

WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN

HEARTLANDS : HOUSING SUBMISSION APPENDIX C

APPENDIX C : Letter (and enclosures) dated 16th October 2014 entitled 'Representation – West Lothian Development Plan Main Issues Report – Heartlands, Whitburn'



Our Ref : SG/JL/1109

16 October 2014

Development Planning
West Lothian Council
County Buildings
High Street
Linlithgow
West Lothian
EH49 7EZ

Dear Sir / Madam,

**REPRESENTATION : WEST Lothian LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT
HEARTLANDS, WHITBURN**

Following the recent publication of the West Lothian Local Development Plan Main Issues Report, we write on behalf of our clients, Heartlands (Central) Ltd, Land Options (West) Ltd and Ecosse Regeneration Management Ltd, to provide comment in relation to the established development site at Heartlands, Whitburn (see **Appendix 1** for site location plan – red line plan for Heartlands Outline Masterplan Consent No. 0493/P/2002).

Upfront and for the avoidance of doubt, it is submitted that in terms of the West Lothian Development Plan Main Issues Report we are fully supportive of the preferred approach to the Heartlands, Whitburn site in housing terms. This preferred approach clearly states that “The Council’s preferred approach to Heartlands, Whitburn is to look favourably on proposals for additional housing within the existing housing allocation, subject to infrastructure constraints being resolved”. In all regards it is submitted that such an approach will increase the flexibility of the site, will help to future proof the Heartlands site and will provide certainty and encouragement to existing and future investors. It is submitted that such certainty will help to ensure the future and ongoing regeneration of the major brownfield site at Heartlands.

As you will be aware the Heartlands development site is located on lands of the former Polkemmet Colliery, to the south of the M8 motorway, to the west of Whitburn and north of Fauldhouse. The site is almost centrally located between Glasgow and Edinburgh, being only 37km from Glasgow and 34km from Edinburgh.

In all regards the extensive decontamination, remediation, reclamation and subsequent re-use of the former Colliery land at Heartlands is strongly supported by all aspects and levels

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16 October 2014

West Lothian Council

of planning policy including national planning policy in the form of the Scottish Government document "Scottish Planning Policy", where there is strong support for the development of brownfield sites. This redevelopment of the former Polkemmet Colliery site has also been strongly supported by West Lothian Council, where through the approval of the previously mentioned planning consents it has been demonstrated that there is support for this large scale reclamation of the former Colliery site. In addition to this the current West Lothian Local Plan (page 75, section 5.56) states that ***"the council fully supports the development initiative at Polkemmet, known as Heartlands, which represents the largest ever private sector investment in West Lothian"***.

The remediation works alone have cost Ecosse Regeneration **around £120 million** and it is estimated that it will take 18 years for the company to see any profit from the development.

The West Lothian Local Plan also goes on to state that the Heartlands proposals involve ***"one of the most problematic contaminated and derelict sites in Scotland"*** and the Council have stated in previous local plan consultations that the redevelopment of this land is thought to be the best means of securing the rehabilitation of the largest remaining area of dereliction in West Lothian.

A more detailed history of the site and justification for the identification of further housing numbers at the Heartlands site is outlined in our previous submissions to the emerging West Lothian Local Development Plan two of which are included as **Appendix 2**. The submissions can be outlined as follows :

12th January 2011 : Letter and report entitled "West Lothian Local Development Plan – Emerging Local Development Plan – Representation : Heartlands, Whitburn"

21st February 2011 : Letter entitled "Expressions of interest in sites for West Lothian Local Development Plan – Heartlands Development Site"

11th January 2012 : Letter entitled "Emerging West Lothian Local Development Plan Further Representation : Heartlands, Whitburn"

29th May 2012 : Letter entitled West Lothian Local Development Plan Call for Sites Submission Follow Up

In all regards, in relation to the identification Heartlands site, it should be noted that outline planning consent (No. 0493/P/2002) for an integrated business park, residential and golf course development, including hotel, leisure and community facilities as well as the construction of a motorway junction, a transport interchange (park and ride), roads and related infrastructure and landscaping, was approved by West Lothian Council Planning Committee in November 2003.

At present, consents in relation to the Heartlands site allow for :

16 October 2014

West Lothian Council

- 2,000 residential units (including affordable housing);
- 140,000m2 business park;
- 5,561m2 class 1 retail space;
- two PGA designed Championship Golf Courses;
- golf related hotel;
- health and leisure facilities;
- dedicated motorway junction;
- transport interchange (including park and ride facility);
- neighbourhood centre; and
- improved educational facilities.

In light of the above, the identification of the Heartlands site for further housing units in the West Lothian Local Development Plan Main Issues Report is welcomed and indeed supported. In all regards it is submitted that the continued identification of Polkemmet as a residential site will provide confidence to developers and will help ensure investment in the overall site is sustained. Furthermore, the continued allocation of the business park and the golf course land in the emerging West Lothian Local Development Plan will also provide confidence in the development of the site.

In all regards the content of the West Lothian Local Development Plan Main Issues Report with specific reference to Heartlands should be considered with some significance. It states :

“The Council remains committed to the regeneration of Whitburn and the build out of the entire existing allocations at the Heartland of central Scotland. It is recognised, however, that the Heartlands site is physically capable of accommodating substantially more houses than the 2,000 which have been allocated in the adopted WLLP. The council intends to propose in the LDP that it will look favourably on the number of housing units at the existing Heartlands housing allocation being increased beyond 2,000, subject to any infrastructure constraints being fully resolved at the appropriate time.”

In light of the above, it is submitted that West Lothian Council are aware of the potential which exists at Heartlands to substantially increase the number of residential units to beyond the 2,000 units which are currently consented (see Appendix 2 for further justification) and as such it is requested that such an acknowledgement is retained within the emerging West Lothian Local Development Plan.

Indeed the Main Issues Report continues and offers such support as noted below :

“The level of supported development will be reviewed in the future having regard to infrastructure capacity. It is acknowledged that any increase in the number of housing units at Heartlands beyond 2,000 houses will not contribute to the housing requirement for

16 October 2014

West Lothian Council

the period up to 2024 as it is likely that these additional houses will not be built until after the plan period.

This flexible approach at Heartlands will provide an element of future proofing for the LDP and will provide the certainty that investors in this major brownfield regeneration project require for their longer term planning of the development.”

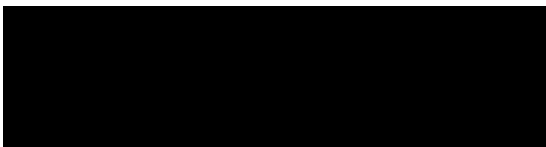
In this regard it is submitted that the suggested flexible approach to the future development of the Heartlands site should be maintained and stated in the emerging West Lothian Local Development Plan. Such flexibility is welcomed and supported, given that it will help to future proof the site in question and provide certainty and encouragement to existing and future investors. **Such a commitment, it is submitted, will help to ensure the future and ongoing regeneration of this major brownfield site.**

Given all of the above it is requested that the extent of land allocated at the Heartlands site in the Main Issues Report is maintained in the emerging West Lothian Local Development Plan. Furthermore, reference to the future potential of the site to accommodate an increase in residential units should also continue to be included in the emerging West Lothian Local Development Plan.

In this regard, as previously outlined, in terms of the West Lothian Development Plan Main Issues Report we are fully supportive of the preferred approach to the Heartlands, Whitburn site in housing terms. This preferred approach clearly states that “The Council’s preferred approach to Heartlands, Whitburn is to look favourably on proposals for additional housing within the existing housing allocation, subject to infrastructure constraints being resolved”. In all regards it is submitted that such an approach will increase the flexibility of the site, will help to future proof the Heartlands site and will provide certainty and encouragement to existing and future investors. It is submitted that such certainty will help to ensure the future and ongoing regeneration of the major brownfield site at Heartlands.

I trust you find the above and enclosed is in order, however, should you require any further information please do not hesitate to contact me.

Yours sincerely,



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Enc :

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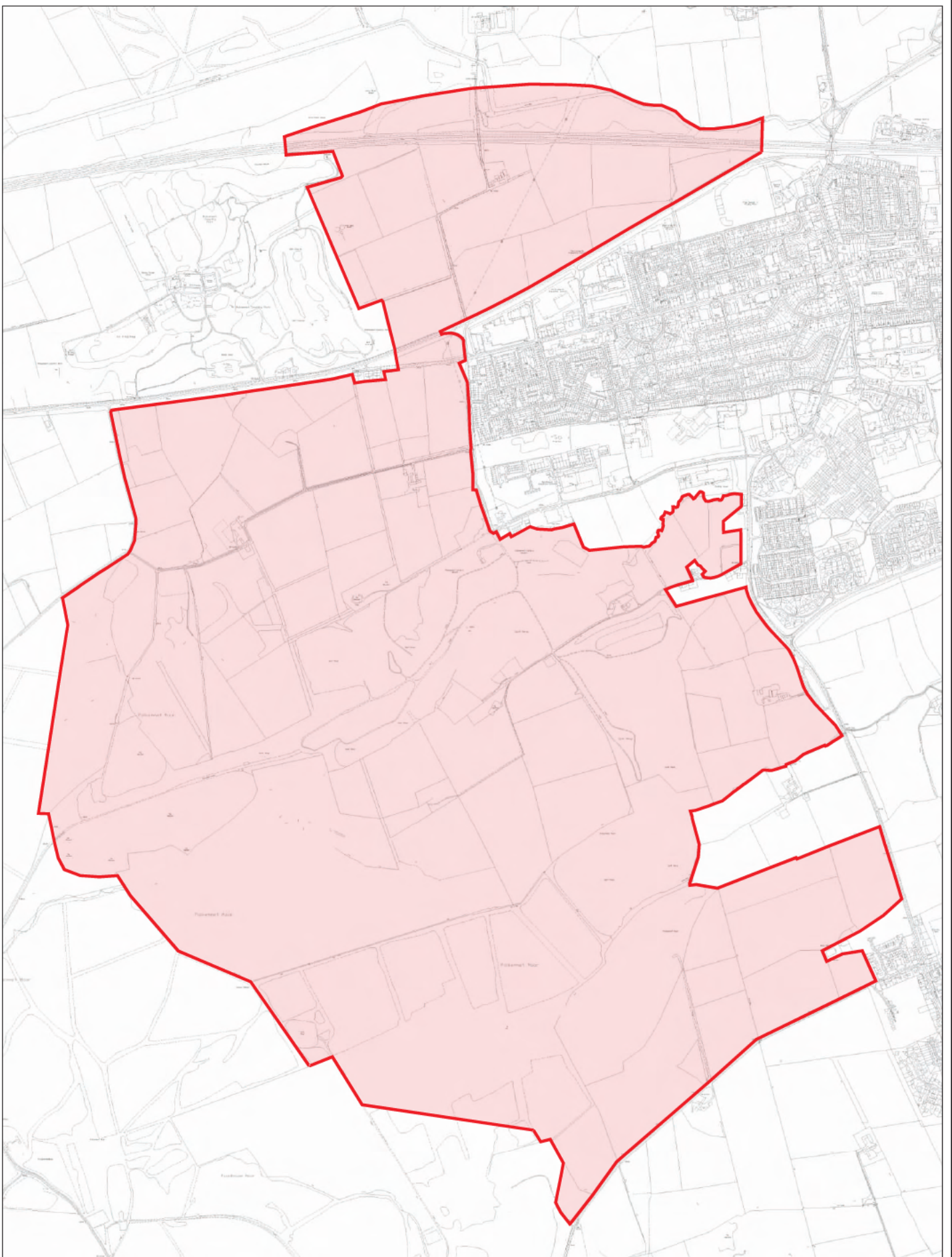
16 October 2014

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Appendix 1 : Site Location Plan – Red Line Plan for Heartlands Outline Masterplan Consent No. 0493/P/2002

Appendix 2 : Copy of previous submissions made to emerging West Lothian Local Development Plan Process

Appendix 1
Site Location Plan



Heartlands

Location Plan

Scale 1:12,500



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Appendix 2 :
**Copy of previous submissions made to emerging West
Lothian Local Development Plan Process**



Our Ref : SG/JL/1109

29 May 2012

Development Planning Manager
West Lothian Council
County Buildings
Linlithgow
EH47 7EZ

For the attention of Ms Fiona McBrierty

Dear Ms McBrierty,

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN
CALL FOR SITES SUBMISSION : FOLLOW UP
HEARTLANDS, WHITBURN**

Further to your letter dated 1st May 2012 concerning the above I write to provide the requested information. In this regard please find enclosed the completed table regarding the effectiveness of the Heartlands site which contains the requested information.

In all regards the enclosed table supplements the previously submitted information in relation to the Heartlands site (LDP EOI/0001). In this regard, as you will be aware, our previous correspondence on this subject has been as follows :

12th January 2011 : Letter and report entitled “West Lothian Local Development Plan - Emerging Local Development Plan - Representation : Heartlands, Whitburn”

21st February 2011 : Letter entitled “Expressions of interest in sites for West Lothian Local Development Plan - Heartlands Development Site”

11th January 2012 : Letter entitled “Emerging West Lothian Local Development Plan Further Representation : Heartlands, Whitburn”

In all regards it should be noted that the representation subject to the above correspondence has been given the reference no. **LDP EOI/0001** by West Lothian Council and the purpose of this letter is to allow for submission of the requested table regarding effectiveness and also to allow for the restatement of the case for the Heartlands site as follows.

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29 May 2012

West Lothian Council

At the outset it is considered worthy to note the conclusions of our previous submission which can be outlined as follows :

"CONCLUSIONS

This representation has sought to provide a background to the Heartlands, Whitburn development site; provide details of the progress of the reclamation, remediation and decontamination of the site to date; highlight the existing position of the Heartlands site in terms of the current Edinburgh and Lothians Structure Plan 2015 and the currently adopted West Lothian Local Plan and to justify the inclusion of the Heartlands site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan.

As previously noted, West Lothian Council have already approved and agreed, in addition to a range of other uses, 2,000 housing units on approximately only 20% of the remediated brownfield site at the former Polkemmet Colliery (see Framework A site on the Heartlands masterplan, Appendix 4). This number of units was restricted at the time of the outline consent (2004) to ensure conformity with development plan allocations and housing requirement figures. It would be possible to easily accommodate a further allocation of housing on the site, all within the red line boundary of the original outline consent, with a suggested 3,000 housing units proposed for the remaining development sites identified for future development. This would total a potential of 5,000 housing units between Frameworks A, B and C of the approved masterplan.

It is also considered worthy of note that of the 610ha Heartlands site only approximately 1/3 of the site will be actual development (even if the extra 3,000 residential units are allowed) as the Heartlands proposals incorporate a considerable amount of greenspace and are set within a considerable planned open space network.

The Heartlands development has been described by West Lothian Council as "the largest ever private sector investment in West Lothian". The remediation works alone have cost Ecosse Regeneration Ltd around £120 million and it is estimated now almost complete that it will take 18 years for the company to see any profit from the development.

