



West Lothian Council

THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP)

CONSULTATION RESPONSE PORTAL

Have Your Say on the Proposed Plan

Introduction

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 www.westlothian.gov.uk/proposedplan.

If you wish to make representations on the Proposed Plan or associated documents you are encouraged to use this 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.

You do not need to complete this questionnaire in a single visit. Just simply put your Survey Reference Number (CODE) in the top right corner of the screen to allow you to continue with your submission at a later date.

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 Plan and Environment Team. Someone will contact you. Alternatively you can email us at wlldp@westlothian.gov.uk We will endeavour to respond as quickly as possible but in any event within 3 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 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 in Public 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.

1. GENERAL INFORMATION

Your Details

Please indicate in what capacity you are making this submission: *

Please note that this is a mandatory field.

- 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: *

Please note that this is a mandatory field.

Title

First Name

Surname

Email Address

Telephone

Postal Address

Organization Name

Client's Name

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

Please note that this is a mandatory field.

- 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

Enter MIRQ (Main Issues Report) reference here

Please enter your survey reference number in the text box below. *

Survey Reference Number (CODE) can be found in the top right corner of this screen.
 Survey Reference Number (CODE) will allow you to save your responses and return to finish the survey later.

Please keep a note of your Survey Reference Number (CODE) for future reference.

Please note that this is a mandatory field.

2. 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.

Do you wish to make a comment?

- yes
- no

Please use the text box below for comments.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

3. 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.

Do you wish to make a comment?

- yes
- no

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4. 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).

Do you wish to make a comment?

- yes
- no

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5. 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.

Do you wish to make a comment?

- yes
- no

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The role and purpose of the plan is generally supported but, as detailed within this representation, BDW Trading Ltd and H&J Russell do not agree with the statement in Paragraph 3.1, whereby it is stated that the LDP has been prepared under the terms of Scottish Planning Policy 2014 (SPP14). SPP14 requires LDP's to ensure that a generous supply of housing land is provided and a 5 year effective housing land supply is maintained at all times.

As set out within this document and also detailed by Homes for Scotland, the minimum requirement of a 5 year supply of housing land has not been provided by WLC in the Proposed LDP, therefore additional sites must be allocated within the plan to allow it to adhere to SPP14.

In particular, SPP Paragraph 123 states, "Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years".

The principle of the role and purpose of the plan is supported, but on the basis that it does not meet SPP requirements for housing land, the plan fails to meet its required objectives.

6. 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.

Do you wish to make a comment?

- yes
- no

If you wish to make comments please begin by selecting the relevant sub-section(s) of Vision Statement and Aims from the list below.

- Economic Development and Growth (page 8)
- Community Regeneration (page 8)
- Sustainable Housing Locations (page 9)
- Infrastructure Requirements and Delivery (page 9)
- Town Centres and Retailing (page 9)
- The Natural and Historic Environment (page 9)
- Climate Change and Renewable Energy (page 9)
- Waste and Minerals (page 9)

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Sustainable Housing Locations (page 9)

The vision statement and aims are generally supported, however in order to support the section on Sustainable Housing Locations, WLC must demonstrate an effective supply of housing land. Until the housing land supply meets the SDP requirement, as detailed hereafter, and a five year effective supply is demonstrated, this key aim will not be achieved.

7. 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.

Do you wish to make a comment?

- yes
- no

If you wish to make comments please begin by selecting the relevant sub-section(s) of the Spatial Strategy from the list below.

- 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)

Please use the text box below for your comments.

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The spatial strategy focuses on the established growth areas set out within the previous Structure Plan and current SESplan. It is noted in Paragraph 5.4 that additional allocations will be required to meet SESplan requirements in full whilst Paragraph 5.5 notes that major development outwith the previously established CDA locations will be resisted unless meeting specific planning aims. SESplan Figure 7 highlights the Strategic Development Area for West Lothian and this diagram should be included within the LDP for clarity. This also demonstrates that new housing can come forward in a wider range of locations on the basis they can address SESplan Policy 7 considerations in relation to infrastructure, settlement character impact and Green Belt objectives. With regard to Housing Land Requirements for the LDP, Paragraph 5.38 states that the LDP has been prepared in the context of SESplan and refers in Figure 3 to the SESplan requirements across the periods 2009-19 and 2019-24. However, it is noted in Paragraphs 5.38-5.41 that WLC refer to the Housing Needs and Demand Assessment 2 (HoNDA2) which has been prepared as a preliminary stage of the emerging SESplan2. As confirmed via recent appeal decisions at Linlithgow (Clarendon Farm and Burghmuir), the use of HoNDA2 is not deemed appropriate at this stage as it is set to inform a SESplan which has not yet been prepared. The findings of HoNDA2 will not be translated literally into spatial strategy and associated housing land requirements in SESplan2 - the document is an information base from which to then make planning policy decisions. As such, there is clear guidance from the Scottish Government via the recent appeals that WLC cannot utilise HoNDA2 figures at this stage and it is therefore irrelevant in the preparation of the current LDP which must conform to the currently approved SESplan. References to HoNDA2 should therefore be removed from the LDP. BDW Trading Ltd and H&J Russell therefore object to the reasoning behind the failure of WLC to meet SESplan requirements for the period 2009-19, as set out in LDP Figure 5. It is noted in Figure 5 that allowing for LDP allocations there would be a shortfall of 3,623 units in the first SESplan period to 2019 with a surplus of 3,656 units in the second SESplan period (2019-24) with an overall surplus of 33 units across the whole plan period. Notwithstanding the failure to meet SESplan requirements to 2019, there are points to note in terms of the calculation of these figures. Firstly, in terms of the WLC figures, we would note the following:- For 2009-19, the total supply from existing sources (I) should read 7,416 with the associated target for LDP allocations (J) being 5,146 and the shortfall in this period (L) being 3,650. For 2009-24, the total supply from existing sources (I) should read 15,711 with the associated target for LDP allocations (J) being 4,100 and the surplus in this period (L) being just 6 units. The statement that the overall SESplan target to 2024 has been met clearly masks the disproportionate undersupply of housing land within the first period of the plan (to 2019) and the associated oversupply within the second period of the plan. The LDP therefore fails to meet the requirements of SESplan or of SPP in terms of constantly providing a minimum of a 5 year effective housing land supply. The correct calculation, utilising the WLC figures, would therefore be an overall surplus of just 6 units, which is hardly generous or providing flexibility over and above the minimum 10% additional allowance included. Secondly, as noted by Homes for Scotland, we would note the following points in terms of a more accurate assessment:- Paragraph 5.48 states that programming within the agreed 2014 HLA has been reviewed but there is no industry agreement to revisions. Constrained sites should not be included in the 2009-19 figures as if they are constrained in the 2014 HLA there is little prospect of them contributing towards the first SESplan period and there is no evidence to support them becoming effective in this period. The allowance of constrained sites for the second SESplan period is too high (currently 3,716 units forming 45% of the 2019-24 total supply) and there is no compelling evidence (as set out in SPP Paragraph 15) in terms of this figure within the calculation of the housing land supply. Taking the above into account, this fundamental aspect of the plan is flawed and should be addressed by bringing forward additional deliverable short term housing sites. To illustrate the above, Table 1 mirrors the housing supply element of Figure 5 within the Proposed LDP but amends calculations to remove constrained sites from 2009-19 and 2019-24 (currently forming 28% of total supply) given the lack of evidence to support inclusion at this stage. The table retains the WLC estimated programming of the effective land supply (subject to Homes for Scotland's specific representation) and estimated programming of LDP allocations. Table 1 demonstrates a substantial reliance upon constrained sites for WLC's housing land supply without which land for a further 4,352 units would be required across the plan period with the majority within the immediate, short term period. To illustrate further, Table 2 highlights the shortfall in the context of the 5 year effective housing land supply requirement (and the agreed 2014 HLA) and demonstrates that West Lothian have a current shortfall of 5,323 units subject to contribution from new LDP sites. On the basis that only 1,496 units are estimated to be derived from LDP sites to 2019, this leaves a substantial shortfall of 3,827 units. In order for this shortfall to be addressed, it is appreciated that a significant increase in the rate of housing completions is required. WLC are obliged to facilitate the identified housing land requirements and therefore it is clear that additional housing outlets will be required across West Lothian in the short term and a 'no action' policy is not acceptable. Also, as set out within SPP Paragraph 116, WLC must justify the application of a 10% generosity allowance as opposed to 20%. Reference to the SESplan paper 'Maintaining a Five Year Effective Land Supply' (May 2015) in Paragraph 5.51 should be deleted as this was not consulted upon and has no material status. Paragraph 5.52 should be amended to reflect the need to meet requirements for both SESplan periods. Paragraph 5.53 & 5.90 state the responsibility of providing additional education infrastructure is placed on housing providers. Whilst the application of developer contributions is accepted policy, there is a fundamental requirement for WLC to forward-fund infrastructure via a long-term funding mechanism and then recoup costs. Without a clear commitment to infrastructure delivery, WLC will wholly fail to meet its housing growth requirements and associated economic aims. Furthermore, the last sentence refers to the approach to assessing the 5 year effective land supply which is not yet applicable in the context of the current LDP. Policy HOUJ should be amended with the word 'endeavour' deleted. WLC are required to maintain a 5 year effective land supply via SPP and SESplan and this policy should be amended to provide criteria by which to assess new sites to contribute to identified housing land shortfalls (in line with SESplan Policy 7). Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding. Policy INF1 requires amendment with Supplementary Guidance on developer contributions not yet produced or consulted upon. Summary Overall, with regard to West Lothian's spatial strategy, it is clear that there is an over-reliance on not only constrained sites as highlighted above (28% of total supply and 45% of 2019-24 supply) but also an over-reliance on historic large-scale allocations within the Core Development Areas (CDA's) which can only provide a proportion of the required housing requirements set out within SESplan. To illustrate, Table 3 outlines the progress of West Lothian CDA's, as per the 2014 Housing Land Audit. This demonstrates that, notwithstanding the current SESplan housing land requirements, the previous Structure Plan requirements have not been achieved. Of the 7,000 unit requirement across the three CDA's in the Edinburgh and Lothians Structure Plan 2015 (approved 2004), only 3% of this target was achieved as of 2014. Allowing for 2014-15 programming, a total of just 6% of the target will have been achieved by the original end date of 2015. Based upon agreed programming in the 2014 HLA, the CDA sites are to contribute 47% of the total 5 year effective land supply to 2019. However, unless the Council is willing to front fund infrastructure for the CDAs, they will soon come to a halt as the funds required to delivery critical infrastructure is not available (e.g. education at Calderwood/Winchburgh) to keep delivering units much beyond 5.75 agreements without revision. Therefore additional (range and choice) of small to medium scale potentially effective sites where funding is committed and/or a proportional contribution to necessary infrastructure required to enable the development to occur can be provided are required to meet the SESplan housing requirement to 2019.

