

In 2014 Scotland Welcomes the World



By email to: wlldp@westlothian.gov.uk

Our ref: A9503171
17 October 2014

Dear Ms McBrierty

WEST LOTHIAN LOCAL DEVELOPMENT PLAN - MAIN ISSUES REPORT CONSULTATION RESPONSE FROM THE SCOTTISH GOVERNMENT

The Scottish Government welcomes the publication of West Lothian Local Development Plan Main Issues Report (MIR), demonstrating the Authorities commitment to put in place a new style Local Development Plan (LDP). I am responding on behalf of the Scottish Government, including Transport Scotland, Historic Scotland and Forestry Commission Scotland.

We have structured our response under general comments, main issues, policy areas and Supplementary Guidance. We finish with some concluding comments with a view to progressing towards the production of the Proposed Plan. In Annex 1 we have supplied comments from Transport Scotland, Historic Scotland and Forestry Commission Scotland.

General Comments

Scottish Government's policy on nationally important land use matters is contained in Scottish Planning Policy 2014 (SPP) and the national strategy for Scotland's development is contained within National Planning Framework 3 (NPF 3). Our role at this stage is to ensure that the Main Issues Report and the Proposed Plan (PP), which will follow, fit with Scottish Government policy and reflect Minister's priorities, which are contained within these documents. We also want to ensure front loading of the process and emphasise the importance of resolving issues at the earliest opportunity.

Overall, we found the MIR to be easy to follow and in particular we found the Policy Review and Supplementary Guidance tables to be very useful in terms of highlighting which policies / Supplementary Guidance are to be reviewed / retained or which are coming forward.

As a key stakeholder we, the Scottish Government, including Transport Scotland, Historic Scotland and Forestry Commission Scotland welcome the opportunity for continued

engagement in the West Lothian Local Development Plan (LDP) process. We would welcome the opportunity to comment on a working draft of the Proposed Plan and/or individual policies if the Council would find that of assistance.

Main Issues

We note the main issues which have been identified within the MIR and are content that these represent key areas of change and big ideas for future development within West Lothian. We can provide the following comments in relation to certain of the main issues.

Main Issue 3: Housing Growth, Delivery and Sustainable Housing Locations

The housing land requirement is set out in the SESplan Supplementary Guidance (18,010) and is derived from the HNDA, which is reflected in the MIR. There would appear to be a commitment to increasing housing supply. The preferred option, Scenario 3, aims to provide greater flexibility in land supply and acknowledges that a better range of site options, beyond the Core Development Areas (CDAs) already allocated, is required to support an increase in the supply of housing over the plan period.

The preferred option allocates additional sites capable of delivering more than the Housing Land Requirement identified through SESplan. The LDP should seek to ensure that there is enough effective land for at least five year housing land particularly as the MIR notes that over one third (37%) of the established land supply in West Lothian is constrained.

The MIR appears to refer to both the draft SESplan Supplementary Guidance and SPP 2010. While the up-to-date policy requirements are generally met and there is reference to elements of SPP 2014, this is not consistent – for example, paragraph 3.52 does not include the reference to “in the plan period”.

Paragraph 3.45 refers to the SESplan Supplementary Guidance being submitted to Ministers, however, we would note that Scottish Ministers responded to this in mid-June 2014.

Within paragraph 3.55, the baseline referred to does not include reference to the additional allowance required by the Supplementary Guidance (though this is mentioned in Figure 11 and in the Preferred Strategy on p30), which is confusing. Also the reference to the percentage of the established land supply which is constrained is in paragraph 3.55, representing some 37% of supply, but there is no further discussion.

We note that affordable housing policy is set at 15% in general, with an additional 10% within CDAs. Paragraph 3.105 refers to the ‘benchmark’ of 25% in SPP, however, this is from SPP 2010 and should be updated.

SPP 2014 states that development plans should address the need for sites for Gypsy/Travellers and Travelling Showpeople with LDPs identifying suitable sites for these communities. It is unclear from the MIR whether there are any issues of need in West Lothian as no mention is made of these groups.

