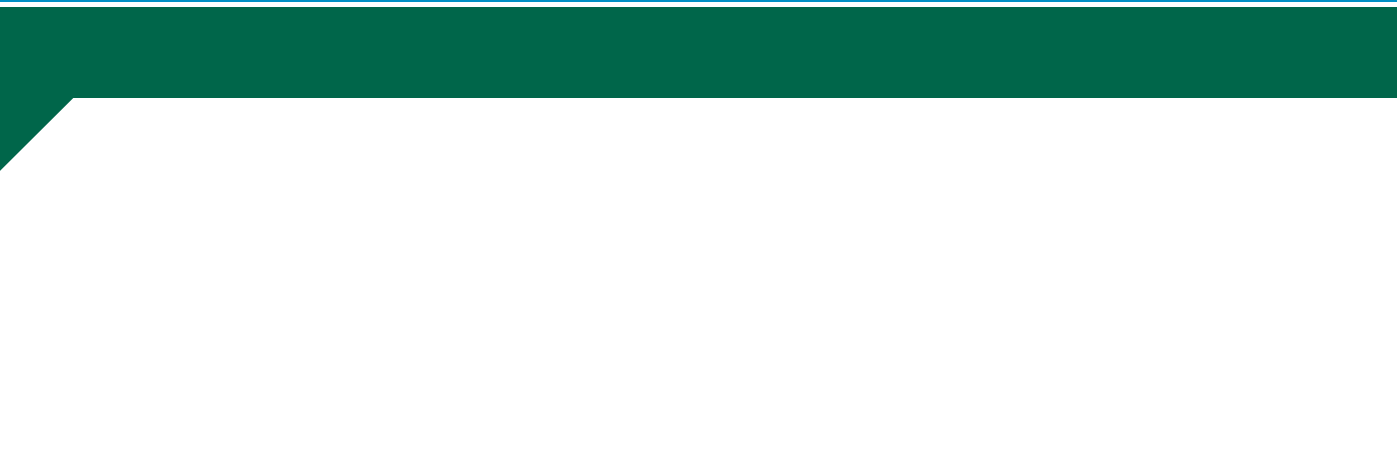


Chapter 12
Implementation



Chapter 12 Implementation

INTRODUCTION

12.1 The following sections identify the key agencies, resources and initiatives that will implement the development strategy, policies and proposals of the local plan. For development proposals within the Core Development Areas (CDAs), these sections should be read in conjunction with Chapter 7 *The core development areas* and the CDA Action Plan (see Appendix 7.1).

12.2 To overcome infrastructure constraints, the council will liaise with a number of public and private sector agencies to secure infrastructure and services which support the development strategy. New development will not be allowed to proceed beyond the existing infrastructure capacity of each area until the required improvements are provided, or its funding is fully committed. Through planning conditions and legal agreements, the council will ensure that new development takes place in phase with infrastructure.

12.3 Various agencies will also be involved in implementing the environmental policies of the plan. They will have an important role to play in enhancing the physical environment of the area for the benefit of the community. A number of key agency names occur under different headings, a reflection of their multi-role responsibilities and partnership involvement. Inclusion here is primarily confined to development and does not necessarily reflect the range of other routine joint partnership initiatives.

IMPLEMENTATION AND PARTNERSHIP RESPONSIBILITIES

Housing

12.4 Housing developers will be required to provide or contribute to the provision of necessary infrastructure and, where appropriate, to address deficiencies in local and amenity facilities which result from the additional housing. The council's key requirements are set out in Chapter 6 *Housing* and Chapter 7 *The core development areas*.



Private housebuilding

12.5 The local plan allocates land for a substantial number of private houses across West Lothian. The council will promote these sites and opportunities with the private house builders, and is especially keen to see a wide range of house types, and tenures, being provided so that all housing needs in the area are met.

Public sector housing

12.6 Faced with borrowing restrictions and a loss of stock through the Right to Buy legislation, the council is under increasing pressure to meet the demands for affordable rented housing in an area of high population growth. Traditional methods of provision involve the council, Communities Scotland, registered social landlords and other social housing providers working in partnership. This must, however, be supplemented by other initiatives.

12.7 In recent years, the council has promoted a number of initiatives to deliver additional affordable housing for rent. These have included two New Housing Partnerships initiatives and the *Opening Doors for Older People* initiative. The council has also formed an *arms-length* development company, West Lothian Housing Partnership. The council will continue to use a multi-agency partnership approach to maximise investment in affordable housing.

12.8 Through the implementation of the council's *Affordable Housing Policy* (see policy HOU 10), a proportion of certain development sites will require to be made available for affordable housing. This will increase opportunities for the provision of additional affordable housing units over the coming years.

The council as landowner

12.9 The council has a successful record of disposing of sites in its ownership, for housebuilding, including land at Little Boghead, Bathgate; Holygate, Pyothall and Loaninghill, Broxburn; and numerous sites throughout Livingston. The phased release of land in this way helps to satisfy market demand and maintain development momentum in these towns.

