
THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP)**CONSULTATION RESPONSE**

The Walker Group submitted comments to the West Lothian MIR and these were acknowledged in the Council's RESPONSES TO SUBMISSIONS RECEIVED TO MIR CONSULTATION (ref MIRQ0039 & MIRQ0039). The Walker Group has considered the content of the proposed West Lothian Local Development Plan and would make the following responses to a number of issues raised by the Plan.

CHAPTER / POLICY / PAGE or PARA: CH2, CONTEXT, Para3.3

COMMENT: Whilst the proposed Plan states that it is supported by Supplementary Guidance, the Walker Group does not accept that this not the case, in particular in respect of affordable housing and the costs of required infrastructure. Planning Circular 1 2009: Development Planning, Para 97 states that: Matters that should be included in the LDP or SDP, and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.

The LDP does not clarify the quantum of financial contributions within the Plan document.

Para 98 of the Circular also states that: Guidance adopted in connection with a plan falls when that plan is replaced, but if it remains up-to-date, authorities may readopt it in connection with the replacement plan after limited reconsultation, provided a proper connection with the plan remains. The Plan should therefore contain a detailed list of SG which it intends to re-adopt and commit to re-consultation in due course. It is contrary to the Circular to simply state, as they do in para 5.5., that they i.e. existing Guidance documents, constitute Supplementary Guidance to the LDP.

CHAPTER / POLICY / PAGE or PARA: CH4, VISION STATEMENT, Para 4.3

COMMENT: In respect of "Infrastructure Requirements and Delivery", the LDP should include provision for the Council to invest in the delivery of necessary infrastructure rather than "ensure" which simply means not granting planning permission without an agreement by developers to fund and deliver infrastructure. If West Lothian Council genuinely wishes to promote sustainable economic growth within the District, it should be investment led and not consumption led. The provision of such investment is guaranteed to be repaid through developer contributions over time.

Expand the bullet point to include willingness to invest in infrastructure provision to support development.

CHAPTER / POLICY / PAGE or PARA: CH5, THE SPATIAL STRATEGY, Para 5.4

COMMENT: Walker Group considers that the proposed LDP does not adequately support the previously established CDA at Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston). Whilst the Plan adjusts the physical boundary at Cleugh Brae/Mossend to allow for limited additional development, it has failed to acknowledge the full potential of the West Livingston / Mossend CDA. The costs of accessing the West Livingston / Mossend CDA from the A71 can only be supported by a significant increase in the allocated land which is available at West Livingston / Mossend. Allocating additional expansion sites, combined with an amendment to the allocated site boundary and an acknowledgement of the increased capacity arising out of the detailed design of the committed allocations can deliver a total of circa 826 units, which represents an additional 526 units over that which is accounted for in the established housing land supply.

CHAPTER / POLICY / PAGE or PARA: CH5, THE SPATIAL STRATEGY, Para 5.46

COMMENT: The Walker Group do not consider that WLC have taken enough account of the potential for the Livingston and Almond Valley CDA, in particular the West Livingston / Mossend locations, where the additional development supported amounts to the recognition of additional capacity within allocated site boundaries and

CHAPTER / POLICY / PAGE or PARA: CH5, THE SPATIAL STRATEGY, Para 5.48

COMMENT: Walker Group objects to the use of a “re-phased” version of HLA2014 which has not been the subject of discussion with developers and Homes for Scotland. There should be no reprogramming of completions until the housing land audit 2015 has been consulted on and agreed with Homes for Scotland and its members. The HLA is not a tool with which to set requirements for the housebuilding industry to increase output on currently identified sites. Indeed, the HLA2014 seemed optimistic in programming almost double the anticipated completions from those actually achieved in 13/14. If the basis of this LDP is founded upon an unproven and revised HLA2014 which randomly increases output and amends non-effective sites to become effective then the Plan is flawed. There are currently education infrastructure constraints to the delivery of circa 4000 houses in West Lothian which prevents an increase in the output and this requires to be resolved before currently identified sites can proceed.

CHAPTER / POLICY / PAGE or PARA: Paragraph 5.84, Infrastructure Requirements and Delivery (Policy INF 1)

COMMENT: This refers to Supplementary Guidance on Developer Obligations which either relates to the last Local Plan or has not yet been written or consulted on. This should be amended to make it clear the Council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF1).

