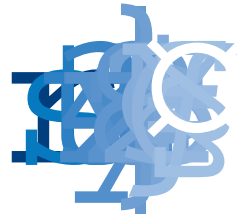


Directorate for Local Government and Communities

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E: Johnathan.whittlestone@scotland.gsi.gov.uk

D: 17 October 2014

Chris Alcorn
West Lothian Council
Planning & Building Standards
County Buildings
Linlithgow
West Lothian
EH49 7EZ



Dear Chris

With reference to the Environmental Report you submitted to the SEA Gateway on 28 August 2014

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the 2005 Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone
SEA Gateway Officer



Our ref: PCS/135578
SG ref: SEA00698/ER

If telephoning ask for:
Silvia Cagnoni-Watt

9 October 2014

Chris Alcorn
West Lothian Council
Planning & Building Standards
County Buildings
Linlithgow
West Lothian
EH49 7EZ

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Chris Alcorn

Environmental Assessment (Scotland) Act 2005
West Lothian – Local Development Plan - Main Issue Report - Environmental Report

Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the West Lothian – Local Development Plan (WLLDP) - Main Issue Report (MIR). This was received by SEPA via the Scottish Government SEA Gateway on 28 August 2014.

We have used our scoping consultation response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. For convenience, these comments have been structured to reflect that of the ER. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the MIR itself will be provided separately.

As the WLLDP is finalised, West Lothian Council (WLC) as Responsible Authority, will be required to take account of the findings of the ER and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government Guidance available at: www.scotland.gov.uk/Publications/2013/08/3355. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this environmental report consultation, please do not hesitate to contact me on 01786 452430 or via our SEA Gateway at sea.gateway@sepa.org.uk

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer

Ecopy: hssea.gateway@scotland.gsi.gov.uk ; sea.gateway@snh.gov.uk

Appendix 1: Comments on the Environmental Report

General comments

1. We are satisfied that the Environmental Report (ER) provides a satisfactory general assessment of the likely significant environmental effects of the West Lothian Council Local Development Plan (WLLDP) Main Issues Report (MIR). Subject to the detailed comments below we are generally content with the assessment findings.
2. We are satisfied that the comments provided in our scoping response have largely been taken into account in the preparation of the ER and welcome Appendix 4 summarising the actions taken.
3. We are unsure if SEPA comments on the site assessment, provided through a spreadsheet at different stages before the MIR consultation, have been taken into account. Appendix 4 acknowledges that SEPA has provided detailed comments on all the potential development sites as part of the preparation of the ER, but we can find no clear evidence that our comments have informed the assessment.
4. In general further consideration could have been given to the protection and enhancement of the water environment and to waste issues. In addition flood risk could be extended to consider pluvial flooding and flood risk from small watercourses that have not been mapped i.e. <3km².
5. Please note that we have agreed with Fiona McBrierty (WLC MIR contact) that we will provide updated comments on the preferred development sites in light of the new SEPA Flood Map which was published in January 2014. We will provide these comments by mid-December. We would therefore expect the environmental site assessment to be reviewed and updated following consideration of all comments from SEPA and presented in the ER associated with the Proposed Plan (PP), consistently with the guidance provided in paragraph 4.21 of PAN 1/2010 (Strategic Environmental Assessment of Development Plans). We would be happy to assist you with this task, if necessary.
6. For easier reference the structure of this response will follow that of the ER and for the purpose of brevity and proportionality this response will focus on issues that require action or clarification.

Detailed comments

1. Introduction

- 1.1 The ER does not contain a Non-Technical Summary (NTS). The preparation of a NTS is a requirement of the [Environmental Assessment \(Scotland\) Act 2005](#) (see Schedule 3 – Information for environmental reports). Please find guidance and examples for the preparation of NTS in the [SEA Guidance](#).

2. The environment of West Lothian

- 2.1 This section provides a broad and comprehensive view of the West Lothian environment, supported by the baseline information report in Appendix 1; we however have the following comments to make.

- 2.2 In general we consider that waste baseline information could have been expanded as this section makes reference to the Zero Waste Plan objectives rather than baseline information on waste for WL.
- 2.3 Air quality appears to have been excluded from the key environmental problems in section 3.2 of the ER (page 38), we assume this is because it is being regulated by a dedicated regime that has been introduced to improve and protect air quality.
- 2.4 Section 3.2 refers to water quality. As mentioned before we consider that in line with the River Basin Management Plan (RBMP) reference should be made to the quality of the water environment, which is more comprehensive than just water quality. The environmental problems in their current wording do not reflect issues related to other water-related issues, in particular in relation to morphology.

