

5.3 National Planning Framework 3

- 5.3.1 NPF3 (June 23, 2014) (document PP9), sets out a long term vision for the development of Scotland. The SESPlan area is projected to have the second largest rate of growth of the four SDPAs – a 20% increase in population and 32% increase in households between 2010 and 2035, and therein housing requirements are and continue to be at their most acute.
- 5.3.2 NPF3 requires that SESPlan leads the way with a greater and more concerted effort to deliver a generous supply of housing land in this area, indeed “Led by SESplan, we wish to see greater and more concerted effort to deliver a generous supply of housing land in this area.”
- 5.3.3 The majority of West Lothian is a Strategic Development Area (SDA) and the appeal site is located sustainably on the edge of the principal settlement, Livingston. The proposal satisfies the terms of NPF3 in so far as it is a deliverable scheme in the short term which will make a positive contribution to the much needed housing requirement in West Lothian and the SESplan area, within the SDA, and in a location where people want to live and where development and growth can be sustainably and efficiently delivered.

5.4 West Lothian Local Development Plan

- 5.4.1 The West Lothian Local Development Plan (WLLDP) is currently under preparation, with the intention to prepare starting in 2009, expressions of interest and Call for sites in early 2011, the Main Issues Report out to consultation in 2014 and the Proposed Plan expected to be available for consultation in winter 2015. Thereafter, it is likely to be during 2017, that the new WLLDP will be approved.
- 5.4.2 The WLLDP has taken some three years to get from Call for Sites stage (early Summer 2011), to Main Issues (June 2014). Whilst not included in the Call for sites promotion, represented by the appellant at the MIR stage, the site was demonstrated to be effective, sustainable and suitable for the delivery of housing in an attractive landscaped setting, complimentary to the existing settlement and surroundings.
- 5.4.3 The emerging LDP requires to identify a housing land requirement for the periods 2009-2019 and 2019-2024 in accordance with SESplan Supplementary Guidance targets. Per the planning statement, the Housing Background Paper to the Main Issues Report (August 2014), shows at Figure 28 that, based on the 2012 HLA, the Council does not have a five-year effective supply of housing land and explicitly states that the Council is only meeting 47% of its five-year requirement. We would reiterate that even when based on the 2014 Housing Land Audit, there is still a significant shortfall to be addressed, which we calculate at 53% of the five year target being met, at best.
- 5.4.4 The MIR Development Proposals for Livingston include a heavy reliance on committed sites carried forward from the WLLP, whilst the Spatial Strategy recognises the new town as appropriate for limited growth to the south and west to some degree without leading to coalescence with other settlements. The strategy also acknowledges that there are reducing opportunities for infill development in the town.

- 5.4.5 The appeal site falls at the eastern extremity of the boundary of the proposed "Upper Almond Valley" Landscape Character Unit (LCU), and due to this discreet location, would not affect the overall landscape character of this proposed designation.
- 5.4.6 The appeal proposal sits well with the strategy for Livingston, avoiding coalescence, whilst making use of existing infrastructure and accessibility, as representations by the appellant as part of the Main Issues consultation demonstrate (documents RP1-3). Appendix D – Catchment plans for walking and cycling, gives a good indication of the ranges of local services and facilities within reasonable distance of the appeal site.
- 5.4.7 The latest Development Plan Scheme (No.7 - March 2015), indicates that the WLLDP could be adopted by spring 2017, a further two years from now and by which time the WLLP will be over 8 years old.
- 5.4.8 With a realistic phasing of 30 units per year, beginning 2016/17, development of the appeal site could be well underway (50% complete) by 2019.
- 5.4.9 The fact that the appeal site is not one of the Council's MIR preferred sites should be given little or no weight on the basis that:
- It was not represented by the landowner to the Call for Sites in 2011, meaning the site has not been assessed by the Council. This should not discount the site from consideration as an effective housing land development option.
 - The officer's report to Committee confirms that the site design is acceptable.
- 5.4.10 The Council has not issued their response to submissions made in respect of the Main Issues Report. Whilst comments in the officer's Handling report (para. 7.5) suggest the site would not be supported in any case, we find this prejudicial as the site, and others, remain to be tested through the LDP process.
- 5.4.11 The LDP Proposed Plan will require to address all of the above issues and bring forward an effective five year housing land supply in accordance with the targets as set out.