It is not correct. Also the Appendix refers to Planning Guidance rather than Supplementary Guidance, it is Walker Group's view that the importance of this information and policy, and the effect it has on development, requires that it be Supplementary Guidance so it is fully consulted on rather than the more informal planning guidance as suggested in the Appendix.

The West Lothian Main Issues Report (MIR) made reference to reviewing and reducing contributions to help stimulate recovery in the house building sector. We seek the inclusion of flexibility and development viability within the policy wording.

We seek the policy to be amended to include the following suggested wording as a final paragraph:

'In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.'

CHAPTER / POLICY / PAGE or PARA: Policy HOU8: Healthcare and Community Facilities in New Housing Development

COMMENT: Walker Group does not accept the principal of requiring the providers of new homes to contribute to the expansion of healthcare facilities. No detail is provided within the LDP Proposed Plan as to why this is necessary or where this may be applicable. It appears the policy is therefore included only as a hook for the Council to be able to prepare supplementary guidance on should they see a need for it in the future.

This is not acceptable for the following reasons:

- The policy is unreasonable and potentially beyond the powers and abilities of a planning authority to implement.
 - The situation with healthcare provision is not analogous to education. There is no immediate and automatic relationship between new development and the provision of new local healthcare facilities.
 - Decisions on if and where to provide new facilities are taken by the Health Boards, local bodies such as Primary Healthcare Trusts, and by the PG practices themselves – which are generally private businesses.
 - Healthcare is a statutory requirement, funded through UK general taxation.
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CHAPTER / POLICY / PAGE or PARA: CH5, THE SPATIAL STRATEGY, Para 5.89 – 5.92

COMMENT: The Walker Group considers that the LDP strategy should seek a change to the approach adopted for the delivery of infrastructure to support the CDA's. The Council should committing to front funding this infrastructure rather than rely on developers in the first instance to provide the required infrastructure. An investment led development plan strategy rather than consumption driven would assist in meeting the housing output which the Council aspires to.

The biggest constraint to the delivery of new housing in West Lothian is the lack of education capacity. The Council's previous strategy of putting the onus for securing and funding new education infrastructure on developers has not proved to be successful. By being bold and changing their strategy the Council would remove this constraint on the effective housing land supply and developers will be able to confidently increase supply. The Council could then seek to claw back proportionate developer contributions from developments under construction.

CHAPTER / POLICY / PAGE or PARA: Action Programme

COMMENT: The Walker Group consider that the Action Programme does not adequately quantify the scale of requirements, in particular with regards Education. Para 5.92 of the proposed LDP suggests that the requirements are set out in Chapter 6 and the Action Programme, however this is not the case. Furthermore the suggestion that Supplementary Guidance to support the council's education strategy will be required confirms that it is not yet available, contrary to Planning Circular 1 2009: Development Planning, Para 97 which states that: Matters that should be included in the LDP or SDP, and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.

CHAPTER / POLICY / PAGE or PARA: CH5, THE SPATIAL STRATEGY, Para 5.189

COMMENT: The Walker Group supports the continued allocation of the former Bangour Village Hospital for residential development. The Plan should recognise the difficulty for the development of the site in a manner which preserves, protects and enhances the conservation status and listed buildings on site. Furthermore, the Plan requires to clarify the support required to deliver the "new primary school" which will be provided through the early development of site H-DE3 Burnhouse.

CHAPTER / POLICY / PAGE or PARA: Policy NRG 2 Solar Roof Capacity Requirements

COMMENT: The requirement threshold of 70% of new houses/dwellings within an application site being required to offer the main orientation as East-West with not more than 30 degrees deviation from south is onerous having regard to other place making requirements such as Home Zones etc. The policy requires some flexibility having regard to the circumstances of individual sites and their topography, orientation and means of access.

CHAPTER / POLICY / PAGE or PARA: CH6, Development Proposals, DECHMONT & BANGOUR

COMMENT: The Walker Group supports the allocation of site H-DE3 Burnhouse as illustrated on LDP Map 5, Dechmont. The area of the allocated site as illustrated on Map 5, Dechmont is 9.95ha and not 7.7ha as stated on Pg85 of the LDP. The capacity of the site at reasonable densities and having regard to the need for open space and SUDS requirements is significantly greater than 120 units. Whilst a detailed layout is yet to be prepared and without the benefit of discussions with West Lothian Council Development Management Officers, the Walker Group consider that the capacity of the site could circa 180 units based upon development densities achieved elsewhere in West Lothian.

