

### Your details (mandatory)

Please indicate in what capacity you are making this submission:

- as an individual (and representing your own views)
- as a representative of a private or commercial organisation (and representing the views of that organisation)
- as a representative of a public organisation (and representing the views of that organisation)
- as an agent (and making comments on behalf of other individuals that you represent or third parties)
- other

Please complete the following contact information:

Name	<input type="text" value="Gladman Developments Ltd"/>
Email	<input type="text" value="REDACTED"/>
Telephone	<input type="text" value="REDACTED"/>
Address	<input type="text" value="REDACTED"/>
Organisation name	<input type="text" value="Gladman Developments Ltd"/>
Client's name	<input type="text"/>

### Is this the first time you have made a written representation on the Proposed Plan? (mandatory)

- Yes  No

**If you have previously submitted a site to be considered for development when the council was initially seeking Expressions of Interest (EOI), or commented on the *Local Development Plan* at the *Main Issues Report (MIR)* stage, or made a previous submission to the *Proposed Plan* please provide the reference given to you at that time if known.**

EOI & MIR reference number can be found on any email or written communication we may have previously sent you.

Enter EOI (Expression of Interest) reference here	<input type="text"/>
Enter MIRQ ( <i>Main Issues Report</i> ) reference here	<input type="text"/>

### Once form has been completed please sign and date (mandatory)

You do not have to respond to all of the questions set out only those which you feel are of particular relevance to you.

Signature  Date

### FOR OFFICE USE ONLY

Proposed Plan reference

**Please use this form for sections:** Foreword; Background; Context; Role and Purpose of Plan; Vision Statement and Aims; The Spatial Strategy (including Policy Framework); Appendices; Glossary; Proposal Maps; Strategic Environmental Assessment (SEA) Environmental Report; Equalities and Human Rights Impact Assessment (EQHRIA); Strategic Flood Risk Assessment (SFRA); Habitats Regulations Appraisal; Transport Appraisal (TA); and Action Programme.

Section title

Page nos.

Paragraph nos.

Please see attached,

Section title

Page nos.

Paragraph nos.

Please see attached.

## **West Lothian LDP – Proposed Plan 2015 Consultation**

**Section Title:** Vision Statement and Aims

**Page Nos:** -

**Paragraph Nos:** -

**Comments:**

Gladman supports the overall vision of the LDP; capitalising on West Lothian's strategic location and supporting the CDA's, whilst also acknowledging the designation of the whole of West Lothian in the SDP as an SDA and encouraging development to meet regeneration needs and local objectives, whilst always maintaining an effective five-year supply of housing land. Our support for these CDAs and large expansion areas is conditional on them being genuinely effective and forming a part of an overall strategy, made up of these large sites and complementary smaller sites, with the larger sites unlocking infrastructure capacity for the whole of West Lothian.

**Section Title:** The Spatial Strategy – Development strategy

**Page Nos:**

**Paragraph Nos:**

**Comments:**

Gladman supports the content of Policy DES1

Gladman objects to the wording and aims of § 5.38, and the overall weight given to the HNDA2 in the Council's approach to its housing growth and target process. Whilst HNDA2 does have weight in the decision making process, it is clear that this weight is very limited. Recent appeal decisions by Ministers (notably in cases PPA-400-2045 and PPA-400-2046) that the HNDA is a policy-writing tool, not a decision-making one; and that in any event the policy which it is written to influence is strategic policy, not local policy. As there exists an adopted SDP with which the WLLDP must comply, the issue of reducing housing numbers to accord with the figures in HNDA2 is clearly a subversion of the intention of Ministers in approving the SDP.

Preparing the ground to reduce the LDP housing target to better accord with HNDA2 does not absolve the Council of its' duty to deliver the housing target set out in the current SDP nor does it excuse the Council from its' section 16 duty to maintain consistency between the LDP and the SDP.

Gladman supports the revision of the HLA format (§ 5.40) to show housing need and demand broken down by tenure type. However, this data should be presented in addition to the current format HLA, not instead of the current PAN2/2010 'requirement vs supply' format. Whilst Gladman supports the overall spatial strategy, we are concerned as to whether or not the approach to growth is entirely consistent with the approach to education infrastructure and wider infrastructure issues.

The Council suggests (at, for example §5.42) that it continues to support and promote development and continues to take a longer term view on growth, but at the same time, strongly states that all development is constrained by education infrastructure which must be addressed by the development industry and that an effective housing supply is only provided for "subject to the delivery of new education capacity".

Gladman objects to the format and content of Figure 5 (Page 22), particularly the inclusion of the third column which shows a housing land supply target for the period from 2009-2024. It is clear from SESplan and its Supplementary Guidance, as well as Ministerial correspondence in relation to that plan that the housing land requirement is to be considered as two separate periods from 2009-2019 and 2019-2024. This has been reinforced recently by the decision of Ministers in appeal reference PPA-230-2129 in which it was held that "the calculation of the housing land supply... [across a single 09-24 period]... was not in accordance with the SDP or the SG and that the council behaved unreasonably". It should also be noted that whilst Figure 3 acknowledges the additional requirements for housing allocations set out by the SESplan Supplementary Guidance, there is no further reference to these additional allocations.