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)

Strategic Allocations (including previously identified Core Development Area Allocations) (page 25, paragraphs 5.57-5.61)

Infrastructure Requirements and Delivery (page 30, paragraphs 5.78-5.84)

Education (page 32,

See comment on Housing land requirements

See comment on Housing land requirements

Policy INF1 requires amendment with Supplementary Guidance on developer contributions not yet produced or consulted upon.

n/a

paragraphs
5.89-5.92)

Healthcare
Provision
(page 33,
paragraphs
5.93-5.96)

Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

8. 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.

Do you wish to make a comment?

- yes
- no

If you wish to make comments please begin by selecting the relevant Settlement(s) from the list below.

- 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)
- Pumpherston (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)

Please enter site reference(s)/proposals reference (as appropriate) and location/site address below.

[Site Reference/ Location / Site Address](#) can be found in the relevant Settlement Statement.

	site reference	location/ site address
Addiewell & Logantea (page 79)	<input type="text"/>	<input type="text"/>
Armadale (page 80)	<input type="text"/>	<input type="text"/>
Bathgate (page 81)	<input type="text"/>	<input type="text"/>
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Breich (page 83)	<input type="text"/>	<input type="text"/>
Bridgehouse & Bridgecastle (page 83)	<input type="text"/>	<input type="text"/>
Bridgend (page 83)	<input type="text"/>	<input type="text"/>
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Burnside (page 84)	<input type="text"/>	<input type="text"/>
Dechmont & Bangour (page 85)	<input type="text"/>	<input type="text"/>
East Calder (page 85)	<input type="text"/>	<input type="text"/>
East Whitburn (page 86)	<input type="text"/>	<input type="text"/>
Ecclesmachan (page 86)	<input type="text"/>	<input type="text"/>
Fauldhouse (page 86)	<input type="text"/>	<input type="text"/>
Greenrigg (page 86)	<input type="text"/>	<input type="text"/>
Kirknewton (page 87)	<input type="text"/>	<input type="text"/>
Landward area (page 87)	<input type="text"/>	<input type="text"/>
Linlithgow & Linlithgow Bridge (page 89)	<input type="text"/>	<input type="text"/>
Livingston (page 90)	<input type="text"/>	<input type="text"/>
Longridge (page 93)	<input type="text"/>	<input type="text"/>
Mid Calder (page 93)	<input type="text"/>	<input type="text"/>
Newton and Woodend (page 93)	<input type="text"/>	<input type="text"/>
Philpstoun/East & West Philpstoun/Old Philpstoun (page 93)	<input type="text"/>	<input type="text"/>
Polbeth (page 93)	<input type="text"/>	<input type="text"/>
Pumpherston (page 93)	<input type="text"/>	<input type="text"/>
Seafield (page 93)	<input type="text"/>	<input type="text"/>
Stoneyburn/Bents (page 94)	<input type="text"/>	<input type="text"/>
Threemiletown (page 94)	<input type="text"/>	<input type="text"/>
Torphichen (page 94)	<input type="text"/>	<input type="text"/>
Uphall (page 94)	<input type="text"/>	<input type="text"/>
Uphall Station (page 94)	<input type="text"/>	<input type="text"/>
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Winchburgh (page 97)	<input type="text"/>	<input type="text"/>

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Comment

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West Calder & Harburn (page 95)	
Westfield (page 95)	
Whitburn (page 96)	
Wilkieston (page 97)	
Winchburgh (page 97)	

9. 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.

Do you wish to make a comment?

- yes
 no

If you wish to make comments please begin by selecting the relevant Appendix(es) of the Proposed Plan from the list below.

- 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)

Please use the text box below for your comments.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

Appendix 4 - LDP Supplementary Guidance (SG) and Planning Guidance (PG) (page 265)

Developer Contributions for Transportation Infrastructure - this is a fundamental part of the LDP strategy and overall deliverability is at risk until the content of this document is confirmed and agreed.

10. GLOSSARY (page 280)

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

Do you wish to make a comment?

- yes
 no

Please use the text box below for comments.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

11. PROPOSALS MAPS

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

Do you wish to make a comment?

- yes
 no

If you wish to make comments please begin by selecting the relevant Proposals Maps from the list below.

- Proposals Map 1 - West Lothian
 Proposals Map 2 - Linlithgow & Broxburn Area
 Proposals Map 3 - Livingston Area
 Proposals Map 4 - Bathgate Area
 Proposals Map 5 - Villages

Please use the text box below for your comments.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

Proposals Map 3 - Livingston Area

Objection - On the basis of the clear housing land supply shortfall identified in Part 1 of this representation, BDW Trading Ltd and H&J Russell object to the non-inclusion of the site as an LDP housing allocation with Phase 1 forming the northern part of the site and Phase 2 forming the southern part of the site. Full details supporting the proposal are contained with the supporting document and appendices submitted to WLC by CD.

12. 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.

Do you wish to make a comment?

- yes
- no

If you wish to make comments please begin by selecting the relevant Accompanying Documents from the list below.

- 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.

Please use the text box below for your comments.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

Strategic Environmental Assessment (SEA) Environmental Report.	<input type="text"/>
Equalities & Human Rights Impact Assessment (EQHRIA).	<input type="text"/>
Strategic Flood Risk Assessment (SFRA).	<input type="text"/>
Habitats Regulations Appraisal.	<input type="text"/>
Transport Appraisal (TA).	<input type="text"/>
Action Programme.	<input type="text"/>

13. ADDITIONAL COMMENTS

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

- yes
- no

Please use the text box below for your additional comments on the LDP.

Your comments should be concise and limited to no more than 2,000 words. You should fully explain the issues you wish to be considered when the Proposed Plan is presented to Scottish Ministers for Examination. Please indicate whether you are seeking a change to the Proposed Plan (i.e. your representation is an objection) or if your representation supports the Proposed Plan as written.

BDW Trading Ltd and H&J Russell object to the non-inclusion of land at Murieston as an allocated housing site. Full details are provided in the supporting representation document (including plans) submitted to WLC by email and CD on 20/11/15. An extract of this document is contained below.

The proposed site forms part of a much wider landholding that was included as an 'alternative' housing site in WLC's LDP Main Issues Report (MIR) (Site Ref.EOI-0110 - Murieston Castle Farm).

A representation was submitted to the MIR in October 2014 (based upon the red-line boundary outlined in Figure 2 on plan with supporting document) for land under the control of BDW Trading Ltd and H&J Russell.

Subsequently, a Planning Permission in Principle application was submitted to WLC and registered on 19th May 2015 for the northern part of the promoted landholding (as indicated as Phase 1 within the dashed line on Figure 2). The application, as amended, is for approximately 100-120 units which can be accommodated with feasible extensions to education infrastructure.

The southern part of the site therefore forms a longer term growth option (Phase 2) which BDW Trading Ltd and H&J Russell seek to be safeguarded for residential development in this LDP and can be delivered once necessary infrastructure capacity becomes available.

On the basis of the clear housing land supply shortfall identified in Part 1 of this representation, BDW Trading Ltd and H&J Russell object to the non-inclusion of the site as an LDP housing allocation with Phase 1 forming the northern part of the site and Phase 2 forming the southern part of the site.

SPP Sustainability Appraisal

Scottish Planning Policy (SPP) supports "a presumption in favour of development that contributes to sustainable development". In particular, Paragraphs 33 states that, "where relevant policies in a development plan are out-of-date....then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.". In this respect, the West Lothian Local Plan is now almost 7 years old and out of date and therefore SPP is a "significant material consideration". The provisions of SPP above require that the proposal is assessed in terms of identifying any adverse impacts that would "significantly and demonstrably outweigh the benefits" when assessed against wider SPP policies.

Key wider SPP policies applicable to the proposal include:

National outcomes (Para.10), in particular:

A successful, sustainable place - supporting economic growth and regeneration and the creation of well-designed, sustainable places (the proposal will contribute significant new housing within a high quality environment, create and support employment and sustain local services).

A low carbon place - reducing our emissions and adapting to climate change (the proposal will link with established and frequent public transport for travel between home and work).

A natural, resilient place - helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use (the proposal will enhance local amenity through new open space, landscaping and woodland whilst enhancing local access to greenspace and the wider countryside).

A more connected place - supporting better transport and digital connectivity (the proposal is supported by an established public transport network connection).

Sustainability policy (Para.27-29):

Net economic benefit of approving this proposal includes provision of financial contributions towards local infrastructure and services, employment opportunities through the construction process, affordable housing provision, accommodation for growing families, an opportunity to sustain local shops and services and increased council tax revenue.

The proposal responds to economic issues, challenges and opportunities in terms of contributing to the housing land supply shortfall and provision of local employment.

The proposal supports good design and addresses the six qualities of successful places, including being distinctive (contextual design based on woodland setting and transition from urban to rural area), safe and pleasant (natural overlooking of new open space, semi-rural character), welcoming (clear gateway, streets and path structure), adaptable (range of house type sizes), resource efficient (utilises existing woodland landscaping, located close to public transport and scope for maximising solar gain through housing orientation) and, easy to move around and beyond (via street and path network).

The proposal supports Murieston's local centre, provides accessible housing, improves viability and sustainability of local services, has no adverse impact upon flood risk, cultural or natural heritage assets and avoids over-development whilst protecting and improving existing amenity.

Placemaking policy principles (Para.36-46):

As set out above, the proposal is considered to meet the placemaking policy principles and meet the six key qualities of creating a successful place. The proposal is in the right place, forming a suitably scaled extension of an existing service centre settlement in an area of housing demand.

The application Design Statement outlines the approach to site analysis and design development and the proposals have been developed with reference to Creating Places (2013) and Designing Streets (2010).

Housing policy principles (Para.110):

The proposal contributes to the deficient 5 year effective housing land supply and would augment the range of high quality housing outlets available within West Lothian whilst providing the necessary level of affordable housing provision.

Historic environment policy principles (Para.137):

The proposal has no adverse impact upon the historic environment, subject to suitable design and landscape treatment as outlined within the application Design Statement and LVIA. As noted within the Archaeology Assessment, there is no inter-visibility between the site and Listed Buildings.

Natural environment policy principles (Para.194):

The proposal would maintain and enhance existing landscape character in terms of established woodland and positive greenspace and biodiversity contribution.

Green Infrastructure policy principles (Para.221):

The proposal is based upon the existing green network and design and landscaping allows for integration of the site with the wider network.