Main Issue 4: Infrastructure Requirements and Delivery

We note that infrastructure delivery is a main issue for West Lothian and acknowledge that the Council is seeking innovative ways to address this, for example, through setting up a Local Infrastructure Fund and looking at methods such as TIF.

Paragraph 3.130 makes reference to the promotion of a ‘*mixture of generic policies*’ relating to developer contributions. We would highlight that Circular 6/2013 (Development Planning)

sets out the topics which should be included in the Plan and those which are suitable for Supplementary Guidance (para 139). Reference is made to this on page 84 of the MIR. Consideration should be given to this when preparing the Proposed Plan policies relating to developer contributions.

In addition, if developer contributions are to be sought through S75 planning obligations, reference should be made to Circular 3/2012 (Planning Obligations and Good Neighbour Agreements), which sets out the relevant policy tests. We would recommend that the Proposed Plan, be explicit about the need for a clear link between the impact of developments and the infrastructure to which those developments might contribute.

Main Issue 5: Town Centres and Retailing

We support that the MIR has identified the network of centres and their function, including emerging centres as required by SPP.

Circular 6/2013 sets out that evidence is required to inform plan-making, justify the plan's content, and provide a baseline for later monitoring, and that this information gathering and analysis should serve efficient high quality plan-making. SPP states (paragraph 64) that local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check, and that one of the roles of the health check is to inform the development plan. Accordingly, the Scottish Government would encourage the Council to carry out town centre health checks if it has not already done so. The findings of the health checks should also be used to develop a strategy to deliver improvements to the town centre. SPP expects the spatial elements of town centre strategies to be included in the development plan or Supplementary Guidance.

The key recommendation from the National Review of Town Centres [External Advisory Group Report](#) (EAG) (July 2013) was for a 'town centre first principle'. Both the preferred and alternative approaches in the MIR refer to applying a sequential approach but only in relation to retail and commercial leisure. These were the uses the previous SPP (2010) sequential approach applied to, however, we would highlight that the town centres first sequential approach has been widened out to cover the wider range of uses. One of the new SPP's Policy Principles (paragraph 60) is a broadening out of the established sequential test so that "the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities". Paragraph 68 of SPP sets out which uses the sequential approach applies to, and the order of preference in which locations for these uses are to be considered in. The Proposed Plan should include a town centres first policy approach which covers the full range of uses set out in SPP.

Moving forward the Proposed Plan should include policies to support an appropriate mix of uses in town centres, local centres and high streets (as required by SPP paragraphs 60 and 67).

The Council's preferred approach is to remove the policy restrictions on changes of use from Class 1 (Retail) to Class 2 (Financial and Professional Uses) in Bathgate and Linlithgow town centres. SPP notes that in some town and local centres there are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises. The Council should be aware of the potential implications a relaxation of its policy restriction could have in terms of increasing the number of pay day loan shops and betting shops. We have committed to looking at changes to remove the existing exemptions from planning control for betting offices and certain financial services

and laying amending legislation in Parliament at the end of the year. Further details are available from the News Release and the Tackling Pay Day Lending and Gambling in Scottish Town Centres and neighbourhoods Action Plan which are available online at <http://news.scotland.gov.uk/News/Taking-action-on-payday-lending-f82.aspx>. If the Council has concerns about the number and clustering of particular non-retail uses, such as betting offices and high interest money lending premises in town centres, and the town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, we would highlight that the SPP now expressly states that the development plan should include policies to prevent such over-provision and clustering.

Main Issue 6: The Natural and Historic Environment

Landscape designations (Question 51)

The preferred approach to landscape designations in West Lothian accords with policy outlined in paragraph 197 of the SPP. It would be useful to explain what is meant by candidate Special Landscape Areas (cSLA) and what the process is for a cSLA to become a SLA. We note the Local Landscape Designations Review (LLDR) referred to in paragraph 3.175 of the MIR. It will be important for the output of the review to reflect paragraph 197 of the SPP on areas of local landscape value and to consider the role of local landscapes in West Lothian in contributing to the purposes outlined in the SPP. It is important to ensure that landscapes are protected to support these purposes.

