

SEA SCREENING REPORT

**DEVELOPER OBLIGATIONS FOR GENERAL
INFRASTRUCTURE FOR SITE DELIVERY**
(excluding transport and education infrastructure,
cemetery and public art provision)

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council

Title of the plan:

Supplementary Guidance : 'Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision)'.

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The adopted West Lothian Local Development Plan 2018 gives an undertaking to produce statutory Supplementary Planning Guidance (SG) in relation to a variety of policy topics including details of specific developer contributions for a range of infrastructure requirements.

The guidance explicitly supports LDP policies **CDA 1** (*Development in the Previously Identified Core Development Areas*) and **INF 1** (*Infrastructure Provision and Developer Obligations*).

The strategic policy context for the securing developer contributions towards its provision of infrastructure is provided for by Policy 9 of the Strategic Development Plan for South East Scotland (2013).

Plan subject:

(e.g. transport)

Town and Country Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

An SEA is not required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

Contact details:

Steve Lovell
Principal Planning Officer
West Lothian Council Civic Centre
Howden South Road
Livingston, EH54 6FF

01506 282430 / steve.lovell@westlothian.gov.uk

Date:

29 June 2020

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (Adopted September 2018) sets out the Council's approach to developer contributions and the delivery of infrastructure linked closely with the Action Programme (Adopted February 2019).

Policy **INF 1** (*Infrastructure Provision and Developer Contributions*) sets out the rationale for seeking developer contributions in appropriate circumstances and policy **CDA 1** (*Development in the Previously Identified Core Development Areas*) complements this by explaining that planning conditions and legal agreements will be used to secure infrastructure.

Appendix 2 of the LDP identifies all of the infrastructure projects specific to housing developments that are required to support delivery of the Core Development Areas (CDAs). As such it includes requirements related to education infrastructure, transport infrastructure, cemetery provision and public art provision which are being addressed by separate bespoke guidance.

Description of the Plan:

This supplementary guidance has been prepared in connection with the adopted West Lothian Local Development Plan Policies INF 1 and CDA 1 in relation to Developer Obligations for General Infrastructure for Site Delivery.

The guidance is intended to help implement the provisions of the adopted West Lothian Local Development Plan and specifically aims to ensure that the impact of new development set out in the Plan is mitigated. The guidance is intended to update, strengthen and streamline existing arrangements.

The guidance was the subject of external consultation between **September and October** 2019 and was approved by West Lothian Council Executive on **23 June 2020**.

What are the key components of the plan?

In order to deliver the planned growth set out in the LDP, improvements to infrastructure must be delivered alongside development. The planning system allows, and indeed expects developers to mitigate the impact of their development and to pay for, or contribute towards, improvements to infrastructure that arises as a direct consequence of the development, or from the cumulative impact of the development and which would not otherwise be needed and this guidance has been prepared to explain how the council, through relevant policies of the LDP and with regard to the LDP Action Programme, will secure such improvements and help achieve the outcomes expected from development proposals across West Lothian.

This SG will be an important material consideration in the determination of planning applications and will form the basis for discussions on individual planning applications and the drafting of planning conditions and / or planning obligations.

The guidance provides the justification for requiring developer contributions in respect of infrastructure provision and elaborates on its purpose and scope. It

explains the policy and legal context in some detail before going on to address the practical mechanics of securing developer contributions and sets out detailed arrangements for the efficient conclusion of Section 75 legal agreements. It concludes by identifying a series of site-specific infrastructure project requirements.

The SG seeks to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with their development.

Have any of the components of the plan been considered in previous SEA work?

Supplementary Guidance (SG) Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision) has been prepared within the context of the West Lothian Local Development Plan which has been subject to a full SEA. The Plan's policies, including those on Developer Obligations for General Infrastructure have therefore previously been assessed and this SG implements these policies.

The LDP itself sits within the context of the Strategic Development Plan for South East Scotland (2013), which was the subject of a separate SEA. The scale and location of growth which the infrastructure actions aim to accommodate has therefore been environmentally assessed separately.

The SG relates primarily to the collection of financial contributions towards the cost of infrastructure actions needed to mitigate the impact of development. The actions themselves are all either identified in the LDP and/or its Action Programme. All lie within the areas identified for development in the Plan itself.

They therefore are considered to fall within the scope of the LDP's spatial strategy, and do not require further strategic environmental assessment as references in this SG.

In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:

None

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Supplementary Guidance: 'Developer Obligations for General Infrastructure for Site Delivery (excluding transport and education infrastructure, cemetery and public art provision)'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>The SG is intended to have a positive benefit on the environment, aiming to ensure that the impact of new development is mitigated through appropriate developer contributions. The SG sits within a wider development plan context which has undergone SEA.</p> <p>The SG shares the strategic objectives of the LDP which include promoting development in the most sustainable locations where its impact can be minimised; promoting community regeneration through the development of brownfield sites; ensuring that all essential infrastructure and facilities are</p>	<p>The SEA for the LDP considered any potential effects. The SG is not considered to have any additional significant environmental effects.</p>