The re-use reclamation, remediation and decontamination of the former Colliery land at Heartlands complies with all aspects which are central to Scottish Planning Policy, where there is a strong support for all aspects of sustainability and developing brownfield sites while making full use of existing and proposed infrastructure and maximising the potential of existing allocations. The proposals have also been fully supported by West Lothian Council, who state in the current Local Plan that "the Council fully supports the development initiative at Polkemmet, known as Heartlands which represents the largest ever private sector investment in West Lothian" and involves "one of the most problematic contaminated and derelict sites in Scotland".

29 May 2012

West Lothian Council

The two proposals as identified by the current Edinburgh and the Lothians Structure Plan 2015 for the Heartlands site, these being, a park and ride facility and a motorway junction have both been granted planning permission by West Lothian Council with work due to start on site early in 2012. It is submitted that in the emerging West Lothian Local Development Plan the Heartlands area should be identified as an area suitable for an allocation of 3000 further housing units to add to the already consented 2,000 residential units to make a site total of 5,000 residential units. As previously indicated the additional 3,000 units can be phased over the longer term period 2019-2032 to maximise the Heartlands site as an area, where development can be concentrated to increase the sustainable regeneration of the Whitburn area by best using existing and proposed infrastructure, which has been sized to accommodate the potential 5,000 residential units.

Given all of the aforementioned it is the intention of this report to seek the identification of the Heartlands, Whitburn site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan to add to the already consented 2,000 residential units to make a site total of 5,000 residential units.

It is submitted that a further 3,000 units could be accommodated within the masterplan Frameworks B and C of the consented Heartlands red line site area identified for future long term development.

In this regard for the reasons outlined it is submitted that the increase of 3,000 housing units (over and above that already consented) as sought by this representation could be phased and released over the longer term period 2019-2032."

As you will be aware it is considered worthy of note that since the time of our first submission the South East Scotland (SES) Strategic Development Plan - Proposed Plan has been published and subject to public consultation.

The following extracts from the Proposed SES Plan Housing chapter are considered worthy of note :

EXTRACT FROM THE SES PLAN HOUSING CHAPTER

In terms of this chapter of the Proposed Plan the following is considered worthy of note :

- ❑ The SDP will continue to support the existing commitments as identified in Housing Land Audit 2010 (HLA 2010). Windfall sites and recent completions together with an allowance for demolitions will also contribute.
- ❑ In this regard table 2 states the SES Plan housing land requirement as follows :

Table 2 : SES Plan Housing Land Requirement

29 May 2012

West Lothian Council

SESplan Housing Land Requirement	155,600
Existing Housing Land Supply	105,600
<i>Loss of Supply Due to Demolitions</i>	5,500
<i>Completions 2009/2010</i>	4,300
<i>Windfall Assumption</i>	17,000
Total Supply	121,400
Housing Land Shortfall (to 2032)	34,200

- The SES Plan states that the majority of land allocated for housing within the Local Development Plans will be located within the identified Strategic Development Areas and in this regard Policy 5 states the following :

“Policy 5 : Housing Land

The Strategic Development Plan identifies that there is an additional requirement for land for 10,150 new homes to be identified over the period 2009-2024. As set out in Tables 3 and 4, Local Development Plans will allocate sites capable of development within the identified Strategic Development Areas over the period to 2019 (3,300 new homes) and 2019-2024 (6,850 new homes).

Local Development Plans will where appropriate indicate the phasing and mix of uses for those sites identified.”

- The sections of tables 3 and 4 which apply to West Lothian are as follows :

Table 3 : Housing Land Requirements by Strategic Development Area

Strategic Development Area	Committed Development*	SDP Housing Land Requirement		
		2009-2019	2019-2024	2024-2032
West Lothian	22,300	500	1,250	24,050 to be split between SDAs, no breakdown given

Table 4 : Housing Land Requirements by Local Authority

Local Authority	Committed Development	Windfall / Demolitions / Completions	Net Supply	SDP Housing Land Requirements		
				2009-2019	2019-2024	2024-2032
West Lothian	22,300	2,400	24,700	500	1,250	24,050 to be split between LA

29 May 2012

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						<i>areas, no breakdown given</i>
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The above clearly shows the requirements for West Lothian including land supply for 2009-2019, 2019-2024, plus an allowance for windfall development and a claim to some of the longer term figure stated for years 2024-2032.

- The next section of the housing chapter of the SES Plan covers “**providing flexibility**” and clearly states that :

“One of the priorities of the SDP is the delivery of the development strategy and related infrastructure projects currently under construction or committed through existing plans and strategies.”

“Therefore there may be circumstances over the period to 2024 where LPAs may consider that there would be benefit in enabling the housing land requirements set out within this SDP to meet the housing land shortfall, to be delivered in the earlier (2009-2019) rather than later (2019-2024) plan period. Such circumstances should be defined within the LDP.”

In this regard Policy 6 then goes on to state :

“Policy 6 : Housing Land Flexibility

Local Planning Authorities may consider re-phasing the allocations specified for the Strategic Development Areas over the periods 2009-2019 and 2019-2024 as identified in Policy 5 and Tables 3 and 4, to bring forward the 2019-2024 requirements to the 2009-2019 period where there is justification to meet local needs or development would meet community regeneration objectives. Local Development Plans will identify the relevant criteria.”

In this regard, given the identified SDP housing land requirement to **2032** and given the various different scenarios between 2009-2032 under which housing numbers could be released at the Heartlands development site it is submitted that **in order to allow for flexibility** in addition to the requested increase in housing numbers allocated to the site (as requested in our submission of 12th January 2011) **further recognition of the site should be made identifying and recognising the ability of the Heartlands development site to accept further housing units in the longer term to 2034.**

In this regard it is additionally requested that the Heartlands development area be subject to a symbol (e.g. a star) **(to be located at Framework C to the west of the current local plan designation)** in the emerging West Lothian Local Development Plan which indicates longer term development with the following text in the plan :

29 May 2012

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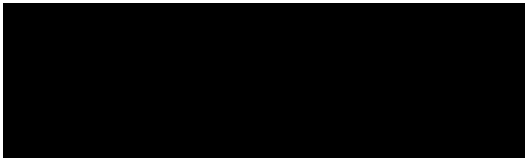
" ★ Heartlands Longer Term Development

It is recognised that the Heartlands development site (brownfield) has capacity to accommodate more housing units than there currently is planning consent for. In this regard proposals for further housing development on the Heartlands site (within the red line site area of planning consent no. 0493/P/2002 excluding the golf course and business park areas) that come forward within the lifetime of this plan will in principle be viewed favourably subject to a masterplan to be agreed with West Lothian Council which should include an agreed contribution to the provision of the appropriate educational establishments."

It is noted that the identification of longer term future housing development areas and the broad direction of growth as proposed via this representation is a widely used method in many other local plans / local development plans. It should also be noted that this approach can help ensure longer term benefits to the community which can only be delivered if the development potential of the site can be future proofed in such a way.

I trust you find the enclosed in order and that it will be taken into account along with all previous representations in the preparation of the emerging West Lothian Local Development Plan, however, should you have any queries or require any further information please do not hesitate to contact me.

Yours sincerely,



SCOTT GRAHAM
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Enc.

WEST LoTHIAN LOCAL DEVELOPMENT PLAN

EMERGING LOCAL DEVELOPMENT PLAN

REPRESENTATION : HEARTLANDS, WHITBURN

On behalf of ECOSSE REGENERATION LTD

January 2011

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CONTENTS

A	INTRODUCTION.....	1
<i>A1</i>	<i>INTRODUCTION.....</i>	<i>1</i>
B	HEARTLANDS, WHITBURN.....	2
<i>B1</i>	<i>BACKGROUND (SEE HEARTLANDS STORY BOOKLET, APPENDIX 2).....</i>	<i>2</i>
<i>B2</i>	<i>HEARTLANDS PROPOSALS AND CONSENTS.....</i>	<i>3</i>
<i>B3</i>	<i>CURRENT STRUCTURE AND LOCAL PLAN DESIGNATIONS FOR THE HEARTLANDS SITE...4</i>	
<i>B4</i>	<i>IDENTIFICATION OF HEARTLANDS, WHITBURN IN THE EMERGING WEST LOTHIAN LOCAL DEVELOPMENT PLAN.....</i>	<i>5</i>
C	CONCLUSIONS.....	7

APPENDICES

- Appendix 1 : Site Location Plan
- Appendix 2 : Heartlands Story Booklet
- Appendix 3 : Heartlands Outline Planning Consent and Associated Drawings
- Appendix 4 : Approved Global Schematic Masterplan
- Appendix 5 : Discharge of conditions 4 and 6 and relevant associated drawings

A INTRODUCTION

A1 INTRODUCTION

- A1.1 This submission is made in respect of the emerging West Lothian Local Development Plan on behalf of our client Ecosse Regeneration Ltd and relates to an established development site at Heartlands, Whitburn, West Lothian. At the outset it should be noted that the Heartlands development proposals and site is based on the reclamation of the substantial area of derelict, despoiled and contaminated land associated with the former Polkemmet Colliery at Whitburn, West Lothian.
- A1.2 This report will provide a background to the Heartlands development site; provide details of the progress of the reclamation of the site to date; highlight the existing position of the Heartlands site in terms of the current Edinburgh and Lothians Structure Plan 2015 and the currently adopted West Lothian Local Plan; justify the inclusion of the Heartlands site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan.
- A1.3 Overall this report seeks the identification of the Heartlands site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan. For the avoidance of doubt it should be noted that this sought increased housing capacity of 3,000 residential units within the emerging West Lothian Local Development Plan is to add to the already consented 2,000 residential units to make a site total of 5,000 residential units. Details of the current consents obtained and levels of housing agreed by West Lothian Council for the site will be detailed fully in the following sections of this report.

B HEARTLANDS, WHITBURN

B1 BACKGROUND (SEE HEARTLANDS STORY BOOKLET, APPENDIX 2)

- B1.1 The Heartlands development site is located on lands of the former Polkemmet Colliery, to the South of the M8 motorway, to the West of Whitburn and North of Fauldhouse (see Appendix 1: Site Location Plan). The site is almost centrally located between Glasgow and Edinburgh being only 37km from Glasgow and 34km from Edinburgh.
- B1.2 For most of the last century, coal mining dominated the local industry in the surrounding area of the development site. By 1984 the Polkemmet Colliery was the 2nd largest employer in Scotland. In 1913 sinking of the no. 1 shaft began, followed by shaft no.2 three years later. Coal production started on site in 1922. Following many successful years of coal mining in the area, in 1984/85 during the miners strike dispute, pumping stopped on site which resulted in flooding which damaged the pit. In 1986 the gates of the Polkemmet Colliery closed and through lack of use and abandonment the buildings became ruins and were eventually demolished.
- B1.3 In the years that followed the closure of the Polkemmet Colliery, the remains of the land and surrounding land became an eyesore, with coal spoil heaps (bings) littering the area. The land also became a dumping ground for many other types of unwanted waste, resulting in the ground being likened to a lunar landscape and it being every bit as inhospitable. The conical part of Bing 3 dominated the skyline until 1989 when it was demolished. The bing was a sleeping giant of combustible material and became known as the “the burning bing”. Although the cone was removed, the process was not without its difficulties and parts of the bing would spontaneously erupt. For years after its removal it continued to smoulder, occasionally releasing the foul stench of rotten eggs (Hydrogen Sulphide). Unfortunately the land slowly became a disturbing contaminated legacy of a once proud and prosperous industry.
- B1.4 When Ecosse Regeneration Ltd arrived on site they immediately capped the sides of the bing, alleviating many of the problems. Rigorous testing was carried out on the bing and after being given the all clear, dismantling started on site. The waste from bing 3 was systematically removed, layered and compacted in voids and then covered thus rendering the waste inert. Slice by slice of the bing was removed and by the end of 2007 there was no sign of the bing on the horizon. Work continued to remove the bing right down to the original ground level and by the middle of 2008 there was no evidence that the bing ever existed.
- B1.5 Remediation of the Polkemmet Colliery site started in June 2004 with the open cast mining finishing in February 2008 (some 6 months ahead of schedule). The total remediation area covers a vast 410ha and 30 million m³ of material was moved, including 4 million m³ of colliery spoil (bing), which in itself covered an area of 120ha. Following completion of the mining operation, the resulting holes were backfilled and spread in layers of up to 1.2m thick. These layers were then compacted using a unique High Energy Impact Compacting system. Compacting the

layers in this method is necessary for the land to be used for any future developments for example housing, etc.

- B1.6 This massive task presented by the decontamination and reclamation of the Colliery land has been completed except for the full construction of the golf courses with suitable engineered platforms and ground conditions having been provided, upon which the Heartlands development proposals can be constructed. In this regard the site is thought to be the largest engineered platform in Europe. In this regard the remediation works alone have cost Ecosse Regeneration Ltd around £120 million to date.

B2 HEARTLANDS PROPOSALS AND CONSENTS

- B2.1 The Heartlands development proposals are based on the reclamation of the substantial area of derelict, despoiled and contaminated land associated with the former Polkemmet Colliery. The objective is to provide an integrated mixed used development incorporating employment, residential and recreational developments embodying the social, economic and environmental regeneration of and integration with Whitburn and the surrounding communities. The proposals therefore aim to create a high quality environment in which to live, work and play; and to bring investment, employment and regeneration back to the southernmost part of West Lothian.

- B2.2 Outline planning permission for an integrated business park, residential and golf course development, including, hotel, leisure and community facilities as well as the construction of a motorway junction, a transport interchange (park-and-ride), roads and related infrastructure and landscaping on the Heartlands site was approved by West Lothian Council Planning Committee in November 2003 and eventually granted permission (subject to the signing of a Section 75 legal agreement) on 10th May 2006 (Appendix 3 : Outline Consent & Associated Drawings)

- B2.3 More specifically the Heartlands consents as they stand at present allow for :

- 2000 residential units (including affordable housing)
- 140,000m² business park
- 5,561m² Class 1 retail space
- Two PGA-designed Championship Golf Courses
- Golf related hotel
- Health and leisure facilities
- Dedicated motorway junction
- Transport interchange (including Park and Ride facility)
- Neighbourhood centre; and
- Improved educational facilities

- B2.4 The re-use and reclamation of the former Colliery land at Heartlands is in all regards strongly supported by all aspects and levels of planning policy including national planning policy in the form of the newly published Scottish Government document “Scottish Planning Policy”, where there is strong support for the development of brownfield sites. This redevelopment of the former Polkemmet Colliery site has also been strongly supported by West Lothian Council, where through the approval of the previously mentioned planning consents it has been demonstrated that there is support for this large scale reclamation of the former Colliery site. In addition to this the current West Lothian Local Plan (page 76, section 5.56), states that **“the council fully supports the development initiative at Polkemmet, known as Heartlands, which represents the largest ever private sector investment in West Lothian”**.
- B2.5 The remediation works alone have cost Ecosse Regeneration Ltd around £120 million and it is estimated that it will take 18 years for the company to see any profit from the development.
- B2.6 The West Lothian Local Plan also goes on to state that the Heartlands proposals involve **“one of the most problematic contaminated and derelict sites in Scotland”** and the Council have stated in previous local plan consultations that the redevelopment of this land is thought to be the best means of securing the rehabilitation of the largest remaining area of dereliction in West Lothian.

