

PROPOSED RESIDENTIAL ALLOCATION ON LAND AT AVONTOUN, LINLITHGOW

REPRESENTATION TO THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN - PROPOSED PLAN

ON BEHALF OF AWG PROPERTY LTD AND
CEMEX UK PROPERTIES LTD

NOVEMBER 2015

1.0 INTRODUCTION

- 1.1 This representation is submitted on behalf of **CEMEX UK Properties Ltd** and **AWG Property Ltd** in support of allocating land at **Avontoun, Linlithgow** for residential development in the **West Lothian Local Development Plan Proposed Plan (WLLDP)**.
- 1.2 In particular, it seeks to have the subject land included as one of the allocated housing sites listed in **Appendix Two** of the **Plan** and shown on the **Proposals Map** which will contribute to meeting the housing land requirement to 2024 as required by the Strategic Development Plan, all as set out in **Policy HOU1 'Allocated Housing Sites'** detailed on **Page 22** of the **Plan**.
- 1.3 It supplements the previous submissions made on behalf of the above noted parties to West Lothian Council as part of its 'Call for Sites' exercise in advance of publishing the Main Issues Report (MIR) and, the Main Issues Report itself in October 2014.

2.0 SITE DESCRIPTION

- 2.1 The site currently falls within an **Area of Great Landscape Value (AGLV)** to the south-west of Linlithgow as detailed in the **adopted West Lothian Local Plan** and, within the boundary of the **Site of the Battle of Linlithgow Bridge** which appears in Historic Environment Scotland's Inventory of Historic Battlefield(s). It also lies within a proposed **Special Landscape Area** in the **WLLDP** which it is understood, if approved, will simply replace the AGLV designation. Access is off the A706.
- 2.2 The plans contained in **Appendix 1** of this representation graphically illustrate in very general, conceptual terms, how a residential development could be physically accommodated on the subject land.
- 2.3 The 'redline' boundary of the site extends to approx. 14.3 hectares of which 9.2 hectares are identified for future development.
- 2.4 The land outlined in blue on the plans in **Appendix 1**, which is wholly within the control of CEMEX UK Properties Ltd and AWG Property Ltd, would be the subject of a Community Management Plan with a focus on nature conservation and appropriate public access and, be gifted to the local community in perpetuity as an integral part of any future detailed proposals for the subject land.
- 2.5 The site has 'brownfield land' status on account of its history of extensive sand and gravel extraction with the established Brookfield Metal Recycling works at its core, all as detailed on the '**Existing Site Plan**' presented in **Appendix 1** of this representation.
- 2.6 **Page 360** of the **Environmental Report – Strategic Environmental Assessment (SEA)** suggests that the site (**WLLDP Ref E01-0054**) could potentially accommodate up to 500no. units. This is incorrect and is based on a previous misconception that the site proposed for development was much bigger and included the land outlined in blue.
- 2.7 Covering a developable area of **9.2 hectares** and, given the likely future type and mix of housing which would be developed on the site, it could accommodate up to **210no. houses**.

- 2.8 In not being given 'preferred status' as a proposed housing allocation in the **WLLDP**, it is noted on **Page 362** of the **SEA** that the reasons given are largely predicated on the site's status within a designated AGLV and that, built development at this location would constitute a physical and intrusive incursion into the countryside, beyond the limit of existing development.

3.0 PLANNING POLICY SUMMARY OVERVIEW

- 3.1 The allocation of the site for housing purposes would be wholly consistent with Scottish Government's objectives of delivering high quality, design-led residential environments in sustainable and accessible locations, all as articulated in **Scottish Planning Policy (2014)**, **Designing Streets (2010)** and **Creating Places (2013)**.

- 3.2 The site also compares favourably with the criteria for assessing 'effectiveness' listed in **Paragraph 55** of **PAN2/2010: Affordable Housing and Housing Land Audits** as follows:

- **Ownership:**
The site is within the ownership of landowners who are committed to releasing and delivering the site for development as proposed.
- **Physical:**
Unlike some of the proposed allocated sites on the eastern side of Linlithgow as listed in **Appendix Two** on **Pages 194-200** inclusive of the **WLLDP**, there are no known constraints such as slope aspect, flood risk (as informed by a preliminary assessment) or ground stability associated with the site. Furthermore, as advised by the conclusions of the **Transport Statement** included at **Appendix 5** of this representation, subject to detail, the site can be accessed off the adjoining road network via the A706 in a safe and satisfactory manner in accordance with the appropriate design standards.
- **Contamination:**
Although previously the subject of sand and gravel extraction, the site has no history of contaminated land uses which would prejudice its ability to be developed for housing. There may be some issues associated with the Metalworks, but these will likely be localised and easily mitigated.
- **Deficit Funding:**
There is no requirement for any funding to be committed by public bodies to make residential development of the site economically viable.
- **Marketability:**
The site is located within a well established housing market area and can be developed and delivered within the plan period with confidence.
- **Infrastructure:**
There are no known constraints in terms of waste water treatment and water supply. Furthermore, both non-denominational and denominational primary school capacity is not an issue as advised in the **Education Report** presented at **Appendix 7** of this representation. However, in common with all other potential, large scale residential

development sites in Linlithgow, secondary education capacity will remain a constraint until such time as a new secondary school is built at Winchburgh (**Page 150, MIR and Paragraph 5.64, Page 26, Proposed Plan**).