Flood Risk & Drainage policy principles (Para.255):

The Flood Risk Assessment and Outline Drainage Strategy identifies the area to be excluded from development along the site's northern boundary with SUDS design integrated into the site within the naturally lower-lying area

Sustainable Transport policy principles (Para.270):

The Transport Assessment confirms that the proposed development can be integrated into the existing road network with minor upgrading. The site is well located in terms of public transport and services accessibility.

Overall, in terms of Scottish Planning Policy, the proposal constitutes sustainable development with no adverse impact which would "significantly and demonstrably" outweigh the benefits.

SESplan Policy 7 Appraisal

On the basis that there is a clear housing land supply shortfall within West Lothian and a resultant need to grant consent to additional effective housing sites, land at Murieston can be supported when assessed against SESplan Policy 7. Taking the three criteria by which such sites are to be considered, the merits of land at Murieston can be briefly summarised (supporting application documents are provided on the supporting CD).

Criteria (a) requires that 'development will be in keeping with the character of the settlement and local area'.

The application Design Statement and LVIA outlines the analysis and design development approach which is based upon utilising the established resource of the shelter belt landscape pattern.

In particular, the proposal allows for integration with existing urban development at Murieston, reflecting the established pattern of housing within a strong woodland framework. The design however is an enhancement on previous 1980's/1990's housing layout by virtue of a more connected, permeable structure, as illustrated within the application Design Statement.

The proposal, and associated design framework, retains and enhances existing woodland and provides new, improved linkages for walking/cycling and has potential to add positively to the Murieston Water valley greenspace network located to the south-east of the site.

Of particular note, the LDP MIR site assessment process appraised a wider landholding in this location and the background paper, Consultation Responses to Proposed Sites (August 2014), summarised the Council's own internal and external consultation process. This provides Council support in terms of the potential development of land west of Murieston Road and, in particular, conclusions on Page 359:

Although priority is to be given to development of brownfield land, there is not enough brownfield land to meet requirements of the Strategic Development Plan. Greenfield release is supported in this instance on part of the site as an alternative to other sites in the Murieston Valley locality. The overall integrity and function of the countryside belt will be minimal through the area suggested to be allocated. It will also present a logical extension to the west side of Livingston.

This assessment positively highlights the merits of the site in terms of key factors of urban form whilst the MIR Strategic Environmental Assessment provided further analysis of site selection with individual site assessments but was based upon a much larger boundary. It should be noted that the site is non-prime agricultural land.

Overall, it is considered that the proposal is wholly in keeping with the existing residential character of the area and provides a high quality transition between urban and rural edge.

Criteria (b) requires that 'the development will not undermine green belt objectives'.

The site is not within the Green Belt so will not undermine associated objectives. However, it is recognised that the current Countryside designation provides much of the same role but development can be accommodated without detrimental impact.

The proposal offers the potential for improved public access to the countryside (via new path links and associated open space) and would not impact negatively upon the landscape setting of Murieston or its identity or character through coalescence. The proposal is also within an 'appropriate location' given Livingston's status as the key settlement within the West Lothian Strategic Development Area and the accepted (via the LDP MIR) view that expansion south-westwards is a logical urban expansion.

With particular regard to landscape, the site is located within the Harburn/Hartwood Fringe Landscape Character Area (LCA), as defined by the West Lothian Landscape Character Area Classification (August 2014). One of the main characteristics is that of shelter belts which has been retained in the growth of Murieston with pockets of residential development set amongst woodland belts. The site offers scope to continue this landscape and urban pattern.

As noted within the West Lothian Local Landscape Designation Review (2013), this LCA has "no core areas which would potentially merit SLA (Special Landscape Area) designation" with 'low' rarity value and more of a relationship with the existing settlement at its northern edge, i.e. in locality of the site.

The site therefore is not subject to specific landscape restrictions and existing shelter belt planting can be utilised to minimise any perceived impact. Intrusion into the countryside is minimised with the site forming a natural extension of Murieston with defensible boundaries formed by existing mature tree belts to north and west, whilst the southern hedgerow boundary can be augmented by tree planting.

The LVIA undertaken as part of the PPP application for the northern part of the site demonstrates deliverability in landscape terms.

Criteria (c) requires that 'any additional infrastructure required as a result of the development is either committed or to be funded by the developer'.

The LDP MIR site assessment background paper (Consultation Responses to Proposed Sites (August 2014, Page 359) also states that education capacity is available.

The application Transport Assessment outlines the proposed localised mitigation measures which can be funded by the applicants whilst the application Education Capacity Appraisal endorses the LDP MIR view that capacity exists subject to proportionate financial contributions towards school extensions.

SESplan Policy 7 Summary

The proposal accords with SESplan Policy 7 and can be supported by West Lothian Council for inclusion as a housing allocation due to the proposal being in keeping with the character of Murieston, not undermining Green Belt objectives and having infrastructure capacity for short term development.

Site Effectiveness Summary

Scottish Planning Policy (SPP) and guidance set out in PAN 2/2010 Affordable Housing and Housing Land Audits require that sites allocated within Local Development Plans are effective, being able to contribute completions during the plan period (up to year 10 from LDP adoption). As such, PAN2/2010 criteria for assessing site effectiveness provide a test against which sites require to be gauged with land west of Murieston Road, Murieston considered effective, being free of potential site constraints and able to deliver units within the plan period. Specifically:-

Ownership Status: Effective

The site is owned by a willing seller and under option to a national housebuilder seeking to start construction at the earliest opportunity.

Physical Status: Effective

The Preliminary Site Appraisal (Ground Conditions) indicates there are no restrictions to the proposals with regard to ground conditions or services (not in coal mining risk area and historic limestone mine area in north-east of site will not be developed). The FRA/Drainage Strategy notes that flood risk will not impact on the proposed development area with surface water drainage options to north and south of the site. The Archaeological Assessment confirms the site is not subject to constraints that would hinder development, subject to further investigations through the detailed planning stage.

Contamination Status: Effective

The site, given its greenfield arable nature, has been deemed to have a low risk of contamination as indicated within the Preliminary Site Appraisal.

Deficit Funding Status: Effective

The development would be privately funded, also allowing for required infrastructure upgrades.

Marketability Status: Effective

The Murieston housing market remains a highly marketable location with demand for both private and affordable units confirmed via the SESplan Housing Needs and Demand Assessment. The proposed site could provide significant completions within the pre-2019 SESplan period plus additional capacity within the 2019-24 period. Based on the estimated Phase 1 capacity of 100-120 units, a site start in 2016 and annual programmed completions thereafter of 25/30 per annum, the site can deliver 100-120 units within the pre-2019 period. The remainder of the site, forming Phase 2, could contribute a further 200+ units towards the 2019-24 housing target.

Infrastructure Status: Effective

Utility connections and water and drainage connections are available to the site with any localised upgrading of capacity able to be met by the developer. A full Transport Assessment has been undertaken with scoping agreed directly with WLC and the TA's findings positive in terms of accessibility, sustainability and access arrangements with only minor mitigation measures required. The Tree Survey confirms that existing trees at the site access location are not of special quality and limited tree removal can be off-set by sensitive design and compensatory planting. The site is thus fully deliverable and effective in terms of transport considerations.

The Education Capacity Appraisal and Addendum provided to the Council demonstrates that capacity exists to accommodate Phase 1 (PPP) development within The James Young High and St.Ninian's RC Primary with financial contributions required towards extensions at Bellsquarry Primary (single classroom as deemed feasible by WLC) and St.Margaret's Academy. (as per established WLC procedures). Additional capacity will be required at primary level to accommodate Phase 2.

Land Use Status: Effective

Housing (both private and affordable) is the predominant proposed use for the site.

Overall

There are no known constraints which will hinder delivery of early housing completions within the LDP period on the Phase 1 (PPP) site. The site allows for an extension of the established Murieston housing area and can be integrated within the existing urban and landscape context. The site is located within an area of identified education infrastructure capacity, which is a significant restriction on many other areas within West Lothian. BDW Trading Ltd and H&J Russell have undertaken the full range of supporting studies as part of the current PPP application which demonstrate site deliverability in the short term. The site is capable of making a significant contribution to West Lothian's housing land supply shortfall. Therefore, it is strongly considered that Phase 1 of the site should form a Proposed Housing Allocation within the LDP with Phase 2 forming a safeguarded site for housing subject to infrastructure capacity.

Before pressing the submit button please review your submission and make any changes. Once you have pressed SUBMIT you will be unable to go back to the survey.

Once we have received your submission we will send you a copy for your records. This could take up to 5 working days. If you do not receive a copy in that time please contact the Customer Service Centre.

CONFIRMATION OF YOUR PARTICIPATION

We will send you an email notification as soon as your survey is submitted.

Please enter your email address below.

Representation to Proposed West Lothian Local Development Plan

In relation to
Land west of Murieston Road, Murieston

Prepared by
Clarendon Planning and Development Ltd

On behalf of
BDW Trading Ltd and H&J Russell

November 2015



3 Introduction

PART 1 - COMMENTS ON PROPOSED LDP POLICY

4 Section 3 Role and Purpose of the Plan

4 Section 4 Vision Statement and Aims

4 Section 5 Spatial Strategy

PART 2 - OBJECTION TO NON-INCLUSION OF LAND AT MURIESTON AS HOUSING ALLOCATION

7 Introduction & Site Description

8 Site Connectivity

9 SPP Sustainability Appraisal

10 SESplan Policy 7 Appraisal

11 Economic Benefit, Site Capacity & Programming, Key Assessments

12 Site Effectiveness Summary

SUPPORTING CD CONTAINS SUPPORTING KEY ASSESSMENTS FORMING PART OF PLANNING APPLICATION REF..0355/P/15 FOR EASE OF REFERENCE

Introduction

This representation to West Lothian Council's Proposed Local Development Plan (LDP) has been prepared by Clarendon Planning & Development Ltd on behalf of BDW Trading Ltd and H&J Russell and follows previous representations made to the Main Issues Report.

Part 1 of this representation provides comments on the Proposed LDP policies while **Part 2** supports the inclusion of a site for housing at Murieston within the LDP.

In light of the housing land shortfall in West Lothian, this representation **objects to the non-inclusion of land at Murieston Road as a housing allocation, following the site's identification as part of an 'alternative' housing site within the Main Issues Report (MIR) - site ref. EOI-0110.**

This submission seeks to reiterate the merits of the site for housing and its deliverability in the context of the identified housing land supply shortfall within West Lothian. **Figure 1** illustrates the Phase 1 Indicative Masterplan as detailed hereafter.

In this respect, it is considered that the LDP as it presently stands will not meet the Council's obligations of providing a 5 year effective housing land supply and SESplan strategic requirements and therefore additional housing sites must be identified.