12.10 A number of housing development sites identified in this local plan are in the whole or part ownership of the council, including the sites at Drumshoreland, Pumpherston, the former Candleworks in Broxburn and a number of sites in Livingston. The council will continue to release sites in its ownership in order to secure an adequate and effective supply of land to meet housing demand. Some of these sites may be released exclusively for the provision of social rented houses, or other forms of affordable housing.

The council as education authority

12.11 The council periodically reviews school catchment areas which, amongst other things, takes into account the need to serve anticipated development, including sites identified in this local plan. There are also projects within the council's capital programme to improve or extend existing schools.

12.12 The council has implemented a Public Private Partnership (PPP) package of schools expenditure, which included the refurbishment of Whitburn Academy and extensions to Bathgate and Broxburn Academies. The council has approved a revised PPP project to deliver two new build secondary schools to replace the existing Armadale Academy and Deans Community High School in Deans, Livingston. The council has also approved, under a conventional procurement route, the refurbishment and extension of Inveralmond Community High School and The James Young High School in Livingston and St Kentigerns Academy in Blackburn. These improvements will meet existing needs and help to serve the demand arising from the local plan development strategy at secondary school level. They will also help improve the quality of service provision.



12.13 Where expenditure is necessary to increase capacity, developers will often be expected to contribute funds to overcome constraints. The substantial amounts of new housing which will come forward within the CDAs is likely to require developer contributions to ensure that sufficient education capacity is available to support the scale of development. The likely requirements are set out in the CDA Action Plan (Appendix 7.1). In some cases, the new housing developments outwith the CDAs are also likely to require developer contributions to remove education constraints.

Armadale Academy



12.14 The council has identified a need to increase the capacity of non-denominational secondary school provision in Armadale due to the scale of development planned for the Armadale Academy catchment area. It was originally proposed that the existing Academy be extended as part of PPP2, however the school was withdrawn from the PPP2 project, which has subsequently been revised and the council will now seek to deliver a new build replacement secondary school for Armadale through a revised PPP project. Developers will be expected to contribute to the cost of a new build solution. Supplementary planning guidance setting out the level of developer contribution will be provided.

With a view to removing education constraints, the council intends to assess the potential for extensions at various secondary schools.

Policy IMP 1

All developers of housing sites within the catchment area of Armadale Academy will be required to contribute to the cost of providing a new non-denominational secondary school to replace Armadale Academy.

Denominational secondary school

12.15 One major district wide constraint is the lack of capacity at the two existing denominational secondary schools: St Margaret's Academy in Livingston and St Kentigern's Academy in Blackburn. Whilst additional denominational capacity is to be provided at St Kentigern's, this only provides an additional 330 pupil spaces which is insufficient to support the local plan strategy. There is a need for a new denominational secondary school to support the scale of development identified in the plan. Given the long lead in time for constructing a new secondary school, the council intends to explore options for extending St Margaret's Academy, Livingston with a view to providing additional capacity for the denominational sector in advance of a new denominational secondary school being provided at Winchburgh. The new denominational secondary school is proposed to be sited at Winchburgh.

12.16 As a new denominational school will be required to allow both CDA and non-CDA developments to proceed, it is anticipated that CDA and non-CDA developers in West Lothian will be required to contribute towards the cost of funding the school. Contributions are also expected from developers within the Newbridge/Kirkliston/Ratho CDA (see paragraphs 7.22 - 7.23).

Supplementary guidance on developer contributions for the denominational secondary school has been prepared by the council and will be updated to allow funds collected for the provision of additional education infrastructure for the denominational secondary sector to potentially be used to extend St Margaret's Academy, Livingston and/or construct a third denominational secondary school in West Lothian.

12.17 Given the scale of the CDA developments, none of these will be able to proceed until sufficient education infrastructure for the denominational secondary sector is provided, or committed (see paragraph 7.25). Outwith the CDAs, where developments will generally be on a smaller scale than those within the CDAs, it is anticipated that, with careful phasing, most planned housing developments will be able to proceed before a new denominational school is provided.



12.18 Where necessary, phasing restrictions will be imposed to ensure that new housing development does not take place at a rate that will exacerbate capacity problems at existing denominational secondary schools. The extent of any phasing will depend on the location and scale of development and on the availability of capacity at existing denominational secondary schools at the time that planning applications are being considered. The capacity situation at the existing denominational secondary schools will be kept under review by the council. In situations where it becomes apparent that, even with phasing, further housing development will exacerbate capacity problems, developments will not be allowed to proceed until additional capacity is available.

12.19 At the present time, admission to St. Margaret's Academy and St. Kentigern's Academy may be via a waiting list. This situation is unlikely to change in the short term.

Policy IMP 2

All developers of housing sites will be required to contribute to the cost of providing additional education infrastructure in West Lothian for the denominational secondary sector. Contributions will be used to fund a new denominational secondary school. Contributions may potentially be used to extend St Margaret's Academy. Where appropriate, phasing conditions will be imposed to control the annual rate of house completions on housing sites. Housing developments which will exacerbate capacity problems at existing denominational secondary schools will be resisted.

Considering proposals for housing developments

12.20 Investment in primary schools will also be required to support housing outwith the CDAs. The key requirements are as follows:

Bangour: The scale of housing envisaged at Bangour will require the provision of a new primary school to be funded by the developer. The size of the school will depend on the scale of development eventually agreed.