Housing Development in the countryside (Question 54)

Paragraph 76 of the SPP states that in pressurised rural areas it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. In pressurised areas, where there is a danger of unsustainable growth in car based commuting or suburbanisation of the countryside, paragraph 81 of SPP states that a more restrictive approach to new housing development is appropriate. It is unclear whether West Lothian Council consider their rural area and in particular the west area, where lowland crofting is to be promoted, to be a pressurised rural area. If these rural areas are considered to be pressurised, it would be appropriate to reconsider the lowland crofting policy in the context of paragraph 81 of the SPP.

Paragraph 3.180 of the MIR recognises that isolated development in the countryside tends to be more car dependent, implying a negative association with car based commuting. Paragraph 3.181 of the MIR recognises that the proliferation of lowland crofting sites and increased demand generally for development in the countryside may be leading to a creeping and unacceptable suburbanisation of the countryside remaining in the west of West Lothian. The Council's recognition that housing in the countryside can result in car based commuting and suburbanisation of the countryside, and the concern the Council have expressed in relation to this, reinforces the need for the lowland crofting policy to be considered in light of paragraph 81 of the SPP. We note from paragraph 3.181 of the MIR that a full assessment of the terms of the lowland crofting policy will be undertaken to inform the Proposed Plan. It will be important to take the above comments into account as part of that assessment.

Business, tourism and recreational uses in the countryside (Question 57)

NPF3 sets out a vision for vibrant rural areas supported by new opportunities for employment. Paragraph 75 of the SPP encourages rural development that supports prosperous and sustainable communities and businesses. This position would support the preferred approach outlined in the MIR. However such an approach should be considered within the context of paragraph 76 of the SPP which seeks to protect against unsustainable

car based commuting and suburbanisation of the countryside in pressurised rural areas. This policy position is likely to be relevant to some of the rural area in West Lothian and the approach to business, tourism and recreational development should recognised the potential need to manage such development on the basis of the impact that it could have on suburbanisation and unsustainable car based commuting.

It would be useful to include reference, in relation to this policy, to new policy provision included in the SPP to hutting development. Paragraph 79 of the SPP states that development plans should, where appropriate, set out policies and proposals for leisure accommodation, including for huts. Huts are defined in the glossary of the SPP. Please note that a very precise definition is used and which should continue in any potential policy approach developed.

Biodiversity (Question 67)

It will be important to ensure protection of trees and woodlands as part of West Lothian's approach to biodiversity, in accordance with paragraphs 210 and 216-8 of the SPP.

Green Network

We welcome that the Council intends an aim of the LDP is to provide an improved network of linked green spaces incorporating active travel routes.

NPF3 identifies three priorities for the CSGN, and we would encourage the Council to actively consider how the green network in its area can contribute to these priorities:

- greening vacant and derelict land
- development of active travel networks; and
- delivering environmental improvements in our most disadvantaged communities.

The Council may wish to consider including a graphic to show the extent of the green network and its key components, and where there are particular priorities for action, for example, to any key connections /missing links to the green network.

Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure, linked to placemaking. Moving forward to the proposed plan, it should comply with the SPP's expectations of development plans in relation to green infrastructure as set out in paragraphs 219 -229 of the SPP.

Open Space Strategy (Question 70)

The Scottish Government welcomes that the Council is updating its Open Space Strategy to inform the LDP. We would encourage the Council to take a holistic, integrated and cross-sectoral approach when planning for green infrastructure. SPP says that development plans should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure's multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, biodiversity, forestry and woodland, river basins, flood management, coastal zones and the marine environment. The Council should consider taking a multifunctional greenspace approach to its next strategy.

The Council may wish to refer to the Open space audits and strategies e-resource developed following research commissioned by SNH <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/greenspace-and-outdoor-access/open-space-audit-and-strategies/>. It directs practitioners to the best of the existing material about open space audits and strategies along with case studies.

In terms of developing priorities or actions in the strategy, NPF3 identifies three priorities for the CSGN, and we would encourage the Council to actively consider how the green network in its area can contribute to these priorities:

- greening vacant and derelict land
- development of active travel networks; and
- delivering environmental improvements in our most disadvantaged communities.