NHS Lothian have confirmed to WLC their support for the development of H-DE3 Burnhouse for residential development in order to support the delivery of the new primary school at site H-DE1. The Walker Group can confirm their support for contributions towards such necessary infrastructure. The reference to “Reserve site” in respect of H-DE3 on the DECHMONT & BANGOUR table on Pg84 should be deleted given that it is acknowledged by the owner of H-DE1 that H-DE3 Burnhouse is required to support the delivery of H-DE1.

The DECHMONT & BANGOUR table on Pg84 of the LDP should be amended to read as follows:

| HOUSING | | | |
|--------------|-----------|----------------|----------|
| LDP Site Ref | Location | Site Size (Ha) | Capacity |
| H-DE3 | Burnhouse | 9.95 | 180 |

CHAPTER / POLICY / PAGE or PARA: CH6, Development Proposals, DECHMONT & BANGOUR

COMMENT: The Walker Group supports the proposal, P-23 for the development of a New Primary School at the former Bangour Village Hospital.

CHAPTER / POLICY / PAGE or PARA: CH6, Development Proposals, WEST CALDER & HARBURN

COMMENT: The Walker Group supports the allocation of additional land to the north-west of the current Mossend allocation (aligning it with the planning permission 0349/FUL/11) and including land between and east of the current Mossend and Cleugh Brae allocations. However, although the Council claim that this has been done to help facilitate a new road access to serve all three constituent parts of this CDA, i.e., Mossend, Cleugh Brae and Gavieside Farm, the Walker Group maintain that this is insufficient to support the delivery of the link road which is an expensive piece of infrastructure.

The Walker Group objects to the failure of the Council to support a further expanded CDA allocation of land at Mossend / Cleugh Brae to deliver an additional 240 units, sufficient to deliver necessary infrastructure. Whilst new land and sites will be allocated within West Lothian in the forthcoming LDP, the advantage of increasing capacity, rationalising site boundaries and expanding the current allocations at Mossend / Cleugh Brae is that it would be building upon an effective allocation which already has the benefit of planning permission. Making better use of existing and planned provision will help to achieve the objectives of the present West Lothian Local Plan. The economies of scale that are achieved and the ability to plan ahead by incremental growth would help to deliver the vision embodied in the original CDA's. The allocation of further land will help to make this happen by offering improved value and therefore the ability to fund infrastructure.

The failure to support additional allocations is clearly at odds with the stated strategy and vision expressed in the LDP at CH5, THE SPATIAL STRATEGY, Para 5.4.

CHAPTER / POLICY / PAGE or PARA: Mossend / Cleugh Brae Expansion

COMMENT: To provide a generous housing land supply, provide local flexibility for the LDP and to continue to support the delivery of the CDAs, the Walker Group consider that there is significant potential to further expand the Mossend and Cleugh Brae allocations. The Capacity Assessment (appendix 1) explores the potential expansion of Mossend (MO) and Cleugh Brae (CB) having regard to the landscape framework. The promotion of additional housing within established allocations such as Mossend / Cleugh Brae is entirely consistent with the MIR in that (a) it will contribute towards providing a generous supply of housing land which is proven to be effective, (b) it represents the continued promotion of development within the core development areas, namely West Livingston/Mossend, (c) it will make the existing development strategy more robust by improving viability and (c) additional land will be made available to support the Council’s new build housing programme for the provision of affordable housing.

The expansion potential of Mossend (MO) and Cleugh Brae (CB) takes the form of 4 development parcels to the north of the existing allocations and is illustrated in the Capacity Assessment document. Justification for the expansion of Mossend (MO) and Cleugh Brae (CB) beyond those factors already mentioned is explained by the need for additional development to support the new A71 junction and relief road required to facilitate any development beyond that already consented. The MIR acknowledges that the infrastructure burden in larger developments such as the West Livingston/Mossend allocation is significant and there is a risk that these large developments will not progress beyond a certain stage. This could happen if an infrastructure constraint is reached and the cost of addressing the constraint is too costly, thus making future development unviable. At Mossend / Cleugh Brae the infrastructure constraint of the A71 link road is a barrier to the development of the balance of the site and the delivery of Gavieside Farm (GF, 1900 units) itself.

