



Representations to  
West Lothian Local Development Plan  
Proposed Plan

on behalf of

A W Land Purchases Ltd

Westwood/Freeport Village,  
West Calder,  
West Lothian  
EH55 8QB

20th November 2015

## Previous references

1. The site has been subject to previous representations under the following references:

Call for Sites representation reference	EOI 0161
Main Issues Report representation reference	MIRQ 0164

2. The representations were that the site should continue to be identified as an opportunity but should not be constrained in terms of the site area identified and that the policy approach should be more flexible as endorsed by the MIR.

## Background

3. The Freeport Factory Outlet Centre was originally developed in the late 1990s following planning permission originally granted on appeal by Scottish Government following a Public Local Inquiry in 1997.

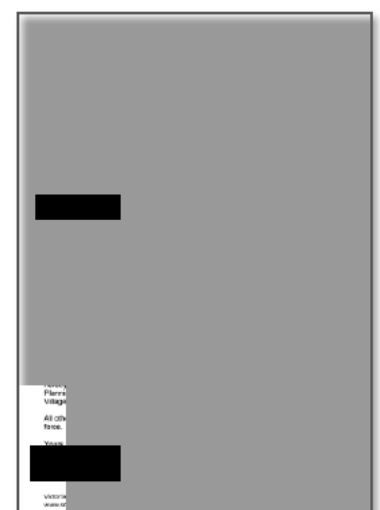
4. The first phase was opened in August 1996 and comprised some 4,780 square metres of gross retail floorspace. A second phase of some 3,654 square metres gross floorspace was then developed and an application made for a further extension of some 1, 672 square metres with additional 136 car parking spaces plus various leisure and community facilities proposals - golf range, community church, field study centre, adventure play area, animal farm, garden centre and nature trail.

5. At that time Freeport Village was the only factory outlet centre in Scotland.

6. The site was then made subject of a specific Direction dated 27<sup>th</sup> June 2000 from Ministers that any application for further development and extension at Freeport should be directed to them for consideration.

7. On 30<sup>th</sup> March 2010, Scottish Government formally cancelled the Notification of Applications Direction.

8. Since the initial development of the factory outlet centre, further significant investment in Livingston town centre and changing macro-economic circumstances led to the demise and eventual closure of the shopping centre in 2004.



*Scottish Government cancellation of referral direction*

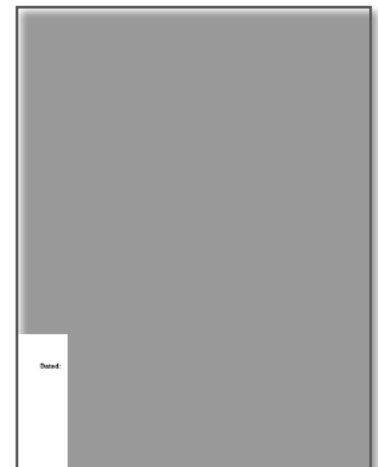
9. Discount fashion retailers and the emergence of sub-prime brands have moved discount retailing into the High Street and the emergence of retailing over the same period has meant that once popular specialist destinations have been undermined. The phenomenon is global and many discount centres in North America have suffered a similar fate although there appears more appetite in parts of mainland Europe for specialist discount or outlet centres to complement traditional forms of retailing. They are often anchored by a major brand as the key attractor, often paying little or no rental.

10. Since then, various proposals have been considered for re-use and re-development of the centre and the buildings have been used on an ad-hoc basis, most notably recently for the filming of cult Zombie themed films.

11. An application for re-development of the site, including 53 houses, was continued by West Lothian Committee in October 2009 following initial objections raised due to lack of information submitted with the application at the time including environmental impact concerns such as landscape, visual, traffic, drainage, and heritage issues. Muir Smith Evans LLP was appointed after that time and the technical and environmental concerns were subsequently overcome and all objections withdrawn by moving new build elements further from the bing and reducing the scale of new build housing development from 53 units to 30. Planning Permission 0488/P/09 was approved on 29<sup>th</sup> August 2013 for re-use of the existing buildings for retail and a variety of additional potential uses and up to 30 residential units.