5.5 Material Considerations Overview

The site is effective, sustainable and capable of achieving a high quality residential development in the short term. SPP is the key consideration in the determination of this appeal, setting a clear policy context for:

- Obligation on the planning authority to ensure an effective five year housing land supply at all times.
- Criteria for the determination of a planning application for development of a greenfield site in the event of a significant shortfall in the five-year housing land supply, and an out of date development plan.

6.0 SUMMARY

- 6.1 WLLP is out of date in respect of housing policies. There is a recognised shortfall in the five year housing land supply, and does not accord with the SPP or the SDP.
- 6.2 The Council has failed to give sufficient weight to the clear policy context set out in SPP, and SESPlan Policy 7. The appeal proposal meets the sustainability criteria in SPP and accords with the criteria of SESPlan Policy 7.
- 6.3 West Lothian is largely a SDA, within which Livingston is the primary settlement.
- 6.4 The appeal submission clearly demonstrates that the proposal will deliver much needed housing on a site capable of absorbing development in visual and landscape capacity terms, as well as its sustainable location and access to existing infrastructure.
- 6.5 The appeal proposal can be developed without undue financial burden or pressure on any of the catchment schools. The number of homes predicted to be built between now and 2030 within the school catchment areas have been significantly over estimated by the Council. This has the knock on effect of over predicting the number of number of school places required for children arising from new developments in this part of Livingston. The analysis demonstrates there is clear capacity at the schools to accommodate the children arising from this development.
- 6.6 There is no precedent issue and in accordance with paragraph 34 of SPP, the granting of planning permission would not be premature or prejudicial to the WLLDP, which is not close to adoption or approval. Nor would development of the appeal site as proposed give rise to cumulative effects which would undermine the plan making process in any way, by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.
- 6.7 The site is accessible and close to the town centre, enhancements and improvements to existing accessibility and transportation services can be facilitated. The site is in no worse a position than other greenfield release sites in the Council area.
- 6.8 In accordance with SPP, the appeal proposal should be facilitated under the terms of SESPlan Policy 7 in order to help address the immediate and ongoing housing shortfall in West Lothian.

7 APPELLANT RESPONSE ON REASONS FOR REFUSAL

7.1 The following section provides a specific response to each of the reasons for refusal.

Reasons 1 and 2 are not relevant as SDP Policies 1A and 1B relate to the content of the Local Development Plan, as such these are plan-making, not decision-taking policies.

7.2 **Reason 3.**

The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is unallocated and the majority of the SESplan requirement for additional housing in West Lothian will be met through sites allocated in the current local plan which have gained planning permission since the local plan was adopted.

SDP Policy 5 and Supplementary Guidance set out the specific requirements for the delivery of Housing Land over the SDP period, within two distinct timeframes. Beyond that, Policy 5 is not relevant to planning applications. The Policy contains a direction to Local Development Plan to allocate sufficient land to meet the housing requirements for each period. The Council has failed to do so. Additional commentary regarding the Council's housing land allocation strategy, including reference to the "majority" of the requirement being met by existing Local Plan allocations is incorrect, per the findings shown in Appendix I and document PP1 – 2014 Housing Land Audit.

7.3 **Reason 4.**

The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. The council adopts the position that there is a generous supply of housing land in West Lothian and granting permission to this unallocated site would be outwith the terms of this policy.

Policy 6 – Housing Land Flexibility - sets out the duty of the planning authority to maintain a five years' effective housing land supply at all times, the scale of which shall derive from the housing requirements as established under Policy 5. The key message of the policy is the incumbent duty on the planning authority to deliver effective sites, and maintain flexibility in achieving this.

