spg

supplementary planning guidance

Residential development guide

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Supplementary planning guidance

NEW RESIDENTIAL DEVELOPMENT GUIDE

Preface by Councillor Martyn Day, Executive Portfolio Holder for Development and Transport

West Lothian has enjoyed sustained growth over recent decades and new house building has significantly impacted on the character of the area, both physically and in terms of perception. Survey work undertaken by and for the council consistently suggests that West Lothian is widely regarded as a desirable place to live and work.

The recent downturn in house building activity, due principally to an adverse financial climate, is of concern, but West Lothian continues to offer tremendous opportunities and there is every reason to be optimistic and to anticipate a recovery when economic conditions become more benign.

Nevertheless, in order to sustain West Lothian's housing market status, there needs to be a concerted effort to drive up standards, embrace best practice and ensure that all new residential development is of the highest quality, based on sound urban design principles. The council is committed to offering the people of West Lothian a better quality of life by helping developers create varied, vibrant and safe communities that people will want to live in.

The council is also tasked with addressing the global environmental challenges ahead. Planning has a pivotal role to play in ensuring that the development industry moves towards more sustainable forms of development by giving effect to the Scottish Government's Guidance on Planning and Sustainable Development. It is uniquely placed to direct development to the most appropriate and efficient locations, to encourage sustainable design and construction, help safeguard biodiversity, champion recycling/waste reduction and promote more energy efficient homes, thereby reducing CO_2 emissions. There is also a particular need to ensure that more affordable housing is provided that will better meet the needs of our communities.

Despite the challenging economic climate there is no justification for lowering the quality of developments. Whilst recognising the difficulties confronting the development industry, it is important to remember that the houses that we build today will survive well beyond the present economic downturn and we owe it to residents, both present and future, to meet their needs and demands. Thankfully, we are now firmly rooted into a culture where the question to be asked is whether a development *is good enough to approve* rather than whether it is *poor enough to refuse*.

Early clarity on standards and consistency in maintaining them will increase certainty and help to more accurately identify costs. Developer's costs are often more affected by changing requirements as a project proceeds than by upfront quality thresholds that may be demanding but are nevertheless fixed. The expectation, indeed the intention, is that the standards set out here should act as incentives to investment rather than as burdens on resources.

The creation of better-designed, high quality, distinctive environments and sustainable communities is one of the Scottish Government's key ambitions, as evidenced by *Designing Places* (April 2008) and *Designing Streets* (March 2010), the two key national policy statements on design and place-making.

These documents, as supplementary planning guidance, and the positions they espouse, are fully endorsed and supported by West Lothian Council.

Cllr Martin Day

INTRODUCTION

Supplementary Planning Guidance (SPG) is produced by the council in order to explain how particular local plan policies should be applied in practice.

In this instance it is specifically related to medium to large scale residential developments, i.e. where more than 10 dwellings are proposed, or, in the case of outline applications, sites with a capacity for more than 10 dwellings and is intended to support and amplify policies HOU 1, HOU 2, HOU 5, HOU 6, HOU 7, HOU 8, HOU 9, HOU 10, CDA 4 and CDA 6 of the adopted *West Lothian Local Plan 2009*.

Separate guidance, entitled Single plot and small-scale infill residential development in urban areas, and relating to developments not exceeding 10 units, has previously been published (April 2008)

This guidance seeks to ensure a consistent application of policy and to provide a design framework for all who are involved in the provision of new residential development within West Lothian: it brings together all the elements that help contribute towards cohesive housing layout design.

Council officers and elected members will use this guidance when assessing and determining planning applications, as will local communities and others when being consulted on new residential development in their locality.

The SPG encourages high quality and innovative housing developments that are visually attractive, well integrated into their surroundings, designed on environmental sustainability principles, low in carbon emissions and offer a good standard of amenity to new and future occupants while at the same time protecting the amenity of existing residents.

Fundamental to the successful implementation of this guidance is the emphasis on a robust and integrated design process where all elements are considered as one, rather than in isolation, and, at the earliest possible stage in the design process.

Experience has shown that good design is not a quality that can be added to a scheme later by retro-fit amendments. It is only achieved by having a thorough understanding and appreciation of the development site in its wider context from the outset.

The benefits of good residential design are considerable: it improves socio-economic wellbeing and quality of life by reducing crime, improving public health, increasing property values, attracting investment to an area and improving civic pride and confidence. An increasing number of developers are also recognising that higher quality development can help to maximise returns on their investment. This document unashamedly promotes and champions high quality residential development.

Key issues facing residential design include the need to:

- reduce the amount of countryside, (and other *greenfield* land), being built on and give priority to new homes on previously developed *brownfield* sites;
- create more homes and generally utilise land more efficiently and effectively, by optimizing densities where appropriate;

- encourage development in areas of higher accessibility such as within public transport corridors;
- make places for living that are of high quality design and distinctiveness and respect and enhance local character;
- create environments that are secure and enable residents to live without the fear of crime;
- improve the quality and choice of the house types available with particular regard to size, household composition, tenure, price, and accessibility;
- achieve layouts where high accessibility and connectivity encourages sustainable travel such as walking, cycling and the use of public transport ahead of the car;
- create attractive, people-friendly places with less dominance of roads and the private car;
- protect and enhance biodiversity by providing habitats for flora and fauna to establish and thrive; and
- secure housing that integrates effective resource management measures and reduces carbon emissions (such as solar energy, water management, ground source heat pump, thermal heating systems and domestic wind energy developments, where appropriate);
- contribute to the delivery of the Central Scotland Green Network (CSGN), a strategic network of woodland and other habitats, active travel routes, greenspace links, watercourses and waterways, providing an enhanced setting for development and other land uses and improved opportunites for outdoor recreation and culture activity, embraced and bringing together many of the objectives detailed above.

While this SPG is not part of the adopted local plan, it has been the subject of both a formal consultation process and a council resolution (it was adopted by the council in (date to be inserted) and can therefore be regarded as a *material planning consideration* when the council, Scottish Government and Reporters determine planning applications and consider appeals.

This guidance requires to be read in conjunction with the prevailing Development Plan, other policy documents, SPG, planning briefs and planning guidelines that identify site specific requirements. Of particular relevance is the companion document, document title to be inserted, which provides detailed technical advice on road and access requirements.

Before drawing up development proposals, applicants will be expected to have researched the site thoroughly in order to identify factors that will influence the type and form of development that may be appropriate. Pre-application engagement with statutory consultees can be very beneficial at this stage and can be arranged independently with the relevant parties or by contacting a planning officer.

The following table, while not exhaustive, identifies key areas of research that should typically be completed before any design work commences. Details of the various contacts referred to are provided in an appendix at the end of this document.

PRE-APPLICATION CHECKLIST

ISSUE		RESEARCH REQUIRED
Planning background	☐	Identify relevant Development Plan allocations and policies
	☐	Identify other planning constraints (conservation areas, listed buildings, tree preservation orders etc)
	☐	Identify relevant planning guidance affecting the site (e.g. planning briefs, SPG)
	☐	Identify any live planning permissions on the site or in the immediate vicinity
	☐	Undertake a search of the site's planning history
Geology, ground conditions and contaminated land	☐	Undertake a desktop study and follow through with intrusive investigations where necessary
	☐	Contact and seek advice from the council's Building Standards team and Contaminated Land Officer
Risk of flooding	☐	Check SEPA flood maps
	☐	Contact and seek advice from the council's Flood Risk Manager
	☐	Undertake flood risk assessment where necessary
Archaeology	☐	Undertake a desktop study
	☐	Contact and seek advice from the council's Development Management section and the West of Scotland Archeology Service (WoSAS)
Sustainable / low carbon house building	☐	Contact and seek advise from the Energy Saving Trust and the council's Climate Change Officer
Biodiversity	☐	Undertake a site visit and prepare a desktop study
	☐	Establish whether the site is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or Special Protected Area (SPA)
	☐	Identify any protected species of flora, fauna and wildlife that may be present. Contact and seek advice from the council's Development Management section and SNH local area officer
	☐	Where appropriate, commission an arboricultural survey and biodiversity study
Landscape interest	☐	Establish whether the site is subject to any landscape designations. Where appropriate, commission a landscape and visual impact assesment
Open space	☐	Contact NETS and Land Services to consider open space criteria and the connectivity of the site
Noise	☐	Undertake a site visit and identify any noise generating sources which may present an impediment to development
	☐	Contact and seek advice from Development Management and Environmental Health officers
	☐	Where appropriate, commission a noise survey (having first agreed the terms and methodology with officers of the council).
Air quality	☐	Undertake a site visit and identify any air polluting sources which may present an impediment to development
	☐	Contact and seek advice from Environmental Health
	☐	Establish whether there are any existing or proposed Air Quality Management Areas in the vicinity of the site which may in turn be affected by traffic associated with the development
Drainage and water supply	☐	Contact Scottish Water and SEPA to establish availability of capacity/supply and to identify their adoptable standards and key requirements for SUDS
	☐	Contact and seek advice from Development Management, Flood Risk Manager and Transportation Manager to identify their key requirements for SUDS
Utilities	☐	Contact the main utility providers and identify works required to enable development and establish any hidden costs
Waste Management	☐	Contact and seek advice from Waste Management to establish requirements for refuse and recycling facilities, particularly as to how they may affect street design
Education	☐	Contact and seek advice from the council's Education Planning officer to establish availability of primary and secondary school capacity and identify relevant developer contributions
Public Transport	☐	Establish where existing bus stops and shelters are located and confirm with the Public Transport service whether there are any improvements to existing facilities planned or required, along with footpath connections, to be provided by the developer
Transportation	☐	Contact and seek advise from the councils Transportation Engineers about access constraints, specific development requirements, design standards, road drainage, materials, etc. Where appropriate, the method and scoping of transport assesments should be agreed

The council strongly encourages developers and their agents to have pre-application discussions with a planning officer as an early means of identifying relevant policies, issues to be addressed and information required to support an application for planning permission. This can provide a number of benefits to both the developer and council, including;

- increased certainty about the outcome of an application
- reduction in time delays caused by requests for design amendments and further information
- reduction in the overall application processing times
- improvement in the quality of information submitted to the council
- improvement in the design quality of applications
- reduction in the number of applications refused

Where appropriate, colleagues specialising in matters such as roads, flood risk, education, conservation, contaminated land, noise and air quality etc, can be introduced to developers or their advice sought. As noted above, the council can also facilitate discussions with other external agencies and organisations by request. Such discussions are of course without prejudice to the decision that might be taken by the council if and when an application is pursued.

In so far as larger developments are concerned, the council also encourages early and constructive dialogue between developers and the local community to establish their aspirations and capture their knowledge of the site - the objective being to ensure that new development contributes towards the qualities of a community. Effective public consultation can also help to test the design approach, and, where appropriate, test options. As a consequence of the *Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008*, there is now a ***statutory requirement*** for developers to undertake pre-application consultation for some major residential developments and this is explained later in this document in appendix 1.

To arrange an appointment with a Planning Officer, or to obtain further information and advice, please contact: Planning Services, West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ or telephone 01506 282480 and ask to speak to a Planning Officer for the area in which you propose to develop. Maps showing the geographical areas covered by officers are reproduced as Appendix 4 at the end of this document.

CHARACTER AND IDENTITY

An often cited and valid criticism of residential developments in recent decades has been their failure to satisfactorily respond to what is usually called the *context* of the site. Too many new developments are lacking in distinctiveness, and could, geographically, be just about anywhere. This is unacceptable.

In going forward, it is important that this lesson is learned and new developments must therefore not be designed in isolation of their surroundings. Instead, they must be sensitive and maintain a relationship with the area in which the new residential development is to be located, particularly in terms of scale, form and external finishes.

The design process must above all be analysis based and this requires that developers undertake a site and context analysis to inform the character and identity of the proposed development. The following list, while not exhaustive, suggests some of the most important considerations which should typically be taken account of:

- local building type and materials;
- topography of the land;
- landscape setting and features;
- boundary treatments;
- building lines
- plot widths;
- footprints and depths of buildings;
- architectural styles;
- patterns of existing access;
- roof forms;
- window styles and proportions;
- typical building details;
- local building types;
- visual separation between buildings.

The challenge for developers is to create not just functional housing, that's the easy part, but places with their own distinctive character and identity that respects the local context. The design response to any site should be innovative and site-responsive, offering a choice of housing and providing good connections to support existing local facilities.

Developers will be encouraged to move away from utilising *identikit* layouts and from designing to a standard formula that takes little or no account of a site and its unique characteristics.

The over use of generic house types is especially problematic, although they need not in themselves necessarily inhibit the creation of a diverse and interesting built environment, provided they do not end up dictating the layout and form of a development, and the distribution of houses is not overly repetitive. In such circumstances, it is better if dwellings have a common design approach with small clusters of different design styles that help reduce the massing of a development and add visual interest.

While the council will not seek to impose unsubstantiated requirements to conform to particular building styles or taste, it will, quite reasonably, insist on applicants providing robust evidence as to how their proposals build upon and/or create local distinctiveness.

Planning Advice Note 44, *Fitting new housing developments into the landscape*, offers suggestions to help developers achive residential developments that are in harmony with their landscape setting.

DENSITY

In order to sustainably meet long term-housing needs, it is important that new developments are designed to make the best and most efficient use of the land available.

Typically, higher densities help to reduce land take and contribute to the viability of local services and public transport, and, as a general rule, the council will encourage higher density housing developments within and adjacent to town centres, adjacent to public transport facilities and along key transportation corridors where appropriate. The adopted *West Lothian Local Plan* identifies town centre boundaries and key corridors.

Delivering high density development must not however be at the expense of amenity and the quality of the environment, resulting in a reduction of space in and around dwellings and giving rise to what has come to be known as *town cramming*. **Developments must always provide for adequate private and public amenity space, circulation and good pedestrian access.**

Uniform densities across a development should, however, generally be avoided, particularly within larger scale developments. The appropriate density for a specific site will vary and will be assessed on merit, taking into account the character of the site, its size, adjacent densities and traffic and services considerations.

Appendix 6.1 of the adopted *West Lothian Local Plan 2009* does however identify notional capacities for the allocated housing sites. For new housing sites, excluding the mixed use sites within the Core Development Areas (CDAs), they have been categorised as either high density (45 units per hectare), medium density (30 units per hectare) or low density (15 units per hectare) depending on their location and site characteristics.

Within the CDAs, net residential densities within housing areas should average at least 25 units per hectare and there are specific locations e.g. within and around new local centres, where this can be significantly higher.

TENURE AND HOUSING MIX

Developments are known to be more successful when they avoid large concentrations of housing of the same type. Furthermore, and particularly in the case of large developments, mixed tenure, containing private market housing, social housing, rented accommodation and shared ownership properties are desirable for the creation of balanced and sustainable communities and addressing the wider development plan objectives of the council.

Developers will ordinarily be required to provide a range of house sizes and types, which provide for the housing needs of a cross section of the population and facilitate a broad mixture of households of different ages and economic status. Developers should take account of the council's housing need assessment in determining the appropriate mix of housing.

Particular attention is drawn to the council's policies on affordable housing, amplified in SPG approved in June 2006. This guidance can be found on our Planning - polices webpage.

In summary, the current affordable housing policy applies to all residential developments of five or more houses or flats and requires serviced land for affordable housing (15% of the capacity of the site) to be transferred for affordable housing provision. Developments within CDAs are currently expected to make an additional affordable housing contribution equating to a minimum of 10% fully complete affordable dwellings. Affordable housing provision requires to be secured through a section 69 or 75 legal agreement.

Both the SPP and PAN2/2010 make the point that affordable housing ought to be , as far as possible, indistinguishable from the general mix of other house on a site in terms of style and layout, ideally concentrated in small groups, and not, as sometimes happened in the past, consigned to the periphery of the development. These requirements are equally applicable to new house building initiatives undertaken by the council and other social housing providers.