Drumshoreland: The major site at Drumshoreland, Pumpherston will require the provision of a new primary school. It is envisaged that developers will be required to contribute to the cost.

Bathgate: The major housing allocation at Wester Inch, Bathgate will require provision of a two-stream primary school on-site, to be funded by the developers. A legal agreement is already in place in relation to the initial phases of the school.

Whitburn: The scale of housing at Polkemmet will require additional primary school capacity to be provided. This could be in the form of extensions to existing schools and/or the provision of a new school. A legal agreement is in place.

Westfield: A legal agreement is in place securing developer funding to extend Westfield Primary School to support the housing allocation at North Logiebrae. A larger extension to the school or a new primary school will be required to support the larger scale housing development now proposed in this local plan.

The council intends to publish supplementary planning guidance on its approach to assessing the education implications of proposed housing developments. Consultation will be undertaken.

Policy IMP 3

Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:

- a) secure the provision of new schools or extensions, and associated community, facilities, from developers where this is directly attributable to serving their proposed housing development; and/or
- b) phase development, to manage demand on school places.

Where education constraints cannot be overcome there will be a presumption against housing development.



Community planning

12.21 Community Planning involves the council working in partnership with other public sector agencies to deliver services which benefit the people of West Lothian. The council is committed to exploring ways of using public resources more efficiently and innovative projects and solutions are being developed in conjunction with our partners. Examples include the Broxburn Partnership Centre and West Lothian Connected.

12.22 The Broxburn Partnership Centre is a recently opened multi-agency *one-stop-shop* from where a range of services is provided to the residents of Uphall and Broxburn. Services currently provided include GP services, social work, housing, a community education centre and a mental health day centre.

West Lothian Connected operates from the Almondvale Centre in Livingston and plays host to a range of services including West Lothian Council, the Employment Service, Benefits Agency, Inland Revenue and the NHS in West Lothian. A *one-stop* integrated information and advisory centre is available. The council will continue to develop innovative solutions in partnership with other agencies to improve the delivery of public services in West Lothian.

12.23 The multi-agency *one-stop* approach is likely to be the model for service delivery in the CDAs (see paragraph 7.32).

Economic investment

12.24 The council is committed to securing sustained growth and job creation, which in turn fosters social and community wellbeing. One of the council's most important functions is to ensure that the benefits of economic growth and prosperity are spread throughout the communities of West Lothian, and that social exclusion is minimised.

12.25 The council also plays an important role in encouraging areas of economic activity and development, particularly where the private sector might otherwise be less active, in order to secure the fullest range of opportunities for the public. Continuing private sector investment is central to ensuring further economic growth and prosperity in West Lothian. Financial assistance was previously available from the European Regional Development Fund. West Lothian's eligibility for such assistance was reviewed in 2006 and as a result the whole of lowland and upland Scotland is now eligible for assistance.

12.26 Scottish Enterprise is the agency responsible for promoting large-scale development schemes through its local enterprise company, Scottish Enterprise Edinburgh and Lothian (SEE&L), and through its inward investment arm, Scottish Development International (SDI). These agencies will provide the main support and servicing initiatives in promoting the development of the larger, high-technology and inward investment sites at Eliburn and Linhouse.

12.27 The council gives a high priority to securing a choice of supply of size and quality of sites, to meet the industrial and business development needs of local and migrant companies. Accordingly, the council is taking a proactive role in the preparation of sites for development and seeks to do this most effectively in partnership, through joint venture schemes with the private sector, and, where possible, with other public bodies.

12.28 While programmes are constantly evolving, the council's early priorities include:

Whitrigg, East Whitburn - the treatment of contaminated water seeping from a former coal bing which has been brought into employment use;

Riddochhill, Blackburn - a joint venture for the rehabilitation of a burning bing and site preparation and servicing work to release around 29 ha of employment land; and

Cowhill, Whitburn - a joint venture to prepare around 54 ha of land for employment purposes.

12.29 Details of these schemes are contained in Chapter 5 *Employment*.

Transportation

12.30 The council issued its *Local Transport Strategy for West Lothian* (LTS) in October 2000. This provides the framework for transport spending for the district and incorporates the local road-traffic reduction plan. The implementation of the approved strategy is well advanced and projects which have been delivered include the construction of the Kirkton link road, the first phase of Fastlink in Livingston, car park extensions at various railway stations, 20mph speed limits outside all primary schools and various town centre traffic management schemes. The LTS is being updated to take account of the latest local plan development strategy and a revised list of priority spending on road safety, traffic calming and management measures and sustainable initiatives will be identified as part of the process.



12.31 The funding of the transport initiatives identified in the local plan will come from a number of sources. The funding of strategic projects, such as the Bathgate - Airdrie rail line and the completion of the A801 at Avon Gorge, will rely on funding from the Scottish Government. The council will also liaise with rail and bus operators on existing services and will seek funding from various sources including developer contributions to improve these services and introduce new services.