12. Commercial property market interest has been expressed from time to time and the current site owners have sought to cement these – most recently for complete re-use for retail purposes in mid 2010 which prompted the CLOPUD application at that time.

13. West Lothian Council has also confirmed that, provided that the development is carried out in accordance with the planning permission and the terms of the planning obligation, retail use at the site is permitted by the planning permission along with other uses indicated is lawful. West Lothian Council has issued a Certificate of Lawful Use (CLOPUD) and the site continues to be identified as an opportunity site in the West Lothian Local Plan and the emerging draft local development plan.



*CLOPUD for retail, leisure, food and drink uses*

14. All existing floorspace could be used for retail under the terms of Use Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and or any of the other uses specified in the planning permission 0488/P/096 including Class 3 and Class 10.

15. There is no restriction in that permission on the type or range of goods to be sold or any quantum or limit on net or gross floorspace. The buildings are currently vacant. The previous use of the buildings was for Class 1 retail purposes.

## The buildings and location

16. The buildings are designed to create a village feel with a clear design language that provides a focal point at the entrance and a traditional street design that provides enclosure and shelter.

17. The site has previously been subject to extensive mineral activity and further detailed reports are being prepared on ground conditions and stability of the immediately surrounding area as well as the existing and potential provision of infrastructure and services.



*The entrance to the village*

18. The site lies on a relatively flat plateau directly to the west of the iconic landscape feature of the area – the Five Sisters Bings. The bing is also owned by the current landowner and there is therefore potential to explore how it can be incorporated into a more comprehensive approach for re-development to include education, leisure and tourist related uses as well as a range of potential uses for the main site itself.