The Council in its Report of Handling accepts that its 5 year effective supply is 4799. This is significantly less than the 5 year requirement set out in Figure One below. The Council is therefore failing in its duty to ensure that sufficient unconstrained land is available to allow the housing requirement to be met.

The SPP, in respect of maintain a 5-year effective land supply states:

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up to date, and paragraphs 32-35 will be relevant. Thus it is not sufficient to provide a generous supply of housing land; it is the effectiveness of that supply that is paramount, in accordance with policy.

	2009-2019
Housing Requirement 2009-2019	11,420
Actual Completions 2009-2013/14	2,440
Net Requirement (for remainder of plan period)	$(11,420 - 2,440) = 8,980$
Annual Requirement from 2014	$(8,980 \div 5) = 1,796$
5 Year Annual Supply Requirement	$(1,796 \times 5) = 8,980$
Effective Housing Land Supply 14/15-18/19	4,799
Actual Shortfall	$(8,980 - 4,799) = 4,181$
Number of years supply	2.67
Percentage of 5 Year Requirement Being Met	53%

Figure One: West Lothian Five Year Housing Land Supply (based on 2014 Housing Land Audit)

7.4 Reason 5.

The proposal is contrary to policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland insofar as the site is not allocated for housing in the adopted local plan. The proposal would not be in keeping with the countryside setting of the site and the proposal does not comply with criterion (a). There are known education infrastructure issues which mean that the proposals do not comply with criterion (c).

Policy 7 – Maintaining a Five Year Housing Land Supply – sets the parameters for allowing the granting of planning permission on greenfield land when required in order to maintain a five years' housing land supply.

Criterion a. states that: "the development will be in keeping with the character of the settlement and the local area."

As a new town, Livingston has a distinct and established urban form, clearly defined as parcels development set within a generous network of greenspaces, buffer planting, amenity spaces and path networks. This is illustrated in the Design Statement, Livingston Landscape Pattern graphics, pages 42 and 43. In terms of the impacts of the proposed development therefore, it is in keeping with the character of the area.

The appeal site, and development parcels therein, were specifically chosen because of their enclosed nature and limited visual impact upon this part of west Livingston. The proposal is to maintain and enhance the existing landscape buffer to the main visual receptor, the A71, to the south and views into the site from the west are extremely limited (see LVA OS7 and Appendix E). Enhancement of landscape planting to the western boundary as proposed will add amenity value and maintain the character and setting of the town from this approach.

There remains a significant visual and physical separation between the existing Brotherton Farm and Polbeth, visually separate by between 350-500 metres of open farmland, the farm buildings and access, and the river valley.

We note that West Lothian Council have offered no formal consultation response, or objection, from a landscape officer in terms of the landscape and visual impact of the proposal. We note that the wording of Reason no. 5 also relates to the countryside setting of the site, rather than the settlement or the local area. As demonstrated in the planning submission, the countryside setting, and thus character, of the area would remain intact.

It is recognised that by allowing development of any greenfield site in order to maintain a five year housing land supply under this Policy, it is inherent that there will be a change in the character of the site and its setting. It is our view, as set out in the original submission and here, that the proposal is already well enclosed with good screening and limited visual receptors, sensitively designed and proportioned, generous in its landscaping and in keeping with the established urban form of Livingston new town.

Criterion c. relates to any additional infrastructure requirements as a result of the development being committed or funded by the developer. The Council object on this basis due to "known education infrastructure issues."

There are two reported matters of education infrastructure, the first education capacity – relates only to St Margaret's Academy, and affects all new development coming forward in the catchment. SPG exists in order to cater for windfall development, and the Council have acknowledged that the issue can be dealt with by means of a developer contribution. Appendix A to this statement demonstrates that this issue is not a barrier to the development as proposed.

In terms of education infrastructure transportation logistics it is our understanding that the Council have no policy mechanism to seek such contributions from developers, whilst they undertake to provide free school transportation for pupils living over 2 miles from their catchment secondary, and 1.5 miles for primary. The Council it would appear, prefer to use this approach as a means to constrain development, stating they cannot afford additional transportation costs, instead of promoting a policy or a positive attitude to reaching a solution with developers in order to allow them to recover those costs, as happens elsewhere.

