions.

The preferred approach includes removing retail policy restrictions currently in place in Bathgate and Linlithgow town centres to allow for a broader range of uses which will support the take up of empty units. In addition, initiatives to support and promote development above shops will be encouraged, subject to availability of infrastructure and to the operation of existing business premises not being unduly prejudiced.

### Alternative approach

- sustain and improve town centres by applying the sequential approach to proposals for retail and leisure development;
- reduce leakage from some areas in accordance with the council's Retail Capacity Study;
- facilitate the creation of a new town centre in Winchburgh;
- safeguard existing and promote new local neighbourhood centres; and
- bring about village and town centre improvements by highlighting development opportunities, supporting the development of brownfield sites, implementing improvements through the capital plan and, where appropriate, securing developer contributions.

This approach excludes removing current retail policy restrictions in place in Bathgate and Linlithgow town centres.

#### Question 45

Do you agree that the 'Preferred' approach to town centres and retail provision in West Lothian is appropriate?

If not, why not?

  

#### Question 46

Do you agree with the 'Alternative' approach to town centres and retail provision in West Lothian?

If not, why not?

  

#### Question 47

Do you have an alternative approach?

What is it and how would you make it work?

**Preferred approach**

The council's 'Preferred' approach to the West Lothian natural environment is to direct development to appropriate brownfield sites within settlements in the first instance but also to bring forward the release of greenfield sites in sustainable locations where there are no alternatives in order to meet strategic requirements. When considering greenfield release the council will have regard to the LLDR and other relevant factors, particularly sustainability but also issues of townscape and settlement coalescence. This may allow for some release of new development sites on the edge of settlements, thereby maximising use of existing infrastructure, whilst protecting visual amenity and the biodiversity value of the countryside and preventing coalescence of settlements.

In some instances it may be necessary to extend countryside and landscape designations to protect the purposes for which the land was designated be it landscape value, landscape character and landscape enhancement, buffers to coalescence of settlements, protection of prime quality agricultural land and historic gardens and designed landscapes in West Lothian.

**Alternative approach**

**Question 48**

Do you agree with the 'Preferred' approach to the natural environment in West Lothian?

If not, why not?

          

**Question 49**

Do you agree with the 'Alternative' approach to the natural environment in West Lothian?

If not, why not?

**Question 50**

Do you have an alternative approach?  
What is it and how would you make it work?

  **Preferred approach**

The council's 'Preferred' approach to landscape designations is to reduce the number of landscape designations in order to reflect the findings of the Local Landscape Designation Review and identify candidate Special Landscape Areas (cSLA). Special Landscape Areas will replace AGLVs and Areas of Special Landscape Control. This approach is in accord with best practice and guidance prepared by Scottish Natural Heritage and Scottish Government.

**Alternative approach****Question 51**

Do you agree with the 'Preferred' approach to landscape designations in West Lothian?  
If not, why not?

  **Question 52**

Do you agree with the 'Alternative' approach to landscape designations in West Lothian?  
If not, why not?

**Question 53**

Do you have an alternative approach?  
What is it and how would you make it work?

  **Preferred approach**

The council's 'Preferred' approach to housing development in the countryside is to continue to support development in appropriate circumstances for example, sensitive redevelopment of steadings; limited enabling development to secure restoration of historic buildings or structures; and replacement of houses in a habitable condition. Existing Supplementary Guidance will be updated to clarify the circumstances in which development will be permitted, and the design standards expected. The current flexibility in policies on business and tourism development in the countryside will be maintained and it is proposed to carry forward the existing policy on 'very low density rural housing in the countryside' otherwise known as 'lowland crofting' but only in the west of West Lothian.

**Alternative approach 1****Alternative approach 2****Question 54**

Is the 'Preferred' approach to housing development in the countryside appropriate?  
If not, why not?

### Question 55

Do you agree with any of the 'Alternative' approaches to housing development in the countryside?

  

### Question 56

Do you have an alternative approach?  
What is it and how would you make it work?

  

### **Preferred approach**

The council's 'Preferred' approach to business, tourism and recreational uses in the countryside is to generally continue with the current policy approach set out in existing supplementary guidance.

