

Telephone: 01324 696455 Fax: 01324 696444
E-mail: brian.archibald@gov.scot

Steve Lovell
West Lothian Council
Sent By E-mail

Our ref: LDP-400-1

11 December 2017

Dear Mr Lovell

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 18 January 2017. We have completed the examination, and now submit our report.

In our examination, we considered all 191 issues arising from 1264 unresolved representations which were identified by the council. In each case, we have taken account of the original representations, as well as the council's summaries of the representations and the council's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included site inspections and requests for additional information from the council and other parties.

We did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report is now available to view at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117696>;

and your office at West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF (Monday to Thursday 8.30am to 5.00pm and on a Friday from 8.30am to 4.00pm) and that it will also be posted on your website at:

<https://www.westlothian.gov.uk/LDP>

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.

David Liddell Andrew Fleming Lorna McCallum

REPORTER

REPORTER

REPORTER

Christopher Warren

REPORTER

REPORT TO WEST LoTHIAN COUNCIL

**WEST LoTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN
EXAMINATION**

Reporters: David Liddell BA (Hons) MRTPI
Andrew Fleming BA(Hons) BTP MRTPI
Lorna McCallum MSc BSc(Hons) MRTPI
Christopher Warren BA(Hons) DipTP MRTPI

Date of Report: 11 December 2017

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Examination of Conformity with the Participation Statement

Introduction

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the persons appointed by Scottish Ministers to examine the plan: “firstly to examine...the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)a.”

The Participation Statement

2. The participation statement which was current when the proposed plan was published was contained within the West Lothian Development Plan Scheme No. 7 dated March 2015.

3. The participation statement identifies 5 groups of consultees. For each of these groups, a variety of methods and techniques for engagement (prior to, during and after the proposed plan stage) are set out:

Group 1, the general community

To reach individual members of the public through:

- continuously updating the council website
- providing updates to subscribers to the LDP e-Newsletter
- using the council’s Facebook and Twitter webpages
- engaging with the council’s Citizens Panel
- publishing articles in the council’s newspaper “*The Bulletin*”
- publishing newspaper advertisements, notices and articles
- contacting local schools

Group 2, third sector and community reference Group

To make the views of a cross-section of community and voluntary groups available to the council including:

- Association of Community Councils
- individual Community Councils
- residents groups
- the West Lothian Disability Forum
- Senior Peoples Forum
- local schools

Group 3, partners working on other regional and local planning exercises

To ensure a joined up approach. Partners needed to be kept informed and involved throughout in the decision making process. To include:

- other council departments comprising for example, Education; Economic Development; Environmental Health; Finance and Estates; Flood Prevention; Renewable Energy officers; and Housing Services.

- external stakeholders including Transport Scotland, SESplan and SEStran.

Group 4, public sector delivery/ implementation group

To gain regular input throughout the LDP preparation process, including from the Health and Safety Executive, Historic Scotland, NHS Lothian, Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Water and neighbouring planning authorities.

Group 5, private sector reference group

To make current market information and a cross-section of commercial views available and to establish common ground on aspects of the evidence base. This could include developers, existing businesses within West Lothian, the West Lothian Chamber of Commerce and the Federation of Small Businesses.

4. The council said it would continue to use the National Standards for Community Engagement.

The Statement of Conformity with the Participation Statement

5. The steps the council took to encourage participation at proposed plan stage are outlined from page 8 of the Statement of Conformity.

6. The Proposed Plan was considered at a special meeting of the council's Development and Transport Policy Development and Scrutiny Panel on 7 September 2015 to which all elected members were invited. This meeting gave the opportunity for elected members to make comment on the Proposed Plan prior to reporting it to the Council Executive on 15 September 2015.

7. Once approved by the Council Executive, the Proposed Plan was the subject of a series of consultation/engagement events across West Lothian in October and November 2015. More details of these are set out in Tables 4 and 5 on page 9 of the statement of conformity.

8. As required by the Town & Country Planning (Development Planning) (Scotland) Regulations 2008, all parties within 20 metres of proposed development sites were notified of sites which were allocated for development in the Proposed Plan and where it was considered that if implemented, the proposal would have a significant effect on the use and amenity of that site and neighbouring land. Notifications were sent to approximately 6,000 addresses across West Lothian and included all proposals with defined boundaries, with the exception of those sites which were already under construction. This amounted to a total of 382 sites. All parties who made comment at Main Issues Report stage were also advised of publication of the Proposed Plan, including site owners.

9. In respect of the five groups of consultees identified in the participation statement, the same actions recorded there are again referred to, albeit still in general terms rather than with specific information about particular events, meetings or correspondence. We note that, with reference to Group 1, the association for community councils is said now to have been disbanded. Engagement with Group 2 was said to have also included the Youth Parliament, Elected Members, MPs and MSPs. Forestry Commission Scotland was also included in Group 4.

10. Some of the other engagement techniques reported are:

- publicising a dedicated LDP phone number and email address where customers could ask questions about the LDP process and get a personal response
- providing a feedback form for each stage of the LDP process
- advertising on plasma screens within the council buildings
- providing a questionnaire in hard copy, pdf form and online which enabled customers to submit representations in a variety of formats

11. Throughout the plan preparation process the council maintained a database containing details of all parties who expressed an interest in the LDP. The database was used to circulate the LDP eNewsletters and advise customers of progress on the LDP and consultation events. Key documents were published on the council's LDP website and also on Facebook and Twitter. Printed copies of the LDP and associated documents were made available at each library and at Council Information Service offices in West Lothian at all stages in the preparation of the LDP. The LDP documents were produced in plain English and, where required, facilities were also made available to publish information in Braille, on tape, in large print and other community languages.

12. Table 6, on page 12 of the Statement of Conformity, provides further details about how the council says it complied with the 10 National Standards for Community Engagement. Appendices to the statement provide examples of the LDP eNewsletter, a press advertisement and display boards.

Conclusion

13. From the council's submissions as summarised above we are content that the council carried through its intentions as expressed in its most recent participation statement. Consequently, as conformity with the current participation statement was demonstrated, we proceeded to examine the issues raised in representations to the proposed plan.

WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN EXAMINATION

Issue 1A	Housing Land & Policies HOU 1, HOU 2 and CDA 1	
Development Plan reference:	Chapter 5 - The Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations (pages 20-27) Housing land requirements for the LDP Effective Housing Land and Generous Supply Chapter 6 - Development Proposals by Settlement (pages 79 - 98)	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RK Property Ltd (0047) Gladman Developments Ltd (0147) Gladman Developments Ltd (0158) Scottish Enterprise (0160) Aithrie Estates & Hopetoun Estate Trust) (0170) British Solar Renewables (0214) EWP Investments Ltd (0216) Taylor Wimpey (0235) Scottish Government (0236) Scottish Natural Heritage (0238) Homes for Scotland (0239) and (0422) Taylor Wimpey (0247) Hallam Land Management Ltd (0254) (21861632) and (21872565) Gladman Developments Ltd (0350) Wallace Land Investment & Management (0354) Wallace Land Investment & Management (0355) Wallace Land Investment & Management (0356) Wallace Land Investment & Management (0357) Ashdale Land & Property Company Ltd (0415) Ogilvie Homes (0417) Cala Homes (0418) Walker Group Scotland Ltd (0423) Wallace Land Investment & Management (0444) Wallace Land Investment & Management (0445) Gladman Developments Ltd (0459) Laurieston Developments Limited (21119948) John Orr (21716490) Cadzow Estate (21736518) Aithrie Estates & Hopetoun Estate Trust (21772260) John Kerr Ltd (21804649) Stewart Milne Homes Central (21806279) Winchburgh Developments Ltd (21862570) BDW Trading Ltd & H&J Russell (21863641) John Macfarlane & Colin Macfarlane (21865046) Cala Management Ltd (21867093) Davidson & Robertson Rural (21869740) Davidson & Robertson Rural (21870299) Davidson & Robertson Rural (21870507) Davidson & Robertson Rural (21871160) Bizspace (21872215)</p>		

Dr John Kelly (21889730)	
Provision of the development Plan to which the issue relates:	Chapter 5 - Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations (pages 20 - 27, paragraphs 5.36 - 5.68) Policies HOU 1, HOU 2 & CDA 1(pages 22, 23 & 26) Chapter 6 - Development Proposals by Settlement (pages 79 - 98) Appendix Two - Schedule of Housing Sites/Site Delivery Requirements (pages 119 - 258) Proposals Maps 1 – 5
Planning authority's summary of the representation(s):	
<p>The above respondents have commented on one or more aspect of the Proposed Plan with particular relevance to the methodologies and assumptions underpinning housing targets, the provision of land to meet those targets, the effectiveness and phasing of the supply, and the allocation of housing land generally. Comments on policies HOU 1, HOU 2 and CDA 1 are also addressed in this Schedule.</p> <p>Issues which have been raised by one or more of the aforementioned respondents have been grouped by topic and summarised below.</p> <p>It should be noted that a number of respondents who have submitted a representation have done so in addition to comments on a particular site, either a site they would like adding to the Plan or a site they would like removed from the Plan. These site specific representations are reported and addressed by Issue in the corresponding Schedule 4 and not within this Schedule 4.</p> <p><u>Inconsistencies with policy and or guidance</u></p> <p>BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445), and Gladman Developments Ltd (0459) - Asserts that the council's proposed development strategy does not comply with the requirements of Scottish Planning Policy (SPP 2014) (CD068), the approved Strategic Development Plan (SDP) (CD099), SESplan Supplementary Guidance (CD101) and PAN 2/2010 : <i>Affordable Housing and Housing Land Audits</i> (CD038). The Proposed Plan, therefore, cannot/should not be progressed to Examination until the deficiencies which have been identified have been addressed.</p> <p><u>Terminology</u></p> <p>EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236) and Taylor Wimpey (0247) - Suggests that terminology used throughout Chapter 5 in relation to the general topic of housing land is inaccurate and confusing. For clarity and consistency it is recommended that the plan adopts the terminology used in SPP 2014 to articulate the housing figures and the process through which they are determined (pages 20/21, paragraphs 5.39-5.52).</p>	

With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'.

Scottish Government (0236) and Scottish Natural Heritage (0238) - Notes that phrasing and terminology used in paragraph 5.51 (page 23) and the first sentence of Policy HOU 2 are derived from SPP 2010 and therefore inappropriate. Advises that paragraph 119 of SPP 2014 provides the correct phrasing and should therefore be substituted.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), British Solar Renewables (0214), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Gladman Developments Ltd (0459) - Observes that there is no evidence that the original HNDA (which informed the SDP) was used to identify effective housing land. Reminds the council that it has a statutory duty (by virtue of Section 16 (6) of the Planning etc. (Scotland) Act 2006) (CD002) to maintain consistency between the current SDP and this LDP and respondents claim it has erred by using or has had disproportionate regard to a *second* HNDA prepared for SDP 2 to inform the development strategy. It is widely stated that this *second* HNDA has no status or materiality relative to the Proposed Plan and respondents have sought to evidence this by referencing a letter from Scottish Government stating that the outcomes of this HNDA cannot be taken into consideration until a policy decision is reached through the approval of SDP 2 (CD100). References to HNDA 2 at paragraph 5.38 (page 20), paragraph 5.39 (page 20), paragraph 5.40 (page 20), paragraph 5.41 (page 21), 5.42 (page 21), paragraph 5.58 (page 25) and paragraph 5.74 (page 28) of the LDP should therefore be removed from the Proposed Plan prior to examination. References to SDP 2, and inferences that it has influenced this LDP, are similarly considered inappropriate and irrelevant to the preparation of the Proposed Plan.

Scottish Government (0236) and Homes for Scotland (0239) and (0422) - Queries the inclusion/relevance of Figure 4 (page 21) in so far as it presents data sourced from HNDA 2. The extrapolation method used to populate Figure 4 (page 21) should be explained in a technical paper if the Figure is being retained.

Makes a general criticism of there not being a clear read across from SESplan figures to those in the Proposed Plan.

Seeks deletion of paragraph 5.41 (page 21) and replacement with a new paragraph confirming the LDP will conform to SDP 1 and within that the HNDA 1 demand figures, deletion of reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and deletion of paragraph 5.53 (page 23) as it references the council's desire to use HNDA 2 rather than HNDA 1.

Housing Land Audit and programming of sites

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace

Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Walker Group Scotland Ltd (0423) - Critical of the Proposed Plan for being based on an out of date Housing Land Audit (HLA 2014) and suggests that HLA 2015, once agreed with Homes for Scotland, should be used instead. The status and programming of sites should thereafter be derived from the agreed HLA.

Critical of adjustments made to the status and programming of sites, both effective and constrained. Notes these deviate from HLA 2014 and were made without any consultation or with the agreement of the house building sector. Unilaterally changing status and programming is contrary to the requirements of the SDP and SPP 2014 and the resultant figures are rejected as invalid unless and until further collaborative work is done to agree realistic programming.

Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), and Wallace Land Investment & Management (0357) - Rejects as unrealistic (and also at odds with the Main Issues Report) the assumption that the entire effective and established land supply will be developed in full by 2024. This view of anticipated house completions is based on programming which has not been agreed with the house building sector and does not accord with the requirements of PAN 2/2010. As a consequence the Proposed Plan is underpinned by an unproven and revised HLA which has randomly increased outputs and changed previously non-effective sites to effective, artificially inflating and departing from the agreed effective housing land supply and rendering it flawed. Proposes that the programming of sites must allow for practical lead in periods and for commercial rates of house building to accord with the different locations in West Lothian.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - Supports revision of the HLA format suggested in paragraph 5.40 (page 20) to show housing need and demand broken down by tenure. However, this data should be presented in addition to the current format HLA, not instead of the current PAN 2/2010 'requirements supply' format (CD038).

Homes for Scotland (0239) and (0422) - Seeks removal or clarification of first sentence of paragraph 5.48 (page 20) as it is misleading and implies programming was carried out in consultation with the housebuilding industry when it is clear that no such consultation took place.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236), Hallam Land Management Ltd (0254) (21861632) and (21872565) and Ashdale Land & Property Company Ltd (0415) - Indicates that Figure 5 of the Proposed Plan (page 22) has incorrectly conflated two concepts, the HST and the HLR. Suggests it should be revised and conform with the structure and terminology provided by Diagram 1 of SPP 2014, (CD068) which provides clarity on the methodology which should be adopted. Specifically, it should:

- Demonstrate how the HNDA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014);

- Show how this has been translated into a Housing Land Requirement (HLR) with the addition of a 'generosity allowance';
- Amend paragraphs 5.50 - 5.53 to provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted; and
- Adopt a 'generosity allowance' of not less than 20%

Homes for Scotland (0239) and (0422) - References SPP 2014 which requires that the HST should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. Suggests that these requirements have not been satisfied.

EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Ashdale Land & Property Company Ltd (0415) - Notes that the HSTs for West Lothian can be directly sourced from the SDP, i.e., 11,420 for the period 2009-2019 and 6,590 for the period 2019-2024 and should not be in dispute. The Proposed Plan is however deficient in that it does not satisfy SPP 2014 (paragraph 119) which states that the HLR should be met up to years 10 from the expected date of adoption. As the expected date of adoption is now unlikely to be before 2017 the Proposed Plan should also identify additional HSTs and HLRs for the period 2024 - 2027. This would be consistent with recent Examinations allied to LDPs for Scottish Borders, City of Edinburgh and Fife and West Lothian should anticipate being similarly directed to revise the Proposed Plan. Respondents have submitted their respective suggestions.

Winchburgh Developments Ltd (21862570) - Concerned that a significant part of the first ten year period of the SDP has elapsed and that there is insufficient time left to satisfy the housing land requirement identified for the period 2009-2019 if solely reliant on Proposed Plan allocations. SPP 2014 allows for councils to 'over allocate' land and the Proposed Plan should bring forward additional sites to ensure sufficient delivery of housing in the short term to meet SDP requirements.

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Bizspace (21872215), Aithrie Estates & Hopetoun Estate Trust (0170), Ashdale Land & Property Company Ltd (0415) - Concludes that not all of the strategic allocations can be assumed to be effective or capable of becoming effective and promotes a case for allocating land to deal with the poor and non-performance of sites in order to ensure the delivery of the HLRs.

Housing Land Supply and Effectiveness

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Hallam Land Management Ltd (0254) (21861632) and (21872565), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357),

Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - Concludes that the council has failed to comply with SPP 2014 and SDP Policy 5 (CD099) in so far as the Plan will not maintain a 5 year effective housing land supply at adoption. Notes it has failed to do so since circa 2008/09 and the land supply position for the LDP is already handicapped and not starting from a neutral zero requirement point.

The Proposed Plan does not properly identify the scale of the effective housing land supply in accord with the agreed Housing Land Audit (HLA 2014).

John Kerr Ltd (21804649), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507) and Davidson & Robertson Rural (21871160) - Concerns expressed at the shortfall (particularly in the early period of the Proposed Plan) and the absence of any solution to remedy this.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Aithrie Estates & Hopetoun Estate Trust (0170), Hallam Land Management Ltd (0254) (21861632) and (21872565), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444) and Wallace Land Investment & Management (0445) - Concludes that the Proposed Plan does not allocate sufficient land to achieve the number of housing completions to meet SDP requirements. The scale of the problem is so significant that reliance on known development "hotspots" cannot make up the ongoing shortfall. Additional land for housing (which is immediately effective) should therefore be allocated to eliminate the shortfall, add greater flexibility and certainty to the housing land supply to safeguard against future failure and bring the plan into compliance with SPP 2014.

Aithrie Estates & Hopetoun Estate Trust (21772260) and Aithrie Estates & Hopetoun Estate Trust (0170) - Critical of the council for continuing to argue that a 5 year effective land supply has been achieved when this has recently been rejected by Scottish Ministers through appeal decisions.

Homes for Scotland (0239) and (0422) - Supports the key objectives of the housing land requirements for the LDP as listed in paragraph 5.37 (page 20) but is questioning of whether the councils key aims for the plan area, as set out in paragraph 4.3 (pages 8 to 9) can meet these key objectives.

Figure 5, 'West Lothian Housing Supply Target' (page 22), evidences there is not a 5 year effective housing land supply. 'Smoothing out' the shortfall instead of rolling forward the unmet supply is a flawed approach and the Proposed Plan should be amended to reflect the real shortfall and demonstrate how it intends to meet the housing land requirement in full. The LDP must include additional sites allocated for housing.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Homes for Scotland (0239) and (0422), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Gladman Developments Ltd (0459) – Advises that failure to make the necessary allocations to achieve an effective housing land supply will render the LDP Proposed Plan policies on housing supply 'out of date', as stated in

paragraph 125 of SPP 2014, and will trigger a presumption in favour of development that contributes to sustainable development. This is regarded as unacceptable and does not sit well with what is a supposedly plan-led system.

John Kerr Ltd (21804649), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Bizspace (21872215), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444) and Wallace Land Investment & Management (0445) – The development strategy for the Proposed Plan should focus on identifying sufficient effective housing land that can contribute to the effective housing land supply particularly in the short term period, as well as its plan period to 2027. Further effective housing land releases are urgently needed to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

Dr John Kelly (21889730) - Proposes that the effective land supply should be allocated (a) by settlement and (b) for a period of 10 to 15 years.

Figure 5 - West Lothian Housing Land Supply Target

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445), Gladman Developments Ltd (0459) - Figure 5, 'West Lothian Housing Supply Target' (page 22), was intended to show how much housing is required in West Lothian and how much is being provided for in the LDP to meet the HLR. It has, however, provoked criticism that the absence of information hinders proper judgements being made as to whether there is sufficient land allocated to meet both need and demand and that no information on the separate requirements for each has been identified.

The data informing Figure 5 and the resultant calculations are widely disputed, particularly in relation to constrained sites, windfall and the lack of evidence that new LDP allocations will perform as well as is being suggested.

It is proposed that the assumptions made relative to windfall sites should be supported by a study prior to examination of the proposed plan.

Overall, the fact that Figure 5 identifies an almost perfect balance between supply and demand is considered unrealistic.

Winchburgh Developments Ltd (21862570) - Suggests that the inclusion of estimates of

future windfall development in Figure 5 duplicates the contribution from that source in the calculation since it is already contained in the HLA.

EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) - Figure 5 indicates a shortfall of 3,623 houses in the period 2009-2019 but this figure is considered to be a significant under calculation by some of the respondents. The accuracy of the corresponding surplus in the period 2019-2024 periods is also challenged.

Stewart Milne Homes Central (21806279), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) - While Chapter 2 sets out 'Development Proposals by Settlement', it only provides notional capacities for sites. The absence of a technical document to accompany the Proposed Plan to support the assumptions and programming underpinning Figure 5 is criticised. While acknowledging that some background data was subsequently made available this was too late to allow for any meaningful analysis. The assumptions underpinning the output from constrained sites are nevertheless held to be unsubstantiated and highly optimistic.

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd , 21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445), Gladman Developments Ltd (0459) - Several respondents have produced their own analysis/assessment of the West Lothian housing land supply which enumerate a range of different inputs and outcomes. Respondents individually seek to have Figure 5 of the Proposed Plan deleted and replaced with the tables suggested in their respective submissions and/or a calculation of the five year effective housing land supply.

Scottish Government (0236) - Arithmetical errors have been identified in Figure 5, specifically non-summing totals in rows I, J and L, and should be corrected.

Scottish Government (0236) - The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and is erroneous. It should instead be amended to correctly accord with SPP 2014.

Committed sites

John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman

Developments Ltd, (0350), Gladman Developments Ltd (0459) - Critical of Proposed Plan being too reliant on sites carried forward from earlier plans and which have a history of failing to deliver. Supports allocation of alternative sites and suggests ridding the plan of long term non-effective sites which are unlikely to ever contribute to the housing land supply. Some respondents have identified specific sites.

Constrained sites

John Orr (21716490), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422) and Hallam Land Management Ltd (0254) (21861632) and (21872565) - Critical of Proposed Plan being too reliant on sites previously identified as constrained (in the 2014 HLA) and becoming part of the effective housing land supply.

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357)

The council is criticised for having changed the status of sites previously identified in the HLA 2014 from constrained to effective without any explanation or justification and without any prior consultation or agreement with Homes for Scotland, contrary to paragraph 118-123 of SPP 2014 and PAN 2/2010. Furthermore, the Proposed Plan does not identify the interventions which would be required to make constrained sites effective.

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160) Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) – Identifies a contradiction regarding the inclusion of so many constrained sites (from HLA 2014) being programmed to deliver during the first period (2009-2019) when there was never any expectation of these sites delivering completions before 2019. Proposes that completions from sites of this nature should be set at zero in the absence of any agreement with Homes for Scotland. Observes that the effect of removing these constrained sites from the effective supply will have a dramatic effect on the council's ability to meet the housing land requirements and further re-enforces the argument to allocate additional land for housing to compensate.

Proposes that the HLA 2015 is used to inform the re-programming of all sites (but particularly constrained sites) in consultation with Homes for Scotland.

Generosity of supply and additional allowances

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Gladman

Developments Ltd (0459) and Ashdale Land & Property Company Ltd (0415) - Concludes that the council has failed to comply with SPP 2014 (paragraph 116) which requires a robust and justified explanation as to how the chosen 'Generosity Allowance' was arrived at. Considers the 10% figure adopted in the Proposed Plan as neither flexible nor generous, particularly when the LDP has taken an overly optimistic approach to completions and is dependent on a significant proportion of non-effective and constrained sites. Argues that the purpose of a generosity component should be to make up for losses that are likely to occur over the life of the plan and should reflect the degree of certainty as to the deliverability of the housing land supply. Consequently a higher generosity factor of 20% is widely favoured, although there are some respondents who doubt that even this enhanced figure will be sufficient to meet HLRs.

Scottish Government (0236) – Seeks clarification as to why the LDP provides an additional 10% flexibility above that already included in the SDP HLR.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Scottish Government (0236), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - References Figure 3 (page 20) which identifies the SDP prescribed 'additional allowance' of 2,130 houses and seeks clarification as to how this contributes to the total sum. Suggests the table should be revised and an explanation provided as to how the additional allowance is addressed in the plan and how this is linked to Figure 5.

Policy HOU 1 - Allocated Housing Sites

Hallam Land Management Ltd (0254) (21861632) and (21872565) - Proposes change to wording of second paragraph of Policy HOU 1 to accord with paragraph 119 of SPP 2014 requiring maintenance of an effective 5 year supply of housing land at all times.

Scottish Enterprise (0160) - Supports the principle of policy HOU 1 but has concerns that the proposed wording allows for unrestricted employment-generating development at the allocated housing sites which may impinge upon the delivery of other employment land. Proposes revision to text.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - The Proposed Plan does not identify sufficient housing allocations to allow for the maintenance of an effective land supply as required by the SDP and SPP 2014.

Walker Group Scotland Ltd (0423) - The Proposed Plan does not adequately support the previously established Livingston and Almond Valley CDA. While acknowledging that adjustments have been made to the CDA boundary, together with an increase in the residential capacity, this is still insufficient to address the high infrastructure costs associated with the development of the site. It also amounts to an underutilisation of the potential of the site to contribute to the housing land supply and at odds with the stated strategy and vision at paragraph 5.4 (page 10).

Aithrie Estates & Hopetoun Estate Trust (0170) - Queries the discrepancies between the totals shown for Winchburgh in the settlement statement (pages 97 and 98) and Appendix 2 (pages 23 and 254) and suggests that these deficits should be made good by allocating additional land for housing.

Support for sites already allocated under Policy HOU 1

John Kerr Ltd (21804649) - Supports the general allocation of sites for housing in Linlithgow but suggests that the Proposed Plan has significantly under stated the capacity and that it should be in excess of the 500 units identified. Supports allocation of site H-LL 11 (Wilcoxholm Farm/Pilgrims Hill, Linlithgow) for housing.

Winchburgh Developments Ltd (21862570) - Supports all of the residential allocations in Winchburgh that form part of the current planning permission in principle for the strategic expansion of the settlement (reference 1012/P/05).

Supports the Broxburn CDA but objects to the definition of the north eastern boundary as shown on Proposals Map 2. Proposes that the northern portion of site H-BU 10 should be deleted and the resultant reduction in capacity transferred to land south of Winchburgh.

Supports inclusion of Niddry Bing within the settlement boundary but proposes that it should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Supports allocation of sites for housing at Castle Road, Winchburgh (H-WB 1), land west of Ross's Plantation (H-WB 16) and land west of Niddry Castle (H-WB 17), subject to boundary change identified separately.

John Macfarlane & Colin Macfarlane (21865046) - Supports allocation of site H-DE 2 (Main Street, Dechmont) for housing but argues that the capacity has been significantly under stated and is likely to be closer to 120 units. Observes that there is a discrepancy between the site area shown in the settlement statement (page 85) and definition of the site in Proposals Map 2.

Cala Management Ltd (21867093) and Cala Homes (0418) - Supports allocation of land at Preston Farm, Linlithgow for housing.

Aithrie Estates & Hopetoun Estate Trust (0170) - Advises that the capacity of two sites in Winchburgh, H-WB 16 and H-WB 17, are gross figures and are therefore over estimated in the Proposed Plan (page 97). The net developable area of both sites is considered to yield only 385 houses in total, not 500. There is a consequential impact on the 'total allocations' figure for Winchburgh (page 255) which would reduce from 4,243 to 4,128) and it is suggested that this creates an opportunity to allocate land for the balance (115 houses) elsewhere in the Winchburgh CDA.

British Solar Renewables (0214) - Supports the continued allocation of sites at Heartlands (Whitburn) and the increased allocation. Intimates an intention to review densities on sites at Heartlands with a view to increasing development and maximising use of the land and would not wish to see the imposition of any artificial constraints being placed on a site which clearly has the potential to deliver completions to address the LDP housing land requirement.

Walker Group Scotland Ltd (0423) - Supports allocation of site H-DE 3 (Burnhouse, Dechmont) for housing but suggests that the capacity has been significantly under stated and likely to be closer to 180 units. Also disagrees with the site being held back as a 'reserve' site and argues that its requirement to support site H-DE 1 has now been recognised. Seeks corresponding revisions to Appendix 2 (page 178) together with the

removal of reference to site being at risk of flooding and the addition of text to confirm that the site will contribute to the provision of a new primary school.

Gladman Developments Ltd (0158) - Supports allocation of site H-LL 10 (Clarendon Farm, Linlithgow) for housing but seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk. It is intimated that these issues have been satisfactorily addressed by a recent planning application 0698/P/13 (CD311a and b) and a subsequent planning appeal P-PPA-400-2046 (CD311c). It is also noted that the incorrect catchment area schools have been identified under the Education column and should be corrected.

Gladman Developments Ltd (0350) - Supports allocation of land at Appleton Parkway, Livingston for housing (E-LV 19).

Promotion of sites to augment those allocated under Policy HOU 1

Stewart Milne Homes Central (21806279), John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - Critical of no new significant housing allocations in Livingston and Bathgate despite these locations being accessible, commercially attractive and well placed for growth. Argues that it would be reasonable and appropriate to allocate further effective, deliverable sites in these areas of West Lothian.

Laurieston Developments Limited (21119948) - Promotes allocation of land at South Logie Nursery by Westfield for housing.

Cadzow Estate (21736518) - Argues that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre and also to contribute to serving West Edinburgh. Promotes allocation of land at Kilpunt, Broxburn for housing.

Stewart Milne Homes Central (21806279) - Promotes allocation of land to the north of Bathgate Golf Club for housing.

Winchburgh Developments Ltd (21862570) - Promotes Winchburgh southerly expansion (in excess of additional allocations already made in the Proposed Plan) and adjustments to the boundary of the Broxburn CDA and Countryside Belt. Argues Winchburgh is a location where additional land can be brought forward quickly to deliver housing completions that will meet requirements and address, in part, the housing land supply shortfall. It also makes the best use of resources by maintaining the momentum of the established strategic expansion.

Promotes allocation of land at Niddry Mains Golf Course for mixed use development including housing.

BDW Trading Ltd & H&J Russell (21863641) - Promotes allocation of land at Murieston Castle Farm, Livingston for housing.

Davidson & Robertson Rural (21870299) - Promotes allocation of land at Langton Road, East Calder for housing.

Davidson & Robertson Rural (21869740) - Promotes allocation of land at Hartwood Road,

West Calder for housing

Davidson & Robertson Rural (21870507) - Promotes allocation of land at Station Road, Kirknewton for housing.

Davidson & Robertson Rural (21871160) - Promotes allocation of land at Balgreen Farm, Livingston for housing.

Bizspace (21872215) - Promotes allocation of land at Fleming House, Livingston for mixed use development including housing.

RK Property Ltd (0047) - Promotes allocation of land at Murieston Valley and Hunter Road, Livingston for housing.

Gladman Developments Ltd (0147) - Promotes allocation of land at Brotherton Farm, Livingston for housing.

Aithrie Estates & Hopetoun Estate Trust (0170) - Suggests that the Proposed Plan should include reference to there being evidence of greater demand for housing of various tenures and to Scottish Government's support for the supply of housing to be generally increased. Specifically promotes allocation of land in Winchburgh in respect of four sites, previously referenced EO1-0193, EOI-0202, EOI-0203 and EOI-0204

Taylor Wimpey (0235) - Promotes allocation of land at Eastoun Farm, Bathgate for housing.

Taylor Wimpey (0247) - Promotes allocation of land at Kingsfield Farm, Linlithgow for housing.

Hallam Land Management Ltd (0254) (21861632) and (21872565) - Promotes allocation of land at Armadale East and Sibbald's Brae, Bathgate for housing.

Wallace Land Investment & Management (0354) - Promotes allocation of land at Pumpherston Farm, Pumpherston for a mixed use development including housing.

Wallace Land Investment & Management (0355) - Promotes allocation of land at Burghmuir, Linlithgow for a mixed use development including housing.

Wallace Land Investment & Management (0356) - Promotes allocation of land at Wellhead Farm, Murieston, Livingston for housing.

Ogilvie Homes (0417) - Promotes allocation of land at Hen's Nest Road, East Whitburn for housing.

Walker Group Scotland Ltd (0423) - Promotes expansion of CDA allocations at Mossend/Cleugh Brae for housing. Requests settlement statement for West Calder (page 95) to be changed to reflect this and a new entry added to Appendix 2 (suggested text provided by respondent). Proposes revision to Appendix 3 – Schedule of Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing.

Gladman Developments Ltd (0459) - Promotes allocation of land at Dykeside Farm,

Bathgate for housing.

Policy HOU2 - Maintaining an Effective Housing Land Supply

Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes For Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Scottish Government (0236) - Critical of the use of the words 'endeavour to' in Policy HOU 2 as this suggests that the council may not be able to maintain the minimum 5 year effective supply of housing at all times. This would be in contravention of SPP 2014 (paragraph 119) and Policy 6 of the adopted SDP. Seeks to have these words removed from the text. Seeks amendment to Policy HOU 2 (page 23) to reflect the wording in SPP 2014 which references effective land.

Critical for not explicitly indicating in Policy HOU 2 what action the council would take in the event of a failure of the land supply. Proposes Policy HOU 2 is revised to include a presumption in favour of development that contributes to sustainable development in that eventuality.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046) and Ashdale Land & Property Company Ltd (0415) – Proposes that Policy HOU 2 should provide criteria by which to assess new sites (in line with SDP Policy 7) to contribute to identified housing land shortfalls.

Winchburgh Developments Ltd (21862570) and British Solar Renewables (0214) - Objects to the restriction identified in Policy HOU 2 safeguarding land for longer term housing development that may become necessary as a result of failure to maintain a five year housing land supply. Reminds the council of its obligation to meet housing requirements in full in the period to ten years from anticipated date of adoption and that as there is currently a shortfall in the supply of an effective five year housing land supply the LDP should not be imposing constraints.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Scottish Government (0236), Homes For Scotland (0239) and (0422) and Winchburgh Developments Ltd (21862570) - Objects to the references in paragraph 5.41 (page 21) and Policy HOU 2 (page 23) which indicate that the maintenance of a five year housing land supply must be achieved by housing sector. Argues that the SDP does not require this and that the need to maintain a five year housing land supply is tenure blind. Concerned that this would, potentially, allow the council to prioritise affordable housing delivery over that for market sale. Also objects to reference to the SESplan paper '*Maintaining a Five Year Effective Housing Land Supply*' (page 23, paragraph 5.51) as not being consistent with SPP 2014 and notes Scottish Government is bringing forward its own guidance on development plan delivery (subsequently published in Draft in February 2016, "*Draft Planning Delivery Advice: Housing and Infrastructure*") (CD189) and expects this to take precedence and be adhered to when finalised and enacted.

Housing Requirement Periods

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570),

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350, Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - Suggests paragraph 5.52 (page 23) is misleading as it down plays the shortfall in the first of the two plan periods and gives the impression that the Proposed Plan can address a shortfall in the first period by a deferment or oversupply in the second period. It fails to make it clear that Policy 5 of the he SDPs obliges the plan periods to be treated separately and for each HLR to be met independently within each period i.e., 2009-2019 and 2019-2024 (and also 2024-2027). Reference is made to a recent decision by Ministers in relation to planning appeal PPA-230-2129 (City of Edinburgh Council) in which it was stated that “the calculation of the housing land supply... [across a single 2009-2024period]... was not in accordance with the SDP or the SG and that the council behaved unreasonably”. SDP Policy 6 is also referred to in so far as it reinforces the requirement that a five years’ effective housing land supply is maintained at all times.

Paragraph 5.52 (page 23) is also criticised for effectively setting up the plan to fail by identifying that new allocations may not deliver until after 2019 and for highlighting the inability of the council to maintain a five-year supply in the short-term. It dwells on how the strategy is dependent on developers delivering infrastructure on other sites despite a mechanism being in place within the SDP for making up any shortfall in the housing land supply.

It is proposed that Paragraph 5.52, (page 23) is reworded and the last sentence removed.

Aithrie Estates & Hopetoun Estate Trust (0170) - Observes that paragraph 5.52 (page 23) also omits to include the word ‘continuous’ in the context of the effective housing land supply.

Infrastructure requirements and delivery

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350) and Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) - Recognises that co-ordination of infrastructure funding and delivery is crucial for the successful implementation of the LDP development strategy but objects to developers being burdened with the principal responsibility for remedying constraints, particularly in terms of education (paragraph 5.53, page 23). Difficulty in overcoming infrastructure constraints is identified as a major impediment to the maintenance of an effective 5 year housing land supply and the biggest single constraint on increasing the delivery of new housing. The council is reminded of its statutory obligations in this regard but is also urged to take more responsibility for seeking and co-ordinating infrastructure solutions and to be more proactive in helping forward fund infrastructure itself. Seeks an amendment to the section dealing with Sustainable Housing

Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), British Solar Renewables (0214), Gladman Developments Ltd (0350), Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) - Criticises the Action Programme for being overly dependent on contributions from developers and for not fulfilling all of the requirements identified in paragraphs 31 and 124 of SPP 2014. It is suggested that more detail should be provided.

RK Property Ltd (0047) - Proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. Alternatively, seeks the lifting of 'moratorium' on further new housing in the Linlithgow Academy catchment area.

British Solar Renewables (0214) - Recognises that maintenance of an effective housing land supply is heavily reliant on the availability of infrastructure but is anxious to point out that that this is not an issue for the development of land at Heartlands, Whitburn.

Core Development Areas

Aithrie Estates & Hopetoun Estate Trust (0170) - Welcomes the recognition in paragraph 5.46 (page 21) that within original CDA allocations the LDP will allow additional development which may exceed the original capacities established by the Edinburgh and Lothians Structure Plan. However expresses concern that the council interprets this as only referring to post-2024 requirements (based upon what is regarded as a flawed 'Figure 5' and an incorrect conclusion that there is no need to identify further effective housing land prior to this date). Proposes that paragraph 5.46 is amended to explain that additional development in CDAs will be dependent on there being evidence of a shortfall in the 5 year effective housing land supply and other factors such as support for infrastructure and affordable housing.

Welcomes recognition in paragraph 5.57 (page 25) that the CDAs continue to form a key component of the spatial strategy. However suggests some of the CDA sites which are identified as contributing to the effective housing land supply are suspect and expectations for delivery overly optimistic in that they have yet to secure consent and are dependent on uncommitted infrastructure provision. Identifies East Broxburn as an example and suggests there is no evidence that these sites are likely to deliver in the short to medium term.

Proposes that a reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements should be deleted.

Winchburgh Developments Ltd (21862570) - Welcomes the recognition in paragraph 5.48 (page 22) that there may be opportunities to increase output from currently identified development sites but laments the fact that the Proposed Plan has failed to address representations made at the MIR stage which were pursuant to this in the specific context of the Winchburgh CDA.

Recognises that engagement between Winchburgh and Broxburn CDA developers is essential to deliver the CDA requirements but objects to paragraph 5.59 (page 25) which specifically calls for Winchburgh and East Broxburn developers to work together to deliver

infrastructure. Advises that issues are almost exclusively allied to the inactivity of the Broxburn CDA developers. Notes that Winchburgh CDA has been progressing steadily, unlike Broxburn. Observes that of the 2,300 units allocated in the Broxburn CDA, more than 1,500 are identified as non-effective in HLA 2014 and anticipates no immediate prospect of any improvement in this situation, thereby re-enforcing arguments for amending the Broxburn CDA site area and re-allocating capacity to Winchburgh.

EWP Investments Ltd (0216) - Promotes allocation of 600 additional homes to supplement the 1000 already identified in the Heartlands Masterplan. Explains that these could be delivered as 'affordable homes'.

Highlights lack of progress elsewhere in the Armadale CDA and argues that the loss of anticipated output can be compensated for at Southdale in order to ensure the delivery of the HLRs without prejudicing the eventual implementation of these currently ineffective sites at a later date.

Suggests that the site areas and capacity of several undeveloped Armadale CDA sites, specifically H-AM 8, H-AM 11 and H-AM 14, have been incorrectly quantified in Chapter 6 of the Proposed Plan (page 80), either because the effective area is less than suggested or because planning permission has been granted and confirms lower number of units. Proposes that the settlement statement, Appendix 2 and Proposals Map 4 are revised to reflect this. There would also be a consequential impact on the 'total allocations' figure for Armadale (page 255).

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), Cala Management Ltd (21867093), Davidson & Robertson Rural (21869740), John Orr (21716490), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160) and Cala Homes (0418) - Concerned about the under-performance of CDAs and sceptical about their ability to deliver due to a plethora of constraints. Argues that other effective sites outside CDAs should not be prevented from coming forward if they can be shown to contribute to the housing land supply.

Ashdale Land & Property Company Ltd (0415) - Intimates that a number of factors may prevent the implementation of development originally envisaged for the eastern portion of the CDA. Advises that the 825 capacity assigned to West Wood (H-BU 10), page 84 and Appendix 2, page 173, may not be achievable due to environmental issues. Similarly, Albyn (H-BU 4), page 84 and Appendix 2, page 168, is subject to contamination and geotechnical constraints and the 350 capacity it is allocated may also not be achievable. There are also noise related concerns relative to land south of the Union Canal which are likely to have a reducing effect on output. Significant revisions to the master plans are likely.

Supports the continued commitment in the Proposed Plan to the CDAs (particularly East Broxburn/Winchburgh) but calls for the significant challenges they present to be recognised. In particular the Proposed Plan should allow for flexibility in the distribution of housing across the Broxburn CDA as a whole and land owners whose sites cannot be developed as planned should have the opportunity to transfer unused capacity to other land under their control. Argues that longer term reserves of land to the west side of the current boundary of H-BU 8 and north of site H-BU 9 should be identified as alternative sites to accommodate the number of houses already allocated with releases being identified in subsequent iterations of the LDP.

Policy CDA 1 - Development in the previously identified Core Development Areas

Winchburgh Developments Ltd (21862570) - Supports the principle of policy CDA 1.

British Solar Renewables (0214) - Recognises the importance strategic allocations such as Heartlands can make to maintaining an effective housing land supply and proposes that Policy CDA 1 should be amended to also reference such sites.

Ashdale Land & Property Company Ltd (0415) - Argues for greater flexibility to address changing circumstance and suggests that Policy CDA 1 should be relaxed to allow for modifications to masterplans to be made.

Miscellaneous

BDW Trading Ltd & H&J Russell (21863641 and John Macfarlane & Colin Macfarlane (21865046) - Proposes that a diagram akin to SDP Figure 7 should be incorporated into the LDP to identify the West Lothian Strategic Development Area (in a SESplan context).

British Solar Renewables (0214) - Supports the key housing aims at paragraph 5.37 (page 20) but seeks the addition of a reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances.

Aithrie Estates & Hopetoun Estate Trust (0170) - Proposes that the 'smaller new housing sites' referred to in paragraph 5.61 (page 25) should be identified in Appendix 2 and representations invited as to their location and suitability.

Alleges failure to adopt timescales set out in SPP 2014 and to provide the estimated date for adoption of the Proposed Plan.

Modifications sought by those submitting representations:**Inconsistencies with policy and or guidance**

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445), and Gladman Developments Ltd (0459) - Collectively oppose the Proposed Plan being progressed to Examination until the deficiencies which have been identified relative to compliance with the requirements of Scottish Planning Policy (SPP 2014), the approved Strategic Development Plan (SDP), SESplan Guidance and PAN 2/2010: *Affordable Housing and Housing Land Audits* have been addressed.

Terminology

EWP Investments Ltd (0216) and Taylor Wimpey (0235) – Propose that the Plan should adopt the terminology used in SPP 2014 to articulate the housing figures and the process through which they are determined (pages 20/21, paragraphs 5.39-5.52).

EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236) and Taylor Wimpey (0247) - With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'. This would have the effect of line A being re-titled the 'West Lothian LDP Housing Supply Target' and line C changed to the 'LDP Housing Land Requirement'.

Scottish Government (0236) and Scottish Natural Heritage (0238) -The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and should be amended to correctly accord with SPP 2014. This states that 'sites from the established land supply which are effective or expected to become effective in the plan period' and this should be substituted for 'effective or shown to be capable of becoming effective'. Highlighted text reflects additions to the text whereas strike-through text reflects deletions requested.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will endeavour to maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related LDP Action Programme. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the Local Development Plan and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature.

Housing Needs and Demand Assessment (HNDA)

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), British Solar Renewables (0214), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Gladman Developments Ltd (0459) - Remove references to HNDA 2 from the Proposed Plan at paragraph 5.38 (page 20), paragraph 5.39 (page 20), paragraph 5.40 (page 20), paragraph 5.41 (page 21), 5.42 (page 21), paragraph 5.58 (page 25) and paragraph 5.74

(page 28).

Homes for Scotland (0239) and (0422) – Clarify (or delete) reference to HNDA 2 in Figure 4 (page 21). If retained, explain the extrapolation method used. Delete paragraph 5.41 (page 21) and replace with a new paragraph confirming the LDP will conform to SDP 1 and within that the HNDA 1 demand figures, delete reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and delete paragraph 5.53 (page 23).

Housing Land Audit and programming of sites

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Walker Group Scotland Ltd (0423) - HLA 2015, once agreed with Homes for Scotland, should be used as the basis for housing supply and demand figures in the Proposed Plan.

Intimates that only programming that has been agreed with Homes for Scotland should be adopted.

Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) - Programming of sites must allow for realistic lead in periods and achievable rates of house building. Assumptions that the allocations will be built out by the end of the plan period is also not credible.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) – Observes that present housing need and demand figures are broken down by tenure in accordance with paragraph 5.40 (page 20). This should however be in addition to data presented in the current format HLA.

Homes for Scotland (0239) and (0422) - Clarify or remove the first sentence of paragraph 5.48 (page 20). Strike-through text reflects deletions requested.

'In addition to new housing land allocations, HLA 2014 has been reviewed and completions re-phased ~~to reflect requirements for the house building industry to increase output on currently identified sites~~'.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236), Hallam Land Management Ltd (0254) (21861632) and (21872565) and Ashdale Land & Property Company Ltd (0415) – Proposes that figure 5, (page 22) should be revised to conform with Diagram 1 of SPP 2014 and should (1) demonstrate how the HNDA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014), (2) show how this has been translated into a Housing Land Requirement

(HLR) with the addition of a 'generosity allowance', (3) provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted and (4) adopt a 'generosity allowance' of not less than 20%.

Scottish Government (0236) - Suggests Figure 5 of the Proposed Plan (page 22) has incorrectly conflated two concepts, the HST and the HLR. Directs the council to which provides the housing figures.

Adopt the methodology for establishing HSTs and HLRs from SPP 2014 and specifically Diagram 1.

Separate out the HST into both affordable and market sectors to accord with paragraph 115 of SPP 2014.

Homes for Scotland (0239) and (0422) - HSTs should be in accordance with SPP 2014, i.e., reasonable, reflect the HNDA estimate of housing demand in the market sector, and supported by compelling evidence.

EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Ashdale Land & Property Company Ltd (0415) - The Proposed Plan should identify additional HSTs and HLRs for the period 2024 – 2027 in order to satisfy SPP 2014 (paragraph 119) which states that the HLR should be met up to years 10 from the expected date of adoption. Respondents have suggested a figure of 928 houses per annum for the HST for the period 2024 - 2027, derived from Table 4 of the SESplan Housing Technical Note (2011), (CD190), and have attempted to enumerate the additional HLR for the period 2024 - 2027 by extrapolating and manipulating data from Table 2 of the SDP (CD099). This suggests a figure of approximately 3,000 (before any generosity allowance is added).

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh , Developments Ltd (21862570), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Bizspace (21872215) Aithrie Estates & Hopetoun Estate Trust (0170) and Ashdale Land & Property Company Ltd (0415) - Proposes that the council allocates, and even over allocates land to deal with the poor and non-performance of sites in order to ensure the delivery of the HLRs.

Housing Land Supply and Effectiveness

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Hallam Land Management Ltd (0254) (21861632) and (21872565), Taylor Wimpey (0247) Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) – The Proposed Plan should identify the scale of the effective housing land for the periods 2014 to 2019, 2019 to 2024 and 2024 to 2027.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Aithrie Estates & Hopetoun Estate Trust (0170), Hallam Land Management Ltd (0254) (21861632) and (21872565), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444 and Wallace Land Investment & Management (0445) - The Proposed Plan should allocate additional land for housing (which is immediately effective).

Homes for Scotland (0239) and (0422) - Amend the Proposed Plan to reflect the real shortfall and demonstrate how it is intended to meet the housing land requirement in full. Additional sites should be allocated for housing.

John Kerr Ltd (21804649), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Bizspace (21872215), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444) and Wallace Land Investment & Management (0445) - The development strategy for the Proposed Plan should focus on identifying sufficient effective housing land that can contribute to the effective housing land supply particularly in the short term period, as well as its plan period to 2027. Further effective housing land releases are urgently needed to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

Allocate additional effective, deliverable sites to sustain the housing land supply and to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

Dr John Kelly (21889730) – Proposes allocating the effective land supply (a) by settlement and (b) for a period of 10 to 15 years.

Figure 5 - West Lothian Housing Land Supply Target

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Gladman Developments Ltd (0459) - Figure 5, 'West Lothian Housing Supply Target' (page 22), should be revised and take cognisance of the figures identified in the various representations. Housing need and demand should also be separately identified in meeting the 5 year effective housing land requirement, as required by both national and strategic policy. Assumptions made relative to windfall sites should be supported by a study.

Winchburgh Developments Ltd (21862570) -The Proposed Plan should be prepared to over allocate land and bring forward additional sites to ensure the sufficient delivery of housing in the short term to meet SDP requirements.

Stewart Milne Homes Central (21806279), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) – The assumptions and programming underpinning Figure 5 should be produced.

Homes for Scotland (0239) and (0422) - The Proposed Plan should be amended to reflect the real housing land supply shortfall and demonstrate how it intends to meet the housing land requirement in full.

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Gladman Developments Ltd (0459) - Figure 5, (page 22), should be deleted and replaced with the alternative tables provided by respondents and/or a calculation of the five year effective housing land supply.

Winchburgh Developments Ltd (21862570) - Remove estimates of future windfall development from the calculation in Figure 5, (page 22).

EWP Investments Ltd (0216), Taylor Wimpey (0235) and Ashdale Land & Property Company Ltd (0415) - Figure 5, (page 22), should be revised to conform with the structure and terminology provided by Diagram 1 of SPP 2014. Specifically, it should:

- Demonstrate how the HNSA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014);
- Show how this has been translated into a Housing Land Requirement (HLR) with the addition of a 'generosity allowance';
- Amend paragraphs 5.50 - 5.53 to provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted; and

Adopt a 'generosity allowance' of not less than 20%

Scottish Government (0236), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) - Arithmetical errors which have been identified in Figure 5, specifically non-summing totals in rows I, J and L, should be corrected.

Scottish Government (0236) - The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and is erroneous. It should instead be amended to correctly accord with SPP 2014.

Committed sites

John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - Supports allocation of alternative sites and deletion of sites considered non-effective and including H-BA 1 (Balmuir Road), H-BA 6 (Easton Road), H-BU 13 (Kirkhill North), H-LV 13 (Gavieside Farm), H-AM 5/6 (Colinshiel A & B), H-BU 8 (Greendykes Road West), H-BU 9 (Greendykes Road East) and H-BU 10 (West Wood).

Constrained sites

John Orr (21716490), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422) and Hallam Land Management Ltd (0254) (21861632) and (21872565) - Justify contributions of constrained sites (in the 2014 HLA) becoming part of the effective housing land supply.

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) – Invites explanation and justification for changing status of sites identified in the HLA 2014 from constrained to effective and evidence agreement with Homes for Scotland.

Identify the interventions which would be required to make constrained sites effective.

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) - Completions from constrained sites should be set at zero in the absence of any agreement with Homes for Scotland. Thereafter, HLA 2015 should be used to inform the re-programming of all sites, again in consultation with Homes for Scotland.

Allocate additional land to compensate for loss of output from constrained sites.

Generosity of supply and additional allowances

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) – Seeks a robust and justified explanation as to whatever percentage ‘generosity allowance’ is adopted and adopt a ‘generosity allowance’ of not less than 20%;

Scottish Government (0236) – Seeks an explanation as to why the Proposed Plan adds a 10% generosity factor despite this having already been included in the SDP HLR.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Scottish Government (0236), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - Amend Figure 3 (page 20) to account for 'additional allowances' not contributing to the total sum.

Policy HOU 1 - Allocated Housing Sites

Scottish Enterprise (0160) - Proposes that subsection (c) of Policy HOU 1 is revised to include a safeguard for employment land elsewhere as a consequence. However on closer reading of the representation it appears that the respondent actually means subsection (b).

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Ashdale Land & Property Company Ltd (0415), Gladman Developments Ltd (0459) – The Proposed Plan should allocate additional land for housing allow for the maintenance of an effective land supply as required by the SDP and SPP 2014.

Hallam Land Management Ltd (0254) (21861632) and (21872565) - Re-word second paragraph of Policy HOU 1 (page 22) to accord with paragraph 119 of SPP 2014. Highlighted text reflects suggested additions to the policy.

'Development of housing on these sites will be supported in principle. To ensure that an effective 5 year supply of housing land at all times is maintained over the plan period, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that.'

Aithrie Estates & Hopetoun Estate Trust (0170) – Seeks allocation of additional land to compensate for the discrepancies between the totals shown for Winchburgh in the settlement statement (pages 97 and 98) and Appendix 2 (pages 23 and 254).

Support for sites already allocated under Policy HOU 1

John Kerr Ltd (21804649) - Supports the general allocation of sites for housing in Linlithgow but suggests that the Proposed Plan should allocate in excess of the 500 units identified.

Winchburgh Developments Ltd (21862570) - Proposes that Niddry Bing should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Proposes amendment to the definition of the north eastern boundary of the Broxburn CDA and for the resultant loss of capacity to be transferred to land south of Winchburgh.

John Macfarlane & Colin Macfarlane (21865046) - Increase the capacity of site H-DE 2 (Main Street, Dechmont), page 85, Appendix 2 (page 177) to 120 units. Remedy discrepancy in site area between settlement statement entry, Appendix 2 entry (page

177) and Proposal Map 2.

Aithrie Estates & Hopetoun Estate Trust (0170) - Re-define the north eastern boundary of the Broxburn CDA (the northern portion of site H-BU 10) and transfer the resultant reduction in capacity to land south of Winchburgh.

Proposes that Niddry Bing should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Reduce the capacity of site H-WB 16 from 250 to 185 and site H-WB 17 from 250 to 200. Re-allocate the balance (115 houses) elsewhere in the Winchburgh CDA. Revisions should be made to figures in Chapter 6, (page 97) and Appendix 2 (pages 252, 253). There is a consequential impact on the 'total allocations' figure for Winchburgh (page 255) which would reduce from 4,243 to 4,128).

Walker Group Scotland Ltd (0423) - Increase the capacity of site H-DE 3 (Burnhouse), page 85, Appendix 2 (page 178) 120 to 180 units and delete the annotation identifying it as a 'reserve' site together with the removal of reference to site being at risk of flooding and the addition of text to confirm that the site will contribute to the provision of a new primary school.

Gladman Developments Ltd (0158) - Seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk and correct catchment area schools which have been identified under the Education column.

Promotion of sites to augment those allocated under Policy HOU 1

Stewart Milne Homes Central (21806279), John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - Allocate additional effective, deliverable sites to sustain a housing land supply in Livingston and Bathgate.

Laurieston Developments Limited (21119948) - Promotes allocation of land at South Logie Nursery by Westfield for housing. Add site to Appendix 2 and amend Proposals Map.

Cadzow Estate (21736518) - Argues that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre and also to contribute to serving West Edinburgh. Promotes allocation of land at Kilpunt, Broxburn for housing. Add site to Appendix 2 and amend Proposals Map.

Stewart Milne Homes Central (21806279) - Promotes allocation of land to the north of Bathgate Golf Club for housing. Add site to Appendix 2 and amend Proposals Map.

Winchburgh Developments Ltd (21862570) - Promotes extending the boundary of site H-WB 17 and adjusting the boundary of the Broxburn CDA and Countryside Belt. Argues Winchburgh is a location where additional land can be brought forward quickly to deliver housing completions that will meet requirements and address, in part, the housing land supply shortfall. It also makes the best use of resources by maintaining the momentum of the established strategic expansion.

Promotes allocation of land at Niddry Mains Golf Course for mixed use development

including housing. Add site to Appendix 2 and amend Proposals Map.

BDW Trading Ltd & H&J Russell (21863641) - Promotes allocation of land at Murieston Castle Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Davidson & Robertson Rural (21869740) - Promotes allocation of land at Hartwood Road, West Calder for housing. Add site to Appendix 2 and amend Proposals Map.

Davidson & Robertson Rural (21870299) - Promotes allocation of land at Langton Road, East Calder for housing. Add site to Appendix 2 and amend Proposals Map.

Davidson & Robertson Rural (21870507) - Promotes allocation of land at Station Road, Kirknewton for housing. Add site to Appendix 2 and amend Proposals Map.

Davidson & Robertson Rural (21871160) - Promotes allocation of land at Balgreen Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Bizspace (21872215) - Promotes allocation of land at Fleming House, Livingston for mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

RK Property Ltd (0047) - Promotes allocation of land at Murieston Valley and Hunter Road, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Gladman Developments Ltd (0147) - Promotes allocation of land at Brotherton Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Aithrie Estates & Hopetoun Estate Trust (0170) - Include reference to there being evidence of greater demand for housing of various tenures and to Scottish Government's support for the supply of housing to be generally increased. Promotes allocation of land in Winchburgh in respect of four sites, previously referenced EO1-0193, EO1-0202, EO1-0203 and EO1-0204. Add sites to Appendix 2 and amend Proposals Map.

Taylor Wimpey (0235) - Promotes allocation of land at Eastoun Farm, Bathgate for housing. Add site to Appendix 2 and amend Proposals Map.

Taylor Wimpey (0247) - Promotes allocation of land at Kingsfield Farm, Linlithgow for housing. Add site to Appendix 2 and amend Proposals Map.

Hallam Land Management Ltd (0254) (21861632) and (21872565) - Promotes allocation of land at Armadale East and Sibbald's Brae, Bathgate for housing. Add sites to Appendix 2 and amend Proposals Map.

Gladman Developments Ltd (0350) - Promotes allocation of land at Appleton Parkway, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Wallace Land Investment & Management (0354) - Promotes allocation of land at Pumpherston Farm, Pumpherston for a mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

Wallace Land Investment & Management (0355) - Promotes allocation of land at Burghmuir, Linlithgow for a mixed use development including housing. Add site to

Appendix 2 and amend Proposals Map.

Wallace Land Investment & Management (0356) - Promotes allocation of land at Wellhead Farm, Murieston, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

Ogilvie Homes (0417) - Promotes allocation of land at Hen's Nest Road, East Whitburn for housing. Add site to Appendix 2 and amend Proposals Map.

Walker Group Scotland Ltd (0423) - Promotes expansion of CDA allocations at Mossend/Cleugh Brae for housing and the identification of a new site (suggested reference H-WC 6 – Mossend Phase 2) extending to 9.3 ha with a capacity of 235 houses. Proposes revision to Appendix 3 – Schedule of Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing.

Gladman Developments Ltd (0459) - Promotes allocation of land at Dykeside Farm, Bathgate for housing. Add site to Appendix 2 and amend Proposals Map.

Policy HOU2 - Maintaining an Effective Housing Land Supply

Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Scottish Government (0236) - Seeks the removal of the words 'endeavour to' from Policy HOU 2 and an amendment to reflect the wording in SPP 2014 which references effective land. Also proposes revisions to include an explanation of what action the council would take in the event of a failure of the land supply and a presumption in favour of development that contributes to sustainable development in that eventuality. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.

The council will ~~endeavour to~~ maintain a 5-year supply of land for housing that is effective or can be shown to be capable of becoming effective effective or expected to become effective in the plan period ~~all times throughout the lifetime of the plan~~. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review the land supply in accordance with the SPP 2014 and the Strategic Development Plan. Where it can be demonstrated that the council is not maintaining a 5 year effective housing land supply at all times, residential development will be granted if the sustainability of the proposal accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with LDP policy HOU 3.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related LDP Action Programme. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the Local Development Plan and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any ~~identification of a shortfall in the effective housing land supply~~ will be treated as

premature only if they undermine the development strategy of the LDP.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Ashdale Land & Property Company Ltd (0415) - Seeks to amend Policy HOU 2 to identify criteria by which to assess new sites (in line with SDP Policy 7) to contribute to identified housing land shortfalls.

Winchburgh Developments Ltd (21862570) and British Solar Renewables (0214) - Amend Policy HOU 2 to remove the restriction safeguarding land for longer term housing development that may become necessary as a result of failure to maintain a five year housing land supply.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Scottish Government (0236), Homes For Scotland (0239) and (0422) and Winchburgh Developments Ltd (21862570) - Reference to the SESplan paper 'Maintaining a Five Year Effective Housing Land Supply' (page 23, paragraph 5.51) should be deleted as it is not consistent with SPP 2014.

Reference in paragraph 5.41 (page 21) and Policy HOU 2 (page 23) which indicate that the maintenance of a five year housing land supply must be achieved by housing sector should be deleted.

Housing Requirement Periods

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd , (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Scottish Natural Heritage (0238), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355) Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - Paragraph 5.52, (page 23) should be reworded and the last sentence removed. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested).

'5.52 The LDP cannot guarantee that all sites will come forward. The supply can be identified in Accordance with Scottish Government policy and current definitions of effectiveness set out in Planning Advice Note 2/2010, but there may be factors out with the council's control, such as the economic climate, which limit deliverability. Figure 5 is set out to comply with requirements of SPP 2014 and the SESplan Supplementary Guidance on Housing Land. It identifies that over the period to 2019 and the second period 2019 to 2024 that housing requirements can be met. However, it also indicates that new allocations coming forward after adoption of the plan (2016/17) are unlikely to make a significant contribution by 2019 and therefore impact on the ability to deliver a five year effective supply within the first Plan period.'

Aithrie Estates & Hopetoun Estate Trust (0170) - Insert the word 'continuous' in the last sentence of paragraph 5.52 (page 23), in the context of the effective housing land supply. (This would depend on whether the last sentence was being retained).

Infrastructure requirements and delivery

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350), Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) - Mechanisms for dealing with infrastructure constraints must be clearly addressed in the Proposed Plan and include the council taking on responsibilities. Amend the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), British Solar Renewables (0214), Gladman Developments Ltd (0350), Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) – Calls for the Action Programme to provide more detail.

RK Property Ltd (0047) - Proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. Alternatively, seeks the lifting of 'moratorium' on further new housing in the Linlithgow Academy catchment area.

British Solar Renewables (0214) - No modification proposed.

Core Development Areas

Aithrie Estates & Hopetoun Estate Trust (0170) - Re-draft paragraph 5.46 (page 21) to extend the scope of allowing additional development in original CDAs allocations to pre and post-2024 requirements and to clarify that additional development will be allowed if there is evidence of a shortfall in the 5 year effective housing land supply, and other factors such as support for infrastructure and affordable housing.

Specific sites which should not be included in calculation of the land supply at East Broxburn are listed with their HLA references as: Greendykes Road (4/37), Albyn (4/39), Bridge Place West (4/48), Holmes North Site B (4/22) and Homes North Site C (4/29).

Delete reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements.

Winchburgh Developments Ltd (21862570) - Re-draft paragraph 5.59 (page 25) to more accurately reflect the existing situation regarding infrastructure and, if subsequently deemed appropriate, account for the re-allocation of capacity from the Broxburn CDA to Winchburgh CDA.

EWP Investments Ltd (0216) - Revise settlement statement (page 80), Appendix 2 (pages 130, 131 and 133) and Proposals Map 4 to the effect that; (1) the area and capacity of site H-AM 8 is reduced from 13.6 ha to 5.1 ha and from 256 to 161 units; (2) the capacity of site H-AM 11 is reduced from 109 to 85 to be consistent with the Planning permission (3) the area and capacity of site H-AM 14 is reduced from 26.6 ha to 10.16 ha

and from 350 units to 254 units and (4) 'total allocations' figure for Armadale (page 255) is consistent with revisions.

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), John Orr (21716490), Cala Management Ltd (21867093), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160) and Cala Homes (0418) - Allocate additional effective, deliverable sites to sustain the housing land supply.

Policy CDA 1 - Development in the previously identified Core Development Areas

British Solar Renewables (0214) - Policy CDA 1 should be amended to also embrace strategic development sites such sites Heartlands, Whitburn.

Ashdale Land & Property Company Ltd (0415) – Policy CDA 1 should be amended to allow for changing circumstance and for modifications to masterplans to be made.

Miscellaneous

BDW Trading Ltd & H&J Russell (21863641 and John Macfarlane & Colin Macfarlane (21865046) - Proposes that a diagram akin to SDP Figure 7 should be incorporated into the LDP to identify the West Lothian Strategic Development Area (in a SESplan context).

BDW Trading Ltd & H&J Russell (21863641, John Macfarlane & Colin Macfarlane (21865046) and British Solar Renewables (0214) – Suggests including a reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances.

Summary of responses (including reasons) by planning authority:

Inconsistencies with policy and or guidance

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445), and Gladman Developments Ltd (0459) - The council considers that the position and approach taken in the LDP meets SPP 2014, SDP (including Supplementary Guidance on Housing Land) and PAN 2/2010 in the following ways:

- Considers the outputs of the HNDA and makes justified variations using the SDP criteria;
- Allocates land in the most sustainable locations;
- Facilitates new housing development ;
- Meets private demand, contributes to affordable need, provide generosity for private housing, delivers a 5 year all tenure effective land supply
- Allocates sites up to year 10 from the expected year of adoption (2027) and utilises the action programme to ensure the small number of established sites can be brought forward within the Plan period.

None of the representations made raise any material issue which would incline the council to modify its position.

Terminology

EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236) and Taylor Wimpey (0247) - It is acknowledged that the terminology used in the Proposed Plan (particularly when discussing issues relating to housing land supply and housing land requirements) is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014, and it was also prior to the publication of SESplan Supplementary Guidance on Housing Land (CD101). These events introduced changes to the terminology used in the Plan which have not been systematically implemented. Under these circumstances, the council would have no objection to the Reporter requiring the substitution of redundant words and terms to reflect those used in SPP 2014 should this be considered helpful in improving the legibility and understanding of the Plan. With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'. This would have the effect of line A being re-titled the 'West Lothian LDP Housing Supply Target' and line C changed to the 'LDP Housing Land Requirement'.

Scottish Government (0236) and Scottish Natural Heritage (0238) - It is acknowledged that the terminology used in the Proposed Plan is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014. With reference to the terminology used in paragraph 5.51 and the first sentence of Policy HOU 2 (page 23), the council would have no objection to the Reporter requiring the substitution of 'sites from the established land supply which are effective or expected to become effective in the plan period' with 'effective or shown to be capable of becoming effective' to accord with SPP 2014 in both instances should this be considered helpful in improving the legibility and understanding of the Plan.

Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will endeavour to maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related *LDP Action Programme*. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the

Local Development Plan and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature.

Housing Needs and Demand Assessment (HNDA)

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), British Solar Renewables (0214), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Gladman Developments Ltd (0459) – SPP 2014 (paragraph 118) requires that Strategic Development Plans (SDPs) should set out the housing supply target and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Paragraph 113 of SPP states that Housing Need and Demand Assessments provide the evidence base for defining housing supply targets and allocating land for housing in development plans.

The council wishes to make it clear that the housing supply targets which the LDP has adopted are those which have been prescribed in the SDP and which in turn have been informed by the SESplan Housing Needs and Demand Assessment published in 2011, herein referred to as HNDA [1]. In this regard, the process has been entirely transparent and compliant with SPP 2014.

HNDA [1] was prepared as part of the strategic development plan process covering the whole SESplan area and was certified as ‘robust and credible’ by the Scottish Government’s Centre of Housing Market Analysis (CHMA) in 2011. SPP 2014 states that where the Scottish Government is satisfied that a HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination. Paragraph 5.41 quite clearly states that ‘the LDP must conform to the SDP’ and that ‘the LDP continues to meet the housing requirements set out in the SDP in full’. It is difficult to see how this could have been made any clearer but the council would not be opposed to modifying the text should this be considered helpful in improving the legibility and understanding of the Plan.

Notwithstanding the above, the council is aware that HNDA [1] was largely modelled on pre-recession information and may no longer be the most accurate predictor of future needs and demand. The council, therefore, has legitimate concerns about the veracity of HNDA [1], and by implication, the housing supply targets which flow from it and reserves the right to say so. In particular, it is significant that HNDA [2] incorporates the National Records of Scotland (NRS) 2012 household projections, as opposed to the 2010 based projections which were the basis of HNDA [1]. These substantially reduce the housing requirements for West Lothian by around 40% based on a default growth scenario in HNDA [2] and the council considers that it is legitimate to have referenced this in the

Proposed Plan as part of the context setting. For these reasons, the council does not agree to modify the plan in response to these representations.

Scottish Government (0236) and Homes for Scotland (0239) and (0422) - The council considers the inclusion of Figure 4 (page 21) of the Proposed Plan to be informative in illustrating the nature and quantum of housing need as currently assessed by HNDA [2] and is helpful in understanding the narrative. It is not however regarded as essential and the council would not take issue if the Reporter was minded to delete Figure 4 (and the immediately preceding sentence in paragraph 5.41 'Requirements arising from HoNDA 2 are set out in Figure 4'.

The council does however decline to agree the deletion of the remainder of paragraph 5.41 (page 21), the deletion of reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and the deletion of paragraph 5.53 (page 23).

Housing Land Audit and programming of sites

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Walker Group Scotland Ltd (0423) - While initially drawing on data from the HLA 2008, the SESplan SDP ultimately adopted HLA 2010 and it is these figures on which the original SDP housing land requirement was determined. Similarly, when the council embarked on the West Lothian LDP the initial source of data was HLA 2012, but as it too has progressed, it has taken account of more up to date data as and when it has become available. This ably serves to demonstrate the point that development plan preparation is a dynamic process and that Housing Land Audits in particular are only snapshots of the housing land position at a particular point in time.

It is a matter of fact that the Proposed Plan has been based on Housing Land Audit 2014, the reason being that this was the most current and comprehensive source of housing land data available to the council when it was being prepared. It is acknowledged that an integral part of the process of preparing the HLA is consultation with representatives of the house building industry and other interested parties in order to try to reach agreement on the effective supply. In 2014 all of the site details recorded in HLA 2014, including the forward programming of completions, were agreed with Homes for Scotland with no disputed schedules and were held to represent levels of output that the house building industry was comfortable with and capable of achieving. The council does however acknowledge that adjustments were subsequently made to the status and programming of sites, both effective and constrained and without the agreement of Homes for Scotland. This is addressed in the Housing Land Position Statement (CD215a and b).

Criticism that HLA 2015 was not adopted as the basis of the Proposed Plan is noted but it was simply not available when housing allocations were being made post MIR stage in the summer of 2015, nor would it have been practical to arrest the process to substitute a new data base even if it had been. To have done so would have severely hindered the progress of the LDP and the ultimate goal of getting the LDP adopted. In the event, the council has again had regard to the figures coming out of the most recent Draft Housing

Land Audit 2015, and has appropriately referenced these in the Housing Land Position Statement (CD215a and b). Homes for Scotland have been engaged and invited to consider and comment on HLA 2015 and will have an opportunity to make their views known during the Examination.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - The council notes support for revisions to the HLA format and confirms that these will be introduced/adopted in HLA 2016.

Homes for Scotland (0239) and (0422) - The council acknowledges that Homes for Scotland have not endorsed the output and programming which has been identified to meet the LDP Housing Land Requirement and it accepts that the first sentence of paragraph 5.48 has the potential to be read as implying otherwise. Accordingly, the council would not object to the Reporter requiring this sentence to be re-worded.

Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.48 In addition to detailing new housing land allocations, HLA 2014 has subsequently been reviewed with a view to maximising the output from the established housing land supply. This has resulted in a number of sites being re-classified (from constrained to effective) and their programming adjusted (albeit without the express agreement of Homes for Scotland). and completions re-phased to reflect requirements for the house building industry to increase output on currently identified sites.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

EWP Investments Ltd (0216), Taylor Wimpey (0235), Scottish Government (0236), Hallam Land Management Ltd (0254) (21861632) and (21872565), and Ashdale Land & Property Company Ltd (0415) - It is acknowledged that the terminology used in Figure 5 (page 22) is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014, and it was also prior to the publication of SESplan Supplementary Guidance on Housing Land. These events introduced changes to the terminology used in the Plan which have not been systematically implemented. The council would therefore have no objection to the Reporter requiring Figure 5 to be amended to properly reflect the correct terminology to accord with SPP 2014 should this be considered helpful in improving the legibility and understanding of the Plan. The council concurs with the suggestion by respondents that Diagram 1 of SPP 2014 would helpfully provide clarification of both process and terminology relative to housing need and land supply but believes that this would be more suited to being part of the supporting documentation. Consequently, it has been incorporated as part of the Housing Land Position Statement (CD215a and b)..

An explanation of how the HNDA provides the evidence base for Housing Supply Targets (HSTs), how this translates to the Housing Land Requirement (HLR) and how the council has addressed the issue of 'generosity' is also provided in the council's Housing Land Position Statement (CD215a and b).

The council specifically declines to further increase the generosity allowance beyond the 10% figure adopted in the Proposed Plan.

Homes for Scotland (0239) and (0422) - The council considers that HSTs identified in the LDP are properly defined with regard to HNDA [1], the SDP and SPP 2014 and refutes representations to the contrary. This is also addressed in the Housing Land Position Statement (CD215a and b).

The council specifically declines to amend the HSTs and does not agree to modify the plan in response to these representations.

EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) and Ashdale Land & Property Company Ltd (0415) - The council acknowledges that a requirement of SPP 2014 (paragraph 119) is to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption and that there is, therefore, a reasonable expectation for an additional housing supply target to be identified for the period 2024-2027. This issue is addressed in the Housing Land Position Statement (CD215a and b).

Winchburgh Developments Ltd (21862570) - It is self-evident that it becomes increasingly more difficult to satisfy the housing land requirement which has been identified for the first period of the Plan as the window of opportunity for doing so reduces year on year. Planning applications for new housing, while increasing, are still not coming forward in anything like the number needed to sustain the levels of building required to meet the housing land requirement. The Proposed Plan makes it very clear (paragraph 5.52, page 23) that while an LDP can identify the supply, it cannot guarantee that all sites will come forward and it specifically notes that allocations coming forward in the latter part of the first Plan period are unlikely to contribute significantly by 2019.

The real issue is perhaps more to do with the credibility of the requirement set by the SDP/Housing Land Supplementary Guidance in so far as it demands the delivery of a level of housing which has never been achieved before. As things currently stand, annual completions over the remaining period would have to average in excess of 3,000 homes and it is highly questionable whether the development industry has anything like the capacity to deliver this volume of housing even if all other considerations such as education and transport infrastructure could be satisfactorily provisioned. There is also only so much housing that can be programmed without exceeding the physical and environmental capacity of an area to absorb housing.

The respondents suggested solution of 'over allocating' or simply adding more and more land makes no impact on the ability to deliver. It does nothing to address the real challenges that lie behind the non-delivery of housing and unfortunately appears to be aimed at getting large areas of housing land identified to reflect respective interests in land options or ownership without contributing much of substance towards the realisation of West Lothian's development plan strategy.

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Bizspace (21872215), Aithrie Estates & Hopetoun Estate Trust (0170), Ashdale Land & Property Company Ltd (0415) – A number of representations question the effectiveness of the strategic housing land allocations as set out in the Proposed Plan, and the capacity of this

supply to deliver the stated number of houses during the plan period. It is suggested that assumptions about the delivery of housing from such sites are over-optimistic and that there will be a shortfall in housing land provision that this should be addressed through additional new allocations.

The foundation of the council's estimate of output from existing supply sites was the annual Housing Land Audit (HLA) process. HLA 2014 was used as the basis of estimating the output of existing supply and was enumerated at 4,422 units. The HLA was prepared in accordance with the guidance in PAN 2/2010 (CD038), informed by developer returns on site programming, and subject to consultation with Homes for Scotland. No disputes were sustained with the programming of effective sites and the council considers that its approach to identifying the contribution which such sites will make to meeting housing requirements is robust and complies with the SPP and PAN 2/2010. The council therefore does not agree to modify the plan in response to these representations.

Housing Land Supply and Effectiveness

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Hallam Land Management Ltd (0254) (21861632) and (21872565), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - Representations suggesting that the council has failed to comply with SPP 2014 and SDP Policy 5 in so far as the Plan will not maintain a 5 year effective housing land supply at adoption and that the Proposed Plan does not properly identify the scale of the effective housing land supply are addressed in the Housing Land Position Statement (CD215a and b).

John Kerr Ltd (21804649), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507) and Davidson & Robertson Rural (21871160) - The conclusion by some respondents that the council does not have any solution to addressing any shortfall in housing, particularly in the first Plan period, is misinformed. While it has already been established that the council does not subscribe to the view that the solution lies in allocating increasingly more land, it should not be assumed that nothing is being done.

The council has been and will continue to be proactive in addressing the resolution of constraints which have the potential to inhibit or delay the implementation of allocated housing sites which might precipitate a shortfall. In particular, it has assisted in the delivery of infrastructure to support development through forward funding by establishing and operating its own Local Infrastructure Fund (LIF) and which has proven extremely successful in overcoming infrastructure blockages. To date, the LIF has primarily funded education and roads infrastructure and it remains a key component of the council's strategy which supports development delivery. The council's response to addressing infrastructure requirements is more fully set out in a separate Schedule 4 number (1F).

The council has also actively lobbied the Scottish Futures Trust for funding towards

secondary school provision and is always reviewing school catchment areas and evaluating accommodation solutions with a view to addressing school capacity issues. It is also in partnership with the other SESplan member authorities to secure a City Region Deal for Edinburgh and south east Scotland. City Region Deals can unlock large-scale investment that would not have otherwise been achievable. They aim to encourage economic growth by investing in key infrastructure projects with investment forward funded and the cost recovered through a share of the rise in increased tax revenue generated as a result. The outcome of the City Region Deal bid is anticipated before the end of 2016.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Aithrie Estates & Hopetoun Estate Trust (0170), Hallam Land Management Ltd (0254) (21861632) and (21872565), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444) and Wallace Land Investment & Management (0445) - Representations suggesting that The council has failed to allocate sufficient land to achieve the number of completions to meet SDP requirements are addressed in the Housing Land Position Statement (CD215a and b).

The council does not however subscribe to the view that the solution to achieving a faster or higher level of completions is to allocate additional land and it therefore declines to modify the plan in response to these representations.

Aithrie Estates & Hopetoun Estate Trust (21772260) and (0170) - The most recent pronouncement by the DPEA as to whether West Lothian has a five year effective housing land supply is set out in a DPEA Appeals Decision Letter dated 25 January 2016 and relating to planning appeal PPA-400-2058 (CD312b). The analysis, based on HLA 2014, concluded that the total effective supply of housing land was 4,799 over the period 2014-2019, with a further 1,023 in 2019-2021 and 7,562 post-2021. The Reporter accepted the appellant's calculation of 5,710 houses being the effective five year requirement (the equivalent of half of the ten year Housing Land Supply Target figure of 11,420), and observing that the available effective supply of 4,799 fell short of this by 911, concluded that an effective five year housing land supply was not being achieved.

The council does not dispute this shortfall (when calculated using data informing HLA 2014).

The overall housing land supply position has however significantly improved since the 2014 Audit, the shortfall halving almost halved mainly by virtue of new allocations in the LDP, and has almost halved and it is therefore the case that this more than cancels out the 911 shortfall.

Homes for Scotland (0239) and (0422) - The council welcomes the support of Homes for Scotland for the objectives of the Plan listed in paragraph 5.37 (page 20), but does not agree that there is any inconsistency with the key aims for the plan area, as set out in paragraph 4.3 (pages 8-9). The council maintains that there is a very clear and self-evident correlation between both.

The council's position in relation to the land supply is set out in the Housing Land Position Statement (CD215a and b). The council does not, however, subscribe to the view that

allocating additional land will make any significant difference to securing the key aims and objective of the plan and it therefore declines to modify the plan in response to these representations.

Dr John Kelly (21889730) - The respondents suggestion that the effective land supply should be allocated (a) by settlement and (b) for a specific period of 10 to 15 years would be incompatible with SPP 2014 and for these reasons the council declines to modify the plan.

Figure 5 - West Lothian Housing Land Supply Target

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Gladman Developments Ltd (0459) - The purpose of Figure 5 (page 22) is primarily to identify the housing land requirement for West Lothian as set out in the SDP Supplementary Guidance Housing Land November 2014 (CD101) and to demonstrate how it is proposed to meet this. It also quantifies windfall and demolitions and sets out the contribution of existing effective and constrained sites to meeting the LDP housing land requirement.

The council's position in relation to the land supply is set out in the Housing Land Position Statement (CD215a and b) including an explanation of the windfall and demolition assumptions.

It is acknowledged that the terms used within this table do not reflect those used within Scottish Planning Policy Diagram 1 which refers to LDPs meeting the housing land requirement and the council sees merit in a modification to address (as previously discussed) issues relating to terminology and also identifying an LDP Housing Land Supply Target for the period 2024 to 2027. The following table is proposed as its replacement (and incorporates other corrections referenced below).

	2009-2019	2019-2024	2009-2024	2024-2027
SETTING THE WEST LoTHIAN LDP HOUSING LAND SUPPLY TARGET				
LDP Housing Supply Target	11, 420	6, 590	18,010	2,784
Generosity Allowance (+10%)	1, 142	659	1,801	278
LDP Housing Land Requirement	12, 562	7, 249	19,811	3,062

Effective Supply¹	4, 422	4, 279	8,701	1,364⁶
Constrained sites coming forward²	642	3, 716	4,358	692⁷
Completions (2009-2014)³	2, 440	0	2,440	0
Windfall⁴	240	400	880	240
Demolitions⁵	-568	-100	668	-60
Total Supply from Existing Sources	7,416	8,295	15,711	2,236
Allocations Required	5, 146	1, 046	4,100	826
Programming of Proposed Allocations	1, 496	2, 610	106	4, 0
Shortfall / Surplus	-3, 650	+3, 656	+6	+826

SOURCES

1 Appendix 1 of the Housing Land Position Statement

2 Contribution of sites recorded as constrained in HLA 2014

3 Completions recorded in HLAs for the period 2009 to 2014

4 Table 3.2 of SDP SG Housing Land Technical Note

5 Table 3.2 of SDP SG Housing Land Technical Note

6 Figure derived from continuing the same annual level of output from effective sites as in previous periods

7 Figure derived from continuing the same annual level of output from constrained sites as in previous periods

Winchburgh Developments Ltd (21862570) - The suggestion that the inclusion of estimates of future windfall development in Figure 5 duplicates the contribution from that source in the calculation (as it is already accounted for in the HLA) is incorrect. While the effective supply will contain an element of previous windfall, the windfall entry in Figure 5 is an estimate of future windfall and there is no double counting. The council does not therefore agree to modify the plan in response to this representation.

EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444) and Wallace Land Investment & Management (0445) - A number of respondents have concluded that there is a significantly larger shortfall in the land supply than indicated by the council in Figure 5 (page 22). The principle reason for this difference is that the alternative calculations are premised on the assumption that there will be no (i.e. zero) contribution from any of the constrained sites identified in the Proposed Plan. While recognising there is perhaps a debate to be had about exactly where this figure lies, the council does not accept that none of the constrained sites will contribute to meeting the housing land requirement.

Sites have been considered on an individual basis. Many sites considered to be constrained at the present time are affected by short term constraints which may quickly be overcome. It is not considered necessary to reduce the contribution of constrained sites to the housing land supply.

The contribution of constrained sites to the LDP housing land supply target is set out in the Housing Land Position Statement (CD215a and b).

Stewart Milne Homes Central (21806279), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) - The council's response to criticism about the absence of a technical document to support the assumptions and programming underpinning Figure 5 is set out in the Housing Land Position Statement (CD215a and b).

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Gladman Developments Ltd (0459) - A number of respondents have tabled alternative versions of Figure 5, populated with different values for each component and ultimately concluding that there is a significantly larger shortfall in the land supply than indicated by the council. The principle reason for this difference is that the alternative calculations are premised on the assumption that there will be no (i.e. zero) contribution from any of the constrained sites identified in the Proposed Plan. While recognizing there is perhaps a debate to be had about exactly where this figure lies, the council does not accept that none of the constrained sites will contribute to meeting the housing land requirement.

The contribution of constrained sites to the LDP housing land supply target and calculation of the five year effective housing land supply is set out in the Housing Land Position Statement (CD215a and b). Sites have been considered on an individual basis. Many sites considered to be constrained at the present time are affected by short term constraints which may quickly be overcome. It is therefore not considered necessary to reduce the contribution of constrained sites to the housing land supply.

Scottish Government (0236) - The arithmetical errors identified in Figure 5 (related to the summing of rows) have been identified, and while numerically inconsequential they have nevertheless been corrected and incorporated into the replacement Figure 5.

Scottish Government (0236) and Scottish Natural Heritage (0238) - It is acknowledged that the terminology used in the Proposed Plan is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014. With reference to the terminology used in paragraph 5.51 and the first sentence of Policy HOU 2 (page 23), the council would have no objection to the Reporter requiring the substitution of 'sites from the established land supply which are effective or expected to become effective in the plan period' with 'effective or shown to be capable of becoming effective' to accord with SPP 2014 in both instances should this be considered helpful in improving the legibility and understanding of the Plan. Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will ¹~~endeavour to~~ maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related *LDP Action Programme*. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the *Local Development Plan* and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature.

¹ This change relates to representations made specifically with regard to Policy HOU 2 (discussed later) but shown changed here for consistency.

Committed sites

John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd, (0350), Gladman Developments Ltd (0459) - The council recognises that there are sites allocated in the Proposed Plan which have been 'carried forward' from the West Lothian Local Plan 2009 but it rejects the suggestion that this constitutes a reason to not include them. There is a wealth of previously undeveloped land in West Lothian, the legacy of a generous allocation made at the time of the West Lothian Local Plan in 2009, and the SDP Supplementary Guidance (CD101) notes that most of the housing required is expected to be built on land which is already committed for development either because it is already allocated for that purpose or because planning permission has been granted. It is also in part a direct consequence of the economic downturn, and it is not at all surprising that so much still remains. This is of course also part of the reason why the council sees no requirement or justification for allocating significantly more land through the LDP.

All of the sites which have been carried forward have however been reviewed and evaluated in order to determine whether they remain compatible with the spatial strategy and to establish their effectiveness and propensity to deliver housing during the plan period.

It is the council's view that annual HLA should continue to be the appropriate mechanism

through which the effectiveness of sites should be assessed. This assessment should be limited to the tests set out in PAN 2/2010 which address matters relating to the supply. Issues relating to demand should not be factors in determining whether replacement sites would be required.

The Housing Land Audit 2014 identifies an established land supply of 21,337 of which 13,384 is identified as effective. The effectiveness of many sites in the Housing Land Audit 2014 is currently affected by factors which may be overcome in the short term. It is not considered that this is an issue which will be resolved by the identification of any further sites in the Plan. No evidence has been provided to demonstrate that further sites would be more deliverable than those already in the housing land supply or new sites already identified in the Plan. Further sites proposed in representations are dealt with in separate Schedule 4s. The LDP Action Programme provides a delivery mechanism which will assist in bringing forward sites for housing development.

SPP requires that LDPs allocate a range of sites which are effective or expected to become effective in the 'plan period' to meet the housing land requirement of the SDP (paragraph 119) and the council is satisfied that it has done this. The council does not consider that it is necessary to jettison any of the carried over sites and no modifications are proposed.

Constrained sites

John Orr (21716490), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422) and Hallam Land Management Ltd (0254) (21861632) and (21872565). The council's position in relation to the contribution of constrained sites to the land supply is set out in the Housing Land Position Statement (CD215a and b).

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357) - The council's position in relation to the re-classification of a number of sites which were shown as constrained in HLA 2014 (and now identified as effective in the *Proposed Plan*), and also the re-programming of sites from the effective housing land supply is set out in the Housing Land Position Statement (CD215a and b). It should also be noted that the council continues to liaise and consult with Homes for Scotland with a view to confirming the effectiveness of sites through the Housing Land Audit process.

It is acknowledged that the Proposed Plan does not identify the specific interventions which would be required to make constrained sites effective. However Appendix 2, Schedule of Housing Sites/Site Delivery Requirements, comprehensively lists key development requirements both geographically and on a site by site basis. The Proposed *Action Programme* has also been prepared to support the delivery of the *West Lothian Local Development Plan* (LDP), its' policies and proposals (CD194). It sets out the actions, name of responsible persons and/or partnerships, and timescale for each action

John Kerr Ltd (21804649), Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson &

Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Homes for Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356) and Wallace Land Investment & Management (0357) - The Proposed Plan programmes some 642 houses being developed during the period 2009-2019 on sites which were previously identified in HLA 2014 as constrained. While recognising that HLA 2014 (and draft HLA 2015) had not anticipated these sites delivering any completions before 2019, the council has since concluded that there were justifiable grounds for bringing these sites forward and that its actions are legitimised by SPP 2014 (CD068), paragraph 119) which states Local Development Plans should allocate land on a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan. The council's position in relation to the re-classification of sites which were shown as constrained in HLA 2014 (and now identified as effective in the *Proposed Plan*), and also the re-programming of sites from the effective housing land supply is set out in the Housing Land Position Statement (CD215a and b).

The council rejects the suggestion that programmed completions from sites what were previously identified as constrained should be set at zero and similarly does not agree to the allocation of additional sites to 'compensate' for their removal from the supply of land identified to meet the housing land requirement. It is proposed that the phasing adopted in the Proposed Plan is reflected in HLA 2016 which will in turn provide Homes for Scotland with a formal opportunity to engage with the council on this matter and, ideally, reach an agreement.

Generosity of supply and additional allowances

Stewart Milne Homes Central (21806279), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), EWP Investments Ltd (0216), Taylor Wimpey (0235), Homes for Scotland (0239) and (0422), Taylor Wimpey (0247), Gladman Developments Ltd (0350), Gladman Developments Ltd (0459) and Ashdale Land & Property Company Ltd (0415) - SPP 2014 (paragraph 116) requires that housing supply targets should be increased by a margin of 10-20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin is said to depend on local circumstances. Table 3.1 of SESplan Supplementary Guidance on Housing Land (November 2014) (CD101), sets West Lothian a housing supply target of 11,420 units for 2009-2019 and 6,590 units for the period 2019-2024. SPP Diagram 1 does not however require **local development plans** to add on a generosity margin to housing supply targets. There is no policy remit or mechanism contained in SPP 2014 which demands a margin of generosity at Local Development Plan level. Nonetheless, the council has added a 10% generosity factor to the West Lothian housing supply targets in the spirit of SPP 2014. For the period 2009-2019 this is identified as 1,142 units and for the period 2019-2024 this is 659 units. When added together this sets housing land requirements of 12,562 and 7,249 respectively. Cumulatively, over the period 2009-2024, this adds 1,801 homes to the figure in the SDP Supplementary Guidance. Under the circumstances, 10% is considered to be a generous addition to the supply and it is not proposed to modify the Plan to increase this further. As explained later, an additional housing supply target has been identified for the period 2024 to 2027 which similarly includes a 10% generosity margin and further augments the land supply.

The issue of 'generosity' is also addressed in the Housing Land Position Statement (CD215a and b).

Scottish Government (0236) - It is recognised that there is no policy remit or mechanism contained in SPP 2014 which demands a margin of generosity to be added at Local Development Plan level. The issue here lies in the fact that SESplan was not guided by the policy requirements of SPP 2014, including the identification of the housing land requirements; therefore, the methodology through which the SDP housing land requirements were devised does not follow that in SPP 2014. In SPP 2014 the housing land requirement is identified as a matter of strategic significance, to be addressed at the strategic level by Strategic Development Plan Authorities working across local authority boundaries. Nonetheless, the council has added a 10% generosity factor to the West Lothian housing supply targets in the spirit of SPP 2014.

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Scottish Government (0236), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) - It is recognised that Figure 3 is potentially misleading in so far as the title does not accurately describe the information shown. The council would therefore have no objection to the Reporter requiring the reconfiguration of Figure 3 (page 20) to omit the column titled 2009/24 'additional allowance' should this be considered helpful in improving the legibility and understanding of the Plan.

The Housing land supply target for West Lothian is 11,420 up to 2019 and 6,590 up to 2024. The 'additional allowance' figure of 2,130 is sourced from table 6.2 of the SESplan Supplementary Guidance Housing Land Technical Note (May 2014) (CD190). These allocations contribute to the targets and are not in fact additional to the figures for the two plan periods. The Technical Note sets out expectations for the current land supply (including constrained sites) and anticipated windfall developments. Comparing expected output from these sources to the requirement there is a shortfall. This shortfall for West Lothian is enumerated as 2,125 (rounded to 2,130) and requires additional land to accommodate this number of houses is to be allocated in LDP.

Policy HOU 1 - Allocated Housing Sites

Hallam Land Management Ltd (0254) (21861632) and (21872565) and Scottish Enterprise (0160) - **Hallam Land Management Ltd** has proposed the following revision to the second paragraph of Policy HOU 1 (where highlighted text reflects addition to the policy and strike-through text reflects deletions):

Development of housing on these sites will be supported in principle. To ensure that an effective 5 year supply of housing land is maintained ~~over the plan period~~ at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:

Scottish Enterprise has proposed the following revision to Policy HOU 1 (where highlighted text reflects addition to the policy):

(b) the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use and any development for employment purposes will not affect adversely the potential for the release of land allocated for or safeguarded as

employment land which is the subject of other policies within this Plan.

The council is not opposed to the insertion of the words ‘at all times’, recognising that it accords with paragraph 119 of SPP 2014. Similarly, it is not opposed to text being inserted which has the effect of re-enforcing the safeguarding of employment land and it would therefore not take issue if the Reporter was minded to amend Policy HOU 1 to accommodate these revisions. An alternative form of wording to that suggested by the respondents would however be preferred, as would the opportunity to reconfigure the sequencing of the text in order to render it more coherent than perhaps currently presented in the Proposed Plan. The revised policy is reproduced below for ease of reading.

Policy HOU 1 Allocated Housing Sites

The sites listed in Appendix Two of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements for a period of 10 years from the date of adoption of the LDP, as required by the Strategic Development Plan (SDP1) and are compliant with the spatial strategy set out in this plan.

Development of housing on these sites will be supported in principle and proposals shall have regard to and be in accordance with Supplementary Guidance ‘Residential Development Guide’. Where applicable, proposals must also accord with the specific development requirements identified in Appendix Two and/or any other development guidance issued by the council.

To ensure that an effective 5 year supply of housing land is maintained at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:

- a. there is a constraint on the site and there is no reasonable prospect of it becoming available for housing development within the plan period;*
- b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use; and*
- c. there shall be no detriment to other employment land allocated in the Plan and to the overall supply of employment land generally where sites are developed for employment uses.*

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Hallam Land Management Ltd (0254) (21861632) and (21872565), Gladman Developments Ltd (0350), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - The council is of the view that the Proposed Plan identifies sufficient housing allocations to allow for the maintenance of an effective land supply as required by the SDP and SPP 2014. The council’s position statement on housing land refers (CD215a and b).

The Plan satisfies the required housing land requirement contained within the Housing Need and Demand Assessment and the SESplan Supplementary Guidance. West Lothian has a significant land supply which is capable of delivery during the period of the

plan. It is therefore considered there is no justified reason to allocate further housing land within the Plan.

Walker Group Scotland Ltd (0423) - The council rejects the charge that the Proposed Plan does not adequately support the previously established Livingston and Almond Valley CDA.

It will be observed that there is very strong investment being made in, for example, the education and transport infrastructure in the Livingston and Almond CDA (see Appendix 2 of the Proposed Plan - Site Delivery Requirements and Appendix 6 -List of Proposals) and this should dispel any notion that the council is not committed to the CDAs.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. In the specific case of the Livingston and Almond Valley CDA it has recognised that there are sound sustainability and environmental arguments and infrastructural benefits for consolidating and maximising development on previously allocated sites. So much so that it has indicated that it is minded to extend the original CDA boundary at Mossend to accommodate an increase in residential capacity beyond what had originally been planned for, although not to the full extent being sought by the respondent. This particular proposition is addressed more fully in a separate Schedule 4 (21A).

Aithrie Estates & Hopetoun Estate Trust (0170) - The CDA capacity figures shown on page 98 of the LDP are sourced from the Housing Land Audit 2014 and take into account what has already been built and consents granted. They are essentially indicating 'remaining capacity'. The capacity figures provided in Appendix 2 are however gross figures and are inevitably higher, hence the difference. It is also the case that the respondent does not appear to have taken account of the other non CDA allocations when summing the capacity of Winchburgh allocations.

The principle of the argument being advanced by the respondent is that where the capacity of a particular site cannot be achieved, for whatever reason, it should instead be allowed to be transferred to another location. This is rejected by the council and it does not agree to modify the plan in response to these representations.

Support for sites already allocated under Policy HOU 1

John Kerr Ltd (21804649) - The council notes support for the allocation of site H-LL 11 (Wilcoxholm Farm/Pilgrims Hill, Linlithgow) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (15A).

The council welcomes the overarching support expressed by the respondent for the allocation of new housing sites in Linlithgow but does not agree with the proposition that additional sites require to be allocated at this time and which would exceed the 500 ceiling which has been observed.

Reference to the Main Issues Report (CD079) evidences that the council was presented with a number of candidate housing sites in Linlithgow (in excess of 1,000 new homes) and the development options far exceeded requirements necessitating site selection and sieving. To begin with, the council deliberately adopted a sequential approach to the selection of sites whereby priority was afforded to firstly to brownfield sites within the current settlement boundary followed by greenfield infill sites and only thereafter by

greenfield releases outside the current settlement boundaries. It then sought to ensure that development sites could be integrated into effective networks for walking, cycling and public transport, in other words that they were sustainably located. Other considerations included an appraisal of their likely environmental impact given the sensitive and historic nature of the town, and finally an account of infrastructure implications. This had the effect of substantially reducing the number of candidate sites and enabled the council to select what now constitutes the allocations in the Plan. The council is of the opinion that these sites represents a satisfactory range of housing sites that are commensurate with the needs and within the physical and environmental capacity of the town to absorb at this time. The council has had to be particularly mindful of education constraints in Linlithgow, the resolution of which are largely dependent on the provision of new secondary school capacity in Winchburgh. Given the education capacity position in Linlithgow, it can be seen that additional residential land allocations would exacerbate problems with local schools. An overview of education issues is set out in Position Statement: Education (CD201). Delivery of housing sites in Linlithgow is predicated on the availability of infrastructure required to support development. For these reasons, the council does not agree to modify the plan in response to these representations.

Winchburgh Developments Ltd (21862570) - The council notes support for all of the residential allocations in Winchburgh that form part of the current planning permission in principle for the strategic expansion of Winchburgh (reference 1012/P/05) (CD340a and b).

While the council welcomes the support expressed for the continued allocation of the Broxburn CDA it does not agree with the proposition that the north eastern boundary of the CDA (as shown on proposals Map 2) is changed to the effect that it excludes the northern portion of site H-BU 10. Nor does it agree that the resultant reduction in capacity should be transferred to the Winchburgh CDA.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. It seeks to sustain the integrity of all of the CDAs including Broxburn and aspires to see them developed as originally intended.

The council notes support for the inclusion of Niddry Bing within the settlement boundary but does not agree that it should be specifically safeguarded as a future potential housing site at this time. The duration of the ongoing extraction works cannot be predicted with any certainty and it could be many years before remediation and restoration takes place. There is ample time for consideration to be afforded to potential after uses, which may or may not include housing, and it would be premature to 'lock in' what after uses may be appropriate at a future date. It is quite possibly a matter which is best left for the next LDP to consider in the context of the spatial strategy and housing land requirements prevailing at that time, but by bringing the site within the settlement boundary the council has recognised that it has development potential. For these reasons, the council does not agree to modify the plan in response to these representations.

The council notes conditional support for the allocation of sites for housing at Castle Road, Winchburgh (H-WB 1), land west of Ross's Plantation (H-WB 16) and land west of Niddry Castle (H-WB 17). These particular sites are addressed in separate Schedule 4s relating to developments in Winchburgh (24H, 24M and 24E respectively).

John Macfarlane & Colin Macfarlane (21865046) - The council notes conditional support

for the allocation of site H-DE 2 (Main Street, Dechmont). This particular site is addressed in a separate Schedule 4 relating to development in Dechmont (10A).

Cala Management Ltd (21867093) and Cala Homes (0418) - The council notes support for the allocation of site H-LL 12 (Preston Farm, Linlithgow) for housing.

This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (15A).

Aithrie Estates & Hopetoun Estate Trust (0170) - The respondents comments regarding the capacity of sites H-WB 16 and H-WB 17 are noted but the capacity figures specified for allocations are indicative and have largely been calculated by applying an average density to the gross site area or by looking at the density of development in the surrounding area. For the avoidance of doubt, it is not the council's intention to restrict the capacity of housing developments to the indicative capacity set out in the Plan. Indicative capacities are given as a notional guide as to the numbers of houses that a site may be capable of accommodating but it is accepted that this will be subject to change through the planning application process. It is not uncommon for developments on the ground to be slightly at variance with the numbers quoted in a plan. As a consequence the council does not agree to modify the plan in response to these representations. The council would however not object to the Reporter requiring the indicative nature of these figures to be made more explicit, perhaps in the introductory text to Chapter 6 – Development Proposals by Settlement (page 79) should this be considered helpful in improving the legibility and understanding of the Plan.

British Solar Renewables (0214) - The council notes support for the allocation of land at Heartlands, Whitburn for housing and for the proposed increased allocation. The council regards this as an appropriate opportunity to provide for some future proofing of the plan and help meet part of the need and demand for housing beyond the end of the plan period. Much of the existing housing land supply in core development areas and strategic development areas like Heartlands will not be built out within the plan period and allocating additional housing capacity in these areas through the LDP will help to maintain investor confidence and inform investment planning. This particular site is addressed in a separate Schedule 4 relating to development in Whitburn (22G).

Walker Group Scotland Ltd (0423) - The council notes conditional support for the allocation of site H-DE 3 (Burnhouse, Dechmont) for housing but does not agree that the development capacity of the site has been understated and the proposition that it is increased from 120 to 180 units. Housing numbers have been predicated on, amongst other things, environmental capacity and available education infrastructure, and the currently specified capacity is deemed appropriate in these regards. Furthermore, the council does not propose to remove the 'reserve' status which attaches to this site. Its allocation and justification remains very much allied to supporting the delivery of a redeveloped former Bangour Village Hospital (H-DE 1) and the role it might play in this project has still to be concluded. For these reasons, the council does not agree to modify the plan in response to these representations. This particular site is addressed in a separate Schedule 4 relating to development in Dechmont (10A).

The respondents suggestion that the entry relating to this site in Appendix 2 (page 178) should be amended to reflect site investigation works relative to flood risk are noted and the council would not object to the Reporter requiring this to be reflected in the commentary should it be considered helpful in improving the legibility and understanding of the Plan. Similarly, should site H-DE 3 be developed, it might also be appropriate to

make it clear that there would be expectations on developers to contribute proportionately to funding whatever education provision was deemed necessary to serve this development.

Gladman Developments Ltd (0158) - The council notes support for the allocation of site H-LL 10 (Clarendon Farm, Linlithgow) for housing.

This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (15A).

Gladman Developments Ltd (0350) - The council notes support for the allocation of land at Appleton Parkway, Livingston (H-LV 14) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16I**).

Promotion of sites to augment those allocated under Policy HOU 1

Stewart Milne Homes Central (21806279), John Orr (21716490), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Gladman Developments Ltd (0350) and Gladman Developments Ltd (0459) – The council does not agree that well located and commercially attractive towns such as Bathgate and Livingston have somehow been overlooked when allocating land for housing in the Proposed Plan. An examination of the allocations in Appendix 2 (pages 81 and 90) will demonstrate that provision for approximately 1,650 houses has been made for Bathgate and at least 1,170 in Livingston. (A further 1,900 houses are allowed for at Gavieside Farm which is part of the West Livingston Core Development Area). In view of the foregoing the council does not see any necessity to supplement the allocations already made and does not agree to modify the plan in response to these representations.

Laurieston Developments Limited (21119948) - The council notes support for the allocation of land at South Logie Nursery by Westfield for housing, however it does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Westfield (25A).

Cadzow Estate (21736518) - The council agrees with the respondent that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre. These are sentiments which accord with the overarching support which the Proposed Plan affords to the CDAs.

While noting support for the allocation of land at Kilpunt, Broxburn for housing the Council does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Broxburn (9K).

Stewart Milne Homes Central (21806279) - The council notes support for the allocation of land to the north of Bathgate Golf Club for housing, however it does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (4O).

Winchburgh Developments Ltd (21862570) - The council notes support for the allocation of land to the south of Winchburgh (described as the Winchburgh Southerly Expansion) which seeks to exploit the progress and investment already made in the Winchburgh CDA to timeously address the LDP housing land requirements, but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Winchburgh (24F).

