

**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:

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Organisation name	<input type="text" value="HolderPlanning"/>
Client's name	<input type="text" value="EWP Investments Ltd"/>

**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

Enter MIRQ (Main Issues Report) reference here

**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	<input type="text"/>	
Page nos.	<input type="text"/>	Paragraph nos. <input type="text"/>
<p>Please see attached submission.</p>		

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Page nos.	<input type="text"/>	Paragraph nos. <input type="text"/>
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Please use this form for sections: The Spatial Strategy and Development by Settlement

Settlement	<input type="text"/>		
Site address / location	<input type="text"/>		
Site Ref	<input type="text"/>	Page nos.	<input type="text"/>

Please see attached submission.

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Please see attached submission.

### Additional comments

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

Please see attached submission.

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Proposed West Lothian  
Local Development Plan  
Representation

Housing Supply & Demand

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On behalf of

EWP Investments Ltd

20<sup>th</sup> November 2015

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Submitted by  
**HolderPlanning**

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## 1. Introduction

- 1.1 This representation considers issues relating to housing supply and demand and the adequacy of the Proposed West Lothian LDP in addressing the requirements of SESplan, its related Supplementary Guidance and Scottish Planning Policy.
- 1.2 As described below, the content of the Proposed LDP is not consistent with any of these, and therefore cannot be progressed to adoption in its current form.

## 2. SESplan and Supplementary Guidance (SG)

- 2.1 SESplan is the Strategic Development Plan (SDP), which was approved in 2013. Policy 5 (Housing Land) explains that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built in the SESplan area. Moreover, it indicates that the requirement for the period 2009 to 2019 is for 74,835 houses. It then goes on to say that:

***“Supplementary Guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 – 2019 and in the period 2019 to 2024”***

- 2.2 Table 3.1 of the Supplementary Guidance identifies West Lothian’s housing requirement as 11,420 homes for 2009 – 2019 and 6,590 homes for 2019 – 2024. In accordance with SESplan Policy 5, sufficient housing land therefore needs to be allocated within the West Lothian LDP to enable these numbers of houses to be built in each period.
- 2.3 **Figure 5 of the Proposed LDP shows clearly that this is not achieved, as it shows a shortfall of 3,263 homes by 2019.** As explained in Section 3 of this report, the housing shortfall is in fact far greater than this, but it is unclear why the Council is promoting the Proposed LDP in this form, when even by its own calculation it is deficient.
- 2.4 We therefore assume the Council’s position is that the content of the Proposed LDP is based on the view that part of the housing requirement for the period 2009 – 2019 can be deferred to the period 2019 – 2024. However, recent appeal decisions in West Lothian and other SESplan Council areas have categorically determined that this is not a reasonable or logical argument to make. Most recently, in November 2015, the Scottish Ministers awarded expenses against Edinburgh Council in respect to a recalled appeal on a site known as The Wisp, for the following reason:

***“In relation to the calculation of the housing land supply in the context of this appeal, the council chose to calculate a total plan period figure to 2024. SESplan, the Strategic Development Plan (SDP) and its associated Supplementary Guidance (SG), contains Policy 5 which clearly states in the last sentence of the first paragraph that the requirement for each council area should be met for each of the two periods, up to 2019, and 2019 to 2024. In neither written statements or at the hearing did the council provide a satisfactory explanation for their contrary approach. I conclude that the calculation of the housing land supply by the council, in relation to this appeal, was not in accordance with the SDP or the SG and that the council behaved unreasonably”.***

2.5 As well as being contrary to SESplan Policy 5 and the Supplementary Guidance, the Proposed LDP is also contrary to SESplan Policy 6, which states:

***“Each planning authority in the SESplan area shall maintain a five years’ effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5”.***

2.6 In contradiction of this, paragraph 5.41 of the Proposed LDP states:

***“However, the LDP must start to recognise the changing demand for housing both in terms of tenure and scale flagged up by HoNDA2. In particular, the most up to date demand figure will be used to calculate the five year housing land requirement in the context of a revised housing land audit process...”***

2.7 In previous paragraphs, the Proposed LDP describes the recent HoNDA as a material consideration and refers to the content of the SESplan 2 Main Issues Report. In our view it is fundamentally wrong to suggest that either of these documents comprise material considerations for the Proposed LDP. By law, this LDP must be consistent with the Strategic Development Plan. The new HoNDA has no policy status, and has not yet even been translated into a draft future housing requirement for West Lothian, it being notable that the SESplan 2 Main Issues Report did not make recommendations in that regard. The SESplan 2 Main Issues Report is a consultation document and, as it acknowledges itself, is not even a draft plan. It therefore, has no status in relation to the West Lothian Local Development Plan.

2.8 In summary, therefore, the Proposed LDP is contrary to SESplan in two main respects. Firstly, it does not allocate sufficient housing land to meet the housing requirement identified in Policy 5 and, secondly, it proposes to calculate the 5-year housing land supply in a manner against the express terms of Policy 6. Both these approaches would have the effect of suppressing the delivery of housing to meet the requirement agreed by West Lothian and the Scottish Government in 2014.