B3 CURRENT STRUCTURE AND LOCAL PLAN DESIGNATIONS FOR THE HEARTLANDS SITE

- B3.1 The current Edinburgh and the Lothians Structure Plan 2015 has no specific housing designations for the Heartlands, Whitburn site, it has not been identified as a core development area or a strategic housing allocation. This was because the site had been approved by West Lothian Council Planning Committee prior to the structure plan’s approval on 17th June 2004. On the policies and proposals map for the current structure plan the Heartlands site is identified for a park and ride site and for a new motorway junction. Both the motorway junction and the park and ride facility (included within the transport interchange) applications submitted by Ecosse Regeneration Ltd have been granted consent by West Lothian Council, with work due to commence on site.
- B3.2 The current adopted West Lothian Local Plan has identified frameworks A and B of the Heartlands development (Appendix 3 : Approved Global Schematic Masterplan) as a housing allocation covered by policy HOU1, and given the allocation a housing reference number HWb4, Polkemmet. The local plan details that the site is an established site/local plan site with outline permission covering 81.95 hectares. Other designations covering the Heartlands site include policy NWR3 for the search area for opencasting; policy COM8 for education/community safeguard; policy TRANS29-30 for the safeguard of road lines; policy TRANS27-28 for the safeguarding of a motorway junction; policy TRANS18-19 for a park and ride facility site; and policy EM2 for the development of employment sites on the Cowhill Business Park.
- B3.3 At the time of the granting of the Heartlands outline consent it is understood that negotiations with West Lothian Council indicated a maximum number of units on part of the site (at that time due to ensuring conformity with development plan

allocations and housing requirement figures) of 2,000 units. This was however not considered sufficient to fully compensate for the vast expense of the remediation and decontamination of the former Polkemmet Colliery site and in this regard a longer term commitment to future housing at this location was sought and provided within the terms of the Heartlands outline planning consent.

- B3.4 In this regard, while the Heartlands planning consent limited the number of units on part of the site to 2,000 (areas H1 to H9, see condition 3 of Appendix 3) reference to the stamped approved plans (Appendix 3) clearly shows the approval of a red line area and a masterplan which included housing areas H10-H13 which were clearly identified as “future housing areas”.
- B3.5 It was envisaged that this future housing area could come on stream at a time when the development plan housing requirement figures were in a position to allow this and in this regard it is considered worthy of note that the infrastructure of the site has been sized to accommodate the potential of 5,000 residential units.
- B3.6 Given the position now at the start of the process to produce the West Lothian Local Development Plan it is submitted that this is the ideal opportunity to promote this remediated and available brownfield site for further housing numbers.
- B3.7 In this regard as previously outlined it is the intention of this report to seek the identification of the Heartlands, Whitburn site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan. For the avoidance of doubt it should be noted that this sought increased housing capacity of 3,000 residential within the West Lothian Local Development Plan is to add to the already consented 2,000 residential units to make a site total of 5,000 residential units.

B4 IDENTIFICATION OF HEARTLANDS, WHITBURN IN THE EMERGING WEST LOTHIAN LOCAL DEVELOPMENT PLAN

- B4.1 The current West Lothian Local Plan identifies the Heartlands, Whitburn site as a housing allocation with an estimated 1970 unit capacity. Since the formulation of the adopted local plan, West Lothian Council have agreed and approved the development of 2000 residential units on an area of approximately one third of the Heartlands site, known as Framework A). This process has evolved through the discharge of conditions on the original Heartlands consent and the approval of a Global Schematic Masterplan as required by condition 4. This Global Schematic Masterplan is included as Appendix 4, drawing no. MP001M refers. This Global Schematic Masterplan has been approved by West Lothian Council and clearly shows the site being split into three frameworks A, B and C with Framework A being developed in years 1-9 and Frameworks B and C being identified as potential development land. In this regard it was discovered that the approved 2,000 housing units could comfortably fit into the Framework A area. In this respect, in a letter dated 16th October 2006 (Appendix 4: discharge of conditions 4 & 6 and relevant associated drawings) the West Lothian Council Chief Development Control Officer in responding to a request to discharge conditions 4 and 6 of the outline planning permission (0493/P/02) stated that ***“I can confirm that the average densities contained in the submission (7.8 units per acre gross, and 11.1 units per acre net) are acceptable and hereby agreed but are of course subject to the***

detailed design and reserved matters processes in the usual manner". The enclosed drawings of appendix 4 (drawing numbers FA_015A and FA_004B) also detail that the Framework A site density has a **"provision for 2000 houses with an average site coverage density of 11.1 units per acre"**. It is considered of importance to note that approval of these Framework A drawings form part of the discharge of the conditions and are included in Appendix A of the letter of 16th October 2006 which discharges conditions 4 and 6 of the Heartlands consent.

- B4.2 Given that West Lothian Council have already agreed a housing capacity of 2000 units on framework A alone, it is considered that there is a great potential for the remainder of the existing reclaimed brownfield site to accommodate further housing. It is submitted that a further 3,000 units could be accommodated within frameworks B and C of the consented Heartlands site, which has infrastructure capacity to deal with this and acceptable coverage densities could be achieved. As you will see from the approved Global Schematic Masterplan (Appendix 3) frameworks B and C have been identified as "potential development land" with Framework A (due to start shortly) being developed in years 1-9. This would fit in well with the proposed time scales as sought by the emerging West Lothian Local Development Plan. As noted previously, the remediation works alone have cost Ecosse Regeneration Ltd around £120 million and it is estimated that it will take some 18 years for the company to see any profit from the development. Ecosse Regeneration Ltd are therefore in a position to comply with the timescales of the emerging West Lothian Local Development Plan and also the emerging South East Scotland's Strategic Development Plan (to which a separate submission has already been made) for long term development and contribute to the housing demand, while further complying with all aspects of the underlying Scottish Government policy on sustainability and directing future housing growth to brownfield land. In this regard it should be noted that the Heartlands development site allows for sustainable development patterns to be achieved by providing for development with improved links to the road and rail network (e.g. new motorway junction / park-and-ride facilities and railway station at Armadale), rehabilitating and re-using brownfield land and ensuring the creation of a mixed use development area providing opportunities to link housing and employment sites.
- B4.3 Again it should be noted that it is the intention of this report to seek the identification of the Heartlands, Whitburn site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan. For the avoidance of doubt it should be noted that this sought increased housing capacity of 3,000 residential units within the emerging West Lothian Local Development Plan is to add to the already consented 2,000 residential units to make a site total of 5,000 residential units.

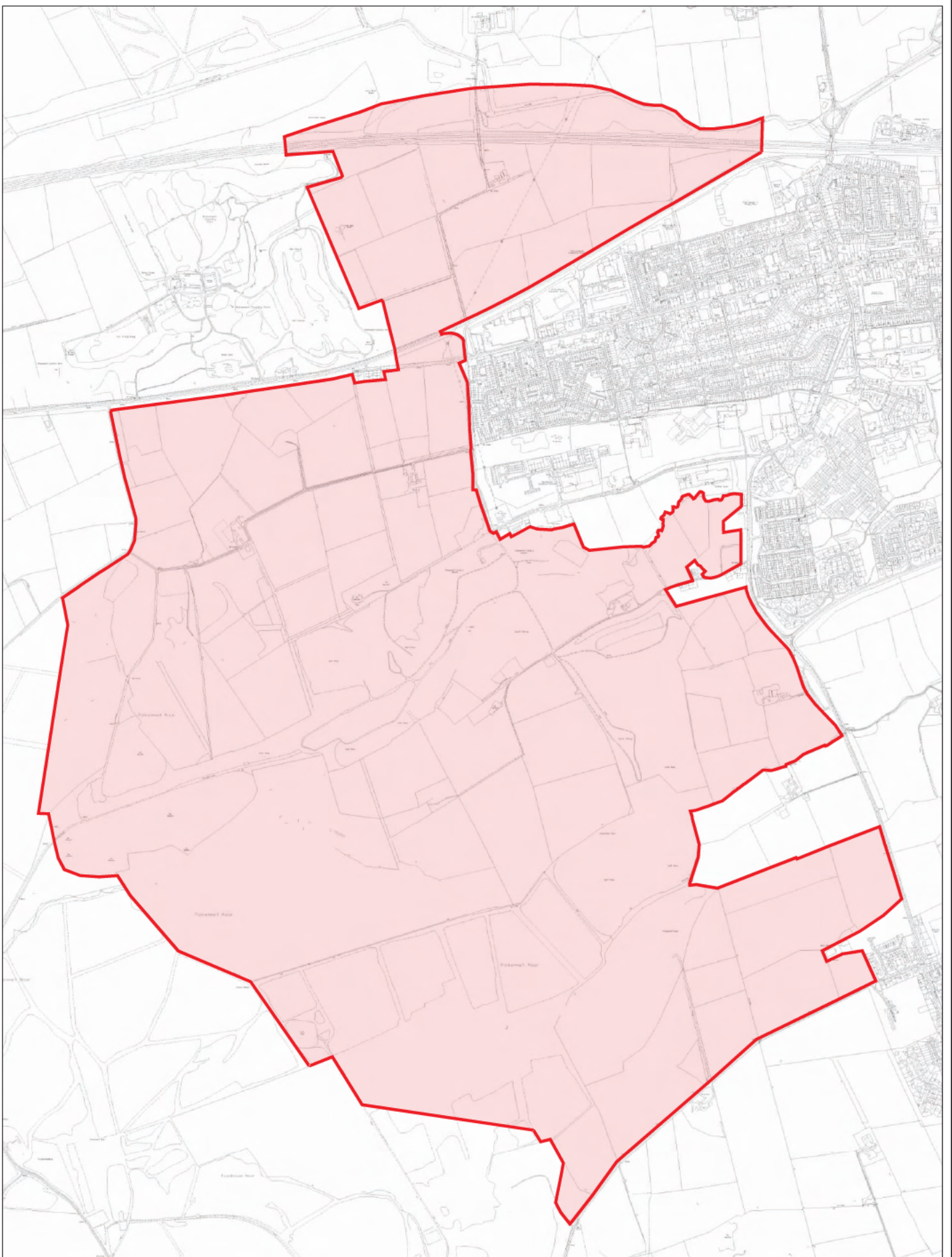
C CONCLUSIONS

- C1.1 This representation has sought to provide a background to the Heartlands, Whitburn development site; provide details of the progress of the reclamation, remediation and decontamination of the site to date; highlight the existing position of the Heartlands site in terms of the current Edinburgh and Lothians Structure Plan 2015 and the currently adopted West Lothian Local Plan and to justify the inclusion of the Heartlands site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan.
- C1.2 As previously noted, West Lothian Council have already approved and agreed, in addition to a range of other uses, 2,000 housing units on approximately only 20% of the remediated brownfield site at the former Polkemmet Colliery (see Framework A site on the Heartlands masterplan, Appendix 4). This number of units was restricted at the time of the outline consent (2004) to ensure conformity with development plan allocations and housing requirement figures. It would be possible to easily accommodate a further allocation of housing on the site, all within the red line boundary of the original outline consent, with a suggested 3,000 housing units proposed for the remaining development sites identified for future development. This would total a potential of 5,000 housing units between Frameworks A, B and C of the approved masterplan.
- C1.3 It is also considered worthy of note that of the 610ha Heartlands site only approximately $\frac{1}{3}$ of the site will be actual development (even if the extra 3,000 residential units are allowed) as the Heartlands proposals incorporate a considerable amount of greenspace and are set within a considerable planned open space network.
- C1.4 The Heartlands development has been described by West Lothian Council as *“the largest ever private sector investment in West Lothian”*. The remediation works alone have cost Ecosse Regeneration Ltd around £120 million and it is estimated now almost complete that it will take 18 years for the company to see any profit from the development.
- C1.5 The re-use reclamation, remediation and decontamination of the former Colliery land at Heartlands complies with all aspects which are central to Scottish Planning Policy, where there is a strong support for all aspects of sustainability and developing brownfield sites while making full use of existing and proposed infrastructure and maximising the potential of existing allocations. The proposals have also been fully supported by West Lothian Council, who state in the current Local Plan that *“the Council fully supports the development initiative at Polkemmet, known as Heartlands which represents the largest ever private sector investment in West Lothian”* and involves *“one of the most problematic contaminated and derelict sites in Scotland”*.
- C1.6 The two proposals as identified by the current Edinburgh and the Lothians Structure Plan 2015 for the Heartlands site, these being, a park and ride facility and a motorway junction have both been granted planning permission by West Lothian Council with work due to start on site later this year. It is submitted that in the

emerging West Lothian Local Development Plan the Heartlands area should be identified as an area suitable for an allocation of 3000 further housing units to add to the already consented 2,000 residential units to make a site total of 5,000 residential units. As previously indicated the additional 3,000 units can be phased over the longer term period 2019-2032 to maximise the Heartlands site as an area, where development can be concentrated to increase the sustainable regeneration of the Whitburn area by best using existing and proposed infrastructure, which has been sized to accommodate the potential 5,000 residential units.

- C1.7 Given all of the aforementioned it is the intention of this report to seek the identification of the Heartlands, Whitburn site as an area suitable for an allocation of 3000 further housing units within the emerging West Lothian Local Development Plan to add to the already consented 2,000 residential units to make a site total of 5,000 residential units.
- C1.8 It is submitted that a further 3,000 units could be accommodated within the masterplan Frameworks B and C of the consented Heartlands red line site area identified for future long term development.
- C1.9 In this regard for the reasons outlined it is submitted that the increase of 3,000 housing units (over and above that already consented) as sought by this representation could be phased and released over the longer term period 2019-2032.