Our position is clear in terms of education transportation logistics – as set out in Appendix B to this statement, and a solution can be offered in compliance with Policy 7.

7.5 Reason 6.

The proposal is contrary to Policy 8 of the Strategic Development Plan for Edinburgh and South East Scotland. The development site is outwith the settlement envelope of Livingston and is remote from local facilities such as shops and schools. Granting permission to the development is likely to result in an increased travel demand and lead to a resource commitment by the council in terms of transporting children to catchment schools.

Policy 8 relates to the preparation of LDPs, setting out criteria to support and promote the development of a sustainable transport network. Tagging on commentary relating to site specifics of a planning application is not appropriate under Policy 8, however in order to adequately address the concerns raised by the Council, however we would comment as follows:

According to PAN 75: Planning for Transport (document PP24), Annex B contains guidance as to accessibility to local facilities by walking and cycling – a maximum threshold of 1600m for walking is broadly in line with observed travel behaviour. The recommended guideline for access to public transport is less than 400m to a bus stop and 800m to a rail stop.

Appendix D provides a study of the walking and cycling catchment from the appeal site to local services and facilities, demonstrating that a full range of facilities can be accessed on foot, within the 1600m threshold, and by bike within 5k or a 20 minute cycle distance, per Cycling by Design 2010, Transport Scotland (page 18, document PP20).

As set out in the Design Statement and LVIA; as a new town, Livingston does present slightly different characteristics to that of the average settlement, with the character of the town and pattern of development recognised as generously spaced within a network of green spaces and pathways.

It is also pertinent that Reporters are now referring to a 1600m or 20 minute target as being an acceptable walking distance from sites to local facilities (notably in paragraph 28 of the recent decision in DPEA Reference PPA-250-2176 – document PP22).

In terms of the impact upon increased travel demand for transporting children to catchment schools, Appendix B to the Statement clearly sets out the implications of the proposed development and the associated travel requirements to catchment schools.

The Appeal Statement on Education Transport Matter (Appendix B) sets out:

- measures by which the appeal site could be served by the extension or diversion of existing school contract services, so that costs would be significantly less than those calculated by the council and reported to committee; and
- an examination of the costs of issue of school bus passes to be used on existing public transport services past the site, and demonstrates that this would cost a fraction of the Council's estimated school transport costs as reported to committee.

We would re-iterate state that SESplan Policy 8 is a plan-making policy, rather than context for a detailed reason for refusal.

7.6 Reason 7.

The proposal is contrary to Policy 9 of the Strategic Development Plan for Edinburgh and South East Scotland. There are known educational infrastructure constraints with catchment schools. Granting permission would exacerbate this situation.

Policy 9 relates to the delivery of strategic infrastructure through Local Development Plans, and is only relevant to this proposal in reasserting that the appellant is willing to contribute to any developer contributions in so far as relevant and arising as a result of this development.

To state that there are known educational infrastructure constraints within catchment schools, misrepresents the position, as demonstrated in both Appendix A and Appendix I to this statement.

The Education Statement (Appendix A) clearly demonstrates that each catchment school will have sufficient child places to accommodate the predicted children from the proposed development. Further, the statement confirms that the appellant would be happy to make financial contributions towards the planned provision of additional accommodation at St Margaret's Academy, necessary to accommodate the children from this proposed development.

A solution is available for dealing with the anticipated additional 9 pupils (2 per year) from the proposed development, as set out in the appellant's education position statement as submitted to the Council Jan 2015 (document OS8).

WLC confirmed in their consultation response (CR2) that there are no capacity issues at any other catchment school as a result of this proposal. Apart from St Margaret's, which might be dealt with as suggested in the accompanying report, there are not infrastructure constraints at the catchment schools.