DESIGN AND LAYOUT

Design and access statements

A design framework should set out the physical structure of new residential developments by arranging, positioning and linking buildings, open spaces, footpaths and structural landscaping in order to shape the character of the whole area.

The *Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008* introduced a statutory requirement for a design and access statement to be submitted with certain types of planning application for *national* and *major* development and these criterion are explained in appendix 1, entitled *New planning application procedures*.

However, the council is of the opinion that such statements could also be useful when processing planning applications for more modest residential development that falls within the *local* category of development (nominally comprising less than 50 dwellings), and depending on the specific circumstances of the proposals, the council may require developers to submit such a statement.

A design and access statement prepared by the developer can be an effective means of making the planning process quicker and more certain and of raising standards in house design. It describes, explains and justifies the thinking behind a development proposal. It should demonstrate that the proposals have been based and developed upon an understanding of the site in question, its local context and the constraints and opportunities that these provide. The level of detail required will very much depend upon the complexity of the proposal and the site; it may be appropriate to include photos, maps, sections and drawings to illustrate particular points.

In preparing any statement, applicants and their agents should have regard to the advice contained in Planning Advice Note 68, *Design Statements*.

Documents which purport to be design and access statements, but which subsequently prove to be no more than a retrospective justification for an *off the shelf* development scheme, will be rejected and could undermine the credibility of proposals which are the subject of the planning application.

House design

Developers are increasingly inclined to employ a set of standardised house types. This practice is not encouraged but it unfortunately represents the reality in the volume house building sector. It is therefore essential that house types are, at the very least, sympathetic to the locality of the given site and have full regard to their role in the making of streetscapes and the creation of places, rather than adopting a *one-size-fits-all* plan.

The selection of house types must demonstrate local distinctiveness (as well as taking account of other factors in *Designing Places* and *Designing Streets*) and should include most, if not all, of those below:

- houses that turn corners; (single aspect houses are particularly effective)
- houses that terminate views in a streetscape;
- flats;
- houses that are set close to the edge of the footpath;
- three storey houses; and
- houses that have south facing fronts;

Traditional houses are composed of simple forms, normally rectangular with the pitched roofs spanning the narrower plan dimension. The main problem with contemporary housing is that they are often composed of too many elements and are set to a uniform building line and spaced at too regular an interval.

Developments that are inward looking and turn their back on their surroundings should, for the most part, also be avoided. As a general rule, dwelling frontages, windows and entrances should face and overlook streets and public space. In many cases, direct frontage access will be possible. Where it is not, single sided development may sometimes be necessary to achieve an attractive frontage.

Setback refers to the distance that a building is located from its boundaries to the street and to neighbouring properties. Building setbacks should respect the character of the local area and the setback of other buildings in the street.

The setback of a dwelling from the street can have a significant impact on the character of the street. Generally, setback should be smaller (0 - 2m) where a more urban, higher density, pedestrian friendly character is to be achieved. In lower density areas, building lines (and therefore setbacks) can be more variable.

Larger developments (with more than 100 dwellings) should have a distinctive entry point or gateway identifying the scheme and this could include the public art requirements which are set out in SPG on the subject later in this document.

Roads and streets

Thoughtful and well designed streets can make a significant contribution to the quality of the built environment and they play a key role in the creation of sustainable, inclusive and mixed communities.

In 2010, the Scottish Government issued significant new policy guidance on street design entitled *Designing Streets*. It reinforces the link between roads engineering, and planning and urban design, and provides a framework for more collaborative working. It significantly raised the importance of pre-application meetings and discussion between developers, their agents and officers of the council. *Designing Streets* supports the Scottish Government's place-making agenda and is intended to sit alongside an earlier planning policy document *Designing Places*. In so far as it emphasises the importance of the connectivity and inter-relationship of streets to other networks, for example the green network, it is also consistent with the objectives of the Central Scotland Green Network (CSGN) which the council fully subscribes to and champions.

Designing Places represents a fundamental change in emphasis, away from a system where the principal focus has previously been on the functions of streets as corridors for motor vehicles, and instead calls for them to be made places in their own right. While this creates opportunities for new and innovative layouts, it also presents challenges and the onus will be on developers to demonstrate the appropriateness of their proposals.

It is anticipated that the appraisal of new and novel street layouts by the council's transpotation engineers is likely to be a detailed and time consuming exercise. It would therefore be to the benefit of developers to initiate contact at the earliest possible opportunity, preferably before a layout has even been commissioned.

Simply put, the design of developments should not be dominated by road geometry and engineering standards. The housing layout should be developed **in tandem** with an assessment of the area's character, together with proper regard to the functionality of roads and streets.

Residential streets must be designed as pedestrian friendly places, not just as a means of getting from one place to another by car or a place to park cars. That is, they should be designed as places for people, not places predominantly for cars. The principles for achieving pedestrian friendly streets are:

- to start by thinking about the place rather than the car;
- designing streets so that pedestrians and cyclists feel safe;
- design to minimise clutter; and
- design for easy maintenance.

Designing Streets confers the highest priority on meeting the needs of pedestrians, cyclists and public transport users, so that growth in these modes of travel is encouraged in line with national and local sustainable transport policy.

The success of a new residential development also depends on how well it is connected to existing areas, established routes and local facilities. The layout should integrate into the surrounding area by working with the network of routes and its hierarchy and streets should provide a series of interesting, welcoming and people-friendly connections as opposed to dead ends. The most successful connections are deemed to be those that offer a distinct advantage over using the private car (particularly for shorter journeys) through their design.

While short culs-de-sac with activity throughout the day can provide some natural surveillance against crime and a relatively safe place for children to play, conventional culs-de-sac layouts without inter-connection will generally be rejected as they have a tendency to encourage car use rather than walking or cycling.

While a formal and prescriptive hierarchy of street typologies no longer forms part of the guidance, in so far as urban development spaces linked with buildings and supporting a range of uses is concerned, practical consideration of the likely users (and level of use) of each street and place must of course still be taken into account. For example, it is important that streets are designed to accommodate waste and emergency vehicles.

Document to be inserted is intended to provide the local context within which the principles of *Designing Streets* can be applied and to encourage more thought and consideration of the principles of place and movement in the design of new developments. It is also where technical advice for new development can now be found, for example, guidance on street geometry matters such as carriageway widths, junctions, and visibility.

* **link to be provided**

Other layout considerations

The provision of useable and appropriate private and public amenity space is a necessary component of all residential proposals and this is discussed in more detail in a subsequent chapter of this document. However, as a general rule, open spaces must have a clearly defined identity and purpose and attention must be afforded as to how they are linked, particularly with regard to contributing to the wider aims of the Central Scotland Green Network (CSGN)

A conscious effort must be made at the design stage to avoid what is sometimes referred to as SLOAP (space left over after planning). These are often irregular defined areas of open space which have no clearly defined purpose, are inaccessible, cannot be satisfactorily maintained and generally make little or no contributions to the overall development.

All layouts must incorporate the space and design requirements of the necessary sustainable urban drainage systems (SUDS) scheme and satisfactory on site provision must be made for refuse and recycling storage. These requirements need to be taken account of and embraced in into the site layout and design of all new development from the outset.

Layouts should ordinarily be designed so that excessive re-grading is not required. Details of any site re-grading works (incorporating before and after contours) must be submitted at the time a planning application is made.

Within the larger developments (sites in excess of 100 units) and, particularly those within the CDA's, land should be identified and safeguarded to accommodate neighbourhood shops and local services for the new and expanded communities, ideally as an early juncture.

SCALE, HEIGHT AND MASSING

Scale it is not a precise measurement and determining the appropriate scale, heights and massing of new developments will depend upon the following:

- the location of the site;
- the physical characteristics and conditions of the site;
- the scale and proportion of the surroundings; and
- the relationship with adjoining buildings, the spaces around them, the topography, the general patterns of heights in the area, views and landmarks.

The massing, meaning the three-dimensional expression of the amount of development on a site, and height, should not overshadow, overlook and overwhelm any adjacent buildings and spaces. Particularly in larger developments, building heights should be varied in order to breakup the overall mass of the development and add some variety to the built environment.

PLOT RATIOS

There are differing definitions of what *plot ratio* means in the development industry. For the purpose of this guidance it should be interpreted quite specifically as a measure of the proportional relationship between the built footprint of a house (including all integral and detached garages) and the area of the plot on which it stands, and is expressed as a decimal ratio. It is an important tool to help control the bulk and mass of buildings, avoid town cramming and in establishing the characteristics of density and privacy.

In order to prevent sites being over-developed and to leave sufficient open space around a new dwelling for outdoor activity and for possible future extensions, new development should satisfy the following plot ratio standards:

- for detached and semi-detached dwellings, the optimum proportion of plot to building footprint should be 75:25 but should not in any event exceed 70:30;
- for terraced dwellings the minimum proportion of plot to building footprint should be 60:40.

AMENITY AND PRIVACY

Amenity and privacy are important *quality of life* factors and it is essential that when planning and designing new residential developments proper and sensitive consideration is given to maintaining access to natural light, outlook and privacy for the occupants of adjoining dwellings and the intended occupants of new dwellings.

Daylight

New development should not cause an unacceptable loss of daylight to habitable rooms of existing neighbouring properties and all new dwellings must also receive an adequate amount of daylight. For the purpose of this guidance, habitable rooms are defined as a living room, bedroom and dining room. Non-habitable rooms include bathrooms, utility rooms, staircases, halls, landings, etc.

The orientation and position of windows and the location of gardens in relation to a proposed new development are especially important considerations and new dwellings must be designed with this in mind.

Technical calculations can be undertaken to determine whether daylighting to existing buildings will be adversely affected, and if there is any suggestion that new housing could cause excessive loss of light or overshadowing of neighbouring properties, applicants may be required to support their proposals with reference to the specific assessment methods set out in the Building Research Establishment Report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* 2nd Edition by P J Littlefair (2011), demonstrating both before and after circumstances in order to ensure acceptable interior and exterior conditions.

Sunlight

New development should not cause an unacceptable loss of sunlight to neighbouring properties and their gardens and all new dwellings and their private gardens must also be adequately sunlit.

Proposals that would result in the loss of sunlight, leading to overshadowing for a significant part of the day, or which would have a visually intrusive impact, will also not be supported. It is an established planning principle that new development should not *borrow* amenity from adjacent land, and, as a general rule, the greater part of any overshadowing caused by a new building must be confined to the developers own land.

New dwellings should be constructed to take advantage of sunlight to provide a pleasant living environment and to maximise solar gain. This can be achieved by orienting main living areas, conservatories and rear gardens to generally face south or south-west where practicable.

It is however important to note that while housing layouts should be designed to maximise daylight and sunlight to dwellings, this should not be to the exclusion of other considerations, such as privacy or the achievement of more intimate and attractive streetscapes. As in all things, it is a matter of achieving the right balance.

Distances between buildings

Privacy in the home is a fundamental necessity for most people, particularly as far as the lounge, dining room, kitchen and principal bedrooms are concerned.

Although space in new housing developments is often at a premium, individual dwellings must be sited and designed in such a way that provides the maximum amount of privacy for the benefit of occupants, and, at the same time, avoids over-shadowing and minimises the physical dominance of new development over neighbouring dwellings.

It is therefore appropriate to prescribe minimum standards controlling the distance between buildings, and the following dimensions will apply for single and two storey buildings:

Front to front distances	Rear to rear distances	Rear to side distances	Front to side distances	Side to side distances
18m	18m	12m	15m	A minimum of 1m either side of the mutual boundary will be expected. If there is a minor window on a gable, a minimum of 4m between buildings should be provided.

Where the height of a building is greater than two storey, the separation distance between buildings may require to be increased to ensure that daylighting standards are met.

Where developments are affected by significant changes of level, developers may be required to submit details of existing and proposed ground and finished floor levels and to demonstrate that reasonable internal privacy can be satisfactorily achieved.

Notwithstanding the foregoing, the council recognises that adherence to minimum distances between buildings can discourage innovative design and reinforce the use of standard layouts. Consequently, the council will not ordinarily impose these standards on dwellings which face each other across an adopted residential street and it will be prepared to consider a relaxation of separation distances in circumstances where it is presented with innovative solutions that can be employed to maintain privacy including: incorporating single aspect dwellings; creating varied floor levels; staggered facing windows; using louvers or opaque glazing; and high/low level and shaped windows. It does however reserve the right to rely on these standards should proposals prove otherwise unsatisfactory.

Distances to boundaries

New buildings close to plot boundaries can also be intrusive when seen from existing gardens or from within existing dwellings. The following minimum dimensions will therefore apply, measured from the nearest point of the rear elevation of the development to the nearest boundary:

Single and two storey	Three storey	Four storey	Five storey	Greater than five storey
9m	11m	13m	15m	Development above five storeys will be judged on its merits but the distance shall not ordinarily be less than 15m.

These dimensions may similarly be reduced, but again, only where it can be satisfactorily demonstrated that residential and environmental amenity will not suffer for either the new or existing buildings. The council reserves the right to rely on these standards should proposals prove otherwise unsatisfactory.

In order to avoid town cramming and the terracing effect of dwellings being sited too close together, a minimum distance of 1m should ordinarily be provided between the dwelling and the boundary.

Distances between windows

New dwellings must also be sensitively positioned to ensure that windows in principal elevations, above ground floor level, do not directly overlook neighbouring property.

In general, a minimum 18m privacy zone should be maintained between windows of habitable rooms that are directly opposite each other. However, the council encourages imaginative design solutions and in doing so may accept the need for a flexible approach to privacy distances between new dwellings within a development site where a satisfactory design solution has been employed to retain privacy and protect existing residents' amenity: If buildings are separated by a public road, the above standards may also be relaxed.

The council may also choose to apply the above standards more flexibly, depending on the context of the site e.g. in conservation areas where back-to-back distances are characteristically less than those detailed above. It does however reserve the right to rely on these standards should the proposals prove otherwise unsatisfactory.

Where windows are at an angle to each other, the minimum distance can be reduced in accordance with the following table:

		Angle (in degrees) at window of building to be erected not more than									
		90	80	70	60	50	40	30	20	10	0
Degree of angle at window of any other building not more than	90	18	18	18	18	13	9	6	4	3	2
	80	18	18	18	13	9	6	4	3	2	
	70	18	18	13	9	6	4	3	2		
	60	18	13	9	6	4	3	2			
	50	13	9	6	4	3	2				
	40	9	6	4	3	2					
	30	6	4	3	2						
	20	4	3	2							
	10	3	2								
	0	2									

Note: 1. Angle means the horizontal angle between:
- the shortest line joining any part of one window opening to any of the other
- the vertical pane of the opening window

2. Distances shall be interpreted for intermediate angles;

Internal floorspace

Internal space provision is routinely criticised by occupiers responding to consumer surveys of new housing developments and it has been shown that the UK has by far the smallest newly built dwellings and average room sizes in Western Europe.

Adequate space in and around new houses and flats is important and in order to protect the amenity and well-being of the occupants, each dwelling should be adequate for the family or household which is likely to occupy it. New housing is expected to be big enough to meet the needs of the occupants for living, cooking, dining, sleeping, washing and storage of household items with convenient access to adequate residential amenity space.

Developers are encouraged to provide more generously proportioned houses which will also allow them to be adapted to meet the changing needs of families overtime and considerably extending their useful life and contributing to sustainability.

Other amenity/privacy issues

The council will seek to guide new residential development to the most appropriate locations where external/environmental noise should not be an issue, and this subject matter is specifically addressed in a later section (page 57).

However noise -(or unwanted sound as it is best defined) that can be transmitted between residential properties, particularly flats and semi-detached dwellings, is a well documented source of irritation and stress that can have a significant and detrimental effect on the quality of life enjoyed by people in their homes.