2.9 As explained in paragraph 119 of Scottish Planning Policy, the West Lothian LDP is required to allocate a range of sites which are effective or capable of becoming effective to meet the housing requirement of the Strategic Development Plan up to year 10 from the expected year of adoption. As the adoption date is expected to be 2017, the Proposed LDP there needs to identify sufficient land to meet the housing requirement until 2027.

2.10 The Proposed LDP does not do this, and instead only identifies a housing requirement up until 2024. In order for the LDP to be consistent with Scottish Planning Policy, it therefore needs to identify an additional housing requirement for the period 2024 – 2027 and the additional sources of housing supply that will meet this requirement.

2.11 The following section considers in greater detail the changes required to Proposed LDP Figure 5 in order to achieve consistency with SESplan and Scottish Planning Policy.



### 3. West Lothian Housing Supply and Demand

- 3.1 Figure 5 of the Proposed LDP purports to explain how much housing is required in West Lothian and how much is being provided to meet the requirement. We disagree with some significant aspects of the content of Figure 5, which are described below. There is also some confusing terminology, which is not helped by the fact that some definitions have been changed by new Scottish Planning Policy (SPP 2014) since SESplan and the Supplementary Guidance were approved.
- 3.2 It should be noted that following publication of the Proposed LDP, we and other parties sought more detailed information regarding the derivation of the housing numbers in Figure 5, as for some reason there was no background technical document, which is provided with most other Proposed LDPs. The Council eventually provided us with some background information, but unfortunately this was too late to fully assess its content before the deadline for this representation. The document provides the detailed programming estimates for all anticipated housing sites, and it is our initial view that it is highly optimistic in its assumptions for the delivery of constrained sites and new LDP allocations. We are able to comment on this below, in general terms, but reserve the right to submit further detailed comments in due course.

#### Definitions

- 3.3 SPP 2014 introduced the phrase Housing Supply Target (HST), which is defined as the total number of homes that will be delivered. This is the same as the definition of 'Housing Requirement' used in SESplan and the Supplementary Guidance. The potential confusion arises because the definition of Housing Land Requirement in SPP 2014 is defined as the Housing Supply Target + Generous Margin (SPP Diagram 1).
- 3.4 The terminology in Figure 5 of the Proposed LDP is therefore incorrect. Line A should be called the West Lothian LDP Housing Supply Target and not the Housing Land Requirement. Line C should be called Housing Land Requirement. We have reproduced Figure 5 (Revised) below using the correct terminology.

#### Revised Figure 5

- 3.5 The following paragraphs explain our proposed revisions to the figures contained in LDP Figure 5.
- 3.6 Aside from the confusion in definitions described above, Line A correctly identifies West Lothian's partitioned housing supply targets i.e. 11,420 homes in the period 2009 – 2019 and 6,590 homes in the period 2019 – 2024.

#### Generosity

- 3.7 Line B proposes a generosity allowance of 10%. Paragraph 116 of Scottish Planning Policy states that the Housing Supply Target ***“should be increased by a margin of 10 to 20%...the exact extent of the margin will depend on local circumstances but a robust explanation for it should be provided in the plan”***. The Proposed LDP does not provide an explanation, and it might be assumed that the figure of 10% has been chosen because it is the lowest possible.

3.8 The Scottish Government has elaborated on the meaning of the term ‘generosity’ in its response to the proposed SESplan Schedule 4 on housing issues as follows:

***“To be clear, the Scottish Government’s view is that a generous land supply is arrived at by first identifying a robust and justifiable housing requirement, and then allocating more than enough (their emphasis) land to meet this. Generosity is therefore a concept associated with the housing land supply and not with the housing requirement. It is also inherent in the concept of a generous housing land supply that not all allocated sites will in fact be developed.”***

3.9 In short, the function of the generosity factor is to make up for losses that are likely to occur over the life of the plan. The generosity margin to be added to the housing supply target should therefore reflect the degree of certainty as to the deliverability of the housing land supply that has been identified to date.

3.10 In our view, a sensible and realistic approach requires to be taken to generosity. If a very optimistic approach is being taken in the LDP towards the delivery of housing supply from the various sources, particular if this includes constrained sites and windfall, then clearly this increases the risk that the supply will fail to a significant degree. In these circumstances, therefore, it is sensible to apply the highest generosity factor i.e. 20%.

3.11 Our Revised Table 5 accepts the Council’s apparently optimistic estimates for the delivery of constrained sites and the new allocations. However, should more detailed analysis of the Council’s proposed programming establish that the delivery estimates are so over-optimistic that even a 20% generosity allowance is unlikely to be sufficient to ensure that the supply is adequate to meet the requirements, we reserve the right to make further comment on Figure 5.

### ***10 Year Housing Requirement***

3.12 The Proposed LDP only provides for meeting the housing requirement for 7 years after the date of its adoption (2017 – 2024). As explained above, this is contrary to Scottish Planning Policy, which identifies 10 years as the relevant period. We have therefore attached additional columns to Revised Table 5 to show this additional requirement and the housing supply contributions.