The council notes support for the allocation of land at Niddry Mains Golf Course, Winchburgh for a mixed use development including housing (EOI-0199), but does not agree to modify the plan to allocate it. This particular site is also addressed in a separate Schedule 4 relating to development in Winchburgh (24F).

BDW Trading Ltd & H&J Russell (21863641) - The council notes support for the allocation of land at Murieston Castle Farm for housing (EOI-0110), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16Aq).

Davidson & Robertson Rural (21870299) - The council notes support for the allocation of land at Langton Road, East Calder for housing (EOI-0113), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in East Calder (11D).

Davidson & Robertson Rural (21869740) - The council notes support for the allocation of land at Hartwood Road, West Calder for housing (EOI-0052), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (21A).

Davidson & Robertson Rural (21870507) - The council notes support for the allocation of land at Station Road, Kirknewton for housing (LATE-0002) but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (13A).

Davidson & Robertson Rural (21871160) - The council notes support for the allocation of land at Balgreen Farm, Livingston for housing (EOI-0111) but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16Ao).

Bizspace (21872215) - The council notes support for the allocation of land at Fleming House, Livingston for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16L).

RK Property Ltd (0047) - The council notes support for the allocation of land at Murieston Valley and Hunter Road, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16J).

Gladman Developments Ltd (0147) - The council notes support for the allocation of land at Brotherton Farm, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16B).

Aithrie Estates & Hopetoun Estate Trust (0170) - The respondent's suggestion that specific reference is made in the Plan to there being a demand for housing of various tenures is accepted and the council would therefore not object to the Reporter requiring the insertion of additional text. The following example is offered as a suggestion to be inserted at paragraph 5.37 after "land for housing and before "the key objectives":

"To create a fully functioning housing system, we need to provide people with a range of

housing options at a range of prices to meet different needs. This includes supporting development in the intermediate and private sectors as well as increasing the supply of social housing."

The council does not however consider there to be any particular requirement to make further mention of the Scottish Government's support for increasing the supply of housing. The Proposed Plan already references Scottish Government's support for providing a generous supply of land at appropriate parts of the Plan, specifically paragraphs 5.37, 5.50 and within the text of Policy CDA 1. The council considers this to be adequate and does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would comply without objection.

The council notes support for the allocation of other land in Winchburgh for housing in respect of four sites referenced in the Main Issues Report as EO1-0193 (site west of Glendevon and south of Lampinsdub), EO1-0202 (site at sewage works, south of Winchburgh), EO1-0203 (site north of Niddry Farm Cottages, south of Winchburgh) and EO1-0204 (site south of Niddry Farm Cottages, south of Winchburgh) but does not agree to modify the plan to allocate them. These particular sites are addressed in a separate Schedule 4 relating to development in Winchburgh (number 24N).

Taylor Wimpey (0235) - The council notes support for the allocation of land at Eastoun Farm, Bathgate for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (4G).

Taylor Wimpey (0247) - The council notes support for the allocation of land at Kingsfield Farm, Linlithgow for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (15K).

Hallam Land Management Ltd (0254) (21861632) and (21872565) - The council notes support for the allocation of land at Armadale East and Sibbald's Brae, Bathgate (EO1-0127) for housing but does not agree to modify the plan to allocate them.

Wallace Land Investment & Management (0354) - The council notes support for the allocation of land at Pumpherston Farm, Pumpherston for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Pumpherston (18A).

Wallace Land Investment & Management (0355) - The council notes support for the allocation of land at Burghmuir, Linlithgow for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (15 N).

Wallace Land Investment & Management (0356) - The council notes support for the allocation of land at Wellhead Farm, Murieston, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (16N).

Ogilvie Homes (0417) - The council notes support for the allocation of land at Hen's Nest Road, East Witburn for housing but does not agree to modify the plan to allocate it. This

particular site is addressed in a separate Schedule 4 relating to development in East Whitburn (22E).

Walker Group Scotland Ltd (0423) - The council notes support for the expansion of CDA allocations at Mossend/Cleugh Brae for housing. It is minded to extend the original CDA boundary at Mossend/Cleugh Brae to accommodate an increase in residential capacity beyond what had originally been planned for, but not to the full extent being sought by the respondent. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (21A).

The respondent's request for revision to Appendix 3 – Schedule of Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing is noted and accepted.

Gladman Developments Ltd (0459) - The council notes support for the allocation of land at Dykeside Farm, Bathgate for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (4M).

Policy HOU2 - Maintaining an Effective Housing Land Supply

Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Homes For Scotland (0239) and (0422), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415), Wallace Land Investment & Management (0444), Wallace Land Investment & Management (0445) and Scottish Government (0236) - The council does not propose to remove the words 'endeavour to' in Policy HOU 2 as it accurately describes its intentions and what it is practically able to do. While the council will do all that it can to maintain a five year land supply it should be understood that this is dependent on other factors, for example, the availability of education infrastructure. If there is insufficient infrastructure then the council cannot be expected to maintain the land supply. A Court of Session judgement in respect of an unsuccessful planning appeal at Seafield Road, Blackburn (Hallam Land Management Limited against Scottish Ministers) served to confirm that maintaining a five year land supply needs to be read in parallel with education infrastructure and recognised that if there is no infrastructure the council cannot be expected to maintain a five year land supply.

The council is however agreeable to revisions to Policy HOU 2 to reflect the wording in SPP 2014 which references effective land. The council would not object to the Reporter requiring these words to be amended to mirror the text in SPP 2014.

The council has considered specific representations (from Wallace Land Investment & Property Management) seeking the addition of text explicitly identifying what the council's response would be to proposals in the event of a failure of the land supply. It is however of the view that the effect of the proposed revisions are to duplicate SDP Policy 7 and there is therefore no meaningful benefit to be had by doing so. Consequently, the council does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would seek to ensure that there was some reference to the annual Housing Land Audit being the definitive source for determining whether or not a 5-year supply of effective housing land was being maintained.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046) and Ashdale Land & Property Company Ltd (0415) - The council is of the view that the effect of the proposed revisions are to duplicate SDP Policy 7 and there is therefore no meaningful benefit to be had by doing this. Consequently, the council does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would seek to ensure that there was some reference to the annual Housing Land Audit being the definitive source for determining whether or not a 5-year supply of effective housing land was being maintained.

Winchburgh Developments Ltd (21862570) and British Solar Renewables (0214) - The LDP aims to provide a straightforward and flexible approach to meeting housing demand and supporting housing development and the council sees no particular merit in seeking to control the release of sites unless there are very specific and justifiable reasons for doing so, most notably when there is inadequate infrastructure available to satisfactorily service a development. Consequently, the council recognises that the restriction identified in the second paragraph of Policy HOU 2 and which references the safeguarding of some housing sites for longer term development is not entirely consistent with this approach. The council has had regard to the respondents' comments and would have no objection if the Reporter sees merit and is agreeable to deleting this part of the policy. Strike-through text reflects deletions.

¹The council will maintain a 5-year supply of land for housing that is effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Scottish Government (0236), Homes For Scotland (0239) and (0422) and Winchburgh Developments Ltd (21862570) - The council notes the respondents objection to its declared intention at paragraph 5.41 (page 21) and in Policy HOU 2 (page 23) that going forward, it proposes to use the most up to date demand figures to calculate the five year housing land requirement in the context of a revised housing land audit process which will compare supply and demand in each sector rather than as a single figure as is currently the case.

The council acknowledges that housing land audits and the subsequent calculation of the five year land supply have until now been largely undertaken across all tenures and it recognises that the SDP does not require that the maintenance of a five year housing land supply must be achieved by housing sector. But, equally, it does not prohibit it either and there is a clear indication that this is SESplan's preferred direction of travel, as evidenced by a SESplan Joint Committee paper entitled '*Maintaining a Five-Year Effective Housing Land Supply*' which was agreed at a meeting on 18 May 2015 (CD288) and which the council considers quite legitimate to reference.

There is a realisation that calculating the five year housing land supply across all tenures doesn't take into account that the majority of need and demand for housing is more often than not shown to be within the affordable sector. The resulting housing land calculation which is used to identify whether there is a shortfall in housing land, and therefore a need to bring forward additional housing sites to make up the shortfall, is therefore potentially flawed. The majority of the land supply across the SESplan area is led by the private sector rather than by providers of social or below market rented housing, meaning that

the land brought forward does not necessarily address the affordable housing need and demand and instead just adds to the established private land supply. It is a concern of the council, and indeed SESplan, that identifying land on the basis of such a calculation undermines existing development plan strategies and could lead to a potential over allocation of housing land against a background of constraints on the development industry, and hence the reason why a change has been mooted. For these reasons, the council does not agree to modify the plan in response to these representations.

The council is aware that Scottish Government published consultative Draft Planning Delivery Advice on “*Housing and Infrastructure*” in February 2016, the main purpose being to assist in the preparation of development plans, and it is noted that the example of how the effective five year land supply should be calculated does not differentiate between sectors. However, the status of this document is ‘draft’ and it remains to be seen what revisions are made before it is adopted, probably by the end of 2016 when it will replace Planning Advice Note (PAN) 2/2010.

The council would wish to point out that paragraph 5.41 of the Proposed Plan makes it abundantly clear that the LDP continues to meet the housing requirements set out in the current SDP and that the arrangements for the calculation of the five year housing land supply which it describes is for a future date and the legislative position prevailing at that time will of course require to be observed.

Housing Requirement Periods

Stewart Milne Homes Central (21806279), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), EWP Investments Ltd (0216), Taylor Wimpey (0235), Taylor Wimpey (0247), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350), Wallace Land Investment & Management (0354), Wallace Land Investment & Management (0355), Wallace Land Investment & Management (0356), Wallace Land Investment & Management (0357), Ashdale Land & Property Company Ltd (0415) and Gladman Developments Ltd (0459) - The council recognises that the SDP and subsequent SESplan Housing Land Supplementary Guidance requires the plan periods to be treated separately and for each HLR to be met independently within each period i.e., 2009-2019 and 2019-2024. It has never intended to imply differently and the suggestion by respondents that paragraph 5.52 (page 23) infers this is rejected.

Paragraph 5.52 is regarded as a honest interpretation of the situation in so far as there are genuine concerns regarding the ability to deliver a five year effective supply within the first Plan period due to a combination of the initial level of the requirement, the backlog that was already in place when the work on the LDP began and the capacity in the housing market and industry to deliver this level of requirement. For these reasons, the council does not agree to modify paragraph 5.52 in response to these representations, save for changing the erroneous reference to SPP 2010 and replacing it with 2014.

Aithrie Estates & Hopetoun Estate Trust (0170) - The council would not object to the Reporter requiring the insertion of the word ‘continuous’ in the last sentence of paragraph 5.52 (page 23) as shown below:

“However, it also indicates that new allocations coming forward after adoption of the plan (2016/17) are unlikely to make a significant contribution by 2019 and therefore impact on

the ability to deliver a continuous five year effective supply within the first Plan period”.

Infrastructure requirements and delivery

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), BDW Trading Ltd & H&J Russell (21863641), John Macfarlane & Colin Macfarlane (21865046), Davidson & Robertson Rural (21869740), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160), Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), Aithrie Estates & Hopetoun Estate Trust (0170), Homes For Scotland (0239) and (0422), Gladman Developments Ltd (0350) and Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) - A number of respondents have identified infrastructure constraints as a major impediment to maintaining a five year housing land supply and have called on the council to take on a more pro-active roll and identify mechanisms for dealing with infrastructure constraints in the LDP. The issue of infrastructure is specifically addressed in a separate Schedule 4 (1F).

Gladman Developments Ltd (0147), Gladman Developments Ltd (0158), British Solar Renewables (0214), Gladman Developments Ltd (0350), Walker Group Scotland Ltd (0423) and Gladman Developments Ltd (0459) - Respondents are critical of the Action Programme for being overly dependent on contributions from developers and for not fulfilling all of the requirements identified in paragraphs 31 and 124 of SPP 2014 and suggest that more detail should be provided. The Action Programme is specifically addressed in a separate Schedule 4 (1S).

RK Property Ltd (0047) - The respondent proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. The issue of infrastructure and developer contributions is specifically addressed in a separate Schedule 4 (1F).

An alternative proposition that the council should lift the ‘moratorium’ on further new housing in the Linlithgow Academy catchment area has also been suggested. An overview of education issues is set out in Position Statement: Education (CD201).

British Solar Renewables (0214) - The council notes the assurance made by the respondents that the availability of infrastructure, while necessary for the maintenance of an effective housing land supply, is not regarded as a constraint for the development of their land at Heartlands, Whitburn.

Core Development Areas

Aithrie Estates & Hopetoun Estate Trust (0170) - To clarify, the reference in paragraph 5.46 (page 21) to the council being prepared to sanction a greater number of houses in CDAs than originally identified in the Edinburgh and Lothians Structure Plan (CD102) is not intended to be restricted to just post 2024. The council sees no particular merit in seeking to control the release of sites unless there are very specific and justifiable reasons for doing so, for example, when there is inadequate infrastructure available to satisfactorily service a development. Proposals for additional development within the original CDAs would therefore be considered on a case by case basis with regard to conventional planning considerations and, as stated in paragraph 5.46, “where it is appropriate to do so.” The council does not believe that there is any need to modify the

plan in this instance, however the council would not take issue if the Reporter was to suggest clarifying revisions to the text.

The council acknowledges the frustrations expressed at the lack of any manifest progress with regard to the Broxburn CDA. The CDAs are however very much a key element of the spatial strategy of the LDP and the council continues to support and encourage their development. The CDAs perfectly exemplify the synergy of brownfield and greenfield development which the LDP seeks to harness.

Appendix 7.1 of the Adopted West Lothian Local Plan (CD092) identifies a substantive list of requirements for infrastructure, local facilities and amenities for CDA housing proposals in individual settlements and the council does not underestimate the challenges which this presents to prospective developers, particularly when coupled with potentially extensive land rehabilitation works and the uncertainties of a still recovering economy. It was to be expected that some CDAs would advance quicker than others and the council does not share the same anxieties about the Broxburn CDA as some of the respondents, and certainly not to the extent of contemplating what would amount to abandoning it.

The council notes the sites which the respondents have identified within the Broxburn CDA and their suggestion that they should be excluded from the calculation of the land supply. These are however dismissed. Land at Bridge Place West (Housing Land Audit ref. 4/48) has not in fact been carried over to the LDP and is instead being retained as a public car park. Holmes North Site B (ref.4/22) and Holmes North Site C (ref.4/29) have been actively marketed and there has been developer interest. Both sites are located within what has developed into an established residential area over recent years and they have the potential to be attractive development opportunities. It is acknowledged that Albyn (ref. 4/39) and Greendykes Road (ref.4/37) do present more of a challenge due to these sites being brownfield and having a contamination legacy. However the council anticipates that these constraints are capable of being addressed and overcome during the currency of the LDP.

For these reasons, the council does not agree to modify the plan in response to these representations.

The respondent has referred to that part of the plan dealing with Strategic Allocations (including previously identified Core Development Area Allocations) (page 25, paragraphs 5.57-5.61) and has requested that a reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements should be deleted. The council cannot however reconcile these comments with any such reference in the text and can confirm that no such action has been proposed.

Winchburgh Developments Ltd (21862570) - The council notes the respondents support for the 'future proofing' element in the plan, recognising that there are particular strategic allocations where there may be opportunities to increase output from some currently identified development sites and sites that will continue to deliver housing beyond 2024. It does not however agree that it failed to address representations which were made at the Main Issues Report stage of the Proposed Plan. Sites which were put forward for development at that time were all considered and systematically appraised and the council's reasons for rejecting or alternatively 'preferring' them were made public.

The council welcomes the respondents' recognition that the delivery of the CDA requirements is dependent on the engagement of both Winchburgh and Broxburn CDA developers. Joint working is not only desirable but is regarded as a necessity at

Winchburgh/East Broxburn given the amount of common infrastructure and the degree of physical integration required between the two areas. The reference in paragraph 5.59 (page 25) to the need for CDA developers to work together to deliver the necessary infrastructure was not meant as a rebuke to either of the developers but was instead intended to motivate. The council does not therefore propose to modify the text of this paragraph. Progress within the Winchburgh CDA has been substantial, as highlighted by the respondent, and the council would very much like to encourage and see this replicated in the Broxburn CDA.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. It seeks to sustain the integrity of all of the CDAs including Broxburn and aspires to see them developed as originally intended. As a consequence it does not agree with the proposition that the boundary of the Broxburn CDA is changed nor does it agree that planned for capacity should be transferred to the Winchburgh CDA.

EWP Investments Ltd (0216) - The council notes the respondents proposals to increase the residential capacity of the allocated land at Southdale as a means of addressing the viability of the Southdale development and to make up for other allegedly ineffective and underperforming parts of the Armadale CDA but it does not agree to modify the plan. This particular site is addressed in a separate Schedule 4 relating to development in Armadale (3C).

The respondent has also questioned the accuracy of some of the site areas and the residential capacities identified in Chapter 6 (page 80) and Appendix 2 (pages 130, 131 and 133) of the Proposed Plan, suggesting that they are no longer representative of the current situation on the ground. The council recognises that as development has cumulatively taken place it may have served to constrain the anticipated potential of the remaining land which comprises sites H-AM 8 and H-AM but this will only become clear when detailed proposals for these site are brought forward and can be considered. At this time the council would suggest that the indicative housing numbers shown in the Proposed Plan are retained and it does not therefore agree to modify the plan.

With regard to site H-AM 11, the council is aware that planning permission was approved in June 2014 for 85 houses (CD430a and b), (which is 24 fewer than the 109 the Proposed Plan had anticipated). As noted previously, figures in the Proposed Plan are based on the 2014 Housing Land Audit (CD113) and this permission could not have been accounted for in that audit given that it was post 2014 audit period. Recognising that data of this nature can only ever be a snapshot at a particular point in time, the council does not propose to revise it. Notwithstanding this, if the Reporter is inclined to amend this particular figure, the council would not object.

John Kerr Ltd (21804649), Winchburgh Developments Ltd (21862570), Cala Management Ltd (21867093), Davidson & Robertson Rural (21869740), John Orr (21716490), Davidson & Robertson Rural (21870299), Davidson & Robertson Rural (21870507), Davidson & Robertson Rural (21871160) and Cala Homes (0418) - The council recognises the respondents concerns about the ability of some previously allocated sites within the Armadale CDA to deliver housing due to various constraints and notes the proposition that other sites should be allocated to replace them if shown capable of contributing to the housing land supply and demonstrated to be effective and deliverable. The council is however not persuaded that there is sufficient justification for writing off such sites at this time. The CDAs were always going to be challenging but the

overall rate of house building in West Lothian has not happened as quickly as perhaps envisaged when the CDAs were first conceived and the West Lothian Local Plan adopted. This is not unique to West Lothian given the economic pressures that have affected the wider economy and the construction sector since 2008. It is widely accepted that sites will take considerably longer to develop than first thought and will not be wholly developed during the relevant plan period.

While some sites have proven much slower to get off the ground, and it may be that circumstances are not currently conducive to their development, it is important to remember that the LDP has a time horizon of 10 years and it is therefore entirely plausible that the constraints which are holding back development at the moment are capable of being overcome. The reasons why the previously allocated sites were originally selected should not be forgotten and have not changed. They continue to represent optimum development opportunities, particularly in terms of location, sustainability and the reuse of brownfield land and to dismiss them as suggested is considered premature. For these reasons, the council does not agree to modify the plan in response to these representations.

Ashdale Land & Property Company Ltd (0415) - The council notes the respondents' intimation that there are difficulties in implementing the development of the eastern portion of the Broxburn CDA (H-BU 10 and H-BU 4) as originally envisaged for reasons allied to noise, contamination and geotechnical constraints and that significant revisions to the master plan are proposed including the development of additional land to maintain the previously agreed numerical allocation. The council is asked to be flexible in the distribution of housing across the Broxburn CDA and to allow land owners whose sites cannot be developed as planned the opportunity to transfer unused capacity to other land under their control. This particular issue is addressed in a separate Schedule 4 relating to development in Broxburn (9E).

Policy CDA 1 - Development in the previously identified Core Development Areas

Winchburgh Developments Ltd (21862570) - The council welcomes the respondents' support for the principle of policy CDA 1.

British Solar Renewables (0214) - The council fully supports the strategic development initiative at Polkemmet, Whitburn known as Heartlands. It notes the suggestion to amend Policy CDA 1 to also embrace strategic development sites but does not agree to modify the plan. This particular issue is addressed in a separate Schedule 4 (24Ac).

Ashdale Land & Property Company Ltd (0415) - The council notes the suggestion to amend Policy CDA to allow for modifications to masterplans to be made but does not agree to modify the plan. This particular issue is addressed in a separate Schedule 4 (24Ac).

Miscellaneous

BDW Trading Ltd & H&J Russell (21863641) and John Macfarlane & Colin Macfarlane (21865046) - The Strategic Development Plan states that Local Development Plans will direct further strategic development to a number of 'Strategic Development Areas' (SDAs) and West Lothian is unique amongst the SESplan authorities in so far as it only has one. It extends from Broxburn in the east to its boundaries with Falkirk and North Lanarkshire in the west and from Linlithgow and the Forth Valley in the north to its boundary with

Midlothian and South Lanarkshire in the south. West Lothian also borders Scottish Borders to the south and Edinburgh to the east. The respondents have intimated that a diagram, akin to Figure 7 in the SDP, should be incorporated into the LDP, in order to show the SDA in the context of the SDP.

The council has no difficulty with this proposition, save for the fact that the Proposed Plan already incorporates such a diagram. Figure 1 (page 7) is actually a reproduction of Figure 7 in the SDP, and while it can always be argued that this could be improved upon, the council is nevertheless of the view that it satisfactorily serves its purpose and does not propose to make any revision in these circumstances unless required to do so by the Reporter.

British Solar Renewables (0214) - The respondents have requested that a specific reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances is included in the LDP. While the council does not take issue with this sentiment (it exactly replicates the wording in the introduction to SPP 2014), it is not immediately apparent where such a statement would sit in the LDP or what added value it would necessarily bring. The council is therefore not minded to make such an addition to the Plan.

Aithrie Estates & Hopetoun Estate Trust (0170) - The suggestion that the 'smaller new housing sites' referred to in paragraph 5.61 (page 25) should be identified in Appendix 2 suggests that the respondent has misinterpreted the content of Appendix 2 as it already includes all such sites.

The respondent has complained that the council has failed "to adopt the timescales set out in SPP" but has not expanded on what this actually means. As a consequence, the council is regrettably unable to offer any meaningful response.

The respondent has also suggested that the council has failed to provide the estimated date of adoption of the LDP. The council does not believe that this is a requirement of SPP 2014, but in any event, it can demonstrate that it has published a Development Planning Scheme annually and in conformity with the Planning Etc. (Scotland) Act 2006 & Development Planning (Scotland) Regulations 2008 which clearly sets out the timetable for preparing the LDP. The most recent DPS was published in March 2016 and suggests that the LDP is likely to be adopted in 2017 (CD429).

For these reasons, the council does not agree to modify the plan in response to these representations.

EWP Investments Ltd (0216), Taylor Wimpey (0235) and Ashdale Land & Property Company Ltd (0415) - An explanation of how the HNDA has provided the evidence base for the LDP proposed Housing Supply Target (HST) and how this has been translated to a Housing Land Requirement (HLR) with the addition of a generosity allowance is set out in the council's Housing Land Position Statement (CD215a and b).

Reporter's conclusions:

1. In addition to those representations referred to by the council above, a number of other representees have made comments on matters related to the supply of housing land. These include NHS Lothian (0348), Uphall Estates (21768463), St Francis Group (0250), Linlithgow and Linlithgow Bridge Community Council (0428), Ian Findlay (21863501) and Manse LLP (0352) (0420). In any event, my conclusions below address

all the unresolved matters raised in the representations.

2. Wide-ranging representations have been made in regard to the proposed plan's approach to housing and, in particular, matters relating to the requirements of 'SESplan 1', the adopted strategic development plan (SDP); the adequacy or otherwise of effective housing land in West Lothian; and the materiality of the proposed replacement SDP ('SESplan 2') and evidence within the Housing Needs and Demand Assessment 2 (HNDA2) produced to inform the emerging SDP.

3. Insofar as is practicable, my assessment follows the order of the summary of the representations and the council's comments on these, which I note generally also follow the order of the proposed plan. For consistency, I have ordered my conclusions using the same subheadings as used by the council above.

Inconsistencies with policy and/or guidance

4. I have noted that some representations reach an overall view that, in effect, the totality of the proposed plan's inconsistencies with the policy context in which it has been produced suggest that the plan should not have been progressed to examination. The council has refuted this in general terms, and has highlighted the key areas where it considers the proposed plan is compliant with Scottish Planning Policy (SPP) and the SDP.

5. My detailed conclusions which follow assess the degree to which the proposed plan's approach to housing growth and delivery accords with the policy context established by SPP 2014 and the SDP (including its supplementary guidance), together with other relevant guidance. It would be unhelpful to draw generalised conclusions at this stage, and so I have not sought to repeat or summarise the specific conclusions I have drawn in the assessment which follows herein. It is however noteworthy that, with modifications, I consider any inconsistencies can be satisfactorily addressed through this examination process.

Terminology

6. In representations, attention is drawn to a number of inconsistencies in terminology between the proposed plan and that used by SPP 2014. The council has accepted that there are examples of where the terminology used in the plan reflects that used in SPP 2010, and is agreeable to such references being updated.

7. I recognise that this plan has been through a relatively long gestation period and, as a consequence of this, the wider policy context in which it has been produced has not remained static. It is important for the terminology used in the plan to be consistent with the current SPP, in order to avoid giving rise to confusion and ambiguity.

8. In recommending modifications in relation to Issue 1A as a whole, I have had regard to the need to ensure consistency in terminology. However, this also requires careful examination of whether any such changes to terminology alter the meaning of the affected text, figures and policies, and whether this in turn requires further consideration. It would not be appropriate to simply accept the council's proposed modifications without first assessing whether these would have any broader implications for the proposed plan. These matters are considered further below, as applicable.

Housing Needs and Demand Assessment

9. A considerable number of representations have been made regarding the degree to which the proposed plan's overall approach places reliance upon the findings of HNDA2.

10. I recognise that the proposed plan has been submitted for examination only a few months in advance of the submission of the next iteration of SESplan (SESplan 2), which proposes changes to the wider strategic context provided by the SDP. The extent to which SESplan 2 would alter the strategic context for housing in West Lothian is impossible to predict, because that examination is in its early stages. It is not appropriate therefore to make any assumption that the emerging SESplan 2 would ultimately reduce the housing supply target currently set for West Lothian.

11. Whilst HNDA2 may indicate a quite considerable reduction in housing needs and demand in West Lothian relative to that in HNDA1, it is not the role of the HNDA to set targets; an HNDA is part of the evidence base which informs strategic policy decisions on where new housing should be located; decisions which SPP requires to be made by the SDP, not by LDPs. Regardless of what HNDA2 may indicate for West Lothian in isolation therefore, it will be for SESplan2 to determine the amount of housing to be provided in West Lothian, and the extent to which (if at all) West Lothian should be required to contribute to the housing needs and demand arising across the wider strategic development plan area.

12. An explicit requirement of section 16 (6) of the Planning etc. (Scotland) Act 2006 is for LDPs to be consistent with the strategic development plan. Notwithstanding that a replacement SDP has been prepared and this is currently subject to examination, the adopted SDP continues to be SESplan 1, and it is that document with which the proposed plan must be consistent. Whilst I note the council's concern that the adopted SDP housing supply targets are derived from HNDA1, I consider that the emerging position within the proposed SESplan 2 can be given, at best, negligible weight at this stage. HNDA2, which forms part of the evidence base to inform policy decisions within the proposed SESplan 2, cannot be used to make policy decisions or adjustments to housing figures within the proposed LDP. The proposed plan must accord with the adopted SDP.

13. For the above reasons, I find the proposed plan's relatively extensive references to HNDA2, and the nuancing of the policy approach which this implies in relation to housing need, demand and supply issues, to be unjustified and misplaced. I have assessed the appropriateness of the housing supply figures which appear in the proposed plan later in my assessment of this issue. However, at this stage it is nevertheless relevant to note the council's acknowledgement that the proposed plan must accord with the adopted SDP. Of particular significance is the council's confirmation that the housing supply targets stated in the proposed plan are those set by the adopted SDP and the Housing Land Supplementary Guidance associated with it. This means that despite the various references to HNDA2 within the plan, that document has not ultimately had a direct bearing on the policy position of the plan. This enables such references to be removed without leading to wider policy implications.

14. It has been requested in representations that all references to HNDA2 and SESplan 2 be omitted from the proposed plan. The council has indicated that it would be agreeable to omitting Figure 4 but considers all other references are justified as providing part of the plan's context, given the notable differences in the findings of HNDA2 relative to HNDA1. All told, whilst I appreciate the council may wish to try and 'future-proof' the

proposed plan, particularly given the timing of this examination relative to that of SESplan 2, there is no legislative or policy basis for the plan to indicate possible differences in the future strategic context. The plan should be focused solely on being consistent with the adopted SDP (and other adopted national policy and guidance) and I find that it would be appropriate to omit all references to HNDA2 and SESplan 2 on this basis, including the deletion of Figure 4. The one exception to this would be paragraph 5.52, as discussed below.

Housing Land Audit and programming of sites

15. The proposed plan is criticised in representations for being based on the 2014 Housing Land Audit (HLA 2014), where it is alleged that it does not provide the current position and is out of date. Objections are also directed at the subsequent adjustments to programming of sites within HLA 2014. This relates to changes to the status and programming of various sites made by the council, without the involvement or knowledge of developers or Homes for Scotland. The revised phasing of various sites (which provided a more optimistic view of the rate at which these sites would be developed) has been used as the basis for establishing the adequacy of housing land identified by the plan, as summarised by Figure 5 of the proposed plan.

16. I am satisfied that, at the time of the plan's publication in October 2015, the housing land supply situation could quite properly have been established with reliance upon the then most recent (and agreed) housing land audit, HLA 2014. Given the passage of time since publication, whilst it would be appropriate to ensure that subsequent sources of evidence do not suggest any changes to the overall housing land supply situation, or its programming, ordinarily there would have to be a highly significant and previously unforeseen change for this to call into question the overall appropriateness or sufficiency of the proposed plan. We are not, after all, examining the accuracy of housing land audits or other evidence, but whether the plan has allocated sufficient, appropriate land with the capacity to meet the housing supply target.

17. However, some difficulty arises from the council's decision to base the plan on figures which differ from HLA 2014, and which portray a more favourable housing land situation than would otherwise have been the case. Representations challenge the appropriateness of this approach, raising doubts over the credibility of the assumptions taken by the council and, stemming from this, the overall assertion within the plan (illustrated by Figure 5) that sufficient, appropriate housing sites are identified by the plan to meet the overall housing supply target for the plan period. In this context, I consider it prudent to have regard to the conclusions of other more recently produced evidence in the detailed examination of the housing land supply situation, which follows later in my conclusions below, and I sought further information (FIR03) from the council in relation to the status of subsequent housing land audits: HLA 2015 and HLA 2016.

18. Whilst any housing land audit can only provide a snapshot of the predicted programming at the time of its production, and acknowledging that there are inherent limitations in doing so, HLAs are typically the best available evidence to inform plan-making; paragraph 123 of SPP recognises them '...as a tool to critically review and monitor the availability of effective housing land ... to ensure a generous supply of land for house building is maintained...'. The council is concerned that applying more recent evidence to the plan, which is predicated on a base date of 2014, would be problematic. However, if the plan's housing land situation has been established on assumptions which are questionable, it is in my view entirely appropriate to explore alternative sources of

evidence.

19. The council has argued that it would not be appropriate to update the 'supply' figures using more recent evidence, without also making adjustments to the 'demand'. This fails to recognise that the 'demand' for housing across the plan period is static, fixed by the adopted SDP, in that the SDP provides a housing supply figure which must be achieved in West Lothian during the periods specified by the SDP; the figures endure regardless of whether the LDP is able to identify an adequate supply of effective housing land. As already discussed above, what may emerge in SESplan 2 (informed by HNDA2) is not relevant to this plan, which must be assessed for its consistency with SESplan 1.

Establishing the housing supply target (HST) and the housing land requirement (HLR)

20. It has been stated in representations that the proposed plan does not use the correct terminology, or otherwise misapplies references to the housing supply target (HST) and housing land requirement (HLR).

21. SPP 2014 was adopted subsequent to the adoption of the SDP. The council has stated that this is, in part, the reason for the proposed plan using different terminology to that used in SPP, as the SDP itself contains superseded terminology having been written in the context of SPP 2010. I agree with the council that some amendments to the plan should be made to ensure the correct, current terminology is used.

22. With the SDP having been written in the context of SPP 2010, it is necessary to examine how the housing figures in the SDP need to be interpreted relative to the provisions of SPP 2014. Specifically, the SDP establishes a 'housing requirement' for the SESplan area as a whole, and its supplementary guidance breaks this down and provides what it refers to as the 'housing land requirement' for West Lothian. Clarity is however needed over whether the housing land requirement provided by the supplementary guidance is consistent with how this term is used by SPP 2014.

23. I sought further comments from parties on this matter. Having considered the responses received, and having reviewed the terms of the SDP and its accompanying housing land supplementary guidance, I find that there is no evidence to suggest that the housing requirement provided by the SDP includes an additional, quantifiable element of generosity. Whilst SPP 2010 required a generous supply of housing land in broad terms, there was no specific uplift in the figures it set to account for this. The 'housing land requirement' set for West Lothian by the SDP supplementary guidance is higher than the figure indicated by the housing needs and demand assessment, but this appears to reflect a policy decision on how to distribute housing across the SDP area; there is nothing before me to suggest that this was anything other than a policy decision. With this in mind, given the different policy context at the time of the SDP's production, its housing requirement cannot be equated to the terminology now provided by SPP 2014 without giving rise to some tensions. Notwithstanding this, I consider that the SDP 'housing requirement', and indeed the 'housing land requirement' set by the SDP's supplementary guidance should most logically be regarded as equating to the housing supply target for the purpose of the examination – the amount of new homes which the SDP seeks to see delivered.

24. As a consequence of the foregoing, it is relevant to consider whether it is for the proposed plan to establish its own housing land requirement, given that this is not

provided by the SDP. The expectation of SPP (2014), summarised by its Diagram 1, is that it is for strategic development plans to establish the housing supply target (i.e. the number of new homes to be built) and then add a generous margin to this in order to calculate the housing land requirement. It is for local development plans to meet that requirement and establish an appropriate spatial distribution of housing land, but not normally to set the figures.

25. Notwithstanding that SPP expects SDPs to set the housing land requirement, neither the council nor any other parties suggest that there would be any practical difficulties for the LDP to make provision for a generous margin, and therefore in effect establish a housing land requirement by adding a specific percentage to the SDP supplementary guidance's housing land requirement figure for West Lothian, which I conclude above can reasonably and logically be treated as a housing supply target (HST). For the avoidance of doubt, I now refer to that figure from the supplementary guidance as the HST.

26. The council has included a generosity margin within the proposed plan. Conversely, in response to my Further Information Request, the council has also stated that it does not consider this margin to be necessary for compliance with the SDP, but considers inclusion of the margin is justified having regard to SPP. Other parties have asserted that a margin must be added in order to comply with SPP.

27. I do not consider that SPP provides a strict requirement for the proposed plan to add a generosity margin, as after all, SPP clearly places this onus on strategic development plans. This has also been recognised in representations, where it has been suggested that this is not a matter for the proposed plan. However, it is straightforward to add a margin of generosity at this stage in the spirit of SPP. I attach weight to the fact that the council supports this approach, and in the absence of any representations specifically objecting to adding an additional percentage, there is no reason for me to challenge the principle of the proposed plan adding a generosity margin to what is, in effect, a HST supplied by the SDP supplementary guidance.

28. A HST should be treated as the number of homes that it is intended should be built over whatever period is specified. Therefore, I consider it is reasonable to add a generosity margin to the figures, which if met by the proposed plan, would provide sufficient land to ensure the number of homes required by the SDP can be delivered. I have recommended modifications to the explanatory text to clarify this issue and to explain the terminology used in the plan, given the differences between the adopted SDP and SPP 2014 in this regard. I also return to the matter of considering what scale of margin should be applied later in my conclusions.

29. The SDP requires the HST (and so, it follows, the HLR) to be split into two periods covering 2009 – 2019 and 2019 – 2024. Paragraph 119 of SPP requires LDPs in city regions to allocate sites to meet a housing land requirement up to year 10 from the expected year of adoption, but SPP does not provide guidance on how to reconcile the situation, as has arisen here, where an LDP is being produced more than 2 years after the adoption of the SDP. In the case of the proposed plan, it would need to allocate land to meet the housing land requirement to 2027 or 2028 (depending on the date of its ultimate adoption) in order to comply with SPP paragraph 119, but the SDP does not look beyond 2024 in sufficient detail to provide a robust basis for the proposed plan to do so.

30. In representations, various suggestions have been made on how the housing supply target could be extended. The council's suggested approach would be to rely upon

HNDA2 data for any additional years beyond 2024 if it is necessary to extend the plan period but, contrary to its earlier position, in response to FIR03 the council has also argued that the LDP is not required to look beyond the ten year period of 2014 to 2024. Other responses to FIR03 on this matter are generally consistent in the view that the additional housing supply target to 2027 should be derived from annualising the SDP's figure for the second period (2019 – 2024) and then multiplying this by three to reflect the additional years to be taken account of by the proposed plan.

31. I do not consider it reasonable or justified for the plan period to be considered as having commenced some three years or so before the plan's anticipated adoption, and so I do not support the council's contention in this regard. I find it equally unsatisfactory to artificially extend the time horizon of the plan at the examination stage. The proposed plan has been prepared as a plan for the period up until 2024, and has been subject to public consultation on that basis. Whilst representations have shown that there are a range of methods by which a housing supply target for additional years beyond 2024 could be calculated, I am not persuaded that this would be an appropriate course of action.

32. The statutory requirement is for the plan to be consistent with the SDP, notwithstanding the provisions of SPP. The adopted SDP looks to 2024, and for the proposed plan to extend beyond the period addressed by the SDP would be to make decisions about subsequent levels of growth in West Lothian which ought to be taken only by the strategic plan. The housing requirements for West Lothian to address beyond 2024 are matters which will be addressed by SESplan 2 very shortly. It will then be for the council to respond to that new strategic plan in due course. In the meantime, given the progress to date with SESplan 2, I find the proposed plan should extend to 2024, but no further, for the foregoing reasons.

Housing land supply and effectiveness

33. The adequacy of the effective housing land supply has been challenged in representations. In particular, concern has been expressed that the plan does not adequately address the anticipated significant shortfall of housing completions against the SDP's 2009 – 2019 housing supply target; that the council cannot demonstrate an effective 5-year housing land supply and therefore the plan fails to comply with both SPP and SDP Policy 5. Representations call for the allocation of additional sites to address the shortfall.

34. The council does not accept that allocating additional sites would address the reasons behind the shortfall in housing completions. It considers that addressing infrastructure requirements is the means to increasing build rates. This matter is addressed in Issues 1F and 1J, but the council has also outlined above some measures being taken to overcome infrastructure constraints. The council has acknowledged that there is a shortfall in the effective land supply to meet the 2009 – 2019 SDP HST, and this is also illustrated by Figure 5 of the proposed plan. The council has suggested the position has improved since the 2014 Housing Land Audit (HLA 2014) was undertaken.

35. Considerable time has elapsed since HLA 2014 was published. Paragraph 123 of SPP expects housing land audits to be prepared annually, the main objective of which is to enable a critical review of the housing land situation. In paragraph 45 of Planning Advice Note (PAN) 2/2010, it is made clear that 'This information is vital to the preparation of the development plan and the audit process enables adjustments to the

supply to be made in response to issues identified'. Whilst HLA 2014 was up-to-date at the time of the plan's publication, other sources of evidence have also since emerged. The housing land supply situation which these present should therefore be given due regard in assessing the sufficiency of the proposed plan, not only as it is three years or so on from the publication of HLA 2014, but because the plan is not based directly on that published HLA; the council instead opted to make revisions to some of its findings and based the plan on these changes, leading to widespread criticism from the house-building industry that the plan exaggerates the supply of housing land which is effective, or expected to become effective.

36. I have reviewed the council's FIR response which provides an explanation for each of the changes it made to HLA 2014, and for the vast majority of such sites, I consider the explanations to be based on an optimism and assumptions which are not grounded by evidence to demonstrate the tests of effectiveness in paragraph 55 of PAN 2/2010 would be met (which consider ownership; physical constraints; contamination; funding; marketability; infrastructure; and land use preferences).

37. In respect of the alternative evidence, HLA 2015 was published as a disputed audit because the council and Homes for Scotland had been unable to reach agreement on the status and programming of a number of sites. HLA 2016 is in draft form, and both the council and Homes for Scotland had earlier indicated that full agreement was close to being reached based on a December 2016 draft; agreement of HLA 2016 had been expected to be achievable by June 2017. However, the council's subsequent response to FIR03 was predicated on an amended draft of the HLA 2016 (Version 6 April 2017) which deviated significantly from that which had previously seemed to be nearing agreement with Homes for Scotland.

38. Both SPP and PAN 2/2010 emphasise the importance of annual housing land audits being completed in conjunction with housing and infrastructure providers. I have no doubt that generally speaking, an audit which has been produced and agreed with the industry can reasonably be expected to provide a more credible and robust position than an audit which is in dispute.

39. As with the council's revisions to HLA 2014, upon which the proposed plan is based, I have seen no convincing argument from the council to suggest to me that its latest updates to the draft HLA 2016, made without the involvement of the house-building industry, should be treated as any more credible. Given the importance of the HLA process being one of collaboration, as stressed in PAN 2/2010, and in light of Homes for Scotland disputing the figures as adjusted by the council, I cannot safely rely upon the council's April 2017 version 6 of the HLA 2016. Homes for Scotland disputes the revised programming of some 6360 homes in the April 2017 draft, highlighting the considerable differences between this latest council document and the earlier 2016 draft. I accept the council's point that HLAs are essentially a snapshot in time and do not necessarily reflect the most current development management discussions with developers, but I am not persuaded that the degree of change between the December 2016 and April 2017 drafts of HLA 2016 can be explained by this, given that only four months had elapsed between the two versions.

40. Homes for Scotland has submitted its own finalised 2016 HLA for West Lothian, dated May 2017. This suggests a markedly different situation to the disputed council April 2017 draft. It also differs from the December 2016 draft although the variances are much less. The difficulty with the final Homes for Scotland 2016 HLA is that, as with the

April 2017 council document, it does not represent an agreed position between the industry and the council.

41. There is a significant disparity between the figures presented by the council and Homes for Scotland in their respective April 2017 draft and final May 2017 HLAs for 2016. It is clear from the scale of these differences that there is no likely prospect of this matter being reconciled between parties during the course of the examination. Given this, I saw little value in holding a hearing with an aim of establishing an agreed position regarding the adequacy of housing land.

42. All told, I consider the December 2016 draft version of HLA 2016 is likely to provide the most accurate snapshot of the probable effectiveness and programming of sites across West Lothian. Whilst it is not an agreed audit, it represents a position which was drawing near to agreement. The council must presumably have considered it to be accurate at that time, given it was the council which published it for consultation purposes, despite the council's later April 2017 version differing substantially; the programmed completions in the December 2016 version are much more closely aligned to the current Homes for Scotland position than the council's own revised position.

43. Even the most robust, agreed HLA is still a snapshot which cannot fully account for the wide-ranging variables which affect programming, such as the outcome of planning applications and appeals, business decisions by developers and market fluctuations. Any supply figures expressed in a plan can only ultimately be indicative based on the best available information at the time of its preparation. However, what is clear is that based on either the original HLA 2014 figures, or the draft HLA 2016, the plan fails to identify, by a considerable margin, sufficient land which is effective or expected to become effective, to meet the housing supply target derived from the SDP. Figure 5 of the proposed plan, which is based on the council's own revisions to HLA 2014, aims to demonstrate that the plan identifies adequate land. However, using draft HLA 2016 information, Figure 5 would fail to demonstrate such.

44. The overall housing supply target applicable to the proposed plan is 18,010 (which is the sum total of the housing supply target for the first and second SDP periods). Based on the evidence from the December 2016 draft HLA 2016 (and including adjustments to windfall and demolition figures as discussed later), whilst recognising the uncertainty in looking forward in time, it is likely that the number of new homes constructed in West Lothian in that period will be around 11,737. The number of homes which will actually be built is unknowable at present, and could be significantly higher or lower than that figure. However, should the evidence prove to be a reliable indicator of what will occur, there would be a substantial shortfall in completions in the first SDP period, which cannot be recovered in the second period.

45. The situation is illustrated by the table below, which is based on Figure 5 using updated information extrapolated by Geddes Consulting from the December 2016 draft of HLA 2016 (which is provided in Homes for Scotland's comments on the council's FIR response). I have carefully reviewed the figures and calculations provided, and I find these to be correct. As the plan will be adopted well within the SDP's first period of 2009 – 2019, the corresponding calculations are able to take account of the actual housing completions that have taken place between 2009 and 2016. Similarly, I consider it appropriate for the figures stated for windfalls and demolitions to reflect the annualised average rate of these since 2009. This has the effect of making a modest reduction to the outstanding amount of housing required.

46. The figures below assume that no constrained sites will come forward in either the 2009 – 19 period, or in the 2019 – 24 period. Given that 2019 is rapidly approaching, there is quite reasonably a high degree of doubt that constrained sites will deliver any housing in the first period, and I find the zero allowance to be appropriate. For the latter period, the situation is likely to be less clear-cut. For instance, on council-owned sites where council housing is intended to be provided, in some instances the only ‘constraint’ to their effectiveness will be that the necessary public funding has not been committed (which is a requirement of PAN 2/2010). The Scottish Government is prioritising the delivery of affordable and council housing schemes, and so it seems to be highly probable that future funding rounds would address funding constraints for some sites, and enable housing to be delivered in advance of the end of the plan period, 2024. It is not possible to predict which sites may become effective in this way, and so the number of houses this may yield in the 2019 – 24 period cannot be quantified, and is therefore recorded as zero in the table below (which also reflects the draft HLA 2016). I consider it likely that, in reality, currently constrained sites will deliver housing before 2024 for the reasons outlined above. This is not a pivotal issue for this examination however, as even if this output was relatively substantial, there would remain a clear shortfall in effective land and likely output when seen against the housing land requirement and housing supply target respectively, such is the scale of these shortfalls.

		2009 - 19	2019 - 24	2009 - 24
(A)	LDP Housing Supply Target	11,420	6,590	18,010
(B)	Generosity Allowance (10%)	1,142	659	1,801
(C)	LDP Housing Land Requirement (A+B)	12,562	7,908	20,470
(D)	Effective Supply	3,380	3,838	7,218
(E)	Constrained Sites coming forward	0	0	0
(F)	Housing Completions 2009 - 2016	4,012	-	4,012
(G)	Windfall	676	400	1,076
(H)	Demolitions	469	100	569
(I)	Total Supply from Existing Sources (D + E + F + G – H)	7,599	4,138	11,737
(J)	Target to be met through new LDP allocations (C – I)	4,963	3,770	8,733
(K)	Total New LDP Allocations	810	2,516	33,326
(L)	Shortfall / Surplus against Housing Land Requirement	-4,153	-1,254	-5,407
(M)	Shortfall / Surplus against Housing Supply Target	-3,011	64	-2,947

47. As supported by the table above, I find that the proposed plan is deficient in its failure to provide a sufficient amount of land which is effective, or expected to become effective, in order to meet the housing supply target set by the SDP for 2009 – 2019 and consequently the overall total housing supply target for the plan period to 2024. Despite the proposed plan applying a 10% generosity margin to enable the delivery of the housing supply target, the evidence indicates that the target will not be achieved. The evidence suggests that the shortfall against the housing supply target would be at its most substantial in the first SDP period (to 2019), strongly indicating that the council would be unlikely to be able to demonstrate that it is maintaining a minimum of 5-years effective

land supply at all times, or it seems, from the point of adoption.

48. I have set out what I consider to be the appropriate response to this situation later in my conclusions, below. Modifications to the plan are necessary in order to address this deficiency in effective housing land as far as is practicable.

Figure 5 – West Lothian Housing Land Supply Target

49. The intention of Figure 5 on page 22 of the proposed plan is, as explained by the council, to identify the housing land requirement and to show how this will be met. Representations are mainly focused on some of the terminology used in Figure 5 and, crucially, the accuracy of the numbers themselves.

50. As part of FIR03, I asked the council to provide an updated version of Figure 5 using the most recent HLA data. The council declined to provide this because it considers that neither HLA 2015 nor the draft HLA 2016 can be used, as this would only update land supply and not demand. However, the fact that the land supply continues to change has no bearing on the overall housing supply target and housing land requirement which apply to the plan period (which in effect represent the 'demand' side). The housing supply target is fixed by the adopted SDP until 2024. The proposed plan must ensure that these targets can be met. I have already made clear above that SDP2 and HNDA2 should be disregarded, regardless of whether these may suggest that the future housing supply target for West Lothian may be lower than that set by the adopted SDP.

51. In light of my conclusions regarding the housing land supply situation and the weight I attach to the draft HLA 2016, inevitably the situation as presented in Figure 5 would require modification, if retained. As the utility of Figure 5's inclusion in the plan was to demonstrate that sufficient housing could be delivered during the plan period, and as it would be unable to do so once updated, I recommend a version of Figure 5 be retained which simply outlines the housing supply target and housing land requirement, as provided in rows A to C.

Committed sites

52. Representations made in relation to specific sites have been addressed as appropriate in the relevant Schedule 4 form for that site, and I make no further reference to any such matters in my conclusions here. More broadly therefore, I have noted the comments made in several representations, in regard to the reliance the proposed plan places upon sites which have been allocated for a number of years but which have failed to deliver housing. However, I agree with the council's position that the annual housing land audit process is the mechanism by which the effectiveness of individual sites ought to be assessed. Indeed, this further reinforces the importance of having regard to the most current available housing land audit data, to ensure that sites which form part of the effective housing land supply have been subject to an appropriate level of review and scrutiny.

Constrained sites

53. Matters relating to the council's re-programming of sites, which had previously been shown as constrained in HLA 2014, have already been considered in my conclusions above. In any case, the potential implications for the plan arising from the council's re-programming have essentially become obsolete, as a consequence of the greater

reliance I place upon the December 2016 draft of HLA 2016.

54. Representations have requested that the plan should identify the interventions necessary for constrained sites to become effective. The council has stated that key requirements to enable the delivery of sites are provided by Appendix Two of the plan. We have considered issues relating to infrastructure constraints and education capacity in our conclusions on Issues 1F and 1J respectively. Additionally, site specific constraints are considered as appropriate elsewhere in our report. My focus here is the examination of the overarching housing land supply issue and the appropriateness of the housing policy approach. My conclusions on this matter would be the same, regardless of the level of information the plan provides on individual site constraints, and so no modifications are required.

Generosity of supply and additional allowances

55. I have accepted above that the 'housing requirement' figures established by the SDP (and even the 'housing land requirement' referred to in its supplementary guidance), can reasonably be treated as the housing supply target in SPP 2014 terms, and that it is legitimate for the proposed plan to add a margin of generosity. It therefore falls within the scope of this examination to give consideration to the level of generosity that should be added to this housing supply target, in order to establish the housing land requirement.

56. Paragraph 116 of SPP states that the housing supply target should be increased by a margin of 10 to 20%. The overarching purpose of this margin is to ensure that a sufficiently generous supply of housing land is provided, to allow for some sites to not be developed as anticipated without jeopardising the ability to meet the housing supply target. The same paragraph of SPP also requires plans to provide a robust explanation for the chosen margin.

57. It has been argued in representations that the plan fails to provide a robust explanation for the 10% margin used. In the absence of this, representations have suggested that the margin has likely been selected simply because it is the lowest figure, and have argued that the maximum 20% margin ought to be applied given the completion rates between 2009 – 2016 have fallen significantly short of the rate needed to achieve the housing supply target for the 2009 – 2019 period.

58. In theory at least, I find the latter argument for increasing the generosity margin to be persuasive. Increasing the amount of land required to contribute towards meeting a fixed housing supply target would increase flexibility for developers to bring forward sites. This should in turn support the delivery of new homes at a faster pace than if less site choices are available, particularly where constraints are present.

59. Increasing the generosity margin to 20% would increase the housing land requirement from 12,562 (with 10% generosity) to 14,275 for the 2009 – 2019 period. On the same basis, the figure would increase from 7,249 to 8,238 for the 2019 – 2024 period. In total, land for an additional 2,702 homes would be required to be identified.

60. However, the shortfall in housing land is of a scale whereby even without applying any generosity margin at all, there is (going on the best evidence before me) inadequate effective land identified by the proposed plan to achieve the overall housing supply target. It therefore seems to me that there would be no practical benefit to be gained from increasing an already demonstrably challenging housing land requirement. Of more

direct benefit in increasing housing delivery, we have recommended elsewhere the allocation of some additional sites for housing.

61. The size of the shortfall, particularly in the 2009 – 2019 SDP period, clearly indicates that there are some specific difficulties in identifying sufficient housing sites that are either effective or expected to become effective during the plan period. Seeking to address the reasons why identified sites are currently constrained is key to helping to address the current shortfall in land supply and the need to substantially increase annual completion rates; this matter is also considered in relation to Issues 1F and 1J. In conclusion, I consider the 10% margin in the proposed plan to be more appropriate than any higher percentage in these circumstances.

62. There is nevertheless a need to ensure that SPP paragraph 116 is satisfied in regard to providing a robust explanation of why the 10% margin is the most appropriate, which the proposed plan does not address. The council's position statement on housing provision (CD215a) states in paragraph 4.12 that in the context of HNDA2 figures, the 10% added generosity provides a total generosity allowance of around 40% relative to HNDA2's assessment of need and demand in West Lothian. The council reiterated this argument in its response to FIR03. However, I do not accept this argument as, for reasons already stated, HNDA2 and SDP2 cannot appropriately be given any meaningful weight.

63. Paragraph 6.3 of the council's position statement outlines other factors which influenced the selection of the 10% generosity figure. I find the factors listed to be quite generic in nature but, nevertheless, they intimate that the lower figure permitted by SPP is more appropriate. The council's suggestion in its FIR response to also add reference to the substantial land supply is ill-founded for reasons outlined later in my conclusions. I outline above why I consider a 10% generosity margin to be the most appropriate in the circumstances faced in West Lothian. I therefore recommend a modification to paragraph 5.47 of the plan, which is loosely based on wording suggested by Homes for Scotland, but I expand the explanation to accurately reflect that the generosity added still does not ensure the housing supply target will be met. I have also included reference to why a higher percentage would not be of assistance, to ensure the plan provides a positive approach without being disingenuous.

64. Some representations have noted the 'additional allowance' referred to in Figure 3 and questioned why this has not also been included within the housing supply target. The council has identified that the reference to additional allowances is set out in the SESplan housing land technical note, but I note it also appears in the adopted SESplan housing land supplementary guidance, table 3.2.

65. The council has explained that the additional allowance is not a figure to be added to the housing supply target, but is simply the gap between the target and the established supply of land at that time. It was therefore an indication, as of 2014, of how much additional land was anticipated to be needed to be identified in the proposed plan, in order to achieve the supply target.

66. Figure 3 of the proposed plan is accurate, insofar as it is reflective of the SDP's supplementary guidance. It does however introduce some confusion over what should be taken as the definitive housing supply target for the proposed plan to deliver. I recommend that the offending column within Figure 3 should be deleted for this reason.

Policy HOU 1 – Allocated Housing Sites

67. This policy provides the overarching position that residential developments on sites allocated for housing will be supported, and safeguarded against alternative forms of development, unless the criteria included in the policy can be satisfied.

68. This policy is not the subject of a significant number of unresolved representations, and the comments received are focused principally on matters of detailed drafting. A number of representations have contended that additional land needs to be allocated, in order for the plan to comply with Policy HOU 1's focus on maintaining an effective five year supply of housing land (as also required by the SDP and SPP). However, I do not consider the identified deficiency in effective housing land relative to the housing supply target to be symptomatic of a deficiency in Policy HOU 1. No changes to the policy are required in response to these representations.

69. One representation has requested an amendment to the wording of the policy to make clear that an effective five year supply of housing land is required at all times. The council is agreeable to such a modification, and as this would accurately reflect the requirement of paragraph 119 of SPP, I also find this modification would be appropriate.

70. In another representation, Scottish Enterprise wishes to see clarification within the policy that, where alternative uses may be permitted on allocated housing sites under the provisions of criterion (b), this should only be where it would not impinge upon the delivery of other employment land. The council has stated that it would have no objection to clarifying this point within the policy, and has provided an alternative form of wording to that suggested in the representation, which includes some reconfiguration of the wider policy.

71. In considering this point, I have had regard to the conclusions in Issue 26A where we find that there is excessive provision of employment land in the proposed plan, which could be to the detriment of the overall levels of uptake. I support the sentiment behind ensuring that the uptake of employment land provided by the plan would not be further compromised by the release of allocated housing sites for such a purpose. It would ultimately be for the council to determine how it would implement the policy through the development management process. On balance I consider a modification is justified, but I recommend alternative wording to that suggested by Scottish Enterprise or the council, to reflect the finding that there is a significant range of employment sites which should be prioritised for such uses in the first instance.

72. For the avoidance of doubt, revised wording for Policy HOU 1 is provided in full in the recommendations, to also reflect the council's suggested reconfiguration of the policy.

Support for sites already allocated under Policy HOU 1

73. Numerous representations have been made in regard to allocated sites, to which the provisions of Policy HOU 1 would apply, including requests to vary the site capacities and constraints identified by the plan. The points raised are more appropriately addressed in the respective Schedule 4 forms relating to these sites, rather than in my conclusions here.

Promotion of sites to augment those allocated under Policy HOU 1

74. I have concluded above that the allocation of additional housing land is justified in principle, on the basis of the evident shortfall of land identified which is capable of meeting the housing supply target.

75. Given this context, we are compelled to consider how the plan might be modified such as to better facilitate an increase in the supply of new homes within the current five-year period and in the longer term to 2024. It seems to us that there are two principal means of doing so:

(a) Modifying the plan with the intent of easing the extent to which the capacity of infrastructure (in particular the obvious difficulties being experienced in delivering new and extended schools) is constraining the consenting of and progress with new housing development.

(b) Allocating additional land (beyond those allocations in the proposed plan) for housing development where we can have a reasonable expectation that development will proceed during the period to 2024 and, in particular, in the early years of the plan.

76. We recognise the inter-relationship between these two options, which are not mutually exclusive. There would be little practical benefit in allocating additional sites if these were subject to the same education capacity issues (or other infrastructure constraints) which are constraining the development of sites already allocated in the current local plan, or proposed to be allocated in the LDP. On the other hand, if developer funding is key to the provision of new and extended schools, then more consented development means more contributions and, perhaps, a better chance that sufficient funding can be collected to allow financial commitment to be made to the construction of a new or extended school.

77. Our findings in relation to the approach to education infrastructure are at Issue 1F and 1J. There, we recommend a modified Policy INF 1 which is intended to make, for allocated sites, a refusal of planning permission based on education capacity very much the exception.

78. Such an approach, if adopted, allows us to consider the case for allocating each site which has been promoted in representations as an additional housing site to be included in the plan on the assumption that, with appropriate contributions from the developer, education capacity ought not to be a constraint in most cases. Unless we indicate otherwise, that is generally how we have approached the question of whether to recommend that these other potential sites be allocated.

79. Education capacity is not, it need hardly be said, the only factor in considering whether other sites should be allocated. We take into account, for each site, all of the evidence put to us as to why the site should, or should not, be allocated. A range of other planning considerations, varying, and specific to each site, come into play.

80. There are also other, more generic, factors we take into account. Scottish Government Circular 6/2013 'Development Planning' describes the development planning system in Scotland and seeks to explain the relevant legislative provisions. It explains Ministers' expectations for parts of the process for preparing and examining development plans. In respect of the examination process, at paragraph 118 of the circular it is stated

that:

‘Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites’.

81. Earlier, at paragraph 64, promoters of sites are advised to engage in any ‘call for sites’ exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan’.

82. In accordance with the above advice, we have generally found it inappropriate to recommend the inclusion of additional allocations where these have not been subject to scrutiny (even if not as a preferred site) through the Main Issue Report and the Strategic Environmental Assessment (SEA). There are some exceptions to this, for example where a site has subsequently been granted planning permission.

83. We feel the need, before recommending the allocation of an additional site, and quite apart from any consultation through the Main Issues Report and consideration through the SEA, to have been furnished with sufficient information about what is proposed and the likely planning and environmental considerations which may arise from development of a site. In this respect, the extract quoted above from paragraph 118 of the circular is again of relevance. Some representations promoting an additional allocation are accompanied by very little supporting information about how development might be expected to proceed, what impacts may arise and how these and other constraints (for example infrastructure capacity) can be overcome.

84. It is clear from the circular that the onus is on the promoter of a site to demonstrate why it should be allocated. Therefore, we have generally found it inappropriate to recommend the inclusion of additional allocations where these are not supported by a reasonable body of supporting evidence, commensurate with the scale and potential impacts of that site. We stress that we do not expect to have been furnished with the same level of detail as might be expected to be submitted in support of a planning application. Nevertheless, we do need enough evidence to be confident that it is appropriate to allocate a site in the plan.

85. The reason for considering the allocation of new sites is, as stated above, so that the plan can better facilitate an increase in the supply of new homes within the current five-year period and in the longer term to 2024. Therefore, although we could never be certain of the prospect, we should have a reasonable expectation that any additional site we recommend be allocated would be likely to deliver new homes within the period of the plan, ideally in the next few years.

86. The proposed plan is subject to a number of processes and reports which aim to assess its likely impacts. I have already referred to the SEA. Another important element is the transport appraisal. We address the transport-related issues for the plan as a whole under Issue 26V. It can be seen there that, after some dialogue between the council and Transport Scotland, the latter was content with the transport appraisal of the

plan, including cumulative transport impacts and the consideration of impacts on transport infrastructure out with West Lothian.

87. It is important to remember that this appraisal is of the proposed plan. The inclusion of each additional allocation has the potential to warrant a re-appraisal of these cumulative and cross-boundary impacts, and indeed of the SEA of the plan. We are in no doubt that this is not a bar on recommending new allocations. It is quite proper that we should consider doing so. However, we do have concerns about recommending the allocation of sites which would have the potential for such wider impacts and where these have not been subject to a sufficient level of cumulative and cross-boundary appraisal. This is, it seems to us, of greatest concern in relation to transport impacts, and for the largest sites which have been promoted as additional allocations.

88. Many of the above matters are evidently site-specific. Consideration given to representations on promoted sites and an assessment of their suitability for inclusion in the plan is made in the relevant Schedule 4 form which is specific to it. All such assessments have been made in the context of the findings here that there is likely to be a shortfall in meeting the housing supply target, and that it would be desirable to augment the supply of housing land on this basis where the inclusion of other sites would be appropriate and justified, having regard to the various considerations outlined above.

Policy HOU 2 – Maintaining an effective housing land supply

89. In light of my conclusion that the number of homes which will be built in West Lothian up to 2024 is likely to fall significantly short of the plan's housing supply target, this will also raise difficulties for the council in demonstrating that it is maintaining at least a five-year supply of effective housing land at all times, as required by SPP paragraphs 110 and 119. Consequently, the frequency of when Policy HOU 2 would become engaged in decision-making, and the weight attributed to its provisions, are likely to be greater than if, for example, there was clear evidence of a surplus of effective housing land in West Lothian.

90. The value of Policy HOU 2 in this context is that it offers the potential to provide clarity on what actions will be taken in order to maintain a five-year effective supply, as well as confirming the steps to be taken should the effective supply become deficient. However, it is contended in representations that the policy as currently worded is inconsistent with SPP, and that it fails to make clear what steps would be taken, or what criteria would be applied in decision-making, if less than a five-year effective supply could be identified.

91. Objections to the first sentence of the policy are focused on where it states 'the council will endeavour to maintain a 5-year supply...', with representations stressing that it is a requirement of SPP, so 'endeavour to' should be deleted. The council's view is that this provides an accurate position, as there are a range of factors which may affect the housing land supply situation.

92. I acknowledge the council's position insofar as the removal of the reference to 'endeavour to' in Policy HOU 2 would in itself have no bearing on the reality that there are challenges in maintaining a five-year effective housing land supply. I consider it would be somewhat disingenuous for the policy to unequivocally state that the council will maintain this minimum supply of land when the evidence before me strongly suggests that this may be unrealistic. That said, I disagree with the view expressed by the council that 'if

there is insufficient infrastructure then the council cannot be expected to maintain the land supply'. Whilst noting the Court of Session judgement referred to in the council's evidence, it remains incumbent upon the planning system and in particular the development plan process to try to ensure infrastructure requirements can be met to enable the quantum of development anticipated or required during the plan period.

93. The council unquestionably is expected to ensure that a five-year effective supply of housing land is maintained at all times; SPP does not provide for any exceptions to be made. However, should there be less than a five-year effective supply, it would remain entirely legitimate, and indeed necessary, to establish the infrastructure needs of any proposed developments, and to ensure that any such infrastructure needs would be able to be met.

94. On balance, I consider a modification to the first sentence of Policy HOU 2 to be justified, and that an appropriate amendment would be to state that the council is required to maintain a minimum five-year effective supply of housing at all times. The council is also agreeable to removing reference to sites which are capable of becoming effective, as requested in representations. SPP does not extend to including such sites in the calculation of the effective five-year supply, and so I find that it is necessary to modify the proposed policy to ensure consistency with SPP in this regard.

95. In the event of there being less than a five-year effective land supply, the council's position is that Policy 7 in the adopted SDP could appropriately be relied upon alongside the provisions of proposed policies HOU 2 and HOU 3. In such circumstances, SDP Policy 7 would permit housing proposals on greenfield sites subject to criteria relating to the character of the settlement and local area, green belt implications, and infrastructure provision. The council considers that the inclusion of similar criteria within Policy HOU 2 (as sought in representations) would duplicate Policy 7 and as such no change to the proposed plan is necessary.

96. I requested the further views of parties on the adequacy of placing reliance upon the foregoing policies in the absence of an adequate effective housing land supply. Views were broadly split on whether Policy 7 should solely be relied upon, although there was a general consensus that neither Policies HOU 2 nor HOU 3 provide an appropriate policy response to the issue.

97. Having reviewed the scope of the policies, I consider that the proposed plan does not in fact provide any guidance in the event of there being less than a five-year effective housing land supply, again perhaps reflective of the council's reliance on SDP Policy 7. The one exception to the above is that Policy HOU 2 in the proposed plan allows for the earlier release of housing sites identified for longer term expansion, in the absence of an adequate effective land supply. The council has set out proposed amendments to Policy HOU 2, to allow some sites to come forward earlier than phased in the plan. However, the proposed plan does not appear to me to identify any sites which are specifically identified for housing development in the longer term. Noting that fact and the council's comments on this matter (which acknowledge that there is no merit in arbitrarily restricting the development of identified housing sites), and in the context of the identified overall shortfall in housing land, I consider removing all references to phasing to be justified.

98. The criteria within SDP Policy 7 are clear, and I have been given no reason to doubt that these would enable the release of additional land for housing which would not ordinarily be permitted, where circumstances dictate that the policy should become

engaged.

99. The presumption in favour of development which contributes to sustainable development established by SPP would apply to decisions on housing proposals, should there be less than the required five-year supply of effective housing land. Policy 7 of the SDP is helpful in such a scenario, to identify the key considerations to which particular regard would be had in decision-making. Policy 7 could therefore quite properly be relied upon.

100. I have noted the representation which states that there is no equivalent to Policy 7 within the proposed SESplan 2 SDP. The adequacy or otherwise of that plan in this regard would be a matter for its own examination. However, I take the point that there would be value in embedding Policy 7 requirements within the LDP, to provide additional certainty on the key considerations for decision-making in the absence of an effective five-year supply of housing land.

101. Of course the primary aim of any land release policy is not simply to enable planning permission to be granted, but to increase the amount of housing ultimately being built. In the circumstances presented in West Lothian, it is delivery on the ground which is principally needed. I consider it necessary that for any sites being granted planning permission on the basis of there being an insufficient effective land supply, there should be confidence that the site will ultimately deliver housing within the five-year period.

102. Taking all of the above into account, and having regard to the various views expressed by the council and in representations, I consider it prudent to reflect the provisions of SDP Policy 7 within the proposed plan, where these are applicable. Specifically, I recommend that the criterion relating to green belts is not brought into the LDP, as there are no green belt designations in West Lothian. The SDP would have been alert to the 'countryside belts' which were identified (and continue to be used) in West Lothian, but nonetheless excluded these from Policy 7. Policy HOU 2 provides a natural home for such provisions, and accordingly I have recommended modifications to the policy.

103. Policy HOU 2 (as it appears in the proposed plan) confirms that the annual housing land audit process will be used to monitor and review the land supply situation. I have noted that the council has specifically requested that reference to the housing land audit process be retained, regardless of any other modifications to the policy which I deem to be necessary. I see no reason to remove this reference from the policy; it is essentially a statement of fact that HLAs should be undertaken, and it also recognises that these should be agreed with housing providers. The value that HLAs provide in establishing the housing land supply situation has not been disputed in representations.

104. The same sentence of the proposed policy indicates that HLAs will be prepared on a sectoral basis. Whilst this reference appears innocuous in isolation, representations have raised concerns over this together with the last sentence of paragraph 5.4, paragraph 5.51's reference to a SESplan paper 'Maintaining a five year effective housing land supply' and the final sentence of paragraph 5.53. I sought further clarification on the intended implications of these references from the council, given that the council had already indicated above its intention to take account of the levels of need by market sector (i.e. private and affordable housing) and to calculate the effective land supply separately for the sectors.

105. Once again the council has placed reliance upon the content of the emerging SDP2 and HNDA2. I have already concluded that neither document should be given weight in the proposed plan. The council has argued that by not splitting the housing land requirement and land supply calculations by sector, this fails to recognise that most available land is proposed for private sector, market-led development whereas typically the unmet need is for additional affordable homes. However, this argument fails to take account of the requirement of Policy HOU 5, and the affordable housing contributions required from new market housing developments. I therefore consider that calculating the required housing land supply by market sector would fail to take account of Policy HOU 5 requirements which, perversely, could be the detriment of the delivery of affordable homes.

106. I am not persuaded by the council that a sectoral approach to calculating the effective five-year supply of housing land is justified or appropriate. The proposed plan must show how it will provide adequate effective housing land in order to achieve the housing supply target set by the adopted SDP and its supplementary guidance. The SDP provides a single figure, which encompasses all housing sectors, and I consider that on this basis, the proposed plan should follow suit in its approach to land supply calculations. For the avoidance of doubt and to remove any such inference from the plan therefore, I recommend the deletion of the final sentence of paragraphs 5.4 and 5.53, and the words 'prepared on a sectoral basis' from Policy HOU 2. Whilst the SESplan paper referred to in the plan may advocate a similar approach to that intended by the council, it does not form part of the SDP and I agree with representations that the paper itself appears to give rise to some conflict with the approach required by SPP. That reference in paragraph 5.51 should also be deleted.

107. It is important to stress that these modifications do not (and should not) preclude the HLA process from having regard to issues affecting different market sectors, but reflects that the overall effective housing land supply calculation should provide an all-encompassing, single figure. In this context it is noteworthy that paragraph 115 of Scottish Planning Policy expects housing supply targets to be separated into affordable and market sectors, but SPP makes no allowance for also calculating whether a 5-year effective land supply exists for specific housing sectors. In any event, a separated housing supply target is for the SDP to provide, based on HNDA evidence, given it is the SDP that sets the overall housing supply target for West Lothian. Neither the SDP nor its housing land supplementary guidance does this. It is not for the proposed plan to attempt to address this and provide a housing supply target separated by housing sector.

Housing Requirement Periods

108. It is contended in representations that the plan fails to make clear that the housing land requirement, derived from the housing supply targets provided in the SDP, must be met independently for each plan period (in the SDP, 2009 – 2019 and 2019 – 2024). Particular reference is made to paragraph 5.52 in this regard, which is also considered in representations to adopt an inappropriate stance in its acceptance that the plan is likely to fail to provide a continuous five-year supply of effective housing land. The council has defended the sentiment of paragraph 5.52, notwithstanding some necessary modifications to update references to SPP.

109. I do not find the text implies that the SDP plan periods can be conjoined for the purposes of housing land calculations. I also recognise the value of the plan providing an honest account of the challenges to its delivery, but crucially, the plan should

demonstrate how it is responding to and addressing these barriers. Given my earlier conclusions that the number of homes which will be built in West Lothian up to 2024 is likely to fall significantly short of the plan's housing supply target, the plan's response to this is key.

110. Through this examination, as part of this response, additional sites are recommended to be allocated. Modifications to Policy HOU 2 have also been recommended, to provide a clear policy approach to land release where circumstances require such an approach.

111. I am mindful of the extensive arguments made by the council that the proposed SDP2 contains a substantially lower housing land requirement than the adopted SDP. I must reiterate my conclusion that no weight can be placed on SDP2, which is currently itself subject to examination, and that the proposed LDP must comply with the adopted SDP. It appears probable that the housing land requirement for West Lothian ultimately set by the adopted SDP2 will be lower than the figures which currently must be achieved.

112. In some respects the timing of the proposed plan could be considered to be unfortunate, given that the replacement of the current SDP is unlikely to be far behind. SDP2 may however greatly assist the council in addressing the proposed plan's shortcomings on housing land supply. The modifications outlined above are designed to reduce and manage the housing land supply shortfall, but cannot fully address it. Where the additional provisions of Policy HOU 2 are required, decision-making reliant on its criteria could not fairly be described as entirely plan-led. With SDP2's approval likely to be soon, and the change this is likely to make to West Lothian's housing land requirement, it might be considered prudent by the council to carry out an early review of the LDP.

113. I have noted the modification to the last sentence of paragraph 5.52 suggested in a representation. However, I have recommended wider-ranging changes to the whole paragraph including the deletion of the final sentence. No further modifications (beyond those already recommended) are needed.

Infrastructure requirements and delivery

114. Representations relating to infrastructure delivery and constraints, including education capacity, are considered fully in Issues 1F and 1J. I have not attempted to draw any conclusions on these issues here. Clearly however, there are a number of matters relating to infrastructure provision which have a direct bearing on the housing land position, and so the conclusions on Issues 1F and 1J are pertinent.

115. I take note of what is said in representations about the draft Action Programme. However, the scope of our examination does not extend to consideration of the content of the Action Programme itself, and we make no recommendations in respect of it.

Core Development Areas

116. The proposed plan explains the origins of Core Development Areas (CDAs) in paragraph 5.46. Paragraph 5.57 onwards highlights the strategic importance of CDAs (and other strategic allocations), whilst identifying the infrastructure needed to accommodate the large scale developments planned for. These points are reaffirmed by Policy CDA 1.

117. Whilst there are no objections in principle to the spatial strategy of directing large-scale residential developments to the CDAs, in some representations there is concern that too much reliance is being placed upon them. These representations contend that CDAs have under-delivered to date, and in many instances there are a wide range of constraints to further development.

118. The council's position acknowledges that the rate of development in the CDAs has been slower than originally envisaged, but points out that this is true across West Lothian as a whole, and more widely. The council continues to view the CDA locations as the optimum for large-scale development, and this is reflected by the spatial strategy of the proposed plan.

119. Notwithstanding the evident challenges associated with developing out the CDAs, given the overall housing land situation I consider it would be undesirable to remove any of these areas from the plan, unless there was clear evidence that their development would be entirely incapable of progressing. I do not find the proposed plan's support to CDAs has the effect of reducing the support provided to housing development elsewhere. A range of sites outwith the CDAs are proposed to be allocated, and there is not any kind of sequential approach in the plan which would restrict their development in advance of, or alongside, sites within a CDA.

120. A range of representations have been made which relate to individual CDAs and/or sites within them. I have not sought to address any of these points in my conclusions here, as they are more appropriately considered within the corresponding Schedule 4 forms specifically relating to these sites. Overall, I am satisfied that the support given to CDAs is justified, and it does not prejudice the development of other sites outwith the CDA boundaries, where these would otherwise be supported in principle.

121. Representations seek flexibility in the proposed plan in regard to programming and the total quantum of development permissible in CDAs. Concern has been expressed that the plan in effect places a cap on the number of homes to be built in each CDA until after 2024. In response, the council has confirmed that this is not its intention. I have reviewed the paragraph in question (5.46) and I do not find it places any restrictions upon development, and nor does it intimate such a stance would be taken. Having regard also to Issue 26G, where we recommend a modification to expand the provisions of Policy HOU 3, to clarify the support for infill and windfall housing developments in CDAs as well as settlements, I am satisfied that the plan provides an appropriate degree of flexibility for proposals with CDAs to evolve and, where appropriate, increase the number of homes being provided. No modifications are required in this regard.

122. Also stemming from the variable progress in CDAs, an objection has been made to how the plan describes the relationship between the Winchburgh and Broxburn CDAs, where paragraph 5.59 advocates joint working on matters relating to education and infrastructure provision. It has been contended that issues have arisen because of the inactivity of the Broxburn CDA developers, which contrasts with steady progress within the Winchburgh CDA. However, I do not consider paragraph 5.59 suggests an unreasonable expectation, as it highlights that providing necessary infrastructure and education capacity is likely only to be achievable if developers establish how these responsibilities can be shared. This is actually reaffirmed by the view expressed in the representation, that the slower than anticipated progress in the Broxburn CDA has indeed caused some issues.

123. As a consequence of this slower progress, it is argued that the Broxburn CDA area should be reduced, and an increased allocation be given to Winchburgh CDA. As already stated above, specific site issues are not repeated here. More broadly however, there is insufficient evidence to support a modification to significantly reduce the support provided by the plan to the Broxburn CDA, and I do not consider such an approach would be justified at this time, given the implications this would have upon the spatial strategy. In any event, where deemed appropriate, the plan would also allow for additional development within the Winchburgh CDA; this opportunity would not be reliant upon the 'redistribution' of housing stemming from any failure or diminished development opportunity at Broxburn CDA.

124. It has been requested in a representation that reference to withdrawing support to CDA housing sites which have consent and a section 75 agreement should be deleted. The council has not been able to identify any such reference, and likewise I am unable to locate any provisions of this nature. I therefore simply note that the council has no such intentions. No modifications are necessary and the representation appears to be erroneous.

Policy CDA 1 – Development in the previously identified Core Development Areas

125. Issue 26Ac is specifically focused on Policy CDA 1 but for the avoidance of doubt and for continuity, I have drawn my conclusions below. In this Schedule 4 form the same representations have been referred to by the council, with the exception of that by Scottish Natural Heritage, which in Issue 26Ac is recorded as being generally supportive of specific infrastructure requirements included in the policy. In reaching my conclusions below, I have had regard to the council's comments above and at Issue 26Ac.

126. In one representation it has been suggested that the scope of Policy CDA 1 should be expanded so as to apply to development proposals in other strategic allocations. In Issue 26Ac, the council has acknowledged that there are similarities between the CDA allocations and other strategic allocations, but has highlighted how they differ; CDAs are promoted for mixed use development whereas the strategic allocations are predominantly for housing.

127. The first sentence of Policy CDA 1 reflects the council's position as outlined above, by making clear that both residential and mixed use developments would be supported in CDAs. To widen the policy to also apply to strategic allocations would permit a wider range of uses on those sites, which the council has deliberately restricted. In all other respects, the provisions of Policy CDA 1 are essentially replicated by other policies in the plan, so the strategic allocations are not in a policy void. There would be no evidential basis for me to expand the range of uses permissible on strategic allocations, and so no modifications to the policy are recommended.

128. Policy CDA 1 makes reference to the need for masterplans to be prepared and approved by the council. It has been requested in a representation that the policy should allow for modifications to masterplans to be made. The council considers any proposed modifications would most appropriately be considered through the development management process. I consider that a specific policy provision to allow for this is unnecessary; the policy requires a masterplan to be agreed, but does not preclude alternative masterplans to be prepared subsequently. It would be for the council to consider the acceptability of any masterplan on a case by case basis. There would be no policy basis to resist a revised masterplan simply because an alternative masterplan had

previously been agreed. I do not find the policy to be deficient, and I have not recommended its modification.

129. In Issue 1F, we have concluded that as a consequence of necessary modifications to Policy INF 1 (which would change how the plan approaches infrastructure issues), in order for the policies to provide a consistent approach, modifications are also required to Policy CDA 1 and paragraph 5.60. For the avoidance of doubt, those modifications are considered and set out in full in Issue 1F, and they are not repeated here.

Miscellaneous

130. It has been stated in a representation that the proposed plan should identify the West Lothian Strategic Development Area diagrammatically, similar to the diagram provided in Figure 7 of the SDP. The council contends that Figure 1 in the proposed plan is a reproduction of SDP Figure 7. In actual fact, Figure 1 in the proposed plan has been taken from Figure 1 in the SDP which is a diagrammatic representation of the spatial strategy for the whole SESplan area.

131. Figure 1 in the proposed plan is potentially misleading. It is entitled 'West Lothian Area and Spatial Context' but as it shows the whole SESplan area, and in the absence of a key, it fails to provide any meaningful information to assist with the understanding of the proposed plan's spatial strategy.

132. I agree with the representation that SDP Figure 7, which does specifically relate to West Lothian, would form a more appropriate basis for identifying the basic geography and overarching spatial considerations (including the strategic development area established by the SDP) which provide the context for the proposed plan. I recommend that Figure 1 on page 7 of the proposed plan be replaced on this basis, and that an appropriate key is also included to assist with the interpretation of the diagram.

133. A request to include a reference to the need for flexibility to reflect local circumstances has been made. However, no suggestion as to where this should be included within the proposed plan has been made, and I find that this would not add any particular value. This is because SPP, in relation to various themes, requires flexibility to be embedded within development plans and decision-making.

134. Appendix Two of the proposed plan provides a schedule of all housing sites. Paragraph 5.61 has been misinterpreted in one representation, which has called for the 'smaller sites' to which it refers to also be identified in Appendix Two. The council has confirmed that all of these smaller sites (i.e. all sites which are not in a Core Development Area or a strategic allocation) are accounted for by Appendix Two. For the avoidance of doubt and to remove any ambiguity, I recommend a modification to the last sentence of paragraph 5.61 to clarify this point.

135. There is no legislative or policy requirement for the proposed plan to state the estimated date of adoption, although the Act states that planning authorities are to notify Ministers of their intention to adopt a LDP within 3 months of receiving the examination report. For the purposes of the examination however, we have assumed that the council will endeavour to adopt the plan during the 2017/18 period.

Reporter's recommendations:

1. Amend the second sentence of paragraph 5.38 so that it begins 'Housing requirements for the ...'.
2. Delete text from paragraph 5.38 which begins with 'although the most recent Housing Needs and Demand Assessment...' and all subsequent text in that paragraph.
3. Amend Figure 3 title to 'SESplan Housing requirement 2009 – 2024'.
4. Delete from Figure 3 the column entitled '2009/24 additional allowance'.
5. Delete paragraphs 5.39, 5.40, 5.41, 5.42 and Figure 4.
6. After paragraph 5.38 insert the following paragraphs:

'It should be noted that the SDP's housing requirement was established in advance of the publication of SPP 2014. The latter document introduced a requirement for strategic development plans to add a specific generosity allowance to the 'Housing Supply Target' (the number of homes required to be built), in order to establish the Housing Land Requirement for LDPs to then identify. This is to provide a sufficiently generous supply of land to ensure the Housing Supply Target can be achieved.

In the spirit of SPP 2014 therefore, the LDP adds a generosity margin to the SDP housing requirement (which is referred to as a 'housing land requirement' in the SESplan Housing Land Supplementary Guidance 2014, but which is treated by this plan as the Housing Supply Target using current SPP 2014 terminology). By adding a generosity allowance, both a Housing Supply Target and Housing Land Requirement can be established.

The Housing Supply Target and Housing Land Requirement for West Lothian, as informed by the SDP and its Housing Land Supplementary Guidance, are set out in Figure 5.

A generosity allowance of 10% has been adopted, which accords with other SESplan authorities. This generosity allowance secures the allocation of additional sites in the plan, all of which can contribute towards the aims of meeting the Housing Supply Target and maintaining a five years effective housing land supply at all times. A higher generosity allowance would not meaningfully increase the supply of effective sites, or sites that would be expected to become effective, so the 10% allowance is appropriate to West Lothian's circumstances.'

7. Following the above text, retain paragraphs 5.43, 5.45 and 5.46. Delete paragraphs 5.44 and 5.47.

8. Replace the table in Figure 5 with the following table:

		2009 - 19	2019 - 24	2009 - 24
(A)	LDP Housing Supply Target	11,420	6,590	18,010
(B)	Generosity Allowance (10%)	1,142	659	1,801
(C)	LDP Housing Land Requirement (A+B)	12,562	7,908	20,470

9. Amend Policy HOU 1 to read as follows:

‘POLICY HOU 1 Allocated Housing Sites

The sites listed in Appendix Two of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements for the plan period to 2024, as required by the Strategic Development Plan (SDP1), and are compliant with the spatial strategy set out in this plan.

Development of housing on these sites will be supported in principle and proposals shall have regard to and be in accordance with the ‘Residential Development Guide’. Where applicable, proposals must also accord with the specific development requirements identified in Appendix Two.

To ensure that an effective 5 year supply of housing land is maintained at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:

- a. there is a constraint on the site and there is no reasonable prospect of it becoming available for housing development within the plan period;
- b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use; and
- c. for proposed employment uses, there are no suitable, available allocated employment sites which could accommodate the development.’

10. Amend paragraph 5.51 to read as follows:

‘To achieve this, LDPs are required to allocate suitable land on a range of sites which are effective or expected to become effective to meet the housing land requirement, ensuring a minimum of 5 years effective land supply at all times. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing. Planning Advice Note 2/2010 ‘Affordable Housing and Housing Land Audits’ provides details on matters to be taken into account in the determination of effective housing land.’

11. Amend paragraph 5.52 to read as follows:

‘The LDP cannot guarantee that all sites will come forward. The supply can be identified in accordance with Scottish Government policy and current definitions of effectiveness set out in Planning Advice Note 2/2010, but there may be factors outwith the council’s control, such as the economic climate, which limit deliverability.’

12. Delete the last sentence of paragraph 5.53. (NB: The whole of paragraph 5.53 is recommended to be deleted in Issue 1F).

13. Amend Policy HOU 2 to read as follows:

‘POLICY HOU 2 Maintaining an Effective Housing Land Supply

The council is required to maintain a minimum of a 5-year effective housing land supply at

all times throughout the lifetime of the plan. An annual audit of the housing land supply (agreed with housing providers) will monitor and review the land supply in accordance with SPP and the Strategic Development Plan.

Where additional sites are needed to maintain a 5-year effective housing land supply, greenfield sites will be supported subject to the following criteria:

- a. The development will be in keeping with the character of the settlement and local area;
- b. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer;
- d. The development will contribute to sustainable development; and
- e. The development is expected to deliver new housing within five years.'

14. Add the following text to the end of the last sentence of paragraph 5.61: ', all of which are identified in Appendix Two.'

15. Replace Figure 1 on page 7 with a diagram based on Figure 7 of the SDP, containing the same information. A key is needed to accompany the diagram, with references only to features shown. Retain the title 'Figure 1: West Lothian Area and Spatial Context'.

Issue 1B	Spatial designations for local landscape protection and Countryside Belts	
Development plan reference:	Local Landscape Designations; and Countryside Belts.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Transition Linlithgow (0363) Cala Management Limited (0418) Linlithgow and Linlithgow Bridge Council (0428) Gladman Developments (0459) & (21768324) Duncan Fortune (21349895) David Orr (21418509) & (21865048) Emma Gordon (21495743) Finlay Scott (21848598) & (0433) Leslie Neary (21558610) Steven Donaghue (21670368) Hallam Land Management (21672936) John Orr (21716490) Airthrie Estates & Hopetoun Estate Trust (21772260) Irene Fortune (21770063) Peter Buck (21803202) Dundas Estates & Development Company (21864464) Winchburgh Development Limited (21862570) Andrew Dodds (21903259)</p>		
Provision of the development Plan to which the issue relates:	Proposed Local Development Plan – pp. 41, 42, 44 Proposals Maps 1 – 5 Proposed Local Development Plan supporting document: West Lothian Local Landscape Designation Review (LLDR) Proposed LDP supporting document: West Lothian Landscape Character Classification (WLLCC) Local Development Plan (LDP) Action Programme	
Planning authority's summary of the representation(s):		
<p>LOCAL LANDSCAPE DESIGNATIONS</p> <p><i>Bathgate Hills Special Landscape Area – issues at Linlithgow</i></p> <p><u><i>Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has Area of Great Landscape Value (AGLV) status / recommended as Special Landscape Area</i></u></p> <p>Linlithgow and Linlithgow Bridge Council (0428) – based on Linlithgow Planning Forum's 'Plan for the Future' (SD118 & SD119) the currently designated 'Areas of Landscape Value' as they have been very effective in preventing unnecessary development on attractive parts of the town fringes and in this context the proposed release of the housing site at Deanburn Road is opposed.</p>		

Emma Gordon (21495743); Peter Buck (21803202) – strongly object to the inclusion of site H-LL 12 Preston Farm on the grounds that:

- it has AGLV (Area of Great Landscape Value) status already;
- it conflicts with previous landscape designation;
- the council itself has recommended that this field remain a special landscape area;
- it's more than greenbelt; it's Area of Great Landscape Value (AGLV).

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

Leslie Neary (21558610); Steven Donaghue (21670368) – strongly object to the inclusion of site H-LL 12 Preston Farm on the grounds that:

- Greenbelt surrounding the town of Linlithgow has diminished over the years;
- are more houses in the town really necessary at the expense of the Greenbelt;
- loss of the important greenbelt.

[N.B. – this reference to “Green Belt” is included within the local landscape designation section because the underlying issues are about landscape protection.]

Objections to site H-LL 4, Manse Road on the basis of loss of local landscape protection

Duncan Fortune (21349895); Irene Fortune (21770063) – object to the inclusion of site H-LL 4 Manse Road on the grounds that:

- land was previously designated as an area of Special Landscape value;
- this designation is important as it recognises that the scenery is highly valued locally promoting a sense of community pride;
- there is no justification as to why this designation should change simply to allow additional housing;
- the scenic location of Linlithgow is part of the town’s appeal both to residents and tourists and therefore it is vital that areas of Special Landscape value be retained; and
- the designation is worthless if it can just be changed to allow housing to be built.

Objections to site HLL 11 Wilcoxholm on the basis of landscape impact

Finlay Scott (21848598) & (0433) - objects to the inclusion of site H-LL 11 Wilcoxholm on the grounds that: development would destroy an important part of the town's landscape amongst other factors (including appearance and habitat and materially negatively impact on existing historic and characterful infrastructure including the canal and several bridges).

Bathgate Hills Special Landscape Area – support at Linlithgow

Support for current areas of landscape protection for Linlithgow

Linlithgow and Linlithgow Bridge Council (0428) – the protection offered through current landscape designations of attractive parts of the town fringes from unnecessary development is recognised.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/ outcomes

Cala Management Limited (0418) - Preston Farm Design Statement (October 2014) has been submitted in support of allocated housing site H-LL 12 Preston Farm by agents Montagu Evans for Cala Management Limited's proposal for housing development. The Design Statement notes that the site has/is:

- an area of 9.9 hectares / 24.5 acres with an indicative mix of 68 detached houses shown in the Concept Plan (p. 31);
- located within the Lowland Hill Fringes Landscape Character Type (LCT) and specifically within Landscape Character Unit (LCU) 20: Linlithgow Fringe as identified in the West Lothian Landscape Character Classification 2014;
- located at the edge of an Area of Great Landscape Value (AGLV) adjacent to Linlithgow;
- site analysis by landscape architecture firm shows site is primarily agricultural land and that issues such as historic canal and amenity impact to existing housing can be mitigated through a quality landscape to reflect Landscape Character Area.

Bathgate Hills Special Landscape Area – issues at Bathgate*Objections to extension of local landscape protection in vicinity of EOI – 126 Dykeside Farm, Bathgate*

Gladman Developments (0459) & (21768324), John Orr (21716490); David Orr (21418509) & (21865048) – objects to extension of Area of Great Landscape Value through new Special Landscape Area for the Bathgate Hills to include site Expression of Interest (EOI) – 0126 Dykeside Farm on the grounds that:

- proposal would effectively create a new green belt around the whole of Bathgate;
- given the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESPan) designation for West Lothian, it should be capable of further development;
- will effectively put a stranglehold on Bathgate meaning that it cannot be developed any further;
- it is not of any particular beauty or character other than as a typical rural area on the edge of any small town;
- concerned that this reclassification of the land, will preclude any possibility of future change of use or development of the property - feel that this "zoning" could have an effect on the value of the property;
- there has been no change to the area and the owner does not understand the council's proposal to include this area within the Bathgate Hills Special Landscape Area;
- can see no logic in West Lothian Council extending the area of the Bathgate Hills Special Landscape into an area which is clearly not part of the Bathgate Hills Area. [See Supporting Documents: SD066, SD067, SD068]

Blackridge Heights Special Landscape Area – issues*Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle*

Andrew Dodds (21903259) – objects to removal and reduction in local landscape designation through new Special Landscape Area for the Bathgate Hills due to potential

negative impacts on villages of Westfield and Bridgecastle.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

- Airngarth Hill Special Landscape Area
- Almond and Linhouse Valleys Special Landscape Area
- Avon Valley Special Landscape Area
- Forth Coast Special Landscape Area
- Pentland Hills Special Landscape Area

COUNTRYSIDE BELT DESIGNATIONS

Livingston Countryside Belt – issues

Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road

Hallam Land Management (21672936) – objects to Livingston Countryside Belt to south-east of Blackburn due its constraint of development of EOI-0136, Seafield Road, Blackburn (6.5ha, 120 units) and seek re-consideration of smaller version of site.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

Dundas Estates & Development Company (21864464) – Objection to proposed Countryside Belt designation on land to east of Beechwood Park and Beechwood Grove, Uphall Station on grounds that:

- the land does not provide any of the strategic purposes of Countryside Belt as set out in Policy ENV 7;
- the land forms part of the Drumshoreland Masterplan which was submitted as part of outline planning application (Ref 0050/P/08) which the council is ‘minded to grant’ the application subject to concluding a Section 75 Agreement;
- the land is a natural extension to the proposed residential development area at Drumshoreland; and
- existing mature trees and hedgerows on the boundaries of the land provide natural containment and will provide a more robust boundary to define the Countryside Belt.

Winchburgh / Broxburn Countryside Belt – issues

Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddry Bing, Winchburgh

Winchburgh Development Limited (21862570); Airthrie Estates & Hopetoun Estate Trust (21772260) – object to non-allocation of Site EOI-199 [approx. 31.2ha revised to 11 hectares with circa 9 hectares net developable area; 225 houses proposed; mixed use, relocation of golf course to Auldathie Tip to north-west of Winchburgh] because:

- to allow development plan compliant land at Winchburgh to be identified and deliver housing required in the area in the period of this Plan ;
- will not adversely impact upon the continuation of the Countryside Belt between Winchburgh and East Broxburn;

- no prospect of significant development within the Designed Landscape to the south of the site;
- formation of a landscaped edge occupying the southern portion of the site formalises that separation distance whilst, at the same time, providing a permanent physical buffer to development and edge to the expanded Winchburgh settlement;
- inclusion of the northern extremity of East Broxburn site H-BU10 which intrudes into the Countryside Belt.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues

Linlithgow / Philpstoun & Bridgend Countryside Belt - Location of key infrastructure sites within Countryside Belt designated area

Transition Linlithgow (0363) – Transition Linlithgow objects to site P- 43 (Burghmuir high amenity employment site) being located in the Countryside Belt. More can be done to explore alternative brownfield or central locations - various sites and buildings suggested within Linlithgow.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support

Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation

Linlithgow and Linlithgow Bridge Council (0428) – regarding paragraphs 5.144 - 5.145 of the submission... ‘*while the principle of countryside belts is agreed and applauded this must be seen in the context of a logical settlement boundary which is based on the current developed area plus an expansion which takes account of landform rather than existing field boundaries and land ownership. Caveat - Agree in principle but with reservations.*’ Fine-tuning of the Countryside Belt is sought to reflect the eventual development pattern in the Planning Forum's 'Plan for the Future'.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

- Bathgate / Whitburn Countryside Belt;
- East Calder / Kirknewton Countryside Belt.

Modifications sought by those submitting representations:

LOCAL LANDSCAPE DESIGNATIONS

Bathgate Hills Special Landscape Area – issues at Linlithgow

Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has Area of Great Landscape Value status / recommended as Special Landscape Area

Linlithgow and Linlithgow Bridge Council (0428) – it is intimated that the site H-LL 12 Preston Farm should be de-allocated.

Emma Gordon (21495743); Peter Buck (21803202) – site H-LL12 Preston Farm Field should not be re-zoned from AGLV status for all the reasons given and should follow council advice and stay a special landscape area.

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

Leslie Neary (21558610); Steven Donaghue (21670368) – it is intimated that the site H-LL 12 Preston Farm should be de-allocated.

Objections to site H-LL 4, Manse Road on the basis of loss of local landscape protection

Duncan Fortune (21349895); Irene Fortune (21770063) – it is intimated that the site H-LL 4 Manse Road should be de-allocated.

Objections to site H-LL 11 Wilcoxholm on the basis of landscape impact

Finlay Scott (21848598) & (0433) – it is intimated that the site H-LL 11 Wilcoxholm should be de-allocated.

Bathgate Hills Special Landscape Area – support at Linlithgow

Support for current areas of landscape protection for Linlithgow

Linlithgow and Linlithgow Bridge Council (0428) – No specific modifications requested regarding Local Landscape designations.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/ outcomes

Cala Management Limited (0418) - No specific modification requested.

Bathgate Hills Special Landscape Area – issues at Bathgate

Objections to extension of local landscape protection in vicinity of EOI – 126 Dykeside Farm, Bathgate

Gladman Developments (0459) & (21768324), John Orr (21716490); David Orr (21418509) & (21865048) – seeks removal of landscape designation status to north of Bathgate at Dykeside Farm [EOI-0126] and reversion to Area of Great Landscape Value boundary at this point.

Blackridge Heights Special Landscape Area – issues

Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle

Andrew Dodds (21903259) – intimates that the landscape protection designation for Blackridge Heights should revert to its full extents as shown in the adopted local plan.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

No modifications were recommended for five of the Special Landscape Areas - Airngarth Hill Special Landscape Area; Almond and Linhouse Valleys Special Landscape Area; Avon Valley Special Landscape Area; Forth Coast Special Landscape Area; Pentland Hills Special Landscape Area - therefore no amendments need to be considered.

COUNTRYSIDE BELT DESIGNATIONS***Livingston Countryside Belt – issues******Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road***

Hallam Land Management (21672936) – seek allocation of site EOI-0136, Seafield Road, Blackburn (6.5 hectares, 120 units) and removal of Countryside Belt designation for same.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

Dundas Estates & Development Company (21864464) – seek that sites submitted at Main Issues Report stage (CD079, Map 3) EOI-0021 & EOI-0134 on land to east of Beechwood Grove / Park, Uphall Station should be defined within the settlement boundary and allocated for residential development with consequent de-designation of Countryside Belt.

Winchburgh / Broxburn Countryside Belt – issues***Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddy Bing, Winchburgh***

Winchburgh Development Limited (21862570); Airthrie Estates & Hopetoun Estate Trust (21772260 – seeks changes to Countryside Belt boundaries in favour of the allocation of site EOI-0199 (CD079) to be allocated instead of proposed housing allocation at H-BU 10 West Wood, Broxburn.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues***Linlithgow / Philpstoun & Bridgend Countryside Belt - location of key infrastructure sites within Countryside Belt designated area***

Transition Linlithgow (0363) – it is intimated that P- 43 (Burghmuir high amenity employment site) and P- 45 (Coach and Park and Ride Facility) should be removed or shifted elsewhere.

Transition Linlithgow seeks that site P- 43 (Burghmuir high amenity employment site) should be re-located on alternative brownfield or central locations - various sites and buildings suggested within Linlithgow. These appear to be completion of existing Mill Road Industrial Estate and additional intensification of the Oracle/Sun site and E-LL-2 adjacent the M9 and Blackness Road at the north-east of the town through establishment of a business park at Burghmuir. In addition there is a proposal to establish a business centre at or near the town Cross.

Transition Linlithgow encourages an examination of alternative options prior to progressing site P-45 (Coach park and ride facility) such as an alternative location closer to the town centre (drop off at a potential Tesco interchange, and by enlarging bus bays on Blackness Road – akin to bus use during Winchburgh Tunnel closure) to enable a more sustainable 'Park and Stride' approach.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support***Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation***

Linlithgow and Linlithgow Bridge Council (0428) – it is intimated that the Countryside Belt should be amended to reflect proposals in the Linlithgow Planning Forum's 'Plan for the Future'. Therefore, a major revision is sought to reduce the width by more than half and extend it further beyond to the south-west with the addition of a number of green wedges into the town.

It is understood that a wildlife corridor and development free area, akin to a Countryside Belt, is sought to the west and south of a proposed new road link due south from the junction of the A803 at Burghmuir with the local road to Kingsfield, crossing the canal and passing the B9080 / Edinburgh Road between Kildimmery and Kingscavil, then through fields and open country loping round south-west re-joining the road network at the junction of Manse and Riccarton Roads.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

No modifications are recommended for the Bathgate / Whitburn Countryside Belt and East Calder / Kirknewton Countryside Belt, therefore no amendments need to be considered.

Summary of responses (including reasons) by planning authority:***Local Development Plan (LDP) background to designation of Local Landscape Protection and Countryside Belts*****LOCAL LANDSCAPE DESIGNATIONS**

In accordance with Scottish Natural Heritage (SNH) and Historic Scotland's (now Historic Environment Scotland) Guidance on Local Landscape Designations (CD120) and Scottish Planning Policy (CD068), the council undertook a review of landscape protection which was published in summer of 2014 as the West Lothian Local Landscape Designation Review (LLDR, CD087). This exercise was undertaken by Land Use Consultants led by a Steering Group including Scottish Natural Heritage. It is considered that the methodology for the selection of Special Landscape Areas (SLA) is, as related to similar reviews, robust and defensible.

Position Statement 'Local Landscape Designation' (CD212) sets out the council's position in support of its approach to local landscape designation, including policy and identified Special Landscape Areas, as set out in the West Lothian Local Development Plan – *Proposed Plan* (pages 41, 42, 268 and Maps 1 - 5).

Scottish Planning Policy (CD068, SPP 2014) requires that the 'landscape character' approach as defined by the European Landscape Convention (2000) and set out in SNH guidance is followed when reviewing local landscape designations. Landscape character assessment is a process which classifies, evaluates and analyses landscape as a basis for decision making. The aim of Scottish Planning Policy 2014 (CD068) is for a consistent, methodical and robust approach yielding a single-tier of local landscape designation across Scotland.

The current set of local landscape designations in West Lothian evolved over many decades and lacks clearly defined boundaries, justification for selection of areas, and clarity over the landscape qualities and values for which they were designated. These weaknesses leave potential for challenges at planning appeal or inquiry and thus their long-term ability to protect landscape worthy of such designation.

The findings of the West Lothian Local Landscape Designation Review (CD087, LLDR, p. 82) are largely taken forward in the West Lothian Local Development Plan. Some adjustments to the Bathgate Hills SLA (Special Landscape Area) boundaries have been required to accommodate the spatial strategy for the LDP (Local Development Plan) and will be mitigated through the provision of appropriate high quality on-site landscape and the submission of detailed landscape plans. Where the minor adjustments to boundaries and *Statements of Importance* are required, these will be made transparent through Supplementary Guidance: *Landscape Character and Local Landscape Designations* to be produced in support of the LDP in due course.

None of the six current Areas of Special Landscape Control (ASLC), as adopted in the West Lothian Local Plan, to be taken forward in the LDP (Local Development Plan), however, other protection is available through overlapping spatial designations, development plan policy and potential environmental improvements resulting in a limited loss of protection. Inappropriate areas such as quarries and waste disposal sites have been identified as not warranting landscape protection.

Policy ENV 1 *Landscape character and special landscape areas* of the Proposed LDP (Local Development Plan) supports the regulatory framework for Special Landscape Areas identified in the LDP Maps 1 – 5 and is further supported by the West Lothian Landscape Character Classification (WLLCC) (CD242), an in-house document prepared from the successful consultancy work undertaken on updating the landscape character assessment for the West Lothian area.

Subsequent Planning Guidance for Landscape Character and Local Landscape Designation will publish the finalised Special Landscape Area Designations for the Proposed LDP (Local Development Plan) based on the results of the Reporter's examination of the proposed plan.