- **Land Use:**
Housing is the sole predominant use for the site.

4.0 SITE ASSESSMENT

- 4.1 Following the 'Call for Sites' exercise in 2012, West Lothian Council produced an '**Expression of Interest Report**' which assessed each of the sites submitted for consideration. This report goes much further than the comments made regarding the subject site **Ref No. EOI-0054**, articulated on **Pages 360, 361 and 362** of the **Environmental Report (SEA)** which accompanies the **Proposed Plan**.
- 4.2 In this regard, the '**Expression of Interest Report**' highlights a number of potential constraints that would require to be overcome if the site at Avontoun were to be supported for future development.

These can be summarised as follows:

- Loss of prime agricultural land (class 3.1);
- Archaeological issues on account of the subject land being wholly contained within part of the Site of the Battle of Linlithgow Bridge;
- Educational capacity issues;
- Flood risk on account of the close proximity of the River Avon, Cauld Burn and the Union Canal;
- Noise associated with the adjoining Brookfield Metals industrial site;
- Vehicular access;
- Ecology on account of badgers being recorded within the site by Scottish Natural Heritage (SNH);
- Visual impact on account of the site's location within an Area of Great Landscape Value (AGLV); and,
- Being too remote/detached from existing development and services, rendering it an unsuitable location for housing.

Prime Agricultural Land

- 4.3 Loss of prime agricultural land (**WLLDP Policy ENV4**) is inevitable if the housing land allocations in the emerging Local Development Plan Proposed Plan are to be achieved. In this regard, it is noted that the larger proposed housing allocations for Linlithgow being promoted by the Council in the **Proposed Plan** on **Page 89** and in **Appendix Two, Pages 193-200 inclusive**, all involve the loss of prime agricultural land.
- 4.4 The subject land was previously prime quality agricultural land prior to sand and gravel extraction. Such status no longer applies as the site was never restored to this level post extraction. Loss of prime agricultural land is therefore not an issue.

Archaeology

- 4.5 With respect to the site's 'Battlefield' status (**WLLDP Policy ENV31**), Historic Environment Scotland has previously advised that 'there is capacity for development on the site'. Furthermore, in addition to the established Metalworks site, the proposed development areas have been significantly disturbed on account of the site's history of mineral extraction.
- 4.6 Notwithstanding, as advised in **Section 7.3 Mitigation** of the **Updated Heritage Assessment** presented at **Appendix 4**, the landowners are acutely aware of the sensitivities of the Battlefield. In this regard, it is intended that the north-eastern extent of the proposed development area, nearest to the viaduct and around Pace Hill, would be left as open green space and that, residential development would be concentrated to the south and east. This would allow for the preservation of a key landscape feature of the battle and a key viewpoint from the high ground at Pace Hill to the west across the River Avon and towards Manuel Priory. Furthermore, the heights of buildings would be restricted in order to minimise visual intrusion on views from the lower ground where Lennox's forces advanced up to the top of the ridge where Arran's men were deployed. To aid interpretation of the battle, it is intended to maintain pedestrian links across the development between the Lennox Cairn at the junction of the A706 and Mill Road and the Avon Trail to the north. This would ensure that the Battle of Linlithgow Bridge Project's Battlefield Trail would remain easily accessible to members of the public. (See Plans in **Appendix 1**)
- 4.7 In addition to the design features that would be built into any future detailed plans for the site to manage change sensitively, the development would also provide an opportunity to increase amenity and access to the Battlefield and to the Battlefield Trail. This would be achieved through increased provision of interpretation within the site. The landowners are aware of strong community interest in projects surrounding the Battle of Linlithgow Bridge including for example, The Battle of Linlithgow Bridge Project, which has been supported by Linlithgow Heritage Trust.
- 4.8 Having consulted The Battle of Linlithgow Bridge Project, the landowners have undertaken to maintain public footpaths throughout the site and to retain the north-eastern extent of the development area as open green space. The possible provision of further interpretation resources about the Battle of Linlithgow Bridge, which might be provided on site and could be included in any future detailed development proposal, would involve consultation with such groups.

Education

- 4.9 As detailed in Paragraph 3.2 above under 'Infrastructure', as advised by the **Education Report** presented at **Appendix 7**, both non-denominational and denomination primary capacity is not an issue. However, in common with all other potential, large scale residential development sites in Linlithgow, secondary education capacity will remain a constraint until such time a new secondary school is built at Winchburgh.

Flood Risk

- 4.10 Also as detailed in Paragraph 3.2 above under 'Physical', unlike some of the proposed allocated sites on the eastern side of Linlithgow, there is no flood risk associated with the developable areas of the site which are located at least 15 metres higher than the River

Avon and the Cauld Burn (See Site Sections in **Appendix 1**). Future development would also incorporate SUDS techniques to mitigate against the impact of the proposed development on flood risk elsewhere.

Noise

- 4.11 The noise associated with the adjoining Brookfield Metals industrial site is not an issue as redevelopment of this brownfield site now forms an integral part of the proposals. This will secure a significant benefit for the residents in both the immediate and wider area by removing a potential noise nuisance. There will also be the added benefit of improving the area's visual amenity through redevelopment for housing purposes and associated landscaping.

Access

- 4.12 With respect to vehicular access, as evidenced in the **Transport Statement** in **Appendix 5**, this can be safely provided off the A706 in conjunction with a reduced speed limit along the frontage of the site to 30mph. The proposed development site is also accessible by sustainable modes of travel and can effectively integrate with the existing transport network. The adjoining road network also has the capacity to accommodate the development as proposed, all in accordance with national, strategic and local transport policy requirements.

