

Head of Development Planning
Planning and Economic Development
West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

22 November 2015

Dear Sir,

OBJECTION TO THE WEST LOTHIAN PROPOSED LOCAL DEVELOPMENT PLAN

NEW HOUSING ALLOCATION – H - LL 12 PRESTON FARM

The proposed allocation of land at Preston Farm (site H – LL 12) is entirely misconceived in terms of both planning justification at the level of both strategic and local development plans, and, development planning guidance from the Scottish Government. It contravenes the requirement to accord with the terms of the strategic development plan, “the SESplan”. In that regard it does not comply with statutory requirements. Based upon an overview of legislative requirements and national and strategic planning policy, one must question the extent to which there has been any legal review of the proposed Local Development Plan (“pLDP”). By way of example, in paragraph 3.1 of the pLDP it is stated that one of the main statutes of relevance to the formulation of local plan policy is the “Planning (Scotland) Act 1997. No such statute exists and it is presumed that this is a reference to the very well-known central plank to the legislative framework for planning in Scotland, namely the Town and Country Planning (Scotland) Act 1997. Such a fundamental error does indicate that there has been no proper legal review, as any planning lawyer with even a limited amount of experience would have identified this gross error; as should even a new graduate in town and country planning.

The justification for removing the proposed housing development site from the protected environmental designation of AGLV (to be re-classified as Special Landscape Area), is entirely lacking. The starting point is the strategic development plan and in that regard the only justification for releasing a greenfield site to meet the five year housing land supply is on the basis that¹:

¹ Policy 7 of the SESplan

- (a) The development will be in keeping with the character of the settlement and local area**
- (b) The development will not undermine green belt objectives; and**
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.**

By virtue of the existing designation of the site as part of an AGLV (Area of Great Landscape Value), to be re-classified as Special Landscape Character, obviously there is a conflict with the first two objectives. No environmental or landscape justification has been provided to alter the settlement boundary at this location. The Council carried out a Local Landscape Designation Review in June 2013. It concluded that:

- The Bathgate Hills Landscape Unit 5 (“Part of Unit 20 considered together with Unit 5”), was untypical of West Lothian and that Cockleroy from Beecraigs Country Park was an important view point and important recreational resource.**
- Consideration of suitable boundaries to the new SLA was identified as an important consideration.**
- There is nothing within the West Lothian Local Land Landscape Designation Review that supports the piecemeal release of part of an open agricultural field that has no boundary associated with the “protected area” of the new SLA**

Based on the Council’s own review of its landscape designations, there is no proper basis for concluding that criteria (a) and (b) of Policy 7 of the SESplan can be met.

Separately, as regards criterion (c) of SESplan policy 7, the submission by Burness Paull under reference to the Technical Dossier, demonstrates that there is a failure to address the infrastructure requirements.

It is acknowledged that Policy 7 relates to developments outwith the development process but on the basis that the proposal to develop an area of land in the AGLV for housing is not currently supported by local plan policy, it is contended that this is the relevant policy.

In conclusion, it is submitted that allocation of this site would be contrary to well-established principles of planning policy and the current legal framework.

Yours sincerely

Ailsa M Wilson, QC

The Plan builds on the successful strategies, policies and objectives of the previous West Lothian Local Plan (2009) and I have every confidence that it will assist the council as it endeavours to play its part in developing a resilient, robust and dynamic economy and an enhanced urban and rural environment. At the same time, the Plan will play an important role in helping to tackle our changing climate, protecting valuable resources including the built and natural environment, developing more sustainable local communities and making the most efficient use of the transport network.

This Local Development Plan is one of the council's main policy documents and has the potential to have a direct effect on the lives of every resident of West Lothian. It will guide development up to 2024 and beyond and it sets out land-use planning policies and proposals (together with supporting Supplementary Guidance) which will provide a clear and fair basis for planning decisions, and which in turn will provide a stable framework for investment in West Lothian. It presents a major opportunity to translate corporate objectives into development on the ground, with the overall aim of generating economic growth and improving the quality of life for local residents and communities. The decisions we make now about the quality and location of development will play a major role in ensuring that our key objectives of improving sustainability and reducing social inequalities are delivered.