COUNTRYSIDE BELT DESIGNATIONS

Within the 'Place making' section, paragraphs 48 to 52 of Scottish Planning Policy (CD078) offer national policy guidance on the role of green belts in development planning including their role in development of the plan's spatial strategy, its spatial form and appropriate types and scales of development within such as airports and agriculture.

Countryside Belts are a local variant of green belts and have been in force in West Lothian for many decades beginning with the well-established Livingston Countryside Belt. New towns and green belts are classic planning tools and reflective of the push and pull of urban spatial strategies.

The five Countryside Belts shown in the LDP Proposals Maps and the policy criteria set out in Policy ENV 7 *Countryside Belts and settlement settings* are further detailed in the Position Statement 'Countryside Belts' (CD212). The council believes that these are the correct Countryside Belts designations and associated policy to support the wider spatial and policy framework of the Local Development Plan.

The four existing Countryside Belts are brought forward into the proposed plan with additional protection offered to the east of Linlithgow where strong development pressure exists.

The council has undertaken an in-house review of Countryside Belts in West Lothian with this work now being published within the Position Statement and taking this forward as planning guidance is suggested to Reporters.

The Countryside Belts for the proposed plan and their strategic purposes are highlighted in blue below as the lead paragraphs of Policy ENV 7.

Policy ENV 7 Countryside Belts and settlement setting

“The following areas, as indicated generally on the Proposals Map are designated as Countryside Belt:

- *Livingston;*
- *Bathgate/Whitburn;*
- *Winchburgh/Broxburn;*
- *East Calder/Kirknewton; and*
- *Linlithgow/ Philpstoun & Bridgend*

The strategic purposes of Countryside Belts are to:

- *maintain the separate identity and visual separation of settlements;*
- *protect the landscape setting of settlements;*
- *promote public access to green space for informal recreation; and*
- *enhance landscape and wildlife habitat.*

Protection and enhancement of the landscape of these Countryside Belts will be sought and encouraged as part of the Central Scotland Green Network and other opportunities, through woodland planting and managed access.

Within designated Countryside Belts, development will not be permitted unless it can be demonstrated that the proposal satisfies following criteria:

- a. a proposal is environmentally acceptable and the criteria set out in the policies ENV 1 – ENV 6 of the LDP can be met;*
- b. the proposal will not undermine any of the strategic purposes as set out above;*
- c. the proposal will not give rise to visual or physical coalescence between settlements, sporadic development, or the expansion of existing clusters of houses (existing groups of houses in the countryside but not within a town or a village) by more than 20% of the number of houses within that group; and*
- d. there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated.”*

See the following Schedule 4s for information on policy:

26J - Policy ENV 1 *Landscape character and special landscape areas*

26L – Policy ENV 7 *Countryside Belts and settlement setting*

LOCAL LANDSCAPE DESIGNATIONS***Bathgate Hills Special Landscape Area – issues at Linlithgow*****Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has AGLV status / recommended as Special Landscape Area**

Linlithgow and Linlithgow Bridge Council (0428); Emma Gordon (21495743); Peter Buck (21803202) – the land for H-LL 12 Preston Farm is currently designated as part of the Bathgate Hills Area of Great Landscape Value (AGLV) where it abuts the current Linlithgow settlement envelope as shown in the adopted West Lothian Local Plan (CD092, p. 27, Map 2). The West Lothian Landscape Character Classification (WLLCC) (CD242, p. 10-11) identifies the landscape encircling Linlithgow as the “Linlithgow Fringe” of landscape type “Lowland Hills Fringes”.

The West Lothian Local Landscape Designation Review (LLDR) (CD087, pp. 42 - 43) in its map combined results and summary of ranking of total scores of the evaluation analysis of the 23 landscape character areas which cover West Lothian, identifies the “Linlithgow Fringe” landscape character area as tied for second highest rank with a score of 27 out of 30.

For landscape protection, this high ranking of the “Linlithgow Fringe” landscape character area through the Local Landscape Designation Review confirms the continuation of the current adopted Areas of Great Landscape Value for Airngarth Hill AGLV to the north of Linlithgow and The Bathgate Hills AGLV to the south of the town as designated Special Landscape Areas.

It is agreed that the landscape around Linlithgow is of high quality worthy of landscape protection. This very fact results in other factors coming into greater prominence such as proximity to local schools, good access and proximity to a rail station in the assessment of potential development sites.

Thus where communities are surrounded by very high ranked landscape character areas, such as Linlithgow, it is inevitable that expansion will result in the development of such land. Many communities in West Lothian have settlement boundaries which follow the edges of landscape designations, Torphichen being another which is almost encircled by the Bathgate Hills AGLV / SLA (Area of Great Landscape Value / Special Landscape Area). In the case of Linlithgow, landscape designations require to be amended at the edges of the settlement to accommodate growth and reflect housing allocations.

In light of the above discussion, the council does not therefore agree to modify the Plan in response to this representation.

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

Leslie Neary (21558610); Steven Donaghue (21670368) – the respondents have presumed that the underlying designation is Green Belt, when in fact the Bathgate Hills Area of Great Landscape Value (AGLV) is in force as set out in the West Lothian Local Plan and proposals maps (CD092, p. 27, maps 1-5).

Therefore the council does not agree to modify the Plan in response to these representations however it is hoped that responses to other representations to the plan

on this issue will assist in the understanding of why and how the council undertook the local landscape designation review via specialist independent consultants.

Objections to site H-LL 4, Manse Road on the basis of loss of local landscape protection

Duncan Fortune (21349895); Irene Fortune (21770063) – indicate the de-allocation of this site on landscape grounds cannot be sustained but the council responds to reasons given as follows:

- in cases where settlements are encircled or nearly encircled by high quality landscape, much of it in the case of Linlithgow recognised by landscape protection designation, urban growth can only happen through the loss of some landscape even when high quality residential schemes are sought;
- it is agreed that the landscape of Linlithgow is of high quality and important to both residents and visitors, however this very fact results in other factors coming into greater prominence such as proximity to a rail station in the assessment of potential development sites;
- alas it is inevitable that some cherished and highly valued landscape will require to be developed to accommodate additional growth in the town as well as driving higher densities within the town such as the recent conversion of the former bus depot;
- the Bathgate Hills Special Landscape Area (SLA) will be retained at this point but with minor revisions and on a more robust basis thanks to the evidence and analysis base through the Local Landscape Designation Review (CD103);
- the Bathgate Hills Special Landscape Area is the largest landscape designation in West Lothian and will be protected and regulated by the proposed plans policy framework notably Policy ENV 1 *Landscape character and Special Landscape Areas*.

The council does not therefore agree to modify the Plan in response to these representations.

Objections to site H-LL 11 Wilcoxholm on the basis of landscape impact

Finlay Scott (21848598) & (0433) – this site was also assessed through the West Lothian Local Landscape Designation Review (LLDR) (CD087) because the landscape study area included an “all-landscape” approach covering all landscapes in West Lothian except where delineated by settlement boundaries. However, the area north of the B9080 / Edinburgh Road was not taken forward as part of the Bathgate Hills Special Landscape Area due to its separation and more urban fringe character.

Similar to other sites in Linlithgow discussed above in this section, the high ranked landscape character which encircles the town results in other factors for site assessment being given greater weight. In the case of site H-LL 11 Wilcoxholm, these include proximity to schools, town centre and railway station. Through site delivery requirements and planning application assessment, development can be achieved which is compatible with the location adjacent the historic structure of the Union Canal, urban edge and agricultural setting.

The council does not therefore agree to modify the Plan in response to this representation.

Bathgate Hills Special Landscape Area – support at Linlithgow*Support for current areas of landscape protection for Linlithgow*

Linlithgow and Linlithgow Bridge Council (0428) – support the function and long-term effectiveness of local landscape designations for Linlithgow protecting proximate countryside is welcomed, albeit with caveats.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/ outcomes

Cala Management Limited (0418) – the developer has not surprisingly come forward in support of the site at Preston Farm. However, it should be noted that the site area and allocation numbers have been revised downwards in the Proposed LDP (Local Development Plan) from previous indications at the Main Issues Report (MIR) stage and the developer is not challenging this lower density position.

Bathgate Hills Special Landscape Area – issues at Bathgate*Objections to extension of local landscape protection in vicinity of EO1 – 126 Dykeside Farm, Bathgate*

Gladman Developments (0459) & (21768324); John Orr (21716490); David Orr (21418509) & (21865048) – it is true that the Bathgate Hills Special Landscape Area extends the former coverage of the Area of Great Landscape Value further west of the B792 to cover land which forms part of Dykeside Farm and Hilderston Farm. Dykeside Farm is nearer the Bathgate settlement edge close to Balbardie Park and the suburb of Belvedere.

The area at and around Dykeside Farm falls into the landscape character areas (LCA) of the Bathgate Hills to the south-east, and the Couston Valley to the northwest, as can be seen in the West Lothian Landscape Character Classification (WLLCC) (CD102, p. 10-11).

The West Lothian Local Landscape Designation Review (CD087, pp. 42 - 43) ranks the 23 landscape character areas in West Lothian against 10 criteria. While the Bathgate Hills LCA (Landscape Character Area) scored 27/30, tied for second place, the Couston Valley LCA (Landscape Character Area) was the lowest scoring landscape unit at 14/30. However it did score 'medium' against four evaluation criteria: "representativeness", "condition", "views" and "settlement setting". Low scores were received for "rarity", "intactness", "scenic qualities", "enjoyment", "cultural qualities" and "naturalness".

By contrast the Bathgate Hills LCA (Landscape Character Area) had no 'low' scores, only three medium scores ("representativeness", "condition", "naturalness") and scored 'high' in the other seven categories. Despite West Lothian having a reputation for an industrialised, lower quality landscape, this is not borne out by the results of the West Lothian Local Landscape Designation Review, where even low ranking landscape character areas such as the Couston Valley LCA (Landscape Character Area), were well above the potentially lowest score of 7/30.

It needs to be understood that landscape character areas are categories detected through patterns in the landscape following a specific methodology which means that

there is variability across a landscape area with the most typical areas towards the centre and the least representative of a landscape character type near the edges. The extension to the Bathgate Hills area of landscape protection around Dykeside and Hilderston farms reflects landscape character at the edges of two landscape units. Thus this area of the Couston Valley LCA (Landscape Character Area) closest to the Bathgate Hills LCA (Landscape Character Area) and rising above the lowlands of the Couston Water can be seen as forming the flanks of the Bathgate Hills at this point.

Formation of Special Landscape Areas is covered in Chapter 5 of the West Lothian Local Landscape Designation Review's (CD087, pp. 44-52 with p. 47 extracted) where the plan Figure 5.2 '*Selection of core areas for candidate Special Landscape Areas*' on page 52 shows the western side of the 'Bathgate Hills core area' encroaching into Unit 7: Couston Valley.

Chapter 6 '*Refinement of Core Areas against Practical Criteria*' is informed by the Guidance on Local Landscape Designations produced by Scottish Natural Heritage and Historic [Environment] Scotland (GLLD, CD120) and the iterative process between Land Use Consultants and the project steering group, including members from SNH. The practical considerations for the formation of Special Landscape Areas (LLDR, CD087, p. 53) which were examined in paragraph 6.2 include:

- the identity, size and coherence of each area as a recognisable landscape;
- the reasons for selecting each area, and compatibility with the purposes of designation;
- potential overlaps with other designations;
- potential overlaps with other planning policy/strategy considerations such as housing land allocations; and
- availability of suitable boundary features.

The first two bullet points support the designations of the land at Hilderston and Dykeside Farm for landscape protection. Whilst it may seem to the objectors as this is an extension of the Area of Great Landscape Value, the methodology for the Local Landscape Designation Review was based on an 'all-landscape' approach as advised in the Guidance on Local Landscape Designations (GLLD, CD120).

Unfortunately, the summarised text of this process for the Bathgate Hills (LLDR, CD103, p. 54) does not directly refer to the western side of the designation, but it does indicate that the reasons for including extensions to the core area elsewhere were based on '*areas which form the foreground to the hill in several views, and particularly in relation to the settings of surrounding settlements*'. The extended area at Dykeside and Hilderston Farms acts in the same manner supporting views of Cairnpapple Hill and The Knock from Bathgate itself, Armadale, Whitburn and particularly Torphichen. These views are identified as "Important Viewpoints" on the last page of West Lothian Landscape Character Classification (WLLCC) (CD242).

In addition, views from the many transportation routes which traverse West Lothian to the south and west of the Bathgate Hills benefit from the landscape protection to this foregrounds area: A801, M8, Glasgow to Edinburgh rail-line via Bathgate and National Cycle Route 75.

Therefore, in summary the council stands by the West Lothian Local Landscape Designation Review's (CD087, p. 57) extension of landscape protection in the Dykeside /

Hilderston Farmland areas north of Bathgate because:

- despite being a low score for the overall LCA (Landscape Character Area) of Couston Valley, scores for West Lothian were generally good with no areas scoring a full slate of 'low' points;
- as edge areas for their respective LCA (Landscape Character Area) the assessments can be seen to be respectively closer together for their respective areas thus boosting the local score for the Couston Valley LCA (Landscape Character Area);
- the refinement of Core Areas for potential Special Landscape Areas allows for the designation to support the coherence of the designation as a recognisable and their compatibility with the purpose of the designation.

In view of the above arguments, the council does not therefore agree to modify the Bathgate Hills Special Landscape Area, nor the Plan in response to these representations.

Blackridge Heights Special Landscape Area – issues

Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle

Andrew Dodds (21903259) – The methodology followed by the council's Local Landscape Designation Review (CD087, p. 82) required an assessment of all landscape character areas outwith settlement boundaries. Each landscape character area was evaluated against a narrative framework, which was then converted to a numerical score for ranking purposes. The areas of the Blackridge Heights Area of Great Landscape Value (AGLV) which were reduced in the subsequent Special Landscape Area fall into the landscape character areas (LCA) of "Avonbridge to Armadale Plateau" and the "Blackridge Heights" LCA or landscape unit as can be seen in the West Lothian Landscape Character Classification (WLLCC) (CD242, p. 10-11).

The evaluation criteria of the West Lothian Local Landscape Designation Review (LLDR, CD087, p. 45) considered a wide range of factors which contribute to landscape character and quality. However the Avonbridge to Armadale Plateau ranked only in the bottom third of Table 5.1 'Ranking of landscape by total score' with 'low' scores against 'rarity' and 'enjoyment' and no 'high' scores so this area of the existing area of landscape protection could not be taken forward in a robust state and had to be reduced.

Indeed, the Blackridge Heights LCA (Landscape Character Area) scored in the middle half of the table below the cut-off line but by reducing the area and focusing on the highest scoring areas within and around the Blawhorn Moss National Nature Reserve with an international designation as a Special Area of Conservation, it was possible to retain the smaller designation, but with defensible boundaries and an appropriate Statement of Importance (LLDR, CD087, Pp. 45, 49)

The policy framework in the Proposed Plan offers other forms of protection for local countryside including policies:

ENV 2: *Housing development in the countryside.*

ENV 3: *Other development in the countryside.*

ENV 9: *Woodlands, forestry, trees and hedgerows.*

The council does not therefore agree to modify the Plan in response to this representation.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

No modifications were recommended for five of the Special Landscape Areas - Airngarth Hill SLA; Almond and Linhouse Valleys SLA; Avon Valley SLA; Forth Coast SLA; Pentland Hills SLA - therefore no amendments need to be considered.

COUNTRYSIDE BELT DESIGNATIONS

Livingston Countryside Belt – issues

Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road

Hallam Land Management (21672936) – site EOI-0136, Seafield Road, Blackburn (6.5 hectare, 120 units) was assessed and presented as a ‘Not Preferred Site’ in the Main Issues Report (CD079, Map 7) due to its potential to cause the coalescence of Blackburn and Seafield which are independent communities with their own traditions.

The council does not therefore agree to modify the Plan in response to this representation.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

Dundas Estates & Development Company (21864464) – sites submitted at Main Issues Report stage (CD079, Map 3) EOI-0021 & EOI-0134 as well as site EOI - 0112, all to the east of Beechwood Grove and Park in north Uphall Station, were assessed and presented as ‘Not Preferred Sites’.

The reasons given for changing that assessment at proposed plan stage are not accepted because:

- the land plays a role in the settlement setting and urban identity in this area with considerable development pressures and coalescence issues, especially to the west and is therefore consistent with Policy ENV 7 *Countryside Belts and settlement setting*;
- whilst there was an earlier planning application (0050/P/08) related to this area, this aspect of the proposal and masterplan was unsuccessful and the land is designated a Local Biodiversity Site as identified on Map 3: *Livingston Area* in the proposed plan;
- development potential of the land indicates the need for protection through Countryside Belt.

The Livingston Countryside Belt at this point is unchanged and brought forward from the adopted plan. The council does not therefore agree to modify the Plan in response to this representation.

Winchburgh / Broxburn Countryside Belt – issues***Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddry Bing, Winchburgh***

Winchburgh Development Limited (21862570); Airthrie Estates & Hopetoun Estate Trust (21772260) - site H-BU 10 Westwood is an established site allocated as within the Core Development Area at Broxburn in the adopted West Lothian Local Plan (CD092).

The council does not therefore agree to modify the Plan in response to this representation.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues***Linlithgow / Philpstoun & Bridgend Countryside Belt - location of key infrastructure sites within Countryside Belt designated area***

Transition Linlithgow (0363) – paragraphs 51 and 52 of Scottish Planning Policy (CD078) identify a number of controlled but permissible uses within green belts - which Countryside Belts equate to – including ‘major businesses and industrial operations’, ‘essential infrastructure’ and ‘intensification of established uses’.

Local Development Plan (LDP) Action Programme proposal P-43 (Burghmuir high amenity employment site) is an intensification of established use and employment site EL18 as identified in the adopted West Lothian Local Plan (CD92, Map 2 and key) and represents the shift of use from the adopted local plan site EL12 at Boghall to the south of the Blackness Road. This employment usage has been taken forward in the proposed plan as P-43 (Burghmuir high amenity employment site) in accordance with employment requirements for the plan.

Local Development Plan (LDP) Action Programme proposal P-45 (Coach park and ride facility) brings forward the ‘motorway junction safeguard’ and ‘site for bus facility with park and ride’ indicated in the adopted West Lothian Local Plan (CD92, Map 2 and key) and brought forward in the proposed plan.

In addition, at the Burghmuir area, the Local Development Plan (LDP) Action Programme (paras. 51 & 52) includes proposals P-44 (westbound slip roads on M9 at Burghmuir) and P-108 (Linlithgow to Blackness cycle route), the former also rolled forward from the adopted plan and both are compliant with the terms of Scottish Planning Policy.

The council does not therefore agree to modify the Plan in response to this representation.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support***Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation***

Linlithgow and Linlithgow Bridge Council (0428) – the council welcomes the caveated support by the community council for the proposed Countryside Belt at Linlithgow / Philpstoun & Bridgend as designated in the proposed plan and accompanying maps. Whilst the proposals for a wildlife corridor and development free Zone running adjacent a new link road to the south and east of Linlithgow is an interesting concept, it cannot be

used as the basis to amend the proposed countryside belt as set out in the proposed plan.

The council does not therefore agree to modify the Plan in response to this representation.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

No changes to the proposed plan are required at Bathgate / Whitburn Countryside Belt and East Calder / Kirknewton Countryside Belt as no issues have been raised.

Summary

No amendments are proposed to the Special Landscape Areas as presented in the West Lothian Proposed LDP (Local Development Plan).

No amendments are proposed to the Countryside Belts as presented in the West Lothian Proposed LDP.

To summarise, with regards to the representations received in relation to the spatial designations discussed above, the council does not consider that the plan should be modified in respect of any of the issues raised in the representations.

Summary with respect to Linlithgow - changing local landscape protection and countryside belt designation

Lastly, the council is aware that the change to the long-standing policy of restraint on housing development for Linlithgow has not been welcomed by residents who have become accustomed to a settled shape of the town's edges over the last 2 decades and may have presumed that landscape and countryside around the town would stay the same indefinitely, or at least during their residency.

The council has taken a modest approach to increasing development land in Linlithgow including some incursions into designated landscape areas, while offering additional protection through the application of a countryside belt to protect settlement setting and identity on the eastern side of the town. Much of the development need and pressure has been arguably shifted to Winchburgh where landscape and heritage constraints are less than in Linlithgow.

Linlithgow will remain a historic burgh set in attractive countryside and highly valued landscape with relevant protection through the planning process.

Any further plan changes recommended by the planning authority

Given the above discussion on proposed sites in Linlithgow breaching high quality landscape areas, a requirement for the production of and submission of high quality landscape plans by developers at the planning application stage is a reasonable response and would result in only minor change to the proposed plan. High quality landscape plans for newly allocated sites in Linlithgow could reinforce local landscape character; provide some screening without causing excessive shade, avoiding problem shelterbelts where appropriate. This would be a desirable addition for all sites in

Linlithgow especially those of a contentious nature which have arisen since the area of restraint policy was lifted. If Reporters were so minded such amendments could be applied to the relevant sites listed in Appendix Two: Schedule of Housing Sites / Site Delivery Requirements of the Proposed Local Development Plan (pp. 193 - 200) for new allocations as site delivery requirements.

Reporter's conclusions:

1. We deal elsewhere with all of the matters referred to above.
2. Objections to the allocation of sites H-LL 11 Wilcoxholm, H-LL 12 Preston Farm (and the support for this allocation) and H-LL 14 Manse Road, all in Linlithgow, are considered under Issue 15A, as are representations concerning proposal P-45. P-43 is considered at 15N. Representations from Linlithgow and Linlithgow Bridge Community Council in respect of the Linlithgow/Philpstoun & Bridgend Countryside Belt are also addressed under Issue 15A.
3. Objections to the extension of the Bathgate Hills Area of Great Landscape Value (now Special Landscape Area) to land at Dykeside Farm are considered under Issue 4M. Objections to the reduction in extent of the (now) Special Landscape Area near Westfield and Bridgecastle are considered under 26J. Objections to the inclusion of site EOI-0136 Seafield Road within the Livingston Countryside Belt are considered under Issue 4P. Objections to the inclusion of land to the east of Beechwood Park and Beechwood Grove within the Livingston Countryside Belt are considered under Issue 20C. Objections to the inclusion in the countryside belt of land north of Broxburn and south of Niddry Bing are considered under Issue 24E.

Reporter's recommendations:

No modifications.

Issue 1C	Spatial Strategy, Vision and Aims	
Development plan reference:	Chapters 4 and 5	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments (0158) Royal Society for Protection of Birds (0209) Transport Scotland (0236) Scottish Natural Heritage (0238) Homes for Scotland (0239 and 0422) Historic Environment Scotland (0351) Cala Management Ltd (0418 and 21867093) Linlithgow and Linlithgow Bridge Community Council (0428) Newton Community Council (21902291) John & Colin Macfarlane (21865046) BDW Trading Ltd and H&J Russell (21863641)</p>	<p>Ian Findlay (21863501) Clarendon Mews Residents (21862933, 0137 and 0244) Winchburgh Developments Ltd (21862570) Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170) John Orr (21716490) British Solar Renewables (21116167 and 0214) SEStran (21097306) May Brown (21066561) J Barlas (21906270) Scottish Wildlife Trust (21892215) Linda Ovens (21806840) Drummond Homes (21735170)</p>	
Provision of the development Plan to which the issue relates:	<p><u>Chapter 4</u> Vision Statement of the Plan and details the Aims (paras 4.1 - 4.3, page 11) <u>Chapter 5</u> Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations (para 5.4, 5.76, 5.139 to 5.184, page 265) <u>Appendix 4</u> <u>Supplementary Guidance (SG) and Planning Guidance (PG)</u></p>	
Planning authority's summary of the representation(s):		
<p>Gladman Developments (0158) - Supports the overall vision of the LDP.</p> <p>Royal Society for Protection of Birds (0209)</p> <p>Commends the vision statement, specifically the aim to protect and mitigate against impacts on environment, and the aim for sustainability; with regard to aims set out for community regeneration, advise that brownfield sites can support a greater range of biodiversity than undeveloped agricultural land and development of such sites should take into account existing biodiversity features and mitigate against their potential loss; commend the aims to under 'Natural and Historic Environment', 'Climate Change and Renewable Energy' and 'Waste and Minerals'.</p> <p>Transport Scotland (0236)</p> <p>The plan does not recognise or define the impacts and mitigation measures required as a consequence of the spatial strategy on the trunk road network. Consideration should be</p>		

given to developer contributions for general infrastructure for site delivery and education strategy to being supplementary as opposed to planning guidance.

Scottish Natural Heritage (0238)

Suggests update required to 'Residential Development Guide' if the principles set out in paragraph 5.8 and Policy DES1 are to be delivered.

Homes for Scotland (0239 and 0422)

Supports in part the key aims but seek change in relation to sustainable housing

Historic Environment Scotland (0351)

Welcomes that the built heritage has been embedded within the vision statement for the Plan and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment; some of the proposed development sites have the potential for impacts on heritage assets within HES remit, however consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts.

Cala Management Ltd (0418 and 21867093)

Supports the Vision Statement to provide a generous supply of housing land and an effective five year housing land supply at all times; acknowledges the council's aim is to continue to promote and support major development within the previously identified CDA's and are supportive of this in principle, however, this should not preclude other effective sites from coming forward especially if there are delays over the CDA developments coming forward; notes continuing support to CDAs and strategic allocations and support requirement for further land allocations however, concerns regarding the reliance upon the existing CDA's coming forward within the timescales; established CDA's should not preclude new sites from coming forward and being developed, especially if they are effective sites.

Linlithgow and Linlithgow Bridge Community Council (0428)

Supports the vision and aims with regard to employment, housing land, transport connectivity and infrastructure, the historic environment, climate change and renewable energy.

Newton Community Council (21902291)

Highly supportive in broad terms of both the broad strategy of the Plan that envisage moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies; highly supportive in broad terms of both the broad strategy of the Plan that envisage moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies; notes contradiction between sections which state that West Lothian's population growth has been concentrated among the elderly (para 5.76), and others stating that population growth has been mainly among the young (para 5.11).

John & Colin Macfarlane (21865046)

Generally supports the vision statement and aims, however in order to support the section on Sustainable Housing Locations, the council must demonstrate an effective supply of housing land.

BDW Trading Ltd and H&J Russell (21863641)

Generally supports the vision statement and aims, however in order to support the section on Sustainable Housing Locations, the council must demonstrate an effective supply of housing land.

Ian Findlay (21863501)

The aim related to community regeneration should make reference to safeguarding income generating farmland; Oakbank Regeneration Project would be at the heart of the vision; sustainable housing is required all over West Lothian not just in the CDA; the council should publish a systematic approach to the evaluation of infrastructure; agrees with aims related to town centres and retailing; need to protect natural spaces not just open spaces; does not agree with statement relating to climate change and renewable energy; seeks change to aim related to waster and minerals.

Clarendon Mews Residents (21862933, 0137 and 0244)

The area of restraint policy in Linlithgow should be continued.

Winchburgh Developments Ltd (21862570)

Supports the continued support given to the Winchburgh Core Development Area; supports the principles set out in relation to infrastructure however, concerned that the LDP is not supported by a detailed parallel financial plan or assessment of the scale, nature, delivery timescales or funding of the infrastructure required.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

Objects to the aim related to Economic Development and growth as fails to make specific reference to the qualitative aspects of housing demand, including location, and to recent government announcements regarding boosting new housing opportunities; objects to aim related to infrastructure requirements and delivery as it fails to clarify those items of infrastructure which should be determined in the proposed plan rather than in supplementary guidance and the role of the council in meeting the gap between proportionate developer contributions and the council's statutory duties.

John Orr (21716490)

Objects to proposed sustainable housing locations and effectiveness of the housing supply; misguided and pointless to supports principle of further housing development in CDAs.

British Solar Renewables (21116167 and 0214)

Supports aims, however seeks additions in order to strengthen these; supports continued

support for CDAs and strategic allocations but need to take cognisance of how the market has and will continue to affect the ability of such larger scale sites to deliver in manner originally intended; supports terms of Policy DES 1.

SEStran (21097306)

Welcomes the emphasis on sustainable locations at “Sustainable Housing Locations” and “Climate Change and Renewable Energy”.

May Brown (21066561)

Supports the Proposed Plan as written with the proviso that the current boundaries as defined in the proposal are retained. In particular, Livingston South, no further housing development should take place outwith the land identified currently for development in the current plan.

J Barlas (21906270)

Welcomes the wider plan, its aims and objectives and look forward to the development and opportunities it will bring to Winchburgh and the surrounding areas, however raise issues in relation to site H-WB 10.

Scottish Wildlife Trust (21892215)

Endorses the inclusion of the vision statement committing the plan to protect the natural environment; endorses the proposals for the Natural and Historic Environment and supports and endorses a number of supporting policies.

Linda Ovens (21806840)

Expresses support for council approach to infrastructure requirements and delivery but notes that there are no detailed plans for bringing infrastructure forward.

Drummond Homes (21735170)

Supports the general aims of the Vision Statement in relation to infrastructure requirements and in relation to new residential development at Kirknewton, however, it is essential that contributions are sought on a proportional basis.

Modifications sought by those submitting representations:

Royal Society for Protection of Birds (0209)

The aim for sustainability should include environmental as well as economic and social sustainability; although not specifically stated, comments suggest that the aim for Community Regeneration should include reference to brownfield land and biodiversity.

Transport Scotland (0236)

Consideration should be given to planning guidance ‘Developer Contributions for General Infrastructure for Site Delivery’ and ‘Education Strategy’ being Supplementary Guidance.

Scottish Natural Heritage (0238)

Proposes amending Policy DES 1 part (d) to refer to “landscaping” as opposed to “landscape provision”.

Homes for Scotland (0239 and 0422)

Seeks a change to the 3rd point under ‘Sustainable Housing Locations’ to broaden the aim to include other providers of affordable housing and thereby work towards increasing supply across all tenures. Highlighted text reflects additions:

Sustainable Housing Locations

Provide a generous supply of housing land and an effective five year housing land supply at all times

Continue to promote and support major development within the previously identified CDAs; and

Support the council’s new build housing programme and increase the supply of affordable housing through all providers and all Scottish Government approved tenures.

Historic Environment Scotland (0351)

None specified however, encourages the council to ensure that all mitigation measures identified in the ER (or recommended in HES letter of 17 October 2014) are brought through to the site delivery requirements.

Ian Findlay (21863501)

The vision related to mineral extraction should be to ensure any approved schemes are required to not only “minimise impact” but to better the area affected not just at the end of the extraction period but also during their project life.

British Solar Renewables (21116167 and 0214)

Seeks amendment to Aims. Highlighted text reflects additions:

Sustainable Housing Locations

Provide a generous supply of housing land and an effective five year housing land supply at all times, of a range and choice to meet need and demand.

Continue to promote and support major development within the previously identified CDAs and strategic allocations; and

Support the council’s new build housing programme.

Climate Change and Renewable Energy

Help achieve climate change objectives by minimising the area’s carbon footprint through help to achieve climate change objectives by minimising the areas carbon footprint

through promoting a range of types of development in sustainable locations and supporting mitigation and adaptation measures.

May Brown (21066561)

None specifically requested but infers that the settlement boundary to the south of Livingston is amended to reflect that of the West Lothian Local Plan.

J Barlas (21906270) - Seeks amendment to settlement boundary at Winchburgh in relation to site H-WB 10.

Summary of responses (including reasons) by planning authority:

Royal Society for Protection of Birds (0209)

The LDP contains aims for a broad range of themes. Underlying each is a desirable to support sustainable development. The council acknowledges that brownfield sites can support a greater range of biodiversity than undeveloped agricultural land. Requirements for biodiversity study for development sites have been highlighted in Appendix 2 of the LDP, policy ENV 19 of the LDP provides the framework against which issues relating to biodiversity would be assessed. The council does not propose to amend the LDP in relation to this issue.

Transport Scotland (0236)

The LDP is supported by an Accessibility Analysis and Transport Appraisal (CD083 and CD195). A detailed response has been submitted in response to Transport Scotland concerns (see Schedule 4 number 26V) and has been accepted by them. Mitigation measures required as a consequence of the spatial strategy on the trunk road network are set out in Appendices 1 and 2 of the LDP and in the supporting draft Action Programme (CD194). These are reflective of the measures set out in the approved Strategic Development Plan and accompanying Action Programme (CD099 and CD171). The council does not propose to amend the LDP in relation to this issue. Appendix 4 of the LDP provides details of proposed supplementary guidance and proposed planning guidance. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning (CD030, paragraphs 135 - 148). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

Scottish Natural Heritage (0238)

The council's Residential Development Guide (RDG) has been updated and approved in draft form by the council's Development and Transport Policy Development and Scrutiny Panel for consultation (CD233). The terms of paragraph 5.8 and policy DES 1 of the LDP fully reflect that of the updated RDG. It is the intention that the RDG will form Planning Guidance in support of the LDP (Appendix 4, page 266 of the LDP refers). The council does not propose to amend the LDP in relation to this issue.

Homes for Scotland (0239 and 0422)

The key aims in relation to sustainable housing locations are high level aims with the

principle being the provision of a generous supply of housing land and an effective supply. The council is of the view that there is no requirement or necessity to distinguish between tenures. Specific reference to the council's new build housing programme is to reflect that the council house build programme is a high priority of the council and one of the key delivery aims of the council. Policy HOU 5 advises of preparation of supplementary guidance to support the provision of affordable housing and will provide the detail on how such housing is to be provided and by whom. The council does not propose to amend the LDP in relation to this issue.

Historic Environment Scotland (0351)

The LDP contains an appropriate and robust policy framework against which proposals affecting the historic environment will be assessed, pages 54–61 of the LDP refer. Mitigation measures and site delivery requirements are set out in Appendices 1 and 2 of the LDP. Of the sites referred to in HES letter dated 17 October 2014 (CD285), only the following have been included in the LDP Proposed Plan for development. The requirements set out by HES in its letter dated 17 October 2014 have been considered in the allocation of the sites for development. HES would be a consultee should planning applications come forward for development of the sites. In addition, proposals would be assessed against the relevant policies in the LDP. The council does not propose to amend the LDP in relation to this issue.

EOI-0161 - re referenced H-LW 6 in LDP Proposed Plan, Former Freeport retail village; the site has a valid planning approval (CD319a –CD319f). [14A – Andrew]

EOI-0168 - re referenced H-LL 12 in LDP Proposed Plan, Preston Farm, Linlithgow

EOI-0114 - re referenced H-LL 11 in LDP Proposed Plan, Wilcoxholm/Pilgrims Hill, Linlithgow

EOI-0210 - re referenced H-LL 10 in LDP Proposed Plan, Clarendon Farm, Linlithgow [15A – Lorna]

EOI-0086/0087 - re referenced H-BU 12 in LDP Proposed Plan, Hillview Avenue, Broxburn

EOI-0144/0175 - re referenced H-BU 13 in LDP Proposed Plan, Kirkhill North, Broxburn; the site has a valid planning approval (CD400).

EOI-0201 - re referenced H-WB 17 in LDP Proposed Plan, site west of Niddry Castle, Winchburgh

Cala Management Ltd (0418 and 21867093)

Support for the vision statement and development within the core development areas is noted; housing land supply matters are addressed in Schedule 4 number (1A).

The development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas and Strategic allocations (page 10, paragraph 5.10 of the LDP refers). The strategy is, however, supported by the allocation of a number of smaller sites across the LDP area. Associated with the development of the CDAs is the delivery of new infrastructure, principally new schools, the delivery of which will impact on the

ability of all housing allocations set out in the LDP Proposed Plan to be delivery and therefore effectiveness of supply. A focus on the CDAs does not however preclude other effective sites from coming forward especially if infrastructure capacity is available to accommodate development. The council does not propose to amend the LDP in relation to this issue.

Newton Community Council (21902291)

There are no proposals to alter the spatial strategy set out in the LDP Proposed Plan in relation to Newton. No contradiction is intended in terms of commentary on the population make up of West Lothian. The council does not propose to amend the LDP in relation to the references to population at paragraphs 5.11 and 5.76 of the LDP Proposed Plan. However, the council invites the reporter to make an appropriate recommendation on this issue. The council does not propose to amend the LDP in relation to this issue.

John & Colin Macfarlane (21865046), BDW Trading Ltd and H&J Russell (21863641)

These issues are dealt with in Schedule 4 number (1A).

Ian Findlay (21863501)

The LDP sets out a development strategy which to seeks to deliver a balance between development requirements and the need to protect the area's valuable natural environment; the LDP reflects that planning permission has been granted for development on land which is currently undeveloped and also includes brownfield sites. All sites suggested for inclusion in the LDP have been the subject of site clearance and regard to infrastructure availability. The council does not propose to amend the LDP in relation to this issue. See also Schedule 4 number (11E) in relation to the Oakbank site.

Clarendon Mews Residents (21862933, 0137 and 0244)

The council's justification for removing the area of restraint in Linlithgow is set out in Schedule 4 number 15A. The council does not propose to amend the LDP in relation to this issue.

Winchburgh Developments Ltd (21862570)

Infrastructure requirements associated with development proposals are set out in Appendices 1 and 2 of the Proposed Plan and in the supporting draft Action Programme. Proposed supplementary guidance is set out in Appendix 4 of the LDP Proposed Plan. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning (CD030). Relevant planning consents and accompanying legal agreements set out the triggers for delivery of infrastructure required to support development. The draft Action Programme sets out the timeframes for delivery of infrastructure (CD194). The council's position statement on education (CD201) provides details on the education requirements and potential delivery dates for education infrastructure requirements. The council has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following Council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan and recover its costs through developer contributions. This would enable funds received from

developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a key component of the council's aims to support development delivery (CD269). The council is also part of the Edinburgh and South East Scotland City Deal to provide assistance in delivery of development (CD271, CD202 and CD209). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

The aims set out in pages 8 and 9 of the LDP Proposed Plan are high level aims to provide a broad overview. The LDP Proposed Plan pre-dates Scottish Government announcements regarding boosting new housing opportunities, specifically the letter from the Chief Planner dated 7 October 2015 in relation to housing delivery (CD203). Notwithstanding the link between housing and economic growth is recognised in the LDP, the Core Development Areas, for example, providing for housing and employment needs through the creation of mixed use developments. Infrastructure requirements associated with development are set out in Appendices 1 and 2 of the Proposed Plan and in the supporting draft Action Programme. Proposed supplementary guidance is set out in Appendix 4 of the LDP Proposed Plan. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning (CD030). Policy CDA 1 and INF 1 of the LDP Proposed Plan set out the terms against which developer contributions would be sought. The council's position statement on education (CD201) provides details on the education requirements and potential delivery dates for education infrastructure requirements. The council has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following Council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan and recover its costs through developer contributions. This would enable funds received from developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a key component of the council's aims to support development delivery (CD269). The council is also part of the Edinburgh and South East Scotland City Deal to provide assistance in delivery of development (CD271, CD202 and CD209). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

John Orr (21716490)

The development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas (CDAs) and other strategic housing allocations e.g. Heartlands and Bangour. All CDAs are delivering on housing development albeit at a slower rate than originally anticipated. The CDAs require substantial infrastructure requirements to ensure delivery in full. The council's justification for approach to housing land supply is set out in Schedule 4 number (1A). The council does not propose to amend the LDP in relation to this issue.

British Solar Renewables (21116167 and 0214)

Whilst there may be merit in amending the aims set out in the LDP in this instance, the aims set out are reflective of a number of council strategies and as such the council does

not propose to make any changes. The council invites the reporter to make an appropriate recommendation on this issue.

May Brown (21066561)

Support for the LDP Proposed Plan is noted, however, new allocations are required to accommodate anticipated housing and other development needs over the LDP plan period. There is only one new housing allocation in Livingston South (site reference H-LV 31) and a site previously allocated in the West Lothian Local Plan (site reference HLv94 has been deleted). The settlement boundary at the south of Livingston has been altered to include the long standing development site of Linhouse (site reference E- LV 46) which was identified in the West Lothian Local Plan as site ELv54 for employment use. Inclusion of the site within the settlement envelope reflects development aspirations for the site. The council does not propose to amend the LDP in relation to this issue.

J Barlas (21906270)

Support for the wider plan, its aims and objectives are noted, however, no change is proposed to the approach at Winchburgh and site allocations. This issue is dealt with in Schedule 4 numbers 24A – 24N.

Linda Ovens (21806840)

Infrastructure requirements to support the site allocations in the LDP Proposed Plan are set out in Appendices 1 and 2 of the plan and in the accompanying Action Programme. The delivery of infrastructure requires input from the development industry through developer contributions as set out in pages 9, 24, 26, 27, 30 – 37, 61 and 119-122 and policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3, ENV 34. The council does not propose to amend the LDP in relation to this issue.

Drummond Homes (21735170)

Support for the general aims of the Vision Statement and infrastructure requirements in relation to new residential development at Kirknewton, is noted. The level of contributions required to support development would be set out in compliance with the requirements of Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD031). The aim set out in page 9 of the LDP Proposed Plan in relation to infrastructure requirements and delivery advises that proportional developer contributions would be sought. The council does not propose to amend the LDP in relation to this issue.

Reporter's conclusions:

1. We address Newton Community Council's comments about the age of the population in West Lothian under Issue 1P. We address Policy DES 1 Design Principles under Issue 26Ab, although I note the council confirms above that the residential design guide is to be updated and adopted as non-statutory planning guidance. We address matters relating to allocated sites in Linlithgow, and the previous policy of restraint, under Issue 15A.
2. May Brown is opposed to any further development beyond that allocated, in particular in the south part of Livingston. It is perhaps not entirely clear, but my reading of her representation is that she is opposed to further allocations beyond those in the proposed

plan, not, as the council says above, beyond those in the current local plan. There are several additional sites proposed in the south of Livingston (and many more across West Lothian) beyond those in the proposed plan, and we deal with these elsewhere in our examination.

3. Ian Findlay, on behalf of Facilities Engineering and Design Solutions Limited, seeks support for the development of land at Oakbank, but also makes a number of other comments about the contents of the plan. We address these issues elsewhere, in particular at Issue 11E in respect of Oakbank.

4. Aithrie Estates and the Hopetoun Estate Trust also refer to paragraph 2.2 of the plan, stating that it is not appropriate for the plan to aim for consistency with the emerging spatial strategy of the proposed SESplan 2. In accordance with our findings under Issue 1A, I agree that it is the existing strategic development plan (SESplan), not the plan which will replace it, with which the local development plan is required, under the Act, to be consistent. Albeit the spatial strategy in the emerging SESplan 2 may not be radically different, the examination of that plan is ongoing. In these circumstances, I recommend removing the reference to SESplan 2 in this paragraph.

5. In addition to the views ascribed to it above, the Scottish Wildlife Trust (SWT) says that there are a number of proposed development sites which the Strategic Environmental Assessment (SEA) of the plan suggested would cause significant effects or would diverge from the policy aims and environmental objectives of the plan. SWT says that the entries for these sites in Appendix Two of the plan should refer to the potential impacts and the need for further assessment. No development should be permitted unless it can be demonstrated that there is no impact on biodiversity and the natural environment.

6. The SEA informs the final content of the plan, but it does not direct it. I have no reason to suppose that the council has not taken proper account of the SEA in determining which sites to allocate for development. The policies of the plan, taken as a whole, ought to be sufficient for the environmental impacts of development on allocated sites to be properly considered. It would not be in the interests of good planning to allocate sites whilst, at the same time, indicating that development may not be able to proceed on them. Finally, to require that there would be no impacts at all on biodiversity or the natural environment would be an unreasonably stringent test. I do not recommend any modifications to the plan as a result of this element of SWT's representations.

7. In addition to those representations referred to above, Ogilvie Homes (0417) (8) considers that the Plan's strategy would be better explained by some accompanying maps and/or graphics to illustrate the key spatial/locational aspects of the policies and proposals. There are, of course, the proposals maps which show the locations of the allocated sites and other site-specific proposals. It may be that, sitting above that, more strategic or schematic diagrams could have been provided. However, I do not consider that the plan is deficient, or difficult to understand. Ogilvie Homes has not said what particular additional maps or graphics would be of assistance. In this context, I do not recommend any modifications as a result of this representation.

Vision Statement

8. Some parties express support for the vision statement and/or key aims. Of those, some (including Historic Environment Scotland, Mrs J Barlas and Newton Community

Council) make site-specific and other comments which we address elsewhere. Some qualify their support with reference to the need, amongst other things, to ensure a sufficient supply of effective housing land, to plan positively for new infrastructure provision and to avoid relying on development sites (including in the CDAs) which would not deliver development during the period of the plan. We deal with these matters elsewhere, notably under Issues 1A, 1F and 1E.

Key aims:

Economic Development and Growth

9. The plan lists here its key aims under economic development and growth and, separately, its key aims in relation to housing. Aithrie Estates and the Hopetoun Estate Trust want more to be made of the role in housing in supporting growth. However, the key aims of the plan are set out in a number of broad headings. There will be links between many of these. I can see little real value in labouring that point here, in particular by referring to the kind of detailed evidence which is suggested in the representation from the estates. No modification is required.

Community Regeneration

10. This aim promotes community regeneration through the development of brownfield sites. The council agrees with RSPB Scotland that biodiversity impacts of development on brownfield land must be properly considered. The policies in the plan provide a framework for doing so. No modification is required.

Sustainable Housing Locations

11. The first bullet here could conceivably have included the additional wording suggested by British Solar Renewables. However, if a five-year supply of effective housing land exists then I think it follows that there would be a range and choice of sites sufficient to meet need and demand. I do not consider that a change is required.

12. In relation to the second bullet, whilst this could also have referred to strategic scale allocations, I think it is reasonable for the aim of promoting development in the CDAs to be emphasised in particular.

13. I appreciate that the council house building programme is a high priority for the council, and one of its key delivery aims. I have no desire to detract from that, and nor could I. However, Scottish Planning Policy, and indeed Scottish Government policies on housing more generally, aim to deliver increased levels of affordable housing, the definition of which is much wider than council housing. In the context of the bullet points here, I would expect to see recognition of that wider, and very important, policy aim. I recommend a modification along the lines suggested by Homes for Scotland, albeit I prefer a simpler form of words.

Infrastructure Requirements and Delivery

14. I see no need here, as argued by Aithrie Estates and the Hopetoun Estate Trust, in the context of what is intended to be a fairly succinct aim, to list which infrastructure requirements should be identified in the plan and which in supplementary guidance. Although this aim might have referred to the council's role in infrastructure provision

(Walker Group Scotland (0423) and John Kerr Ltd (21804649) make similar points) there are other infrastructure providers which it might have mentioned also. It is not inappropriate, given the purpose of the development plan, to make specific reference to the role of developer contributions in infrastructure provision. In any event, we deal with these matters more fully under Issues 1F and 1E. I do not recommend any modifications to this aim.

Promoting Community Regeneration

15. Aithrie Estates and the Hopetoun Estate Trust suggest, with reference to paragraphs 5.29 and 5.33, that market housing in the most disadvantaged communities in West Lothian should be free of any requirement to provide for affordable housing. Particular reference is made to Broxburn, although I note that it is not one of the communities listed in the quoted paragraphs. In any event, we deal with affordable housing under Issue 1H.

Climate Change and Renewable Energy

16. This aim specifically supports climate change mitigation measures, and it seems to support the principle of renewable energy development. Therefore I do not see what significant benefits would accrue from the inclusion of the more generic reference to a 'range of types of development' suggested by British Solar Renewables. I do not recommend that such a modification be made.

Reporter's recommendations:

1. In the final sentence of paragraph 2.2, delete 'and the preferred strategy set out in the Main Issues Report to SDP2'.
2. In the key aims which follow paragraph 4.3, replace the third bullet point under 'Sustainable Housing Locations' with:
 - 'Support the council's new build housing programme and increase the supply of affordable housing across a range of tenures'

Issue 1E	Supplementary Guidance (SG) and Planning Guidance (PG)	
Development plan reference:	Appendix Four: Supplementary Guidance (SG) and Planning Guidance (PG)	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments (0158) Scottish Enterprise (0160) Airthrie Estates & Hopetoun Estate Trust (0170) British Solar Renewables (0214) Transport Scotland (0236) Scottish Natural Heritage (0238) Taylor Wimpey (0247) Walker Group Scotland (0423)</p>		
Provision of the development Plan to which the issue relates:	Appendix 4, pages 265 – 272	
Planning authority’s summary of the representation(s):		
<p>Gladman Developments (0158)</p> <p>The respondent is concerned that much of the guidance, and in particular, that relating to infrastructure is ‘to follow’, especially when delivery of this is so central to the strategy of the plan. Given the time which has elapsed since the adoption of the Scottish Development Plan (SDP) with which the Local Development Plan (LDP) conforms, and the time taken to progress the Local Development Plan (LDP) to this point, more detail on the required Supplementary Guidance / Planning Guidance (SG/PG) is sought. Questions whether the amount of supplementary guidance proposed is appropriate, and advise that this perhaps suggests that the plan itself is not sufficient.</p> <p>Scottish Enterprise (0160)</p> <p>Notes that no Supplementary Guidance (SG) is suggested for Economic Development. Scottish Enterprise (SE) refers to its responses to EMP1, 2 and HOU 1 and suggests that consideration be given to the preparation of Supplementary Guidance (SG) on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no demand exists for the allocated use. The Supplementary Guidance should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justifying the proposal; supports the preparation of Residential Development SG (Supplementary Guidance), Transportation PG (Planning Guidance) and Education Strategy PG (Planning Guidance) and recommends that the guidance be prepared for consultation as soon as possible particularly relating to the amount and mechanisms for developer contribution, to avoid any delay to delivery of development sites. Guidance in relation to employment policies could include details on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and / or the employment</p>		

benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of West Lothian Council and Scottish Enterprise). Scottish Enterprise would be happy to contribute to the preparation of the Supplementary Guidance (SG), which it considers should be carried out as soon as possible.

Airthrie Estates & Hopetoun Estate Trust (0170)

Reference is made to Appendix 4 of the Local Development Plan (LDP) in relation to Supplementary Guidance: Affordable Housing and the express statement reference financial contributions. Advise that there is a range of supplementary guidance both statutory and non-statutory which should have been updated and presented alongside the Proposed Plan, including Supplementary Guidance (SG): Affordable Housing, for consultation. Were the revised and updated guidance made available at this point in time, it would have allowed for an informed view to be taken on the overall application of policy going forward. Planning Circular 6/2013: *Development Planning* (CD030) states that, in relation to the proposed Local Development Plan “Minor proposals and detailed policies may be removed to Supplementary Guidance, especially if there is no significant change from the previous plan, and provided an appropriate context remains in the plan itself.” (Paragraph 81) Thus Ministers expect “much of the detailed material” to be contained in Supplementary Guidance (SG) (Paragraph 135).

In relation to non-statutory guidance the Circular continues that “Non-statutory planning guidance may be used to provide detail on a range of subject area. One of the benefits of non-statutory guidance is that it can be updated quickly as required.” (Paragraph 147). This has not to date been the case and as such a full, robust and meaningful consultation process has not been undertaken. Objects to Infrastructure Requirements and Delivery (Local Development Plan - LDP page 9) because of failure to clarify those items of infrastructure which should be determined in the Proposed Plan rather than in further guidance. [i.e. section of Appendix 5: Supplementary Guidance (SG) and Planning Guidance (PG) on ‘Infrastructure Requirements, Delivery and Transport’ comprising 8 PGs]. Advise that with respect to supplementary guidance and section 75 agreements, the Proposed Plan should be changed here and in later sections to ensure that policy and practice coincide and that SG remains subordinate to the Local Development Plan (LDP) and its policies. The Infrastructure Requirements and Delivery section should address the council’s role in meeting gap between developer contributions and council’s statutory duties. The council’s approach to supplementary guidance is not consistent with the requirements of Circular 6/2013 (CD030). Advises guidance should have been made available at Proposed Plan consultation stage and therefore the plan is not compliant with national guidance. Infrastructure Requirements and Delivery (LDP, page 9) should be clarified as to items of which should be determined in the Proposed Plan rather than in further guidance.

British Solar Renewables (0214)

The Supplementary Guidance: *Developer Obligations* stated at Paragraph 5.84 is not included in Appendix 4 and therefore there is no detail available on which to provide comment. Appendix 4 sets out that non-statutory supplementary guidance in respect of renewables (not wind energy) is due to be prepared. It would have been useful to have the Planning Guidance (PG) published alongside the Local Development Plan (LDP) in order to provide a comprehensive response at this stage but welcome dialogue with the Council in early course in respect of this emerging Planning Guidance (PG). Had updated

and revised guidance been made available with the Local Development Plan (LDP) proposed plan this would have allowed for an informed view to be taken on the overall application of policy going forward. Planning Circular 6/2013: *Development Planning* (CD030) states that, in relation to the proposed Local Development Plan minor proposals and detailed policies may be removed to Supplementary Guidance, especially if there is no significant change from the previous plan, and provided an appropriate context remains in the plan itself (Paragraph 81) as Ministers expect much of the detailed material to be contained in Supplementary Guidance (SG) (Paragraph 135).

In relation to non-statutory guidance the Circular continues that non-statutory planning guidance may be used to provide detail on a range of subject areas. One of the benefits of non-statutory guidance is that it can be updated quickly as required (Paragraph 147). This has not to date been the case and as such this a full, robust and meaningful consultation process has not been undertaken. In relation to education, the Proposed Plan is not accompanied by any the Supplementary Guidance / Planning Guidance (PG/SG) and as such no detailed comment can be provided. The preparation of an education strategy is discussed within Appendix 5 and is noted as being non-statutory 'PG' (Planning Guidance). Given the importance of education provision across West Lothian and the fact that it remains an impediment to residential development sites coming forward, it is considered unhelpful that the Proposed Plan has not included this key aspect in this consultation process. This approach provides little confidence for developers and investors, and yet it is noted that the onus for overcoming education barriers in West Lothian falls to the developer (LDP, Paragraph 5.90).

Transport Scotland (0236)

Consideration should be given to those topics in relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy's identified for Planning Guidance to be taken forward as Supplementary Guidance as is required by legislation for supplementary guidance. Because these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions, it would be appropriate for these to be subject to consultation; proposed Supplementary Guidance/ Planning Guidance (SGs / PGs) on Affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor are matters which should be included in Local Development Plan (LDP) not in further guidance.

Scottish Natural Heritage (0238)

The 'Residential Development Guide' supplementary guidance will require to be updated if the principles of 'placemaking' set out in paragraph 5.8 and Policy DES 1 *Design Principles* set out in the Spatial Strategy are to be delivered. Seek clarification over inclusion of small scale wind turbines in spatial framework for wind energy (paragraph 5.225 of Local Development Plan - LDP). Advise that it is not clear whether the criteria in Policy ENV13 *Pentland Hills Regional Park* will be expanded on in further guidance or not. The nature of the policy criteria suggests that they may be detailed in proposed further guidance and for clarity it is recommend that this is clearly stated within the policy. Look forward to working further with the council to develop supplementary guidance in relation to green networks. Wish to be involved in consultation on proposed planning guidance scheduled monuments/countryside belt. Welcome the definition and scope of green networks in West Lothian as set out at paragraphs 5.102 to 5.105 and look forward to further work with the council to develop the supplementary guidance.

Walker Group Scotland (0423)

The suggestion that Supplementary Guidance to support the council's education strategy will be required confirms that it is not yet available, contrary to Planning Circular 1/ 2009 *Development Planning* (CD426). The Local Development Plan (LDP) does not clarify the quantum of financial contributions within the Plan document. The Plan should contain a detailed list of Supplementary Guidance (SG) which it intends to re-adopt and commit to re-consultation in due course. It is contrary to the Circular to simply state, as they do in para 5.5., that they i.e. existing Guidance documents, constitute Supplementary Guidance to the Local Development Plan (LDP). This refers to Supplementary Guidance on Developer Obligations which either relates to the last Local Plan or has not yet been written or consulted on. This should be amended to make it clear the Council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF1).

The Appendix refers to Planning Guidance rather than Supplementary Guidance, it is Walker Group's view that the importance of this information and policy, and the effect it has on development, requires that it be Supplementary Guidance so it is fully consulted on rather than the more informal planning guidance as suggested in the Appendix. Object to the list of Supplementary Guidance (SG) and Planning Guidance (PG) on the grounds that the council have not produced SG with the Local Development Plan (LDP) in the case of affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor. Advise that Planning Circular 1 / 2009: *Development Planning* (CD426), Para 97 states that: Matters that should be included in the Local Development Plan (LDP) or Strategic Development Plan (SDP) and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought and the circumstances (locations, types of development) where they will be sought. The Local Development Plan (LDP) does not clarify the quantum of financial contributions within the Plan document and the absence of detailed Guidance (both SG and PG) undermines the value of the Local Development Plan (LDP) itself.

Taylor Wimpey (0247) - Note that Supplementary Guidance relating to landscape character and local landscape designations and Green Networks don't appear to have been published yet.

Modifications sought by those submitting representations:

Gladman Developments (0158) - It is intimated that in lieu of the guidance, and in particular that relating to infrastructure, more detail on the required Supplementary Guidance / Planning Guidance (SG / PG) is sought.

Scottish Enterprise (0160) - Seeks Planning Guidance / Supplementary Guidance (PG / SG) on Economic Development to include guidance on the necessary processes and timescale to justify releasing sites from employment (and housing) allocations where no demand for the site can be established.

Airthrie Estates & Hopetoun Estate Trust (0170)

It is intimated that further guidance should have been made available at Proposed Plan consultation stage and therefore the plan is not compliant with national guidance.

Infrastructure Requirements and Delivery (Local Development Plan - LDP proposed plan, page 9) should be clarified as to items of which should be determined in the Proposed Plan rather than in further guidance. It is intimated that these matters should be included within the plan and not within further guidance in accordance with paragraph 139 of Circular 6/2013 (CD030). Planning Guidance for 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' - consideration should be given to raising to Supplementary Guidance status.

British Solar Renewables (0214) - It is intimated that a range of supplementary guidance both statutory and non-statutory should have been updated and presented alongside the Proposed Plan for consultation.

Transport Scotland (0236)

Consideration should be given to these topics in relation to Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy's on infrastructure requirements and specific / principles of developer contributions being 'Supplementary Guidance' to comply with national guidance. Proposed Supplementary Guidance / Planning Guidance (SGs / PGs) on Affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor are matters which should be included in Local Development Plan (LDP) not in further guidance.

Scottish Natural Heritage (0238)

Seeks the updating of Residential Development Guide to apply the principles of 'placemaking' set out in paragraph 5.8 and Policy DES 1 *Design Principles* set out in the Spatial Strategy; seek clarification over inclusion of small scale wind turbines in spatial framework for Wind Energy; seek clarity over potential further guidance in relation to policy ENV 13 Pentland Hills Regional Park; additional further guidance requested in relation to Countryside Belts.

Taylor Wimpey (0247) - Intimates and seeks the publication of further information on the formation of Countryside Belts in particular for the new Countryside Belt proposed to the east of Linlithgow.

Walker Group Scotland (0423) - It is intimated that the LDP should clarify the amount of financial contributions within the Plan document and the rather than in Supplementary Guidance (SG) and Planning Guidance (PG) which undermines the value of the Local Development Plan (LDP) itself.

Summary of responses (including reasons) by planning authority:

Gladman Developments (0158) and British Solar Renewables (0214)

Paragraph 104 of Planning Circular 6/2013 (CD030) advises that supplementary guidance may be prepared and adopted alongside the Local Development Plan (LDP) or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

Scottish Enterprise (0160) - The council's response is set out in Schedule 4 number 26A.

The council does not propose to amend the (LDP) in relation in to this submission.

Airthrie Estates & Hopetoun Estate Trust (0170)

The council has set out a policy background in the Local Development Plan (LDP) proposed plan in relation to developer contributions for a broad range of including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a 'slim line' Local Development Plan (LDP) to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission. Paragraph 104 of Planning Circular 6/2013 (CD030) advises that supplementary guidance may be prepared and adopted alongside the Local Development Plan (LDP) or subsequently. The respondent refers to Circular 6/2013: *Development Planning* – this reference is incorrect. The council has taken the decision to prepare such guidance subsequent to adoption of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

Transport Scotland (0236)

The council's response is set out in Schedule 4 number 1F. The council has set out a policy background in the Local Development Plan (LDP) proposed plan in relation to developer contributions for a broad range of including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a 'slim line' Local Development Plan (LDP) to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

Scottish Natural Heritage (0238)

The council's Residential Development Guide has been updated to apply the principles of 'placemaking' as set out in paragraph 5.8 and Policy DES 1 *Design Principles* of the LDP proposed plan. The updated guidance was reported to the council's Development and Transport Policy Development and Scrutiny Panel (PDSP) on 2015. The PDSP agreed to publish the updated guidance for consultation. This consultation has yet to commence but is anticipated to be taken forward over the summer of 2016. The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

The Pentland Hills Regional Park Management plan was approved by the Pentland Hills Regional Park Joint Committee in November 2007 which guides the management and development of the Pentland Hills Regional Park. Only a small percentage of the park area lies within West Lothian Council's administrative area. As such the council does not propose to prepare guidance for the park. The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

In relation to countryside belts the council's position is set out its Position Statement: *Countryside Belts* (CD184). This will inform any supplementary or planning guidance which emerges over the Local Development Plan (LPD) plan period.

The council has prepared background Supplementary Guidance on West Lothian's Green Network that was approved for public consultation in September 2015. This public consultation is now pending, potentially scheduled for summer 2016. However, should the SDP (Strategic Development Plan) 2 process catch up with the council considering and agreeing comments on the Green Network SG (Supplementary Guidance), then there may be scope to include issues such as strategic active travel routes in any revised West Lothian Supplementary Guidance on Green Networks. The draft guidance contains reference to small scale wind turbines. The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

(Draft) Interim Supplementary Guidance: *Wind Energy Development* was prepared by the council as statutory guidance to provide detailed policy and assessment considerations to support the West Lothian Local Development Plan (LDP) Proposed Plan. A spatial framework for wind energy is an integral part of the guidance based on a strict methodology set out in SPP2014. Consultation on the draft supplementary guidance was undertaken over an 8 week period from 1 May to 30 June 2015 following consideration by the council's Development and Transport Policy Development and Scrutiny Panel on 23 April 2015. The outcome of this consultation is to be reported to the council's Council Executive at a future date. The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

Walker Group Scotland (0423)

The council's response to comments on policy INF 1 area set out in Schedule 4 number 1F. The council's response to comments in relation to developer contributions for health care are set out in Schedule 4, number 26I. Circular 1/2009 (CD426) has been replaced by Circular 6/2013 (CD030). The council has set out policy background in the Local Development Plan (LDP) proposed plan in relation to developer contributions for a broad range of issues including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a 'slim line' Local Development Plan (LDP) to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission. Paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the LDP or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the Local Development Plan (LDP). The council does not propose to amend the Local Development Plan (LDP) in relation in to this submission.

Taylor Wimpey (0247)

Comments are made within the context of a submission seeking the inclusion of land at Kingsfield, Linlithgow for development. The council's response to this is set out in Schedule 4 number 15A. The council consulted on the West Lothian Local Landscape Designation Review as part of the consultation on the Local Development Plan (LDP). Once the Local Development Plan (LDP) has been considered at Examination and adopted it is the council's intention to proceed with preparation of supplementary/planning guidance. Paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the Local Development Plan (LDP) or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the Local Development Plan (LDP). The council does not propose to

amend the Local Development Plan (LDP) in relation in to this submission.

Reporter's conclusions:

1. We have elsewhere given consideration to the adequacy of a number of policies within the proposed plan. This has included an assessment of whether the level of detail provided by the plan, relative to that which would be left to either statutory or non-statutory guidance, is appropriate, having regard to the provisions of Circular 6/2013 'Development Planning' which advises on this matter.
2. Many of the substantive issues, raised in the representations summarised above, have been addressed elsewhere. These include issues relating to infrastructure generally (Issue 1F); education infrastructure (Issues 1F and 1J); transport infrastructure (Issues 1F and 26V); healthcare provision (Issue 26I); affordable housing (Issue 1H); employment land (Issue 26A); and the spatial framework (or lack thereof) for wind energy developments (Issue 1O). I have not sought to repeat our findings under these Issues, but they should be read alongside this Schedule 4 as they have a direct bearing upon my conclusions here. Various modifications have been recommended to alter the type of guidance proposed for certain topics. References to existing and proposed guidance within the explanatory text, throughout the main body of the plan, are also the subject of recommended modifications.
3. Several representations are focused on the degree to which the council is intending to defer to supplementary guidance, or non-statutory planning guidance, to provide further information on the policy approach outlined in the proposed plan. It has been asserted that in respect of various policy areas (as outlined above) the proposed plan is deficient, and that further detail ought to be provided in the plan and/or the intended guidance should have been prepared in tandem with the proposed plan so the policy approach could have been fully understood.
4. In its defence, the council has referred to the provisions of Circular 6/2013, paragraph 104, which states that supplementary guidance may be prepared alongside or subsequent to local development plans. I find the circular to be unequivocal in this regard; where supplementary guidance would be an appropriate home for the information and additional guidance it is to provide (rather than this being included within the local development plan), it is for the council to determine the precise timescales for its production. There is no legislative or policy requirement for statutory supplementary guidance, or indeed non-statutory guidance, to be available alongside the proposed plan at the time of examination, or its subsequent adoption. The council's intention to produce such guidance subsequent to the local development plan is therefore legitimate.
5. Of course, the proposed plan could still be deficient, if the matters to be deferred to supplementary guidance would be more properly addressed by the proposed plan. Circular 6/2013 assists in this regard also, by advising on the topics and matters which are appropriate to each. The table in paragraph 139 of the circular gives examples of matters that should not be included in supplementary guidance (so which should be in the plan itself), and topics which are suitable to be addressed by supplementary guidance, providing the plan provides appropriate context.
6. In the policy-specific Issues referred to above, we have considered whether the proposed plan places excessive reliance upon supplementary guidance. In every instance, whilst policies have been subject to recommended modifications, we have not

found the plan to be deficient in the level of detail it provides. Whilst a number of policies require supplementary guidance to be in place in order to be effectively and transparently implemented, this does not translate into a need for detailed information (such as, for instance, the levels of developer contributions or methodology for calculating these) to be provided by the plan. The circular acknowledges the role of supplementary guidance, and also the value of succinct plans; I am satisfied that the proposed plan strikes an appropriate balance in this regard and no modifications are required to address the representations on this matter.

7. Appendix Four lists the topics to be covered by further guidance, with the second column of the table indicating whether this would be (statutory) supplementary guidance, or (non-statutory) planning guidance. The latter would not be subject to regulatory requirements including the need for consultation, but would carry less weight than statutory supplementary guidance which becomes a component part of the development plan once adopted.

8. The type of guidance proposed for certain topics has been challenged in representations. These contend that the importance of some topics, which the proposed plan indicates would be dealt with as planning guidance, warrant them being elevated to statutory supplementary guidance. We have considered these matters elsewhere in the context of considering the policy approach for individual topics. Given that most of the representations on this point principally concentrate on the infrastructure topics, it is worth drawing attention to our conclusions at Issue 1F, and our recommendation that supplementary guidance be provided for the topics of 'Developer Contributions for Transportation Infrastructure', 'Developer Contributions for General Infrastructure for Site Delivery (Not including Transportation)' and 'Education Strategy', as referred to in Appendix Four.

9. In one representation, attention has been drawn to the reference to 'Developer Obligations' supplementary guidance in paragraph 5.84, which does not then appear in Appendix Four. We have addressed this in Issue 1F, where we have recommended modifications to both paragraph 5.84 and the titles of the relevant guidance as it appears in Appendix Four, to ensure consistency in terminology.

10. Scottish Natural Heritage (SNH) has queried whether Policy ENV 13 (which establishes criteria for development affecting the Pentland Hills Regional Park) would be accompanied by supplementary guidance. This matter is considered in Issue 26Z. SNH's request for further guidance in relation to countryside belts is considered in Issue 26L. SNH has recommended that the 'Residential Development Guide' will need to be updated to reflect the provisions of Policy DES 1 ('Design Principles'), and to support its delivery. Appendix Four states that this planning guidance is to be available in the same timeframe as the local development plan, although I note paragraph 5.8 refers to it as supplementary guidance.

11. The council has confirmed that it has updated this guidance to reflect the principles of placemaking established by the proposed plan. To make this clear, I recommend a modification to include a reference to placemaking principles in the express statement in Appendix Four. It is unclear whether the council intends the document to be statutory supplementary guidance or simply planning guidance. The council should therefore ensure references to the Residential Development Guide are accurate and consistent. This could be addressed as non-notifiable modifications.

12. Finally, I have noted the representation made by Taylor Wimpey in relation to its proposed site at Kingsfield, Linlithgow. This is addressed in Issue 15K.

Reporter's recommendations:

1. In Appendix Four, amend the express statement for the Residential Development Guide by amending the fourth bullet point to begin: 'Placemaking principles and details...'.
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Issue 1F	Developer Contributions, Infrastructure and policy INF 1 “Infrastructure Provision and Developer Obligations”	
Development plan reference:	Infrastructure Requirements and Delivery	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments Ltd (0147) Gladman Developments (0158) Royal Society for Protection of Birds (0209) Scottish Government (0236) Scottish Natural Heritage (0238) Homes for Scotland (0239 and 0422) Livingston Village Community Council (0240) Gladman Developments Ltd (0350 and 0459) Wallace Land Investment & Management (0358) Scottish Water (0409) Walker Group (0423) Linda Ovens (21806840) John Kerr Ltd (21804649) John Macfarlane and Colin Macfarlane (21865046) BDW Trading Ltd and H&J Russell (21863641) Ian Findlay (21863501) Brian Martin (21669441) Winchburgh Developments Ltd (21862570) Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170) Drummond Homes (21735170) Drummond Homes (21381990) SEStran (21097306) Network Rail (21871541) Mr Stuart Livingstone (21369421) Scottish Environment Protection Agency (0243)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 4 – Vision Statement and Aims, Page 8 (paragraph 4.3) Chapter 5 – The Spatial Strategy (Including Policy Framework), Pages 21 (paragraph 5.46), 23 (paragraph 5.53), 24, 25 (paragraph 5.61), 26, 27, 30-37 (paragraph 5.84, 5.89-5.92), 61 and 119 Appendix 2 - Schedule of Housing Sites Appendix 4 – Supplementary Guidance (SG) and Planning Guidance (PG) Policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3 and ENV 34</p>	
Planning authority’s summary of the representation(s):		
<p>Gladman Developments Ltd (0147), Gladman Developments (0158)</p> <p>Supports over-arching concept set out in the Plan and planning policy more broadly that infrastructure is required for development, and that it is appropriate for development to</p>		

fund infrastructure, however object to the broad principal set out that all infrastructure should be forward funded by the development industry; advises that it is the role of the council to 'take the first step' and proactively seek infrastructure solutions (for education in particular) in order to unlock development; the council could then seek to recoup this funding from the development industry; the council must seek to ensure that the Core Development Areas contribute to planned growth both by delivering units on their sites, and by delivering the infrastructure provided for by the relevant section 75 agreements and 'unlocking' development across West Lothian; not sustainable, nor consistent with the planning policy vision for the SDP area or West Lothian to continue to suggest that the entire LDP strategy hinges on one element of infrastructure provision, and then defer implementation of that to a third party; inappropriate in the context of planned-for growth in the SDP area to state that the delivery of education infrastructure on one site is the key to 'unlocking' the entire council area for development, and that the council will play no part in the delivery of that solution; concerned that the Proposed Plan is conditional on infrastructure solutions; the Council as education authority has a statutory obligation provide education; object to wording of Policy INF 1; concerned that much of proposed supplementary guidance particularly relating to infrastructure is 'to follow', especially when delivery of infrastructure is so central to the strategy of the Plan; wish to see more detail on the required SG/PG; questions whether the amount of supplementary guidance proposed is appropriate perhaps suggesting that the Plan itself is not sufficient; the Council should acknowledge the receipt/impact of section 75 monies and increased council tax revenue from new development in terms of recouping cost for infrastructure which the council may have to bear in the short term.

Royal Society for Protection of Birds (0209)

Notes there is no reference in policy INF 1 to developer contributions towards environmental mitigation or enhancement; developers should be obliged to make provision for the enhancement of natural features and biodiversity within developments or, if not feasible, on suitable sites elsewhere; these should include habitat creation.

Scottish Government (0236)

Improve cross-referencing in the Plan to developer contributions; amend appendices 2 and 4; clearer justification required on where information is available to justify developer contributions required ; seeks change to Appendix 4; include more explicit reference to cross boundary impacts and developer contribution requirements.

Scottish Natural Heritage (0238)

Advises that requirements set out in paragraph 5.81 of the Proposed Plan in relation to open space and associated green network is at odds with paragraph 5.58.

Homes for Scotland (0239 and 0422)

Considers the council's current approach to developer contributions presents a barrier to development and to maintaining an effective 5 year housing land supply; references to SPG on developer obligations and text of policy INF 1 should be amended; the council should consider up front funding for education infrastructure to serve new development.

Livingston Village Community Council (0240)

Advises of severe strain on existing infrastructure within Livingston, principally education, medical treatment and roads; also reference to drainage systems and primary energy provision; notes reference in the LDP to limited capacity at both at East Calder and Newbridge waste water treatment plants; suggests pressure is applied to Scottish Water for funding to augment capacity for waste water treatment to fit into the housing growth plan; advises that support infrastructure must be part of the composite planning and grown similarly and contemporaneously and where funding is the issue the council must seek and obtain additional Scottish Government funding for fast infrastructure growth; intolerable to saddle private developers with monstrous infrastructure developer contributions all the time; private sector should make contributions however, reasonableness has to prevail; other fund sources are also needed if the infrastructure growth stands a chance of keeping pace with 1,100 plus houses per year. Suggests a financial element be introduced by loans or whatever for infrastructure to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

Gladman Developments Ltd (0350 and 0459)

Support the over-arching concept set out in the Plan and planning policy more broadly that infrastructure is required for development, and that it is appropriate for development to fund infrastructure, however, object to the broad principal set out that all infrastructure should be forward funded by the development industry; object to wording of policy INF 1 as a result.

Wallace Land Investment & Management (0358)

Object to policy INF 1 on the basis that they do not allow for the maintenance of an effective housing land supply as required by SESplan and SPP and they include unreasonable demands on development that are contrary to the provisions of Circulars 4/1998 (CD268) and 3/2012 (CD031).

Transition Linlithgow (0363)

LDP proposals do not reflect the intentions of Policy INF 1 Infrastructure Provision, or help address '*the critical infrastructure requirements for the plan area [that] relate to education and transport (including sustainable transport infrastructure)*' – paragraph 5.81.

Scottish Water (0409)

Scottish Water commends the council for producing an ambitious plan that seeks to build on the West Lothian Local Plan (2009) and looks forward to working together to support the plan and help to deliver sustainable economic development. Undertakes to actively supporting the council's strategies, policies and objectives outlined within the plan and continue to invest in maintenance, water and environmental quality, customer service and growth to support sustainable development.

Advises that there is mention in the LDP of the requirement for developer contributions to the water and drainage network across West Lothian; highlights that both Scottish Water and developers are accountable for the network with regard to contributions.

Advises that insufficient capacity should not be seen as a barrier to development. Scottish Water acknowledges that in some areas the capacity at treatment works and within their existing network is insufficient to accommodate additional development without network reinforcement. Where the developer has clearly demonstrated the 5 Growth Criteria, Scottish Water will provide the quantum to deliver available capacity to enable the development to proceed.

Walker Group (0423)

The LDP should include provision for the council to invest in the delivery of necessary infrastructure rather than “ensure” which simply means not granting planning permission without an agreement by developers to fund and deliver infrastructure. If West Lothian Council genuinely wishes to promote sustainable economic growth within its area, it should be investment led and not consumption led; seek amendment to policy INF 1; seek amendment to paragraph 5.84 to clarify that the council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF 1); seeks amendment to Appendix 4 to remove reference to planning guidance where developer contributions are required and replace with ‘Supplementary Guidance’.

Linda Ovens (21806840)

The majority of proposals for the Linlithgow area require developer contributions towards supporting infrastructure however there are no detailed proposals within the Plan for such supporting infrastructure. There is no point granting planning permission and accepting monies from developers if no decision has been made on how that money will be spent.

John Kerr Ltd (21804649)

Recognises that co-ordination of infrastructure funding and delivery is crucial for the successful implementation of the LDP development strategy but objects to developers being burdened with the principal responsibility for remedying constraints, particularly in terms of education (paragraph 5.53, page 23). Difficulty in overcoming infrastructure constraints is identified as a major impediment to the maintenance of an effective 5 year housing land supply and the biggest single constraint on increasing the delivery of new housing. The council is reminded of its statutory obligations in this regard but is also urged to take more responsibility for seeking and co-ordinating infrastructure solutions and to be more proactive in helping forward fund infrastructure itself. Seeks an amendment to the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

John Macfarlane and Colin Macfarlane (21865046)

The council should forward-fund infrastructure via a long term funding mechanism and then recoup costs otherwise the council will fail to meet its housing growth requirements and associated economic aims.

BDW Trading Ltd and H&J Russell (21863641)

The council should forward-fund infrastructure via a long term funding mechanism and then recoup costs.

Ian Findlay (21863501)

A systematic approach to the evaluation of infrastructure is required.

Winchburgh Developments Ltd (21862570)

Supports principles set out in page 9 of the LDP; raises concern over lack of a parallel financial framework plan or plans to accompany the LDP; seeks a co-ordinated approach to infrastructure delivery; other funding sources beyond the development industry are required.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

Acknowledges the council has an important role to play in the delivery of infrastructure; the LDP fails to clarify infrastructure requirements and the council's role in meeting delivery gaps; seeks clarity on paragraph 5.61; proposed new allocations at Winchburgh should be exempt from developer contributions; clarification sought on contents of paragraphs 5.89 – 5.92.

Drummond Homes (21735170)

Developer contributions towards infrastructure should be sought on a proportional basis in relation to new residential development in Kirknewton and in line with Scottish Government Circular 3/2012 (CD031); supports reference in Appendix 2 to Kirknewton however, seeks clarity on role of the council and third party funding mechanisms to deliver infrastructure; objects to paragraphs 5.53 and 5.78- 5.84 of the LDP and the Action Programme; objects to Policy INF 1 and suggests alternative wording.

Drummond Homes (21381990) - Response is incomplete; no comments made.

Brian Martin (21669441)

Observes that without the necessary infrastructure requirements having been satisfactorily addressed the council will be unable to support development proposals.

SEStran (21097306)

Transport infrastructure should be phased in to cater for increase in demand.

Network Rail (21871541)

Suggests the council will be unable to support development proposals without the necessary infrastructure requirements having been addressed; potential impacts of development in proximity to rail infrastructure should be assessed through the development management process; essential that a Transport Assessment is submitted in support of a planning application to determine impacts on the rail network; support and encourage future Supplementary Guidance if it includes provision for rail infrastructure improvements.

Christopher Breslin on behalf of Scottish Canals (21870361)

Suggests that developer contributions should be sought on appropriate sites for

contributions towards canal related infrastructure for canal-side development sites. This should either be taken into account in this section / policy or in the Union Canal Policy section of the LDP; urges the Council's Infrastructure Requirements & Delivery Policy and any forthcoming Supplementary Planning Guidance to reflect potential for recreational and tourism use of the canal.

Stuart Livingstone (21369421)

Taking an overview of the Proposed Plan, there appears to be relatively extensive sites allocated for 'residential' use but with no obvious indication of development proposals for local/wider amenities, schools and infrastructure. Question if there is capacity for the level of population increase the LDP aspires to?

Scottish Environment Protection Agency (0243)

SEPA support the policy commitment in policy INF1 that development proposals will only be supported when identified infrastructure requirements have been addressed. SEPA support the reference within the supporting text at section 5.81 to the green network and drainage. SEPA requires, however, that the text here is modified to include wording in order to reflect the potential for developer contributions to assist with the delivery of River Basin Management Plan (RBMP) objectives related to site(s) development. The improvement of the water environment through measures put in place during the development process are crucial to achieving the high level objectives of the Water Framework Directive such that the water environment is protected from deterioration and is restored to good ecological status.

Modifications sought by those submitting representations:

Gladman Developments Ltd (0147)

The wording of policy INF 1 should be amended to allow more flexible funding options for infrastructure and the Council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

Gladman Developments (0158)

The wording of policy INF 1 should be amended to allow more flexible funding options for infrastructure and the Council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

Royal Society for Protection of Birds (0209)

Amend policy INF 1 to include developer contributions towards environmental mitigation or enhancement within proposed development sites, or, if not possible, then on suitable sites elsewhere; these should include habitat creation.

Scottish Government (0236)

Improve cross-referencing throughout the Plan to the different information regarding developer contributions. Amend third bullet point of Appendix 2 'in accordance with approved SG' and to clarify which specific supplementary guidance should be accorded with. The connection to the supplementary guidance within the Plan should also comply

with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (CD009). Include clearer justification either in the Plan, or signposts provided to where information is available which justifies the contributions required. Consider changing references in Appendix 4 to 'Planning Guidance' for topics relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' should be changed to 'Supplementary Guidance' and for consistency with paragraph 5.113. The LDP should more explicitly state that developer contributions will be sought for any potential cross boundary impacts which have arisen as a result of the LDP spatial strategy. Clear reference should be made to any localised Developer contribution frameworks which may be set out in Supplementary Guidance, as well as reference to the SESplan wide contribution framework which is being managed by SESplan.

Scottish Natural Heritage (0238)

Recommends that paragraph 5.81 is amended to align with paragraph 5.58 on page 25 of the Proposed Plan.

Homes for Scotland (0239 and 0422)

The Council should undertake to front fund the infrastructure and seek to claim proportionate contributions back from developers; remove the last sentence of paragraph 5.53. Seeks amendment to policy INF 1 to allow for the inclusion of flexibility and development viability within the policy wording by adding the following text to the end of the policy *'In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.'*

Livingston Village Community Council (0240)

None specified however, suggest a financial element be introduced by loans or whatever for infrastructure to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

Gladman Developments Ltd (0350 and 0459)

The wording of Policy INF 1 should be amended to allow more flexible funding options for infrastructure and the council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

Wallace Land Investment & Management (0358)

Suggests amendments to policy INF 1.

Scottish Water (0409)

None specifically stated however implies that reference should be included to requirement for developer contributions to the water and drainage network across West Lothian.

Walker Group (0423)

Expand bullet point at paragraph 4.3 relating to infrastructure requirements and delivery

to include willingness to invest in infrastructure provision to support Development; seek amendment to policy INF 1; seek amendment to Appendix 4 to replace reference to Planning Guidance with Supplementary Guidance.

John Kerr Ltd (21804649)

Seeks an amendment to the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

Linda Ovens (21806840)

There are no detailed proposals within the Plan for such supporting infrastructure provision in Linlithgow.

BDW Trading Ltd and H&J Russell (21863641)

None specifically stated but suggest that the council should front fund infrastructure to assist in the delivery of development.

John Macfarlane and Colin Macfarlane (21865046)

None specifically stated but suggest that the council should front fund infrastructure to assist in the delivery of development.

Drummond Homes (21735170)

Suggests alternative wording to Policy INF 1.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

Modify the Plan at page 8, para 4.3, "Economic Development and Growth" and in later sections to ensure that policy and practice coincide and that Supplementary Guidance remains subordinate to the Plan and its policies.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

Modify paragraph 5.46 to state that the approach to be adopted will be based on evidence of a shortfall in meeting the 5 year effective housing land supply and other factors such as support for infrastructure; the draft Plan should refer to the opportunities that the City Deal might offer to West Lothian in order to assist in meeting key infrastructure for CDAs.

Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170)

Modify page 32, paragraphs 5.89-5.92 to clarify that the proposed new denominational secondary school at Winchburgh is to be provided by the council, not as stated, by the developers, as it is the council which is receiving and managing developer contributions from the entire council area as development takes place; include reference to this in policy.

Christopher Breslin on behalf of Scottish Canals (21870361)

Include reference either in policy INF 1 or LDP text to developer contributions to support use of the Union Canal.

Stuart Livingstone (21369421)

No specific modification is sought.

Scottish Environment Protection Agency (0243)

SEPA support the reference within the supporting text of policy INF 1 at section 5.81 to the green network and drainage. SEPA requires, however, that the text here is modified to include wording in order to reflect the potential for developer contributions to assist with the delivery of River Basin Management Plan (RBMP) objectives related to site(s) development.

Summary of responses (including reasons) by planning authority:

Gladman Developments Ltd (0147), Gladman Developments (0158), Scottish Government (0236), Gladman Developments Ltd (0350 and 0459), Wallace Land Investment & Management (0358), Scottish Water (0409), Homes for Scotland (0239 and 0422), Walker Group (0423), BDW Trading Ltd and H&J Russell (21863641), John Macfarlane and Colin Macfarlane (21865046), Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170), Drummond Homes (21735170), Ian Findlay (21863501), Winchburgh Developments Ltd (21862570), Network Rail (21871541), Brian Martin (21669441), SEStran (21097306), Stuart Livingstone (21369421)

The council's approach to infrastructure provision and developer contributions is consistent with the approach set out in policy 9 of the SDP (CD099, page 47) and Planning Circular 3/2012 (CD031). Paragraph 88 of the approved SDP (CD099, page 31) indicates that significant investment in infrastructure, particularly education, is required in West Lothian to implement existing committed development and further investment will be needed to support the SDP strategy. The LDP re-iterates this. Paragraphs 5.78-5.84 set out the council's approach to developer contributions. Policy INF 1 provides appropriate cross-referencing to other sections in the LDP relating to infrastructure provision and developer contributions.

The proposed LDP makes it clear that, in a climate of diminished resources in both the public and private sectors, there will be an imperative to exploit a number of mechanisms to assist in delivery of infrastructure (policy CDA 1 page 26, paragraphs paras 5.78-5.84 and policy INF 1). Para.23 of Circular 3/2012 (CD031) indicates that planning authorities should give consideration to the possibility of other funding mechanisms with costs being recovered through stage payments as the development progresses. The possibility of the council forward funding infrastructure and recouping the cost is regarded as a significant financial risk to the council. The council is not considered to be an appropriate vehicle for minimising developer risk. However there may be circumstances where forward funding particular aspects of a development would be appropriate, where consistent with the vision and strategy of the Plan and the council's aims and strategic objectives and where the financial risks to the council can be satisfactorily managed.

The council has been proactive in assisting in the delivery of infrastructure to support

development through forward funding and has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan 2009 (CD092) and recover its costs through developer contributions. This would enable funds received from developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a key component of the council's aims to support development delivery (CD269). The council has ongoing dialogue with the CDA developers to deliver infrastructure, principally through requirements set out in legal agreement accompanying planning permission (Section 75 Agreements) and relevant review clauses. Para.23 has been added to Circular 3/2012 (CD031) and indicates that planning authorities should give consideration to the possibility of other funding mechanisms with costs being recovered through stage payments as the development progresses.

In addition to the Local Infrastructure Fund the council has investigated a series of funding mechanisms to deliver infrastructure and continues to do so (CD270 and CD271).

The council is aware of its statutory duties in relation to the provision of education. The council's approach to education provision is set out in the Education Position Statement (CD201).

The Spatial Strategy concentrates the majority of new development in the Core Area consistent with a sustainable settlement strategy. The LDP recognises the significant infrastructure constraints that exist within the area. The council's approach to addressing this is to take a sustainable approach and continue to reduce the demands for new infrastructure by the careful location and siting of new development within the CDAs. This is supported by Scottish Planning Policy, paragraph 76 (CD068).

Scottish Government Circular 3/2012, paragraph 21 (CD031) is clear in that planning obligations should not be used to resolve existing deficiencies. As such, contributions are only being sought towards the cost of meeting infrastructure necessary as a consequence of new development, including cumulative impacts. Paragraphs 17 and 20 of Circular 3/2012 (CD031), support the consideration of cumulative impacts of development over time. Where a cumulative impact is anticipated all new development should make a contribution to this. This is considered to be a fair and reasonable way of sharing costs both over time and across multiple sites. This also gives the development industry certainty regarding costs, which would not exist if a "first come first served" approach were adopted. Policy INF 1 of the LDP (page 31) sets out the council's approach to developer contributions and advises of the proposed preparation of Supplementary Guidance. Paragraph 140 of Scottish Government Circular 6/2013: Development Planning (CD030) advises that Supplementary Guidance may be prepared and adopted alongside the LDP or subsequently. The council's approach to preparation of Supplementary Guidance is consistent with this. Similarly, the terms of paragraph 141 of Circular 6/2013 (CD030) are relevant, advising that the content of supplementary guidance does not need to be scrutinised at Examination given that the principle of the policy will already have been scrutinised and included in the LDP. The council's approach to Supplementary Guidance is consistent with the requirements of paragraph 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

The current SPG is to be reviewed and carried forward into the new Supplementary (SG)

or Planning Guidance (PG) and sets out the circumstances where developer contributions for education capacity may be required and provides a clearly evidenced tariff for such contributions. Appendix 4 of the LDP provides details of proposed supplementary and planning guidance.

The approach set out in the LDP is consistent with the requirements of paragraph 6 of Scottish Government Circular 4/1998 (CD268).

Potential impacts of development in proximity to rail infrastructure would be assessed through the development management process and a Transport Assessment submitted where required; requirements for Supplementary Guidance in relation to transport has been recognised in the LDP (Appendix 4, page 266 refers).

With regard to paragraph 5.46 of the LDP and the request set out in Aithrie Estates and the Hopetoun Estate Trust (21772260 and 0170) to amend this paragraph, policy HOU 2 and the preceding paragraphs 5.50-5.53 of the LDP set out the council's approach to maintaining the five year effective housing land supply and as such no amendment is required to paragraph 5.46 as this would add to repetition in the LDP.

The council does not propose to modify the LDP in response to this issue other than to amend Appendix 4 to reflect that topics related to Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' will be taken forward as supplementary guidance rather than planning guidance.

Scottish Natural Heritage (0238)

The council acknowledges that there are minor inconsistencies between paragraphs 5.58 and 5.81. The council would not take issue if the reporter was minded to amend or modify the Plan in relation to this issue.

POLICY INF 1 INFRASTRUCTURE PROVISION AND DEVELOPER OBLIGATIONS

Wallace Land Investment & Management (0358), Royal Society for Protection of Birds (0209), Homes for Scotland (0239 and 0422), Drummond Homes (21735170), Transition Linlithgow (0363), Walker Group (0423), Scottish Canals (21870361)

Proposed amendments to Policy INF 1 sought by Wallace Land Investment & Management (0358) are shown as follows:

Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

The council will only support development when identified and necessary infrastructure requirements have been addressed to its satisfaction to mitigate the impacts of the proposal as a planning obligation (if required, consistent with Circular 3/2012).

~~*Where If the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters are addressed contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of*~~

comprehensive planning.

~~*Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed.*~~

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.

Paragraphs 17 and 20 of Circular 3/2012 (CD031), support the consideration of cumulative impacts of development over time. The council's approach to developer contributions as set out in Policy INF1 is consistent with the terms of the circular. The proposed amendments would dilute the terms of the policy and lead to inconsistencies between policies set out in the approved SDP, namely policy 7 and policy 9 (CD099, pages 44 and 47) requiring that sufficient infrastructure is available or its provision committed before development can proceed.

The Council does not propose to modify policy INF1 LDP in response to this issue.

Royal Society for Protection of Birds (0209)

Seek inclusion in the policy of reference to developer contributions towards environmental mitigation or enhancement on the proposed development site or, if not feasible, on suitable sites elsewhere and include habitat creation. The council does not propose to amend the policy to reflect this request. Supporting text to policy INF 1 (paragraph 5.81) includes reference to open space and associated green network.

Proposed amendments to Policy INF 1 sought by Homes for Scotland (0239 and 0422) are shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

"The council will only support development when identified infrastructure requirements have been addressed to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and

infrastructure necessary in the interests of comprehensive planning.

Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed.

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

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

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.”

The proposed text implies that the council does not consider financial viability or phasing/staging payments. In situations where the impact of developer contributions may affect the viability of a project the council's position is that each case will require to be considered on its own circumstances would be taken into account at the planning application stage. The council will consider reviewing the timing or phasing of paying financial contributions to assist the financial viability of a scheme and actively does so through the development management process.

The Council does not propose to modify policy INF1 LDP in response to this issue.

Proposed amendments to Policy INF 1 sought by Drummond Homes (21735170)

Alternative wording to policy INF 1 is shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

“The council will support development on an individual site by site basis when identified infrastructure requirements have been addressed on a proportional basis and in line with the requirements of Circular 3-2012 (or successor legislation) to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted on an individual site by site basis where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought on an individual site by site proportional basis for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.

Where a funding deficit exists, the Council shall examine all reasonable alternative funding mechanisms available to it to allow development to proceed. *Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed.*

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2012 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed to address this matter as quickly as possible by the Council following publication of the Local Development Plan Proposed Plan.”

Proposed amendments to policy INF 1 sought by Walker Group (0423)

Alternative wording to policy INF 1 is shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

“The council will only support development when identified infrastructure requirements have been addressed to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.

Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed.

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission. In all cases, the

council will consider the economic viability of proposals alongside options of phasing or staging payments.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.'

The Council does not propose to modify policy INF1 LDP in response to this issue.

Scottish Environment Protection Agency (0243)

The suggested amendment to include reference to river basin management in paragraph 5.81 is supported by the council should the Reporter be minded to accept this change.

Livingston Village Community Council (0240)

The council has been proactive in assisting in the delivery of infrastructure to support development through forward funding and has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development (CD269). In addition to the Local Infrastructure Fund the council has investigated a series of funding mechanisms to deliver infrastructure and continues to do so (CD270 and CD271). The Council does not propose to modify the LDP in response to this issue.

Walker Group (0423)

The council's approach to supplementary/planning guidance and the contents of Appendix 4 is set out in Schedule 4 number 1M. The council proposes to amend Appendix 4 to reflect the terms of this submission.

John Kerr Ltd (21804649)

Page 8 of the LDP "Infrastructure Requirements and Delivery" advises of the need to secure developer contributions to facilitate delivery of infrastructure. As a developer, the council would also be required to make developer contributions. As such the council does not propose to amend the LDP in relation to this submission.

Linda Ovens (21806840)

Infrastructure requirements to support the site allocations in the LDP Proposed Plan are set out in Appendices 1 and 2 of the Plan and in the accompanying Action Programme. The delivery of infrastructure requires input from the development industry through developer contributions as set out in pages 9, 24, 26, 27, 30-37, 61 and 119-122 and policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3 and ENV 34. The council does not propose to amend the LDP in relation to this issue.

Scottish Canals (21870361)

The terms of the policy do not preclude contributions related to the canal. This is also a matter that can be addressed through supplementary guidance. The council does not propose to amend the LDP in relation to this issue.

Stuart Livingstone (21369421)

The preparation of the Proposed Plan has involved significant engagement with key agencies and infrastructure providers and their input has informed site selection, phasing and the detailed site requirements set out in Appendix 2. The council is therefore satisfied that the Plan is sufficiently robust in this context and does not propose to amend it in relation to the issue raised.

Reporter's conclusions:

1. In addition to the representations referred to above, I have noted the comments relating to the proposed plan's approach to infrastructure made by Scottish Enterprise (0160) and British Solar Renewables (0214). These had not been referred to by the council, but in any event my conclusions below address the points raised, insofar as they are relevant to this issue. It should also be noted that where representations make site and settlement specific comments, we have addressed these as appropriate in the corresponding Schedule 4 form for that site or settlement.
2. Policy 9 of the adopted SDP provides the strategic context for Policy INF 1 in the proposed plan. Criterion (b) of Policy 9 requires LDPs to require, in policy, sufficient infrastructure to be available or committed before development is allowed to proceed. Criterion (c) requires LDPs to 'pursue the delivery of infrastructure through developer contributions, funding from infrastructure providers or other appropriate means...'. The SDP places no greater reliance or onus upon one funding source over another to deliver infrastructure requirements.
3. Representations have generally accepted the overarching premise of Policy INF 1, that it is legitimate to seek developer contributions to fund infrastructure provision, where a need for additional infrastructure arises from a development. However, objections in representations centre on the contention that the proposed plan places undue and disproportionate reliance on developers to provide the whole solution to providing infrastructure. It is argued that this is unrealistic and unviable, and key to why a large number of housing sites are constrained, as there is no prospect of developers being able to fully fund certain infrastructure requirements (particularly relating to education capacity), particularly in advance of developments being allowed to commence. There is a call for the council to be more pro-active in its approach, forward-funding infrastructure in such circumstances and then recouping costs through developer contributions as and when developments come forward.
4. In response to this, the council states above that:

'The possibility of the council forward funding infrastructure and recouping the cost is regarded as a significant financial risk to the council. The council is not considered to be an appropriate vehicle for minimising developer risk.'

Notwithstanding this, the council goes on to intimate that there could be circumstances where forward funding would be appropriate. Additionally, the council has drawn attention to its 'Local Infrastructure Fund' as an example of how it is being proactive in supporting infrastructure delivery.
5. Taken at face value, I find Policy INF 1 (as proposed) to be rather innocuous in that it does not expressly place the responsibility for funding and/or providing infrastructure

solely in the hands of developers. It is the case that the policy does not make reference to the potential role of the council (or indeed any other relevant funding and delivery bodies) in securing necessary infrastructure, but nor does it expressly state that it would have no role. Given the purpose of the policy is to guide development decisions, it is reasonable to expect the policy to establish principles relating to infrastructure delivery which would be incumbent upon a proposal to address.

6. It is a well-established principle that planning obligations may be sought to address infrastructure deficiencies arising from development, subject to satisfying the Circular 3/2012 tests, as interpreted by emerging case law. The policy does make clear that any contributions sought would be reasonably related to the scale and nature of development, and it explicitly cites the need to comply with Circular 3/2012 (noting the erroneous reference to Circular 3/2013). On this basis, taking the policy in isolation I do not consider there to be an unreasonable reliance upon developers to address infrastructure needs.

7. The approach and requirements of Policy INF 1 are embellished by explanatory text, principally paragraphs 5.78 to 5.84, but there are other relevant references elsewhere in the plan, including those which make links between housing and infrastructure at paragraphs 5.53, 5.58 and 5.59. Noting that paragraphs 5.79 and 5.80 in particular acknowledge that further investment, continued commitment from both the public and private sectors and partnership working with key infrastructure providers are crucial to addressing infrastructure deficits, these sentiments seem to contradict, rather than reinforce, the arguments made in representations that there is a complete reliance upon developers to resolve all infrastructure constraints.

8. This is not to discredit the concerns raised in representations on this matter however. For instance, paragraph 5.53 acknowledges that housing completions are constrained by a lack of education capacity, stating that '...this will require to be addressed by housing providers in the first instance' and that 'Housing completions in the (plan) period is constrained until such time as education capacity becomes available...'. Given that a key requirement of the proposed plan is to ensure that a minimum five-year effective housing land supply is maintained at all times and the need to achieve what is clearly becoming an increasingly challenging housing supply target set by the adopted SDP, the approach outlined in this paragraph, placing the onus squarely on developers to address such constraints is, I consider, somewhat unsatisfactory given the inherent complexities and costs of some types of infrastructure provision. The first sentence of paragraph 5.59 makes a similar intimation, and I recommend modifications to remove these references, which contradict the stance outlined in paragraphs 5.79 and 5.80.

9. It seems to me that much of the concern being expressed in representations is not with the general thrust of the policy, but the way in which the council may choose to implement it. This is particularly the case in relation to education infrastructure (which is considered in more detail in Issue 1J but which is inextricably linked to the broader approach to infrastructure and Policy INF 1) but not exclusively so. The proposed plan states that (statutory) supplementary guidance will be produced to explain how the policy is to be implemented. This has not yet been produced, but in any case it would be outwith the scope of this examination. It should however be clarified in paragraph 5.84 that this is to follow subsequently, and the title of the guidance referred to here and in the policy should be consistent with references in Appendix Four.

10. It is contended in representations (including comments made on the council's

response to my further information request FIR07) that too much reliance is being placed on supplementary guidance and it is not reasonable or acceptable for the council to not be in a position to quantify the costs of necessary infrastructure.

11. At this stage it is helpful to draw upon the provisions of Circular 6/2013 'Development Planning'. Paragraph 139 of the circular provides guidance on which topics are suitable for supplementary guidance to address, and which should be included within the plan itself. The proposed plan should identify the items for which financial or other contributions will be sought, and the circumstances where these will be sought. I am satisfied that the plan generally does this, subject to some minor modifications discussed later in my conclusions, with the policies clearly setting out the circumstances where contributions towards infrastructure would be required and the types of infrastructure where this may apply. Appendix Two provides additional detail on which sites would be required to make education contributions to address catchment school capacity.

12. One of the examples of suitable topics for supplementary guidance, provided by paragraph 139 of the circular, includes 'exact levels of developer contributions or methodologies for their calculation'. It is therefore entirely legitimate for the proposed plan to defer such details to supplementary guidance. This is notwithstanding that, for the time-being at least, there is uncertainty over how required contributions would be calculated. I have noted that there is some dispute and apparent inconsistency over how, for example, the council has calculated 'child per house' ratios, which in turn would have a bearing on predicted school capacities and contributions being sought. These are important but detailed matters relating to how contributions may be calculated, and I consider they are more appropriately addressed in supplementary guidance as proposed by the council (noting that Appendix Four currently refers to 'planning guidance' and so requires modification).

13. Seemingly the greatest barrier to development is where there is a need for additional infrastructure to support it. Unless funding is fully committed and the necessary works are capable of being implemented or appropriately phased to meet the additional infrastructure demands as they emerge, the second paragraph of Policy INF 1 makes clear that development will not be permitted. Whilst I would not necessarily expect the policy to clarify precisely how any funding shortfalls, or difficulties in phasing infrastructure relative to development, would be managed, it has been asserted in representations that the council adopts the approach of simply refusing planning permission for housing proposals, rather than taking a more proactive stance on tackling the deficiencies in infrastructure to accommodate the quantum of new development required.

14. These allegations relate to decisions taken under the current local plan rather than the proposed local development plan which is the subject of this examination, and are related to wider council decision-making, over which this examination can have no direct influence. However, it is appropriate that these concerns are given proper regard in order to ensure that the proposed plan does not reinforce a situation which is to the detriment of the plan's delivery; our conclusions at Issue 1A have highlighted that a considerable proportion of housing land allocations are constrained, and infrastructure deficits are a major contributor to that situation. In the context of there being a shortfall in the amount of effective housing land needed to meet the housing supply target set by the strategic development plan, it would be untenable for the proposed plan to embed inflexibility over infrastructure provision.

15. It is necessary and justified for the council to ensure infrastructure is properly planned for, and that it is able to resist development proposals where an appropriate solution cannot be secured. Equally it is essential, given the housing supply issues referred to above, that the refusal of planning permission for residential development, for reasons relating to infrastructure issues, are not regular occurrences. In particular, where proposals are on allocated sites and infrastructure contributions in line with the policy (and Circular 3/2012) are being offered by applicants, it is fair to expect refusals of planning permission, for reasons relating to infrastructure deficits, to very much be the exception.

16. It is however plainly the case that the lack of education capacity has been a recurring reason for the council refusing planning permission in various relatively recent decisions on proposals for residential development. In these circumstances, I consider it is incumbent upon this examination to ensure that the proposed plan seeks to address the issue, insofar as is practicable.

17. Through FIR07 I sought to explore how the council envisaged infrastructure deficits, including education capacity, would be addressed going forwards. In response, the council's overarching stance was that if developer contributions are met (presumably in line with Policy INF 1 and any future supplementary guidance supporting it), then additional education capacity can be delivered and there would be no capacity shortfall during the plan period.

18. Taken at face value, this stance is encouraging and implies that education capacity may not be the constraint to development, going forwards at least, which it seems to have been in recent years. Commenting on the council's response however, Gladman Developments has asserted that this position

'...ignores the way in which this matter has been approached, and is essentially a closed loop, where there are capacity constraints, so no consents are granted, so no development commences, so no contributions are paid, so no capacity expansion is provided, so no consents are granted; and so on.'

This succinctly captures the substance of the issue; should such an approach be taken by the council in implementing the proposed plan (once adopted), education capacity in particular will continue to significantly constrain development and likely lead to further refusals of planning permission.

19. The council is responsible for its own financial planning and decision-making. There is strength in representations calling for the council to commit to forward funding infrastructure where needed. Whilst I agree that this may offer a way of cutting through the current difficulties in securing new education infrastructure, and noting that such an approach is encouraged by paragraph 23 of Circular 3/2012, it is well beyond the scope of this examination to require the council to do so.

20. That said, and as already referred to above, paragraphs 5.79 and 5.80 of the proposed plan acknowledge the need for partnership working and the commitment of key infrastructure providers. The plan does not elaborate on which infrastructure providers are considered to be 'key' to enabling delivery, but for some types of infrastructure, whilst the basis for seeking developer contributions endures, specific agencies or bodies also have statutory obligations in relation to their provision.