Party walls and floors must therefore be adequately sound insulated as part of the standard build specification to ensure acoustic separation between dwellings, and while the Scottish Building Standards identify minimum statutory requirements in this respect, the council nevertheless encourage developers to adopt higher standards.

The design and internal layout of new houses and flats should also be conceived to minimize problems such as noise, fumes and vibration from adjacent roads and activities that can spoil the enjoyment and privacy of dwellings and their gardens.

GARDENS AND PRIVATE OPEN SPACE

Gardens are an essential part of the amenities of any residential development and it is important that all detached, semi-detached and terraced houses should have an enclosed private garden which is appropriate to the size of the property and likely number of occupants.

Above all, gardens should be functional and capable of providing adequate private space, not overlooked by others, and suitable for sitting out, children's play, the drying of laundry, refuse storage and an opportunity, for extending the property in the future.

For the purpose of this guidance, usable private garden ground is defined as being land that is under the exclusive control of the applicant and within the curtilage of the dwelling. It should only include ground that has been adequately screened, usually to the rear and side of the property, and driveways and vehicle hard standings should be excluded from the calculation.

In order to secure a satisfactory level of amenity for occupants, private gardens will be required to conform to the following minimum standards:

Detached four and five bedroomed houses	not less than 120m^2
Detached two and three bedroomed houses /semi detached three bedroomed houses	not less than 100m^2
Semi-detached two bedroomed houses	not less than 60m^2
Terraced / one bedroomed houses	not less than 50m^2

In the interests of amenity and safety, garden gradients should not usually exceed 1:10.

Where there is scope to provide additional, private usable garden space, the council will be looking to developers to do so.

Furthermore, proposals that arithmetically achieve the required area of private garden ground, but only by aggregating an assortment of irregular pieces of land, i.e. narrow strips or verges to the side of the dwelling or ground which is significantly sloping, will not be acceptable.

Smaller dwellings, specifically those designed for single or for elderly people, may justify moderately less garden ground and will be considered on a case by case basis. Provision may also be relaxed in conservation areas and other areas where, for townscape reasons, less onerous requirements can be satisfactorily justified.

Proposals for sites that cannot provide adequate private garden space or would result in over intensive residential use will not be supported.

While occupiers of flatted developments generally do not seek or expect the same level of garden amenity space as house dwellers they should nevertheless still have access to amenity open space, particularly as there are often many families with young children living in flatted accommodation.

Shared amenity open space of at least 25m^2 per one and two bedroom flats and 30m^2 for three and four bedroom flats should be provided.

OPEN SPACE

Open space is an essential component of any new residential development. Not only does it make a significant contribution to its physical character, establishing the setting of new homes and enhancing visual amenity, it can also help to introduce life and vibrancy into communities, provide opportunities for recreation and contribute to a sustainable natural environment. It must however be considered as part of the overall design and layout of a new development and most definitely **not as an afterthought.**

It is the council's objective to encourage the provision and enhancement of open space through the planning system, recognising that there is a need to ensure there is adequate provision of open space for recreational and for amenity purpose to serve new housing developments and that those areas are properly managed and maintained.

National policy guidance on open space and recreational facilities is contained in Planning Advice Note (PAN) 65, *Planning and Open Space*, and *Scottish Planning Policy* (SPP)

PAN 65 introduces a typology of open space and suggests diferent approached to assessing future requirements depending on the type of open space.This approach is consistant with the adopted *West Lothian Local Plan* in so far as it acknowledges that open space provision will vary depending on local circumstances, including proximity of existing provision.

SPP supports on and off site provision, depending on the specific site circumatances. It expects open spaces to be well designed, built to a high standard, fit for purpose and capable of use regardless of peoples' age, gender or disabilities. SPP also exhorts planning authorities and developers to identify opportunities to create and enhance networks between open

spaces and avoid fragmentation and to work together to ensure that proper arrangements are in place for the long term management of any proposed open space, landscaping and other common facilities.

Open space in new residential areas essentially comprises three elements:

- Gardens and private open space;
- Active open space (including informal play/recreational space, equipped play ares and sports pitches); and
- Passive open space (including amenity greenspace / landscaped areas providing visual or seperating different buildings or land uses, green corridors and areas of undeveloped or previously developed land with residual natural habitats).

Garden provision has already been addressed. This section of the guide is dedicated to the remaining elements.

Active open space

In Scotland, there is an absence of a nationally recognised set of standards for open space.

In common with many other local authorities, West Lothian Council has adhered to a mechanism loosely based on *The Six Acre Standard*, a publicantion from the National Playing Field Association (now Fields in Trust) and latterly reissued under the new name *Planning and Design for Outdoor Sport and Play*. It was essentially a minimum provision for outdoor play space of 2.4 hectares (6 acres) for 1,000 people.

It has been offered a broad and inevitably basic threshold above which all development had to comply. Active open space requirements for new residential development were predicated on the number of new houses to be built, and this alone dictated the nature and hierarchy of provision developers were required to make on a particular site.

The council has since observed that adherence to this formulaic and prescriptive approach has often resulted in only low level local provision being achieved, typically an equipped play space for young children, and for the most part, it has not delivered more quality open spaces such as sports pitches, game playing areas, public parks or even places where people can simply get out of doors, walk the dog, meet one another or relax.

The main flaw identified with the previous approach is that it has not taken sufficient account of local circumstances and has not been able to remedy deficiencies in a particular settlement or neighbourhood because of either financial, physical or practical considerations.

It is also recognised that residents are not overly keen to have active open space, especially play space, located in close proximity to their homes (for fear of nuisance) and often feel aggrieved that the facilities which have been provided are used or frequented by children from outwith the new development and who are (wrongly) considered not entitled to use them. On occasion this has resulted in conflict between residents and third parties.

Taking account of all these factors, the council has reconsidered what should be provided in terms of active open space and how it should be paid for and maintained.

It has decided to adopt a significantly different approach, one which is more *holistic* in nature and which has been deliberately conceived to be more responsive to local needs. It is explicitly aligned with the council's *Open Space Strategy*, a strategy that provides the framework for forward planning to cater for the needs of the population as a whole through a system of public parks, amenity open spaces and sports pitches / facilities.

The council has developed a detailed understanding of open space on an area-wide, settlement by settlement basis, and this resource has been used to inform this new approach. It has enabled the council to identify areas where open spaces are in good supply, where they are needed and where the quality of the open spaces offered could be improved.

At its heart is the recognition that new residential development does, by its very nature, deplete and erode the existing supply of open space. This is of course especially true in cases of *greenfield* development. At the same time it is acknowledged that new development also imposes greater pressure and burdens on whatever existing open space provision there may be in the locality of the development site.

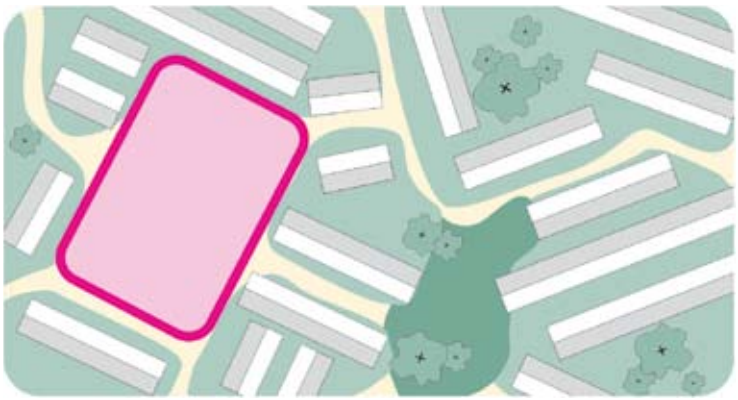
The new approach is therefore primarily designed to re-provision what is being diminished and enhance, augment and make the most of existing open spaces and play facilities for the benefit of both new and established residents wherever possible.

For provision to be effective, it needs to be based on an appraisal of what is actually required in a geographical area and not just meeting an arbitrary threshold, as the previous strategy has done. There is an overwhelming need to *see the bigger picture* and to move away from providing random, disconnected facilities on a piecemeal basis.

With few exceptions, most of the towns and villages in West Lothian already have established areas of active open space and play facilities which serve these communities and there is now a realisation that they have the potential of also serving new residential developments within the identified catchment areas of the community.

Currently, these sites tend to be under-specified and may be unable to cope with the increased usage that new development would place on them without investment and refurbishment to bring them up to current standards.

It is therefore held to make more sense to invest in the sites and facilities which already exist, where this is practicable to do so, rather than unnecessarily replicate them. Crucially, this also means that a more modest capital investment is ultimately required to realise the creation of the more difficult to achieve areas of open space, such as neighbourhood parks.



By rationalising, consolidating and growing the provision of active open space in this manner there are significant efficiencies

and benefits to be had, and in the present challenging economic climate it behoves all parties to maximize benefits and minimise costs.

For developers, there is benefit in being able to establish with certainty, and at a very early stage in the planning process, the likely contributions they will be asked to make, and therefore to anticipate the financial implications for development projects. By paying over a pre-determined sum of money they are relieved of the inconvenience and expense of having to engage design professionals, procure play equipment from suppliers, secure insurance liability and factoring and/or maintenance arrangements can be significantly reduced. Beneficially, the occupants of the new houses will also have less burdens and responsibility for the facilities usually present within a new development.

From a practical point of view, it resolves the conflict of interests which can arise when trying to identify appropriate locations for play facilities that are sufficiently close to houses but not so close as to give rise to nuisance. This has been a particularly difficult issue for residents, developers and council officials alike as alluded to earlier.

It also means that developments can be laid out more efficiently as a consequence of not having to host active open space and play facilities on site, holding out the prospect of being able to facilitate a modest increase in the number of dwellings and in some instances this could more than offset the required financial contributions.

For the council, this new approach is consistent with its declared vision of providing for high quality open spaces that contribute to the quality of life and quality of environment and which help to support economic prosperity, sustainable communities, and the delivery of Best Value for all and it goes a long way towards achieving the key aims of the *Open Space Strategy*. It also resonates with, and helps to secure, the outcomes of the Central Scotland Green Network.

There have always been costs associated with the provision of open space and play facilities and the development industry is accustomed to dealing with such matters when carrying out site appraisals and by reflecting development costs in the price paid for the land. It is anticipated that these new arrangements can be taken account of in much the same way.

Developers are therefore required to address active open space as follows:

- there will be an initial presumption in favour of trying to satisfy active open space (including play space requirements) associated with a proposed residential development through the upgrading of existing facilities in the locality, i.e. offsite. This will however always be dependent on the site specific requirements of the proposal being able to be satisfactorily met in this manner, with particular regard to the distance and accessibility off the existing facilities which are to be upgraded and invested in. The council's open space strategy assumes 0.5km as being the maximum walking distance to play facilities and a local park and 1km to a neighbourhood park. However, where this is not practicable or desirable, the council reserves the right to require on site provision which is commensurate with the scale of the proposed development.

- except in areas where there is an identified surplus of active open space or in Core Development Areas (CDAs) where other provisions will apply, the default position is that developers of **all** new residential developments (comprising + 10 dwellings) are required to make a financial payment to the council;
- for the avoidance of doubt, payments are required in respect of **all houses and all flats**. There is no differentiation and no lower or upper threshold. Furthermore, payments will apply to social housing developments and council owned sites that may be brought forward for residential development.

A provisional base tariff of £2,000 has been adopted for houses with four habitable rooms. The tariff is to be applied on a pro-rata basis and the table below indicates what the contributions would be.

Contributions will be linked to the Building Tender Price Index using first quarter 2011 as the base date. It will be reviewed regularly and any changes will be publicised in advance of being brought into force. Revised rates will subsequently be applied to all new planning applications. As a transitionary measure, applications which are at the time undetermined will continue to be the subject of the earlier rate. Developers are however advised to seek confirmation of the tariff in force before embarking on projects.

SIZE OF DWELLING	PERCENTAGE OF THE FULL TARIFF	CONTRIBUTION
One and two habitable rooms	60%	£1,200
Three habitable rooms	80%	£1,600
Four habitable rooms	100%	£2,000
Five habitable rooms	120%	£2,400
Six and more habitable rooms	140%	£2,800

Payments will be secured by a Section 75 Agreement or Section 69 Agreement, concluded between the council and the applicant before the release of a planning permission. However, the council may agree to collect the payment through the exchange of letters prior to the planning permission being released or through a Section 69 Agreement.

Circular 1/2010, published in January 2010, sets out circumstances where a planning agreement can be used and the required tests are; necessity/planning purpose/ relationship to proposed development/scale and kind and reasonableness. The council is satisfied that the use of a planning agreement, to secure a legitimate development cost, is appropriate and therefore justified in these circumstances.

The council may decide to accumulate payments in a dedicated account, effectively pooling contributions from a number of developments, and it is therefore possible that implementation of works may be deferred until such time as the necessary scale of funding has been secured to meet the costs of a comprehensive and worthwhile programme of works.

It will be at the discretion of the council, how payments are to be used, and in particular, which existing facilities are to be invested in and over what period of time. These decisions will be arrived at in consultation with the NETs and Land Services Manager and will be determined after an analysis of current open space provision in the locality has been undertaken by the council.

In some circumstances, the council may choose to consult with local communities about where and how investment should be made but payments must, in any event be meaningfully related and give benefit to the development sites which are the source of funding the works.

If there are no appropriate open spaces within the minimum walking distances then the money will either be put towards: the creation of a new open space as close to the development site is practicable; or improving the quality of open space as close to the development site as is practicable. Alternatively, where the new development is in an urban fringe location, investment may be directed towards landscape and access improvement opportunities which contribute towards the Central Scotland Green Network (CSGN).

In the event that the council is not able to use developer contributions appropriately within ten years of receiving them, developers will be entitled, on written request, to have them refunded, plus any accrued interest at the lowest bank rate.

There will on occasion be a requirement for developers to meet some or all of the active open space within the development site, perhaps in the case of a very large site or where smaller sites are being combined and there is a demonstrative need for on site provision or where the travel distance between new houses and existing facilities is too great. In such instances, an appropriate level of provision will be determined on a case by case basis, in consultation with the NETs and Land Services Manager, and will be intimated to developers at the earliest opportunity. The value of the ***in kind*** provision will be deducted from the standard financial contribution but developers will have to make their own arrangements for maintenance and will thereafter be responsible for their assets.

Woodlands and structural landscaping on the periphery or within housing sites has its own particular function and this will **not** be embraced by the aforementioned payments. Developers will continue to be required to make *on site* provision where appropriate and put in place an acceptable maintenance regime.

Open space within new developments should not however be viewed in complete isolation. Of just as much importance are the connections between open spaces as these can enhance the opportunities for biodiversity and access to the wider open space network. Where possible, so called *green corridors* should be used to connect the open spaces and the countryside beyond.

Provision within the Core Development Areas

The provision of active open space in relation to new residential development in the Core Development Areas (CDAs) located at Armadale, Livingston and Almond Valley and Winchburgh / East Broxburn require a different approach since there is, by and large, insufficient existing provision to build upon and augment.

Within the CDAs the opportunity exists, and the council will demand, that strategic open space be identified and provided for by developers at the outset through the master planning process. This plan will need to show how the various elements of open space are to be met (including details of phasing) and the council must approve such a masterplan before development can start on site. The aim is to ensure adequate and coherent provision of open space for the site as a whole.

Thereafter, the responsibility for ongoing maintenance, whether it falls jointly to a consortium or separately to each builder, will require to be clearly established and secured by a legal agreement between the developer and the council.

In addition to conventional open space provision, new strategic residential developments within the Core Development Areas may also be required to provide for indoor and outdoor sports facilities over and above the open space requirements already described. Such provision should in any event be in accordance with the approved strategies of the council, specifically the *West Lothian Sports and Recreation Facilities Strategy* and the *West Lothian Outdoor Facilities Strategy*. All new or upgraded pitch and pavilion developments should also meet sportscotland and the relevant sports governing body recommendations applicable at the time. The council will advise developers on a site by site basis of any specific requirements for indoor and outdoor sports facilities in the course of pre-application discussions.