12.32 Through the development control process, funding from developers will be sought to deliver the transportation infrastructure and initiatives associated with the CDAs and with other proposals where this is necessary to facilitate development. The appointment of a travel plan co-ordinator funded by developers will be key in promoting sustainable travel. Funding for local improvements will continue to be identified in the council's own capital programme in so far as resources allow.

12.33 Chapter 6 *Housing*, Chapter 7 *The core development areas* and Chapter 8 *Transport and accessibility*, along with appendices 6.1 and 12.1, set out details of transportation initiatives which are required to support the development strategy.

12.34 Key amongst these are the provision of two new motorway junctions which are safeguarded in the local plan. The council will seek to work closely with the Scottish Government on their provision. The first is the proposal to provide a new junction on the M8 near Whitburn. This is sponsored by the developer of the *Heartlands* development, which includes the major employment site at Cowhill (EWb4), north of Whitburn. The junction would enhance the marketability of this major development initiative in support of the regeneration of Whitburn. It would also allow an express bus halt to serve the area. Second is a new junction on the M9 at Winchburgh which is safeguarded to support the Winchburgh CDA proposal. The local plan also

safeguards land for the introduction of westbound slips at the Burghmuir Junction on the M9, on the east side of Linlithgow.

12.35 There are a number of other road schemes safeguarded in the local plan, and these are listed in Chapter 8 *Transport and accessibility*. The projects will be implemented in conjunction with the development schemes with which they are associated.

The provision of water and sewerage – Scottish Water

12.36 Scottish Water (SW) is responsible for the provision of water and sewerage services and infrastructure in West Lothian. There are no major water supply problems identified in serving the development strategy contained in this local plan, though there will be local requirements, both on site and off site, to serve individual developments.

12.37 The development strategy of the local plan includes substantial new allocations at Winchburgh, East Broxburn, Armadale, West Livingston/ Mossend and Calderwood. These areas are served by the Winchburgh, Newbridge, Armadale and East Calder Sewerage Treatment Works. Upgrading of these Sewerage Treatment Works, funded by developers, is likely to be required to allow these major CDA schemes to go forward.



12.38 A number of other smaller treatment works are at, or approaching, full capacity, including the works at Blackridge, Bridgend, Philpstoun, Torphichen and Westfield. To overcome drainage constraints at Westfield, a new developer funded treatment works has been proposed. Any new works will require to be adopted by Scottish Water. Further small-scale developments in the settlements served by these works, consistent with the local plan, would need to be considered on their merit and after consultation with both Scottish Water and the Scottish Environment Protection Agency (SEPA). There is spare capacity to serve conforming developments at the treatment works serving Bathgate, Blackburn, Fauldhouse and Linlithgow.

12.39 In areas served by a public waste water collection system, SEPA advise against private waste water systems being provided. The council endorses this approach. However, the council also recognises that a developer may propose to overcome a constraint by itself arranging the provision of infrastructure as a temporary private measure until such time as the necessary strategic investment is made. Each such proposal will be judged on its merits and, where accepted, West Lothian Council will impose a condition to seek a legal agreement, as appropriate, to ensure that such systems are designed and built to a standard to allow adoption and connection to the public network at the earliest possible date.

Policy IMP 4

Where appropriate, planning conditions and/or legal agreements will be used to:

- a) secure the provision of new water and sewerage infrastructure where the need for new infrastructure is directly attributable to serving a proposed development; and

- b) prevent development commencing until the necessary water and sewerage infrastructure to serve the development is provided, or its funding is fully committed and the necessary works are capable of implementation.

Where water and sewerage constraints, identified by the council in conjunction with Scottish Water, cannot be overcome due to a lack of funding, there will be a presumption against development.

Policy IMP 5

Proposals for private waste water systems designed to discharge to land or controlled waters will not normally be permitted within areas served by a public waste water collection system.

The management of watercourses and flood prevention

Surface water run-off

The role of the Scottish Environment Protection Agency (SEPA)

12.40 SEPA is charged with improving and protecting the watercourses into which drainage schemes discharge (surface water and foul drainage), in accordance with national and European Community directives. SEPA is responsible for policing the activities of SW and sets the consent levels SW must meet in discharging into watercourses. SEPA has the power of prosecution should these levels be exceeded.

12.41 The disposal of surface water from development sites can contribute to the pollution of watercourses. Surface water from roads, yards and parking areas is normally disposed of via a drainage system separate from the foul sewer, and can provide a direct conduit for pollutants to reach the water environment.

12.42 The risk of pollution may be reduced by isolating pollutants at source, connecting drainage from dirty areas to the foul sewer and by providing treatment for other areas. Impact can also be reduced by attenuation or, by the use of alternatives to impervious surfacing and direct drainage. Innovative schemes include using permeable surfaces and percolating drains, or routing drainage to grass swales and, where a receiving stream merits a high level of protection, requiring site drainage to pass through a wetland system. These measures are often referred to as 'soft engineering' techniques.



12.43 Innovative ways of handling drainage, including such alternatives as reed bed systems, are endorsed by SEPA and are now well established. The council supports such environmentally friendly schemes and has taken a lead in promoting innovative drainage solutions. The council will continue to work with SEPA and SW to ensure that best management practices are achieved. Developers will, therefore,

be required to implement appropriate Sustainable Urban Drainage Systems (SUDs) to protect receiving watercourses.