Main Issue 7 – Climate Change and Renewable Energy

Renewable Technologies: In September 2013, the Scottish Government announced that further improvements to energy standards would be introduced to deliver an aggregate reduction in emissions of 21% for new homes and 43% for new non-domestic buildings. Revised standards would be published in October 2014, to come into force in October 2015. The Council should provide scope within their policy approach to accommodate a revised set of building standards.

The section on woodland control is a paraphrasing of SPP paragraph 218 but while the MIR highlights the woodland protection policy and text, it does not acknowledge SPP on compensatory planting. SPP is clear that there are criteria for determining the acceptability of woodland removal. That criterion and further information contained within the policy should be accounted for in the preparation of development plans and determining planning applications.

Question 86 - we support the preferred approach, however, noting paragraph 3.225 in the MIR, the Landscape Capacity Study (LCS) should only supplement the spatial strategy, not “set it” as is being suggested. To assist in developing policy to complement the spatial framework the landscape capacity study conclusions can be accounted for in the development management process. In so doing a clear description of how the spatial framework interacts with the supplementary landscape capacity study should be open for public debate in the proposed plan. If the LCS is to inform policy considerations, then it should be subjected to appropriate scrutiny through public consultation. Whilst we support the use of a LCS in assisting with wind energy planning considerations, they should only provide a steer on development management considerations.

There is a role for landscape capacity studies which can:

- be useful tools in identifying cumulative impact issues,
- help identify strategic and local area capacity
- assist in developing cumulative impact objectives or scenarios, and
- assist in setting landscape change thresholds to manage change and future impacts.

Question 87 – we do not consider this to be a reasonable alternative, as SPP requires a spatial framework to be developed to guide wind energy development to appropriate locations.

Flood risk and management (Question 89)

It will be important for policy in this area to accord with the approach outlined in the SPP. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Local Development Plans should use the flood risk framework as set out in paragraph 263 of the

SPP to guide development. The flood risk framework should be applied within the context of the points highlighted in paragraph 264.

Flood risk and management (Question 90)

It is not clear that to identify and protect areas of land for natural flood management is to go beyond requirements, as is suggested by the preferred approach. Paragraph 262 of the SPP states that local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management. In addition, paragraph 255 of the SPP highlights the importance of safeguarding flood storage and locating development away from functional flood plains. The protection of functional flood plains can also form an element of natural flood management. Accordance with paragraph 262 of the SPP would be within the parameters of the preferred approach outlined in the MIR to update existing policies and guidance taking into account Scottish Government guidance.

Main Issue 8 – Minerals and Waste

Minerals

We would recommend that certain references be updated and amended under Main Issue 8. For example, paragraph 3.233 makes reference to NPF2. Paragraph 4.2 of NPF3 states that “Our mineral resources support the construction and energy sectors”. In addition, paragraph 3.235 of the MIR refers to paragraph 227 of SPP (2010), which should now be updated to paragraph 238 of SPP (2014). Within paragraph 3.239 the waste hierarchy diagram seems to be in the wrong position and not under the ‘Waste’ heading.

We would note that not all coal bed methane resources will need or require to be hydraulically fractured (paragraph 3.241 of the MIR).

Waste

Overall, we are content that the Main Issuers Report makes appropriate reference to the relevant plans and policies for waste management. There are references to national waste management targets, Zero Waste Plan, Waste Hierarchy, SEPA’s Thermal Treatment Guidelines, European Waste Framework Directive 2012, and to contributing to the preparation of a Heat Map.

We note that there appear to be no area targets, though there are numerous references to national targets.

The planning authority should now have access to revised waste capacity data published recently at <http://www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb>

Policy Areas

Marine Planning and Marine Renewable Energy

It is a requirement of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 as amended by the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 for planning authorities to have regard to adopted national marine plan and regional marine plans in preparing strategic development plans, main issues report and local development plans.

It is also a requirement of the Marine (Scotland) Act 2010 for public bodies to have regard to the appropriate marine plans in making any decision which affects the Scottish marine area,

and which is not an authorisation or enforcement decision. Authorisation or enforcement decisions must be taken in accordance with appropriate marine plans, unless relevant considerations indicate otherwise.