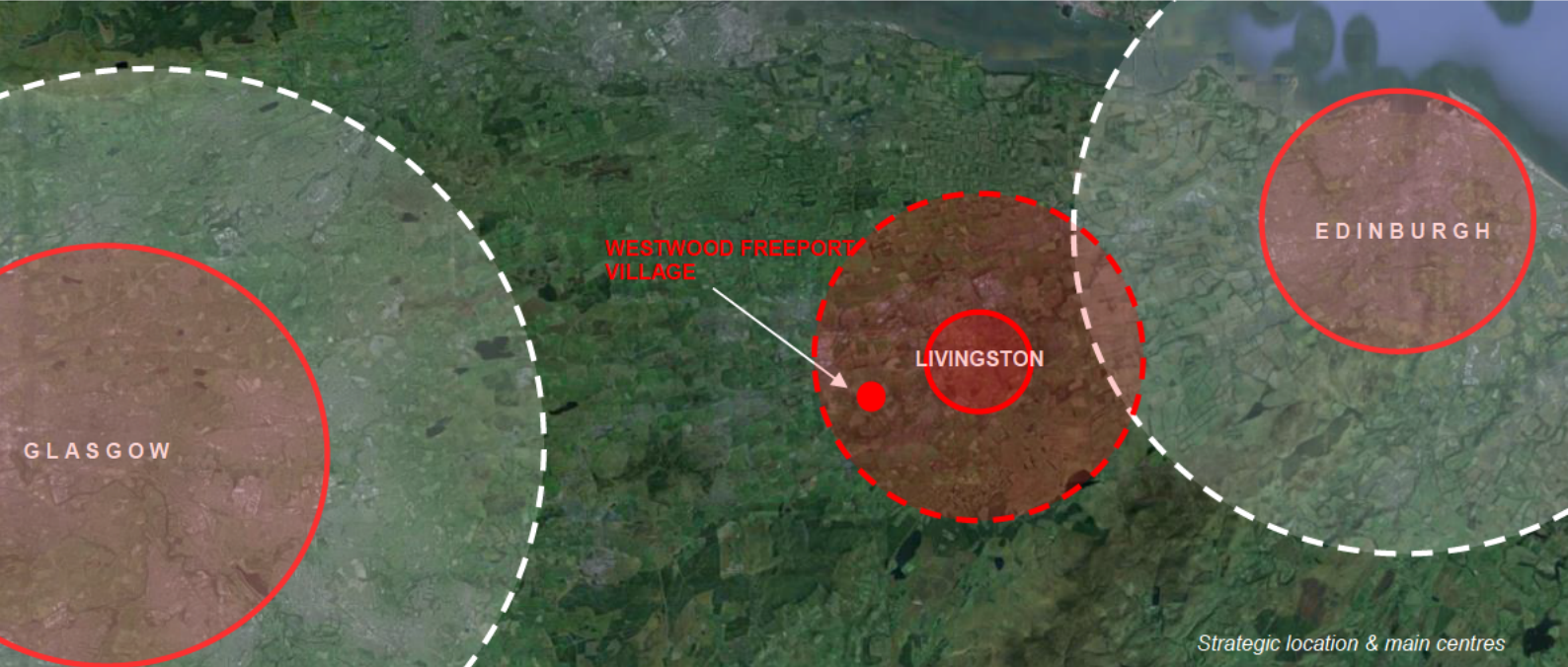
*The centre of the existing village*

19. It is unlikely that all of the current buildings are capable of viable conversion but the main elements and focal point could be for the core hub of activity of centre of a new village concept.

20. The site is located to the west of Livingston and to the south of Blackburn and is accessed via the B7015 a short distance (some 3.4m) from junction 4 of the M8.

21. The site is also strategically well located for main centres of population of Livingston (4 miles), Edinburgh City Centre (22 miles) and Glasgow City Centre (30 miles).

22. The site is therefore highly accessible to the surrounding area and beyond. However, it is not currently well served by public transport. The provision of new bus services would therefore be a prerequisite of any significant new use of the site.



## Issues

23. The site has been identified as an opportunity site for re-development with potential for re-use for a mix of commercial and residential uses.
24. The site is brownfield and strategically well located although remote from local services and infrastructure. It is close to, but not quite on the edge of Livingston and the key growth areas defined to the east. In more strategic terms it is not that remote and the provision of a frequent and regular bus service would respond to any criticism that the site location was unsustainable.
25. Re-use of a brownfield site and the economic benefits that new investments and development would bring would be sustainable and supported by planning policy at local, strategic and national levels.
26. Whilst general re-use and re-development is supported it is restricted and conditioned. The planning permission and the definition of the site in the Local Development Plan Proposed Plan restricts development to an unrealistic area covering just the existing car park yet expects development to be of a high quality and low density. Surely restricting the area for development to such a degree would lead to cramming not planning a layout that respects the surrounding location and the relationship with the bing.
27. The policy position proposed does not recognise that an additional car park would require to be constructed to serve the existing floorspace and places an unrealistic and unreasonable restriction on the site. Such an approach does not recognise the economics of development or the difficulties in delivery.

28. The approach taken by West Lothian Council has restricted the development potential of the site and has been counter to the stated aims of local development plan policy.

29. A series of meetings have been held with senior and experienced officers at West Lothian Council and the particular circumstances of the site and difficulties in delivery have been discussed.



30. A property agent has been appointed to advise on a range of development scenarios and to assess the potential market interest. In addition, further baseline technical information has been reviewed and the potential for a more creative solution has been considered. This process is at an early stage at present and firm proposals cannot yet be submitted to West Lothian Council.

31. It is therefore appropriate to identify Freeport as an opportunity that requires a viable cross funding and delivery mechanism for re-development. This should be subject to a policy position that requires a delivery framework and strategic masterplan or strategic development framework that considers how the site can better respond to its surroundings and exploit the relationship with the Five Sisters Bings Scheduled Ancient Monument to provide for wider economic and environmental benefits.

32. This approach should be supported by local development plan policy and should agree a basic multi-agency approach that works on a collaborative basis to deliver wider planning objectives.

33. This should also recognise that alternative forms of development might be appropriate in principle provided that technical and environmental issues are properly considered and any potential impacts mitigated.

34. However, more recently, there has been little other market interest in the site and the site owner now wishes to review the potential re-development of the site and the planning strategy for taking new proposals forward.