12.44 Attenuation should normally be included as part of the surface water treatment facility. In circumstances where permanent open water bodies are proposed to treat and attenuate surface water, the developer will be required to carry out a risk based assessment. All developers must adopt best practices and should consult both the council and the regulatory bodies to agree requirements at the earliest possible stage in the development process. While these principles are most relevant to urban areas, the same care in accommodating surface water run-off applies to development in rural areas which would otherwise conform to other policies in this local plan. Accordingly, the council will apply the principles of Sustainable Urban Drainage Systems, as set out in the design manual issued by the Sustainable Urban Drainage Working Party (SUDWP/CIRIA) in March 2000. Maintenance arrangements for SUDs must be agreed before development commences on site.

Policy IMP 6

Development must comply with current best practice on sustainable urban drainage practices to the satisfaction of the council, SW and SEPA. A drainage strategy, as set out in Planning Advice Note 61 *Planning and Sustainable Urban Drainage Systems* (PAN 61), shall be submitted with planning applications where required and must include treatment and flow submitted with planning applications where required and must include treatment and flow attenuation measures, and details for the long-term maintenance of any necessary features.

Flooding

12.45 Scottish Planning Policy 7 *Planning and Flooding* (SPP 7) requires local plans to consider where flooding might be an issue, indicate where flooding is likely to be a risk, and define areas where development should be avoided. The responsibility for flood prevention transferred to West Lothian Council at local government reorganisation and the council has put in place strategies to identify the threat and reduce risk to existing and proposed development.

12.46 The council has prioritised its assessment of watercourses. There is limited experience of widespread flooding from its principal watercourses, the rivers Almond and Avon, which are incised over stretches, but have experienced flash flooding along tributaries resulting in extensive flooding in some instances. The four burns that have experienced incidents are Bog Burn, Bathgate; the Brox Burn, Broxburn; and the Mains and Mill Burns, Linlithgow. However, a number of flooding incidences have occurred due to poor maintenance or capacity problems associated with culverted watercourses. These stretches of burn are shown on the proposals map. The council has initiated a number of measures to minimise the risk of occurrence and will continuously monitor the situation.



12.47 In its report to Scottish Ministers under the Flood Prevention (Scotland) Act 1961, as amended, the council describes its activities, the work of the local Flood Liaison and Appraisal Groups and regular liaison with planning authorities.

12.48 In principle, flooding must be considered a potential risk on all sites brought forward in this local plan. Those in closest proximity to watercourses, including culverted watercourses, will be at greatest potential risk. However, the effects of a changing climate in recent years show that development can also be at risk from surface water run-off from higher ground and from limited capacity in traditional drainage systems.

12.49 It is the responsibility of the local authority and developers to ensure that future development is not located in areas of significant risk of flooding, including functional flood plains to accord with Planning Advice Note 69 *Planning and Building Standards Advice on Flooding* (PAN 69). Where flooding is considered by the council to be a risk, developers will be required to provide a Flood Risk Assessment to satisfy the council that development can be successfully integrated without the risk of flooding. The developer will be required to implement any recommendations arising from the assessment along with others considered necessary by the planning authority. Developers must consult the council as early as possible to ascertain the significance of flooding as an issue. The council will use planning conditions and legal agreements to reduce the risk of flooding.

Policy IMP 7

Where flooding is considered to be a risk, developers will be required to support their planning application with a Flood Risk Assessment complying with Annex B of the Scottish Environment Protection Agency Policy No.4 *A SEPA Planning Authority Protocol*.

The statement will identify the extent of all areas susceptible to flooding from higher ground outwith the site, culverted watercourses beneath the site and from adjacent watercourses from events up to and including the 1:200-year (0.5% probability). The statement will also identify the impacts of other sites resulting from development of the application site. It will also be necessary for the Flood Risk Assessment to consider the effects of a 1:200-year event on proposed layouts and to identify, by means of effective flood routing, that overland flow is directed safely off site without detriment to any proposed or existing property on or off site.

The statement will also require a detailed risk framework in accordance with SPP 7 and the need to take account of/integrate an allowance for climate change and a minimum of 0.3m freeboard in addition to the minimum requirement to a 1 in 200 year return period flood mentioned above.

The statement will also need to ensure that new development should be free from significant flood risk and from any source and should not materially increase the probability of flooding elsewhere.

Proposals will be refused where there is an unacceptable risk of flooding.

12.50 Culverts are the most frequent cause of flooding in West Lothian whether from obstruction or incapacity. Culverts can also severely impair the ecology and biodiversity of a watercourse. The council and SEPA strongly discourage the culverting of watercourses. SEPA's policy guidance is provided in *Policy on the Culverting of Watercourses* (policy no.26 August 1998). The

council expects developers to consult, and work with, SEPA with a view to opening up existing culverted watercourses and restoring natural channels.

12.51 The culverting of watercourses on development sites should be avoided. The council will use planning conditions, where appropriate, to ensure conformity. Exceptionally, culverts may offer the only option, or may serve a useful purpose, but developers will be required to demonstrate this and design the culvert in accordance with the best practice, as advised by *SEPA Culvert Design Manual CIRIA Report 168* and incorporate any measures deemed necessary to protect and enhance habitat value.