3. Assessment of environmental effects and measures for the prevention, reduction and offsetting of significant adverse effects

- 3.1 Please note that there is a discrepancy between the questions for the assessment presented in Table 10 and the actual questions used for the assessment as in Table 10 there is a P2 question (provision of greenspace, footpaths and cycleway) and in the assessment there is a B3 question (green network) instead.
- 3.2 We note that there have been some changes in the SEA sub-objectives questions. The consideration of improvement of existing water/waste water infrastructure, not proposed in the Scoping Report, has been added to Table 4, however this has not been considered for the site assessment.
- 3.3 In our response to the Scoping Report (paragraph 25.b) we proposed the rewording of the water-related terminology, to reflect the requirement of the RBMP: *SEA topic "water"- we recommend a minor alterations of wording of the SEA objectives to ensure the terminology is in line with the River Basin Management Planning process- to prevent deterioration and enhance the status water environment- we recommend that the reference to "quality of water" is replaced by "ecological status of the water environment" (as the term "status" includes water quality and other aspects of the water environment such as water quantity, physical impacts and ecology); replace reference to "major water bodies" with "baseline water bodies", as all water bodies should be protected under RBMP. We note that the terminology and the objectives have been updated, however the enhancement part of our recommendation has not been added to the new wording.*
- 3.4 We are unclear on how the sites with mixed effects have been summarised in Table 15. There is not a criterion for mixed effects in the assessment in Appendix 2B and there is only consideration of one scoring per site per SEA topic. If the mixed effects are part of the scoring '?' this should be made clearer in the key for reading the assessment and mitigation measures/enhancement opportunities should be identified accordingly.
- 3.5 In general we note that the assessment has identified a significant number of uncertain '?' effects in relation to the water objective W1 both in relation to issues/policies and sites. During the site consultations we provided a number of comments in a spreadsheet, as there are about 60-70 sites with a watercourse within the site boundary. We are unsure if these have been taken into consideration. See details in Section 5.

- 3.6 In addition there are issues related to the waste water treatment and sewerage capacity in the Linlithgow area that could be considered in more detail in the assessment. Please see Section 3 below for further details.
- 3.7 We note from the baseline information that there are issues with abandoned mine discharges in the area which may be leading to water quality impacts. Most of these are 'orphan' sites.
- 3.8 We consider that more attention could be given to waste issues. Although waste is considered in the baseline information, there is little reference to waste in the assessment.
- 3.9 We note that a number of sites do not allow for proximity to jobs and services and therefore results in negative scores for Air. It is not clear which mitigation measures, if any, are proposed for these sites, however we welcome the reference to master planning, planning policies and sites review mentioned in the Main Issues assessment in Appendix 1A which expect to be considered in the preparation of the PP. Please note we have made comments on low emissions strategies as part of the response to the MIR.

Assessment of issues and policies

- 3.10 As mentioned before, Table 10, outlining the questions for the assessment of issues and policies, proposes a question (P2 - provision of greenspace, footpaths and cycleway) which is however not available in Appendix 1A. We however note that B3 (green network) is available under Biodiversity in Appendix 1A but not in Table 10. We consider this an important aspect to be considered under Population and Human Health as well as Biodiversity and therefore unless relevant reasons are provided for its exclusion, we would welcome consideration of this in the policies at PP stage.
- 3.11 Please see more specific comments in Section 5 below.

Cumulative effects

- 3.12 We note that cumulative and synergistic effects will be further expanded when the allocations are added to committed, but not yet developed, sites. While we understand this approach, we consider that early consideration of cumulative effects could have helped in the identification of the preferred sites. We would be happy to be consulted on an informal basis if required to discuss the consideration of cumulative adverse effects and the identification of mitigation measures.
- 3.13 We welcome the reference to the nutrient issues of the Linlithgow Loch in the Context section and note that the Linlithgow Loch Catchment Management Plan has been drawn up with a wide range of stakeholders, proposing a wide range of actions to tackle water quality in the Loch. We could however find no specific reference to this in the environmental assessment. We consider that cumulative effects from different sites will impact on the nutrient issue related to the Linlithgow Loch. Please find further details about this in the SEPA response to the MIR, including reference to the Perth & Kinross Council Supplementary Planning Guidance for the Loch Leven Catchment, with Loch Leven being a waterbody which suffers from excessive nutrient concentration as a result of phosphorus and nitrogen entering the Loch as a result of manmade discharges.

Mitigation

- 3.14 We are content with the overall principle applied to mitigation, however we would have welcomed more specific references to where a type of mitigation would be applied and by whom, in order to support the preparation of the PP. We note that some mitigation has been proposed in Appendix 1 baseline report (e.g. the role of de-culverting) and we would welcome reference to this and/or implementation in the PP.
- 3.15 In general we consider that opportunities for enhancement have not been fully considered, especially in relation to the water environment. See also Section 5 for details.
- 3.16 Section 4.5 provides an overview of the mitigation proposed. In particular it states: *'It is not considered possible to identify a list of specific measures in the Plan, however mitigation measures can be set out in other policies. The main mitigation measure of the WLLDP will be the application of all relevant policies'*. While we agree that the implementation of the policies is an effective and powerful way to attenuate negative effects, we would have welcomed reference to the specific policies as appropriate rather than just a general statement. This is in order to add to the transparency of the process and help in the preparation of the PP.
- 3.17 We also note that in Paragraph 4.3.29 it is considered that some of the negative results can be resolved, either completely or in part, through the development process. This is partially covered in the summary section for each settlement in Appendix 2A. We would welcome the implementation of these mitigation measures in the PP.
- 3.18 We welcome the identification of flood risk assessment (FRA) as a general mitigation measure and note that this is mentioned in several occasions in the document. The site assessment in Appendix 1B does not however specifically mention where a FRA will be requested and the site appraisal by settlement often states that advice from SEPA on potential flood risk will be required. We therefore understand that this reflects the original assessment undertaken by WLC, not taking into account the comments already provided by SEPA on the sites. We would therefore welcome for all comments to be considered in preparation of the PP and mitigation and/or enhancement to be proposed accordingly, with an update of the ER in relation to significant environmental effects as explained in PAN 1/2010.