Ecology

- 4.13 A **Preliminary Ecological Assessment** as presented at **Appendix 6** has established that although there are badger setts in the area, they will not be directly impacted upon by any future development on the site. Given the heavily tree'd nature of the site, there is potential for a wide range of bird species to breed at the site. There is also potential for bat roosts including the buildings in the Metalworks Yard. Subject to appropriate mitigation, neither would be impacted upon by any future development as proposed. In this regard, further badger, bat and breeding bird surveys would be carried before taking forward future detailed proposals for the site.

Landscape

- 4.14 At the outset, it is worth noting that AGLV and Special Landscape Area status (**WLLDP Policy ENV1**), does not preclude development in principle, but requires a sensitive and considered design approach in order to minimise effects on local landscape character.
- 4.15 In this regard, as detailed in **Section 7.0 Conclusions** of the **Landscape Appraisal** presented at **Appendix 3**, it is considered that the proposed development, if taken forward in line with the principles and concepts indicated in the site's concept masterplan (**Appendix 1**), can be successfully integrated into the existing settlement at Linlithgow and will sit comfortably within the landscape character of the immediate and wider area without detriment to the Avon Valley Special Landscape Area.
- 4.16 Woodland is a defining feature of the character of the landscape of the site and in the wider environment. It provides a strong sense of enclosure, containing views and creating intimate spaces in both rural and urban areas.

- 4.17 The landscape effects associated with the proposed development will result from the loss of an area of generally open land to the west of Linlithgow and the change in character of the site from partially industrial to residential development which would define part of the western settlement edge of Linlithgow.
- 4.18 In drafting the concept masterplan, full consideration has been given to the site's landscape setting and its historical qualities and relevance. Effects on the landscape character will be mitigated through the retention and enhancement of the existing woodland framework which will help to settle the development into the wider context and reduce its impact on landscape character. The existing woodland and the additional planting that is proposed, will contain the housing within the site, and the setting of the proposed development will benefit from the woodland structure as it will create a clear, well defined space.

Remoteness of Location

- 4.19 New development would not be too remote or detached from the existing settlement in that the subject land is only a short distance away from the town centre, retail facilities and education provision and, as such, is sustainably located as evidenced by the conclusions of the **Transport Statement (Appendix 5)**. There is also a recently extended leisure centre immediately opposite the proposed development site to the south-east, with proposals by the Linlithgow Community Development Trust to extend it to create a multi-recreational, regional sports facility which will include significant areas of hardstanding, building and floodlighting (See Plans in **Appendix 1**). This is partly reflected in the **P-46 (cycle track)** designation in the **Proposed Plan on Page 90**, and is soon to be the subject of a planning application.

5.0 CONCLUSIONS

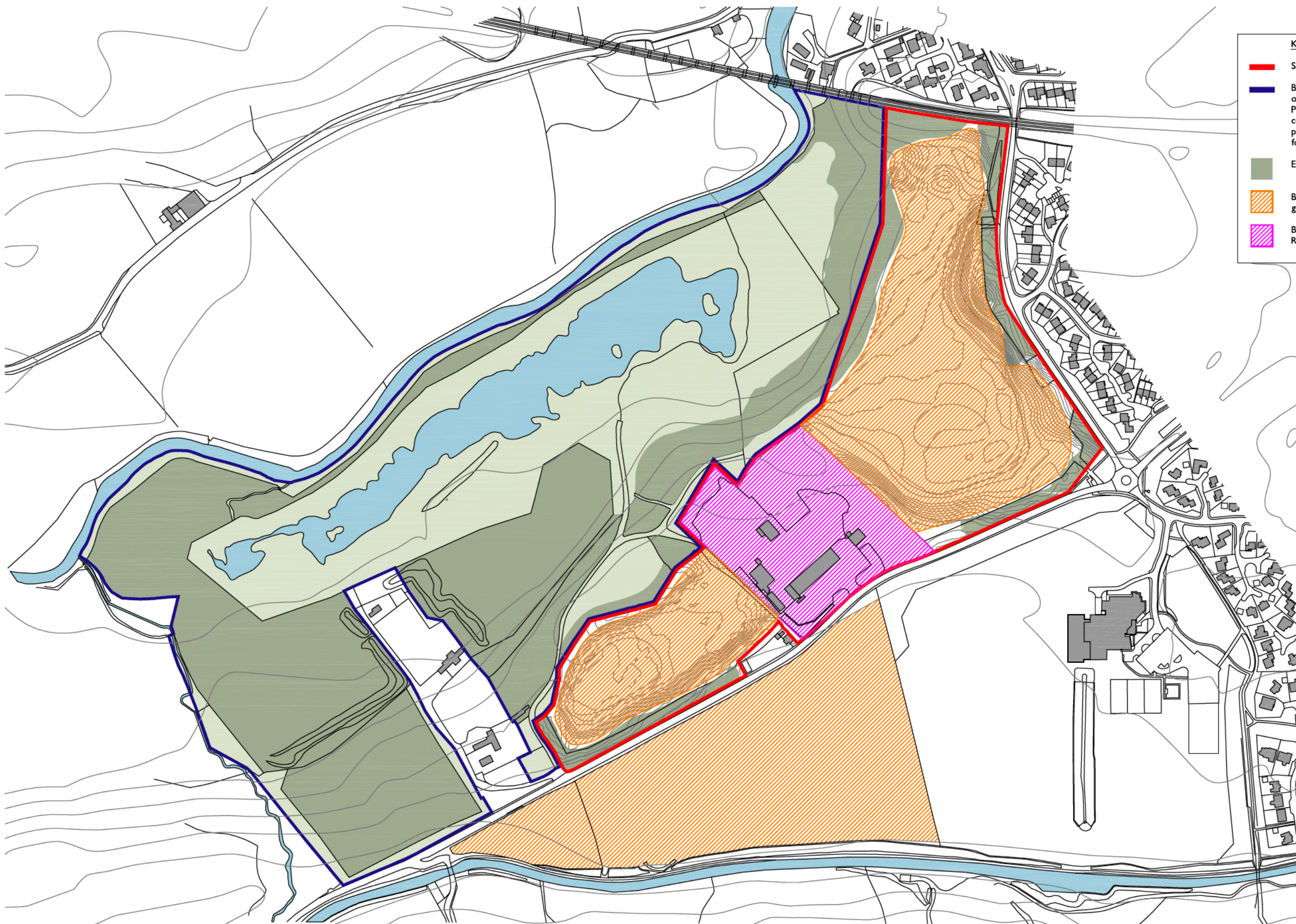
- 5.1 To conclude, it is considered that the proposed site could successfully accommodate sensitively design-led housing development which embraced the characteristics of the surrounding area, consistent with the sustainable design approach promoted by Scottish Government.
- 5.2 Furthermore, when assessed against the other larger sites in Linlithgow which have been proposed for housing by the Council in the **WLLDP**, the proposed site compares favourably in infrastructural, locational and environmental terms and, is understood to be the only site in Linlithgow capable of providing a significant community land transfer as proposed. In terms of benefit to the public, this sets the site at Avontoun apart from other proposals in Linlithgow.