Policy IMP 8

The culverting of watercourses is generally discouraged. Wherever possible, developers should seek through design and layout, other means of spanning watercourses. Exceptions will only be allowed where a developer demonstrates that alternative solutions are not possible or other benefits justified culverting. In such cases, the culvert design should conform to the best appropriate design guidance.

Where culverted watercourses are within planning application boundaries, the developer will be expected to return these to open watercourses.

There is a general presumption against engineering works that would result in the deterioration of the ecological status of a river, wetland, standing, tidal or coastal water or prejudice the ability to restore such water bodies to good ecological status relative to water quality, quantity or flow rate, riparian habitat or biodiversity.

Air quality

12.52 Under the Environment Act (1995) local authorities have a role to play in securing improvements to air quality and preventing further deterioration. Councils have the responsibility to prepare local air quality management systems, but can also help improve air quality through regulation of the use of land. The main means of discharging the latter responsibility is through consultation and decisions on planning applications, where impact on air quality can be a material consideration. For larger development schemes, air quality would be a matter for assessment under the Environmental Assessment (Scotland) Regulations 1999.

12.53 The council already has consultation arrangements in place in discharging its responsibilities as planning and environmental health authority, including consultations with SEPA. As further information becomes available, and as local strategies are formulated, special consideration will be given to development proposals in areas where air quality raises local problems. The council has already completed its first and second stage review and assessment of air quality in the district. The results confirm an overall improvement of air quality and there are no locations where standard limits are exceeded. The council monitors air quality continuously.



12.54 More generally, the move to improve air quality is manifested in various land use policy guidance documents prepared by the Scottish Government.

These include Planning Advice Note 51 *Planning and Environmental Protection* (PAN 51), *Local Air Quality Management: Revised Policy Guidance*, published by The Scottish Executive Environment Group (February 2003) and *Air Quality and Land Use Planning* (March 2004). The relevant guidance is reflected in this local plan.

12.55 In general, where trend monitoring exists, the levels of pollution caused by the key airborne pollutants has decreased. This has resulted from the decline of traditional industries, the application of more stringent regulations and the modernisation of industrial processes.

12.56 While most modern land uses are relatively *clean*, and can be regulated, transport and traffic remain the main source of many air pollutants, even though there have also been significant reductions in related pollution. By promoting public transport and non-car use, and identifying new housing sites in, or adjacent to, urban areas, accessible to public transport, the transportation and land use policies of this local plan aim to minimise adverse impact on air quality. The identification of areas subject to higher levels of air pollution has already been recognised within the *Local Transport Strategy for West Lothian* (October 2000) in indicating where initiatives to control traffic levels would be prioritised.

12.57 Given the large scale of some of the developments which are proposed in this local plan, there is the potential in some areas for air quality to be adversely affected during construction. For all major construction sites, therefore, the impact of construction on air quality will require to be assessed by developers. Appropriate mitigation measures will require to be identified and developers will be expected to provide air quality monitoring apparatus on site.

Policy IMP 9

Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality in support of a planning application. Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively.

Where appropriate, planning conditions will be imposed which require air quality monitoring apparatus to be installed.

Noise

12.58 Planning Advice Note 56 *Planning and Noise* (PAN 56) acknowledges that the planning system has an important role to play in preventing, and limiting, the adverse effects of noise by guiding development to the most suitable locations and by regulating the layout and design of new development. The council's general approach is to guide new, noisy, development away from noise sensitive land uses. In some cases, however, locational difficulties may be overcome through careful design, or by carrying out mitigation measures.

12.59 The assessment of noise issues is complex and, for this reason, it is necessary to consider each proposal on merit. In all circumstances, however,

in considering noise issues, the council will adopt a precautionary approach. It will, for example, be necessary to ensure that established businesses are not curtailed by introducing new housing too close to them as it is important that investment decisions can be taken in the knowledge that they will not be undermined by the approval of inappropriate development nearby.

Additionally, unless it can be demonstrated that there are exceptional circumstances, noise assessments undertaken to predict internal noise levels within houses, and other noise sensitive developments, will require noise prediction methodology to be based on an open windows scenario. Supplementary planning guidance to assist developers in undertaking noise assessments was approved by the council in May 2008.



Policy IMP 10

There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing.

Policy IMP 11

Housing, and other noise sensitive developments, will not normally be permitted close to existing noisy land uses. The only exceptions will be where it can be demonstrated that :

- a) through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and
- b) through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity.

Pipelines

12.60 There are a number of major pipelines within the plan area, including gas pipelines crossing north-south and east-west, and the Wilton-Grangemouth ethylene pipeline which runs north south in the west of the district. The council has a statutory duty to consult with the Health and Safety Executive (HSE) on development proposals within the consultation zones around the pipelines. Information on pipeline locations can be obtained from the council.

Policy IMP 12

The council will consult with the Health and Safety Executive and with Transco / BP, as appropriate, on development proposals which are located within pipeline consultation zones. Proposals will be refused where there is an unacceptable risk to human life.