Appendix 1
Site Location Plan



Heartlands

Location Plan

Scale 1:12,500



mcinallyassociates

planning and development consultants

6 Newton Place, Glasgow G3 7PR
Tel 0141 332 5181 Fax 0141 332 5180
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Appendix 2
Heartlands Story Booklet

The



Heartlands

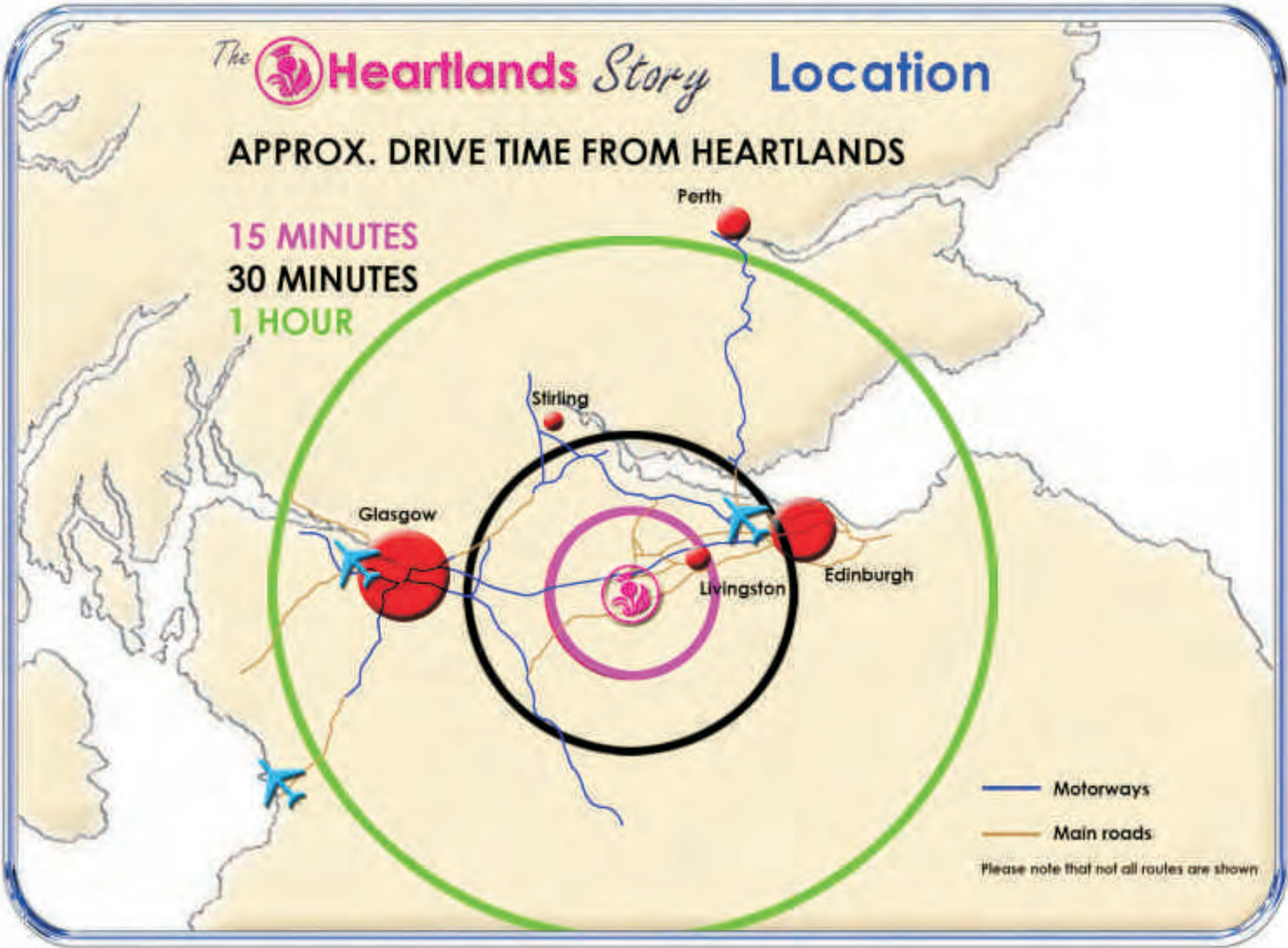
Story

Small Nation - Big Location

The  **Heartlands Story** **Location**

APPROX. DRIVE TIME FROM HEARTLANDS

15 MINUTES
30 MINUTES
1 HOUR



— Motorways

— Main roads

Please note that not all routes are shown



Indicative concept

① **Heartlands : Site area = 611 ha**

② **Consent has been granted for the following:**

- ③ **Residential (2000 units in 1st phase)**
- ③ **Business Park covering 140000m2 (Classes 4,5 & 6)**
- ③ **Class 1 retail supermarket covering 5561 m2**
- ③ **2 PGA designed Championship golf courses**
- ③ **Leisure facilities including golf related hotel**
- ③ **Dedicated motorway junction**
- ③ **Transport Interchange (including Park & Ride facility)**
- ③ **Community facilities**
- ③ **Improved education facilities**

③ **£500 million of investment in Whitburn**

③ **The Heartlands development has the potential to create up to 4000 new jobs within the community.**

The Heartlands *Story* Polkemet Colliery



For most of the last century, coal mining dominated the local industry. By 1984 the colliery was the 2nd largest employer in the county.



Sinking of the No.1 shaft began in 1913 with No.2 shaft three years later. Coal production started in 1922



During the 1984/85 dispute pumping stopped and flooding damaged the pit.



The gates closed in 1986, the buildings became ruins and were eventually demolished.

The Heartlands Story

The Wastelands



The remains of the colliery and surrounding land became an eyesore. Coal spoil heaps (bings) littered the area; a disturbing legacy of a once proud industry.



The area became a dumping ground for many other types of waste. The ground was likened to a lunar landscape and was every bit as inhospitable.

The “Burning Bing”



The conical part of Bing 3 dominated the skyline until 1989 when it was demolished. The bing was a sleeping giant of combustible material and became known as “The Burning Bing”



Although the cone was removed, the process was not without difficulties and parts of the bing would spontaneously erupt. For years after it continued to smoulder, occasionally releasing the foul stench of rotten eggs (Hydrogen Sulphide)

Removing the "Bing"



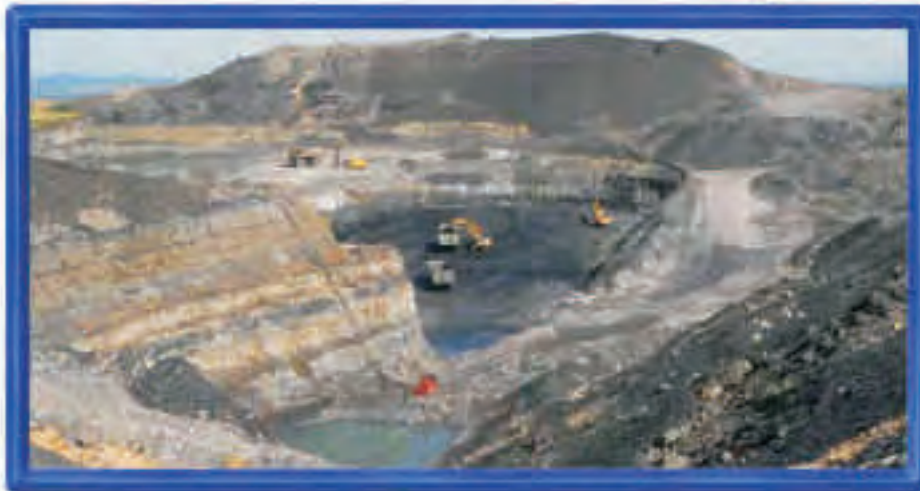
When Ecosse Regeneration Ltd arrived on site in they immediately capped the sides of the bing alleviating many of the problems. Rigorous testing was done on the bing and after being given the all clear, dismantling started.

The waste from Bing 3 was systematically removed, layered and compacted in voids and then covered thus rendering the waste inert.

Slice by slice of the bing was removed and by the end of 2007 there was no sign of the bing on the horizon. Work continued removing the bing right down to the original ground level and by the middle of 2008 there was no evidence that a bing ever existed. The Bing was gone for good.



Remediation



The remediation started in June 2004 with the mining finishing in February 2008 some 6 months ahead of schedule. From some 120 Ha of dereliction 30 million m³ of material was moved including 4 million m³ of colliery spoil (bing).



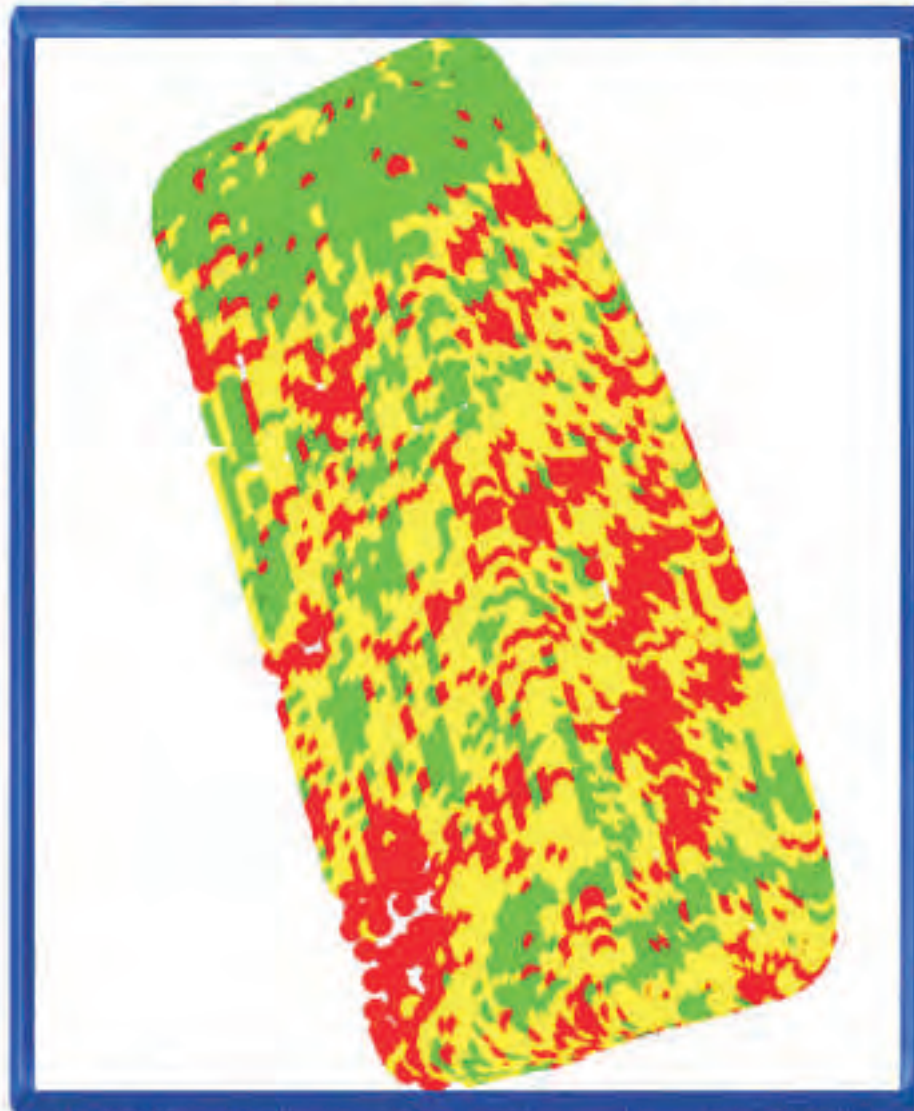


Following completion of the mining operation, the resulting holes are backfilled, spread in layers of up to 1.2m thick. These layers are then compacted using the unique High Energy Impact Compacting system (HEIC)



Using two HEIC units, weighing up to 12 tonnes each, up to 80,000m² could be compacted per week. Compacting like this is necessary if the land is to be used for housing etc.

Compacting



Using GPS satellites, a "picture" is produced to highlight both the global position and the competency of the compaction.



The Heartlands ethos is about enhancing the quality of life for individuals, families and communities by providing better homes, work places, retail and leisure spaces in which they aspire to live, work and play. The key to Heartlands is the integration of both communities which will in turn encourage the continuing prosperity of Whitburn and the surrounding area.



Heartlands will be visionary and offer something that little bit different. A lifestyle – a place where you can work, stay and play in beautiful sympathetic surroundings. With a mixed array of housing from the affordable to townhouses & traditional detached homes and architectural styles from the Scottish Vernacular to the ultra modern, all set within a stunning landscape, Heartlands will ensure that there is something for everyone.

The Heartlands Story



The Heartlands Business Centre

An Eco-friendly building saving significant sums on energy & maintenance costs year after year. A striking state of the art design made from beautiful, natural materials. A living breathing building!



Business

Scotland's premier business park.

The Heartlands development has the potential to create up to 4000 new jobs within the community and a significant number of these will be in the business park.

Available workforce of over 1.3 million within 1 hour drive of Heartlands.

Immediate access to the M8 motorway with Edinburgh Airport 20 minutes away.

Transport Interchange with Park & Ride.

63% of Scotland's population within 1 hour drive of Heartlands.

New station at Armadale less than 5 minutes away on re-opened Bathgate – Airdrie line means direct rail transport to both Glasgow & Edinburgh.





Recycling



Inert colliery waste has been crushed, screened and graded and is being used as the base for the fairways.



Looking westwards the colliery waste can be seen here layered on the fairway of Hole 4,



In the 1st project of its kind in the UK the golf courses are being built by combining screened colliery waste shale with locally sourced high-quality green organic compost.



The organic compost is spread over the colliery waste in carefully calculated amounts.

Golfing

The Donald Ross Memorial Golf Courses

Before seeding



1 month after



The colliery waste & organic compost have created a magic mix with lush grass growing and the ground having a perfect level of percolation. After heavy rain, the fairways have been totally playable within a couple of hours with no standing water at all. Ecosse Regeneration have avoided the traditional method of importing tonnes of new topsoil, slashing the cost of regenerating the land. This project is also the largest user of green compost in the UK.

Indicative mock-up



The Donald Ross ethos... in his own words

1. Make each hole present a different problem.
2. Arrange it that every stroke must be made with full concentration and attention necessary to good golf.
3. Build each hole in such a manner that it wastes none of the ground at my disposal and takes advantage of every possibility that I can see.



The East course will be wooded parkland - a 'Scottish Finehurst' if you like, the West course, the more daunting course, will be a traditional Scottish heathland challenge.

The Heartlands Story

The Memorial Golf Club



Green Code	Yds	Metres	Yards	Green Code	Yds	Metres	Yards
1	1	110	100	17	1	110	100
2	1	110	100	18	1	110	100
3	1	110	100	19	1	110	100
4	1	110	100	20	1	110	100
5	1	110	100	21	1	110	100
6	1	110	100	22	1	110	100
7	1	110	100	23	1	110	100
8	1	110	100	24	1	110	100
9	1	110	100	25	1	110	100
10	1	110	100	26	1	110	100
11	1	110	100	27	1	110	100
12	1	110	100	28	1	110	100
13	1	110	100	29	1	110	100
14	1	110	100	30	1	110	100
15	1	110	100	31	1	110	100
16	1	110	100	32	1	110	100
17	1	110	100	33	1	110	100
18	1	110	100	34	1	110	100
19	1	110	100	35	1	110	100
20	1	110	100	36	1	110	100
21	1	110	100	37	1	110	100
22	1	110	100	38	1	110	100
23	1	110	100	39	1	110	100
24	1	110	100	40	1	110	100
25	1	110	100	41	1	110	100
26	1	110	100	42	1	110	100
27	1	110	100	43	1	110	100
28	1	110	100	44	1	110	100
29	1	110	100	45	1	110	100
30	1	110	100	46	1	110	100
31	1	110	100	47	1	110	100
32	1	110	100	48	1	110	100
33	1	110	100	49	1	110	100
34	1	110	100	50	1	110	100
35	1	110	100	51	1	110	100
36	1	110	100	52	1	110	100
37	1	110	100	53	1	110	100
38	1	110	100	54	1	110	100
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45	1	110	100	61	1	110	100
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57	1	110	100	73	1	110	100
58	1	110	100	74	1	110	100
59	1	110	100	75	1	110	100
60	1	110	100	76	1	110	100
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63	1	110	100	79	1	110	100
64	1	110	100	80	1	110	100
65	1	110	100	81	1	110	100
66	1	110	100	82	1	110	100
67	1	110	100	83	1	110	100
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69	1	110	100	85	1	110	100
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73	1	110	100	89	1	110	100
74	1	110	100	90	1	110	100
75	1	110	100	91	1	110	100
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77	1	110	100	93	1	110	100
78	1	110	100	94	1	110	100
79	1	110	100	95	1	110	100
80	1	110	100	96	1	110	100
81	1	110	100	97	1	110	100
82	1	110	100	98	1	110	100
83	1	110	100	99	1	110	100
84	1	110	100	100	1	110	100



Appendix 3
Outline Consent & Associated Drawings



**West Lothian
Council**

APPROVAL OF OUTLINE PLANNING PERMISSION

West Lothian Council grants Outline Planning Permission for the proposals described below and detailed on the Application Form and Plans :

Reference No. 0493/P/2002

To:

McInally Associates Ltd.
6 Newton Place
Glasgow
G3 7PR

Description of the proposed development:

Outline planning permission for an integrated business park, residential and golf course development, including a hotel, leisure and community facilities as well as the construction of a motorway junction, a transport interchange, roads and related infrastructure and landscaping.