Whilst, the existing road network has been able to support the initial development of circa 270 units (supported by a Transport Assessment), development beyond this is constrained until such time as the A71 link/relief road is capable of being delivered. There is insufficient value in the allocated scheme to overcome infrastructure constraints. The cost of delivering the A71 link / relief road cannot be supported by the development of the balance of Mossend and Cleugh Brae (circa 250 units), which remains constrained until it is delivered. It is clear therefore that additional development to support the necessary infrastructure, namely the new A71 link road, is required.

The Capacity Assessment examines options for further development in and around the existing allocation. Expanding Mossend (MO) and Cleugh Brae (CB) in the manner illustrated in the Capacity Assessment document could deliver a further 240 units which would support the provision of the necessary infrastructure i.e. the A71 link road and access to the Park & Ride. These additional units could be brought forward in the period to 2019.

Amend the West Calder Proposals Map to include additional allocations at Mossend / Cleugh Brae in accordance with the plan attached as an appendix - Potential Expansion Area.

Amend WEST CALDER & HARBURN table to include additional allocations as follows:

| CORE DEVELOPMENT AREA | | | |
|-----------------------|------------------|----------------|----------|
| LDP Site Ref | Location | Site Size (Ha) | Capacity |
| H-WC6 | Mossend, Phase 2 | 9.30 | 235 |

CHAPTER / POLICY / PAGE or PARA: Appendix Two: Schedule of Housing Sites/Site Delivery Requirements (Dechmont & Bangour)

COMMENT: Walker Group supports the new allocation at Burnhouse, H-DE3, however the table on pg 178 is incorrect (see response above). The site area and capacity require to be amended. It is not accepted that a significant part of the site is at serious risk of flooding (SEPA flood map enclosed as appendix) and the planning section should acknowledge the requirement to contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE1). Amend the table as follows:

| Status | HLA Ref | Status | Site Name | Area | Cap. | Planning | Transport | Education | Flood Risk | Other |
|--------|---------|----------------|-----------|------|------|--|---------------------------------|---|---|---|
| H-DE3 | | New allocation | Burnhouse | 9.95 | 180 | Identified as a site for housing. <i>The proposal will contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE1).</i> | New access from Burnhouse Road. | Catchment Area Schools St Nicholas PS. St Margaret's Academy. Dechmont Infant PS. Broxburn Academy. Kirkhill PS. | Flood Risk Assessment required which assesses the flood risk from the Brox Burn which flows along the southern extent of the site Drainage Impact Assessment required to assess the impact of development on the local network Water Impact Assessment required | The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and or investigation may be required The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed Limited capacity at Newbridge waste water treatment works and early discussion with Scottish Water required Consideration should be given to any culverted watercourses within/ nearby the site to ensure flood risk is not increased elsewhere and to consider opportunities for habitat restoration culverts located within or nearby the site Requirement to incorporate a buffer strip between the development and the watercourse and strong boundary planting to contain and soften built development Developer contributions required to enhance local park in Dechmont or provide on site facility |

CHAPTER / POLICY / PAGE or PARA: Appendix Two: Schedule of Housing Sites/Site Delivery Requirements (West Calder & Harburn)

COMMENT: Further to the earlier response regarding a proposed Mossend / Cleugh Brae Expansion, amend the West Calder Proposals Map to include additional allocations at Mossend / Cleugh Brae in accordance with the plan attached as an appendix - Potential Expansion Area.

Amend WEST CALDER & HARBURN table to include additional allocations as follows:

| Status | HLA Ref | Status | Site Name | Area | Cap. | Planning | Transport | Education | Flood Risk | Other |
|--------|---------|----------------|-----------------|------|------|---|---------------------------------|--|--|---|
| H-WC6 | | New allocation | Mossend Phase 2 | 9.30 | 235 | Identified as a site for housing. An extension to the Livingston West CDA Site to be the subject of a masterplan Conditions of planning permission to be adhered to | New access from Burnhouse Road. | Catchment Area Schools St Mary's Primary St Kentigern's Academy Parkhead Primary West Calder High A new primary school may be required once the threshold of 300 units has been reached on the combined Mossend/ Cleugh Brae | Flood Risk Assessment required Drainage Impact Assessment required | The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and or investigation may be required The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed The site may have archaeological potential and an assessment and or investigation may be required There is record of protected species being present and a biodiversity assessment of the site will be required. Liaise with SNH to ensure all protocols are observed Built development must respect the landscape character and setting of the site and its surroundings and buffer planting will be required along the northern boundary of the Mossend & Cleugh Brae allocations |