As part of West Lothian Council borders the Scottish marine area, it would be appropriate for Paragraph 1.27 of the MIR (page 7) to note that local development plans should have regard to forthcoming national and regional marine plans once they are adopted.

Education Provision

In relation to education provision, references to the need to provide new schools and address school catchment / capacity issues must be dealt with in line with the requirements of the Schools (Consultation) (Scotland) Act 2010.

Delivering Infrastructure in West Lothian: Background Paper

Paragraph 3.3 of the Background Paper makes reference to TIF and also to the use of Stamp Duty Land Tax to help fund borrowing for infrastructure delivery.

The Scottish Government remains interested in exploring innovative options for financing infrastructure investment, including the work it is doing on Tax Incremental Financing. In relation specifically to Land and Buildings Transaction Tax, we would highlight the position set out in the Scottish Government's Draft Budget 2015-16 on 9 October 2014.

Supplementary Planning Guidance

As indicated earlier, we welcome the tables in Section 4 which identify existing supplementary guidance to be carried forward or amended and proposed supplementary guidance. In preparing the Proposed Plan and considering the content of statutory Supplementary Guidance, we would emphasise the importance of compliance with section 27 (2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. In terms of volume of statutory Supplementary Guidance it is important that this is proportionate, as the Plan as a whole (policy and guidance) needs to be accessible to the reader.

Concluding Comments

Overall, we consider the MIR strikes a good balance between identifying the big ideas for the future development and also being site specific, setting out the detailed proposals for development.

I trust you will find these comments helpful as you prepare the Proposed Plan. These and subsequent comments provided by the Scottish Government are given without prejudice to the Scottish Minister's future consideration of the plan. My colleagues and I in the Scottish Government and its agencies are, of course, happy to discuss this with you and your colleagues.

Kind regards


Robin Campbell
Senior Planner

ANNEX 1

Transport Scotland

Transport Scotland welcomes this opportunity to comment on the West Lothian Local Development Plan Main Issues Report (MIR). Although Transport Scotland has had limited involvement in the preparation of the plan, we look forward to forging a relationship with the Council as the plan moves forward. Scottish Planning Policy should be referred to throughout the forthcoming stages of producing the Local Development Plan. This was published on 23 June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system, and for the development and use of land. It is also a requirement that the assessment of transport impacts required to inform the plan are compliant with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) which clarifies how transport appraisal should be aligned with the planning process.

It is noted that as a result of the SESPlan Strategic Development Plan (SDP) Supplementary Guidance allocating an additional 2,130 houses for the West Lothian area for the period 2009 – 2024, the MIR details 3 scenarios with differing levels of housing to provide greater flexibility. The MIR's preferred strategy is Scenario 3 which allocates 1,370 houses in addition to the 2,130 from the SDP, which results in a combined total of 3,500 additional units. The MIR details that the additional 1,370 units will be provided between 2024 – 2032.

The MIR preferred strategy includes housing allocations in the areas of Broxburn (475 units), Linlithgow (550), Livingston (400~), Winchburgh (288) and Heartlands, Whitburn (250). Transport Scotland understands the reasoning for the additional allocations within these areas due to the presence of existing Core Development Areas, however there is the potential for a significant impact to the M8 and M9 trunk roads.

Transport Scotland is aware of the modelling undertaken by SYSTRA of the 3 MIR housing scenarios which is detailed within the Transport Appraisal and Modelling Background Paper published alongside the MIR. To date Transport Scotland has had discussions with West Lothian Council on the content of the modelling and we are currently working with West Lothian to resolve our concerns. Currently, these relate specifically to the housing allocation figures used in the model which do not align with those set out in the MIR preferred housing strategy Scenario 3. Furthermore, the model does not include the proposed M9 junction at Winchburgh or include any reference to cross boundary issues, including a potential impact at Newbridge on the M9 which is detailed within the MIR as a significant constraint.

It has been agreed with West Lothian Council that the modelling will be revised, as Transport Scotland requires to understand the nature and scale of any potential impact to the trunk road network and what, if any, mitigation measures are required to deliver the spatial strategy. It is understood that the results of this will be known as the Plan moves forward and we anticipate that the modelling will inform the strategy within the Proposed Plan. Transport Scotland has intimated to the Council that regular and continued engagement on this would be beneficial.