### **Alternative approach**

### Question 57

Do you agree with the 'Preferred' approach to business, tourism and recreational uses in the countryside?  
If not, why not?

### Question 58

Do you agree with the 'Alternative' approach to business, tourism and recreational uses in the countryside?  
If not, why not?

  

### Question 59

Do you have an alternative approach?  
What is it and how would you make it work?

  

### Preferred approach

The council's 'Preferred' approach to the green network is to define the part of CSGN in West Lothian as a network of multi-functional green corridors focussing on the existing network. This would build on the existing initiatives extending the network into the rural hinterland to connect with adjacent local authorities existing and emerging networks, and penetrating into urban areas, linking with the council's Open Space Strategy and Core Paths Plan.

### Alternative approach

### Question 60

Do you agree with the 'Preferred' approach to the green network in West Lothian?  
If not, why not?



**Question 61**

Does the proposed West Lothian wide green network capture the best strategic opportunities or are there any missing links?

**Question 62**

Do you have any suggestions for a green network across West Lothian?

**Question 63**

Do you have any suggestions for a green network across West Lothian?

**Question 64**

Do you have an alternative approach? What is it and how would you make it work?

**Question 65**

What are your views on the proposed extension to the Pentland Hills Regional Park in West Lothian?

  **Preferred approach**

The council's 'Preferred' approach to biodiversity and geodiversity sites is to review and update the existing list of locally designated sites (Wildlife Sites and Regionally Important Geological/Geomorphological Sites RIGS) and to protect and promote improvements to them through Supplementary Guidance where appropriate. Policy protection for carbon-rich soils will be reinforced.

**Alternative approach****Question 66**

Do you have any general or specific issues with the proposed list of Local Biodiversity Sites and Local Geodiversity Sites?

  **Question 67**

Do you agree with the 'Preferred' approach to Biodiversity and Geodiversity in West Lothian?  
If not, why not?

**Question 68**

Do you agree with the 'Alternative' approach to Biodiversity and Geodiversity in West Lothian?  
If not, why not?

**Question 69**

Do you have an alternative approach?  
What is it and how would you make it work?

**Question 70**

Do you have any views on what should be considered for the second Open Space Strategy for 2015/16?  
Why should these be considered?

**Preferred approach**

The council's 'Preferred' approach to the historic environment is to review the current range of policies related to the historic environment, updating where necessary to reflect changes in legislation, and to prepare supplementary guidance to protect and promote built heritage assets and to consider designating conservation areas at Abercorn village and Hopetoun Estate. In addition, conservation area appraisals of all conservation areas will be progressed where resources allow.

**Alternative approach**

**Question 71**

Is the 'Preferred' approach to the historic environment in West Lothian appropriate?  
If not, why not?

          

**Question 72**

Do you agree with the 'Alternative' approach to the Historic Environment in West Lothian?  
If not, why not?

          

**Question 73**

Do you have an alternative approach?  
What is it and how would you make it work?

**Preferred approach**

The council's 'Preferred' approach to Bangour Village Hospital site is to support at least 550 houses at the site, with the precise number of houses being agreed through detailed assessment of a master plan and other supporting information. Delivery of the site will be allied to the delivery of the infrastructure required to support the development whilst having regard to the built and natural environmental sensitivities of the site.

**Alternative approach**

**Question 74**

Is the 'Preferred' approach to Bangour Village Hospital appropriate?

If not, why not?

**Question 75**

Do you agree with the 'Alternative' approach to Bangour Village Hospital?

If not, why not?

**Question 76**

Do you have an alternative approach?

What is it and how would you make it work?

**Preferred approach**

The council's 'Preferred' approach to the former Bangour General Hospital site is to assess development proposals against development in the countryside policies in the LDP.

**Alternative approach**

**Question 77**

Is the 'Preferred' approach to Bangour General Hospital appropriate?

If not, why not?

**Question 78**

Do you agree with the 'Alternative' approach to Bangour General Hospital?

If not, why not?

**Question 79**

Do you have an alternative approach?

What is it and how would you make it work?