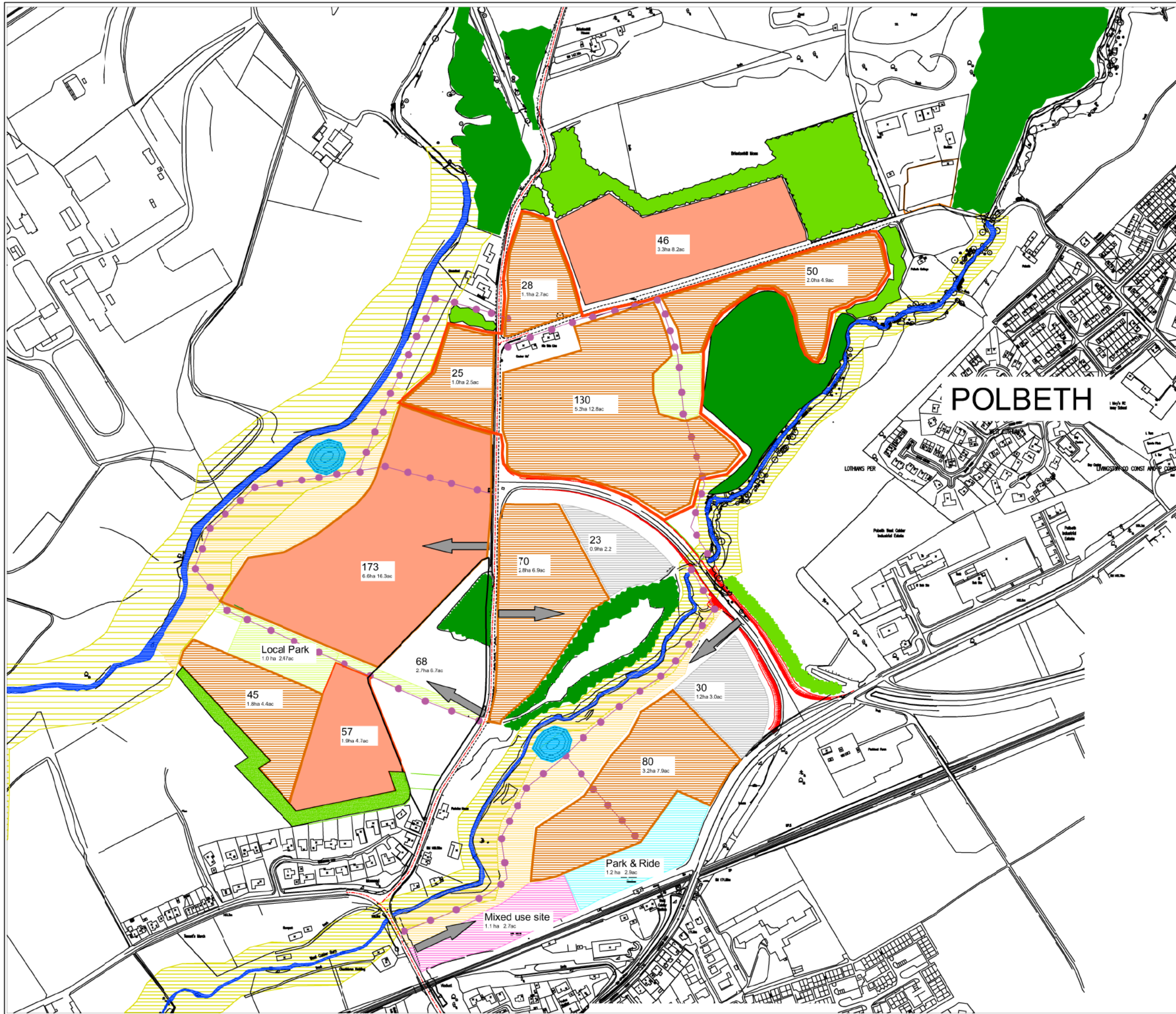
CHAPTER / POLICY / PAGE or PARA: Appendix Three Schedule of Land Ownership

COMMENT: In respect of the Table (pg 264), the Walker Group would like the plan to acknowledge that the Council land at Mossend, H-WC2 is proposed for the delivery of affordable housing. Amend the table to make this clear.