3.13 As the SESplan Supplementary Guidance only identifies a West Lothian specific housing requirement up until 2024, it is necessary to consider what additional housing requirement needs to be identified for the period 2024 – 2027. In our view it should derive from SESplan Table 2, which identifies the housing requirement in the 8-year period from 2024 – 2032 as 47,999 houses for the region as a whole. This would equate to 18,000 homes for the 3-year period from 2024 – 2027. If one then applies the same relative distribution between the SESplan Council areas as agreed in the Supplementary Guidance, which would be 17% for West Lothian, which is equivalent to an additional housing supply target of 3,060 homes. With the addition of 20% generosity, this would amount to a housing requirement from 2024 – 2027 of 3,672 homes.

3.14 The information provided by the Council does not indicate what the predicted supply over that period 2024 – 2027 will be. Clearly this needs to be known in order to establish what the shortfall will be and from this the requirement for additional allocations.

3.15 Revised Figure 5 shows that land for an additional 4,415 houses needs to be allocated to achieve the SESplan Policy 5 house-building requirement for the period 2009 – 2019. Figure 5 also shows a shortfall of 1,418 houses by 2024. From this it is implicit that at no point between 2017 and 2024 will there be an adequate 5-year housing land supply. There is an additional requirement for the period 2024 – 2027, but the Council has not provided enough information to establish how many additional housing sites are required to meet this.

**Revised Figure 5**

<b>Setting the LDP Housing Land Supply Target</b>	<b>2009 – 2019</b>	<b>2019 - 2024</b>	<b>2009 - 2024</b>	<b>2024 - 2027</b>	<b>2009 - 2027</b>
(A) West Lothian Housing Supply Target	11,420	6,590	18,010	3,060	21,070
(B) + 20% to ensure a generous supply	2,284	1,318	3,602	612	2,214
(C) LDP Housing Land Supply Target	13,704	7,908	21,612	3,672	25,284
<b>Meeting the LDP Housing Land Supply Target</b>					
(D) Effective Supply	4,799	4,279	9,078	?	?
(E) Constrained Sites coming forward	642	3,716	4,358	?	?
(F) Housing Completions 2009-2013	2440	0	2,440	0	?
(G) Windfall	480	400	880	?	?
(H) Demolitions	-568	-100	-668	?	?
(I) Total Supply from Existing Sources (D + E + F + G – H)	7,793	8,295	11,730	?	?
<b>(J) House building Target to be met through new LDP allocations (C – I)</b>	<b>5,911</b>	<b>- 387</b>	<b>9,882</b>	<b>?</b>	<b>?</b>
<b>New LDP Allocations</b>					
(K) Estimate of Total Houses Built on New LDP Allocations	1,496	2,610	4,106	?	?
(L) Shortfall/Surplus	4,415 Shortfall	2,997 Surplus	1,418 Shortfall	?	?

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Proposed West Lothian  
Local Development Plan  
Representation

Objection to Countryside Belt,  
Armadales

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On behalf of

**EWP Investments Ltd**

20<sup>th</sup> November 2015

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## **1 Introduction**

1.1 Paragraph 5.114 of the Proposed LDP describes Countryside Belts as *“spatial designations, and critical planning tools somewhat like statutory greenbelts around Scotland cities, for the purposes of controlling urban spread into the countryside”*.

1.2 In effect therefore, the Proposed LDP is proposing to designate large swathes of countryside around its principal towns as greenbelt, but by another name i.e. Countryside Belt. Such an approach is contrary to Scottish Planning Policy, which states in paragraph 49 states that:

*“For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where a planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy...”*

1.3 In our view, there is nothing exceptional about West Lothian’s towns that merits equivalent designations to green belt, and it is notable that the Council has not provided any detailed analysis to justify the identification of Countryside Belts in the LDP.

## **2 Coalescence and the Countryside Belt**

2.1 The Council contended in its response to the Southdale MIR submission that development of the land to the south of the existing allocation would result in coalescence. The new proposed masterplan has scaled back the extent of developable land so that there is a significant distance between any development and the boundaries of the site. This distance is sufficient to allow the existing woodland to be augmented by a significant area of new community woodland.

2.2 Whilst Proposals Map 4: Bathgate suggests that development to the south would disrupt the flow of the Countryside Belt, in reality the development would have little or no impact. Preliminary studies which will ultimately inform a Landscape and Visual Impact Assessment suggest that the topography and existing woodland is almost sufficient as it stands to ensure that the development would have little or no visual impact on the edge of Bathgate, the edge of Whitburn or views from the Countryside Belt or the M8 corridor.

2.3 The new proposed masterplan illustrates extensive new woodland, which would effectively conceal any development in this area. The depth of woodland is a minimum of 120 metres deep, which is four times the minimum depth stipulated in the Proposed LDP for the boundary treatment to the south of the employment area illustrated in Proposals Map 4.

2.4 It is important to note that the land to the south of the existing allocation was formerly an opencast mine. The land has not been restored to agricultural quality in accordance with the terms of the planning permission for the opencast mine, and there is therefore an argument that by granting consent on part of this land (approximately 50%), the remainder would be brought into beneficial use as an active community woodland. This is a circumstance that is particular to the Southdale site and it does not suggest a precedence for unrestricted development in the Countryside Belt.