Consumer Duty Impact Assessment

This statement sets out the steps taken by West Lothian Council to comply with the requirements of Section 21 of the Consumer Scotland Act 2020 when preparing the Council's Local Development Plan 2 (LDP2). This assessment relates to an interim stage of preparing LDP2, referred to as the Proposed Plan Stage.

Stage	Tasks	Outcome
Planning (1)	Decide if this is a strategic decision or not. If not, then proceed to **stage 5**	This is a Strategic Decision by West Lothian Council. The Proposed Local Development Plan (LDP2) sets out a land use strategy for the next 10 years. Prior to adoption of LDP2 the council must prepare a Proposed Plan. This Consumer Duty Assessment relates to the Proposed Plan rather than LDP2 itself. The assessment will be reviewed as the plan progresses towards Adoption as LDP2.
	Decide if the strategic decision will impact on consumers. If not, then proceed to **stage 5**	LDP2, if approved on the basis of the Proposed Plan is likely to have impacts on consumers, including individuals and small businesses.
	If this is a strategic decision, that will have an impact on consumers, then develop a plan for how to complete **stages 2-5**, including required consumer engagement	Stage 2 to 5 have been completed and are detailed in the template below.
	Understand the aims and outcomes of the proposal and identify alternative options	The aim and outcomes of LDP2 are framed by legislation and national planning policies. The council must comply with legislative requirements when progress LDP2 and it does not have the ability to depart from national policy when progressing the Proposed Plan. However, it does have choices in the land allocations it progresses and on how to implement policy and those choices are the focus of this assessment. Inevitably, a Proposed Plan which deals with land allocations and environmental protection there will be differing views from those who promote development and those who are against it. These often conflicting views have to be balanced in a way that allows the council to support the need for sustainable economic growth while protecting the council's most important environments, both natural and built.

		It is important to note that consumers have already had an opportunity to influence the Proposed Plan and that the Proposed Plan will be the subject of further engagement. Where there remains concern about any aspect of the plan interested parties, including consumers, have the right to object to the plan and have that objection considered by an independent report appointed to consider the Proposed Plan and objections to it. An objections based around harm arising from proposals is a competent material planning consideration. Ultimately that reporter, having heard all the evidence, will make binding recommendation about any changes which are required to the plan. Consequently, the council itself is not fully in control of the format and content of the plan.
Evidence gathering (2)	Sufficient evidence gathered to answer: • What is the proposal trying to achieve? • What are the impacts on consumers, if any?	Before the council can prepare a Proposed Plan it must submit an Evidence Report to a reporter appointed by the Scottish Government. A 'Gate Check' is carried out on the evidence. The Gate Check is designed to ensure that the council has sufficient evidence about key matters to be addressed in the plan. The council's Evidence Report passed the Gate Check on 14 October 2026. The Proposed Plan for LDP2 aims to ensure that there is sufficient land allocated to meet project demand for housing across all sectors including those who cannot compete in the housing market. It allocates land for economic growth and sets out areas which are to be protected from development. This should broadly have a positive impact on consumers, but it is recognised that some development will be allowed in areas where some consumers would prefer that it wasn't. This is an inevitable function of the process. A significant number of options for development sites were presented to the council and these were assessed against an impact matrix and those with the lowest overall negative impact and greatest benefits became the focus of allocations in the plan. The assessment process is fully described in the supporting papers for the Proposed Plan.