4. Monitoring

- 4.1 This section provides a summary of the main aspects to be monitored on the basis of what are considered to be key environmental effects at this stage, explaining that at this time it is difficult to estimate what might be significant. We therefore welcome the intention to look at monitoring in more details as the WLLDP progresses.
- 4.2 Please remember that, according to PAN1/2010 paragraph 4.49, there is potential for overlap between the monitoring carried out for the SEA and the broader monitoring undertaken for the development plan. Please also remember that, in order to meet the requirements of Section 19 of the Environmental Assessment (Scotland) Act 2005 monitoring must be undertaken:
- (i) to identify significant environmental effects arising from the implementation of the development plan;
 - (ii) to identify unforeseen environmental effects, in order to allow remedial action to be taken where required.

- 4.3 Air quality appears to have been excluded from the main list summarising the key environmental effects, possibly because it is being regulated by a dedicated regime that has been introduced to improve and protect air quality. We are content that monitoring for Air is considered in Appendix 3, however we consider that further emphasis could be given to this as a considerable number of sites have been assessed as having an uncertain or mixed effect, according to Table 15.
- 4.4 In relation to the monitoring of adoption of SUDS features paragraph 5.1.4 states that it is uncertain as to whether this will go ahead. It is not clear if this in relation of monitoring of all SUDS or just those adopted by WLC, or the monitoring of which SUDS are adopted.

5. Appendices

Appendix 1 – Baseline report

- 5.1 Section 3 - POPULATION AND HUMAN HEALTH - Although we provided links to where to find the most recent data on waste, we consider that our scoping comments have not been fully taken into account as more up-to date information could have been provided for waste. Appendix 1 refers to 2006/07 data and Area Waste Plans which have now been superseded by the Zero Waste Plan. Please note that more recent information is available in the waste data section of SEPA's website http://www.sepa.org.uk/waste/waste_data.aspx. We understand that the WLC is reviewing the waste management options in relation to depots and location and therefore up-to-date information should be available to inform this process.
- 5.2 Section 6 – AIR - Strategic Environmental Issues – the text reads: 'Generally the level of emissions from individual vehicles is decreasing as emission control technologies improve. However, the increase in volume of traffic has counteracted this'. Please note that SEPA air specialists consider this to be not quite correct as the emissions of nitrogen dioxide from diesel powered vehicles have increased.
- 5.3 Ambient air quality – the text reads: 'Increase in car use and congestion in traffic cause negative impact on air quality in general'. Increased car use also threatens to undermine measures to reduce greenhouse gas emissions.
- 5.4 Section 7 – CLIMATIC FACTORS - The section on greenhouse gas emissions fails to recognise that road traffic is a significant source of greenhouse gas emissions. Every additional Km travelled by car will increase emissions of greenhouse gases. When considered in isolation, this increase may appear to be insignificant; when considered nationally, the cumulative increase will be more significant and this could undermine the Scottish Government's commitment to reducing greenhouse gas emissions.
- 5.5 There is a reference to greenhouse gas emissions from road traffic in Section 7.3, bullet point 1 and the table in Section 7.5 also contains a reference to greenhouse gas emissions from road traffic. However, this has not been explained in the main text. The issue of car dependency is considered in Section 8.1 but could be linked to Section 7.

Appendix 1A – Assessment of issues and policies – results

- 5.6 In relation to Main Issue 3 (Housing Growth, Delivery and Sustainable Housing Locations), we are seeing more developments that are located some distance from local amenities, therefore the number of journeys made by car is likely to increase. Whilst this figure may appear to be insignificant when considered alongside other developments in Scotland, the cumulative increase in the distance travelled by car could undermine the Scottish Government's commitment to reduce emissions of greenhouse gases.
- 5.7 Still for Main Issue 3, there could also be a positive effect on water (W1) where the new development will include SUDS and help deliver the objectives of the RBMP.
- 5.8 We welcome the mitigation measures proposed in relation to air quality for Main Issue 7 (Climate Change and Renewable Energy) and suggest that they are considered as mitigation measures as appropriate in other areas of the ER.
- 5.9 Main Issue 6 (The Natural and Historic Environment) should possibly have interaction with W1 and deliver positive effects. This is because SUDS ponds and open conveyance network promotes green networks. Also new developments in Linlithgow could be an opportunity for planning gain SUDS retrofits at Linlithgow Loch. In addition, sites adjacent to waterways may provide an opportunity to deliver enhancements in accordance with the RBMP and contributions to the green network.
- 5.10 As mentioned in the MIR response, in relation to green networks and infrastructure there is an opportunity to link the delivery with the objectives of the Water Framework Directive (WFD) by incorporating the blue network within the green network. The delivery of multi-functional green networks and infrastructure is fundamental to the successful implementation of the RBMP and sustainable flood risk management and as such, should be promoted by the policies in the plan.