Archaeology and the Union Canal (paragraphs 3.210 – 3.212)

**Preferred approach**

The council's 'Preferred' approach to the Union Canal is to promote its tourism and recreational potential and to allow for sympathetic ancillary development at the most appropriate locations along its length, having regard as to how this best fits with the wider strategy being developed by Scottish Canals for the whole waterway and in consultation with other neighbouring local authorities.

The canal also has potential to be used as a means of sustainable transport, both for leisure and commercial purposes, and it is important that opportunities to enhance local use, access and bio-diversity are maximised.

Securing the long term maintenance of this important historic structure is also paramount and it is concluded that this is best achieved by ensuring that it is well used and has as diverse a range of functions as practicable.

The rural setting of the section of the Union Canal between Winchburgh and Broxburn should continue to be protected as countryside belt or as a candidate special Landscape Designation Area as identified in the draft Local Landscape Designation Review.

**Alternative approach**

**Question 80**

Is the 'Preferred' approach to the Union Canal appropriate?  
If not, why not?

          

**Question 81**

Do you agree with the 'Alternative' approach to the Union Canal?  
If not, why not?

### Question 82

Do you have an alternative approach?  
What is it and how would you make it work?

  

### Preferred approach

The council's 'Preferred' approach to public art is to continue to seek developer contributions appropriate to the scale and type of development and to review supplementary guidance.

### Alternative approach

### Question 83

Do you agree with the 'Preferred' approach to public art?  
If not, why not?

  

### Question 84

Do you agree with the 'Alternative' approach to public art?  
If not, why not?



**Question 85**

Do you have an alternative approach?  
What is it and how would you make it work?

**Main Issue 7: Climate Change and Renewable Energy (paragraphs 3.214 - 3.225)**

How can future patterns of development in West Lothian increase climate resilience and contribute towards meeting Scottish Government targets for reducing greenhouse gas emissions and increasing renewable energy?

**Preferred approach**

The council's 'Preferred' approach for renewable energy is to retain the supportive policy framework for renewable energy developments, extending it to all low carbon energy technologies and implement the terms of supplementary guidance for wind energy developments.

**Alternative approach**

**Question 86**

Do you agree with the 'Preferred' approach to renewable energy?  
If not, why not?

**Question 87**

Do you agree with the 'Alternative' approach to renewable energy?  
If not, why not?

**Question 88**

Do you have an alternative approach?  
What is it and how would you make it work?

**Preferred approach**

The council's 'Preferred' approach to flood risk is to maintain and update existing policies and supplementary guidance on flood risk, taking account of legislative requirements and emerging Scottish Government guidance, including the RBMP as appropriate.

**Alternative approach**

**Question 89**

Do you agree with the 'Preferred' approach to flood risk appropriate?  
If not, why not?

**Question 90**

Do you agree with the 'Alternative' approach to flood risk?  
If not, why not?

### Question 91

Do you have an alternative approach?  
What is it and how would you make it work?

  

### Preferred approach

The council's 'Preferred' approach to air quality is to maintain and update existing policies on air quality, taking account of legislative requirements and any emerging Scottish Government guidance.

### Alternative approach

### Question 92

Do you agree with the 'Preferred' approach to air quality appropriate?  
If not, why not?

  

### Question 93

Do you have an alternative approach?  
What is it and how would you make it work?

**Main Issue 8: Minerals and Waste** (paragraphs 3.233 – 3.246)

How can planning policy promote and ensure sustainable approaches to waste management and mineral resources in West Lothian?

**Preferred approach**

The council's 'Preferred' approach towards mineral extraction is to continue to implement the policy approach set out in the SDP and the adopted WLLP. The policy approach set out in these will however, be reviewed to take account of the guidance contained within SPP. This may be pursued through supplementary planning guidance.

**Alternative approach**

**Question 94**

Do you agree with the 'Preferred' approach to mineral extraction?  
If not, why not?

*Please see attached statement.*

**Question 95**

Do you agree with the 'Alternative' approach to mineral extraction?  
If not, why not?

*Please see attached statement.*

**Question 96**

Do you have an alternative approach?  
What is it and how would you make it work?