Location of the proposed development:

On land between the M8 motorway, Whitburn and Fauldhouse: the 'Heartlands' development.

The decision has been made with the conditions specified on the attached sheet(s)



CONDITIONS OF CONSENT

The Period of Validity of the Permission

1. This outline planning permission shall lapse on 1st June 2011 subject to:
 - a) that in the case of any reserved matter, application for approval must be made before:
 - i) the expiration of 10 years from the date of the grant of outline planning permission;
 - ii) the expiration of 6 months from the date on which an earlier application for approval was refused; or
 - iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is latest, and
 - b) that the development to which this permission relates must be begun not later than:
 - i) the expiration of 3 years from the date of the grant of outline planning permission; or
 - ii) if later, the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason *This is the standard five year period stipulated by the Town and Country Planning (Scotland) Act 1997.*

Contents of Reserve Matters Applications

2. Applications for the approval of reserved matters shall be submitted to West Lothian Council and for the purpose of this permission "reserved matters" has the meaning ascribed by Article 2 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 or the equivalent provisions in any subsequent Order that amends the 1992 Order. These applications for reserved matters shall include:-
 - a) Landscape plans at a scale of 1:500 to include full details of location, size and species of all new planting.
 - b) A 1:500 site layout plan for each component of the development showing all proposed buildings, roads, footpaths, cycleways, parking provision, walls and fences.



CONDITIONS OF CONSENT

- c) Plans and elevations of all buildings, indicating the type and colour of all external finishing materials.
- d) Details of existing and proposed ground levels.
- e) Details of finished floor level of every building.

Reason *This is the standard five year period stipulated by the Town and Country Planning (Scotland) Act 1997.*

The Extent of the Residential, Golf Course Development

- 3. This outline planning permission is hereby granted for the erection of 2000 residential units solely on the areas annotated H1 – H9 inclusive, all as indicated on the relevant drawing which forms part of this outline planning permission.

Reason *To accord with the provisions of the development plan and the details submitted with the planning application*

The Global Schematic Masterplan: Residential, Hotel, Golf Course and Community Areas south of the B7066

- 4. Prior to, or concurrently with, the submission of the first reserved matters planning application the developer shall submit to the West Lothian Council for approval a plan showing a global schematic masterplan for the development of the site south of the B7066. In indicative form the said plan shall show:-
 - a) the location of the proposed phases of development of the site, including housing areas and the golf courses;
 - b) the location, design, landscaping, junction spacing of primary of the south-western distributor road link between the A706 and the B7066 and the approximate location of secondary roads;
 - c) the location and extent of the open space framework based upon the principles of PAN 65;
 - d) the location of all proposed neighbourhood/community facilities;
 - e) the footprint of the golf club house, its car parking and means of servicing;
 - f) principles and concepts of the strategic public access network, setting out footpaths and cycleways and the linkages between the development and surrounding land uses, including the forests, Polkemmet Country Park, and the settlements of Whitburn, Fauldhouse and Longridge;



CONDITIONS OF CONSENT

- g) the footprint of the hotel, its car parking and means of servicing;
- h) details of the overall sustainable urban drainage system to serve the development

Thereafter, once approved and amended as the case may be by West Lothian Council acting reasonably, the development of the Heartlands scheme south of the B7066 shall accord with this global schematic masterplan.

Reason To enable the council as planning authority approve the details of the overall strategic planning of the development

The Global Schematic Masterplan: Cowhill

5. Prior to, or concurrently with, the submission of the first reserved matters planning application for development in that part of the site comprising the Cowhill Business Park, the developer shall submit to the West Lothian Council for approval a plan showing a global schematic masterplan for the development of the land in his control and lying between the B7066 and the M8. In indicative form the said plan shall show:-

- a) the layout of the Cowhill business development area;
- b) the location, alignment, dimensions, levels, over bridge location, slip road locations, links to the existing highway network and footprint of the M8 interchange;
- c) the location, components, buildings, bus stance areas and public car parking availability at the public transportation interchange
- d) the dimensions, route and alignment of the development access strategy, based upon Diagram 4 of the Transportation Assessment, including the designs of junctions 1 to 5 inclusive;
- e) a plan showing all trees and hedgerows to be retained or removed
- f) a strategy for the protection and enhancement of bio-diversity interests in the Cowhill part of the site

Thereafter, once approved and amended as the case may be by West Lothian Council acting reasonably, the development of the Cowhill component of the Heartlands scheme shall accord with this global schematic masterplan.

Reason To enable the council as planning authority approve the details of the overall strategic planning of the development



**CONDITIONS OF CONSENT****Residential Area Framework Plans**

6. Prior to or concurrently with the submission of any reserved matters application or full application for planning permission for any part of the site comprising housing development the developer shall prepare a framework plan for the approval of West Lothian Council. The framework plan shall show the phasing and timing of the development of each housing area and how that development will relate to the global schematic masterplan required by condition 4.

The framework plan shall follow best practice advice set out in the council's 'Residential Design Guide' and the Scottish Executive's "Designing Places", Planning Advice Note 67 "Housing Quality", Planning Advice Note 68 "Design Statements", Planning Advice Note 76 "New Residential Streets", Planning Advice Note 77 "Designing Safer Places" and Planning Advice Note 78 "Inclusive Design".

Thereafter, the framework plan for each housing area, amended as the case may be by the Development Control and Building Standards Manager, shall form the basis of the development in each reserved matters application for each residential area.

Reason To ensure the design of the development is of an acceptable quality.

Residential Areas: Design and Layout

7. Further to condition 6, the design and layout of all residential areas shall follow the requirements of West Lothian Council's Residential Design Guide and the advice contained in Planning Advice Note 67 "Housing Quality", Planning Advice Note 68 "Design Statements", Planning Advice Note 76 "New Residential Streets", Planning Advice Note 77 "Designing Safer Places" and Planning Advice Note 78 "Inclusive Design". In particular:-
- a) buildings of special townscape quality shall be provided in key locations;
 - b) higher density shall be provided close to the neighbourhood centre and adjacent to public transport routes;
 - c) uniform densities and storey heights across the site shall be avoided;
 - d) well designed open spaces shall be provided, small awkward areas of open space which are difficult to maintain and contribute little to amenity shall be avoided;
 - e) housing should present an attractive frontage on to all roads and public areas;
 - f) street frontages dominated by parked cars shall be avoided;



CONDITIONS OF CONSENT

- g) there shall be natural surveillance of parking areas, open spaces, play areas and footpaths;
- h) long sections of unrelieved fencing in prominent locations shall be avoided;
- i) residential areas will follow the principle of "Home Zones" as set out in Planning Advice Note 68.

Reason *To ensure the design of the development is of an acceptable quality.*

Design Statements: Built Components

8. A design statement shall be submitted for each built component of the entire development for the approval of West Lothian Council concurrently with the submission of any application for the approval of reserved matters or a detailed planning application. The design statement shall be approved by the council prior and shall accord with the global schematic masterplan, the framework plan, the council's Residential Design Guide and Planning Advice Notes 67, 68, 76, 77 and 78.

Unless otherwise agreed by the Council, no building shall be erected on any phase of development until West Lothian Council has approved the design statement. For the purposes of this condition 'built component' includes all residential units, all community facilities, the transport interchange, built parts of the golf course development and all retail, industrial, leisure or business uses within the site

Reason *To ensure the design of the development is of an acceptable quality.*

Architectural Styles

9. Further to the provisions of this outline planning permission the development shall, as a minimum, include or otherwise reflect traditional Scots vernacular urban form and design:
- a) along the northern frontage of housing area H2;
 - b) along the northern and eastern frontage of housing area H1.

Reason *To ensure the design of the development is of an acceptable quality.*

The Golf Course Access Road

10. Further to the provisions of this outline planning permission, the principal north-south access road leading from the B7066 to the golf club house shall be designed as a tree lined boulevard with maintained grass verges. Landscaping plans shall reflect this "tree lined boulevard" concept.

Reason *To ensure an integrated landscape framework within the development.*





CONDITIONS OF CONSENT

Phasing

11. Unless otherwise agreed by the Development Control and Building Standards Manager acting reasonably, the phasing of the development shall be as set out in Figure 5.3 "Heartlands/Polkemmet : Anticipated Development Programme" all as contained in the Heartlands environmental statement. That is to say that unless otherwise agreed, the phasing drawings comprising Figure 5.4 – Figure 5.10 shall form the approved phasing of the development.

Reason To ensure the phasing of the development is carried out in an acceptable manner.

Landscape Framework Plan

12. Prior to or concurrently with the submission of the first reserved matters planning application, and prior to or concurrently with the submission of each subsequent reserved matters planning application for a phase of the proposed development, a landscape framework plan for that phase shall be submitted to West Lothian Council for approval. Each plan, based upon figure 8.2.3 (landscape framework plan) in the environmental statement shall show the location of all trees, hedgerows and stone walls on the relevant phase following the cessation of opencast mining activities and which will not be felled or otherwise removed consequent to the implementation of planning permission 0248/M/2002. Each landscape framework plan shall show proposals for the landscaping of those parts of the site which will not be incorporated within any housing area or the Cowhill business development area and shall include wildlife corridors, road verges, footpaths, reconstructed water courses, cycleways and screen planting adjacent to the M8.

Each landscape framework plan shall provide for the implementation of structural planting on the relevant phase which shall then be implemented in the first planting season following the completion of the opencast coal mining permitted by planning permission 0248/M/2002 or the construction of any road, footpath, cycleway, reconstructed water course, wildlife corridor or parkland area, whichever is the sooner.

Details of the maintenance of all landscaped areas within each phase shall be submitted to the council concurrently with the relevant landscape framework plan and in particular the new planting shall be maintained for a minimum period of five years until it becomes established, in accordance with the attached Landscaping Specification 2. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the planning authority gives written consent to any variation.

Reason To ensure an integrated landscape framework within the development.



CONDITIONS OF CONSENT

13. Prior to or concurrently with the submission of the landscape framework plan, an arboricultural report shall be submitted for the written approval of the Development Control and Building Standards Manager. In respect of each relevant phase this report shall contain:

- a) a scale plan showing the location of all existing mature trees within and adjacent to that phase;
- b) a tree schedule listing all essential tree data, including genus, species, vigour, age, safe useful life expectancy, height, stem diameter, and status;
- c) a brief but accurate description on the evaluation of the tree's health and condition;
- d) a detailed risk assessment of all trees in light of the proposed development;
- e) a statement confirming the amenity and conservation value and overall condition of the trees within or adjacent to the site;
- f) recommended arboricultural works.

Thereafter any identified arboricultural works which require implementation shall be so implemented in a manner and at a timescale as determined by the Development Control and Building Standards Manager.

Reason To ensure an integrated landscape framework within the development.

14. Unless otherwise agreed by the Development Control and Building Standards Manger further to the submission of each landscape framework plan as required by condition 12, landscape details shall include:

- a) an ornamental tree and shrub buffer zone along the mutual boundary of the site and the B7066 (Harthill Road);
- b) a minimum depth of 10 metre wide ornamentally planted buffer strip adjacent to the west, south and east elevations of the dwellinghouses in Cultsykefoot;
- c) an adequate buffer zone between housing area H8 and the residential properties and access road at North Reeves.

Landscaping Details

15. Each application for the approval of reserved matters shall be accompanied by a plan of a scale of 1:500 showing the details of plant species, sizes, planting distances and methods of protection and shall incorporate for that phase the following requirements:

- a) structure planting comprising a high percentage of native climax trees and woodland shrub species;

b)/



CONDITIONS OF CONSENT

- b) hedgerow planting;
- c) areas of scrub;
- d) residential squares and other formal landscaped areas along road corridors;
- e) water features;
- f) formal avenue planting within all principal distributor roads to residential areas.

The phasing of the implementation of the landscaping works in each reserved matters application shall be agreed in writing with the Development Control and Building Standards Manager.

Reason To ensure an integrated landscape framework within the development.

Protection of Retained Trees During Construction

16. All existing trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been authorised by virtue of planning permission 0248/M/2002 shall be protected from damage during construction work in accordance with the enclosed Landscaping Specification 1. For the avoidance of doubt, this planning permission does not authorise the felling of any tree.

Reason To ensure an integrated landscape framework within the development.

17. At least seven days prior to any development starting on site, further to condition 16 above, the developer shall invite a representative of the Development Control and Building Standards Manager to inspect and assess the measures undertaken on the site to protect any trees/shrubs/hedges within and adjoining the relevant phase from damage.

No development shall take place on the relevant phase until these measures have been approved in writing by the Development Control and Building Standards Manager.

The protective measures shall be carried out in accordance with the attached Landscaping Specification 1, and shall include: -

- a) Protective fencing erected around the crown spread of all trees/shrubs/hedges within and/or adjoining the relevant phase. This fencing is to be retained in its approved position during the period of construction works.
- b) No materials, plant or machinery being stored under the crown spread of any tree or against any hedge.



CONDITIONS OF CONSENT

- c) Any foundations or service channels shall be hand-dug within the crown spread plus a distance of a third of the crown spread of the tree.
- d) If any tree/shrub root systems are exposed by approved excavation works, they shall be covered and the soil returned to its original level as quickly as possible.

Reason In order to ensure adequate measures are taken to protect existing trees and hedges on and around the site, in the interests of the visual amenity of the area.

Landscape Works: Maintenance

18. Details of the maintenance of all landscaping works submitted as part of any reserved matters application or application for full planning permission or otherwise required by this planning permission shall be approved by West Lothian Council and thereafter implemented. Specifically the terms of maintenance of woodland planting within any housing area, where that responsibility lies with householders, shall be recorded in the title deeds of each property.

Reason To ensure a satisfactory standard of maintenance of all landscaped areas.

19. The routes for all services in each housing area shall be agreed in writing with the Development Control and Building Standards Manager and thereafter submitted as part of applications for the approval of reserved matters or full planning permission. Following the approval of the reserved matters application in each housing area, the routes of the services, as so agreed, shall be implemented concurrently with the development of the area.

Reason In order to ensure adequate measures are taken to protect existing woodlands on and adjacent to the site in the interests of the visual amenity of the area.

