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Your ref: LDP/MIR-CON-03

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15 October 2014

By email only to: [wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk)

Dear Madam

## WEST LOTHIAN LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT

Thank you for your consultation letter of 7 August 2014 regarding the publication of the Main Issues Report (MIR) for the West Lothian Local Development Plan (LDP). We welcome the opportunity to comment on this document which provides the basis for the new LDP.

The attached **Appendix 1** contains our comments/answers to those questions set out in the MIR which have direct relevance to our interests. Please note that our comments on the associated Environmental Report (ER) are provided separately. Our comments on the **Strategic Flood Risk Assessment** have been provided within **Appendix 2**.

We note that you intend to carry forward some of the existing local plan policies into the new local development plan. We look forward to working with you as you take forward the LDP with the production of the proposed plan. Prior to this, we would welcome consultation on the draft policies together with any relevant draft supplementary planning guidance. In terms of issues within our remit, we would be particularly keen to assist your review of your policies on flooding, water and waste water drainage, renewable energy, waste management, protection of the water environment, protection of soils and wetlands, trees and woodland. Since the adoption of the existing local plan, national policy has developed further and we would be keen to work with you in updating the existing policies to bring them in line with national best practice.

With regard to the Water Environment Background Paper we have found the layout of Appendix 1 (Protection and Improvement of the Water Environment – based on SEPA's guidance document for Development Plans) to be a useful and accessible summary of the Council's intentions. We note the intention to review the Supplementary Planning Guidance on Flood Risk and Drainage and we will be happy to provide assistance on this review.

We have agreed with you to provide updated comments on the preferred development sites only in light of the new SEPA Flood Map which was published in January 2014. We will provide these comments to you by mid-December. We would highlight that any unresolved requests for site removal, policy coverage or development requirements would result in an objection/ modification



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request at the proposed plan stage.

We have produced a planning guidance note entitled *Guidance on SEPA engagement with the development plan process* (available from [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx)). Table 1 of the note provides a checklist of the topics we would expect the LDP to address and as such it provides a useful summary of our position on these issues and links to current guidance. We would encourage you to use this document as a guide while developing the proposed plan.

If you have any queries relating to this letter, or would find it beneficial to arrange a meeting with us to discuss any of our comments, or for us to provide informal comments on any of the work you are currently undertaking please contact me by telephone on 01786 452537 or e-mail at [planningsoutheast@sepa.org.uk](mailto:planningsoutheast@sepa.org.uk)

Yours faithfully

Alasdair Milne  
Senior Planning Officer  
Planning Service

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*

## **Appendix 1 – SEPA comments on Main Issues Report**

Our comments on the issues and options put forward in the MIR are contained in this section. Please note that we have only commented on the issues that fall within our remit. The comments are also without prejudice to any further comments we may make on the Proposed Plan.

### **Vision Statement**

Q1 – Do you agree with the ‘Vision’ for the LDP, or are there other aspects that should be considered?

We note and **welcome** that sustainable development is a key element of the vision and that the Council is promoting development which meets the challenges of climate change and renewable energy. We are also supportive of the explicit reference to improvement of the natural heritage assets of West Lothian.

### **Aims of the LDP**

Q3 Do you agree with the proposed ‘Aims’ of the LDP?

We welcome the inclusion of the promotion and enhancement of West Lothian’s natural environment as an aim. Furthermore we welcome that climate change, renewable energy and waste are all identified as aims.

## **Main Issue 3 – Housing Growth, Delivery and Sustainable Housing Locations**

### **Preferred and Alternative Option – New Housing Sites**

Q20 – Do you agree with the preferred option for the removal of existing housing allocations from the development plan?

During the course of the call for sites exercise we have provided comment in terms of flood risk, the water environment and co-location with SEPA-regulated processes. As indicated at section 3.73 of the MIR, we have also undertaken this exercise for sites within the current West Lothian Local Plan. Where we have identified constraints in terms of these issues we have highlighted these. We therefore **agree** with the preferred option to remove from the development plan a number of sites which are categorised as constrained.

### **Linlithgow**

Q29 – 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?

Section 3.88 of the MIR states that there are no known significant constraints in terms of waste water treatment. Whilst there may be capacity at the receiving sewage treatment works, we would highlight the pressures facing the Linlithgow area in terms of sewerage capacity – the MIR does not make this clear. We wish to provide some further comment in this regard.

Linlithgow loch lies in the centre of the town and is affected annually by algal blooms which have an impact on the amenity value of the loch. The loch has been the focus of a great deal of interest

from a number of stakeholder groups and as a result a Catchment Management Plan has been developed for the loch with a view to improving the water quality and biodiversity within the loch. The catchment management plan also identifies several control measures which could form part of a planning agreement to permit further development opportunities. The loch is currently designated as a SSSI but this status is currently under review and may be removed.