21. For example, Scottish Water has a statutory obligation to provide drinking water and waste water connections to customers at reasonable cost. Reflective of this obligation, in its representation to this issue Scottish Water has clearly stated that insufficient capacity should not be seen as a barrier to development, whilst recognising that developer contributions should still be sought.

22. Responsibility for education provision in Scotland falls to local authorities (i.e. West Lothian Council in this case). The council is under a statutory duty to ensure that there is adequate and efficient provision of school education in its area. As the council is also the planning authority for the same area, it is responsible for establishing and implementing a spatial development strategy to accommodate growth sustainably. It does this principally through the preparation of a development plan. The council therefore is in a position where it is proposing a particular spatial approach to development and growth through the proposed plan, but one of the most significant constraints to its implementation is education provision, which the council also has a duty to provide. The council should therefore be in a strong position to anticipate and plan for meeting additional demands arising from new developments.

23. All told, I find there is merit in reflecting the sentiment of paragraphs 5.79 and 5.80 of the proposed plan within Policy INF 1. I consider it essential for the proposed plan to specify a clear policy position which fairly reflects the shared responsibilities for infrastructure delivery; which makes clear that developer obligations must be in line with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation; and which guards against the 'closed loop' scenario suggested by Gladman Developments (outlined above) in respect of education. The current failure to deliver sufficient housing completions, or indeed an adequate supply of effective housing land, is at least in part because of the degree to which reliance has been placed on developers to address, and fully fund, necessary new infrastructure. Having regard to all of the representations on this matter including the council's own position, I consider a modification to Policy INF 1 is justified. This is to make clear in Policy INF 1 that, where appropriate contributions are secured towards providing infrastructure, planning permission should normally be granted.

24. Winchburgh Developments Ltd. has questioned why Policy CDA 1 (which would apply exclusively to proposals within the core development areas(CDAs)) supports development subject to infrastructure being committed or provided by the developer. For the same reasons as above, and in order to ensure consistency with the modified Policy INF 1, modifications are also required to Policy CDA 1. Given the plan must be read as a whole, I see no reason why Policy INF 1 could not be properly relied upon in regard to infrastructure requirements relating to CDAs. Paragraph 5.60 also qualifies the support to CDAs as being subject to the availability of infrastructure. Again, I consider it more appropriate to rely upon Policy INF 1, and that policy's explanatory text, in order to provide greater clarity over the plan's position on infrastructure issues. Accordingly, I have recommended modifications to Policy CDA 1 and paragraph 5.60 to reflect these findings.

25. In recommending these modifications, I have kept in mind the need to ensure the proposed plan remains consistent with the adopted strategic development plan. I consider Policy 9 in the SDP is nuanced differently to Policy INF 1. Where Policy 9 requires '...sufficient infrastructure to be available ... before development can proceed', thereby implying a phased approach to development could be appropriate, Policy INF 1

would not allow development to commence ‘...until all necessary infrastructure is provided ...’. It also somewhat ambiguously states that development will only be supported when infrastructure requirements have been addressed to the ‘satisfaction’ of the council.

26. I consider that the SDP position provides a greater degree of flexibility, as there is a distinction to be drawn between the sufficiency of infrastructure to allow development to proceed, and the additional infrastructure that may ultimately be needed to provide a permanent solution to accommodating the completed development. Phasing controlled by suspensive conditions may in some circumstances be appropriate, but I also consider that in some cases it would be reasonable for interim measures to be put in place, or even for existing infrastructure to bear the additional strain until such time as a permanent solution could be delivered. Under Policy INF 1 as proposed however, the permanent solution to providing additional capacity would, it seems, be required to be provided (or otherwise fully committed), in advance of development being allowed to commence. I consider this is likely to reinforce the constraint, as it does not promote the need for infrastructure providers to also take a pro-active approach to addressing infrastructure deficiencies, which SDP Policy 9(c) expects.

27. On this basis I recommend Policy INF 1 be modified to provide additional flexibility over the proposed plan’s approach to addressing infrastructure needs whilst ensuring that, wherever possible, development proposals which accord with the plan’s spatial approach are capable of being supported. I have also reconfigured the policy for ease of understanding, in light of these modifications.

28. The Scottish Government has, in its representation, suggested that greater clarity is needed on the types of infrastructure for which developer contributions may be sought. It also seeks explicit reference to cross-boundary issues potentially falling within the scope of developer contributions. Overall, I consider the plan provides an appropriate level of justification for the majority of infrastructure types, with supporting text outlining the approach to infrastructure generally, and then in more detail in relation to community facilities, education, healthcare, sports facilities, green infrastructure, water and drainage and transport.

29. Appendix Four also identifies that supplementary guidance would seek developer contributions for cemetery provision. I asked the council to outline the justification for this, noting that cemeteries are not referred to in the supporting text to Policy INF 1. I accept the council’s argument that additional cemetery provision can be considered as infrastructure needed to support growth, and in principle I consider it could be appropriate to seek developer contributions towards cemetery provision. I do not consider it necessary to include a dedicated policy on this matter; as Policy INF 1 is applicable to all types of infrastructure I am satisfied that its principles can be applied to this issue as it arises. For consistency however, it would be helpful to include a paragraph in the explanatory text to outline the justification for potentially seeking developer contributions. I have recommended a modification broadly based on the council’s FIR response towards cemetery provision. I also agree with the council that paragraph 5.81 should include cemetery provision in its list of infrastructure types, and I have included this in my recommendations for the avoidance of doubt.

30. There are several cross-references in the plan’s explanatory text and Policy INF 1 which are intended to outline where infrastructure requirements are identified. I consider some minor modifications are justified to improve clarity over where other

information is provided, and how these different reference points relate to one-another. With regard to cross-boundary infrastructure issues, I see no reason why Policy INF 1 should not acknowledge that the infrastructure requirements for developments could extend outwith West Lothian, and this would still legitimately fall within the scope of developer contributions, in principle. Accordingly, I have reflected these issues in my wider revisions to Policy INF 1, together with recommended modifications to paragraphs 5.83, 5.92 and 5.96.

31. In one representation, an amendment to Policy INF 1 is sought to include an expectation for developer contributions towards environmental mitigation or enhancement. Separately, representations seek reference to supporting the use of the Union Canal, and to the delivery of River Basin Management Plans. However, I do not consider such references would sit well with the policy, which is focused specifically on infrastructure and the potential need for developer contributions. It is not intended to be a policy hook for seeking contributions for wider matters beyond addressing infrastructure requirements, the scope of which is captured by paragraph 5.81 (as amended). Arguably also, the Union Canal is captured by the references in that paragraph to open space, green networks, and sustainable transport infrastructure. No modifications are required.

32. A representation has sought an amendment to paragraph 5.81 to ensure that open space and green networks are not seen as additional infrastructure considerations of lesser importance to other types of infrastructure. I am however satisfied that it is justified for paragraph 5.81 to highlight education and transport as critical aspects, given the particular complexities and challenges in addressing these matters. All other infrastructure types are listed thereafter, which helps to define the scope of Policy INF 1. I do not consider paragraph 5.81 in any way diminishes the weight given to open space and the green network. No change is required.

33. It has been suggested that paragraphs 5.89 to 5.92 should clarify that the council will provide a new denominational school at Winchburgh using developer contributions; it would not be provided directly by the developer. Reading paragraph 5.91 as a whole, the requirement at Winchburgh is framed by the first sentence which makes clear that school provision will be ‘...facilitated by appropriate developer contributions’. I do not consider a modification is required in this regard. It should be noted however that in Issue 1J, we have recommended a modification to paragraph 5.90 to remove the onus it places on developers to secure education provision.

34. The opportunities that a City Deal may provide to West Lothian for addressing some of its infrastructure requirements are noted. However, I have seen no evidence to confirm that the plan can place reliance upon the City Deal as a funding mechanism. Given this uncertainty, I do not consider a modification to the plan, to refer to this possibility, to be justified.

35. Network Rail has made comments relating to rail infrastructure capacity and the potential need for upgrades. The points raised are considered further in Issue 26V. For the purposes of this issue, the emphasis given in this representation to the importance of the development management function and the value of transport assessments is noted. Furthermore, transport infrastructure (including rail) falls within the scope of Policy INF 1. No modifications are sought and, limiting my consideration of this representation to matters relevant to Policy INF 1, I do not consider any modifications are required to address the points raised.

Reporter's recommendations:

1. Delete paragraph 5.53 (NB: the deletion of the final sentence of this paragraph is recommended in light of conclusions in Issue 1A).

2. In paragraph 5.59, amend the first sentence to read as follows: 'A key requirement will be the need for new schools and key infrastructure and facilities.'

3. In paragraph 5.60, in the second sentence, delete 'subject to the availability of infrastructure'.

4. In Policy CDA 1 Development in the previously identified Core Development Areas:

4.1 In the first sentence, delete 'and provided that all infrastructure required to support the development is either committed or provided by the developer.'

4.2 Delete the second sentence and replace with:

'Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out in Policy INF 1.'

4.3 In the second paragraph, in the second sentence, delete 'and any subsequent legislation which emerges during the life of the plan' and replace with:

',' as interpreted by emerging case law and amended by subsequent amendments and legislation'.

5. Amend Policy INF 1 Infrastructure Provision and Developer Obligations to read as follows:

'The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.

Where appropriate developer obligations have been secured, planning permission will normally be granted. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments from developers.

Development will not be permitted to commence unless:

- a. funding (including any contributions from developer obligations) for necessary infrastructure is fully committed and that infrastructure is capable of being delivered; or
- b. phasing to manage demand on infrastructure has been agreed; or
- c. in advance of all necessary infrastructure requirements being fully addressed, sufficient infrastructure is available in the interim to accommodate the development.

Only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

Infrastructure requirements are identified in Appendix Two and further details will be provided in subsequent supplementary guidance and the Action Programme. Any related planning obligations will require to meet the policy and legal tests set out above. Proposed sites for new infrastructure are listed in Chapter 6.

Note: Supplementary Guidance explaining how developer obligations will be implemented will be developed during the Plan period.'

6. In paragraph 5.81 insert ',cemetery provision' after 'provision of health services'.

7. Amend the first sentence of paragraph 5.83 to read as follows:

'Chapter 6 identifies locations where additional infrastructure is proposed to be provided, and Appendix Two provides details of infrastructure needed to support the development of allocated housing sites.'

8. Amend paragraph 5.84 to read as follows:

'Supplementary Guidance on developer obligations (for both general infrastructure, and separately for transportation infrastructure) will be prepared and consulted upon. This will provide detailed information on the requirements for developer funding arising across the plan area.'

9. Amend the first sentence of paragraph 5.92 to read as follows:

'The proposed locations for new schools and school extensions are identified in Chapter 6 and the Action Programme.'

10. Amend paragraph 5.96 to read as follows: 'The locations of proposed community facilities are identified in Chapter 6.'

11. Insert the following subheading and paragraph after paragraph 5.105:

Cemetery Provision

There will be a requirement for additional cemetery provision to cope with the expanding population generated by the substantial residential development planned for West Lothian over the plan period.

Where appropriate, the council may seek developer contributions towards the provision of new and expanded cemeteries across West Lothian. Proposals for new cemeteries or cemetery extensions will be assessed on their merits and in particular with regard to the impact of such use on the water environment.

Supplementary guidance will be prepared by the council, setting out how developer contributions towards cemetery provision are to be calculated.'

12. In Appendix Four, replace 'PG' with 'SG' for the following guidance topics:
 Developer Contributions for Transportation Infrastructure
 Developer Contributions for General Infrastructure for Site Delivery (Not including Transportation)

Education Strategy

13. In Appendix Four, amend the titles of 'Developer Contributions for Transportation Infrastructure' and 'Developer Contributions for General Infrastructure for Site Delivery (Not including Transportation)' by replacing 'Contributions' with 'Obligations'.

Issue 1H	Affordable Housing	
Development plan reference:	Policy HOU 5 (Affordable Housing)	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments (0147 and 0158) Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260) British Solar Renewables (0214 and 21116167) Homes for Scotland (0239 and 0422) Livingston Village Community Council (0240) Taylor Wimpey (0247) Wallace Land Investment & Management (0356) Transition Linlithgow (0363) Linlithgow and Linlithgow Bridge Community Council (0428) Linlithgow Cycle Action Group (21885168) BDW Trading Ltd and H&J Russell (21863641) John Aitken (21863500) Martin Crook (21862925) Winchburgh Developments Ltd (21862570) Christine Anderson (21820028) Michael Vickers (21817641) John Kerr Ltd (21804649) West Lothian Health Improvement and Health Inequalities Alliance (21798318) Simon Baxendale (21772340) Uphall Estates Ltd (21768463) Brian Martin (21669441)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations (para 5.69 – 5.74, pages 27-28) Policy HOU 5 (Affordable Housing)(page 28)	
Planning authority's summary of the representation(s):		
<p>Gladman Developments (0147 and 0158) - Supports the move towards a requirement for 25% affordable housing on residential sites; the council should allow developers of residential sites to deliver the affordable housing on their sites themselves, leaving the council free to pursue its affordable housing scheme on other sites and ultimately lead to higher levels of delivery of affordable housing, and in particular, social-rented housing, which the council identifies as being in greatest need; more flexible approach required to deliver full range of affordable housing in addition to meeting their own manifesto goals on the social rented side; more private market housing can deliver more affordable housing integrated into individual developments, as affordable housing does not carry nil-value for private developers. The development industry can deliver a range of housing for the affordable sector, with new models being developed; including low cost, shared equity etc. The approach for only social rented by WLC is too narrow and won't deliver sufficient quantity. Council owned land should be used to deliver significant affordable housing and not sold (as several sites have been recently) for profit for private market housing.</p>		

Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260) - Further sustainable expansion of Winchburgh will make a significant contribution to meeting council affordable housing requirements; supports a revision to the council's affordable housing policy to bring it up to date with revised Scottish Planning Policy; LDP should recognise that delivery of affordable housing can take a variety of forms but affordable housing is, often, one of a number of considerations in site delivery; a flexible approach must be adopted to allow delivery of the 25% requirement whilst, at the same time, maintaining development viability; the Housing Background Paper appears to make no reference to the council's affordable housing building programme; outwith its own two year affordable housing programme, the council has no reserve of land available to come forward to fill the short-medium term housing land gap that would improve the five year housing land requirement position; requests sight of the revised supplementary guidance on affordable housing and advises that it should be published alongside the LDP for consultation; seek amendments various sections of the LDP (as set out in Modifications Sought section below); seeks clarification on the terms of paragraph 5.34, in the circumstances described in the paragraph, market housing should be free of any requirements to provide or fund further affordable housing; incorrect to refer to HoNDA2 in the LDP.

British Solar Renewables (0214 and 21116167) - Supports lower level of affordable housing provision (15%) in relation to the Whitburn and Blackburn area as it affects Heartlands as set out in policy HOU 5; development at Heartlands may assist in meeting future demand; clarification sought on the progress and status of Supplementary Guidance in relation to affordable housing; the emerging LDP policy framework must echo the sentiments of Scottish Planning Policy in providing the level and type of affordable housing required responding to local needs and requirements.

Homes for Scotland (0239 and 0422)

Seeks change to paragraph 5.71 to reflect that all types of affordable housing will be required not just social rent, or land for the provision of social rented housing, which is too restrictive; to gain the optimum from the policy it must contain all the flexibility that is built into PAN 02/2010 (CD038) and SPP within the LDP policy and supplementary guidance; seek change to paragraph 5.74 to reflect that new supplementary guidance will be produced; current supplementary guidance referred to in the LDP dates from 2006 and not reflect the wording of paragraph 5.74 or that of PAN 02/2010 or SPP; the new supplementary guidance should be made available for consultation alongside the LDP Proposed Plan; seek change to policy HOU 5 so that it has the flexibility the council refer to in Supplementary Guidance set out clearly within it to be in keeping with the Chief Planner's letter on supplementary guidance (15 January 2015) (CD266).

Livingston Village Community Council (0240)

The affordable housing allocation from new market housing development is shown as increasing from the current 15% to 25%. Suggest that this creates a risk that some developers could stand back from a site build because the site sales economics could no longer stand up.

Taylor Wimpey (0247) - Development of the Kingsfield site, Linlithgow will deliver affordable housing.

Wallace Land Investment & Management (0356) - Development of land at Wellhead Farm, Murieston, Livingston will provide for affordable housing.

Transition Linlithgow (0363)

Land adjacent to the loch and behind St. Michael's RC church (former tennis courts), could be given planning support for social housing.

Linlithgow and Linlithgow Bridge Community Council (0428)

A LHS Priority 1 Area 25% of all development in Linlithgow must be affordable and the threshold for commuted sums < 25; supports key objective to deliver affordable housing, particularly in the areas of highest demand; Linlithgow needs more affordable housing.

Linlithgow Cycle Action Group (21885168)

There is not enough affordable housing in new housing developments.

BDW Trading Ltd and H&J Russell (21863641)

Land west of Murieston Road, Murieston, Livingston could contribute towards affordable housing.

John Aitken (21863500) - There is high demand for affordable housing in Linlithgow.

Martin Crook (21862925)

25% provision for social housing MUST be spent in Linlithgow and the housing must be built in the same developments as other land is not available; there is no need for housing in Linlithgow other than for affordable housing.

Winchburgh Developments Ltd (21862570)

Unsubsidised private sector housing can make a significant contribution to affordable housing requirements over the Plan period and that the council should not rely on social rented housing as the only means of affordable housing delivery; unacceptable for the Council to prioritise affordable housing delivery of that for market sale (para 5.37 of the LDP refers); the LDP must recognise the role played by unsubsidised affordable housing provided by market house builders and landowners as a significant contributor, both now, and in future years to meeting need; the council cannot rely on rented accommodation to meet its housing needs. The adjacent City of Edinburgh Council has recently updated its affordable housing to list nine forms of affordable housing tenure that are acceptable in its area. This flexible approach must also be adopted by West Lothian Council in order that it best meets its affordable housing need (para 5.69 of the LDP refers).

Christine Anderson (21820028)

Suggests the compulsory purchase of the Victoria Halls to allow them to be turned into small rented units for older council tenants who might like to move to the centre of town from larger homes further out.

Michael Vickers (21817641)

Linlithgow is in dire need of affordable housing yet the LDP scarcely considers Linlithgow in this respect; a suitable site for 30 dwellings in Mill Road has been reduced to 15; the

LDP contains nothing about affordable housing in Linlithgow or Linlithgow Bridge; current development of 15 affordable units in Mill Road are the first in 15 years and look to be the last.

John Kerr Ltd (21804649)

Considers that site H-LL 11 Wilcoxholm, Linlithgow can make a significant contribution to market and affordable housing within the West Lothian Strategic Development Area.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Supports proposed affordable housing levels set out in policy HOU 5. However, suggest that there should be a policy that encourages diversity of housing types so that developments are able to attract a balanced mix of people and households; suggest that it would be helpful to include a policy that encourages provision of houses for varying needs given the aging of the West Lothian population and increasing provision of care at home.

Simon Baxendale (21772340)

Comments in relation to a proposed housing site at Tarbert Drive, Livingston; objects to use of land deemed to be good to be used by walkers being used for affordable housing.

Uphall Estates Ltd (21768463)

Supports flexibility in terms of affordable housing provision which should also include commuted payments.

Brian Martin (21669441)

Understands that there is a shortage of affordable homes nationally and that every Local Authority is required to identify sites which can be developed for new homes, however, does not believe that site H-WI 2 will contribute to affordable requirements.

Modifications sought by those submitting representations:

Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260)

Amend page 8 in relation to economic development and in later sections of the LDP, including Appendix 4 to ensure that policy and practice coincide and that SG remains subordinate to the Plan and its policies and approach is consistent with requirements of paragraph 139 of Circular 6/2013.

Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260)

Seeks clarification on the terms of paragraph 5.34, to reflect that in the circumstances described in the paragraph, market housing should be free of any requirements to provide or fund further affordable housing; supplementary guidance on affordable housing should be published alongside the LDP.

Homes for Scotland (0239 and 0422)

Seeks change to paragraph 5.71 to include a sentence that references developers being able to fulfil their affordable housing requirements through provision of any of the tenures set out in Scottish Planning Policy 2014 (SPP paragraphs 126 and 128) (CD068) and in Planning Advice Note 02/2010 'Affordable Housing and Housing Land Audits' (CD068 paragraph 5) . Proposed additional wording is: *'Exemptions will be set out in Supplementary Guidance, as will further information on how all the tenures defined as affordable housing by the Scottish Government in SPP and PAN 02/2010 can be provided.'*; seek change to paragraph 5.74 to reflect that new supplementary guidance will be produced; and seek change to policy HOU5 so that it has the flexibility the council refers to in Supplementary Guidance set out clearly within it to be in keeping with the Chief Planner's letter on supplementary guidance (15 January 2015) (CD266).

Taylor Wimpey (0247) - Seeks inclusion of land at Kingsfield, Linlithgow in the LDP for housing development.

Wallace Land Investment & Management (0356) - Seeks inclusion of land at Wellhead Farm, Murieston, Livingston for housing development.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Suggests inclusion of a policy that encourages diversity of housing types so that developments are able to attract a balanced mix of people and households; and a policy that encourages provision of houses for varying needs given the aging of the West Lothian population and increasing provision of care at home. No wording to the proposed policies has been provided.

BDW Trading Ltd and H&J Russell (21863641)

Seeks inclusion of land at Murieston Road, Murieston, Livingston in the LDP for housing development.

Winchburgh Developments Ltd (21862570)

Seeks amendment to paragraph 5.69 of the LDP to recognise the role played by unsubsidised affordable housing provided by market house builders and landowners as a significant contributor, both now, and in future years to meeting need; a flexible approach to the provision of affordable housing must be adopted, seek amendment to paragraph 5.36 of the LDP to reflect this; seek amendment to paragraph 5.37 of the LDP; suggest the approach adopted by the City of Edinburgh Council should be followed.

Uphall Estates Ltd (21768463)

Seeks inclusion of land at Uphall in the LDP for residential development (application 0840/P/15 refers).

Simon Baxendale (21772340)

No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Brian Martin (21669441)

Requests that site boundaries for site H-WI 2 are planned to run west from Lyndean Terrace and towards East Coxydene Farm rather than east and north of Lyndean Terrace as this would impact less on any of the existing homes.

Summary of responses (including reasons) by planning authority:

New Housing Land Allocations

Taylor Wimpey (0247), Wallace Land Investment & Management (0356), BDW Trading Ltd and H&J Russell (21863641), Uphall Estates Ltd (21768463)

Should the sites promoted be included in the LDP there would be a requirement for contributions towards affordable housing. The council does not support allocation of these sites for development, the reasons for which are set out in relevant Schedule 4's referenced 15K, 16N, 16Aq and 26L. The council does not propose to amend the LDP in relation to this issue.

Brian Martin (21669441)

Site H-WI 2 is included in the approved master plan for the Calderwood CDA and is subject to a planning permission in principle for mixed use development 0524/P/09 (CD239). Condition 24 (p) of the planning consent refers to provision of a Wilkieston half bypass. Whilst site H-WI 2 is not identified in the approved master plan and planning permission as a housing site, an indicative road corridor is shown on the approved plans, running to the north of Lyndean Terrace. The LDP spatial strategy is predicated on the continuing support for development in Core Development Areas of which the Calderwood CDA forms part. Para 5.46 of the LDP allows for additional development within the CDAs. In order to assist in the delivery of the half bypass and to reflect the indicative alignment, the council has concluded that following determination of the preferred route for the half bypass there will be a residual area of ground between the existing village and the road presenting an opportunity to identify a development site. The site would make a contribution to overall housing numbers in the LDP and would be required to contribute towards affordable housing provision. Any expansion of Wilkieston to the west is likely to lead to ribbon development, and represent a significant incursion into the open countryside. The council does not propose to amend the LDP in relation to this issue.

Proposed Housing Land Allocations

Simon Baxendale (21772340) - See schedule 4 reference 16A.

Policy HOU 5

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Supports proposed affordable housing levels set out in policy HOU 5. In relation to diversity of housing types, policy CDA 1 of the LDP provides for this (page 26). Policy HOU 7 (page 29) addresses housing provision for varying needs to recognise the needs of an aging population, supported accommodation and provision of care at home. The council does not propose to amend the LDP in relation to this issue.

Gladman Developments (0147 and 0158), Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260), Homes for Scotland (0239 and 0422), Winchburgh Developments Ltd (21862570)

The council's approach to delivery of affordable housing will be guided by the preparation of new supplementary guidance. It is envisaged that this guidance will be fully compliant with current Scottish Government policy and advice namely, Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits, (CD038) Planning Circular 3/2012 (CD031) and the West Lothian Local Housing Strategy 2012-2017 (CD165). The council recognises that to rely only on social rented accommodation provided by the council will not deliver on housing needs; council owned land has been reviewed to inform the council house build programme and continues to be reviewed should the council embark on further house building. The council as a landowner is entitled to market and dispose of land within its ownership as it sees fit. The council acknowledges that the reference in paragraph 5.74 to supplementary guidance should be amended to reflect new guidance which is to be prepared in support of the LDP rather than current adopted SPG dating from 2006. Other than an amendment to paragraph 5.74 the council does not propose to amend the LDP in relation to this issue.

Livingston Village Community Council (0240)

The council's approach to delivery of affordable housing will be guided by the preparation of new supplementary guidance. It is envisaged that this guidance will be fully compliant with current Scottish Government policy and advice namely, Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits (CD038), Planning Circular 3/2012 (CD031) and the West Lothian Local Housing Strategy 2012-2017 (CD165). It is envisaged that development viability will be referenced in the guidance which emerges. It would be for the developer to demonstrate to the council that development would not be viable and that the requirements in relation to affordable housing provision could not be met. The council does not propose to amend the LDP in relation to this issue.

Martin Crook (21862925)

Support for 25% provision of affordable housing in Linlithgow is acknowledged. Paragraph 129 of SPP2014 advises that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses whilst paragraph 130 of SPP2014 advises that development plans should consider how affordable housing requirements will be met over the period of the plan. The LDP is compliant with this. Linlithgow is identified in the council's Local Housing Strategy 2012-2017 (CD165) as an area of high demand for affordable housing and a Priority 1 area for investment. This has informed the council's approach to affordable housing and proposed contribution levels set out in policy HOU5 of the LDP. A site at Mill Road, Linlithgow has been identified for council house build and construction has commenced for 15 houses. Paragraphs 3.85 – 3.97 of the Main Issues Report to the LDP (CD079) and paragraphs 5.63 – 5.67 of the LDP Proposed Plan set out the background as to why the town of Linlithgow (and the wider ward area) has been identified as an area for 25% contribution towards affordable provision. The levels of housing completions in Linlithgow, priority 1 status in the council's Local Housing Strategy and property values in the town provide and an indication that demand is high in the town (CD165). The council has sought to address the shortage of affordable properties in Linlithgow by constructing house on a site at Mill Road, however, the council recognises that this will have only a small impact in addressing the housing shortage. The council cannot control the type of

housing which comes forward in the town and restrict tenure to provide only for affordable needs, however, it can provide the policy approach to guide future development. See also Schedule 4 number 15A.

Supplementary Guidance

British Solar Renewables (0214 and 21116167), Aithrie Estates and Hopetoun Estates Trust (0170 and 21772260), Uphall Estates Ltd (21768463)

The council has noted its intention to prepare supplementary guidance on affordable housing in support of the LDP as set out in Appendix 4 of the LDP. Policy HOU 5 provides the basis for progressing this. This guidance will revise and update the current guidance dating from 2006. Requirements of SPP and relevant guidance in place at the time of drafting the revised guidance would be taken into account. The council does not propose to modify the LDP in relation to this matter other than to delete the link in the online version of the LDP to current SPG on Affordable Housing thus removing any conflict between the terms of policy HOU 5 and revised Supplementary Guidance on affordable housing that will emerge.

Affordable Housing in Linlithgow

Linlithgow Cycle Action Group (21885168), John Aitken (21863500), Linlithgow and Linlithgow Bridge Community Council (0428), Transition Linlithgow (0363), Michael Vickers (21817641), John Kerr Ltd (21804649), Christine Anderson (21820028)

Support for the provision of affordable housing in Linlithgow is noted. The terms of the LDP would not prevent land to the rear of St Michael's Church or Victoria Halls coming forward as a windfall opportunity for housing development, subject to availability of infrastructure and environmental considerations and agreement of the landowner to dispose of the site. The site at Mill Road is currently under construction for council house build (CD310). See Schedule 4 15A in relation to the site H-LL 11 Wilcoxholm, Linlithgow. For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

New housing land allocations

1. There are a number of representations relating to affordable housing requirements which are focused on site-specific matters. We have addressed these points in the relevant Schedule 4 forms which relate to each of these sites respectively; there is no value in me repeating those conclusions here.

Policy HOU 5

2. Representees have commented that neither the proposed policy nor the supporting text provide an indication of the breadth of affordable housing types, which is not confined to social rent.

3. Paragraph 126 of SPP identifies that:

'Affordable housing may be provided in the form of social rented accommodation, mid-

market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.'

4. The council has confirmed that it intends to produce new affordable housing supplementary guidance, to complement Policy HOU 5, and that this would be compliant with current national planning policy and advice. The draft supplementary guidance has been submitted by the council as part of its response to a request for further information, but it is beyond the scope of the examination to scrutinise the content of that draft guidance, which until adopted may in any case be subject to change. Therefore, whilst the supplementary guidance would be able to clarify the breadth of tenures that constitute affordable housing, a modification to the plan itself would be justified. This clarification would ensure that the scope of the policy would be better understood, minimising any uncertainty or ambiguity that could otherwise occur.

5. Homes for Scotland has suggested an amendment to paragraph 5.71 to clarify this point. I find a modification is justified in this regard. Given that paragraph 5.74 also refers to the same supplementary guidance, to avoid confusion (an issue also referred to in representations which I consider below) I consider it prudent to consolidate these paragraphs. I have not included reference to PAN 02/2010 as requested by Homes for Scotland, as I consider the provisions of SPP carry greater weight in regard to this point. Furthermore, I do not consider the policy requires any revision in this regard, given that the recommended revised text makes clear that affordable housing includes a range of tenures.

6. I consider that this modification, alongside the provisions of Policy HOU 7, would provide an appropriately supportive policy framework to meet wide-ranging housing needs. I do not find there to be any need for an additional policy to be inserted for this purpose, as requested in one representation.

7. In representations it has been stated that developers should be allowed to provide affordable housing on residential sites, recognising that the construction of affordable housing is not without value to developers, or commuted sums should be allowed as an alternative to on-site provision. Policy HOU 5 does not explicitly preclude the possibility of developers constructing affordable housing; the policy specifies the percentage of affordable housing which must be delivered by the development (unless below the stated threshold of house numbers, in which case a commuted sum would be payable), without prescribing a particular means of delivery. It is appropriate for the policy to establish thresholds for when commuted sums or on-site provision would be expected. The case for increased flexibility for commuted sums in lieu of on-site provision has not been adequately justified in representations, particularly given the wider strategic priority of meeting affordable housing needs.

8. The policy appropriately defers to the intended supplementary guidance to provide details on how the affordable housing requirements will be implemented. I note that the draft supplementary guidance submitted by the council indicates a preference for serviced land to be provided to the council, or otherwise a registered social landlord, who would then manage the delivery of that part of the site. This would reflect the advice of paragraph 19 of PAN 02/2010. I must however reiterate that it is not for this examination to consider the content of the (draft) supplementary guidance, and I find the policy itself provides an appropriate degree of certainty in regard to the overall affordable housing requirement, without restricting how this requirement may be met. I consider it

unnecessary for the plan to provide further detail on this matter, and so no modifications are recommended.

9. The concern of Livingston Village Community Council, that the proposed increase to 25% affordable housing may be unviable for developers, is noted. I acknowledge that this could have some effect on delivery, particularly where the viability of a development is already marginal. However, given that viability is dependent on a wide range of variables which are specific to individual sites and proposals, assessment of this issue would be more appropriately considered as part of the development management process, should it arise.

Supplementary Guidance

10. It is common practice for supplementary guidance to be produced after the adoption of an LDP, and there is no requirement for such guidance to be made available as part of a development plan examination. The plan itself indicates the matters which the council intends to address in supplementary guidance, but I must disregard concerns expressed relating to uncertainty over the scope and content of that document. Notwithstanding this, a draft version of the supplementary guidance has subsequently been provided by the council. I have noted that it generally appears to cover the matters as indicated by the plan, but it is beyond the scope of the examination to recommend any changes to it. Nor can its content be relied upon, given it is in draft and so could change significantly before being adopted. I would however expect that the recommended modifications to paragraph 5.74 would also inform the final shape of any supplementary guidance to be adopted.

11. Returning to the proposed plan, paragraph 5.74 fails to make clear that new, rather than existing supplementary guidance, will support the implementation of Policy HOU 5. The council has acknowledged this matter which has been raised in representations, and I consider that to provide necessary clarity, a modification to this paragraph is required. As stated above, I recommend that paragraphs 5.71 and 5.74 also be consolidated.

12. I see no reason to delete reference to HNDA2 from paragraph 5.70, as this simply provides some useful contextual information. However, I agree with the point made in a representation that it is not correct for the plan to state that the supplementary guidance will have regard to HNDA2; supplementary guidance should be focused on implementing policy. The LDP (and therefore Policy HOU 5) is required to accord with the adopted SDP. At this time, the implications of HNDA2 are therefore for any future SDP to consider, and not for the LDP or its associated supplementary guidance. This is discussed in more detail in our conclusions in Issue 1A. For this reason, I have omitted this reference from the recommended consolidated text.

13. A representee has stated that for developments taking place in circumstances described in paragraph 5.34 of the proposed plan, an affordable housing contribution should not be required. The council intends to identify what it deems to be justified exemptions in the supplementary guidance, and I support that intended approach. I do not consider it necessary to recommend a modification to address this specific circumstance, as this would run counter to the council's explicit intention to set out exemptions in the supplementary guidance.

Affordable housing in Linlithgow

14. It has been stressed in a number of representations that there is a high need for affordable housing in Linlithgow. The council is in agreement with this assertion, based on the available evidence.

15. The council has referred to the provisions of paragraph 129 of SPP, which states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. In this context, and given the high levels of affordable housing need and demand in Linlithgow, I consider Policy HOU 5's requirement for 25% on-site contributions to be justified. Should the allocated sites in Linlithgow be developed on this basis, market sites would make an important contribution to affordable housing provision in the town. Matters related to the proposed housing allocations in Linlithgow are considered further in Issue 15A, but I am satisfied that there is no basis to make any changes to Policy HOU 5 in regard to the town.

Reporter's recommendations:

1. Delete paragraph 5.71.
2. Amend paragraph 5.74 to read as follows:

'To achieve appropriate levels of affordable housing in the plan area for those households which cannot afford a market solution to meet their housing needs, developers of market housing will be required to make affordable housing contributions as set out in Policy HOU 5, unless a specific exemption applies. Exemptions will be set out in new Supplementary Guidance on Affordable Housing, as will detailed information and guidance on the flexibility and options available in the application of the policy, in order to best fulfil the council's aspirations to meet needs for affordable housing of all tenure types identified in Scottish Planning Policy.'

Issue 11	Transportation issues in Linlithgow	
Development plan reference:	Transportation issues in Linlithgow	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dr Tom Brown (21829599) Heather Adam (21772368) Peter Buck (21803202) Robert McMillan (21749350) Christine Mahoney (21866113) Roger Livermore (21885168) Dr Irene Fortune (21770063) Dr Sean Semple (21805807) Linda Ovens (21806840) Peter Corry (21811882) Fiona Stewart (21837154 & 21908084) Finlay Scott (21848598) Colin Neil (21858089) Martin Crook (21862925) Clarendon Mews Residents (21862933) John Aitken (21863500) Andrew Macgregor (21866415) Fiona Campbell (21869116) Christopher Thomas (21870470) Jim Hannan (21870675) Keith Irving (21877215) Charles Webster (21878213) Ian Macleod (21890779) Donald & Jennifer MacDonald (21893837) Lynda Thomas (21901313) James Cameron (21901690) John Kemp (21903480) Andrew McIntosh (21905608) Edith McDowall (21905735) Moira Tweedie (21906311) James Jamieson (21906511) Orla Bennett (21909147)</p>	<p>Richard Rippon (21909335) Miss S Ryan (21909725) Matt Wallace (21909794) Fraser McCluskey (21910234) Iain Mclean (20972986) Dr Rebecca Smallwood (21009678) Stewart Forsyth (21199868) Duncan Fortune (21349895) David & Adrienne Armstrong (21372312) Robert Allan (21395490) Anthony Daly (21448840) Emma Gordon (21495743) Maureen Watt (21538330) Eileen McGhee (21543061) Leslie Neary (21558610) Steve Donaghue (21670368) Paul Buchannan-Smith (21755712) Johnathon Moss (21648848) Helen MacKenzie (21660154) John Kerr Ltd (21804649) Michael Vickers (21817641) Christine Anderson (21820028) Jennifer Leonard (21899784) Dr Steven Neale (21908859) Sarah Gahagan (21908947) Jennifer Davies (21909039) Laura McGowan (0343) Transition Linlithgow (0363) Ron Smith (0424) Linlithgow and Linlithgow Bridge Community Council (0428)</p>	
Provision of the development plan to which the issue relates:	<p>Page 26 paragraphs 5.63 – 5.67 – approach to development in Linlithgow Page 89 Linlithgow settlement statement Page 193 – 200 – Linlithgow housing sites Proposals map 2 Landscape Character and Local Landscape Designations (page 41, paragraphs 5.139 - 5.143) Paragraphs 5.240 to 5.242 and policy EMG4</p>	

Planning authority's summary of the representation(s):

Tom Brown (21829599), Heather Adam (21772368), Peter Buck (21803202), Robert McMillan (21749350), Christine Mahoney (21866113), Roger Livermore (21885168), Irene Fortune (21770063), Sean Semple (21805807), Linda Ovens (21806840), Peter Corry (21811882), Fiona Stewart (21837154 & 21908084), Finlay Scott (21848598), Colin Neil (21858089), Martin Crook (21862925), Brian Lightbody (21862933), John Aitken (21863500), Andrew Macgregor (21866415), Fiona Campbell (21869116), Christopher Thomas(21870470), Jim Hannan (21870675), Keith Irving (21877215), Charles Webster (21878213), Ian Macleod (21890779), Donald & Jennifer MacDonald (21893837), Lynda Thomas (21901313), James Cameron (21901690), John Kemp (21903480), Andrew McIntosh (21905608), Edith McDowall (21905735), Moira Tweedie (21906311), James Jamieson (21906511), Orla Bennett (21909147), Richard Rippon (21909335), S Ryan (21909725), Matt Wallace (21909794), Fraser McCluskey (21910234), Iain Mclean (20972986), Rebecca Smallwood (21009678), Stewart Forsyth (21199868), Duncan Fortune (21349895), David & Adrienne Armstrong (21372312), Robert Allan (21395490), Anthony Daly (21448840), Emma Gordon (21495743), Maureen Watt (21538330), Eileen McGhee (21543061), Leslie Neary (21558610), Steve Donaghue (21670368), Paul Buchannan-Smith (21755712), Johnathon Moss (21648848), Helen MacKenzie (21660154), John Kerr Ltd (21804649), Michael Vickers (21817641), Christine Anderson (21820028), Jennifer Leonard (21899784), Steven Neale (21908859), Sarah Gahagan (21908947), Jennifer Davies (21909039), Laura McGowan (0343), Ron Smith (0424)

Object to the inclusion of site H-LL 2, H-LL 4, H-LL 7, H-LL 10, H-LL 11 and , H-LL12 Linlithgow for one or more of the following reasons:

- Concern about potential access through Maidlands (H-LL 11).
- How will both parts of site H-LL 11 be served if issue with bridge over railway and canal not be too conspicuous. The southern half can be served from Edinburgh Road but not easy for northern part to access the road network without a bridge.
- Impacts on the town centre which already has a high traffic volume.
- Impossible to park in the town centre due to inadequate available parking.
- Difficulties over the canal bridge and along Back Station Road for vehicles and pedestrians.
- There is insufficient pedestrian footway width over the canal bridge and Back Station Road.
- Also does not support the housing allocation sites which are on green field sites.
- Developments should not be included until solutions to transportation infrastructure around the town centre are considered, planned and introduced.
- Looking for detail as to how walking and cycling can be encouraged as a result of allowing new housing.
- No reference in the transport appraisal to cycling and walking or reference to designing streets and key policy documents seeking to change how we travel and how we balance our streets.
- Traffic congestion issues on the High Street are not addressed by the modelling. Supports town centre housing but should come with no additional parking for the properties.
- No safe cycling in the area.
- Town boundary should not be extended Building on greenfield sites to the south of the town should not be permitted to reduce the traffic impact over the canal or onto the High Street.

- The majority of proposals for the Linlithgow area require developer contributions towards supporting infrastructure however there are no details within the plan. Developer proposals already put forward should be refused until such infrastructure has been defined and in place. There is no point taking monies from developers if there is no decision as to how the money will be spent.
- Adding a further 60 houses will equate to 90 cars on Preston Road which is already well used and congested at peak times.
- The document Linlithgow – A Plan for the Future 2025 – 30 should be given serious consideration.
- Access constraints linking both the wider network and the two parts of site H –LL 11.
- Non car transport options are limited from site H-LL 11.
- Construction of the westbound slips at M9 J3 must be done before any housing is permitted.
- If transportation infrastructure can be provided then support for H-LL 11.
- Insufficient parking for rail station users and tour coaches.
- The traffic assessment only focuses on the High Street in the AM peak only.
- The alternative access for H-LL 10 is not clearly shown on the map.
- The M9 J3 should be made all ways to reduce congestion on the existing road network.
- Housing should only be at Burghmuir and no-where else in Linlithgow.
- Site H-LL 10 should only have road access to Edinburgh Road with pedestrian only links to Clarendon Road or the farm track.
- Instead of scattering development is should be grouped to the south-east of the town in the Clarendon / Edinburgh Road area but outwith areas currently zoned as area of great landscape value.

Mr John Kerr Ltd (21804649)

Support to the inclusion of site H-LL 11

- By allocating the site it will allow production of a masterplan, transportation assessment and drainage calculations to be developed. Doesn't look to be a v sustainable location or natural rounding off.

Laura McGowan (0343)

Supports the plan as presented.

Transition Linlithgow (0363)

The LDP needs to state how air quality issues will be addressed. They can be addressed by the following package of traffic demand/behaviour management measures (to reduce additional traffic)

- land-use planning in favour of centralised locations, otherwise further developments away from the centre will further compound the significant volumes of short-distance car use.
- provision of high quality/safe/direct walking and cycling routes to encourage fewer short distance journeys by car.
- development promoting behaviour change programmes to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.
- 20mph speed limits to encourage lower emissions through smoother vehicle

flows/less accelerating and decelerating, whilst enabling a safer environment (attractive for greater levels of High St cycling).

- robust/enforced parking restrictions in the town centre to better control traffic coming into town (both numbers, vehicle flows -stop-start looking for spaces- and turning manoeuvres which impede road safety).
- addressing the issue of bus layovers, whilst engines are left running, on the High Street
- bus interchanges at the extents of the High Street where there is greater space (i.e. by Tesco, and by the Medical Practice), to lessen stop/starting along the High Street of these higher emission vehicles, whilst freeing up space on the High Street for improved town centre infrastructure, that also brings economic benefits i.e. wider footways, street furniture /plants (absorbing CO2), potential outdoor café/seating.

Additional comments:

- limited safe cycling in the town at present.
- active travel infrastructure proposals do not indicate strategic linkages to the town centre / other settlements.
- The LDP does not address the critical infrastructure issues that currently exist on the network.

Linlithgow and Linlithgow Bridge Community Council (0428)

- The LDP should detail the projected plan for the High St including proposals for a High St relief road and traffic management measures to improve the environment and air quality for pedestrians and cyclists.
- Plans for an improvement to town centre parking are of primary importance and should be described in the LDP and detailed in the masterplan.
- The proposed development areas in the LDP appear to leave the discussion of infrastructure, principally roads, to the planning application. Prefer to see the indicative road layout as part of the LDP such that developers can appreciate the extent of the required commitment to roads and other infrastructure from the outset. Alternatively, the LDP should make reference to a masterplan for Linlithgow to be included in Supplementary Planning guidance to be issued before end 2016.
- Missing from the roads section on page 35 is the upgrading of the road from the Southern end of Manse Road to the roundabout at the junction of Main St, Dechmont and the A899, to connect Linlithgow to Livingston. This 7km road with new cycle path would demonstrate the Vision. At the very least the existing footpath via Beecraigs and Bangour Fisheries should be upgraded to a cycleway with the missing link between Bangour Fisheries and the A89 properly established.
- The Transport Appraisal is a reactive assessment which considers the impact of development scenarios, mainly traffic generated by housing development. What is required is a proactive plan, proposing new transport infrastructure and management to solve existing problems as well as those generated by new development. The resolution of these existing and future problems to be financed by new development. This is illustrated in 'A Plan for the Future'.
- The Transport Appraisal concludes that the development proposals included in the Local Development Plan can be accommodated by the implementation of various mitigating measures which fall broadly into two areas. The improvement to the traffic management of the major junctions on the High Street, Falkirk Road and Edinburgh Road and the provision of West orientated slip roads at the M9/Blackness Road Junction 3 motorway interchange. Only the latter is included in the

development plan. (5.113)

- With the exception of the West Port junction, where new signal control is proposed, all the traffic management measures involve changes to the signal timings and junction layout and benefits to main road traffic are offset by increased delays to retail access at Linlithgow Bridge and for traffic exiting Preston Road.

The Transport Appraisal:

- Does not address public transport, pedestrian movements or cycle provision.
- Sees the problem only in terms of potential new development and ignores other drivers for growth in traffic over the next 10 years.
- Only addresses morning peak flows.
- Does not address illegal parking the reason for which and the mitigation measures for which need further study.
- Acknowledges that traffic feeding onto the town network is restricted by the Model to the capacity of the network which given the limited size of the network has an impact on the Model's viability.
- Gives no consideration to the provision of additional parking or the impact that the associated traffic would have on the network.

Modifications sought by those submitting representations:

Tom Brown (21829599), Heather Adam (21772368), Peter Buck (21803202), Robert McMillan (21749350), Christine Mahoney (21866113), Roger Livermore (21885168), Irene Fortune (21770063), Sean Semple (21805807), Linda Ovens (21806840), Peter Corry (21811882), Fiona Stewart (21837154 & 21908084), Finlay Scott (21848598), Colin Neil (21858089), Martin Crook (21862925), Brian Lightbody (21862933), John Aitken (21863500), Andrew Macgregor (21866415), Fiona Campbell (21869116), Christopher Thomas (21870470), Jim Hannan (21870675), Keith Irving (21877215), Charles Webster (21878213), Ian Macleod (21890779), Donald & Jennifer MacDonald (21893837), Lynda Thomas (21901313), James Cameron (21901690), John Kemp (21903480), Andrew McIntosh (21905608), Edith McDowall (21905735), Moira Tweedie (21906311), James Jamieson (21906511), Orla Bennett (21909147), Richard Rippon (21909335), S Ryan (21909725), Matt Wallace (21909794), Fraser McCluskey (21910234), Iain Mclean (20972986), Rebecca Smallwood (21009678), Stewart Forsyth (21199868), Duncan Fortune (21349895), David & Adrienne Armstrong (21372312), Robert Allan (21395490), Anthony Daly (21448840), Emma Gordon (21495743), Maureen Watt (21538330), Eileen McGhee (21543061), Leslie Neary (21558610), Steve Donaghue (21670368), Paul Buchannan-Smith (21755712), Johnathon Moss (21648848), Helen MacKenzie (21660154), John Kerr Ltd (21804649), Michael Vickers (21817641), Christine Anderson (21820028), Jennifer Leonard (21899784), Steven Neale (21908859), Sarah Gahagan (21908947), Jennifer Davies (21909039), Laura McGowan (0343), Ron Smith (0424)

- No development south of the railway until road safety improvements can be provided to make easier access for vehicles and pedestrians.
- Keep Linlithgow an area of restraint
- No further development until existing transport infrastructure issues can be resolved.
- Plans to reduce congestion in the High Street are required.
- Plans for a High Street relief road/by pass north of the loch between Bonnytown and St Ninians Road (A706) should be included in the LDP.
- A new road between M9 and Edinburgh Road should be included in the LDP.

- A new road from Edinburgh Road to Manse Road South to relieve Manse Road bridge should be included in the LDP.
- Considerably more town centre parking is required
- Upgrading the road from Manse Road South to Dechmont to a B class road should be identified.
- A cross town cycle path should be identified in the LDP.
- A coach/car park to encourage tourism should be identified in the LDP.

John Kerr Ltd (21804649) - No modifications sought.

Laura McGowan (0343) - No modifications sought.

Transition Linlithgow (0363)

The LDP needs to state how air quality issues will be addressed. A detailed action plan should be listed with proposed measures.

Linlithgow and Linlithgow Bridge Community Council (0428)

The LDP should detail the projected infrastructure requirements needed to accommodate the extent of the proposed development.

Summary of responses (including reasons) by planning authority:

Tom Brown (21829599), Heather Adam (21772368), Peter Buck (21803202), Robert McMillan (21749350), Christine Mahoney (21866113), Roger Livermore (21885168), Irene Fortune (21770063), Sean Semple (21805807), Linda Ovens (21806840), Peter Corry (21811882), Fiona Stewart (21837154 & 21908084), Finlay Scott (21848598), Colin Neil (21858089), Martin Crook (21862925), Brian Lightbody (21862933), John Aitken (21863500), Andrew Macgregor (21866415), Fiona Campbell (21869116), Christopher Thomas (21870470), Jim Hannan (21870675), Charles Webster (21878213), Ian Macleod (21890779), Donald & Jennifer MacDonald (21893837), Lynda Thomas (21901313), James Cameron (21901690), John Kemp (21903480), Andrew McIntosh (21905608), Edith McDowall (21905735), Moira Tweedie (21906311), James Jamieson (21906511), Orla Bennett (21909147), Richard Rippon (21909335), S Ryan (21909725), Matt Wallace (21909794), Fraser McCluskey (21910234), Iain Mclean (20972986), Rebecca Smallwood (21009678), Stewart Forsyth (21199868), Duncan Fortune (21349895), David & Adrienne Armstrong (21372312), Robert Allan (21395490), Anthony Daly (21448840), Emma Gordon (21495743), Maureen Watt (21538330), Eileen McGhee (21543061), Leslie Neary (21558610), Steve Donaghue (21670368), Paul Buchannan-Smith (21755712), Johnathon Moss (21648848), Helen MacKenzie (21660154), John Kerr Ltd (21804649), Michael Vickers (21817641), Christine Anderson (21820028), Jennifer Leonard (21899784), Steven Neale (21908859), Sarah Gahagan (21908947), Jennifer Davies (21909039), Laura McGowan (0343), Ron Smith (0424)

Also see Schedule 4 number 15A.

Traffic modelling work has been carried out to support the LDP (CD083 and CD195). This work has identified that there is a requirement to improve the signal timings at the various junctions through Linlithgow to help the flow of traffic. The document "Linlithgow A Plan for the Future" (CD263) requires additional housing units for the solutions to work

and expects an unreasonable amount of developer contributions for it to work. Whilst the council supports development in Linlithgow and advises that developer contributions will be required to assist in delivery, the scale of development set out in the LDP for Linlithgow is not to the scale proposed in the document “Linlithgow A Plan for the Future” which covers a time frame beyond that of the LDP. The solutions themselves set “Linlithgow A Plan for the Future” are ambitious and not all within either the council or developer control to provide.

The council has prepared an Active Travel Plan which is aimed at improving sustainable transport options throughout West Lothian. This document was approved by the Council Executive on 26 April 2016 will form planning guidance associated with the LDP (CD163).

From a transportation perspective any new developments would be asked for at least a transport statement and depending on their size a need for a transportation assessment. It would identify what sustainable transport options are required and address the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

John Kerr Ltd (21804649)

The site will be assessed via the transportation appraisal process with any impact on the existing road network at that time having to be addressed.

Laura McGowan (0343)
Nothing further to add.

Transition Linlithgow (0363)

The aim of the LDP is to detail objectives for economic development. The council has prepared an Active Travel Plan which is aimed at improving sustainable transport options throughout West Lothian. This document was approved by the Council Executive on 26 April 2016 will form planning guidance associated with the LDP (CD263).

The proposed actions and policies set out by Transition Linlithgow may well be considered in the future but it is not intended that they will form part of the proposed LDP.

Linlithgow and Linlithgow Bridge Community Council (0428)

The document “Linlithgow – A plan for the Future” has listed a variety of measures that the community view as a solution to the existing infrastructure restrictions and those that could arise from further development. This document concludes with a requirement for a large funding budget. This budget is not achievable as a forward funding exercise and each element would require careful consideration as to whether it is feasible in its own right.

As a planning application comes forward for potential housing developments a transport appraisal will be required. The document “Transport Assessment and Implementation: A Guide” issued by Scottish Executive is used to determine what impact the development will have and address any infrastructure improvements that may be needed. There may also be supplementary planning guidance that sets out strategic improvements that developers may need to contribute towards.

The council has undertaken traffic modelling and accessibility analysis to support the LDP (CD083 and CD195). This confirms that development in Linlithgow can be delivered with no net detriment to the network.

The council does not propose any amendments to the LDP in relation to the submissions made.

Reporter's conclusions:

1. I deal here with general matters relating to transportation issues in Linlithgow. Specific concerns raised regarding the allocation of individual sites, including consideration of associated transportation issues, such as lack of capacity at the canal bridge at Back Station Road/Manse Road, are dealt with under Issue 15A.
2. I appreciate that transportation and air quality are intrinsically linked; however, I cover here only the physical aspects of the transportation issues relating to Linlithgow. Representations relating to air quality in Linlithgow and Policy EMG 4 'Air Quality' are addressed under Issue 26Am and those relating to wider issues of transportation, including air pollution, are considered under Issue 26V. Linlithgow and Linlithgow Bridge Community Council requests that an additional policy (potentially 'TRAN 5') which would make provisions to investigate and mitigate congestion and pollution in town centres should be added, this is also considered under Issue 26V.
3. There is consensus that the main transportation issues in Linlithgow are: traffic congestion in the town centre, particularly at the High Street and around the railway station, lack of west facing slip roads to and from the M9 at Junction 3, lack of town centre car and coach parking, and the constraint posed by the canal bridges at Manse Rd/Back Station Road and at Edinburgh Road (B9080). Most respondents seek that developments should not proceed until solutions to transportation infrastructure around the town centre are considered, planned and introduced. For some respondents this must include an all way junction on the M9 and a by-pass to the High Street.
4. Some respondents seek that the area of restraint status for Linlithgow in the current local plan should remain until the infrastructure issues can be clearly resolved and all mitigation is in place. Consideration of the area of restraint status is addressed under Issue 15A. There is some support for controlled expansion of the town however there remains some disagreement on the areas where growth is considered to be acceptable. Some consider that building on greenfield sites to the south and east of the town should not be permitted in order to reduce the traffic impact over the canal or onto the High Street. Others comment that new development should be grouped to the south-east of the town in the Clarendon / Edinburgh Road area but this support appears to be based on new road linkages being constructed to the east of the town as an alternative route to the High Street. As already noted we consider the acceptability of the allocated sites at Issue 15A.
5. Respondents contend that there is a lack of detail of the proposed mitigation and of developer contributions within the plan. Those concerned seek further evidence and certainty that traffic impacts can be adequately mitigated and that the plan should include details of the mitigation required. In particular I note the concerns that the improvement to the traffic management of the major junctions on the High Street, Falkirk Road and Edinburgh Road identified in the 2015 Transport Appraisal (TA) are not included in the plan. I also note the apprehension expressed that as the traffic management measures

identified involve changes to the signal timings and junction layouts any benefits would be offset by increased delays.

6. The council has responded to the representations and my request for further information (FIR35) by stating that the traffic modelling and analysis confirms that with changes to the signal timings at certain junctions additional flow capacity can be achieved and development can be delivered with no net detriment to the local road network. The TA indicates that new westbound slips to and from the A9 would divert some traffic from the High Street; however, some growth can be accommodated without the need for these.

7. The council proposes to address the local traffic issues identified in the TA and the need for any mitigation measures at the planning application stage. Transport assessments or traffic statements will be used to identify the impacts of developments and any mitigation measures or developer contributions required. It is advised that in each case it will have to be demonstrated that the development can be delivered within the limited available capacity. If this is not the case for each individual site then they would not be approved.

8. The 2015 TA was undertaken to assist identification of the most appropriate locations for allocating development in Linlithgow. I note that the appraisal concluded that the road network in Linlithgow can broadly accommodate the extra traffic associated with background traffic growth and development traffic. However, specific and local issues exist in terms of increased journey times, delays and queues. Results of the modelling identified issues at a number of junctions, noting that there would be increased queuing associated with additional housing. Further investigation would determine potential mitigation measures to enhance the performance of the road network.

9. I acknowledge that without detailed analysis of individual development proposals it is difficult to clearly identify the scale of the impacts on the road network. It is, generally speaking, consequently only at the planning application stage that the acceptability of a development and any required mitigation can be fully assessed. The traffic impacts of individual sites are considered under Issue 15A where we conclude that, with the exception of site H-LL 10 Clarendon Farm, the acceptability, or otherwise, of detailed development proposed on allocated sites and any mitigation that may be required should ultimately be for the development management process to determine.

10. I note the concerns regarding the lack of detail of what the required infrastructure improvements will consist of and how they will be delivered. The required transport assessments and traffic statements will identify any impacts that developments may have, particularly in relation to those junctions identified in the appraisal, and what mitigation may be appropriate. It would be premature to state within the plan what mitigation might be required. Furthermore, the plan does not contain a separate section or policies relating to transportation or travel in Linlithgow, instead it takes a more strategic approach. In my view it would be cumbersome for the plan to go into further detail about improvements to the local road network in Linlithgow or elsewhere.

11. The delivery of mitigation measures is likely to be developer funded. It is also for the development management process to establish the delivery mechanism for and the appropriate timing of such mitigation. I am content that details of the required infrastructure improvements and their delivery may be considered through the development management process. Appendix Two of the plan identifies transportation

considerations for the allocated sites. I conclude that it is not necessary to identify details of the potential mitigation within the LDP.

12. Concerns have been raised regarding the appraisal being based on the AM peak period only. In response to FIR35 the council advised that the modelling followed on from the modelling work carried out to support the Strategic Development Plan (SDP) which was also only modelled in an AM peak situation. This was to allow traceability of the local impact on a strategic network which had not been tested.

13. I note that the modelling appraisal mentions that the mitigation packages may not be suitable or appropriate for other time periods. Despite my FIR the council has not confirmed whether additional modelling for other time periods, including PM peak, is required before it can be determined that there would be no net detriment or in order to identify required mitigation measures. I agree that, until detailed assessment takes place there remains an element of doubt over the impacts of development and the acceptability of any mitigation. Nonetheless, as indicated above, the TA concludes that the road network can broadly accommodate the extra traffic associated with the proposed sites and I am satisfied that the development management process can fully explore whether impacts of development can be satisfactorily mitigated.

14. Although not noted by the council above, Transition Linlithgow considers that the plan must mandate transport assessments for the proposed peripherally located developments so that developers can appreciate the extent of the required commitment to roads and other infrastructure from the outset. The level of assessment required will depend on the nature, scale and location of a proposed development. Policy TRAN 1 comments on the need for transport assessments where required. The council indicates that it may provide more guidance on developer contributions for the mitigation of traffic impacts within the proposed supplementary guidance. I see no justification for making transport assessments mandatory within the plan for all peripherally located developments.

15. Respondents also consider that the plan should address their concerns regarding existing issues, including the lack of sustainable transport infrastructure in Linlithgow, the need for a town centre traffic management plan, a parking strategy, reduction and enforcement of speed limits and improved bus services.

16. The council has now produced an Active Travel Plan. The promotion and facilitation of active travel should directly and indirectly address many of the aforementioned concerns. The development plan seeks to deliver improvements to the transport infrastructure in conjunction with new development. The active travel plan would require to be taken into consideration in transport assessments. In addition, new development proposals would require to be assessed against policies TRAN 1 Transport Infrastructure, TRAN 2 Transportation contributions and associated works and TRAN 3 Core paths and active travel. As well as consideration of transport impacts these policies provide support for the development and enhancement of sustainable transport and seek to address traffic and parking management. I see no need to make any further modifications specifically relating to Linlithgow in respect of these matters.

17. A number of the representations make specific reference to the document 'Linlithgow A Plan for the Future' which details a number of infrastructure improvements that are deemed essential if expansion of the town is to be considered acceptable and that should be included in the plan. The transport solutions proposed in that document

and by others including Linlithgow and Linlithgow Bridge Community Council involve some large scale improvements such as a High Street relief road/by pass, a new road between the M9 and Edinburgh Road, a new road from Edinburgh Road to Manse Road, the upgrading of the road southwards from Manse Road to Dechmont and new west facing slip roads to the M9.

18. I agree that some of the proposals set out in 'Linlithgow A Plan for the Future' are very ambitious. I anticipate that such large scale proposals would require a substantial amount of developer contributions and potentially other sources of funding. They may also require a scale of development way beyond that which is proposed within the plan and beyond what many respondents consider is acceptable. These proposals have not been part of the SEA process and some may also not be feasible or be environmentally acceptable. Should some of these proposals be brought forward in association with a planning application then they would be subject to the appropriate scrutiny at that time. Without detailed assessment and public engagement I do not agree that they should be included within the plan.

19. In terms of the specific comments that new slip roads onto the M9 are required before any further development proceeds I note that the traffic modelling concluded that some growth can be accommodated without the need for these. The council has taken this into account in identifying the allocated sites. The plan identifies new west-facing slip roads at Junction 3 as proposal P-44. I do not consider that any modifications are required in respect of this matter.

20. Drawing all of the above together I accept that the plan only contains a limited amount of detail of the mitigation measures that may be required. I also agree that it is not clear that all of the transportation issues associated with the proposed housing developments may be able to be acceptably mitigated. I accept that the geography of the town, including the position of the railway line and canal, may limit what is achievable. However I do not agree that it is the role and purpose of the plan to provide the level of detail and degree of certainty sought. The development management process has a more significant role to play in addressing the transport issues in Linlithgow. Overall I conclude that the plan indicates how the transportation issues may be addressed in an appropriate amount of detail.

Reporter's recommendations:

No modifications.

Issue 1J	Education Infrastructure	
Development plan reference:	Paragraphs 5.78 – 5.81	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Aithrie Estates and Hopetoun Estate Trust (0170) and (21772260) Homes for Scotland (0239) and (0422) Linlithgow and Linlithgow Bridge Community Council (0428) Gladman (0459) Fraser McCluskey (21910234) Matt Wallace (21909794) S Ryan (21909725) Richard Rippon (21909335) Jennifer Davis (21909039) Sarah Gahagan (21908947) Dr Steven Neale (21908859) James Boyd (21908747) Sheena Miller (21906586) Moira Tweedie (21906311) Andrew McIntosh (21905608) John Kemp (21903480) James Cameron (21901690) Lynda Thomas (21901313) Jennifer Leonard (21899784) Kevin Treadwell (21897700) Donald and Jennifer MacDonald (21893837) Ian MacLeod (21890779) Claire Wakefield (21889085) Jennifer Martin (21887865) Charles Webster (21878213) George Duncan (21871160) Christine Mahony (21866113) Clarendon Mews Residents (21862933) Winchburgh Developments Ltd (21862570) Finlay Scott (21848598) Tom Brown (21829599) Christine Anderson (21820028) Michael Vickers (21817641) Peter Corry (21811882) Linda Ovens (21806840) John Kerr Ltd (21804649) Heather Adam (21772368) Robert McMillan (21749350) John Orr (21716490) Steve Donaghue (21670368) Helen MacKenzie (21660154) Jonathan Moss (21648848)</p>		

<p>Eileen McGhee (21543061) Mr & Mrs Watt (21538330) Mr & Mrs Armstrong (21372312) Laurieston Developments Limited (21119948) British Solar Renewables (0214) Rebecca Smallwood (21009678)</p>	
<p>Provision of the development Plan to which the issue relates:</p>	<p>Plan wide</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Aithrie Estates and Hopetoun Estate Trust (0170) and (21772260) – the council has an important role to play in facilitating the provision of infrastructure, for example as the supplier of education. This should be acknowledged. Education as described in paragraph 5.91 of the LDP requires clarification. The principal school issue affecting the whole of West Lothian is the proposed new denominational secondary school to be sited at Winchburgh. But it should be clarified that this is to be provided by the council, not as stated, by the developers, as it is the council which is receiving and managing developer contributions from the entire council area as development takes place. This would also be the preferred policy for the ND secondary school at Winchburgh too without which no development in Winchburgh or Linlithgow can proceed further. The geographical area for contribution collection requires to be defined.</p> <p>Homes for Scotland (0239) and (0422) – Whilst correct because of the Council's current approach to developer contributions, especially in regard to Education infrastructure, this presents in itself a barrier to development and maintaining an effective 5 year housing land supply. the biggest constraint on increasing the delivery of new housing in West Lothian to be the lack of education capacity and the Council's inability to resolve that timeously to allow housing to be occupied. To set out, as this paragraph does, that this will require to be addressed by housebuilders in the first instance is unhelpful.</p> <p>Linlithgow and Linlithgow Bridge Community Council (0428) – objects to proposed approach to Linlithgow citing various reasons including need for new education provision.</p> <p>Gladman (0459) - supports the overall spatial strategy, we are concerned as to whether or not the approach to growth is entirely consistent with the approach to education infrastructure and wider infrastructure issues.</p> <p>Fraser McCluskey (21910234) - objects to development citing various reasons including need to address education capacity issues.</p> <p>Matt Wallace (21909794) – objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues</p> <p>S Ryan (21909725) – objects to allocation of sites H-LL 4 Manse Road, H-LL 10 Clarendon Farm and H-LL 12 Preston Farm citing various reasons including need to address education capacity issues.</p> <p>Richard Rippon (21909335) – objects to development citing various reasons including need to address education capacity issues.</p>	

Jennifer Davis (21909039) - objects to allocation of sites H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

Sarah Gahagan (21908947) – objects to the LDP objects to development citing various reasons including need to address education capacity issues.

Dr Steven Neale (21908859) – objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill citing various reasons including need to address education capacity issues.

James Boyd (21908747) – objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

Sheena Miller (21906586) – objects to proposed residential developments in Linlithgow on grounds of proposals not having been given proper attention in relation to school capacity.

Moira Tweedie (21906311) – objects to allocation of site H-LL 4 citing various reasons including need to address education capacity issues.

Andrew McIntosh (21905608) - objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

John Kemp (21903480) - objects to proposed residential developments in Linlithgow until issues of traffic management, parking and education are resolved.

James Cameron (21901690)

- objects to development of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm on grounds of access; impact on school capacity and amenity.

Lynda Thomas (21901313) – objects to proposed approach to Linlithgow citing various reasons including need to address education capacity issues.

Jennifer Leonard (21899784) – objects to development in Linlithgow citing various reasons including need to address education capacity issues.

Kevin Treadwell (21897700) – supports allocation of H-LL 10 Clarendon Farm for development on grounds that more land for housing is needed in Linlithgow in general in order to maximise the use of the train station as a means of sustainable transport; additional housing could be used to cross subsidise the provision of education facilities within the adjacent CDA [Winchburgh] to alleviate capacity issues in Linlithgow Academy.

Donald and Jennifer MacDonald (21893837) – object to development of Preston Farm and site H-LL 12 Linlithgow citing various reasons including need to address education capacity issues.

Iain MacLeod (21890779) – objects to allocation of site H-LL 12 Preston Farm, Linlithgow citing various reasons including concerns over education capacity, cites requirement for two new primary schools.

Claire Wakefield (21889085) – objects to proposed allocation of sites in Linlithgow for housing development citing various reasons including lack of education capacity; seeks

more information in the LDP on catchment schools; suggests alternative sites could be developed with less impact on Back Station Road and needn't impact Low Port primary school if they feed an expanded Springfield School via a safe route footbridge over the canal and railway.

Jennifer Martin (21887865) – objects to allocation of site H-LL 10 Clarendon Farm, Linlithgow for development citing various reasons including lack of education capacity; incorrect references to catchment schools for sites H-LL 2, Westerlea Court, H-LL 3 Boghall East, H-LL 4 Manse Road, H-LL 7 Clarendon House, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/ Pilgrims Hill.

Charles Webster (21878213) – objects to development in Linlithgow citing various reasons including adverse impact on schooling.

George Duncan (21871160) – seeks inclusion of a site at Balgreen Farm, Livingston for housing and advises of awareness of need for contributions towards education infrastructure.

Christine Mahony (21866113) – supports affordable housing provision in Linlithgow but concerns over scale of housing development proposed citing various reasons including education capacity constraints.

Clarendon Mews Residents (21862933) – objects to development of site H-LL 10 Clarendon Farm, Linlithgow citing various reasons including need to resolve education capacity constraints.

Winchburgh Developments Ltd (21862570) - Supplementary Guidance is required on non-denominational secondary school delivery as soon as possible to provide certainty over the funding mechanism for a new non-denominational secondary school at Winchburgh necessary to deliver and unlock development in the east sector of the Council area.

Finlay Scott (21848598) - objects to allocation of site H-LL 11 Wilcoxholm/Pilgrims Hill, Linlithgow for development citing various reasons education capacity constraints.

Dr Tom Brown (21829599) – objects to allocation of H-LL 11 Wilcoxholm/Pilgrims Hill, citing various reasons including school capacity concerns.

Christine Anderson (21820028) - objects to proposals affecting Linlithgow citing various reasons and suggests alterations to the school estate to accommodate development.

Michael Vickers (21817641) - objects to development in Linlithgow citing various reasons including education capacity constraint.

Peter Corry (21811882) – objects to development of site H-LL 12 Preston Farm, Linlithgow citing various reasons including education capacity.

Linda Ovens (21806840) – objects to development in Linlithgow citing various reasons including concerns for impact on school route; incorrect references to catchment schools and inconsistencies in referencing compared with other sites and school capacity issues at listed Low Port Primary School.

John Kerr Ltd (21804649) – wish to engage with the Council on detailed educational matters. Believe that in the light of recent appeal decisions that there may be scope for earlier development within Linlithgow.

Heather Adam (21772368) – objects to development in Linlithgow particularly H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm citing various reasons including need to address education capacity issues.

Robert McMillan (21749350) – objects to development of site H-LL 11 Wilcoxholm Farm / Pilgrims Hill, Linlithgow citing various reasons including education capacity constraints.

John Orr (21716490) – supports development of site at Dykeside Farm, Bathgate; advises that the catchment area for Torphichen could be extended further south to the edge of Bathgate to allow expansion on the north side of Bathgate. A new primary school would be required, and this would ease the pressure on the current Torphichen PS.

Steve Donaghue (21670368) - objects to development of site H-LL 12 Preston Farm, Linlithgow citing various reasons including additional pressure on the schools.

Helen MacKenzie (21660154) - objects to development in Linlithgow citing various reasons including lack of school capacity.

Jonathan Moss (21648848) - objects to allocation of site H-LL 12 Preston Farm citing various reasons including lack of school capacity.

Eileen McGhee (21543061) - objects to development in Linlithgow citing various reasons including education capacity; advises of inaccuracies regarding school catchments in Linlithgow.

Mr & Mrs Watt (21538330) - objects to allocation of site H-LL 4 Manse Road, Linlithgow for development citing various reasons including school capacity issues.

Mr & Mrs Armstrong (21372312) - objects to proposed development of site H-LL 11 Wilcoxholm / Pilgrims Hill in Linlithgow citing various reasons including school capacity issues at secondary school level.

Laurieston Developments Limited (21119948) – seek to develop land at South Logie Nursery, Logiebrae Road, Westfield for housing development: requests that the blanket ban on windfall sites being granted planning permission in advance of education capacity issues being resolved is removed; does not accept lack of education capacity within the catchment schools.

Dr Rebecca Smallwood (21009678) - objects to LDP strategy for Linlithgow citing various reasons including school capacity issues remain to be addressed and incorrect references to school catchments affecting proposed development sites in Linlithgow.

Modifications sought by those submitting representations:

Homes for Scotland (0239) and (0422) These set out the Council's strategy for funding education infrastructure to serve new development. Homes for Scotland seek a change that the Council consider front funding this infrastructure rather than rely on developers in the first instance to provide the required infrastructure.

George Duncan (21871160) – inclusion of site for development.

John Orr (21716490) - inclusion of site for development.

Various – removal of sites in Linlithgow for housing development.

Summary of responses (including reasons) by planning authority:

West Lothian Council has a plan led approach to education planning and has previously obtained senior counsel advice to ensure that its methodology is appropriate, consistent and robust. The West Lothian Local Development Plan (LDP), prepared in accordance with SESplan, now provides the development context for education planning in West Lothian. Matters relating to education in West Lothian are set out in the council's Position Statement on Education (CD 201) in response to the matters raised above. See also Schedule 4 number 15A in relation to Linlithgow, 25A in relation to Westfield and 1E.

George Duncan (21871160) - Site has currently no footpath access and all pupils would in any event require transport assistance. Not sustainable.

John Orr (21716490) - Site would likely require extensive school consultation to achieve revised arrangements for primary and secondary school. Site would require provision of a footpath network to link with Torphichen. The council would be unlikely to have capital funding to cover cost of Torphichen pupils. Secondary school options are difficult, if not impossible without full implementation of the LDP strategy as outlined in the CD 201.

Aithrie Estates and Hopetoun Estate Trust (0170) and (21772260) – It is the case that a denominational secondary school has been directly linked to the Winchburgh and Broxburn CDA area since the CDA's inception. The council is not in a position to have a definitive view on a catchment area without following through statutory consultation procedures. It is correct that the council would have the role of procuring any new school provision – but funding of new school provision rests with developers. The council does not have sufficient resources to forward fund the scale of investment that a new secondary school requires. The council can only start a procurement process when it has guarantee of a funding solution. Comments on a non-denominational secondary school are as follows.

Winchburgh Developments Ltd (21862570) – Whilst supplementary guidance may be useful for household developments or other limited housing development potentially within the catchment of a new Winchburgh non-denominational school there are only a small number of developers within the CDA area that would contribute to the cost of the non-denominational secondary school which is directly and solely related to their development. The council can only start a procurement process when it has guarantee of a funding solution. A masterplan approach by the developers would assist.

Reporter's conclusions:

1. In addition to the representations referred to above, I have noted the comments relating to the proposed plan's approach to education issues from John Orr (21716490), the Scottish Government (0236), British Solar Renewables (0214) and Scottish Enterprise (21842643). These had not been referred to by the council but my conclusions below address the points raised where they are relevant to this issue.

2. The issue of education infrastructure is inextricably linked to Issue 1F, which is focused on the umbrella Policy INF 1 and the position it establishes for addressing infrastructure requirements, including through developer obligations. Policy INF 1 applies equally to the matter of education provision as it does to other forms of infrastructure (listed in paragraph 5.81 of the proposed plan).
3. In Issue 1F, we find that much of the concern expressed in representations is not with the basic premise of the proposed policy approach, but with the way in which the council may choose to implement it through forthcoming supplementary guidance. This is particularly the case in relation to education infrastructure, but in having regard to Circular 6/2013, we conclude that it would be both legitimate and more appropriate for the exact methodologies for calculating developer contributions to be established in supplementary guidance.
4. Despite this, we do find inconsistencies in the plan's explanatory text relating to how infrastructure requirements are expected to be addressed. We recommend modifications to ensure that the thrust of the plan recognises the need for infrastructure providers to be proactive rather than placing the responsibility for addressing infrastructure deficiencies solely with developers.
5. Of particular pertinence to the matter of education provision are the recommended modifications to Policy INF 1 itself, given education capacity is identified by the proposed plan as a particular constraint to housing delivery in West Lothian; a matter which is reinforced by the various recent refusals of planning permission for residential developments which cite this reason. These modifications are to make clear that where appropriate developer contributions towards necessary infrastructure provision are secured, planning permission should ordinarily be granted. The circumstances when development would be allowed to commence would also be clarified.
6. It is in this context that I have drawn further conclusions here, specifically in relation to the proposed plan's approach to education provision. No further recommendations in regard to the provisions of Policy INF 1 are made here, as those matters are most appropriately confined to Issue 1F. However, there remain a number of issues raised in representations, including comments made following my further information request (FIR07), that are specific to the issue of education capacity, and which I have addressed below. I therefore reiterate that my conclusions here must be read alongside those in Issue 1F. Additionally, a considerable number of the representations identified above raise issues relating to education in a site-specific (or settlement-specific) context. Where this is the case, these representations are addressed in the separate Schedule 4 form for each of the respective sites as appropriate; matters relating to development in Linlithgow are addressed in Issue 15A. I have not drawn conclusions on any site-specific issues here.
7. Paragraphs 5.89 to 5.92 of the proposed plan relate specifically to education, complementing the broader provisions of Policy INF 1. Representations are critical of the inference particularly in paragraph 5.91 (but repeated elsewhere in the plan) that developers are to be responsible for resolving education capacity constraints. It has for instance been asserted by Homes for Scotland that the biggest constraint to housing delivery '...is the lack of education capacity and the Council's strategy of putting the onus for securing and funding new education infrastructure on developers'. The Scottish Government's response reinforces this argument, stating that paragraph 5.91 '...fails to reflect the complex realities associated with delivery of education provision', and requests

its deletion.

8. We have found in Issue 1A that there are acute challenges in identifying, and subsequently maintaining, sufficient effective housing land to ultimately satisfy the strategic development plan's housing supply target. It is evident from submissions to this examination that education is a significant contributor to that situation, with otherwise effective housing land being constrained by a lack of education capacity, or else a lack of committed works to provide additional capacity. Coupled to the various refusals of planning permission for these same reasons, it is clear that this issue is much more deeply-rooted than may be suggested by the paragraphs referred to above, which look to developers to resolve capacity constraints (or at the least, fully fund the solutions).

9. Education capacity issues are having an impact on housing delivery, and this clearly creates difficulties for the proposed plan's delivery. Crucially for the purposes of this examination, the cause of the problem does not, it seems, principally stem from planning policy (either adopted or proposed), but is a consequence of the broader challenges and risks of financing the provision of additional education capacity and infrastructure, the detail of which falls beyond the scope of this examination.

10. That said, I consider it remains necessary for me to explore the extent to which the proposed plan may influence or reinforce any such difficulties, and this has led us, in Issue 1F, to recommended modifications including replacement text for Policy INF 1. These modifications not only acknowledge the need for partnership working to address infrastructure needs, but importantly provide a presumption that planning permission will normally be granted where developer obligations are secured for infrastructure, such as education.

11. In respect of education specifically, the intention of this policy modification is not to fetter the council's financial decision-making, but to acknowledge the extent to which developers can be expected to address complex capacity issues; the parameters of which are prescribed by Circular 3/2012 tests which all developer obligations must satisfy. As I see it, there needs to be a stronger incentive for the council to step up, to more proactively address education capacity issues.

12. Where housing is proposed on a site which is allocated in the proposed plan, and where an obligation will ensure that the developer will make an appropriate contribution towards addressing education capacity, it seems to me that the main onus of providing infrastructure no longer rests with the developer, but with the council as education authority. After all, it would be rather unsatisfactory for the council's proposed plan to be allocating land and ostensibly seeking its development, for the council to then refuse planning permission despite a developer being willing to meet all reasonable obligations. There will inevitably be situations where the refusal of planning permission for reasons of education capacity are justified, but given the council's statutory responsibilities as an education authority, refusals should be exceptional.

13. All told, I find that my conclusions above, which are specific to education issues, reinforce the conclusions and modifications outlined in respect of Issue 1F and the proposed plan's approach to infrastructure provision more widely. On this basis, I also conclude that the first sentence of paragraph 5.90 should be deleted, as this would be inconsistent with the tone of the other recommended modifications and would conflict with the amended provisions of Policy INF 1.

14. The council has provided a position statement on education (CD201), which sets out the approach it takes to forecasting school rolls. This included forecast modelling to reflect the amount and locations of development which the proposed plan is seeking. I am left in no doubt from this document that the council has a detailed understanding of the intricacies and challenges of school roll forecasting, and that it is monitoring the situation effectively. I have noted also the education infrastructure requirements which have been introduced to the forecasting model to accommodate the levels of growth outlined in the proposed plan (which I recognise are provided in the position statement without prejudice to the outcome of formal consultation as required by the Schools (Consultation) (Scotland) Act 2010).

15. I am not concerned with what ultimate decisions the council may take over how to best provide additional capacity. The key issue for the delivery of the proposed plan is that additional capacity is however created. In this respect it is encouraging to see that the council acknowledges, in paragraph 5.4 of its position statement, that it '... must carefully plan and manage it's (sic) education strategy, not only from a financial perspective but more importantly to ensure that pupils (sic) educational needs are fully met'.

16. The challenge is for the council to be able to do this at a pace which does not result in education capacity constraining the amount of growth being planned for, particularly where this is coming forward in locations which the plan supports, on sites allocated for residential development. I recognise that there is a delicate balance to be struck, both in policy and in practice, between allowing development, securing contributions towards education, and not inappropriately granting permissions where adequate education infrastructure would be unavailable. It seems to me that in general however, it is counter-productive in all regards to be refusing planning permission for such reasons with any regularity; not only would this hinder the delivery of the proposed plan (and the housing supply target set by the strategic development plan's supplementary guidance on housing), but it also removes any prospect of developer contributions being made towards addressing the constraint.

17. In paragraphs 3.7 to 3.10 of its education position statement, the council has made specific reference to an Opinion of the Court of Session, which related to a reporter's decision to refuse planning permission on the grounds of there being inadequate education capacity to meet the additional demands that would arise from the development.

18. Paragraph 25 of that Opinion found that:

'...an extension to a secondary school is likely to involve substantial building works, which must be planned and completed before any additional demand can be met. Consequently it cannot be supposed that an offer of a contribution is sufficient to solve the fundamental problem of lack of educational capacity. The increased capacity must be properly planned and must be capable of completion by the time when any development is occupied'.

19. Whilst I attach weight to the Court of Session Opinion, I consider there to be a number of important distinctions to make between that case and the situation relevant to the proposed plan. In the Court of Session case, the land in question was not an allocated site, but a windfall site proposed on the basis of an argued inadequate effective housing land supply. On sites allocated in the proposed plan, the council itself is

identifying that it considers the site to be suitable for development within the plan period. The council is therefore in a strong position to properly plan for providing increased educational capacity to accommodate the growth it is seeking to enable, and I consider it reasonable to expect the council to do so.

20. A number of the potential solutions to addressing education capacity in specific school catchments, as identified by the council, appear at face value to be relatively straightforward interventions. It is reasonable to anticipate that, generally speaking (and not taking account of any site-specific constraints at these schools), an extension to a school would not require the same lead-in times, consultations or indeed the scale of funding as, for instance, would be necessary for the provision of an all-new school.

21. I have seen no compelling evidence from the council to explain why, in such instances, it would not be possible for planning permission to be granted where accompanied by an appropriate developer obligation, and for the council as education authority to then instigate the provision of additional capacity, to be available at whatever point in the future it would be expected to be needed. I am concerned that in such circumstances the proposed plan's default position, in Policy INF 1, is that planning permission should be resisted, without the council having to be clear on why such education capacity issues could not be timeously overcome.

22. Necessary interventions such as the provision of a new secondary school clearly have implications of much greater magnitude, and I do not underestimate the complexities, challenges (not least the size of the financial commitment) and the wider legislative requirements which would need to be addressed. Notwithstanding the breadth of these issues and the scale of the challenges presented by the need for a new school, I do not accept it to be reasonable for the proposed plan to ostensibly be seeking growth in areas where a new school is known to be needed, but for development in line with the proposed plan to be indefinitely constrained by this, with refusals of planning permission being supported by Policy INF 1, as proposed.

23. All of this reinforces the need for Policy INF 1 to provide a more positive, pro-active stance towards development which would be in accordance with the plan as a whole, and in particular Policy HOU 1. This is not to take away from the Court of Session Opinion, or to in any way imply that education capacity should be disregarded in decision-making as simply a problem which the council should be expected to resolve. It is essential however that the proposed plan does not lead to, or reinforce, any sense that the lack of education capacity can be readily relied upon as a reason for refusing development on allocated sites, unless there are clear reasons why additional capacity could not fairly be expected to also be provided. Where the timing of development relative to new education infrastructure is the main issue, suspensive conditions would at least allow for increased developer certainty and potentially the partial build and occupation of new development up until capacity constraints are resolved.

24. It was in the context of these issues, and the representations highlighting the degree to which education capacity is hindering development, that I sought to explore some of these issues further through issuing a further information request to the council (FIR07). This was to gain a better understanding of the council's intended approach to addressing the education capacity issues, which in recent years have become a regular feature in the council's development management decision-making.

25. In its response to FIR07, the council has clarified its position, and has provided

specific details on the number of additional school places anticipated to be needed at each school in order to accommodate proposed development, when these would be needed, the likely nature of the works necessary to provide capacity, and the level of contributions that would be required from individual developments.

26. There has been some quite legitimate challenge from representees to some of the assumptions upon which the council's response has been based (in particular, a disputed draft version of the 2016 Housing Land Audit which in Issue 1A we have also disregarded), and questions raised over the lack of supporting evidence provided to corroborate certain statements. Homes for Scotland suggested that we should consider using an inquiry session, to allow the council's position and its evidential basis to be scrutinised. However, the concerns expressed in representations principally relate to how the council may ultimately implement the plan, and I also see this is as the more substantive issue here. Circular 6/2013 makes clear that matters of detail, such as the preferred mechanisms for calculating contributions, should be left to statutory supplementary guidance, and therefore this must curtail the degree to which this examination focuses on the issue. Remaining focused on the proposed plan itself, I am satisfied that subject to modifications to Policy INF 1, it is not inherently flawed in its approach to addressing education capacity issues.

27. I would go further, to say I find the council's response to be generally encouraging (despite the lack of detail in response to some of my questions) in that it is clear in what interventions are needed. There is also clear scope for development in many parts of West Lothian, without obvious significant education capacity constraints. Precisely when additional capacity will be required is uncertain; the dates provided by the council are based on a version of a housing land audit which is unjustifiably optimistic. Taking the education capacity issue in isolation however, this is likely to mean that in some school catchments, capacity should not constrain development until later in the plan period than predicted. Additional time to plan, and to secure funding for the education capacity solutions that will ultimately be needed, may well assist in minimising the number of refusals of planning permission for education reasons.

28. All told, I consider a shift in emphasis, away from a full reliance upon developers to provide the solutions to education capacity issues, and towards a presumption in favour of development unless the constraints are demonstrably insurmountable, is as far as modifications to the proposed plan can reasonably be taken. There are clear limitations to what can be delivered through developer obligations, not least because of the necessity for any such agreements to comply with the Circular 3/2012 tests. None of the information supplied by the council in response to my further information request, nor any of the subsequent comments on that response from parties, suggest to me that this approach (as set out in detail within the Issue 1F recommendations) would be unjustified, or indeed fall short of what could reasonably be expected of the plan.

29. It has been requested in representations that the forthcoming statutory supplementary guidance, which the proposed plan refers to (and to a large extent will be reliant upon in order to effectively and transparently implement Policy INF 1) in respect of education contributions and delivery, be produced as soon as possible by the council. The proposed plan lists the supplementary guidance and other non-statutory planning guidance which the council intends to provide. This identifies that an 'education strategy' will be provided as planning guidance, the timeframe for which is simply indicated as subsequent (to the proposed plan).

30. Elsewhere we have recommended that guidance relating to infrastructure, including education, should be provided as statutory supplementary guidance. I consider these should be priorities for the council to address, but ultimately the preparation of any supplementary guidance, including the timings of this, are matters for the council and outwith the scope of this examination.

Reporter's recommendations:

1. Delete the first sentence of paragraph 5.90.
2. Move the second sentence of paragraph 5.90 to the start of paragraph 5.91, amended to read as follows: 'The council is committed to working in partnership with developers, to secure funding for infrastructure required to support development.'

Issue 1K	Strategic Environmental Assessment (SEA)	
Development plan reference:	Environmental Report accompanying the Proposed Plan	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gordon Cameron (21899011) Nicholas B L Davis (0255) Historic Environment Scotland (0351)</p> <p>In addition, through comment on the SEA document that accompanied the Proposed Plan, the three consultation authorities:</p> <ul style="list-style-type: none"> • Historic Environment Scotland (0351) • Scottish Environment Protection Agency (0243) • Scottish Natural Heritage (0238) <p>all made detailed comments.</p>		
Provision of the development Plan to which the issue relates:	H-LL 4 Manse Road, Linlithgow (Appendix 2: Page 194). Strategic Environmental Assessment (SEA).	
Planning authority's summary of the representation(s):		
<p>Gordon Cameron (21899011) - objects to allocation of the site at Manse Road, Linlithgow for development on a number of grounds as he indicates the site is.</p> <ol style="list-style-type: none"> 1. greenfield; 2. designated an Area of Great Landscape / Special Landscape Area; 3. prime agricultural Land; and the 4. impact of houses on the skyline on south approach into Linlithgow. <p>He specifically mentions the Strategic Environmental Assessment, which accompanies the Local Development Plan, states this allocation occupies "a skyline location and is an integral part of the AGLV as it meets Linlithgow development here would erode this clear boundary." These issues are not a case of 'Not-in-my-Back-Yard', but of conserving the very best agricultural and environmentally sensitive areas which surround the southern edge of Linlithgow for future generations. [</p> <p>Nicholas B L Davis (0255) - made comments on the Environmental Report : Section 9 - Cultural Heritage</p> <ul style="list-style-type: none"> • there is no reference to Historic Environment Scotland who were legally constituted on 1st October 2015; • no SPG information; and • Maps 9 and 29 of section 9 were not available in Library during consultation stage. <p>Historic Environment Scotland (HES) (0351) - made comment in relation to Part 2: Environmental Report. They note that the updated Environmental Report (ER) focusses on assessment of those development sites which were submitted to the council after the Main Issues Report (MIR) consultation. Are content that the assessment of these sites is</p>		

appropriate and adequate for the historic environment.

As these additional sites are the only element of the Proposed Plan (PP) included in the updated ER, HES have assumed that the council gave consideration to the remainder of the content of the PP and concluded that the new material that it contains (e.g. those policies which have undergone iterative development and change since they were assessed at MIR stage) is not expected to have significant environmental effects. Although not a statutory requirement, in future the council could consider summarising such changes within the updated ER and outlining the reasons for concluding that significant effects are not expected. This would add value to the updated ER as a supporting document for consultation on the PP.

At MIR stage, HES noted that the ER was not accompanied by a non-technical summary. HES also provided comments on some of the assessment findings and mitigation, and recommended that the ER be updated to reflect these and other representations made. In focussing the ER update solely on additional sites, the opportunity to address these points has not been taken, reducing the benefit of the ER as an accessible and accurate consultation tool. In light of this, HES have appended the comments we provided on the ER at MIR stage, as these will have relevance as the Plan process moves forward to examination.

None of the comments contained in HES letter should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Environment Scotland's commitment to capacity-building in SEA.

Modifications sought by those submitting representations:

While not explicitly expressed from Mr Cameron's objection (21899011), can assume removal of site H-LL 4 Manse Road, Linlithgow from the Proposed Plan is sought.

See table below for modifications sought by SEA consultation bodies.

Summary of responses (including reasons) by planning authority:

With Gordon Cameron (21899011), the main aspects of the objection are addressed in Schedule 4: 15C relating to H-LL 4 Land east of Manse Road, Linlithgow.

In relation to the comment on the SEA, page 359 of the Environmental Report does indeed reflect this statement, but it was made in the context of individual Site Appraisals by Settlement from the "Call for Sites" submissions process where a large number of conditions and setting elements were assessed. If this site is to be progressed, then details of a strong south boundary treatment would be expected with a future planning application along with cross sections of the site to determine the potential development platforms and address this skyline issue that was identified during the initial site assessment.

In response to Nicholas B L Davis (0255) issues on the Cultural Heritage section of the SEA, the SEA and Proposed Plan were drafted and approved at Committee for consultation before HES came into being. They can easily be reference in the finalised Proposed Plan. There would not be any supplementary guidance in relation to the SEA. The maps were printed and available but did not find their way into the version in

Linlithgow Library.

HES various constructive points are acknowledged.

Finally, the three consultation authorities:

- Historic Environment Scotland (0351)
- Scottish Environment Protection Agency (0243)
- Scottish Natural Heritage (0238)

all made detailed comments on the Proposed Plan and SEA. They are laid out below in table format with the Consultation Authorities comment followed by the council's proposed response as this will be easier to follow than the format used for other Schedule 4's.

As pointed out by HES, it is not a statutory requirement to summarise such changes as relate to the few additional sites that do not undermine or create a different policy approach that would have required a full scale update to the ER. HES comments at the MIR stage were taken on board in the preparation of the Proposed Plan. Although unfortunate that a short non-technical summary statement was not included this is not considered a major issue as the full SEA was still carried out and the assessment available and it could not have summarised over 440 sites.