Figure 1 - Phase 1 Indicative Masterplan

Section 3 - Role and Purpose of the Plan

The role and purpose of the plan is generally supported but, as detailed within this representation, BDW Trading Ltd and H&J Russell do not agree with the statement in **Paragraph 3.1**, whereby it is stated that the LDP has been prepared under the terms of Scottish Planning Policy 2014 (SPP14). SPP14 requires LDPs to ensure that a generous supply of housing land is provided and a 5 year effective housing land supply is maintained at all times.

As set out within this document and also detailed by Homes for Scotland, the minimum requirement of a 5 year supply of housing land has not been provided by WLC in the Proposed LDP, therefore additional sites must be allocated within the plan to allow it to adhere to SPP14.

In particular, SPP Paragraph 123 states, *“Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years”*.

The principle of the role and purpose of the plan is supported, but on the basis that it does not meet SPP requirements for housing land, the plan fails to meet its required objectives.

Section 4 - Vision Statement and Aims

The vision statement and aims are generally supported, however in order to support the section on **Sustainable Housing Locations**, WLC must demonstrate an effective supply of housing land. Until the housing land supply meets the SDP requirement, as detailed hereafter, and a five year effective supply is demonstrated, this key aim will not be achieved.

Section 5 - Spatial Strategy

The spatial strategy focuses on the established growth areas set out within the previous Structure Plan and current SESplan. It is noted in Paragraph 5.4 that additional allocations will be required to meet SESplan requirements in full whilst Paragraph 5.5 notes that major development outwith the previously established CDA locations will be resisted unless meeting specific planning aims.

SESplan Figure 7 highlights the Strategic Development Area for West Lothian and this diagram should be included within the LDP for clarity. This also demonstrates that new housing can come forward in a wider range of locations on the basis they can address SESplan Policy 7 considerations in relation to infrastructure, settlement character impact and Green Belt objectives.

With regard to **Housing Land Requirements for the LDP**, Paragraph 5.38 states that the LDP has been prepared in the context of SESplan and refers in Figure 3 to the SESplan requirements across the periods 2009-19 and 2019-24.

However, it is noted in Paragraphs 5.38-5.41 that WLC refer to the Housing Needs and Demand Assessment 2 (HoNDA2) which has been prepared as a preliminary stage of the emerging SESplan2.

As confirmed via recent appeal decisions at Linlithgow (Clarendon Farm and Burghmuir), the use of HoNDA2 is not deemed appropriate at this stage as it is set to inform a SESplan which has not yet been prepared. The findings of HoNDA2 will not be translated literally into spatial strategy and associated housing land requirements in SESplan2 - the document is an information base from which to then make planning policy decisions. As such, there is clear guidance from the Scottish Government via the recent appeals that WLC cannot utilise HoNDA2 figures at this stage and it is therefore irrelevant in the preparation of the current LDP which must conform to the currently approved SESplan. **References to HoNDA2 should therefore be removed from the LDP.**

BDW Trading Ltd and H&J Russell therefore object to the reasoning behind the failure of WLC to meet SESplan requirements for the period 2009-19, as set out in LDP Figure 5.

It is noted in Figure 5 that allowing for LDP allocations there would be a shortfall of 3,623 units in the first SESplan period to 2019 with a surplus of 3,656 units in the second SESplan period (2019-24) with an overall surplus of 33 units across the whole plan period. Notwithstanding the failure to meet SESplan requirements to 2019, there are points to note in terms of the calculation of these figures.

Firstly, in terms of the WLC figures, we would note the following:-

- For 2009-19, the total supply from existing sources (I) should read 7,416 with the associated target for LDP allocations (J) being 5,146 and

the shortfall in this period (L) being 3,650.

- For 2009-24, the total supply from existing sources (I) should read 15,711 with the associated target for LDP allocations (J) being 4,100 and the surplus in this period (L) being just 6 units.
- The statement that the overall SESplan target to 2024 has been met clearly masks the disproportionate undersupply of housing land within the first period of the plan (to 2019) and the associated oversupply within the second period of the plan.
- **The LDP therefore fails to meet the requirements of SESplan or of SPP in terms of constantly providing a minimum of a 5 year effective housing land supply**

The correct calculation, utilising the WLC figures, would therefore be an overall surplus of just 6 units, which is hardly generous or providing flexibility over and above the minimum 10% additional allowance included.

Secondly, as noted by Homes for Scotland, we would note the following points in terms of a more accurate assessment:-

- Paragraph 5.48 states that programming within the agreed 2014 HLA has been reviewed but there is no industry agreement to revisions.
- Constrained sites should not be included in the 2009-19 figures as if they are constrained in the 2014 HLA there is little prospect of them contributing towards the first SESplan period and there is no evidence to support them becoming effective in this period.
- The allowance of constrained sites for the

Part I: Comments on Proposed LDP Policy

second SESplan period is too high (currently 3,716 units forming 45% of the 2019-24 total supply) and there is no compelling evidence (as set out in SPP Paragraph 15) in terms of this figure within the calculation of the housing land supply.

- Taking the above into account, this fundamental aspect of the plan is flawed and should be addressed by bringing forward additional deliverable short term housing sites.

To illustrate the above, **Table 1** mirrors the housing supply element of Figure 5 within the Proposed LDP but amends calculations to remove constrained sites from 2009-19 and 2019-24 (currently forming 28% of total supply) given the lack of evidence to support inclusion at this stage. The table retains the WLC estimated programming of the effective land supply (subject to Homes for Scotland's specific representation) and estimated programming of LDP allocations.

Table 1 demonstrates a substantial reliance upon constrained sites for WLC's housing land supply without which land for a further 4,352 units would be required across the plan period with the majority within the immediate, short term period.

To illustrate further, **Table 2** highlights the shortfall in the context of the 5 year effective housing land supply requirement (and the agreed 2014 HLA) and demonstrates that West Lothian have a current shortfall of 5,323 units subject to contribution from new LDP sites. On the basis that only 1,496 units are estimated to be derived from LDP sites to 2019, this leaves a **substantial shortfall** of 3,827 units.

In order for this shortfall to be addressed, it is appreciated that a significant increase in the rate of housing completions is required. WLC are obliged

to facilitate the identified housing land requirements and therefore it is clear that additional housing outlets will be required across West Lothian in the short term and a 'no action' policy is not acceptable. Also, as set out within SPP Paragraph 116, WLC must justify the application of a 10% generosity allowance as opposed to 20%.

Reference to the SESplan paper 'Maintaining a Five Year Effective Land Supply' (May 2015) in Paragraph 5.51 should be deleted as this was not consulted upon and has no material status.

Paragraph 5.52 should be amended to reflect the need to meet requirements for both SESplan periods.

Paragraph 5.53 & 5.90 state the responsibility of providing additional education infrastructure is placed on housing providers. Whilst the application of developer contributions is accepted policy, there is a **fundamental requirement for WLC to forward-fund infrastructure via a long-term funding mechanism** and then recoup costs. **Without a clear commitment to infrastructure delivery, WLC will wholly fail to meet its housing growth requirements and associated economic aims. Furthermore, the last sentence refers to the approach to assessing the 5 year effective land supply which is not yet applicable in the context of the current LDP.**

Policy HOU2 should be amended with the word 'endeavour' deleted. WLC are required to maintain a 5 year effective land supply via SPP and SESplan and this policy should be amended to provide criteria by which to assess new sites to contribute to identified housing land shortfalls (in line with SESplan Policy 7).

Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable,

	2009-2019	2019-2024	2009-2024
Effective Land Supply	4422	4279	8701
Constrained Sites	0	0	0
Windfall	480	400	880
Completions 2009-2014	2440	0	2440
Demolitions	568	100	668
Total Supply Existing Sources	6774	4579	11353
Land Supply Target (+10%)	12562	7249	19811
New LDP Allocations Target	5788	2670	8458
New LDP Allocations Proposed	1496	2610	4106
Shortfall/Surplus	-4292	-60	-4352

Table 1 - Constrained Sites Impact on Proposed LDP Housing Land

2009-2019 Target (11,420 plus 10% generosity allowance)	12562
2009-2014 Completions	2440
2014-2019 Net Requirement	10122
2014-2019 Programmed Effective Land Supply (2014 HLA)	4799
2014-2019 Effective Land Supply Surplus/Shortfall	-5323
New LDP Allocations Proposed (programmed pre-2019)	1496
Shortfall/Surplus	-3827

Table 2 - Effective Housing Land Supply 2014-2019

Part I: Comments on Proposed LDP Policy

unquantifiable and addressed by other funding.

Policy INFI requires amendment with Supplementary Guidance on developer contributions not yet produced or consulted upon.

Summary

Overall, with regard to West Lothian's spatial strategy, it is clear that there is an over-reliance on not only constrained sites as highlighted above (28% of total supply and 45% of 2019-24 supply) but also an over-reliance on historic large-scale allocations within the Core Development Areas (CDA's) which can only provide a proportion of the required housing requirements set out within SESplan.

To illustrate, **Table 3** outlines the progress of West Lothian CDA's, as per the 2014 Housing Land Audit. This demonstrates that, notwithstanding the current SESplan housing land requirements, the previous Structure Plan requirements have not been achieved.

Of the 7,000 unit requirement across the three CDA's in the Edinburgh and Lothians Structure Plan 2015 (approved 2004), only 3% of this target was achieved as of 2014. Allowing for 2014-15 programming, a total of just 6% of the target will have been achieved by the original end date of 2015.

Based upon agreed programming in the 2014 HLA, the CDA sites are to contribute 47% of the total 5 year effective land supply to 2019. However, unless the Council is willing to front fund infrastructure for the CDAs, they will soon come to a halt as the funds required to delivery critical infrastructure is not available (e.g. education at Calderwood/Winchburgh) to keep delivering units much beyond S.75 agreements without revision.

CDA	Lothians Structure Plan Allowance to 2015	Site Total	Completions to 2014	2014-15 Programming	Total Completions / Programming to 2015	Contribution to 2014-2019 Effective Land Supply (4799)
Armadale	1000	1935	152	57	209	593
Livingston/Almond Valley	3000	3031	10	54	64	815
Winchburgh / East Broxburn / Uphall	3000	3809	55	94	149	864
TOTAL	7000	8775	217	205	422	2272
%	100%	125%	3%	-	6%	47%

Table 3 - CDA Housing Contribution

Therefore additional (range and choice) of small to medium scale potentially effective sites where funding is committed and/or a proportional contribution to necessary infrastructure required to enable the development to occur can be provided are required to meet the SESplan housing requirement to 2019.



Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

Introduction

The proposed site forms part of a much wider landholding that was included as an 'alternative' housing site in WLC's LDP Main Issues Report (MIR) (Site Ref.EOI-0110 - Murieston Castle Farm).

A representation was submitted to the MIR in October 2014 (based upon the red-line boundary outlined in **Figure 2**) for land under the control of BDW Trading Ltd and H&J Russell.

Subsequently, a Planning Permission in Principle application was submitted to WLC and registered on 19th May 2015 for the northern part of the promoted landholding (as indicated as Phase I within the **dashed line on Figure 2**). The application, as amended, is for approximately 100-120 units which can be accommodated with feasible extensions to education infrastructure.

The southern part of the site therefore forms a longer term growth option (Phase 2) which BDW Trading Ltd and H&J Russell seek to be safeguarded for residential development in this LDP and can be delivered once necessary infrastructure capacity becomes available.

On the basis of the clear housing land supply shortfall identified in Part 1 of this representation, BDW Trading Ltd and H&J Russell object to the non-inclusion of the site as an LDP housing allocation with Phase 1 forming the northern part of the site and Phase 2 forming the southern part of the site.

Site Description

The proposed site extends to approximately 31 hectares (of which the current planning application site is approximately 15 hectares) and is situated on the south-western edge of the Murieston area of Livingston, as per **Figure 2**.

The immediate surroundings include the established residential areas of Murieston and Bellsquarry to the east and north-east and Brucefield Industrial Park to the north. The site is bound to the east by Murieston Road, which forms a local distributor road and bus route connecting the Murieston, Bellsquarry and Bankton residential areas along with the Brucefield industrial area to the A71 arterial route approximately 1km to the north. This provides access to Livingston town centre, approximately 3.5km to the north and onwards to the M8, approximately 8km north of the site. Murieston is a well established residential area which includes Livingston South rail station and the adjoining village centre services and facilities, linked to the site via the Murieston Water valley parkland.

The site itself comprises rough grazing land (understood to comprise Class 3 and 4 agricultural quality by the MLURI) and is bound by mature woodland on three sides (north, east and west) with a minor access road and mature hedgerow to the south. The Edinburgh-Glasgow rail line extends along the northern boundary beyond the woodland and Murieston Road bounds the eastern edge of the land, also set behind established woodland.

The site is traversed by an access road to the existing farm, situated west of the site and divides the site into two fields in the north and three fields in the south. The topography is generally level although land falls away to the south. Access is currently taken from the two minor farm access roads leading off Murieston Road.

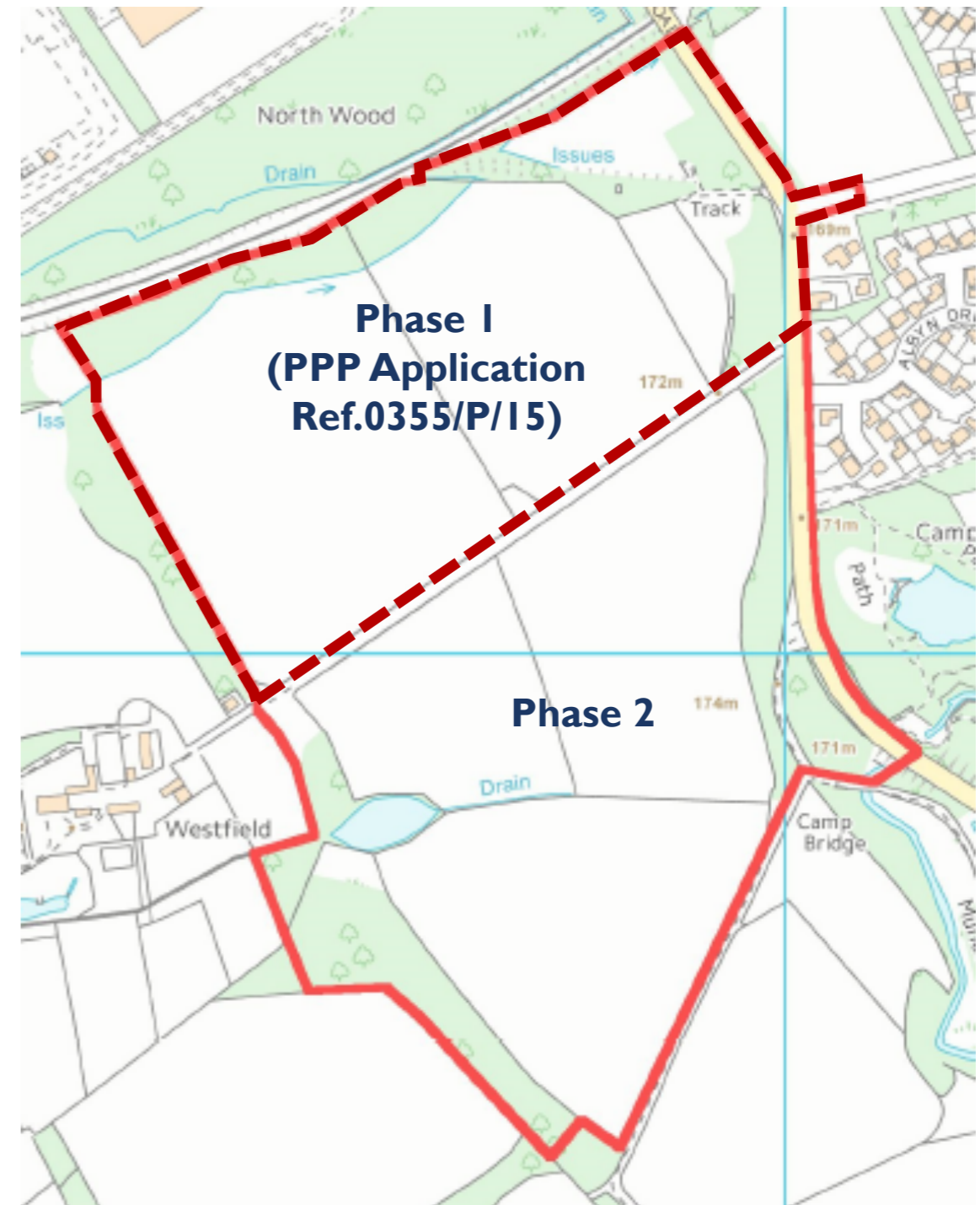


Figure 2 - Site Location Plan

Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

Site Connectivity

Accessibility

The site adjoins an **existing bus service route**, which connects Murieston to Livingston town centre. Services 404/405/406 run along Murieston Road on the eastern edge of the site, linking the town centre, Livingston South rail station and onwards connections. There is scope to add an extra bus stop on Murieston Road to add to the existing provision.

Livingston South rail station is situated approximately 1600m (20 min walk or 5 min cycle) to the east of the site, via Murieston Valley (either the residential road or the parkland cycle/footpath). This provides a regular (20-30 min) service to Edinburgh Haymarket (13-20 mins) & Waverley (20-30 mins) and Glasgow (45-55 mins).

Services and amenities

The Murieston site benefits from close proximity to a range of services within reach by varying modes of transport for potential residents. This includes:-

- Murieston Village/Bankton Centre within 1600m (20 min walk / 5 min cycle) including Livingston South rail station, local supermarket, medical centre, local restaurant.
- Murieston Water parkland adjoins site with cycle/footpaths to local centre and wider town network
- Bellsquarry Primary School within 1100m (15 min walk / 4 min cycle) and The James Young High School within 2km (8 min cycle) - Brucefield employment site within 500m (5-6 min walk)
- Bannatynes health centre within 2000m (7 min cycle / 25 min walk) and cricket club within 600m (7 min walk)
- Almondvale Centre shops and services within 3.5km (10-12 min cycle and on direct bus route)

Figure 3 provides an overview of the site's connectivity.

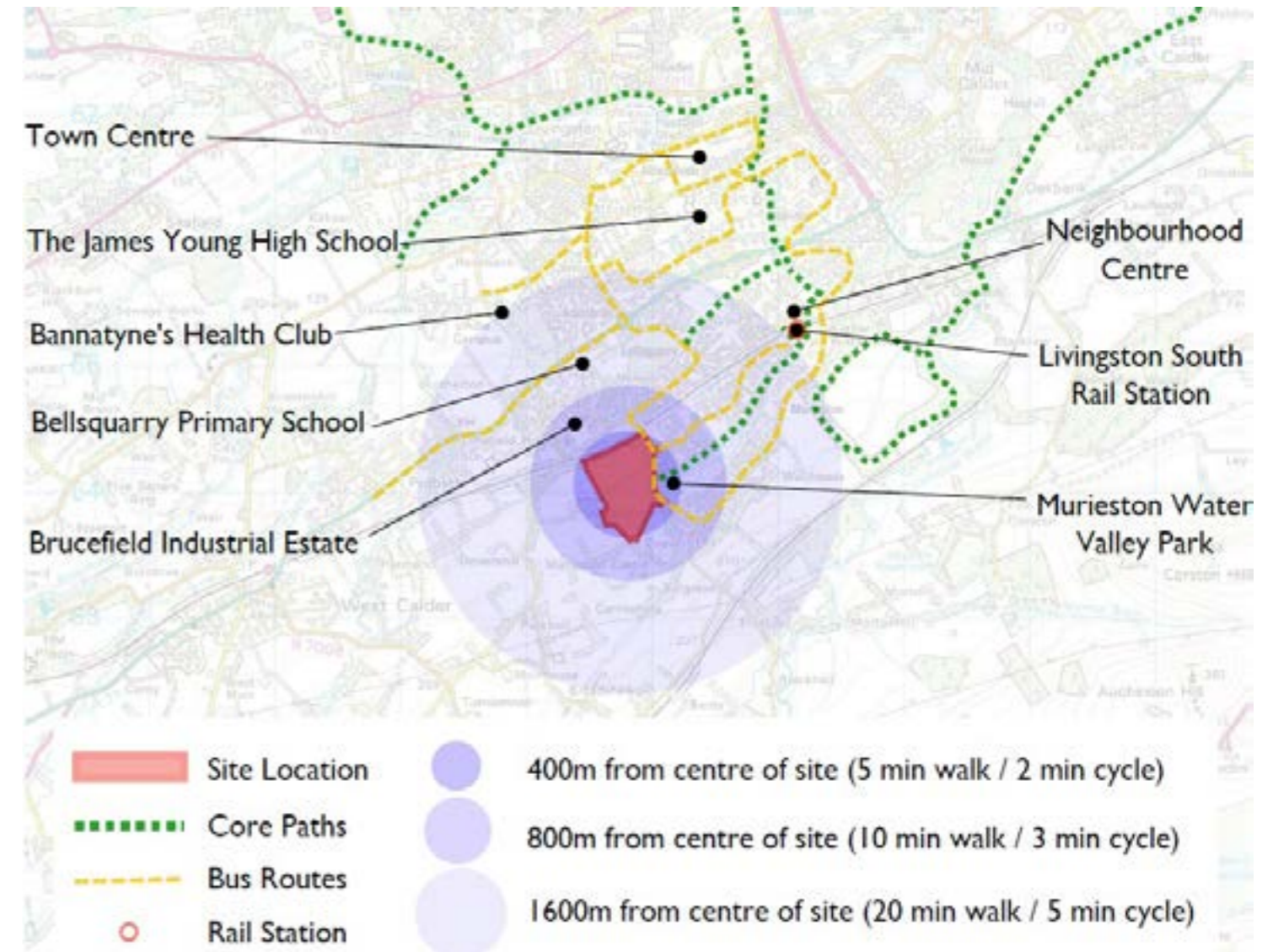


Figure 3 - Connectivity Plan

Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

SPP Sustainability Appraisal

Scottish Planning Policy (SPP) supports “a **presumption in favour of development that contributes to sustainable development**”. In particular, Paragraphs 33 states that, “**where relevant policies in a development plan are out-of-date....then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.**”

In this respect, the West Lothian Local Plan is now almost 7 years old and out of date and therefore SPP is a “significant material consideration”. The provisions of SPP above require that the proposal is assessed in terms of identifying any adverse impacts that would “*significantly and demonstrably outweigh the benefits*” when assessed against wider SPP policies.