Farningham Planning Ltd
November 2015

Appendices

- Appendix 1:** Existing Site Plan and Proposed Site Plan (Concept Masterplan) including public access routes, green space and site sections.
- Appendix 2:** An Assessment of the Five Year Housing Land Supply in West Lothian.
- Appendix 3:** Landscape Appraisal
- Appendix 4:** Updated Heritage Assessment
- Appendix 5:** Transport Statement
- Appendix 6:** Preliminary Ecological Assessment
- Appendix 7:** Education Report

APPENDIX 1



Key	
	Site Boundary of Proposed Residential Areas
	Boundary of adjoining land within the control of Cemex UK Properties Ltd and AWG Property Ltd. To be the subject of a community management plan as an integral part of the proposal to develop the site shown for residential development.
	Existing Mature Trees
	Brownfield area previously used as sand and gravel extraction quarry.
	Brownfield area currently in use as Metal Recycling Works



Land at Avontoun, Linlithgow - Existing Site Plan

project Avontoun, Linlithgow	job no E1440	dwg no (SK)007	revision -
client AWG Property Ltd / CEMEX UK Properties Ltd	status INFORMATION	scale NTS @A3	date 18.11.15
			drawn DF



Key

- Site Boundary of Proposed Residential Areas
- Boundary of adjoining land within the control of Cemex UK Properties Ltd and AWG Property Ltd. To be the subject of a community management plan as an integral part of the proposal to develop the site shown for residential development.
- Proposed regional sports facility including new 3G and grass pitches, illuminated 1600 metre long multi-loop closed road cycling and running track, BMX track and skate park, field athletics area, multi-user community sports hub buildings to include possible cafe, office space, community room, meeting room, training room, sports changing rooms, toilets, sports kit storage, kayak storage, new landscaping along the A706, and provision for cyclo-cross training /racing. A planning application has not yet been lodged for this site.
- Proposed new entrance to above multi-recreational facility which could be designed alongside the proposed development to create a new town gateway.



Land at Avontoun, Linlithgow - Proposed Site Plan

project Avontoun, Linlithgow		job no E1440	dwg no (SK)008	revision -
client AWG Property Ltd / CEMEX UK Properties Ltd	status INFORMATION	scale NTS @A3	date 18.11.15	drawn DF



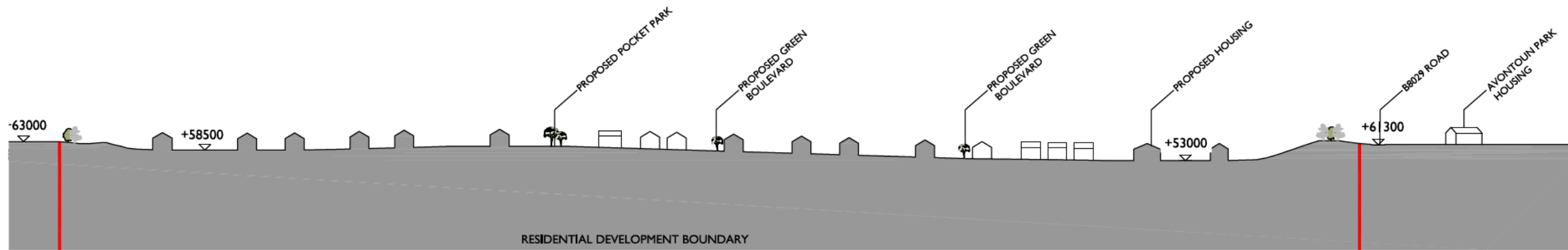
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- Proposed regional sports facility including new 3G and grass pitches, illuminated 1600 metre long multi-loop closed road cycling and running track, BMX track and skate park, field athletics area, multi-user community sports hub buildings to include possible cafe, office space, community room, meeting room, training room, rooms changing rooms, toilets, sports kit storage, kayak storage, new landscaping along the A706, and provision for cyclo-cross training /racing. A planning application has not yet been lodged for this site.
- - - In conjunction with the proposed multi-recreational facility, the opportunity exists to retain and enhance the existing footpaths to the lower recreational area and link to both the River Avon heritage trail, and the path and NCR 754 that runs along the canal towpath.
- - - Opportunity exists to create links through the new proposed multi-recreational area and development to provide enhanced recreational walking and cycling routes.
- Proposed information point / viewpoint about the Battle of Linlithgow Bridge
- New public park / green space