The council are also satisfied that they have undertaken a rigorous Strategic Environmental Assessment of all the sites in the Proposed Plan and that this complies with the relevant legislation. **Unless otherwise stated the council would not propose to alter the SEA unless directed to do so by the Reporter.**

Consultation Authority comments	West Lothian Council Response
Historic Environment Scotland (HES)	
<p>General comments</p> <p>On 1 October 2015, Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014. In view of this, we recommend that where appropriate, references to Historic Scotland and RCAHMS in the Proposed Plan and supporting documents should be replaced by reference to Historic Environment Scotland.</p>	<p>Agreed and West Lothian Local Development Plan - Proposed Plan, and supporting documents, when adopted in winter 2016 / early 2017 will remove reference to former bodies "Historic Scotland" and "The Royal Commission on the Ancient and Historical Monuments of Scotland" and replace them with "Historic Environment Scotland".</p>
<p>HES welcomes that the built heritage has been embedded within the vision statement for the Plan, and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment.</p>	<p>Noted.</p>

<p>Comments on the policy elements of the Plan</p> <p><i>POLICY EMP 3 Employment development within settlement boundaries</i> <i>POLICY EMP 4 Employment development outwith settlement boundaries</i> <i>POLICY EMP 8 Tourism</i></p> <p>These policies include the wording ‘.....adversely impact on any special architectural, natural heritage designations or landscape interests’</p> <p>As many historic environment assets are not primarily considered to be ‘architectural’, we recommend altering the wording to better encompass the broad range of historic environment assets in West Lothian. For example, ‘<i>historic environment designations</i>’ or ‘<i>historic environment assets</i>’ could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.</p>	<p>Agreed and policy text will be altered to reflect suggestion that broader range of historic environment assets are considered and not merely focus on architectural interests.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p><i>POLICY ENV 24 Conservation Areas (Demolitions)</i></p> <p>This policy sets out five criteria, all of which are required to be satisfied in order to permit demolition of buildings which are of value to the character of a Conservation Area. This aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (http://www.historic-scotland.gov.uk/shep), or national guidance (http://www.historic-scotland.gov.uk/demolition-2.pdf) which suggests that conservation area demolition proposals are usually considered in the same way as listed building demolitions, by assessing against four criteria, requiring as a minimum that one of the four criteria to be met.</p> <p>Additionally, whilst SHEP requires that planning authorities have regard to the desirability to preserve or enhance the conservation area in considering demolition applications, the proposed policy requires that proposals for replacement development must enhance the conservation area.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP.</p>	<p>West Lothian Councils consider the 5 criteria test with policy ENV24 are adequate and do not wish to weaken the policy We have a duty to “preserve or enhance” conservation areas so will reflect that requirement in the wording. For example “...and the conservation area will be preserved or enhanced as a result of the development”. It is the council view that the extra criterion is justified. It is the locational need that is the issue. We would add in after “...for the development...” “, <i>which would ensure the retention of the building</i>”. However on further reflection, there is concern at the use of “(demolitions)” in the title. This may fetter the use of that policy to only demolitions. It is proposed to replace it with “(Developments and Demolitions)” and it opens up the policy to wider use.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>

<p>Whilst it may be your intention to establish a more rigorous regime, you should be satisfied that the proposed policy will be workable in practice, and will not be likely to lead to frequent deviation from policy in decision making, which may introduce uncertainty and inconsistency into the decision making process. In such circumstances, consistent adherence to a more flexible, practicable policy approach may be of more benefit.</p>	
<p><i>Paragraph 5.194</i> For information, the Buildings at Risk register is now maintained by Historic Environment Scotland.</p>	<p>Acknowledged and any reference to the Buildings at Risk Register in the West Lothian LDP, or accompanying supplementary guidance, will acknowledge HES. The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p><i>POLICY ENV 28 Listed Buildings</i> The policy element relating to the demolition of listed buildings proposals sets out four criteria, all of which should be satisfied in order to permit demolition. As with Policy ENV 24, this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (http://www.historic-scotland.gov.uk/shep), or national guidance (http://www.historic-scotland.gov.uk/demolition-2.pdf) which set out four assessment criteria, requiring as a minimum that one of the four criteria to be met.</p> <p>It would be very rare that an application for demolition would be able to satisfy all four criteria set out in Policy ENV 28. Whilst it may be your intention to establish a more rigorous regime than that set out in national policy, as with Policy ENV 24 you should be satisfied that the proposed policy will be workable in practice.</p> <p>If you determine to amend the policy to require one or more criteria to be met, I would recommend that you omit criteria c (<i>the building cannot be adapted without material loss to its character</i>) as it would</p>	<p>The council may have interpreted this incorrectly. It says at para 3.44 <i>“Where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:”</i> and then lists 4 criteria. After each of the first 3 criteria is the word “or”. A problem for the council could arise at appeal if the council are at odds with national policy. The council will review this policy and reword the criteria to reflect the wording of SHEP.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object to amendment of the text to read: <i>“Enabling developments which cross-subsidise works to historic buildings will be considered favourably only if the character or setting of the building is not adversely affected...”</i> etc. It is the view that the use of the word “and” before the</p>

<p>not be sufficiently robust as a stand-alone criteria. This is because, whilst there may be instances where the only viable option for re-use of a listed building will require adaptation which will result in a 'material loss' to the character of the listed building, this is unlikely to outweigh the impact of complete loss through demolition.</p> <p>This policy states a presumption against enabling development. This section of the policy has been carried through from the Local Plan, which was adopted against the background of a different economic context. Whilst we support the application of robust criteria to assess the acceptability of enabling development, we also recognise that in some cases it may be essential to securing a viable long term future for a listed building at risk. In view of this, we suggest that you may wish to retain the criteria for enabling development but omit the first sentence of this section, to form a more positive approach to this issue.</p>	<p>last criterion ensures that all of the criteria have to be met.</p>
<p><i>Policy MRW 3 Impediments to Mineral Extraction</i></p> <p>Criteria g. of this policy refers to 'sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area'.</p> <p>By specifying some, but not all heritage designations, this criteria implies a lesser level of protection for those not included. In view of this, we recommend simply omitting reference to individual designation types. Alternatively, Inventory Designed Landscapes and Battlefields could be included in the criteria.</p>	<p>For Policy NRW 3 relating to "Mineral Extraction Impediments" and especially criteria g); West Lothian council prefer to retain the list of relevant heritage designations and will insert "Inventory Designed Landscapes and Battlefields" to make it clear which heritage designations the policy covers and the tests that relevant development proposals must meet.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p>Comments on the Proposed Plan spatial strategy</p> <p>HES have looked at the development proposals within the Proposed Plan, concentrating on scheduled monuments and their setting, A listed buildings and their setting, gardens and designed</p>	<p>Noted.</p>

<p>landscapes and battlefields appearing in their respective Inventories, and Conservation Areas.</p> <p>Some of the proposed development sites have the potential for impacts on heritage assets within our remit. However, we consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts. Early engagement with Historic Environment Scotland on development proposals which raise complex or significant issues will be key to avoiding adverse impacts and optimising positive outcomes for the historic environment. We would encourage you to ensure that all mitigation measures identified in the ER (or recommended in our letter of 17 October 2014, appended below) are brought through to the site delivery requirements.</p>	<p>Acknowledged.</p> <p>Agreed and both the Development Planning & Development Management sections will continue to work closely with HES on development proposals that may have issue for the historic environment.</p> <p>The former Historic Scotland comments on the Environmental Report relating to the Main Issues Report has been re-examined to ensure all mitigation measures concerning the historic environment are covered in the Site Delivery Requirements schedules.</p>
<p>HES have detailed comments to make on the following proposed development sites:</p> <p><i>H-LL 11 – Wilcoxholm Farm / Pilgrim Hill</i></p> <p>At MIR stage we highlighted that development of this site could impact upon the setting of the scheduled monument Union Canal, River Almond to River Avon (http://portal.historic-scotland.gov.uk/designation/SM8954). We also noted that access to the northern part of the site appears to be constrained, and consequently had concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting.</p> <p>We continue to consider that this development allocation may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation. Whilst we are content that these impacts could be mitigated by application of policy and sensitive design, it will be essential that Historic Environment Scotland have early involvement in further discussions on the development of proposals for the site. Any proposed direct</p>	<p>Access to the northern part of the site could be from the west via Maidlands where a road spur was inserted in the previous development but never utilised. This currently gives access to the field. However, Maidlands is only one option. Access could also be taken further east through improvement to the access serving Wilcoxholm Farm.</p> <p>Further consideration of the development of the linear field to the south (Pilgrims Hill) suggested there will be no new road bridge crossing of the Union Canal.</p> <p>Where Schedule Monument Consent will be required is in the proposal (P-102) to connect the new scheme (as well as south east Linlithgow) to the canal towpath via a new ramped cycle way in the south west corner of the north field, subject to design gradients being overcome and addressing impact on the residential amenity of the two adjacent residential properties, albeit they have blank east gable walls.</p>

<p>impact on the scheduled monument would be subject to the Scheduled Monument Consent process. The site delivery requirements should be updated to reflect our comments here.</p>	
<p><i>H-LL 12 – Preston Farm</i> Neither the SEA findings for this allocation, or the site delivery requirements, take cognisance of the potential for impacts on the site and setting of the scheduled Union Canal (http://portal.historicscotland.gov.uk/designation/SM8954) or the setting of A listed Preston House (http://portal.historic-scotland.gov.uk/designation/LB12983). We are content that these impacts could be mitigated by robust application of policy and sensitive design, but this should be reflected in the ER and site delivery requirements. We would welcome early discussion as proposals for development of this site progress, and the site delivery requirements should be updated to reflect this.</p>	<p>A Pre-Application Notice (PAN) has now been submitted by Cala Homes that shows a buffer open space stand-off area between the development and the Union Canal. Preston House which has seen development in its walled garden is separated from the site by a mature woodland shelter belt and only the northern half of the field, furthest away from the Listed House, has been allocated.</p>
<p><i>H-WB 17 – Site west of Niddry Castle</i> At Main Issues Report this was identified as an alternative site and we agreed with the SEA findings which indicated that development at this location had the potential for adverse impacts on the setting of A listed Niddry Castle (http://portal.historic-scotland.gov.uk/designation/LB7437). We stated that whilst some development could be accommodated here, if this site was brought forward to the Proposed Plan, robust mitigation would be required to deliver development without significant adverse effects on Niddry Castle.</p> <p>This site has now been brought forward into the Proposed Plan, allocated for the development of 250 housing units. While Niddry Castle is largely seen in the context of Niddry Castle Bing, due to the number of residential units and close proximity of the site boundary to the castle we consider that it would be very difficult to deliver this scale of development in this location without significant adverse impact on the setting of Niddry Castle. Consequently, we consider that the number of housing units</p>	<p>As pointed out the existing Niddry Castle currently sits in the landscape context of the adjacent Niddry Bing that continues to be under extraction with several decades of material left to remove to allow the core base to be further redevelopment at the end of the Winchburgh Core Development Area.</p> <p>The owner of the site is keen to promote it for development. The Council would suggest to the Agent that in preparing the masterplan for this large, flat site (which is currently operated as part of the adjacent golf course), that they engage with HES at an early stage to consider the site layout in relation to mitigating the potential effects of residential development near the Castle.</p> <p>The number of residential units suggested, c250, is based on an average density on the site area and what the future school capacity and road junction with Main Street can accommodate.</p>

<p>proposed should be reduced, and the final number be determined as a result of further assessment of the capacity of the site, for example through the master planning process. If this site is retained in the Plan, early consultation with Historic Environment Scotland on a mitigation strategy and on the development of a masterplan for the site will be essential.</p>	
<p>Part 2: Environmental Report We understand that the updated Environmental Report (ER) focuses on assessment of those development sites which were submitted to the council after the Main Issues Report (MIR) consultation. We are content that the assessment of these sites is appropriate and adequate for the historic environment.</p> <p>As these additional sites are the only element of the Proposed Plan included in the updated ER, we have assumed that you gave consideration to the remainder of the content of the PP and concluded that the new material that it contains (e.g. those policies which have undergone iterative development and change since they were assessed at MIR stage) is not expected to have significant environmental effects.</p> <p>Although not a statutory requirement, in future you could consider summarising such changes within the updated ER and outlining the reasons for concluding that significant effects are not expected. This would add value to the updated ER as a supporting document for consultation on the PP.</p> <p>At MIR stage, we noted that the ER was not accompanied by a non-technical summary. We also provided comments on some of the assessment findings and mitigation, and recommended that the ER be updated to reflect these and other representations made. In focusing the ER update solely on additional sites, the opportunity to address these points has not been taken, reducing the benefit of the ER as an accessible and accurate consultation</p>	<p>Acknowledged that HES accept that the further short SEA of the additional sites is “appropriate and adequate for the historic environment” element of the Proposed Plan.</p> <p>Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan (2009), there were no major significant environmental effects. In many cases, there have only been minor iterative changes to many of the environmental protection policies.</p> <p>Acknowledged that the timescale required to progress the MIR to Proposed Plan consultation stage had resulted in a short Environment Report update. However, the approach taken by the council was considered proportionate and within the scope of the legislation and demands on staff time and resources.</p> <p>Acknowledged that there was an omission of a Non-Technical Summary. The points that HES made relating to mitigation of potential effects on the historic environment on the numerous MIR sites was taken into account in the Appendix 1: Employment and Appendix 2: Housing site delivery requirements that are set out as specific site requirements in the relevant schedules and the rear of the LDP. Further consideration can be undertaken at Planning Application stage and during</p>

<p>tool. In light of this, we have appended the comments we provided on the ER at MIR stage, as these will have relevance as the Plan process moves forward to examination.</p>	<p>pre-application negotiations on forthcoming development proposals.</p>
<p>Scottish Natural Heritage (SNH)</p>	
<p>SNH understand from the 'SEA Process' summary in section 1.2 that the scope of assessment at this stage is of additional proposed allocations which were received after the Main Issues Report (MIR) consultation. As far as we are aware, there have been no other changes made to the Environmental Report which accompanied the MIR.</p> <p>While this approach appears to conform to advice set out in paragraphs 4.34 to 4.41 of PAN 1/2010, it is unclear to us at this stage whether the effects of the addition of the 19 additional sites on the overall development strategy have been assessed.</p>	<p>Confirmed there have been no changes to the previous major Strategic Environmental Assessment Environmental Report that was undertaken to assess over 420 proposed development sites as part of the Main Issues Report.</p> <p>Acknowledged that this succinct approach conforms with the relevant PAN. It can be confirmed that the additional 19 sites, some of which were small scale, were judged to have very little effect on the wider 400 plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the Proposed Plan.</p>
<p>The tight focus of the update also means that your response to comments and advice on the Environmental Report from the Consultation Authorities is not available for review. We are therefore unclear on how our previous advice will, in combination with this response, influence monitoring and in turn how it has influenced the content of the Proposed Plan.</p> <p>We believe that this omission could be easily rectified, perhaps by the addition of a simple list of changes. As a starting point, it may be useful for us to meet and discuss our previous comments and your handling of these.</p>	<p>It is acknowledged that due to the short nature of the review focusing on the new sites, this has meant that there is no external record and hence review of the three consultation authorities comments on the Main Issues Report and the additional Post-MIR sites and how they were considered and incorporated into the Proposed Plan. The ER review was part of the D&T PDSP and Council Executive reports on response to MIR consultations and the Proposed Plan.</p> <p>The council welcomes the opportunity for further input from Scottish Natural Heritage and the other two consulting authorities. As the LDP progresses through the examination process towards adoption an update SEA will likely be required.</p>
<p>Annex to SNH letter of – detailed comments on Environmental Report update</p> <p>Of the sites presented in this update, we were offered the opportunity to comment</p>	<p>Acknowledged that SNH offered environmental comments on the</p>

<p>on these sites following the MIR consultation. Our comments, based on the information available to us at the time, were brief but indicated possible mitigation and opportunities for enhancement where possible. The comments on the sites in the update do not present potential mitigation measures. We therefore offer the following advice on the preferred sites:</p>	<p>additional 19 post MIR sites.</p>
<p>Land at Niddry Mains House, Winchburgh (MIRQ 0159): <i>The ‘Avoid adverse direct impact on species &c’ sub-objective</i> is negative due to the requirement to take access to the proposed allocation through Beatlie Wood. There is no assessment of the potential for utilizing existing access to Niddry Mains House, which is shown as within the allocation in Map 2 of the Proposed Plan.</p> <p>There is also no assessment of alternative access options via adjacent CDA allocation H-WB3. Given Beatlie Wood’s role in setting of this part of Winchburgh, the emerging CDA development and as part of the wider green network, we would expect this assessment of options to address identified impacts. While there is no sub-objective specifically relating to movement and permeability, we would expect comments on the site to have identified a requirement to establish connections to the adjacent CDA allocations and to the existing and proposed town centre.</p>	<p>It is understood that the existing access to Niddry Mains House will remain private and consequently there will need to be a new access to the MIR Q 0159 development site to the east of the linear wood. However, through the master planning of the “CDA-NN” site it may be that development access can come from the east and avoid creating a new access through the woods.</p> <p>As above, the potential alternative access options would be considered at the more detailed master-plan stage. It may well be that there is no need to create an access through Beatlie Wood. However, if it transpires that a new access though the wood is required then a survey of the woodland would be required and in conjunction with required sightlines and layout of the development site, then the best location of the access would entail the minimum loss of trees, as has successfully occurred on similar circumstances at many enclosed wooded sites in Livingston e.g.; Rose Place, Eliburn and similarly at Old Wood Place, Eliburn.</p>
<p>Land south of Willowdean, Bridgend (MIRQ 0162): The assessment of the sub-objective <i>‘Avoid AGLVs &c’</i> identifies a negative impact for this site due to its partial position within the Bathgate Hills AGLV / cSLA. As with other sites within local landscape designations, mitigation should be based on the Management recommendations set out in the Local Landscape Designation</p>	<p>Acknowledged. However, the site allocation occurred after the Local Landscape Designation Review (LLDR) was completed. The LLDR notes for this area is not part of the Bathgate Hills candidate SLA and the north boundary line is drawn someway to the south along the Ochiltree ridge road.</p>

<p>Review report.</p> <p>Stonerigg Farm, Armadale (H AM 18): We have not previously commented on this site. The assessment of biodiversity sub-objectives seems reasonable, we are not aware of protected species or habitats of conservation interest on this site. There are no nationally designated sites on or adjacent to the site although we note that Black Moss proposed Local Biodiversity Site (LBS) lies north of the proposed allocation. It appears unlikely that the LBS would be affected by development on the site.</p> <p>While there is no sub-objective specifically relating to movement and permeability, we would expect comments on the site to have identified the existing path network which runs through this site and to propose mitigation in design of development and for disruption to use during construction.</p>	<p>This small site is related to previous planning approvals on the site of Stonerigg Farm on the south west edge of Armadale. The proposed Black Moss Local Biodiversity Site is some way to the north and separated by Wood Park that remains as protected open space as it operates as a Neighbourhood Park. Development on Stonerigg Farm would impact on neither the Moss, nor the public Park.</p> <p>Specific design details such as permeability and path connection in relation to the development site being adjacent to Wood Park can be considered at a planning application stage.</p>
<p>Ex-West Calder High School, Polbeth (MIRQ-LATE 2) The assessment of the <i>'Avoid causing significant effect on designated & c sites'</i> sub-objective is negative. As there are no national designations on or adjacent to the potential allocation, we assume this refers to the Limefield Glen & Harwood Water to Gavieside Bridge proposed LBS.</p> <p>As there is a stand-off of around 100m between the allocation boundary and the proposed LBS boundary, it appears that these effects are either indirect or from predicted access to the proposed LBS. The identified effect and mitigation requirements arising from this effect are unclear at present.</p>	<p>Yes, it can be confirmed that the Harwood Water / Limefield Glen pLBS is the site raised when considering the re-use of the former West Calder High School brownfield site that will be surplus after the replacement high school is built at Parkhead, West Calder. The pLBS is well over 100m from the edge of the new allocation. However, there is also the Tree Preservation Order on part of the wooded landscape around Limefield House. While any future development will be confined to the brownfield and playing field elements of the former school, likely effects are thought to be minor and relate to the impact of development of the boundary mature trees roots and canopies. This can be dealt with by detailed consideration at the planning application stage where the design of the layout would have a buffer from the edge of the existing woodland to the north and west.</p>
<p>Old Rows (Ex-Ritchie's Yard), Seafield (MIRQ-LATE 3) We have not previously commented on this site. The assessment of biodiversity sub-</p>	<p>Acknowledged. This site is part of the redevelopment of a former builder yard</p>

<p>objectives seems reasonable, we are not aware of protected species or habitats of conservation interest on this site.</p>	<p>that is located on the north west corner of Seafield Village. The adjacent small local park is protected open space that separates the site from the Easter Inch Moss & Seafield Law Local Nature Reserve, but it is over 250m from the site boundary and it is not considered that there will be any significant major environmental effects from redevelopment of the open yard as an urban infill site.</p>
<p>Mid Street, Bathgate (MIRQ-LATE 4) - No comment.</p>	<p>Acknowledged. This is a small urban infill site.</p>
<p>14-20 Glasgow Road, Bathgate (MIRQ-LATE 5) - No comment.</p>	<p>Acknowledged. This is a small urban infill site.</p>
<p>While the majority of the issues discussed above relate to local impacts, it is nevertheless unclear how these allocations have been assessed in an updated assessment of the overall development strategy. This includes the testing of issues as set out in Table 10 of the Environmental Report which accompanied the MIR. We support a proportionate approach to SEA but would expect a concise update of the ER to include an overview of the influence of changes to the spatial strategy. We would welcome a meeting with you and the other Consultation Authorities to discuss how this information could be presented.</p>	<p>It can be confirmed that the additional 19 sites, some of which were small scale, were judged to have very little effect on the wider 400plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the Proposed Plan.</p> <p>Due to the timescales involved and the undertaking of a major SEA of over 400 sites, many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p> <p>The Council will seek to organise a meeting with the other consultation authorities to consider this issue.</p>
<p>Scottish Environment Protection Agency (SEPA)</p>	
<p>SEPA have used our scoping consultation</p>	<p>Acknowledged and that additional</p>

<p>response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the LDP itself will be provided separately.</p>	<p>comments on the actual LDP were received separately.</p>
<p>As the West Lothian LDP is finalised, West Lothian Council as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government SEA Guidance. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.</p>	<p>Noted. It is anticipated to adopt the Proposed plan in Winter 2016 / Spring 2017 and hence it is expected to publish and advertise a "SEA Compliance Statement" in early 2017 and forward it to the Scottish Government SEA Gateway as well as the three consultation authorities.</p>
<p>Appendix 1: Comments on the Environmental Report (ER) <u>General comments</u> The information provided to us with the Proposed Plan (PP) and the absence of an update on the MIR Environmental Report (ER1) made it very difficult to establish whether our previous comments have been taken into account. As mentioned in our separate PP response, we have also had difficulty assessing the information due to delays in obtaining robust Geographic Information System (G.I.S.) data. We are generally content with the environmental assessment submitted for the post-MIR sites in the West Lothian Proposed Plan (PP) Environmental Report (ER2), Our comments on the assessment of the policies have been largely taken into account in the PP (see our separate response to the PP) and we are generally content with this aspect of the assessment. We do however have concerns about the following aspects of the SEA:</p> <p>1)The environmental assessment in the MIR ER (ER1) has not been updated</p>	<p>Due to the timescales involved and the undertaking of a major SEA of over 400 sites, many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p> <p>The council accommodated GIS requests where possible. Some were received late in the process or were delayed due to other Planning Service work pressures.</p>

<p>following comments from the Consultation Authorities (CAs) (see our response of the 9 October 2014 PCS/135578);</p> <p>The WL LDP ER2 paragraph 1.2.4 states: <i>‘The ER was published but only a few minor comments were received and addressed in the council’s responses to comments on the MIR. Whenever there is a requirement to update the ER, there will be further opportunities to comment on such revised assessments. A post-adoption statement under EASA will also be prepared setting out the relationship between the ER and the WLLDP, and the influence of comments received during the public consultation stages’.</i></p> <p>This paragraph refers to updating the ER but no opportunity has been presented to the CAs nor to the public to see an updated ER with <u>revised</u> assessments, only an assessment for new sites. As a minimum we would expect to see an assessment of the cumulative effects of the PP now that it includes new sites together with any related mitigation and enhancement measures.</p> <p>2)The Environmental Report does not contain a Non-Technical Summary (NTS) which is a requirement of the Environmental Assessment (Scotland) Act 2005 Schedule 3.</p> <p>The NTS is a mandatory requirement of the ER. Its purpose is to make the assessment more understandable and accessible to the public and as such the absence of it may have prevented further comments being made on the SEA or the plan.</p> <p>We would welcome the opportunity to meet with you and the other Consultation Authorities in order to address these issues. In the meantime we recommend that you consider preparing an addendum to the ER showing a) how the CAs comments from ER1 have been taken into account, b) how the additional sites assessed influenced the overall strategy</p>	<p>Acknowledged that SEPA are generally content with the Post-MIR sites environment assessment and that SEPA comments on polices have been accommodated.</p> <p>The council welcomes the opportunity for further input from SEPA and the other two consulting authorities.</p> <p>As the LDP progresses through the examination process towards adoption an update SEA will likely be required.</p> <p>While it was an unfortunate oversight that a Non-Technical Summary was not included in the 727page Environment Report (ER), within the ER “Introduction” section 1.0, sub-section 1.4 has the heading “Summary of consultation authorities comments and Council responses”, was included but when the various components of the major report were collated this summary, which was intended to be the Non-Technical Summary was not included. Section 12 - Appendix 4 contains a detailed 17 page summary of the 3 Consultation Authorities Comments and WLC response. However, the fact remains that the detailed assessment of sites individually and cumulatively was undertaken and that any interested promoter is still able to identify their site within the ER and how it was addressed and considered under the SEA process.</p> <p>Due to the expedited timeline to address the comments received on the Proposed Plan, it is not possible to extend the consultation period. Indeed SEPA comments were received on the final working day of the 6 week consultation period and hence it was not possible to assess this issue.</p> <p>The Council is satisfied that it considered all the various environmental data and environmental issues relevant to over 440 allocated sites contained in the Main Issues Report and the Post-</p>
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<p>and c) a NTS for the whole SEA, prior to the adoption of the LDP and prior to the submission of the Post Adoption Statement. The WLC should also consider whether it is necessary as a result of this to extend the current consultation to ensure that the revisions constitute part of the ER2 consultation.</p> <p>We would recommend that the West Lothian Council (WLC) satisfy itself that the requirements of the Act and PAN1/2010 have been met.</p>	<p>MIR Update but as a further check a combined list will be prepared of all the sites that the three consulting authorities raised comments and an indication on how these were considered within the Proposed Plan.</p>
<p><u>SEPA Detailed comments</u> Environmental Report 1 revisions</p> <p>We are disappointed to see that ER2 only presents Assessment of the new sites and does not revisit the ER1 assessment.</p> <p>Whilst we agree with a proportionate approach, we consider that it is still important to ensure that the purpose and requirements of the Environmental Assessment (Scotland) Act 2005 are met.</p>	<p>The ER2 assessment does indeed follow the ER1 assessment but as stated above, the approach taken by the council is considered to be proportionate and within the scope of the legislation. It was not considered expedient to undertake a further full-blown re-run of the SEA process for less than 20 sites compared to over 420 that arose after the Main Issue Report period and that the council was indeed being proportionate as SEPA accept.</p>
<p>The comments we provided at MIR stage refer to the significance of the effects of the ER1 environmental assessment on the basis of information held by SEPA. We recommend that the assessment should therefore be revised in order to consider the effect of the new sites on the PP as a whole and to ensure that mitigations / enhancement measures are identified.</p>	<p>West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan (2009), there were no major significant environmental effects. The additional 19 sites, some of which were small scale, were judged to have very little effect on the wider 400plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the Proposed Plan.</p>
<p>Please note that we have provided a comprehensive flood risk review of the preferred sites according to the new SEPA Flood Maps as part of our separate PP response.</p>	<p>Acknowledged. This updated flooding information, if necessary, will be translated into the relevant site specific delivery requirement schedules in Appendices 1 and 2 dealing with Employment and Housing sites respectively.</p> <p>The council advise the Reporter that if</p>

	they were minded to support the changes sought by the consultation authorities, WLC would not object.
We remain unclear as to how the SEA informed the plan. We raised this issue in our previous response as comments submitted by SEPA (in respect to the water environment) on the call-for-sites did not appear to be considered in the ER1.	SEPA information related to the call for sites process was used to inform the SEA of all the 420 sites listed in ER 1. Many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.
We therefore recommend that in preparing the addendum to the ER revisions to the site assessments with regard to flood risk and protection of the water environment as per our previous comments should be considered.	The council welcomes the opportunity for further input from SEPA and the other two consulting authorities. As the LDP progresses through the examination process towards adoption an update SEA will likely be required. The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.
Environmental Report 2: post-MIR sites assessment We welcome the submission of the environmental assessment for the 19 sites which were submitted to the West Lothian Council after the MIR consultation. We responded to the sites informal consultations, which were presented to us at different stages, with separate responses (e.g. April 2015 our ref: PCS/139345, May 2015, etc).	Acknowledged and SEPA comments were used to consider the adequacy of the Post MIR sites.
We welcome the WLC decision to group the sites into one assessment, submitted with the Proposed Plan Consultation, rather than submitting separate assessment for each consultation. We consider that most of our previous	Acknowledged

<p>comments on the Plan have been largely taken into account, however we would bring the following to your attention:</p>	
<p>We would welcome clarification on the approach taken as we note that in some cases a developer requirement for a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) in the PP is mirrored by a positive effect in the assessment in one case and a negative effect in another case. For example, we note that a negative effect has been identified for flood risk on MIRQ 0159 (Land at Niddry Mains House, Winchburgh); while for site H-AM 18 (Stonerigg Farm, Armadale) the assessment shows positive effects.</p> <p>In our response of the 16 April 2015 (our ref: PCS/139345) we requested a Flood Risk Assessment (FRA) for several sites. We are content that for most cases the assessment shows a negative effects on flood risk for these sites, however for MIRQ0038 (1) - Hunter Road there is a positive effect which is incorrect.</p>	<p>This may have been a minor administrative error. The assessment was also informed by internal comments from colleagues within the Council's Operational Services Flood Risk Team.</p> <p>Noted. However, Hunter Road, Livingston is not a site that the council support.</p>
<p>In our April response we asked for a FRA for certain sites and therefore this could have been presented in the assessment as a mitigation measure.</p>	<p>Acknowledged.</p>
<p>Please see our separate response on the PP for details of which sites require revisions in terms of significant effects in relation to flood risk.</p>	<p>Acknowledged.</p>
<p>In addition, for MIRQ – LATE3 Old Rows (Ex-Ritchie's Yard) Seafield, the commentary mentions potential contaminated land issues related to raised ground but the scoring is positive for the soil objective.</p>	<p>Acknowledged. This was a minor administrative error but related more to the known asbestos on the sites buildings roofs, rather than the open yard area.</p>
<p>From ER 1 we understood that cumulative and synergistic effects were to be further expanded when the allocations are added to committed, but not yet developed, sites. This has not been covered in ER2 and we would therefore welcome consideration of this in an addendum. In particular we highlighted the need to consider how cumulative effects from different sites will impact on the nutrient issue related to the</p>	<p>West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p>

<p>Linlithgow Loch.</p>	<p>In relation to Linlithgow Loch, a specific Supplementary Guidance Note is under preparation that will seek developer's contributions towards remedies to the nutrification of the loch. A Catchment Management Plan (CMP) has already been prepared. However, part of the problem stems from SEPA not classifying the Loch as a baseline water-body and consequently it cannot attract funding for the recommendations contained within the CMP. The council has also recently been involved in the high-level strategic summit about the environmental issues concerning the Loch that also involved SEPA, and politicians to try and move forward solutions to the long term nutrient problem on the Loch.</p>
<p>Reporter's conclusions:</p>	
<p><u>Strategic Environmental Assessment</u></p> <p>1. In accordance with our minutes of appointment, we restrict our examination to the content of the proposed plan. We make no recommendations in respect of the content of the strategic environmental assessment which accompanies it.</p> <p><u>H-LL 4 Manse Road, Linlithgow</u></p> <p>2. We address the representations relating to the proposed allocation of this site under Issue 15A.</p>	
<p>Reporter's recommendations:</p>	
<p>No modifications.</p>	

Issue 1L	Miscellaneous	
Development plan reference:	<p>Vision Statement and Aims (page 8) Policy EMP 3 – Employment development within settlement boundaries (page 15) Policy EMP 4 – Employment development outwith settlement boundaries (page 15) Policy EMP 8 – Tourism (page 18) Policy Tran 3 – Core Paths and Active Travel (page 37) The Union Canal (page 49, para 5.164-5.165) Policy ENV 21 – Protection of Formal & Informal Open Space (page 54) Policy ENV 24 – Conservation Areas (Demolitions) (page 55) Policy ENV 28 – Listed Buildings (page 58) Policy ENV 34 – Art and Development (page 61) Air Quality and Noise (page 70, para 5.240-5.242) Policy EMG 4 – Air Quality (page 71) Policy MRW 3 – Impediments to Mineral Extraction (page 74) Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75) Residential Care and Supported Accommodation (para 5.76) Development Proposals by Settlement – Livingston Mixed use (page 90) Appendix 2 (page 119) H-EC 5 - Raw Holdings West (Remainder) H-LL 11 (Wilcoxholm Farm / Pilgrim Hill) H-LL 12 (Preston Farm) H-WB 17 (Site west of Niddry Castle) Appendix 4 (page 265) Appendix 6 (page 275) P-26 Mansefield Park P-28 St Paul’s Primary School Additional Comments Proposals Map 2 – Areas of Special Protection Mapping Issues (general) Local Development Plan format</p>	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>British Solar Renewables (0214) and (21116167) Historic Environment Scotland (0351) East Calder Community Council (0361) Christine Hay (20999351)</p>		

<p>Fife Council (21381621) Tim Kempster (21518048) West Lothian Health Improvement and Health Inequalities Alliance (21798318) Persimmon Homes (21800734) Christopher Thomas (21870470) Kevin Treadwell (21897700) Lynda Thomas (21901313) Newton Community Council (21902291) Ian Brownell (21903174) Andrew McIntosh (21905608)</p>	
<p>Provision of the development Plan to which the issue relates:</p>	<p>Miscellaneous</p>
<p>Planning authority's summary of the representation(s):</p>	
<p>Historic Environment Scotland (0351)</p> <p><u>General Comments</u></p> <p>Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) have ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014. In view of this, we recommend that where appropriate, references to Historic Scotland and Royal Commission on the Ancient and Historical Monuments of Scotland in the Proposed Plan and supporting documents should be replaced by reference to Historic Environment Scotland.</p> <p><u>Spatial Strategy</u></p> <p>Historic Environment Scotland welcomes that the built heritage has been embedded within the vision statement for the Plan, and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment. Some of the proposed development sites have the potential for impacts on heritage assets within Historic Environment Scotland's remit however consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts.</p> <p>The council's response to the spatial strategy is set out in a separate Schedule 4 number 1C.</p> <p><u>Policy EMP 3 – Employment development within settlement boundaries (page 15)</u> <u>Policy EMP 4 – Employment development outwith settlement boundaries (page 15)</u> <u>Policy EMP 8 – Tourism (page 18)</u></p> <p>The above policies include the wording '.....adversely impact on any special architectural, natural heritage designations or landscape interests'. As many historic environment assets are not primarily considered to be 'architectural', we</p>	

recommend altering the wording to better encompass the broad range of historic environment assets in West Lothian. For example, 'historic environment designations' or 'historic environment assets' could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.

Policy ENV 24 - Conservation Areas (Demolitions) (page 55)

Suggests some minor variations to wording. The council's response to Policy ENV 24 is set out in a separate Schedule 4 number 26Ag.

Policy ENV 28 – Listed Buildings (page 58)

Suggests some minor variations to wording. The council's response to Policy ENV 28 is set out in a separate Schedule 4 number 26Ah.

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

Criteria g. of this policy refers to '*sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area*'.

By specifying some, but not all heritage designations, this criterion implies a lesser level of protection for those not included. In view of this, we recommend simply omitting reference to individual designation types. Alternatively, Inventory Designed Landscapes and Battlefields could be included in the criteria.

Site specific comments relating to site H-LL 11 and H-LL 12 are set out in Schedule 4 number 15A. Site specific comments relating to site HWB 17 are set out in Schedule 4 number 24E.

Comments relating to the Environmental Report (SEA) are set out in Schedule 4 number 1K.

East Calder Community Council (0361)

Infrastructure and Travel
A71 Corridor

More commitment required within the Local Development Plan to provide sustainable transport options in the East Calder area. Better bus provision. Better cycle connections along A71 especially towards Edinburgh. Better connections to rail stations and more car parking at Uphall Station.

The council's response to Infrastructure and Transport is set out in a separate Schedule 4 number 26V.

Residential Care and Supported Accommodation (page 29, para 5.76)

From the experience of the respondent, development thus far in the community at Seven Wells and Calderwood, the housing type and infrastructure makes no attempt to address the housing needs of an aging population. Additionally, detailed plans currently submitted by developers for the Raw Holdings development show multi story, family homes being

proposed across the whole site. Many people in the village have lived here all their lives and now in their older years would like to remain in the village and move to smaller more easily accessible homes thus freeing up larger family properties. It would therefore seem appropriate to ensure that all new developments in an around East Calder include provision of this type.

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

In the absence of a masterplan for the Raw Holdings area of East Calder, it is very difficult to respond specifically to potential changes to East Calder Park and the immediate surrounding area with related improvements. However, they believe that the area known locally as 'The Muddies' and the areas within Raw Holdings West which are used recreationally, should be covered by the policy 'ENV 21'.

The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

H-EC 5 Raw Holdings West (Remainder) (page 181)

There appears to be a discrepancy between the housing numbers stated for the Raw Holdings West area. The numbers, indicated on page 85 are correct, albeit, now out of date and therefore somewhat misleading. The numbers shown on page 181 do not appear to align to those on page 85 or any other combinations of approved applications.

Mansefield Park Extension

Page 86 of the LDP details 'Park improvements at 'The Muddles' in association with Calderwood CDA. The extension of Mansefield park is mentioned again on page 124 with the area being referred to as 'The Muddies'. The correct term for this area of ground is '**The Muddies**' and should therefore be amended on page 86.

Andrew McIntosh (21905608) - NB The council's responses to the Linlithgow sites are set out in a separate Schedule 4 number 15A.

The consultation response portal is not user friendly - familiarisation with planning technical language does not make a citizen's genuine concerns easy to report.

Ian Brownell (21903174) - NB The council's responses to the Linlithgow sites are set out in a separate Schedule 4 number 15A.

The method of comment entry is dreadful. It feels like you have designed it to make it very difficult for anyone especially the non-PC savvy people to use.

When entering comments, they could only see one line at a time and were unable to review the comments made. Is there some good reason why this should be so difficult to use is this day of modern internet enabled communication.

Newton Community Council (21902291)

The Community Council is sorry to note that no captions are provided for any of the pictures used to illustrate the draft document. Not only does this make the document less interesting to the reader but it leaves them uncertain as to whether the buildings or views shown are intended to be exemplars of good practice or poor. It is not even certain

whether all the views shown are of West Lothian or whether many are simply stock commercial photographs. The Newton Community Council feels that an invaluable opportunity has been missed.

Lynda Thomas (21901313) – N.B. The council's responses to Linlithgow sites are set out in a separate Schedule 4 number 15A.

The proposals map text is too small even when printed.

The respondent did not find using the online process easy to follow and was concerned that their views may not come across as strongly as they feel.

Persimmon Homes (21800734) - Objects to site capacity at Raw Holdings. For site specific comments on site H-EC 5 see Schedule 4 number 11A. For all other comments on the Calderwood CDA see Schedule 4 number s 11B and 11C.

P-26 Mansefield Park (page 276)

Seek additional clarification to the Proposal text which currently reads "Park improvements at 'The Muddies' in association with Calderwood Core Development Area".

This should be amended to read as follows "Park improvements at 'The Muddies' in association with Calderwood Core Development Area. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others".

P-28 St Paul's Primary School (page 276)

Seek additional clarification to the Proposal text which currently reads "School extension and new access (including land)".

This should be amended to read as follows "School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by way of developer contributions from others".

Proposals Map

Object to relative to East Calder, Kirknewton and Wilkieston with regards to the extent of Site Ref H-EC 5 Raw Holdings West (Remainder) which takes no account of the extent of the current planning application Ref: 0609/FUL/15. In this respect, Plan East Calder A [sent by e-mail under separate cover and referenced Persimmon Homes (21800734)] should be substituted directly for the East Calder, Kirknewton and Wilkieston inset.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Policy Tran 3 – Core Paths and Active Travel (page 37)

Support this policy on core paths and active travel. In addition, suggest that the policy framework should seek to ensure that infrastructure to encourage active travel should be in place in the early stages of developments, before the first unit is occupied. The infrastructure should include signage (including approximate time to travel) and street furniture.

Policies ENV 21 and ENV 22

Support these policies to protect existing open space, playing fields and sports facilities. However suggest that these policies should be extended to ensure that developments also provide new areas of public open space, appropriate to the size of development, that are attractive, useable, include play equipment and are well located in the development to encourage regular use, have good lighting and low hedging to enabling people to feel safe.

The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61)

Suggest that where possible public art should be developed in a way that involves the local community.

Policy EMG 4 – Air Quality (page 71)

Clarification is sought to what is meant by 'mitigate the adverse effects of development on air quality 'effectively'. Does this mean that mitigation measures must ensure air quality meets European Union standards?

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75)

Suggest that this policy on unconventional gas extraction should require environmental and health impact assessment of any application.

Appendix 4 (page 265)

Aware that West Lothian has Supplementary Planning guidance that requires Health Impact Assessment of developments that meet certain criteria. The respondent believes it is important that this guidance be applied and the findings used to inform planning decisions.

Fife Council (21381621) - Fife Council has no objection, in principle, to the proposed West Lothian Local Development Plan.

Christine Hay (20999351) - The respondent could find no reference in the proposed plan to horse riding. There is no mention about the retention and/or upgrading of bridle paths in West Lothian. There are a number of horse owners and livery establishments to consider. This needs to be considered before finalisation and a section included with reference to horse riding.

Proposals Map 2 – Linlithgow and Broxburn Area

Kevin Treadwell (21897700) - The respondent objects to the 'Areas of Special Protection' designation afforded to traditional miners row cottages) and seeks to have them reclassified as Conservation Areas given changes to house holder permitted development rights and the detrimental impact such works can have on the character of these properties.

Mapping Issues (general)

Christopher Thomas (21870470) - Complains that the scale of the maps in the Proposed Plan is too small to clearly see the detail.

Tim Kempster (21518048) - Complains that the maps are not of sufficient detail to assess impact on adjacent housing and in some instances boundaries appear to go through existing properties.

Local Development Plan format

British Solar Renewables (0214) and (21116167) - Planning Circular 6/2013: Development Planning directs Local Development Plans to be “concise, map-based documents, making use of plain language and a range of graphical techniques to convey strategy and individual policies and proposals in an accessible way.” This is not considered to be the case in respect of West Lothian Council’s proposed Local Development Plan.

Modifications sought by those submitting representations:

Historic Environment Scotland (0351)

Spatial Strategy

No modification proposed.

Policy EMP 3 – Employment development within settlement boundaries (page 15)

Policy EMP 4 – Employment development outwith settlement boundaries (page 15)

Policy EMP 8 – Tourism (page 18)

No specific modification requested in terms of the above policies but nevertheless invites the council to consider revisions to better encompass the broad range of historic environment assets in West Lothian. For example, ‘historic environment designations’ or ‘historic environment assets’ could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

Suggests simply omitting reference to individual designation types listed in Criterion ‘g’. Alternatively, Inventory Designed Landscapes and Battlefields could be included in this criterion.

East Calder Community Council (0361)

Infrastructure and TravelA71 Corridor

Residential Care and Supported Accommodation (page 29, para 5.76)

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

H-EC 5 Raw Holdings West (Remainder) (page 181)

No specified modification proposed.

P-26: Mansefield Park (page 86)

The correct term for this area of ground is ‘**The Muddies**’ and should therefore be amended on page 86.

Newton Community Council (21902291) - No specific modification is proposed.

Persimmon Homes (21800734) - The following modifications are proposed:

Development Proposals by Settlement – East Calder (page 85) H-EC 5 Raw Holdings (Remainder)

Capacity of this site should be modified from 410 units to 560 units.

Appendix 2: Schedule of Housing Sites/Site Delivery Requirements – East Calder (page 181) H-EC 5 Raw Holdings West (Remainder)

Capacity of this site should be modified from 383 units to 560 units.

In addition, a further line should be added under H-EC 5 entitled H-EC 5a entitled Raw Holdings (Remainder II) with a site size of 12 ha and a capacity of 300 units. This is to reflect additional land located within the Core Development Area but outwith the application sites which could come forward in the longer term.

P-26 Mansefield Park (page 276)

The text (proposal column) should be amended to read as follows:

“Park improvements at ‘The Muddies’ in association with Calderwood Core Development Area. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others”.

P-28 St Paul’s Primary School (page 276)

The text (proposal column) should be amended to read as follows:

“School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by way of developer contributions from others”.

Proposals Map 5: Villages

Modification of the boundary housing allocation H-EC 5 is proposed.

The council’s responses to Raw Holdings/Calderwood are set out in a separate Schedule 4 numbers 11a, 11B 11C.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Policy Tran 3 – Core Paths and Active Travel (page 37) - No specific modification is proposed.

Policies ENV 21 and ENV 22 - No specific modification is proposed. The council’s

response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61) - No specific modification is proposed.

Policy EMG 4 – Air Quality (page 71) - No specific modification is proposed.

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75) – No specific modification is proposed.

Appendix 4 (page 265) - No specific modification is proposed.

Fife Council (21381621) - No specific modifications are proposed.

Christine Hay (20999351) - A section to be included with reference to horse riding.

Proposals Map 2 – Linlithgow and Broxburn Area

Persimmon Homes (21800734) - Seeks to have traditional miners row cottages protected under a conservation area designation as opposed to the 'Area of Special Protection' designation identified in the Proposed Plan.

Mapping Issues (general)

Christopher Thomas (21870470) - Seeks to have the maps made larger.

Dr Tim Kempster (21518048) - No specific modification sought but it is assumed that the respondent would wish for the maps to be made larger.

Local Development Plan format

British Solar Renewables (0214) and (21116167) - No specific modification sought. The respondent is clearly dissatisfied with the format of the Plan but does not indicate what revisions should/could be made.

Summary of responses (including reasons) by planning authority:

Historic Environment Scotland (0351)

Spatial Strategy

The council notes the comments made, and no modifications are necessary

Policy EMP 3 – Employment development within settlement boundaries (page 15)

Policy EMP 4 – Employment development outwith settlement boundaries (page 15)

Policy EMP 8 – Tourism (page 18)

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

The council notes the comments and suggested changes and would not object should the Reporter be minded to amend the above policies as set in this representation.

East Calder Community Council (0361)

Infrastructure and Travel

A71 Corridor

Residential Care and Supported Accommodation (page 29, para 5.76)

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

H-EC 5 Raw Holdings West (Remainder) (page 181)

Comments are noted.

Mansefield Park Extension

Comments are noted and the council would not object to the additional text.

Extension to St Paul's Primary School

Comments are noted and the council would not object to the additional text.

Andrew McIntosh (21905608) – comments about the response portal are noted.

Ian Brownell (21903174) - comments about the response portal are noted.

Newton Community Council (21902291) - comments about the content and layout of the draft document are noted.

Lynda Thomas (21901313) - comments about the general approach to development in Linlithgow are noted and issues about the online submission portal.

Persimmon Homes (21800734)

The council has carefully considered the reasons put forward in support of the proposed modifications but remains of the view that there is insufficient justification to modify housing allocation H-EC 5 and associated modifications to Appendix 2 and proposal maps. The planning permissions would remain in place without the need to alter the allocation. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. For these reasons, the council does not agree to modify the plan in response to this representation. The council's responses to Raw Holdings/Calderwood are set out in a separate Schedule 4 numbers 11A, 11B, 11C.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)

Policy Tran 3 – Core Paths and Active Travel (page 37)

Comments are noted; however no modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter.

Policies ENV 21 and ENV 22

Comments are noted; however, no modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter. The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61)

Comments are noted; however, no modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter.

Policy EMG 4 – Air Quality (page 71)

Comments are noted, however, the council does not agree that clarification is required and does not propose to alter the terms of the policy.

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75)

Comments are noted; however no modification of the plan is proposed.

Appendix 4 (page 265)

Comments are noted however, no modification of the plan is proposed.

Fife Council (21381621) - Comments are noted and no modification of the plan is proposed.

Christine Hay (20999351) - Section 5.108 – 5.112 of the Local Development Plan relate to how people move around West Lothian as part of their daily routine. Reference in this part of the Local Development Plan to horse riding is not considered to be appropriate as a result as horse riding is seen as more of a leisure activity. The council does not propose to modify the plan in respect of this submission.

Proposals Map 2 – Linlithgow and Broxburn Area

Kevin Treadwell (21897700) - The council does not consider the shale miners rows to fully merit designation conservation area designation as there have unfortunately been too many cumulative alterations and extensions over the years. The council has however undertaken to review the areas of special control designation with a view to determining whether their status should be changed. The opportunity will also be taken to update planning guidance on shale miners rows.

Mapping Issues (general)

Christopher Thomas (21870470) - The maps have been produced to a scale which is not dissimilar to the current West Lothian Local Plan and other comparable Local Development Plans across Scotland and which have not given rise to any significant issues. It is also worth noting that when viewed electronically, the resolution of the maps can be easily manipulated to suit the needs of the viewer.

Tim Kempster (21518048) - The maps have been produced to a scale which is not dissimilar to the current West Lothian Local Plan and other comparable Local Development Plans across Scotland and which have not given rise to any significant issues. It is also worth noting that when viewed electronically, the resolution of the maps can be easily manipulated to suit the needs of the viewer.

The council has sought to ensure that boundaries and such like are rational and sensibly

plotted but it is sometimes the case that they are distorted by the cartographic process when the resolution is changed for printing. While every effort has been made to address this, it cannot be completely eliminated.

Local Development Plan format

British Solar Renewables (0214) and (21116167) - The council has endeavoured to make the document as accessible and as legible as possible and has sought to use Plain English throughout. Documents of this nature are a fusion of text and graphics and it will be appreciated that it is difficult to strike the right balance. The council does however welcome constructive criticism and will use this to inform future documents.

Reporter's conclusions:

Historic Environment Scotland

1. In relation to the merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland, clearly the new body – Historic Environment Scotland – should be the one the plan now refers to. The council may make any necessary changes as ‘non-notifiable’ modifications.
2. In respect of the changes Historic Environment Scotland suggests to the wording of various policies, for ease of reference we generally deal with these elsewhere at Issue 26Ag (Policy ENV 24), Issue 26Ah (ENV 28), Issue 26Ai (MRW 3) and Issue 26A (policies EMP 3,4 and 8).

East Calder

3. The transport-related comments of East Calder Community Council are addressed under Issue 26V. Comments about site H-EC 5 Raw Holdings West (Remainder), the extension of Mansfield Park and about meeting the housing needs of an ageing population in new development in and around East Calder are addressed under Issue 11C. The representations from Persimmon Homes relating to East Calder are also addressed under Issue 11C.

West Lothian Health Improvement and Health Inequalities Alliance

4. Transport-related matters are addressed under Issue 26V. Policy ENV 21 is addressed at Issue 26F, Policy ENV 22 at Issue 26Ad and Policy MRW 5 at Issue 26Ai. The comment about community involvement in public art projects seems not to require any change to Policy ENV 34, being instead about how the policy is given effect. Likewise the comment about supplementary guidance on Health Impact Assessments, which in any event is not the subject of this examination. In relation to Policy EMG 4, it seems to me that what constitutes ‘effective’ mitigation of air quality impacts may vary from proposal to proposal. I am not in a position to recommend that the policy be amended to make reference to (unspecified) EU standards. The policy allows for air quality impacts to be properly considered through the development management process.

Miners' Rows

5. In response to my request for further information (FIR02), Kevin Treadwell helpfully clarified the locations of the former miners' rows in Winchburgh which he considers

should form a conservation area. Having visited this neighbourhood (to the south of Main Street), I agree that the former miners' rows exhibit a great deal of character and charm, notwithstanding the later alterations and extensions which have been made to some of these houses.

6. I do not have the capacity, within the scope of this examination, to undertake a comprehensive assessment such as would support a recommendation that the rows are worthy of conservation area status. I am satisfied that this is a matter best considered by the council in the first instance, and I note the intention to review both the planning guidance on the miners' rows and the special controls which apply to them. I also note, although the council doesn't refer to it above, that Policy ENV 27 Areas of Built Heritage and Townscape Value already commits the council to these actions. Paragraph 5.192 refers to this guidance as 'supplementary guidance', which would normally be taken to mean statutory supplementary guidance under the Act. I recommend that this be corrected, for the sake of clarity.

Rural Issues

7. Ian Findlay (21863501) noted a general lack of coverage of agriculture and rural life in the plan. However, the main purpose of the plan is to inform the location, types, design and delivery of built development in West Lothian. Subject to our recommendations, I am satisfied that it adequately addresses the issues related to built development in rural areas.

Horse riding

8. Christine Hay's representations are addressed in Issue 26V.

Online consultation responses to the proposed plan

9. I have sympathy with anyone who has found the online system for making representations on the plan to be unhelpful, and it would be unfortunate if this has deterred anyone from making their views known. However, our examination is concerned only with the content of the proposed plan itself.

Presentation and formatting issues with the proposed plan

10. I note the comments lamenting the lack of captions describing the photographs in the plan. I appreciate that some users of the plan may have found this useful and interesting, but this was a choice for the council to make as to how it wishes to present the plan. This is not a matter of such significance as to warrant a recommendation that the plan be modified.

11. Some respondents found the proposals maps to be too small or to lack clarity, and once more I have sympathy if this was the case. I did not find the scale of the printed maps (which are provided in A1 paper size) to be an impediment, and I note that the user can zoom in on the online versions to see more detail, for example of the CDA allocations which Kevin Treadwell also refers to. The maps are very similar in style to the maps in the existing local plan which they would replace. I do not find that any modification to the general approach to the mapping in the plan is required. I note, however, in its response to Livingston Village Community Council under Issue 16S, that the council confirms its intention to address 'the legibility and transparency issue' in the production of the final

maps for the plan.

12. British Solar Renewables provides little detail as to why it considers that the plan is neither concise nor map-based. There are five proposals maps covering all the main settlements and proposals. The plan does extend to almost 300 pages, although much of the volume provides detailed site-specific requirements and advice which it has not been argued should be omitted. I am unable to recommend any specific modification as a result of this representation.

13. Ian Findlay said it would have been helpful to have a section showing the differences between the proposed plan and the previous one. Again, this may have been welcomed by some readers, but it is not a requirement upon the council.

Reporter's recommendations:

1. In paragraph 5.192, in the final sentence, replace 'Supplementary' with 'Planning'.

Issue 1M	Appendices to the Local Development Plan	
Development plan reference:	Appendices 1, 2 and 4	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Government - Development Plan Team (0236) Scottish Natural Heritage (0238) St Francis Group Ltd (0250) and (21872446) Scottish Water (0409) Janet Wigham (21689834) Jennifer Martin (21591616) & (21887865)</p>		
Provision of the development Plan to which the issue relates:	Appendix 1 (page 99), Appendix 2 (page 119) and Appendix 4 (page 265)	
Planning authority's summary of the representation(s):		
<p>Scottish Government - Development Plan Team (0236) - Notes that information about development contribution requirements is contained in various locations in the plan (policies, supplementary text, Appendix 2, the action programme and supplementary guidance) and identifies a requirement for improved cross referencing regarding developer contributions. Seek a change to Appendix 2 in relation to references to supplementary guidance and to ensure compliance with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.</p> <p>Suggests that it is not clear how the infrastructure requirements, particularly those relating to education, cemetery provision and education, have been arrived at, nor is there any explanation how the improvements are to be funded. Suggests that clearer justification is either provided in the plan or readers directed to where information is available and which also justifies the contributions required in the context of Circular 3/2012 <i>Planning Obligations and Good Neighbour Agreements</i> (December 2012) if Section 75 Agreements are to be used (CD031).</p> <p>Suggests consideration be given to a change to text in Appendix 4 to reflect that where reference is made to Planning Guidance for topics relating to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' these should be referenced as Supplementary Guidance as these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions which would be subject to consultation, as is required by legislation for supplementary guidance.</p> <p>Scottish Natural Heritage (0238) - Seeks deletion of references in Appendix 2 directing developers to "Liaise with Scottish Natural Heritage to ensure all protocols are observed" and suggest that reference should be made instead to Planning Guidance (Planning for Nature: Development Management & Wildlife). Also advise that Scottish Natural Heritage will advise on habitats, species and landscape assessment for sites where Environmental Impact Assessment is required as detailed in its Service Statement for Planning and Development and that in other circumstances the standing guidance on Scottish Natural</p>		

Heritage website should be used. Advises that Appendix 2 includes very little detail on active travel and that clearer direction on active travel should be set out in Appendix 2 to provide greater certainty to developers.

Scottish Water (0409) - Comment in relation to Appendix 2 and advise that where there is limited or insufficient capacity at works, Scottish Water will provide available capacity; actively encourage pre-application discussions in line with Planning Advice Note 79: *Water and Drainage* (PAN 79); advise that insufficient capacity should not be seen as a barrier to development and reference it's the 5 Growth Criteria which developers will have to demonstrate compliance with to enable Scottish Water to provide the quantum to deliver available capacity to enable the development to proceed; advise of commitment to enable sustainable economic growth within Scotland and will continue to work with West Lothian Council and other stakeholders to outline where there is spare capacity within their network, and allow development to occur in areas where need to upgrade plant is minimal thus helping to reduce developer costs.

St Francis Group Limited (0250) and (21872446) - Advises of an over-supply of employment land as set out in Appendix 1, Employment Land (page 99) in the Kirkton Campus area; the quality and planning restrictions make the re-allocation of employment sites in the replacement plan difficult to understand.

Janet Wigham (21689834) - advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon House) and H-LL 11 (Wilcoxholm/Pilgrims Hill).

Jennifer Martin (21591616) & (21887865) - advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm).

Jennifer Martin (21591616) & (21887865) - advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites: H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill).

Modifications sought by those submitting representations:

Scottish Government - Development Plan Team (0236) - Amend third bullet point of Appendix 2 (page 119) to explicitly identify which Supplementary Guidance should be accorded with and at the same time ensure that the connection to the supplementary guidance within the plan is compliant with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. Include clearer justification either in the plan, or signposts provided to where information is available which justifies the contributions required.

Change Appendix 4 in relation to Supplementary Guidance and Planning Guidance to reflect that some of these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions, which would be appropriate for public consultation, as is required by legislation for supplementary guidance. 'Planning Guidance' is proposed for topics in relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy'. Consideration should be given to these being 'Supplementary Guidance'.

Scottish Natural Heritage (0238) - seek deletion of references in Appendix 2 directing developers to “Liaise with Scottish Natural Heritage to ensure all protocols are observed” and suggest that reference should be made instead to Planning Guidance: *Planning for Nature: Development Management & Wildlife*; amend Appendix 2 to provide detail on strategic routes and meeting travel demands in new development requires expansion.

Scottish Water (0409) - Add reference to reflect that Scottish Water can support development even where there are capacity restrictions.

St Francis Group Limited (0250) and (21872446) - Remove reference to land at Simpson Parkway, Kirkton Campus, Livingston from employment land allocations and Appendix 1 as a result.

Janet Wigham (21689834) - Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon House) and H-LL 11 (Wilcoxholm/Pilgrims Hill), should the sites continue to be allocated for housing development.

Jennifer Martin (21591616) & (21887865) - Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm), should the sites continue to be allocated for housing development.

Jennifer Martin (21591616) & (21887865) - Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites a H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/Pilgrims Hill) should the sites continue to be allocated for housing development.

Summary of responses (including reasons) by planning authority:

Scottish Government - Development Plan Team (0236) - Appendix 2 sets out the broad types of development and locations where developer contributions are sought. The proposed Local Development Plan makes it clear that, in a climate of diminished resources in both the public and private sectors, there will be an imperative to exploit a number of mechanisms to assist in delivery of infrastructure (policy CDA 1 page 26, paragraphs paras 5.78-5.84 and policy INF1). The council acknowledges however, that references to developer contributions and where these would apply are contained elsewhere throughout the Local Development Plan. To avoid confusion, the council is supportive of the proposed change to Appendices 2 and 4 to ensure compliance with the requirements of Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and as such would not take issue should the Reporter be minded to change the Local Development Plan in this regard. However, the council does not propose to amend the third bullet of Appendix 2 as the council considers that this bullet point is self-explanatory. See also Schedule 4 number 1F in relation to developer contributions.

Scottish Natural Heritage (0238) - The council would support the amendment of text at Appendix 2 to delete “Liaise with Scottish Natural Heritage to ensure all protocols are observed” and replace with reference to Planning Guidance: *Planning for Nature: Development Management & Wildlife* (CD136). Planning Guidance on Active Travel was approved by the Council Executive on 26 April 2016. The guidance is a material

consideration in consideration of planning applications. The council proposes to amend Appendix 2 to include an overarching reference to the Active Travel Plan.

Scottish Water (0409) - The council notes that Scottish Water can support development even where there are capacity restrictions and would be willing to add this as a footnote to both Appendix One and Two for clarification, should the reporter be so minded to support these amendments. The text at Appendix 1 and Appendix 2 would advise that lack of capacity at Scottish Water plant does not necessarily prohibit development and that Scottish Water would seek to work with developers and the council to address requirements.

St Francis Group Limited (0250) and (21872446) - Appendix 1 – Employment Land (page 99), the council considers that it has sufficient and adequate employment land allocated in the plan and does not propose to change the Local Development Plan to reflect the terms of this submission. The council's response to the allocation of land at Simpson Parkway is set out in Schedule 4 number 16K.

Janet Wigham (21689834) - The council accepts that drafting errors have been made in relation to catchment schools for sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

Jennifer Martin (21591616) & (21887865) - The council accepts that drafting errors have been made in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

Jennifer Martin (21591616) & (21887865) - The council accepts that drafting errors have been made in relation to catchment schools for proposed housing sites a H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

Reporter's conclusions:

1. Those elements of the Scottish Government's representation which the council refers to above are addressed elsewhere, largely in Issues 1F and 1E. The points raised by the St Francis Group are addressed under Issue 26A. The errors in Schedule Two in relation to the catchment schools for some of the proposed housing allocations in Linlithgow are purely factual, and the council can correct these of its own accord as 'non-notifiable' modifications.

Scottish Natural Heritage

2. I agree that it would be sensible for the plan to better reflect SNH's working practices and priorities. I recommend a modification along the lines suggested by SNH. The plan's treatment of active travel is covered in Issue 26V.

Scottish Water

3. It has been the position of Scottish Water for some time, and generally known to the

development sector and to planning authorities, that where there is limited or insufficient capacity at treatment works, Scottish Water will be able to provide available capacity, and that insufficient capacity should not be seen as a barrier to development. Scottish Water has not requested any change to Appendices One and Two in this respect, and I am satisfied that none are required.

Reporter's recommendations:

1. In Appendix Two, in all instances where the text reads 'Liaise with SNH to ensure all protocols are observed', replace this text with 'refer to the council's planning guidance Planning for Nature: Development Management and Wildlife'.

Issue 10	Climate Change & Renewable Energy	
Development plan reference:	Policies: NRG 1, NRG 2, NRG 3, NRG 4 & NRG 5.	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>British Solar Renewables (0214) Facilities and Engineering Design Solutions Limited (21863501) Andrew Dodds (21716219) Scottish Environment Protection Agency (SEPA) (0243)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5 – The Spatial Strategy (including Policy Framework) Climate Change & Renewable Energy Climate Change Measures (Pages 62-63, paragraphs 5.209-5.214) Low Carbon development and Renewable Energy (Pages 63-65, paragraphs 5.215-5.225) Policy NRG 1 - Climate Change and Sustainability Policy NRG 2 - Solar Roof Capacity Requirements Policy NRG 3 - Wind Energy Development Policy NRG 4 - Other Renewable Energy Technologies Policy NRG 5 - Energy and Heat Networks</p>	
Planning authority’s summary of the representation(s):		
<p>British Solar Renewables (0214) - The respondent references the Strategic Development Plan (SDP) (CD099) to note that there is a need to derive a higher proportion of heating and energy requirements from renewable sources and to reduce overall energy consumption. The council is reminded of its obligations under SDP Policy 10 which directs that “Local Development Plans should promote the use of renewable energy proposals that aim to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks”.</p> <p>It is noted the Policy NRG 1 - Climate Change and Stability, aims to present a set of overarching principles to reduce greenhouse gas emissions and mitigate and adapt to climate change, and while this aim is supported, it is considered that in light of the provisions of the SDP, the aims and objectives of the Proposed Plan could be more ambitious and seek greater use of renewable energy technologies across West Lothian.</p> <p>It is noted that the council has prepared a <i>Climate Change Strategy 2015-2020 to identify the key areas that need to be addressed to meet the challenges of climate change and a Carbon Management Plan</i>, but regrets that these are not available for comment at this time. Similarly, it notes and welcomes the council’s intention to prepare non statutory supplementary guidance in respect of renewables but considers that it would have been preferable to have had the PG published alongside the Proposed Plan. The respondents express a wish to engage with the council in the preparation of this guidance.</p> <p>In so far as Policy NRG 5 - Energy and Heat Networks is concerned, the respondents</p>		

support the principle of energy and heat networks, however, advises the council that when using this policy going forward it must be mindful that such schemes carry a degree of commercial risk and are not always a viable development option.

Addressing the subject of Low Carbon Development and Renewable Energy, reference is made to Scottish Planning Policy (SPP, 2014) (CD068) which calls on local authorities, when preparing Development Plans, to “*ensure an area’s full potential for electricity and heat from renewable sources is achieved...*” (para 155) Local Development Plans should, specifically, “*support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area.*”

Notes that paragraph 5.216 of the Proposed Plan encourages the decentralisation of energy production and this is strongly supported. However, finds it regrettable that this sentiment is not fully integrated into either of the two renewable energy policies set out in the Proposed Plan.

The council is reminded that the National Planning Framework 3 (NPF3) (CD077) SPP 2014 share a single vision for the planning system in Scotland in relation to climate change - a low carbon place whereby the aim to reduce carbon emissions and adapting to climate change. (SPP 2014, para 16)

With regard to Policy NRG 4 - Other Renewable Energy Technologies, it is noted that this provides general support for development of renewable energy schemes in principle, however the wording of the policy is considered vague and it is suggested that it requires overall strengthening if it is to be taken forward in the LDP.

While SPP 2014 does not directly consider solar installations, it does require Development Plans to identify the capacity of an area for accommodating renewable energy projects of a range of scales (SPP 2014 para 167). In addition, the SPP 2014 sets out considerations which may be included when considering energy infrastructure development proposals. In this sense, SPP 2014 is wholly supportive of the installation and development of renewable energy technologies and encourages a mix of renewable energy technologies across all local authority areas and this has to a degree been assimilated into the Proposed Plan.

Policy NRG 2 - Solar Roof Capacity Requirements - which calls for all new residential, commercial and industrial buildings to have a minimum installed solar roof capacity requirement, is supported. However, the respondents are strongly of the opinion that renewable energy generation should not be viewed in isolation. The Policy, to a degree, plays with the issue ...the council should be mindful that integrated renewable systems are the best way forward to achieving their renewable energy goals. Roof generation can be problematic in so far as there are known issues with quality of product, warranty and repairs/refitting. The Proposed Plan fails to make use of the opportunities the Plan presents in respect of renewable energy generation. It is the case that embedded energy must feature in the development sites like “Heartlands”, other strategic allocations and the Core Development Areas of West Lothian. Solar energy parks and energy savings designed into new buildings from the outset is a proven and efficient way in which to support and grow a low carbon environment.

At “Heartlands”, the respondents aim to utilise and design-in as much renewable energy as possible, for the good of all concerned who live, work and do business in the area,

including;

a 100MW solar park and will produce energy to support the business and industrial occupiers and others;
 an energy from waste facility could supply heating direct to business users; and
 hydro schemes on site could utilise the sites mining history to add to the energy mix on site.

The emerging LDP policy should therefore be strengthened to drive such an approach on other development sites across the Plan area.

Taken alongside Policy NRG1, it is considered that the Proposed Plan largely focuses on building-related renewables infrastructure. The Proposed Plan provides nothing in the way of support for ground-mounted solar arrays as a means by which the targets, aims and ambitions of the Climate Change (Scotland) Act 2009, (CD007), NPF3 and SPP 2014 can be met. This approach is flawed and the council should revise the Plan to address this matter. This would assist in meeting the council's key aim of *"help to achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."* (Proposed Plan, pages 5-6).

In the absence of any policy inclusion within the Proposed Plan at this stage, it is suggested that the council considers the inclusion of some policy reference to solar arrays in line with the SAS. Indeed, in the drafting of such policy the SAS urges local authorities to:

- ensure that policies for large arrays of PVs cover landscape, urban design, land use, biodiversity, aviation, access, grid, security fencing and decommissioning issues; and
- ensure that design policies, particularly in urban areas, encourage applicants to explore possibilities for large arrays of elevational PVs.

Typical planning considerations as set out in the SAS include:

- landscape/visual impact
- ecological impacts
- archaeology
- impact on communities
- glint and glare impacts
- aviation matters
- decommissioning

To create the correct policy framework for the growth of renewable technologies across West Lothian during the duration of the LDP, a policy should be included in the Plan at this stage, reflecting those matters highlighted above. The respondents, as leading developers of solar energy schemes, and have indicated a willingness to engage with and advise the council on such matters.

Facilities and Engineering Design Solutions Limited (21863501) - Queries the meaning, in practical terms, of the statement on page 9 titled 'Climate Change and Renewable Energy'. Suggests that the Proposed Plan is missing an opportunity if this is low on the vision agenda. Believes that West Lothian should be making a statement here and targeting being the best Scottish region in developing performing low carbon developments or risk being left behind.

References Low Carbon Development and Renewable Energy (page 63, paragraphs 5.215- 5.221) and links this to the respondents' promotion of a development site at Oakbank by East Calder (which is addressed in a separate Schedule 4 11E. States the design of low and zero carbon homes is a fundamental element of the Oakbank Regeneration Project that aims to design and build a low carbon community on a brownfield site which historically has damaged the environment. Advises that the respondents have commissioned sustainability consultants to help deliver this vision and also show how the damage done in the past can be counterbalanced and believes that this approach is a massive opportunity for West Lothian.

Again, referencing the Oakbank Regeneration Project, and in the context of Energy and Heat Networks (page 66, paragraphs 5.226 - 5.229), it is stated that this will deliver a low/zero or potentially carbon plus development. District heating and networked solar technologies will play a part in this energy mix and it is the respondents view the typical developer is unlikely to offer anything other than a token gesture in response to this policy.

Anticipates the publication of planning guidance and welcomes the fact that the subject of renewables is to be addressed.

Andrew Dodds (21716219) - Comments are restricted to the subject of Off-gas Grid Areas and Renewable Heat Requirement for New-build Housing (page 67, paragraphs 5.230 - 5.232)

Questions why biomass/wood burning boilers are being mandated for new builds in the countryside in preference to LPG and challenges this by reference to a number of studies which suggest that:

- 1.They will not reduce CO² output over the next 40 years during the growth period of the replacement replanted trees;
2. They are not carbon neutral when the cost (fossil fuel) of harvesting, preparation and transportation are included;
3. There are potential health implications particularly in small communities with high percentage of wood burning boiler penetration and
4. Particulates, Irritant compounds, Polycyclic Aromatic Hydrocarbons, Volatile Organic compounds and Dioxins are all present in the smoke.

Scottish Environment Protection Agency (SEPA) (0243) -

Policy NRG 1 – Climate Change and Sustainability (page 63) - SEPA notes and supports the Council's overarching policy in respect of climate change and sustainability which will be promoted by way of several policies within the Proposed Plan.

Policy NRG 3 – Wind Energy Development (page 65) - SEPA note that the policy directs developers to the Supplementary Planning Guidance (SPG) Wind Energy whereby '*the council supports the development of wind energy schemes in principle....wind energy proposals will be assessed against the detailed spatial framework and the criteria set out in SPG*'. Further, the policy states that '*development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significant adverse impact on local communities, natural environment, public safety and economy*'. SEPA understand that the SPG will not be adopted by the Council prior to the end of the consultation period for the LDP.

SEPA commented on the draft SPG in July 2013 and at that point highlighted a number of concerns on the wording it contained. SEPA notes that that some of the issues highlighted in their response have been addressed by way of policy coverage in the LDP (for example, the protection of Groundwater Dependent Terrestrial Ecosystems and the avoidance of development on deep peat). Whilst SEPA support the overarching aim within the policy that wind energy development will only be supported where it is demonstrated that individually or cumulatively there will be no adverse impact on the natural environment, SEPA reserves their position on this aspect of the proposed plan until the SPG is published later this year.

Policy NRG 5 –Energy and Heat Networks (page 65)

SEPA support the inclusion of this policy which aims to ensure that West Lothian's greenhouse gas emissions are mitigated by the use of district heating schemes where technically feasible. SEPA welcomes the Council's commitment to the preparation of a Heat Map. SEPA also support the final paragraph of the policy which encourages developers of substantial new development to consider the use of community energy networks in their development. Furthermore, SEPA support the section of the policy which states that where an existing local energy network is established, developments will be expected to connect to it, if this is technically feasible.

Finally, with regard to new developments in proximity to existing or proposed heat networks, SEPA supports paragraph 3 of the policy which states that new development in areas identified as appropriate for district heating, or where a district heating network exists or is planned, will require to include infrastructure for connection to these networks.

Modifications sought by those submitting representations:

British Solar Renewables (0214) - With regard to Policy NRG 4 - Other Renewable Energy Technologies - the respondents seek an overall strengthening of the policy but have not indicated in what way. It is also claimed that the Proposed Plan fails to make use of the opportunities the Plan presents in respect of renewable energy generation and should seek to make greater use of renewable energy technologies across West Lothian.

Summary of responses (including reasons) by planning authority:

British Solar Renewables (0214) - The respondents support for the LDPs recognition of decentralisation of energy production is welcomed.

The last paragraph of Policy NRG 1 - Climate Change and Sustainability - states that, *"the council will expect development proposals to have regard to the above principles (i.e. set out in the policy) and further detailed policy throughout the LDP for reducing climate change and increasing sustainability"*; further reinforces the council's support and addresses the respondents issue about SPP 2014 & NPF 3 having a single vision for the planning system to create *"a low carbon place whereby the aim to reduce carbon emissions and adapting to climate change."*

The respondents themselves point out the Plan is *"supportive of the installation and development of renewable energy technologies and encourages a mix of renewable energy technologies"*.

The council refutes the suggestion that the Proposed Plan fails on renewable energy

generation, and points to paragraph 5.4 where it states;

“To meet the requirements for West Lothian set out in the SDP, there is a need to ensure the delivery of development land allocations in the right places to provide for community needs whilst protecting the built and natural heritage for future generations. The LDP spatial strategy seeks to deliver sustainable development by continuing to support the previously established CDA allocations at.....together with the strategic allocation at Heartlands, Whitburn.”

Building standards also ensure that all new properties meet required Energy Efficiency standards.

Policy NRG 1 - Climate Change and Sustainability – actively encourages sustainable low carbon development.

It is acknowledged that Policy NRG 2 - Solar Roof Capacity Requirements - focuses on building-related renewables infrastructure rather than solar farms, but to date, this has not been a significant issue in east central Scotland. As the council have not been presented with any viable solar proposals, no comprehensive survey has been undertaken to identify suitable areas.

Policy NRG 4 - Other Renewable Energy Technologies - indicates that “development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significant adverse impact on local communities, the natural and historic environment, public safety and the economy of the local area”.

The respondents suggest that roof mounted generation can be “problematic” but do not present any evidence or elaborate. The council’s own experience suggests they are instead low maintenance and generally reliable. Building mounted renewables are a very visual and a direct way of raising awareness of low carbon technologies and provide direct benefits to householders.

The council are aware of the general desire of the respondents to develop a solar farm in the area south of Whitburn and are agreeable to discussing further details. The technology, together with related technology, such as battery storage, continues to develop and it is important that the plan takes a supportive, and flexible approach to allow support for the technology as it develops.

The proposal for *“a 100MW solar park and will produce energy to support the business and industrial occupiers and others”* at Heartlands is an interesting and could potentially be an alternative to the commercial requirements in NRG 2. However, no benefit to householders is mentioned.

Proposals for a solar farm at “Heartlands”, would be considered against policy NRG 4 and the other related policies mentioned within it. Indeed, they cover the majority of the points listed by the consultants in relation to *“typical planning considerations as set out in the SAS”*. Consequently, it is not considered necessary to include a new specific policy to address solar arrays in the LDP.

Wider proposals for integrated, or embedded energy, would be welcomed.

With Policy NRG 1, while this is wide ranging policy that could cover e.g.; solar farm

installations, this aspect is covered by Policy NRG 4 which covers some of the issues that would relate to the development of a solar farm.

In relation to comment about, "*The emerging LDP policy should be strengthened to drive such an approach on other development sites across the Plan area*", NRG 5 covers energy and heat networks and is generally encouraging of these proposals to come forward from developers.

Facilities and Engineering Design Solutions Limited (21863501) - The respondent makes a statement about the LDP Aims when referring to Climate Change & Renewables and that it is "not clear". Tackling Climate Change is a key part of national and local planning policies, but there are also numerous other central and local government policy levers involved in Climate Change.

The Proposed Plan's asserted aim is to "*Help achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures*", is clear in that the council wish to locate development in areas close to public transport routes such as rail and bus, re-use brownfield land and not new greenfield sites and be close to existing services like schools and shops. This reduction in the need to travel to access these services will reduce carbon emissions in West Lothian. Other aspects of reducing carbon emissions include mitigation measures such as introducing SUD schemes as part of developments and adaption measure such as planting more shelter belt boundary woodland around a site.

A separate Schedule 4 11E addresses site specific issues relative to the proposed Oakbank Regeneration scheme by East Calder.

Andrew Dodds (21716219) - Regarding the points raised in relation to Biomass / Wood burning boilers, it is the case that because LPG is a carbon based fuel the council is trying to encourage developers to move away from carbon based fuels to renewable or low-carbon sources. The use of heat pumps is also mentioned alongside biomass in the LDP.

The council is looking to encourage uptake by implementing these technologies in our own buildings. For example, there is no natural gas connection at Westfield Village and the Primary School was previously heated using fuel oil. The council has now replaced the existing system with a biomass plant leading to significant carbon savings.

In response to the points raised, the following responses are offered:-

1. there are sustainability requirements as part of the Renewable Heat Incentive that requires that wood fuel supplies must come from sustainable sources;
2. Government emissions factors for biomass are significantly lower than those for LPG and natural gas (0.0132kgco²/kWh compared to 0.214 and 0.184 respectively). While the percentage of carbon related to processing and transportation is low, local suppliers help reduce emissions by lowering the carbon impact of transportation;
3. the implementation of Biomass boilers is controlled where there are Air Quality Management Areas or smoke control zones; and
4. with an efficient system with good quality fuel, these particulates should be at a minimum but it should be noted that some would also be present in carbon fuelled

systems or vehicle emissions.

Policy NRG 4 is considered to be fully acceptable and no modifications are proposed.

Scottish Environment Protection Agency (SEPA) (0243) – comments noted.

Reporter's conclusions:

1. The council does not refer above to the representations by the Scottish Government (0236) or Scottish Natural Heritage (SNH) (0238). I sought the council's formal response to these representations with the issue of a further information request (FIR13). The council acknowledged that the representations made by the Scottish Government and SNH in relation to Issue 1O were omitted from the schedule 4 and welcomed the opportunity to remedy this.

Policy NRG 2 Solar Roof Capacity Requirements

2. Policy NRG 2 does not differentiate between roof top solar installations being used for electricity generation, space heating or hot water heating. This runs counter to SPP and the Scottish Government's heat hierarchy which firstly seeks to reduce the need for heat (for example through better insulated buildings), followed by the use of district heat networks before microgeneration is considered. SPP is clear that where heat networks are not viable then microgeneration associated with individual properties should be encouraged. I share the Scottish Government's concern that, in promoting roof top solar for the purposes of space heating, this could negatively impact on efforts to promote heat networks as set out in Policy NRG 5. The policy as worded has the potential, indirectly, to remove the critical mass required in new developments to make such heat networks financially viable. I therefore recommend that policy is amended in order to align more closely with SPP.

3. I also consider that, in making specific reference to the aspirational nature of the policy, this might be interpreted that the policy may not be applied or taken seriously.

4. The Walker Group (0423) has requested some flexibility in relation to minimum installed solar roof capacity requirements, specifically in relation to the requirement for 70% of new houses/dwellings within an application site to offer the main orientation as east-west with no more than 30 degrees deviation from the south. I appreciate that each development site will have varying physical features, some more challenging than others, and therefore accept that there should be some recognition of this in the policy and therefore some flexibility where meeting these requirements is proving particularly challenging at the same time as trying to deliver place making requirements. Whilst the policy refers to exceptions being made, this is specific to grid access and structural limitations and I consider there is merit in clarifying where further flexibility might be appropriate.

Policy NRG 3 Wind Energy Development

5. SPP is clear that planning authorities should set out in the development plan a spatial framework for onshore wind, identifying those areas that are likely to be most appropriate for onshore wind farms as a guide to developers and communities, following the approach set out in Table 1: Spatial Frameworks of SPP. SPP is also clear that development plans should set out the criteria that will be considered in deciding

applications for wind farms and specifically refers to a set of likely considerations (paragraph 169) with the caveat that these will vary relative to the scale of the proposal and the characteristics of the area.

6. Whilst the plan refers in paragraph 5.225 to supplementary guidance for wind energy (including a spatial framework) having been prepared, the spatial framework is not included within the main body of the plan. Draft interim supplementary guidance on wind energy development is identified as Core Document 141 and is dated April 2015. I sought clarification from the council, through FIR13, as to the progress of this supplementary guidance and to ascertain what consultation it had been subject to and what comments had been made on it.

7. The council advised that at the time the local development plan was reported to elected members for approval and public consultation, the supplementary guidance had not been finalised. They also advised that SNH's key guidance 'Spatial Planning for onshore wind turbines – natural heritage considerations' (June 2015), supporting the SPP approach to plan-led spatial frameworks for wind energy, was not available at the time. I understand that there has been consultation on the draft guidance and a number of comments have been received on it which the council has been addressing. The council advises that the draft guidance is now largely finalised, requiring only minor revisions.

8. Whilst the proposed SESplan 2 (which will replace the current SDP) incorporates a spatial framework for onshore wind, including West Lothian, this is currently subject of examination and ideally the spatial framework would be included within the body of the local development plan itself, in accordance with SPP. However, I am also mindful that as the supplementary guidance is not yet formally finalised, it may be subject to change. Therefore, and noting that SESplan 2 is well-advanced, I consider that in this case it will be sufficient to include the spatial framework within the supplementary guidance rather than the LDP itself. There has been criticism by SNH that Policy NRG 3 as it currently reads is not clear enough on the assessment requirements for wind energy schemes. I am also mindful of the council's desire to provide more succinct policy and to produce short policy hooks with supplementary guidance. In this spirit, the policy makes reference to assessment criteria contained within the supplementary guidance. Having reviewed the draft supplementary guidance, I am satisfied that it contains a suitable assessment checklist which makes direct reference to the development management criteria contained within SPP (paragraph 169) and therefore ensures a link between national policy and the development plan of which the supplementary guidance, once adopted, will form a part.

9. It has been brought to my attention that paragraph 5.225, in referring to the content of the spatial framework, refers to groupings referenced in the SPP from 2010. I recommend that this reference is updated to reflected the equivalent wording contained in SPP 2014. The spatial framework does not specifically address small scale wind turbines and this point should also be clarified in paragraph 5.225. I note that the council's GIS map of wind energy applications does not appear to be entirely clear to parties and I am pleased to note that the council proposes to update this to clarify colour coding of the data. I make no specific recommendation in this regard other than to note that the matter is being addressed by the council.

Policy NRG 4 Other Renewable Energy Technologies

10. Policy NRG 4 concerns technologies other than those for wind generation.

However, as pointed out by SNH, it references the spatial framework used for onshore wind farms and references wind energy proposals specifically. The council acknowledges that a drafting error has occurred within Policy NRG 4 and I therefore accept the council's suggested corrected text for this policy.

11. SNH has suggested that with the above references to wind energy proposals removed, the policy would be better being merged with Policy NRG 3. However, I note the council's desire to retain this separate policy and I agree that there is logic to this approach given the particular nature of spatial frameworks for wind energy. This approach also correlates with SPP which includes separate sections dealing with onshore wind and other renewable electricity generating technologies. I am therefore satisfied that there is merit in retaining both policies NRG 3 and NRG 4.

Policy NRG 5 Energy and Heat Networks

12. SPP advises that local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply and that local development plans should support the development of heat networks in as many locations as possible. Local development plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include policies to support their implementation. SPP also advises that policies should support safeguarding of pipework within developments for later connection and pipework to the curtilage of development.

13. The council advises that opportunities for district heating systems within West Lothian are limited due to the lack of co-location opportunities and the generally low density of settlements. Livingston town centre is given as an example of a settlement layout with limited co-location potential due to its suburban form. In addition, as pointed out by the Scottish Government, there is a lack of use of heat maps and spatial identification of sites/areas that could offer the best opportunities for future heat networks within the plan area. However, I note that the council has now acquired heat mapping software and proposes to undertake further assessment of the potential locations for energy centres, co-location of heat suppliers and demanders and energy storage facilities and to ascertain the necessary channels for pipework.

14. In order to support Policy NRG 5, the council proposes to prepare planning guidance entitled 'Energy – Heat Mapping and Heat Networks'. Whilst this would be prepared after the local development plan, I consider it important to make specific reference to it in the policy. The intention being to make parties aware that it is planned. The planning guidance should be prepared as soon as possible after the local development plan has been adopted.

Reporter's recommendations:

1. In paragraph 5.221, delete the final sentence.
2. In Policy NRG 2 Solar Roof Capacity Requirements, after the second sentence, insert the following additional sentences:

'Exceptions may also be made where it can be demonstrated that site physical characteristics make it particularly difficult to meet the capacity requirements. Roof top solar installations considered under this policy are to be used for the purposes of

electricity generation and not for space heating or hot water heating unless it can be demonstrated that improved use of insulation or low carbon or district heating is not technically feasible or financially viable.'

3. Amend paragraph 5.225 so that it reads:

'The council will adopt supplementary guidance for wind energy to provide the spatial framework for on-shore wind energy development and a section on small scale wind turbines, i.e. proposals involving a maximum of two turbines having an upper limit of 35m to blade tip. The spatial framework will identify areas where wind farms will not be acceptable, areas of significant protection and areas with potential for wind farm development in accordance with SPP.'

4. Amend Policy NRG 4 Other Renewable Energy Technologies so that it reads:

'The council supports the development of other renewable energy schemes in principle provided that:

- a. the proposal is environmentally acceptable;
- b. the proposal accords with other policies set out in the LDP, specifically ENV 1, ENV 5, ENV 11 & EMG 1 relating to landscape character, carbon rich soils and the water environment; and
- c. there would be no significant impacts on the natural and historic environment or on local communities.

The council will have particular regard to the precautionary principle when assessing renewable energy technology proposals where assets of national or international importance are located. Further supplementary guidance will be prepared.'

5. In Policy NRG 5, insert the following text after the fifth paragraph:

'Planning guidance on heat mapping and heat networks will be prepared in support of Policy NRG 5.'

Issue 1P	Economic Development Strategy	
Development plan reference:	Economic Development and Growth	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Government - Development Plan Team (0236) Clyde, Deveron, Annan Land Services (21908005) Newton Community Council (21902291) Bizspace Limited (21872215) Network Rail (21871541) Aithrie Estates and the Hopetoun Estate Trust (21772260) Uphall Estates Ltd (21768463) Eileen McGhee (21543061)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy (Including Policy Framework) Economic Development & Growth (Pages 12-13, paragraphs 5.11-5.22)	
Planning authority’s summary of the representation(s):		
<p>Scottish Government - Development Plan Team (0236)</p> <p>Suggests the Proposed Plan should support opportunities for integrating efficient energy and waste innovations within business environments to accord with paragraph 96 of Scottish Planning Policy 2014, which refers <i>“Development plans should support opportunities for integrating energy efficient waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilities co-location, as set out in paragraph 179.”</i></p> <p>Clyde, Deveron, Annan Land Services (21908005)</p> <p>States that the element of economic growth has failed to address sustaining the less able communities and is well highlighted in Blackridge which has benefitted from a substantial housing allocation but which has in turn failed to be built. The conclusion should be that the village requires inward investment in terms of employment opportunities and the local plan has failed badly in that respect.</p> <p>Newton Community Council (21902291)</p> <p>Newton Community Council is highly supportive of both the broad strategy of the Plan that envisages moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies. It does however note that there appears to be a contradiction between sections which state that West Lothian’s population growth has been concentrated among the elderly (para 5.76), and others stating that population growth has been mainly among the young (para 5.11).</p>		

Network Rail (21871541)

Notes that one of the key aims of the Plan is to *'Ensure that all essential infrastructure and facilities are provided to support population and economic growth and where appropriate, secure proportional developer contributions to facilitate the delivery of such provision. It is important to note that without the necessary infrastructure requirements having been satisfactorily addressed the council will be unable to support development proposals.'*

Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is considered essential that the potential impacts of this are assessed through the development management process. Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions. Notes in particular new housing sites proposed at Linlithgow, Broxburn, Livingston, Bathgate and Addiewell which are likely to see an increase in the use of stations in these areas.

Bizspace Limited (21872215)

The respondents are promoting an employment site in Kirkton Campus, Livingston for housing which is principally addressed by a separate Schedule 4 16L. However, in relation to Community Regeneration they state that market evidence demonstrates that the need for employment land of the type and stock they wish to redevelop at Kirkton Campus and elsewhere within Livingston and West Lothian is now much reduced and unlikely to pick up during the currency of the LDP. A recent report prepared by Ryden is quoted which states that; *"Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector."*

However, the respondents argue that the demand for housing in West Lothian of the right type and scale remains strong given the area's prime location with good strong transport connections to Edinburgh, Glasgow and other key employment areas within West Lothian along the M8 corridor. As such, they strongly believe that their site should be identified as a housing allocation in the Proposed Plan.

Aithrie Estates and the Hopetoun Estate Trust (21772260)

Objects to the Proposed Plan for failing to make specific reference to the qualitative aspects of housing demand, including location, and to recent government announcements regarding boosting new housing opportunities. Critical that there is no mention of housing and the role it plays in facilitating economic development and growth. In particular, the Plan should refer to the evidence in the recent publication "Understanding the housing aspirations of the people of Scotland", September 2015 Scottish Government Social Research (SD015) that meeting housing aspirations is a clear planning objective and fundamental to ensuring that West Lothian is a place which will attract people who wish a home but may not be able to find one of their choice, for example, in Edinburgh.

Similarly, a letter from the Chief Planner of 07.10.15 (SD016) explains how the government is proposing to boost the private rented sector as one of its priorities for expanding housing supply.

References other documents which are contained in the respondents' submission which explains that additional funding for homebuyers has been achieved, underline the qualitative case when considering housing locations and re-inforce the call for a significant increase in housing. Given the correct emphasis on population and economic growth, surprise is expressed that the Plan fails to recognise these important points. The council is reminded that it has an important role to play in facilitating the provision of infrastructure, for example as the supplier of education, and that this should be acknowledged.

Uphall Estates Ltd (21768463)

Supports the allocation of their site for housing. States that the allocation of this site will directly lead to economic development and growth. Intimates that they have already created a significant number of jobs through private investment in Uphall and have the support of the local community council who acknowledge the improvements. However there is considerable scope to further improvements, hence the promotion of surplus land they control in Uphall for residential use.

It should be noted that the council's responses to the Uphall sites are set out in a separate Schedule 4 number (20A).

Eileen McGhee (21543061)

No objection to make but notes that Linlithgow is the most touristic town in West Lothian, and by freeing up huge parcels of land for (housing) development, the town's appeal as a tourist destination is being destroyed. Additional traffic and lack of parking is off putting to tourists. Objects to the development of many proposed housing sites in Linlithgow.

It should be noted that the council's responses to the Linlithgow sites are set out in a separate Schedule 4 number 15A.

Modifications sought by those submitting representations:

Scottish Government - Development Plan Team (0236)

Suggests the Proposed Plan should support opportunities for integrating efficient energy and waste innovations within business environments to accord with paragraph 96 of Scottish Planning Policy 2014.

Clyde, Deveron, Annan Land Services (21908005)

No specific modifications are proposed save for lamenting the failure of Development Plans to capture and secure inward investment.

Newton Community Council (21902291)

Seeks clarification regarding discrepancies between population data.

Network Rail (21871541)

No specific modifications are proposed but considers it essential that where growth areas or significant housing allocations are identified in close proximity to rail assets the

potential impacts of this are assessed through the development management process.

Bizspace Limited (21872215)

The respondents are seeking changes to land use policy EMP 1 with reference to a site at Kirkton Campus, Livingston and this is being addressed by a separate Schedule 4 (16L).

Aithrie Estates and the Hopetoun Estate Trust (21772260)

No modifications proposed but critical that there is no mention of housing and the role it plays in facilitating economic development and growth.

Uphall Estates Ltd (21768463)

No specific modifications are proposed. The respondents are however seeking the allocation of a site in Uphall for housing and this is being addressed by a separate Schedule 4 (20A).

Eileen McGhee (21543061)

No specific modifications are proposed.

Summary of responses (including reasons) by planning authority:

Scottish Government - Development Plan Team (0236)

The section of the Proposed Plan dealing with Waste (Page 76) para 5.263 states *“arrangements for waste storage, recycling and collection including kerbside collection, and/or centralised mini-recycling stores, and composting facilities are set out in Supplementary Guidance – Residential Design Guide”*.

While this deals with residential applications, the following policy, MRW 7, specifically address the business environment and ties back to SPP 2014 and two related central government plans and advice:

Policy MRW 7 - Waste Management on Construction Sites

In the interests of general environmental and residential amenity, proposals for new housing, industrial, commercial and business developments must demonstrate to the satisfaction of the council that the generation of waste during the construction period has been minimised and that any residual waste will be managed in a sustainable manner.

Proposals for new housing, industrial, commercial and business developments must incorporate waste management and recycling facilities and must accord with national requirements of SPP 2014, the Scottish Government Zero Waste Plan and ‘Planning and Waste Management Advice,’ published by the Scottish Government in July 2015.

It is the council's view that this policy satisfactorily supports opportunities for integrating energy efficient waste innovations within business environments and there is no need for additional policies or to amend the existing policy. The council does not propose to make any modification to the Plan.

Clyde, Deveron, Annan Land Services (21908005)

States that the element of economic growth has failed to address sustaining the less able communities and is well highlighted in Blackridge which has benefitted from a substantial housing allocation but which has in turn failed to be built. The conclusion should be that the village requires inward investment in terms of employment opportunities and the local plan has failed badly in that respect.

Clyde, Deveron, Annan Land Services (21908005)

In relation to comment regarding Blackridge, Policy EMP 4 specifically addresses Employment development outwith settlement boundaries whereby:

“Proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to the following criteria being satisfied.....; and this would support, if they met the criteria, any forthcoming employment land proposals on the edge of, or outwith, the village, such as south of Blackridge Station, whereas Policy EMP 3 address proposals within settlement boundaries.

New employment land allocations have also been allocated at Standhill Farm, adjacent to Blackridge. Both factory units at the east end of Blackridge are operational.

Newton Community Council (21902291)

The support of Newton Community Council towards the “Economic Development and Growth” aims of the Proposed Plan is acknowledged. While West Lothian has an increasing elderly population as acknowledged at the start of the section on Residential Care & Supported Accommodation (page 29), in addition *“West Lothian has one of the fastest growing **and** youngest populations in Scotland”* as well as its elderly population, as stated at the start of the Economic Development & Growth section (page 12). No modification to Plan proposed.

Network Rail (21871541)

Networks Rail’s comments regarding major economic or residential planning applications taking into account impact on the rail network through the Development Management process can be considered via Transport Assessments submitted by developers to support their major applications. As Network rail note this is supported by Policies TRAN 1 and TRAN 2.

Bizspace Limited (21872215)

While the respondents’ representation is addressed by a separate Schedule 4 (16L); the Rydens statement does indicate a *“normally active (industrial) business sector.”* And it may well be that after the major recession it will take a while for this employment space sector to fully recover.

Aithrie Estates and the Hopetoun Estate Trust (21772260)

In response to the claim that there is a lack of reference to housing as an engine for economic growth in the Proposed Plan, attention is drawn to the central Vision Statement

where it is stated that in 8 years there will be ‘a *greater choice of housing options*’

Furthermore, under the context of the aims for the plan in addressing “Economic Development & Growth” (page 8) the third bullet point states:

“Continue to support major development within the Core Development Areas previously established under the Edinburgh and the Lothians Structure Plan at Armadale, East Broxburn and Winchburgh and Livingston and the Almond Valley.”
i.e.; that is 12,500 houses.

No modification of the plan is proposed.

Uphall Estates Ltd (21768463)

Comments are noted. The Uphall Estates Ltd site is addressed by a separate Schedule 4 (20A). No modification of the plan is proposed.

Eileen McGhee (21543061)

Comments are noted. No modification of the plan is proposed.

Reporter’s conclusions:

Scottish Government

1. The representation from the Scottish Government does not suggest any specific changes to the plan which would give greater encouragement to energy efficient waste management within new development. In any event, the council points to its Residential Design Guide and to Policy MRW 7 Waste Management on Construction Sites. These provide an appropriate policy basis to support waste management during both the construction and operational phases of new development. No modification is required.

Clyde, Deveron, Annan Land Services

2. These representations appear on the whole to relate to Blackridge, and raise concerns that the plan does not sufficiently support development in that settlement. We address these and other representations made about Blackridge under Issue 6A.

Newton Community Council

3. As the council points out, it is not necessarily inconsistent to say that West Lothian has one of Scotland’s fastest growing and youngest populations whilst also noting that the elderly population is increasing.

Bizspace

4. Bizspace wants Fleming House at Kirkton Campus removed from the area covered by Policy EMP 1. We address that element of their representation under Issue 16L, and their representation about a site in Craigshill under Issue 16M. It is also said that there is a significant surplus of employment land in West Lothian, and that there should be a more flexible range of uses permitted on employment sites. We address that element of the representation under Issue 26A.

Network Rail

5. We address transport-related matters largely under Issue 26V, but also under Issue 1F in relation to the infrastructure requirements associated with new development.

Aithrie Estates and the Hopetoun Estate Trust

6. We address these representations about housing and infrastructure matters largely under Issues 1A, 1C, 1F and 1J.

Uphall Estates Ltd

7. Uphall Estates Ltd wants land at Uphall Business Park allocated for housing development. We address this under Issue 20B. Similar points to Bizspace are made about the need for more flexibility of uses in business areas – again we address this under 26A.

Eileen McGhee

8. We address representations made about the various sites in Linlithgow allocated for housing development under Issue 15A.

Ian Findlay

9. In addition to the representations noted above, Ian Findlay, representing Facilities Engineering and Design Solutions Limited (21863501) is concerned that West Lothian does not become reliant on short-term economic opportunities at the expense of long-term sustainable growth. Our examination deals with the issues related to the identification of land for employment use and development in the proposed plan, and the policies which relate to these. Wider consideration of the approach to economic development in West Lothian is out with the scope of our examination, and Mr Findlay has not proposed any specific modifications to the plan.

Reporter's recommendations:

No modifications.

Issue 1S	The Local Development Plan Action Programme	
Development plan reference:	The Local Development Plan Action Programme	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments Limited (0147), (0158), (0350) and (0459) British Solar Renewables (0214) Scottish Natural Heritage (0238) Walker Group (Scotland) Limited (0423)</p>		
Provision of the development plan to which the issue relates:	<p>Local Development Plan Proposed Plan: Infrastructure Requirements and Delivery (p. 35, paras. 5.114 – 5.120) Appendix Six - List of Proposals (other developments) (pp. 275 – 279) Supporting document: Action Programme (AP)</p>	
Planning authority's summary of the representation(s):		
<p>Gladman Developments Limited (0147), (0158), (0350) and (0459) - concerned that the Action Programme places too much reliance on the development industry for funding and action, and that many of the actions identified are listed simply as "To Be Agreed" or "developer"; advise that this means that the Action Programme is little more than a list of projects required, rather than a programme which genuinely serves to implement the vision, aims and strategy of the Local Development Plan; lack of specific timescales means that accurate development forecasting is impossible; the council should acknowledge the receipt/impact of section75 monies and increased council tax revenue from new development in terms of recouping cost for infrastructure which the council may have to bear in the short term.</p> <p>British Solar Renewables (0214) - advise that Scottish Planning Policy (CD068) directs that action programmes should "<i>be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.</i>" (Paragraph 31) It should "<i>set out key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool and should be used alongside the housing land audit to help planning authorities manage their land supply.</i>" (Paragraph 124). In the form currently published it is considered that the Action Programme falls short on both of these two points and would benefit from additional detail.</p> <p><u>Key infrastructure Items in the Action Programme for more strategic active travel routes</u></p> <p>Scottish Natural Heritage (0238) – questions why there are actions for active travel on the A89 (P-37) and A71 (P-110), but no similar actions for other strategic routes in West Lothian. Inclusion of actions for other strategic routes would align the Proposed Plan with the emerging direction of Scottish Development Plan 2 which has identified strategic active travel routes in these corridors.</p>		

Links between the Proposed Plan and the Action Programme

Scottish Natural Heritage (0238) – Clearer links should be made between the Action Programme and the content of the Proposed Plan.

Connection between strategic active travel routes and the green network

Scottish Natural Heritage (0238) – The strategic active travel routes which the council has submitted to The Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) would benefit from being tied into the emerging green network in the Proposed Plan.

Walker Group (Scotland) Limited (0423) - consider that the Action Programme does not adequately quantify the scale of requirements, in particular with regards Education. Paragraph 5.92 of the proposed Local Development Plan suggests that the requirements are set out in Chapter 6 and the Action Programme however this is not the case.

Modifications sought by those submitting representations:

Gladman Developments Limited (0147), (0158), (0350) and (0459) – none specified but terms of submission suggest change is required to the contents of the Action Programme.

British Solar Renewables (0214) - none specified but terms of submission suggest change is required to the contents of the Action Programme to ensure compliance with requirements of Scottish Planning Policy.

Key infrastructure Items in the Action Programme for more strategic active travel routes

Scottish Natural Heritage (0238) – No specific modification has been sought. However, the suggestion is made that there should be additional actions for active travel for other strategic routes in West Lothian than those identified in the Action Programme i.e. A89 (P-37) and A71 (P-110).

Links between the Proposed Plan and the Action Programme

Scottish Natural Heritage (0238) – No specific modification has been sought. However, some form of clearer linkage with the content of the proposed plan is intimated.

Connection between strategic active travel routes and the green network

Scottish Natural Heritage (0238) – The Proposed Plan should be amended to show the strategic active travel routes which the council has submitted as priorities to The Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) for SDP2.

Walker Group (Scotland) Limited (0423) – none specified but terms of submission suggest change is required to the contents of the Action Programme.

Summary of responses (including reasons) by planning authority:Background to the Action Programme for the Proposed LDP

Paragraphs 130 – 134 of Planning Circular 6/2013: *Development Planning* (CD030) sets out the requirements for Action Programmes. It is a requirement that authorities consider the views of key agencies such as Scottish Natural Heritage (SNH). Action Programmes are published within three months of the related plan being approved and adopted; thereafter they are reviewed at least every two years. A draft Action Programme has been published and issued for consultation (October 2015) as a supporting document for the council's Proposed Plan.

Gladman Developments Limited (0147), (0158), (0350) and (0459); British Solar Renewables (0214); Walker Group (Scotland) Limited (0423) - the development strategy set out in the Local Development Plan Proposed Plan is predicated on the delivery of the Core Development Areas and strategic allocations (page 10, paragraph 5.10 of the Local Development Plan refers), supported by the allocation of a number of smaller sites across the Local Development Plan area. Associated with the development of the Core Development Areas is the delivery of new infrastructure, principally new schools, the delivery of which will impact on the ability of all housing allocations set out in the Local Development Plan Proposed Plan to be delivered and therefore effectiveness of supply. Paragraph 88 of the approved Strategic Development Plan (CD099) indicates that significant investment in infrastructure, particularly education, is required in West Lothian to implement existing committed development and further investment will be needed to support the Strategic Development Plan (SDP) strategy. The Local Development Plan reiterates this. Paragraphs 5.78-5.84 set out the council's approach to developer contributions. Schedule 4 number 1F sets out the council's response to issues raised in relation to developer contributions. The approach set out in the Local Development Plan Action Programme is considered by the council to be consistent with the requirements set out in Planning Circular 6/2013 (CD030) and are also reflective of that set out in the Strategic Development Plan (SDP) Action Programme (CD171). The nature of the Action Programme is such that there will be projects included which at this stage cannot be defined in terms of lead agency. In addition, timescales for delivery are impacted in many instances by grant of planning approval. The final contents of the Action Programme will only be known upon approval of the Local Development Plan. In line with Section 21 of The Planning Etc. (Scotland) Act 2006 (CD002) the council would intend to publish an Action Programme fully reflective of the Local Development Plan approved plan within three months of the adoption of the council's Local Development Plan. In the interim, the council does not propose to amend the Local Development Plan Action Programme in relation to this submission.

Key infrastructure Items in the Action Programme for more strategic active travel routes

Scottish Natural Heritage (0238) – The Strategic Development Planning Authority for Edinburgh and South East Scotland's (SESplan) Development Plan Scheme No. 8 (March 2016) (CD210) indicates that the regional authority's proposed plan and supporting documents for Strategic Development Plan 2 (SDP2) is to be published in late Summer 2016.

The Proposed Plan for West Lothian's (LDP) Local Development Plan was first published in September 2015 when the Council's Executive agreed that it be released for full public consultation in October 2015. With preparation of the Proposed (LDP) Local Development

Plan having taken place – earlier in 2015 - it was not feasible to include actions relevant to the emerging Scottish Development Plan (SDP) 2. However, as these initiatives gain in status it would be possible to include them in further planning guidance to the Local Development Plan (LDP) such as Supplementary Guidance (SG) in either the Active Travel Plan Supplementary Guidance and / or the Green Network Supplementary Guidance as detailed in paragraph below.

West Lothian Council has participated in the assessments of potential strategic active travel routes to inform Scottish Development Plan (SDP) 2 and has fought hard for their inclusion in that plan. As this strategic development plan is still emerging and its timescale is not confirmed, then the Proposed (LDP) Local Development Plan should conform to Scottish Development Plan (SDP) 1.

The council has prepared background Supplementary Guidance on West Lothian's Green Network that was approved for public consultation in September 2015. This public consultation is now pending and potentially scheduled for summer 2016. However, should the Scottish Development Plan (SDP) 2 process catch up with the council considering and agreeing comments on the Green Network Supplementary Guidance (SG), then there may be scope to include issues such as strategic active travel routes in any revised West Lothian Supplementary Guidance on Green Networks.

Links between the Proposed Plan and the Action Programme

Scottish Natural Heritage (0238) – Whilst potentially desirable, no specific indication of how this is to be achieved has been given. Further information and details will be provided in the Action Programme published within three months of the adoption of the council's Local Development Plan (LDP) in line with Section 21 of the Planning etc. (Scotland) Act 2006 (CD02).

Connections between strategic active travel routes and the green network

Scottish Natural Heritage (0238) – The strategic travel routes which the council submitted to The Strategic Development Planning Authority for Edinburgh and South East Scotland's (SESplan) were submitted after the Proposed LDP (Local Development Plan) text was finalised and issued for public consultation and therefore these linkages between strategic active travel routes and the green network could not be included in the Local Development Plan (LDP) or the attendant Action Programme.

Any further plan changes recommended by the planning authority

None. The Action Programme is effective and complies with Scottish Government guidance and legislation. It reflects the requirements set out in the Local Development Plan (LDP) Proposed Plan and the Action Programme for Strategic Development Plan (SDP) 1.

Reporter's conclusions:

1. I note the concerns which have been expressed above about the content (and lack of detailed content) of the draft Action Programme for the plan. We address elsewhere matters related to infrastructure delivery. However, the scope of our examination does not extend to consideration of the content of the Action Programme itself, and we make no recommendations in respect of it.

Reporter's recommendations:

No modifications.

Issue 1T	West Lothian Strategic Flood Risk Assessment and LDP policies EMG 1, EMG 2 and EMG 3	
Development plan reference:	Strategic Flood Risk assessment document	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	West Lothian Strategic Flood Risk Assessment LDP pages 67 – 70, paragraphs 5.233 – 5.239	
Planning authority's summary of the representation(s):		
<p>Scottish Environmental Protection Agency (0243) - Comments on the text included within the Strategic Flood Risk Assessment that accompanies the proposed plan.</p> <p>SEPA advise that they are in the process of updating their Supplementary Guidance on Flood Risk and Drainage and will look to cover all these issues in their updated document. Also advise of impending publication of a new Water and Drainage Assessment document by the SUDS Scotland Working Party so all Drainage Assessments submitted will require to be to that new guidance.</p> <p>SEPA advise that they would look to cover in its updated guidance ongoing historical issues relating to the adoption and maintenance of completed SUDS on sites and there has been recent discussion with Scottish Water through SCOTS to resolve this in the future with a view to ensuring that all completed SUDS are vested in Scottish Water and are maintained jointly between them and SEPA. However, also advise that SEPA has a legacy of SUDS measures which have not been adopted and are not being maintained which is a separate matter.</p> <p>SEPA express concern about the current workload involved with consulting on relevant applications and subsequent submissions in terms of drainage drawings, documents and calculations etc. Other Authorities have Self Certification Schemes in place for FRA and Drainage Approvals. SEPA advise that they are looking into the possibility of trialling this process when updating their SPG.</p> <p>Seek amendments to policies EMG 1 in relation to culverting, EMG 2 in relation to requirements for Flood Risk Assessment and EMG 3 in relation to drainage assessments and to clarify SEPA's requirements against those of Scottish Water.</p> <p>Advise that they are in the process of updating their own supplementary guidance and would seek if timeframes allow that this is reflected in the LDP.</p>		

Modifications sought by those submitting representations:

Scottish Environmental Protection Agency (0243) in relation to the West Lothian Strategic Flood Risk Assessment:

Section 1.2

The punctuation in the sentence starting “the council is mindful” requires to be amended as it is an important sentence which as it stands does not read well.

Section 1.8

SEPA recommend that this section could be made clearer by deleting the sentence which starts “In identifying sites for inclusion.....” since the sites which **do** require mitigation are covered in the sentence which follows.

Replace ‘mitagtory’ with ‘mitigatory’

Add ‘informed by a satisfactory Flood Risk Assessment’ following ‘stand-offs to watercourses for example’

Within the sentence which starts ‘SEPA and the council may request’, delete ‘large’ as allocations be any size and require a flood risk assessment.

Section 2.4

With regard to the sentence which starts ‘where high rates of runoff, SEPA would suggest additional text ‘Such natural flood management can have appositive effect on downstream flooding but cannot be wholly relied upon to facilitate development on sites previously at risk from such flooding’

Section 4.1

Within the sentence which starts ‘To provide a baseline’ SEPA recommend that this be modified to read ‘new development or redevelopment’

Heading for Section 6

Typo in supplementary.

Scottish Environmental Protection Agency (0243) in relation to LDP Policies EMG 1, EMG 2 and EMG 3

Policy EMG1 – advise that we are unable to see where culverting of a watercourse can be justified in terms of aiding development except for, possibly, a road crossing and seek removal of this statement and its re-insertion as paragraph 2 including re-wording so that is states that “proposals for the culverting of a watercourse may be considered with reference to SEPA’s position statement.”

Policy EMG2 – advise of requirements for at least some kind of Flood Risk Assessment for every site development. Even if the site is shown not to be at risk of flooding then a Level 1 FRA is required to demonstrate this. If the site is at risk of flooding from any source or any adjacent source then a full (or level 2 and/or level 3 FRA) will be required. Reference to SEPA Technical Guidance for undertaking a FRA is noted but reference should also be included to the current CIRIA Guidance C624.

Policy EMG3 – seek amendment to the wording of the first sentence to state that developers “will” require to submit a “Drainage Assessment” to ensure that adequate drainage provision is taken into account in the design of a development. in order to avoid confusion with Scottish Water requirements for a Drainage Impact Assessment. This

would apply to all references within the plan that refers to a “Drainage Impact Assessment”.

Summary of responses (including reasons) by planning authority:

Scottish Environmental Protection Agency (0243) in relation to the West Lothian Strategic Flood Risk Assessment

The second sentence of paragraph 1.2 of the LDP is currently worded as follows:

The council is mindful of the need to ensure that existing developments that are perhaps changed in use or lead to more intensive human use behind defences should also be assessed on sensitivity of use in terms of climate change scenarios or to help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition.’

The proposed amendment to the text is as follows, deleted text is strikethrough, new text in grey box.

‘The council is mindful of the need to ensure that existing developments that are perhaps changed in use or lead to more intensive human use behind defences should also be assessed on sensitivity of use in terms of climate change scenarios. ~~or to help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition.~~ Such sites could help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition if appropriate flood prevention measures are undertaken.’

Paragraph 1.8

SEPA recommend that this section could be made clearer by deleting the sentence which starts “In identifying sites for inclusion.....”, since the sites which do require mitigation are covered in the sentence which follows. The council accepts the proposed text deletion to avoid repetition in the document. To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the policy to reflect the change requested by SEPA and the correction of a typo by replacing ‘mitagtory’ with ‘mitigatory’ within the text.

Add text to penultimate sentence to clarify requirements. The amended sentence would read as follows with new text in highlighted box:

‘It might also be possible to integrate development with the flood risk that is identified by providing appropriate mitigatory interventions such as stand offs to watercourses for example informed by a satisfactory Flood Risk Assessment.’

At the last sentence delete ‘large’ as allocations be any size and require a flood risk assessment. The amended sentence would read as follows with deleted text shown as strikethrough text:

‘SEPA and the council may request a Flood Risk Assessment (FRA) for ~~large~~ allocation sites that have an element of flood risk e.g. a watercourse flowing through the middle, but could be adequately mitigated through appropriate site design.’

The amended paragraph 1.8 in its entirety would read as follows:

The key role of the SFRA is to help determine whether the potential development sites identified within the *Main Issues Report* (MIR) for the LDP remain suitable for development and can be taken forward to the *LDP Proposed Plan* and that new allocations that have come forward to the *LDP Proposed Plan* and that any new allocations that have come forward for consideration are also suitable for development. ~~In identifying sites for inclusion in the *Proposed Plan* for development, it may mean that mitigation measures may not be necessary to overcome flood risk as those sites where flood risk has been identified should be 'screened' out as part of the site assessment process.~~ It might also be possible to integrate development with the flood risk that is identified by providing appropriate ~~mitigatory~~ mitigatory interventions such as stand offs to watercourses for example informed by a satisfactory Flood Risk Assessment. SEPA and the council may request a Flood Risk Assessment (FRA) for large-allocation sites that have an element of flood risk e.g. a watercourse flowing through the middle, but could be adequately mitigated through appropriate site design.

To accord with SEPA requirements, the proposed changes to paragraph 1.8 are acceptable to the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek additional text at paragraph 2.4 of the SFRA as follows, additional text shown in highlighted box:

A good understanding of the sources and impacts of flooding, and the links between them, can help identify the right combination of measures to tackle particular flooding problems. For example, catchment and floodplain restoration should be considered to reduce or manage flood risk in both rural and urban areas. Where high rates of run-off in rural upland areas are contributing to flooding problems, measures to store or slow run-off can be considered, including re-vegetating hill slopes to increase the interception of rainfall and increase the roughness of the land surface, thereby slowing runoff. **Such natural flood management can have a positive effect on downstream flooding but cannot be wholly relied upon to facilitate development on sites previously at risk from such flooding.**

In urban areas, an understanding of sources and pathways of flooding can help identify appropriate measures and influence the layout and design of new developments. In some circumstances flood protection schemes or managed retreat from areas at significant risk may need to be considered.