Passive open space

Without exception, passive open space, circulation space and landscaping must be an integral part of the detailed layout of **all** new residential developments. The land around and between buildings must be thoughtfully designed and laid out from the outset and always to the highest standard. It must not simply be an amalgam of *left over* spaces after the planning process has been concluded.

Such spaces should be used for informal or passive recreation or to provide visual amenity or to maximise the biodiversity of a site. The council will proactively support the development of a green network of connected open spaces, helping to integrate new housing with other facilities and with access routes to the wider countryside. These could provide wildlife corridors and should encompass cycle and footpath routes.

The extent of passive open space and landscaping will largely be dependent upon the size of the development and will be assessed on a site by site basis. It is however important that there is sufficient provision to avoid developments being overly dominated by roads and buildings and any suggestion of *cramming* will be vigorously resisted.

Where larger residential sites that are to be compartmentalised/phased and developed by either a consortium or single developer, applicants will be required to satisfy these standards within the context of the comprehensive masterplan for the development approved by the council and to comply with the terms of any agreement or condition.

MAINTENANCE OF INCIDENTAL OPEN SPACE AND LANDSCAPED AREAS

It is important that binding and enduring arrangements for the maintenance of amenity and incidental open space and landscaped areas are secured in relation to all new residential developments.

A detailed plan, showing private and common areas and a copy of the maintenance agreement should be provided as part of the planning application submission and clearly set out the responsibilities of the property owners and any factor or other parties involved.

It should be appreciated that this is a particularly sensitive issue. It routinely provokes a disproportionately high level of response and complaint each time the council has surveyed homeowners as part of it's Customer Excellence initiatives and it is therefore important that house purchasers (and their legal advisers) are made fully aware of the arrangements for the management and maintenance of common areas which have been put in place before a property is sold.

The Scottish Government (and the Office of Fair Trading) recently concluded that householders do not understand their rights and obligations, and do not have a clear understanding of the standards they can expect from a property manager. Developers can help by ensuring that this information is pro-actively communicated to prospective customers.

There are several mechanisms for providing for the long-term management and maintenance of open space and landscaped areas in new developments.

The council continues to offer developers (and formally constituted residents groups) an open space adoption service where aspects of the management and maintenance of communal open space are vested in the council on receipt of a commuted sum, currently equivalent to thirty times the annual maintenance costs plus compounded interest. Further information on adoption procedures is available from the council's NETs and Land Services.

Alternatively, common ownership by homeowners of open space (who may manage the areas directly or appoint a third party to do so) and transferring ownership to a third party such as a commercial land management company or environmental trust are legitimate options.

As indicated above, passing responsibility for areas of shelter belt and woodland to homeowners through feuing conditions is not acceptable. These areas must be transferred to the council or a competent organisation approved by the council.

The council will secure appropriate arrangements by planning conditions.

COMMUNITY SAFETY

Ensuring a safe and more secure environment is fundamental to creating successful residential developments and must be considered during the design and planning process.

The following measures can make a significant contribution:

- there should be a clear definition of public, semi-public and private spaces by the inclusion of appropriate boundary, surfaces and entrance treatment;
- layouts should avoid the creation of *hiding places*;
- developments should contain a variety of house types, attracting a mixture of people with different life styles to help achieve continuous natural surveillance;
- dwellings should be grouped to allow mutual supervision;
- dwellings should be designed so that windows and doors face onto the street and create *active frontages* that allow overlooking to occur;
- there should be natural surveillance of parking areas and open spaces with dwellings fronting onto these areas;
- footpath links into developments should be designed to avoid excessive and unsupervised escape options and long sections of enclosed alleyways;
- footpaths running between the back of dwellings should be avoided;
- footpath routes should be direct, with pedestrians able to view the full length of the path on entry;
- lighting should have an even spread of illumination that avoids pools of light and shadow; and
- landscape schemes should be designed with community safety in mind and as a general rule, shrub planting adjacent to footpaths should not exceed 1m in height.

Further guidance is available in Planning Advice Note 77, *Designing Safer Places*.

It has been demonstrated that the opportunities for crime can be significantly reduced through good thoughtful design and West Lothian Council is pleased to support *Secured by Design* (SBD).

SBD is a police initiative that encourages the development industry to adopt a series of crime prevention methods that assist in reducing the opportunity for crime and the fear of crime. http://www.securedbydesign.com

It focuses on crime prevention being planned into developments at the design, layout and construction stage and promotes the use of security standards for a wide range of applications and products. Developers who gain SBD certification often benefit from a significant marketing advantage.

For more information and advice on how to build to SBD specifications and reducing crime through environmental design, developers and their agents are encouraged to contact the Architectural Liaison Officer (ALO) assigned to Lothian and Borders Police.

All planning applications for residential development should demonstrate how security and crime prevention measures have been considered.

MATERIALS

The long-term appearance of buildings and their impact on the character of the area is greatly influenced by the type of external materials used.

There should be a clear and defined rationale behind the selection and use of materials within a development and the council expects all developers to produce a materials palette.

The selection of materials for new developments should:

- generally match or complement the range of materials prevalent in the surrounding area to ensure coherence, particularly on smaller developments or in sensitive locations; and
- use good quality low maintenance materials for an attractive yet enduring appearance with the key considerations being durability, water run-off and the ability to withstand weathering.

Innovative use of materials, especially when associated with sustainability and energy efficiency, is encouraged. When selecting construction materials, preference should be given to:

- naturally renewable materials, for example timber and timber products certified by the Forestry Stewardship Council (FSC);
- reused materials such as locally available demolition materials available from local West Lothian bings for foundations, paths etc;
- materials with a high recycled content such as plastics; and
- locally produced and sourced materials (to minimise transport costs).

BOUNDARY TREATMENTS

The choice of boundary treatments must be appropriate and sympathetic to their function. For example they:

- help to define space;
- provide security;
- create a link between the buildings and landscape;
- provide a barrier between private and public uses; and
- influence the microclimate depending upon the type of treatment.

Attractive walls and railings at site entrances and within estates at key locations will be encouraged while long sections of unrelieved garden fencing in prominent locations should be avoided.

In developments with grass service strips, fencing or other physical boundary treatments should be avoided. Developers are required to make it clear in the title deeds that service strips are in the ownership of the property owners and that owners are responsible for their maintenance.

Rear gardens at corner plots and those alongside link footpaths are particularly conspicuous and should be screened by walls, rather than timber fencing or open railings.

To add interest, colour and variety to a residential development, hedge planting may substitute for fencing. However fast growing conifers will not ordinarily be permitted. Instead, beech or hawthorn hedging forms good boundary screening.

MISCELLANEOUS PROVISIONS

It shall be the responsibility of developers to supply and install street name signs, grit storage bins, litter waste bins and dog fouling waste bins within all new residential developments, as and where deemed appropriate by the council. This will be secured by a condition of planning permission.

There are specific standards, specifications and positioning requirements for these items which must be adhered to, and prior to undertaking their procurement and installation, it is necessary that developers seek advice and agree their proposals with the particular council service area. The relevant contact details are:

- Street signage: 01506 776633
- Grit storage bins: 01506 776536
- Litter waste bins / dog fouling waste bins: 01506 776604

The council's powers to control development are set out in the various planning acts and their accompanying regulations. There are, however, a number of issues in the development of new housing that the council recognises that it has no control over but nevertheless wishes to encourage developers to consider. These are set out below.

- The maintenance of the fabric of a development is important in so far as it has direct consequences for amenity, physical appearance and indeed the value of properties. Flats pose particular issues with regard to ongoing maintenance and running costs, for example door entry systems, stair lighting and elevators. While there is currently no legal requirement for a factor to be appointed, the council considers it good practice for developers to do so and would wish to see evidence of this presented with the planning submission.
- Clear numbering and identifying flats and houses is good practice;
- The council encourages higher noise insulation standards than those set out in the Building Standards regulations to try and minimise future noise disturbance. (The council's environmental health services advises that tests should be done with materials that are bonded down and which cannot subsequently be removed).
- Utility meters should be discretely located to avoid being a dominant element on principal elevations;
- Substations should be located and designed with sensitivity to the visual and environmental amenity of their immediate surroundings;
- External pipework and cable runs at the front of the property should be avoided; and
- Communal satellite receivers and/or cable ducting should be provided in flatted developments where practicable.

LANDSCAPE DESIGN

A comprehensive landscaping scheme must be prepared for all residential developments, unless agreed otherwise.

Well designed and executed landscaped areas help define the different function of spaces and routes throughout a development and are essential to enhance it's overall appearance. Existing vegetation, particularly where natural habitats are retained and extended, can help a new development to fit in more comfortably with its surroundings, giving it a mature feel.

Landscape proposals must be conceived as an integral part of the initial design process. For example, existing trees, their root spread and their canopies, should influence the setting out of roads, buildings and underground services, not vice versa.

It is also important that an adequate allowance is made for landscape works in the development budget. Landscaping has all too often been regarded as an optional add-on and is frequently the first casualty if cost cutting becomes necessary. This is not acceptable.

The council will ordinarily require developers to preserve existing landscape features on development sites, particularly those that contribute to the natural biodiversity of the area, and, where necessary, will require maintenance and enhancement works to be carried out on them.

Trees considered to be of particular merit and under threat from development within or adjacent to a site may, after consideration by the council's arborist, require to be safeguarded through the promotion of a Tree Preservation Order by the council.

When preparing landscape proposals, the following general points should be observed:

- identify the landscape features of the area within which the site lies and consider how these can be supplemented by new landscaping which will integrate with the local environment;
- identify important views into and out of the site;
- protect, maintain and incorporate existing mature trees and/or landscaping into the development scheme in such a way that their long-term survival can be assured;
- ensure that the scale of new planting is appropriate to the space available for it and have regard to proximity to existing and proposed buildings and services;
- ensure that new planting along site boundaries provides year round coverage, with a mixture of evergreen and deciduous species. In particular, broadleaved hedges should be used to define the boundaries of sites which abut rural landscapes and open countryside;
- select native species appropriate to the location for planting;
- select plant species with particular regard to soil conditions, remembering that clay soils predominate in West Lothian;
- give careful consideration to the contribution that landscaping can make to nature conservation and how it can assist in the creation of strategic wildlife corridors;
- explore the potential for landscaped areas to be used as part of the surface water drainage arrangements;
- consider integrating SUDS as part of the green infrastructure within the layout of the development. This would be consistent with the overaching aims of Central Scotland Green Network (CSGN). It is also supported by forthcoming guidance from the Scottish Government on green infrastructure and placemaking;
- consider using structural landscape works or features to modify the microclimate;

- design landscape works to minimise the opportunities for crime;
- ensure that landscaping does not obscure visibility of road users; and
- make provision for the eradication of invasive weeds present on site (such as Common Ragwort, Giant Hogweed, Japanese Knotweed, Himalayan Balsam, Broad leaved and Curled Docks and Creeping & Spear Thistles). Section 14 of the Wildlife and Natural Environment (Scotland) Act 2011 clarifies responsibilities for the control of non-native species.

Landscape proposals should comply with BS 4428:1989 *Code of practice for general landscape operations (excluding hard surfaces)* or any future equivalent standard. Attention is also drawn to the guidance issued by the council in the form of technical *Landscape Specifications*.

Landscape proposals should be prepared by an experienced landscape professional, preferably an Associate of the Landscape Institute, the Institute of Horticulture or a Chartered Forester / Chartered Arboriculturist as appropriate. It is also recommended that the commission of such a specialist be extended to the supervision of the landscape works on site to ensure full compliance with the approved landscape plan. There is little point producing a good scheme if it is not competently executed and maintained.

Developers are encouraged to lodge detailed landscape proposals as part of the initial planning application submission or shortly thereafter. Conditions will ordinarily be imposed requiring landscape proposals to be implemented within a specific timescale. These conditions will be rigorously monitored and enforced.

In terms of content and form, landscape design proposals should accord with the following requirements:

- drawings must be clear and legible and based on accurate and up to date site surveys;
- drawings must provide a clear identification of existing site and landscape features such as trees and hedgerows. The full extent of hedge and tree canopy spread should be shown to scale together with an indication of whether they are to be retained, removed or replaced as per BS 5837:2010 *Trees in relation to construction* or any future equivalent standard. They should be separately identified from proposed planting;
- the means of protecting existing trees and hedgerows during construction should be clearly identified;
- proposed planting should be shown graphically and augmented with a written schedule showing details of the species to be planted, the numbers or densities of each, the planting sizes for each species, planting specification (pit size for trees), method of support (trees) and the method of weed control;
- drawings should detail existing and proposed levels together with cross and long sections (as necessary); and
- drawings should show private, common or shared ownership areas of landscaping.

TREES

Trees play a crucial role in contributing to the sustainability and the *place-making* of an urban development. Trees give a unique sense of attractiveness and maturity to an area, provide a setting for buildings, help define open spaces, create enclosure and enhance privacy between properties or other land uses by their screening effects.

Trees are also crucial in the absorption of CO_2, thereby contributing to local air quality, and they help to reduce water run-off by absorbing significant quantities of rainwater through leaves and roots. They provide a cooling effect and shade in summer and deciduous trees contribute to the maintenance and intensification of biodiversity by providing a habitat for many species of insects and birds.

Protecting existing trees

The council has a statutory obligation to ensure, when granting planning permission, that adequate provision is made for the protection and planting of trees.

Developers will ordinarily be expected to retain and accommodate existing healthy trees within or adjacent to development sites unless there is a substantiated risk to public safety presented by the trees in question which cannot reasonably be reduced by judicious tree surgery.

Trees are sensitive living organisms that are easily damaged or destroyed. It is therefore essential that existing trees are protected through the design and construction phase and beyond the completion of a development.

This may include routing underground services as far away as possible, erecting protective temporary fencing and maintaining it in situ, erecting warning signs, and prohibiting parking and the stock pile of soil, fuel or materials within the crown spread. Taking appropriate measures from the outset can also prevent damaged or dying trees becoming a source of complaint and concern at a later date.

Where any tree on or adjacent to a development site has the potential to be affected, developers will be required to survey these trees and provide a detailed arboricultural report and risk assessment for the consideration of the council.

All tree related work shall accord with BS 3998:2010 *Recommendations for Tree Work* and BS 5837:2005 *Trees in relation to construction* or any future equivalent standard.

Arboricultural reports should be prepared by a qualified, experienced arboriculturalist or forester familiar with current arboricultural practices and must include the following:

- a scaled plan showing the crown spreads of all existing trees within or adjacent to the site and their juxtaposition to the proposed development;
- a tree schedule, listing all essential tree data, including genus, species, vigour, age, safe useful life expectancy, height, stem diameter, crown spread, status;
- a brief but accurate description and evaluation of the tree's health and condition;
- a detailed risk assessment for all trees/woodlands in light of the proposed development;

- a statement confirming the amenity and conservation value and overall condition of trees or woodlands within or adjacent to the site; and
- recommended arboricultural works (in accord with BS 3998:1989) or any future equivalent standard.

New planting

All but the smallest and most restricted of developments will be expected to incorporate proposals for the planting of new trees. Schemes should be designed for a hierarchy of different types of planting including avenue planting, boundary planting, open space planting and small garden trees.

While there is a temptation to plant larger trees (in order to create a more instant effect) it is generally accepted that advanced nursery stock (young trees and whips) actually transplant better and will often develop faster.

The planting of native trees and shrubs should generally predominate for structure planting but cultivars, specimens and decorative trees are appropriate to semi formal and parkland schemes. Trees and planting along the site boundaries should aim to provide all year coverage, with a mixture of evergreen and deciduous species.