35. There might be limited demand for use of some of the existing units for small scale and informal commercial enterprises including one off events and pop-up events/shops but no extensive interest by mainstream retail or leisure occupiers. It is therefore appropriate to consider alternative complementary uses that might make re-development commercially viable and stimulate market interest.

36. Mainstream residential on part of the site and limited retail and commercial provision in a few core units could be complemented by other retirement/care/nursing type uses. This could include additional limited retail and commercial floorspace for shops, café, health, leisure, golf, keep fit, outdoor clothing and garden centre type uses.

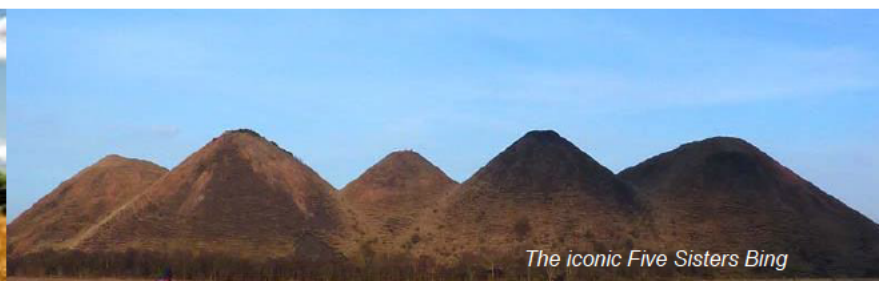
37. An ageing population demographic will result in greater demand for retirement and healthcare. Operators in England and Wales are already providing specialist top end facilities but the Scottish market is relatively immature. There are a number of different components and these are outlined below. Overall, the strategy is to gain some interest and support in a revised approach where the brownfield site is comprehensively re-developed.

## Opportunities for complementary uses

38. A range of residential led opportunities should be assessed as part of a masterplan brief for the site.

39. There are many examples of garden city inspired new villages on former industrial sites proposed across the UK. Development at a more modest scale that builds upon the core of what exists on site at present should be examined to see what is viable and how development could be shaped and delivered. This would require a more positive planning policy response and a more proactive and market alignment policy response. Without this, it will remain difficult to re-develop the site as it currently stands.

40. The main problem is a planning system and policy approach that cannot even contemplate something that is slightly different. There are many other sites, some of them greenfield sites, that are identified for new housing development across West Lothian. Freeport is a brownfield site that requires a kick start or leg up to get things moving, yet the policy response appears to attempt to make things as difficult as possible to achieve wider stated policy aims. It is a reluctant and measly response where a more considered and deliverable policy response would be to work with the developer (as the existing local plan states) and come up with something that is worthwhile and could be an exemplar of doing something differently. The objective should be to re-use and deliver a concept 'model village' with a range of uses that actually works.



41. A pro-active policy approach that actually intended something to happen would not come up with such a restrictive wording that purports to support development but by its conditionality renders it impossible to deliver.

42. Uses that should be considered and not automatically discounted should include a mix of the following:

- Mainstream residential;
- Mainstream residential for downsizers;
- Affordable housing;
- Retirement village;
- Homes with care;
- Sheltered housing;
- Assisted living;
- Care homes;
- Nursing homes;
- Mixed commercial uses – limited local retail (potentially reflecting recreation activities associated with the bing); café/coffee shop; leisure; garden centre; crèche/nursery/soft play; community use;
- Outdoor play, leisure and recreation for children and adults and active and passive recreational uses, including Five Sisters Bing including interpretation and management e.g. running trails, walks, mountain bike tracks, adventure/explore play and challenge courses, zip wires, golf skills/60 60 golf/driving range, archery;
- Education and skills learning workshops;
- Landscape as Art installations – including floodlighting of the bings, major sculpture installation to reflect heritage of bings;
- Tourist accommodation (budget/glamping/lodges/ caravan pitches).