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek amendment to paragraph 4.1 of the SFRA as follows, additional text shown in highlighted box:

The Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a plan-led, catchment-wide, sustainable and risk-based approach to managing flood risk. This includes the preparation of assessments of the likelihood of flooding, and the impacts of flooding and catchment focused plans to address these impacts. By 2016 Flood Risk Management Strategies and Local Flood Risk Management Plans will be in place across Scotland. These will require to be taken into account when subsequent

development plans are prepared. To provide a baseline to inform the West Lothian LDP, the council has prepared this SFRA to ensure that new development or redevelopment will be free from significant flood risk and will not increase the risk of flooding elsewhere. This assessment took place at the MIR stage.

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek a correction to typo at the heading for Section 6 to replace “supplemtry” with ‘supplementary’.

The council proposes to amend the text to correct this typing error.

Policy EMG 1 Water Environment Improvement

SEPA has suggested an amendment to policy EMG 1 to more fully reflect its requirements. The amended policy would read as follows, deleted text shown as strikethrough and new text shown in highlight:

‘Policy EMG 1 Water Environment Improvement

Proposals for the culverting of a watercourse will be considered with reference to [SEPA’s position statement](#) on culverting.

Opportunities to improve the water environment and promote natural flood management are supported where it can be demonstrated that these will help to reduce overall flood risk. This could include wetland restoration, riparian planting, flood plain creation, ~~daylighting of culverted watercourses~~ and restoration of heavily modified watercourse.

Proposals for the culverting of a watercourse may be considered with reference to [SEPA’s position statement](#).

Proposals that are aligned with measures identified in the River Basin Management Plan will be supported in principle, including the retrofitting of SuDS features to the existing surface drainage system, the restoration of watercourses and the removal of redundant structures.’

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Policy EMG2 Flooding

The insertion of reference to additional guidelines to inform requirements for flood risk assessment is accepted by the council should the Reporter be minded to amend the text to reflect the change requested by SEPA. The amended text to policy EMG 3 would read as follows, strikethrough text = deleted text, highlighted text = new text, and is set out below:

‘Policy EMG2 Flooding

Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.

When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.

Development will specifically not be supported in:

- a. locations identified as being at medium to high flood risk, unless it accords with the flood risk framework set out in SPP2014; or
- b. where it would lead to an increase in the probability of flooding elsewhere.

Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The Flood Risk Assessment should be undertaken in accordance with the relevant and prevailing SEPA technical guidance and current CIRIA Guidance C624.

To limit the impact of potential flood risk any development that is subsequently permitted in medium to high risk areas (that accords with the exceptions in the risk framework) or is located in adjacent low to medium risk areas must be built to a water resilient design.

Development that is proposed in an area that is or will be behind a formal flood protection scheme must be an appropriate and acceptable land use for the location, designed to be resilient and must not be constructed until the flood protection scheme is confirmed operational by SEPA.

Appendices 1 & 2 (which respectively list employment and housing land allocations in the plan) identify those sites where there is a known requirement for a FRA, watercourse buffer strips and best practice SuDS treatment. The council nevertheless reserves the right to require the preparation and submission of FRAs for other development sites which present over the plan period where deemed necessary. Guidance will be sought from SEPA and other agencies as appropriate.

Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage.'

Policy EMG 3 Sustainable Drainage

To accord with SEPA requirements, the proposed change to policy EMG 3 is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA. The amended text to policy EMG 3 would read as follows, strikethrough text = deleted text, highlighted text = new text, and is set out below.

'Policy EMG 3 Sustainable Drainage

Developers ~~may~~ **will** be required to submit a Drainage Impact Assessment (DIA) to

ensure that surface water flows are properly taken into account in the design of a development. With the exception of single houses, SuDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates.

Developers will be required to ensure that adequate land to accommodate SuDS is incorporated within development proposals and that housing densities take into account the physical space for effective SuDS. The design of the system should meet best current practice. It is expected that surface water drainage systems, including sustainable drainage systems, for most will be vested in Scottish Water as drainage authority and will, as a consequence, be designed and constructed in accord with the most up to date edition of Scottish Water's Construction Standards and Vesting Conditions 'Sewers for Scotland' (3rd Edition) and at the same time comply with SEPA's Policy and Supporting Guidance on the provision of Waste Water Drainage in Settlements in promoting connection to the public sewerage system where possible.

Where new development (or the change of use of land or buildings) impacts on existing drainage arrangements, the council may require these arrangements to be upgraded and SuDS retrofitted as a condition of planning approval in order to avoid detriment to the water environment.

Where there are existing issues of capacity or flooding associated with combined drainage systems, developers may be required to invest in off-site works to provide additional capacity or reduce loadings on such drainage systems.

Private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system;

Development relying on private sewage systems will only be permitted where there is no public system in the locality and where the council is satisfied that the proposal is acceptable in terms of the impacts on the water environment and on public health. Developments involving private water supplies will only be permitted where there is no public supply in the locality and where the council is satisfied that there is sufficient water and that the proposal is acceptable in terms of the environment and public health.

The council will support in principle the incorporation of water conservation measures in new developments, including rainwater harvesting and systems for the recycling of "greywater".

Regard should also be had to other LDP policies in relation to drainage in new developments, SuDS, flood risk and the treatment of watercourses and proposals will require to contribute to the delivery of green infrastructure and the green network where this is considered appropriate.'

Reporter's conclusions:

The West Lothian Strategic Flood Risk Assessment

1. SEPA made comments on the Strategic Flood Risk Assessment of the plan. Although that document is before us as evidence, it is not the subject of our examination and we therefore make no recommendations in respect of it.

Policies EMG 1 – EMG 3 and associated text

2. We deal with SEPA's representations (and with representations from other parties) on these aspects of the proposed plan under Issue 26U.

Reporter's recommendations:

No modifications.

Issue 1U	SEPA	
Development plan reference:	Miscellaneous	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Miscellaneous	
Planning authority's summary of the representation(s):		
Scottish Environment Protection Agency (0243)		
<u>Representations to Allocated Sites (by Settlement)</u>		
<p>Suggests revision to the text of the various entries in Appendix 2 with respect to flooding advice and essentially a refinement of advice previously provided. In particular the requirements for a FRA and a requirement to contact the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map. Where a FRA is required, further detailed advice is given on the content of any FRA.</p> <p>Sites listed below have not been addressed in separate schedule 4s and associated comments are specific to the site.</p>		
<u>Addiewell & Loganlea</u>		
<u>H-AD 1</u>		
No FRA required in developer requirements. Adjacent site (H-AD 3) mentions significant groundwater issues. The council may wish to confirm this issue does not affect this site as well.		
<u>H-AD 2</u>		
Site will likely be constrained due to flood risk hence capacity of 20 may not be achievable. The council may wish to consider removal of allocation.		
<u>H-AD 3</u>		
Developer requirements mention "Significant groundwater issues. Flood Risk Assessment required." SEPA do not have any more info on this risk.		
<u>H-AD 4</u>		
Developer requirements mentions "Flood Risk Assessment required which assesses the		

flood risk from the Skolie Burn which flows along the western boundary of the site.” We would note that the Skolie Burn flows along eastern boundary rather than western boundary.

Armadale

E-AM 1

FRA to assess the risk from the Boghead Burn and tributaries (and ponds) which flow through the site.

H-AM 1

Several sections of sewer are also noted as flowing through the site and we would recommend that development does not take on top or immediately adjacent to this flood risk.

H-AM 4

No record of previous consultation on this site.

H-AM 3, H-AM 7, H-AM 8, H-AM 9, H-AM 10, H-AM 11, H-AM 16, H-AM 17, H-AM 18, H-AM 18

No further specific advice given.

Bathgate

E-BG 1

There is a pond shown on site which may be attributed to SUDS but should be investigated during site design.

E-BG 2

Due to extent of surface water flooding on site, the council may wish to include a DIA in the developer requirements.

H-BA 3

Site will likely be constrained due to flood risk.

H-BA 7, H-BA 8, H-BA 9, H-BA 15, H-BA 16

The comments SEPA previously provided were for the larger sites which these sites are part of. The council may wish to consider whether these comments remain applicable.

H-BA 21

Should the proposal differ from what was previously agreed SEPA would require an FRA which assess the risk from the Boghead Burn and the small watercourse.

H-BA 30

Site not within Proposed Plan.

E-BG 3, H-BA 1, H-BA 4, H-BA 5, H-BA 10, H-BA 12, H-BA 13, H-BA 14, H-BA 17, H-BA 19, H-BA 20, H-BA 22, H-BA 25, H-BA 28, H-BA 29

No further specific advice given.

Blackburn

H-BB 2

Site will likely be constrained due to flood risk.

H-BB 6

As adjacent to a potential flood risk issue may wish to consider during design.

H-BB 7

The current allocation is slightly smaller than what was previously commented upon. The council may wish to consider whether these comments remain applicable.

H-BB 11

Site not within Proposed Plan.

E-BB 1, E-BB 3, E-BB 4, E-BB 5a, E-BB 5c, E-BB 6, H-BB 1, H-BB 3, H-BB 4, H-BB 5, H-BB 8, H-BB 9, H-BB 10

No further specific advice given.

Blackridge

H-BL 1, H-BL 5, H-BL 6

No further specific advice given.

H-BL 2

Burn does not flow through the site but adjacent to. Our previous comments were for the larger site. May wish to consider a flow path should the burn flow onto the road as potentially indicated by the surface water flow path.

H-BL 3

SEPA's previous comments were for the larger site. May wish to consider a flow path should the burn flow onto the road as potentially indicated by the surface water flow path. There is a small watercourse which was investigated as part of a previous FRA and is a known flood risk. This should also be considered.

H-BL 4

An updated FRA would be required for this site as the Westrigg Way road has modified the flooding in this area.

Breich**H-BR 1, H-BR 2, H-BR 3, H-BR 4, H-BR 5, H-BR 6, H-LW 3**

No further specific advice given.

Bridgend**E-BD 1**

The FRA should assess the risk from the Haugh Burn and any small watercourses within or adjacent to the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding. Consideration should also be given to the pond on-site.

H-BD 2

Historic maps show the small watercourse flows on the opposite side of Auldhill Road

H-BD 4

Site will likely be constrained due to flood risk as we would not accept built development on top or immediately adjacent to any culverted watercourse.

H-BD 1, H-BD 3, H-BD 5

No further specific advice given.

Broxburn**E-BU 1, E-BU 3, E-BU 4**

Site is close to the canal and would recommend that contact is made with Scottish Canals. Water resilient materials mentioned for nearby sites but not here.

E-BU 2

Site is close to the canal and would recommend that contact is made with Scottish Canals (assume that's why water resilient measures are required).

E-BU 6

Site is close to the canal but would appear to be elevated above it.

H-BU 1

Site would appear to be elevated above adjacent canal.

H-BU 2

Site will need to take into consideration the Broxburn FPS and current SEPA guidance on development behind flood defences.

H-BU 3

SEPA previously mentioned that Halcrow flood study showed this site to be out with the 1:200 year flood extent.

E-BU 5, H-BU 4, H-BU 5, H-BU 6, H-BU 7, H-BU 8, H-BU 9, H-BU 10, H-BU 11, H-BU 12, H-BU 14

No further specific advice given.

Dechmont & Bangour

H-DE 1, H-DE 2, H-DE 3

No further specific advice given.

East Calder

E-EC 1, H-EC 1

No further specific advice given.

H-EC 2

SEPA have commented on larger Camps Industrial Estate. Not aware of the flood risk associated with this site. The council may wish to consider whether these comments remain applicable

H-EC 3

Not aware of flood risk associated with the site. Adjacent FRA indicates site is free from flood risk from the Linhouse Water.

East Whitburn

E-EW 1 and E-EW 2

No further specific advice given.

Fauldhouse

H-FA 1, H-FA 2, H-FA 3, H-FA 4, H-FA 5, H-FA 6, H-FA 7, H-FA 8, H-FA 9, H-FA 10, H-FA 11

No further specific advice given.

Landward Area**H-LW 2, H-LW 6**

No further specific advice given.

E-LW 1

Consideration should also be given to flood risk from the pond on the site and we would recommend raised floor levels to reduce any flood risk.

Linlithgow**E-LL 1, E-LL 2, H-LL 1, H-LL 2, H-LL 3, H-LL 4, H-LL 5, H-LL 7, H-LL 11**

No further specific advice given.

H-LL 6

FRA has been provided and SEPA satisfied this addresses flood risk from Mains Burn but that to reduce residual risk from surcharging of M9 culvert, floor levels should be raised to at least 40.5mAOD. We support the statements for "The site is traversed by drainage infrastructure which requires to be identified and protected" and "Requirement to accommodate a buffer strip of 6m between the development and the Mains Burn which straddles the eastern boundary of the site".

H-LL 10

SEPA's previous response requesting the FRA was for consultation on a much larger site than currently proposed. SEPA have no information to indicate flood risk to this smaller site and would not request an FRA. However, SEPA do still recommend measures to mitigate flood risk due to steep topography.

H-LL 12

The surface water flood maps indicate there may be a small watercourse running through the site from the reservoir to the Union Canal. Consideration should also be given to flood risk from the Union Canal and flood mitigation measures and early engagement with Scottish Canals is recommended.

Livingston**H-LV 17**

SEPA previously removed objection to development in northern part of this site following submission of FRA but any changes to the proposals in 0239/FUL/15 would require further information submitted.

No further specific advice given on remaining Livingston sites that have not been addressed by other Schedule 4's.

Mid Calder

H-MC 1

No further specific advice given.

Philpstoun

H-PH 1

Recommend flood resilient and resistant measures to address surface water flood risk.

Pumpherstoun

H-PU 1, H-PU 2, H-PU 3

No further specific advice given.

Seafield

H-SF 1

No further specific advice given.

Stoneyburn/Bents

H-SB 1, H-SB 2, H-SB 3, H-SB 4, H-SB 5, H-SB 7

No further specific advice given.

H-SB 6

The site does lie adjacent to indicative flood outline however there is a 5m height difference and as a result there is no risk of flooding from the Breich Water that lies within 40m of the boundary of the site to the south. There is a risk of surface water flooding shown on our flood maps however it is likely this map is simply picking up the low lying small watercourses channel

Uphall

E-UH 1, E-UH 2, E-UH 3

No further specific advice given.

West Calder

No further specific advice given for the allocated sites in West Calder

Westfield

H-WF 1

No further specific advice given.

Whitburn

E-LW 5, E-WH 1, H-WH 1, H-WH 3, H-WH 4, H-WH 5, H-WH 6, H-WH 2

No further specific advice given.

H-WH 7

SEPA hold no records of this flooding. It also states that the Gogar Burn flows along the southern boundary which is not the case. The sole issue we have identified is that there is a possibility of a culverted watercourse flowing through the site as outlined within our comments on allocation PJ004 in May 2013

Wilkieston

H-WI 1

SEPA's previous comments (EO1-0076) did not ask for a FRA and they hold no information to suggest the site is at risk of fluvial flooding.

H-WI 2

No further specific advice given. Notes that the code within the proposed plan is different to the GIS information with the proposed plan code as H-WH2 (which is also the reference for Polkemmet Heartlands)

Winchburgh

E-WB 1, E-WB 2, H-WB 1, H-WB 3, H-WB 4, H-WB 6, H-WB 7, H-WB 8, H-WB 9, H-WB 10, H-WB 11, H-WB 14, H-WB 18

No further specific advice given.

H-WB 5

A pond is located to the east of the site and it is possible that the outflow from this watercourse is culverted beneath the site.

H-WB 12

Consideration should be given to the flood risk from the Union Canal and flood mitigation measures and early engagement with Scottish Canals is recommended.

H-WB 13

The small watercourse is culverted at the south eastern corner of the site and should be assessed

Modifications sought by those submitting representations:
<p>Scottish Environment Protection Agency (0243)</p> <p>As per commentary above</p>
Summary of responses (including reasons) by planning authority:
<p><u>Representations to Allocated Sites (by Settlement)</u></p> <p>Scottish Environment Protection Agency (0243)</p> <p>SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entries referencing the sites in Appendix 2 with respect to flood advice. The council has however, reviewed and suggested through separate Schedule 4s where modifications may be appropriate to reflect extended/updated advice from SEPA.</p>
Reporter's conclusions:
<ol style="list-style-type: none"> 1. We deal elsewhere with SEPA's comments on the wording of some of the proposed policies in the plan. 2. In addition, SEPA provided comments on the requirements for flood risk assessment for all the employment and housing land allocations in the proposed plan, for entry into Appendix One (employment sites) or Appendix Two (housing sites). Of all these sites on which SEPA made comments, Table 2 of its response identified those sites where it recommended a specific change to the contents of those appendices. 3. Most of the sites in SEPA's Table 2 are covered elsewhere – for some of those sites SEPA's representation on flood risk is the only one before us, whereas for other sites it is one of several representations relating to the site. The sites I address here, below, are those sites where SEPA has suggested a modification but which are not addressed in any of the other Schedule 4 forms provided by the council. 4. For some sites, it was initially unclear to us where (or whether) the council had addressed SEPA's recommendations. I issued a further information request (FIR01) to clarify this. In responding to this request, the council confirmed, for some of the sites, where its response could be found. In addition, for some sites, the council acknowledged that it had not yet provided a response to SEPA's representations. The council therefore provided its comments on these sites in its response to the FIR. 5. In most cases, the council takes no strong exception to the appendices being updated in line with SEPA's recommendations. For some sites, the council points out that there is planning permission already in place (or even that the development is underway) and that therefore no further flood risk assessment (beyond any which is a requirement pursuant to the existing permission) can be required. However, and as the council acknowledges, amended proposals may come forward which require new planning applications. 6. For the most part, I refer below only to those sites in respect of which the council had not previously responded to SEPA's representations.

H-AM 8 Tarrareoch Remainder, Armadale

7. We address this site under Issue 3C, where SEPA's comments in relation to the other Armadale CDA sites are also addressed.

H-LV 13 Gavieside Farm, Livingston

8. The council says in its response to FIR01 that it had not previously responded to SEPA's comments on this site. In fact it had done so – under Issue 16V, which is where we address this site.

P-48 Murieston West, Bankton, Livingston

9. This is land safeguarded for community/health service uses, rather than a specific development proposal. I note also that Appendix Six of the plan is, as the council points out, simply a list of proposals rather than a schedule which aims to set out developer requirements and other information. I am therefore satisfied that there is no need to make reference to the requirement for a flood risk assessment for development at this site.

H-WC 1-4 West Calder CDA sites

10. We address these sites under Issue 21A

H-WB 3-13 Winchburgh CDA sites

11. Table 2 of SEPA's representation indicates a desire for modifications to the flood risk assessment requirements in Appendix Two of the plan for several of the Winchburgh CDA sites. But it is not clear from the table which specific allocations SEPA is referring to. In response to FIR01, the council helpfully clarified this. However, I find it difficult to reconcile SEPA's detailed comments on the housing allocations in the spreadsheet (document SD063) which accompanied its representation with its more general comments on the CDA in Table 2. I note also that several of these sites already have planning permission or are under construction. In any event, for each of these sites (H-WB 3-13), Appendix Two already states that a flood risk assessment is required. I see no great need for any further refinement.

H-BL 3 Westcraigs Road, Blackridge

12. We address this site, along with issues raised in other representations relating to Blackridge, at Issue 6A.

H-LV 2 Murieston South, Livingston

13. SEPA requests an assessment of the flood risk from the small watercourse on the southern boundary of this site. However, as the planning authority advises, development of this site is now complete. Therefore no modification is required.

E-WH 1 Cowhill, Heartlands Business Park, Whitburn

14. We address this site under Issue 22A.

H-WH 3 Polkemmet Remainder, Whitburn

15. We address this site under Issue 22C.

E-WB 2 Myreside West, Winchburgh

16. We address this site under Issue 24G.

Reporter's recommendations:

No modifications.

Issue 1W	Policy ENV 26	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 26.	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Newton Community Council (21902291) Aithrie Estates and Hopetoun Estate Trust (21900249) Aithrie Estates and the Hopetoun Estates Trust (21868310)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy Conservation Area at Abercorn / Hopetoun Estate Policy ENV 26 (page 56)	
Planning authority's summary of the representation(s):		
<p>Newton Community Council (21902291)</p> <p>Welcomes and supports the Council's intention to undertake an appraisal of Hopetoun & Abercorn with a view to designation as a conservation area.</p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249) Aithrie Estates and the Hopetoun Estates Trust (21868310)</p> <p>Object to the proposed application of ENV 26. Advises that Hopetoun House is covered by various designations which provide the council with the necessary protection required. It is suggested that:</p> <ul style="list-style-type: none"> • the inclusion of these sections is pre-emptive: there has been no assessment or consultation; • the wording suggests a "<i>fait accompli</i>"; • the general policy is covered by Policy ENV 23; • there are already sufficient measures and provisions in place to protect the historic environment; • the historic environment is not under threat (ENV30), but rather actively managed; and • designation would be an unnecessary impediment to existing land use and an obstacle to effective management of the Designed Landscape. <p>Considers that there are sufficient mechanisms in place thereby negating the need to pursue the designation of a new conservation area and considers that it would be counter productive to the management of the historic environment.</p>		
Modifications sought by those submitting representations:		
<p>Newton Community Council (21902291)</p> <p>No modification requested in terms of policy ENV 26.</p>		

Aithrie Estates and Hopetoun Estate Trust (21900249), Aithrie Estates and the Hopetoun Estates Trust (21868310)

Deletion of paragraph 5.190 and policy ENV 26.

Summary of responses (including reasons) by planning authority:

Newton Community Council (21902291)

The council welcomes the community council's support for policy ENV26.

Aithrie Estates and Hopetoun Estate Trust (21900249), Aithrie Estates and the Hopetoun Estates Trust (21868310)

The designation of a conservation area in the Hopetoun and Abercorn area has been a longstanding aim of the council. Abercorn was designated an "Area of Special Control" in the Linlithgow Area Local Plan adopted in 1994 (CD095), covered by policy C5 of that plan. The plan stated that the option to designate a conservation area would be kept under review.

Within the West Lothian Local Plan (2009), Abercorn is noted as an area of built heritage and townscape value, with policy HER25 applying. It is stated, at paragraph 4.48, that Hopetoun and Abercorn is a prospective conservation area designation on account of the outstanding national architectural and historic character of the area.

There has been no material change in circumstance which would indicate that the character of the area does not merit consideration and designation as a conservation area. The council therefore considers that the plan should not be modified in respect of this representation.

Reporter's Conclusions

1. Whilst I note that it has been a longstanding aim of the council to designate a conservation area for Abercorn/Hopetoun, I am conscious that there is nothing before me to indicate a particular area (for example a site map) and there is no specific evidence from the council as to why such a conservation area may be appropriate.

2. There is concern that the council, in paragraph 5.190 of the plan, is being presumptuous in referring to an area meriting designation before the necessary appraisal work and consultation have been undertaken in order to properly understand the character and appearance of the area. I have some sympathy with this concern, particularly given that Scottish Planning Policy (SPP) is clear that in designating and reviewing existing and potential conservation areas, such work is to be supported by conservation area appraisals.

3. However, I am also mindful that the council, through its local development plan, is required to provide the framework for protecting and enhancing the historic environment. I noted during my site inspection that the area centred on Hopetoun House and Abercorn village would appear to be of particular architectural and conservation interest and I am conscious that there is a rich history associated with the area largely due to the buildings and the surrounding land. I therefore consider that the inclusion of Policy ENV 26 Hopetoun Estate and Abercorn Village forms an appropriate part of this framework for

protecting and enhancing the historic environment.

4. It has been pointed out that there are already several designations covering the area which provide sufficient heritage protection. However, in terms of the principles for selection for designation as a conservation area, features of architectural and historic interest can also include historic gardens and designed landscapes.

5. Should a conservation area be designated, I do not accept that it would cause an unnecessary impediment to existing land use and an obstacle to effective management of the designed landscape at Hopetoun. The purpose of such a designation is to preserve or enhance the character or appearance of an area and these aims and current land use and effective management should not be mutually exclusive of each other.

6. In light of my comments above, I recommend that paragraph 5.190 is amended to reflect the council's view that the area merits conservation area status (rather than stating this as established fact), given that appraisal work and consultation have yet to be carried out. I also consider, given the work that will be required, that the wording of Policy ENV 26 should be amended to be less presumptuous.

Reporter's Recommendations

1. In paragraph 5.190, delete the words 'merit designation as a conservation area' and replace with the following text:

'consider conservation area status. In reaching a decision on this, the council will undertake an appraisal of the area and undertake consultation with interested parties.'

2. In Policy ENV 26 Hopetoun Estate and Abercorn Village, delete 'prospective' and replace with 'potential'.

Issue 1X	Other Matters / Editing Changes	
Development plan reference:	Not applicable	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
West Lothian Council		
Provision of the development Plan to which the issue relates:	Various – see below	
Planning authority's summary of the representation(s):		
<p>This Schedule outlines the council's proposed editing changes to the Pre-Submission West Lothian Local Development Plan. The amendments are for the purpose of factual correction and are in the nature of minor wording, typographical, cartographical, drafting and/or technical changes and are intended to update the document, improve clarity, legibility and presentation. The revisions do not alter the overall impact of the Local Development Plan or change its direction, or affect the substance or soundness of the document and therefore do not require to be the subject of public consultation.</p>		
Modifications sought by those submitting representations:		
<p>A comprehensive list of the corrections which the council proposes to make to the Proposed Plan is attached as an Excel spreadsheet (SD060). It references the relevant page of the Proposed Plan or Map (or both), advises if the corrections are mapping or typographical in nature, identifies the specific issue to be addressed and provides details of the remedial action required.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The changes listed reflect matters the council has identified since publication of the LDP Proposed Plan and are considered by the council to be minor changes to the plan. They also reflect in part matters raised through consultation on the proposed plan.</p>		
Reporter's conclusions:		
<p>1. The spreadsheet referred to above by the planning authority records (in red script) a list of what would be substantive modifications to the plan and which, whilst not directly supporting them, the council takes no particular exception. We deal with these (where they appear) in the relevant Schedule 4 forms and I need say no more about them here.</p> <p>2. The spreadsheet also records (in black script) other modifications which the council proposes, and which it considers to 'be non-material'. I take this to be intended to mean that they would be minor modifications not covered by Regulation 15 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008. I note that many of these other modifications are also referred to by the council in the Schedule 4 forms for</p>		

other Issues. Albeit these may be described by the council in the spreadsheet as 'non-material' (or 'non-notifiable' in the words of Circular 6/2013 Development Planning), we find that that is not always the obvious implication from the way the council treats these in the other Schedule 4 forms. For the avoidance of doubt, our conclusions in respect of any such modifications are addressed under those other Issues, where they appear. Where the implication is that they would be material changes, then we treat them as such and make recommendations accordingly.

3. It will remain a matter for the council, in the first instance, to consider what other minor modifications can be treated as non-notifiable. It is not within the scope of our examination to recommend modifications the need for which does not arise from consideration of the unresolved matters raised in representations on the proposed plan.

Reporter's recommendations:

No modifications.

Issue 2A	Allocation of land for development in Addiewell & Loganlea	
Development plan reference:	H-AD 4 (Loganlea Place) PJ-003 (Station Road) E-AD 1 (Addiewell West)	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Elaine Regan (20927017) Scottish Environment Protection Agency (21212283) John Quilter (21222232) North Salvage Auto Auctions (21661836)		
Provision of the development Plan to which the issue relates:	Housing Land Requirements (page 20 paragraphs 5.36-5.49) New Housing Sites and Design (page 24 paragraphs 5.54-5.56) Strategic Allocations (page 25 paragraphs 5.57-5.61)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-AD 4 (Loganlea Place)</u></p> <p>Elaine Regan (20927017)</p> <p>Sceptical that the enhancement of the natural environment will be achieved by the allocation of site H-AD 4 for housing. Development of this attractive part of the countryside will obliterate views.</p> <p>John Quilter (21222232)</p> <p>Objects to the proposed plan to allocate land under proposal H-AD 4 at Loganlea Place in Addiewell. No reason given for objection.</p> <p><u>E-AD 1 (Addiewell West)</u></p> <p>Scottish Environment Protection Agency (21212283)</p> <p>SEPA does not object to the allocation. While acknowledging that Appendix 1 – Employment Land Allocations, Addiewell, (page 101) already identifies the requirement for a Flood Risk Assessment, it suggests a revision to the text of the entry in Appendix 1 which expressly requires the Flood Risk Assessment to have regard to any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p> <p><u>Representations to Non-Allocated Sites</u></p> <p><u>PJ-003 (Station Road)</u></p> <p>North Salvage Auto Auctions (21661836)</p>		

Proposes that the site should be allocated for residential development. In addition to avoiding the site becoming derelict, a number of reasons why the allocation of the land for housing would be beneficial are detailed, including:

- The site is brownfield and has the physical characteristics that are well suited for a housing development.
- The site is in an accessible location especially as it is the very close proximity to Addiewell railway station with regular and frequent services to both Edinburgh and Glasgow.

The Council's "Consultation responses to expressions of interest sites" concludes that the site is not a preferred housing site, however the replies from consultees do not highlight any issues that would prevent development. The site has been marketed for more than three years and the respondent considers that this demonstrates there is no realistic demand for employment land and maintaining the current employment land allocation (Policy EMP 1 – Adopted West Lothian Local Plan).

In addressing the concerns expressed by the council regarding remoteness and there being a limited range of local facilities available within the settlement, the respondent considers that any minor disadvantage of this remoteness is more than compensated for in the close proximity of the site to Addiewell railway station.

Housing Land Requirements (page 20 para 5.36-5.49)

Elaine Regan (20927017)

Suggests that land allocated for housing in a "socially deprived area" is not going to regenerate the area but will instead just bring in more socially deprived people. Addiewell, in particular, does not meet the criteria of "sustainable development goals, community regeneration and would fall short of maintaining and enhancing the character and identity of towns and villages. Infrastructure improvements are not keeping up with the need for more houses and in effect, Addiewell is fast becoming an area of even greater deprivation.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-AD 4 (Loganlea Place)

Elaine Regan (20927017), John Quilter (21222232)

Seeks a modification of the Proposed Plan to remove site H-AD 4 as a housing allocation.

E-AD 1 (Addiewell West)

Scottish Environment Protection Agency (21212283)

Suggests that additional text be incorporated into the entry referencing the site in Appendix 1 of the Proposed Plan.

Representations to Non Allocated SitesPJ-003 (Station Road)

North Salvage Auto Auctions (21661836)

Seeks a modification of the Proposed Plan to allocate a site on the eastern side of Station Road (north of rail line) for housing.

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesH-AD 4 (Loganlea Place)

Elaine Regan (20927017), John Quilter (21222232)

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. The site is of a suitable size and location for development that can be brought forward to support development requirements in Addiewell and therefore the allocation should remain in terms of meeting housing requirements.

The council has carefully considered the reasons put forward but remains of the view that there is no justification to remove the allocation of this land for housing. For these reasons, the council does not propose to modify the LDP in response to these representations.

E-AD 1 (Addiewell West)

Scottish Environment Protection Agency (21212283)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 with the addition of text that the FRA should consider any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Representations to Non Allocated SitesPJ-003 (Station Road)

North Salvage Auto Auctions (21661836)

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to re-allocate this land for residential development set out below.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements.

There is a need to maintain an adequate supply of employment land to ensure that employment opportunities are available locally. The site contributes towards this and lies within an employment area in the adopted West Lothian Local Plan 2009 (CD092).

While the site is in close proximity to the Addiewell railway station, it is nevertheless remote from facilities which would serve residential development and there are education infrastructure issues. Other more acceptable sites are proposed to be brought forward to support development requirements.

Housing Land Requirements (page 20 para 5.36-5.49)

Elaine Regan (20927017)

The council's justification for its approach to housing land requirements and housing land supply is set out in a separate Schedule 4 number 1A.

Reporter's conclusions:

H-AD 4 Loganlea Place

1. I observed during my site inspection that there is residential development to the west and south of this site. The Skolie burn and associated vegetation form the eastern boundary beyond which is the local primary school. I observed that vehicular and pedestrian access can be achieved via Loganlea Place at the south west corner of the site. Given the surrounding uses, the proximity to the local school and the fact that site access is achievable, I am satisfied that the site is appropriate for allocation for residential development. Although the council does not refer to the fact above, this site is already allocated for housing in the current local plan.

2. I note that a buffer strip is to be provided between the development and the burn and that a flood risk assessment is required. Whilst concern has been expressed by a local resident in a neighbouring property about the loss of views if this site is allocated for development, the impact on views from neighbouring properties is not something that I can take into account as part of my considerations. I note that Mr Quilter has objected to the allocation but has not given his reasons for doing so. There is insufficient justification provided for me to recommend the removal of this allocation from the plan.

E-AD 1 Addiewell West

3. SEPA has identified a small watercourse which flows through the site and has sought further clarity on developer requirements in relation to this matter. However, the entry for this site already identifies the need for a flood risk assessment, which in my view provides sufficient detail at this stage.

PJ-003 Station Road

4. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. We conclude at Issue 26A that there is a significant surplus of employment land. Therefore I give serious consideration to the case for allocating this site for housing.

5. Whilst I accept that the site is reasonably close to Addiewell train station and that efforts should be made to locate housing close to such uses in order to encourage travel by sustainable modes, it is also important to consider proximity to other complimentary uses (e.g. shops and sports facilities) that can be accessed easily on a daily basis. I noted during my site inspection that the site is remote from facilities that would serve residential development. I also observed that there is a salvage yard immediately west of the site and the grounds of Addiewell prison to the north and east of the site. The railway line is located to the south and warehousing is located immediately south west of the train station. Whilst there is some housing to the north west at Station Court, this is not related to the site and is physically remote from it. Given the nature of the surrounding environment, I am therefore not convinced that the site is appropriate for allocation as a housing site.

6. Given the site's location and the uses in the immediate vicinity, it appears logical to continue to identify this as part of an employment area which accommodates warehousing, scrap yards, salvage yards etc. Whilst I appreciate that the site has been marketed for some time this does not, given my findings above, justify its allocation for housing development.

7. Therefore, despite our conclusions at Issues 1A and 26A, I do not recommend that this site be allocated for housing.

Reporter's recommendations:

No modifications.

Issue 3A	Allocation of land for residential development in Armadale	
Development plan reference:	H-AM3 (Nelson Park)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr & Mrs Inglis (0024) Shelia Smith (0377) Lynn Garvie (21526588) Fiona McComb (21796046) Marion Courtney (21900592) Dale Aitken (21901329) Nicola Graham (21910116)</p>		
Provision of the development Plan to which the issue relates:	Allocation of land for residential development in Armadale	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-AM3, Nelson Park</u></p> <p>Mr & Mrs Inglis (0024)</p> <p>Objects to the allocation reference H-AM3 on the following grounds:</p> <p>The proposed site is to be elevated to ensure drainage is sufficient. This means existing properties will be below the level of the site and therefore intake additional water due to the site elevation causing potential significant property damage. The site proposed is a public park which has already been allowed to become in a state of disrepair. The amount of housing being built in the area necessitates more public park areas not less. There are many other development opportunities in the local area which do not involve the destruction of a children's play area.</p> <p>Shelia Smith (0377), Fiona McComb (21796046), Marion Courtney (21900592)</p> <p>Object to the allocation reference H-AM3 on the following grounds:</p> <p>Site should have never been designated as it is unsuitable for development as raised by one of members of the Committee meeting on 1 July 2015; the site is a significant flood risk area and requires supplementary drainage on an ongoing basis; the site is to be elevated to ensure drainage is sufficient; loss of amenity and greenspace; lack of information to consider the impact on sunlight and to address safety and noise; infrastructure constraints in the primary school and healthcare facilities; access constraints through the existing estate; lack of transparency of planning process.</p>		

Lynn Garvie (21526588)

Objects to the allocation of site H-AM3 on the following grounds:

Loss of amenity and greenspace; the council has deliberately allowed Nelson Park to dilapidate to prevent public use and justify its plans; the site should have never been designated as it is unsuitable for development as raised by one of members of the Committee meeting on 1 July 2015; the site is in a significant flood risk area and requires supplementary drainage on an ongoing basis. The proposed site is to be elevated to ensure drainage is sufficient; current planning application should be revoked.

Dale Aitken (21901329)

Objects to the allocation of site H-AM3 on the following grounds:

Loss of amenity and greenspace; the council has deliberately allowed Nelson Park to dilapidate to prevent public use and justify its plans; disingenuous for the council to firstly approve a planning application for the site, then advise that the said plans will likely change significantly, then retrospectively move to change the zoning classification of the land.

Nicola Graham (21910116)

Object to the allocation reference H-AM3 on the following grounds:

The site is a significant flood risk area and requires supplementary drainage on an ongoing basis; the proposed site is to be elevated to ensure drainage is sufficient; infrastructure constraints in the primary school and healthcare facilities; after the original planning consent was issued, the builder has already gone back on their agreement to build a play park in the estate; and access constraints through the existing estate.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-AM3

Mr & Mrs Inglis (0024), Shelia Smith (0377), Fiona McComb (21796046), Marion Courtney (21900592), Dale Aitken (21901329), Nicola Graham (21910116)

H-AM3 (Nelson Park) should be removed as a housing allocation.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-AM3

Mr & Mrs Inglis (0024), Shelia Smith (0377), Lynn Garvie (21526588), Fiona McComb (21796046), Marion Courtney (21900592), Dale Aitken (21901329), Nicola Graham (21910116)

The council has carefully considered the reasons put forward in support of the removing H-AM3 as a housing allocation but remains of the view that there is insufficient justification to remove this land for development.

Planning permission (reference 0284/FUL/15) was granted on 3rd July 2015 for the erection of 14 houses and 12 flats with associated works (CD309).

Most of the concerns raised in the objections relating to drainage, loss of amenity and public open space were considered compressively during the assessment of the planning application. Suitable measures must be implemented to ensure suitable drainage measures.

In terms of the loss of open space SportScotland were consulted and did not object to the loss of the grass pitch as it will not result in any deficiency in pitch provision in Armadale due to a capital commitment by the council to deliver a replacement facility.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. This is a suitable site for development that can be brought forward to support development requirements and therefore the allocation should remain in terms of meeting housing requirements.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is no justification to remove the allocation of this land for housing. For these reasons, the council does not propose to modify the plan in response to these representations.

Reporter's conclusions:

1. I acknowledge all the concerns raised by those who are opposed to the allocation of this site. However, the existing planning permission (and indeed its allocation for housing in the current local plan) means that the principle of residential development of the site has already been established. Given that context, I am satisfied that it is appropriate that this allocation be retained.

Reporter's recommendations:

No modifications.

Issue 3C	Armadale Core Development Area	
Development plan reference:	H-AM1, H-AM 2, H-AM 5, H-AM 6, H-AM 7, H-AM 11, H-AM 14, H-AM 15 and E-AM 1	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>R Drummond (Carriers) Ltd T/A Drummond Distribution (21617417) EWP Investments Ltd (0245 and 21868317) Woodhead Developments Scotland Ltd (21868770) Scottish Environment Protection Agency (0243) Donald Dunlop (21421112) The River Forth Fisheries Trust (21885347)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Landward (page 80) Proposals Map 4, Bathgate Area Appendix 2, Pages 127-134	
Planning authority's summary of the representation(s):		
<p>R Drummond (Carriers) Ltd T/A Drummond Distribution (21617417) - offers additional land at H-AM 2 for a link road only with remaining land to be left to potential future expansion of existing business (H-AM 2).</p> <p>EWP Investments Ltd (0245 and 21868317) - supports CDA allocation at Southdale; site delivery requirements are challenged; seeks amendment to site areas and increase to site capacity within the Southdale area; seeks relocation of employment land to the south of the existing allocation; seeks change in approach to development of Southdale, E-AM 1 & H-AM 7, H-AM 8, H-AM 9, H-AM 10, H-AM 11 and H-AM 14.</p> <p>Woodhead Developments Scotland Ltd (21868770) - objects to LDP in relation to the Colinshiel CDA-CS land allocations H-AM 2, H-AM 5 & H-AM 6. Indicates that housing is not deliverable due to adverse ground conditions and that prohibitively expensive infrastructure solutions are required to enable development. As a consequence development of the site is constrained.</p> <p>Scottish Environment Protection Agency (0243) - does not object to the allocations but observes that the references to flood risk in Appendix 2 are inadequate for sites H-AM 2, H-AM 5, H-AM 6, H-AM 12, H-AM 13, H-AM 14 and H-AM 15.</p> <p>Donald Dunlop (21421112) - has intimated issues with relative to site H-AM 15 and it's boundary with Tarrareoch Court but has not elaborated further on what these are.</p> <p>The River Forth Fisheries Trust (21885347) – objects to the inclusion of any area proposed for development where it is contrary to the following policies of the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also advises that all development should ensure that it complies with Policy DES 1 (f) - the development does not result in any</p>		

significant adverse impact on the water environment as required by the Water Framework.

Modifications sought by those submitting representations:

R Drummond (Carriers) Ltd T/A Drummond Distribution (21617417) - objection is raised to the inclusion of site H-AM 2 and proposes it is removed from the LDP.

EWP Investments Ltd (0245 and 21868317) - seeks modifications of the Proposed Plan to (a) amend the site area and capacity of site H-AM 8 to reflect effective development site, (b) exclude development from an area of community woodland within H-AM 8, (c) amend requirements for H-AM 11 to reflect the planning consent, (d) amend site H-AM 14 to reflect effective developable area of 10.16 hectares and (e) relocate employment land to the south of the existing allocation.

Woodhead Developments Scotland Ltd (21868770) - objection is raised to the inclusion of sites H-AM 2, H-AM 5 and H-AM 6 and proposes they are removed from the LDP while at the same time allowing for their capacity to be added to CDA-SN & CDA-SS allocations (H-AM 12 and H-AM 13).

Scottish Environment Protection Agency (0243) - it is suggested that additional text be incorporated into the entries referencing sites H-AM 2, H-AM 5, H-AM 6, H-AM 12, H-AM 13, H-AM 14 and H-AM 15 in Appendix 2 of the plan to take account of SEPAs requirements in relation to flood risk.

Donald Dunlop (21421112) - no modifications made.

River Forth Fisheries Trust (21885347) – does not specify any modification but objection is raised to the inclusion of any area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

Summary of responses (including reasons) by planning authority:

R Drummond (Carriers) Ltd T/A Drummond Distribution (21617417), Woodhead Developments Scotland Ltd (21868770)

Colinshiel (H-AM 2, H-AM 5 and H-AM 6)

The site continues to form part of the council's preferred development strategy, carried forward from the adopted West Lothian Local Plan. The council considers that the site can still contribute to the Armadale Core Development Area and is a suitable site for sustainable growth of the settlement. An application for planning permission in principle for residential development on this site was however refused by the council on 18th February 2016 as agreement could not be reached over developer contributions (0451/P/09) (CD334). The council does not propose any change to the LDP in relation to these submissions.

Woodhead Developments Scotland Ltd (21868770)

Standhill (H-AM 12 and H-AM 13)

The council considers that there are sufficient allocations within the Armadale area and that an increase in the allocation at Standhill is unnecessary. Furthermore there are infrastructure and education capacity constraints within the settlement which may prevent any additional development.

The council does not propose any change to the LDP in relation to these submissions. However, in the event that the reporter agrees that the housing allocation at H-AM 2, H-AM 5 and H-AM 6 should be deleted or reduced it is considered that some of the units could be accommodated within the existing Standhill allocations. The council proposes an amendment to Proposals Map 4 in relation to site H-AM 13 to correct a drafting error.

EWP Investments Ltd (0245 and 21868317)

Southdale (H-AM 7 – 14)

The council considers that there are sufficient allocations within the Armadale area and that an increase in the allocation at Southdale is unnecessary. Furthermore there are infrastructure and education capacity constraints within the settlement which may prevent any additional development.

The physical extension of the allocations here would extend into land which is identified as countryside belt, designed to prevent the coalescence of Armadale with the neighbouring settlements of Bathgate and Whitburn. Other more acceptable sites are being brought forward to support development requirements in the wider area.

The council does not propose any change to the LDP in relation to these submissions, however, in the event that the reporter agrees that the housing allocation at H-AM 2, H-AM 5 and H-AM 6 should be deleted or reduced it is considered that some of the units could be accommodated within the existing Southdale allocations, without necessarily extending the physical boundaries of the allocation.

Scottish Environment Protection Agency (0243) - SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entries referencing the sites in Appendix 2 with the addition of text that provides further details for consideration in site specific Flood Risk Assessments.

It should be noted that several of the sites referred to (H-AM 7-11, H-AM 14 and H-AM 15) already benefit from planning permission. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted. Whilst any change to the text would have no effect on any extant planning permissions it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

River Forth Fisheries Trust (21885347)

Tarrareoch Farm (E-AM 1)

It has already been acknowledged in Appendix 1, page 101 of the LDP (CD078) that site E-AM 1 is susceptible to flooding and a flood risk assessment is identified as being required.

In assessing any development proposals which have the potential to affect the Bathgate Water/Boghead Burn, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is compliant with policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 with the addition of text which stated ‘impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.’

Reporter’s Conclusions:

Flood Risk

1. SEPA provided comments on the requirements for flood risk assessment for all the housing land allocations in the proposed plan, for entry into Appendix Two. Of all those sites on which SEPA made comments, Table 2 of its response identified those where it recommended a specific change to the contents of Appendix Two. For some sites, it was initially unclear (at least to us) where (or whether) the council had addressed SEPA’s recommendations. We issued a further information request (FIR01) to clarify this.

2. In respect of sites within the Armadale CDA, the council’s response clarified that the sites referred to in SEPA’s Table 2 were sites H-AM 5-8 and H-AM 12-15. SEPA’s representation may also relate to site H-AM 2, which is part (along with H-AM 5 & 6) of the Colinshiel component of the Armadale CDA . I address here SEPA’s representations in respect of all of these sites. In any event, Appendix Two already states, for all these sites, that a flood risk assessment is required. This is, generally speaking, the same level of detail of advice on flood risk as is provided for most sites in the plan. I consider that this is a reasonable approach. I see no compelling need to provide more detailed advice for these sites in Armadale.

Impacts on Bathgate Water/Boghead Burn

3. The River Forth Fisheries Trust raises concerns about the potential impacts of development at site E-AM 1 Tarrareoch Farm on the Bathgate Water/Boghead Burn and

on the Trust's project (in collaboration with the council, SEPA and other partners) to reconnect local communities to the watercourse. It also makes similar comments about a number of sites in Bathgate.

4. I note the council's suggestion that Appendix One references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust's project, the flood risk assessment and other supporting information required for development of this site ought to be sufficient to ensure that the aims of the project could be properly reflected. No modification is required.

Colinshiel

5. The Colinshiel component of the Armadale CDA comprises three sites – H-AM 2 Heatherfield (West), H-AM 5 Colinshiel (Site A) and H-AM 6 Colinshiel (Site B). Altogether these have an indicative capacity of 340 units – 70 on H-AM 2 and the remainder split evenly between the other two sites. The proposed plan, at Appendix Two, requires a new distributor road serving Colinshiel and linking East Main Street (A89) with North Street (B8084).

6. Both Woodhead Developments (who have an interest in the Standhill component of the CDA, at the western edge of the town) and EWP Investments (who have an interest in the Southdale component, to the south) are sceptical about the prospects for development at Colinshiel. John Orr (21716490) shares the same misgivings, and in fact is also doubtful about the prospects for development across the entire Armadale CDA.

7. R Drummond Carriers Ltd owns sites H-AM 2 and H-AM 5. Their haulage and distribution business is located immediately to the west of H-AM 2, which they confirm they will not make available for housing development. Instead, the company wishes to expand its business eastwards onto that site. Drummond says that it is unlikely that the remainder of the Colinshiel component of the CDA would be developed in the foreseeable future, although it is stated that it would remain available for 'long term' housing development.

8. In light of this representation I sought (FIR29) the further views of the council and other parties on the justification for retaining these allocations in the plan, and on whether H-AM 5 & 6 could proceed in the absence of a link road to them through H-AM 2.

9. In responding, the council says that it cannot force a landowner to release land for development. There is now a pending planning application for the extension of the existing Drummond business into H-AM 2. That proposal is considered, at officer level at least, to have some merit.

10. The council did not say whether it thinks that H-AM 2 should be retained as a housing allocation. Given the very clearly stated intentions of the landowner (backed up by the current planning application for the site) there seems little case for doing so. Drummond did not reply to my request for further evidence. I recommend that this allocation be deleted from the plan.

11. Consequently, I must consider whether sites H-AM 5 & 6 should be retained. In

response to FIR29, the council envisages that some development could take place on these sites without a link road, but it also states that both sites 'remain viable housing allocations, but only if the proposed link road from North Street to East Main Street is included.' I take the council to mean that delivery of the full allocations would need the link road, but that a smaller amount of development there might be permissible without it.

12. I appreciate that, as has been stated by those parties who are doubtful about the prospects of developing this land, there may be difficult ground conditions across some of it. For what it is worth, it appeared to me during my site inspection that there are boggy conditions on some of it. Woodhead Developments says that the impact of adverse ground conditions (deep peat and the legacy of former mining) and a high pressure gas mains at the eastern end of the sites were underestimated and incorrectly assessed at the time these sites were considered for allocation in the current local plan. The high infrastructure costs and the need for developer contributions are also said to add to the difficulties of development. On the face of it, these costs and difficulties would appear to have contributed to the decision to abandon previous proposals to develop these sites.

13. I am also conscious that the Colinshiel component of the CDA seems to have been conceived as a whole. As EWP points out in response to FIR29, without housing on H-AM 2, housing on H-AM 5 & 6, accessible by a link road through either undeveloped land or alongside an expanded Drummond site, could appear somewhat remote and dislocated from much of the rest of the town.

14. In all of this context, it behoves me to give serious consideration to whether allocations H-AM 5 & 6 should remain in the plan. However, the evidence does not indicate that they are incapable of being developed. Noting that Drummond does not rule out the prospects of housing development on these sites, I am satisfied that they should remain as housing allocations. This would allow for a situation where aspirations for housing development on these sites could still come forward earlier than Drummond might currently anticipate.

15. I return then to the question of the link road through H-AM 2. Without it, the council states that the Armadale Cross junction could not accommodate all the southbound traffic from the two sites. The link road is said to be integral to the delivery of the wider CDA development, including (by freeing up capacity at Armadale Cross) the Standhill component to the west. The council does not say whether the current planning application on H-AM 2 provides for (or leaves sufficient remaining land for) such a link road. However, Drummond states that it is content to provide land for this. I therefore recommend an amendment to the entries for sites H-AM 5 & 6 in Appendix Two of the plan to underline the need for the link road.

16. The council suggests that, if H-AM 2 is omitted, it could either be 'white land' or else mostly allocated for employment use, with a 30 metre strip to the east reserved for the link road. Given that the council is currently considering the proposal for extending the Drummond site into this land (and because I have no detailed evidence, one way or another, about the merits of employment use on this site), I think it would be prudent that it simply be identified as white land. I do agree, however, that it would be helpful for the plan to show the requirement for a link road to sites H-AM 5 & 6 through this land. My recommendations below reflect this.

17. I asked, through FIR29, for views as to how any 'lost' capacity at Colinshiel might be provided elsewhere. The other parties who were invited to comment on this have a

particular interest in the Armadale CDA sites. However, the housing supply target for the plan relates to West Lothian as a whole. We find at Issue 1A that the amount of houses to be built across West Lothian during the period of the plan is likely to fall significantly short of the housing supply target. I am not aware of any policy imperative which would suggest that, in principle, any lost capacity in Armadale need be replaced within the same town. That said, there may be benefits in doing so. The overall scale of development and investment envisaged for the town would be retained, as would the overall spatial strategy of the plan. It would also be likely to be less disruptive in terms of the council's forward planning for investment in new school capacity. Finally, there may be existing development proposals elsewhere within the town which are supported by the council and which might be able to accommodate an increase in their capacity. It is in that overall context that I consider below the potential for additional capacity at the other Armadale CDA allocations.

Standhill

18. The Standhill component of the Armadale CDA comprises two sites – H-AM 12 Standhill (North) and H-AM 13 Standhill (South). They have a combined capacity of 400 homes (300 to the north, 100 to the south) and lie on the western edge of Armadale, on either side of West Main Street. Woodhead Developments proposed, in response to the 'call for sites' exercise, extending both of these sites further to the west. In responding to FIR29, Woodhead suggests a total additional capacity of 200 units across the proposed site extensions.

19. The council states above that if capacity is reduced at Colinshiel then some of that lost capacity could be provided at Standhill. However, in response to FIR29 the council now says that it does not support adding additional capacity at Standhill. No appraisal has been carried out on the impacts of this on the surrounding road network, in particular at Armadale Cross, where it is stated there is no spare capacity. Indeed, says the council, the transport assessment for applications for planning permission at Standhill have now demonstrated that expansion there is unlikely to be supported.

20. There is no mention by the council above of any planning applications at Standhill. I note that the proposed plan (see the entries for these sites in Appendix Two) says that planning permission has already been granted for both of these sites, although I have no more detail than that. Woodhead says that consent for detailed planning permission for 110 houses on Standhill South is imminent (with a start on site soon after), and that planning permission in principle for around 300 homes on Standhill North is also likely to be issued soon. If the references to planning permission for these sites in Appendix Two are incorrect, I am satisfied that the council can correct this as 'non-notifiable' modifications.

21. Woodhead, in its response to FIR29, refutes the council's assertions about the lack of capacity at Armadale Cross. It provides, as an appendix to its response, a Technical Note – Armadale Cross Junction Assessment, which it says demonstrates that mitigation measures can increase the capacity of that junction. This note contains calculations which predict that Armadale Cross junction would (in 2022, the year modelled, and assuming other proposed plan allocations have been developed) be operating beyond its practical capacity during peak periods. Development of Woodhead's proposed extensions to the Standhill allocations would exacerbate this. The note suggests a number of potential mitigation measures to alleviate this.

22. On the face of it, this technical note appears to demonstrate that there may be a potential solution (or more than one) to the increased impacts of extending the Standhill allocations on the Armadale Cross junction. The note is dated 16 June 2017 and appears to have been prepared in response to FIR29.

23. There may well be the potential for the development of additional homes at Standhill. In terms of landscape and visual impact, the additional land to the north of the road (where the western boundary of the allocated land at H-AM 12 is not well-defined on the ground) appears to me to be less prominent than the proposed extension on the more elevated and less well-contained land to the south of the road. Neither of the proposed extensions to the allocations appears to be prime quality agricultural land.

24. However, it seems likely that development on the proposed extensions to the allocations would proceed towards the end of the process of developing these sites. The additional land would be to the west, furthest from the town, and it would be natural to expect, in general terms, most of the currently allocated land to be developed first. In any event, with land for 400 homes allocated and, apparently, soon to be consented, it would seem that the allocated land would take several years to build out before development need proceed on any westward extension of these sites. It has not been argued that additional allocations are required to make Standhill a viable prospect. Therefore, although extending the Standhill allocations to the west may increase the supply of effective housing land, it would appear unlikely to significantly increase the overall amount of homes built in the first few years of the plan.

25. Had I been minded to recommend the allocation of some or all of this additional land, I would have given the council the opportunity to comment on the technical note on the impacts on Armadale Cross provided by Woodhead. However, in my view the detailed implications of further development at Standhill on Armadale Cross are, now, better considered through the development management process (or through the next LDP process) rather than through this examination. This would also allow the most up to date position on the likelihood and pace of development proceeding at Colinshiel to be factored in.

26. Bearing all this in mind, I do not recommend that the allocations at Standhill be extended.

27. The council advises that the proposals map wrongly shows the CDA boundary at site H-AM 13 extending southwards of the allocated site into what are now the playing fields of Armadale Academy. I am satisfied that the council may correct this as a 'non-notifiable' modification.

H-AM 15 Lower Bathville

28. Donald Dunlop's representation refers to the boundary of this site with Tarrareoch Court to the northeast (the residential street where Mr Dunlop lives) but provides no further detail about any concerns he may have. The entry for this site in Appendix Two states that planning permission has been granted. In any event, ensuring an appropriate relationship between any new development here and the existing houses to the northeast would be a matter to be considered through the development management process.

Southdale

29. EWP Investments Ltd seeks a number of changes to the proposed plan, all as set out in the statement (document SD179) which accompanied its representation. These relate to a number of the proposed allocations at Southdale, and also to a further area of land to the southeast of site E-AM 1 Tarrareoch Farm. EWP had promoted this further land (in fact had promoted a more extensive area of land in the same location) through the 'call for sites' exercise.

30. EWP is concerned about the continued viability of development at Southdale. Without changes to the plan, further development there, it is stated, is not viable. A revised masterplan for the Southdale area, and a change to the approach to developer contributions (including in respect of affordable housing) are sought. This is all, it would seem, the subject of ongoing discussions between EWP and the council.

The capacity and extent of the Southdale allocations

31. The approved Southdale masterplan covers proposed allocations H-AM 7-11, H-AM 14 and E-AM 1. According to Appendix Two of the proposed plan, the total indicative capacity of the housing allocations is about 850 homes (although this does not appear to include around 150 homes which have already been built across sites H-AM 9 and 10). The masterplan shows a different disposition of uses across these sites from that implied by the allocation sites. Notably, the boundary between the housing and employment areas in the masterplan does not follow the straight line boundary between sites H-AM 14 and E-AM 1. There is also provision for other land uses in the masterplan, including areas of open space, a school (which has been built and is in use) and retail and commercial development (some of which has been built and is in use).

32. EWP says that the approved masterplan provides for 1,000 homes. It proposes a revised masterplan which would provide for 1,600 homes. In broad terms, much of the land identified for employment use in the approved masterplan would instead be for housing. Most of the employment land would instead be relocated further to the southeast (in the further area of land now being promoted for an additional allocation), around the existing Hall Torbane Farm complex. Other uses would be generally as per the approved masterplan. Land would also be identified for the expansion of the primary school to accommodate the increased number of houses. Even if the further land sought by EWP is not to be allocated, it is argued that the proposals map should nonetheless better reflect the approved masterplan.

33. In addition to its comments in respect of the deliverability of the Colinshiel sites, EWP also says that it is well acknowledged that site H-AM 15 Lower Bathville (allocated for 400 homes) will not be developed during the plan period. EWP suggests that incorporating further affordable housing at Southdale may allow the council to be more flexible about affordable housing requirements at Lower Bathville, perhaps allowing that site to progress more quickly than would otherwise be the case. In any event, and regardless of progress at Lower Bathville, I note above our conclusion that the amount of houses to be built across West Lothian is likely to fall significantly short of the housing supply target.

34. The approved masterplan for Southdale is not part of the proposed plan, and it is not within the scope of this examination to recommend that the council approves a new or different masterplan. In respect of development at Southdale, it is primarily in respect of

the allocations there, and the details of these in the appendices of the plan, where we have scope to recommend modifications affecting the amount, locations and distribution of new development supported by the plan.

35. There is no dispute about sites H-AM 7, 9 and 10. Planning permissions have been granted and indeed these sites seemed to me during my site inspection to be fully developed, or very nearly so. No changes are needed in respect of these sites.

36. The proposed plan identifies a capacity of 109 units for site H-AM 11 Netherhouse Remainder. EWP says that consent exists for 85 houses, and that construction is underway. Again, I observed that progress on the site during my site inspection. In numerical terms, the difference between these two figures is not great, but the council has not stated that 85 is wrong. For the sake of accuracy, I recommend that the capacity of the site be modified accordingly.

37. In respect of H-AM 8 Tarrareoch Remainder, EWP wants the site capacity halved from 265 units to 131 units, and the area reduced accordingly, because it contains not only housing land but a railway station, commercial uses and an area of community woodland. It is stated that the developable area for housing is around 5ha. In the same vein, it is argued that the capacity of H-AM 14 Trees Farm should be reduced from 350 units to 254 units because the site contains not only housing land but other uses including the railway station park and ride, the primary school, and a supermarket. The developable area for housing is said to be around 10ha.

38. The council appears to agree with EWP that, at least insofar as the allocations in the proposed plan are concerned, the proposals map should accord with the approved masterplan. However, I am reluctant (bearing in mind that our recommendations are largely binding on the council and need to be precise and unambiguous) to try and describe in detail through my recommended modifications how this might be done. More importantly, perhaps, I am mindful that the council speaks of a dynamic situation, and of ongoing and positive discussions about a future masterplan. Albeit the approved masterplan may reflect the current expectation of how the Southdale development is to unfold, it is not clear to me that this will endure. Actually the approved Masterplan has already been overtaken by events – it does not, for example, reflect the location of the car dealership which has already been constructed within site H-AM 8. I see little value in seeking what may end up being a spuriously precise rendering in the proposals map of the approved masterplan at a fixed point in time. I would further comment that the style of mapping in the plan does not well lend itself to an attempt to provide fine detail about the specific locations of the additional uses at Southdale such as the school, the railway station and the retail and commercial developments.

39. Nevertheless, in suggesting that the allocations should reflect the proposed masterplan, it seems to me that the council implicitly accepts EWP's main premise about sites H-AM 8 and 14, which is that the masterplan best shows the amount of residential development achievable on these. On the basis of the remaining available land for housing on these sites of around 5ha at H-AM 8 and 10ha at H-AM 14, EWP estimates (as I note above) capacities of, respectively, 131 and 254 units. The council has not challenged these figures, instead pointing to the flexibility in delivering housing development across both H-AM 14 and E-AM 1 which is immediately adjacent to it to the southeast. Regardless of that, I need to consider the appropriate capacity figure for these sites for inclusion in Appendix Two. Albeit that the masterplan may change in the future, it is not suggested that this would lead to significant additional land for housing within H-

AM 8 or 14. The remaining land which EWP calculates is available for housing on these sites appears to me, on the basis of the masterplan and my observations on site, to be reasonable. EWP's calculation of the capacity of this land assumes a density of development of 25 homes per hectare. Noting the density of the other developments proceeding on the allocated sites nearby, this also appears to be a reasonable assumption. Although it may be the case that development could proceed at a higher density, EWP's calculations and assumptions form the best evidence as to the realistic capacity for housing on these sites, and I recommend that the Appendix Two entries for them be modified accordingly.

40. The modifications I recommend to the capacity figures for sites H-AM 8,11 & 14 would remove about 250 units from the indicative capacity given in the proposed plan for the overall Southdale development. The council is still supportive of the overall level of development proposed at Southdale, therefore I must consider if and how this 'lost' capacity can be recovered. I recommend above that the allocation of 70 units at H-AM 2 at Colinshiel be omitted. There is also some doubt about the capacity to deliver the 270 units in allocations H-AM 5 & 6 – at best these should be considered as 'long term' prospects. The best evidence is that development at Lower Bathville will not proceed as quickly as the council might wish. And, of course, in overall terms we find that the number of homes to be built over the period of the plan is likely to fall significantly short of the housing supply target for the plan. Finally, further development at Southdale would have the benefit of being located within an existing CDA development which is supported by the council and where it can contribute to further delivery of the aims of the CDA. In this context, and noting the likely advantages in relocating 'lost' capacity in Armadale elsewhere within the town, there is value in exploring what other potential there may be for housing development at Southdale.

41. Most obviously, this would be within site E-AM 1. In its support for the current masterplan and in its comments about the scope for flexibility between this site and H-AM 14, and the 'arbitrary' nature of the boundary between these sites, the council is, of course, accepting of this principle. Having recommended downward adjustments to the capacity of some of the other Southdale sites to better reflect their likely output of housing, I also recommend that the plan reflects this support for housing development at E-AM 1. I note above that my recommended adjustments to the capacities of H-AM 8,11 and 14 would be a total reduction of around 250 units. There is nothing to suggest that E-AM 1 could not accommodate at least this level of housing development.

42. Map 9 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in Armadale. It identifies the land covered by site E-AM 1 as a committed employment site, to be carried forward from the current local plan. It does not indicate that there might be any potential for housing development on this site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

43. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

44. The prospect of housing development on site E-AM 1 was not subject to community engagement through the Main Issues Report. However, it is the case that the principle of development on this site is already established, and the Strategic Environmental Assessment of the plan proceeds on that basis. I have no evidence which would suggest that it could not be developed without significant environmental impacts, either for employment use or for housing. It is also the case that there is already outline planning permission covering the site, and an approved masterplan which provides for housing development upon it. In this context, and notwithstanding the terms of Circular 6/2013, the lack of engagement on the prospect of housing development on this site (rather than employment use) through the Main Issues Report should not in my view preclude the consideration, now, of such a change.

45. Although the masterplan (and the council) already envisages the likelihood of housing development on E-AM 1, this could, depending on its extent, begin to have a significant effect on the amount of development for employment uses which the site could accommodate. At this point, it is worth making reference to our findings under Issue 26A. There, we conclude that there is a significant surplus of employment land and we recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing.

46. I appreciate, of course, that the allocation of employment land at Southdale is part of a conscious decision to plan for a mixed use development which provides the community and commercial services, and the employment opportunities, which can make a contribution to the aim of creating a balanced and sustainable community. I do not underestimate the importance of this broader aim. However, the wider context across the overall plan is one where there is, in our view, a substantial overprovision of employment land and, at the same time, likely to be a substantial shortfall in meeting the housing supply target.

47. In the context of Southdale, therefore, my judgement is that, notwithstanding the benefits of employment land being part of the mix, the benefits of providing additional housing should, to some degree at least, take precedence. In principle, therefore, I think that the plan should support more than the minimum of 250 units at E-AM 1 which I refer to in paragraph 41 above. The question is, how much?

48. Another approach, the one favoured by EWP, is to allocate additional land at Southdale. This would allow more homes to be accommodated without the need to reduce the overall amount of employment land. EWP also states that the additional homes, by spreading the fixed costs of development more widely and bringing in more revenue, would ease the viability issues with the development, including financing the new distributor road (said to cost about £3.5 million) linking through to the A801.

49. I do not favour the allocation of the additional land sought by EWP. The Southdale allocations already mean that Armadale is to be extended quite significantly to the southeast. Albeit accessible to the new railway station and the community and commercial uses around it, site E-AM 1 is somewhat remote from the town centre. The

further land which EWP wants allocated to the south of it would be yet further away from the town centre, and indeed from the railway station and its surrounding uses.

50. I am also mindful, as the council is, of the role of the countryside belt here in retaining a separation between Armadale and Bathgate. Development on the proposed site would not mean that the two settlements would coalesce. But the gap between them would be very much narrower, and Armadale would extend closer to the A801, and to the A706. I appreciate that the existing trees in and around the site (and new landscaping within it) would to some extent serve to mitigate the visual impacts of this. So too would the topography around the site, in particular when viewed from the A706. But the additional land proposed comes fairly close to (and, at certain points, is clearly visible from) the A801. There would be an inevitable feeling of Armadale extending significantly closer to these roads and to Bathgate. And, regardless of the mitigation afforded by new planting and landscaping, the fact is that the countryside belt here would be significantly narrower as a result of development on this site. In my view this is a significant factor which weighs against the allocation of this land.

51. EWP argues that the additional land allocation to the south would allow a greater separation between the proposed employment uses and the primary school. However, the approved masterplan shows areas of housing and open space between the school and, much further to the east and south, the proposed employment land.

52. I note EWP's concerns about its ability to fund the required link road. I accept that the allocation of new land, and in particular the building of more houses, might help with that. However, I don't have before me the kind of detailed financial analysis which would allow me to confidently conclude that the road cannot be delivered at present, nor that the additional land and units sought would secure its delivery. In the absence of that, it seems to me that this is a matter for discussion between the council and EWP, and for the development management process. It may be a factor in discussions about what level of additional housing development should be accommodated within site E-AM 1.

53. EWP points to the difficulties thus far in attracting employment uses to the site, and says that the proposed new location of the employment land, further south, would be advantageous. The proposed revised masterplan would provide for a southern access road from Southdale to the A706 (presumably using the existing farm access), although I note that the additional land which it is suggested should be allocated would not extend fully to the A706. The proposed masterplan currently provides for a new access from Southdale on to the A801. I am not persuaded that the proposed revised masterplan would make the employment land significantly more accessible than it would otherwise be. The fact that it would be a bit closer to J4M8 does not seem like a game-changer. And I do not have any technical evidence about the wider transport implications (for better or worse) of providing a direct link between Southdale and the A706. In any event, and again noting our overall conclusions in respect of the supply of employment land across West Lothian, any such advantages of relocating the employment land would not, to my mind, outweigh the impacts of this extensive intrusion into the countryside belt. This brings me back to the balance of uses which should be supported across E-AM 1.

54. Subject to infrastructure constraints being addressed, the council is not opposed to a higher number of houses being accommodated across the proposed Southdale allocations as a whole. The council takes the view that the 70 units 'lost' from site H-AM 2 at Colinshiel could be accommodated within the Southdale component of the CDA. The council's views is that, in terms of both education and transportation infrastructure, this

would not be likely to give rise to any significant issues. At this level of additional development, site E-AM 1 would need to accommodate 320 units (this 70, added to the 250 I refer to above). But the figure of 320 units should not, in my view, be treated as an upper limit. I think there is merit in considering how much additional housing can be accommodated within E-AM 1.

55. The proposed plan identifies the size of site E-AM 1 as 26.6ha. This is the same size as it gives for site H-AM 14. However, H-AM 14 appears, from the proposals map, to be significantly smaller than E-AM 1. The figure of 26.6ha for H-AM 14 seems to me, from looking at the scale of the proposals map and based on the detailed evidence about site capacities from EWP, to be correct. Site E-AM 1, although I have not sought to accurately calculate it, appears to me to be in the order of perhaps 40ha in size. There would seem, therefore, to be more land there to accommodate both housing and employment use than might be inferred from looking at the entry for the site in Appendix One of the proposed plan. This serves to further lessen my concerns about a reduction of the potential for employment development on the site. The council can insert the accurate figure for the size of the site as a 'non-notifiable' modification.

56. I appreciate that, as might be the case for any additional capacity which could be found at Standhill, it may be some years before the 'additional' housing is actually delivered. On the other hand, I am conscious of EWP's view that increased capacity would ease the viability issues, and give more confidence in taking the site forward.

57. The difficulty is in fixing a figure for the amount of housing to be identified on E-AM 1. EWP has proposed increasing the overall Southdale allocation from around 1,000 to 1,600. But that is on the basis of allocating additional land to the south, which I do not favour. Beyond the 320 units which I refer to above, I have no strong evidence on which to base a confident recommendation about a higher figure. And although EWP wants more housing allocated, it has not proposed that this be entirely at the expense of the employment land there.

58. In the circumstances, I therefore think that the plan should characterise the land at E-AM 1 as a housing allocation which should also support employment uses. The indicative capacity should be 320 homes. The total amount of houses to be supported there would be a matter for EWP and the council to consider, but it seems to me that there may be scope, subject to other considerations (such as how much employment land ought to be retained, and ensuring that the development is viable), to accommodate more than that. The council's response to FIR29 indicates that 'transferring' units to Southdale ought not to raise any undue difficulties with school capacities, although the council does say that the transportation impacts of more housing at Southdale would need to be further considered. In drafting a recommended new entry for this site in Appendix Two, I draw on my conclusions here, on the current entry for the site in Appendix One and on the entry for the adjacent site H-AM 14 in Appendix Two.

Affordable housing at Southdale

59. Policy HOU 5 Affordable Housing of the proposed plan requires 25% of residential development in the CDAs to be for affordable housing. EWP points to what it says are the exceptionally high costs of land remediation and servicing at Southdale. It is stated that development of the CDAs is generally more expensive than other sites. It is also observed that the policy unfairly burdens the CDA sites (including those in Armadale) in the west of West Lothian, where land values are stated to be almost half of those further

east. It is argued that only 15% of the homes in the Armadale CDA should be for affordable housing, the same as is required for other sites in Armadale. As an alternative, EWP offers to transfer land sufficient for 600 affordable homes (of their proposed new total of 1,600 homes) but this land would not, it would seem, be remediated or serviced.

60. In responding to FIR29, EWP says that the difficulty to date has been the council's insistence that fully remediated and serviced land for social rented housing be transferred to it at no cost, in addition to the requirement that, for this housing, full Section 75 contributions be made for education, libraries, roads and cemeteries. This, it is argued, is unreasonable. EWP also refers to a recent appeal decision in West Lothian which it says offers guidance on this matter and may lead to a changed approach in the council's emerging supplementary guidance on affordable housing.

61. The principle of seeking 25% affordable housing within the CDAs is established in the current local plan. In that plan, all sites were to provide 15% affordable housing in the form of transferring fully serviced land to the council or other social housing provider. In the CDAs, an additional 10% (which could encompass a wider range of affordable housing types) was to be required. In the proposed plan, for much of West Lothian (albeit not Armadale), the 15% requirement has been increased to 25%, in accordance with the benchmark figure in the SDP.

62. I do recognise that Armadale is an area where, outwith the CDA, the requirement is for 15% affordable housing whereas the other CDA developments are in areas where the requirement is more generally for 25%. However, the aspiration for 25% of affordable housing within the Armadale CDA is already well-established. I am not persuaded that the changes to affordable housing requirements elsewhere provide a strong rationale for this being relaxed to such a degree, in particular noting the benchmark figure in the SDP. SPP allows for a requirement of up to 25%. I also note, and the council makes a similar point in responding to FIR29, that the definition of affordable housing in SPP (and in PAN 2/2010) encompasses a wider range of tenures and delivery models than the transferring of land to another provider.

63. However, and of most importance I think, EWP is mostly concerned about the detailed affordable housing arrangements at Southdale, including the value at which land is to be transferred and the developer contributions to be sought in association with such housing. It makes an alternative proposal for transferring a greater amount of land. In my view, these are all matters which require detailed scrutiny and which would be best left to the development management process. I note that the supplementary guidance on affordable housing which would accompany the plan would provide further guidance, including on the flexibility and options available in terms of applying the policy. The fact that EWP is hopeful that the recent appeal decision may change the council's practice underlines my conclusion that these are primarily matters for the supplementary guidance, and for the development management process, rather than for this examination.

A801 dualling

64. Page 121 of the proposed plan requires, in association with the Armadale CDA, the dualling of the A801 between the Boghead Roundabout and Junction 4 of the M8. There is no formal proposal (these are all numbered, and have a 'P' prefix) for A801 dualling in the plan. At paragraph 5.116 it is stated that supplementary guidance (from 2010) is in place for development contributions towards dualling this section of the road (the

guidance refers to the 'Pottishaw Roundabout' but it appears that this is intended to be the same roundabout as the 'Boghead Roundabout'). This document (CD154) is not statutory supplementary guidance under the Act.

65. The 2010 guidance document refers to the former Edinburgh and the Lothians Structure Plan and, as would be expected, to the current local plan. There is significant focus on a then pending planning application for office development at J4M8. The catchment area (where sites may be liable for contributions) is that area within which, it was judged, development would be most likely to use Junction 4 of the M8 rather than Junction 3A to the east or the (then) proposed Junction 4A to the west. This area includes all of Armadale, most of Whitburn, all of Blackburn, and much of Bathgate.

66. The full cost of the dualling works - £4 million at 2009 prices – is to be met by developers. The developments included in assessing the level of contributions are the Armadale CDA, two smaller housing developments (one in Bathgate, one in Whitrigg), a small employment land allocation to the southwest of the Boghead Roundabout (site E-LW 2 Drum Farm in the proposed plan) and the Pond Industrial Estate (which I understand is the area of employment land to the northeast of the Boghead Roundabout). The guidance document calculates the level of contributions by dividing the total costs of the works by the total number of peak period trips expected to be generated on this stretch of the A801 from the developments listed above. The great majority of the trips (and therefore of the cost) appear to be assigned to the Armadale CDA. It is noted within the document that 'the council will review this supplementary planning guidance if circumstances change.'

67. EWP says that the new M8 Junction 4A has changed traffic patterns in the area to the extent that dualling of this part of the A801 is no longer required, and in particular that it is not required as a result of the CDA development. Transport analysis, which had previously been provided to the council, is submitted in support of that position. EWP also criticises the decision to exclude the Wester Inch area of Bathgate from the catchment area for the dualling contributions, as set out in the guidance document. It is said to be unfair and unreasonable that the full cost of upgrading the A801 should fall to the Armadale CDA.

68. In response to FIR29, the council makes reference to this 2010 guidance document. It states that it remains valid, and is applied to development proposals which fall within the catchment area it sets out. The council maintains that if committed development is all built then this section of the A801 needs to be dualled to accommodate the additional traffic. Albeit that the opening of the new Junction 4A of the M8 has reduced traffic on the A801, these improvements are still said to be required.

69. Paragraph 7.57 of the current local plan lists 'the dualling of part of the A801' as one of the key road proposals to facilitate the expansion of the Armadale CDA. This implies, although it does not state, that a contribution from the CDA development to that project may be required. At paragraph 8.67 it states that supplementary guidance will set out the requirements for developer contributions. The Armadale CDA is mentioned again in this paragraph, as one of the projects which would have an impact on the A801. The proposals map safeguards land along the eastern side of this stretch of the road for the dualling project.

70. It seems to me that the principle of contributions from the Armadale CDA towards the dualling of the A801 (or if not that, that the dualling is required for the CDA

development) is, on a fair reading of it, established in the current local plan. The statement on page 121 of the proposed plan, to which EWP is opposed, would maintain that position.

71. I take account of the 'technical note' which EWP submitted to the council in support of its view that dualling was no longer required. The council seems to have accepted earlier that this note represented expected traffic levels, albeit that discussion might be needed in relation to the extent to which committed development is built out. In any event the council, in its response to FIR29, says that EWP's evidence shows that, if all committed development is built out, then there is still a requirement to dual the A801 (because the road would be over the agreed capacity of a single carriageway road). The technical note does appear to me to indicate that if all committed development is built then this stretch of the road would indeed be over capacity.

72. I am not persuaded, on the basis of the evidence described above, that the statement about A801 dualling on page 121 of the plan is clearly misguided. However, I do not consider that the 2010 guidance note is an appropriate basis on which, once the LDP is adopted, to consider the need for developer contributions towards such works.

73. Firstly, it seems to me that it would, in particular once the plan is adopted, be somewhat out of date. It was adopted 7 years ago. It is informed, to a degree, by the potential outcome of a significant planning application at J4M8 which was pending at the time. It refers to the Structure Plan (no longer extant) and to the current local plan, which the proposed plan will replace when it is adopted. Although it anticipates it, it pre-dates the opening of Junction 4 of the M8, and any traffic surveys and modelling undertaken since then. It, clearly, can take no account of any development proposals which have emerged since it was adopted, nor can it take account of any new allocations in the LDP once that is adopted.

74. Secondly, it is not formally part of the development plan. In relation to 'statutory' supplementary guidance under the Act (as opposed to non-statutory guidance, such as the 2010 guidance document), Scottish Government Circular 6/2013 advises on what matters are considered to be suitable topics. In the table in paragraph 139 of the circular, matters which should be included in the plan itself include 'items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought'. The 'exact levels of developer contributions or methodologies for their calculation' can be included in statutory supplementary guidance. My recommended modifications would also therefore amend the plan to make it clear that statutory supplementary guidance covering A801 dualling is to be prepared.

75. I would observe that, anyway, there is already a planning permission in place at Southdale. Changes to the plan, and the adoption in time of statutory supplementary guidance, would have no direct effect on that. And (regardless of the contents of the 2010 guidance, the LDP or any future supplementary guidance) any planning obligation would still require to meet the tests set out in Circular 3/2012 - Planning Obligations and Good Neighbour Agreements.

Reporter's Recommendations:

1. In the proposals map:

1.1 Remove allocation H-AM 2. Show an indicative route for a link road between site H-AM 5 & 6 and the A89, running north-south through the eastern part of this land. Identify this link road as 'P-119'.

1.2 Change allocation E-AM 1 to a housing allocation H-AM 19.

2. At paragraph 5.116, replace the final sentence with the following sentence:

'Supplementary Guidance will be prepared for development contributions towards dualling of the section of A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate.'

3. In the table of housing sites in Armadale on page 80, delete the entry for site H-AM 2 Heatherfield (West).

4. Delete the table of employment sites in Armadale on page 80.

5. In the table of CDA sites in Armadale on page 80:

5.1 Amend the capacity of site H-AM 8 Tarrareoch Remainder from '265' to '131'.

5.2 Amend the capacity of site H-AM 11 Netherhouse Remainder from '109' to '85'.

5.3 Amend the capacity of site H-AM 14 Trees Farm from '350' to '254'.

5.4 Add a new entry as follows:

LDP Site Ref: 'H-AM 19'

Location: 'Tarrareoch Farm'

Site Size (Ha): [council to insert correct figure]

Capacity: '320'.

6. In the table of other developments in Armadale on page 80, add a new entry as follows:

LDP Site Ref: 'P-119'

Location: 'Heatherfield (West)'

Proposal: 'Colinshiel link road'.

Make a new entry with the same information in Appendix Six.

7. Delete site E-AM 1 Tarrareoch Farm (Armadale CDA) from Appendix One.

8. In Appendix Two:

8.1 Delete the entry for site H-AM 2 Heatherfield (West).

8.2 In the entries for sites H-AM 5 Colinshiel (Site A) and H-AM 6 Colinshiel (Site B),

under 'Transportation', add the following text:

'Link road to A89 required'

8.3 In the entry for site H-AM 8 Tarrareoch Remainder, under 'Capacity', replace '265' with '131'.

8.4 In the entry for site H-AM 11 Netherhouse Remainder, under 'Capacity', replace '109' with '85'.

8.5 In the entry for site H-AM 14 Trees Farm, under 'Capacity', replace '350' with '254'.

8.6 Make a new entry for a site in Armadale, with the contents of the columns as follows:

Site Ref: 'H-AM 19'

HLA Ref: [blank]

Status:

'Part of Armadale CDA.

Planning permission in principle granted'

Site Name: 'Tarrareoch Farm'

Area (Ha): [council to insert correct figure]

Capacity: '320'

Planning:

'Identified as a mixed use site for housing and employment use.

Site to be the subject of a masterplan.'

Transportation: 'Transport Appraisal required.'

Education:

'Catchment Area Schools

Southdale Primary

St Kentigern's Academy

St Anthony's Primary

Armadale Academy'

Flood Risk:

'Flood Risk Assessment required.

Drainage Impact Assessment required.

Use existing ponds where possible'

Other:

'Employment use classes 4,5 & 6.

Retention of woodland on site.

Additional new structure planting required on southern boundary and elsewhere.

The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and/or investigation may be required.

The site may embrace, or be adjacent to, land affected by contamination, and an assessment, investigation and/or remediation will be required.

The site may have archaeological potential and an assessment and/or investigation may be required.

The site may be susceptible to noise from employment uses and a noise assessment may be required.

High level of SUDS required.'

9. In Appendix Four, add the following bullet in the entry for 'Developer Contributions for Transportation Infrastructure':

‘Supplementary Guidance for development contributions towards dualling of the A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate’

Issue 3D	Promotion of site for housing on land east of Armadale	
Development plan reference:	EOI-0127	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Hallam Land Management Ltd (0254 and 21872565)		
Provision of the development Plan to which the issue relates:	Non-allocation of land for residential development in Armadale	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>EOI-0127</p> <p>Hallam Land Management Ltd (0254 and 21872565)</p> <p>The site, which comprises an area of land (14 ha) on the eastern side of Armadale, should be included within the settlement envelope of Armadale and should be identified as a residential development site.</p> <p>It is critical that, in order to ensure compliance with SPP and the maintenance of an effective housing land supply at all times, West Lothian Council identifies additional housing sites that can contribute effectively to the housing land supply and that have a realistic opportunity of coming forward within the necessary timescale up to 2019.</p> <p>There is a need to revisit the proposed allocation of sites in the LDP, carried forward from the Local Plan, and to replace or augment these with further sites that will be capable of delivering units to meet requirements in the first five year period of the plan. This site can contribute to the Housing Land requirement up to 2019 and also to 2024 and should be identified as a housing site.</p> <p>The site should at the same time be <u>excluded</u> from the Countryside Belt. Future Masterplan proposals would ensure there would be no coalescence between Armadale and Bathgate and that a robust landscape corridor could be provided and maintained in perpetuity on the eastern side of the site, between Armadale and Bathgate.</p> <p>Hallam Land Management Ltd object to the council's approach as it fails to comply with the SDP by not providing sufficient effective housing land in the first period of the plan. It is not appropriate to simply allocate 'sufficient' land up to year 10 rather than the SDP requirements for 2019 and 2024.</p> <p>Strong reservations about the approach being pursued in the proposed plan where there is reliance upon HNDA2 to calculate the 5 year land supply rather than the SDP. The submission points out to a recent LDP examination report where the plan ought to be consistent with the currently approved version of SESplan.</p>		

Modifications sought by those submitting representations:Representations to Non Allocated Sites

EOI-0127

Hallam Land Management Ltd (0254 and 21872565)

To accord with Scottish Government Policy, the second paragraph in Policy Hou1 should be rephrased by inserting the words 'at all times' after 'supply of housing land'. The sentence should read as follows:

'...to ensure that an effective 5 year supply of housing land at all times is maintained over the plan period, proposals for uses other than housing....'

Request that the site is identified as a housing allocation in the LDP, is removed from the countryside belt and is included as a Housing site in the Schedule of Housing Sites in Appendix Two of the LDP.

Summary of responses (including reasons) by planning authority:Representations to Non Allocated Sites

EOI-0127

Hallam Land Management Ltd (0254 and 21872565)

No change to approach or wording of policy HOU 1 is considered necessary. See Schedule 4 number 1A.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development set out below:

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the Armadale settlement in terms of meeting housing requirements. There are education capacity constraints within the area which prevent development of this site

Significantly, the site is an integral part of the countryside belt intended to prevent the coalescence of Armadale and Bathgate, and the maintenance of this designation in the LDP is considered entirely justifiable. The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP. The council's approach to countryside belt is set out in the Countryside Belt Position Statement (CD184).

Development at this location would constitute a physical and intrusive expansion of the existing settlement and would also be visually and environmentally intrusive.

The site has been the subject of a recent appeal decision in which the reporter dismissed the appeal and upheld the council's position (CD356).

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for housing. For these reasons, the council does not propose to modify the plan in response to these representations.

Reporter's conclusions:

1. The council has confirmed that the above reference to CD356 is erroneous, and that the correct reference is to CD354. That appeal related to a development proposal on the western edge of Bathgate, adjacent to the housing area at Falside. That site was part of the very large area of land which was the subject of Hallam Land Management's submission in relation to the council's 'call for sites' exercise. However, Hallam's representation on the proposed plan now proposes only a development on the eastern edge of Armadale, immediately to the east of proposed allocation H-AM 8 Tarrareoch Remainder.

2. We address housing supply largely under Issue 1A. We find there that the amount of houses to be built over the period of the plan is likely to be significantly less than the housing supply target. We also find, at Issue 3C, that part of the Colinshiel component of the Armadale CDA development should be omitted, with the remainder to be considered as, at best, a 'long term' prospect. I therefore give serious consideration as to whether this site should be allocated for housing development.

3. Hallam says that vehicular and pedestrian access to the site can be 'adequately provided' but it is not stated how this would be done. A concept masterplan would be prepared at a later date, so there is no more detail at this stage on how it is envisaged that the site would be accessed. In respect of pedestrian and cycle access, I recognise the benefits of the paths around the site, in particular along the southern and western boundaries. The proximity to Armadale Station, a short distance to the west and accessible via one of these paths, is also an advantage.

4. However, it is not clear to me how vehicular access to the site would be provided. The southern boundary is a railway line. On an embankment to the east is the A801, an important and busy north-south route which is well to the east of Armadale. There is undeveloped land to the north. The most obvious opportunity to access the site would perhaps be from the west, through site H-AM 8. But the area of land immediately to the west of the site is shown in the approved masterplan for the Southdale component of the Armadale CDA (see Issue 3C, and document SD179) as community woodland. The promoter of that site (again, see Issue 3C), seeks a revised masterplan which would also have this land as community woodland. This context, and the absence of any information from Hallam about how it proposes that the site be accessed by vehicles, counts against the case for allocating this land.

5. The strip of countryside between Armadale and Bathgate, with the A801 running through the middle of it, provides a strong means of retaining the separate identities of the two towns. It seems to me that the appeal site makes a notable contribution towards that objective. Just because development of the site would not result in the physical coalescence of the settlements is not sufficient reason for omitting this area of land from the countryside belt. The site is adjacent to the A801, and prominent from parts of it.

Development here would mean that the distance between the two settlements would narrow significantly at this point. Armadale would appear to extend to the A801, although I accept there could be landscaping and planting along this boundary of the site. There would be an inevitable feeling of Armadale extending significantly closer to Bathgate. In my view this is a significant factor which weighs against the allocation of this land.

6. In light of the above, and notwithstanding our conclusions at Issues 1A and 3C, I do not recommend that this site be allocated for housing, nor that it be excluded from the area of countryside belt between Bathgate and Armadale.

Reporter's recommendations:

No modifications.

Issue 3E	Allocation of land for residential development in Armadale	
Development plan reference:	H-AM 17 (Drove Road)	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
James Cougan (21042469) Jessie Kerr (21383913)		
Provision of the development Plan to which the issue relates:	Allocation of land for residential development in Armadale	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>H-AM 17</p> <p>James Cougan (21042469), Jessie Kerr (21383913)</p> <p>Object to the allocation reference H-AM 17 on the following grounds:</p> <ul style="list-style-type: none"> • Development will directly overlook onto the family home and have a detrimental impact on privacy • The proposal will result in a significant loss of greenspace • There would be detrimental impact to the desirability of their property and in turn on property value • The site functions as an amenity are is enjoyed by a range of users including children, dog walkers, cyclists, sports teams • Development would be detrimental to wildlife. 		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p>James Cougan (21042469), Jessie Kerr (21383913) - H-AM 17 should be removed as a housing allocation.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Allocated Sites</u></p> <p>H-AM 17</p> <p>James Cougan (21042469), Jessie Kerr (21383913)</p> <p>Substantial provision of housing land has been made in West Lothian, with new</p>		

greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. This is a suitable site for development that can be brought forward to support development requirements and the allocation should remain in terms of meeting housing requirements.

The site is owned by the council and is included in the council's list of proposed council house build sites thus contributing to addressing housing need in the plan area (CD227). The proposed development is located on the single football pitch that is declared surplus by the outdoor sports facility strategy. It does not cover the west shelter belt, nor the wooded embankment to the north along the Barbauchlaw Burn. Scottish Natural Heritage has not raised any objection in relation to wildlife or biodiversity interests on, or near the site (CD169).

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is no justification to remove the allocation of this land for housing. For these reasons, the Council does not propose to modify the plan in response to these representations.

Reporter's conclusions:

1. The site, as part of the larger Drove Road Park, is protected open space covered by Policy COM 2 of the current local plan. However, the site of the football pitch (no longer used, it would seem) is identified as a development opportunity under Policy COM 2b. At paragraph 10.14 of that plan it is stated that the council wishes to explore the potential for co-located primary school provision in the Colinshiel area of Armadale, and that there is also the opportunity to provide additional open space through the Core Development Area (CDA) proposals in the north part of Armadale. Once these proposals had been established, the status of the open space to the north of Drove Road was to be reviewed.
2. Our findings in relation to the Colinshiel element of the CDA are under Issue 3C. There has been, as yet, no development there, nor even any planning permissions. In fact we recommend that one of the proposed allocations there (H-AM 2) is deleted as the land owner has no intention now of progressing housing development on it. I do not therefore find that the circumstances the council envisages in the current local plan have come to pass.
3. That notwithstanding, the local plan does acknowledge the prospect of development on the former football pitch. I note that the council's 2005 Outdoor Sports Facility Strategy (CD043) describes this site as being of poor quality, and recommends that it ceases to be used a sports pitch.
4. The 2010 Interim Review of the council's Open Space Strategy (wider in scope than the Outdoor Sports Facility Strategy) contains, in Appendix 1, a review of open space for each settlement, and a series of recommendations. Drove Road Park is identified as a 'Neighbourhood Park', but there is no specific proposals identified for the former football pitch.
5. I find that the above context presents something of a mixed picture. It does not give unalloyed support to the concept of allocating the site for housing development. However, the evidence before me suggests it is no longer required as a football pitch. I

recognise that it may be used for informal recreation, but the remaining land within Drove Road Park would remain available. I observed footpaths along the eastern and northern boundaries of the site, but these through routes could be retained in any redevelopment of the site. The area remains managed grassland and does not appear to be of any particular natural heritage value. Houses back on to the southern and eastern boundaries of the site, but there is no reason to doubt that the site could be designed and developed so that reasonable levels of privacy to the rear aspects of these properties would be retained. Impacts on property values of neighbouring land is not normally held to be a planning consideration.

6. Our conclusions under Issue 1A are that the amount of new homes which would be built over the period of the plan is likely to fall significantly short of the plan's housing supply target. In this particular case, the council intends that development on the site would be of council housing. Given this wider context, I therefore do not recommend that this allocation be omitted from the plan.

Reporter's recommendations:

No modifications.

Issue 4A	Napier Avenue, Bathgate (formerly known as Academy Avenue)	
Development plan reference:	H-BA 5	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Hazel & Gordon Gallacher (0151) & (0259) Adam & Elizabeth Steenkamp (0172) W. & R. Dalziel (0174) B. & M. McCabe (0175) Yvonne Carson (0176) Marnie Ferguson / James Savage (0177) G Pirie (0179) Martin & Elinor Forrest (0206), (0263) & (21835409) David McDowell (0230) Andrew McLeish (0257) Stuart & Kereen Johnston (0258) Mr and Mrs Lindl (0260) Stephen Walker & Carol Swift (0261) Linda & Philip Mallon (0262) C & G Taylor (0273) Lorna & Malcolm Lang (0286) Marion & Julian Serafini (0287) Valery & Michelle Murnin (0288) Michelle & Darren Primrose (0289) Gordon McFarlane (0290) Jack Stewart & Barbara Dreier (0291) Christine & T R Hill (0292) Mags Hodge & T J Lees (0293) Sheena and Stephen Timmins (0294) Patricia & David Convery (0295) Tom & Janice Anthony (0384) Mark Wilson & Caroline Hird (0391)</p>	<p>Neil & Sarah-Jane Clement (0393) Fraser Brown (0396) Lynne & Niall Bell (0397) J & Janie Taylor (0398) Barbara & Anthony Taylor (0399) Suzan Ross (0400) Stuart Coyle (0401) Joan & F G Clark (0402) Murray & Gemma Cheek (0403) Ian & Mairi Stewart (0404) Neil & Lorraine Jamieson (0405) Stuart & Karen Perry (0406) Anne Whyte (0407) Shona & Colin Bingham (0408) Alan Aitchison (0226) G Burns and Family (0285) Gerard & Anne Johnstone (0392) Jane McDowell (0116) Alison Fraser (0154) Susan Watson (0155) Ellie Stewart (0298) Joyce Mowbray (0304) Margaret & Gordon Hendry (0306) Jane & Barry White (0307) Cllr John McGinty (0347) John McDonald (0365) Ian Cordner (0367) Sharon & Kevin Gibson (0430) Cllr Harry Cartmill (0431)</p>	
Provision of the development plan to which the issue relates:	Proposed LDP - Chapter 6 <i>Development Proposals be Settlement</i> (p. 81) Proposed LDP - Appendix Two: Schedule of Housing Sites / Site Delivery Requirements (p. 138) Proposals Map 4 – Bathgate Area	
Planning authority's summary of the representation(s):		
<p>FORM-LETTER SUBMISSIONS</p> <p>All submissions in this section relate to the tear-off slip of a form letter which has been signed off by the identified consultees above and relates to the issues below. It states:</p> <p><i>I/we, the undersigned strongly object to the housing development planned for the public</i></p>		

space east of Academy Place Bathgate – ‘LP Ref – HBg 24’ for the following reasons:-

- *local residents have objected twice before to proposals for development at this site;*
- *the open grassland is an important, cherished and well used local green space;*
- *Development of the site will result in further traffic congestion particularly for Crosshill Drive and Kirk Road;*
- *the area is much used by dog walkers in the local area.*

FORM-LETTER SUBMISSIONS – ADDITIONAL ISSUES RAISED

In addition to signing and sending in the form letter / slip which made the above points, additional comments were added in the space provided and in some cases further comments were added to the sheet. These are summarised below.

GREEN SPACE

General Reasons to Retain

Hazel & Gordon Gallacher (0151) & (0259); Patricia & David Convery (0295); Joan & F G Clark (0402) – a special, valued area which should remain green.

Yvonne Carson (0176) – people need green space to enhance lives.

Gerrard & Anne Johnston (0392) - wild open space close to house is invaluable amenity.

Stuart Coyle (0401) – a good green space inhabited by wildlife and kestrels.

Usage

Martin & Elinor Forrest (0206), (0263) & (21835409) – open grassland is an integral part of the area and is used by many local residents, for children to play in, dog walkers and others who enjoy this open space.

Andrew McLeish (0257); Lorna & Malcolm Lang (0286); Tom & Janice Anthony (0384) – useful for dog walking.

Lorna & Malcolm Lang (0286); Lynne & Niall Bell (0397) - area used by families regularly.

Marion & Julian Serafini (0287) – against loss of informal open space for children’s play and dog exercising.

Gerrard & Anne Johnston (0392) - exciting environment used by young children and close to houses for supervision.

Important to Local Area

Stephen Walker & Carol Swift (0261); Gordon McFarlane (0290) – last local open countryside / green space in area.

C & G Taylor (0273); Lorna & Malcolm Lang (0286); Jack Stewart & Barbara Dreier (0291); Fraser Brown (0396) - lack of green space in Bathgate due to numerous housing projects with fewer and fewer open spaces for children and dogs. Concerned that there will be no green areas left to walk in in Bathgate.

HABITAT FOR WILDLIFE

Valuable Habitat

Yvonne Carson (0176); Andrew McLeish (0257); Jack Stewart & Barbara Dreier (0291);

Neil & Sarah-Jane Clement (0393) – there are few unimproved grassland areas where nature can thrive and should be conserved because the habitat is unusual in Bathgate. Yvonne Carson (0176); Andrew McLeish (0257); Jack Stewart & Barbara Dreier (0291); Neil & Sarah-Jane Clement (0393) – provides habitat for kestrels, buzzards and sparrow-hawks, bats, small mammals, foxes and deer and plants.

Enjoyment Of Wildlife

Mr and Mrs Lindl (0260) – enjoy observing wildlife especially small birds of prey.

ENVIRONMENTAL HEALTH ISSUES

Noise

Patricia & David Convery (0295); C & G Taylor (0273) – development and construction traffic will increase noise levels.

Air Pollution

C & G Taylor (0273); Lorna & Malcolm Lang (0286) - pollution from increased traffic.

Dog Walking Hygiene

Valery & Michelle Murnin (0288); Sheena and Stephen Timmins - will displace dog walking and increase pet litter issues elsewhere; where will dog walkers go?

Health & Safety (child safety also raised with traffic issues)

W. & R. Dalziel (0174); Patricia & David Convery (0295) – health and safety concern, notably child safety.

EDUCATION ISSUES

Lack of Capacity at Local Schools

David McDowell (0230); Linda & Philip Mallon (0262); Sheena and Stephen Timmins (0294); Neil & Sarah-Jane Clement (0393) - Bathgate has a shortage of capacity at schools such as Bathgate Academy.

Catchment Issues

Mark Wilson & Caroline Hird (0391) - people at Academy Place had to fight for movement of catchment for Balbardie Primary School.

PLANNING – PROCESS, ISSUES WITH

Previously Objected to Development on this Site

G Pirie (0179); David McDowell (0230); Christine & T R Hill (0292) - previously objected and understand that objections upheld at Court of Session/by Scottish Reporter/was refused and nothing changed since.

Designated/Protected Land

Martin & Elinor Forrest (0206), (0263) & (21835409); Stuart & Kereen Johnston (0258) – strongly object to the housing development planned for this public space/greenbelt which is for the local community.

Development Better Elsewhere / Other Sites Available

Hazel & Gordon Gallacher (0151) & (0259) – other places to build houses, why here?
Marion & Julian Serafini (0287) - derelict brownfield sites in town centre should be developed first.

Neil & Sarah-Jane Clement (0393) - availability of other sites; to zone for more housing not justified because between existing housing.

Financial Gain

Jack Stewart & Barbara Dreier (0291); Mark Wilson & Caroline Hird (0391) - better to look at bigger picture than short term monetary gain; council just profiteering.

Issues with Planning Process

Mark Wilson & Caroline Hird (0391) - disgraceful that found out from neighbours.

Too Much Housing In Area

Suzan Ross (0400) - high concentration of housing in area; proposal would only add to problems.

SITE DEVELOPMENT ISSUES - VARIOUS

Drainage and Flood Risk Issues

W. & R. Dalziel (0174); Neil & Sarah-Jane Clement (3093) – flood risk; poor drainage at entrance to Glebe Road & Napier Avenue.

David McDowell (0230) –

existing infrastructure / drainage cannot cope during periods of heavy rain, manholes lift and raw sewage spills onto the roads, further development will only increase this major problem.

culvert proposed directly behind my house could block and flood my property.

Potential Impacts/Concerns from Development of Site

W. & R. Dalziel (0174) – impact on house foundations for Glebe Road.

Neil & Sarah-Jane Clement (0393) –

- sloping grounds, levels, retaining wall
- trees along field boundary are particularly fine and must be preserved

AMENITY OF EXISTING RESIDENTS*General*

Andrew McLeish (0257); Neil & Sarah-Jane Clement (0393) – site has amenity value and should not be lost.

Views

Andrew McLeish (0257); Neil & Sarah-Jane Clement (0393) – currently enjoy wonderful views which would be interrupted by development.

Peace and Tranquillity

Mr and Mrs Lindl (0260); Martin & Elinor Forrest (0206), (0263) & (21835409) – increase in traffic would also destroy the peace and tranquillity current enjoyed by the local residents.

SUSTAINABLE DEVELOPMENT

Stephen Walker & Carol Swift (0261) – environmental issues.

TRAFFIC AND ROADS ISSUES*Access*

Hazel & Gordon Gallacher (0151) & (0259); Stuart & Kereen Johnston (0258); Mark Wilson & Caroline Hird (0391), G Burns and Family (0285), Gerard Johnstone (0392) and Alan Aitchison (0226) – object to access from Academy Place.

Yvonne Carson (0176); Neil & Sarah-Jane Clement (0393) – car access difficult.
David McDowell (0230) - the new access road will be built on the fence line of my property.

Andrew McLeish (0257) – issues with access via Veterans Cottages, Haig Crescent and Wallace Road.

Increased Traffic/Congestion

Adam & Elizabeth Steenkamp (0171); Martin & Elinor Forrest (0206), (0263) & (21835409); Stuart & Kereen Johnston (0258); Murray & Gemma Cheek (0403); Lorna & Malcolm Lang (0286); Mark Wilson & Caroline Hird (0391) - increased traffic would put safety of children at risk including from construction traffic.

David McDowell (0230); Andrew McLeish (0257); Gordon McFarlane (0290); Tom & Janice Anthony (0384); Joan & F G Clark (0402); Neil & Lorraine Jamieson (0405) – increased traffic and congestion on local roads will result from development of the site particularly at busy times.

Road Safety Issues

Suzan Ross (0400) - not observing speed limit.

Anne Whyte (0407); Shona & Colin Bingham (0408) - road calming/narrowing is dangerous and has caused several accidents due to cars hitting bollards and islands.

Road Condition / Impact On Roads

W. & R. Dalziel (0174); Sheena and Stephen Timmins (0294) and Alan Aitchison (0226) – the development of the site will worsen the condition of local roads.

J & Janie Taylor (0398) - messy roads from spillage.

Winter Months Issues

David McDowell (0203); Anne Whyte (0407); Shona & Colin Bingham (0408) – driving on local roads is difficult and potentially hazardous in winter due to the location on a hillside.

Sustainable Development

Mark Wilson & Caroline Hird (0391) - not eco to have more traffic as part of strategy.

Roads Layout/Design Issues

Mags Hodge & T J Lees (0293); Ian & Mairi Stewart (0404) – more traffic is potentially dangerous without changes to the existing road layout.

GREEN SPACE

Loss of Green Space

Ellie Stewart (0298); Margaret & Gordon Hendry (0306); John McDonald (0365) Gerard Johnstone (0392) and Alan Aitchison (0226) - - will reduce the already limited green space around the area.

Well Used Green Space

Margaret & Gordon Hendry (0306) - actively use this space to walk our dog and for our daughter to exercise and play in.

Cllr Harry Cartmill (0431) - Since WW2 the area has been used by generations of locals (4 generations of my family!) as a pleasant open green space.

NATURAL ENVIRONMENT/WILDLIFE

Local Environment

Ellie Stewart (0298); Jane & Barry White (0307) – the protection of the local environment is important; wildlife is abundant in the area because of the green space.

Loss of Habitat

Cllr John McGinty (0347) – loss of natural habitat.

Cllr Harry Cartmill (0431) – enjoy observing wildlife such as roe deer, buzzards, kestrels and pipistrelle bats; home to kestrels, pipistrelle bats and more recently buzzards; loss of wildlife habitat and green space concerning.