20. The implementation of the landscape phasing shall comply with the details set out in Figure 8.25 to 8.30 of the Heartlands Environmental Statement.

Reason To ensure an integrated landscape framework within the development.

21. All landscaping works required by the conditions of reserved matter consents and this planning permission shall be carried out in accordance with good horticultural and arboricultural practice and in line with the relevant British Standard.

Reason To ensure an integrated landscape framework within the development.



CONDITIONS OF CONSENT

22. Concurrently with the submission of each framework plan for that part of the site south of the B7066 a 'habitat enhancement and protection strategy' for such phase shall be submitted to and approved by the Development Control and Building Standards Manager in association with Scottish Natural Heritage. The strategy will set out the means of enhancing biodiversity within such phase and specifically, but not exclusively, set out the measures to protect areas of bog land at Polkemmet Moor and the habitats of the water vole.

Reason To ensure adequate safeguarding and enhancement of the site's biodiversity interests.

Sustainable Urban Drainage

23. The surface water on the site shall be treated and attenuated to meet the requirements of the SUDWP/CIRIA design manual for Sustainable Urban Drainage Systems (SUDs) and the additional requirements of the council. Details of the facility shall be submitted for approval to the Development Control and Building Standards Manager along with evidence that the design of the facility is acceptable to the Scottish Environment Protection Agency and Scottish Water. A suitable access for maintenance purposes shall require to be incorporated into the design.

Unless otherwise agreed, attenuation shall be included as part of the surface water treatment facility. This must ensure that the 1:25 year post-development storm is attenuated to the values associated with the 1:2 year pre-development event with sufficient on-site storage for the peak volumes associated with a storm of up to a four-hour duration. An end of line system is unlikely to be acceptable alone, instead, the developer will be required to include a train of management controls as an integral part of the overall proposals.

Assuming that the developer will wish any above ground system to be adopted, further detailed information shall be submitted. This shall include construction details, risk assessments and confirmation that the facility can be accessed from a public road or that a right of access is otherwise included in the title.

If the developer is to consider an open water body for the treatment and attenuation of surface water from the site, such proposals must be accompanied by a risk assessment and any measures that may be required arising from it. Regard should be had to the RoSPA publication "Safety at Inland Water Sites - Operational Guidelines" First Edition, 1999 (ISBN No. 1 85088 092 1).

Details of the maintenance arrangements for the facility shall be agreed in writing with the Development Control and Building Standards Manager.

Once/



CONDITIONS OF CONSENT

Once approved, a timescale for the implementation of the facility shall be agreed in writing with the Development Control and Building Standards Manager. Details of any temporary abatement proposed until the permanent facilities are implemented shall be submitted for approval and agreed in writing with the Development Control and Building Standards Manager.

No work shall commence on site until such time as the Development Control and Building Standards Manager has approved in writing the details of the permanent and temporary surface water treatment and attenuation facility, the maintenance arrangements and the timescale for implementation.

Within two months of the permanent facility having been installed, a design certificate must be submitted to the Council by a Chartered Engineer confirming whether the facility has been constructed in accordance with the approved drawings. If any remedial works are required, a timescale for implementation shall be agreed in writing with the Development Control and Building Standards Manager.

Reason *To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity and to help reduce the risk of flooding.*

Wetlands and Watercourses

24. Further to condition 23 above, the sustainable urban drainage strategy for the site as set out in the environmental statement is hereby **not** approved. The SUDs scheme required by virtue of condition 23 above requires to be based on the provision of regional ponds and wetlands.

Reason *To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity and to help reduce the risk of flooding.*

25. All wetlands forming part of the golf courses or the SUDs scheme shall be designed to maximise their wildlife and habitat value. Ponds and wetlands should be separate from watercourses and the design of all features shall be based upon best practice advice within the Scottish Environment Protection Agency publication "Ponds, Pools and Lochans".

Reason *To enhance the natural heritage attributes of the drainage system.*

26. A buffer zone as determined by the Scottish Environment Protection Agency shall be provided on either side of the watercourses, said buffer zone being free from any development in order to maximise wildlife corridors.

Reason *To enhance the natural heritage attributes of the drainage system.*



West Lothian
Council

Reference No 0493/P/2002

CONDITIONS OF CONSENT

27. Insofar as is reasonably practicable, all culverted sections of the Cultrig Burn and Bickerton Burn within the site shall be opened up as a natural open watercourse in accordance with river restoration best practice advice.

Reason To enhance the natural heritage attributes of the drainage system.

Water and Drainage Matters: General Requirements

28. All construction works shall accord with the Scottish Environment Protection Agency's Pollution Prevention Guidelines PPG5 and PPG6.

Reason To protect surface and ground water quality.

29. The level of any water within any water body or watercourse must be controlled, particularly at times of low flow, to ensure that the natural base fills are not diminished in the watercourses downstream.

Reason To protect water quality and quantity.

30. Any pumping station required to facilitate the pumping of foul drainage shall be designed so that there are no emergency overflows.

Reason To protect water quality and quantity.

31. Drainage from the development shall be on a separate system and with foul sewage from the proposal being discharged to the Whitburn public sewer network.

Reason To protect water quality and quantity.

32. Prior to or concurrently with the submission of the global schematic masterplan required by conditions 3 and 4 a drainage area study shall be submitted to West Lothian Council in consultation with Scottish Water and shall set out the necessary upgrading work that will be required to accommodate the anticipated flows. Specifically the drainage area study should establish where on the existing sewer network a connection can be made, downstream of the proposal, without upgrading work being undertaken. The cost of the drainage area study and any resultant upgrading works will require to be borne by the developer. The requirements of the approved drainage area study shall be implemented.

Reason To ensure the drainage scheme serving the development is designed to an acceptable standard.



CONDITIONS OF CONSENT

Domestic and Commercial Waste Management

33. Prior to or concurrently with the submission of the global schematic masterplan required by conditions 3 and 4 the applicant will submit details of a strategy for the separation and recycling of domestic and commercial waste generated within the housing development areas and the Cowhill Business Park respectively. The strategy shall be informed by the council's proposals for waste management and shall specify means to implement the strategy. Thereafter, following the approval of the strategy by West Lothian Council, the terms of the strategy, as amended as the case may be, shall be implemented at a time period as determined by the Development Control and Building Standards Manager.

Reason In the interests of environmental quality; to properly address waste management issues attributable to the development.

The Sustainable Use of Building Materials

34. Prior to the commencement of the development on any phase and concurrently with the submission of the relevant reserved matters planning application, the developer shall submit proposals to ensure the maximum use of recycled materials in the implementation of the Heartlands scheme in respect of such phase. Specifically the use of colliery spoil or blaes in place of primary aggregate for the construction and formation of the sub-bases of roads and footpaths shall be incorporated into the programme.

Reason In the interests of environmental quality, to encourage a sustainable approach to the use of building materials.

The Neighbourhood Centre

35. Land shall be safeguarded and made available for the development of a neighbourhood centre within the application site south of the B7066. The neighbourhood centre shall contain one or more of the following uses, but only up to the limitations on class 1 retail floorspace as set out in paragraph 5.2.2, page 26 of the environmental statement unless West Lothian Council grants planning permission for any material variation to the scale of that class 1 retail floorspace:-

- a) shops (as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- b) financial, professional and other services (as defined by Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- c) hot food takeaways;
- d) food and drink uses (as defined by Class 3) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- e) childcare facility (as defined by class 10(a) of the Town and Country Planning (Use Classes) (Scotland) Order 1997

Reason To ensure the proper planning of the area.



CONDITIONS OF CONSENT

Cowhill Business Park

36. The land at the Cowhill Business Park shall be safeguarded and made available for employment uses as set out below unless otherwise subject to a planning permission to vary this condition.

- a) 46,635 sq.m. of business use as defined in Class 4 to the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- b) 46,635 sq.m. of Class 5 (Industry) uses as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- c) 46,635 sq.m. of Class 6 (Storage & Distribution) uses as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason *To ensure the proper planning of the area.*

Roads and Access Matters

37. Plans showing the siting, landscaping, drainage and design of the means of access to the site from a four way grade separated interchange to be constructed on the M8 motorway north of Cowhill shall be submitted as a reserved matters application or application for full planning permission and approved by West Lothian Council in consultation with the Scottish Executive prior to commencement of the construction of the interchange.

Reason *To enable these matters to be considered in detail and in the context of Scottish Transport Appraisal Guidance and in consultation with the Scottish Executive.*

38. Prior to, or concurrently with, the submission of the details specified in condition 37 above, the developer shall have submitted to the Scottish Executive a Scottish Transport Assessment Guideline (STAG) Part 2 assessment.

Reason *To enable the justification for the junction to be assessed in the context of the current national regulatory framework.*

39. Notwithstanding the provisions of condition 37 above, development comprising the construction of the four way grade separated interchange shall not commence without the authorisation of the Scottish Executive's Trunk Road Network Management Division taking into account the STAG Part 2 submission, and after any requisite roads order and any other memorandum of agreement has been approved or otherwise adopted by Scottish Ministers.

Reason *To enable the justification for the junction to be assessed in the context of the current regulatory framework.*



CONDITIONS OF CONSENT

40. Concurrently with the submission of the reserved matters application required by condition 37 above, the developer shall submit a detailed construction programme setting out the stages of construction of the four way grade separated interchange, the means of drainage, lighting details, the location of all site compounds, concrete batching plants, landscaping, the external appearance of all structures and the gradients of all made-up land.

Reason *To enable these matters to be considered in detail and in the context of Scottish Transport Appraisal Guidance and in consultation with the Scottish Executive.*

41. Unless otherwise required by West Lothian Council if so instructed by the Scottish Executive, the design and construction of the four way grade separated interchange shall be in accordance with the details contained in the Department of Transport document "Design Manual for Roads and Bridges".

Reason *To ensure the junction is sited, designed, constructed and finished to an appropriate standard.*

42. The construction and phasing of any new road, footpath or cycleway within the Heartlands site, unless otherwise agreed by the Development Control and Building Standards Manager shall be in accordance with the phasing details set out in the environmental statement.

Reason *In the interests of road safety to ensure that satisfactory road access is available to completed parts of the site.*

43. The new public transport interchange at Cowhill shall be constructed and thereafter completed concurrently with the development of the new motorway junction and the proposed new roundabout on the B7066 at Polkemmet Road.

Reason *To ensure adequate accessibility and the integration of the development with enhanced public transport facilities.*

44. A minimum of 50 car parking spaces are required to be provided at the park and ride facility with land thereafter reserved to increase said provision by a further 50 at a time as determined by the Development Control and Building Control Manager.

Reason *To allow adequate car parking, with provision being made available for a future expansion of such facilities.*



CONDITIONS OF CONSENT

45. Only housing on area H1 or 400 residential units, whichever is the lesser, and 20% of the business development area at Cowhill shall be occupied prior to the completion of the new four way grade separated junction on the M8 subject but always to the satisfactory outcome of a transportation assessment assessing the impact of that scale of development on the A706/B7066 junction.

Reason In the interests of road safety, to ensure that satisfactory road access is available to completed parts of the site.

46. Prior to or concurrently with the first submission of any reserved matters application, the developer shall submit a strategic cycle and pedestrian global schematic masterplan for the whole development site. Thereafter all subsequent reserved matters applications shall accord with the approved cycle and pedestrian global schematic masterplan amended as the case may be by the Development Control and Building Standards Manager.

Reason To enable a strategic overview to be taken of cycle and pedestrian uses within the development.

47. Further to submission of the cycle and pedestrian global schematic masterplan, pedestrian and cycle routes will be required at the following locations outside the application site:-

- a) at Polkemmet Country Park, south of the B7066;
- b) at Polkemmet Road, to link to existing routes to the town centre;
- c) at the A706 at Cairnie Place;
- d) at the A706 at Blaeberryhill.
- e) Linking Fauldhouse to Polkemmet Country Park along the western boundary of the site
- f) Linking Longridge to Polkemmet Country Park and Whitburn through the site

Reason To enable a strategic overview to be taken of cycle and pedestrian uses within the development.

48. Notwithstanding the phasing proposals shown in the environmental statement, a maximum of 200 houses only can be served from a single access point unless suitable emergency access arrangements to the satisfaction of the Development Control and Building Standards Manager can be made.

Specifically/



CONDITIONS OF CONSENT

Specifically, a maximum of 200 units shall be permitted onto the A706 until the through link to the B7066 is completed.

Reason In the interests of road safety, to ensure that satisfactory road access is available to completed parts of the site.

49. Each reserved matters applications for development of class 4,5 and 6 uses at the Cowhill Business Park shall be accompanied by a green travel plan setting out the proposals to encourage sustainable transport use and the measures that each occupier will promote to maintain and improve on modal share and ensure modal share consistent with maximum parking provision. Thereafter, once approved and amended as the case may be, by the Development Control and Building Standards manager acting reasonably, the provisions of the plan shall be implemented.

Reason To ensure proper regard is paid to green travel plans in each employment generating use.

50. Reserved matters applications for development other than residential development shall accord with the national maximum car parking standards as set out in Table 2 to SPP17 "Transport and Planning Maximum Parking Standards".

Reason To ensure compliance with Scottish Executive policies; to provide for a sustainable approach to commuter parking.

51. All reserved matters applications for development other than residential development shall accord with the minimum disabled car parking standards as set out in Table 1 to SPP17 "Transport and Planning Maximum Planning Standards".

Reason To ensure adequate provision for disabled drivers.

52. All reserved matters applications for development in the Cowhill Business Park shall include cycle parking standards which accord with Table 11.1 of "Cycling By Design" published by the Scottish Executive in December 1999.

Reason To ensure adequate access for cyclists.

53. Concurrently with or prior to the submission of each reserved matters application a road safety audit shall be submitted for all main access and general access roads and all major junctions for that phase of the development.

Reason In the interests of road safety.



CONDITIONS OF CONSENT

54. All roads in residential areas other than the Whitburn south-west distributor road will be designed for a maximum speed of 20mph and have a mandatory 20mph speed limit. Each application for reserved matters approval or detailed planning application for residential areas will include details of traffic calming measures to facilitate said 20mph speed limit and such provision shall be implemented by the developer of said area.

Reason In the interests of road safety.

55. All roads, footways, footpaths, accesses, cycle paths and associated works servicing or adjacent to residential areas shall be designed and constructed fully in accordance with the current Council's specification for roadworks.

Reason In the interests of road safety.

Open Space and Play Provision

56. Land for a neighbourhood equipped play area for children of 0-12 years shall be safeguarded and provided by the developer prior to the occupation of the 400th residential unit.

Reason To ensure a satisfactory standard of open space provision.

57. Land shall be provided for a minimum of 5 local equipped play areas in such a manner that none of the houses on the Heartlands site are more than 400 metres from any local play area, all as agreed by West Lothian Council acting reasonably.

Reason To ensure a satisfactory standard of open space provision.

58. The land to be provided for local play areas in such a manner that none of the houses on the site are more than 400 metres from any local play area.

Reason To ensure a satisfactory standard of open space provision.

59. The land to be provided for local play areas shall measure a minimum of 10 metres by 10 metres and each shall be capable of containing at least 4 items of equipment, a seat and a litter bin.