Radio telecommunications

12.61 Scottish Government advice on radio telecommunication development is contained in National Planning Policy Guideline 19 *Radio Telecommunications* (NPPG 19) and Planning Advice Note 62 *Radio Telecommunications* (PAN 62). The council has taken this policy and good

practice advice into account in preparing its own supplementary planning guidance - *Policy Guidelines for the Determination of Radio Telecommunications Planning Applications*. In this guidance, the council acknowledges the importance of radio telecommunications development to the local and national economy and the legitimate economic need for telecommunications, but this needs to be balanced with the environmental impact that development could have. Accordingly, the council will wish to be satisfied that opportunities for mast sharing have been fully examined.

Policy IMP 13

There is a general presumption in favour of radio telecommunications development where a specific locational need is demonstrated. Development should be sited and designed (whether in the countryside or within towns and villages) to minimise visual and environmental impact, by landscaping or screening the base station and security fencing, by seeking *stealth* solutions, by encouraging sharing of existing masts/structures/buildings and guiding development away from more sensitive locations. Proposals for radio telecommunication developments will be assessed against the council's *Policy Guidelines for the Determination of Radio Telecommunications Planning Applications*. In particular, the following factors will be taken into account in the assessment of proposals.

- a) technical and operational considerations;
- b) the possibility of sharing existing telecommunication facilities;
- c) the possibility of erecting equipment on existing structures or buildings;
- d) impact on residential amenity and other sensitive sites and areas;
- e) the availability of alternative sites;
- f) safety of vehicular access;
- g) disturbance to agricultural management, trees and woodland, wildlife habitats and land of community value; and
- h) landscape impact.

Proposals affecting designations or areas protected by policies ENV 3, ENV 4, ENV 14, ENV 19, ENV 21, ENV 29, HER 2, HER 10, HER 12, HER 15, HER 19 and HER 22 of this local plan will be subjected to rigorous scrutiny.



Environmental enhancement

12.62 There is a multitude of agencies responsible for environmental improvements and implementing best land and habitat management practices, mostly working in partnership with the council.

12.63 In the countryside, the most active agencies include Scottish Natural Heritage (SNH), the Central Scotland Forest Trust (CSFT), and the Forestry Commission (FC). Other agencies include the Scottish Environment Protection Agency (SEPA), Scottish Water (SW), British Waterways Scotland (BW), Historic Scotland (HS), the Farming and Wildlife Advisory Group (FWAG), the National Farmers Union of Scotland (NFUS) and the Scottish Agricultural College (SAC),

along with landowners, and farming and woodland organisations. Consultees include bodies such as the Scottish Wildlife Trust (SWT) and the Royal Society for the Protection of Birds (RSPB). Current management and improvement initiatives involving the council and other agencies include:

PROJECT	AGENCIES INVOLVED TOGETHER WITH THE COUNCIL
The Forth Estuary Forum	SNH, SEPA, SW, Crown Estates, other local authorities
Central Scotland Forest Initiative	CSFT, SNH, FC, other local authorities
River Almond Management Plan	SNH, SW, SEPA, SAC, local authorities
Pentland Hills Regional Park	Other local authorities, SNH, landowners
Outdoor Access Forum	SNH, FC, CSFT, NFUS, BW, recreational user groups
Soil Sustainability Plan	SAC, SNH
Earth Science Project	British Geological Survey, SNH

12.64 These initiatives are referred to in this local plan. The council has now adopted specific biodiversity action plans under an overarching framework provided by the *West Lothian Local Biodiversity Action Plan 2005-2009*. These are the *Farmland Biodiversity Action Plan*, *Woodland Biodiversity Action Plan*, *Peatland Habitat Action Plan*, and the *Rivers and Streams Habitat Action Plan* (see Chapter 3 *The countryside of west lothian*).

12.65 Within urban areas, environmental improvements planned include traffic management, town centre improvement schemes, new footpaths and cycleways and small-scale landscaping schemes. The council has modest rolling capital and revenue programmes for improvement schemes. Financial support is also provided by external partners.

12.66 Development proposals will also provide opportunities for further environmental improvements. The most challenging of these is the rehabilitation of the former Polkemmet Colliery at Whitburn, which has now commenced and will make land available for development and restore land for agricultural use, nature conservation, golf courses and amenity woodland. Other opportunities for environmental improvements will arise from the CDA proposals, and from action plans being prepared for the district's traditional towns.

Development Control

Supplementary planning guidance

12.67 A key function of the local plan is to provide a policy context for the determination of planning applications. In doing so, the plan contains both broad policy guidance, and more specific guidance which developers should adhere to in submitting planning applications. However, the local plan does not attempt to be a complete manual of development control practices or a detailed implementation guide. The council has, therefore, prepared supplementary planning guidance which it applies in determining planning applications. The list of guidance currently in force is set out in Appendix 12.1. These policy guidance notes are available from the council and developers are advised to consult with the council as early as possible in the preparation of a planning application.

Further supplementary planning guidance notes will be prepared by the council to support new policy initiatives. Appendix 12.2 contains a list of new supplementary planning guidance which the council is committed to preparing.

