



*Have your say on the  
West Lothian Local Development Plan Proposed Plan  
Consultation Response Form*

West Lothian Council has published its *Proposed Plan* together with supporting documents including an *Environmental Report (SEA)*, *Habitats Regulation Appraisal*, *Strategic Flood Risk Assessment* and *Equalities & Human Rights Impact Assessment*. These can be viewed on the West Lothian Council website at <http://www.westlothian.gov.uk/proposedplan>

If you wish to make representations on the *Proposed Plan* or associated documents, you are encouraged to use the online consultation portal. It's quick and easy and will help us to process representations more efficiently, reducing the overall cost and environmental impact of the exercise.

If you need assistance with completing or submitting your representation online please call the Customer Service Centre (CSC) on 01506 280000. Please advise the Customer Service Centre that your enquiry relates specifically to the *Local Development Plan* and ask for it to be logged and directed to the Development Planning and Environment Team. Someone will contact you. Alternatively you can email us at [wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk) We will endeavour to respond as quickly as possible but in any event within three working days of receiving your enquiry.

It is important that all representations are submitted no later than midnight on Sunday 22 November 2015. Representations received after that time will not be considered.

Your comments should be concise, having regard to paragraph 84 of Scottish Government Circular 6/2013: Development Planning which states that representations should be no more than 2,000 words plus any limited supporting productions.

#### ***Data Protection Statement***

*Please be aware that when you make representations on the Proposed Plan through the consultation portal (and/or in a conventional written format) personal information provided as part of a representation cannot be treated as confidential. Representations require to be made available online and for public inspection at the council's office (this would include your name and postal address but would exclude any information which would be subject to the Data Protection Act 1998 i.e. signature, postal address, telephone number, email).*

*We are also required to pass these details to the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA). This is because they may at a later date wish to invite you to an Examination of the Proposed Plan to discuss your representation. Before using the consultation portal you should also note that any information posted may be subject to disclosure under the Freedom of Information (Scotland) Act 2002. West Lothian Council will not be liable for any loss or damage arising from or in connection with the disclosure of any information including the disclosure of user generated content.*

## **FOREWORD** (page 4)

This introduction by the Leader of the Council establishes the role of the LDP and how it will help deliver the council's core objectives.

## **BACKGROUND** (page 6, paragraphs 1.1-1.5)

Provides a brief historical context to the economic development of West Lothian which helps explain how settlements established and have developed.

## **CONTEXT** (page 7, paragraphs 2.1-2.2)

Provides wider context for the LDP in geographic terms and explains how the LDP fits with the Strategic Development Plan (SDP1).

## **ROLE AND PURPOSE OF PLAN** (page 7, paragraphs 3.1-3.5)

Establishes the role and purpose of the LDP in terms of its being a material consideration in the determination of any planning applications for development in West Lothian and, when adopted by the council, will replace the West Lothian Local Plan. It also sets out what documents the plan must comply with i.e. the Planning etc (Scotland) Act 2006 and what documents will accompany the plan i.e. the Action Programme etc.

## **VISION STATEMENT AND AIMS** (page 8, paragraphs 4.1-4.3)

Establishes the vision for the LDP in terms of outcomes desired over the plan period and identifies the key aims of the plan by individual subject areas i.e. Economic Development & Growth, Community Regeneration, Sustainable Housing Locations, Infrastructure Requirements and Delivery, Town Centres and Retailing, the Natural and Historic Environment, Climate Change and Renewable Energy and Waste and Minerals.

## **THE SPATIAL STRATEGY (INCLUDING POLICY FRAMEWORK)** (page 10, paragraphs 5.1-5.10)

In the context of the Strategic Development Plan (SDP), the LDP identifies West Lothian as being one of thirteen Strategic Development Areas where development will be focused in sustainable locations where infrastructure is either available or can be provided and in locations where there are no environmental constraints.

- **Economic Development and Growth** (page 12, paragraphs 5.11-5.22 )
- **Flexibility within traditional industrial estates** (page 14, paragraphs 5.24-5.25)
- **Enterprise Areas** (page 17, paragraphs 5.24-5.25)
- **Local business opportunities, small business start-ups and working from home** (page 17, paragraph 5.26)
- **Tourism** (page 17, paragraphs 5.27-5.28)
- **Promoting community regeneration** (page 19, paragraphs 5.29-5.35)
- **Housing land requirements for the LDP** (page 20, paragraphs 5.36-5.49)
- **Effective Housing Land and Generous Supply** (page 23, paragraphs 5.50-5.53)
- **New Housing Sites and Design** (page 24, paragraphs 5.4-5.56)
- **Strategic Allocations (including previously identified Core Development Area Allocations)** (page 25, paragraphs 5.57-5.61)
- **Whitburn/Charette** (page 26, paragraph 5.62)
- **Linlithgow and Linlithgow Bridge** (page 26-27)
- **Deans South, Livingston; Area for Comprehensive Re-development** (page 27, paragraph 5.68)
- **Affordable Housing** (page 27, paragraphs 5.69-5.74)
- **Accommodation for Gypsies, Travellers and Travelling Show People** (page 29, paragraph 5.75)
- **Residential Care and Supported Accommodation** (page 29, paragraphs 5.76-5.77)
- **Infrastructure Requirements and Delivery** (page 30, paragraphs 5.78-5.84)
- **Providing for Community Needs** (page 32, paragraphs 5.85-5.88)
- **Education** (page 32, paragraphs 5.89-5.92)
- **Healthcare Provision** (page 33, paragraphs 5.93-5.96)
- **Sports Facilities** (page 33, paragraphs 5.97-5.101)
- **Green Infrastructure and Green Networks** (page 34, paragraphs 5.102-5.105)
- **Water and Drainage** (page 34, paragraphs 5.106-5.107)
- **Travel in and around West Lothian** (page 34, paragraphs 5.108-5.112)
- **Roads** (page 35, paragraph 5.113)

- **A71 Corridor** (page 35, paragraphs 5.114-5.115)
- **A801 Corridor** (page 35, paragraphs 5.116-5.117)
- **A89/A8** (page 35, paragraphs 5.118-5.126)
- **Rail** (page 37, paragraphs 5.127-5.130)
- **Walking and Cycling** (page 37, paragraphs 5.131-5.132)
- **Town Centres and Retailing** (page 39, paragraphs 5.133-5.138)
- **Landscape Character and Local Landscape Designations** (page 41, paragraphs 5.139-5.143)
- **Countryside Belts** (page 42, paragraph 5.144)
- **Development in the Countryside** (page 42, paragraphs 5.145-5.147)
- **Lowland Crofting** (page 44, paragraphs 5.148-5.152)
- **Green Networks, Local Biodiversity Sites and Geodiversity Sites** (page 45, paragraphs 5.153-5.155)
- **Forestry** (page 46, paragraphs 5.156-5.163)
- **Union Canal** (p.49 paragraphs 5.164-5.165)
- **Pentland Hills Regional Park** (page 49, paragraphs 5.164-5.165)
- **Country Parks** (page 50, paragraph 5.169)
- **Allotments/Community Growing** (page 51, paragraphs 5.170-5.171)
- **Temporary/Advance Greening** (page 51, paragraphs 5.172-5.174)
- **Biodiversity** (page 52, paragraphs 5.175-5.180)
- **Geodiversity** (page 53, paragraph 5.181)
- **West Lothian Open Space Strategy** (page 53, paragraphs 5.182-5.184)
- **Historic and Cultural Environment** (page 54, paragraphs 5.185-5.187)
- **Conservation Areas** (page 55, paragraphs 5.185-5.188)
- **Former Bangour Village Hospital, Dechmont** (page 56, paragraph 5.189)
- **Conservation Area at Abercorn/Hopetoun Estate** (page 56, paragraph 5.190)
- **Other Areas of Built Heritage and Townscape Value** (page 57, paragraphs 5.191-5.199)
- **Listed Buildings** (page 58, paragraphs 5.185-5.187)
- **Historic Gardens and Designed Landscapes** (page 59, paragraphs 5.200-5.201)
- **Historic Battlefields** (page 60, paragraph 5.202)
- **Archaeology** (page 60, paragraph 5.203)
- **Scheduled Monuments** (page 60, paragraphs 5.204-5.206)
- **Public Art** (page 61, paragraphs 5.207-5.208)
- **Climate Change Measures** (page 62, paragraphs 5.209-5.214)
- **Low Carbon Development and Renewable Energy** (page 63, paragraphs 5.215-5.221)
- **Wind Farms and Wind Turbines** (page 65, paragraphs 5.222-5.225)
- **Energy and Heat Networks** (page 66, paragraphs 5.226-5.229)
- **Off-gas Grid Areas and Renewable Heat Requirement for New-build Housing** (page 67, paragraphs 5.230-5.232)
- **The Water Environment and Flood Risk Management** (page 67, paragraphs 5.233-5.239)
- **Air Quality and Noise** (page 70, paragraphs 5.240-5.242)
- **Edinburgh Airport** (page 71, paragraph 5.243)
- **Noise** (page 71, paragraph 5.244)
- **Contaminated Land** (page 71, paragraphs 5.245-5.246)
- **Vacant and Derelict Land** (page 72, paragraphs 5.249-5.250)
- **Minerals and Waste** (page 73, paragraphs 5.251-5.256)
- **Site Restoration** (page 75, paragraphs 5.257-5.238)
- **Unconventional Gas Extraction including Hydraulic Fracking** (page 75, paragraph 5.259)
- **Waste** (page 76, paragraph 5.260)

## DEVELOPMENT PROPOSAL BY SETTLEMENT (page 79)

Provides details of development proposals which are supported by the LDP in each town and village across West Lothian and assigns each one a unique reference for ease of identification.

- **Addiewell & Loganlea** (page 79)
- **Armadale** (page 80)
- **Bathgate** (page 81)
- **Blackburn** (page 82)
- **Blackridge** (page 83)
- **Breich** (page 83)
- **Bridgehouse & Bridgecastle** (page 83)
- **Bridgend** (page 83)
- **Broxburn** (page 84)
- **Burnside** (page 84)
- **Dechmont & Bangour** (page 85)
- **East Calder** (page 85)
- **East Whitburn** (page 86)
- **Ecclesmachan** (page 86)
- **Fauldhouse** (page 86)
- **Greenrigg** (page 86)
- **Kirknewton** (page 87)
- **Landward area** (page 87)
- **Linlithgow & Linlithgow Bridge** (page 89)
- **Livingston** (page 90)
- **Longridge** (page 93)
- **Mid Calder** (page 93)
- **Newton and Woodend** (page 93)
- **Philpstoun/East & West Philpstoun/Old Philpstoun** (page 93)
- **Polbeth** (page 93)
- **Pumpherstoun** (page 93)
- **Seafield** (page 93)
- **Stoneyburn/Bents** (page 94)
- **Threemiletown** (page 94)
- **Torphichen** (page 94)
- **Uphall** (page 94)
- **Uphall Station** (page 94)
- **West Calder & Harburn** (page 95)
- **Westfield** (page 95)
- **Whitburn** (page 96)
- **Wilkieston** (page 97)
- **Winchburgh** (page 97)

## APPENDICES (page 99)

A number of appendices are included at the end of the LDP which provides additional detail on specific elements of the Proposed Plan.

- **Appendix 1 – Employment Land Allocations** (page 99)
- **Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements** (page 119)
- **Appendix 3 – Schedule of Land Ownership** (page 259)
- **Appendix 4 – LDP Supplementary Guidance (SG) and Planning Guidance (PG)** (page 265)
- **Appendix 5 – List of Policies** (page 273)
- **Appendix 6 – List of Proposals** (page 275)

## **GLOSSARY (page 280)**

An explanation of unfamiliar terms or expressions used in the LDP is provided to assist understanding of the document.

## **PROPOSALS MAPS**

The LDP comprises a series of five maps which define settlement boundaries and illustrate land use zonings.