It is important that all new trees, shrubs and other plant material are from a reputable source and have a high quality specification, that compacted soil is rotavated prior to planting, that good working practice for the storage and transport of plants are observed and that heavy vehicles, materials and storage areas are kept off land to be planted.

Particular care must be taken when excavating tree pits in clay soils, common in West Lothian, where there is a danger of creating a sump and the subsequent waterlogging of roots

Weed control is also essential, especially in the first few years. Trees and shrubs may also need wind firming and, crucially, active watering during the summer months.

The minimum width of a new shelter belt or woodland should be 20m in order to provide long-term landscape value and a viable habitat. Woodland planting will of course need to be selectively thinned as it matures. Climax species, field, woodland and forest trees should be planted in the centre of shelterbelts with smaller trees and large shrubs defining the transistion zone at the edge.

New dwellings must be located a satisfactory distance away from the edge of any newly planted / proposed trees, initially and also having regard to their growth over time. Consideration also needs to be afforded to the depth of root and height growths of some trees and shrubs and new planting must avoid any underground and overhead utility services.

Tree root spread data has most relevance to *safe* planting distances when relating to trees growing on shrinkable clay soils and can be obtained from a variety of sources including the Subsidence Claims Advisory Bureau.

Minimum distances from properties, roads and footpaths are largely dependent on tree species and can range from 4m (Birch) right through to 20m (Poplar). Specialist advice should be taken as appropriate. Trees with weak branches, side root spread and uplift such as *salix* and *prunus*, should not be planted near foundations and hard landscaped areas.

In the interest of sustainability, arrangementss for the long term maintenance of trees, planting, other landscaped areas, and indeed materials generally, should be considered from the outset at the design stage. This process should include consideration of the longevity of materials as well as the carbon costs of maintenance over the expected lifetime of the development. Similarly, where proposals are likely to include woodland management, these proposals should also be considered and costed.

CAR PARKING STANDARDS

An increasing observed problem with new residential developments is cars parked on verges, on pavements and on streets that are not designed to accommodate them. This gives rise to safety issues for both pedestrians and road users, impedes vehicular access for emergency vehicles and bin lorries and generally presents a cluttered and untidy streetscene.

Despite aspirations for more sustainable development and reduced car usage, the inescapable fact is that car ownership continues to increase and the problems identified above will prevail unless appropriate measures are taken when designing new developments to ensure that adequate parking provision is made for both residents and visitors. The goal is to generate parking levels that are high enough to meet the needs whilst low enough to make the most efficient use of development land and avoid the creation of car-dominated environments.

The council has responded to this problem by overhauling residential parking standards and new development should be in accordance with these, as appropriate.

Class 9 – houses				
Land use	**Vehicle maximum**		**Disabled persons parking spaces minimum**	**Cycle minimum**
	***Town centre**	**Elsewhere**		
General housing and housing associations Up to three bedrooms	At least one space per dwelling. In addition 40% of private houses should have a garage or space for one. Also a minimum of 30% visitor parking should be provided	One spaces per dwelling plus half a space provided communal	N/A	One per dwelling (where residents have access to a garden or garage no provision is necessary)
General housing and housing associations Four or more bedrooms		Two spaces per dwelling plus half a space provided communal	N/A	N/A
Flats, general housing and housing associations Up to three bedrooms	One space per dwelling plus 30% communal for new build. Existing buildings consideration for reduction based on available parking	One space per dwelling plus half a communal space.	N/A	One space per dwelling (where residents have access to a garden or garage no provision is necessary)
Sheltered housing	One space per warden plus one space per five units	One space per warden plus one space per three units	N/A	One space per dwelling (where residents have access to a garden or garage no provision is necessary)
Special needs	One space per warden plus 1.25 space per unit	One space per warden plus 1.25 space per unit	N/A	N/A
Student accommodation	One space per warden plus one space per five beds	One space per warden plus one space per five beds	N/A	One space per six staff / students
Multiple occupancies	0.5 space per bedroom	One space per bedroom	N/A	One space per dwelling (where residents have access to a garden or garage no provision is necessary)

*Town centre – the parking standards shown shall be adhered to unless there are particular alternative public transport options allowing a reduced level to be considered.

ACCOMMODATING CAR PARKING

The Scottish Government's general planning policy for car parking is set out in the Transport section of Scottish Planning Policy (SPP). This promotes a design-led approach to the provision of car parking spaces that are well integrated with a high-quality public realm.

The type and location of car parking can have a significant visual impact on the quality of a development. It must be part of an overall car parking strategy and developers will need to balance a number of requirements, including:

- avoiding domination of the *public realm* by cars;
- considering the proportion of allocated and non-allocated parking spaces;
- providing sufficient activity within the street;

- accommodating space for gardens; and
- ensuring an acceptable level of security for vehicles and properties.

There is no single best solution to providing car parking and it is anticipated that a range of different parking solutions, both on-street and off-street, will be employed within each development, depending on the context and character of a particular site and balancing the convenience and needs of residents with visual and environmental amenity considerations.

Parking within individual curtilages or on-plot, and usually in the form of driveways to the front of houses, is one of the most common solutions employed by developers. It is clearly liked by residents who, understandably, want to park their cars within sight and easy reach, but it is also one of the least flexible solutions as only the occupier can use the spaces and they remain an unused resource if the occupier does not own a car.

On-plot parking is least intrusive when integral garages are incorporated into L shaped house types, where it is located to the side of a house in front of a garage or on a hardstanding behind the main building line where the car is largely hidden, or to the rear of the house as a *drive through* to a hardstanding within the rear garden. It is important, therefore, that not all front gardens are given over wholly to car parking and that these options/variations are considered as a matter of routine. Judicious tree planting and landscaping can of course also help ensure that parking does not overly dominate in these circumstances.

Off-street parking provides for a diverse range of layout options for shared parking to be employed and embraces off-street courtyards, rear courtyards and even basement and undercroft parking. However, regardless of what solution is adopted, it is important that parking is integrated within the overall development. It should also be conveniently located where it can be supervised in an area that is well lit and has good natural surveillance from the main elevations of nearby houses.

Shared parking areas should typically be small and comprise less than 10 parking spaces. If more spaces are necessary then they should be broken up with appropriate landscaping so that it is not an overly dominant feature of the development.

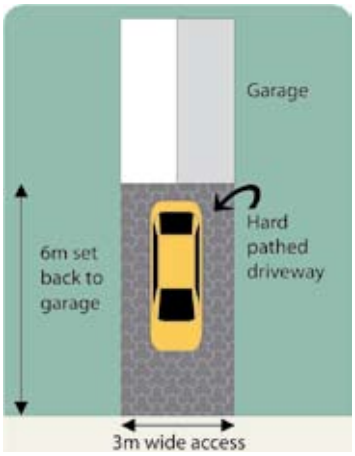
As a general rule, when designing parking for flats, it is necessary to ensure that there are adequate spaces for disabled people close to entrances. It is important to control parking to maintain adequate room for wheelchair users, pushchairs and people with mobility difficulties.

Whilst a key principle of designing car parking is to reduce the visual impact of cars, some judiciously located on-street parking can nevertheless make a positive contribution to a development when designed into a layout at the outset. Street based parking solutions tend to cater for different types of users at different times of the day. They are convenient for visitors, as they are usually located near front doors, they can bring activity to the street and can also have a traffic calming effect. They can be counted towards the overall provision required in new developments, both for residents and visitors, but cannot be allocated to individual properties. The downside is that on-street parking can be visually dominant if over used and therefore tends to work better when provided in small groups of not more than five spaces. Trees, planting, extended pavements and street furniture can be used to discourage indiscriminate on-street parking in a subtle yet effective way.

GARAGES

In addition to their designed function, garages are routinely being used for the storage of garden equipment, bicycles and other household items. In some instances cars are permanently displaced and end up being parked on driveways or on the street, the consequence of which is visual clutter and attendant road safety implications. It is therefore sensible to anticipate and provide for this by building in some additional capacity.

DRIVEWAYS



Driveways should be wide enough to allow for the opening of car doors and access to both sides of a parked car and also, on one side, allow for an accessible route to the dwelling. Single driveways should therefore be a minimum width of 3.5m, clear of any obstruction, and at least 6m in length.

Driveways should be surfaced in porous materials, and to avoid driveways being too steep and vehicles grounding, the maximum gradient for the first 2.5m of all driveways should not exceed 1:30. The maximum gradient for the remainder of all driveways should not exceed 1:8 (1:12 if it also functions as an access path).

BUS STOPS AND SHELTERS

Bus services will be the main mode for encouraging people to move away from the private car. To help achieve this it is necessary to ensure that services, stops and shelters are provided to meet these needs.

Developers may be required by planning conditions to provide for new bus stops and bus shelters as part of a planning approval.

Where bus stops are to be provided (or moved) within the development they should be:

- located to maximise their walking catchments;
- located at natural focal points;
- located away from the immediate frontages of residential properties where possible.
- spaced at around 300-400m apart, taking account of density; and
- well lit.

All bus stops should be provided with some form of shelter and should preferably also have some seating. They should be integrated into the design of the street and therefore should be planned at an early stage rather than being an after thought. Otherwise it may be difficult to provide enough space in the footway to cater both for the shelter and pedestrians passing by.

The design must consider the needs of the disabled, elderly, and young children. Developers should seek advice and agree their proposals with the council's Public Transport service and Disability West Lothian. Contact details are at the end of the document.

WALKING AND CYCLING

It is important to be aware of and understand pedestrian desire lines, taking into account the location of the site and the pattern of existing pedestrian infrastructure (including road crossing facilities and local bus stops). Consideration should therefore be given to the likely routes away from the development to local services such as shops, schools or leisure facilities.

Cycling is a sustainable form of transport and as such is widely supported in national, regional and local planning and transport policies. New residential development will be required to incorporate measures which promote the use of sustainable modes of transport, including convenient and well lit public footpaths and cycleways allowing movement within the development and improving connectivity and access to local networks and amenities. Footpath and cycle networks, and greened transport corridors, and make a significant contribution towards delivering the Central Scotland Green Network (CSGN).

Pedestrian routes and cycleways should be mainly located along residential roads to provide natural surveillance, with occasional short links to give pedestrians and cyclists a preferential direct route to local facilities, for example, a bus route, a school, shops and open space.

CYCLE STORAGE AND CYCLE PARKING

Providing some form of cycle storage space, particularly for flats, is important. Small halls and flats up stairs cause real problems for those wishing to cycle and deter those who might otherwise use a bicycle as a means of transport.

New residential developments should therefore provide either a space inside a block of flats to secure bikes or provide separate cycle stores elsewhere within the development. When provided separately, cycle storage should be located close to building entrances to enhance convenience and security for users and be covered, secure and well lit.

Short-term cycle parking, particularly for visitors, is also important when planning new developments and appropriate provision should be made which should similarly be secure and enclosed.

Cycle by Design is published by Transport Scotland for use by practitioners throughout Scotland and provides useful and detailed guidance.

PUBLIC RIGHTS OF WAY

In almost all situations, public rights of way must be incorporated into new housing developments. Where this is not feasible, permission for any diversion shall be sought from the council with the diversion following, as close as possible, the line of the existing right of way. All related costs associated with diversion and re-establishment (physical, administrative and legal) will require to be borne by the developer. New development should also have regard to the councils draft Core Path Plan and further detailed advice should be sought from the council's Access Officer.
Paths and rights of way - general information

TRANSPORT ASSESSMENTS (TA)

Applications which are expected to have a significant transport impact must be accompanied by a Transport Assessment. In the majority of cases this will be largely dependant upon the scale of the impact of the proposals and is therefore more likely to be required for larger developments. Nevertheless, the need for a Transport Assessment and it's scoping should be agreed with the council's Transportation Manager as part of the pre-application process. Issues relative to public transport, pedestrian movement, cycling and private vehicles should be addressed by a TA.

QUALITY AUDITS (QA)

Designing Streets seeks to promote innovative design solutions and encourages developers to *think out of the box*. As a consequence, many tried and tested road engineering standards which have been applied in the past, and which are proven to work from a technical / safety standpoint, may increasingly become redundant as new proposals are brought forward.

While the council is always open and receptive to new solutions, it does never the less have a responsibility to ensure that they are both functional and safe, and to this end *Designing Streets* introduces the process of a Quality Audit.

A Quality Audit draws together assessments by various professionals and by grouping the assessments together, any potential compromises in the design should become evident.

Where required, a Quality Audit must be integral to the design and implementation of a development. A typical audit may include some of the following assessments but the content will invariably depend on the type of scheme and the objective which the scheme is seeking to meet:

- an audit of visual quality;
- a review of how the street will be used by the community;
- a Road Safety Audit;
- an inclusive access audit;
- a walking audit; and
- a cycling audit.

It is therefore important that Quality Audits are scoped and agreed with the council's Transport Manager and Development Management Manager as part of the pre-application process.

ROAD SAFETY AUDITS (RSA)

The purpose of the RSA is to identify potential road safety problems. Road Safety Audits can be a key component within an overall Quality Audit but may also be required as a stand alone submission.

The Transportation Manager will advise developers on a case by case basis whether a particular proposal will require to be supported by a RSA and, as always, pre-application discussion is encouraged.

ROAD CONSTRUCTION CONSENT (RCC)

The *Roads (Scotland) Act 1984* is the primary legislation for new roads, and all new roads must receive RCC under Section 21 of that act prior to construction.

Designing Streets promotes an integrated approach to approval, involving collaboration between planning officers and road engineers. Ideally, discussions should take place as early as possible - even before a layout is worked up or a planning application submitted.

TRAVEL PLANNING

The council is committed to the active promotion of sustainable development and transport is a major sector affecting sustainability.

Travel planning can help to mitigate the adverse effects of less sustainable travel through the promotion of better use of the most sustainable modes of transport and the council has identified a requirement for developers of 10 or more dwellings to contribute to the funding of a Travel Co-ordinator (TC).

The role of the TC is to consider travel plans and sustainable travel issues in transport assessments (or transport statements) submitted in support of planning applications. At the time of publication, the requirement for contributions to fund a travel plan co-ordinator has been temporarily suspended and developers will therefore need to establish the current position. The need for developers to submit travel plans to support their applications will however remain and the council will continue to explore with developers innovative ways in which a travel co-ordination service should be delivered, which could involve developers carrying out their own monitoring and submitting the results to the council.

Residential developers are also required to produce a Sustainable Travel Information Pack (IP) to be provided in each new home. The contents of the pack will be site specific and should be integrated with wider information on local amenities and services. The pack is to be produced by the developer and will require council approval as part of planning consent. The council will specify the requirements for the contents of the pack on a case-by-case basis, but generally, it should include information on the location of local services and amenities and provide information of the options for travel to and from the development. The TC will work closely with developers to provide advice on the content of the IP. Developers will be required to regularly monitor and revise the IP.

In December 2007, the council approved separate SPG on Travel plans, residential travel plan information packs and travel plan co-ordinators. This provides details of the prevailing contribution rates and can be requested from the council or independently accessed at: http://www.westlothian.gov.uk/media/downloaddoc/1799514/1841832/1875738/travelplans

TECHNICAL GUIDANCE FOR STREETS

As previously indicated, detailed technical advice relative to the design and construction of roads for adoption is set out separatley in the council's **document title to be inserted. Link to be provided**

BIODIVERSITY

Biodiversity can be defined as the variety of life in an identified area and development can put pressure on the natural environment both directly and indirectly.

Conserving biodiversity is not just about protecting rare species and designated nature conservation sites, although these are important. It also encompasses the more common and widespread species and habitats. Biodiversity interest is also not confined to just rural areas - biodiversity is equally important in an urban location and on brownfield sites.

The council is committed to conserving and enhancing the biodiversity of West Lothian and existing features of ecological interest should always be retained within a development site and incorporated into open space networks or corridors which can serve a number of functions, such as wildlife corridors and refuges; surface water discharge; shelter belts and for noise and pollution absorption. This will contribute to biodiversity, whilst providing local features of visual interest and will simultaneousy advance the aims of the Central Scotland Green Network (CSGN).