ENVIRONMENTAL HEALTH ISSUES

Jane & Barry White (0307); Sharon & Kevin Gibson (0430) – increased noise through additional traffic and construction would affect neighbours and nightshift workers asleep during the day.

EDUCATION/INFRASTRUCTURE

Jane McDowell (0116) – there is a shortage of school places and a lack of infrastructure or facilities for any more new builds.

PLANNING ISSUES – VARIOUS

Jane McDowell (0116); Alison Fraser (0154); Joyce Mowbray (0304); Cllr Harry Cartmill (0431); Susan Watson (0155) - strongly object to the housing development planned for the west of Napier Avenue, Bathgate.

Maximise Profit

Jane McDowell (0116); Ellie Stewart (0298); Cllr Harry Cartmill (0431) – new developers are not local and will only care about financial return, maximising house numbers and not impact on local residents and the environment.

Previous Objection/ Decision / Representation

Jane McDowell (0116); Cllr John McGinty (0347); John McDonald (0365); Ian Cordner (0367); Cllr Harry Cartmill (0431) - previously made objections / representations to development at this site; previous planning application on this site; the site has previously been limited to 10 houses by Scottish Reporters.

Ian Cordner (0367) - it appears that site development might be predicated upon persistence rather than the merits or otherwise of the application.

Cllr Harry Cartmill (0431) - depth of feeling against a development here is enormous – there will be literally hundreds of protesters banded together if this area is zoned for housing.

Local Housing Market Saturated

Jane McDowell (0116); Susan Watson (0155) - market for new housing in Bathgate is saturated; does the government want to build tens of thousands of new houses in Bathgate?

Planning Process/Council Issues

Alison Fraser (0154) – before making a decision about the new development planners/decision-makers should visit the site and adjacent roads.

Cllr John McGinty (0347) – grateful if officers could take account of views when considering the next phase of the LDP process.

Sharon & Kevin Gibson (0430) – aggrieved that this has been documented as the current

plan does not show this access; confused as to how the council can make this amendment without consulting residents.

Designated/Protected Land

Ian Corder (0367) – why is green belt land being sacrificed when there are already so many building projects (and empty houses) in progress.

Joyce Mowbray (0304) - planned housing development is for public space.

Jane & Barry White (0307) –understand land to be common ground which has been allowed to be sold to a developer.

SITE DEVELOPMENT ISSUES

Drainage

Ellie Stewart (0298); Joyce Mowbray (0304); Jane & Barry White (0307) - specific local issues need to be considered including drainage, water run-off and ditch running in the green space is saturated with water which raises concerns about development.

Site Density

Cllr John McGinty (0347); Jane McDowell (0116) – density of housing on the site is an issue due to flood risk and profiteering.

AMENITY OF EXISTING RESIDENTS

Overlooking/Out Of Scale

Jane McDowell (0116); Cllr John McGinty (0347) - proposed development would overlook many homes and be very overpowering in stature compared to the surrounding buildings.

Loss Of Existing Amenity

Jane & Barry White (0307); Cllr John McGinty (0347); Cllr Harry Cartmill (0431) – various issues raised:

- will have a dramatic impact on our way of life;
- peace and quiet is a strong selling point;
- enjoyed walking my dogs in this area for almost 50 years;
- panoramic views.

Proximity to Existing House

Jane & Barry White (0307) – our close proximity to the site boundary means any development will be uncomfortably close to our home.

SUSTAINABLE DEVELOPMENT

Susan Watson (0155); Ellie Stewart (0298); Ian Corder (0367) – various issues raised:

- carbon footprint;
- developer not be concerned about the sustainability of the housing development;
- environmental issues.

HOUSE PRICES / VALUE

Susan Watson (0155); Jane & Barry White (0307) – these proposals will adversely affect the desirability of Academy Place and their value; the green space is a unique selling point.

LOCAL HISTORY & INFORMATION (more about local wildlife above)

Cllr Harry Cartmill (0431) –

- area was initially purchased from Edinburgh Merchant Company (who once owned much of the land Bathgate was built on) in 1920 as part of the Veteran's Cottages development to allow wounded service personnel returning from WW1 a new home with much green space adjacent to help with their long recuperation;

TRAFFIC AND ROADS*Increased Traffic/Congestion/Capacity*

Jane McDowell (0116); Susan Watson (0155); Joyce Mowbray (0304); Margaret & Gordon Hendry (0306); Jane & Barry White (0307); Cllr John McGinty (0347); Ian Cordner (0367); Sharon & Kevin Gibson (0430) – building/access road for this site would further exacerbate the already existing traffic problems in the area and nearby roads during construction and afterwards raising traffic capacity concerns. Increased traffic would lead to a rat runs.

Alison Fraser (0154), Cllr Harry Cartmill (0431) - over the years the situation has got worse as now several households in Napier Avenue and Glebe Road have 2 or even 3 cars, many of which are parked at the roadside overnight; this adds to the problems as they restrict your vision as you approach the turn into Glebe Road.

Site Access Issues/Road Layout & Design

Jane McDowell (0116); Susan Watson (0155); Ellie Stewart (0298); Sharon & Kevin Gibson (0430) – the road is not suitable to deal with increased traffic and is not wide enough to allow 2 cars to pass on a corner and there is no suitable, safe access.

Jane & Barry White (0307) – road system is also entirely unsuitable for heavy goods vehicles and machinery which would be required for any housing development; roads are neither big enough or strong enough and

Alison Fraser (0154); Cllr Harry Cartmill (0431) - main concerns are the problems that would be created if the exit from the new housing estate were to be onto Glebe Road which would cause additional problems for junction of Napier Avenue and Glebe Road because of steep downhill gradient, road camber, not always possible to turn in winter weather. Cars from the new road / estate would increase problems with junction.

Cllr Harry Cartmill (0431) - many residents in Academy place are concerned that an access to this site could be taken through this quiet road if the Glebe Road entrance was rejected.

Winter Conditions

Alison Fraser (0154); Susan Watson (0155); Cllr Harry Cartmill (0431) – difficult road conditions in the site area during winter have been raised as follows:

- ice and snow can be hazardous;
- problems of living on the hill;
- due to altitude of Napier Avenue encounter worse winter weather conditions than experienced down in the town;
- delay in clearing the streets up this hill;
- numbers of cars parked on both sides of Kirk Road when they have been unable to ascend Crosshill Drive thereby causing additional congestion and visibility hazards;
- problems will only increase with the additional numbers of cars from development.

Road Surface Conditions

Alison Fraser (0154); Joyce Mowbray (0304); Jane & Barry White (0307) – local roads are already in a state of disrepair which is unlikely to be improved by additional traffic.

Road Safety Issues

Susan Watson (0155); Jane & Barry White (0307); John McDonald (0365); Sharon & Kevin Gibson (0430) – increase in traffic including delivery trucks would be a risk to local children playing; children will no longer be able to play in the street; especially at schools home times.

Modifications sought by those submitting representations:

Hazel & Gordon Gallacher (0151) & (0259), Adam & Elizabeth Steenkamp (0171), W. & R. Dalziel (0174), B. & M. McCabe (0175), Yvonne Carson (0176), Marnie Ferguson / James Savage (0177), G Pirie (0179), Martin & Elinor Forrest (0206), (0263) & (21835409), David McDowell (0230), Andrew McLeish (0257), Stuart & Kereen Johnston (0258), Mr and Mrs Lindl (0260), Stephen Walker & Carol Swift (0261), Linda & Philip Mallon (0262), C & G Taylor (0273), Lorna & Malcolm Lang (0286), Marion & Julian Serafini (0287), Marion & Julian Serafini (0287), Valery & Michelle Murnin (0288), Michelle & Darren Primrose (0289), Gordon McFarlane (0290), Jack Stewart & Barbara Dreier (0291), Christine & T R Hill (0292), Mags Hodge & T J Lees (0293), Sheena and Stephen Timmins (0294), Patricia & David Convery (0295), Tom & Janice Anthony (0384), Mark Wilson & Caroline Hird (0391), Gerrard & Anne Johnston (0392), Neil & Sarah-Jane Clement (0393), Fraser Brown (0396), Lynne & Niall Bell (0397), J & Janie Taylor (0398), Barbara & Anthony Taylor (0399), Suzan Ross (0400), Stuart Coyle (0401), Joan & F G Clark (0402), Murray & Gemma Cheek (0403), Ian & Mairi Stewart (0404), Neil & Lorraine Jamieson (0405), Stuart & Karen Perry (0406), Anne Whyte (0407), Shona & Colin Bingham (0408), Jane McDowell (0116) Alison Fraser (0154), Susan Watson (0155), Ellie Stewart (0298), Joyce Mowbray (0304), Margaret & Gordon Hendry (0306), Jane & Barry White (0307), Cllr John McGinty (0347), John McDonald (0365), Ian Cordner (0367), Sharon & Kevin Gibson (0430), Cllr Harry Cartmill (0431), Alan Aitchison (0226), G Burns and Family (0285) and Gerard and Anne Johnstone (0392).

No modifications specified but terms of the submissions suggest that the site is removed from the LDP and retained as open space.

Neil & Sarah-Jane Clement (0393) – seek preservation of the trees along the field boundary.

Summary of responses (including reasons) by planning authority:

Background

The site is allocated for housing in the adopted *West Lothian Local Plan 2009* (CD092) as site HBg24 *Napier Avenue*. A Planning Brief for the site was prepared by the council dating from June 1999 (CD161). The terms of the brief were reflected in the West Lothian Local Plan.

WLC response

Planning permission was granted for housing development on the site, application reference 0614/FUL/08 (CD342a). The application is for 20 houses phased in two stages (10 + 10) and provides a considerable area of landscaping across the northern part of the site. The site capacity set out in the LDP reflects a first phase of development.

Whilst the details and legal requirement of application 0614/FUL/08 were being agreed another application was received by the council for development of the eastern part of the site, application reference 0369/FUL/12 (CD313b). This application was refused by the council on 27 November 2012 (CD313a).

Leading to further confusion and concern for nearby residents, an appeal was launched against the refusal of application 0369/FUL/12, appeal PPA-400-2031 (CD313c). The appeal was dismissed on several grounds including the effective increase of site capacity to 23 houses, flooding and design criteria.

Tree protection issue

The Decision Notice for approved planning permission 0614/FUL/08) includes Condition 6 for the protection of trees during construction; however, there is no provision for the long-term protection of the trees alluded to by the respondents Neil & Sarah-Jane Clement (0393). The accompanying Landscape Plan (CD342b) lodged with the planning application indicates that the trees within the landscaped area running along the northern boundary of the site include large beech, holly and ash trees which may be worthy of protection.

In light of the degree of local concerns regarding the green space, habitat and amenity value of the site this tree protection matter can be addressed by the council and promotion of a Tree Preservation Order considered.

The potential for a Tree Preservation Order could be assessed through a standard TEMPO Tree Survey (CD124). This assessment could be undertaken without any potential impact on the LDP or existing planning permission.

With regard to the representations received in relation to site H-BA 5, the council does not consider that the LDP should be modified in respect of any of the issues raised in the representations.

No modifications to the LDP are therefore proposed as the site has a valid planning

approval. However, the council will consider pursuing a Tree Preservation Order relating to trees on the northern boundary of the site.

Reporter's conclusions:

1. I note that the current local plan already allocates this land for housing development, with an indicative capacity of 10 units – the same as that in the proposed plan. The planning permission the council refers to above dates from August 2013, so may by now have expired unless it has been renewed in the meantime. In any event, the principle of residential development on the site has already been established. The appeal decision referred to above would have been for a further 13 houses on the site, and the appeal was dismissed for reasons which were in large measure specific to that particular proposal.

2. I take note of the large number of concerns which have been raised by those who are opposed to development here. The council has not addressed these in any detail above.

3. Our findings in relation to education capacity are at Issues 1F and 1J. In relation to this site, the council is satisfied that sufficient school capacity exists. Noting its modest size, I am satisfied that any education capacity impacts arising from development of this site would likely be very minor.

4. I can understand that, since it has remained undeveloped, some local residents may use the site for informal recreation. However, it is largely overgrown and sloping grassland and not actively managed for recreation. There is in fact a small area of managed parkland immediately to the south of it. I do not consider that any informal recreational use of the site as may take place would justify a reconsideration of the principle of redeveloping it.

5. In relation to the concerns raised about road safety and congestion, I see that the entry for the site in Appendix Two of the plan says that access is to be taken 'as per planning approval'. Even if the permission referred to above remains in place, I am not convinced this is a terribly helpful reference for readers of the plan. The plans for that permission are for a vehicular access from the southeast corner of the site, via Glebe Road, and a secondary emergency access via Wallace Road. This is the same arrangement envisaged in the (now somewhat dated) brief for the site which the council prepared in 1999. Thus the council has already satisfied itself that such an arrangement is acceptable.

6. I appreciate that there are concerns for local residents caused by the narrowness of the nearby streets, their sometimes steeply sloping nature and the presence of parked cars. However, noting the very modest capacity of 10 units, the impacts of any additional traffic caused by a development of this scale would be very minor. I saw nothing at my site inspection which convinces me that the access arrangements envisaged by the council would be inappropriate. I do, however, recommend a change to Appendix Two which would make the proposed arrangements clearer to those reading the plan.

7. There is no technical evidence before me to indicate that the site could not be developed with the appropriate arrangements made for drainage and the management of any flood risk. The entry for the site in Appendix Two would require these matters to be addressed. In relation to impacts on biodiversity, I have seen no evidence that the site is now of greater biodiversity value than when it was previously allocated for residential

development. It is not designated for its biodiversity value. Fuller consideration of whether there would be any impacts on protected species would be for the development management process, and the evidence before me does not convince me that there is likely to be insurmountable problems in this regard. I note that the council may consider a Tree Preservation Order for some of the trees on the site.

8. I am satisfied that all the other matters raised could be addressed through the development management process, in particular noting the modest indicative capacity assigned to the site. I see no evidence which convinces me that the site could not be developed in an acceptable fashion, taking due account of the topography and other constraints on the site, and of the amenity of neighbouring uses.

Reporter's recommendations:

1. In Appendix Two, in the entry for site H-BA 5 Napier Avenue, under 'Transportation', delete the existing text and replace with 'Vehicular access via Glebe Road, with a secondary emergency vehicle access via Wallace Road'.

Issue 4B	Allocation of land for mixed use (including housing) at Blackburn Road, Bathgate	
Development plan reference:	H-BA 26	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Sheena Sutherland (0233) Paul Phelan (0458) John & Catherine Bradley (0142) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 148) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 26 – Blackburn Road, Bathgate</u></p> <p>Sheena Sutherland (0233) , Paul Phelan (0458) and John & Catherine Bradley (0142) object to allocation of the site for mixed use (including housing) for one or more of the following reasons:</p> <ul style="list-style-type: none"> • loss of open green space; • detrimental to existing visual and environmental amenity, natural habitat and wildlife; • erosion of existing views and outlook and contribute to a depreciation in property values; • the proximity of the development site and potential damage to foundations, construction noise, construction traffic and site working hours; • the potential height of neighbouring development and fears that it could give rise to overlooking and a loss of privacy, overshadowing and loss of sunlight to the existing garden; • fear of potential nuisance complaints from future neighbours as a consequence of domestic animals being kept by existing residents of Inchview Cottages <p>Scottish Environment Protection Agency (0243) - SEPA does not object to the allocation but observes that development of the site could increase the probability of flooding elsewhere and that a small part of the site may be subject to flooding. While acknowledging that Appendix 2 - Schedule of Housing Sites, Bathgate (page 148) already identifies the requirement for a Flood Risk Assessment, it suggests a revision to the text of the entry in Appendix 2 which expressly requires the Flood Risk Assessment to have regard to any structures, e.g. culverts, which may exacerbate flooding as these could serve to constrain development.</p>		

Modifications sought by those submitting representations:Representations to Allocated SitesH-BA 26 – Blackburn Road, Bathgate

Sheena Sutherland (0233), Paul Phelan (0458) and John & Catherine Bradley (0142) - objects to the site allocation but make no specific reference to modifications.

Scottish Environment Protection Agency (0243) - suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan to update on flood risk assessment requirements.

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesH-BA 26 – Blackburn Road, Bathgate

Sheena Sutherland (0233), Paul Phelan (0458) and John & Catherine Bradley (0142)

Background

The site lies within the established settlement boundary of Bathgate, east of the town centre and has not previously been allocated for development in the development plan. It is however brownfield and would benefit from re-use. It is well placed to be served by the town centre and other amenities including a supermarket. It is close to a bus route and also close to the Bathgate Railway Station.

Traffic and Roads

WLC Transportation has confirmed that suitable access can be provided to the site from Blackburn Road and has not identified any significant impact on the road network or need for improvement arising from the development.

Water and Drainage

Scottish Water has advised of sufficient capacity in terms of water supply and waste water treatment and have not objected to development of the site.

Wildlife and Habitat

Scottish Natural Heritage has raised no objections to development of the site.

Education

It has been established with Education Planning that the development of this site can be supported.

Mixed Uses & Housing Land

The site is brownfield and high profile on a main road at the entrance to the redeveloped

Wester Inch area. The council's strategy is to give priority to the development of brownfield sites the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan.

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and Policy 5, and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy (CD068 – paragraph 110) the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence delivery of housing within the first plan period. Deletion of the site would reduce the availability of housing land supply within the first plan period and over the plan period as a whole (CD173 - WLC Phasing of Housing Development for the West Lothian Local Development Plan).

Physical Impact of development on respondents property during construction

These are acknowledged as legitimate concerns but are capable of being satisfactorily addressed as part of the planning application process and specifically through appropriately tailored planning conditions.

Amenity & Impact on existing use of Inchview Cottages

These are acknowledged as legitimate concerns. However any planning application for development on the site would require neighbours to be notified and further consultation would be carried out in accordance with standard procedures. That process would allow detailed aspects of the proposals for the site to be appraised and provide neighbouring residents an opportunity to comment at that time.

For these reasons, the Council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (0243) - comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 (with the addition of text that the FRA should consider any structures, e.g. culverts, which may exacerbate flooding).

Reporter's conclusions:

1. The entry for this site in Appendix Two of the plan says that is allocated for mixed-use development. The indicative residential capacity is 10 units. Access to the site would be from Blackburn Road.
2. John and Catherine Bradley refer to land belonging to Scottish Woodlands Ltd, and that their commitment is to maintain the open space on this land. They provide a letter from Scottish Woodlands Ltd to Mr Bradley which states that Scottish Woodlands Ltd

does not own the land but would be opposed to a change of use. However Scottish Woodlands Ltd has made no such representation in respect of the proposed plan.

3. The Bradleys also raise concerns about congestion and road safety. The access point onto Blackburn Road would likely be either opposite the current entrance to the TESCO superstore, or between that junction and the Wester Inch Roundabout. I recognise the potential for conflict with other turning manoeuvres and the presence of queuing traffic at busy periods. However, the development would be of modest scale and I note that the council's transport officials are reportedly satisfied that an acceptable means of access can be achieved. I give significant weight to this view, and detailed access arrangements can be fully considered through the development management process.

4. I recognise the other concerns raised by objectors. The southern edge of the site contains a path and amenity grassland near the roundabout, but most of the site is overgrown scrubby land, rising steeply to the rear, which does not make a significant contribution to the amenity of the area or provide a recreational resource. The proposals map indicates that the path running along the southern boundary would be retained. The site is not designated for any particular biodiversity value, and I have no reason to conclude that any impacts on protected species could not be addressed through the development management process. There is no reason to doubt (notwithstanding the awkward shape of the site) that the layout and design of development here, in particular housing development, could ensure an appropriate relationship with neighbouring residential uses. I appreciate that one of the neighbouring residents may keep pets and have a large garden, but I do not consider that this can reasonably constrain development of neighbouring land, in particular brownfield land within the settlement. Any impacts arising from the construction process could, where material, be considered through the development management process. Impacts on property prices are not, in of themselves, a material consideration.

5. In relation to flood risk, the entry for this site in Appendix Two already requires a flood risk assessment, and makes reference to the Bog Burn. I see no pressing need for any further detail to be included.

Reporter's recommendations:

No modifications.

Issue 4C	Allocation of land for mixed use (including housing) at Whitburn Road, Blackburn (former Abattoir)	
Development plan reference:	H-BA 27	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>APB Food Group (0163) Oil States Industries (21583352) Scottish Environment Protection Agency (0243)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 149) Proposals Map 4, Bathgate	
Planning authority's Summary of representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 27 – Whitburn Road, Blackburn</u></p> <p>APB Food Group (0163) -supports the allocation of site H-BA 7 for mixed use development; indicative figure of 100 houses which has been assigned to the site is considered too restrictive and it is suggested that this should be a matter for determination at a later date when detailed proposals are tabled; it is proposed to bring forward the site within the plan period.</p> <p>Oil States Industries (21583352) - while not objecting to the allocation of the site for mixed use (including housing) a potential conflict between the housing element and the existing business operations in the vicinity of the site is identified and there are concerns at how this might further constrain established operations. It is noted that the respondents business is already subject to hours restrictions for reasons allied to potential noise impact on neighbouring residential properties.</p> <p>Scottish Environment Protection Agency (0243) - does not object to the allocation. While acknowledging that Appendix 2 - Schedule of Housing Sites, Bathgate (page 148) already identifies the requirement for a Flood Risk Assessment, it suggests a revision to the text of the entry in Appendix 2 which expressly requires the Flood Risk Assessment to have regard to any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 27 – Whitburn Road, Blackburn</u></p> <p>APB Food Group (0163) – requests that the LDP does not impose a capacity limit of 100</p>		

houses.

Oil States Industries (21583352) - makes no specific reference to modifications but does suggest that measures are required to prevent existing business operations being adversely affected by the housing element of the allocation.

Scottish Environment Protection Agency (0243) – suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BA 27 – Whitburn Road, Blackburn

APB Food Group (0163)

Site Capacity

The number of houses identified in Chapter 6 - Development Proposals by Settlement, Bathgate, page 81, and Appendix 2 - Schedule of Housing Sites, Bathgate, page 148, is indicative (CD078). It is for prospective developers to show an acceptable development scheme, via the normal development management process that would accord with all of the planning authority's expectations and requirements. That scheme may enable the development of more homes or it may mean less. Either way, the position remains to be finalised once a precise form of development emerges. At this early stage, it is not for the LDP to predict or restrict the outcome of that design process but it is reasonable and necessary to provide some indication of what the quantum of development is likely to be. It is, however, considered that the suggested capacity of 100 units is appropriate. While the total site area is 6.5 ha in size, which at a standard suburban density of 25/units per hectare would accommodate 162 house, the allocation is for mixed uses, not just housing, and this will inevitably result in fewer housing units. It is also the case that the layout and disposition of houses across the site will need to be mindful of (a) existing natural features including a burn across the northern part of the site (which may be susceptible to flooding and for which a Flood Risk Assessment has been required to determine the full extent of the land capable of being developed and (b) to the proximity of existing neighbouring industrial developments and (c) education capacity in the school catchment areas. These will be important factors in determining density.

Oil States Industries (21583352)

Housing component of mixed use allocation

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and Policy 5, and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy 2014 (CD068 – para 110) the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence

delivery of housing within the second plan period. Deletion of the housing element would reduce the availability of housing land supply within the second plan period and over the plan period as a whole (CD173 - WLC Phasing of Housing Development for the West Lothian Local Development Plan).

The council's strategy is to give priority to the development of brownfield sites, the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan. Furthermore, allocating the site for mixed uses will assist in maximising the redevelopment opportunities.

Noise/Impact of development on neighbouring land uses

It is the case that the council's Environmental Health service raised no objections to the development of the site when consulted, and while the council recognises the sensitivity of the site in terms of its relationship to areas of existing employment properties, it is not unreasonable to expect this to be addressed when detailed proposals which are subsequently submitted for planning permission. The layout and design of houses together with appropriate landscaping works and other physical works should be capable of ameliorating any potential conflict of uses.

For these reasons, the council considers the allocation of 100 residential units in the plan to be a reasonable indication at this time and does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (0243) - comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that the FRA should consider any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Reporter's conclusions:

1. This site is in Bathgate not, as stated above, Blackburn. It is 'white land' within the Bathgate settlement boundary in the current local plan, adjacent to the employment area to the south which has the same boundary in both plans. The entry for the site in Appendix Two says that it has been identified for mixed-use development, including housing. The capacity of the site for housing is stated as 100 units.

Potential conflict with nearby industrial use

2. The Bathgate plant of Oil States Industries (UK) is located within the industrial area to the south of the site, on the opposite side of Whitburn Road. Their representation states that they do not seek to change the plan in any way, but would not wish the development of the former abattoir site to place further restrictions on their business. They would like measures to be put in place to ensure this is the case. Noting this position, I consider that the council's response – that this is a matter which can be addressed through the detailed proposals for the site – is an appropriate one.

The capacity of the site

3. The representation from ABP Food Group states that the figure of 100 dwellings is too restrictive and should not be a cap. Ostensibly, as the council admits, a site of 6.5ha might be expected to yield a greater number of dwellings. However, the council also points to the likely need, in developing the site, to take into account factors such as the potential for other uses, the potential for flood risk and perhaps the need for the layout to take into account the presence of the industrial land to the south. In any event, the figure of 100 is indicative, and not intended to be a cap. I am satisfied that it is sufficient for now, and that the final number of dwellings can emerge as detailed development proposals are worked up.

Flood Risk

4. The entry for this site in Appendix Two states that a flood risk assessment is required to determine the full extent of land capable of being developed. I see no compelling need to provide further detail than that.

Reporter's recommendations:

No modifications.

Issue 4D	Allocation of land for mixed use (including housing) at Guildiehaugh Depot, Bathgate	
Development plan reference:	H-BA 24	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Sheena Sutherland (0229) and (21868711) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 147) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>H-BA 24 – Guildiehaugh Depot, Bathgate</p> <p>Sheena Sutherland (0229) and (21868711) - objection is raised to allocation of the site for mixed uses (including housing) for the following reasons:</p> <ul style="list-style-type: none"> • the proximity of the development site and potential damage to foundations, construction noise, construction traffic and site working hours; • the potential height of neighbouring development and fears that it could give rise to overlooking and a loss of privacy, overshadowing and loss of sunlight to the existing garden; • the location of the existing access to the site from Blackburn Road and its elevated nature relative to the respondents property are identified as potential sources of nuisance in terms of vibration and headlights from increased traffic generated by new development. <p>Scottish Environment Protection Agency (0243) - does not object to the allocation. While acknowledging that Appendix 2 - Schedule of Housing Sites, Bathgate (page 147) already identifies the requirement for a Flood Risk Assessment and a Drainage Impact Assessment, it suggests a revision to the text of the entry in Appendix 2 which expressly requires contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 24 – Guildiehaugh Depot, Bathgate</u></p> <p>Sheena Sutherland (0229) and (21868711) - object to the site allocation but make no specific reference to modifications.</p>		

Scottish Environment Protection Agency (0243) – suggest that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BA 24 – Guildiehaugh Depot, Bathgate

Background

The site embraces Guildiehaugh depot, an operational base for the council's Roads and Neighbourhood Environmental Teams, Land & Countryside Services. It is for the most part, 'brownfield', comprising part quasi-industrial land previously used for the storage of materials, plant and machinery and as an operations base for the Council. Council operations are however scheduled to be transferred to a new facility as part of a Depot Modernisation programme in 2016 and Guildiehaugh Depot will become redundant as a consequence.

The site is located on the south side of Edinburgh Road, the principal east-west route through Bathgate, at the junction with Blackburn Road from where there is a singular vehicular access. It is bounded to the north by the Edinburgh/Glasgow railway line and lies immediately to the south east of the newly opened and re-located Bathgate railway station and car park. Bathgate Golf Club and the former school recreation ground wrap around the site to the south and west, contributing to a less urbanised setting, and this is re-enforced in part by the fact that the site also lies at a lower level than Edinburgh Road, generally helping to screen views in and out. The site is outwith but in close proximity to Bathgate town centre, just over 1 km distant to the east, and is particularly well located in terms of public transport. It is also within easy walking distance of a large Tesco superstore at Blackburn Road.

Approximately half of the site has not previously been allocated for development in the development plan while the remainder, essentially the western portion of the site, is allocated as open space in the adopted West Lothian Local Plan (CD092). The open space was originally the recreational ground associated with the former St Mary's Academy, now demolished. More than half of this 'orphaned' land has since been physically absorbed into the Guildiehaugh depot, legitimately and with the benefit of planning permission, leaving a residual area of approximately 0.8ha. This is however no longer accessible due to works associated with the relocation of Bathgate railway station and as a consequence serves no useful purpose, nor does it make a sufficiently important contribution to the amenity of the area as formal open space. It is now regarded as being more productively embraced by redevelopment proposals.

For these reasons, the council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to these representations.

Sheena Sutherland (0229) and (21868711)

Mixed Uses & Housing Land

The site lies within the established settlement boundary of Bathgate, east of the town centre and has not previously been allocated for development in the development plan. It

is however brownfield and would benefit from re-use. It is well placed to be served by the town centre and other amenities including a supermarket. It is close to a bus route and also close to the Bathgate Railway Station. The council's strategy is to give priority to the development of brownfield sites, the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Planning Policy 2014 (CD68 – para 40) and the Strategic Development Plan (CD099 paras 17, 22, 26, 112 and 113). Furthermore, allocating the site for mixed uses will assist in maximising the redevelopment opportunities.

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and Policy 5, and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy 2014 (CD68 - para 110) the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence delivery of housing within the second plan period. Deletion of the housing element would reduce the availability of housing land supply within the second plan period and over the plan period as a whole (CD173 - WLC Phasing of Housing Development for the West Lothian Local Development Plan).

Physical Impact of development on respondents property

These are acknowledged as legitimate concerns but are capable of being satisfactorily addressed as part of the planning application process and specifically through appropriately tailored planning conditions. It should also be noted that Planning Guidelines for the redevelopment of the site (CD231) were reported to the council's Development and Transport Policy Development and Scrutiny Panel in February 2012 (CD232) and have particular regard to matters of this nature. The guidelines have subsequently been amended by planning officers in March 2015. The 2015 Guidelines were the subject of consultation with elected members but have yet to be approved by the council.

Amenity

These are acknowledged as legitimate concerns. However, any planning application for development on the site would require neighbours to be notified and further consultation would be carried out in accordance with standard procedures. That process would allow detailed aspects of the proposals for the site to be appraised and provide neighbouring residents an opportunity to comment at that time.

Access & Traffic

WLC Transportation has confirmed that suitable access can be provided to the site from Blackburn Road. It should also be noted that the Planning Guidelines prepared for the redevelopment of the site in March 2015 (and referred to above) also have particular regard to matters of this nature. While they envisage that the existing point of vehicular access to the site would continue to be utilised it is noted that new development will require to be the subject of a Transport Assessment and is likely to be required to

contribute to managing traffic on the surrounding road network in order to enable the network to function with the minimum congestion possible. It will also be necessary for junction radii to be configured in a manner which conforms to adoptable standards. In any event, the precise geometry and configuration of the access will be the subject of a future planning application and further consultation would be carried out in accordance with standard procedures. That process would allow detailed aspects of the proposals for the site to be appraised and provide neighbouring residents an opportunity to comment at that time.

For these reasons, the council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (0243) - comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that contact is made with the flood prevention officer to discuss and investigate flooding issues in light of a review of the surface water 1 in 200 year flood map, the Council would not take issue with this.

Reporter's conclusions:

1. Appendix Two identifies this site for mixed-use development, including housing. The indicative residential capacity is 100 units. It appears that the depot is surplus to the council's requirements, although it was still in use at the time of my site inspection. The site is mostly brownfield land within the settlement of Bathgate and so, in principle, both the proposed plan and Scottish Planning Policy are supportive of its beneficial re-use.
2. However I take account of the concerns raised by Sheena Sutherland. It appears that the existing use of the site, including the use of the access road close by, affects the amenity of Ms Sutherland's property, which lies immediately to the south. This is the established use of the site and so any continued similar use may well cause the same kind of problems. It seems to me that a mixed or residential use here might be expected to be a more 'neighbourly' and compatible use for the dwelling to the south. The layout and design of any development could ensure an appropriate relationship with the existing house in respect of any loss of amenity or privacy.
3. Any impacts arising from the construction process (for example vibration, and the impacts of construction traffic and site lighting) could, where material, be considered through the development management process. I cannot conclude that these ought to rule out the allocation of this site.

Flood risk

4. The entry in Appendix Two for the site says that it is susceptible to pluvial flooding and that flood risk and drainage impact assessments are required. I see no compelling need for the plan to provide more detail than that.

Reporter's recommendations:

No modifications.

Issue 4E	Allocation of land for mixed use (including housing) at Mid Street, Bathgate	
Development plan reference:	H-BA 28	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Lynn Garvey (0150) and (21835156)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 150) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 28 – Mid Street, Bathgate</u></p> <p>Lynn Garvey (0150) and (21835156) – objects to allocation of the site for mixed uses (including housing) for the following reasons:</p> <ul style="list-style-type: none"> • the indicative figure of 10 houses which has been assigned to this site is considered excessive and it is suggested that this should be reduced and identified as not more than 2; • a development comprising more than two houses will exacerbate an already congested part of the town and increase demand for on-street parking. 		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 28 – Mid Street, Bathgate</u></p> <p>Lynn Garvey (0150) and (21835156) - requests that the LDP imposes a capacity limit of not more than 2 houses <u>or</u> that the site is instead designated as green/open space.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 28 – Mid Street, Bathgate</u></p> <p><u>Background</u></p> <p>The site lies within the established settlement boundary of Bathgate, east of the town centre and has not previously been allocated for development in the development plan. It is however brownfield and embraces land which was previously occupied by Bathgate Swimming Pool (now demolished). The general character of the area is one of mixed</p>		

uses, albeit predominantly residential, and the site is well placed to be served by the town centre and other amenities. It is close to bus routes and also close to the Bathgate Railway Station. The site is therefore considered appropriate for a range of business and commercial which are complementary and compatible with the established character and amenity of the surrounding area and is also considered suitable for residential development. In either event, the opportunity exists to redevelop the site in a comprehensive manner, making best use of what is previously developed land.

Lynn Garvey (0150) and (21835156)

Housing Land

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and Policy 5, and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy 2014 (CD068 – para 110) the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence delivery of housing within the second plan period. Deletion of the housing element would reduce the availability of housing land supply within the second plan period and over the plan period as a whole (CD173 - WLC Phasing of Housing Development for the West Lothian Local Development Plan).

The council's strategy is to give priority to the development of brownfield sites, the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan. Furthermore, allocating the site for mixed uses will assist in maximising the redevelopment opportunities.

Site Capacity

The number of houses identified in Chapter 6 - Development Proposals by Settlement, Bathgate, page 81, and Appendix 2 - Schedule of Housing Sites, Bathgate, page 148, is indicative (CD078).

It is for prospective developers to show an acceptable development scheme, via the normal development management process that would accord with all of the planning authority's expectations and requirements. That scheme may enable the development of more homes or it may mean less. Either way, the position remains to be finalised once a precise form of development emerges. At this early stage, it is not for the LDP to predict or restrict the outcome of that design process but it is reasonable and necessary to provide some indication of what the quantum of development is likely to be. It is considered that the indicative capacity of 10 units (which anticipates a flatted development) is appropriate under the circumstances.

Access & Parking

WLC Transportation has confirmed that suitable access can be provided to the site from

Mid Street and has not identified any significant impact on the road network or need for improvement arising from the development.

Concerns relative to parking are acknowledged as legitimate concerns but are capable of being satisfactorily addressed as part of the planning application process and specifically through appropriately tailored planning conditions. It should also be noted that a Planning Brief was prepared for the redevelopment of the site in March 2012 which specifically has regard to parking and identifies the council's standards (CD308). Additional guidance relative to small scale and infill residential development in urban areas has also been provided in Supplementary Planning Guidance "Single Plot and Small Scale Infill Residential Development in Urban Areas" (CD126) and in revised draft Residential Development Guide (Supplementary Guidance) (CD233).

For these reasons, the council considers the allocation of 10 residential units in the plan to be a reasonable indication at this time and does not agree to modify the plan in response to the representation.

Reporter's conclusions:

1. The council says above that the site is appropriate for a range of business and commercial uses. However, the entry for this site in Appendix Two of the plan identifies it as a housing allocation, with a capacity of 10 units. I treat it as such.
2. As a brownfield site in a fairly central location within the town, both the proposed plan and Scottish Planning Policy are, in principle, supportive of the beneficial re-use of the site. Noting its location and the surrounding land uses (which include other homes, a residential care home, a church and a small hall) I agree that residential use of this site would be appropriate. I note that there is no objection to this in principle.
3. The site is, as I observed during my site inspection, a somewhat awkward shape. It is narrow and deep. The flats to the south lie almost along the site boundary, with windows up to 2nd floor level directly overlooking the central and rear portions of the site.
4. These characteristics are likely to constrain the layout of development which can be achieved on the site, and its scale. The realisable capacity of the site could very well, as the council admits, be lower than 10 dwellings. However, these are matters which are best addressed through the development management process. I do not consider that I have sufficiently detailed evidence before me to conclude that a capacity of 10 is clearly wrong, or which would allow me to confidently suggest an alternative figure. The capacity figure in the plan is indicative, and it would be through more detailed consideration that an appropriate form of development (including the number of dwellings) can be considered. Likewise, appropriate provision of off-street parking is a matter which could be addressed through the development management process.

Reporter's recommendations:

No modifications.

Issue 4F	Allocation of land for housing at Easton Road/Balmuir Road, Bathgate	
Development plan reference:	H-BA 6	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Agnes Wilson (0267) Jana Anderson (21910164) Ross Morgan (21909371) John Orr (21716490) Scottish Environment Protection Agency (0243) River Forth Fisheries Trust (21885347)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 138) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 6 - Easton Road/Balmuir Road, Bathgate</u></p> <p>Agnes Wilson (0267), Jana Anderson (21910164), Ross Morgan (21909371) and John Orr (21716490) – object to the allocation of the site for housing for one or more of the following reasons:-</p> <ul style="list-style-type: none"> • dissatisfaction with aspects of the site layout including the physical relationship of new development to existing properties; • the height of buildings and concerns relative to overlooking and loss of privacy; • the potential impact of development on local wildlife and habitats; • the site is too small for the proposed allocation of a large number of houses (298); • references LDP Policy DES 1 and seeks assurance that this will be observed/adhered to in relation to the development of the site; • the site is regarded as one of a number of non-effective housing allocations in the LDP; • the site may be undevelopable due to flood risk from the neighbouring Bathgate Water, contamination and suspect ground conditions; • the council is accused of being too wedded to sites carried forward from previous plans but which continue to show no sign of being developed; • the lack of developable sites will discourage developers from building in West Lothian which will in turn reduce choice, the supply of affordable housing for local people and fuel house price inflation. <p>Scottish Environment Protection Agency (0243) - does not object to the allocation. While acknowledging that Appendix 2 - Schedule of Housing Sites, Bathgate (page 138) (CD078) already identifies the requirement for a Flood Risk Assessment to assess the flood risk from the Bathgate Water which flows along the eastern and northern boundary</p>		

of the site and for a Drainage Impact Assessment to assess the impact of development on the local network, it suggests a revision to the text of the entry in Appendix 2 which expressly requires that the scope of the Flood Risk Assessment be extended to take account of another small watercourse.

River Forth Fisheries Trust (21885347) – explains that the Trust is an environmental charity which undertakes work to improve the eco-systems on which freshwater fish species rely. The Trust is currently working in partnership with the Scottish Environment Protection Agency (SEPA) (to promote compliance with the Water Framework Directive), West Lothian Council and other community groups on a SEPA Water Environment Fund/Heritage Lottery Fund project to improve the Bathgate Water and to reconnect the local communities to the watercourse.

Intimates that the Bathgate Water is highly impacted by previous agricultural and industrial uses and is formally classified as 'bad' under the current River Basin Management Planning system. The current proposals for the Bathgate Water is to re-route the course of the Bathgate Water to improve the ecological status (to improve its WFD classifications) as well as providing natural and sustainable flood attenuation for both the immediate area and to protect areas further downstream as well as providing an attractive amenity for the population of Bathgate linking different communities via a new path network.

The proposed route would pass through the area proposed for development and there is concern that development could impact on the success of this work. Objection is therefore raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. It is also requested that any development should ensure that it complies with Policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The respondents also consider that development at this location could prevent West Lothian Council from complying with clause 5.235 of the Plan, noting that the council is a responsible body under the Water Environment & Water Services (Scotland) Act 2003 and which confers various legal obligations.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BA 6 - Easton Road/Balmuir Road, Bathgate

Jana Anderson (21910164) - requests changes to the layout of the site and for part of it to be developed as a park or as a local nature reserve.

Ross Morgan (21909371) – while not specifically seeking to modify the plan it is proposed that controls are put in place to ensure that development is designed sensitively and in accordance with LDP Policy DES 1.

John Orr (21716490) - objection is raised to development of site H-BA 6 for housing and it

is requested that it should be removed from the LDP and alternative sites identified which are free of constraints and hence more effective.

Scottish Environment Protection Agency (0243) – it is suggested that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.

River Forth Fisheries Trust (21885347) - no specific modification is identified but objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BA 6 - Easton Road/Balmuir Road, Bathgate

Background

The site extends to 12.5 hectares and is situated on the north-west side of Bathgate, bounded by Easton Road to the south, Race Road to the west, Balmuir Road to the north and the Bathgate Water to the east. The southern part of the site contains operational office and industrial premises for the manufacture of portable accommodation units while the remainder comprises a former foundry site and agricultural land.

Proposed Plan site H-BA 6 is allocated as a housing site in the current West Lothian Local Plan (2009) (site HBg29) (CD092), and is therefore part of the current housing land supply. It is being carried over into the LDP. Planning permission in principle for residential development was originally granted in February 1992 (ref. 0216/P/1992) and the site was allocated for residential development in the Bathgate Area Local Plan 1998 (CD098). Planning permission in principle was again approved in April 2002 (ref. 1051/P/01) (CD347a and CD347b) There have been two subsequent applications for the approval of reserved matters. The first was approved in December 2005 in respect of the erection of 76 flats and 229 houses (ref. 1335/04) (CD348a, CD348b and CD348c), later amended to 75 flats and 223 houses or 298 units in total and serves to explain the indicative capacity of 98 in the LDP allocation. The second application related to landscaping, site levels, finishing materials and other sundries and was approved in November 2007 (CD395a and CD395b). Engineering works were subsequently implemented on site and were confirmed as sufficient to maintain the validity of the planning permission.

Agnes Wilson (0267), Dr Jana Anderson (2191064), Ross Morgan (21909371) and John Orr (21716490) - It has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

John Orr (21716490) – delivery of development on the site has been delayed due to the economic downturn but the landowner has confirmed that he remains committed to its development and has intimated that the site is effective with regard to the criteria set out in para 55 of PAN 2/2010 (CD038). It is also the case that the council has identified a range of new sites in the LDP, see Appendix 2, which will collectively address the housing requirement identified in the Housing Land Supplementary Planning Guidance which is part of the Edinburgh and South East Scotland Strategic Development Plan 2013 (CD101).

For these reasons, the council considers the site to be an appropriate allocation in the plan and does not agree to modify the plan in response to this representation.

Scottish Environment Protection Agency (0243) – it has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

Comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires that the scope of the Flood Risk Assessment be extended to take account of another small watercourse. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

River Forth Fisheries Trust (21885347) - it has already been acknowledged in Appendix 2 of the LDP that the site is susceptible to flooding and a flood risk assessment and a drainage impact assessment are identified as being required.

In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is compliant with policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of the following text should this be considered helpful in improving the legibility and understanding of the Plan.

‘The impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.’

Reporter’s conclusions:

1. I note the matters raised by those who are opposed to residential development on this

site, or who make comments on how such development ought to be carried out. However, the site is allocated for housing in the current local plan. Planning permission for housing has previously been granted, and indeed the council states above that this has in fact been commenced, and thereby implemented. The entry for this site in Appendix Two of the plan generally reflects the terms of that consent. In this context, I am satisfied that it is appropriate that this site continues to be allocated for housing development, and that the indicative capacity figure given in Appendix Two is appropriate.

2. One objector states that there may be a minor discrepancy in the proposals map in respect of the boundary of the site with Winnock, Burnside Road. If this is the case, this is a minor matter which the council could address as a 'non-notifiable' modification.

Site effectiveness

3. I take note of John Orr's view that the site is not effective, and will not deliver development. Our overall conclusions in respect of housing land supply are at Issue 1A. Taking full account of this context, I am not persuaded, given the long-standing support for the principle of development on this site, and indeed a permission which appears to have been implemented, that the site ought not to be allocated for housing.

4. Mr Orr also states that site H-BA 1 at Balmuir Road (a little to the west of H-BA 6) is almost certainly undeliverable due to flood risk. I note that SEPA has not objected to development of the site on this basis. I therefore do not have sufficient information to recommend that this site be omitted from the plan.

Flood Risk

5. Notwithstanding its observations on this site, Table 2 within SEPA's consultation response to the proposed plan includes commentary on all those sites where SEPA requests a change to the entries in Appendices One and Two of the plan. This site is not one of those. Noting also that planning permission already exists for development on the site (and, says the council, has been commenced), I am not convinced there is any significant benefit in further refining the entry in Appendix Two for this site.

Impacts on watercourses

6. The River Forth Fisheries Trust raises concerns about the potential impacts on the Bathgate Water and on its project (in collaboration with the council, SEPA and other partners) to improve the watercourse and to reconnect local communities to it. It makes similar comments about a number of other sites in Bathgate, and one in Armadale.

7. I note the council's suggestion that Appendix Two references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust's project, the flood risk assessment and other supporting information required for any revised proposals (were any to come forward for this site) ought to be sufficient to ensure that the aims of the project could be properly reflected.

Reporter's recommendations:

No modifications.

Issue 4G	Allocation of Land for Housing at Eastoun Farm, Bathgate	
Development plan reference:	MIRQ-0172	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Taylor Wimpey (0235)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Landward (page 81) Proposals Map 4, Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>MIRQ-0172 – Eastoun Farm, Bathgate</u></p> <p>Taylor Wimpey (0235) – it is suggested that there is a significant shortfall in housing sites within the Proposed Plan to meet the required Housing Supply Target, as set by the Edinburgh and South East Scotland Strategic Development Plan 2013. It is stated that at no point between 2017 and 2024 will there be an adequate 5 year housing land supply and it is proposed that additional effective housing sites should be allocated to satisfy SESplan and Scottish Planning Policy. A Housing Land & Supply Assessment accompanies the representation and expands on this subject.</p> <p>Specifically, it is proposed that a site at Eastoun Farm, Bathgate should be allocated for housing, suggesting it could accommodate up to 140 houses set within an attractive location and offering good landscape fit and potential to create robust and defensible boundaries. The site is described as being accessible by a range of transport modes and located within walking distance of local services. Overall, it is suggested that development of the site would represent a sustainable and natural extension to the existing settlement. A Development Framework detailing Eastoun Farm's suitability for housing development accompanies the representation.</p> <p>Policy ENV 7 – Countryside Belts and settlement setting (page 44) is objected to in principle and is not considered to be in accordance with Scottish Planning Policy. With specific regard to the proposed allocation, it is argued that there is insufficient justification for embracing the site as part of the countryside belt. A detailed critique of the countryside belt designation accompanies the representation.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>MIRQ-0172 – Eastoun Farm, Bathgate</u></p> <p>Taylor Wimpey (0235) - requests allocation of the site for housing.</p>		

Summary of responses (including reasons) by planning authority:Representations to Non Allocated SitesMIRQ-0172 – Eastoun Farm, Bathgate

Taylor Wimpey (0235)

Housing Land Supply

The council's justification for its approach to housing land requirements and housing land supply is set out in Schedule 4, 1A.

Background

The site is located on the north western edge of Bathgate, outwith the established settlement boundary of the town, and extends to approximately 6 hectares. It comprises agricultural land around Eastoun Farm and the southern portion of the site is identified as lying within the Bathgate Countryside Belt in the adopted West Lothian Local Plan. The entire site is embraced by the countryside belt in the LDP Proposed Plan.

Allocation as a housing site

The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites. (LDP Proposed Plan page 10, paragraph 5.4). Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply, and in Bathgate committed sites, particularly at Eastoun Road H-BA 6, Wester Inch (Various) and Standhill (H-BA 3 & H-BA 4), provide a long term framework for settlement growth in the area over the Local Development Plan period. Generally, therefore, there are other more suitable sites available for development that can be brought forward to support development requirements and there is consequently no strategic need to bring forward additional land for housing in Bathgate at this time.

The Council does not in any event consider Eastoun Farm to be an appropriate housing allocation for physical and practical reasons. The site comprises an attractive area of countryside, adjoining but situated outwith the north west settlement boundary of Bathgate, and contributes to the setting and visual amenity of the area. Built development, particularly of the scale proposed, would constitute a significant physical expansion and urban intrusion into the surrounding countryside belt/proposed countryside belt. It would adversely change the established character and appearance of the site and its surroundings and the council is not convinced that it could be successfully integrated, even with the addition of new structural landscape features. The council's justification for its approach to defining the countryside belt is set out in Schedule 4 1B and the council's Position Statement on countryside belts (CD184).

In this instance there is no justification to amend the settlement boundary to include the proposed site. A change to the settlement boundary at this location would result in a weaker boundary and a diminishment of settlement setting which would in turn be contrary to LDP Policy ENV 7 *Countryside Belts and settlement settings*.

The proposal is also contrary to the terms of paragraph 76 of Scottish Planning Policy 2014 (CD076) which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as good quality agricultural land.

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development in the countryside on the periphery of Bathgate would be considered to be contrary to the terms of this policy and out of keeping with the character of the settlement and local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099) page 14).

The site was previously subject to site assessment (CD169b) and was identified in the MIR as a non-preferred site with one of the reasons being allied to lack of education capacity.

The site was identified in the MIR as a non-preferred site with one of the reasons being allied to lack of education capacity. The site lies within the catchment of Windyknowes Primary School and Armadale Academy and there are known education capacity constraints which would prevent development of this site in the short and medium term. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement- on Education (CD201).

Previous attempts to promote residential development on the northern part of this site have been rejected by Reporters appointed by the Scottish Government when considering the West Lothian Local Plan at the Public Local Inquiry. See chapter 3.9 Bathgate (Proposed Sites), paragraphs 5.28 – 5.33, pages 3.108 – 3.109 of the WLLP PLI Report (CD188). Since the PLI there has been no change in circumstance to support the identification of the site for residential development other than a review of landscape designations. The review of such designations was a requirement of the West Lothian Local Plan and in this instance has resulted in the countryside belt being drawn tight to the existing urban edge (recognising the re-development of the land to the north of the proposed site, the former Ballencrieff Works) and at the same time embracing all of the proposed site.

It should be noted that the council sought to resist the residential development of this site for reasons allied to the protection and maintenance of the countryside belt but that it was nevertheless consented to through a planning appeal decision (CD328a, CD328b and CD328c). One consolation is that this was not a greenfield site but a former mine head which had a long history of development and industrial/commercial uses and the physical impact of re-development was perhaps not as significant a change as would be the case if the proposed site were now allocated for housing. This would have the undesired effect of extending the urban edge of Bathgate further westward and out into the countryside, eroding its rural character.

The Council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. Our findings in relation to housing land supply are at Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to the case for allocating this site for housing.
2. This site lies at the northwestern edge of Bathgate, comprising agricultural land on either side of Easton Road. Immediately to the east is allocation H-BA 6, which we recommend, under Issue 4F, be retained. There is housing to the north of the site and (beyond a strip of woodland) to the south. Immediately to the west are the Eastoun Farm buildings, and there is woodland on the rising land to the southwest. This would be a moderately-sized release of greenfield land on the edge of Bathgate.
3. When travelling west along Easton Road there is a definite sense, in crossing the bridge over the burn on the eastern boundary of the site and travelling up the hill, of quickly leaving the town behind and emerging into the countryside. From this point, Easton Road is a pleasant and tree-lined narrow rural road, with arable fields on either side and woodland further to the south, and the farm complex to the west.
4. Development on the site would be prominent from some areas in the town, for example from the higher land on the western parts of the (as yet undeveloped) site H-BA 6, and to some degree from the areas of housing on the rising land to the north of Balmuir Road. The site also sits higher than Race Road to the east and the houses at Jardine Place to the north. The undeveloped nature of much of the western part of site H-BA 6 reinforces the rural feel of the site. I think the western boundary of the site would represent a weaker settlement boundary than currently provided by Race Road and the strip of woodland to the northwest of Colinshiel Street. There would, therefore, be some impacts on the character and landscape setting of this part of Bathgate.
5. On the other hand, wider visibility of the site would be fairly limited. The woodland to the south and southwest and the housing at Jardine Place to the north serve to contain it, as does, to a lesser degree, the farm complex to the west. When approaching the farm from further west along Easton Road, the site is not particularly prominent, and landscaping along this western boundary would provide a further measure of containment. In terms of the likely landscape and visual impacts of allocating the site, these are factors in its favour.
6. The council does not make the case that the transport impacts of development on the site would be unacceptable. I recognise that its accessibility to public transport and community and commercial services may be less than ideal but, as an edge of town site in a town of Bathgate's size, this would not be wholly unexpected. I noted during my site inspection the cattle sheds close to the western boundary of the site. Although this is not raised above, the compatibility of these with residential use could be a significant matter requiring more detailed consideration.
7. The council refers above to capacity issues at Armadale Academy and Windyknowes Primary School, but does not elaborate further. We address education capacity at Issues 1F and 1J, where we recommend a more positive policy approach to education capacity. At Issue 1A, we find that the council's latest projections of the annual rates of future housing completions are too optimistic. These projections inform the council's thinking about when new education capacity would need to be provided. Therefore, in general

terms, the likely lower rate of housing development means that the council is planning for a level of pressure on education capacity which is somewhat greater than that which is likely to arise over the next few years.

8. The council refers above to an extract from the Report of the previous Local Plan Inquiry. However, those paragraphs referred to appear to be about land at Bughtknowes Farm on the northeastern side of Bathgate. I have assumed that the council intended to refer to paragraphs 5.22 to 5.25 on pages 3.106-3.107 of the Report, which contain the reporters' conclusions on the objection which sought the allocation of the northern part of the Eastoun Farm site for housing development. I take account of the findings of those reporters, indeed I make similar observations in respect of some of the impacts of developing the site. I do note however that, in that case, the reporters found no overall shortage in housing land supply across West Lothian.

9. Notwithstanding all of the above, I do not consider that it is appropriate that I recommend that the site be allocated. Map 7 of the Main Issues Report shows the potential development sites for Bathgate. It does not show any development proposal for this site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

10. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

11. I have not been made aware of any public consultation about the prospect of development on this site, for example through the Main Issues Report, although I do recognise that it was assessed in the October 2015 update of the Strategic Environmental Assessment (SEA), which incorporated some additional sites submitted too late for inclusion in the earlier SEA document.

12. Therefore, taking all of the above into account and despite our findings elsewhere in respect of housing land supply, I do not consider that it is appropriate that this site be allocated for housing development at this time.

13. Aside from the question of whether the site should be allocated for housing, Taylor Wimpey also argues that it should not form part of the countryside belt to the west of Bathgate. Our findings in relation to Policy ENV 7 Countryside Belts and settlement settings are at Issue 26L. There, we support the inclusion of countryside belts in the plan and the general approach to these taken by the council.

14. In respect of the land at Eastoun Farm, Policy ENV 7 of the proposed plan sets out the four strategic purposes of countryside belts. Of particular importance to my conclusions here is the second objective, protecting the landscape setting of settlements.

Whilst I recognise that the site would be, as a potential housing allocation, relatively well-contained, I find above that it is of an attractive rural character (despite its close proximity to the edge of Bathgate) and makes a contribution to the character and landscape setting of this part of the town. It also, in reference to the first objective, is part of the belt (albeit a small part, and at a point where it is fairly wide) which separates Bathgate from Armadale. Notwithstanding that there is little evidence to suggest it makes a significant contribution to the other strategic objectives, in my view this is sufficient to justify the council including this land within the countryside belt between Bathgate and Armadale.

Reporter's recommendations:

No modifications.

Issue 4I	Allocation of Land for Housing at Bughtknowes Farm, Torphichen Road/ Drumcross Road, Bathgate	
Development plan reference:	MIRQ-0134	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Cala Homes East Ltd (0376) and (21899281) Kirsteen Sullivan (21904542)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Landward (page 81) Proposals Map 4, Bathgate Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>MIRQ-0134 – Bughtknowes Farm, Torphichen Road/Drumcross Road, Bathgate</u></p> <p>Cala Homes East Ltd (0376) and (21899281) – object to Policy HOU 1 and Appendix 2 of the Proposed Plan in so far as the site referenced MIRQ-0134 has not been allocated for housing.</p> <p>Concerns are raised about the over concentration of housing allocations to the south-west of Bathgate, suggesting that having so many large sites in such a relatively small area will negatively impact on house sales and ultimately delivery. It is suggested that the disposition of housing sites should be spread more widely to maximise choice in terms of location, house types and tenure options.</p> <p>Specifically, this representation proposes that the site at Bughtknowes Farm – Torphichen Road & Drumcross Road, Bathgate should be allocated for housing, suggesting it could accommodate up to 200 houses together with the creation of a 10 ha formal/informal area of public open space.</p> <p>In support of the proposal it is argued that:</p> <ul style="list-style-type: none"> • the coordinated allocation and development of the land will significantly enhance the natural and built form in this part of Bathgate; • the residential development will help create an appropriate and defensible boundary whilst there will be considerable community benefit derived from the provision of more formalised and accessible open space; • the creation of a 10 hectare public park would be a notable resource for Bathgate, opening up Petershill Nature Reserve and the countryside beyond to the residents of Bathgate; • development would enable significant improvements to be made to the road and improve access to the Countryside as Bughtknowes Farm also controls land on the south side of Drumcross Road; and • the proposal represents an opportunity to provide much needed homes alongside improved and increased open space and countryside access in an area already adjacent to housing areas, the spread of which has caused conflict with the 		

traditional land uses.

Reference is made to previous submissions made in response to a “call for sites” exercise in 2011 (EOI-0080 & EOI-0081) (CD236) and a submission made in response to the Main Issues Report in (MIRQ-0134) (CD235) has been submitted which is intended to demonstrate the suitability of the site. The site is considered to be effective. There are no infrastructure constraints which would prevent its delivery.

The proposal has been appraised by the respondent in relation to a number of other policies within the Proposed Plan and is deemed to be compliant. Specifically:

- | | |
|-----------------|--|
| HOU 2 | the site is considered effective; |
| HOU 3 | the site is considered effective; it is acknowledged that the site lies outwith the settlement boundary but argued that it could otherwise be developed in accordance with the criteria laid out in HOU 3; |
| HOU 5 | confirms a readiness to comply with the provision of an appropriate level of affordable housing; |
| ENV 1 | argues that the site sits comfortably in the landscape, constitutes less than 1% of the existing AGLV/emerging SLA and has other benefits for improving access; |
| ENV 15 | confirms a willingness to provide an appropriate site for the provision of allotments/community growing spaces within the site; |
| ENV 18 & ENV 19 | suggests the proposed allocation will physically improve and formalise access to Petershill & SSSI |

Kirsteen Sullivan (21904542) – supports the Proposed Plan position in that it does not allocate land at Bughtknowes Farm for housing. Advises that the respondent and local residents are opposed to the allocation of the site for the following reasons:

- destroy the character of the site and have a negative impact on visual and environmental amenity;
- result in the loss of natural habitat and damage existing flora and fauna;
- give rise to road safety issues through the generation of additional traffic and increase the occurrences of speeding;
- increase demands on already stretched education and health facilities; and
- contravenes previous assurances (from Miller Homes) that the land would not be developed in the medium term and that this influenced decision to purchase properties adjoining the site.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

MIRQ-0134 – Bughtknowes Farm, Torphichen Road/Drumcross Road, Bathgate

Cala Homes East Ltd (0376) and (21899281) seeks a modification of the Proposed Plan to (a) allocate the land referenced MIRQ-0134 for housing (including the creation of a 10 ha area of formal/informal public open space) and (b) amend the north-eastern settlement envelope of Bathgate to reflect this.

Kirsteen Sullivan (21904542) - no modification sought. Supports the maintenance of the position in the Proposed Plan.

Summary of responses (including reasons) by planning authority:Representations to Non Allocated SitesMIRQ-0134 – Bughtknowes Farm, Torphichen Road/Drumcross Road, Bathgate

Cala Homes East Ltd (0376) and (21899281)

Background

The site is located on the north eastern edge of Bathgate, outwith the established settlement boundary of the town, and extends to approximately 24 hectares. It largely comprises agricultural grazing land around Bughtknowes Farm and it also lies within the Bathgate Hills AGLV (and the emerging Special Landscape Area). Other notable natural features in proximity of the site are a belt of woodland at Glen Mavis and the Petershill Nature Reserve, a site of Special Scientific Interest.

Allocation as a housing site

The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites (LDP Proposed Plan page 10, paragraph 5.4, CD078). Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply, and in Bathgate committed sites, particularly at Wester Inch (various developers) and Standhill (H-BA 3 & H-BA 4), provide a long term framework for settlement growth in the area over the Local Development Plan period. Generally, therefore, there are other more suitable sites available for development that can be brought forward to support development requirements and there is consequently no strategic need to bring forward additional land for housing in Bathgate at this time.

The Council does not in any event consider Bughtknowes Farm to be an appropriate housing allocation for physical and practical reasons. The site comprises an attractive area of countryside and contributes to the setting and visual amenity of the area. Built development, particularly of the scale proposed, would constitute a significant physical expansion and urban intrusion into the surrounding AGLV/proposed SLA and this would be especially evident from the close sensitive receptor that is Petershill Nature Reserve and Site of Special Scientific Interest. It would adversely change the established character and appearance of the site and its surroundings and the council is not convinced that it could be successfully integrated, even with the addition of new structural landscape features.

In this instance there is no justification to amend the settlement boundary to include the proposed site, and a change to the settlement boundary at this location would result in a weaker boundary and a diminishment of settlement setting which would be contrary to LDP Policy ENV 7 *Countryside Belts and settlement settings*.

The proposal is also contrary to the terms of paragraph 76 of Scottish Planning Policy 2014 which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes (CD68).

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development on the periphery of Bathgate would be considered to be contrary to the terms of this policy and out of keeping with the character of the settlement and local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099 page 14).

Constituent parts of the site were previously subject to site assessment (CD237) and were identified in the MIR as non-preferred sites with one of the reasons being allied to lack of education capacity. The site lies within the catchment of Balbardie Primary School and Bathgate Academy where there are known education capacity constraints which would prevent development of this site in the short and medium term. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201).

Previous attempts to promote residential development at this location have been rejected by the council and also by Reporters appointed by the Scottish Government when considering the West Lothian Local Plan at the Public Local Inquiry. See Chapter 3.9 Bathgate (Proposed Sites), paragraphs 5.22 – 5.25, pages 3.106 – 3.107) of the WLLP PLI Report (CD188).

Since the PLI there has been no change in circumstance to support the identification of the site for residential development other than a review of landscape designations to replace Areas of Great Landscape Value with Special Protection Areas. The review of such designations was a requirement of the West Lothian Local Plan but in this instance has not initiated any substantive change. The sensitivity of the area in landscape terms therefore continues to be sustained and protected.

For these reasons, the council does not agree to modify the plan in response to these representations.

Kirsteen Sullivan (21904542) – The council does not propose to allocate this site for housing and welcomes the support given by the respondent to the Spatial Strategy identified in the Proposed Plan.

Reporter's conclusions:

1. Our findings in relation to housing land supply are at Issue 1A. We find that the amount of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Irrespective, therefore, of Cala Homes' view that the proposed housing allocations in Bathgate are poorly distributed, I give serious consideration to the case for allocating this land for housing and for the proposed community park.
2. The proposal consists of two areas of housing separated by a new public park. The site is on elevated and (for much of it) sloping land rising up to the east of Torphicen Road. There is already a significant amount of housing on the slopes east of Torphicen Road, and the proposal would continue that pattern. The submission from Cala Homes presents the entire proposal. It has not been argued that any smaller component of it should be considered as an alternative. I proceed on that basis, albeit it is helpful for me

to consider the various elements of the proposal separately.

3. The southern site is centred on the grazing land around Bughtknowes Farm complex. This site is at a significant elevation, sitting much higher than Torphichen Road and the town centre further to the west. It is part of the Bathgate Hills Area of Great Landscape Value in the current local plan, and the proposed plan includes it within the successor Special Landscape Area (SLA). Although there is housing immediately to the south and west, I have concerns about further development on such an elevated site. Although the site is not particularly prominent, it contributes to the landscape setting of this part of Bathgate and development on it would be visible in some longer views. Development here would represent an intrusion into the SLA (which the site makes some contribution to), notwithstanding its large extent.

4. I am also concerned about the ability to integrate this site successfully with the rest of the town. The elevated nature of the site would, in my view, seriously lessen the likelihood of walking and cycle trips to and from any new housing here, and would encourage trips by car. The site does not appear likely to be well-served by public transport.

5. I recognise that there has been conflict due to the close proximity of grazing cattle in these fields and the adjacent housing, and the settlement boundary here, being merely hedges and fences along the rear gardens of the houses, is weak. It may be that there are other means by which a reduction in such conflict can be sought. In any event, these problems do not in my view outweigh the disadvantages of the site.

6. The northern site is elevated above Torphichen Road, and prominent from it. Conversely, it is perhaps less prominent in longer views than the southern site. It also at a lower level than the southern site and would seem, on the face of it, to be a somewhat better prospect for development. However, it is a valuable part of the attractive countryside setting of this part of Bathgate, and part of the Special Landscape Area. Development here would impact on these attributes.

7. In respect of the proposed public park, I recognise that this could potentially be a community resource, including any provision of better links to the nature reserve to the east, currently accessed from Drumcross Road. However, there is no information as to how it is envisaged that this facility would be managed and maintained. Albeit such matters can often be dealt with through the development management process, in this case the proposed park would be of significant size, almost equivalent in area to the combined size of the housing sites sought at either end of it. I would therefore have found it useful to have some more information about these matters. The council has not expressed any appetite for a new park at this location. I also note that the extensive Balbardie Park of Peace is nearby and, being located on lower ground, is more accessible to surrounding residents. This would, I think, tend to limit the advantages of a park on the higher ground as proposed. Overall, I do not think that any benefits as may accrue from the provision of a park (and from the suggested allotments/growing space) would outweigh my concerns about the proposed allocation as a whole.

8. The council refers above to an extract from the Report of the previous Local Plan Inquiry. However, those paragraphs referred to appear to be about land at Eastoun Farm on the northwestern side of Bathgate and which we address at Issue 4G. I have assumed that the council intended to refer to paragraphs 5.28 to 5.33 on pages 3.108 to 3.109 of the Report, which contain the reporters' conclusions on the objection which

sought the allocation of the southern part of the current site for housing development. I take account of the findings of those reporters, indeed I make similar observations in respect of some of the impacts of developing the southern site. I do note however that, in that case, the reporters found no overall shortage in housing land supply across West Lothian.

9. Altogether, the proposal would represent a significant intrusion into the elevated, prominent and attractive countryside on the northeastern edge of Bathgate, and into the proposed Special Landscape Area. Notwithstanding our conclusions at Issue 1A in respect of the supply of housing land, I do not support such an allocation.

Reporter's recommendations:

No modifications.

Issue 4J	Allocation of land for housing at Wester Inch (Land to east of Meikle Lane), Bathgate	
Development plan reference:	H-BA 2	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 136) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 2 - Wester Inch (Land to east of Meikle Lane), Bathgate</u></p> <p>Scottish Environment Protection Agency (0243) - does not object to the allocation but indicates that the site may prove to be constrained due to flood risk and that the suggested capacity of 70 may not be achievable. It observes that Appendix 2 - Schedule of Housing Sites, Bathgate (page 136) has not identified the requirement for a Flood Risk Assessment to determine the full extent of land capable of being developed. It suggests a revision to the text of the entry in Appendix 2 which expressly requires the submission of a Flood Risk Assessment flooding and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 2 - Wester Inch (Land to east of Meikle Lane), Bathgate</u></p> <p>Scottish Environment Protection Agency (0243) – suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 2 - Wester Inch (Land to east of Meikle Lane), Bathgate</u></p> <p><u>Background</u></p> <p>The site forms part of the Wester Inch development in Bathgate. It is allocated as a housing site within the current West Lothian Local Plan 2009, Proposals Map 4, site HBg39 (CD092), and is therefore part of the current housing land supply. It is being carried over into the LDP. Planning permission in principle for residential development</p>		

was originally granted in 2003 (ref. 0972/P/01) (CD349a and CD349b) and the site was allocated for residential development in the Bathgate Area Local Plan 1998 (CD098). An application for the approval of reserved matters was approved in March 2015 in respect of the erection of 78 houses (ref. 0803/MS/14) (CD350a and CD350b).

Scottish Environment Protection Agency (0243) - it has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires the submission of a Flood Risk Assessment. While this will have no effect on the extant planning permission it could helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

Reporter's conclusions:

1. I acknowledge that this site has the benefit of planning permission. However, as the council points out, it is possible that revised proposals can come forward for such sites. Should that arise, it would be helpful for the plan to set out the requirements for any flood risk assessment.

Reporter's recommendations:

1. In Appendix Two, in the 'Flood risk' column of the entry for site H-BA 2 Wester Inch (land to east of Meikle Lane), insert a new sentence:

'Flood Risk Assessment required to assess the risk from the potential culverted watercourse which flows through the site.'

Issue 4K	Allocation of land for housing at Wester Inch Phase 3, Bathgate	
Development plan reference:	H-BA 11	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (0243) River Forth Fisheries Trust (21885347)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 141) Proposals Map 4, Bathgate</p>	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 11- Wester Inch, Phase 3, Bathgate</u></p> <p>Scottish Environment Protection Agency (0243) - does not object to the allocation but observes that Appendix 2 - Schedule of Housing Sites, Bathgate (page 141) has not identified the requirement for a Flood Risk Assessment. It is however noted that SEPA commented on this site when consulted on an application for the approval of reserved matters and that a Flood Risk Assessment was submitted at that time. SEPA advises that should the development differ from what has previously been approved an updated FRA which assesses the risk from the Boghead Burn and a small watercourse should be required.</p> <p>River Forth Fisheries Trust (21885347) – respondent is an environmental charity working in partnership with SEPA, West Lothian Council and other community groups to improve the Bathgate Water quality and to reconnect the local communities to the watercourse. Proposals involve re-routing the course of the Bathgate Water and the proposed route would pass through the areas proposed for development. There is concern that development could impact on the success of this work and objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. It is also requested that any development should ensure that it complies with Policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework. The respondents also consider that development at this location could prevent West Lothian Council from complying with clause 5.235 of the Plan, noting that the council is a responsible body under the Water Environment & Water Services (Scotland) Act 2003 and which confers various legal obligations.</p>		

Modifications sought by those submitting representations:Representations to Allocated SitesH-BA 11- Wester Inch, Phase 3, Bathgate

Scottish Environment Protection Agency (0243) - it is suggested that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.

River Forth Fisheries Trust (21885347) - no specific modification is identified but objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesH-BA 11- Wester Inch, Phase 3, BathgateBackground

The site comprises part of the Wester Inch development in Bathgate and also forms part of the council's 1000 new build houses programme. It is allocated as a housing site within the current West Lothian Local Plan 2009, Proposals Map 4, site HBg39 (CD092), and is therefore part of the current housing land supply.

It is being carried over into the LDP. Planning permission in principle for residential development was originally granted in 2003 (ref. 0972/P/01) (CD349a and CD349b) and the site was allocated for residential development in the Bathgate Area Local Plan 1998 (CD098). An application for the approval of reserved matters in respect of the southern part of the allocation was approved in May 2015 for the erection of 26 houses and 12 flats (ref. 0211/MS/15) (CD351a and CD351b).

Scottish Environment Protection Agency (0243) - it has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires the submission of a Flood Risk Assessment to assess the risk from the Boghead Burn and small watercourses and to consider any structures, e.g. culverts, which may exacerbate flooding. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

River Forth Fisheries Trust (21885347) - it has already been acknowledged in Appendix 2 of the LDP that the site is susceptible to flooding and a flood risk assessment and a drainage impact assessment are identified as being required.

In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is compliant with policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text which stated *'The impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.'*

Reporter's conclusions:

1. I acknowledge that this site has the benefit of planning permission. However, as the council points out, it is possible that revised proposals can come forward for such sites. Should that arise, it would be helpful for the plan to set out the requirements for any flood risk assessment.
2. The River Forth Fisheries Trust raises concerns about the potential impacts on the Bathgate Water and on its project (in collaboration with the council, SEPA and other partners) to improve the watercourse and to reconnect local communities to it. It makes similar comments about a number of other sites in Bathgate, and one in Armadale.
3. I note the council's suggestion that Appendix Two references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust's project, the flood risk assessment and other supporting information required for any revised proposals (were any to come forward for this site) ought to be sufficient to ensure that the aims of the project could be properly reflected.

Reporter's recommendations:

1. In Appendix Two, in the 'Flood risk' column of the entry for site H-BA 11 Wester Inch (Phase 3), insert a new sentence:

'Flood Risk Assessment required to assess the risk from the Boghead Burn and small watercourses.'

Issue 4L	Allocation of land for housing at 9 Hardhill Road (former creamery), Bathgate	
Development plan reference:	H-BA 18	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Bathgate (page 81) Appendix 2 - Schedule of Housing Sites, Bathgate (page 144) Proposals Map 4, Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 18 - 9 Hardhill Road, Bathgate</u></p> <p>Scottish Environment Protection Agency (0243) - does not object to the allocation but Indicates that the site may prove to be constrained due to flood risk and that the suggested capacity of 14 may not be achievable. It observes that Appendix 2 - Schedule of Housing Sites, Bathgate (page 136) has not identified the requirement for a Flood Risk Assessment to determine the full extent of land capable of being developed or a Drainage Impact Assessment to assess the impact of development on the local network. It suggests a revision to the text of the entry in Appendix 2 which expressly requires the submission of a Flood Risk Assessment and a Drainage Impact Assessment and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 18 - 9 Hardhill Road, Bathgate</u></p> <p>Scottish Environment Protection Agency (0243) - suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan.</p> <p>Proposes that the site entry in Appendix 2 should be modified to include a requirement for developers to provide a Drainage Impact Assessment. Text should also be added to advise that contact is made with the flood prevention officer to discuss and investigate flooding issues in light of a review of the surface water 1 in 200 year flood map.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BA 18 - 9 Hardhill Road, Bathgate</u></p>		

Background

The site lies within the established settlement boundary of Bathgate, west of the town centre and north of the Creamery Park football ground. It is brownfield and embraces land which was previously occupied by a motor repair garage (now demolished). The general character of the area is predominantly residential and the site is well placed to be served by the town centre and other amenities and is close to bus routes.

It is allocated as a housing site within the current West Lothian Local Plan 2009, Proposals Map 4, site HBg54 (CD092), and is therefore part of the current housing land supply.

It is being carried over into the LDP. Planning permission in principle for residential development was originally granted in 2007 (ref. 0147/P/07) (CD352). An application for full planning permission was approved in 2010 in respect of the erection of 14 flats (ref. 0198/FUL/08) (CD401a and CD401b). Demolition works were undertaken as a precursor to development and it has been acknowledged that the validity of the planning permission is maintained.

Scottish Environment Protection Agency (0243) - it has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires that the submission of a Flood Risk Assessment and a Drainage Impact Assessment and to advise that contact is made with the flood prevention officer to discuss and investigate flooding issues in light of a review of the surface water 1 in 200 year flood map. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

Reporter's conclusions:

1. I acknowledge that this site has the benefit of planning permission. However, as the council points out, it is possible that revised proposals can come forward for such sites. It would therefore be helpful for the plan to set out the requirement for a drainage impact assessment.

Reporter's recommendations:

1. In Appendix Two, in the 'Flood risk' column of the entry for site H-BA 18 9 Hardhill Road, insert a new sentence:

'Drainage Impact Assessment required.'

Issue 4M	Dykeside Farm, Bathgate	
Development plan reference:	EOI-0126/MIRQ0121	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (0459) and (21768324)		
Provision of the development Plan to which the issue relates:	Housing Land & Natural and Historic Environment	
Planning authority's summary of the representation(s):		
Gladman Developments (0459) and (21768324) Seek the allocation of land at Dykeside Farm for residential development.		
Modifications sought by those submitting representations:		
Gladman Developments (0459) and (21768324) Allocation of the land as a housing site and amendment to the boundary of the Special Landscape Area to exclude Dykeside Farm.		
Summary of responses (including reasons) by planning authority:		
<p>The site was the subject of submission to the council's "call for sites" to inform the MIR (EOI-0126) and at Proposed Plan stage (MIRQ0121). A Proposal of Application Notice was submitted to the Council on 28th October 2014 (CD409).</p> <p>Dykeside is situated on the north-facing slope of a hill overlooking the valley of the Couston Water, immediately north of the Belvedere neighbourhood on the northern edge of Bathgate. The site descends to meet the Couston Water and extends around the western side of the hill to meet the A800 next to the Bathgate Water. The site lies in the range 115 - 153m elevation. The Couston Water drains north-westwards to meet the Barbauchlaw Burn just upstream of Westfield. The site lies at the western edge of the distinctive Bathgate Hills, where the landscape character changes from the elevated, varied topography into the denuded valley basin, before rising again less dramatically, onto the undulating Burnhead/Blackridge plateau.</p> <p>The council's approach to landscape designations is set out in the council's Position Statement on Landscape Designations. The council's response to objections in relation to the designation of the site as Special Landscape Area is set out in Schedule 4 reference 1B.</p> <p>The council's approach to housing land supply is set out in Schedule 4 number 1A.</p> <p>The spatial strategy (see also Schedule 4 number 1C) focuses on promoting</p>		

development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites (LDP Proposed Plan page 10, paragraph 5.4). Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply, and in Bathgate committed sites, particularly at Wester Inch (Various) and Standhill (H-BA 3 & H-BA 4), provide a long term framework for settlement growth in the area over the LDP plan period. Generally, therefore, there are other more suitable sites available for development that can be brought forward to support development requirements and there is consequently no strategic need to bring forward additional land for housing in Bathgate at this time.

The Dykeside Farm site would result in the loss of greenfield land against other sites in Bathgate in particular where the focus is on brownfield development.

The Council does not in any event consider Dykeside Farm to be an appropriate housing allocation for physical and practical reasons. The site comprises an attractive area of countryside and contributes to the setting and visual amenity of the area. Built development, particularly of the scale proposed, would constitute a significant physical expansion and urban intrusion into the surrounding AGLV and proposed SLA. It would adversely change the established character and appearance of the site and its surroundings and the council is not convinced that it could be successfully integrated, even with the addition of new structural landscape features.

The proposal is also contrary to the terms of SPP 2014 which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes (CD068 paragraph 76). Further, SPP advises that development on prime agricultural land should not be permitted except where it is essential as a component of the settlement strategy or necessary to meet an established need (CD068 paragraph 80). As prime quality agricultural land, the inclusion of the Dykeside Farm site for development would not accord with the terms of SPP.

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development on the periphery of Bathgate would be considered to be contrary to the terms of this policy and out of keeping with the character of the settlement and local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099, pages 14 and 44).

The site was previously subject to site assessment (CD238) and was identified in the MIR as non-preferred sites with one of the reasons being allied to lack of education capacity. The site lies within the catchment schools of Armadale Academy, Linlithgow Academy, Bathgate Academy and St. Mary's, Bathgate and Balbardie Primary and they would be unable to accommodate a residential development on this site at this time. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201). There is no guarantee that new primary school offered by the objectors will be delivered. Notwithstanding, constraint applies across the education estate at both primary and secondary level.

The spatial strategy set out in the LDP, and supported by the SDP remains committed to

the delivery of the core development area allocations (CDAs). The council acknowledges that delivery of the CDAs has not progressed to original anticipated timeframes, however, all CDAs are now delivering housing, contributing towards meeting housing requirements of the LDP.

The council does not propose to modify the LDP to include the Dykeside Farm site as a housing allocation.

Reporter's conclusions:

1. Our findings in relation to housing land supply are at Issue 1A, where we conclude that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. I therefore give serious consideration to the case for allocating this site for housing.
2. The above summary of Gladman Ltd's representation is extremely brief. In fact, Gladman submitted a number of documents in support of its representation, including a Planning and Delivery Statement, a Rebuttal of Proposed Bathgate Hills Special Landscape Area (SLA) Boundary and a Landscape and Visual Appraisal. I take account of all of this evidence, and I provide a little more detail below on the nature of the proposals for this site.
3. The site lies to the north of Balbardie Park of Peace and the Belvedere area of Bathgate. Much of it is north-facing, sloping down to the Couston Water and Crinkle Burn. The total area of the site is 95ha, and a development of up to 1000 homes is proposed, all on greenfield land. A new primary school would also be included, if required. An indicative masterplan shows a potential area for commercial development. A new road would run through the site from Torphicen Road to the east, giving access to the development parcels within it, and potentially linking with Balmuir Road to the west. There would be a secondary access via Dykeside Road, and potential footpath connections into Balbardie Park.
4. Most of the site is identified in the proposed plan as being within the Bathgate Hills SLA. Gladman's Landscape and Visual Appraisal concludes that the loss of this part of the SLA would be of moderate significance only, because the area which would be lost is not typical of the SLA, represents something of an outlier, and is not intrinsic to protecting the character and quality of the SLA. There would be moderate visual impacts for neighbouring residents who look out onto the site, and for users of the local paths in the area. Other landscape and visual impacts are assessed as, at most, of minor significance.
5. Gladman is in fact opposed to the inclusion of any land within the site in the SLA. Its rebuttal statement argues that land within the site is of low quality landscape, does not meet the selection criteria for the SLA, does not provide a strong boundary for it, and is not required to protect its integrity.
6. At Issue 26J we observe that the West Lothian Local Landscape Designation Review (LLDR) (CD87) was carried out using a robust methodology and with access to an appropriate level of expertise. The LLDR identifies core areas for the SLAs based on landscape units from earlier landscape character assessments of West Lothian. Those units assessed as being of the highest quality form the core areas. The Couston Valley unit, in which most of the site is located, was ranked lowest of all the 23 units. The

Bathgate Hills unit, which lies generally to the east but also includes the southern reaches of the site, was ranked second highest. The SLA would replace the current Bathgate Hills Area of Great Landscape Value (AGLV). The western boundary of the AGLV runs along the B792 north of Bathgate – all of the land at Dykeside Farm is outside the AGLV.

7. It is explained in the LLDR that, where possible, detailed boundaries were drawn along identifiable features such as roads, field boundaries, streams and ridge lines. Where there is a lack of obvious features, boundaries of the identified core areas were moved outwards to include areas of lower merit, rather than inwards to exclude areas of higher merit. There is no further explanation as to how, in each case, these judgements, and the consequent adjustments to the boundaries, were made.

8. Gladman's rebuttal statement suggests that the sharp contrast in the quality of the two landscape units ought to be readily apparent 'in the field'. That might be expected. On the other hand, the transition between landscape character units can be a gradual one, even if they, overall, have very differing characters or qualities.

9. The rebuttal statement also scrutinises the proposed SLA boundary. It is stated that the field boundaries used between Bathgate and Torphichen are weak. A boundary line further east, following the B792, would more closely accord with the change in landscape character and with the extent of land which meets the selection criteria for the SLA.

10. I consider that there is some merit in the points being made by Gladman. The field boundaries chosen for the western boundaries of the SLA here are not particularly strong, and there is not a great sense on the ground that these mark an obvious change in landscape character or quality. In of itself, the B792 is probably a stronger boundary feature, and was of course the boundary of the AGLV. However, I do not think that the change in landscape character and quality along the line of the road is greatly more noticeable than it is at the proposed SLA boundaries. It does not seem to mark an obvious change in, for example, gradient, field patterns or vegetation cover. I can see the case for some land beyond the road being included within the SLA, including the northern slopes of Belvedere Hill (which are within the Bathgate Hills landscape character unit) and some of the other still fairly steeply sloping land west of the road. Albeit the B792 (or part of it at least) might have been a reasonable western boundary for the SLA, in the context of what was a comprehensive process of reviewing the landscape designations, I do not consider that there is a compelling case for altering the proposed SLA boundary at this point. In any event, the SLA boundary is not the critical factor in my recommendation.

11. Much of the site covers the western and northern slopes of Belvedere Hill, below Belvedere Wood which crowns it. Although there is already housing rising up the slopes of the hill, this is generally on its southern and southeastern sides, and facing towards the rest of the town. Albeit that the Masterplan Framework proposes some additional woodland planting on the upper slopes of the hill, it also proposes residential development extending fairly high up these slopes.

12. Notwithstanding the existing housing on the southern slopes of Belvedere Hill, the undeveloped land on the southwest and western slopes contributes to the landscape setting of this part of Bathgate. The undeveloped, fairly steep, slopes of the hill are a strong and positive landscape feature. There would be landscape and visual impacts associated with the development of this land, the closest part of the site to existing housing in Bathgate.

13. Probably of more significance, in terms of landscape and visual impacts, would be development on the northern slopes of the hill. As I observed during my inspection of the site and the surrounding area, this land is fairly prominent from several locations to the north and northwest, including from locations on the A800, the B792, the B8047, and when travelling southwards down the southwestern slopes of Cairnpapple Hill on the minor road which joins the B8047 at Ballencrieff Toll. The diagram on page 9 of Gladman's Landscape & Visual Appraisal identifies much of this part of the site as 'Areas exposed in distance views from north and west'. The photographs of several of the viewpoints in the appraisal also demonstrate the extensive visibility of this land.

14. Belvedere Hill and Belvedere Wood provide a strong visual containment of Bathgate. Balbardie Park of Peace, although not so elevated, performs a similar function. These strong containing features very effectively, if not entirely, prevent views of the town from the north. I have serious reservations about the proposal for such a significant extension of the town to the north, beyond these containing features.

15. Aside from these landscape and visual impacts, I am also concerned that what would be created would become, because of the presence of Belvedere Hill and Balbardie Park, a neighbourhood which is somewhat detached from the rest of the town, and relatively poorly integrated with it. This would not encourage the kind of sustainable development supported by Scottish Planning Policy. Albeit the masterplan framework may be indicative, withdrawing development further down the hill (which might reduce the landscape and visual impacts of development) would probably serve to make housing on the site even more detached from the rest of the town.

16. The Planning and Delivery Statement states that the soils across the site are a mix of Class 3.1 and 3.2 as defined in the Macauley (now Hutton) Land Capability for Agricultural classification. Gladman expresses the view that most of the site is likely to be Class 3.2, and therefore not 'prime' agricultural land as defined in Scottish Planning Policy. However, this would only be confirmed after more detailed assessment. At present, therefore, I conclude that at least some of the site is prime agricultural land.

17. In light of my conclusions above, I do not support a modification which would allocate this site for housing.

18. It is stated by Gladman that a transport assessment has been completed as part of the initial assessment of the site, and that this indicates that only one intervention – the signalisation of the Marjoribank Street to Torphicen Street junctions – would be required. A proposed design solution has been submitted which it is said would meet the council's standards. Gladman appears to offer the prospect of making contributions towards the cost of dualling of the A801, and also anticipates that the Bathgate bus loop service may be able to be extended to accommodate the site. The council makes no comment, above, on the transportation impacts of the proposal. Had I been considering recommending the allocation of this site, I would (given its large size) likely have sought further views from the council and Gladman on the likely transportation impacts of developing this site. In light of my recommendation that the site should not be allocated, I have not considered further the implications of doing so for education capacity.

Reporter's recommendations:

No modifications.

Issue 4N	H-BA23 (Housing site, Bathgate)	
Development plan reference:	H-BA23 Wester Inch	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
The River Forth Fisheries Trust (21885347) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Housing Land, Map 4: Bathgate Area and flood risk	
Planning authority's summary of the representation(s):		
<p>The River Forth Fisheries Trust (21885347) - Current proposals for the Bathgate Water is to re-route the watercourse to improve the ecological status as well as providing natural and sustainable flood attenuation for both the immediate area and to protect areas further downstream as well as providing an attractive amenity for the population of Bathgate linking different communities via a new path network. The proposed route would pass through the proposed development site. It is unclear as to the exact size of any likely development, therefore it is not possible to comment on the impact in terms of units proposed. Proposed development in this area could impact on the success of this work which relies on natural use of the flood plain to provide adequate space for the scheme. Object to the inclusion of any of the area proposed for development where it is contrary to the following policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Any development should ensure that it complies with DES 1 (f). Consider that development on the site could prevent the council from complying with clause 5.235 of the Plan viz. The council is a responsible body under the Water Environment & Water Services (Scotland) Act 2003, which confers a legal duty to ensure that the aims of the Water Environment & Water Services (Scotland) Act 2003, which confers a legal duty to ensure that the aims of the European Water Framework Directive remain integral to the discharge of its statutory functions.</p> <p>Scottish Environment Protection Agency (0243) - Do not object to the allocation of the site but advises that the required Flood Risk Assessment should consider any structures, e.g. culverts, which may exacerbate flooding and that contact is made with SEPA should the site be progressed.</p>		
Modifications sought by those submitting representations:		
The River Forth Fisheries Trust (21885347) - No specific modification is identified but objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage,		

NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

Scottish Environment Protection Agency (0243) - No modifications sought.

Summary of responses (including reasons) by planning authority:

It has already been acknowledged in Appendix 2 of the LDP that the site is susceptible to flooding and a flood risk assessment and a drainage impact assessment are identified as being required.

In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is compliant with policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text which stated ‘The impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework’

To reflect the approved development framework for Wester Inch the site boundary of the site is proposed to be amended (CD349c).

Reporter’s conclusions:

1. Appendix Two of the proposed plan already requires a flood risk assessment for this site, and this is not one of the sites where SEPA has suggested a modification to the plan.

2. The River Forth Fisheries Trust raises concerns about the potential impacts on the Bathgate Water and on its project (in collaboration with the council, SEPA and other partners) to improve the watercourse and to reconnect local communities to it. It makes similar comments about a number of other sites in Bathgate, and one in Armadale.

3. I note the council’s suggestion that Appendix Two references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust’s project, the flood risk assessment and other supporting

information required for any development of this site ought to be sufficient to ensure that the aims of the project could be properly reflected.

Reporter's recommendations:

No modifications.

Issue 40	Land to north of Bathgate Golf Club	
Development plan reference:	Pages 20 - 24	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Stewart Milne Homes (Central) (21806279)		
Provision of the development Plan to which the issue relates:	Housing land and Open Space	
Planning authority's summary of the representation(s):		
<p>Stewart Milne Homes (Central) (21806279) - A site to the north and west of the Bathgate Golf Club clubhouse to be allocated for housing; development would comprise enabling development to fund the rebuilding or refurbishment of the clubhouse and to replace one hole of the course which would be lost to development on land to the south; site is close to the town centre and local amenities; is highly-accessible by a variety of means of transport; it has no significant physical, services or infrastructure constraints; site conforms to the policy framework of the Proposed LDP; developer contributions required for the site are supported in principle.</p>		
Modifications sought by those submitting representations:		
Stewart Milne Homes (Central) (21806279) – the site to be allocated for housing.		
Summary of responses (including reasons) by planning authority:		
<p>Stewart Milne Homes (Central) (21806279)</p> <p><u>Housing Land</u></p> <p>The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and policy 5, and CD 101 - page 6, Table 3.1). There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by SPP (CD068 – para 110) the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence delivery of housing within the first plan period. Deletion of the site would reduce the availability of housing land supply within the first plan period and over the plan period as a whole Further information is available in the Housing Land position statement and housing phasing (CD215a and CD215b).</p> <p>The council considers that there are better sites that are newly allocated in the LDP or carried forward from the adopted West Lothian Local Plan e.g. sites at Wester Inch (H-BA 3, H-BA 4, H-BA23), H-BA 17 (Former foundry site), the Sibcas site (H-BA 6) which are</p>		

all brownfield sites whereas this site is greenfield and contains part of the golf course.

Open Space

Policy COM 2 in the adopted local plan (CD092) indicates that the site is identified as an area of protected open space. It is also protected open space in the LDP with policy ENV21 applicable. This shows a consistency in approach from the existing plan to the new LDP. Open space allocations have been informed by the council's Open Space Strategy.

This site would represent a loss of amenity open space that is used by members of the golf club and others without it being replaced.

The council is also supporting other sites in the town that it is considered are better sites either in location and/or because they are brownfield, for example site H-BA27, H-BA2, H-BA24 and H-BA26.

Sportscotland does not object to the principle of this proposal but would seek:

- Details of the replacement hole(s) and timing of replacement;
 - Further information around loss of the practice area; including compensation if required – and an appropriate delivery mechanism for both these issues ; and
- Appropriate mitigation to ensure the new housing would not conflict with the golf course use in terms of protection from golf balls.

Other matters

Education

The site proposed would lead to increase in school infrastructure constraints and the local catchment schools would not be able to accommodate this site as well as the other sites that have been allocated. In particular there are constraints at the local ND Primary Simpsons as well as Bathgate Academy.

It is clear that the site is well placed to be served by the town centre and other amenities including being close to a bus route and also close to the Bathgate Railway Station. The site could also be subject railway noise, given its proximity to the Bathgate/Airdrie Railway line that would require possible noise attenuation. However, other site have been identified to meet housing requirements

It is understood that the golf club would be enhanced with this development, but that does not on its own justify allocation of the site in the LDP.

Flood Risk

SEPA have confirmed that the developer requirements for this site should include the requirement for the assessment of flood risk. A watercourse (which may be partly culverted) lies immediately to the south west of the site on the SEPA Flood Map. This may in fact be culverted on the west boundary of site. Further information on this potential flood risk source should be provided. Topographical information and site layout may be sufficient in the first instance to address flood risk concerns.

Developer contribution requirements

Should the reporter seek to allocate this site, it is asked that developer contributions be required for schools RC Secondary, RC Primary and Bathgate Academy as well as affordable housing and cemetery contributions.

Reporter's conclusions:

1. Our conclusions in respect of housing land supply are at Issue 1A, where we find that the amount of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. I therefore give serious consideration to the case for allocating this land for housing.

2. This site is on a golf course and, on the face of it, would appear to be contrary to those policies in the proposed plan which aim to protect open space and outdoor recreational facilities. However, I note that the site is being promoted in partnership with the golf club itself. The hole and practice facilities which would be lost could, it would seem, be replaced elsewhere within the golf course. And the proceeds for the golf club would go towards needed investment in the clubhouse.

3. Stewart Milne Homes questions the legitimacy of the council seeking to reserve education capacity for certain sites given the uncertainty about the order in which they would come forward, and their speed of build out. It is observed that some allocated housing sites have been slow to come forward, for example H-BA 16 and 17 where Homes for Scotland is aware of no developer interest. Alternatively, it is suggested that a catchment area review could reallocate the catchment area of the site from Bathgate Academy to Armadale Academy, which is the catchment area for the two sites mentioned above.

4. We address education capacity at Issue 1F and IJ, where we recommend a more positive policy approach to education capacity issues. At Issue 1A, we find that the council's latest projections of the annual rates of future housing completions are too optimistic. These projections inform the council's thinking about when new education capacity would need to be provided. Therefore, in general terms, the likely lower rate of housing development means that the council is planning for a level of pressure on education capacity which is likely to be somewhat greater than will actually arise.

5. I agree with Stewart Milne Homes, and the council it seems, that the central location of the site is advantageous. Even with the railway line acting as something of a barrier, the site is close to the town centre and the services it provides. It is close to a bus stop and (via an underpass) to the railway station. Flood risk would appear capable of being managed. So too would noise from the railway, and I note that the council proposes to allocate a number of other sites in Bathgate which are in equally close proximity to the railway line.

6. In this context, and noting our conclusions in respect of housing land and education infrastructure, this may have been a potential candidate for allocation for residential use. However, Map 7 of the Main Issues Report shows the potential development sites for Bathgate. It does not show any development proposal for this site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together

with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

7. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

8. I have not been made aware of any public consultation about the prospect of development on this site, for example through the Main Issues Report. Although the representation from Stewart Milne Homes is supported by a planning statement, transport appraisal and indicative layout, there is no significant level of environmental information about the site or the proposal. It has not been considered to date through the Strategic Environmental Assessment which accompanies the development planning process. Therefore, despite our findings elsewhere in respect of housing land supply, and noting that there may be advantages of developing the site, I do not recommend that it be allocated for housing development in the LDP.

9. The council says that sportscotland does not object to the principle of this proposal but would want further information about the replacement golf facilities and how these could be assured, and assurance that there would be no conflict between the new housing and the course due to stray golf balls. These are matters which, had I been minded to recommend that the site be allocated, I may have sought further clarification on.

Reporter's recommendations:

No modifications.

Issue 4P	Housing at SeafielD Road, Blackburn	
Development plan reference:	EOI-0136	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Hallam Land Management Ltd (21672936)		
Provision of the development Plan to which the issue relates:	Housing Land	
Planning authority's summary of the representation(s):		
Hallam Land Management Ltd (21672936) - The respondents seek inclusion of a site in the LDP at SeafielD Road, Blackburn for housing development. The respondent refers to a planning application from 2012 and subsequent appeal.		
Modifications sought by those submitting representations:		
Hallam Land Management Ltd (21672936) - allocation of the site for housing (circa 120 units) and removal of the site from countryside belt designation.		
Summary of responses (including reasons) by planning authority:		
Hallam Land Management Ltd (21672936) - The sites was the subject of a submission to the council's "Call for Sites" to inform the Main Issues Report for the West Lothian Local Development Plan EOI-0136 refers (CD422).		
<u>The proposal</u>		
<p>The site focusses on 6.5 hectares of agricultural land which lies immediately adjacent to the existing settlement boundary of Blackburn and falls at present within countryside belt.</p> <p>The Countryside Belts shown in the LDP Proposals Maps and the policy criteria set out in Policy ENV 7 <i>Countryside Belts and settlement settings</i> are upheld in this position statement. The council believes that these are the correct Countryside Belts and associated policy to support the wider spatial and policy framework of the LDP. The council's approach to countryside belts is set out in it's position statement (CD184).</p> <p>The respondents claim the site has a number of benefits and advantages which make it ideally placed to accommodate new housing land in the Blackburn Area. It is immediately available for development, and is an appropriate location for new housing development. It is claimed it can also be favourably considered against relevant planning policies and advice and is effective and free from ownership, physical or infrastructure constraints and can contribute to the effective housing land supply. The site is not prime quality agricultural land, can be accessed and has a capacity for around 120 houses, including the provision of affordable housing, and provides an opportunity to develop an attractive</p>		

gateway into Blackburn which would enhance the settlement's existing urban edge.

2012 Planning application & 2013 Planning appeal

The site was the subject of planning application in 2012 and 2013 (Application Refs: 0704/P/12) (CD356a, b and c and CD354a- c) and subsequent planning appeals in 2013 (Appeal Ref: PPA-400-2036, PPA-400-2044 (CD356d) and CD354d)).

During the application and appeal process, both West Lothian Council and the Scottish Government Reporter accepted that the proposed development on this smaller site would be in keeping with the scale and character of the settlement and the local area; would not undermine green belt objectives; would not constitute sporadic development or lead to coalescence; and could be accepted as an extension to the built-up area. (The council does not accept these statements in respect of the proposed plan however as the site is not allocated for development).

The Appeal Reporter also confirmed that the proposed development of this smaller site accords with the SESplan spatial strategy; and apart from a perceived lack of short term education capacity, meets the requirements of SESplan Policy 7.

The primary reason for the refusal of planning permission was a concern over prematurity in the context of uncertainties in the precise extent of the effective housing land supply within West Lothian, and the preparation of the new Local Development Plan.

These concerns over prematurity the appellant claims have since been resolved through the publication of the SESplan Supplementary Guidance on Housing Land and the publication of the WLLDP Proposed Plan which confirms the scale of new housing land that is required throughout West Lothian. Prematurity may no longer a valid reason to reject the proposed housing development on this site; however the council remain opposed to development of this site in the countryside belt with development beyond the existing settlement boundary.

Education Capacity

In terms of Education facilities, Blackburn appears well-placed in terms of existing school facilities and is home to three primary schools (Murrayfield, Blackburn and Our Lady of Lourdes) and a secondary school (St Kentigern's Academy). It is also well-located in relation to Bathgate Academy.

Blackburn can therefore be considered to be strategically well-located in terms of existing education facilities. One of these, Blackburn Primary School, is significantly under-utilised with less than 30% of available places taken up. New housing development should therefore be directed to settlements in West Lothian where there are existing education facilities, and particularly areas where there are "spare" school places. Blackburn is such a settlement it is claimed.

Furthermore, the Council confirmed in the Main Issue Report that *"the availability of infrastructure, strategic location, and existing facilities makes the town an attractive option for development"*. However this would be an expansion of the town rather than the more sustainable option of development in the town, that would not be able to be supported and in education terms has a problem with two catchment areas. There is no capacity at Murrayfield Primary School. It may be possible to extend Murrayfield and Our Lady of

Lourdes. Bussing required to Bathgate Academy that would need to be extended if this site were developed and there is no capacity in this school at the present time. There is a solution at primary school level but not at secondary level therefore. Contributions would therefore be required for all 4 schools involved, should development of this site be supported. The council's position statement on education refers (CD201).

Community Regeneration Strategy

The council also acknowledges that Blackburn is a one of the key settlements in the west of West Lothian where new development should be directed to assist community regeneration initiatives. To that end there are sites allocated for development in Blackburn on brownfield sites that would continue the regeneration. The council is seeking private sector investment in this settlement which would help to provide a wider range and mix of housing in a sustainable and accessible location, which would in turn allow for further investment in local education facilities, creating new employment opportunities and enhanced open space and recreational facilities.

The allocation of the site at Seafield Road whilst according with the council's aims and objectives for the settlement at first glance, would be development of a greenfield site in the countryside, contrary to existing and emerging council policy on landscape that in this case outweighs community regeneration strategy objectives.

Development of the site would be at the cost of intruding into the countryside belt contrary to the proposed plan and there are enough sites within the settlement allocated for development which are in fact brownfield i.e. H-BB 3, H-BB 4, H-BB 8 and H-BB 11 and meet the council's aspirations of regeneration, whereas this development would be on greenfield land.

Present site assessment

The present site would be developed into an area which is established countryside belt in both the adopted local plan and emerging LDP proposed plan. Previous reasons for refusal were on the issues of education capacity, coalescence between Blackburn and Seafield and housing land supply. There has been a change to the designation to the south of the site to the proposed plan that replaces Areas of Special Control with the countryside belt designation.

The site remains contrary to the strategic development plan, (CD099) insofar as Policy 1B as it would not lead to a development that would conserve and enhance the natural environment as it would represent a significant intrusion into the landscape east of Blackburn, to the diminution of the countryside belt. In essence it would constitute unjustified development in the Countryside Belt around Blackburn and would erode the countryside belt and harm its aims of protecting land from development and protecting coalescence of settlements.

The site would be contrary to policy 5 of SESplan, Housing Land, as it is considered sufficient housing land has been allocated in the LDP. The council contend it complies with Policy 6 on Housing Land flexibility as there are enough units allocated throughout West Lothian. The council also contends that the site is contrary to Policy 7 Maintaining a Five Year Housing Land supply, as the site would not be in keeping with the character of the area or the settlement that has a well-defined eastern boundary that would be breached by this development and could pave the way for coalescence with Seafield and set an undesirable precedent for such developments if approved.

Development of the site is not in accordance with the council's preferred development strategy which supports development within the core development areas and other strategic locations. There are other more suitable sites available for development.

Development would constitute an intrusive physical expansion of Blackburn beyond the limit of development which is already provided for in the adopted West Lothian Local Plan. It would also be visually and environmentally intrusive.

There is no education capacity to support development of the site and other infrastructure issues which impact on development.

Development of the site would result in visual intrusion into the countryside contrary to policy ENV31 in the adopted plan and contrary to policy ENV2 in the proposed plan and policy ENV7 in terms of countryside belts and their setting.

There are other more suitable developments within urban areas or which are brownfield. There are also infrastructure constraints in the local catchment schools.

A planning application for housing on part of the site was refused in 2013 and appeal against that refusal was dismissed in 2014 as already discussed, the latter being challenged on housing land supply at the court of session but the original appeal decision was upheld.

The fact that the site would be within the 30mph speed limit signs does not constitute a reason to allow residential on this site. The site is not considered infill, despite it being between houses in Blackburn and houses to east, it would appear as a clear extension to the settlement not in keeping with the development pattern of the area and clearly entering an area of at least semi-rural if not rural landscape character with only sporadic historic housing and recent lowland crofts interrupting this rural landscape feel.

SEPA require a Flood Risk Assessment which assesses the flood risk from the River Almond, and the small watercourses within the site allocation.