12.68 Developers must take cognisance of other good practice and guidance notes issued by other agencies, a number of which are referred to in this local plan. These include the National Planning Policy Guidelines (NPPGs), Scottish Planning Policies (SPPs) and Planning Advice Notes (PANs) issued by the former Scottish Executive and now Scottish Government. Developers must conform to the planning and development briefs issued by the council for sites, either in its ownership, or which require special attention for particular planning or environmental reasons. In this way, the council can seek to determine planning applications that conform to policy, implement best practices or conform to guidance notes, with the minimum of delay.

12.69 The council will actively encourage developers to engage in pre-application discussions so that key issues can be established at an early stage. The council is also committed to providing a 'customer focussed' approach to its development control service for both developers and third parties.

Policy IMP 14

Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance and planning briefs provided by the council, including the guidance referred to in Appendix 12.1.

Design

12.70 Scottish Planning Policy 1 *The Planning System* (SPP 1) emphasises the importance of design considerations in reaching planning decisions. *A Policy Statement for Scotland – Designing Places* sets out the Scottish Government’s aspirations for design and the role of the planning system in delivering these.

12.71 The council recognises that good design, both traditional and modern, is a practical means of achieving a wide range of social, economic and environmental goals.

Policy IMP 15

The council will:

- a) through the development control process, ensure that high standards of design are achieved;
- b) identify design requirements in planning briefs, outline planning permissions and through the preparation of supplementary planning guidance; and
- c) where appropriate, require developers to produce masterplans, design statements and design guides.

Development proposals which are poorly designed will not be supported.



Enforcement of planning policy

12.72 The planning system exists to regulate development and the use of land in the public interest. To ensure that the planning system is not undermined, planning authorities have enforcement powers to bring unauthorised activity under control, and to remedy the undesirable effects of unauthorised development. In many cases, it will be possible for the council to remedy breaches of planning control through negotiation. In other cases, however, the council may need to undertake enforcement action.

12.73 The council is able to use its discretion in deciding when to use its enforcement powers. Enforcement action will only be initiated where the breach of planning control results in unacceptable harm to amenity. The type of enforcement action initiated will depend on the nature and seriousness of the breach and will be commensurate with the breach of planning control to which it relates.

12.74 Monitoring for unauthorised development will take place. Enquiries concerning alleged breaches of planning control will be investigated in accordance with the council’s Service Standards. Developments with planning permission will be inspected as the development proceeds on a risk assessed basis. Those developments which are likely to have significant effects on the environment will be prioritised.

12.75 The scale of new development which is planned to meet the requirements of the *Edinburgh and the Lothians Structure Plan 2015* (E&LSP) will inevitably mean that there will be some disruption affecting existing



residents. To ensure that new development is successfully integrated into existing communities, developers will be required to implement measures aimed at minimising the impact of construction. The council will monitor the effectiveness of the measures which are implemented. In particular, where major development is proposed, developers will be required to contribute funds towards the appointment of a compliance officer who would monitor compliance with legal agreements and planning conditions.

Policy IMP 16

At the discretion of the council, enforcement of breaches of planning control will be initiated in cases where:

- a) unauthorised development has taken place and results in unacceptable harm to amenity; and
- b) the terms of planning conditions have not been complied with and this has resulted in unacceptable harm to amenity.

Planning agreements

12.76 It is becoming increasingly necessary for developers to provide or fund the infrastructure, facilities and amenities which are required to facilitate their developments. It is anticipated that the use of planning agreements will be the main means of securing these. In all cases, contributions from developers will be sought in accordance with SODD Circular 12/1996 *Planning Agreements*. Further guidance on the level of developer contributions will be provided in SPG where appropriate. Contributions which have not been used for their identified purpose within five years of the date they are made, shall be returned to the developer, except in exceptional circumstances where it can be demonstrated that the infrastructure, facilities or amenities cannot be delivered within such a period. Planning agreements will also be used to regulate the use of land or buildings where it is considered that this cannot be dealt with satisfactorily through planning conditions. The council has prepared supplementary planning guidance on legal agreements.

Policy IMP 17

Where appropriate, planning agreements between developers/landowners and the council must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is granted. In all cases, contributions from developers will be sought in accordance with SODD Circular 12/1996 *Planning Agreements*.

Assistance with the funding of council services

12.77 The scale of development envisaged for West Lothian, over the plan period, is such that an extraordinary burden will be placed on council services. To minimise delays in advancing development proposals, the council will encourage developers to make funds available to the council so that council services which are directly attributable to development proposals can be provided.

Development plan monitoring and plan replacement

12.78 It is vital that the local plan remains up to date if it is to be effective and fulfil its purpose. While there is no fixed end period to the policies of this local plan, its primary aim has been to ensure sufficient land is made available to meet development requirements over the next ten years, coinciding with the end of the period covered by the E&LSP.

12.79 The council will replace this local plan with a Local Development Plan, which will require to accord with the Strategic Development Plan for Edinburgh and South East Scotland, for which preparatory work has begun. In preparing a Local Development Plan, the council will monitor and review the performance of policies and policy implementation in this local plan and any significant revisions to Scottish planning policy guidance.