Appendix 2A – Site appraisal by settlement and Appendix 2B – assessment of development sites: results

- 5.11 In relation to previous SEPA comments (from spreadsheets) not being considered in the assessment please find below some examples.
- 5.12 EOI-34 Bangour Village the assessment states that there is a positive effects in relation to maintaining the status of the waterbody but there is no reflection of SEPA's comment about potential for morphological improvement by dealing with historic straightening. Also in EPI-0216 there is no mentioning of potential deculverting.
- 5.13 Another example is EOI-0065, where we considered that the waterbody is within the boundary, while the assessment in page 283 considers that there are no watercourses within the site or directly affecting it. The assessment at page 595 gives a '?' score for water. In the SEPA spreadsheet with comments on the site provided during previous site consultations we wrote: 'Planned development in Bridgend would take Bridgend STW to limit of current capacity however no sewage pressures on water body 3401. No WFD pressure however straightened burn could be enhanced'. The scoring could therefore be neutral with opportunities for enhancement.
- 5.14 We also found that in some cases in our spreadsheet we have considered that there is a water feature within the boundary (e.g. EOI0065, EOI0075, EOI 0080, EOI0104, amongst others), while the information in Appendix 2A states that there is not one.

- 5.15 There are other examples like this however as we have already provided comments we consider that it is for the WLC as the Responsible Authority to ensure that the SEA is an interactive process and comments provided on the sites are reflected in the SEA.
- 5.16 We remind you that there are opportunities for restoration for the following sites: EIO-0010, EIO-0023, EIO-0034, EIO-0039, EIO-0065, EIO-0068, EOI-0127, EOI-0130, EOI-0133, EOI-0136, EOI-0138, EOI-0144, EOI-0190, EOI-0215, EOI-0218, EOI-0219, Late submissions L007, L010, L014, PJ001.
- 5.17 EOI-0167 - The assessment has identified a positive effect under Population & Human Health (avoid co-location of sensitive development with industrial facilities/economic allocations?). In our spreadsheet with detailed comments we confirmed that there is a co-location issue with regulated sites, as there are 6 poultry farms under single permit PPC Part A, with therefore potential odour issues. Although we disagree with the scoring the site has been assessed as non-preferred so this should not be an issue.



HISTORIC SCOTLAND
ALBA AOSMHOR

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Our ref: LDP/WLOTH
Our Case ID: 201404243
17 October 2014

Dear Mr Alcom,

West Lothian Council – Local Development Plan: Main Issues Report Environmental Report

Thank you for consulting Historic Scotland on the Environmental Report for the west Lothian Local Development Plan Main Issues Report. I am responding on behalf of Historic Scotland in its role as an SEA Consultation Authority and in relation to our main area of interest for the historic environment.

General Comments

Overall the report provides a clear assessment of the likely effects of the emerging plan on the historic environment and I am pleased that the comments we have returned in previous correspondence, and at scoping stage, have been taken into account. It is clear that a huge amount of effort has gone into the assessment of site specific proposals and we consider the manner in which you have integrated SEA questions into the planning assessments to be very effective. This approach is a good way of ensuring that the assessment is baseline driven and that you are able to look at each proposal at a sufficient level of detail to broadly predict the likely environmental effects. Simply for information, a non-technical summary should have accompanied the Environmental Report.

Assessment framework and baseline information

Overall we support the framework used for the assessment, which reflects what was set out as part of the scoping process. The baseline information provides a helpful overview for the key issues for the historic environment, and we welcome the recognition of how industrial activity throughout the area, notably mining related, has played a key role through the creation of settlements, transport infrastructure and other aspects of the built environment. As a minor point, the lack of affordable housing identified in the report (page 38) relates more to an issue for the LDP to consider, rather than an environmental problem.

Site Assessments

The assessment tables in Appendix 2B which show the likely effects for the historic environment, arising for each SEA topic and from each allocation are clear. The commentary, where provided, is helpful in understanding the reasoning behind the scoring. Our comments on these findings are split into Annex A) for those allocations where we consider there is likely to have a significant effect and Annex B) where



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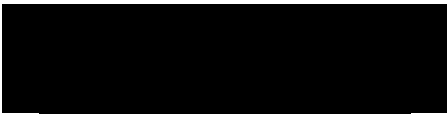
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we have highlighted some additional information and commentary based upon your assessment findings. For any further assessment undertaken as you move towards the Proposed Plan it would be helpful to update tables 15 and 16 of the main report in light of these comments and other representations made.

I hope this response is useful. As you are aware, none of the comments in this letter should be taken as constituting legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity building in SEA.

Please do not hesitate to contact me on 0131 668 8600 should you wish to discuss this response.

Yours sincerely



Andrew Fulton
Senior Heritage Management Officer.

Annex A: Those allocations Historic Scotland has identified as likely to have a significant effect

Linlithgow EOI-0054

This proposed development site is located within the Battle of Linlithgow Bridge Inventory Battlefield; the Inventory entry for this battlefield can be seen at <http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2500:15:0:::BATTLEFIELD:linlithgowbridge>. We assume that any development of this site is likely to begin adjacent to existing housing and infrastructure, at the north east end of the site. As noted in the inventory description, we currently believe that much of this area played a significant role in the battle and this should be considered when evaluating the deliverability of this allocation. Indeed, whilst we consider that there is capacity for some development of the site, in view of potential effects on the battlefield, it may not be possible to achieve the densities proposed without a significant adverse effect.