*Floodlight Quarry*

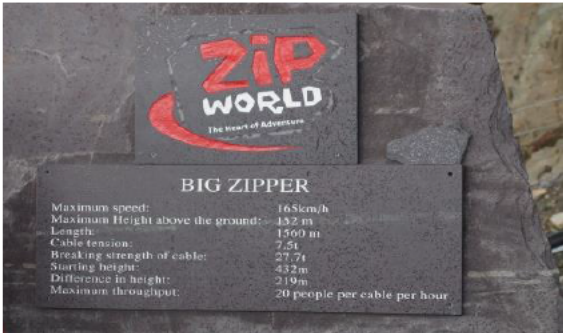


*Floodlighting of The Kelpies*



43. The success of any development framework for the site and the surrounding area will be to include a viable mix of uses that appeals to a range of sectors of the population, different age groups and to locals and visitors alike.

44. There are many examples of successful outdoor play and recreation for children and adults alike ranging from urban to rural locations including industrial heritage and former workings such as quarries and award winning regeneration projects. The images on the following page provide a snapshot of what *could* be provided and uses that would be appropriate and deliver a significant shift in the way the bings and surrounding area are perceived. The bings could become a focus for events and recreation for Livingston, and West Lothian in general. They have such a distinct identity but require a more open and enabling policy approach to deliver a viable economic investment.



*Outdoor uses can be active or passive for children and adults*

## Transformation through policy

45. Policy should focus on delivery and be pro-active. It is easy to produce a seductive masterplan but one that does not deliver. It is essential that the policy approach is realistic and market aligned to reap most benefit from the potential of the site.

46. A key difference now is that the Freeport Village site and the Five Sisters Bing are owned by the same parent company. There is therefore the opportunity to promote a more strategic and comprehensive vision for the wider area that was not the case previously. It is clear from the evidence led at the previous local plan inquiry that council officers did not support any identification for housing at the Freeport site.

47. However, it is important now that West Lothian Council understands the economics of viability of development and provides a positive, flexible and creative policy response based on a comprehensive masterplan for the site that requires committee support and approval.

48. The existing policy boundary relates only to the residential element and reflects the planning permission boundary. This is unnecessarily restrictive and does not reflect the current development plan policy position.

49. The existing local plan policy identifies Westwood (Freeport) as an **Exceptional Development Circumstance** under **Policy ENV38** – it does not have a restrictive boundary and the text of the plan and the policy wording provides the context and definition of the policy objectives.

50. The local plan recognises that the complex contains various sized buildings within a village setting - consisting of retail units, restaurants and leisure facilities - has been moth-balled and that the council is keen to see its re-use or re-development, rather than let the complex fall into dereliction.

51. It goes on to state at paragraph 3.104 that ***“Given these exceptional circumstances, the council will not be overly prescriptive or otherwise restrictive in terms of alternative uses. Demolition and re-development would be acceptable.”***

52. However, what is now suggested is overly restrictive in terms of the land take and definition of area that is suitable for re-development for residential purposes.

53. It also recognises that the key to any re-use or re-development will be to respect the setting of the Five Sisters Bing scheduled monument as well as the site's setting within an Area of Special Landscape Control; and the need to address the site's relative inaccessibility.



John Latham, *Five Sisters* 1976 – Tate Gallery

54. It notes that there may be opportunities to pursue alternative leisure or tourist related uses, specialised employment uses, including starter Class 4, art-and-craft related activities, or institutional uses appropriate to a rural setting.

55. It suggests that the council will work with other parties to promote the re-use of this site and that the council would require any proposal to take into account, and integrate with, the emerging masterplanning proposals associated with the West Livingston/ Mossend CDA.

56. The plan states that any proposal would need to be submitted as a fully integrated and masterplanned scheme in its own right.

57. The plan also states that a very low density housing development of no more than 30 houses, meriting a rural location and confined to the development envelope of the factory outlet centre, will be considered if it enables an appropriate mixed use scheme to be put in place. The developer would be required to demonstrate that housing was required to enable the other uses.