Land at Avontoun, Linlithgow - Proposed Public Access Routes and Green Spaces

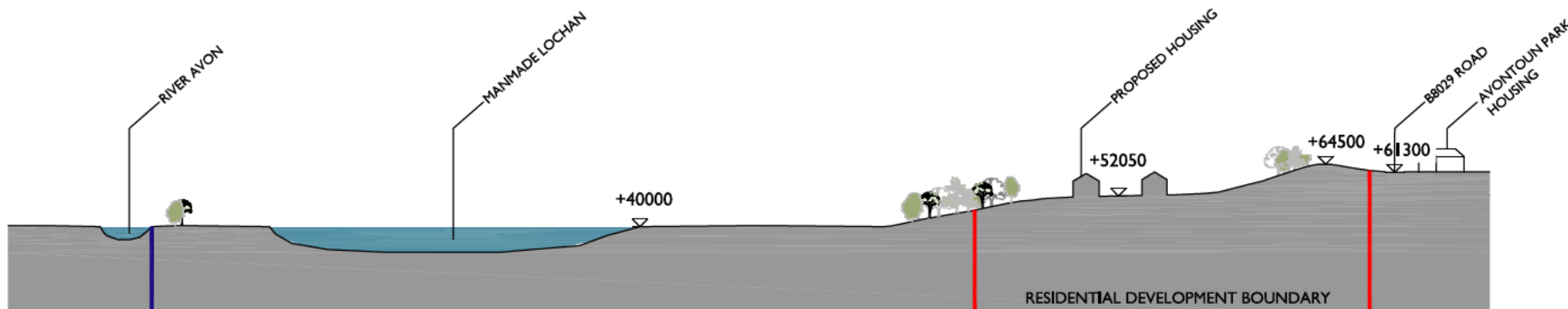
project Avontoun, Linlithgow	job no E1440	dwg no (SK)009	revision -
client AWG Property Ltd / CEMEX UK Properties Ltd	scale NTS @A3	date 18.11.15	drawn DF
status INFORMATION			