We dispute reasons for refusal numbers 8-15 as set out as contrary to the adopted West Lothian Local Plan, on principle. As set out in the application submission and earlier in this statement (Section 4), the WLLP is out of date for 3 reasons:

- Age (over 5 years)
- West Lothian Council have a 2.5 year Housing Land Supply
- The WLLP was prepared to accord with the now revoked Structure Plan.

7.7 Reason 8.

The proposal is contrary to Policy ENV12 of the adopted West Lothian Local Plan as the site, which is currently open farmland, is located immediately to the west of the Livingston Area of Special Landscape Control which contributes significantly to the landscape setting of Livingston. Development of the site is likely to have an adverse effect on the woodland and its ecology.

Policy ENV 12 relates to the West Lothian Local Biodiversity Action Plan, woodland planting and the sustainable management of existing woodlands and groups of trees, will be required for development proposals in the countryside which are acceptable in planning terms.

The officer's report mentions a concentration of mature deciduous trees east of the site which could be affected adversely by development of the site – however these trees are outwith the site boundary and

would be unaffected. Existing trees within the site would be retained where possible, and enhanced through management and an agreed ratio of replacement planting. As an in principle proposal, there is scope to adequately manage all aspect of landscaping.

As set out in the original submission, illustrative masterplan (OS3), LVA (OS7) and Design Statement (OS6), the approach to designing the proposal is landscape led and contains significant areas of woodland planting and amenity space.

The Wilderness Management Plan (PP19) – prepared by the Woodland Trust includes provision for maintaining public access and management of the woodland area, stating “The Wilderness plantation provides an important area of more extensive woodland within Livingston. Lying between the A71 and recent housing developments at Adambrae, it is an increasingly important part of the infrastructure of Livingston and provides an attractive backdrop to these areas. Its value as an amenity site for recreational use is also anticipated to increase as more residents become aware of the woodland.”

The Wilderness is assessed as Grade A – high usage for Public access, and improvements will be made responding to changes in demand...ongoing development in Livingston and its environs is likely to impact on levels of use on all paths throughout.

There is a long term management plan in place to manage the Wilderness resource, and recognition of use of the woodland by local people both existing and future. There is scope under the appeal proposal to contribute to the ongoing work of the Woodland Trust to work to enhance and mitigate the potential increase in usage as a result of the proposal.

To state that the development of the site is likely to have an adverse effect upon the woodland and its ecology is unsubstantiated. There are no comments (objections) from the Woodland Trust in respect of the proposal, or input from a Landscape or similarly qualified officer. There may be an increase in use of the Wilderness area as a result of the proposal, however this fact is recognised by the Woodland Trust and there is scope for the proposal to contribute towards improving accessibility to and within the area, through developer contributions, in order to enhance the area for existing and new local users.

7.8 Reason 9.

The proposal is contrary to Policy ENV21 of the adopted West Lothian Local Plan. The site is immediately adjacent to the Livingston Area of Special Landscape Control which contributes significantly to the setting of this part of Livingston. The proposed development would detract from this designation which forms an effective landscape buffer between Polbeth and Livingston as well as a green corridor to the Almond Valley around East Calder. If developed, the woodland would lose that rural setting and the wildlife connectivity of the green corridor would be compromised.

Whilst the Council state that the proposal is contrary to the Local Plan, we would point out that the ASLC which includes The Wilderness has not been included within the candidate Special Landscape Areas proposed by the Council as part of their local landscape designation review (reference relevant MIR papers), and as such it would no longer be classified as a local landscape designation in the forthcoming LDP.

ENV21 is designed to protect ASLC from intrusive development in order to retain their landscape character. As set out, we do not consider the proposal to be intrusive development, but in keeping with the character of this location.

The Wilderness woodland area would be retained intact, with a buffer between development and the woodland. The Council under the requirements of ENV21 have neglected to secure an opportunity to enhance the facility for education and recreation purposes. The Woodland Trust provided no formal response on the application. Again we note the lack of consultation response by a suitably qualified landscape expert on behalf of the planning authority.