CHAPTER / POLICY / PAGE or PARA: Appendix Four Supplementary Guidance (SG) and Planning Guidance (PG)

COMMENT: The Walker Group object to the list of SG and PG on the grounds that the Council have no produced SG with the LDP in the case of Affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor. Planning Circular 1 2009: Development Planning, Para 97 states that: Matters that should be included in the LDP or SDP, and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.

The LDP does not clarify the quantum of financial contributions within the Plan document and the absence of detailed Guidance (both SG and PG) undermines the value of the LDP itself.



- NOTES
- Riverside corridor
 - Proposed treebelts
 - Open space Meadow grass
 - Open space Local park
 - Proposed path network
 - Existing trees
 - Residential development areas
 - Proposed reserve site for Park & Ride
 - SUDS ponds
 - Access to development areas.
 - Replacement sites
 - Mixed use site

REVISION



PROJECT:
WEST LIVINGSTON
 Mossend / Cleuch Brae

DRAWING TITLE:
 Potential expansion area
 Potential house numbers

| | |
|------------------|-------------------|
| SCALE: 1:5000 | SHEET SIZE: A3 |
| DRAWN: | DATE: Dec 13 |

| | |
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| DRAWING No: | REV: |
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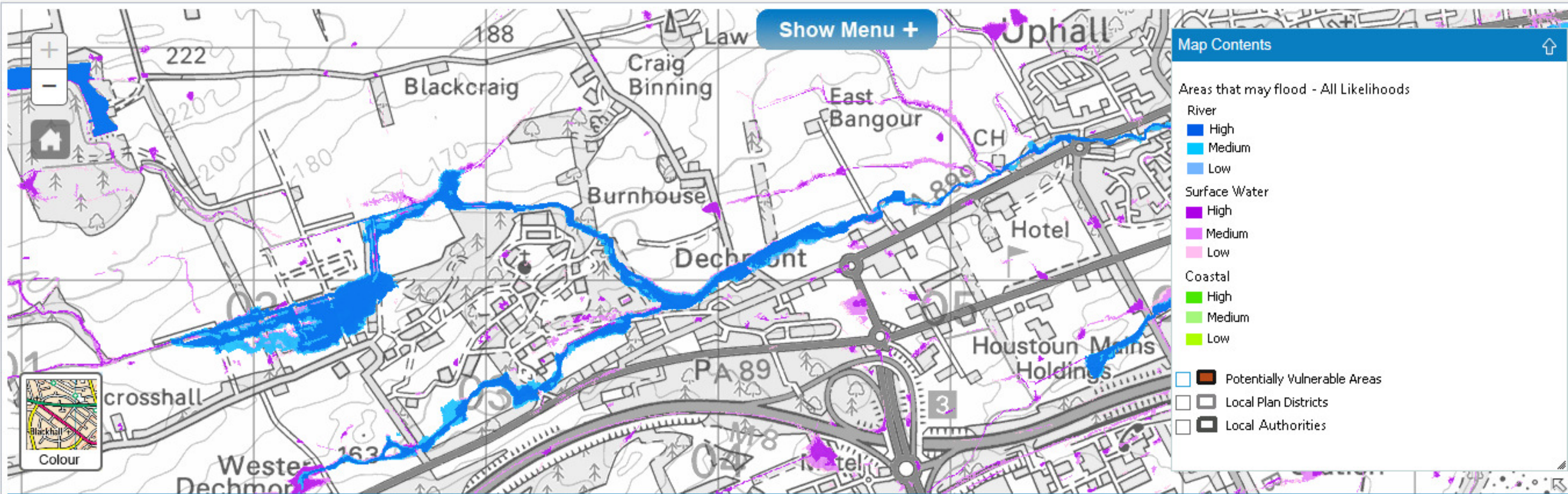
SEPA Home

Flooding Home

Map Creation Dates

Print Map

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Map Contents

Areas that may flood - All Likelihoods

- River
 - High
 - Medium
 - Low
- Surface Water
 - High
 - Medium
 - Low
- Coastal
 - High
 - Medium
 - Low
- Potentially Vulnerable Areas
- Local Plan Districts
- Local Authorities