In addition, the Council has shown a 'generosity allowance' in their housing land supply figures of 10%, but has not provided the "robust explanation" required by § 116 of SPP to justify this figure. The Council states in § 5.52 that it seeks to meet the requirements of SPP 2010 (as the SDP was developed to conform to that), but that merely states that the supply must be generous, not what the level of that generosity is to be. It is entirely reasonable to expect that the supply position be justified in line with the new guidance. Whilst we recognise that it is for the SDP to set the housing land supply target,

which, under SPP 2014 should include a robustly justified generosity allowance, we would note that as SPP 2014 now represents the up-to-date policy position of Scottish Ministers, West Lothian should, as other SESplan authorities have done, provide the SPP 2014 generosity allowance in the LDP.

We are also concerned that § 5.52 appears to be contrary to the vision of the Council to enable growth and house building, by ‘preparing to fail’; identifying that new allocations may not deliver until after 2019, highlighting the inability of the Council to maintain a five-year supply in the short-term, and again highlighting how the whole strategy is in the hands of developers delivering infrastructure on other sites. This is despite a mechanism being in place within the SDP for making up any shortfall in housing land supply.

Our assessment of the current West Lothian housing land supply position, which demonstrates that the Council is failing to maintain a five-year effective housing land supply is below. The table also shows the effect of the range of the generosity allowance on the housing land supply position in West Lothian.

Description		Figure	Figure	Figure
West Lothian Housing Land Supply		No generosity applied	with SPP §116 10% generosity	with SPP §116 20% generosity
Housing requirement <i>Source: SESplan SG Housing Land</i> <i>Period: 2009-2019</i>	(a)	11,420	12,562	13,704
Length of plan	(b)	10	10	10
Annual housing requirement	(c)	1142	1256	1370
Completed plan years	(d)	5	5	5
Total housing completions in plan period	(e)	2,428	2,428	2,428
Net residual housing requirement	(f)	8,992	10,134	11,276
Years remaining	(g)	5	5	5
Net revised annual completion rate	(h)	1,798	2,027	2,255
5 year requirement adjusted against delivery	(i)	8992	10134	11276
Effective housing land supply (HLA 2014)	(j)	4791	4791	4791
<b>Number of years supply</b>	(k)	<b>2.66</b>	<b>2.36</b>	<b>2.12</b>
<b>Percentage of 5 year requirement</b>	(l)	<b>53%</b>	<b>47%</b>	<b>42%</b>

**Section Title:** The Spatial Strategy – Infrastructure issues

**Page Nos:**

**Paragraph Nos:**

**Comments:**

Whilst Gladman supports the over-arching concept set out in the plan and planning policy more broadly that infrastructure is required for development, and that it is appropriate for development to fund infrastructure, we object to the broad principal set out that all infrastructure should be forward-funded by the development industry.

This places an undue burden on the development industry which will see the desire for growth set out in the LDP trapped in a 'vicious circle' whereby development cannot happen for lack of infrastructure, but infrastructure cannot be funded for lack of development. It is therefore the role of the Council to 'take the first step' and proactively seek infrastructure solutions (for education in particular) in order to unlock development. The Council could then seek to recoup this funding from the development industry, in a similar manner as used in Edinburgh for the tram project and in Midlothian for the Borders Railway. Similarly, the Council must seek to ensure that the Core Development Areas, such as Winchburgh, contribute to the planned growth both by delivering units on their sites, and by delivering the infrastructure provided for by the relevant section 75 agreements and 'unlocking' development across West Lothian.

It is neither sustainable, nor consistent with the planning policy vision for Scotland as a whole, the South East of Scotland SDP area or West Lothian to continue to suggest that the entire LDP strategy hinges on one element of infrastructure provision, and then defer implementation of that to a third party. It is inappropriate in the context of planned-for growth in the SDP area to state that the delivery of education infrastructure on one site is the key to 'unlocking' the entire Council area for development, and that the Council will play no part in the delivery of that solution.

Fundamentally, we are concerned that the proposed plan, whilst allocating land for development, in addition to reaffirming the existing allocations and CDAs, is all conditional on infrastructure solutions (the plan states that "an effective supply is identified, subject to the delivery of new education capacity") which the Council does not seek to deliver itself ("a key requirement will be the need for developers to work together to fund and deliver new schools and key infrastructure" and "in the absence of increased funding from the Scottish Government to the Council, the onus of securing education provision the secure new development falls to developers"). The Council, as education authority, does have a statutory obligation to "*secure that there is made for their area adequate and efficient provision of school education*". As such, whilst there is a role for the development industry to play in assisting in solving education infrastructure issues, the Council is under a statutory obligation to educate pupils in their area, and this is not subservient to the planning regime.