Key wider SPP policies applicable to the proposal include:

National outcomes (Para.10), in particular:

- A *successful, sustainable place – supporting economic growth and regeneration and the creation of well-designed, sustainable places* (the proposal will contribute significant new housing within a high quality environment, create and support employment and sustain local services).
- A *low carbon place – reducing our emissions and adapting to climate change* (the proposal will link with established and frequent public transport for travel between home and work).

- A *natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use* (the proposal will enhance local amenity through new open space, landscaping and woodland whilst enhancing local access to greenspace and the wider countryside).
- A *more connected place – supporting better transport and digital connectivity* (the proposal is supported by an established public transport network connection).

Sustainability policy (Para.27-29):

- Net economic benefit of approving this proposal includes provision of financial contributions towards local infrastructure and services, employment opportunities through the construction process, affordable housing provision, accommodation for growing families, an opportunity to sustain local shops and services and increased council tax revenue.
- The proposal responds to economic issues, challenges and opportunities in terms of contributing to the housing land supply shortfall and provision of local employment.
- The proposal supports good design and addresses the six qualities of successful places, including being distinctive (contextual design based on woodland setting and transition from urban to rural area), safe and pleasant (natural overlooking of new open space, semi-rural character), welcoming (clear gateway, streets and path structure), adaptable (range of house type sizes), resource efficient (utilises existing woodland landscaping, located close to public transport and scope for maximising solar gain through housing orientation) and, easy to move around and beyond (via street and path

network).

- The proposal supports Murieston’s local centre, provides accessible housing, improves viability and sustainability of local services, has no adverse impact upon flood risk, cultural or natural heritage assets and avoids over-development whilst protecting and improving existing amenity.

Placemaking policy principles (Para.36-46):

- As set out above, the proposal is considered to meet the placemaking policy principles and meet the six key qualities of creating a successful place. The proposal is in the right place, forming a suitably scaled extension of an existing service centre settlement in an area of housing demand.
- The application Design Statement outlines the approach to site analysis and design development and the proposals have been developed with reference to *Creating Places (2013)* and *Designing Streets (2010)*.

Housing policy principles (Para.110):

- The proposal contributes to the deficient 5 year effective housing land supply and would augment the range of high quality housing outlets available within West Lothian whilst providing the necessary level of affordable housing provision.

Historic environment policy principles (Para.137):

- The proposal has no adverse impact upon the historic environment, subject to suitable design and landscape treatment as outlined within the application Design Statement and LVIA. As noted within the Archaeology Assessment, there is no inter-visibility between the site and Listed Buildings.

Natural environment policy principles (Para.194):

- The proposal would maintain and enhance existing landscape character in terms of established woodland and positive greenspace and biodiversity contribution.

Green Infrastructure policy principles (Para.221):

- The proposal is based upon the existing green network and design and landscaping allows for integration of the site with the wider network.

Flood Risk & Drainage policy principles (Para.255):

- The Flood Risk Assessment and Outline Drainage Strategy identifies the area to be excluded from development along the site’s northern boundary with SUDS design integrated into the site within the naturally lower-lying area

Sustainable Transport policy principles (Para.270):

- The Transport Assessment confirms that the proposed development can be integrated into the existing road network with minor upgrading. The site is well located in terms of public transport and services accessibility.

Overall, in terms of Scottish Planning Policy, the proposal constitutes sustainable development with no adverse impact which would “significantly and demonstrably” outweigh the benefits.

Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

SESplan Policy 7 Appraisal

On the basis that there is a clear housing land supply shortfall within West Lothian and a resultant need to grant consent to additional effective housing sites, land at Murieston can be supported when assessed against SESplan Policy 7. Taking the **three criteria** by which such sites are to be considered, the merits of land at Murieston can be briefly summarised (**supporting application documents are provided on the supporting CD**).

Criteria (a) requires that ‘development will be in keeping with the character of the settlement and local area’.

The application Design Statement and LVIA outlines the analysis and design development approach which is based upon utilising the established resource of the shelter belt landscape pattern.

In particular, the proposal allows for integration with existing urban development at Murieston, reflecting the established pattern of housing within a strong woodland framework. The design however is an enhancement on previous 1980’s/1990’s housing layout by virtue of a more connected, permeable structure, as illustrated within the application Design Statement.

The proposal, and associated design framework, retains and enhances existing woodland and provides new, improved linkages for walking/cycling and has potential to add positively to the Murieston Water valley greenspace network located to the south-east of the site.

Of particular note, the **LDP MIR site assessment process** appraised a wider landholding in this location and the background paper, *Consultation Responses to Proposed Sites* (August 2014), summarised the Council’s own internal and external

consultation process. This provides Council support in terms of the potential development of land west of Murieston Road and, in particular, conclusions on Page 359:

Although priority is to be given to development of brownfield land, there is not enough brownfield land to meet requirements of the Strategic Development Plan. Greenfield release is supported in this instance on part of the site as an alternative to other sites in the Murieston Valley locality. The overall integrity and function of the countryside belt will be minimal through the area suggested to be allocated. It will also present a logical extension to the west side of Livingston.

This assessment positively highlights the merits of the site in terms of key factors of urban form whilst the *MIR Strategic Environmental Assessment* provided further analysis of site selection with individual site assessments but was based upon a much larger boundary. **It should be noted that the site is non-prime agricultural land.**

Overall, it is considered that the proposal is wholly in keeping with the existing residential character of the area and provides a high quality transition between urban and rural edge.

Criteria (b) requires that ‘the development will not undermine green belt objectives’.

The site is not within the Green Belt so will not undermine associated objectives. However, it is recognised that the current Countryside designation provides much of the same role but development can be accommodated without detrimental impact.

The proposal offers the potential for improved public access to the countryside (via new path links

and associated open space) and would not impact negatively upon the landscape setting of Murieston or its identity or character through coalescence. The proposal is also within an ‘appropriate location’ given Livingston’s status as the key settlement within the West Lothian Strategic Development Area and the accepted (via the LDP MIR) view that expansion south-westwards is a logical urban expansion.

With particular regard to landscape, the site is located within the Harburn/Hartwood Fringe Landscape Character Area (LCA), as defined by the West Lothian Landscape Character Area Classification (August 2014). One of the main characteristics is that of shelter belts which has been retained in the growth of Murieston with pockets of residential development set amongst woodland belts. The site offers scope to continue this landscape and urban pattern.

As noted within the West Lothian Local Landscape Designation Review (2013), this LCA has “no core areas which would potentially merit SLA (Special Landscape Area) designation” with ‘low’ rarity value and more of a relationship with the existing settlement at its northern edge, i.e. in locality of the site.

The site therefore is not subject to specific landscape restrictions and existing shelter belt planting can be utilised to minimise any perceived impact. Intrusion into the countryside is minimised with the site forming a natural extension of Murieston with defensible boundaries formed by existing mature tree belts to north and west, whilst the southern hedgerow boundary can be augmented by tree planting.

The LVIA undertaken as part of the PPP application for the northern part of the site demonstrates deliverability in landscape terms.

Criteria (c) requires that ‘any additional infrastructure required as a result of the development is either committed or to be funded by the developer’.

The LDP MIR site assessment background paper (*Consultation Responses to Proposed Sites* (August 2014, Page 359) also states that **education capacity is available.**

The application Transport Assessment outlines the proposed localised mitigation measures which can be funded by the applicants whilst the application Education Capacity Appraisal endorses the LDP MIR view that capacity exists subject to proportionate financial contributions towards school extensions.

Summary

The proposal accords with SESplan Policy 7 and can be supported by West Lothian Council for inclusion as a housing allocation due to the proposal being in keeping with the character of Murieston, not undermining Green Belt objectives and having infrastructure capacity for short term development.

Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

Economic Benefit

Scottish Planning Policy (SPP) outlines the core values of planning which is to **“play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities”** (Paragraph 4).

In this respect, SPP contains four planning outcomes with Outcome 1 being a **“successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places”** (Page 6).

Elaborating on the role of planning to deliver economic growth, Paragraph 16 states:

Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

With particular regard to the role new housing plays, Paragraph 109 states that, **“house building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development”**.

For the first phase of development at Murieston, comprising up to 120 units, and assuming a build period of 4 years, BDW (under two brands; Barratt and David Wilson) will:

- create **45** direct construction jobs and **4** direct apprentice construction jobs per annum
- support **68** indirect and induced jobs in related areas of the economy per annum
- create a direct gross value added economic output of **£2.48m** per annum
- create an indirect gross value added economic output of **£3.5m** per annum in other areas of the economy
- create **£600k** of total first occupation expenditure in the economy
- enable an estimated **£370k** of council tax revenue to be generated by the development per annum

Site Capacity & Programming

The representation to the MIR supported a total proposed number of 400 units across the whole site (the MIR included the site as an alternative for 375 units).

As noted above, the current PPP application includes the northern part of the site with a proposed capacity of approximately 100-120 units to accord with current education capacity.

There is scope for up to 400 units overall across both the north and south of the site subject to necessary infrastructure requirements.

The proposal therefore provides a short term opportunity (100-120 units) with scope for the remainder of the site to contribute towards the later part of the LDP period to 2024.