*Please see attached statement.*

**Preferred approach**

The council's 'Preferred' approach towards waste management is to support the objectives of the Zero Waste Plan, to accommodate new provision through extensions to existing recycling facilities, or in other suitable areas and to provide a policy framework which supports the development of these facilities.

**Alternative approach**

**Question 97**

Do you agree with the 'Preferred' approach to waste management?

If not, why not?

**Question 98**

Do you have an alternative approach?

What is it and how would you make it work?

### Additional information

Extra page for additional information you want to give on question(s). Please state the question number text refers to.



## **INTRODUCTION**

ReachCSG <http://www.reachcsg.co.uk/> hold PEDL license 162, which covers 400km<sup>2</sup> of the Central Belt. This license is mostly in North Lanarkshire, but it does include approximately 9 km<sup>2</sup> in West Lothian near Blackridge.

A recent study by the British Geological Survey (BGS) in Edinburgh on behalf of the Department of Energy & Climate Change (DECC) identified West Lothian as prospective for drilling for shale gas and shale oil. DECC has recently commenced the 14<sup>th</sup> Onshore Licensing Round for licensing areas within West Lothian and elsewhere in the Central Belt.

ReachCSG are, therefore, an interested party in terms of how West Lothian Council reflect upon the onshore oil and gas industry in the forthcoming West Lothian Local Development Plan Proposed Plan.

In brief, ReachCSG request that the Council draft the Proposed Plan in such a way as to be consistent with Scottish Planning Policy (SPP), which is generally supportive of the onshore oil and gas industry, subject to appropriate environmental and amenity standards being met.

## **14<sup>TH</sup> LICENSING ROUND**

Licensing for exploration of onshore oil and gas is the responsible of DECC. A licence confers exclusivity in a defined area, as against other exploration companies, but does not exempt the company from other legal/regulatory requirements and consents before any drilling can take place.

The current 14<sup>th</sup> Onshore Licensing Round requires applications to be submitted by the end of October 2014 and the DECC website <https://www.gov.uk/oil-and-gas-licensing-rounds> includes a wealth of information on the licensing process and includes hyperlinks to other bodies that have a role in the regulation of the industry, which in Scotland are DECC, the local planning authority (and the Scottish Government), SEPA, Health and Safety Executive, the Coal Authority and other statutory consultees.

## **SCOTTISH GOVERNMENT ENERGY POLICY AND SCOTTISH PLANNING POLICY (SPP)**

The Scottish Government's policy on electricity generation is set out in the Electricity Generation Policy Statement (2013), which states that Scotland's generation mix should deliver:

- "a secure source of electricity supply;
- at an affordable cost to consumers;
- which can be largely decarbonised by 2030;
- and which achieves the greatest possible economic benefit and competitive advantage for Scotland including opportunities for community ownership and community benefits."

Continued thermal generation, including from gas, remains an important element of this balanced approach, and need for energy supply security, and the Policy Statement makes clear that this will continue to be the case going forward, subject always to continued attempts to reduce carbon emissions and protecting the environment and local communities from unacceptable harm.

SPP supports the wider Scottish Government energy policy by requiring the planning system to support Scotland's move towards being a low carbon economy, but as part of a balanced approach to this understands that electricity and heat from non-renewable sources, such as oil and gas, will remain important, particularly "where greenhouse gas emissions can be significantly reduced" (paragraph 154).



More detailed guidance relating to onshore oil and gas can thereafter be found in SPP in relation to 'Promoting Responsible Extraction of Resources', which states that the planning system should (paragraph 235)

- "recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased."

Development management specific policy can be found in paragraphs 245 and 246 of SPP, which state as follows.

"245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all sensitive receptors from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction."

More recently, Scotland has seen the publication of the Scottish Government's Independent Expert Scientific Panel 'Report on Unconventional Oil and Gas', which provides an overview of the industry and comments on areas where the Scottish Government could look to strengthen regulation and guidance, although it concludes that the existing consenting regime is generally appropriate, fit for purpose and robust. This document is particularly useful in that it includes a history of oil and gas exploration in the Central Belt, including West Lothian, and also summaries the current consenting and regulatory regime that applies to the industry.