The assessment in the Environmental Report concludes there would be no significant adverse effects upon the historic environment from development at this *'not preferred'* site. However, we understand from the planning assessment and other documents that you are aware of the site being a historic battlefield and the significance of the issues outlined above. You may therefore wish to consider revising the assessment finding (Appendix 2B page 591).

Uphall EOI-0017 & East Calder EOI-0018

The assessment concludes there would be no significant adverse effects from development at these *'not preferred'* sites. There is however, a scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) located within these proposed development sites. We have concluded that development of these sites may potentially have significant adverse impacts on the scheduled monument itself, and upon its setting. Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted. Adverse direct and indirect impacts could potentially be mitigated through modification of the development site boundaries, and/or the use of a site specific development brief. The future management of the archaeological site should also be taken into consideration if this allocation is to be taken forward.

You may therefore wish to consider revising the assessment and adding appropriate mitigation such as that described above.

West Calder EOI-0161

The assessment concludes there could be significant adverse effects from development at this *'preferred'* site. This proposed development site is adjacent to the scheduled monument Five Sisters, shale bing (SM 6254). We are content that the impacts of redevelopment of the current Outlet Centre could be accommodated, with any adverse impacts on the setting of the monument mitigated through policy. However, we consider that development of the fields which currently separate Freeport Outlet Centre from the bing could have a significant adverse impact on the setting of the monument.

Winchburgh EOI-0205

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. We would agree with this conclusion. A large central section of this development site covers the scheduled monument Faucheldean Bing (SM5692). We would highlight also that Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted.

Uphall EOI-0217 (in addition to comments for EOI 0116)

The scale and nature of the proposed development would have a direct impact on the scheduled monument Union Canal, River Almond to River Avon (SM8954), altering its character and nature at this location. The provision of slipway, pumping out stations, a marina for up to 80 canal boats would constitute a major intervention into the scheduled monument. Whilst we consider that there is scope to accommodate some canal related retail/leisure development in the area indicated, the scale of development proposed is likely to result in a significant negative effect.

Annex B: Additional comments based on the SEA assessment findings

Hoghill EOI 0003

This site lies adjacent to the Mid Calder Conservation area.

East Philipstoun EOI-0067

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. The proposed development site is on the periphery of House of Binns Inventory Designed Landscape and is on a key approach to the GDL. We are content that with robust application of national and local policy, development with a low visual impact could be accommodated without significant adverse impacts.

You may wish to consider altering the assessment matrix to reflect likely impacts on the fourth SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Newton EOI-0071

The assessment concludes there would be no significant adverse effects from development at this '*not preferred*' site. The proposed development site is partially within the boundary of Hopetoun House Inventory Designed Landscape (GDL), and has the potential to have adverse impacts on the Designed Landscape, particularly in terms of affecting the existing policy woodland. This could be mitigated through amendment of the site boundaries to omit the area within the GDL, or restriction of development to the previously developed sites within the proposed site boundary.

You may therefore wish to consider revising the assessment and adding appropriate mitigation such as that described above.

Philipstoun EOI-0073

To note the presence of remains of the Philipstoun shale oil works including a likely bing or bings and the course of a railway (CANMORE reference 85566).

Bathgate EOI-0080

To note the record of a polished stone axe being recovered from this location although the exact findspot is not known (CANMORE reference 47767).

Broxburn EOI-0086 & EOI-0087 (and refers to Uphall EOI-0175)

The assessment concludes there would be no significant adverse effects from development at these '*preferred*' sites. There is however, a scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) located close to these proposed development sites. Development of these sites may potentially have significant adverse impacts upon the setting of the scheduled monument. Adverse indirect impacts could potentially be mitigated through the use of a site specific development brief. The future management of the archaeological site should also be taken into consideration if this allocation is to be taken forward.

You may therefore wish to consider revising the assessment and adding appropriate mitigation such as that described above.

Livingston EOI-0099

To note the proximity of the A-listed Linnhouse viaduct (HBNUM 73765).

Linlithgow EOI-0103

To note the presence of two historic environment records for this allocation - Site of 13th century army encampment (CANMORE 4921) and site of antiquarian recovery of Roman coins (CANMORE 49190).

Livingston EOI-0110

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. Development within this site boundary could potentially impact upon the setting of the scheduled monument known as Murieston Castle, Wester Murieston, West Calder (SM1207). We are content that application of national and appropriate local policies should be able to mitigate any potential adverse impacts. We also consider that there may be the potential to achieve some conservation gain to the monument from development in this location.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Linlithgow EOI-0114

The assessment concludes there could be significant adverse effects from development at this *'preferred'* site. This potential development site could impact upon the setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). We also note that access to the northern part of the site appears to be constrained, and consequently have concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting. We would not favour new crossings which may affect the site and setting of the canal at this point. If development of the site did not require a new crossing, we are content that application of national and appropriate local policies should be able to mitigate any other potential adverse impacts.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0115

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. Development of this site may, however, potentially have adverse impacts on the setting of the A-listed Almond Valley Viaduct. We consider that whilst development can be accommodated, this would need to be subject to a robust mitigation strategy.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0116

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development were not to have a direct impact on the

scheduled monument, we would be content that application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Torphicen EOI-0122

To note the allocation is within Torphicen Conservation Area.