High Street and area to south east of loch: Previous measures undertaken in relation to Combined Stormwater Overflows (CSOs) at Springfield and The Vennel have improved the situation but spills from the Vennel CSO still have an impact on the loch both in nutrient inputs and aesthetics. Further development in the area would increase the number of occurrences.

Eastern Side of loch - Blackness road: A sewer runs to the northern side of loch. This collects sewage from the Blackness Road (Springfield end) up to Edinburgh Road. Development in the Edinburgh Road area would certainly need an extension to the current sewer network. This would also facilitate the inclusion of the properties on Edinburgh Road currently served by septic tanks on the sewer network and hence the water quality in the Bells Burn and Linlithgow Loch. Sewer capacity could also be improved by removal of surface water inputs into the combined sewer system.

In relation to surface water, further development would provide an opportunity for retrofit SUDS to the surface water discharges to the eastern end of the loch. This would tie in with the proposals in the loch Catchment Management Plan for retro fit suds and would improve the overall water quality and aesthetics of the loch.

We consider that an opportunity exists to address these as part of the development plan process and opportunities for improvement in the sewer serving the town centre and southern side of the loch should be taken. Capacity in the town centre area could be further improved by removal of surface water inputs into the combined sewer system.

We would **welcome** the preferred option to remove the restraint on development in Linlithgow subject to agreement with Scottish Water such that any necessary infrastructure improvements could be identified and further that these improvements are delivered in the context of new development opportunities supported by the LDP. We suggest that an overall strategy for drainage improvements should be provided to clarify to prospective developers the requirements associated with individual development opportunities. This could be delivered in the form of a masterplan for the overall development area for Linlithgow.

We would highlight here the use of Supplementary Planning Guidance by Perth and Kinross Council for the Loch Leven Catchment – 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. The aim of the Loch Leven Supplementary Guidance is to “ensure that there is no increase in phosphorus in the Loch Leven catchment arising from waste water associated with new developments”. The Council may wish to consider the development of similar Guidance for Linlithgow Loch.

#### **Main Issue 4 - Infrastructure Requirements and Delivery**

Q38 Do you agree with the preferred approach to infrastructure provision?

Q41 How can the level of infrastructure required to support the scale of development proposed be delivered?

We **agree** that the most sustainable strategy option would be to promote additional growth which can, in the main, utilise existing infrastructure capacity. We therefore support the Council's

preferred option. In this regard, our main interest is ensuring that adequate capacity exists in the public sewerage system to support any proposed development.

Upgrades and improvements to the drainage network may be required to serve new development. We recommend that you consider what new drainage infrastructure will be required before it would be possible to develop an area. This can be achieved through the preferred approach to make it clear where developer contributions are required and for what purpose.

We would also expect a policy in the plan requiring connection to the public sewerage system as the most sustainable option. This would apply to all new development proposals either in settlements identified in the plan with a population equivalent of more than 2000 or wherever single developments of greater than 25 houses and large scale business and industrial units are proposed. In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that the development is unable to connect to the public sewer for technical or economic reasons, and that the proposal is not likely to result in or add to significant environmental health problems. This is in accordance with our [Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements](#).

#### Travel in and around West Lothian

Q42 – Do you agree with the preferred approach to promoting access to/from/within West Lothian?

We support the preferred option which includes the promotion of sustainable transport measures in conjunction with new development as and when resources allow. This will contribute to climate change mitigation through the reduction of greenhouse gas emissions and improve local air quality. This strategy will also help to address public health issues arising from high levels of atmospheric pollution in urban centres.

We recommend that you consider low emission strategies as a way to transpose the preferred option into the plan. Low emission strategies provide a package of measures to help mitigate the transport impacts of development. They complement other design and mitigation options such as travel planning and the provision of public transport infrastructure. You should therefore consider including a policy framework and/or a requirement for developer contributions to assist the delivery of low emissions transport projects and plans. Good practice guidance has recently been published on this topic by Defra entitled [Low Emissions Strategies: using the planning system to reduce transport emissions](#).

### **Main Issue 6 – The Natural and Historic Environment**

#### Landscape approach and designations

Q48 Do you agree with the preferred approach to the natural environment in West Lothian?

We support the redevelopment of brownfield sites as set out in the preferred option. The redevelopment of these sites can provide multiple benefits and environmental improvements. In particular, sites adjacent to waterways may provide an opportunity to deliver enhancements in accordance with the River Basin Management Plan and contributions to the Green Network.

#### Green Networks, Local Biodiversity Sites and Geodiversity Sites

Q60 Do you agree with the preferred approach to the Green Network in West Lothian?

Q61 Does the proposed West Lothian wide green network capture the best strategic opportunities or are there any missing links?