The proposal cannot result in visual or physical coalescence with Polbeth, as set out in the statement and supporting documents. The appeal proposal is based around a landscape structure which develops a green network through the site to link adjoining areas for both wildlife, habitat, landscaping and recreation.

7.9 **Reason 10.**

The proposal is contrary to Policy ENV22 of the adopted West Lothian Local Plan. The Livingston Countryside Belt forms an area of high amenity on this edge of the town. The proposed development within the Countryside Belt is unjustified and would neither protect nor enhance that designation.

Policy ENV22 states "Opportunities... will be sought and encouraged" to protect and enhance the Countryside Belt. Further to the illustrative proposals, detailed specifics of woodland planting and managed access to the Countryside Belt are positive opportunities that can actively be secured. The Wilderness and surrounding area are reasonably well used, however the Woodland suffers from fly tipping and may benefit from enhancement to the pathway network, education or interpretation facilities, or a general programme of woodland management.

7.10 **Reason 11.**

The proposal is contrary to Policy ENV23 of the adopted West Lothian Local Plan. The application site is outwith the Livingston settlement envelope in an area designated as the Livingston Countryside Belt. That designation was made specifically to prevent the coalescence of Livingston and Polbeth. If development proceeded it would reduce the distance between residential development in Livingston and local plan allocated housing sites in Polbeth, from over 500m to under 100m. This would result in the coalescence of Livingston and Polbeth.

WLLP Policy ENV 23 is less in accordance with Scottish Planning Policy, which does not mention coalescence, instead, planning policy principles focus on guiding development to the right place and the benefits of good design and place making.

In any case, the appeal site boundary remains some 400 metres from the settlement boundary of Polbeth. Within the site, the limit of proposed development is some 500 metres from existing housing in Polbeth. Visually the appeal site is already well enclosed, and its development as proposed will not result in, or give the impression of visual coalescence of these two parts of West Lothian.

There is a significant buffer between Polbeth, the Limefield Glen river valley, landscaping to the A71, and in general terms, the layout, orientation of Polbeth plus the remaining physical spacing of Brotherton Farm western fields, would ensure the retention of a separate identity and character for Polbeth, and it would not coalesce with Livingston visually or physically as a result of this proposal.

Appendix E provides visual analysis of the key views of the proposal and the relationship to Polbeth, both of which are significantly obscured and have very limited visual receptors (LVA document OS7).

The purpose of ENV23 is still served, as the proposed development would not lead to coalescence between settlements.

7.11 Reason 12.

The proposal is contrary to Policy ENV31 of the adopted West Lothian Local Plan 2009 as the site is located outside the settlement boundary of Livingston, where there is a presumption against development except in limited circumstances where development is compatible with a rural area. The proposed development can be characterised as an unjustified development of a greenfield site and, therefore, does not meet the criteria contained in policy ENV31 of the local plan for allowing development in the countryside.

Whilst the Council state that the appeal proposal is contrary to Policy ENV31 as it stands, it is our position that this policy is over-ridden by the considerations of SPP, SDP requirements as set out in this statement.

We would refer back to the conclusions of the Reporter in the recent case (11th May 2015) at Ferrygate Farm (Notice of Intention: document PP21), finding that whilst the proposal was contrary to the local plan Policy DC1 (Development in the Countryside), this position was superseded by the terms of SESplan Policies 5, 6 and 7, and the subsequently approved supplementary guidance contained in the Scottish Planning Policy, insofar as housing land provision is concerned.

The Reporter in this case regarded Policy DC1 as being of very limited weight in terms of providing land to meet the strategic housing requirement. His conclusion pointed to the granting of planning permission in principle, subject to material considerations.

7.12 Reason 13:

The proposal is contrary to Policy HOU1 of the adopted West Lothian Local Plan. The application site is not allocated as a housing site in the adopted local plan. As such, the proposal is contrary to Policy HOU1.

Not relevant. Policy HOU1 promoted specific development sites. It does not contain any criteria relevant to assessing unallocated development sites.