## **ACCOMPANYING DOCUMENTS**

Alongside the LDP is a suite of documents which are required by statute as part of the preparation and supporting evidence for the LDP.

- **Strategic Environmental Assessment (SEA) Environmental Report.**
- **Equalities & Human Rights Impact Assessment (EQHRIA).**
- **Strategic Flood Risk Assessment (SFRA).**
- **Habitats Regulations Appraisal.**
- **Transport Appraisal (TA).**
- **Action Programme.**

## **ADDITIONAL COMMENTS**

Do you wish to submit any additional comments on the LDP?

*Thank you for your participation and contribution.*

**Your details (mandatory)**

Please indicate in what capacity you are making this submission:

- as an individual (and representing your own views)
- as a representative of a private or commercial organisation (and representing the views of that organisation)
- as a representative of a public organisation (and representing the views of that organisation)
- as an agent (and making comments on behalf of other individuals that you represent or third parties)
- other

Please complete the following contact information:

Name	<input type="text" value="Bob Salter"/>
Email	<input type="text" value="[REDACTED]"/>
Telephone	<input type="text" value="[REDACTED]"/>
Address	<input type="text" value="[REDACTED]"/>
Organisation name	<input type="text" value="Geddes Consulting"/>
Client's name	<input type="text" value="Wallance Land Investment &amp; Management"/>

**Is this the first time you have made a written representation on the Proposed Plan? (mandatory)**

- Yes
- No

**If you have previously submitted a site to be considered for development when the council was initially seeking Expressions of Interest (EOI), or commented on the *Local Development Plan* at the *Main Issues Report (MIR)* stage, or made a previous submission to the *Proposed Plan* please provide the reference given to you at that time if known.**

EOI & MIR reference number can be found on any email or written communication we may have previously sent you.

Enter EOI (Expression of Interest) reference here	<input type="text" value="0035/0051/0055/0103"/>
Enter MIRQ ( <i>Main Issues Report</i> ) reference here	<input type="text" value="0184 - 0193"/>

**Once form has been completed please sign and date (mandatory)**

You do not have to respond to all of the questions set out only those which you feel are of particular relevance to you.

Signature	<input type="text" value="[REDACTED]"/>	Date	<input type="text" value="20th November 2015"/>
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**FOR OFFICE USE ONLY**

Proposed Plan reference	<input type="text"/>
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## Wallace Land – Representations to Proposed Plan Summary of Representations

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On behalf of our clients Wallace Land Investment & Management (Wallace Land) we object to a number of policies and proposals in the West Lothian Local Development Plan (LDP) Proposed Plan, as set out below. We also submit three additional sites for allocation in the LDP. These are as follows:

- Wellhead Farm, Murieston
- Pumpherston Farm
- Burghmuir, Linlithgow

A number of supporting documents are included with our representations. These are also detailed below.

### EOI/MIR submission references

We made submissions on behalf of Wallace Land in response to the West Lothian LDP Main Issues Report. The reference numbers are as listed below.

- EOI-0035
- EOI-0051
- EOI-0055
- EOI-0103
- MIRQ-0184
- MIRQ-0185
- MIRQ-0186
- MIRQ-0187
- MIRQ-0188
- MIRQ-0189
- MIRQ-0190
- MIRQ-0191
- MIRQ-0192
- MIRQ-0193

### The Spatial Strategy (including policy framework)

We object to Policy HOU1: *Allocated Housing Sites* and *Figure 5* of the Proposed Plan on the basis that the Council's proposed development strategy as set out in the LDP Proposed Plan does not comply with the requirements of SESplan or Scottish Ministers, as set out in SPP. The attached *Representation about Policy HOU 1: Allocated Housing Sites and Figure 5* sets out our justification in detail, based on the supporting *Assessment of the Housing Land Supply*.

The supporting *Assessment of the Housing Land Supply* demonstrates that the number of homes to be allocated in the LDP Proposed Plan is 5,568 homes for the period 2009 to 2019. The number of homes to be allocated in the LDP Proposed Plan for the period 2019 to 2024 is 4,459 homes. For the period 2024 to 2027, the Council is required to allocate land for 1,612 homes. Over the entire LDP plan period 2009 to 2027, the Council is required to allocate additional effective housing land with a capacity of 11,639 homes.

Taking account of the programming of proposed allocations set out in the LDP Proposed Plan, which is not agreed by Homes for Scotland, the additional allocations required in the Proposed Plan over and above the proposed allocations already identified in the LDP Proposed Plan is 4,072 homes for the period 2009 to 2019.

The further allocations required in the LDP Proposed Plan for the period 2019 to 2024 is 1,849 homes. For the period 2024 to 2027, the Council requires to allocate further land for 1,612 homes.

In total, additional housing land capable of becoming effective over the plan period from 2009 to 2027 is required to deliver 7,533 homes. The allocation of this scale of additional homes is necessary in order to ensure that the LDP Proposed Plan complies with the housing land requirement in full as required by SESplan.

It is apparent from our *Assessment* that there is still a significant and substantial shortfall in the housing land supply in the first plan period to 2019. This matter has been raised and agreed by Reporters in recent appeal decisions.

The Council's development strategy for the LDP Proposed Plan needs to focus on identifying sufficient effective housing land that can contribute to the effective housing land supply in the short term period to 2019, as well as its plan period to 2027.

The consequence of failing to make these additional allocations is that the Council will not be maintaining a 5 year effective housing land supply from the adoption of the LDP. This will mean that the housing land supply policies in the LDP will be considered out of date in accord with SPP paragraph 125. In these circumstances a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35.

Accordingly, more land should be allocated to ensure that the LDP accords with the requirements of SESplan and SPP. We recommend the inclusion of three additional sites to help ensure these requirements are met. These sites are detailed below.

We object to the other policies listed below on the basis that they do not allow for the maintenance of an effective housing land supply as required by SESplan and SPP and they include unreasonable demands on development that are contrary to the provisions of Circulars 4/1998 and 3/2012. Separate representations set out changes requested to each policy and the justification for these.

1. HOU1: *Allocated Housing Sites and Figure 5*
2. HOU 2: *Maintaining an Effective Housing Land Supply*
3. HOU 3: *Infill/Windfall Housing Development within Settlements*
4. HOU 4: *Windfall Housing Development in Linlithgow and Linlithgow Bridge*
5. HOU 8: *Healthcare and Community Facilities in New Housing Development*
6. INF 1: *Infrastructure Provision and Developer Obligations*
7. ENV 1: *Landscape character and special landscape areas*
8. ENV 2: *Housing development in the countryside*
9. ENV 4: *Loss of prime agricultural land*
10. ENV 7: *Countryside belts and settlement setting*
11. ENV 8: *Green Network*
12. ENV 11: *Protection of the water environment / coastline and riparian corridors*
13. ENV 18: *Protection of Local and National Nature Conservation Sites*
14. ENV 31: *Historic Battlefields: Battle of Linlithgow Bridge (1526)*
15. ENV 32: *Archaeology*
16. EMG 3: *Sustainable Drainage*

## **Development proposal by settlement**

We promote three development opportunities that should be allocated in whole or part to help ensure the LDP meets the Council's housing requirement, as required by SESplan and Scottish Ministers.



These are listed below:

1. Wellhead Farm, Murieston. This site is proposed for development in three phases for a total of 680 homes plus community hub. Each phase is standalone and the site can be allocated in one, two or all three phases together. The whole site can be built out over the 10-year LDP period.
2. Pumpherston Farm. This site is proposed for a mixed use development incorporating up to 1,230 homes, with community hub, including a new Primary School if required by the Council. Separate phases of development would be delivered in phases of 200-300 homes. This site can be allocated in whole or in part with the potential to deliver 670 homes in Phases 1 to 3 in the LDP period.
3. Burghmuir, Linlithgow. This site is proposed for a phased mixed use development for around 600 homes, new motorway slips, and community facilities including hotel, care home, health centre, and sports provision. The whole site can be built out over the 10-year LDP period. Phase A for around 200 homes is capable of coming forward independently.

A separate *Supporting Statement* has been submitted for each of these three sites. These explain each proposal and its environmental impacts. They provide an updated SEA Site Assessment for each site, taking account of mitigation to be delivered by the proposal. They demonstrate that each of the three sites has acceptable environmental impacts and compares favourably with sites allocated in the Proposed Plan. Each of the sites is suitable for allocation in the LDP. Public consultation for each site is described.

We object to the proposed housing allocations in Linlithgow as listed below on the basis of concerns over the effectiveness of the proposed allocations. This is in terms of a lack of primary school capacity; increased traffic impacts leading to more congestion and further deterioration in air quality. The Council has not proposed infrastructure solutions to deal with these matters which are programmed for delivery. The full justification for these objections is set out within our series of site-specific representations.

- H-LL 4 Land east of Manse Road
- H-LL 7 Clarendon House, 30 Manse Road
- H-LL 10 Clarendon Farm
- H-LL 11 Wilcoxholm Farm / Pilgrims Hill
- H-LL 12 Preston Farm

We also object to the proposed strategic employment allocation at Burghmuir in Linlithgow, reference P-43. This is on the basis that there is no market demand for the proposed use. Further, there is an existing site allocated for this use (E-LL 2) which is currently available for this type of development. It is recommended that the Council modifies the Proposed Plan by allocating land at Burghmuir, Linlithgow for the mixed use development promoted by Wallace Land. The supporting *Representation about Proposal P-43 Burghmuir* sets out the full justification for this objection.

## List of supporting documents

The following documents are submitted in support of our representations.

The Spatial Strategy (including policy framework)

1. *Assessment of the Housing Land Supply*
2. *Representation about Policy HOU 1: Allocated Housing Sites and Figure 5*
3. *Representation about Policy HOU 2: Maintaining an Effective Housing Land Supply*
4. *Representation about Policy HOU 3: Infill/Windfall Housing Development within Settlements*
5. *Representation about Policy HOU 4: Windfall Housing Development in Linlithgow and Linlithgow Bridge*
6. *Representation about Policy HOU 8: Healthcare and Community Facilities in New Housing Development*
7. *Representation about Policy INF 1: Infrastructure Provision and Developer Obligations*
8. *Representation about Policy ENV 1: Landscape character and special landscape areas*
9. *Representation about Policy ENV 2: Housing development in the countryside*

10. *Representation about Policy ENV 4: Loss of prime agricultural land*
11. *Representation about Policy ENV 7: Countryside belts and settlement setting*
12. *Representation about Policy ENV 8: Green Network*
13. *Representation about Policy ENV 11: Protection of the water environment / coastline and riparian corridors*
14. *Representation about Policy ENV 18: Protection of Local and National Nature Conservation Sites*
15. *Representation about Policy ENV 31: Historic Battlefields: Battle of Linlithgow Bridge (1526)*
16. *Representation about Policy ENV 32: Archaeology*
17. *Representation about Policy EMG 3: Sustainable Drainage*

Development proposal by settlement

18. *Supporting Statement – Wellhead Farm, Murieston*
19. *Supporting Statement – Pumpherston Farm*
20. *Supporting Statement – Burghmuir, Linlithgow*
21. *Representation about Proposed Allocation Reference H-LL 4*
22. *Representation about Proposed Allocation Reference H-LL 7*
23. *Representation about Proposed Allocation Reference H-LL 10*
24. *Representation about Proposed Allocation Reference H-LL 11*
25. *Representation about Proposed Allocation Reference H-LL 12*
26. *Representation about Proposal P-43 Burghmuir*

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These are listed below:

1. Wellhead Farm, Murieston. This site is proposed for development in three phases for a total of 680 homes plus community hub. Each phase is standalone and the site can be allocated in one, two or all three phases together. The whole site can be built out over the 10-year LDP period.
2. Pumpherston Farm. This site is proposed for a mixed use development incorporating up to 1,230 homes, with community hub, including a new Primary School if required by the Council. Separate phases of development would be delivered in phases of 200-300 homes. This site can be allocated in whole or in part with the potential to deliver 670 homes in Phases 1 to 3 in the LDP period.
3. Burghmuir, Linlithgow. This site is proposed for a phased mixed use development for around 600 homes, new motorway slips, and community facilities including hotel, care home, health centre, and sports provision. The whole site can be built out over the 10-year LDP period. Phase A for around 200 homes is capable of coming forward independently.