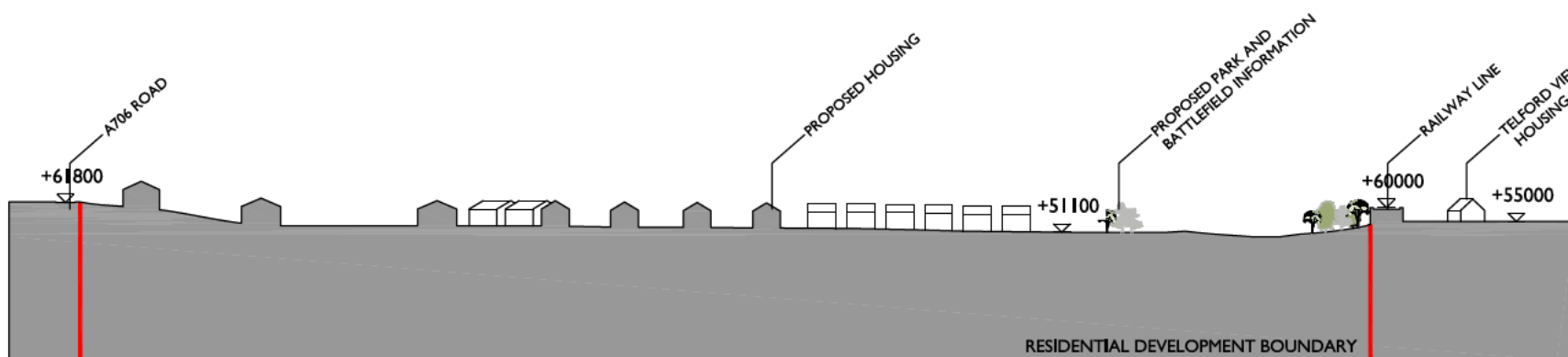
SECTION A-A



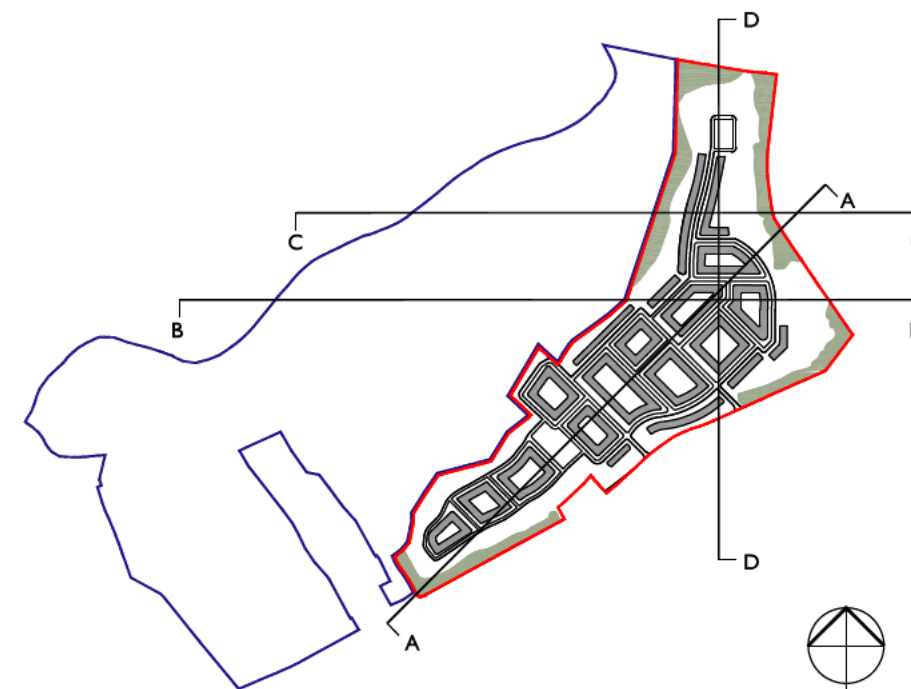
SECTION B-B



SECTION C-C



SECTION D-D



Land at Avontoun, Linlithgow - Proposed Site Sections

project Avontoun, Linlithgow	job no E1440	dwg no (SK)010	revision -
client AWG Property Ltd / CEMEX UK Properties Ltd	status INFORMATION	scale NTS @A3	date 18.11.15
			drawn DF

APPENDIX 2

An assessment of the five year housing land supply in the West Lothian Council Area

October 2015

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- 3.0 Scottish Planning Policy
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- 5.0 SESplan Strategic Development Plan
- 6.0 Maintenance of a Five Year Housing Land Requirement
- 7.0 Recent Relevant Planning Appeal Decisions
- 8.0 Summary Conclusions

1.0 Introduction

- 1.1 This Technical Paper specifically assesses the housing land supply position in the West Lothian Council area within the context of the need to maintain a minimum five year housing land supply at all times.
- 1.2 It sets out the policy requirements and the most up-to-date Development Plan position. It then examines the latest agreed Housing Land Audit to accurately establish the current housing land position in West Lothian at October 2015.

2.0 National Planning Framework 3

- 2.1 **National Planning Framework 3 (NPF3)** provides the statutory framework for Scotland's long-term spatial development. It sets out the Scottish Government's spatial development priorities for the next 20 years. Planning authorities are required to take the Framework into account when preparing Development Plans and it is a material consideration in the determination of planning applications.
- 2.2 **Paragraph 2.5** states that the Scottish Government wants to see a significant increase in house building in coming years to ensure housing requirements are met across the country. It highlights the need for flexibility in housing delivery and that the planning system should focus its efforts on areas where the greatest levels of change are expected, and where there is pressure for development. West Lothian Council, as part of the wider Edinburgh City Region, is one such area.
- 2.3 It states that throughout Scotland there is a need to ensure a generous supply of housing land which supports economic growth in sustainable places, where people want to live.
- 2.4 It also states that housing requirements will continue to be at their most acute around Edinburgh, Perth and Aberdeen, requiring targeted action to better match demand for land with infrastructure capacity. West Lothian Council is located within the wider Edinburgh City Region and, according to the Council's Local Development Plan Proposed Plan published in October 2015, will experience a population growth of 6,000 (equivalent to 4%) in the period to 2020 alone and, a household growth of 17% between 2012 and 2037.

2.5 The Framework further states that more ambitious and imaginative planning will be needed to meet requirements for a generous and effective supply of housing land in a sustainable way. The Scottish Government specifically wishes to see a greater and more concerted effort to deliver a generous supply of housing land in the SESplan Strategic Development Plan area.

3.0 Scottish Planning Policy

3.1 **Scottish Planning Policy (SPP)** published in **2014**, sets out national planning policies which reflect Scottish Ministers' priorities for operating the planning system and for the development and use of land in Scotland. In conjunction with NPF3, it promotes sustainable economic growth and a presumption in favour of development that contributes to sustainable development.

3.2 **Paragraphs 123-125** of **SPP** specifically address the matter of the maintenance of a five year housing land supply and highlight the need for planning authorities to actively manage the housing land supply and work with house builders and others in taking a flexible and realistic approach to ensure a continuing supply of effective land and to deliver housing.

4.0 Planning Advice Note 2:2010: Affordable Housing and Housing Land Audits

4.1 **Paragraph 41** requires that a five-year ongoing effective land supply is available to meet identified housing land requirements, while **Paragraph 55** sets out the criteria against which the 'effectiveness' of individual sites identified in a Housing Land Audit must comply. Failure to meet all of the criteria results in a site being deemed non-effective. The criteria in question relate to:

ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;

physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is

strong enough to fund the remedial work required, the site should be included in the effective land supply;

contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;

deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;

marketability: the site, or a relevant part of it, can be developed in the period under consideration;

infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and

land use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

4.2 As detailed in Paragraph 3.2 of this representation to the Proposed Plan, the proposed site compares very favourably with the above 'effectiveness' criteria.

