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Fiona McBrierty
Development Planning & Environment Manager
West Lothian Council

By Email:
wldp@westlothian.gov.uk

Our ref: A21429983

27 June 2018

Dear Ms McBrierty,

**Town and Country Planning (Scotland) Act 1997
Notice of Intention to Adopt – West Lothian Local Development Plan (LDP)**

I refer to the correspondence dated 5 April 2018 certifying notice of West Lothian Council's intention to adopt the West Lothian Local Development Plan.

Scottish Ministers have decided that the proposed plan as notified is unsatisfactory and hereby direct under section 20(5) of the Town and Country Planning (Scotland) Act 1997, that West Lothian Council consider modifying the proposed West Lothian Local Development Plan as indicated in the Annex to this direction.

The modifications to the proposed Local Development Plan relate to the Scottish Ministers view that the plan, as notified, is not fully compliant with section 3F of the Town & Country Planning (Scotland) Act 1997. The Scottish Government made a representation on this issue during the Proposed Plan consultation period, however, a satisfactory outcome on this issue has not been achieved.

This direction is considered necessary because the plan does not set a proportion of emissions to be saved through the use of low and zero carbon generating technologies, nor is there any indication that the proportion of emissions to be saved will be increased in the future.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Section 20(6) provides (subject to any further direction under section 20) that your authority may not adopt the West Lothian Local Development Plan unless you satisfy Scottish Ministers that you have made the modifications necessary to confirm with this direction, or the Scottish Ministers withdraw it.

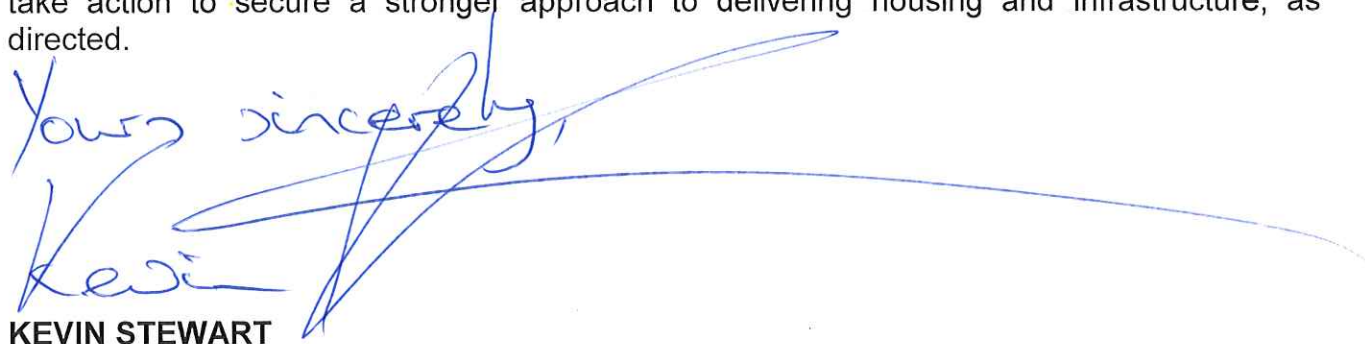
In addition to the above, under section 21(9)(a) of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers hereby require that the Action Programme, to be published by West Lothian Council under section 21(8), is subsequently to be updated and re-published on an annual basis until the end of the plan period.

Ministers expect the Action Programme to set out the following information, in line with Circular 6/2013:

- a list of actions required to deliver each of the plan's policies and proposals;
- the name of the person who is to carry out the action; and
- the timescale for carrying out each action.

My decision to require the Action Programme to be updated and re-published on an annual basis has been made in response to the significant housing land shortfall identified through the Examination process. This demonstrates to me that the plan is out of step with the ambition and policy of the Scottish Government to deliver the homes that people need now, and in the future, as a priority. It is my view that West Lothian Council must do more to address the delivery of housing in its area. My expectation is that by updating and re-publishing the Action Programme annually, a more regular and active process for monitoring the allocated land and progressing delivery will be achieved.

I would be grateful if you would therefore confirm that your authority will modify the plan, and take action to secure a stronger approach to delivering housing and infrastructure, as directed.

Yours sincerely,

KEVIN STEWART

Copied to:

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Annex

Modification - policy wording

After **POLICY NRG 1 - *Climate Change and Sustainability***, inset an additional policy with the following wording and make necessary requisite changes;

POLICY NRG 1a – *Low and Zero Carbon Generating Technology*

'Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

- 1 – Alterations and extensions to buildings*
- 2 – Change of use or conversion of buildings*
- 3 – Ancillary buildings that stand alone and cover an area less than 50 square metres*
- 4 – Buildings which will not be heated or cooled, other than by heating provided solely for front protection.*
- 5 – Buildings which have an intended life of less than two years.'*

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