A separate *Supporting Statement* has been submitted for each of these three sites. These explain each proposal and its environmental impacts. They provide an updated SEA Site Assessment for each site, taking account of mitigation to be delivered by the proposal. They demonstrate that each of the three sites has acceptable environmental impacts and compares favourably with sites allocated in the Proposed Plan. Each of the sites is suitable for allocation in the LDP. Public consultation for each site is described.

We object to the proposed housing allocations in Linlithgow as listed below on the basis of concerns over the effectiveness of the proposed allocations. This is in terms of a lack of primary school capacity; increased traffic impacts leading to more congestion and further deterioration in air quality. The Council has not proposed infrastructure solutions to deal with these matters which are programmed for delivery. The full justification for these objections is set out within our series of site-specific representations.

- H-LL 4 Land east of Manse Road
- H-LL 7 Clarendon House, 30 Manse Road
- H-LL 10 Clarendon Farm
- H-LL 11 Wilcoxholm Farm / Pilgrims Hill
- H-LL 12 Preston Farm

We also object to the proposed strategic employment allocation at Burghmuir in Linlithgow, reference P-43. This is on the basis that there is no market demand for the proposed use. Further, there is an existing site allocated for this use (E-LL 2) which is currently available for this type of development. It is recommended that the Council modifies the Proposed Plan by allocating land at Burghmuir, Linlithgow for the mixed use development promoted by Wallace Land. The supporting *Representation about Proposal P-43 Burghmuir* sets out the full justification for this objection.

## List of supporting documents

The following documents are submitted in support of our representations.

The Spatial Strategy (including policy framework)

1. *Assessment of the Housing Land Supply*
2. *Representation about Policy HOU 1: Allocated Housing Sites and Figure 5*
3. *Representation about Policy HOU 2: Maintaining an Effective Housing Land Supply*
4. *Representation about Policy HOU 3: Infill/Windfall Housing Development within Settlements*
5. *Representation about Policy HOU 4: Windfall Housing Development in Linlithgow and Linlithgow Bridge*
6. *Representation about Policy HOU 8: Healthcare and Community Facilities in New Housing Development*
7. *Representation about Policy INF 1: Infrastructure Provision and Developer Obligations*
8. *Representation about Policy ENV 1: Landscape character and special landscape areas*
9. *Representation about Policy ENV 2: Housing development in the countryside*

10. *Representation about Policy ENV 4: Loss of prime agricultural land*
11. *Representation about Policy ENV 7: Countryside belts and settlement setting*
12. *Representation about Policy ENV 8: Green Network*
13. *Representation about Policy ENV 11: Protection of the water environment / coastline and riparian corridors*
14. *Representation about Policy ENV 18: Protection of Local and National Nature Conservation Sites*
15. *Representation about Policy ENV 31: Historic Battlefields: Battle of Linlithgow Bridge (1526)*
16. *Representation about Policy ENV 32: Archaeology*
17. *Representation about Policy EMG 3: Sustainable Drainage*

Development proposal by settlement

18. *Supporting Statement – Wellhead Farm, Murieston*
19. *Supporting Statement – Pumpherston Farm*
20. *Supporting Statement – Burghmuir, Linlithgow*
21. *Representation about Proposed Allocation Reference H-LL 4*
22. *Representation about Proposed Allocation Reference H-LL 7*
23. *Representation about Proposed Allocation Reference H-LL 10*
24. *Representation about Proposed Allocation Reference H-LL 11*
25. *Representation about Proposed Allocation Reference H-LL 12*
26. *Representation about Proposal P-43 Burghmuir*

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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 12**

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**On behalf of**



**November 2015**

Prepared by :



[Redacted]  
[Redacted]  
[Redacted]  
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## Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft	[Redacted]	[Redacted]	17 <sup>th</sup> November 2015
V2	Final	[Redacted]	[Redacted]	20 <sup>th</sup> November 2015

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 12 and the Council’s proposed overall development strategy for Linlithgow. An assessment about H-LL 12’s compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 12. These concerns are set out in Annex 2. Wallace Land has further concerns about the overall deliverability of the Council’s proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn’t identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council’s proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL 4	East of Manse Road	45 homes	2019/20-2020/21
H-LL 7	Clarendon House	8 homes	2016/17
H-LL 10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL 11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	

- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.

- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 1. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are highlighted in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.

- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO<sub>2</sub> and PM<sub>10</sub> would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.

- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (i.e. Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.
- 1.53. Control of the land for delivery of the west facing motorway slips rests with Wallace Land.

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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 12 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.



- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

### **Recommendation**

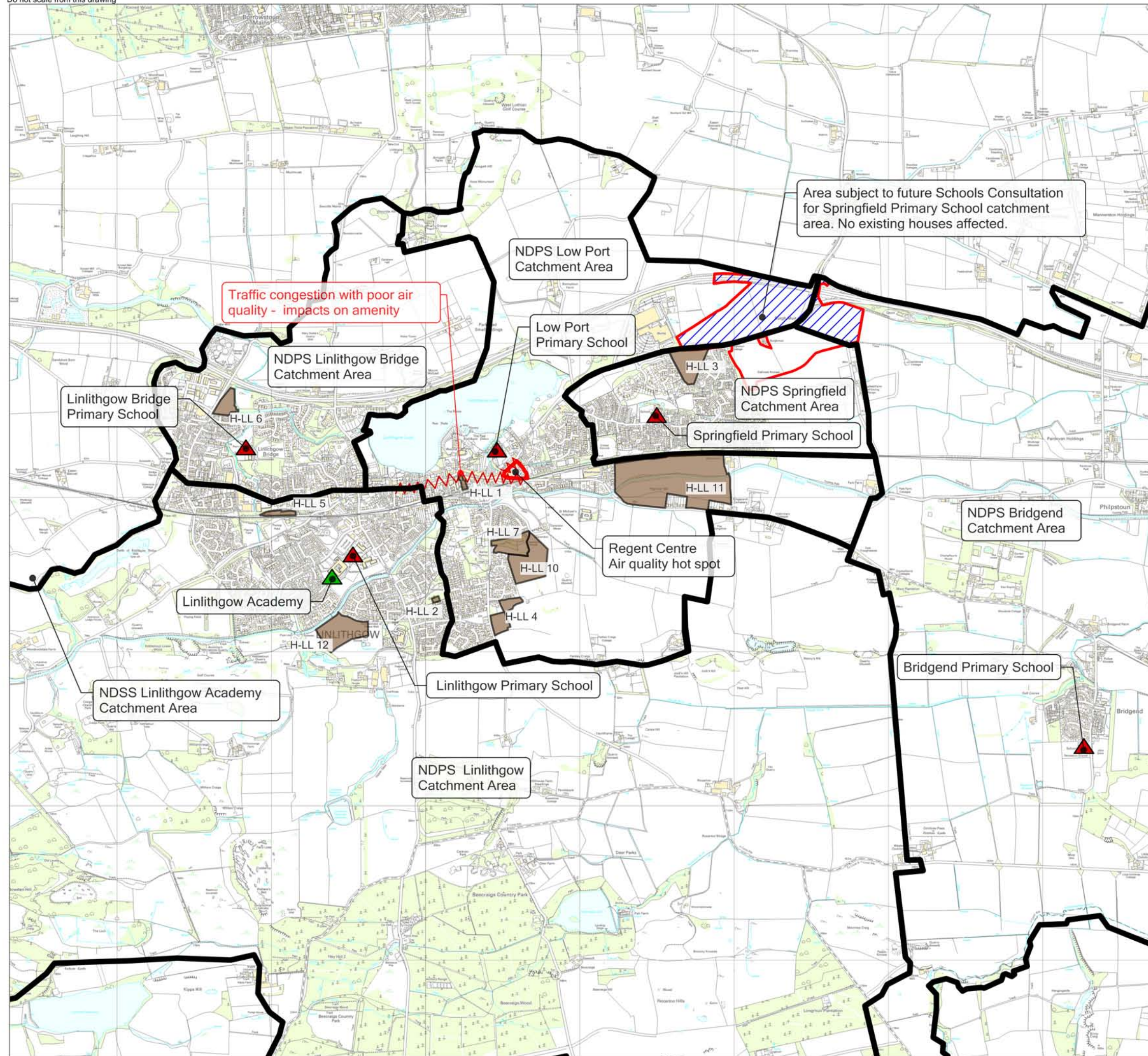
- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 12's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 4, H-LL 7, H-LL 10 and H-LL 11) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEX-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ~ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

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## Annex 2 Representation about Proposed Allocation H-LL 12

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Site Analysis					
LDP Site Reference	H-LL12 Preston Farm				
Site Area	10ha				
Site Capacity	60 homes				
Housing Land Audit 2014	Not programmed as an effective site, or included as constrained.				
Compliance with PAN2/2010					
Ownership	Controlled by a party willing to release for development.			Complies	
Physical	Concern over capacity of proposed access into the site from Deanburn Road. Further concern about potential for flood risk noted in the Proposed Plan.			Not proven	
Contamination	Not considered to be an issue.			Complies	
Deficit Funding	Not considered to be an issue.			Complies	
Marketability	Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies	
Infrastructure Education					Does not comply
	Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity	
	Linlithgow Primary	427	415	-12	
	Linlithgow Academy	1,205	1,320	115	
	St. Joseph's	139	198	49	
	St. Kentigerns	1,199	1,430	231	
Transport	<p>Comment: The allocation of this site will result in an additional 19 pupils requiring places at Linlithgow Primary School. The Council anticipates that this site would be developed from 2019/20 to 2020/21.</p> <p>There is no capacity at Linlithgow Primary School to accommodate these pupils. It is not known if Linlithgow Primary School can be extended to accommodate additional pupils.</p>				Does not comply
	<p>Location of site: To the south west of Linlithgow Access to amenities: Via Deanburn Road and Preston Road, adjoining High Street at the western end. Impact on Air Quality: Would result in additional traffic on High Street, adding to congestion and air quality concerns. No scope for development of site to reduce east-west traffic flows on High Street.</p> <p>Access arrangements are unclear and it is not known if there is sufficient capacity on the Deanburn Road cul-de-sac to accommodate the proposed access. The Proposed Plan states that a secondary access may be required but there is no scope to deliver a second access from another road. The site can only be accessed from Deanburn Road.</p> <p>The Council's Environmental Health Officer stated in response to the Clarendon Farm (H-LL10) Planning Application (0698/P/13): <i>The development has the potential to adversely affect local air quality. In particular, it will create additional traffic pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...</i></p>				

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

These concerns are also applicable to this proposed allocation.

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Linlithgow Primary School. There is insufficient capacity at Linlithgow Primary School to accommodate pupils from this proposal. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified solution is an *...insurmountable constraint*.

It is not clear that satisfactory access can be delivered from Deanburn Road. There is no alternative access road. Furthermore, the proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified. On its own, this may be a marginal increase. But the cumulative impact of all of the other proposed allocations is a cause for concern, especially as the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.

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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 12**

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**On behalf of**



**November 2015**



Prepared by :



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## Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft			17 <sup>th</sup> November 2015
V2	Final			20 <sup>th</sup> November 2015

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 12 and the Council’s proposed overall development strategy for Linlithgow. An assessment about H-LL 12’s compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 12. These concerns are set out in Annex 2. Wallace Land has further concerns about the overall deliverability of the Council’s proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn’t identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council’s proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL 4	East of Manse Road	45 homes	2019/20-2020/21
H-LL 7	Clarendon House	8 homes	2016/17
H-LL 10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL 11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	

- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.

- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 1. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are highlighted in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.

- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO<sub>2</sub> and PM<sub>10</sub> would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.

- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (i.e. Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.
- 1.53. Control of the land for delivery of the west facing motorway slips rests with Wallace Land.



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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 12 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.

- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

### **Recommendation**

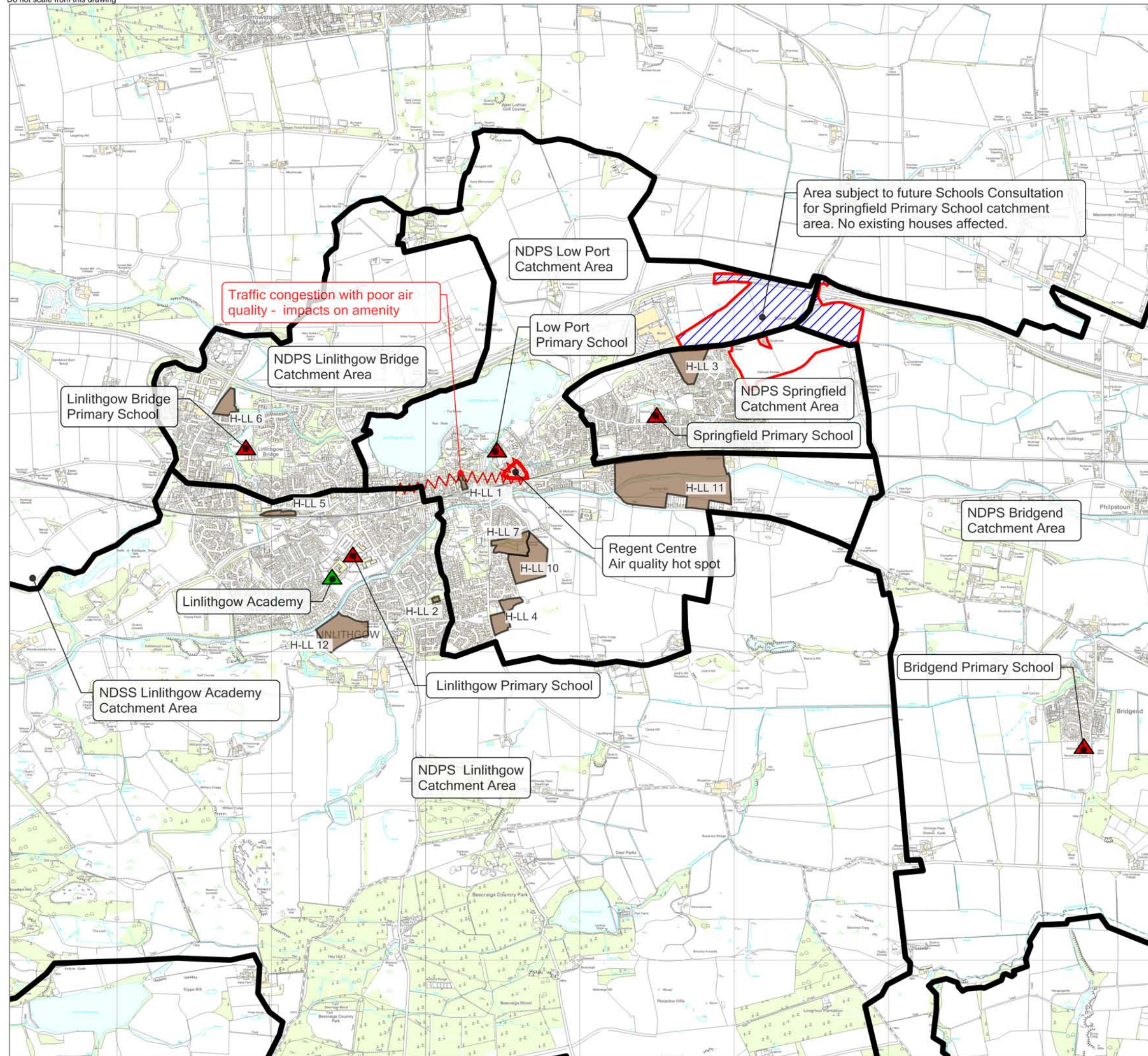
- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 12's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 4, H-LL 7, H-LL 10 and H-LL 11) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEX-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ⚡ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

scale 1:25,000 @ A3



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## Annex 2 Representation about Proposed Allocation H-LL 12

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Site Analysis					
LDP Site Reference		H-LL12 Preston Farm			
Site Area		10ha			
Site Capacity		60 homes			
Housing Land Audit 2014		Not programmed as an effective site, or included as constrained.			
Compliance with PAN2/2010					
Ownership		Controlled by a party willing to release for development.			Complies
Physical		Concern over capacity of proposed access into the site from Deanburn Road. Further concern about potential for flood risk noted in the Proposed Plan.			Not proven
Contamination		Not considered to be an issue.			Complies
Deficit Funding		Not considered to be an issue.			Complies
Marketability		Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies
Infrastructure					Does not comply
Education					
		Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity
		Linlithgow Primary	427	415	-12
		Linlithgow Academy	1,205	1,320	115
		St. Joseph's	139	198	49
		St. Kentigerns	1,199	1,430	231
		<p>Comment:</p> <p>The allocation of this site will result in an additional 19 pupils requiring places at Linlithgow Primary School. The Council anticipates that this site would be developed from 2019/20 to 2020/21.</p> <p>There is no capacity at Linlithgow Primary School to accommodate these pupils. It is not known if Linlithgow Primary School can be extended to accommodate additional pupils.</p>			
Transport		<p>Location of site: To the south west of Linlithgow</p> <p>Access to amenities: Via Deanburn Road and Preston Road, adjoining High Street at the western end.</p> <p>Impact on Air Quality: Would result in additional traffic on High Street, adding to congestion and air quality concerns. No scope for development of site to reduce east-west traffic flows on High Street.</p> <p>Access arrangements are unclear and it is not known if there is sufficient capacity on the Deanburn Road cul-de-sac to accommodate the proposed access. The Proposed Plan states that a secondary access may be required but there is no scope to deliver a second access from another road. The site can only be accessed from Deanburn Road.</p> <p>The Council's Environmental Health Officer stated in response to the Clarendon Farm (H-LL10) Planning Application (0698/P/13):</p> <p><i>The development has the potential to adversely affect local air quality. In particular, it will create additional traffic pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...</i></p>			Does not comply

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

These concerns are also applicable to this proposed allocation.

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Linlithgow Primary School. There is insufficient capacity at Linlithgow Primary School to accommodate pupils from this proposal. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified solution is an *...insurmountable constraint*.

It is not clear that satisfactory access can be delivered from Deanburn Road. There is no alternative access road. Furthermore, the proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified. On its own, this may be a marginal increase. But the cumulative impact of all of the other proposed allocations is a cause for concern, especially as the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.



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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 4**

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**On behalf of**



**November 2015**

Prepared by :



[Redacted]  
[Redacted]  
[Redacted]  
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## Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft	[Redacted]	[Redacted]	17 <sup>th</sup> November 2015
V2	Final	[Redacted]	[Redacted]	20 <sup>th</sup> November 2015

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 4 and the Council's proposed overall development strategy for Linlithgow. An assessment about H-LL 4's compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 4. Wallace Land has further concerns about the overall deliverability of the Council's proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn't identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council's proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL4	East of Manse Road	45 homes	2019/20-2020/21
H-LL7	Clarendon House	8 homes	2016/17
H-LL10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	

- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.

- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 2. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are set out in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.

- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO<sub>2</sub> and PM<sub>10</sub> would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.



- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (i.e. Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.
- 1.53. Control of the land for delivery of the west facing motorway slips rests with Wallace Land.

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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 4 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.

- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

### **Recommendation**

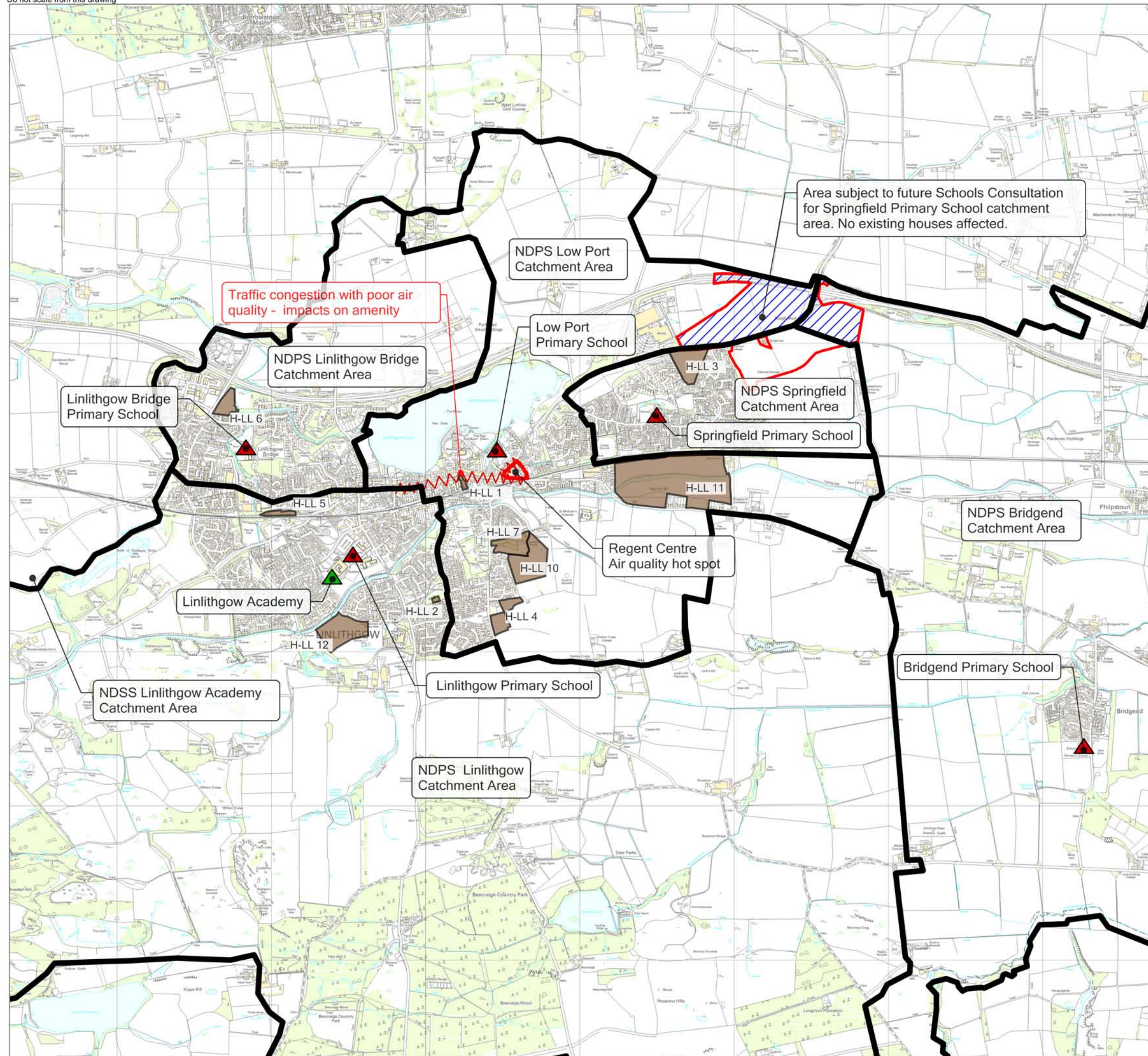
- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 4's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 7, H-LL 10, H-LL 11 and H-LL 12) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEX-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ~ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

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## Annex 2 Representation about Proposed Allocation H-LL 4