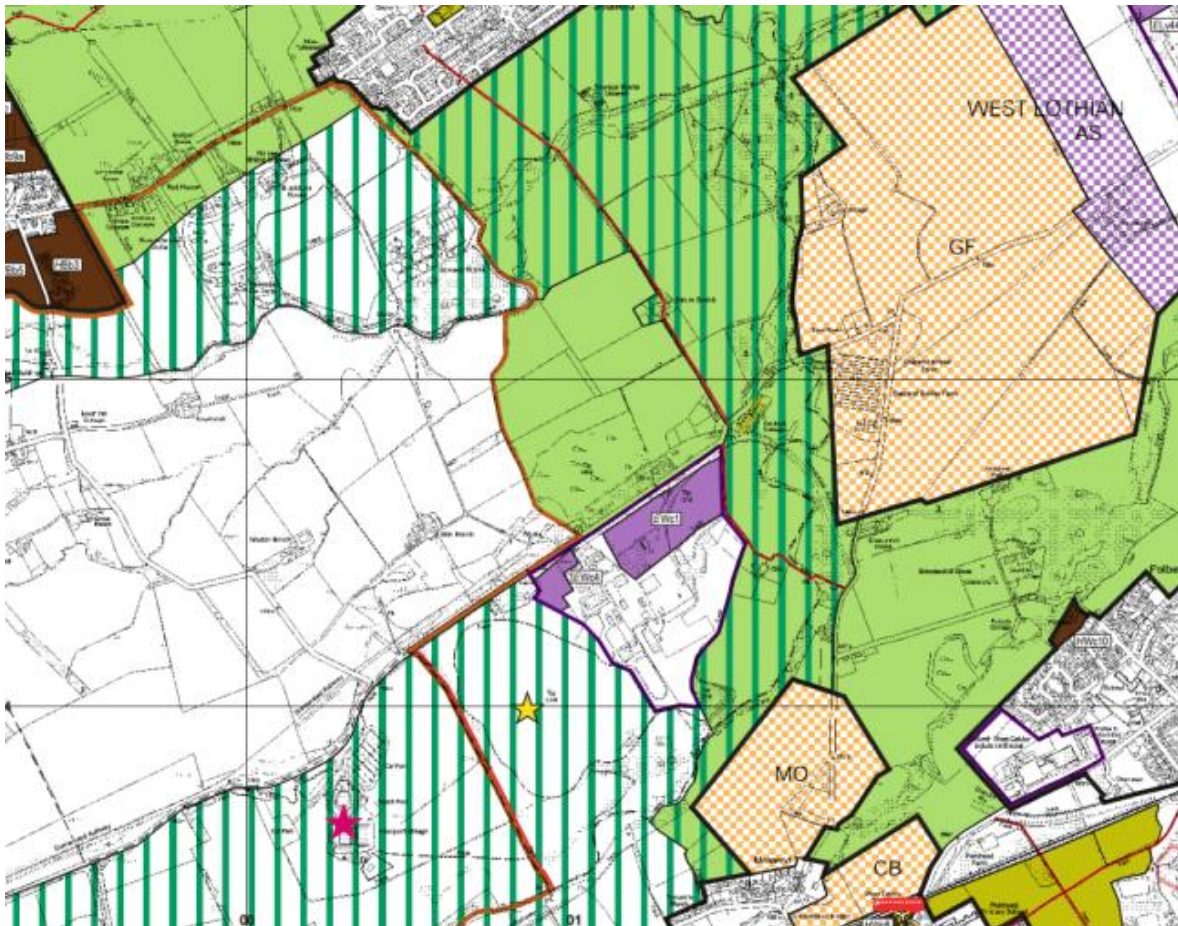
58. The plan recognises that a planning brief should be prepared for the site, and consultation undertaken with the local community.

59. Consequently, Policy ENV 38 of the adopted plan states that:-

*“The re-development, or re-use, of Westwood (Freeport), near West Calder, previously operating as a factory outlet centre, is supported by the council. Leisure and tourist uses, specialised employment, starter units (Class 4), or institutional uses appropriate to a rural location will be supported. Some element of new or extended building outwith the development envelope on site and/or housing (very low density and a maximum of 30 houses meriting a rural location, all confined to the development envelope) will be*

considered, where this is shown to be necessary in terms of the financial viability of an appropriate scheme. The guiding principles that will apply to the site are:

- the setting and scale of any development must respect the location of the site within an Area of Special Landscape Control;
- any extensions, re-development, and new buildings must not be higher than the height of the existing village complex;
- development, re-development or re-use must specifically promote both the principles of sustainable transportation, by including proposals that support the use of public transport, walking and cycling and the appropriate landscape treatment of the site.”