Reason To ensure a satisfactory standard of open space provision.

60. Three of the play areas shall be capable of containing "striker goal" systems.

Reason To ensure a satisfactory standard of open space provision.

61. Before the 100th residential unit is occupied, the first local play area shall be provided.

Reason To ensure a satisfactory standard of open space provision.



CONDITIONS OF CONSENT

62. Before the 400th residential unit is occupied, the second local play area shall be provided.

Reason To ensure a satisfactory standard of open space provision.

63. Before the 700th residential unit is occupied, the third local play area shall be provided.

Reason To ensure a satisfactory standard of open space provision.

64. Before the 1,000th residential unit is occupied, the fourth local play area shall be provided.

Reason To ensure a satisfactory standard of open space provision.

65. Before the 1,300th residential unit is occupied, the fifth local play area shall be provided.

Reason To ensure a satisfactory standard of open space provision.

66. The precise location of the local play areas shall be set out in the framework plans as required by this planning permission and the details of play equipment shall be included as part of the applications for reserved matters approval for all housing areas.

Reason To ensure a satisfactory standard of open space provision.

67. Concurrently with or prior to with the submission of each reserved matters application for those components of the development set out in condition 3 of this permission, the developer shall submit a plan indicating the extent of those areas that are outwith private feus together with details of the maintenance arrangements of these areas.

The maintenance arrangements, when approved by the planning authority shall be recorded in the title deeds of each property unless the Development Control and Building Standards Manager agrees to any variation of this condition.

Reason To ensure areas of public open space are adequately maintained.

Public Art

68. An artwork or landmark feature shall be provided within each roundabout constructed as part of the development or as otherwise agreed with West Lothian Council.

Reason In the interests of enhancing the streetscape of the development.

69. A distinctive entry point shall be provided at each of the entrances to the development as set out in Diagram 4 of the transportation assessment.

Reason In the interests of enhancing the streetscape of the development.



West Lothian
Council

Reference No 0493/P/2002

CONDITIONS OF CONSENT

Disabled Access

70. The residential units shall be designed so as to be capable of being accessed by disabled persons, in accordance with the requirements of the Building Standards (Scotland) Regulations 1990 as amended.

Reason In the interests of enhancing the streetscape of the development.

Development by Statutory Undertakers

71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, development by statutory undertakers in the nature of electricity sub-stations or gas governor installations or similar shall be subject to the agreement in writing with the Development Control and Building Standards Manager.

For the avoidance of doubt, unless otherwise agreed by the Development Control and Buildings Standards Manager, proposals for such buildings or structures shall be the subject of applications for the approval of reserved matters.

Reason In the interests of visual amenity; to ensure the satisfactory siting of these features.

Environmental Protection During Construction Works

72. Concurrently with the submission of each application for reserved matters, the developer shall submit for the written approval of the Development Control and Building Standards Manager, a method statement outlining the measures for the phase of the development that will be taken to:

- i) avoid substances seeping into watercourses;
- ii) avoid noise, vibration and dust nuisance at any sensitive receptor;
- iii) ensure that roads and footpaths in the vicinity of the site are kept mud free.

In particular, the developer shall adhere to the following requirements:

Construction Traffic

- a) Heavy goods vehicles shall not arrive or leave the site except between the hours of 0700-1900 hours Monday to Friday and 0800-1300 hours on Saturdays and Sundays.

Wheel Cleaning

- b) All heavy lorries leaving the site shall do so in such a manner to prevent the depositing of mud or other deleterious material on any adopted road carriageway. Specifically wheel wash facilities will be installed at any junction between the site and an adopted road to ensure adherence to this condition.

Reason In the interests of residential amenity and road cleanliness.



CONDITIONS OF CONSENT

Contractors' Compounds

73. Notwithstanding the details of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, planning permission is required for the formation of any site compound. Each reserved matters application shall include the means of managing waste generated by the implementation of that reserved matters application and the application will be accompanied by a construction waste strategy to ensure maximum recycling of waste construction material and its satisfactory storage on site.

Reason To ensure satisfactory and appropriate siting of these features.

Soil Storage and Handling

74. The location and height of all soil dumps associated with the golf course and residential development shall be agreed in writing with the Development Control and Building Standards Manager. Thereafter all soil dumps will be sown with a low maintenance grass seed and cut regularly on a 3 weekly cycle during the growing season. Soil dumps will at all times be kept free of injurious weeds.

Reason To ensure proper soil storage and management.

75. All soil handling shall be in accordance with best practice methodology contained in the relevant British Standard.

Reason To ensure proper soil storage and management.

Archaeology

76. In the event of archaeological or industrial archaeological structures or artefacts being uncovered during construction works, the developer shall notify the council immediately and ensure the establishment of an appropriate scheme for investigation, recording and preservation of such items.

Reason To protect any archaeological resource at the site.

Serviced plots

77. If any parts of the site which may be developed as service plots for self-build, no application for the development of an individual house plot will be determined until a detailed planning application for the road and plot layout has been approved. Thereafter, in addition to the details of the proposed house, individual plot applications should clearly show:

- a) the position of the house on the plot;
- b)





CONDITIONS OF CONSENT

- b) boundary treatment;
- c) landscaping proposals.
- d) finished floor levels and ground levels

The maximum plot covered by both house and garage should be no more than 25% of the plot and there should be no windows of any habitable room on the side elevation of each plot.

Reason In the interests of residential and visual amenity.

Hot Food Takeaways

78. In the event that any hot food takeaway is subsequently approved within the application site, the proposals will require to accord with the following requirements:

Opening Hours

- a) Any hot food takeaway will not open for business between the hours of 2300 and 1100 on any day of the week unless otherwise agreed by the Development Control and Building Standards Manager.

Ventilation System

- b) The ventilation system for the kitchen shall be capable of achieving 30 air changes per hour and the cooking odours will be directed to an exhaust point agreed with the Development Control and Building Standards Manager in consultation with the Environmental Health and Trading Standards Manager to ensure no cooking odours escape or are extracted into any neighbouring properties. If any external flues or extractors are permitted, they shall be designed so as not to detract from visual amenity, to the satisfaction of the Development Control and Building Standards Manager. Once the ventilation system is installed it will be tested for the escape of odours prior to the commencement of operations and once tested shall operate at all times the premises are in use.

Reason In the interests of residential amenity.

79. Prior to the hot food takeaway being brought into use, the developer shall submit details for the consideration and written approval of the Development Control and Building Standards Manager of a refuse storage area within the premises. Once approved, all refuse shall be stored in this area prior to collection.

Reason In the interests of residential amenity.



West Lothian
Council

Reference No 0493/P/2002

CONDITIONS OF CONSENT

80. Prior to the hot food takeaway being brought into use, the developer shall submit details of the type and location of a litter bin to be erected directly outside the premises for the written approval of the Development Control and Building Standards Manager in consultation with the Environmental Health and Trading Standards Manager. Once approved, the litter bin shall be erected in its approved position prior to the development commencing.

Reason In the interests of residential amenity.

Soils Transfer from Cowhill

81. A soils management transfer plan shall be submitted to the Development Control and Building Standards Manager for approval concurrently with the first reserved matters application or detailed planning application for development of any building or road at Cowhill. The plan shall specify in particular the means of soil handling, soil storage, measures to ensure road cleanliness, traffic management, the safeguarding of water quality and visual amenity at Cowhill and dust suppression. Thereafter the approved management plan shall be implemented.

Reason To ensure proper soil storage and management.

82. No soil shall be removed from any part of the site without planning permission from West Lothian Council

Reason To ensure proper soil storage and management.

Development Control & Building Standards Manager

Date

10 May 2006

This decision notice should be read with the attached advice notes.

Heartlands

Planning Approval Documents & Drawings



Ecosse Regeneration Ltd





Key

- Site boundary - Housletree
- Falkirk site boundary

Granted Planning Permission by West Lothian Council, subject to the conditions contained in the attached Decision Notice.

 Development Control & Building Standards Manager
 Date 16/5/06



Housletree
 Environmental Statement

Figure 1.1
 Site Location Plan

County Planning Commission by West Linnian Council has led to the conditions contained in the attached Decision Notice.



Development Control & Planning Services Manager
 Date 10/5/06

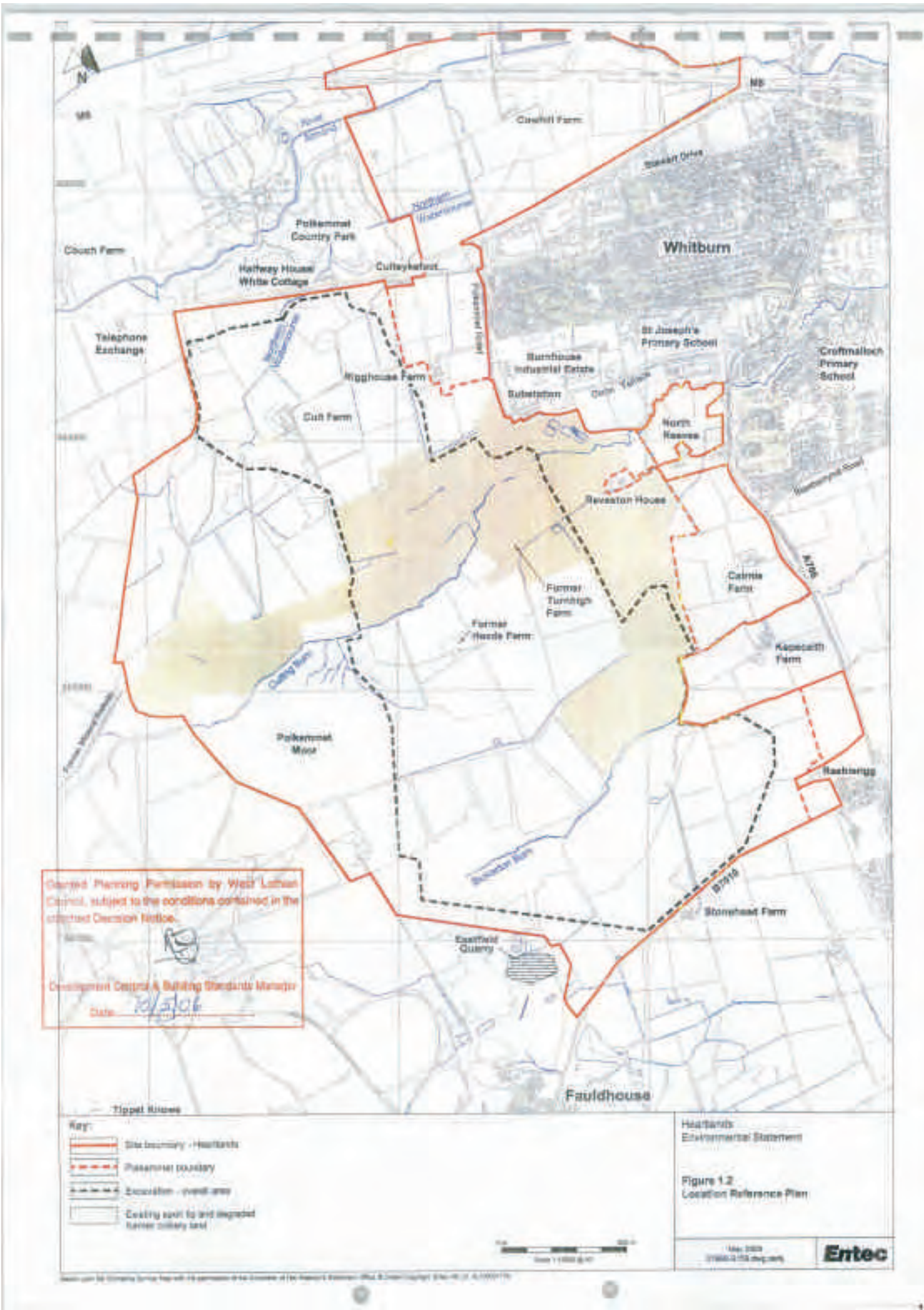


Headlands Environmental Statement

Figure 6.1 Headlands Wastewater Layout

May 2005
 07044-0112 rev. 001





Granted Planning Permission by West Lothian Council, subject to the conditions contained in the attached Decision Notice.

 Development Control & Building Standards Manager
 Date: 20/5/06

Tippet Notes

- Key:**
-  Site boundary - Heartlands
 -  Phase 1 boundary
 -  Excavation - overfill area
 -  Existing earth to and beyond proposed former military land

Heartlands
Environmental Statement

Figure 1.2
Location Reference Plan



May 2006
 01606-213-000000



Obtained Planning Permission by West Lothian Council, subject to the conditions contained in the attached Decision Notice.

Development Control & Building Standards Manager:
Date 10/5/06



Appendix 4
Approved Global Schematic Masterplan



4000
 The purpose of this report is to provide information on the proposed project and its potential impacts on the environment. This report is intended to provide information to the public and to the decision-making process. The information provided in this report is based on the best available information and is subject to change as more information becomes available. The information provided in this report is not intended to be used as a basis for legal action.



- Wetland (100-foot Buffer) (100FT)
- Unimproved land with water
- Other 100-foot buffer with 50-foot setback
- 100-foot buffer (100FT) (100FT)
- Neighboring Existing Use or any other existing structure or facility
- Road
- All new roads with 100-foot buffer
- All new existing roads
- Agricultural / Corporate Building
- Other uses
- Other uses
- Public Use Area
- Riparian Forest
- Public Right-of-Way
- 100-foot Buffer (100FT)
- 100-foot Buffer (100FT)
- 100-foot Buffer (100FT)
- 100-foot Buffer (100FT)

Appendix 5
Discharge of Conditions 4 & 6 and Relevant Associated
Drawings

Our Ref: 0439/P/02 CN/AU
Direct Dial No: 01506 775224
Email: chris.norman@westlothian.gov.uk

Chief Development Contr
Officer
Chris Norman

County Buildings
Linlithgow
West Lothian
EH49 7EZ

Tel: 01506 775222
Fax: 01506 775255
DX No.540883 Linlithgow

16 October 2006

Mark Massy
ID Partnership Northern
St Judes
Baker Street
Shieldfield
Newcastle upon Tyne
NE2 1AS

Dear Mr Massy

**THE HEARTLANDS DEVELOPMENT, WHITBURN
OUTLINE PLANNING PERMISSION 0493/P/02**

I refer to your company's letter of 18 September 2006 in which you seek a discharge of conditions 4 and 6 of planning permission 0493/P/02.

I have now had the opportunity to review the submissions made in respect of these conditions. At the outset can I say on behalf of the council that I am especially pleased about the details included in the Masterplan and supporting information. Its contents have drawn considerable praise from members of the council, my colleagues and the local community who are all as anxious as I am so see the commencement and implementation of this exemplar development.

In this regard, I can hereby confirm that conditions 4 and 6 of outline planning permission are discharged.

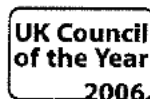
In arriving at my view on conditions 4 and 6 of the Heartlands outline planning permission I have based my assessment on the contents of the schedule of drawings that is, for the avoidance of doubt, attached as Annex 'A' to this letter.