Blackburn EOI-0136

The assessment concludes there would be no significant adverse effects from development at this '*not preferred*' site. Development to the north may, however, potentially impact on the setting of the A-listed Blackburn House. Any adverse impacts could potentially be mitigated through the application of national and local policies, and/or the use of a site specific development brief.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0138d, f, h (three separate sites)

The assessment concludes there would be no significant adverse effects from development at these '*preferred*' sites. We note that the majority of these proposed sites are already within the core development area masterplan in the current Local Plan. Development on these sites could potentially adversely affect the settings of scheduled monument Greendykes Bing (SM6186). Whilst we are content that application of national and appropriate local policies should be able to mitigate potential adverse impacts, we would expect that allocation of this site would be supported by a management plan for the bing, similar to those outlines within the current local plan paragraphs 7.75-77.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Broxburn EOI-0144

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located within this proposed development site. Development of this site may potentially have significant adverse impacts on the scheduled monument itself, and upon its setting. Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted. Adverse direct and indirect impacts could potentially be mitigated through modification of the development site boundaries, and/or the use of site specific development brief. The future management of the archaeological site should also be taken into consideration if this allocation is to be taken forward.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Bathgate EOI-0153

To note the proximity of the allocation to the low surviving remains of Bathgate Castle (CANMORE 47768).

Linlithgow EOI-0165

To note the presence of cropmarked archaeological remains as seen in aerial photography (CANMORE 49248).

Linlithgow EOI-0168

The assessment concludes there could be significant adverse effects from development at this '*preferred*' site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development did not result in direct impacts upon the scheduled monument we would be content that the application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Wilkieston EOI-170A

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. Development may potentially impact on the setting of the A-listed Bonnington House. Any adverse impacts could potentially be mitigated through the application of national and local policies, and/or the use of a site specific development brief.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Winchburgh EOI-0196,

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. This potential development site could impact upon the site and setting of the scheduled monuments Union Canal, River Almond to River Avon (SM8954) and Auldathie Church (SM5610). We suggest that in addition to application of national and local policy, a site specific development brief would be effective in mitigating potential adverse impacts. We note that access to the northern part of the site appears to be constrained, and consequently have concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting. We would not favour new crossings which may affect the site and setting of the canal at this point. There appears to be potential for development on this site to produce conservation gain for Auldathie Church, perhaps through a management plan for the long term conservation of the monument.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Winchburgh EOI-0199, 200, 201

The assessment concludes there would be no significant adverse effects from development at these '*not preferred*' sites (for EOIs 0199 & 0200) and a likely adverse impact at the '*alternative site*' (EOI 0201). The development of these sites has the potential for adverse impacts on the A listed Niddrie Castle (HB7437) and is also close to Newliston Inventory Designed Landscape. We consider that whilst some development could be accommodated, this would need to be subject to a robust mitigation strategy.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first and fourth SEA Cultural Heritage sub topics (for EOIs 0199 and 0200) as well as applying mitigation such as that described above for all three assessments.

Winchburgh EOI-0204

The assessment concludes there would be no significant adverse effects from development at this '*not preferred*' site. Development within this site boundary could potentially impact upon the setting of scheduled monument Greendykes, Oil Shale Bing (SM6186). Whilst we are content that application of national and appropriate local policies should be able to mitigate potential adverse impacts, we would expect that allocation of this site would be supported by a management plan for the bing, as is laid out within the current local plan paragraphs 7.75-77.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Linlithgow EOI-0210

The assessment concludes there could be significant adverse effects from development at this '*preferred*' site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development does not result in a direct impact upon the scheduled monument we would be content that the application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Uphall EOI-0217

To note the proximity of the allocation to the scheduled monument – the Union canal.

**Historic Scotland
17 October 2014**



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Chris Alcorn
West Lothian Council
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Linlithgow
West Lothian EH49 7EZ

By email to: sea.gateway@scotland.gsi.gov.uk

14 October 2014
Our ref: CEA132873 / A1423606
Your ref: 00698

Dear Chris

Environmental Assessment (Scotland) Act 2005 West Lothian – Local Development Plan – Main Issue Report – Environmental Report

Thank you for consulting us on the Environmental Report for the Local Development Plan (LDP).

Our detailed comments on the Environmental Report are included in the attached Annex. As the SEA and the Habitats Regulations Appraisal (HRA) bear a close relationship to one another, we provide our interim advice on the HRA below.

Habitats Regulations Appraisal

We welcome the early link made between preferred options assessed in the SEA and the forthcoming HRA.

Paragraph 2.3 on page 3 of the HRA statement includes discussion of avoiding reliance on a general policy in the plan. While the statement is correct in the proposed policy approach, bullet point 2 of paragraph 6.1.7 in the Environmental Report appears to propose a general policy approach. We recommend that this is clarified in the revised Environmental Report.

The proposal that mitigation will be carefully considered in allocating sites is welcome. However, mitigation in development plans also extends to appropriate policy caveats in all policies where it is deemed relevant, e.g. policies for the water environment. We would be happy to contribute to developing appropriate caveats.