We are aware that more detailed modelling has been undertaken of Linlithgow and the potential impact to the M9 specifically at Junction 3A, and that this exercise has also included consideration of potential impacts at Newbridge. Transport Scotland has not been involved in this exercise to date and has not yet been made aware of the results.

In addition to the above, it is considered that the LDP and modelling exercise should specifically mention and address cross boundary issues, which will include the need to detail

any potential impact at Newbridge. The issue of cross boundary effects is one which Transport Scotland is seeking to address with all Local Authorities in the SESplan area and a consistent message is being delivered to all Authorities that cross boundary impacts require to be determined and addressed within their respective LDP's. West Lothian Council has stated to Transport Scotland that it will consider cross boundary issues within the model and the forthcoming Proposed Plan. It is anticipated that working alongside the Council that our concerns on the aforementioned matters will be addressed in due course.

In light of the above, Transport Scotland cannot at this time provide a fully informed view on the MIR preferred spatial strategy as the nature and scale of any potential impacts to the strategic road network has yet to be quantified. Transport Scotland looks forward to continuing a dialogue with West Lothian Council as the Plan progresses in order to resolve the outstanding issues and has indicated availability to be consulted upon modelling methodologies going forward and to provide support/advice as required.

Historic Scotland

This letter contains comments from Historic Scotland, on the West Lothian Local Development Plan. There are both general and specific comments on the MIR and development allocations and, there are also detailed comments on individual allocations. Finally, West Lothian Council has posed 98 questions throughout the MIR and only a small number of these relate to Historic Scotland's remit. Where relevant, answers to these questions are set out.

Overview

Historic Scotland is grateful for the early and on-going sight of report drafts and the development allocations as they have come forward. The report itself is clear in format and content and Historic Scotland welcomes the prominence given to *the natural and historic environment*, as one of eight main issues. In addition, the accompanying monitoring statement provides a good overview of the performance of the current plan and the key issues for the historic environment.

Vision and Aims

In general terms, Historic Scotland looks to the LDP, not just to '*protect and improve the area's built heritage*' as identified in the LDP vision statement but to recognise that the historic environment has a part to play in delivering sustainable economic growth, highlighting the benefits and opportunities it can bring. It is therefore encouraging to see linkages created between historic environment priorities and other council priorities, such as '*well-being*', '*waste education*' and support for '*older people*'. There is of course scope for further connections to be made and benefits to be realised and we would encourage West Lothian Council to look for these, across all of the main issues identified in the MIR.

Policy Framework

The Main Issues Report and Monitoring Statement consider that the historic environment policies contained in the previous plan remain relevant and therefore intend to carry these forward into the LDP. Historic Scotland agrees that, with minor updates to reflect the recently published Scottish Planning Policy, these will continue to ensure the on-going protection and enhancement of the historic environment. There may be scope to streamline some of these policies and Historic Scotland would be happy to work with the council on these as they are updated. Historic Scotland also welcomes the aspiration in the Monitoring Report to develop supplementary guidance in support of these policies.

The monitoring report also identifies much of the landscape character of West Lothian as comprising remnants of its industrial heritage (highlighting the bings and mining spoil, industrial infrastructure and buildings as well as the area's canal heritage). This character and the intrinsic cultural significance of individual historic assets are important elements in understanding the area's overall historic environment. Historic Scotland would therefore support an approach that gives due consideration to these in the development management process.

Historic Battlefields

Historic Scotland also welcomes the intention to produce a policy on historic battlefields and will be happy to assist with this.

Gardens and Designed Landscapes

The policy relating to Gardens and Designed Landscapes is covered by existing policies HER22-23. The MIR proposes that these two policies should be combined into a single policy and Historic Scotland would support this approach. It is unclear however, whether this policy would only relate to sites included in the Inventory of gardens and designed landscapes (of national importance), or all designed landscapes (of regional or local importance). National policy does encourage planning authorities to develop policies within their development plans for the identification and future management of designed landscapes of local and regional importance in their areas.