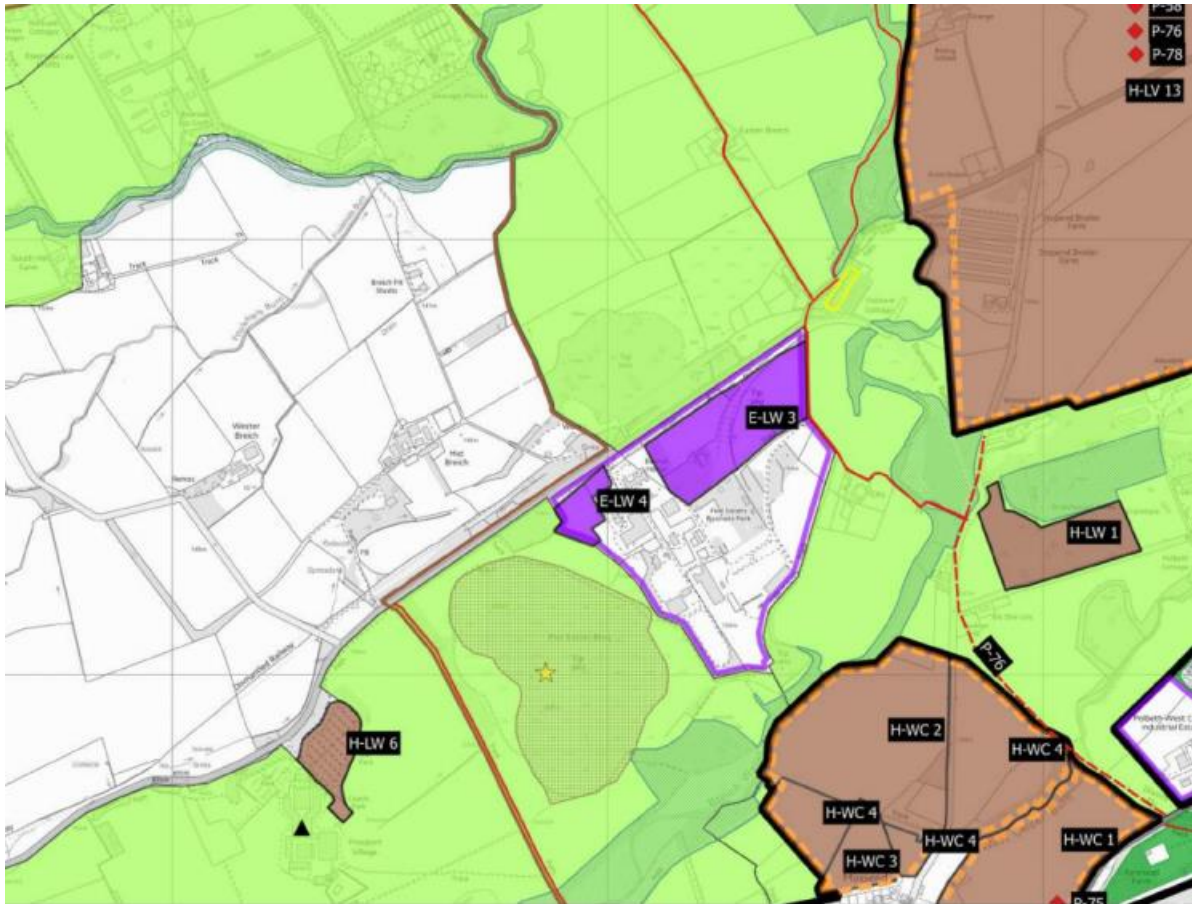


Existing West Lothian Local Plan Proposals Map with no specific boundary and opportunity site reference ENV 38

60. However, we suggest that the return from development will depend very much on the overall viability and costs associated with development – including financial contributions through planning obligations – as well as the end value at the point of sale. Property investment and development

usually requires a return of 20% of Gross Development Value and the limit of any housing should be informed by an up to date and reliable residual appraisal of any proposal rather than simply adhering to a rigid limit.