The council has a statutory duty under the *Nature Conservation (Scotland) Act 2004* and the *Wildlife and Natural Environment (Scotland) Act 2011* to protect and conserve biodiversity and the *West Lothian Local Biodiversity Action Plan* (2005) identifies particular habitats and species of significance to the local area. Any new development must therefore ensure that any adverse impact on wildlife and habitat resources is minimised.

Developers will be required to assess the biodiversity status of sites by undertaking an ecological survey, and the outcomes, which can sometimes have a profound effect on developability and the development programme, should be used to influence the design of the residential development in order to conserve, enhance and create further opportunities for biodiversity.

It is important that surveys are carried out at the right time of year when species are more likely to be present on the site and the results should be submitted with the planning application. This requires a significant degree of forward planning and early consultation is therefore encouraged to try and avoid delays. Developers may also be required to liaise with Scottish Natural Heritage (SNH) local area officer or specialist advisors regarding these matters.

Applications for planning permission that are submitted without the required supporting ecological information are unlikely to be approved as there would be insufficient information to determine the impact of the proposed development.

It is also important to consider any indirect effects on nearby sites since development can have unforseen consequences, particularly on drainage.

When giving consideration to the biodiversity of a site, the following general points should be taken into account:

- use specialist input from ecologists, landscape architects arborists and other appropriately qualified persons;
- ensure that features with established ecological or landscape value are protected throughout site clearance and during the construction phases of development;
- compensate for any loss of biodiversity elsewhere on site or, in some instances, off site if necessary;
- design in new features to enhance biodiversity, for example by using native trees or developing the ecological value of sustainable urban drainage features; and
- put in place mechanisms for positive and sustainable management and aftercare of landscape and ecological resources.

There are many ways developers can achieve gains for biodiversity and the *subject policies* relative to Landscape and Natural Heritage and Protected Species in *Scottish Planning Policy* (SPP) sets out the methods in which biodiversity can be conserved or enhanced through the planning process.

Detailed guidance is also available from the council in a separate document entitled *Planning for biodiversity action in West Lothian*.

PROTECTING EXISTING WILDLIFE AND NATURAL HABITATS

The enhancement of water courses, rivers, lochs and wetlands habitats and the promotion of natural flood risk management should be an integral part of development proposals. Moving all water bodies towards good ecological status will help protect the wildlife and natural habitats associated with these areas.

As West Lothian is part of the Central Scotland Green Network (CSGN), opportunities to contribute to this should be seen as a priority, particularly for large scale developments. Green networks provide opportunities for physical activity and access to the outdoors and increase accessibility with settlements and to the surrounding countryside. The goal should be to link greenspaces, watercourses and waterways in order to provide an enhanced setting for development.

Everyday contact with the natural environment makes an important contribution to quality of life and retaining and creating wildlife features can result in a more attractive and desirable development. They can also benefit the development as they provide interest and help to assimilate the development into its surroundings.

There is a significant amount of legislation protecting wildlife and the natural environment and it is the responsibility of developers to undertake the necessary surveys and

investigations before any works commence and to ensure they do not contravene the law. The key legislation is, however, the *Wildlife & Countryside Act 1981*, the *Nature Conservation (Scotland) Act 2004*. The *Protection of Badgers Act 1992*, the *Protection of Wild Mammals (Scotland) Act 2002* and *The Wildlife and Natural Environment (Scotland) Act 2011*. There are also species protected under the *European Habitats Directive*, such as bats, otters and great crested newts.

A summary of the law relating to this subject is set out in the leaflet *Scotland's wildlife: the law and you*. It has been produced by Scottish Nature Heritage (SNH) which is particularly well placed to advise on all matters of this nature and the relevant contact details are provided at the end of this document.

It is a criminal offence to damage or destroy a breeding site or a resting place of a protected species, punishable by a fine and even imprisonment. If developers are unsure about what protected animal or plant species may be present on or adjacent to a particular site, discussions should be held with the SNH area officer and the council at an early stage so that issues and potential solutions can be discussed.

The following general principles should be applied to the protection of wildlife and natural habitats and natural drainage patterns;

- existing features of wildlife value should be retained and enhanced wherever possible;
- development should avoid adverse impacts on protected nature conservation sites such as Sites of Special Scientific Interest (SSSIs), local biodiversity sites and Local Nature Reserves (LNRs) Special Protection Areas (SPAs) and Special Areas of Conservation (SACs);
- development should have regard to any potential impact on protected rare and endangered species (listed in the UK Biodiversity Action Plan), ensuring that there are no adverse impacts on these species;
- piping and canalisation of watercourses should be avoided. The preference is for all watercourses to be as natural possible and improvements such as deculverting and reinstating natural channels will be encouraged where possible.
- during construction, robust physical measures should be taken to isolate habitats within and adjacent to development areas. Where appropriate to do so, the creation of habitat links through and within developments should be provided;
- mechanisms for preventing damage or interruption to natural drainage patterns should be implemented;
- SUDS discharge into woodland should be avoided in order to prevent the destabilisation of trees; and
- existing ground levels adjacent to wildlife habitats should be maintained and undisturbed.

Additional guidance is set out in the leaflet *Planning Permission and Wildlife: what you need to know*, and can be accessed at http://www.snh.gov.uk/law

SUSTAINABILITY

Sustainable development aims to meet our needs while preserving the environment so that these needs can be met not only in the present, but also for future generations; it is the core principle underpinning planning and the delivery of sustainable homes and places and is arguably one of the most important challenges of our time.

Building in a manner to minimise the use of energy and natural resources is a necessity and environmental sustainability should be a fundamental thread that runs throughout all aspects of new residential development.

Choices about where to build should be influenced by the resources and sustainability of a site and buildings should minimise resource use in their construction, operation and maintenance.

More sustainable dwellings can be achieved by making relatively minor changes and amendments to standard building types. If these are considered and incorporated at the site appraisal and design stages they can often help achieve successful, sustainable development at minimum additional cost.

Scottish Planning Policy (SPP) directs that the planning system should promote sustainable development by ensuring that development incorporates design and methods of construction which achieve this goal. There are many practical aspects of the design and planning process that can have a significant impact and which can contribute towards achieving a sustainable residential development.

New housing developments should therefore have regard to the following principles of sustainability:

- reduce demand for energy;
- reduce demand for water;
- provide energy in sustainable ways;
- foster and maintain biodiversity;
- treat / attenuate run off to minimise pollution and the risk of flooding;
- make reducing / recycling waste easy;
- build in accessibility and adaptability;
- make means of transport other than the private car easy to use; and
- use sustainable materials.

The *Sustainable Housing Design Guide for Scotland*, first published in 2000 by Communities Scotland (abolished in April 2008), ia an invaluable reference. The document remains a comprehensive and user friendly guidance to the incorporation of sustainability principles into developing housing. It is a helpful source of information for housing providers who wish to move toward more sustainable development.

ENERGY EFFICIENCY

The planning system, in association with the building standards regime, is charged with ensuring that the design and layout of new developments minimise the demand for energy.

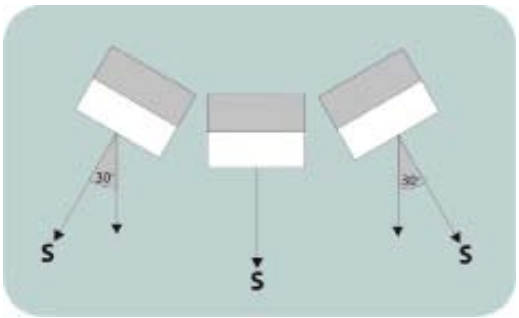
The Scottish Government has set an ambitious target to reduce Scotland's total energy consumption by 12 per cent and carbon emissions by 42 per cent by 2020. These targets from part of the *Government's Energy Efficiency Action Plan* (EEAP) also titled *Conserve and Save* and published in October 2010. This presents a major challenge for the housebuilding industry.

The design of new development should therefore address the causes of climate change by minimising carbon and other greenhouse gas emissions and should include features that provide effective adaptation to the predicted effects of climate change. New developments, particularly those on larger sites, should be planned to make use of opportunities for decentralised and local renewable or low carbon sources of heat and power wherever possible.

There is a wide variety of ways that developers can contribute to improved energy efficiency when bringing forward proposals for new residential development but it is important that these are taken into account as early as possible in the development process as this provides for a wider range of viable options and the solutions are likely to be more cost effective.

These include:

- new development being located near public transport hubs;
- developments being laid out to facilitate walking and cycling to the nearest local services and bus stops, thereby reducing the need to use private cars for short journeys;
- where appropriate, maximising density;
- designing to make the best use of natural light and warmth, so as to minimise the use of energy for lighting, heating and cooling;
- orientating new dwellings within 30 degrees of south to maximize solar gain and to facilitate the installation of solar panels;
- placing taller buildings to the north to prevent unnecessary overshaddowing and allowing for more passive solar gain;



- locating the most frequently used rooms on the south side of the house so as to avoid excessive shadowing;
- creating sustainable microclimates, by retaining and using dense tree planting and earth mounding and shelterbelts to reduce potential heat loss to buildings;
- selecting building materials with regard to their durability, and thermal efficiency;

- designing habitable rooms with large areas of clear glazing to make the most of the available daylight, to minimise the use of artificial light;
- fitting out developments with energy and water efficient appliances;
- incorporating recycled materials from demolition and site clearance; and
- incorporating photovoltaic cells, formed into panels, and integrated into roof profiles to maximise solar energy.

New development, particularly on larger sites, should be planned to use other energy options, either singly or in combinations this includes:

- biomass boiler systems;
- combined heat and power generation (biomass units provide only heat, whilst CHP units provide both heat and power). Both processes result in a significant reduction in CO_2 emissions and are particularly viable on medium to large, relatively compact developments;
- ground source heat pumps: can be used to efficiently heat a building by drawing heat from the ground, concentrating it and delivering it to the building. They can also operate in reverse to provide cooling;
- wind generators, but these are unfortunately not always compatible with an urban housing environment.

Early involvement of the right expertise can help to achieve a successful solution and avoid delays during the planning process and specific advice for house builders can be obtained from the Energy Savings Trust and the Carbon Trust.

ADAPTABLE BUILDINGS

In the interest of sustainability, buildings and spaces should be sufficiently flexible to respond to changes in the occupants needs, lifestyle and aspirations over time, i.e. people have children, they age and may become less physically mobile.

The most important consideration in designing a robust and adaptable home is the area of space it provides and can potentially accommodate in the future. By providing opportunities for conversion, extension or adaptation, and there are other practical construction methods which can also be employed to make the execution of changes that much easier.

The Scottish Government Building Standards Division, part of built environment, has recently made changes to the Building Regulations to specifically *future proof* dwellings to be more readily altered at a later date.

Advanced building technology can also contribute to the environmental performance of a house, reduce defects in construction, improve health and safety on site, and increase overall efficiency.

In this regard, the council has produced guidance on the subject of digital ducting. It was approved by the Council Executive on 13 April 2010 and has been written for the benefit of developers who wish to consider the laying of digital ducting, for the delivery of digital data services that are fit for purpose for digital service provision now and into the future. This can be viewed online on our Planning - policies page

WATER CONSERVATION

Water is a vital and increasingly scarce resource and the use per person has increased significantly over recent decades, mainly down to the growth in the number of households and greater use of water intensive white goods.

By incorporating water conservation measures into new developments, significant savings in water use can be made for the long-term benefit of the environment and with the added bonus of leaving home owners less vulnerable to possible future increases in water charges. Developers are therefore invited to consider:

- installing systems for recycling *greywater* for purposes such as flushing toilets and irrigation that do not require mains supplies;
- providing water efficient showers, toilets, taps and other appliances as standard; and
- providing water butts or community storage facilities to collect rainwater;.

Watercourses and culverting

Developers will be required to integrate existing watercourses within a development rather than shutting them out, or worse still, culverting them. Both the council and SEPA have policies which presume against culverting. Culverting watercourses causes loss of important habitats, has a harmful affect on water quality and can increase the risk of flooding.

Where practicable, the opportunity should be taken to re-open culverts, re-establish natural watercourses, floodplains, channels, margins, wetlands and enhance their wildlife and biodiversity value

Developers will be required to install trash screens at the entrance to all culverts on site or on watercourses leading from sites, and additionally, in some circumstances, a security device to deter access. Trash and security screens must be designed in accordance with *Trash and Security Screens: a guide for flood risk management* (2009) which is produced by the Environment Agency in England.

Developers will be required to clarify which management agent will be responsible for the maintenance of culverts and screens where these do not form part of the surface water sewer to be maintained by Scottish Water. Passing responsibility to home owners by feuing conditions is not acceptable.

Other water bodies (eg. lochs and wetlands) should also be integrated into new developments.

Further advice can be obtained by referring to *Watercourses in the Community* (2010) by the Scottish Environment Protection Agency (SEPA) and *Liquid Assets - making the most of our urban watercourses* (1998) published by the Landscape Institute and the Institute of Civil Engineers.

SEPA's Habitat Enhancement Publications

FLOODING

Flooding (associated with watercourses) is a natural phenomenon, however the effects of a changing climate suggest that development can also be at risk from surface water run-off from higher ground and from limited capacity in traditional drainage systems. In West Lothian, obstruction and a lack of capacity associated with culverts has also been shown to be a significant cause of flooding.

As a general rule, the functional flood plains should be safegarded from built development and included as part of the open space provision or green network.

The *Flood Risk Management (Scotland) Act 2009* places new responsibilities on local authorities to reduce overall flood risk and promote sustainable flood risk management.

To support the principles of this act, the council has adopted a precautionary approach to managing flood risk through avoidance as a first principle, considering flooding from all sources and working towards sustainable flood management. The role of sustainable flood risk management should also be recodnised as an important climate change asaption measure.

It is the responsibility of developers and the council to ensure that future development is not located on functional flood plains or in areas of significant flood risk and to accord with Planning Advice Note 69, *Planning and Building Standards Advice on Flooding* or any subsequent iteration of this document as it is anticipated that revised planning policy on flooding will be issued in late 2011.

Some flood risk areas are identified on SEPA's *River and Coastal Flood Map (Scotland)*. The information is not however definitive and does not deal with all types of flooding but it is a useful initial guide.

Additionally, the council holds some of its own information on historical flood events and this data can be shared with developers on request to the Flood Risk Manager (see useful contacts at the end of document).

In accordance with the SEPA/ Planning Authority Protocol, SEPA works with local authorities to access flood risk issues associated with new developments and is a statutory consultee for developments that are likely to result in a material increase in the number of buildings at flood risk. A copy of the protocol can be viewed on the SEPA website.

It should be noted that the Protocol is currently being updated in light of the new Flood Risk Management (Scotland) Act 2009.

The SEPA Interim Postion Statement on Planning and Flooding sets out more fully its role and policy position on flooding relative to land use planning. This is available to download from the SEPA website under Flood risk

It is important that developers also consult with the council's Flood Risk Manager, Development Management, Transportation and Scottish Water.

Where a development site is in an area where drainage is already constrained or considered by the council to be susceptible to flooding, or where the proposals are likely to exacerbate an existing flood risk, developers will be required to assess the risk posed by their development (e.g. possible effect on flood risk elsewhere, and consider the specific risk of flooding to the proposed development over its expected lifetime taking into account the effects of the changing climate). Ordinarily, this will require the commissioning and submission of:

- a drainage impact assessment (DIA) in order to evaluate the overall impact of development on land drainage, surface and wastewater networks; and / or
- a flood risk assessment (FIA) in order to address flood risk to the proposed development from any source and the implications on other areas if the site were to be developed.