Section 4 gives an overview of vulnerabilities and conservation objectives and provides a breakdown of these under each designated site. The overview and site specific information is a useful addition but at present the site specifics do not include reference to



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vulnerabilities. It may be useful, therefore, to include a link to the JNCC website and to our SiteLink pages in the overview provided at paragraph 4.3.

The additional information provided in Appendix 1 of the HRA statement provides a clear rationale for assessment. Discussion of the limitations of available data is particularly useful at this point.

As HRA is an iterative process which responds to changes in the emerging plan we suggest that rather than provide further comment in this response, a meeting after the close of the HRA consultation would provide a useful forum to clarify what is required next.

We hope our comments above and in the attached Annex are helpful. If you would like to discuss any of our advice further please do not hesitate to contact our Planning Advisor Vivienne Gray on 0131 316 2644 or via the SEA Gateway at sea_gateway@snh.gov.uk.

Yours sincerely

[by email]

Niall Corbet
Operations Manager
Forth

Copy: hssea.gateway@scotland.gsi.gov.uk; sea.gateway@sepa.org.uk

Annex – Detailed comments on Environmental Report

For ease of reference, our comments below are set out in reference to the Main Report, the Appendices and their constituent sections and paragraphs.

Main Report

Table 1, page 6 (SEA Requirements)

This table appears to summarise Schedule 3 of the Environmental Assessment (Scotland) Act 2005¹ ('the Act'), which sets out requirements for information in Environmental Reports.

The current version of the Environmental Report appears to have omitted a non-technical summary. In addition, the division of the requirements in this table is misleading as matters set out here as 'Addressed within the Scoping Report (April 2012)' are included as information for Environmental Reports in Schedule 3 of the Act. We would expect that where requirements have been considered at scoping stage, there would be further refinement at Environmental Report stage. That is particularly relevant in this instance where there is a 2 year period between scoping and the Environmental Report in which changes and additions to the policy landscape, and potentially also to the environmental baseline, took place.

Table 4, pages 15 – 17 (Environmental Assessment Objectives)

The **Biodiversity** sub-objective "*Protect species/habitats/wildlife corridors of nature conservation importance*" appears to us as likely to be resource intensive to identify and then monitor. We suggest that this is replaced with a more general objective on protecting, maintaining and enhancing wider habitat connectivity, perhaps linked to the Green Network sub-objective. Identification and monitoring are likely to be clearer in this instance as they will be linked to projects and proposals coming forward through the planning system or other routes such as the Scotland Rural Development Programme (SRDP).

We welcome the approach to assessing **Landscape and Townscape**, which goes beyond objectives based on designated sites. At present, the identified monitoring is restricted to designated sites, which omits 4 of the sub-objectives from monitoring. Our opinion is that these non-designated site based sub-objectives could be monitored through decisions in development management. City of Edinburgh Council set out this type of monitoring approach in the SEA of their LDP and we recommend referring to their assessment for further information².

We recommend that the third sub-objective for **Population and Human Health** is amended as it should be maintaining as well as providing access. The final sub-objective here is very general, risking unfocused assessment as discussed on page 26 of Scottish Government's SEA Guidance. We also recommend that the final item for monitoring the green network should include quality, a factor that is as important as distance to and extent of the green network.

The soil typologies set out here should be broadened in line with Scottish Planning Policy (SPP) which identifies carbon rich soils, deep peat and priority peatland habitat as environmental interests.

¹ <http://www.legislation.gov.uk/asp/2005/15/schedule/3>

² http://www.edinburgh.gov.uk/downloads/file/3535/revised_environmental_report_june_2014_-_volume_1
(Table 9, page 46)

Section 3 – The Environment of West Lothian

Paragraph 3.1.48 on page 28 discusses peat soil as “... *to be found on the periphery of West Lothian.*” Our knowledge of this resource in West Lothian suggests that it is focused in the west and south of the area; however there are also locally important areas of peat in more central locations such as Easter Inch Moss near Seafield.

We recommend that the reference to Forth Estuary at paragraph 3.1.56 (page 29) in the context of the Special Protection Area (SPA) is changed to Firth of Forth. In the following paragraph the discussion of the proposed Local Biodiversity Sites describes a substantial increase in the suite of sites, rising from 29 to 130. It would be useful to consider how these sites will ‘fit’ into the Central Scotland Green Network and what their role in the wider green network may be. This may be useful in identifying indicators for monitoring.

We are unsure as to why the introductory paragraph on **Landscape** (3.1.69, page 35) in this chapter discusses biodiversity and climate change agreements and legislation. The remainder of the Landscape section (paragraphs 3.1.69 – 3.1.80) also omits relevant agreements such as the European Landscape Convention, which the UK signed up to in 2006 and is now the framework for our work for Scotland’s landscapes. However, while there is no explicit reference to the European Landscape Convention, this section does appear to adopt an ‘all landscape’ approach as set out in the Convention.

Discussion of **Key Environmental Problems** at paragraph 3.2.1 (page 38) includes affordable housing. We are unclear as to why this would represent an environmental problem more so than development per se.

Section 4 – Assessment of Environmental Effects

The site assessment questions set out in Table 12 (pages 43 – 45) are generally good, with links to overall sustainability of sites and potential deliverability providing a clear link to the objectives of the MIR. However, we are not sure why the question on settlement coalescence is under **Material Assets** as opposed to **Landscape and Townscape** unless distinct settlements are a material asset to the area. Some rationale for such decisions would round out the assessment.