61. Other sites have been identified and promoted for housing development nearby that do not have the characteristics or challenges that Freeport has. One such example is site HLW1 Gavieside Polbeth for 46 units on a 3.4 ha site some 2 miles to the east of Freeport and the 1,900 units proposed at Livingston West/Gavieside Farm (HLV 13) (see extract from LDP Proposed Plan map overleaf). The proposals map simply restricts and shrink-wraps the opportunity at Freeport as the existing permission does. The line drawn that represents the landward area where very low density housing is appropriate appears to be specifically and intentionally drawn to exclude the Freeport site and then returns to the watercourse as the natural boundary (to the south of Freeport) as it meanders to the west. The delineation includes other land to the south and immediately adjacent to the Five Sisters Bing.



*West Lothian Local Development Plan – Proposed Plan Proposals Map with low density housing boundary drawn to the east, excluding the site and showing H-LW6 housing site constrained to the existing car park leaving no parking for the existing centre*

62. The proposals plan should also be edited to reflect the opportunity that exists to develop the Freeport site and the brown line defining the land 'to the west' of Livingston suitable for very low density housing, should be extended to include the wider Freeport site but exclude the area immediately around the bings.

63. The existing line as drawn does not reflect the existing development at Freeport, the existing planning permission for 40 houses or the potential that the site has to accommodate low density development clustered around the existing buildings or as a replacement to them including landscape enhancements.

64. Clarification is also sought on the definition of the existing Freeport site as a local Nature Reserve (indicated by the black triangle) as this appears to be within the existing development footprint.

65. In addition, specific policy reference for Westwood/Freeport Village should therefore be worded as follows:

*“Re-development, or re-use, of Westwood/Freeport Village is supported for a range of potential retail, leisure, commercial and residential uses. Some element of new or extended building outwith the existing development envelope including housing could be supported provided it is the minimum required necessary in terms of the financial viability of an appropriate scheme and delivers wider environmental and/or economic benefits.*

*Development proposals should be subject to an approved comprehensive development framework or strategic masterplan that successfully integrates with and respects the surrounding area particularly the setting of the adjacent Five Sisters Bing Scheduled Ancient Monument within a strong landscape setting and promote the principles of sustainable transportation, by supporting the use of public transport, walking and cycling.”*

66. A relevant map extract is provided below that shows suggested boundaries for the 'land to the west' where very low density housing could be appropriate and also a site specific boundary for Freeport including the Five Sisters Bin Scheduled Ancient Monument masterplan area. A more comprehensive proposals map that sought to provide a positive framework for future development and inclusion of the bin as a part of the strategy might look something like that suggested below.



*The Proposals Map should reflect the need for a wider masterplan to include the Five Sisters Bin and the area for potential development should reflect the existing developed area including car parking, overspill car park and adjacent areas.*

67. This submission is made as a genuine attempt to resolve an existing policy blockage and to deliver a worthwhile and viable development proposal that meets wider development plan and planning policy objectives. A flexible, pro-active approach is required to ensure that a strategic masterplan can deliver regeneration and change to the existing site.



Aerial view of existing disused Freeport site



View of existing disused and overgrown car park



Aerial view of regeneration of a former quarry site



Aerial view of regeneration of a former quarry site



Initial plans assessing development footprint options for Freeport site

A word cloud graphic with various terms related to housing and development. The most prominent words are 'housing', 'retail', 'vacant', 'village', 'affordable', 'homes', 'leisure', 'facilities', and 'centre'. Other smaller words include 'redevelopment', 'beneficial', 'sustainability', 'value', 'walkable', 'community', 'outdoor', 'landscaping', 'quality', 'family', 're-use', 'enrichment', 'disused', 'revived', 'tourism', 'sustainable', 'design', 'green', 'care', 'village', 'non', 'houses'.

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