In terms of delivery, BDW Trading Ltd have the ability to utilise two brands (Barratt and David Wilson) thereby enabling a high completion rate.

As set out in the current PPP application, it is proposed to develop 100-120 units between 2016-2019, i.e. within the current 5 year effective land supply period and the first SESplan period.

The remaining southern part of the site could be phased from 2020-2024.

Key Assessments

As part of the current PPP application, BDW Trading Ltd and H&J Russell have undertaken a full range of supporting assessments which have been submitted to the Council. These include the following:-

- Housing Land Assessment
- Design Statement
- Education Capacity Appraisal & Addendum
- Pre-application Consultation Report
- Landscape and Visual Impact Assessment
- Archaeological Assessment
- Habitat Survey
- Transport Assessment
- Preliminary (Ground Conditions) Site Appraisal
- Flood Risk Assessment & Outline Drainage Strategy
- Tree Survey
- Noise Assessment

Copies of all documents have been provided on a CD under separate cover for ease of reference for subsequent LDP examination.

Part 2: Objection to non-inclusion of Land west of Murieston Road as Housing Allocation

Site Effectiveness Summary

Scottish Planning Policy (SPP) and guidance set out in PAN 2/2010 Affordable Housing and Housing Land Audits require that sites allocated within Local Development Plans are effective, being able to contribute completions during the plan period (up to year 10 from LDP adoption).

As such, PAN2/2010 criteria for assessing site effectiveness provide a test against which sites require to be gauged with **land west of Murieston Road, Murieston considered effective, being free of potential site constraints and able to deliver units within the plan period.** Specifically:-

Ownership Status: **Effective**

- The site is owned by a willing seller and under option to a national housebuilder seeking to start construction at the earliest opportunity.

Physical Status: **Effective**

- The **Preliminary Site Appraisal (Ground Conditions)** indicates there are no restrictions to the proposals with regard to ground conditions or services (not in coal mining risk area and historic limestone mine area in north-east of site will not be developed). The **FRA/ Drainage Strategy** notes that flood risk will not impact on the proposed development area with surface water drainage options to north and south of the site. The **Archaeological Assessment** confirms the site is not subject to constraints that would hinder development, subject to further investigations through the detailed planning stage.

Contamination Status: **Effective**

- The site, given its greenfield arable nature, has

been deemed to have a low risk of contamination as indicated within the **Preliminary Site Appraisal.**

Deficit Funding Status: **Effective**

- The development would be privately funded, also allowing for required infrastructure upgrades.

Marketability Status: **Effective**

- The Murieston housing market remains a highly marketable location with demand for both private and affordable units confirmed via the SESplan Housing Needs and Demand Assessment. The proposed site could provide significant completions within the pre-2019 SESplan period plus additional capacity within the 2019-24 period. Based on the estimated Phase 1 capacity of 100-120 units, a site start in 2016 and annual programmed completions thereafter of 25/30 per annum, the site can deliver **100-120 units within the pre-2019 period.** The remainder of the site, forming Phase 2, could **contribute a further 200+ units towards the 2019-24 housing target.**

Infrastructure Status: **Effective**

- Utility connections and water and drainage connections are available to the site with any localised upgrading of capacity able to be met by the developer.
- A full **Transport Assessment** has been undertaken with scoping agreed directly with WLC and the TA's findings positive in terms of accessibility, sustainability and access arrangements with only minor mitigation measures required.
- The **Tree Survey** confirms that existing trees

at the site access location are not of special quality and limited tree removal can be off-set by sensitive design and compensatory planting.

- **The site is thus fully deliverable and effective in terms of transport considerations.**

- The **Education Capacity Appraisal and Addendum** provided to the Council demonstrates that capacity exists to accommodate Phase 1 (PPP) development within The James Young High and St.Ninian's RC Primary with financial contributions required towards extensions at Bellsquarry Primary (single classroom as deemed feasible by WLC) and St.Margaret's Academy. (as per established WLC procedures). Additional capacity will be required at primary level to accommodate Phase 2.

Land Use Status: **Effective**

- Housing (both private and affordable) is the predominant proposed use for the site.

Overall

There are no known constraints which will hinder delivery of early housing completions within the LDP period on the Phase 1 (PPP) site.

The site allows for an extension of the established Murieston housing area and can be integrated within the existing urban and landscape context.

The site is located within an area of identified education infrastructure capacity, which is a significant restriction on many other areas within West Lothian.

BDW Trading Ltd and H&J Russell have undertaken the full range of supporting studies as part of the current PPP application which demonstrate site deliverability in the short term.

The site is capable of making a significant contribution to West Lothian's housing land supply shortfall. Therefore, it is strongly considered that Phase 1 of the site should form a Proposed Housing Allocation within the LDP with Phase 2 forming a safeguarded site for housing subject to infrastructure capacity.

Clarendon Planning and Development Ltd

**5a Castle Terrace
Edinburgh
EH1 2DP**

**0131 297 2320
info@clarendonpd.co.uk
www.clarendonpd.co.uk**

On behalf of BDW Trading Ltd and H&J Russell





The Coal
Authority

Issued by:

The Coal Authority, Property Search Services, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG
Website: www.groundstability.com Phone: 0345 762 6848 DX 716176 MANSFIELD 5

**CLARENDON PLANNING &
DEVELOPMENT LTD
5 SEMPLE STREET
EDINBURGH
EH3 8BL**

Our reference:	51000886690001
Your reference:	43777141
Date of your enquiry:	19 May 2015
Date we received your enquiry:	19 May 2015
Date of issue:	19 May 2015

This report is for the property described in the address below and the attached plan.

Mine Entry Interpretive Report

35 ALBYN DRIVE, MURIESTON, LIVINGSTON, EH54 9JN

I refer to the enquiry dated 19 May 2015, received 19 May 2015, in connection with the above.

MINE ENTRY INFORMATION

Interpretive Reports Reference: 51000886690001

35 ALBYN DRIVE, MURIESTON, LIVINGSTON, EH54 9JN

Shaft or adit:	Shaft
Mineral worked:	Coal
Mine entry reference:	304663-001
Source:	6" geol NT 06SW
Colliery name:	Unknown
Entry name:	Westfield
Date abandoned:	Unknown
Depth of superficial deposits (m):	7.0
Depth of shaft (m):	106.0
Diameter/Maximum width (m):	3.5
Probable adit azimuth:	Not Applicable
Treatment details:	Unknown
Conveyance:	Not Applicable
Other information:	None

STABILITY REPORT

Risk of instability

If coal mining subsidence was to occur as a consequence of ground movement attributable to the subject mine entry, then taking into account the thickness of superficial deposits, the potential for any difference between the actual and plotted positions of the mine entry and its diameter/maximum width, in the Authority's opinion, the subject building (as shown on the attached plan) is within the zone of possible ground movement. The possibility of future coal mining subsidence damage cannot be discounted completely but statistically the risk of damage to the subject building is very small.

Remedies

In the unlikely event that coal mining subsidence damage does occur which relates to the subject mine entry, the property owner can, under the provisions of the Coal Mining Subsidence Act 1991 require the responsible person to take remedial action. The responsible person is either the Coal Authority or a licensed mining operator. For details of how to make a claim please see the documentation at www.coal.decc.gov.uk/en/coal/cms/services/claims. If you need any further advice, you can call the Coal Authority helpline:- 0345 762 6848.

Conclusion

In the Authority's opinion, the subject building (as shown on the attached plan) is within the zone of possible ground movement if coal mining subsidence attributable to the mine entry was to occur. The statistical risk of such subsidence occurring is small and the likelihood of the subject building being damaged as a consequence of that subsidence, is very small.

In the unlikely event that coal mining subsidence damage does occur, the property owner can rely on the provisions of the Coal Mining Subsidence Act 1991 to have that damage remedied.

MINE ENTRY INFORMATION

Interpretive Reports Reference: 51000886690001

35 ALBYN DRIVE, MURIESTON, LIVINGSTON, EH54 9JN

Shaft or adit:	Shaft
Mineral worked:	Coal
Mine entry reference:	304664-002
Source:	OS Midlothian 5:15 1907 Ed
Colliery name:	Unknown
Entry name:	Westfield No.1 Shaft
Date abandoned:	Unknown
Depth of superficial deposits (m):	7.4
Depth of shaft (m):	51.0
Diameter/Maximum width (m):	3.0
Probable adit azimuth:	Not Applicable
Treatment details:	Unknown
Conveyance:	Not Applicable
Other information:	None

STABILITY REPORT

Risk of instability

If coal mining subsidence was to occur as a consequence of ground movement attributable to the subject mine entry, then taking into account the thickness of superficial deposits, the potential for any difference between the actual and plotted positions of the mine entry and its diameter/maximum width, in the Authority's opinion, the subject building (as shown on the attached plan) is within the zone of possible ground movement. The possibility of future coal mining subsidence damage cannot be discounted completely but statistically the risk of damage to the subject building is very small.

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MINE ENTRY INFORMATION

Interpretive Reports Reference: 51000886690001

35 ALBYN DRIVE, MURIESTON, LIVINGSTON, EH54 9JN

Shaft or adit:	Shaft
Mineral worked:	Coal
Mine entry reference:	304664-003
Source:	OS Midlothian 5:15 1907 Ed Ab Plan:s3918
Colliery name:	Unknown
Entry name:	Westfield Airshaft
Date abandoned:	Unknown
Depth of superficial deposits (m):	9.0
Depth of shaft (m):	18.0
Diameter/Maximum width (m):	2.5
Probable adit azimuth:	Not Applicable
Treatment details:	Unknown
Conveyance:	Not Applicable
Other information:	None

STABILITY REPORT

Risk of instability

If coal mining subsidence was to occur as a consequence of ground movement attributable to the subject mine entry, then taking into account the thickness of superficial deposits, the potential for any difference between the actual and plotted positions of the mine entry and its diameter/maximum width, in the Authority's opinion, the subject building (as shown on the attached plan) is within the zone of possible ground movement. The possibility of future coal mining subsidence damage cannot be discounted completely but statistically the risk of damage to the subject building is very small.