Discussion of the **Key Growth Areas** at paragraphs 4.3.8 – 4.3.15 (pages 48 – 49) is useful but, as the Environmental Report is a document which should be accessible to all interested parties, we suggest that this part of the assessment would be clearer if set out on a map with supporting text. As currently presented, it is more difficult to understand the placement of these areas and their interactions with each other and the wider area.

The table following paragraph 4.3.16 on page 50 does not accord with other parts of the Environmental Report and the MIR where active travel is emphasised. At present, there is no discussion of active travel whereas reading the MIR gives a clear impression that West Lothian Council is committed to multi-modal, sustainable travel that includes good walking and cycling links.

Paragraph 4.5.2 (page 61) states that the main mitigation measure of the LDP will be the application of all relevant policies. While this is an acceptable approach to reducing/minimising environmental effects it would be more robust at this point to provide more detail on the specific policies.

Appendices

Appendix 1 – Environmental Baseline

There is some good thinking set out in this section of the Environmental Report. However, the key information we would look for from a baseline, e.g. a clear outline of environmental

assets and their current extent, state, etc. is lost amongst the qualitative information. We recommend that these are separated out into clearly defined but cross-referenced sections.

The questions in this baseline chapter are more extensive and more useful than the actual SEA assessment questions used and it is in fact difficult to relate these sets of questions to each other. As far as we can see, the SEA sub-objectives in Table 4 (pages 15 – 17, Main Report) have formed the very general SEA assessment questions in Table 10 (page 41, Main Report) as well as those in this Appendix. The questions set out in Table 12 (pages 43 – 45, Main Report) are different again. None of these questions really relate to the objectives and questions described in the Baseline section, which provide a more useful steer to both assessment and monitoring. Within this Baseline section, readers are then referred to Section 4 of the Main Report and Appendix 2B for the results of assessment, but these assessments are using the different questions, so they unfortunately do not tally.

Some of the questions set out here are not practical for monitoring and this is carried through into the monitoring section. For example, objectives and questions such as *“Protect and enhance ecosystems”* and *“Does the option protect or enhance ecosystems?”* are so broad in scope they are likely to be difficult to monitor. At this point we think that further consideration of what can be monitored and how that relates to the questions and the form they take is needed.

We also note that some questions are in several objectives in some form or another, e.g. green network question under **Biodiversity, Population and Human Health** and **Landscape and Townscape**. While this example highlights the multiple benefits of green networks we recommend that you ensure that where questions are replicated, the links between Topics are evident throughout the assessment.

Appendix 1A – Assessment of Issues and Policies

At first glance the assessment from page 165 onwards appears to be assessing the MIR questions as opposed to the issues and policies. It would be clearer if the next iteration of the Environmental Report set out a summary of the issue rather than the associated question. For example, **Main Issue 1 Economic Development & Growth** has 5 aims as set out in Figure 7, page 13 of the MIR. It is these which should be set out in this table for assessment, in which case the assessment could note positive impact against CL1, P1 and so on.

This section of the assessment doesn't really discuss how issues have scored against the indicators set out on pages 163 – 164. There is the 'score' and then there is some discussion around the issue and mitigation but these don't necessarily relate to each other. Where a positive, neutral or negative score is set against an indicator this should be discussed and, if mitigation is possible, have that outlined against it.

Appendix 2A – Site Appraisals

Where site appraisals refer to the views of SNH being sought, we assume that this refers to the development management application stage. In accordance with our Service Statement for Planning and Development³, any general recommendation such as this should be changed to refer stakeholders to our website.

We note comments in the site appraisals such as *“... no SNH protected species prevalent, however, SNH need to provide their views on this.”* Unfortunately we do not have any further information than that provided in our response to the call for sites as we do not hold extensive, wider countryside information on species presence, etc. Any comments would

³ <http://www.snh.gov.uk/docs/A498949.pdf>

be based on the potential for such sites to host protected species. West Lothian Council and any developers on such sites should refer to our website for advice⁴ and to TWIC's site screening forms.

Some sites, for example EOI-0210, have a conclusion on impact which appears to be at odds with their status as preferred sites in the MIR. We would expect the SEA to inform the selection of sites and subsequent preparation of site requirements and briefs. Our response to the MIR provides further advice on this point.

Appendix 3 – Monitoring Scheme

At present the monitoring scheme is largely lacking in detail, establishing an intention of what should ideally be monitored for baseline information. For example, under the **Biodiversity** Topic, the proposal is to measure area of priority habitat via an updated Phase 1 survey. This is not practical and does not monitor the impacts of the Plan. Elsewhere, the proposed monitoring seems very complicated and indirect. The questions posed in the **Baseline** chapter will help guide thinking about monitoring as the LDP and the Environmental Report evolves.

As set out above in our advice on the Environmental Assessment Objectives, linking monitoring to the development management process could provide a clear, repeatable process by which to monitor the effects of the plan. Rather than go through these in this response we would be happy to sit down together to discuss monitoring requirements and how this might draw on work already being carried out by West Lothian Council.

⁴ <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/>