The Minister for Energy, Enterprise and Tourism, Fergus Ewing, welcomed the Panel report, when it was published in July 2014, and went to state that "it is clear from the report that there could be potential for an unconventional hydrocarbon industry in Scotland", but accepted that there were nonetheless certain challenges in the regulatory regime, which would be need to be looked at

further, particularly in terms of possible impacts on health. He went on to say that the intention now is to set up a Working Group to consider the findings of the Panel's report in more detail and to ensure regulation of the industry is completely robust and fully takes on board the views of the local community. See the full news release at <http://news.scotland.gov.uk/News/Scottish-Government-Welcomes-Independent-Report-into-Unconventional-Oil-Gas-f28.aspx> and where a hyperlink to the full report is also available.

The need for community engagement has already been recognised by the industry, through its trade body UKOOG (United Kingdom Onshore Oil and Gas), and the publication of its Community Engagement Charter will ensure that local communities are fully involved throughout the consenting and regulatory processes. The UKOOG website also contains a wealth of other information on the industry and its regulation, which will be useful in drafting any supporting text for inclusion in the Proposed Plan <http://www.ukoog.org.uk/>

The other recent document, which is of particular relevance to the industry, is the BGS publication referred to above prepared on behalf of DECC 'The Carboniferous shales of the Midland Valley of Scotland: geology and resource estimation', which provides data on the geology underlying West Lothian and the possible extent of oil and gas resources that may exist. See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324541/BGS\\_DEC\\_C\\_MVS\\_2014\\_MAIN\\_REPORT.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324541/BGS_DEC_C_MVS_2014_MAIN_REPORT.pdf)

#### **CURRENT PLANNING POLICY REGIME**

The Main Issues Report suggests that the Council's preferred approach is to continue to implement the existing policies of SESPlan and the West Lothian Local Plan.

SESPlan states, at paragraph 104, that "It is also recognised that the SESPlan area contains reserves of onshore gas including coal bed methane. LDPs should support extraction subject to local planning considerations.

Policy 4 in SESPlan, which relates to minerals extraction in general, states that Local Development Plans should, amongst other matters, safeguard resources from sterilisation from other development where they are of "a sufficient scale or quality to be of potential commercial interest and their extraction is technically feasible and may be carried out in a way that is environmentally and socially acceptable. Local planning authorities should also "set out the criteria to be addressed when assessing individual proposals, including restoration and enhancement".

Policies in the West Lothian Local Plan, although pre-dating SESPlan, are generally similar in the approach taken therein with Policy NWR 1 seeking to safeguard important deposits of all minerals and Policies NWR 4 and 5 setting out the circumstances in which mineral extraction will be supported (Policy NWR 4) or not supported (Policy NWR 5). Policy NWR 4 reflects SESPlan in seeking to support extraction where it can help with the rehabilitation of existing derelict or contaminated land, where there are tangible economic benefits, and where development can proceed in a socially and environmentally acceptable manner. Policy NWR 5 in many respects sets out the converse, but includes a 500m buffer zone to a community as a specific policy requirement to be met.

#### **DISCUSSION AND PROPOSED ALTERNATIVE APPROACH**

The extraction of oil and gas onshore has a long history in the West Lothian, going back to 1851. Bathgate was supplied with shale gas during the 1850s. West Lothian was a large oil producer up until the 1960s. The oil was produced from mining and retorting shale with a high organic content. There was some gas production from a gas well in Pumpherston in the 1960s.

In Scotland, offshore oil and gas extraction is, and will remain, a very important industry to Scotland contributing massively to the economy in terms of revenue and jobs.

Potentially, the onshore oil and gas industry could be investing upwards of £350 million a year in the Scottish economy, assuming Scotland has 10% of the UK activity, with an expectation that, upon successful extraction, the community will benefit financially. On the same assumptions, job creation will be 6,400 jobs.

The UK Government has recently backed the industry's voluntary offer to give communities £100,000 for every shale gas site on which there is hydraulic fracturing. One per cent of revenues will be paid to communities if gas is produced. This could potentially put millions of pounds in the local economy of West Lothian.