As these are highly specialised undertakings they must be carried out by competent hydrological and engineering professionals with demonstrable experience of this type of work and must conform to the requirements set out in SEPA's guidance. Technical flood risk guidance for stakeholders (Version 3), and complying with Annex B, SEPA Policy 4, *A SEPA planning authority protocol* and also Ciria C624 *Development and flood risk guidance for the construction industry* (ISBN: 978-0-86017-624-4)

The subject policy relative to planning and flooding in *Scottish Planning Policy* (SPP) sets out the national context for planning and flooding.

In April 2008, the council approved separate SPG on flooding issues in West Lothian and developers are encouraged to familiarise themselves with this. This guidance can be requested from the council or accessed at our Planning - policies webpage

SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS)

Development reduces surface permeability by replacing previously vegetated ground with roofs and paved areas and through compaction of other areas by vehicular movements. This reduces the amount of water infiltrating into the ground and increases the speed of surface run-off. Any built-up area therefore needs to be drained to remove the excess water or it will flood.

Traditional drainage techniques include the use of underground pipe systems, designed to convey water away as quickly as possible and thus prevent flooding locally. This however has been shown to cause flooding and, in some instances, pollution downstream of urban areas. Legislation has prompted the adoption of more sustainable solutions for dealing with surface water drainage.

Sustainable urban drainage systems (SUDS) use techniques to control and manage surface water run-off as close to its sources as possible before entering a watercourse. SUDS can contribute to the recharge of groundwater and, when incorporated into roads design, can reduce pollution.

The provision of SUDS, in managing surface water run-off, is a key requirement of nearly all residential development schemes and developers must establish the extent and destination of post-development run-off and provide on site treatment and attenuation proposals acceptable to both the council and SEPA.

SEPA advise that for residential developments of more than 50 dwellings, two levels of SUDS treatment may be required, including all hardstanding areas and roads. An exception is run-off from roofs which requires only one level of treatment. It is recommended, as best practice, that the second level of treatment should be a basin or pond designed in accordance with *Sewers for Scotland Second Edition*. Reference should also be made to SEPA's regulatory method statement entitled *Regulation of Sustainable Urban Drainage System (SUDS)*.

Surface water must be drained to a water course, overland discharge area or surface water sewer. Only if this cannot be achieved should permission be sought to attenuate and drain to a combined sewer, but such approval cannot be assumed or guaranteed and will be at the discretion of Scottish Water on a case by case basis. Scottish Water usually insist that run off be attenuated.

To be successfully accommodated, SUDS must be integrated into the design of a development from the outset and not introduced as an afterthought. **The SUDS strategy must inform the layout of a development, not the reverse.**

The impact of development on the whole surface water catchment area must be considered, particularly the potential for adverse affects such as flooding or pollution beyond the site.

Site layout should seek to minimise impacts on the natural, built and water environment by reducing the quantity and impact of surface water run off, improving its quality and maximising the creation of amenity and habitats. The ecological value of SUDS is encouraged and should, where possible, include retention and enhancement of natural drainage systems and features.

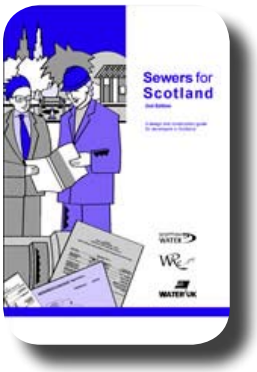
The council, (specifically Development Management, Transportation and the Flood Risk Manager) Scottish Water and SEPA must be consulted on the selection and design of SUDS proposals and conditions will be imposed on planning permission to secure the implementation of the necessary works.

Where developers are proposing an open water body for the treatment and attenuation of surface water from the site, attention is drawn to the need for a risk assessment. It is recommended that reference is made to the RoSPA publication *Safety at Inland Water Sites - Operational Guidelines* First edition, 1999 (ISBN No. 1 85088 092 1).

New bodies of open water, within the safeguarding zone of Edinburgh airport will be the subject of statutory consultation with BAA as they can potentially create a bird strike risk.
It will ordinarily be a requirement that surface water drainage systems be vested in Scottish Water as drainage authority and will, as a consequence, be designed and constructed in accord with Scottish Water's *Construction Standards and Vesting Conditions* (2007).

There have been particular difficulties associated with pumping stations provided by developers, but not yet adopted by Scottish Water, which have failed on development sites that are already occupied and in circumstances where the developer may have gone out of business or is financially unable to resource the necessary remedial works.

In attempting to address this issue, Development Management will ascertain from Scottish Water whether a pumping station is required for a particular development, and steps will then be taken to ensure that this is explicitly provided for as part of the application for planning permission. Enforcement will however remain the responsibility of Scottish Water.



In April 2008, the council approved SPG on SUDS and developers are encouraged to familiarise themselves with this. The guidance can be found on our Planning - policies webpage

Further guidance is available in Planning Advice Note 79, *Water and Drainage*.

Under the *Roads (Scotland) Act 1984*, the council, as roads authority, is responsible for the provision of surface water drainage for adopted public roads. Effective road drainage is fundamental for road safety and to the integrity and structural stability of the road. When considering construction consents, the roads authority will need to be satisfied that sustainable drainage systems satisfy road drainage requirements and will not be too onerous to maintain.

A best practice guidance manual entitled *SUDS For Roads* has been produced by industry professionals and academics.

MANAGEMENT OF SOILS

One of the most recurring complaints from residents concerns land drainage, and these are usually received some time after a development has been completed. These typically cite garden ground as being impermeable and therefore prone to flooding in the winter months and baked dry in the summer.

Research undertaken for the *West Lothian Soil Sustainability Report*, published by the council in 2004, indicated that the majority of soils in West Lothian ranged from boulder clay to sandy loam and that poor natural drainage was to be expected. However the source of complaints, for the most part, was more directly attributable to the mismanagement of soils on development sites. Materials tend to be moved by vehicles and these operate on the subsoil layer, tracking nearly all parts of the site and in all weathers. It is therefore little surprise that compaction ensues.

Unfortunately, it has not been unknown for developers to address subsoil compaction by simply over laying the completed ground with topsoil. This is, however, a purely cosmetic exercise. It does not satisfactorily address the problem and is wholly unacceptable.

The report sets out good soil management practices which developers are required to have regard to and which include:

- storing topsoil in accordance with agreed guidelines to maintain its health and vitality and to avoid contamination;
- minimising the area of disturbance during construction and fencing areas where soils and vegetation are to remain undisturbed; and

- not handling and trafficking soil during periods of wet weather and saturated ground conditions.

Additional practical advice for developers is also contained in the *Construction Code of Practice for the Sustainable Use of Soils in Construction Sites*. Produced by the UK Goverment's Department for Environment, Food & Affairs, it is nevertheless equally relevant to developments in Scotland.

Policy ENV 8 of the adopted *West Lothian Local Plan 2009* requires applications for all greenfield development sites in excess of 1ha to be accompanied by an assessment of soils. A distinct Development Management policy, *The management and after-use of soils on development sites*, consistent with this policy, has also been produced and additionally embraces development on large brownfield sites and other smaller sites.

CONTAMINATED LAND

An increasing number of new dwellings are being constructed on previously developed sites, i.e., on *brownfield* land, and developers need to be aware that such sites are more prone to contamination and should be prepared to undertake site investigations and any necessary remedial action.

Land which is contaminated can render potential development sites incapable of beneficial use unless hazards capable of causing harm to human health or the wider environment are assessed and dealt with. Land may be contaminated by a wide range of substances and materials in the form of solids, liquids or gases and each site will require specific investigation dependent on its former and proposed uses.

The adopted *West Lothian Local Plan 2009* identifies a general presumption in favour of proposals for the rehabilitation of derelict and contaminated sites, where there is no significant immediate or long-term threat to local amenity and the environment, and where proposals are consistent with other policies.

In September 2009, the council approved separate SPG entitled *Development of land potentially affected by contamination* and developers are encouraged to familiarise themselves with this.

The guidance sets out what is required from developers as part of the planning process when contamination of land is suspected and should be read very carefully. It includes the stages of site investigation and risk assessment which are needed to determine the nature of the contamination; and the standard of remediation which is required to ensure the land is suitable for the intended use. Residential development as an end use for a contaminated site will, justifiably, require the most rigorous standard of land remediation.

Site investigation and contaminated land risk assessment is a complex process and must be undertaken by appropriately qualified and competent individuals. West Lothian Council will only accept site investigation reports that have been carried out in accordance with the relevant British Standards, good practice and current authoritative guidance.

Applications for planning permission and building warrants may be refused where the council is not satisfied that the site has been fully characterised, or that appropriate measures are in place to ensure the safe remediation of the site.

Further guidance on the development of contaminated land is set out in Scottish Government Planning Advice Note 33, *Development of Contaminated Land* and by contacting the council's Contaminated Land Officer whose details are at the end of this document.

AIR QUALITY

Clean air is an essential ingredient of a good quality of life and people have a right to expect that the air they breathe will not harm them.

Developers seeking planning permission have a joint responsibility with the council to ensure that appropriate standards of air quality are maintained or improved and consideration should therefore be given to the impact of development on air quality. Developers must at the very least be able to demonstrate that development proposals will not cause a worsening of local air quality.

Air quality data and air quality management areas in West Lothian can be accessed on the *2011 Air Quality Progress Report* and at our Broxburn AQMA webpage.

Planning applications in respect of proposals that are considered to impact on or be affected by air quality issues will be required to be supported by a statement indicating:

- the change in air quality resulting from the proposed development; and
- what actions have been considered to reduce the impact of the proposal on air quality.

It may be necessary for an applicant to commission an Air Quality Impact Assessment in support of an application, and in such instances where this is required, it must be undertaken by appropriately qualified and competent individuals. Conditions may subsequently be imposed on the grant of a planning permission requiring air quality monitoring apparatus to be installed for a specified period of time and the costs of this shall be bourne by the developer. In circumstances where the council has already established a monitoring presence, developer contributions may instead be acceptable.

Further guidance is set out in Planning Advice Note 51, *Planning, Environmental Protection and Regulation*.

Developers are also encouraged to consult with the council's Environmental Health and Trading Standards section for specific guidance and advice at the earliest opportunity. Contact details are at the end of this document.

NOISE

It can be difficult to reconcile housing with other activities which have the potential to generate high levels of noise and all new dwellings must be sensitively located so that they are a satisfactory distance away from major roads and specific land uses such as railways, airports, flight paths, industrial premises, distribution depots, sports facilities, and, increasingly, businesses operating 24 hours or which are part of the so called *night time* economy.

Consideration must also be afforded to committed proposals which have planning permission or which benefit from a local plan allocation and which may present a potential noise source in the future.

In some instances physical noise mitigating measures may be required to make development proposals acceptable. These measures might require buildings to be screened by landscaped bunds and the use of acoustic fencing and sound insulating materials. For maximum effect, barriers should be as near to the noise source as possible.

All housing should be built with acoustic insulation and tested to current Building Standards, but acoustic insulation should not be relied upon as the only means of limiting noise. Internal layouts should also be configured to avoid incompatible room uses and to limit the effect of noise transfer from adjoining or stacked properties. To be effective, such considerations must be taken proper account of at the design stage.

Care must however be taken to ensure that the use of noise attenuation measures outlined above, does not result in a development layout which is in direct conflict with good urban design principles.

Where mitigation of noise impact is considered necessary and acceptable, the council will impose conditions to achieve the required measures on the planning consent. However, if noise issues cannot be satisfactorily overcome, planning permission may be refused.

In August 2006, the council approved separate SPG entitled *Planning and Noise* and developers are encouraged to familiarise themselves with this.

The SPG takes into account current policy in relation to planning and noise and provides guidance on undertaking noise assessments which may be required in support of a planning application.

Where a noise impact assessment is required, it should be scoped and agreed with the council's Environmental Health Manager as part of the pre-application process and must then be undertaken by appropriately qualified and competent individuals, usually a noise consultant. Contact details are at the end of this document.

Further guidance is set out in Planning Advice Note 1/2011, *Planning and Noise*.

LIGHTING AND LIGHT POLLUTION

The manner in which residential developments are lit can make a positive contribution to the environment and the following general principles should be taken into consideration in designing lighting within a new development:

- street lighting should be planned as an integral part of the development;
- all public areas should be well lit and street lighting should illuminate both the carriageway and the footway;
- lighting should be thoughtfully located to avoid unnecessary clutter and possible problems of light pollution to adjacent properties. Consideration should be given to attaching lighting units to buildings;
- all pathways and parking areas should be lit for safety; and

- lighting fixtures should be selected for their energy efficiency properties as much as for their design and appearance. They should be strong and durable and easily maintainable.

Lighting should generally be in accordance with these building standards: BSEN 13201-2, BSEN 13201-3, and BSEN 13201-4.

Light pollution is a *statutory nuisance* under Part III of the *Environmental Protection Act 1990*, as introduced by the *Public Health etc (Scotland) Act 2008*, and Planning Advice Note 51, *Planning, Environmental Protection and Regulation* makes it clear that it is the responsibility of planning authorities and the environmental protection bodies to collaborate in the task of protecting the environment, to apply controls so that duplication is minimised and to ensure overlap is avoided whenever possible.

The council will therefore seek to prevent statutory nuisances where lighting forms part of a planning application and may seek to regulate lighting as part of planning conditions and obligations.

In September 2009, the council approved separate SPG entitled *Controlling light pollution and reducing lighting energy consumption*, and developers are encouraged to familiarise themselves with this.

CONSTRUCTION WASTE

The Scottish Government has adopted Zero Waste as a goal and in 2010 published the *Zero Waste Plan* (ZWP). In accordance with *Scottish Planning Policy (SPP)*, the goal of Zero Waste means following a *waste hierarchy* (an order of preference) for how we deal with waste i.e. elimating the unnecessary use of raw materials, then reusing and recycling products with disposal the last option.

Site Waste Management Plans (SWMP) can help achieve this objective during the construction and operation of developments and advice on how to prepare such plans is available on the netregs website and from Envirowise who also provide free advice on resource efficiency. Further advice on the reuse of demoltion and excavation materials is available from the Waste and Resources Action Programme. Additional guidance can also be found at SEPAs webite.

SEPA http://sepa.org.uk

Financial statisics at your fingertips http://www.netregs-swmp.co.uk

Site waste management plan (SWMP) regulations guide - GG899 http://envirowise.wrap.org.uk/uk/Our-Services/Publications/GG899-Site-Waste-Management-Plan-SWMP-Regulations-Guide-.html

AggRegain http://aggregain.wrap.org.uk/

The council is obliged to ensure that both the necessary policies and facilities are in place to reduce the amount of waste generated, to increase the amount of re-use and recycling and to encourage householders to engage and participate more effectively.

Consistent with this strategic direction, policy NWR 11 of the adopted *West Lothian Local Plan 2009* advises that proposals for new housing must demonstrate to the satisfaction of the council that the generation of waste during the construction period has been minimised and that any residual waste will be managed in a sustainable manner.

The best way to tackle the problem of waste during construction is of course for developers to produce less of it. Storing materials correctly and adopting a more rigorous ordering regime in order to minimise waste can all help.

Waste from development sites can contain a variety of different materials and if not disposed of properly, there is a risk of pollution. Harmful, even dangerous substances, e.g. asbestos, are sometimes contained in building waste and these need to be removed carefully.

Generally, any waste removed from a development site must be deposited either at a site properly licensed by SEPA or at a site for which a relevant exempt activity has been registered.

The council has produced related SPG entitled *Getting rid of demolition and building waste*, that can be viewed online at: http://www.westlothian.gov.uk/media/downloaddoc/1799514/1841832/1875738/2173476/builders_material

DOMESTIC HOUSEHOLD WASTE

With regard to the necessary provisions for the treatment and disposal of household waste, it is important that developers take cognisance as early as possible of the requirement to provide for dedicated bin storage/recyclable/compostable waste storage space in their developments to accommodate:

- provision within dwellings for facilities to seperate and store different types of waste at source;
- provision within the dwelling or within the development for composting;
- kerbside collections, including adequate vehicile turning facilities; and
- centralised facilities within the development for the public to deposit materials for recycling and recovery.