Micro-renewables

As part of its advisory series '*managing change in the historic environment*' Historic Scotland has produced advice on micro-renewables. It may therefore be helpful to reference this in the Council's planning guidance on micro-renewables. The guidance can be found at www.historic-scotland.gov.uk/microrenewables.pdf

Consultation questions

Regarding the questions directly relating to the historic environment (questions 71-73), Historic Scotland would support the Council's preferred strategy of reviewing the current development management policies and the preparation of supplementary guidance to assist with their application. While noting that the decision to designate additional Conservation Areas is a matter for the Council to determine, Historic Scotland would support the updating and preparation of Conservation Area Appraisals of existing Conservation Areas to assist with their future management.

Spatial Strategy

In general terms, it is important that any spatial strategy takes into account the need to protect and enhance where appropriate, the historic environment. Historic Scotland would support any spatial strategy which seeks to sensitively capitalise on the historic environment and use historic assets in the creation of new places (or in the development of existing spatial strategies). They therefore support your preferred approach towards housing in the countryside. The measures outlined under this approach will aid in delivering development that is sensitive to the historic environment while creating better places to live and work. Historic Scotland also supports the measures outlined regarding better place-making and the use of masterplanning for selected sites. The comments provided within the site assessments will provide a helpful starting point in identifying which sites may require masterplanning and the types of issues they would need to address.

Historic Scotland is generally content with the site assessments that have been undertaken. They found it particularly helpful to have had the opportunity to review and comment on many of these sites prior to the current consultation. In terms of the specific locations,

Historic Scotland agree that the majority of potential impacts on the historic environment can be successfully mitigated by the application of policy.

Overall Historic Scotland agree with the findings of the site assessments and have provided some specific comments on certain development locations which they hope will assist you in reaching a view. There are however, six proposals which we are unlikely to support if included in the Proposed Plan and these are include in section 1 below. We also have some further comments on specific allocations which are set out in section 2 below.

West Lothian Council Local Development Plan MIR consultation Historic Scotland comments on specific land allocations

1. Proposals which Historic Scotland are unlikely to support if included in the Proposed Plan:

Uphall EOI-0017 & East Calder EOI-0018

The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located within these proposed development sites. 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 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.

West Calder EOI-0161

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 and as such Historic Scotland would not support the inclusion of this part of the site. We would welcome the opportunity to discuss this allocation prior to the Council reaching its settled view.

Winchburgh EOI-0205

A large central section of this development site covers the scheduled monument Faucheldean Bing (SM5692). We would highlight that Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted. As such, Historic Scotland would not support the inclusion of this allocation and agree with its identification in the MIR as non-preferred.

Uphall EOI-0217

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, we have significant concerns about the scale of development proposed. We would not support such adverse alteration of the canal at this location.

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/html/db/f?p=2500:15:0::::BATTLEFIELD:linlithgowbridge>. This entry describes our current understanding of the battlefield and how it relates to the landscape and surrounding area. We assume that any development of this site is likely to begin adjacent to existing housing and infrastructure, at the 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 limited development of the site, in view of potential effects on the battlefield, it may not be possible to achieve the densities proposed. As such we agree with your view of this allocation as being non-preferred.

2. Historic Scotland Comments on specific allocations:

East Philipstoun EOI-0067

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.

Newton EOI-0071

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.

Livingston EOI-0110

Development within this site boundary could potentially impact upon the setting of scheduled monument 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.

Linlithgow allocations – You may wish to refer to work of the Scottish Burgh Survey for Linlithgow (Dennison EP & Coleman R, 2000, Historic Linlithgow, The Scottish Burgh Survey) for information about the historic and archaeological significance and potential of the burgh.

Linlithgow EOI-0016

Development within this site boundary could have a potential impact on the setting of a property in the care of Scottish Ministers (the scheduled monument known as Linlithgow Palace, Peel and Royal Park, SM 13099). Adverse visual impacts could potentially be mitigated through modification of the development site boundaries, and/or the use of site specific development brief.

Linlithgow EOI-0168

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 of the site

did not involve direct impacts upon the scheduled monument we are 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 monument would be subject to the Scheduled Monument Consent process.