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Site Analysis					
LDP Site Reference	H-LL4 East of Manse Road				
Site Area	2ha				
Site Capacity	45 homes				
Housing Land Audit 2014	Not programmed as an effective site, or included as constrained.				
Compliance with PAN2/2010					
Ownership	Controlled by a party willing to release for development.			Complies	
Physical	Concern over proposed access into the site.			Not proven	
Contamination	Not considered to be an issue.			Complies	
Deficit Funding	Not considered to be an issue.			Complies	
Marketability	Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies	
Infrastructure Education					Does not comply
	Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity	
	Low Port Primary	203	198	-5	
	Linlithgow Academy	1,205	1,320	115	
	St. Joseph's	139	198	49	
	St. Kentigerns	1,199	1,430	231	
	<p>Comment:</p> <p>Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's 2012 <i>Base School Forecast</i> predicts that this School will operate beyond or at capacity until 2020/21. This <i>Base School Forecast</i> does not take account of any additional housing development from LDP allocations.</p> <p>The allocation of this site will result in an additional 14 pupils requiring places at Low Port Primary School. The Council anticipates that this site would be developed from 2019/20 to 2020/21. There is no capacity at Low Port Primary School to accommodate these pupils.</p> <p>There may be sufficient capacity to accommodate pupils in the other catchment schools, although it is noted that the Education Authority objected to Planning Application 0698/P/13 (Clarendon Farm – H-LL10) on the grounds of lack of capacity in all catchment schools.</p> <p>As confirmed by the Scottish Ministers in adopting the Reporter's recommendation and conclusions in the Clarendon Farm Appeal (PPA-400-2046), the lack of capacity at Low Port Primary School, and the lack of an identified solution to this, is an <i>insurmountable</i> constraint.</p>				
Transport	<p>Location of site: To the south of Linlithgow  Access to amenities: Via Manse Road and High Port  Impact on Air Quality: Additional traffic on High Port and High Road, adding to congestion and air quality concerns. No scope for development of site to reduce east-west traffic flows on High Street.</p> <p>Access to be taken from Manse Road (southern part of site) and Oatlands Park (northern part of site). It is not known whether the access from Oatlands Park is controlled by the promoter, and therefore if it can be delivered.</p> <p>The Council's Environmental Health Officer stated in</p>				



response to the Clarendon Farm Planning Application (0698/P/13):

*The development has the potential to adversely affect local air quality. In particular, it will create additional traffic pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...*

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

These concerns are also applicable to this proposed allocation.

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Low Port Primary School. Whilst the proposal would generate only 14 pupils, there is insufficient capacity at Low Port Primary School to accommodate pupils from this proposal. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified education solution is an *...insurmountable constraint*.

It is not known if the developer has the necessary land control to delivery vehicular access into the northern part of the site from Oatlands Park, as required by the Proposed Plan. Furthermore, the proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified.

Whilst this may be a marginal increase if this proposed allocation was considered on its own merits, the cumulative impact of all of the other proposed allocations is a cause for concern. Particularly because the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow.

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.

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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 7**

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**On behalf of**



**November 2015**

Prepared by :



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[Redacted contact information]

## Document Control and Approval

Revision	Status	Prepared	Approved	Date
V1	Draft	[Redacted]	[Redacted]	17 <sup>th</sup> November 2015
V2	Final	[Redacted]	[Redacted]	20 <sup>th</sup> November 2015

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 7 and the Council’s proposed overall development strategy for Linlithgow. An assessment about H-LL 7’s compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 7. These concerns are set out in Annex 2. Wallace Land has further concerns about the overall deliverability of the Council’s proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn’t identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council’s proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL 4	East of Manse Road	45 homes	2019/20-2020/21
H-LL 7	Clarendon House	8 homes	2016/17
H-LL 10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL 11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	

- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.

- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 1. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are highlighted in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.



- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO2 and PM10 would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.

- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (i.e. Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.
- 1.53. Control of the land for delivery of the west facing motorway slips rests with Wallace Land.

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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 10 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.

- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

**Recommendation**

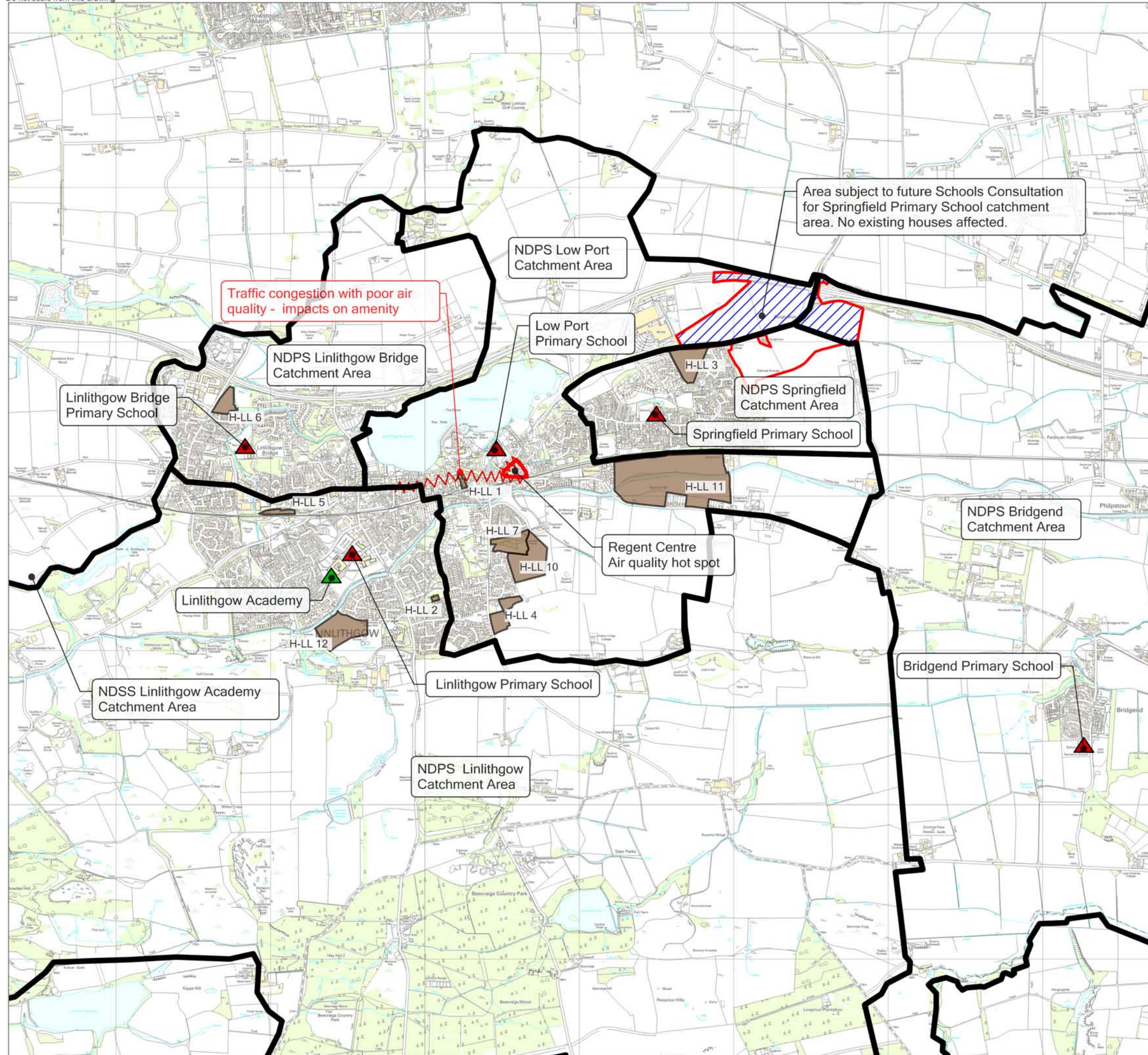
- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 7's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 4, H-LL 10, H-LL 11 and H-LL 12) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEX-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ~ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

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## Annex 2 Representation about Proposed Allocation H-LL 7

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Site Analysis					
LDP Site Reference	H-LL7 Clarendon House				
Site Area	2.6ha				
Site Capacity	8 homes				
Housing Land Audit 2014	Not programmed as an effective site, or included as constrained.				
Compliance with PAN2/2010					
Ownership	Controlled by a party willing to release for development.			Complies	
Physical	Concern over proposed access into the site.			Not proven	
Contamination	Not considered to be an issue.			Complies	
Deficit Funding	Not considered to be an issue.			Complies	
Marketability	Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies	
Infrastructure Education					Does not comply
	Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity	
	Low Port Primary	203	198	-5	
	Linlithgow Academy	1,205	1,320	115	
	St. Joseph's	139	198	49	
	St. Kentigerns	1,199	1,430	231	
	<p>Comment:</p> <p>Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's 2012 <i>Base School Forecast</i> predicts that this School will operate beyond or at capacity until 2020/21. This <i>Base School Forecast</i> does not take account of any additional housing development from LDP allocations.</p> <p>The allocation of this site will result in an additional 3 pupils requiring places at Low Port Primary School. The Council anticipates that this site would be developed in 2016/17. There is no capacity at Low Port Primary School to accommodate additional pupils.</p> <p>There may be sufficient capacity to accommodate pupils in the other catchment schools, although it is noted that the Education Authority objected to Planning Application 0698/P/13 (Clarendon Farm – H-LL10) on the grounds of lack of capacity in all catchment schools.</p> <p>As confirmed by the Scottish Ministers in adopting the Reporter's recommendation and conclusions in the Clarendon Farm Appeal (PPA-400-2046), the lack of capacity at Low Port Primary School, and the lack of an identified solution to this, is an <i>insurmountable</i> constraint.</p>				
Transport	<p>Location of site: To the south of Linlithgow</p> <p>Access to amenities: Via Manse Road and High Port</p> <p>Impact on Air Quality: Additional traffic on High Port and High Road, adding to congestion and air quality concerns.</p> <p>No scope for development of site to reduce east-west traffic flows on High Street.</p> <p>Access to be taken from Manse Road.</p> <p>The Council's Environmental Health Officer stated in response to the Clarendon Farm Planning Application: <i>The development has the potential to adversely affect local air quality. In particular, it will create additional traffic</i></p>				

*pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...*

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

These concerns are also applicable to this proposed allocation.

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Low Port Primary School. Whilst the proposal would generate only 3 pupils, there is currently insufficient capacity at Low Port Primary School to accommodate pupils from this proposal. The cumulative impact of this proposal with the other proposed allocations in this area exacerbates the lack of capacity at Low Port Primary School. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified solution is an *...insurmountable constraint*.

Furthermore, the proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified. On its own, the impact from the proposed 8 homes may be a marginal increase. But the cumulative impact of all of the other proposed allocations is a cause for concern, especially as the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow.

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.

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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 10**

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**On behalf of**



**November 2015**

Prepared by :



[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
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## Document Control and Approval

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 10 and the Council’s proposed overall development strategy for Linlithgow. An assessment about H-LL 10’s compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 10. These concerns are set out in Annex 2. Wallace Land has further concerns about the overall deliverability of the Council’s proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn’t identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council’s proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL 4	East of Manse Road	45 homes	2019/20-2020/21
H-LL 7	Clarendon House	8 homes	2016/17
H-LL 10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL 11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	

- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.



- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 1. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are highlighted in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.

- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO<sub>2</sub> and PM<sub>10</sub> would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.

- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (i.e. Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.
- 1.53. Control of the land for delivery of the west facing motorway slips rests with Wallace Land.

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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 10 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.

- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

### **Recommendation**

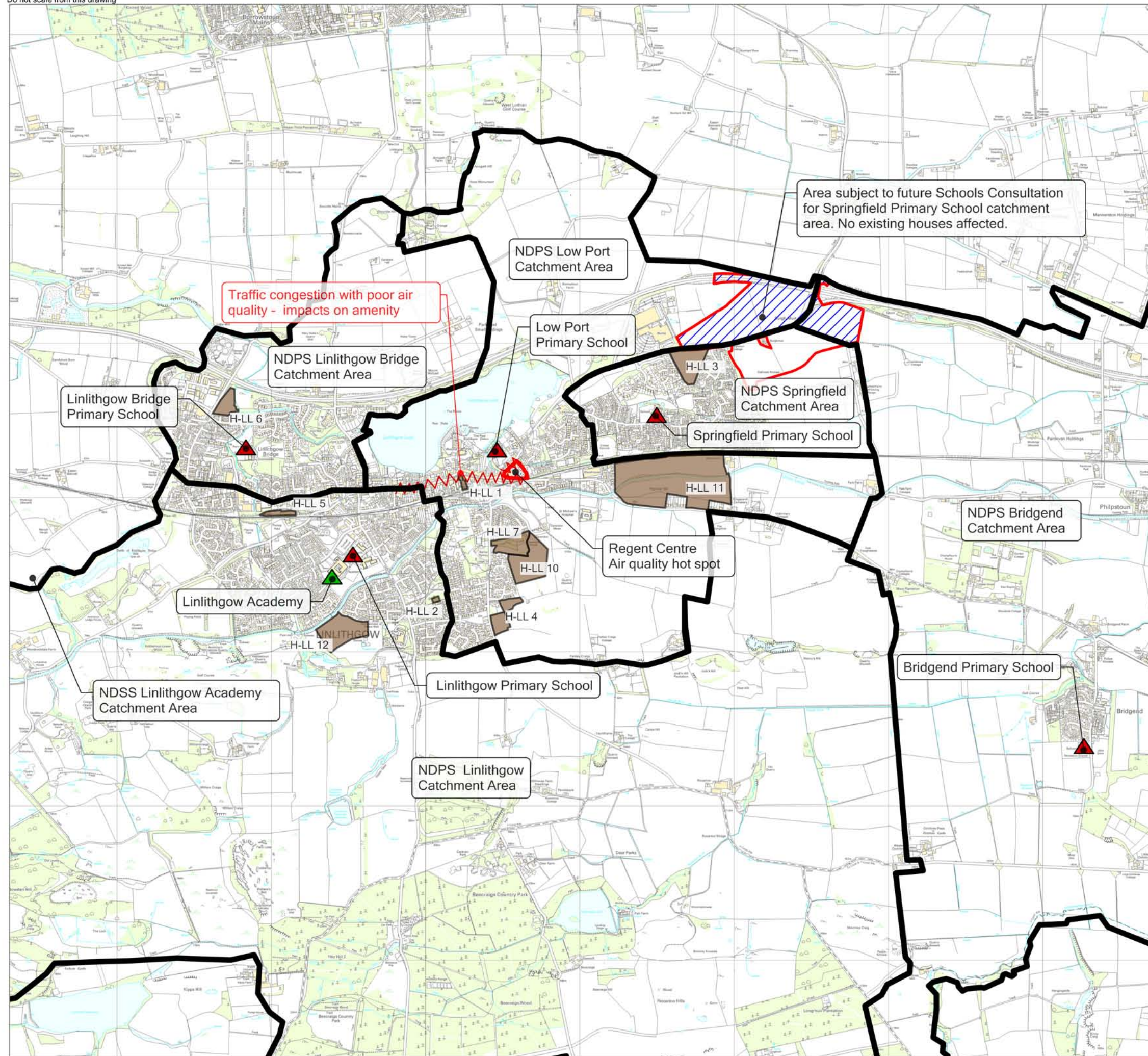
- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 10's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 4, H-LL 7, H-LL 11 and H-LL 12) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEX-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ~ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

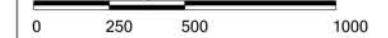
Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

scale 1:25,000 @ A3





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## **Annex 2 Representation about Proposed Allocation H-LL 10**

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Site Analysis					
LDP Site Reference	H-LL10 Clarendon Farm				
Site Area	26ha				
Site Capacity	120 homes				
Housing Land Audit 2014	Not programmed as an effective site, or included as constrained.				
Compliance with PAN2/2010					
Ownership	Controlled by a party willing to release for development.			Complies	
Physical	Concern over proposed access into the site.			Not proven	
Contamination	Not considered to be an issue.			Complies	
Deficit Funding	Not considered to be an issue.			Complies	
Marketability	Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies	
Infrastructure Education					Does not comply
	Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity	
	Low Port Primary	203	198	-5	
	Linlithgow Academy	1,205	1,320	115	
	St. Joseph's	139	198	49	
	St. Kentigerns	1,199	1,430	231	
Transport	<p>Comment: The allocation of this site will result in an additional 38 pupils requiring places at Low Port Primary School. The Council anticipates that this site would be developed from 2018/19 to 2022/23. There is no capacity at Low Port Primary School to accommodate these pupils.</p> <p>There may be sufficient capacity to accommodate pupils in the other catchment schools, although it is noted that the Education Authority objected to Planning Application (0698/P/13) for Clarendon Farm (H-LL10) on the grounds of lack of capacity in all catchment schools.</p> <p>As confirmed by the Scottish Ministers in adopting the Reporter's recommendation and conclusions in the Clarendon Farm Appeal (PPA-400-2046), the lack of capacity at Low Port Primary School, and the lack of an identified solution to this, is an <i>insurmountable</i> constraint.</p>				
	<p>Location of site: To the south of Linlithgow Access to amenities: Via Manse Road and High Port Impact on Air Quality: Additional traffic on High Port and High Road, adding to congestion and air quality concerns. No scope for development of site to reduce east-west traffic flows on High Street.</p> <p>Access arrangements to the site are unclear. The Proposed Plan requires the main access to be taken from the St. Michael's Hospital access. It is not clear if the land required to deliver this access is in the control of the promoter. The land required for this access is not included in the recent Proposal of Application Notice (0703/PAC/15) for Clarendon Farm.</p> <p>The Council's Environmental Health Officer stated in response to the Clarendon Farm Planning Application (0698/P/13): <i>The development has the potential to adversely affect local air quality. In particular, it will create additional traffic</i></p>				

*pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...*

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

*In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Low Port Primary School. There is insufficient capacity at Low Port Primary School to accommodate pupils from this proposal. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified solution is an *...insurmountable constraint*.

The Proposed Plan allocation requires that the site is accessed via the existing access from Edinburgh Road to St. Michael's Hospital to the east. This does not currently provide any access to this site. It is not known that this access can be delivered by the site promoter.

Furthermore, the proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified. On its own, this may be a marginal increase. But the cumulative impact of all of the other proposed allocations is a cause for concern, especially as the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow.

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.

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**West Lothian Local Development Plan Proposed Plan  
Representation about Proposed Allocation Reference H-LL 11**

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**On behalf of**



**November 2015**

Prepared by :



[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

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## Document Control and Approval

Revision	Status		Date
V1	Draft	[Redacted]	17 <sup>th</sup> November 2015
V2	Final	[Redacted]	20 <sup>th</sup> November 2015

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## 1.0 Introduction

- 1.1. The West Lothian Local Plan (adopted in 2009) adopted an area of restraint around Linlithgow. The Council's justification for the area of restraint was based upon environmental and infrastructure concerns.
- 1.2. The Council now acknowledges that Linlithgow is within the West Lothian Strategic Development Area (SDA) as confirmed by SESplan Strategic Development Plan (SDP). Accordingly, the Council has reviewed the reasons underpinning the area of restraint designation. The Council now accepts that *...there is scope to allow for some development within the town. Consequently, the 'area of restraint' designation previously applied to Linlithgow is removed* (Proposed Plan paragraph 5.63).
- 1.3. Wallace Land welcomes and supports the Council's conclusion that the area of restraint should be removed.
- 1.4. Proposed Plan paragraph 5.64 confirms that *...Land at Linlithgow is identified for release for development in order to address housing needs and demand following a sequential approach to development... ...Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. It is noted that the Council's LDP Proposed Plan Housing Spreadsheet programmes 105 completions from new Proposed Plan allocations before 2019.*
- 1.5. The Council's sequential approach is explained in Proposed Plan paragraph 5.65 and 5.66.

*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 (Para 5.65).*

*The sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Mitigation includes traffic signalling at points on the network to reduce queueing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips (Para 5.66).*

- 1.6. Proposed Plan Paragraph 5.241 confirms

*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 stopstart traffic in the High Street, which in most cases has no alternative practical east – west route... ...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.*

- 1.7. The Council has identified education infrastructure capacity, traffic congestion in the town centre and management of air quality as critical matters for the future development of Linlithgow.
- 1.8. Accordingly, the development strategy for Linlithgow needs to allocate land in locations where education infrastructure capacity exists, and development would not exacerbate traffic congestion and air quality concerns in the town centre.
- 1.9. In total, the Proposed Plan allocates 569 homes in Linlithgow. Two sites, with capacity for 53 homes, are carried forward from the previous Local Plan. There are 8 new allocations, with capacity for 516 homes.
- 1.10. Five of these new allocations are on greenfield sites on the edge of the settlement. These new greenfield allocations have capacity for 433 homes.
- 1.11. A plan illustrating the location of these allocations together with the relevant school catchment areas and town centre traffic congestion area is provided in Annex 1.
- 1.12. This Representation is about proposed allocation H-LL 11 and the Council’s proposed overall development strategy for Linlithgow. An assessment about H-LL 11’s compliance with Planning Advice Note (PAN) 2/2010 is set out in Annex 2.
- 1.13. Wallace Land is concerned about site specific issues regarding the proposed allocation H-LL 11. These concerns are set out in Annex 2. Wallace Land has further concerns about the overall deliverability of the Council’s proposed development strategy for Linlithgow. Comments about the overall strategy are set out in this Statement.

**Education Infrastructure**

- 1.14. The Proposed Plan identifies the relevant school catchment areas for each proposed allocation. However, the Proposed Plan incorrectly identifies allocations H-LL 7, H-LL 10 and H-LL 11 as being within the catchment area for Linlithgow Bridge Primary School. This is not correct. All of these sites are within the Low Port Primary School catchment area.
- 1.15. The Proposed Plan also identifies allocation H-LL 12 as being within the Linlithgow Bridge catchment area. This is also incorrect as this site is within the Linlithgow Primary School catchment area.
- 1.16. The Proposed Plan identifies allocation H-LL 3 as being within the Low Port Primary School catchment area. This is also incorrect as this site is within the Springfield Primary School catchment area.
- 1.17. The Council has referenced capacity at Linlithgow Academy as a key consideration in its proposed development strategy. What is surprising is that the Council hasn’t identified primary school capacity as an infrastructure constraint for its development strategy for Linlithgow.
- 1.18. The Council’s proposed development strategy for Linlithgow allocates four new greenfield sites within the catchment area of Low Port Primary School. These allocations are summarised in the table below.