5.0 SESplan Strategic Development Plan

5.1 The SESplan Strategic Development Plan was approved by Scottish Ministers on **27th June 2013** with the significant exception of the housing land supply section of the Plan. The Approval stated that:

"Of particular importance are the modifications requiring the preparation of supplementary guidance to identify the individual housing requirements for each LDP area. In order to ensure that delays to LDPs are as short as possible, work on the supplementary guidance and any necessary accompanying assessments must be progressed timeously. The work also needs to be

allocated sufficient resource by both the SESplan team and the constituent authorities. It is essential that the full range of stakeholders is involved in the preparation of the guidance, including the Scottish Government, its executive and non-executive agencies, the other key agencies and the development industry. The public must also be given sufficient opportunities to input their views. The Scottish Ministers expect the supplementary guidance to be adopted within 12 months from the date of this letter. LDPs in the SESplan area should not be submitted to Ministers until after the supplementary guidance has been adopted.”

- 5.2 This position was necessary on account of the findings of the Scottish Government’s Directorate of Planning & Environmental Appeals following an Examination into the unresolved representations to the housing land supply assumptions of the Strategic Development Plan. In this regard, the Strategic Development Plan Examination Findings covering letter dated **April 2013** stated that:

“For the reasons set out by the reporter at Issue 15, we have found that the provisions of the submitted plan relating to its housing land requirements are neither sufficient nor appropriate, as they are not consistent with Scottish Planning Policy in important respects. As explained at Issue 15, we consider that this matter cannot be resolved through the examination process, and therefore recommend that a requirement for the preparation of supplementary guidance is introduced to the plan, which will enable the deficiencies to be addressed. In its submissions to the examination the authority stated that, on the basis of legal advice, it would not support the use of supplementary guidance as a mechanism to resolve this matter.”

- 5.3 The **Supplementary Guidance** published in November 2013 and adopted by the SESplan planning authorities by **October 2014**, sets out an additional housing land requirement for the West Lothian Council area as follows:

- **11,420 units** in the period **2009-19** and a further **6,590 units** in the period to **2024**.
- 5.4 The **Supplementary Guidance** also includes the opportunity for an “additional” housing allowance within and outwith Strategic Development Areas. For West Lothian Council, this amounts to 2,130 dwellings.
- 5.5 **Strategic Development Plan Policies 6 and 7** address the issue of housing land flexibility and the maintenance of a five year housing land supply.
- 5.6 **Strategic Development Plan Policy 6** requires:
- “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. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.”*
- 5.7 As set out in detail below and supported by recent planning appeal decisions, West Lothian Council is failing to comply with the five year land supply requirement of **Strategic Development Plan Policy 6**.
- 5.8 The Council cannot bring forward alternative, allocated sites in time for either the Local Plan or Local Development Plan to remedy this deficit. Sites identified in the extant Local Plan are already programmed into the Housing Land Audit. The lead in times required for sites in the Audit have already been factored into the programming assumptions therein.
- 5.9 Planning permissions are not lying unimplemented and there is no reserve of land available to come forward to fill the housing land supply failure gap. Alternative sustainable land must come forward in the intervening period to maintain a five year housing land supply.
- 5.10 In relation to providing flexibility in the housing supply, **Paragraph 114** states that:

“One of this plan’s priorities is the delivery of the development strategy and related infrastructure projects currently under construction or committed through existing plans and strategies. It is planning for the SESplan area over the next twenty years. Large scale housing proposals coming forward in locations outwith the 13 identified SDAs, or outwith other land allocated in LDPs, are unlikely to be acceptable if their location is not sustainable and/or public investment in additional infrastructure is required.”

5.11 The proposed development site is sustainable and there is no major public investment required in additional infrastructure to support it.

5.12 Paragraph 116 states that:

“LPAs may consider it appropriate to support new housing development on greenfield land outwith the thirteen identified SDAs, either when allocating land in LDPs, or in granting planning permission to maintain a five years’ effective housing land supply. In these circumstances, as set out in Policy 7, they should ensure protection for the character of existing settlements, should not undermine green belt objectives, and should avoid diverting investment in infrastructure from other priorities.”

5.13 This is further detailed in **Strategic Development Plan Policy 7** which states:

“Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years’ effective housing land supply, subject to satisfying each of the following criteria:

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

- 5.14 **As evidenced by the Landscape Appraisal at Appendix 3 of this representation, the proposed development is in keeping with the character of the local surrounding area. There is no green belt allocated in the West Lothian Council area. Any additional infrastructure required as a result of the development will be funded by the developer.**
- 5.15 The proposed development site is therefore consistent with **SPP Paragraph 125** and complies with the requirements of **Strategic Development Plan Policy 7**.

6.0 Maintenance of a Five Year Housing Land Requirement

- 6.1 **Paragraph 123** of **SPP** states that a supply of effective land for at least 5 years should be maintained at all times.
- 6.2 The latest agreed Housing Land Audit for the Lothian area is Housing Land Audit 2014. This provides a detailed breakdown of housing land supply across the West Lothian Council area.

Housing Supply 2009-2014

- 6.3 West Lothian Council is failing to comply with Scottish Planning Policy and the Strategic Development Plan in relation to the maintenance of a five year housing land supply. This is demonstrated using the agreed Housing Land Audits from 2010-14 below for the period 2009 to 2019.

