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W.L.C.
D&S GROUP SUPPORT

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WL/LDP/PP/027

West Lothian Local Development Plan

Grounds of objection

This objection relates principally to the designation of the land at Wilcoxholm Farm/Pilgrims Hill ("WFPH"), Size 20 Ha, Reference H-LL 11, stated capacity 200 units as suitable for housing. In summary the grounds of objection are:

1. Landscape
2. The Union Canal
3. Flooding
4. Drainage
5. Linlithgow Loch and biodiversity
6. Traffic
7. Short distance car use
8. Parking
9. Air quality
10. Priority to brownfield sites
11. Interaction with affordable housing policy
12. Public transport infrastructure
13. Education infrastructure
14. Material understatement of impact
15. Alternative sites
16. Marketability or effective housing land

The plan, with the inclusion of this site, runs contrary to policy and fails to take into account the material considerations identified in this objection.

Taking each ground of objection in turn:

Landscape

"POLICY ENV 1 Landscape character and special landscape areas" states:

"Development will not be permitted where it may significantly and adversely affect local landscape character. ..."

The land at WFPH forms an important part of the rolling hills in which Linlithgow sits. Travellers approaching the town from the east, whether by road, rail or canal, are introduced to the town through this rolling countryside. The creation of a very large development like this would substantially alter the character of this part of the landscape. It would also remove the visual shield that the fields at WFPH currently provide in relation to the existing Springfield development.

In addition such a substantial development would materially alter and adversely affect the proposed Special Landscape Area to the south.

In my view the appropriate course would be to designate WFPH as Special Landscape Areas, or alternatively Greenfield land.

The Union Canal

"POLICY ENV 12 The Union Canal" states:

"Conservation, recreational and economic proposals associated with the Union Canal will be supported, especially at Linlithgow, Broxburn and Winchburgh, provided they:
a. sustain and enhance the natural and built heritage of the canal in its setting;
b. allow opportunities for access and biodiversity promotion and improvement along the canal and the emerging CSGN green network as a whole; ..."

The development of WFPH would be contrary to Policy ENV 12. It would be so in a number of ways:

- The canal runs through the middle of the proposed development. At present that stretch of the canal is relatively quiet and hosts a multitude of diverse flora and fauna, with wildlife ever present. The WFPH development would inevitably damage this environment and constrain biodiversity, contrary to policy. The authority should commission a full comparative study of biodiversity within the existing town boundaries and outside the town before taking a decision on this allocation.
- It is inevitable that substantial infrastructure works will be required to the existing aqueduct over Edinburgh Road if development proceeds. The historic bridge will in all likelihood be destroyed and the character of that area materially altered.
- In addition, the bridge at Wilcoxholm is one of the most iconic and perhaps most photographed canal bridges on the canal. It is manifestly unsuitable for the volume of traffic that a development on this site would bring. That suggests either it will be destroyed, or overshadowed by a replacement bridge.

Flooding

"Policy EMG 2 Flooding" states:

Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.

When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, ..."

Flooding issues are mentioned in the Proposed Plan. It is said that *"site drainage is a particularly sensitive issue in this part of Linlithgow and early engagement with SEPA, Scottish Water and the Council's Flood Manager will be required to secure a co-ordinated and comprehensive scheme of measures"* (page 199). In the same table it says: *"Consideration should be given to the flood risk from the Union Canal and flood mitigation measures and early engagement with Scottish Canals is recommended."*

Zoning of the site at WFPH fails to take into account the serious risk of flooding posed by the canal and by the low lying nature of the northern half of the land at WFPH. As such it would be contrary to policy. The site is therefore already problematic. The failure to properly assess these constraints in advance of allocation is contrary to Policy HOU 2 and PAN 2/2010 as the council cannot be satisfied that the land will contribute to an effective land supply (in the planning law sense). To take a decision without meaningful data is irrational.

There have already been issues with leaks from the canal at WFPH. Remediation works have been carried out. The substantial development and strengthening works to the canal which would inevitably be required in the context of a housing development of this size would render any development contrary to Policy ENV 12. The present proposal appears to have failed to consider the existing condition of the canal as it runs through the development site.

The risk is of flooding through (i) existing leakage and exacerbation of that leakage; (ii) natural wear and tear and additional leakage; (iii) flooding through storm events; and (iv) catastrophic failure. Each should be considered before the land is designated for housing. Any SuDS scheme would need to take into account these risks, particularly catastrophic failure, which seem unlikely to be possible given the volume of water in the canal.

More generally, the low lying ground in the northern half of WFPH quickly becomes saturated and floods when there are prolonged periods of rain. This is despite remediation measures already having been carried out.