7.13 Reason 14:

The proposal is contrary to Policy HOU2 of the adopted West Lothian Local Plan. The application site lies wholly outwith the settlement boundary of both Livingston and Polbeth, as defined in the adopted local plan. As such, there is a presumption against development.

Not relevant. Policy HOU2 introduces a presumption in favour of certain types of development. It is not relevant to development outwith the settlement boundaries of the Local Plan which were set over 6 years ago.

7.14 Reason 15.

The proposal is contrary to Policy COM2 of the adopted West Lothian Local Plan. There is no locational justification for the proposed development next to the Wilderness Plantation, which is safeguarded as open space. That woodland plays an important function in the setting of Livingston and is the western end of a green corridor linking the countryside to the west of Livingston with the Almond Valley around East Calder. The proposed development is likely to have an adverse impact on that woodland.

This reason for refusal is not relevant to the proposal as no part of it relates to the loss of safeguarded open space. Commentary regarding a "likely to have an adverse impact" is an unhelpful attempt to link the proposal to this policy, which has no justification. The appeal proposal includes generous open space, landscaping and opportunities to enhance connectivity with the existing green network of Livingston and the West Lothian, matters of detail.

7.15 Reason 16.

The proposal is premature, pending the consideration of spatial strategy options in the emerging West Lothian Local Development Plan.

The appeal proposal cannot be considered premature to the LDP process according to SPP (paragraph 34), as although the proposal will contribute to the effective housing supply in West Lothian, it is not substantial at 150 units, against a total requirement of 11,420 units during 2009-2019 (or 8980 remaining requirement), nor would it give rise to cumulative effects which would undermine the plan making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.

The SPP refers to the granting of planning permission being prejudicial when a plan is under review. At the time of writing, the WLLDP Proposed Plan is not anticipated for release until late 2015, and the Council have yet to release their response to the Main Issues Report, and as such the LDP is not close to adoption or approval, and the appeal proposal cannot be considered premature or prejudicial to the WLLDP for reasons of timing, scale, location or phasing.

In the recent recalled planning permission appeal PPA-200-2027, the Reporter's findings (document PP23), Paragraph 3.79 states: *"However, the emerging LDP has not yet reached the proposed plan stage and even when it has, it will be many months before it is adopted. This reduces the weight it should be given when determining this appeal. SPP is clear that, although the planning system must be plan led, the provision of sufficient effective housing land to provide for five years of demand must be regarded as a significant material consideration. Taking all matters into consideration, I conclude that the need to provide effective housing land is more important than any benefit that could be secured by delaying the consideration of how best to address the housing supply shortfall in the emerging LDP. Furthermore, I am satisfied that a decision to allow this appeal would not be so disruptive to the emerging LDP that it would undermine the plan preparation process."* The Minister adopted the reasoning of the Reporter, in the covering letter to his decision which minded to grant planning permission for the proposed residential development on green belt land.

7.16 Reason 17.

By granting planning permission in principle, the council would set an undesirable precedent for other similar developments in the countryside. The cumulative effect of which would be the gradual erosion of rural areas of West Lothian and the coalescence of settlements and these factors would be to the detriment of the area's visual amenity and rural character.

We reject this reason for refusal, based on precedent. Each application is assessed on its own merit, and against the relevant policy and criteria of the time.

We would highlight the lack of formal consultation response from the Council to justify this opinion.

As has been established, there is a clearly defined policy context for the release of green field sites for housing development when a need is identified. The appeal proposal does not lead to the coalescence of settlements, or erode countryside, and in addition fits with an established pattern of development for this new town. As a visually enclosed site, positioned within a generous landscape setting, the proposal does not detract from the visual amenity of the area or its character.

8.0 CONCLUSION

- 8.1 The appeal site is effective and suitable for housing development in the short-term, in keeping with the character of the area.
- 8.2 Approval of planning consent for this development is appropriate in terms of national, regional and local policy and the decision-making process set out in the Act.
- 8.3 The Reporter for the Scottish Ministers is therefore respectfully requested to allow this appeal and grant planning permission in principle for residential development at Brotherton Farm, Livingston.