Completions 2009-2010: 543 units

Completions 2010-2011: 530 units

Completions 2011-2012: 229 units

Completions 2012-2013: 523 units

Completions 2013-2014: 615 units

Completions 2009-2014: 2,440 units

SESplan Strategic Development Plan requirement to 2019: 11,420 units

SESplan Strategic Development Plan requirement to 2014: 5,710 units

Completions 2009 – 2014 2,440 units

Strategic Development Plan housing shortfall to 2014: 3,270 units

(Sources: Agreed Audits 2010-2014; Finalised Audit 2015, SESPlan Strategic Development Plan)

- 6.4 As can be seen from the above, the housing land supply failure is significant and consistent. This is contrary to both **Scottish Planning Policy** and **Strategic Development Plan Policy 5**.

Housing supply projections 2014-2019

- 6.5 The emerging Local Development Plan will likely not be formally adopted until late 2016 at the earliest. Even factoring that into the above figures, there is a clear and ongoing failure to maintain a five year housing land supply in the West Lothian Council area at 2014. The Council's housing land supply position for the Local Development Plan is not starting from a neutral zero requirement point. Current Local Development Plan allocations will not meet Strategic Development Plan requirements without the identification of additional land.
- 6.6 The five year housing land supply requirement in the Council area has failed since circa 2008/09. This is demonstrated below for the period 2009 (the start of the Strategic Development Plan period) to 2014/15. This methodology has been agreed through the Scottish Government planning appeal process.

Strategic Development Plan requirement

SESPlan housing land requirement 2009-2019: 11,420 units

Table 1: Calculating the effective housing land supply 2009-19

Housing completions 2009-14	2,440
Audit year effective supply 2014-19	4,799
<u>Council total supply 2009-19</u>	7,239
(source: Housing Land Audits 2010 to 2014)	
Housing land requirement	11,420
minus	
Housing completions to date	2,440
equals	
Remaining requirement 2014-19	8,980
Five year supply	4,799 units
Shortfall in land supply to 2019	4,181 units

- 6.7 The above figures equate to a housing supply of only **2.67 years in the period to 2019**. There is no means of artificially accelerating housing land completions from committed sites in the Council area at this time. The scale of the problem is such that even development “hotspots” cannot, alone, make up the shortfall.
- 6.8 Emerging Local Development Plan allocations cannot be considered to make up the shortfall given that the Local Development Plan will not be formally adopted until late 2016 at best, and sites within that Plan will not deliver completions until 2017 or 2018 i.e. three years away. Even if an additional 400-500 units were to be completed in later Audit years, these would only replace completions that have occurred in earlier years on sites no longer in the Audit process. Housing land delivery is a dynamic process that requires constant supply.

7.0 Planning Appeal Decisions

- 7.1 Recent planning appeal decisions issued by both Scottish Ministers and the Directorate of Planning & Environmental Appeals reinforce the position on the current failure to maintain a five year housing land supply in the West Lothian Council area.

Planning Appeal PPA-400-2045: Residential development including provision of green space, SUDS, access and other associated infrastructure on land south of Blackness Road (A803) and to the east of Springfield, Linlithgow (July 2015)

- 7.2 The Reporter, in arriving at his decision and in the context of the SESplan Strategic Development Plan and Housing Land Audit 2013 stated:

“Housing land supply requirements stem from SESplan. From these I have found that the effective five year land supply requirement equates to at least 5,710 homes. I acknowledge that there is a large reserve of housing land in West Lothian and the council’s explanations as to why it is not currently effective. Nevertheless, the 2013 housing land audit provides detailed evidence on the amount of housing likely to be built in the next five years. The figure of 3,625 units is considerably short of the five-year effective requirement.”

There is a shortfall in the housing land supply in West Lothian. Because of this, the release of additional land for housing there is supported by SESplan, which is the most up to date part of the development plan. That support is subject to the criteria at policy 7."

Planning Appeal PPA-230-2046: 6.5 hectare residential development with associated engineering works and landscaping: Land at Clarendon Farm, Linlithgow, EH49 6QR (May 2015)

7.3 The Reporter, in arriving at his decision, and as supported by Scottish Ministers stated:

"SESplan Policy 6 makes clear that the five-year housing land supply is to be based on the housing requirements identified through the Housing Land Supplementary Guidance. The figure of 3,625 completions which the 2013 HLA programmes to 2018 is significantly below even the lowest figure put to me by the appellant as representing the five-year requirement. The HNDA for SESplan 2 will be part of the evidence base which informs that plan, not part of the plan itself. I conclude that there is not a five-year supply of effective housing land in West Lothian."

8.0 Summary Conclusions

8.1 In summary:

- Scottish Planning Policy requires that a minimum five year housing land supply be maintained by planning authorities at all times.
- The West Lothian Council Housing Land Audit 2014 demonstrates a clear and significant failure to maintain a five year housing land supply that, even with Development Plan intervention, will not be resolved for at least three years.
- The emerging Local Development Plan will not deliver significant additional housing numbers on allocated land in the short – medium term.
- There are no development opportunities likely to come forward anywhere in the Council area in the short term to reduce or remove this deficit.

8.2 It is therefore concluded that additional, effective housing land supported by the necessary infrastructure and capable of being delivered quickly, (such as the proposed allocation at Avontoun), needs to come forward in Linlithgow through the **WLLDP** process to address the above noted shortfall.