We **support** the preferred approach and welcome the recognition at section 3.187 that all development sites, as part of the preferred development strategy, could allow opportunities for the integration of new green infrastructure. Furthermore, we note and welcome the reference here to the role of SUDS, swales, wetland, rivers, canals and their banks and other watercourses in the development of green networks. We would urge the Council to prepare Supplementary Guidance on this issue.

We consider green infrastructure to be an integral component of design that should be considered at the outset and therefore included as a key principle. This position is advocated by the Scottish Government's [Green Infrastructure: Design and Placemaking](#) guidance.

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 River Basin Management Plans and sustainable flood risk management and as such, should be promoted by the policies in the plan.

Green infrastructure requirements would be best incorporated as part of the design policy and supplementary guidance. This should encourage the integration of SUDS, flood plains and other aspects of the water environment as part of the green infrastructure on site as the most sustainable design option. There may also be opportunities on some sites for improvements to the water environment to be implemented as part of a wider green infrastructure strategy in line with the River Basin Management Plan (RBMP).

#### Biodiversity and geodiversity sites

Q66 – Do you agree with the preferred approach to biodiversity and geodiversity in West Lothian?

The plan should retain the policy framework for the protection of carbon rich soils. This could either be included as part of the wind energy policy or included as a separate policy for the protection of soil functionality which includes carbon rich soils (such as peat) along with prime agricultural land. We have produced a [Soils Position Statement](#) that outlines how that land use planning can address soil related issues. You may wish to consider the information contained in this document when updating the policy wording.

### **Main Issue 7 Climate Change and Renewable Energy**

#### Climate Change Measures/Low Carbon development and renewable energy/Wind farm and wind turbines

##### Wind farms and wind turbines

There are several emerging issues in relation to wind turbine developments since the previous Plan was prepared. In order to bring the policy in line with current best practice we would like to see reference to carbon balance, avoidance of impacts on peatlands and groundwater dependent terrestrial ecosystems, impacts of borrow pits, management of forestry and peat waste. We would highlight that the Council may wish to view our policy and guidance documents which are available at [www.sepa.org.uk/planning/energy.aspx](http://www.sepa.org.uk/planning/energy.aspx).

Q86 Do you agree with the preferred approach to renewable energy?

We **support** the preferred option in that the council intends to extend the current supportive policy to all low carbon energy technologies. This will help deliver low energy-demand settlements and contribute to reducing Scotland's greenhouse gas emissions. We welcome the reference within section 3.221 to the role that planning plays in terms of the siting and design that assists with passive solar gain. We would also highlight here the benefit of a spatial strategy that reduces the need to travel. It is important to note that locating community services, retail and jobs close to homes will help reduce unnecessary energy use for both existing and new buildings.

We **welcome** the positive statement on page 75 that the Council considers there may be opportunities for district heating systems to serve developments and that, where appropriate, these will be encouraged by the Council.

For the information of the Council, the Scottish Government is undertaking a national heat mapping exercise, identifying heat demand and sources of heat supply across the country. This information was published in the first half of 2014 and can be accessed via [www.scotland.gov.uk/heatmap](http://www.scotland.gov.uk/heatmap)

With regards to "de-centralisation of energy such as Combined Heat and Power (CHP) and district heating" in particular, we recommend that the Council does prepare policy guidance which will require to be taken into account in future developments. We recommend that the Council incorporates policy within the development plan specifically relating to "decentralisation of energy such as CHP and district heating" in line with SPP paragraph 159 "Local development plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation."

We would welcome early engagement on any sites for decentralised energy that you intend to identify in the plan. As these sites may require regulation by SEPA we will need to make sure that any potential emissions to air, noise and/or odour will not have a detrimental impact on existing sensitive receptors.

We would welcome the opportunity to assist with the preparation of policy guidance which will assist developers in taking this into account in future developments.

We note the Council may produce supplementary guidance on sustainable design/planning for climate change including small/micro-renewable proposals. We would support the development of such guidance. You may wish to consider including an energy hierarchy in any supplementary planning guidance by applying the principles that underpin the waste hierarchy - 'reduce, reuse, recycle and recover' - to energy. We have developed an energy hierarchy as part of our [Energy Position Statement](#) (page 9). In accordance with the hierarchy the first priority should be to reduce the amount of energy used by minimising the demand and then increase the efficiency of any systems that use energy, as set out in the Scottish Government's [Energy Efficiency Action Plan](#). When all achievable methods of energy reduction are in place you can then consider the demand for renewable energy and ensure that any process heat is recovered through combined heat and power.