LDP reference	Site name	Site capacity	Completion programme
H-LL 4	East of Manse Road	45 homes	2019/20-2020/21
H-LL 7	Clarendon House	8 homes	2016/17
H-LL 10	Clarendon Farm	120 homes	2018/19-2022/23
H-LL 11	Wilcoxholm Farm	200 homes	2019/20-2023/24
	Total	373 homes	



- 1.19. The table above confirms that the Council proposes to allocate 373 homes within the Low Port Primary School catchment area. The Council anticipates that these homes will be constructed over the period 2016/17 to 2023/24.
- 1.20. Low Port Primary School has capacity for 198 pupils. The current 2015/16 Census Roll is 203 pupils. Low Port Primary School is already operating beyond its design capacity and has been for a number of years. The Council's most recent 2012 *Base School Forecast* predicts that this School will operate beyond or at capacity until 2020/21. This *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations.
- 1.21. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 373 homes would generate an additional 118 pupils requiring places at Low Port Primary School over the period 2016/17 to 2023/24.
- 1.22. The Council also proposes to allocate one new greenfield housing site within the Linlithgow Primary School catchment area. This proposed allocation is LDP reference H-LL 12 Preston Farm. The proposed allocation is for 60 homes. The Council anticipates that these homes will be built in 2019/20-2020/21.
- 1.23. Linlithgow Primary School has capacity for 415 pupils. The current 2015/16 Census Roll is 427 pupils. The Council's most recent 2012 *Base School Forecast* predicted that capacity would be available at this School from 2014/15 onwards. This was not the case. The actual roll at Linlithgow Primary School has exceeded the *Base School Forecast* in recent years. It is now operating beyond its design capacity. The Council's *Base School Forecast* does not take account of any additional pupils resulting from LDP allocations. In accord with the Council's standard *Child per House Ratio* (0.3156 pupils per home), the proposed 60 homes would generate an additional 19 pupils requiring places at Linlithgow Primary School over the period 2016/17 to 2023/24.
- 1.24. The Council recently refused an Application for Planning Permission in Principle (PPP) (Council reference: 0698/P/13) for one of the sites it now proposes to allocate in the Proposed Plan. This site is LDP ref H-LL 10 Clarendon Farm.
- 1.25. In determining this Application, the Council confirmed that there was insufficient capacity at Low Port Primary School to accommodate any additional pupils. The Council also confirmed that there were no plans to expand this school, and it was unknown whether future expansion was even possible. On the potential for a Schools Consultation (catchment area review) in Linlithgow, the Council stated that the outcome of such a Consultation *...cannot be pre-empted and therefore the full scale of development what could be supported and when, is not known* (Education Planning response to PPP Application 0698/P/13).
- 1.26. In recommending dismissal of the subsequent recalled Appeal (DPEA ref: PPA-400-2046), the Reporter concluded
- ...The feasibility of extending the school [Low Port] is uncertain, and there are no plans for this at present. At the hearing, the council indicated that a catchment review was the most likely solution, although I have no evidence on what specific boundary changes might be proposed. The result of the statutory consultation process is uncertain, as is the nature of the impacts such changes could bring. This is a significant constraint on the appeal proposal* (paragraph 4.77).
- ...the lack of capacity at Low Port Primary School, and of an established solution to this, is in my view the most significant issue, and in this case an insurmountable one* (paragraph 11.24).
- 1.27. This recommendation was adopted by the Scottish Ministers, and the Appeal dismissed for this reason.

- 1.28. There is no capacity available at Low Port Primary School or Linlithgow Primary School to accommodate the pupils from these proposed greenfield allocations.
- 1.29. The 2012 *Base School Forecast* indicates that there may be some capacity at Low Port Primary School from 2020/21 onwards, although this *Forecast* does not take account of future house building in the catchment area. The 2015/16 census roll at Linlithgow Primary School is significantly higher than forecast by the Council. There are no proposals to extend either of these schools in the Proposed Plan Action Programme. The Action Programme does not set out any action to address primary school capacity in the centre or west of Linlithgow.
- 1.30. As stated by the Council, the outcome of a wholesale School Consultation for Linlithgow is uncertain in the non-denominational primary school sector. Such a review would involve existing housing areas, and potentially re-zoning housing areas to different catchment areas. This is highly likely to be subject to objection. There is no guarantee that such a review would free up any additional capacity in Linlithgow. There is no certainty where this capacity may be, or how much capacity could be made available.
- 1.31. According to PAN 2/2010, the delivery programme envisaged by the Council for these proposed greenfield allocations is not effective and cannot contribute to the housing land supply in the Plan period, until a solution can be identified.
- 1.32. The only location in Linlithgow where non-denominational primary education infrastructure capacity currently exists is in the east of Linlithgow, south of Blackness Road, at Springfield Primary School.
- 1.33. The Scottish Ministers concluded that the lack of capacity and the lack of an identified solution at Low Primary School is an *insurmountable* constraint.
- 1.34. To avoid an insurmountable constraint, there is an opportunity for the Council to undertake a Schools Consultation (catchment area review) which does not involve an area where there are existing families attending primary schools in Linlithgow.
- 1.35. This could be achieved by rationalising the land to the north of Blackness Road from Low Port Primary School to Springfield Primary School. This area is shown in Annex 1. This avoids the complexity of re-allocating existing housing areas and with it families, to new catchment areas. This approach is less likely to be subject to public objection and appeal. It also supports Springfield Primary School which has a declining school roll.

### **Transport Infrastructure**

- 1.36. The Council's main concerns for Linlithgow are about traffic congestion in the High Street, particularly at High Port, and its impact on air quality.
- 1.37. There are significant concerns regarding the suitability of access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered. This is a significant constraint of deliverability. These concerns are highlighted in the Representations submitted by Wallace Land.
- 1.38. Wallace Land has undertaken an Environmental Impact Assessment for a proposal incorporating west facing motorway slips for Junction 3 of the M9, 600 homes, hotel, foodstore (up to 4,000m<sup>2</sup>), nursing home, and a site for a medical practice at Burghmuir (Council reference: 0095/P/12). This included a Transport Assessment and Air Quality Assessment.

- 1.39. This work demonstrated that this scale of development can be accommodated in Linlithgow without adverse impact on air quality at High Port and the High Street if the west facing slip roads are provided at Junction 3 of the M9.
- 1.40. The Air Quality Assessment concluded that *...The immediate benefits from the construction of the M9 slips would gradually reduce with the introduction of the traffic generated by the proposed Burghmuir scheme, where the final overall change in levels of NO2 and PM10 would be imperceptible in the High Street once the scheme is fully implemented.*
- 1.41. It should be noted that the Air Quality modelling underpinning this conclusion included the impact of traffic for the foodstore. The foodstore is no longer included as part of the Burghmuir proposal. Accordingly, when this traffic is removed, the overall impact of the fully implemented Burghmuir proposal is positive in air quality and traffic terms.
- 1.42. This work also confirms that the deterioration of air quality would be significant due to an increase in traffic congestion in the town centre if these slip roads are not built as an integral part of the scale of expansion envisaged in the Proposed Plan.
- 1.43. These technical assessments also confirmed that there would be no significant deterioration in air quality due to increasing traffic congestion if these slip roads are provided by the completion of the 300th new home in Linlithgow.
- 1.44. Consequently, the Council's development strategy for Linlithgow needs to deliver the motorway slips by the 300th new home where all of these homes were proposed on the eastern side of Linlithgow.
- 1.45. The Council's development strategy, with the exception of H-LL 3 Boghall East, allocates land to the south and west of the High Port at the Regent Centre. This is the key junction giving rise to traffic congestion and pollution in Linlithgow. The Council's development strategy in the Proposed Plan will only result in further traffic congestion and worsening air quality.
- 1.46. This matter was considered in the determination of the recalled Clarendon Farm Appeal (DPEA ref: PPA-400-2046). The Reporter concluded:
- ...In both scenarios modelled, air quality would be adversely affected, albeit to a small a degree. Noting that current pollution levels are cause for concern, to the extent that an AQMA [Air Quality Management Area] may be declared this year, and the lack of any agreed mitigation measures, I do not consider that the proposal fully accords with Policy IMP 9 of WLLP.*
- 1.47. This conclusion was accepted by the Scottish Ministers in the dismissal of this Appeal.
- 1.48. This is in contrast to the determination of the recalled Appeal for Burghmuir A (DPEA reference: PPA-400-2045), where it was concluded that there would be *...no significant increases in pollution in the town as a result of the proposed development.*
- 1.49. The timing of the necessary mitigation of the motorway slips has not been factored into the Council's development strategy. Without a fixed commitment to the delivery of these slips, then further land releases will only worsen traffic congestion and air quality in the town centre.
- 1.50. The Proposed Plan safeguards land for these motorway slips (Proposal P-44). The Action Programme also refers to this proposal with an implementation timescale of 2019-24. The Action Programme does not specify how the slips will be delivered, other than identifying the developer and Transport Scotland as being the lead agency for delivery. Transport Scotland has already approved in principle, the design for these slips as proposed by Wallace Land.

- 1.51. The Action Programme does not identify any funding mechanism or Supplementary Guidance for the delivery of these motorway slips.
- 1.52. None of the allocated sites in Linlithgow can deliver these motorway slips. Only the proposal at Burghmuir for 600 homes can secure the delivery of this necessary mitigation. This is because the cost of delivery can only be afforded by a major land release in Linlithgow (ie Burghmuir) which has the overall funding capacity to undertake these works. This is not possible where a number of sites are allocated across Linlithgow.

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## 2.0 Conclusions

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- 2.1 The Council has reviewed the reasons underpinning the *area of restraint* designation in Linlithgow. The Council now concludes that there is scope to allocate land for housing development in Linlithgow in order to meet housing need and demand.
- 2.2 The Council notes that education infrastructure capacity, traffic congestion and air quality management are key issues in Linlithgow.
- 2.3 The Council has identified a *sequential* approach to site selection in and around Linlithgow. In terms of greenfield release, the Council's *sequential* strategy seeks to allocate land that is physically close to the town centre.
- 2.4 The Proposed Plan identifies five new greenfield allocations in Linlithgow. Proposed allocation H-LL 11 is one of these proposed new greenfield allocations. Its compliance with PAN 2/2010 is set out in Annex 2.
- 2.5 The *Schedule of Housing Sites* in Appendix 2 of the Proposed Plan contains significant errors in that four of the proposed greenfield allocations are linked to the incorrect non-denominational primary school catchment area.
- 2.6 The Council's proposed development strategy for Linlithgow allocates 373 new homes within the Low Port Primary School catchment area. The Council is aware that this school has been operating above capacity for a number of years, and the Council's own *Base School Forecast* indicates that it will continue to be above capacity for a number of years. The Council has set out a programme of completions for allocations in the Proposed Plan. There is no available capacity at Low Port Primary School to support the programmed completions for these 373 new homes.
- 2.7 The Council's position on Low Port Primary School is that it does not know if it is feasible to expand this school. The Council is also uncertain as to whether catchment area reviews would be able to free up any additional capacity.
- 2.8 There is further uncertainty regarding the future availability of capacity at Linlithgow Primary School.
- 2.9 There is uncertainty about the outcome from town-wide catchment area reviews, as this would affect existing housing areas and therefore highly likely to be subject to objection and appeal.
- 2.10 This lack of capacity, and the lack of an identified solution was confirmed by Scottish Ministers in the determination of Planning Appeal PPA-400-2046 (Clarendon Farm – Proposed Plan reference H-LL 10) as an *insurmountable* constraint.
- 2.11 There are no interventions outlined in the Proposed Plan or the Action Programme about how this lack of capacity at Low Port and Linlithgow Primary Schools will be addressed in the short term.
- 2.12 The proposed allocation of these sites (H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12) is not in accord with PAN 2/2010, as all of these homes are non-effective on the basis of lack of the current lack of non-denominational primary school infrastructure at Low Port Primary School.
- 2.13 There are also significant concerns regarding the suitability of vehicular access to the proposed allocations H-LL 4 *East of Manse Road*, H-LL 10 *Clarendon Farm*, H-LL 11 *Wilcoxholm Farm/Pilgrims Hill* and H-LL 12 *Preston Road*. It has not been demonstrated in any of these cases that suitable vehicular access can be delivered.