		However, despite this process it is recognised that consumers could still be concerned about impacts. However, this would most likely be the case whatever sites were promoted through the plan. Consumers continue to have the ability to challenge the council's proposals and those challenges will be considered by an independent third party rather than the council itself. In preparing the plan the council has had particular regard to consumers in vulnerable circumstance. For example, the level of housing proposed in the plan is greater than the calculated need for housing. This has been justified on the basis that the additional housing allocations are specifically to increase the level of affordable housing delivered in reflection of the Housing Emergency and the level of homelessness in West Lothian. In addition, the plan has regard to the need for additional health care facilities necessary to support growth and provides for this in so far as this is within the control of the council.
	• What are the impacts, if any, on consumers in vulnerable circumstances?	It is, therefore, expected that the impact on consumers in vulnerable circumstances is broadly positive There is the potential for harm to be caused to consumers but it is considered unlikely and the choices made in progressing the plan have sought to minimise any harm Doing nothing is not an option for the council as it is required by legislation to plan for the level of growth identified in National Planning Framework 4 and to comply with the policies set out in that framework. It is not considered by the council that the Proposed Plan will result in a significant level of harm. A large number of alternative development proposals were presented to the council but there is no evidence through the council's assessment process to suggest that any

		alternative proposals would result in less harm. However, importantly, consumers continue to have the ability to challenges the council's position with the challenge being considered by an independent reporter appointed to consider challenges or objections to the plan.
	• Is it likely that harm will be experienced by consumers as a result of this proposal?	The council will advertise the next stages of the process widely to ensure that all stakeholders, including consumers, have the ability to further engage in the process. This is the first formal publication of the plan for engagement so is effectively the 'original proposal' Broader council engagement on matters such as the housing emergency, the nature emergency and the need for infrastructure including for health care have resulted in refined approaches in the Proposed Plan. This includes matters detailed above including revised approaches to securing the level of affordable housing required to meet identified need.
	• What alternative proposals are there that can improve outcomes for consumers and/or reduce harm to consumers?	

	• How do these alternative proposals compare to the original proposal? • Has your engagement with consumers established any themes you hadn't previously considered?	
	Identify and fill any gaps in evidence to answer questions above	The council considers that the preparation of an Evidence Report and approval of that report as being sufficient confirms that there is no gap in the evidence available to the council. While the references to consumers are implicit rather than explicit in the Evidence Report, it was informed by engagement with stakeholders including consumers and, importantly, consumers will continue to have the opportunity to influence LDP2 as it progresses.
Assessment and improvement of proposal (3)	Consider answers to **stage 2** to assess the impact of the strategic decision on consumers	As set out above the strategic decision is expected to have a broadly positive impact on consumers.
	Consider if any improvements need to be made to the initial proposal in light of findings of impact on consumers	No improvements are considered necessary at this stage, but further consideration will take place as LDP2 progresses towards adoption.
	Consider if any further consumer engagement is necessary	As set out above, consumers will have a further opportunity to comment on the Proposed Plan and indeed to object to it. Any unresolved objections will be considered by an independent reporter and the recommendations from that reporter will be binding on the council.

Decision (4)	Consider the findings of previous stages and agree any changes to the proposal	No changes are required at this stage but that does not negate the possibility that changes will be required in the future.
	Document clearly how you have met the consumer duty: • The impact of the strategic decision on consumers and the desirability of reducing harm to consumers have been considered throughout the process • That an outcomes-based approach has been taken to achieve the best outcomes for consumers.	The Proposed Plan sets out that it seeks to ensure everyone in West Lothian has access to the housing they need, that the housing is affordable and that there is sufficient land to sustain sustainable economic growth with specific proposals to support small and medium sized businesses. It is anticipated that these will have broadly positive benefits to consumers including those who are most vulnerable. Customers will continue to have the opportunity to influence the plan as it progresses towards adoption. The council is satisfied that it has had regard to the desirability of reducing harm to consumers when making these decisions but similarly, it recognises that harm will not be avoidable in all cases.
Publication (5)	The Consumer Scotland 2020 Act requires public authorities to publish information about the steps which they have taken to meet the duty.	This impact assessment is published as part of the decision making process by West Lothian Council in approving the Proposed Plan as a key stage towards adopting LDP 2 A further period of engagement will take place early in 2027 with all stakeholders, including consumers, invited to comment on the plan. An Examination by an independent reporter will take place toward the end of 2027 or in early 2028. The process will be further described in annual reporting about the steps taken by West Lothian Council to meet the Consumer Duty.