Remedies

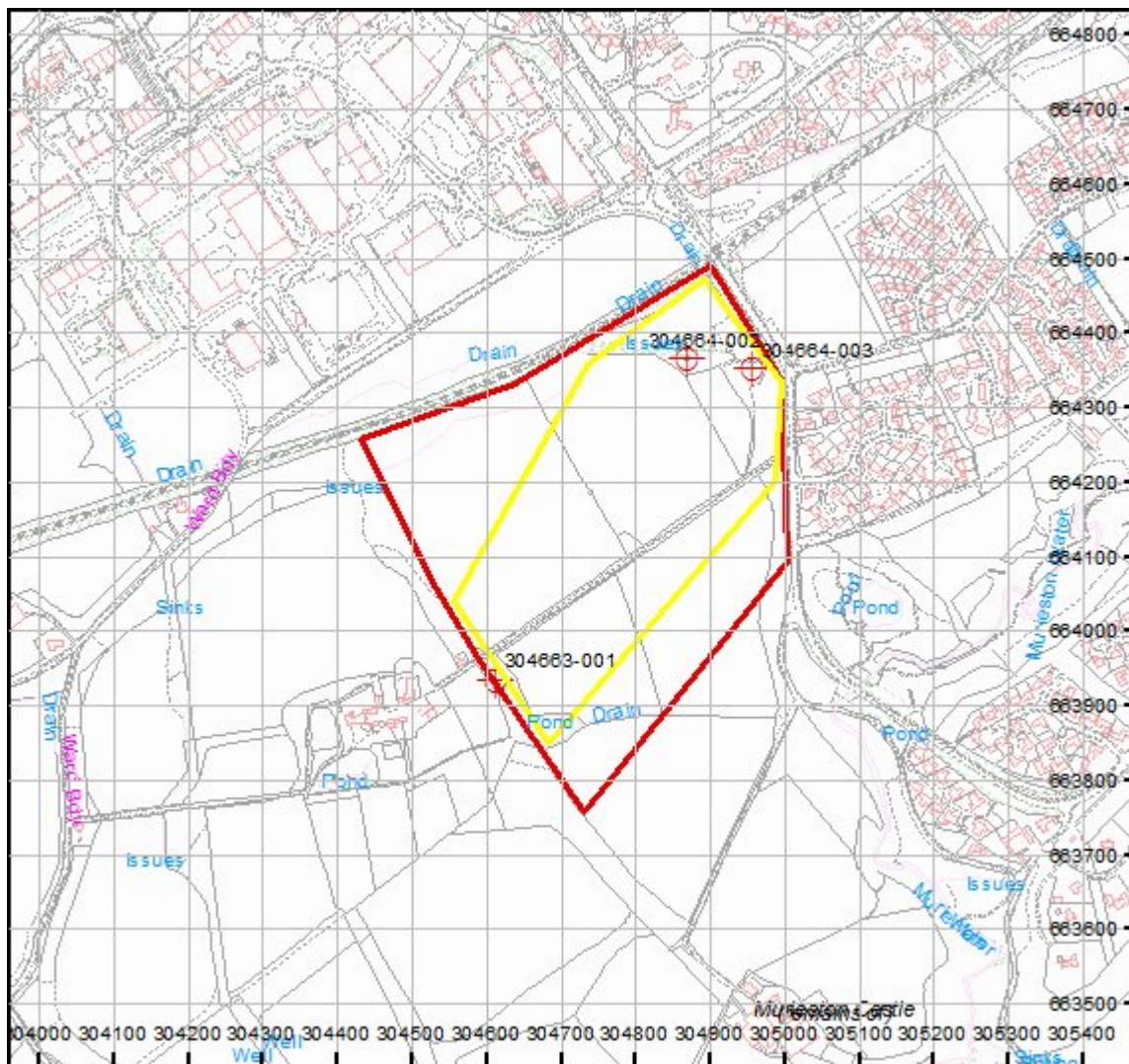
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Conclusion

In the Authority's opinion, the subject building (as shown on the attached plan) is within the zone of possible ground movement if coal mining subsidence attributable to the mine entry was to occur. The statistical risk of such subsidence occurring is small and the likelihood of the subject building being damaged as a consequence of that subsidence, is very small.

In the unlikely event that coal mining subsidence damage does occur, the property owner can rely on the provisions of the Coal Mining Subsidence Act 1991 to have that damage remedied.

Issued by:	The Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG
Tax Point Date:	19 May 2015
Issued to:	CLARENDON PLANNING & DEVELOPMENT LTD 5 SEMPLE STREET EDINBURGH EH3 8BL
Property Search for:	35 ALBYN DRIVE, MURIESTON, LIVINGSTON, EH54 9JN
Reference Number:	51000886690001
Date of Issue:	19 May 2015
Cost:	£75.00
VAT @ 20%:	£15.00
Total Received:	£90.00
VAT Registration	598 5850 68



Not to scale.

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This is a plan of the boundaries of the property in respect of which this report has been prepared. It is the responsibility of the user to ensure that the boundaries shown correspond with those of the property.

- APPROXIMATE POSITION OF PROPERTY BOUNDARY SHOWN □
- APPROXIMATE POSITION OF SUBJECT BUILDING SHOWN □
- APPROXIMATE POSITION OF DISUSED MINE SHAFTS SHOWN ⊕

This plan shows the approximate location of the disused mine entry / entries referred to in the attached mining report. For reasons of clarity, mine entry symbols may not be drawn to the same scale as the plan.

Property owners have the benefit of statutory protection (under the Coal Mining Subsidence Act 1991). This contains provision for the making good, to the reasonable satisfaction of the owner, of physical damage from disused coal mine workings including disused coal mine entries. A DTI leaflet setting out the rights and obligations of either the Coal Authority or other responsible persons under the 1991 Act can be obtained by telephoning 0345 762 6848.

If you wish to discuss the relevance of any of the information contained in the attached report you should seek the advice of a qualified mining engineer or surveyor. If you or your advisor wish to examine the source plans from which the information has been taken these are available at our Mansfield office, free of charge by prior appointment, telephone 01623 637235. Should you or your advisor wish to carry out any physical investigations that may enter, disturb or interfere with any disused mine entry the prior permission of the owner must be sought. For coal mine entries the owner will normally be the Coal Authority.

The Coal Authority, regardless of responsibility and in conjunction with other public bodies, provide an emergency call out facility in coalfield areas to assess the public safety implications of mining features (including disused mine entries).

Our emergency telephone number at all times is 01623 646333.



EXPLANATORY NOTES

1. The Authority has made assumptions about mining information and its application. Where this has happened, the assumptions are explained in these notes.
2. There can be several source documents for the same mining information and in many instances these documents are very old. As a general principle, older sources are not as accurate as more recent records. Furthermore, the different types of plans can have varying standards of accuracy. As a consequence, the plotted positions of mine entries can be different, to varying degrees, to their actual positions on site. The assumptions made for these variances are explained in 10 below.
3. The thickness of superficial deposits has been taken from the records of the Authority and/or those of the British Geological Survey. © NERC All rights reserved.
Where the Authority has information about activities such as infill operations or excavation, which may have affected the thickness of deposits above rockhead, this will also be taken into account.
4. The Authority will only provide the depth of a mine entry where this is known.
5. Where information about the diameter of a shaft is not known, it will be assumed. The assumption will be based upon comparison with other shafts in the vicinity, the likely date it was sunk and any other relevant information, e.g. the depth of seams the shaft is thought to have accessed.
Where a shaft is not circular, the maximum diagonal dimension will be used.
6. The zone of possible ground movement of an adit will be calculated for the conjectured position of the mouth of the adit. It will not apply to the underground length of the adit. The approximate adit direction, where applicable, will be quoted in degrees from North.
7. Where treatment details are recorded, this information will be given. Where records are not available, "Unknown" will be reported.
8. The issue of ownership of mine entries is extremely complicated. Where details of the sale of a mine entry by the Coal Authority, or its predecessors in title, are known these will be provided. Where no sale details are available, in most instances, ownership will rest in the Coal Authority. Whatever the position with ownership, if coal mining subsidence damage does occur, statute provides for the "responsible person" to provide a remedy. The "responsible person" is either the Coal Authority or a licensed mining operator.
9. If the Authority holds other relevant information about the mine entry which is not referred to elsewhere, it will be provided as additional information in the report.
10. The zone of possible ground movement of a mine entry is that area of ground which might be affected by coal mining subsidence if the mine entry becomes unstable.
The calculated zone of possible ground movement is a circle whose centre point is the centre of the plotted position of the mine entry and which has a radius equivalent to the aggregate of:-
 - a. the radius or assumed radius of the mine entry (for non circular mine entries the maximum distance from the centre of the opening to its edge will be taken as the radius)
 - b. the thickness of the deposits overlying rockhead (i.e. an assumed angle of draw of 45°)
 - c. an assumed distance representing the potential difference between a mine entry's plotted position and its true position. This assumed distance will be between 0-10m and will depend, inter alia, on the age, scale, condition and status of the source plan from which the position of the mine entry is taken.
The above criteria will be applied also where the mine entry is an adit.
There will be some instances where the variances will be greater than the assumed distances but the Authority consider that the range applied is a reasonable and representative basis for its reports.
Where special circumstances apply in calculating the zone of possible ground movement, e.g. where the plotted position of a mine entry lies within an area where opencast mining has taken place and the mine entry no longer exists, the opinion in the Stability Report will take this into account.
11. The Authority's records demonstrate that the statistical risk of a house suffering physical damage as a consequence of coal mining subsidence from ground movement associated with a coal mine entry is very small. This includes houses which are within a zone of possible ground movement related to a mine entry. Typically only one or two houses are so affected each year, out of the tens of thousands of houses which have mine entries within 20m of their property boundaries.
On those rare occasions where physical damage to a house does occur, the Authority will attend quickly to deal with any matters of an urgent or emergency nature. Thereafter, the responsible person, usually the Coal Authority, will treat the mine entry and arrange for property repairs to be carried out. It is important that any evidence of ground movement around a mine entry or any physical damage is reported to the Coal Authority immediately it is observed. The 24 hour call out number is 01623 646333.
12. The statutory remedies for coal mining subsidence damage available to property owners are powerful. The nature of remedies provided by statute includes:-
 - i) a right to have property repaired
 - ii) payments in lieu of repairs
 - iii) depreciation payments for residual physical damage
 - iv) home loss payments where a house is purchased by the responsible person
 - v) payments for inconvenience (in certain circumstances)
 - vi) compensation for loss of chattels or moveable property.
Note: The statutory remedies provided by the Coal Mining Subsidence Act 1991 are not available in respect of subsidence damage caused by extraction of minerals other than coal.

General note

The Authority's opinion and advice is based upon its interpretation of the facts in its possession at the date of the report and on the Ordnance Survey's (O.S) improved data (OSPA). A site inspection has not been carried out. The report has been prepared by experienced mining surveyors with knowledge in the management and interpretation of coal mining information. Notwithstanding this, because of the nature of old mining records and the uncertainties about their preparation and accuracy, it is possible that others might apply different assumptions or interpretations to the facts. Please note that any insurance given with earlier standard mining reports does not extend to cover this Mine Entry Interpretive Report.