- 2.14 In accord with the tests set out in PAN 2/2010, the proposed greenfield housing allocations in Linlithgow are not effective and it has not been demonstrated that they can become effective during the plan period.
- 2.15 The location of all of the proposed greenfield allocations, to the south of the High Street is of further concern. Each of these allocations, even when considered on their own merit, will lead to further traffic using the High Street. The cumulative effect of the Council's proposed development strategy will significantly exacerbate traffic congestion and air pollution in this location.
- 2.16 None of these proposed allocations can deliver the necessary mitigation identified in the Proposed Plan - the delivery of the new slip roads at Junction 3 of the M9. This can only be delivered by Wallace Land.
- 2.17 There is only one proposal which can deliver the required mitigation for traffic, air quality and education. This proposal is land at Burghmuir promoted by Wallace Land (please refer to the supporting statement submitted by Wallace Land). The benefits of the delivery of this proposal have been confirmed in the Environmental Statement for Planning Application 0095/P/12.
- 2.18 Furthermore, this location to the east of Linlithgow, south of Blackness Road, is the only location where there is significant non-denominational primary school capacity immediately available to accommodate the scale of development proposed. There is sufficient capacity immediately available at Springfield Primary School to accommodate pupils from 200 homes at Burghmuir, south of Blackness Road.
- 2.19 Wallace Land has highlighted how a simple catchment area review, where no families currently live, can be delivered to avoid an *insurmountable* constraint.
- 2.20 The rationalisation of the northern side of Blackness Road into the Springfield Primary School Catchment area is a feasible and logical solution. It would not affect any existing housing areas and is therefore less likely to be subject to objection and appeal. In addition, the new housing is a short distance from the existing primary school. An acceptable crossing can be provided on Blackness Road, providing a *Safe Route to School*.
- 2.21 The *Statement of Site Effectiveness* for Burghmuir, already submitted by Wallace Land, demonstrates that it is an effective proposal, in accord with PAN 2/2010.

### **Recommendation**

- 2.22 The Council has determined that it is necessary to release further land to meet housing need in Linlithgow.
- 2.23 An appraisal of proposed allocation H-LL 11's compliance with PAN 2/2010 is set out in Annex 2. Wallace Land is concerned that this proposed allocation does not comply with PAN 2/2010 and is not effective. It has not been demonstrated that it can become effective during the plan period.
- 2.24 The other proposed greenfield housing allocations in Linlithgow (Proposed Plan references: H-LL 4, H-LL 7, H-LL 10 and H-LL 12) are non-effective for the reasons given above.
- 2.25 Accordingly, there are significant concerns about the deliverability of the Council's proposed development strategy for Linlithgow.
- 2.26 It is therefore recommended that the Council re-considers whether its proposed development strategy for Linlithgow can deliver effective housing land.

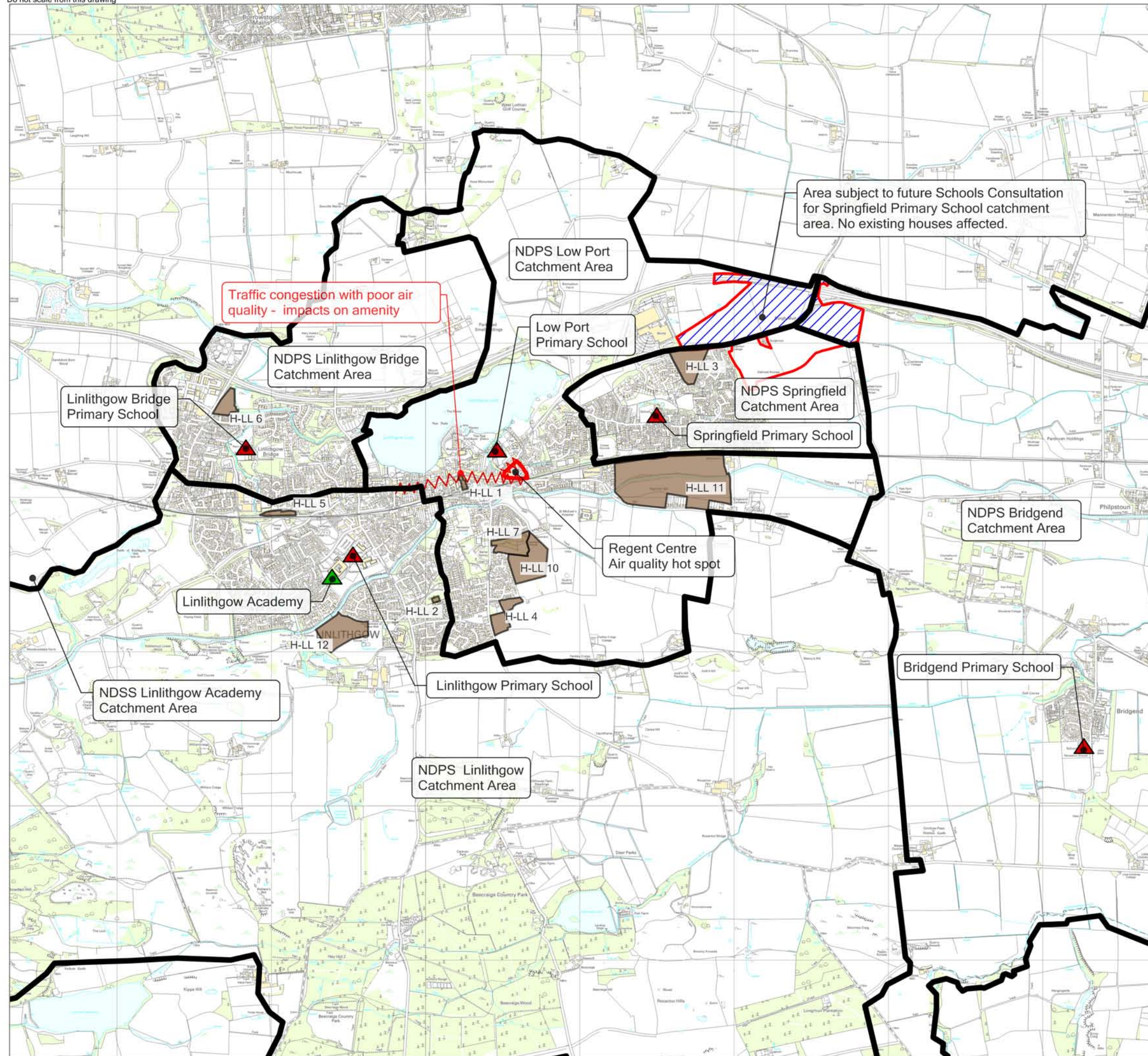
- 2.27 Burghmuir, promoted by Wallace Land, is the only location that can demonstrate sufficient infrastructure capacity exists in the proposed delivery timescale. Moreover, this is the only proposal that can deliver the necessary air quality and traffic congestion mitigation by way of the new slip roads at Junction 3 of the M9.
- 2.28 It is recommended that the Council modifies its proposed development strategy for Linlithgow to remove proposed allocations H-LL 4, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and replace these with the allocation of land at Burghmuir for 600 homes.

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## Annex 1 Appraisal of Proposed Plan Allocations

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# Burghmuir



## Drawing No. 10007-STEM-P006 Appraisal of Proposed Plan Allocations

- Site Boundary 48.3ha
- Area subject to future Schools Consultation
- Proposed Plan Housing Allocation
- ▲ Primary School
- ▲ Secondary School
- Catchment Area Boundaries
- ⚡ Traffic congestion with poor air quality on High Street and Regent Centre
- Regent Centre - Air quality hot spot

**Linlithgow Bridge Primary School Catchment Area**  
2015/16 census roll : 200  
School capacity: 198  
Proposed new homes: 15

There is no capacity at Linlithgow Bridge Primary School to accommodate additional pupils

**Low Port Primary School Catchment Area**  
2015/16 census roll : 203  
School capacity: 198  
Proposed new homes: 373

There is no capacity at Low Port Primary School to accommodate pupils from proposed allocations

**Springfield Primary School Catchment Area**  
2015/16 census roll : 317  
School capacity: 415  
Proposed new homes: 50

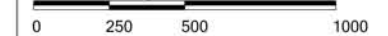
Significant capacity exists in the Springfield Primary School catchment area

**Linlithgow Primary School Catchment Area**  
2015/16 census roll : 427  
School capacity: 415  
Proposed new homes: 78

There is no capacity at Linlithgow Primary School to accommodate pupils from proposed allocations  
Rev - (17.11.15) Drawn: SB - Checked: SC

**Status: For Information**

scale 1:25,000 @ A3



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## Annex 2 Representation about Proposed Allocation H-LL 11

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Site Analysis					
LDP Site Reference	H-LL11 Wilcoxholm Farm/Pilgrims Hill				
Site Area	20ha				
Site Capacity	200 homes				
Housing Land Audit 2014	Not programmed as an effective site, or included as constrained.				
Compliance with PAN2/2010					
Ownership	Controlled by a party willing to release for development.			Complies	
Physical	Concern over proposed access into the site. Further concern over significant area of northern part of site at risk from pluvial flooding on SEPA <i>Flood Risk Management Map</i> . The topography of the southern part of the site slopes significantly to the south and may give rise to significant abnormal costs.			Not proven	
Contamination	Not considered to be an issue.			Complies	
Deficit Funding	Not considered to be an issue.			Complies	
Marketability	Linlithgow is a high demand town for market housing and a <i>Priority 1</i> town for affordable housing.			Complies	
Infrastructure Education					Does not comply
	Catchment Schools	2015/16 Roll	Design Capacity	Available Capacity	
	Low Port Primary	203	198	-5	
	Linlithgow Academy	1,205	1,320	115	
	St. Joseph's	139	198	49	
	St. Kentigerns	1,199	1,430	231	
Transport	<p>Comment: The allocation of this site will result in an additional 63 pupils requiring places at Low Port Primary School. The Council anticipates that this site would be developed from 2019/20 to 2023/24.</p> <p>There is no capacity at Low Port Primary School to accommodate these pupils.</p> <p>As confirmed by the Scottish Ministers in adopted the Reporter's recommendation and conclusions in the Clarendon Farm Appeal (PPA-400-2046), the lack of capacity at Low Port Primary School, and the lack of an identified solution to this, is an <i>insurmountable</i> constraint.</p>				
	<p>Location of site: To the south east of Linlithgow Access to amenities: Via Edinburgh Road and High Port Impact on Air Quality: Additional traffic on High Port and High Road, adding to congestion and air quality concerns. No scope for development of site to reduce east-west traffic flows on High Street.</p>				
	<p>Access arrangements are unclear. Access to northern part of the site would require bridging over the Union Canal.</p> <p>The Council's Environmental Health Officer stated in response to the Clarendon Farm Planning Application (0698/P/13): <i>The development has the potential to adversely affect local air quality. In particular, it will create additional traffic pressures on Linlithgow High Street, especially the junction with Edinburgh Road and Blackness Road at Low Port. The development does not offer anything to improve the existing finely balanced situation. It is likely to adversely affect it...</i></p>				

These concerns were also reached by the Reporter and subsequently endorsed by Scottish Ministers in the dismissal of the Clarendon Farm Appeal (PPA-400-2046).

These concerns are also applicable to this proposed allocation.

The key issue with regard to both traffic generation and air pollution is the cumulative impact, taking into account the other proposed allocations for Linlithgow. It is noted that the Council has not carried out a cumulative air quality assessment for the proposed allocations in Linlithgow. Accordingly, until such time as this work is carried out, the Council is not in a position to confirm the environmental impact from its proposed development strategy.

Future air quality assessments required for a future Planning Application from any of the proposed allocations, when taking into account committed development, may therefore be refused on the grounds of air pollution.

**Conclusion:** This site is within the catchment area for Low Port Primary School. There is insufficient capacity at Low Port Primary School to accommodate pupils from this proposal. Scottish Ministers concluded that this lack of capacity, combined with the lack of any identified solution is an *...insurmountable constraint*.

Access into the site is not clear, and there is a requirement to bridge the Union Canal to access the northern part of the site. The proposal would add to traffic congestion and air quality concerns on Linlithgow High Street with no mitigation identified. As a result of the lack of mitigation identified, the scale of this proposed allocation on its own is a cause for concern. The cumulative impact with all of the other proposed allocations is a cause for concern, especially as the Council has not carried out any air quality modelling for the proposed development strategy in Linlithgow.

Steep slopes affect the southern part of the site. There are concerns regarding pluvial flooding affecting significant parts of the northern part of the site.

For these reasons, this proposal does not comply with PAN 2/2010 and is a **constrained** site.