Furthermore, there will be opportunities within the industry for hundreds of skilled and unskilled jobs and, with the Central Belt, and West Lothian in particular, having a long and proud history of extraction industries, many of these jobs will be filled by local people.

It is equally clear that both in terms of wider UK energy policy, and that in Scotland, that this industry is supported and is expected to play its part in a balanced, and secure, approach to meeting the country's energy needs going forward.

Nevertheless, it is accepted that it is, for many, a controversial industry and quite rightly this has led to careful scrutiny by the UK and Scottish Governments, particularly through the Independent Expert Scientific Panel in Scotland. The findings of this Panel being particularly important in showing that the industry can move forward, and be successful, in the context of the current consenting and regulatory regime, and with appropriate safeguards in place to protect the environment and local communities.

With this level of regulatory and industry-led reassurance in place, it is hoped that the Council, in terms of its forthcoming Proposed Plan, will be supportive of the onshore oil and gas industry. By all means have a balanced planning policy, but this should start from a premise that the Proposed Plan supports the oil and gas industry, subject to appropriate checks and balances being in place, rather than suggesting the reverse.

The Main Issues Report suggests that the preferred approach is to maintain the policy regime from the West Local Plan, but it is considered that this is no longer fit for purpose in the sense that it pre-dates recent SPP (and SESPlan) guidance and does not reflect the needs of the onshore oil and gas industry.

In particular, Policy NWR 5 includes a community buffer zone of 500m, which is considered incompatible with SPP. The issue of buffer zones was considered during the SPP's committee stage and the final version of SPP, now in force, was published following the Minister for Local Government and Planning, Derek Mackay, making it clear, in his response to the Rural Affairs, Climate Change and Environment Committee, dated 9<sup>th</sup> May 2014, that buffer zones should not be set at a national level, but instead should be set out by the applicant as a response to understanding the impacts of the proposed development and be set to protect "sensitive receptors from unacceptable risks" (SPP paragraph 245). It might be that, in certain cases, a buffer zone of 500m is appropriate, and for certain environmental impacts, but such a restriction across the board is clearly inappropriate. The Proposed Plan should thus be drafted to make it consistent with paragraph 245 of SPP.

It is also considered that the way policy is drafted in the West Lothian Local Plan, split into supported and unsupported circumstances, is somewhat repetitive, nor is it in line with the generally positive sentiment in SPP and SESPlan. Therefore, it is suggested that a simple single policy could be introduced in the Proposed Plan that replaces the existing range of policies and specifically relates to the onshore oil and gas industry (a separate policy can then be drafted for coal reflecting the slightly different regime in SPP relating to that separate industry). This new policy would set out the social and environmental issues to be considered in relation to proposals and would come from the perspective of the industry generally being supported, unless it causes unacceptable levels of harm to those interests as set out in paragraph 237 of SPP.

Therefore, in a sense what ReachCSG is requesting is a version of the 'Alternative approach' set out in the Main Issues Report whereby it is accepted that the whole of West Lothian is a 'broad area of search' for oil and gas, subject to appropriate social and environmental safeguards, but without any indication being given as to buffer zones. If the Council want to include reference to these, this should be as a separate SPP-compliant policy.

A policy for inclusion in the Proposed Plan could thus be worded as follows.

"The onshore oil and gas industry is important for job creation and maintaining a diverse energy mix and improving energy security. As such, the Council is generally supportive of proposals for exploration and production within West Lothian subject to proposals being supported by a risk assessment that appropriately deals with the following issues:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on, and benefits for, local communities;
- effect on the local and national economy;
- cumulative impact;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability."

If the Council wish to include a specific requirement for community engagement in relation to proposals, whether or not the proposal constitutes a 'Major' development and, therefore, requires formal pre-application consultation, then ReachCSG is content for this to be included. This could also make reference to the UKOOG Community Engagement Charter and the financial benefits to the local community that the industry has signed-up to.

Finally, if the Council wish to mention buffers, then the following separate policy can be included in the Proposed Plan, or this statement added to the planning policy above, with the wording taken straight from paragraph 245 of SPP.

"The evidence from, and outcome of, the [risk] assessment should lead to buffer zones being proposed in the application, which will protect all sensitive receptors from unacceptable risks."