Gladman therefore objects to the wording of Policy INF1, as it places the infrastructure burden solely on developers and the lack of flexibility in the wording will stifle development. The wording should be amended to allow more flexible funding options for infrastructure and the Council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

**Section Title:** The Spatial Strategy – Affordable Housing

**Page Nos:**

**Paragraph Nos:**

**Comments:**

Gladman supports the move towards a requirement for 25% affordable housing on residential sites within West Lothian. We would suggest that the Council should allow developers of residential sites to deliver the affordable housing on their sites themselves. This would leave the Council free to pursue its' affordable housing scheme on other sites and ultimately lead to higher levels of delivery of affordable housing, and in particular, social-rented housing, which the Council identifies as being in greatest need. The Council should be far more flexible in its approach to genuinely delivering the full range of affordable housing in addition to meeting their own manifesto goals on the social rented side; more private market housing can deliver more affordable housing integrated into individual developments, as affordable housing does not carry nil-value for private developers. The development industry can deliver a range of housing for the affordable sector, with new models being developed; including low cost, shared equity etc. The approach for only social rented by WLC is too narrow and won't deliver sufficient quantity. Council owned land should be used to deliver significant affordable housing and not sold (as several sites have been recently) for profit for private market housing.

**Section Title:** Action Programme

**Page Nos:**

**Paragraph Nos:**

**Comments:**

Gladman is concerned that the Action Programme, like much of the LDP places too much reliance on the development industry for funding and action, and that many of the actions identified are listed simply as "TBA" or "developer". This means that the Action Programme is little more than a list of projects required, rather than a programme which genuinely serves to implement the vision, aims and strategy of the LDP. The lack of specific timescales means that accurate development forecasting is impossible.

The Council should acknowledge the receipt/impact of s75 monies and increased council tax revenue from new development in terms of recouping cost for infrastructure which the council may have to bear in the short term.

**Section Title:** LDP Supplementary Guidance (SG) and Planning Guidance (PG)

**Page Nos:**

**Paragraph Nos:**

**Comments:**

Gladman is concerned that much of the guidance, and in particular, that relating to infrastructure is 'to follow', especially when delivery of this is so central to the strategy of the plan. Given the time which has elapsed since the adoption of the SDP with which the LDP conforms, and the time taken to progress the LDP to this point, we would wish to see more detail on the required SG/PG. Given that the purpose of Supplementary Guidance is to deal with the provision of further information or detail in respect of the policies or proposals set out in the plan, we would question whether the amount of supplementary guidance proposed is appropriate, and perhaps suggests that the plan itself is not sufficient.



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### FOR OFFICE USE ONLY

Proposed Plan reference

Settlement	Linlithgow		
Site address / location	Clarendon Farm, Linlithgow		
Site Ref	H-LL10	Page nos.	198

Gladman supports the proposed allocation of land at Clarendon Farm for residential development as site LL-10. The scale of development which the allocation envisages for the site has clearly been demonstrated as effective and suitable by the recent application and appeal for residential development of the site (DPEA reference PPA-400-2046). That appeal also clearly demonstrated that subject to the resolution of education infrastructure issues (which, the LDP identifies can be resolved through the delivery of the education solution provided for by the existing section 75 agreement relating to the Winchburgh CDA), the site is suitable, well-located, accessible, sustainable and that there are no technical constraints to the delivery of the site.

Despite the reservations expressed in the plan over delivery of new sites in advance of 'an education solution', the scheduling for new sites allocated in the LDP shows that 108 units will be delivered in advance of 2019 in Linlithgow (on sites H-LL 3, 5, 6, 7), with 24 of these being on the Clarendon Farm site (site H-LL10).

Although Gladman supports the allocation of Clarendon Farm as a residential development site, we do not consider that the 'Transportation' comments are valid; as demonstrated in the recent application and appeal, the site can be safely and suitably accessed via Clarendon Road, without the visual-impact, heritage-impact, sustainability and connectivity-issues and ownership issues to which an Edinburgh Road access would give rise.

We are also concerned that the catchment area schools listed in the 'Education' column are not the schools which the Council has previously identified as being appropriate for this site. In particular, the allocation appears to suggest that Linlithgow Bridge Primary School is the non-denominational primary school for the site, whereas the previous appeal failed due to capacity issues at Low Port Primary School.      CONT - >

Settlement			
Site address / location			
Site Ref		Page nos.	

## Additional comments

Please use this space to add any additional comments which have not been covered elsewhere in this questionnaire.

Similarly, there exists a flooding and drainage solution which has met with the approval of the relevant technical bodies, as well as the Minister, and protected species surveys were carried out for the previous application.

All of this demonstrates that the site is effective and deliverable; the education issue referred to can be dealt with either through the phasing of the development (as set out in the Council's programming), catchment review or the extension/new-build of schools required in connection with the CDA consents. The Council has a statutory obligation as education authority to provide education facilities for pupils within its area, and there exists a proposal (through the provision of new schools at Winchburgh, secured through section 75 agreements) for capacity which should be available to development in Linlithgow, being made available again for pupils in Linlithgow.

The site is available and effective and can be delivered in the short term to the benefit of West Lothian, with the cooperation of the Council on education infrastructure matters.