With regard to the protection and improvement of carbon rich soils we note the Council's comments at section 3.224 of the MIR that the potential for wind farms in excess of 20MW is limited (20MW being the threshold above which Scottish Planning Policy requires LDPs to set out a spatial framework for on-shore wind farms). We would highlight here that potential impacts on carbon rich soil and peatland should be a feature of the LDP. In this regard we note and welcome the intention to retain the policy framework for carbon rich soils in the LDP as stated at section 3.195. We would welcome the opportunity to assist in policy wording in this regard.

## Flood Risk and Management

Q89 Do you agree with the preferred approach to flood risk?

Figure 17 (Climate change measures of relevance to the MIR) mentions “Protection of property from coastal, fluvial and pluvial flood risk”. As the next sentence down mentions “ensuring that new buildings and infrastructure are sited in areas that minimise exposure to flood risk” you may wish to clarify whether the first sentence is directed at existing property rather than to facilitate new development.

The preferred approach for the MIR is to maintain and update existing policies and supplementary guidance on flood risk as well as taking account of legislative requirements and guidance. The alternative approach is to go beyond the above requirements and identify and protect areas of land for natural flood management. We are satisfied with the preferred approach but would suggest that the alternative approach allows for a more holistic (i.e. catchment based approach which is mentioned in other documents) and robust approach to future development in West Lothian. We are aware of areas deemed important for flood management have previously been identified by Edinburgh City Council to ensure they remain free from development in the future. This was based on the Flood Map and past experience of the Council's Flood Prevention Team. If something similar was to be done in West Lothian we would be happy to provide comments on it.

Caveats and additional information for applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to West Lothian Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: “*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*” outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## Air Quality and Noise

Q92 Do you agree with the preferred approach to air quality?

Whilst we **agree** with the Council's proposal to 'to maintain and update existing policies on air quality, taking account of legislative requirements and any emerging Scottish Government Guidance', we would highlight that 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. This should be considered in light of the Scottish Government's commitment to reduce emissions of greenhouse gases.



The updated policy framework within the LDP should ensure that new developments do not have an adverse impact on air quality either through the exacerbation of existing air quality problems or the introduction of new sources of pollution where they would impact on sensitive receptors.

We note and welcome the proposal to promote strategies that seek to address air quality management issues in Broxburn and Linlithgow.

## **Main Issue 8 – Minerals and Waste**

### Waste

Q97 Do you agree with the preferred approach to waste management?

We **agree** with the preferred approach to waste management. Identification of appropriate waste management facilities and the development of a policy framework which supports the development of these facilities is in line with SPP paragraph 184 which states: “Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.”

And paragraph 186 which states “Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution.”

We would welcome the opportunity to inform the wording of the updated policy.

## Appendix 2 – SEPA comments on Strategic Flood Risk Assessment

The wording in Section 1.8 is misleading. We would direct the reader to “Where sites are located adjacent to watercourses, it can be possible to integrate development by providing appropriate mitigatory interventions such as stand offs to watercourses.” It may be worth highlighting that this “stand off” area may need to be informed by a Flood Risk Assessment rather than just an arbitrary buffer zone. The section also states that “SEPA and the council may request a Flood Risk Assessment (FRA) for large allocation sites that have an element of flood risk e.g. a watercourse flowing through the middle, but only could be adequately mitigated through site layout.” We would note that we may recommend an FRA is undertaken irrespective of the site size if we deem there to be a flood risk to the site. This risk could be from a watercourse flowing through or adjacent to the site. We would also note that it is not SEPA’s role to request an FRA be undertaken; that is the council’s role. We would direct the reader to “In contrast, SEPA could potentially recommend that sites adjacent to watercourses are removed as they could be located within the floodplain.” Floodplain by its very nature is adjacent to a watercourse hence we may recommend the removal of sites that are within floodplain and/or we have reason to believe that development would be unsustainable at this location.

Table 1 mentions the pathways of flooding. You may wish to consider including small watercourses as well as rivers. You may also wish to include surface water flooding.

Section 2.4 mentions “re-vegetating a hill slope to increase the interception of rainfall and increase the roughness of the land surface, thereby slowing runoff”. We are supportive of this proposal but would stress that this should not be done immediately adjacent to watercourses as it could exacerbate flooding downstream by providing blockage material for downstream structures.

Section 5.2 mentions the updated SPP which was released in June 2014 and the SFRA will need to be updated to reflect this.

We would recommend that Section 5.4 is re-worded as it states that “Development of sites on flood plains is normally resisted and development of other low lying land adjacent to rivers and watercourses will not normally be supported.” We are unclear what is meant by this sentence as it appears that floodplain has been mentioned twice. We would suggest that “Development of sites on flood plain is unlikely to be supported”.

We would suggest reference is made to SEPA’s vulnerability guidance in Section 8.3.

We would note there is a lack of mention made to surface water flooding in the SFRA. We would highlight that based on the Flood Prevention Reports published by the council; surface water runoff is a significant cause of flooding in West Lothian.

Caveats and additional information for applicant

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