Drainage

The challenge faced appears to be acknowledged in the draft plan, where it is said: *"There is also a potential risk of flooding to properties in the town bay due to the balancing function performed by the loch through a complex series of level controls."* (page 199) The plan fails to take into account the existing constraints on drainage. As well as the larger scale infrastructure issues, the drainage in Maidlands is already under pressure. At times of significant rain it is clear the existing drainage cannot cope. With the additional of a large number of houses the situation is likely to be worse. Before designation for housing is considered, the authority should conduct an impact assessment of a developed area being imposed on the existing drainage infrastructure.

Linlithgow Loch and Biodiversity

POLICY ENV 18 "Protection of Local and National Nature Conservation Sites" states:

"Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), and locally designated nature conservation sites will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation."

The issue with the proposed allocation of land is that no consideration appears to have been given to the impact on the biodiversity of Linlithgow Loch, albeit it appears to be accepted that there will be an impact. In these circumstances the authority cannot be satisfied that the site is suitable for development and free from constraint.

The impact of this additional run off water should also be considered in light of the environmental importance of the Loch, into which the development would drain. The catchment management plan for the Loch should be reviewed.

Traffic

The draft plan recognises the difficulty with traffic when it states, at page 199, *"Junction Improvements required...Impact on road capacity needs detail (sic) consideration."*

The proposal however fails to recognise the reality of the transportation issues. These comments relate principally to traffic flowing in from the east. There are at least 3 serious obstacles to traffic flow that already create bottlenecks, delays, congestion and pollution. They are:

1. The High Street. This an historic constraint about which little can be done. Unless a bypass is built, it is reasonably clear that the High Street cannot cope with a higher volume of traffic. Strawberry Bank is already used as a "rat run" to avoid delays.
2. The railway bridge to the east of the railway station. There is no realistic way to deal with this.
3. The aqueduct to the east of St Magdelenes. Again there is no realistic way to deal with this given the proximity of housing, and the requirement to safeguard the character of the canal itself.

It appears that access to the north half of the WFPH development is planned through the small Maidlands development. This access road is already under pressure due to a lack of parking spaces and is almost always single land only. It is unlikely to be suitable for a greater volume of traffic.

Before such a large area of land is allocated it is only sensible that the authority consider the reality of the constraint and the measures needed to release those

constraints such that the land becomes effective (in the planning sense) (Policy HOU 1).

Short distance car use

Policy TRAN 3 calls for Core Paths and Active Travel. However development of WFPH will simply add to the burden of the already inadequate infrastructure. Decision makers should recognise the reality of wind, rain, ice and snow when considering concepts such as Active Travel. Material facts are that it is 1.5km from Wilcoxholm Farm to the train station (as measured on Google Maps). It is 2.5km from Wilcoxholm Farm to the Academy. It is about 1.5 km to Low Port Primary School. The reality is that any development on the site would generate substantial additional short distance car use, contrary to policy.

The existing local plan states:

"6.30 The adopted Linlithgow Area Local Plan (1994) established the principle that Linlithgow had reached its environmental capacity. Problems of traffic congestion and parking in and around the High Street and station area are particularly acute and of justifiable concern to the community."

The removal of the area of restraint policy does not mean there should be a free for all. The issues identified in the 1994 Plan have not been ameliorated. They have worsened. In the circumstances to allocate land for some 200 houses would appear irrational in the absence of a clear understanding of how the issue of environmental capacity will be addressed.

Parking

Allied to the issue of short distance car use is the issue of parking. No consideration has been given to the existing constraints on parking. The problem is identified, but not addressed. Adding a development with a capacity of 200 units will simply add to the parking difficulties.

Air quality

Apart from the challenges of short distance car use, the addition of at least 200 units will generate an unacceptable level of pollution through short distance traffic and commuter traffic. This is recognised in the draft plan:

5.241 Air quality in central Linlithgow has been and continues to be a significant source of concern. The problems are principally associated with high volumes of stop-start traffic in the High Street, which in most cases has no alternative practical east – west route. The combination of peripheral housing developments and major retail and education facilities outwith the centre of the town give rise to a significant volume of cross-town short distance car use. Short distance journeys are disproportionately polluting. Further development which generates additional traffic

in Linlithgow High Street and Low Port can be expected to worsen air quality. Air quality in Linlithgow High Street is currently being monitored and a statutory 'Detailed Assessment' is currently being carried out. Early indications are that an Air Quality Management Area will be recommended and if declared, it is anticipated that an Air Quality Management Area would be for PM10 and potentially also for NO2.

"POLICY EMG 4 Air Quality" states:

"...

Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively or where development proposals cause unacceptable air quality or dust impacts, or would result in sensitive uses, which give rise to air pollution concerns, being located within or close to uses with potential to generate such pollution."

While smaller incremental development could perhaps be presented for approval and not have a material impact on air quality, to propose such a large area for development in the face of "a significant source of concern" bears to be contrary to policy and indeed irrational. This is particularly so when there are obvious alternative areas for development in other areas.

The sources of additional traffic are mentioned above in the context of short distance car use.

Priority to brownfield sites

The proposed plan appears to have failed to take into account the policy of priority to brownfield sites.

"POLICY EMG 6 Vacant, derelict and contaminated land" states:

The redevelopment of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the LDP.

For example the area of land to the west of the bonded warehouses and north of St Magdalenes lies vacant. The planning status is not clear, but policy would suggest that this site should be prioritised for housing.

Public transport Infrastructure

The proposal fails to take into account the reality of the public transport infrastructure. The railway infrastructure, even taking into account the electrification of the Edinburgh/Glasgow line, is at capacity for the ordinary commuter. Ask anyone commuting between 7.30 and 9am. The development at WFPH will only attract more commuters. A preferable approach would be to focus development on other clusters around other stations where there may be additional capacity.

The council appears to have relied unduly on a "on your bike" approach to transport. Bus services are unlikely to be provided as the through road will be Edinburgh Road, and the most likely scenario is an additional volume of short distance car journeys. Those without cars are a considerable distance from the nearest school, train station, supermarket and doctors surgery. Even if bus services are provided, this will only add to the congestion in the area and in particular on the High Street.

Education infrastructure

Linlithgow Academy is at capacity. It is not clear how the education needs of children from this area would be catered for. Either way there is a clear need for transport services, which would place an additional burden on the transport infrastructure with school buses adding to the congestion in the High Street.

Material understatement of impact

The proposal suggests that the site would have a capacity of 200 units. However the land owner's Expression of Interest indicates that the land would support 22-25 units to the hectare. With 20 hectares, that is 440 to 500 units.

In the circumstances the plan proceeds on an error of fact.

Alternative sites

In the circumstances the plan should carefully consider other sites in the area to meet the housing need. Within Linlithgow, notwithstanding the removal of the area of restraint policy, the reality of the capacity constraints mean that development should be carefully phased, with development proceeding (and zoning controlling that development proceeding) as outlined in the draft plan itself:

"5.65 The sequential approach to new development being supported in Linlithgow/ Linlithgow Bridge is to be followed with the priority being given firstly to brownfield sites within the current settlement boundary, secondly appropriate and suitable greenfield sites within the current settlement boundary and, thereafter, greenfield release outside the current settlement boundary. Any release of land would also follow a sequential approach with preference given to those sites which are closest to the town centre, including the railway station, are within walking distance of catchment schools and other services are acceptable in landscape and townscape terms and avoid impacting on water quality of Linlithgow Loch Site of Special Scientific Interest. Developers of greenfield sites are required to demonstrate that development of their site is appropriate taking account of the wider policy framework in the LDP and would not prohibit development of a brownfield site within Linlithgow/Linlithgow Bridge."

The existing limit for "walking distance" to the Academy is the aqueduct bridge on Edinburgh Road. The proposal at WFPH is further away than that, and so runs contrary to the Council's own guidance.

The appropriate course is to limit zoning for development, and reconsider when the development plan comes up for renewal.

Marketability or effective housing land

In the draft plan it is said that:

"5.50 In preparing the housing sections of the LDP, the council is required to have regard to national planning policy as set out in SPP2014 and Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits. Amongst other things, these documents require local authorities to provide a generous housing land supply to meet housing need across all tenures and to maintain at all times a five year effective supply of housing land.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing. Planning Advice Note 2/2010 'Affordable Housing and Housing Land Audits' provides details on matters to be taken into account in the determination of effective housing land and SESplan has separately set out a common approach to the measurement of the five year land supply in a paper entitled Maintaining a Five Year Effective Housing Land Supply (18 May 2015) which the council endorses and supports."

These comments inform Policy HOU 2 "Maintaining an Effective Housing Land Supply". None of the constraints identified in these representations are addressed in any way which could give the authority the ability to say that the site at WFPH is free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing. In the absence of appropriate data to inform the scale of the problem for this site and the scale of the remediation required, development at WFPH would be contrary to policy, contrary to PAN 2/2010 and indeed irrational.

The observation is not theoretical or hypothetical. The authority clearly accepts the infrastructure and environmental constraints that apply to Linlithgow. It would be unreasonable and irrational to proceed without data to illustrate how those constraints would be addressed.