My discharging of the conditions is however subject to the following matters that I require to be satisfied.

i)/



Awarded for excellence



Scotland's 1st
Capital of Enterprise



INVESTOR IN PEOPLE

- i) As things stand, the submitted documents include proposals for the planting of some 3000 new trees. This is to be particularly welcomed. In the context of these tree planting proposals I do wish to study in detail the contents of the report from Ian Keen Ltd and for the avoidance of doubt, my discharging of conditions 4 and 6 brings with it no approval under condition 16; in other words no tree felling is hereby authorised by this letter.
- ii) I can confirm that the average densities contained in the submission (7.8 units per acre gross, and 11.1 units per acre net) are acceptable and hereby agreed but are of course subject to the detailed design and reserved matters processes in the usual manner.
- iii) The illustrative material that you have forwarded to the council shows very attractive and innovative approaches to traditional street furniture provision and indeed the use of such will add to the overall attractiveness of the project. As and when the reserved matters applications are determined we will need to discuss fully with the council's engineers the matter of adoption of any novel infrastructure prior to its installation.
- iv) The provision of a south-western distributor road in Whitburn is, as you know, a development plan objective, as set out in paragraph 4.2.2 of the Bathgate Area Local Plan 1998. Drawing FA_004B, 'Framework 'A' Phased Land Draw Down' shows seven phases of housing development and it is order for me to discharge condition 6, that condition requiring the council's approval of the phasing and timing of the development of each housing area. Nonetheless, condition 11 of the planning permission requires that phasing drawings 5.4 – 5.10 shall form the approved phasing of the development. You should note that the approval of the phasing details shown in the 2006 drawing does not supersede the requirement to implement the link to the A706 in accordance with the planning permission and at a date no later than shown in the environmental statement, unless the council agrees to a variation of that requirement following the consideration of a planning application to vary the phasing. In other words condition 11, *inter alia*, of the permission continues to relate to the phasing of the access link to the A706. Road and access matters as identified in planning conditions 37 to 55 are still valid and undischarged conditions which, for the avoidance of doubt, are not removed as a result of the discharging of conditions 4 and 6 of the consent.
- v) In approving drawing FA_004B, I am mindful that the later phases of the development, and in particular phases 6 and 7, dictate a longer journey to Croftmalloch Primary School for children from those phases. As a consequence of this new phasing there will be a requirement for a fully lit, safe and appropriately designed 'Safe Route to School' across the area annotated as 'Potential Development Land B' on drawing MP001K, the Global Schematic Masterplan. The details of that route will require to be part of any reserved matters application which involves housing development in the Croftmalloch Primary School catchment. Such a route will require to be implemented at a time to enable the first children from the Heartlands development to access Croftmalloch Primary School in a safe manner to the satisfaction of the council.
- vi)

- vi) I am pleased to note the inclusion of the neighbourhood equipped area of play which includes a 10,000sq.m 'kick about' facility. Your submitted drawings show this to the north of the principal distributor road, with an option that it is developed to the south of that road, on the basis of the northern site being undeliverable in land ownership terms. I can confirm that either option is acceptable to the council, subject to the approval of detailed plans at a later date.
- vii) I am especially pleased to see the linear landscaped features that bisect the site and encompass the re-instated river valleys. You will of course appreciate that there are numerous conditions in the outline planning permission that relate to landscape and bio-diversity and the discharge of conditions 4 and 6 does not over-ride these other conditions; it may well be the case that adjustments are necessitated by the full discharge of these other conditions.
- viii) For the avoidance of doubt, no other conditions pursuant to this outline permission other than condition 4 and condition 6 are hereby agreed and are still therefore subject to clearance either through the reserved matters process or through separate condition submissions.

Finally, and on behalf of the council I look forward to working closely with you and your team over the coming months and years to bring about this extensive regeneration project.

Yours sincerely


Chris Norman
Chief Development Control Officer

Encl



**West Lothian
Council**

ANNEX 'A' TO WEST LOTHIAN COUNCIL'S LETTER OF 16 OCTOBER 2006

N81:1651G

HEARTLANDS, WEST LOTHIAN

DRAWINGS SCHEDULE – 11 OCTOBER 2006

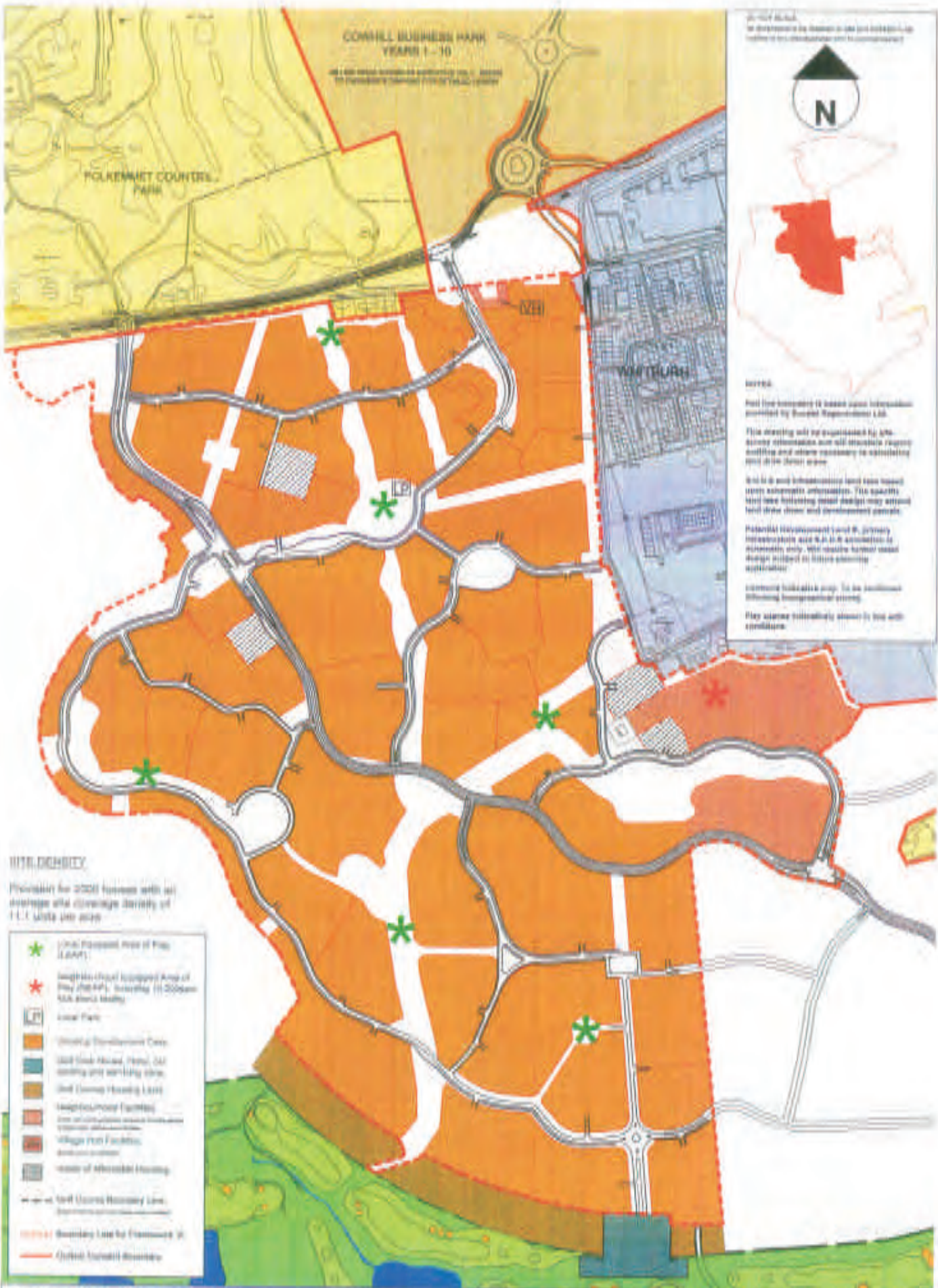
1. Global Schematic Masterplan Drawing No: MP001K and MP001K Option B to Discharge Condition 4.

SUPPORTING INFORMATION – CONDITION 4

1. Design Guide and Supporting Information Document.
 2. Spine Road Drawing – DDT/1015-001.
 3. Paramics Model Development Report.
 4. Stage 1 Road Survey Audit Report.
 5. Tree Retention and Removal Plan 1091/011.
 6. Tree Survey Report – 1JK/6295/VF.
2. The following Framework A Diagrams to Discharge Condition 6.
 - a. Framework A diagram Drawing FA:001A (Public Open Space, Pedestrian and Cycle Linkage and Infrastructure).
 - b. Framework Diagram FA:004B (Density, Phasing and Timing).
 - c. Framework Diagram FA:015A (Zoned Diagram).
 - d. Framework Diagram FA:016A (SUDS and Watercourses).
 - e. Drawing Protocol Diagram DP03B.

SUPPORTING INFORMATION – CONDITION 6

1. Framework A Landscape Imagery – 1091/010 Rev B.
2. Landscape Masterplan (1+ 2) – 1091/009 Rev C.



DISCLAIMER
 The information in this document is the property of the planning authority and is confidential.



NOTES

Final site boundary to be agreed upon information provided by Council Representatives Ltd.

This drawing will be superseded by the final planning and all structural reports, zoning and where necessary to establish final site lines and areas.

Site to be used in accordance with the final approved planning permission. The quality level may be subject to change following final design and development process.

Potential Development Land B, primary infrastructure and B&A facilities is shown in orange. All other final design details subject to future planning application.

Boundary indicates area to be retained following development process.

Play spaces indicated shown in blue with structures.

UNIT DENSITY

Provision for 2020 houses with an average site coverage density of 1:1 units per acre

- Local Provision Area of this L&AP
- Local Provision Area of this L&AP, including (if 2020+ units are built)
- Local Park
- Street Development Case
- All Other Housing, (incl. all existing and existing sites)
- All Other Housing Lots
- Neighbourhood Facilities
- All Other Housing Lots
- Village Hall Facilities
- Areas of Affordable Housing
- All Other Units Necessary Line
- Boundary Line to Phase 2
- Outline Council Boundary

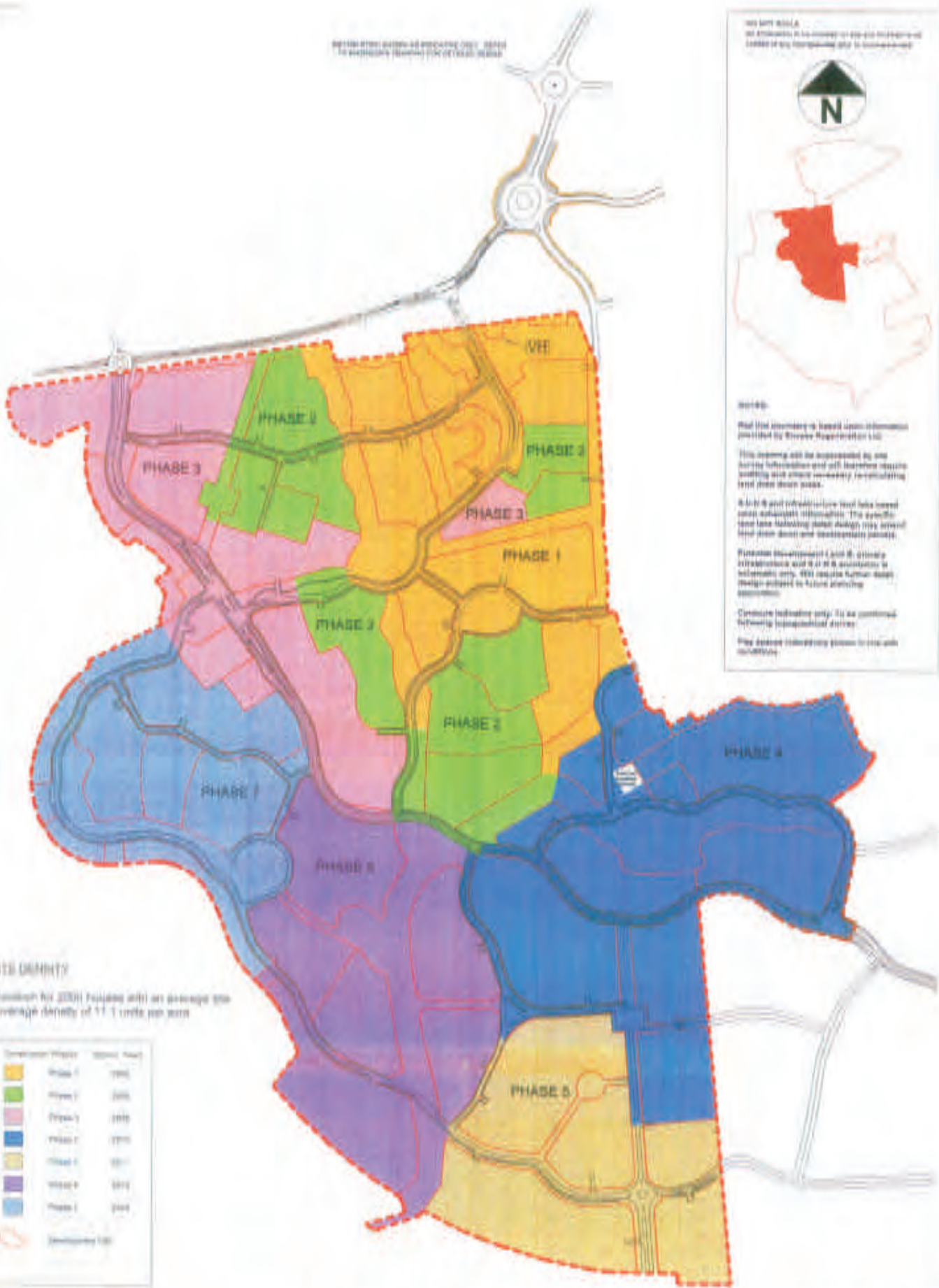
PHASES ARE ORDERED FROM PHASE ONE, SOUTH TO PHASE FIVE, NORTH TO PHASE SIX, WEST TO PHASE SEVEN, EAST TO PHASE EIGHT

NOT TO SCALE
 An attempt is to provide an overview of the location of the development plan in the surrounding area.



Notes:

- Not the accuracy is based upon information provided by Ordnance Survey.
- This drawing will be supported by the further information and will therefore require further site visits necessary in calculating and final design work.
- Site B and infrastructure will have been done subject information. The details are late following design may occur but have been and subsequent design.
- Further development (not B, other infrastructure and C) is a separate is indicated only. All details further design subject to future planning permission.
- Contours indicative only. To be confirmed following topographical survey.
- The design information shown is not an indication.



NOT TO SCALE

Phase 1 to 8 (not including site) are average site coverage density of 11.1 units per acre

Development Phase	Area (Acres)	Units
Phase 1	100.0	1110
Phase 2	100.0	1110
Phase 3	100.0	1110
Phase 4	100.0	1110
Phase 5	100.0	1110
Phase 6	100.0	1110
Phase 7	100.0	1110
Phase 8	100.0	1110
Other	100.0	1110