Linlithgow EOI-0114

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.

Linlithgow EOI-0210

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 of the site did not involve direct impacts upon the scheduled monument we are 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 monument would be subject to the Scheduled Monument Consent process.

Broxburn EOI-0086

The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located close to this proposed development site. Development of this site may potentially have significant adverse impacts upon the setting of the scheduled monument. Adverse indirect impacts could potentially be mitigated through 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.

Broxburn EOI-0087

The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located close to this proposed development site. Development of this site may potentially have significant adverse impacts upon the setting of the scheduled monument. Adverse indirect impacts could potentially be mitigated through 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.

Broxburn EOI-0115

Development of this site may 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.

Broxburn EOI-0116

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 of the site did not involve direct impacts upon the scheduled monument we are 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 monument would be subject to the Scheduled Monument Consent process.

Broxburn EOI-0138d, f, h (three separate 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.

Broxburn EOI-0144

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.

Blackburn EOI-0136

Development to the north may 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 polices, and/or the use of a site specific development brief.

Wilkieston EOI-170A

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 polices, and/or the use of a site specific development brief.

Uphall EOI-0175

The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located close to this proposed development site. Development of this site may potentially have significant adverse impacts upon the setting of the scheduled monument. Adverse indirect impacts could potentially be mitigated through 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.

Winchburgh EOI-0196,

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.

Winchburgh EOI-0199, 200, 201

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.

Winchburgh EOI-0204

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.

Forestry Commission Scotland

We have run a constraints check on the areas of land identified for potential future development. This has highlighted to us that there are a number of woodland sites within the proposed development allocation. The majority of sites containing woodland are either committed or alternative sites. As far as we can establish, few are preferred. Some of the woodlands included within the committed or alternative sites feature on the Ancient Woodland Inventory and or Native Woodland Survey of Scotland. Ancient Semi-Natural Woodland are of significant ecological value. Scottish Planning Policy paragraph 194 states; "The planning system should protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value."

FCS therefore advises that the development allocations containing Ancient Semi-Natural, Native and or Woodland with high conservation interest are not desirable for development and should be modified so to remove the woodland component from the development area.

With regard to the other woodland types that feature within the proposed development allocations, it will be important to consider these against the Woodland Removal Policy. Paragraph 218 of the SPP states that; "The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications."

This would suggest that the MIR should inform the PP to ensure that woodland allocated for development has been considered against the woodland removal policy. In situations where it is deemed that woodland removal is acceptable, it will be important for the MIR to highlight that the proposed plan builds in policies to ensure that compensatory planting is secured and conditioned via the planning approval process.

To ensure that woodlands are planted and managed appropriately, paragraph 201 of the SPP states 'Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits.....' The Edinburgh and Lothians Forest and Woodland Strategy was developed in 2012, in partnership with West Lothian Council. The strategy spans the whole of West Lothian. We therefore suggest that it should be referred to within the MIR as an important

strategic document for guiding woodland planting and management within West Lothian. Consideration should also be given to adopting the Edinburgh and Lothians Forest and Woodland Strategy as supplementary planning guidance in support of the Proposed Plan.

We support the Main Issue 6 which in summary aims to protect and enhance the natural environment and provide an improved network of green spaces. We feel that this could be further strengthened by specifically recognising the important contribution that woodland can make in helping to achieve this aim. This would also better reflect the SDP stated aim in relation to this issue which is to "promote green networks including through increasing woodland planting to increase competitiveness, enhance biodiversity and create more attractive, healthier places to live."

We accept the MIR proposals to review and combine the three (ENV10-13) woodlands and forestry policies into one, however, it will be important to ensure that the new policy covers the following key issues:

- To protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value.
- A presumption in favour of protecting woodland, only allowing woodland removal where it would achieve significant and clearly defined additional public benefits. Securing compensatory planting is likely to form part of the balance.
- Edinburgh and Lothians Forest and Woodland Strategy highlighted as an important strategic document for guiding woodland planting and management within West Lothian.
- Recognise the important contribution that new woodland planting can have in achieving green networks.