Details should ideallyy be submitted with the planning application.

The council currently operates various multi bin collection systems, depending on the form and geographical location of the residential property, and developers will need to establish at an early stage which arrangement they should be designing for.

Developers should be aware that it is council policy that they bear the cost of the appropriate waste collection bins (the council will source and may supply) and that this may also be made a condition of any planning permission granted for residential properties.

In larger scale residential developments, such as the CDAs, developers may also be required to make opportunities available for recycling facilities such as paper banks and textile banks.

As a general rule, bin storage areas should be sensitively designed to minimise their visual impact, covered, secured, and made easily accessible to all residents.

- bin stores should be constructed in brick or timber and should have metal protection plates on the inner walls to prevent damage by bins;
- there must be sufficient room within each bin store to accommodate the bins and to facilitate access and movement (required by residents, factors and waste operatives) without having to move other bins;
- entry/exit should be a minimum width of 600mm to allow sufficient access/egress;
- bin stores should be constructed to allow bins to be forward facing so they can be identified; and
- the maintenance of bin stores should be covered by a factoring arrangement.

*Typical bin dimensions**

	HEIGHT	WIDTH	DEPTH
140 litres	1054 mm	560 mm	
240 litres	1063 mm	720 mm	
360 litres	1095 mm	850 mm	
1100 litres	1385 mm	1370 mm	1200 mm

*Access for service vehicles**

Roads should ordinarily be constructed to an adoptable standard. Direct vehicle access is required to all locations at all times including phased construction sites;

Road widths and turning heads must be able to accommodate waste collection vehicles;

Hammerheads, and turning circles will be required to avoid/minimise reversing manoeuvres and should be designed to prevent parking from obstructing access to the site.

The following dimensions relate to the largest vehicle likely to service waste containers in new developments.

Maximum operating length	12 metres
Maximum width	2.55 metres
Maximum height	4.5 metres
Maximum laden weight	26 tonnes
Turning circle	18 metres

* *It should be noted that these specifications are correct at the time of writing. However, they may be subject to change in the future and developers should liaise directly with the Waste Services Manager to establish their current requirements and contact details are provided at the end of this document.*

Residents will be required to bring their refuse and recycling containers to their front property boundary, and the design should facilitate this with a view to ameliorating the problems of multiple bins obstructing footways.

Where roads are not constructed to an adoptable standard, or where the development includes private accesses or parking courts, it should be noted that the council will only collect bins from the public highway. Satisfactory provision must therefore be made for residents to get the bins to an agreed collection point (in line with previous noted standards

re size of store/area and within kerbside collection criteria including distance from kerbside path to vehicle requirements).

The distance between individual properties and the bin store requires to be agreed with Waste Management Services in consultation with Environmental Health & Trading Standards.

- dropped kerbs should be provided to a width of at least 600mm;
- where a communal bin store is to be provided, it should be no more than 10 metres from a dropped kerb and the collection vehicle must also be able to access the dropped kerb where the bins will come off; and
- surfaces should be able to be cleaned without risk of permanent staining.

IMPACT OF CONSTRUCTION WORKS

Developers will be required to submit a written statement to the council which outlines the measures to be taken to reduce the impact of construction work on the environment and to have it approved by the council prior to starting works on site.

In particular, the statement should detail the measures which the developer will take to:

- avoid substances seeping into watercourses;
- avoid noise, vibration and dust nuisance;
- ensure that roads and footpaths in the vicinity of the site are kept debris free;
- ensure that disturbance to existing residents from construction traffic is minimised; and
- ensure that road gulleys remain clean and free from obstruction pre-adoption.

Proposed locations for site compounds, soil storage and temporary car parks for contractors and employees must be provided as part of this statement.

Developers are reminded that the council has powers under the *Roads (Scotland) Act 1984* to serve notices requiring public roads and footpaths to be kept mud free and vehicle operators and contractors who deposit mud on the road are potentially liable for a range of offences. The council also has powers under the *Environmental Protection Act 1990* to deal with statutory nuisance. SEPA also has powers to deal with developers who pollute watercourses.

The council has approved SPG entitled *Mud on Roads*. This provides information on developers to minimise the possibility of mud pollution into roads from this sites they are developing in the interest of highways safety.

ENVIRONMENTAL ASSESSMENT

Environmental Impact Assessment (EIA) is a tool used to predict the environmental impacts of a project.

Assessing the impacts of a project prior to its development presents an opportunity to fully explore the extent of impacts upon the environment, consider where alternative approaches may be more suitable and to consider where appropriate mitigation measures will be required.

The *Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations* 2011 require planning applications for a wide range of development projects, mostly of a major scale, to be accompanied by an Environmental Assessment (EA).

Some projects (known as Annex 1) must always be subject to EIA, while other projects (Annex 2) need only be subject to EIA when they are likely to have significant effects on the environment by virtue of their size or location.

As far as residential development is concerned, it is not the type of development embraced by Annex 1. It could however potentially constitute an Annex 2 project under the category of *urban development projects*, if the area of the development site is in excess of 0.5 hectares and where residential development is likely to have significant environmental effects because of factors such as its nature, size or location. In such circumstances, a formal determination of whether or not EIA is required must be sought from the council and this should be done as early as possible.

Additional guidance can be found in Planning Advice Note 58, *Environmental Impact Assessment*, *The Environmental Impact Assessment (Scotland) Amendment Regulations 2009* and Circular 8/2007 (As Amended): *The Environmental Impact Assessment (Scotland) Regulations 1999*.

PUBLIC ART

In order to enhance the new environments being created, developers of larger housing schemes, and certain other significant developments, are required to contribute to public art in one of two ways.

Some may commission, implement and own art while others may agree to make a contribution to the council's Public Art Fund. This fund is designed to assist the gathering of smaller contributions from a number of developments over time in order to support the commissioning of projects in the area in which the development is located.

Details can be found on the councils Public Art Strategy.

A statement outlining how the applicant intends to address the requirements for contributions towards public art should accompany any planning application for qualifying developments. Where the developer intends to commission and implement a project rather than make a financial contribution the planning application should include a Public Art Plan.

It is important that developers engage in early pre-application discussions with the council Arts Development Officer so that the requirements for public art can be identified and addressed. Contact details are at the end of this document.

Further advice, together with details of the most up to date requirements, are set out in SPG *Developer contributions to public art*.

DEVELOPER CONTRIBUTIONS

Developer contributions enable the council to ensure that developments are properly provided with infrastructure, services and facilities. They enable developments to proceed that might otherwise be refused planning permission.

The principle of developers making contributions (financial or in kind) towards the provision of the necessary infrastructure to support their developments is well established, both in law and in practice across the uk.

West Lothian Council provides clear and comprehensive guidance for landowners and developers to ensure that they can take the cost of these requirements into account even before engaging in the formal development planning process. Specifically, it has put in place a series of SPG that support the implementation of the adopted *West Lothian Local Plan 2009*.

These SPGs set out developer contribution requirements and/or identify principles that will be adopted by the council in preparing strategies for the provision of new infrastructure and/or facilities that developers will be required to contribute to. The SPGs are material considerations in the determination of planning applications and currently relate to the following subject areas:

- Affordable housing;
- Planning for education;
- School commissioning costs;
- Denominational secondary education infrastructure;
- Replacement Armadale Academy;
- Provision of additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh
- Armadale Primary Schools;
- Whitburn Academy;
- School commissioning costs;
- Blackridge Station;
- Park and ride facilities at Armadale Railway Station;
- Replacement Armadale Library;
- A71 corridor study bus priority measures;
- A801 dualling;
- Partnership approach to deliver infrastructure;
- Travel plan co-ordinator;

- Co-location principles;
- Public art;
- Towns and village centre improvements;
- Cemetery provision; and
- Professional services.

No application will be reported to elected members with a favourable recommendation until at least the heads of terms have been agreed in writing with the council on the scale and precise nature of development contributions necessary.

The SPGs will be kept under review and it is likely that further SPGs will be prepared and adopted in due course. Developers are therefore advised to seek confirmation of the SPGs in force before embarking on projects.

SPGs can be viewed and downloaded on our Planning - policies webpage.

Developer contributions are most commonly secured under the provisions of Section 75 of the *Town and Country Planning (Scotland) Act 1997*, Section 48 of the *Roads (Scotland) Act 1984* and Section 69 of the *Local Government (Scotland) Act 1973* and means that a formalised legal agreement will require to be concluded with the council before a planning permission can be released. However in some instances the paying over of a cheque or bankers draft may suffice and Development Management officers will be pleased to advise.

Circular 1/2010, *Planning Agreements* provides guidance on the circumstances where planning agreements can be used. In general, contributions can only be sought where they are required in order for the development to proceed and where the contribution concerned is related in scale and kind to the proposed development.

Other necessary off-site works may be dealt with by the use of suspensive conditions but only where this is deemed to be appropriate.

It is extremely important to discuss the likely level of contributions with council officers as early as possible in order that the costs can be built into developers' and landowners' financial appraisals, ideally before any property transactions have been completed.

PLANNING FOR EDUCATION

Such is the importance of this issue that it merits being discussed separately from other infrastructure considerations.

New residential communities can generate a demand for a significant number of new school places, particularly where families are attracted to the area. In such cases, it is vital to the process of supporting sustainable communities that the planning system facilitates the timely provision of new school buildings and/or school provision.

The complexity of the situation in West Lothian, however demands, that Development Management take advice on the education provision implications of each proposal for residential development from Education Planning and no application will be concluded until a rigorous assessment of existing schools capacity and/or the provision of new school facilities allied to the proposed development has been completed.

The response of Education Planning will be informed by school roll projections produced by a forecasting model which has been operated by the council since 1996. In the interests of transparency, this is explained in some detail is the SPG entitled *Planning for education*.

There are in fact several SPGs relating to education matters, all of which can be viewed on our Planning - policies webpage.

It is particularly important that developers/landowners engage in early pre-application discussions with the council so that education issues can be identified and addressed. Enquiries should, in the first instance, be directed to Development Management staff and they will in turn liaise with education colleagues for a bespoke corporate response to be produced.

Appendix 1

NEW PLANNING APPLICATION PROCEDURES - HIERARCHY OF DEVELOPMENT

New requirements for processing planning applications were introduced under the *Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008* and it is important that developers understand how these may relate to their proposals, particularly with regard to the possible time and resource implications.

Of particular relevance is the introduction of the *hierarchy of development* concept. The hierarchy sets out the approach to be used for dealing with planning applications depending on which of the three categories a proposal falls within and the procedures for making and handling planning applications varies between these three categories.

National developments are designated in the National Planning Framework and would not ordinarily embrace residential development.

A residential development will, instead, fall within either the *major* or *local* development classification with *major* proposals being defined as those comprising 50 or more dwellings (this includes flats as well as houses); or where the area of the application site exceeds 2 hectares. By default, *local* developments are those that are neither *national* nor *major*. The main practical implications of a proposals being deemed to be *major* are:

- they become subject to a statutory pre-application consultation process between the developer and local communities;
- a *proposal of application notice* (PAC) must be lodged with the council at least 12 weeks prior to the submission of an application for planning permission;
- major planning application requires to be accompanied by *Design and Access Statements*.

Proposals which affect a conservation area, a historic garden or designed landscape, a *National Scenic Area*, the site of a scheduled monument or the curtilage of a category A listed building will also require to be accompanied by a design statement.

Appendix 2

SUPPORTING INFORMATION

Applications for planning permission should be accompanied by appropriate supporting studies to explain and justify the development. The scope of information to be submitted with an application should be the subject of discussions at pre-application stage but could include:

- Environmental Statement;
- Ecological Survey;
- Arboricultural Survey;
- Drainage Impact Assessment;
- Flood Risk Assessment;
- Noise Survey;
- Air Quality Survey;
- Transport Statement / Transport Assessment;
- Archaeology Survey;
- Contamination & Remediation Assessment;
- Masterplan
- Design & Access Statement;
- Open Space Assessment;
- Streetscape views for infill sites, larger scale residential development or sites within a conservation area;
- Public Art Plan; and
- Details of how planning obligation provisions are to be met (perhaps including draft heads of terms)

This list is by no means exhaustive and will vary depending on the specific development proposals and the location of the site. Developers should not underestimate the time and cost to prepare these necessary studies required for the council to consider the grant of planning permission.

For sites which are allocated in the development plan, a response to any issues identified in Appendix 6.1 of the adopted *West Lothian Local Plan* should be provided.

Officers will be pleased to help clarify any aspect of this guidance that is unclear or which is not fully understood. Please contact us if you identify any inaccuracies in the document. This will allow the content to be corrected and revised as and when appropriate.

Appendix 3 CHECKLIST OF KEY CONSIDERATIONS

☐	Has an analysis of the site and its context been undertaken?
☐	Have local needs and aspirations been taken into account?
☐	Does the development have a clear design concept?
☐	Do the proposals integrate with existing streets, paths and development?
☐	Does the development have easy access to public transport?
☐	Does the development extend or provide new transport services?
☐	Are the nearest facilities for residents within reasonable walking or cycling distance?
☐	Do the proposals form part of or create streets as places rather than thoroughfares?
☐	Are there sufficient connections to allow a choice of route (permeability)?
☐	Are the routes for pedestrians and cyclist to main destinations as direct as possible?
☐	Do the buildings and layout make it easy to find your way around?
☐	Is the density appropriate to the setting, character and capacity of the site?
☐	Is the design specific to the scheme (the location and its character)?
☐	Does the scheme feel like somewhere with a distinctive character or sense of place?
☐	Does the development make the most beneficial use of the sites opportunities?
☐	Is there a tenure mix that reflects the needs of the community?
☐	Is there an accommodation mix that reflects the needs of the community?
☐	Are housing types and sizes distributed appropriately within the site?
☐	Have amenity considerations (privacy, daylighting, etc) been taken full account of?.
☐	Has each dwelling adequate external amenity space related to its size?
☐	Do amenity open spaces form a purposeful and positive part of the layout?
☐	Has active open space and play space provision been identified and agreed?
☐	Have appropriate management arrangements been put in place for public spaces?
☐	Are public spaces and pedestrian routes overlooked and do they feel safe?
☐	Has the layout been checked against the Secure by Design checklist?
☐	Are building materials robust, high quality, durable and from sustainable sources?
☐	Have measures been identified for safeguarding existing landscape features
☐	Have landscaping proposals addressed biodiversity, drainage and aesthetic factors?
☐	Have a range of parking solutions been used to suit the site specific requirements?
☐	Has car parking been well integrated and does it avoid being overly dominant?
☐	Have the needs of cyclists been addressed?
☐	Has a detailed assessment of wildlife and habitat been undertaken?
☐	Have areas of habitat been retained or created for the benefit of local species?
☐	Has the layout been designed to optimize the microclimate, (solar gain etc)?
☐	Have measures been taken to address sustainability and energy efficiency?

☐	Have accessibility and adaptability been incorporated into the design of dwellings?
☐	Has flood risk been assessed and are any specific measures to be implemented?
☐	Does the development make satisfactory provision for surface water run-off?
☐	Do drainage arrangements have the provisional approval of SEPA / Scottish Water?
☐	Has the site been screened for contamination and are remedial works proposed?
☐	Will the development be affected by any noise and air quality issues?
☐	Have requirements for the storage and collection of waste been satisfied?
☐	Has the impact of construction works been addressed and provided for?
☐	Have all developer contributions been identified and accounted for?

Appendix 4

DEVELOPMENT MANAGEMENT AREA RESPONSIBILITIES

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Appendix 5

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Appendix 6

USEFUL CONTACTS

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West Lothian
Council