The settlement edge would not be enhanced by the development as described by the appellants, but would have a negative impact on the entrance to Blackburn as the natural obvious edge on the eastern site of Blackburn would be eroded.

Summary

Development of the site is not in accordance with the council's preferred development strategy which supports development within the core development areas and other strategic locations. There are other more suitable sites available for development.

Development would constitute an intrusive physical expansion of Blackburn beyond the limit of development which is already provided for in the adopted West Lothian Local Plan. It would also be visually and environmentally intrusive.

There is no education capacity to support development of the site and other infrastructure issues which impact on development.

Development of the site would result in visual intrusion into the countryside.

There are other more suitable developments within urban areas or which are brownfield. There are also infrastructure constraints in the local catchment schools.

A planning application for housing on part of the site was refused in 2013 and appeal against that refusal was dismissed in 2014.

Reporter's conclusions:

1. Hallam Land Management Ltd does not seek allocation of the whole of the land which is identified as EOI-0136 in the Main Issues Report maps. That site would cover a large area of land (54 hectares) to the east of Blackburn, on both the north and south sides of Seafield Road. Instead, Hallam seeks the allocation of a smaller area of land (6.5 hectares - again on both sides of the road) within that larger parcel.
2. This land, which is immediately to the east of the housing at Pinewood Place, Graham Court and Happy Valley Road, was the subject of a previous application for planning permission which was refused. That decision was appealed, and the appeal dismissed. Despite what is stated above, there was only one appeal on this site. Appeal reference PPA-400-2044 was for a site at Falside, on the western side of Bathgate.
3. We find under Issue 1A that it is likely that the number of houses to be built during the period of the plan will fall significantly short of the housing supply target for the plan. I therefore give serious consideration as to whether this site should be allocated for housing
4. Hallam states above that the council conceded (and that the appeal Reporter concluded) during the course of the appeal for this site (PPA-400-2036) that proposed development here would be in keeping with the scale and character of the settlement, would not constitute sporadic development or lead to coalescence, and could be accepted as an extension to the built up area. The council states, however, that it does not accept these statements in respect of the proposed plan because the site is not allocated for development.
5. I do not, in fact, have before me the council's statements in response to the appeal, only what Hallam says about them. I do have the appeal decision itself. In that, the reporter says that the council did not suggest that that proposal would have infringed criterion (a) of SESplan Policy 7, which requires development to be in keeping with the character of the settlement and local area.
6. I struggle to find the logic in the council's position, at least insofar as it is conveyed to me above. It is not clear to me why, just because one is considering development of the site through the mechanism of a local development plan allocation, what appeared to be satisfactory aspects of it during the appeal would become unsatisfactory.
7. In any event, I must reach my own view. In doing so, however, I also have regard to the appeal reporter's findings. Although his findings were in respect of an application for planning permission in principle and not a potential local development plan allocation, the same promoter is seeking the same number of houses on the same site, and relies upon some of the same evidence presented at the appeal.
8. The eastern boundary of Blackburn (where it would be the western boundary of the appeal site) is formed by a belt of trees running in a straight line, extending on both sides

of Seafield Road. Although this belt is not very wide, it provides a relatively strong edge to the settlement.

9. Development on the site would be a significant breach of this straight, relatively strong edge. It would also likely involve (as the appeal reporter noted) the loss of much of the trees and hedging which currently line Seafield Road at this point, and which substantially screen (at least when in leaf, as during my site inspection) views of the site at present. The northern boundary of the site is a line of trees, as is the southern part of the eastern boundary. However the northern part of the eastern boundary is indistinct. So too is the southern boundary, from where there are extensive views to the south, over the valley of the River Almond. The appeal reporter made similar observations. Although all these boundaries could be enhanced in time with new planting, in my view development of the site would likely have an adverse impact on the landscape setting of Blackburn and it would not form a natural or, initially at least, well-contained extension to the settlement.

10. Development here would impact on the character of this area of countryside belt separating Blackburn and Seafield. It would not lead to coalescence of these two settlements but it would tend to further blur somewhat the distinction between them - this gap is already characterised by sporadic development along the road, the westernmost of which would effectively become subsumed into Blackburn.

11. The appeal reporter found, in paragraph 62 of his decision, that that development 'would have some adverse effect on local character, but not to an extent that would justify refusal of permission if other considerations demonstrated clear need for the development to proceed'. I do not consider that our conclusions at Issue 1A (or the acknowledged desire to support regeneration in Blackburn) means that there is clear need for the site to be allocated. It would help towards those aims, but there are other planning objectives which the plan must seek to achieve, and a balance to be struck between these.

12. Given my conclusions about the likely impacts of development at this site on the landscape setting of Blackburn, on the character and amenity of the area and on the separation between the settlements of Blackburn and Seafield, I do not favour the allocation of this site for housing development. On this basis, there is no value in me drawing specific conclusions on the education capacity issues raised by the council. I would therefore simply note that in the context of our conclusions more generally under Issues 1F and 1J, and our recommendation that the plan establishes a more positive policy approach to education issues, I do not consider it likely that the education constraints to development of this site would be insurmountable.

Reporter's recommendations:

No modifications.

Issue 4R	Allocation of land for residential development in Bathgate, H-BA 3, Standhill (site A)	
Development plan reference:	H-BA 3	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
River Forth Fisheries Trust (21885347)		
Provision of the development Plan to which the issue relates:	Housing and Flood Risk	
Planning authority's summary of the representation(s):		
<p>River Forth Fisheries Trust (21885347) – objects to the inclusion of any of the area proposed for development where it is contrary to the following policies of the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also advises that all development should ensure that it complies with Policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.</p>		
Modifications sought by those submitting representations:		
<p>River Forth Fisheries Trust (21885347) – does not specify any modification but objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.</p>		
Summary of responses (including reasons) by planning authority:		
<p>River Forth Fisheries Trust (21885347) - It has already been acknowledged in Appendix 2, page 137 of the LDP (CD078) that the site is susceptible to flooding and a flood risk assessment is identified as being required.</p> <p>In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is</p>		

complaint with policy DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text which stated 'impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.'

Reporter's conclusions:

1. The River Forth Fisheries Trust raises concerns about the potential impacts on the Bathgate Water and on its project (in collaboration with the council, SEPA and other partners) to improve the watercourse and to reconnect local communities to it. It makes similar comments about a number of other sites in Bathgate, and one in Armadale.

2. I note the council's suggestion that Appendix Two references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust's project, the flood risk assessment and other supporting information required for any development of this site ought to be sufficient to ensure that the aims of the project could be properly reflected.

Reporter's recommendations:

No modifications.

Issue 4S	Allocation of land for residential development in Bathgate, H-BA 4, Standhill (site B)	
Development plan reference:	H-BA 4	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
The River Forth Fisheries Trust (21885347)		
Provision of the development Plan to which the issue relates:	Housing and Flood Risk	
Planning authority's summary of the representation(s):		
<p>River Forth Fisheries Trust (21885347) – objects to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.</p>		
Modifications sought by those submitting representations:		
<p>River Forth Fisheries Trust (21885347) – does not specify any modification but objection is raised to the inclusion of any of the area proposed for development where it is contrary to the following policies put forward by the Local Development Plan: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.</p>		
Summary of responses (including reasons) by planning authority:		
<p>River Forth Fisheries Trust (21885347) - It has already been acknowledged in Appendix 2, page 137 of the LDP (CD078) that the site is susceptible to flooding and a flood risk assessment is identified as being required.</p> <p>In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is complaint with policy DES 1 (f) - the development does not result in any significant</p>		

adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text which stated ‘impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.’

Reporter’s conclusions:

1. The River Forth Fisheries Trust raises concerns about the potential impacts on the Bathgate Water and on its project (in collaboration with the council, SEPA and other partners) to improve the watercourse and to reconnect local communities to it. It makes similar comments about a number of other sites in Bathgate, and one in Armadale.

2. I note the council’s suggestion that Appendix Two references, for this site, the need for development to comply with a range of policies in the development plan. Whilst this is well-intentioned, I would expect the council to apply the relevant development plan policies to all development proposals, and I can see no compelling need that some of these be picked out for this site, but not for others. Noting that both SEPA and the council are partners in the Trust’s project, the flood risk assessment and other supporting information required for any development of this site ought to be sufficient to ensure that the aims of the project could be properly reflected.

Reporter’s recommendations:

No modifications.

Issue 4T	Allocation of land for residential development in Bathgate, H-BA 11, Wester Inch Phase 3	
Development plan reference:	H-BA 11	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
The River Forth Fisheries Trust (21885347) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Housing and Flood Risk	
Planning authority's summary of the representation(s):		
<p>The River Forth Fisheries Trust (21885347) - objection is raised to the inclusion of the site as it is contrary to the following policies in the LDP: EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. Also any development should ensure that it complies with DES 1 (f).</p> <p>Scottish Environment Protection Agency (0243) – require a Flood Risk Assessment for the site which should assess the risk from the Boghead Burn and small watercourses. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding.</p>		
Modifications sought by those submitting representations:		
<p>The River Forth Fisheries Trust (21885347) - no specific modifications proposed but it is suggested that the site is removed from the LDP unless the terms of policies EMG1, EMG2, EMG3, NRG1, ENV11, ENV21 and DES1 (f) can be met.</p> <p>Scottish Environment Protection Agency (0243) – require a Flood Risk Assessment for the site which should assess the risk from the Boghead Burn and small watercourses.</p>		
Summary of responses (including reasons) by planning authority:		
<p>River Forth Fisheries Trust (21885347) - It has already been acknowledged in Appendix 2, page 141 of the LDP (CD078) that the site is susceptible to flooding and a flood risk assessment is identified as being required.</p> <p>In assessing any development proposals which have the potential to affect the Bathgate Water, the council will ensure that they are considered with particular regard to policies EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space. The council will also seek to ensure that any development is complaint with policy DES 1 (f) - the development does not result in any significant</p>		

adverse impact on the water environment as required by the Water Framework.

The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text which stated 'impact on Bathgate Water requires to accord with EMG 1 – Water Environment Improvement, EMG 2 – Flooding, EMG 3 – Sustainable Drainage, NRG 1– Climate Change and Sustainability, ENV 11 – Protection of the Water Environment/Coastline and riparian Corridors, ENV 21 – Protection of Formal and Informal Open Space and with DES 1 (f) - the development does not result in any significant adverse impact on the water environment as required by the Water Framework.'

Scottish Environment Protection Agency (0243) - The council would not raise issue with the Reporter should they be minded to amend the LDP to reflect SEPA's requirements for a Flood Risk Assessment for the site which should assess the risk from the Boghead Burn and small watercourses consider any structures, e.g. culverts, which may exacerbate flooding.

Reporter's conclusions:

1. We address these representations on this site under Issue 4K.

Reporter's recommendations:

No modifications.

Issue 5A	Blackburn Settlement	
Development plan reference:	H-BB 3 West Main Street (West) H-BB 4 West Main Street (East) H-BB 8 East Main Street (former adult training centre)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Thomas Fleming (21874153) J Johnson (21845270) Robert Hutchinson (21089372) Maureen Finlay (0145) Audrey Gordon (0180) Hazel McLachlan (0181)</p>		
Provision of the development Plan to which the issue relates:	Land for housing and the settlement statement for Blackburn, pages 82 and 151-155, Proposals Map 4.	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-BB 3 & H-BB 4</u></p> <p>Maureen Finlay (0145), Audrey Gordon (0180), Hazel McLachlan (0181), Thomas Fleming (21874153) - Object to the proposed development H-BB3 and H-BB 4 citing one or more of the following reasons:</p> <ul style="list-style-type: none"> • Any houses built in this area would only add to the serious traffic problems that already exist on entering and leaving Quoiters Court. Increased traffic noise is inevitable. Parking provision is already a major concern to residents at the moment. • Development would seriously affect the visual amenity of surrounding neighbours. • Houses would affect privacy and deprive residents of sunlight. • Loss of habitat for wildlife would be detrimental to the area. The site is home to various wild life species including bats and hedgehogs and many species of birds. • This can be a pleasant area to sit and relax and children play safely it provides an attractive view for visitors arriving in Blackburn by bus and the loss of the mature trees would have detrimental impact for the community. Impact of loss of landscape including mature trees, shrubs and seating area would be detrimental to the area. • The site is one of only two green open spaces left in Blackburn. • There is an established right of way connecting West Main Street with Riddochhill Crescent and it's loss would be detrimental to the area. The route is part of our heritage and a vital link for those who do not drive. Valid planning permission does not constitute permission to close or divert a public right of way. • There have been serious drainage issues in the past and any new build would only 		

add to this problem. Extra demands on a system already under stress could cause flooding.

- Concerned about the construction of buildings (size and height etc).

H-BB 8

Robert Hutchinson (21089372) - Concerned that the LDP lacks specific detail for sites. Stating just “residential” is too vague and offers no reassurances that local residents will be kept abreast of plans or notified of what is proposed. Map 4 is vague and not site specific.

With regard to site H-BB 8, respondent would not object to housing in-keeping with the neighbourhood provided respectful working hours are kept, though the prospect of high rise apartments is entirely different. Seeks reassurances that ‘approval’ will not be given before specific details of what is proposed can be offered.

Representations to non-allocated sites

Land west of Blackburn

J Johnson (21845270) - Promote a 19.6ha site which could provide a mix of houses (in the region of 250-350) including affordable homes, mixed market housing and larger homes, meeting a range of needs. There is also scope for employment, leisure and community uses, as part of a new mixed use neighbourhood. The site can provide a source of housing land for Blackburn for a number of years, subject to clarification of ground conditions, noise attenuation, housing mix and the detailed consideration of design and layout.

Much of the site lies on gently south-facing land and its location next to Blackburn ensures that development will read clearly as part of the existing town. The site is currently located within designated Countryside Belt. However, the ambition of this policy to maintain separation of adjacent settlements and protect their setting would not be undermined by allocation of the site for housing use.

Adequate land would remain between Blackburn and East Whitburn to the west and the M8 and associated woodland provides clear separation to the north. It forms a natural extension to the west of Blackburn, following the recent construction of St Kentigern’s Academy to the south. It is located approximately 500m from the Blackburn town centre.

Significant parts of the site would remain undeveloped to achieve satisfactory relationships with adjacent features. Vehicular and pedestrian access is available from two potential locations at the east of the site, at Riddochhill Road/Ladeside Gardens. Services and drainage are available locally but it is anticipated that upgrading will be required to serve significant housing development. It is known that there is limited waste water treatment capacity at Blackburn. The LDP does not indicate any education constraints at Blackburn but contributions towards education provision would be expected for new development at this site. The SEPA flood map indicates minimal risk of surface water flooding and there are no significant impacts from the River Almond. It is expected that a Coal Authority Report will be required to highlight any issues with previous workings on or under the site.

Modifications sought by those submitting representations:Representations to allocated sitesH-BB 3 & H-BB 4

Maureen Finlay (0145) - Objects to development proposal H-BB 3 and H-BB 4 and urges the council to remove these proposals from its development plan.

Audrey Gordon (0180) - No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Hazel McLachlan (0181) - No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Thomas Fleming (21874153) - No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

H-BB 8

Robert Hutchinson - (21089372)

No specific modification has been sought. Respondent would not object to housing in-keeping with the neighbourhood and seeks reassurances that 'approval' will not be given before specific details of what is proposed can be offered.

Representations to non-allocated sitesLand west of Blackburn

J Johnson (21845270) - propose that the LDP is amended to allocate the site as a new mixed use neighbourhood, creating a housing supply for Blackburn and supporting its sustainable future.

Summary of responses (including reasons) by planning authority:Representations to allocated sitesH-BB 3 & H-BB 4

Maureen Finlay (0145), Audrey Gordon (0180), Hazel McLachlan (0181), Thomas Fleming (21874153) - The sites are subject to approved planning briefs (CD217 and CD185). The sites were first allocated for housing use in the Bathgate Area Local Plan, which was adopted by the council on 17 March 1998 (CD098). The allocations were carried forward to the West Lothian Local Plan 2005, which was adopted by the council on 13 January 2009, sites HBb3 AND HBb5 (CD092). The allocations are retained in the LDP and contribute to meeting the housing requirements over the local plan period, and the longer term. The approved briefs propose that housing would be the preferred use for both sites. The sites are included in the council's capital programme for disposal.

The approved planning briefs were the subject of consultation with interested parties. Local members were consulted on the briefs prior to a wider consultation being carried

out. The wider consultation encompassed neighbouring properties and Blackburn Community Council.

Both development sites include existing footpath links which are adopted. These footpath links are required to be provided within any proposed site layout. They do not necessarily have to follow the exact route of the existing footpaths but should provide a link from the north of both sites through to West Main Street as described in the Planning Briefs. It should be noted that vehicle access to H-BB 4 would need to be near the western boundary of the site to avoid the bus layby this would lessen the impact on vehicles accessing Quoters Court.

Concerns regarding drainage are noted. Planning briefs for both sites require a comprehensive drainage impact assessment to be undertaken addressing any issues of foul, surface and ground water, including land drainage both pre and post- development. SEPA has not objected to development but have requested submission of drainage impact and flood risk assessment. SEPA's requirements are reflected in the LDP.

It is noted that there are a number of trees on both sites which would be affected by the proposal. The Planning Briefs require arboriculturalist's reports to assess the position and condition of the existing trees on the site. Where it is not possible to retain a particular tree then a suitable replacement trees are required to be provided at a location to be agreed within the site.

Concerns over construction disturbance, overlooking, privacy, light and surface water run-off, is a matter for the planning application stage at which point neighbours would be notified and asked to comment.

The sites are considered to be appropriate infill sites in the urban area that are subject to approved planning briefs. With regards to the representations received in relation to sites H-BB 3 and H-BB 4, the council does not consider that the plan should be modified in respect of any of the issues raised in these representations.

H-BB 8

Robert Hutchinson (21089372) - The site is subject to an approved planning brief (CD186) which sets out further site specific details including key design, environmental and infrastructural requirements of the council as well as identifying any additional community benefits that will be required as a result of the development of this site.

Representations to non-allocated sites

Land west of Blackburn

Mrs J Johnson (21845270) - The Council has carefully considered the reasons put forward in support of the modification to include the site within the LDP but is of the view that there is insufficient justification to allocate this land for development. In particular: -

- Allocation of the site is not consistent with the strategy for Blackburn which already allocates more appropriate sites within the settlement boundary.
- This location is part of the Countryside Belt, the reasons for which are discussed more fully in the Countryside Belt Position Statement (CD184). Although visual and physical separation exists between Bathgate and Blackburn, the existing

Countryside Belt plays an important role in containing the western built edge of Blackburn preventing coalescence towards the Bathgate settlement boundary. The landscape here also adjoins a local biodiversity site which is a raised peat bog and is an important Green Corridor. Development in this location would extend the urban form of the settlement contributing to urban sprawl in the countryside.

- It should be noted that there are flooding issues associated with the River Almond on the southern boundary of the proposed site.
- There are likely to be access issue to the proposed site as the routes from Ladeside Avenue/Riddochhill Road are narrow tracks which offer little opportunity for them to be widened due to surrounding properties.

In light of the above the Council does not agree to modify the Plan in response to this representation.

Reporter's conclusions:

H-BB 3 West Main Street (West)

H-BB 4 West Main Street (East)

1. Both of these sites are areas of amenity open space lying to the north side of West Main Street, with a small, single-storey terrace of houses (Margaret Cottages) between them.
2. I have sympathy with those respondents who say that these are safe and pleasant spaces, providing a valued space for informal recreation and children's play. As I observed during my site inspection, they make a positive contribution to the character and amenity of this part of Blackburn, and are close to the centre of the town. They are not, on the face of it, obvious development sites.
3. However, as the council points out, these sites have been allocated for housing since 1998, renewed through the adoption of the current local plan in 2009. There is nothing in the representations before me which attest to a change of circumstances since then which would prompt a reconsideration of the long-established principle of residential development on these sites.
4. The footpath links running northwards through the sites (to Riddochill Drive and to Riddochill Crescent) could be retained in any new development, albeit not necessarily on precisely the same routes. The council's approved planning briefs for the sites attest to this. These paths are described in representations as 'rights of way'. If this is the case, any proposals for the sites would need to be in accordance with the relevant statutory provisions.
5. In general terms, I do not consider that, at such a modest scale, development of these sites would add significantly to road traffic congestion, or cause safety concerns. The need for off-street parking could be considered through the development management process, as could the appropriate means of accessing the sites. I appreciate that the residents of Quoters Court would seem to currently experience delays or difficulties exiting that street due to the close presence of the nearby signalised junction. I observed the potential for this during my site inspection. Again, I do not consider that the very limited number of additional vehicle movements which would be generated by residential use of these sites would add significantly to such difficulties. The approved planning brief for H-BB 4 anticipates an access point on the western half of the site, away from Quoters

Court.

6. Albeit there are some trees, these sites are largely managed grassland and there is no clear evidence that there would be any significant impacts on biodiversity arising from their development. Whilst I note the concerns raised about drainage and flooding, the entries for the sites in Appendix Two require flood risk and drainage impact assessments to be undertaken. SEPA has not objected to the allocations, and I have no reason to conclude that these matters could not be addressed through the development management process. It also seems to me to be highly likely that modest housing developments here could be laid out and designed so as to ensure that the impacts on neighbouring houses (for example on the privacy and levels of daylight they enjoy) would not be significant.

H-BB 8 West Main Street (former adult training centre)

7. In allocating this site for residential development, Appendix Two of the plan goes on to provide further detail as to what is anticipated - giving an indicative capacity of 12 units, stating that access would be from Almondvale Gardens and making reference to an approved planning brief for the site. In my experience, this is an appropriate level of detail for a local development plan to include about a brownfield, urban site of this size. Mr Hutchinson is concerned to ensure that approval of development would not be given before specific details of what is proposed are known. Such details would, of course, be publicly available through any subsequent planning application for development on the site, and both neighbours and other members of the public would have the opportunity to make representations in respect of them.

Land west of Blackburn

8. Mrs Johnson seeks allocation of a substantial area of land to the west of the town, stretching north of the River Almond to the M8. This is, for the most part, overgrown grassland with areas of trees and scrub. There are some tracks and overhead powerlines (on wooden poles) crossing the site. There is a small hill towards the southeast part. Development on this site would extend the town westwards towards East Whitburn, although St Kentigern's Academy already extends the town in this direction. There would still be a clear separation between these settlements.

9. There is little in the way of detailed supporting information for what would be, for a town the size of Blackburn, a significant development proposal for housing and, potentially, a mix of other uses. The council points to the risk of flooding on the site and its proximity to an adjacent raised bog, a local biodiversity site. It may well be that these are constraints which can be overcome, although I have little evidence either way.

10. There is also little information to demonstrate how satisfactory access to the site can be provided. As the council points out, potential access points at Riddochhill Road and Ladeside Gardens appear to be rather narrow, with houses on either side. There is no technical evidence before me which attests to the suitability of these (and of the local roads more generally) to accommodate a development of the proposed scale.

11. Map 8 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in Blackburn. It does not show the land now being promoted by Mrs Johnson. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that

‘Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.’

12. Earlier, at paragraph 64, promoters of sites are advised to engage in any ‘call for sites’ exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.’

13. I have no evidence that the prospect of development on this site has been the subject of any community engagement, for example as would have been the case had it been identified in the Main Issues Report, even as a ‘not preferred’ site. The site has not been considered in the Strategic Environmental Assessment process for the plan, nor has it been accompanied by any detailed supporting environmental information. These factors mitigate against allocating the site at present.

14. In light of all of the above, and despite our conclusions at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target for the plan, I do not recommend that this site be allocated for housing or for mixed use development.

Reporter’s recommendations:

No modifications.

Issue 5B	Whiteside Industrial Estate Bathgate	
Development plan reference:	E-BB 2 Inchmuir Road 2 E-BB 5b Pottishaw E-BB 5d Pottishaw	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Quarry Investments Ltd (0374), (0436) and (21733417) Scottish Environment Protection Agency (0243) Genius Foods Ltd (21314650)		
Provision of the development Plan to which the issue relates:	E-BB 2, E-BB 5b and E-BB 5d are employment allocations within the plan. Appendix 1: Employment Land Allocations – Bathgate	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>E-BB 2</u></p> <p>Quarry Investments Ltd (0374), (0436) and (21733417) - This representation seeks the allocation of site E-BB 2 - Inchmuir Road (currently an allocated employment site) for residential purposes with a capacity of 70 homes within the plan period.</p> <p>The allocation for housing will have no detrimental impact on the overall (or local) supply of employment land; the site has never been developed despite previous employment use allocations – there is no demand to develop the site for business/employment use; residential use would be compatible with the neighbouring hotel use. To the west, sufficient existing landscaping/tree belt would be supplemented to ensure no detrimental impact on the residential use or neighbouring employment uses; the loss of this site would not fragment a larger area of employment land; there would be no unacceptable traffic/transportation impacts; and the proposals would complement the neighbouring Cairn Hotel whilst providing affordable, attractive homes at an accessible location close to local amenities and employment.</p> <p>The deliverability of the site is considered to be a key advantage when compared to other housing allocations across West Lothian. The land is under the control of a willing landowner keen to help deliver the whole project. There are no obstacles to the delivery of development in the short term and the site could contribute to the initial 5-year land supply.</p> <p>Genius Foods Ltd (21314650) - The proposed site is currently proposed as a category 4, 5 or 6 development. The category designated must be compatible with a Food manufacturing company as Genius foods situated next door to the site manufactures Gluten Free Bakery products. The site turns over c£35M and directly employs 356 people from the area.</p>		

E-BB 5b

Scottish Environment Protection Agency (0243) - Requirement for a flood risk assessment should be included in the LDP for this site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.

E-BB 5d

Scottish Environment Protection Agency (0243) - Requirement for a flood risk assessment should be included in the LDP for this site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.

Modifications sought by those submitting representations:Representations to allocated sitesE-BB 2

Quarry Investments Ltd (0374), (0436) and (21733417) - Requests that the site be removed from the allocated employment land supply for Bathgate and allocated for residential development.

Genius Foods Ltd (21314650) - No specific modification proposed. However concern is raised over the impact of development on existing land uses.

E-BB 5b

Scottish Environment Protection Agency (0243) - Add reference to requirement for flood risk assessment in the LDP Appendix 2 Site Delivery Requirements.

E-BB 5d

Scottish Environment Protection Agency (0243) - Add reference to requirement for flood risk assessment in the LDP Appendix 2 Site Delivery Requirements.

Summary of responses (including reasons) by planning authority:Representations to allocated sitesE-BB 2

Quarry Investments Ltd (0374), (0436) and (21733417) - This representation seeks the allocation of site E-BB 2 - Inchmuir Road (currently an allocated employment site in the plan) for residential purposes.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development set out below.

The site lies within the established employment area boundary of Whiteside industrial Estate and is bounded by the A7066 to the north, Inchmuir Road (the main access road to the industrial estate to the south), Genius Gluten Free (industrial use) to the west and the Cairn hotel and a car showroom to the east. Residential development at this location would be considered an inappropriate use within an established industrial estate. It would also be immediately adjacent to a class 5 industrial use and bringing residential development closer to the industrial use could prejudice its future operations.

There are potentially education capacity constraints within the area which may prevent development of this site. The council's position in relation to education requirements is set out in the Education Position Statement (CD201).

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this site for residential use. The council's position in relation to housing land is set out in the housing position statement (CD215a and b)

For these reasons, the council does not agree to modify the plan in response to this representation.

Impact of Development on Existing Land Uses

Genius Foods Ltd (21314650) - The site is within a designated industrial estate where the broadest range of uses Use class 4 business use, 5 general industrial or 6 storage and distribution would be acceptable. The LDP consider that the full range of uses can be accommodated, subject to the appropriate controls on proposals which may have an impact on local amenity i.e. impact on neighbouring businesses. Any controls required would be identified at planning application stage.

E-BB 5B

Scottish Environment Protection Agency (0243) - The council agrees to include the requirement for a Flood Risk Assessment in the Site Delivery Requirements for E-BB 5b to ensure consistency with updated advice from SEPA. The council considers this to be a non-notifiable modification.

E-BB 5d

Scottish Environment Protection Agency (0243) - The council agrees to include the requirement for a flood Risk Assessment in the Site Delivery Requirements for E-BB 5d to ensure consistency with updated advice from SEPA. The Council considers this to be a non-notifiable modification.

Reporter's conclusions:E-BB 2 Inchmuir Road 2

1. I recognise that this site lies at the corner of the Whiteside Industrial Estate, and that there is a hotel immediately to the east of it. I note what has been said about the lack of demand for employment development here, and about an over-reliance on a small number of sites for housing development in Bathgate. Our findings at Issue 26A are that there is a substantial surplus of employment land in West Lothian. Our conclusion at Issue 1A is that there is likely to be a significant shortfall in meeting the housing supply target of the plan. Given this context, I give serious consideration to whether this site should be allocated for housing. However, on the basis of the evidence before me, I am not persuaded that it should.

2. The A706 dual carriageway, immediately to the north, provides a strong and obvious northern boundary to the industrial estate. It would also act as a significant barrier hindering the integration of housing development on this site with the relatively recently developed housing area to the north of the dual carriageway. The dual carriageway, the surrounding employment land and, further south, the M8 motorway would all serve to render the site somewhat of an isolated housing enclave, set in an environment not generally conducive to walking and cycling.

3. Although employment use and housing can often co-exist happily alongside each other, in this case I share the council's concerns about siting homes so close to industrial uses. Quarry Investments Ltd describes the neighbouring uses as 'light industrial'. Aside from the food processing use immediately to the west, I noted during my site inspection a mix of business uses in the vicinity of the site, including what appeared to be a mail depot, offices and a snack bar, with other industrial and business uses across the wider industrial estate. However one characterises this mix of uses, the impression I gained was one of a busy industrial and commercial area – a 'traditional' industrial estate. I noted (I visited during weekday working hours, outwith the rush hour periods) a regular stream of HGVs and LGVs travelling past the site on Inchmuir Road (which provides the sole vehicular access for a large part of the industrial estate) and at the nearby junction with Blackburn Road.

4. I would be concerned that, because of the nature of its surroundings, residential development of this site could give rise to problems for the amenity of any future homes and could also have implications for the continuing (or, if proposed, intensification or expansion) of some of the nearby industrial and business uses.

5. Map 7 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in Bathgate. It shows this site as continuing to be allocated for employment use. The prospect of housing development upon it is not mentioned. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

6. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a

preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.’

7. I have no evidence that the prospect of housing development on this site has been the subject of any community engagement, for example as would have been the case had it been identified in the Main Issues Report, even as a ‘not preferred’ site. That prospect has not been considered in the Strategic Environmental Assessment process for the plan. These factors mitigate against allocating the site.

8. All in all, notwithstanding our conclusions elsewhere in respect of the supply of employment land and housing land, I am not persuaded of the case for allocating this site for residential development.

9. I note the concern of Genius Foods Ltd to ensure that any use of this site is compatible with their neighbouring operations. However, the site is within an established industrial estate and is already allocated for employment use in the current local plan. I agree with the council that any impacts on neighbouring uses would be a matter best considered through the development management process.

Flood Risk – sites E-BB 5b & E-BB 5d

10. In the first instance it would be a matter for the council, but it is not clear to me why a modification adding the requirement for a flood risk assessment to the site delivery requirements for these sites would be ‘non-notifiable’. Elsewhere within the Schedule 4 forms for our examination, the council has treated very similar modifications as substantive – usually supporting them but occasionally resisting. Such a change would require a prospective developer to pay for and undertake an assessment which they might not otherwise need to do. That assessment could influence how the site would be developed. For the avoidance of doubt, I treat these potential modifications as substantive.

11. These two allocations are contained within Table 2 of SEPA’s consultation response, that table capturing those sites where SEPA is requesting a change to the requirements listed in Appendices One and Two of the plan. Noting SEPA’s statutory role in respect of the management of flood risk, I consider it prudent to follow its advice for these sites. The council, as stated above, agrees the need for these changes.

Reporter’s recommendations:

1. In Appendix One, in the entries for site E-BB 5b and E-BB 5d Pottishaw, in the ‘Infrastructure and other requirements’ column, insert ‘Flood Risk Assessment required.’

Issue 6A	Allocation of land for employment uses and housing in Blackridge	
Development plan reference:	E-BL 1 (Sibbald Training Centre Site 1) E-BL 2 (Sibbald Training Centre Site 2) H-BL 1 (Allison Gardens, Site A) H-BL 2 (Allison Gardens, Site B) H-BL 3 (Westcraigs Road) H-BL 4 (Craiginn Terrace) H-BL 5 (Woodhill Road) H-BL 6 (South of Craiginn Terrace, part of H-BL 4)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert French (21908005) SportScotland (21118219) Iain McLean (0023 and 21075331) Sibbald Ltd (0059) Scottish Environment Protection Agency (0243) Nigel Todhunter (0457)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Blackridge (page 83) Appendix 1 – Schedule of Employment Sites, Blackridge (page 104) Appendix 2 - Schedule of Housing Sites, Blackridge (page 156-158) Proposals Map 5, Villages (Blackridge)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>E-BL 1 (Sibbald Training Centre Site 1)</p> <p>Sibbald Ltd (0059)</p> <p>The respondents support the allocation of their site at Blackridge. They also support the wider employment objectives of the proposed plan for both flexibility of existing employment land and for a broader range of uses on traditional employment land. Sibbald Ltd also takes comfort that this flexibility has been accepted for a wider range of use classes through the MIR consultation process.</p> <p>Scottish Environment Protection Agency (0243)</p> <p>SEPA does not object to the allocation however requires a Flood Risk Assessment (FRA) which assesses the risk from the small watercourse which historic maps indicate the presence of within the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p>		

E-BL 2 (Sibbald Training Centre Site 2)

Sibbald Ltd (0059)

The respondents support the allocation of their site at Blackridge. They also support the wider employment objectives of the proposed plan for both flexibility of existing employment land and for a broader range of uses on traditional employment land. Sibbald Ltd also takes comfort that this flexibility has been accepted for a wider range of use classes through the MIR consultation process.

Scottish Environment Protection Agency (0243)

SEPA does not object to the allocation however a review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. The council may wish to consider including the surface water risk in the developer requirements.

H-BL 4 (Craiginn Terrace)

Robert French (21908005)

Argues that not enough effort has been afforded to creating job opportunities in Blackridge and this is in part the reason why housing allocations have never been realised. While recognising the need for commuter settlements efforts must also be made to attract inward investment.

Iain McLean (0023 and 21075331)

The respondent has concerns about the proposed development as they live at Westcraigs Road which bounds the allocation. When planning was previously agreed for this site the houses planned did not complement the style or form of existing houses. . In the previous plan permission was granted for two and a half storey properties while the street is mainly made up of bungalows or at most one and a half storey homes. The respondent is also concerned about increased traffic on Westcraigs Road and pressures on the local facilities and school capacity.

H-BL 5 (Woodhill Road)

SportScotland (21118219)

SportScotland objects to Policy ENV 22 based on its current wording since it is not consistent with SPP 2014. This matter is addressed separately under Schedule 4 number 26Ad.

SportScotland do not object to this allocation given that the affected playing field has been declared surplus to requirements and does not constitute a loss of outdoor sports facilities.

H-BL 6 (South of Craiginn Terrace, part of H-BL 4)

Nigel Todhunter (0457)

The respondent objects to the proposed allocation as it relates to a green field site. It is noted that the respondents property (and those of his neighbours), are all bungalows and there would therefore be objection to the development of anything other than bungalows on this site for reasons allied to a loss of privacy.

Modifications sought by those submitting representations:**Representations to Allocated Sites**

E-BL 1 (Sibbald Training Centre Site 1)

Sibbald Ltd (0059)

No specific modification of allocation E-BL 1 has been sought.

Scottish Environment Protection Agency (0243)

SEPA does not object to the allocation. It does however suggest an addition to the text of the entry in Appendix 1 – Employment Land Allocations, Blackridge (page 104) requiring a Flood Risk Assessment (FRA) which assesses the risk from the small watercourse which is understood to flow through the site. Historic maps indicate the presence of a watercourse within the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.

E-BL 2 (Sibbald Training Centre Site 2)

Sibbald Ltd (0059)

No specific modification of allocation E-BL 2 has been sought.

Scottish Environment Protection Agency (0243)

SEPA does not object to the allocation. It does however suggest an addition to the text of the entry in Appendix 1 – Employment Land Allocations, Blackridge (page 104) advising that flooding issues should be investigated further and it is recommended that contact is made with the flood prevention officer.

H-BL 4 (Craiginn Terrace)

Robert French (21908005)

No specific modification of allocation H-BL 4 has been sought.

Iain McLean (0023 and 21075331)

No specific modification of allocation H-BL 4 has been sought.

H-BL 5 (Woodhill Road)

SportScotland (21118219)

No specific modification of allocation H-BL 5 has been sought.

H-BL 6 (South of Craiginn Terrace, part of H-BL 4)

Dr Nigel Todhunter (0457)

No specific modification of allocation E-BL 2 has been sought.

Summary of responses (including reasons) by planning authority:E-BL 1 (Sibbald Training Centre Site 1)

Sibbald Ltd (0059)

As no modification of allocation E-BL 1 is sought, the council has no response to make.

Scottish Environment Protection Agency (0243)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 of the LDP Proposed Plan (page 104) with the addition of text that requires a Flood Risk Assessment be submitted which assesses the risk from the small watercourse which is understood to flow through the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

E-BL 2 (Sibbald Training Centre Site 2)

Sibbald Ltd (0059)

As no modification of allocation E-BL 2 is sought, the council has no response to make.

Scottish Environment Protection Agency (0243)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 of the LDP Proposed Plan (page 104) with the addition of text that requires a Flood Risk Assessment be submitted which assesses the risk from the small watercourse which is understood to flow through the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

H-BL 4 (Craiginn Terrace)

Robert French (21908005) - Comments noted, however no modification is proposed.

Iain McLean (0023 and 21075331)

Comments noted, however no modification is proposed.

H-BL 5 (Woodhill Road)

SportScotland (21118219)

As no modification of allocation H-BL 2 is proposed, the council has no response to make.

H-BL 6 (South of Craiginn Terrace, part of H-BL 4)

Dr Nigel Todhunter (0457)

No modification proposed other than to clearly identify allocation H-BL 6 on Map 5: Villages (Blackridge).

Reporter's conclusions:

E-BL 1 - Sibbald Training Centre Site 1

E-BL 2 - Sibbald Training Centre Site 2

1. SEPA made comments on many of the allocated sites in the plan, but Table 2 of its representation contains all those sites where it requests that the development requirements in Appendices One and Two of the plan be modified. In this table, SEPA requests a flood risk assessment for site E-BL 1 but not for E-BL 2. Given SEPA's statutory role in respect of flood risk, and noting that the council is not opposed to such a change, I recommend that the entry for site E-BL 1 indicates that a flood risk assessment is required. There are no unresolved issues arising from the representations of Sibbald Ltd in relation to these sites.

H-BL 3 - Westcraigs Road

2. The council lists this site at the top of the Schedule 4 form above, but there is no further mention of it thereafter. SEPA's Table 2 contains some detailed advice about this site. In response to my request for further information (FIR01), the planning authority states that, since planning permission is already in place and (as I observed during my site inspection) development has commenced, there is no need to modify the plan in respect of this site. Noting this context, I agree that there would be no benefit in doing so.

H-BL 4 – Craiginn Terrace

H-BL 6 – South of Craiginn Terrace

3. Site H-BL 4 is allocated for housing in the current local plan as site HBr8, with an indicative capacity of 210 units – the same as that in the proposed plan. Site H-BL 6 is not shown on the proposals map, but its entry in Appendix Two of the plan indicates a capacity of 10 houses and states that it is part of site H-BL 4. In response to my request (FIR28), the council confirmed the location of H-BL 6 (at the northwest corner of site H-BL 4) and its indicative capacity of 10 units. This would now give an indicative capacity of 220 units across the land currently subject to allocation HBr8.

4. Robert French's representation states that, because there is yet to be any development associated with these sites, they must be unsuitable. I recognise that development on these sites has not yet progressed. However, there may be a number of reasons for this and it does not follow that this land must be inherently unsuitable for housing development. Albeit they are greenfield sites, they sit at a fairly central location within the village, close to the railway station and to the site of the proposed neighbourhood and partnership centres (proposals P-13 and P-14). The council, in responding to FIR28, advises that it is currently considering an application for planning permission in principle for mixed use development covering part of these sites. This would, if approved, include around 200 homes.

5. In relation to the transport impacts of development on these sites, clearly there would be more traffic in and around Blackridge. However, there is no evidence to suggest that this would result in an undue level of congestion, and the council's transportation officials raise no objections in this respect. In relation to education capacity, the council confirms that Blackridge Primary School can be extended (at the developer's expense) in order to accommodate additional pupils from any new development. The council is confident that, based on the responses from consultees, railway noise, flood risk and previous contamination on the sites can all be addressed.

6. I also recognise the concerns about impacts on the amenity and privacy of neighbouring property. However, these are matters which can be addressed at the development management stage – the presence of neighbouring residential properties should not make these sites unsuitable for housing, and there is no evidence which would lead me to conclude that an appropriate design and layout could not be achieved. Nothing I observed during my site inspections in Blackridge alters that conclusion. I do not, therefore, recommend that these allocations be deleted.

H-BL 5 – Woodhill Road

7. sportscotland's representation lists a number of sites which appeared to contain outdoor sports facilities. sportscotland did not object to these as it was recognised that, in each case, the sports facility element may not be affected, or that there may be plans for replacement facilities. Paragraph 226 of SPP would, it was argued, apply to each of these sites. In relation to this particular site, the representation said 'may contain a playing field'.

8. The council states above that the pitch has been declared 'surplus to requirements', and its Outdoor Sports Facilities Strategy (albeit dating from 2005) says the site is not currently in use and with the description 'overgrown, sloping, poor drainage'. Having visited the site, that description seems apt. The recommendation in the strategy is that the pitch be no longer used for football, albeit it may still serve as a play area adjacent to the primary school. The pitch is still overgrown and fenced off, and I could see no evidence that it is used by the school. I also note that the site is already allocated for housing development in the current local plan. In all of this context, no modification is required.

Tourism and leisure opportunities

9. Robert French also proposes tourism or leisure uses (giving some possible examples) for the land to the south of site H-BL 4, on the opposite side of the railway line, and employment opportunities in the village more generally. In response to FIR28, the council

says that both flood risk and the legacy of previous mining activity constrain development on this land. I do not have detailed information about these constraints – it may be that they can be overcome. More generally, the council considers that there are more suitable sites for development elsewhere.

10. Mr French does not say exactly which land he is referring to. I noted that along the south side of the railway line, and running parallel to it, is a wide strip of mixed woodland. There are informal paths within it, and a more formal path running along its southern edge. Further to the east of this is a yet larger area of woodland. To the south is unimproved marshy grassland and bog.

11. It might be the case that there is potential for leisure-related uses on this land. However, the woodland and paths contribute to the amenity of the surrounding area, and the ground conditions in the land further south seem less than ideal. In any event, in the absence of more detailed proposals, and noting our findings under Issue 26A that there is already a surplus of employment land, I do not find a strong case for allocating land for such uses. Likewise, in the lack of more specific proposals, I am not in a position to recommend how the plan can identify other employment opportunities within the village.

Reporter's recommendations:

1. In the proposals map, replace the insert for Blackridge with the updated insert (showing the location of site H-BL 6) provided by the council in its 16 May 2017 response to FIR28.
2. In Appendix One, in the entry for site E-BL 1 Sibbald Training Centre Site 1, under 'Infrastructure and Other Requirements', insert 'Flood Risk Assessment required'.

Issue 7A	Allocation of land for housing in Breich	
Development plan reference:	H-BR 2 (Woodmuir Road (West)) H-BR 3 (Woodmuir Road (East)) H-BR 5 (Former Woodmuir Primary School) H-BR 6 (Blackhill Farm)	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Michael Howley (21860773) Woodmuir Estates (21668796) Jim Warnock (0006) James Mina (0040) James Clarkson (0265)		
Provision of the development Plan to which the issue relates:	Chapter 5 - Development Proposals by Settlement Statement, Breich (page 83) Appendix 2 - Schedule of Housing Sites, Breich (page 159-161) Proposals Map 5, Villages (Breich)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>H-BR 2 (Woodmuir Road (West))</p> <p>Michael Howley (21860773)</p> <p>The respondent feels that there are other more accessible and serviceable sites in Breich and therefore objects to the allocation of this site. It is considered dangerous in terms of inadequate infrastructure and an unsuitable road leading to Blinkbonny Gardens. Increased construction traffic and services contribute to an unsafe road. Notes that the site has yet to be completed some 10 years after it started and with insufficient infrastructure.</p> <p>James Mina (0040)</p> <p>Objects to this allocation as there was no expectation of any further development taking place in Breich. Concerned about the privacy and intrusion any such development will have on the existing houses. Regards access to the development site to be completely unacceptable for any additional traffic. There are no facilities within the village and it is simply not a candidate for such a significant increase in housing. Respondent requests a meeting with local members and Council officials.</p> <p>Jim Warnock (0006)</p> <p>Objection to this above allocation, and points out that a nearby development was a complete shambles in that it was undertaken by multiple individual builders. Suggests that development should be controlled by one builder with the necessary site staff. Respondent requests a meeting with local members and Council officials.</p>		

H-BR 3 (Woodmuir Road (East))

James Mina (0040)

Objects to this allocation as access to the development site is completely unacceptable for any additional traffic. Notes the current planning application ref 0203/FUL/15.

Jim Warnock (0006)

Objects to this allocation and requests that an infrastructure plan should be in place before any development commences. Concerned that there are no facilities within the village and believes the site to be a poor candidate for such a significant increase in housing. The entrance to the site on Woodmuir Road is unsuitable for large vehicles. The respondent points to the previous development on allocation H-BR 2 in supporting their argument.

James Clarkson (0265)

Objects to this allocation and notes the planning application (ref 0203/FUL/15) is currently being processed. There are concerns on how any development would be managed so as not to endanger the safety of children using the park and commuting to school. Woodmuir Road has limited access for machinery and builders trucks and the narrowing of the road adds to the concerns of the safety to children. There are also visibility issues on the A71 junction which would be exacerbated by additional houses. Respondent requests a meeting with local members and Council officials.

H-BR 5 (Former Woodmuir Primary School)

James Mina (0040)

Concerned about the privacy and intrusion any development will have on the existing houses.

H-BR 6 (Blackhill Farm)

James Clarkson (0265)

Objects to this allocation and raises concerns on how any development would be managed so as not to endanger the safety of children using the park and commuting to school. Woodmuir Road has limited access for machinery and builders trucks and the narrowing of the road adds to the concerns of the safety to children. There are also visibility issues on the A71 junction which would be exacerbated by additional houses.

Woodmuir Estates (21668796)

Supports this allocation. The site is suitable for housing and will also support the nearby train station and suggests that an increase in demand from additional housing will attract better rail services. In terms of infrastructure, the village is suitable for expansion as there is capacity and services in place including the new primary school. The respondent considers that a sizeable development would bring jobs and investment to the area. This investment is considered key to attracting local services such as newsagents, shops and other amenities.

The respondent wishes to extend proposals for employment considerations including potential commercial units for shops and services in Breich, particularly to the east of the village or parallel to the A71 opposite the railway station.

The respondent also supports potential development to the east of Woodmuir Primary School as this area of Land supports good access to the A71 and fits in well with the surrounding area. These additional areas of land are in keeping with the key requirements of the housing policy and also limit the amount of disruption to current residents.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BR 2 (Woodmuir Road (West))

Michael Howley (21860773), Jim Warnock (0006), James Mina (0040)

No specific deletion or modification of allocation H-BR 2 has been stated.

H-BR 3 (Woodmuir Road (East))

Jim Warnock (0006), James Mina (0040)

No specific deletion or modification of allocation H-BR 3 has been stated.

James Clarkson (0265)

Seeks the deletion of allocation H-BR 3 and H-BR 6 and seeks other land to the east and west of the village to be developed first and road systems that connect these two areas are put in place.

H-BR 5 (Former Woodmuir Primary School)

James Mina (0040)

No specific deletion or modification of allocation H-BR 5 has been stated.

H-BR 6 (Blackhill Farm)

James Clarkson (0265)

Seeks the deletion of allocation H-BR 3 and H-BR 6 and seeks other land to the east and west of the village to be developed first and road systems that connect these two areas are put in place.

Woodmuir Estates (21668796)

No specific deletion or modification of allocated site H-BR 6 has been stated, but wishes to extend the proposals in H-BR 6 - Appendix 2 (page 161) to include employment opportunities including potential commercial units for shops and services.

Summary of responses (including reasons) by planning authority:**Representations to Allocated Sites**

H-BR 2 (Woodmuir Road (West))

Michael Howley (21860773), Jim Warnock (0006), James Mina (0040)

Comments noted, however no modification is necessary in response to this representation. It is noted that development is largely built out with 27 units built and only three remaining vacant plots. The site has a valid planning permission (CD418 and CD419).

H-BR 3 (Woodmuir Road (East))

A planning application (ref 0203/FUL/15) for 58 self-build plots is currently under consideration by the council (CD420).

Jim Warnock (0006), James Mina (0040)

Comments noted, however no modification is necessary in response to this representation.

James Clarkson (0265)

The council has carefully considered the reasons put forward in support of the removing H-BR 3 as a housing allocation but remains of the view that there is insufficient justification to remove this land for development.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. This is a suitable site for development that can be brought forward to support development requirements and there is therefore the allocation should remain in terms of meeting housing requirements. The site would contribute to sustainable travel due to proximity to the rail network. With respect to the land to east and west of Breich, there is insufficient justification to promote further residential land elsewhere in Breich, either separately or in conjunction with this allocation. Proposed sites to the east and west of the village are situated on a highly prominent location and are not in keeping with the character of the village. The sites proposed by the council are secluded and more suitably located for development containing the village within a central core. The scale of development proposed in the village is considered to be in keeping with the character of the village.

H-BR 5 (Former Woodmuir Primary School)

James Mina (0040)

Site H-BR 5 is the subject of an approved planning brief (CD240). The site has been declared surplus to council requirements and presents a brownfield opportunity for a range of uses. The council does not propose to alter the LDP in relation to this site.

H-BR 6 (Blackhill Farm)

James Clarkson (0265)

The Council has carefully considered the reasons put forward in support of the removing H-BR 6 as a housing allocation but remains of the view that there is insufficient justification to remove this land for development. The sites proposed by the council are secluded and more suitably located for development containing the village within a central core. The scale of development proposed in the village is considered to be in keeping with the character of the village. For these reasons, the Council does not agree to modify the plan in response to this representation.

Woodmuir Estates (21668796)

There are brownfield opportunities more centrally located within the village which could be used to provide for commercial uses in sites H-BR 4 and H-BR 5 (CD240 and CD241) which are the subject of approved planning briefs which would allow for mixed use development, including commercial uses. No modification to the LDP is proposed in relation to this submission.

Reporter's conclusions:**H-BR 2 Woodmuir Road (West)**

1. During my site inspection, I noted that work had commenced on the final plot on this site for which there is a valid planning permission for 30 units. The northern part of the site, immediately to the west of the former primary school, is not covered by the above planning permission. This part of the site is bounded by housing to the north and south, and by the former school site which is identified as a housing allocation. Vehicular and pedestrian access to the northern part of the site can be achieved via Breich Terrace to the north. I consider that this part of the site is suitable for housing and therefore it is logical to continue to include the allocation in the plan. I am satisfied that concerns regarding site access and the privacy of adjacent properties can be addressed as part of the consideration of any subsequent planning application.

H-BR 3 Woodmuir Road (East)

2. I noted during my site inspection that there is residential development to the north and west of the site and a new primary school for the village is located to the east. The site is relatively flat, in keeping with the adjacent housing and, given the surrounding uses, I consider that it represents a logical extension to the village's central core.

3. The site is a housing allocation in the current local plan and it is subject to a planning application (ref:0203/FUL/15) for 58 self-build plots. I sought clarification from the council through a further information request (FIR22) as to the progress of this application. The council advised that the application was still undetermined and that negotiations were ongoing in relation to necessary planning obligations, specifically those in relation to education contributions and affordable housing.

4. I am mindful of the concerns raised about the allocation of the site by individuals who advise that they are acting on behalf of the wider community. However, given my observations above, these concerns are not sufficient for me to recommend that the

allocation be removed from the plan. Concerns regarding road safety and how the site should be built out are matters for the council and applicant to adequately address during the application process.

H-BR 5 Former Woodmuir Primary School

5. This brownfield redevelopment site is the subject of an approved planning brief with residential development being the anticipated use. The planning brief considers various matters including vehicular access, parking, layout and design. I am satisfied that concerns about the privacy of adjacent properties can be addressed at the detailed planning stage, taking cognisance of the guidance contained within the planning brief. I therefore do not propose to recommend that the allocation be removed from the plan.

H-BR 6 Blackhill Farm

6. Given that site H-BR 2 provides a strong defensible western boundary to the settlement and given my observations in respect of site H-BR 3, the allocation of site H-BR 6 provides a logical rounding off to the settlement on its south west edge. The site is more secluded than the land to the east and west of the existing settlement with its frontage onto the A71. The fact that the site is set back from the A71 assists in containing the village within a central core. I therefore do not propose that this site be extended further west.

7. I noted during my site inspection that Woodmuir Road is of an adoptable standard as far as the southern edge of the H-BR 2 site at Blinkbonny Gardens. South of this point, there is an access track to Woodmuir Farm and the plantation woodland beyond. I have no reason to doubt that this access track could be upgraded to an adoptable standard along the frontage of the site as part of any planning permission for housing development on it or indeed on site H-BR 3, immediately to the east.

8. Whilst I appreciate that there are concerns about increased vehicular traffic on Woodmuir Road, I am not convinced that the deletion of this allocation or that of site H-BR 3 and their replacement with sites to the east and west of the village, with frontage onto the A71, represents a better solution. Similarly, I am not convinced by the suggestion that these replacement areas be developed with roads connecting them via a bypass to the south of the village. Such significant infrastructure requirements would in all likelihood render such development sites unviable, given that they would be expected to contribute financially to such measures.

9. Woodmuir Estates proposes new development sites to the west and east of the existing village. I am conscious that whilst sites H-BR 4 and 5 are proposed housing allocations and that the approved planning briefs for these sites state housing as a preferred use, the briefs also acknowledge that there may be scope for mixed use development including for commercial uses. I am therefore of the view that these areas represent potential opportunities for such uses and that there is not sufficient justification for allocating greenfield land for such uses over and above that already provided for in the plan.

Reporter's recommendations:

No modifications.

Issue 8A	Bridgend Settlement	
Development plan reference:	H-BD 1 Willowdean Site A H-BD 2 Willowdean Site B H-BD 3 Willowdean, Bridgend Golf Club H-BD 5 Bridgend Farm	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>M Callaghan (0056) Lochay Homes (0241 and 21860430) Scottish Environment Protection Agency (0243) T&B Wilson (0085 and 21603343) Rosebery Estates (21861519) Adrian Gibbs (21643452) Jeremy Brettell (20939134)</p>		
Provision of the development Plan to which the issue relates:	Land for housing in Bridgend. Pages 83 and 162, Proposals map 2	
Planning authority's summary of representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-BD 1</u></p> <p>M Callaghan (0056) - Objects to housing in Willowdean due to the road being unable to take more traffic; school capacity concerns; capacity issues in the waste water works; concern over ground conditions related to old shale workings preventing the building of houses.</p> <p>Muriel Stuart (21029703) - Objects to new housing due to loss of privacy and light; volume of traffic both construction and residential; school capacity concerns; capacity issues in the sewage works; concern about subsidence due to old mine workings.</p> <p>Lochay Homes (0241and 21860430) - Seek amendments to be made to the table on page 162 to accurately reflect the characteristics of site H-BD 1:</p> <ul style="list-style-type: none"> • The table on page 162 indicates a requirement for a Flood Risk Assessment (FRA). A robust Surface Water Drainage Strategy taking into account over land flows and incorporating SUDs would be sufficient without needing an FRA; • Surprised to see reference to the fact that this site falls within the Edinburgh Airport Safeguarding area (which is shown on the Edinburgh LDP Proposals Map as stopping at Newbridge). This is not mapped on the Proposed LDP maps and the reference should be deleted or if it is appropriate qualified; • Challenge the requirement for archaeological Investigations. The Historic Scotland mapping (PastMap) database identifies nothing of any importance/interest on site. Council needs to produce evidence to justify this requirement; • The same amendments should be made to H-BD2 (with the exception of FRA). <p>Rosebery Estates (21861519) - Support the identification of sites H-BD 1 & H-BD 2 for</p>		

housing development, subject to the changes sought by Lochay Homes Ltd.

H-BD 2

Lochay Homes (0241 and 21860430) - Seek amendments to be made to the table on page 163 to accurately reflect the characteristics of site H-BD 2:

- Surprised to see reference to the fact that this site falls within the Edinburgh Airport Safeguarding area (which is shown on the Edinburgh LDP Proposals Map as stopping at Newbridge). This is not mapped on the Proposed LDP maps and the reference should be deleted or if it is appropriate qualified;
- Challenge the requirement for archaeological Investigations. The Historic Scotland mapping (PastMap) database identifies nothing of any importance/interest on site. Council needs to produce evidence to justify this requirement;
- Capacity testing has been undertaken on H-BD2 and confirms that additional numbers can be comfortably accommodated on the site. It is in closer proximity to the school, shop and bus services, on an effective and deliverable site, which has commitment from a housebuilder. The site, including the extended allocation (an increase to 130 units from 90) can be developed in the first five years of the plan.

Rosebery Estates (21861519) - Support the identification of H-BD 1 & H-BD 2 for housing development, subject to the changes sought by Lochay Homes Ltd.

H-BD 3

M Callaghan (0056) - Objects to housing in Willowdean due to the road being unable to take more traffic; school capacity concerns; concerns over capacity in the waste water works; concern over ground conditions related to old shale working houses preventing the building of houses.

H-BD 5

T&B Wilson (0085 and 21603343) - Fully supports the council's allocation of site H-BD5, as shown on the proposals map and in housing proposals page 83. Suggests that the drafting errors be corrected in the plan. There is a small typing error on page 83 of the Proposed Plan where the site is referenced as "E-BD 5". This should be changed to "H-BD 5".

The site has also been omitted from the list of housing sites set out in Appendix Two: Schedule of Housing Sites/Site Delivery Requirements.

Scottish Environment Protection Agency (0243) - Require a flood risk assessment (FRA) which assesses the risk from the small watercourse which flows on the boundary of the site. Consideration should also be given to the pond on-site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. The site does not appear in Appendix Two: Schedule of Housing Sites/Site Delivery Requirements if it is updated to include the site then SEPA's requirement for an FRA should be reflected.

Lochay Homes (0241 and 21860430) - There is no entry for H-BD 5 in the tables for Bridgend (page 162-164). Objection is raised to the site. The previous West Lothian Local Plan Examination considered it to be detrimental to the setting of the settlement and

nothing has changed which would result in a different conclusion now. There was no developer at the previous Local Plan Examination and there is no developer now, therefore the site is unlikely to be effective.

Adrian Gibbs (21643452) - In principal the development is welcomed providing It is low density, high quality, attractive and well designed. However the development needs to include the following considerations: historical problems with drainage and the how to drain surface water safely away without affecting the surrounding roads and properties; concerned about access to the village from B9080, the need for traffic calming measures and speed restrictions through the village; connection to mains sewage as the lower end of the village is not connected and lack of amenities for increase in population.

Jeremy Brettell (20939134) - The proposed development is dangerous in terms of access and will add substantially to traffic accessing / leaving this road, and will substantially increase the risk of collisions. The site should be removed from the plan or repositioned extending development along the B9080 rather than up Auldhill Road.

Modifications sought by those submitting representations:

Representations to allocated sites

H-BD 1

M Callaghan (0056), Muriel Stuart (21029703) - No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Lochay Homes (0241 and 21860430) –

- Amendments to be made to the table on page 162 to accurately reflect the characteristics of site H-BD 1;
- Delete reference to Flood Risk Assessment;
- Reference to Edinburgh Airport Safeguarding area should either be deleted or if it is appropriate qualified;
- Evidence is sought to justify the requirement for archaeological investigations.

Scottish Environmental Protection Agency (0243) - Appendix Two: Schedule of Housing Sites/Site Delivery Requirements mentions “Flood Risk Assessment Required”. SEPA is not aware of any flood risk issues at this site and as such does not require a FRA. Deletion of reference is sought.

H-BD 2

Lochay Homes (0241 and 21860430) -

- Amendments to be made to the table on page 162 to accurately reflect the characteristics of site H-BD 2;
- Reference to Edinburgh Airport Safeguarding area should either be deleted or if it is appropriate qualified;
- Evidence is sought to justify the requirement for archaeological investigations;
- Suggest an increase in site capacity (not land) for allocation H-BD 2. Seek a revision to the table on page 83 to increase the capacity to 130 units (this would be linked to the deletion of H-BD 5 allowing those numbers to be redirected to this

site).

H-BD 3

M Callaghan (0056) - No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

H-BD 5

T&B Wilson (0085 and 21603343) - Request that the site reference typing error on page 83 of the Proposed Plan is rectified and the site is included within Appendix Two: Schedule of Housing Sites/Site Delivery Requirements, page 164.

Scottish Environmental Protection Agency (0243) - If the site is included in Appendix Two: Schedule of Housing Sites/Site Delivery Requirements comments should include SEPA's requirement for an FRA.

Lochay Homes (0241 and 21860430) - Consider the site to be non-effective therefore it should be removed from the LDP and the housing numbers redirected to site H-BD 2.

Adrian Gibbs (21643452) - No specific modification proposed however makes a number of suggestions which should be addressed before development proceeds.

Jeremy Brettell (20939134) - Proposes that the site should be removed from the plan or repositioned to relieve potential traffic issues.

Summary of responses (including reasons) by planning authority:

Representations to allocated sites

H-BD 1, H-BD 2 and H-BD 3

Waste Water

M Callaghan (0056), Muriel Stuart (21029703) - Concern has been raised over waste water works being unable to cope with any additional housing development in the area. Scottish Water has provided a response in relation to the proposal (CD169) confirming that in terms of waste water treatment the site is served by the BRIDGEND waste water treatment works (WWTW) where there is sufficient capacity.

Scottish Water's response also indicates that in terms of water supply the site is served by the BALMORE water treatment works (WTW) where there is sufficient capacity.

Former Mining Area

M Callaghan (0056), Muriel Stuart (21029703) - Representations have identified that the area was formerly mined and that this may raise issues of subsidence. The Coal Authority has stated that the site is within a 'Coal Resource Area' and may have been subject to past coal working. Any proposal for developing the site would require an assessment and or investigation in consultation with the Coal Authority.

School Capacity

M Callaghan (0056), Muriel Stuart (21029703) - See education position statement (CD201).

Increased traffic on Willowdean

M Callaghan (0056), Muriel Stuart (21029703) - The LDP has been subject to transport appraisal for all sites in the proposed plan (CD083 and CD195) and no concerns have been raised by the council's Transportation Service. It should be noted however, that detailed construction and residential traffic arrangements will be addressed through any eventual planning application.

Privacy and Light

Muriel Stuart (21029703) - The LDP is not the place for the matters raised and these will be addressed through any eventual planning application.

Lochay Homes (0241 and 21860430) - Response to issues raised in relation to sites H-BD1 and H-BD2:

- Developer requirements identified in Appendix Two: Schedule of Housing sites/site delivery requirements for H-BD1 wrongly include the need for a Flood Risk Assessment (FRA) on this site as confirmed by SEPA. For this reason, the council agrees to modify the Plan to remove reference to the need for a FRA and considers this to be a non-notifiable modification.
- West of Scotland Archaeology Service (WOSAS) has provided a response (CD169) to both sites stating that comparison with available historical maps indicates that much of the plot was formerly part of the Bridgend Shale-Oil Works and has concluded that the site is considered to have potential and an assessment and or investigation may be required.
- British Airports Authority (BAA) has confirmed that the sites fall within the safeguarding consultation zone (CD169) (which is 13km from an aerodrome, in this case Edinburgh Airport) under Circular 2/2003 'Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas' and also falls within the Edinburgh Airport Lden noise contours as specified by The Environmental Noise Directive (2002/49) and supplemented in Scotland by the Environmental Noise (Scotland) Regulations 2006, relating to aircraft noise. Any proposal/application therefore will require to be subject of consultation with BAA aerodrome safeguarding who may impose restrictions which require to be observed.
- Increase site capacity on H-BD 2 Willowdean (Site B) - It is noted that the proposed increase in capacity being put forward would be a replacement for H-BD 5 rather than an addition to the overall housing allocations in the village however H-BD 5 is considered to be an effective infill site at the entrance to village which assists in identifying a variety of options for the expansion of Bridgend (i.e. as set out in the 2013 Site Assessments (CD169)).

The Council does not therefore agree to any modifications to the LDP resulting from these submissions.

H-BD 5

Scottish Environment Protection Agency (0243) - Housing site H-BD 5 Bridgend Farm is shown on proposal map 2 of the LDP and in section 6 (page 83) proposals by settlement but has been omitted in error from Appendix Two: Schedule of Housing Sites/Site Delivery Requirements. The council suggests the LDP is amended to include the site in appendix 2 and agrees to the suggestions made in representation from Scottish Environment Protection Agency (0243) in relation to flood risk as it reflects their most current advice. For this reason, the council agrees to modify the Plan and considers this to be a non-notifiable modification.

Lochay Homes (0241 and 21860430) - Site allocations in Bridgend were reassessed as part of the proposed plan with 5 sites being proposed for housing development. The council do not want to see a reduction in the overall number of units which can be supported in Bridgend as it is recognised that the housing allocations will assist in regeneration of the village and addressing the tenure balance within the settlement.

It is noted that the proposed increase in capacity being put forward would be a replacement for H-BD 5 rather than an addition to the overall housing allocations in the village however H-BD 5 is considered to be an effective infill site at the entrance to village which assists in identifying a variety of options for the expansion of Bridgend. The council does not therefore agree to any modifications resulting from this representation.

Waste Water

Adrian Gibbs (21643452) - Concern has been raised over waste water works being unable to cope with any additional housing development in the area. Scottish Water has provided a response in relation to the proposal (CD169) confirming that in terms of waste water treatment the site is served by the BRIDGEND waste water treatment works (WWTW) where there is sufficient capacity.

Scottish Water's response also indicates that in terms of water supply the site is served by the BALMORE water treatment works (WTW) where there is sufficient capacity.

Access to the site / increased traffic and traffic calming

Adrian Gibbs (21643452), Jeremy Brettell (20939134) - The LDP has been subject to transport appraisal for all sites in the proposed plan (CD083 and CD195) and no concerns have been raised by the council's Transportation Service. It should be noted however, that detailed construction and residential traffic arrangements, access to the site and any traffic calming required will be addressed through any eventual planning application.

Lack of amenities

Adrian Gibbs (21643452) - The village currently has a primary school, café and local shop. An increase in population may enhance the opportunity for increasing the amenities available within the village.

Drainage

Adrian Gibbs (21643452) - Scottish Environmental Protection Agency requires a flood risk

assessment (FRA) to accompany any eventual planning application for this site. The FRA would address any potential drainage issues and mitigation measures required.

Reporter's conclusions:

H-BD 1 Willowdean (Site A)

1. Concerns have been raised about there being insufficient capacity for the treatment of waste water although I note that Scottish Water confirms that capacity exists at the local waste water treatment works to accommodate development at the site. SEPA has confirmed that a Flood Risk Assessment (FRA) is not required for this site and therefore I consider that the reference to a FRA in Appendix Two in respect of this site should be deleted.
2. Concern has been raised about ground conditions in the vicinity of the site. However, I note that as the site falls within a 'Coal Resource Area' any future development proposals for the site would be subject to an assessment and/or investigation in dialogue with the Coal Authority.
3. Concerns are expressed about impacts on education capacity. We deal with that matter in general terms under Issues 1F and 1J, where we recommend a more positive policy approach to planning for new education infrastructure. The entries for the Willowdean sites in Appendix Two of the plan acknowledge that there are some school capacity issues to be addressed but the council has, as set out in its Education Position Statement, factored requirements for new and extended schools in West Lothian into its forward planning. In this light, and noting the lack of any specific evidence put forward in the representations about why the catchment schools would not be able to accommodate development at Willowdean, I cannot conclude on the basis of the evidence before me that education capacity should prevent the allocation of land for housing at Willowdean.
4. I observed during my site inspection that on street parking is a feature of the surrounding residential areas and I note the concerns of objectors in relation to increased traffic in the area. However, I am also conscious that this and all other site allocations have been subject to a transport appraisal and that the council's transportation service did not raise any specific concerns about this proposed allocation, which is already an allocation in the current local plan. Whilst I am satisfied that the road network can accommodate additional vehicular traffic, careful consideration will need to be given to site access from Willowdean. However this, and matters such as construction traffic, should be addressed appropriately at the detailed application stage. Concern has also been expressed about the impact of development of this site on privacy and light in respect of neighbouring properties and I also consider that such matters should be addressed at the detailed application stage.
5. Given that the site was formerly part of the Bridgend Shale-oil works and that West of Scotland Archaeology Service considers there is archaeological potential, I am satisfied that an assessment and/or investigation may be required and that this reference should be retained under developer requirements in Appendix Two.
6. British Airports Authority (BAA) has confirmed that the site falls within the safeguarding consultation zone for Edinburgh Airport and therefore I consider it appropriate to retain reference to restrictions requiring to be observed in respect of this consultation zone.

7. In light of the above, I am satisfied that there is insufficient justification provided for me to recommend the removal of the allocation from the proposed plan.

H-BD 2 Willowdean (Site B)

8. My comments above in respect of archaeological potential and the safeguarding consultation zone for Edinburgh Airport also apply to site H-BD 2 and I consider that the developer requirements in respect of these matters should be retained in respect of this site.

9. Lochay Homes, whilst supporting the allocation, seeks an increase in the capacity of the site. This proposed increase in capacity would be a replacement for site H-BD 5 which has an identified capacity of 30 units. I recommend below that site H-BD 5 be retained. Given the cumulative extent of development supported by sites H-BD 1-3, I consider that increasing the capacity of site H-BD 2 to 130 units could potentially result in an over concentration of residential allocations to the south/south west of the village, to the detriment of its character. In addition, whilst I do not doubt that the site could physically accommodate more units, I observed during my site inspection that the site occupies an elevated position. Given this, careful consideration of the form of development including landscape treatment will be important in order to minimise potential impacts. In any event, the site capacities in the plan are indicative - it is through the development management process that I would expect the final capacity of the site to be confirmed.

10. In light of the above, I am not persuaded of the need to adjust the capacity of site H-BD 2.

H-BD 3 Willowdean (Bridgend Golf Club)

11. Whilst no specific modification is sought in respect of this site, I am mindful that M Callaghan raised concerns about a range of issues in respect of new housing at Willowdean generally. My comments above in respect of site H-BD 1, with the exception of those regarding Flood Risk Assessment, are also applicable to site H-BD 3, and indeed to H-BD 2. No change is recommended.

H-BD 5 Bridgend Farm

12. The site currently forms a gap in the built edge along Auldhill Road at the entrance to the village from the north. I consider that it represents a logical infill site between the housing to the north and the play park to the south. Whilst there is currently no physical feature to define the eastern site boundary, I note that it aligns with the easternmost limits of the existing settlement edge. Reference is made in the supporting planning statement for this site (SD043) to a future masterplan being prepared which will integrate a range of siting and design considerations including landscape. Therefore I am confident that a robust boundary can be created in this north east part of the settlement therefore providing logical rounding off of development on this side of the village.

13. I am mindful that the council has sought to identify a variety of sites, both in terms of size and location, for the expansion of the village with the intention being to assist regeneration and to address the tenure balance within the settlement. Three sites are allocated in the south and south-western part of the settlement and I consider that the allocation of this site assists in providing that variety of expansion options. I am satisfied,

given the size and character of the site, that the indicative capacity of 30 units is reasonable. It would be through the development management process that the final capacity would be established.

14. I note that capacity exists at the local waste water treatment works and water treatment works to accommodate the site. SEPA has confirmed that a FRA is required for this site and this would be required to address potential drainage issues, such as those raised by Adrian Gibbs in his representations, and to identify necessary mitigation measures.

15. I note the concerns expressed in relation to site access and increased traffic in the area. However, I am also conscious that this and all other site allocations have been subject to a transport appraisal and that the council's transportation service did not raise any specific concerns about this allocation. Matters such as site access, increased levels of traffic and traffic calming measures would ultimately be addressed as part of any future application for the site.

16. I note that the council intends to make a number of what it considers to be non-notifiable modifications to the proposed plan as it relates to this site, including introducing an Appendix Two entry, since there is none presently. The provisions of Appendix Two can have a significant influence on how a site is developed. I note above that the council seems to have treated most of the changes sought by Lochay Homes to the Appendix Two entries for sites H-BD 1 and H-BD 3 as material changes. However, it is for the council to consider, in the first instance, whether the changes it proposes to make would in fact be non-notifiable.

Reporter's recommendations:

1. In Appendix Two, in the entry for site H-BD 1 Willowdean (Site A), delete 'Flood Risk Assessment required'.

Issue 9A	Allocation of land for housing at Church Street Depot, Broxburn	
Development plan reference:	H-BU 11 - Church Street Depot, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr & Mrs Sword (0007) Mr & Mrs B J Moore (0043) Mr Duffy (0044) Mr and Mrs B J Moore (0051) Broxburn United Sports Club Trust (0061) Mr & Mrs Waters (0076) Mr & Mrs B J Moore (0412) Michelle Bintcliffe (21496118)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Bathgate (page 174) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BU 11 - Church Street Depot, Broxburn</u></p> <p>Mr & Mrs Sword (0007), Mr & Mrs B J Moore (0043), Mr and Mrs B J Moore (0051), Mr & Mrs B J Moore (0412), Mr Duffy (0044), Mr & Mrs Waters (0076) - raised objections to allocation of the site for housing for one or more of the following reasons:-</p> <ul style="list-style-type: none"> • car parking problems on Church Street, • the density of development, • impact on the mature boundary trees. <p>A suggestion was also raised to turn the site into a car park as it is claimed parking in Church Street / Stewartfield Road is congested at times and causes concern for the Emergency Services. This car park would serve both the sports centre and the playing field.</p> <p>Michelle Bintcliffe (21496118) –</p> <p>Objects to allocation of the site for the following reasons and states it should be removed from the plan for a number of reasons:</p> <ul style="list-style-type: none"> • The area borders the main playing fields and contributes to the valued green space; • building homes on the site degrades the open space and this houses will look directly onto the playing field and increase the chance of anti-social behaviour; • such a development would be out of keeping with the existing surrounding housing; 		

- access to the site will increase traffic on Church street to the detriment of children; and
- any removal of the trees between the site and Stewartfield Road would affect privacy of existing Stewartfield Road residents.

Broxburn United Sports Club Trust (0061)

Broxburn United Sports Club Trust (BUSC) lodge an objection to the LDP proposal regarding H-BU 11 (and H-BU 12). They object to the reduction in essential car parking for their members and visitors at both these locations, but in particular H-BU 11.

Albyn Park facility has over 700 members consisting of 32 teams and equivalent visiting teams. BUSC have a weekly through flow of around 3,000 people to Albyn Park over a 7 day operation.

Residents in Church St have complained for many years to WLC about parking issues caused by Xcite and BUSC. BUSC only have 25 parking spaces at Albyn Park with another additional 18 provided at Buchan Park.

BUSC wish to retain these H-BU 11 Stewartfield parking spaces where they manage 5 playing fields in addition to their artificial pitch at Albyn Park. Parents also use the road parking at H-BU 12 to access Stewartfield parks from the east end.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BU 11 - Church Street Depot, Broxburn

Michelle Bintcliffe (21496118) - Objects to the site and states it should be removed from the Plan.

Broxburn United Sports Club Trust (0061) - Seeks to retain these Stewartfield parking spaces within the H-BU 11 allocation.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BU 11 - Church Street Depot, Broxburn

Mr & Mrs Sword (0007), Mr & Mrs B J Moore (0043), Mr Duffy (0044), Mr and Mrs B J Moore (0051), Broxburn United Sports Club Trust (0061), Mr & Mrs Waters (0076), Mr & Mrs B J Moore (0412), Miss Michelle Bintcliffe (21496118)

The site was occupied by a former Housing Services Depot until the early 2000's. It then fell out of use and was subsequently vandalised and declared surplus by the council. Consequently, in the earlier Broxburn Area Local Plan (1991) (CD094), there were no proposals or policies specific to the site.

Similarly, the adopted West Lothian Local Plan (2009) (CD092) shows the site as "white

land”, within the settlement boundary and while there are no proposals or policies specific to the site, there is a presumption in favour of development within these urban boundaries, although it abuts the southern boundary of Stewartfield Park which is protected as open space.

The West Lothian Local Development Plan Main Issues Report (2014) (CD079) identified the site as a “Preferred New site” for housing use, ref. BRO 6. There were no representations on this site at this stage.

A planning brief has not been prepared, but would address such planning issues as survey and retention of the mature boundary trees and density of development. The site is currently fenced off and forms disused buildings and hardstanding. It does not contribute in any way to the District Park, nor its setting. The existing pitches are formed in an east – west orientation and sit some considerable distance from the site boundary that should reduce any perceived conflict between park users and new houses re-developed on the brownfield site.

Only a relatively low number of 10 dwellings are proposed for the site and this should not significantly exacerbate traffic or pedestrian conditions on Church Street.

The council has however been persuaded that the loss of the car parking spaces on the west side of the site, adjacent to the new entrance to Stewartfield District Park, would be an unfortunate consequence of development and would for that reason be prepared to re-define the extent of the allocation to exclude the parking spaces in order that they can continue to be used by park users and BUSC. The council would therefore not take issue to the Reporter recommending that the boundary of site H-BU 11 is appropriately amended on Proposals Map 3 to accommodate this issue.

Reporter’s conclusions:

1. The council, in response to my Further Information Request (FIR37) provided a plan showing their proposed reduction of the site area to exclude the existing car park from the allocation for housing. This addresses the representations seeking to retain the car park. The council has confirmed that excluding the car park would reduce the size of the site to 0.18 ha and reduce the capacity to 6 units.
2. The site of the former depot can be regarded as brownfield land within the settlement boundary of Broxburn. Therefore, in principle, both the proposed plan and Scottish Planning Policy are supportive of its beneficial re-use. I find that use of the site for housing would be compatible with the surrounding uses.
3. I take account of the concerns raised in the objections to this allocation. I am satisfied that the development of this site would not adversely affect the adjacent open space. The council indicates that a planning brief would address retention of trees within the site. The brief and any subsequent planning application could also address the layout and design of the development to ensure an appropriate relationship with the existing houses and protect privacy and amenity. Given the modest scale of the proposed allocation, the additional levels of traffic generated would be very low.

Reporter’s recommendations:

1. In the proposals map modify the boundary of site H-BU 11 to that shown on the plan

submitted in the council response, dated 27 June 2017, to FIR37.

2. In the table of Broxburn housing sites on page 84, in the entry for site H-BU 11 Church Street Depot:

2.1 Under 'Site Size (Ha)', replace '0.3' with '0.18'.

2.2 Under 'Capacity', replace '10' with '6'.

3. In the entry for site H-BU 11 Church Street Depot in Appendix Two:

3.1 Under 'site area' replace '0.3' with '0.18'

3.2 Under 'capacity' replace '10' with '6'.

Issue 9B	Allocation of land for housing at Hillview Avenue, Broxburn	
Development plan reference:	H-BU 12 – Hillview Avenue, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr & Mrs Dunbar (0008) W Cowan (0009) H Paterson (0010) Tom Brechney (0011) Mr & Mrs Coutts (0012) J and A Gardner (0013) M L Donaldson (0014) Margaret Howard (0018) Mr & Mrs Sword (0019) David and Frances Cowe (0020) Nyree (0026) Yvonne Shaw (0027) and (21115861) Kathleen Halliday (0035) Jim Leslie (0036) Gerry Doherty (0037) Bridie Doherty (0038) Councillor Janet Campbell (0042) and (21591345) Janette Little (0049) Broxburn United Sports Club Trust (0061) Alan McIntyre (0069) Mr & Mrs Waters (0076) M Kelly (0081) Lee Grieve (0082) Lorraine Peters (0089) James Chapman (0092) Margaret Caroline Dawson (0093) Jim Little (0146) Victoria Wilson (0224) John Gavin (0302) Isabel Gavin (0303)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Bathgate (page 174) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BU 12 – Hillview Avenue, Broxburn</u></p> <p>Mr & Mrs Dunbar (0008), W Cowan (0009), H Paterson (0010), Tom Brechney (0011), Mr & Mrs Coutts (0012), J and A Gardner (0013), M L Donaldson (0014), Margaret Howard</p>		

(0018), Mr & Mrs Sword (0019), David and Frances Cowe (0020), Nyree (0026), Yvonne Shaw (0027) and (21115861), Kathleen Halliday (0035), Jim Leslie (0036), Gerry Doherty (0037), Bridie Doherty (0038), Councillor Janet Campbell (0042) and (21591345), Janette Little (0049), Broxburn United Sports Club Trust (0061), Alan McIntyre (0069), Mr & Mrs Waters (0076), M Kelly (0081), Lee Grieve (0082), Lorraine Peters (0089), James Chapman (0092), Margaret Caroline Dawson (0093), Jim Little (0146), Victoria Wilson (0224), John Gavin (0302), Isabel Gavin (0303)

It is explained that a public meeting was hosted by a local resident and approximately 70 people attended. The 30 respondents, listed above, all objected to the allocation of the site H-BU 12 and make the same general points:

- When they moved in 45 years ago, residents were told no houses would be built on site due to under mining issues;
- There is only one road into Hillview Avenue / Place and no room for parking and it is on a bus route;
- There are drainage problems on the site and while drainage was installed several years ago the gala shows had to be relocated;
- Trees (c 30-35) have been planted;
- The footpath across the site is used by people to access the adjacent industrial estate;
- Children use the area to play and it is popular with dog walkers and other recreational uses;
- This is an open space site and there is a presumption against building on these types of site;
- There are a number of brownfield site in and around Broxburn that should be developed before this site;
- There is wildlife on the site;
- Construction noise and loss of privacy would affect many residents who are elderly;
- Loss of views to Arthurs Seat; and
- While understand there is need for social housing in Broxburn, there are more appropriate sites than to lose this open space with trees and wildlife.

Additional issues raised are as follows:

Broxburn United Sports Club Trust (0061)

Broxburn United Sports Club Trust (BUSC) lodge an objection to the LDP proposal regarding H-BU 11 (and H-BU 12). They object to the reduction in essential car parking for their members and visitors at both these locations, but in particular H-BU 11.

Albyn Park facility has over 700 members consisting of 32 teams and equivalent visiting teams. BUSC have a weekly through flow of around 3,000 people to Albyn Park over a 7 day operation.

Residents in Church Street have complained for many years to WLC about parking issues caused by Xcite and BUSC. BUSC only have 25 parking spaces at Albyn Park with another additional 18 provided at Buchan Park.

BUSC wish to retain these H-BU 11 Stewartfield parking spaces where they manage 5 playing fields in addition to their artificial pitch at Albyn Park. Parents also use the road

parking at H-BU 12 to access Stewartfield parks from the east end.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BU 12 – Hillview Avenue, Broxburn

Mr & Mrs Dunbar (0008), W Cowan (0009), H Paterson (0010), Tom Brechney (0011), Mr & Mrs Coutts (0012), J and A Gardner (0013), M L Donaldson (0014), Margaret Howard (0018), Mr & Mrs Sword (0019), David and Frances Cowe (0020), Nyree (0026), Yvonne Shaw (0027) and (21115861), Kathleen Halliday (0035), Jim Leslie (0036), Gerry Doherty (0037), Bridie Doherty (0038), Councillor Janet Campbell (0042) and (21591345), Janette Little (0049), Broxburn United Sports Club Trust (0061), Alan McIntyre (0069), Mr & Mrs Waters (0076), M Kelly (0081), Lee Grieve (0082), Lorraine Peters (0089), James Chapman (0092), Margaret Caroline Dawson (0093), Jim Little (0146), Victoria Wilson (0224), John Gavin (0302), Isabel Gavin (0303)

While no specific modification has been sought, those parties above raising objection to the proposed development of the site H-BU 12, are of a joint view that the site should not be allocated for housing and should be removed from the Plan.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BU 12 – Hillview Avenue, Broxburn

Mr & Mrs Dunbar (0008), W Cowan (0009), H Paterson (0010), Tom Brechney (0011), Mr & Mrs Coutts (0012), J and A Gardner (0013), M L Donaldson (0014), Margaret Howard (0018), Mr & Mrs Sword (0019), David and Frances Cowe (0020), Nyree (0026), Yvonne Shaw (0027) and (21115861), Kathleen Halliday (0035), Jim Leslie (0036), Gerry Doherty (0037), Bridie Doherty (0038), Councillor Janet Campbell (0042) and (21591345), Janette Little (0049), Broxburn United Sports Club Trust (0061), Alan McIntyre (0069), Mr & Mrs Waters (0076), M Kelly (0081), Lee Grieve (0082), Lorraine Peters (0089), James Chapman (0092), Margaret Caroline Dawson (0093), Jim Little (0146), Victoria Wilson (0224), John Gavin (0302), Isabel Gavin (0303)

The Broxburn Area Local Plan (1991) (CD094) had no proposals or allocations for this north eastern part of Broxburn. The adjacent East Mains Industrial Estate, to the north of the site, was not extended till the 1990's when 2 large open storage compounds were created.

During preparation of the initial West Lothian Open Space Strategy in 2005 (CD105) the site was identified as being detached from the main Stewartfield Park area and was not fully utilised or required as part of the wider neighbourhood park. However, since then, improvements to the park in 2012/13 (including drainage of the pitches) have included provision of a new BMX cycle track in the north area of the park which has reduced to some degree the overall amount of open space available.

The mature trees at the west and east ends of the site are more substantial and in better condition than thought when the site was originally identified at the start of the original

open space strategy preparation over 10 years ago. It would therefore perhaps be appropriate to remove from the H-BU 12 housing allocation, the west side strip (i.e.; at the west side westwards from the connecting north / south footpath towards 13 Hillview Avenue terrace) and the east side area (i.e.; south east from either side of the diagonal connecting footpath towards East Mains Estate), that contains mature trees (and culvert on the east side). This would have the effect of reducing the size of the site to c0.63ha and consequently the capacity to nearer to 20 units than the 45 proposed.

The West Lothian Local Plan (2009) (CD092) identified Stewartfield Park as area of protected open space (via Policy COM 2), and it excluded the strip along Hillview Avenue that was shown as “white land” with no specific proposal or policy protection within the settlement boundary. The East Mains Employment Area boundary runs along the north of the proposed Hillview Avenue site.

The 2010 Interim Review of the Open Space Strategy (CD412)(Appendix 1; section: 1.5.4) states:

“The proposed housing developments at Winchburgh and East Broxburn are relatively extensive in size and will more than double the settlement envelopes in part. Therefore, the quantity of open space provided for within these sites should be self-sustainable, providing facilities for future residents.

The current supply of open space in the existing settlements is not of a sufficient size and types to cater for the potential demand from new housing. Furthermore, a loss of open space to the new development would be detrimental to existing residents.”

At page 18, it considers; *“Broxburn is a small town with a deficiency in the number of quality public parks..... Stewartfield Park on the northeast corner of Broxburn is a large area of reclaimed bog, with some mature and semi-natural woodland and playing fields and bounded to the north by the Union Canal. This has been designated as a district park, but does not meet several of the district park criteria..... Stewartfield Park needs more investment in lit core access paths and seating / bins, additional structure planting and diversity of habitat to meet the District Park access standard.*

The Council’s NETs Land & Countryside Services view is that the site provides a recreational/amenity area at the south-eastern entrance to Stewartfield Park. Currently Broxburn does meet the target for open space per 1,000 population, but if houses are built on existing open space this may result in a deficiency of open space within Broxburn.

However, the East Broxburn CDA draft concept masterplan submitted as part of the Planning Permission in Principle (0897/P/14) (CD413) for the “formation of a local distributor road, erection of a primary school with associated landscaping and open space”, for land nearby north of the canal, indicates that due to large areas of contaminated land being present at Albyn these areas will be landscaped and open space and parkland created to form both local and neighbourhood parks. With the new road bridge with pedestrian access over the canal to link the CDA areas of Albyn and Westwood this would be accessible to residents from the Stewartfield area.

In terms of the local green network, the mature trees in this area do help to provide habitat cover between the woodland to the east of the houses on Hillview Avenue (within Liggat Syke Local Park to the south west strip alongside east mains estate and containing the burn) – and the woodland areas to the east and north of Stewartfield Park – although planting here could be enhanced.

The area also acts as a key link for active travel/physical activity – marked as a key off road pedestrian/cycle path in Broxburn, with the potential to join up with central Broxburn through Liggat Syke Park.

The Main Issues Report (2014) (CD079) raised the prospect of development on the site as EOI-0085, but there were no objections to this potential allocation. This may have been due to no neighbour notification having had to be issued at this stage of the process.

The redevelopment of the nearby Vion major brownfield site (H-BU 14) south of East Main Street has not required major open space facilities as it relied on Station Road Park, to the south west across the A89, to provide a wider neighbourhood park facility.

Transportation have further reviewed the overall Stewartfield Estate and while the number of properties access from the junction of Aitken Orr Drive with Hillview Avenue, just exceeds 200 dwellings, the addition of another potential 45 houses would not create an issue and in their view the site could be accommodated within the existing road network. Additional options exist in relation to the existing link footpath to the industrial estate and potentially placing bollards and widening the footpath to create an emergency access.

Further research has been carried out on the ground conditions and potential undermining of the area. Stewartfield Park was formed from the rehabilitation of Stewartfield Bing that formed a large part of north east Broxburn between the Union Canal and East Mains Farm. The latter was bought by the former County Council and cleared to become the industrial estate in the 1950's while the former Regional Council undertook the rehabilitation of the bing in the late 1970's.

However, the north east side of East Mains was never laid out for development due to concerns about shallow underground working. Hence, the 2 large compounds that were created at the west end of Drovers Road and Young Road in the 1990's were for open storage uses only. They have subsequently been used as long term storage car park for Edinburgh Airport and general car storage.

The British Geological Survey publicly available database of boreholes indicates that there may be some shallow workings in the vicinity:

<http://mapapps.bgs.ac.uk/geologyofbritain/home.html>

The council's contaminated land records shows part of the site was associated with the historic Stewartfield Shale Mines. The area, now bounded by H-BU 12 to the south, appears to have been utilised to store spoil from the mine.

Due to the issues raised in relation to ground conditions and the Liggat Syke culvert, the Council's Housing Services, who own the H-BU 12 site, will now commission a desk top study on ground conditions. This can be made available to the reporter.

Following further analysis of Site H-BU 12, Hillview Avenue, and having regard to the representations, the council has been persuaded that there is merit in perhaps reducing the site area, specifically to remove the west side strip (i.e.; at the west side westwards from the connecting north / south footpath towards 13 Hillview Avenue terrace) and the east side area (i.e.; south east from either side of the diagonal connecting footpath towards East Mains Estate), that contains mature trees (and culvert on the east side). The council would therefore not take issue to the Reporter recommending that the

boundary of site H-BU 12 is appropriately amended on Proposals Map 3 to reflect this issue.

Reporter's conclusions:

1. I issued a further information request (FIR38) as a result of which the council has submitted a revised allocation boundary plan omitting land at the western and eastern sides of the site. The council considers that a reduced capacity of 20 units would be appropriate.
2. The site is shown as 'white land' in the current local plan rather than being identified as open space. It is an area of maintained grassland with areas of trees and incorporates formal foot paths. In practice it operates as an area of amenity open space which may be used for informal recreational activities. The council's Land & Countryside Services indicated that development of this site would result in a deficiency of open space in Broxburn. However, the council considers that this would be addressed by the new open space proposed as part of the CDA proposals.
3. I sympathise with those respondents who say this site is a valued area of open space. I observed during my site inspection that the paths through the site from the industrial area to the north and east and the larger area of open space to the north west were well used and that the land is utilised by dog walkers. The council indicates that it acts as a key link for active travel/physical activity, marked as a key off road pedestrian/cycle path in Broxburn, with the potential to join up with central Broxburn through Liggat Syke Park. I consider that the site has some merit as an area of amenity open space, both on its own and as a link to the open space to the north west.
4. The desk top study relating to ground conditions has not been undertaken and I therefore have no further evidence on this matter. The ability of the site to support built development could be considered via the development management process. However, given the council's comments that the two compounds at the west end of Drovers Road and Young Road are only suitable for open storage it is a possibility that ground conditions and associated remediation costs may make this small site unviable. I consider that questions remain over the effectiveness and deliverability of this site.
5. The representations raise the issues of noise, the role of the site in relation to East Mains Industrial Estate and the proximity of the proposed housing to the businesses there. It is clear that the site acts as a buffer to the adjacent industrial area. During my site inspection noise from the activities within the industrial estate was clearly evident. Some of those businesses may operate, or have the potential to legitimately operate, in the evenings or early morning. There is no evidence that the impact of such noise on the proposed housing can be acceptably mitigated. From experience, acceptable mitigation of such noise may be difficult to achieve in this case as sensitive receptors would be in very close proximity to the noise sources. Such mitigation is also likely to further reduce the capacity of the site. This reinforces my doubts over the suitability of this allocation.
6. The site is not utilised for parking, although on street parking may take place along the site frontage given that the houses at Hillview Avenue in the vicinity of the site have no in-curtilage parking. Any development would be modest in scale and I accept the council's conclusion that it would not have a negative impact on the road network. I note the comments on behalf of Broxburn United Sports Club Trust that parking is an issue for the club and that users of their facilities make use of available on street parking at this

site. Deficiencies in parking facilities at the club would not justify the non-allocation of this site. Had I concluded that this site is suitable for allocation the requirements in relation to parking could be addressed as part of the development management process.

7. In terms of loss of habitat the site boundary now proposed by the council excludes most of the existing mature trees. The majority of the site, as amended, is managed grassland with a small number of individual trees. There is no clear evidence that there would be any significant impacts on biodiversity arising from the development.

8. I note the concerns regarding drainage and flooding. The entry for the site in Appendix Two indicates that a flood risk assessment is required and that consideration should be given to surface water run-off to ensure that adequate mitigation is implemented. SEPA has not objected to this allocation and had I concluded that this site is suitable for allocation these matters could be addressed through the development management process.

9. I note the concerns regarding the impact of development on the amenity of adjacent residents. Had I concluded that this site is suitable for allocation the protection of amenity could be addressed via the development management process.

10. In conclusion, taking account of the constraints identified above and the contribution that this site makes to the amenity value of this area I am not convinced that this site is suitable for residential development. Despite our conclusion at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target of the plan I consider that the plan should be modified to remove this allocation.

Reporter's recommendations:

1. Modify the Proposals Map, the table of Broxburn housing sites on page 84 and Appendix Two to delete site H-BU 12 Hillview Avenue, Broxburn

Issue 9C	Allocation of land for mixed use development (including housing) at Greendykes Road, Broxburn	
Development plan reference:	H-BU 1 – Greendykes Road, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs J Russell (0429) Scottish Canals (21870361)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 165) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BU 1 – Greendykes Road</u></p> <p><u>Background</u></p> <p>Site H-BU 1, Greendykes Road, is within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the adopted West Lothian Local Plan (CD092). The overall residential allocation for the East Broxburn element of the CDA is 2,050 units.</p> <p>The site is derelict industrial land and fronts onto Greendykes Road. It is immediately west of a larger site which is the subject of an application (ref: 0897/P/14) (CD324) for Planning Permission in Principle for the formation of a local distributor road and erection of a primary school with associated landscaping and open space. The Concept Master Plan submitted with that application shows the H-BU 1 site as primarily open space and landscaping associated with the school and a small area of housing on the north part of the site. This application is undetermined awaiting the outcome of site investigation work.</p> <p><u>Mixed Use Allocation</u></p> <p>Mr & Mrs J Russell (0429)</p> <p>The respondents request that the development of this site is handled with sensitivity as it is an important part of the heritage of the area.</p> <p>Scottish Canals (21870361)</p> <p>Scottish Canals query why Appendix 2 - Schedule of Housing Sites, Broxburn (page 165) identifies a requirement for a 12m buffer zone between the canal and the site. Suggests that this would effectively limit any prospect of integrating new development with the canal. Such a blanket approach is considered unhelpful and should instead be reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would be willing to participate in.</p>		

Modifications sought by those submitting representations:**Representations to Allocated Sites****H-BU 1 – Greendykes Road**

Mr & Mrs J Russell (0429)

No specific modification of allocation H-BU 1 has been sought.

Scottish Canals (21870361)

Request that the requirement for a 12m buffer zone is withdrawn and reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would participate in.

Summary of responses (including reasons) by planning authority:**Representations to Allocated Sites****H-BU 1 – Greendykes Road**

Mr & Mrs J Russell (0429)

The council notes these comments and acknowledges the industrial heritage of the area will be taken into account at the detailed planning application stage. Retention of some of the fused oil shale which is on the site and its use as public art is being considered through the planning application process.

Scottish Canals (21870361)

It is confirmed that the requirement for a 12m buffer strip was introduced at the suggestion of SEPA, who in a consultation response identified the need for some mechanism to address potential flood risk. In that context, the council is not agreeable to withdrawing the requirement, regarding it as sensible and precautionary, and it therefore does not propose to modify the plan in response to these representations.

The council is not, however, unsympathetic to the aspirations expressed by SC regarding the integration of new development with the Canal and it is prepared to make it a matter of record that if it can be satisfactorily demonstrated through the submission of detailed proposals and/or a fuller site investigation that a lesser stand-off would suffice, there may be scope for negotiating a reduction in the width of the buffer. Scottish Canals is consulted as a matter of course on proposals which lie in proximity to the canal through the Development Management process and this should enable the final detailing and relationship between the site and the canal to be better considered and determined at that time and when more details are available.

Reporter's Conclusions:

1. The representation from Mr & Mrs Russell requests that this site is kept as part of the heritage of Broxburn. I note the council's interpretation of this representation, however, I

take from Mr & Mrs Russell's comments that they wish the site not to be allocated for development. Historic Environment Scotland has not identified this site as having any heritage interest.

2. Given the current use of the site and the lack of any identifiable heritage interests I see no justification for removing the allocation for mixed use development (including housing).

3. I agree that it is sensible to indicate in Appendix Two the requirement for a buffer to the canal. However I agree that a lesser extent of buffer might potentially be required. Appendix Two already indicates the requirement for a flood risk assessment and that consideration should be given to the flood risk from the Union Canal. I am therefore content that any buffer that may be required can be negotiated as part of any future planning application. The requirement for the buffer would not and should not preclude improvements to canal-related infrastructure or integration of the housing with the canal in terms of access, connectivity and any related facilities.

4. I conclude that the requirement for a buffer should be indicated in more general terms and that the requirement for a positive relationship between any development and the canal should be more clearly stated.

Reporter's Recommendations:

1. In Appendix Two, in the entry for site H-BU 1 Greendykes Road, under 'Other', delete the sentence beginning 'Requirement to accommodate...' and replace it with the following sentence:

'Requirement to consider the relationship with the Union Canal so as to integrate new development with it whilst respecting its setting as a scheduled monument and maintaining any buffer that may be required in relation to the potential for flood risk'.

Issue 9D	Allocation of land for mixed use development (including employment) at Greendykes House, Broxburn	
Development plan reference:	E-BU 6 – Greendykes House, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs J Russell (0429)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 1 – Employment Land Allocations, Broxburn (page 105) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>E-BU 6 – Greendykes House, Broxburn</u></p> <p><u>Background</u></p> <p>Site E-BU 6 Greendykes House is within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the West Lothian Local Plan (CD092). Given the recent industrial use of the site and the nature of the surrounding industrial uses, the site is now proposed as a specific employment allocation.</p> <p>The site is low grade industrial land and fronts onto Greendykes Road. It is across Greendykes Road and to the west of a larger site which is the subject of an application (ref: 0897/P/14) (CD324) for Planning Permission in Principle for the formation of a local distributor road and erection of a primary school with associated landscaping and open space. The Concept Master Plan submitted with that application shows the E-BU 6 site as part of a mixed use area. This application is undetermined awaiting the outcome of site investigation work. There are currently no applications which specifically cover the E-BU 6 site.</p> <p><u>Employment Allocation</u></p> <p>Mr & Mrs J Russell (0429)</p> <p>The respondents request that the development of this site is handled with sensitivity as it is an important part of the heritage of the area.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p>E-BU 6 – Greendykes House, Broxburn</p>		

<p>Mr & Mrs J Russell (0429)</p> <p>No specific modification of allocation E-BU 6 has been sought.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>Representations to Allocated Sites</u></p> <p>E-BU 6 – Greendykes House, Broxburn</p> <p>Mr & Mrs J Russell (0429)</p> <p>The council notes these comments and acknowledges the industrial heritage of the area which will be taken into account at the detailed planning application stage. There are currently no applications which specifically cover this site.</p>
<p>Reporter's Conclusions:</p>
<p>1. The representation from Mr & Mrs Russell requests that this site is kept as part of the heritage of Broxburn. I note the council's interpretation of this representation, however, I take from Mr & Mrs Russell's comments that they wish the site not to be allocated for development. Historic Environment Scotland has not identified this site as having any heritage interest.</p> <p>2. The site is carried over from the adopted local plan. It is part of Greendykes Industrial Estate and is presently, at least partly, in active use. As indicated above, the remainder of the industrial estate is part of the CDA.</p> <p>3. Given the current use of the site and the lack of any identifiable heritage interests I see no justification for removing the allocation for Class 4 Employment use.</p>
<p>Reporter's Recommendations:</p>
<p>No modifications.</p>

Issue 9E	Non-allocation of land for housing in Broxburn	
Development plan reference:	MIRQ-0049 (EOI-0138)	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Ashdale Land and Property Company Limited (0415)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 165-175) Proposals Map 2, Broxburn	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>MIRQ-0049 (EOI-0138)</p> <p>Ashdale Land and Property Company Limited (0415)</p> <p>The respondent queries the ability of sections of the allocated West Wood site (H-BU 10) and that section of the Ashdale land holding which sits to the south of the canal to accommodate residential development.</p> <p>Concerns are raised about the impact of potential noise nuisance from a scrap metal processing plant operating at the north east corner of the East Mains Industrial Estate and the occurrence of "black mould" affecting properties in close proximity to the adjacent distillery. It is explained that these issues will result in a significant reduction in the residential capacity of the West Wood site and doubts are raised about the commercial viability of the overall West Wood site for residential development. At the very least, the respondent anticipates significant revisions having to be made to the currently tabled composite master plan in order to reflect the implications of these two constraints and suggests this will require a redistribution of the housing numbers as set out in the Proposed Plan (page 84).</p> <p>It is also intimated that the Plan should be revised to reflect the significant nature of the contamination/geotechnical constraints which affect the allocated Albyn site (H-BU 4) as it is not considered commercially viable to bring forward residential development on this part of the wider site. A different solution requires to be found to deal with this part of the site (likely to be based on a landscape led remediation strategy). It is suggested that the residential units that are "lost" from this site should be reallocated elsewhere, to the west and within the wider East Broxburn site.</p> <p>The respondent is of the view that if it subsequently proves impossible to bring forward these allocations in full, it would be in order for the LDP to anticipate this and build into the Plan sufficient flexibility within the East Broxburn allocation to allow it to accommodate the intended scale of development on land, within the Ashdale ownership, but which is not presently identified/allocated for development.</p>		

Modifications sought by those submitting representations:**Representations to Non Allocated Sites**

MIRQ-0049 (EOI-0138)

Ashdale Land and Property Company Limited (0415)

It is suggested that the Plan is amended to make provision for the identification of a longer term reserve of land to the west side of the current boundary of site H-BU 8 and north of site H-BU 9, to be brought forward for development if further land were to be required to accommodate the housing numbers which are set out in the Proposed Plan.

Summary of responses (including reasons) by planning authority:**Representations to Non Allocated Sites**

MIRQ-0049 (EOI-0138)

Ashdale Land and Property Company Limited (0415)

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to make provision for the longer term reserve land to the west side of the current boundary of site H-BU 8 and north of site H-BU 9 as a response to any reduction in the number of houses that may occur on allocated sites H-BU 4 and H-BU 10.

Firstly, the respondent has not identified the precise areas of the two allocated sites which are said to be undevelopable due to the impact of the neighboring uses. Secondly, there are inadequate details of the proposed alternative site suggested by the respondent in place of the undevelopable areas within H-BU 4 and H-BU 10.

It is the council's position that there is in any event sufficient flexibility within East Broxburn/Winchburgh CDA to offset any reduction in the capacity of sites H-BU 4 and H-BU 10 without the need to relocate or extend the CDA.

With regard to the proposed reserve allocation west of H-BU 8 and north of site H-BU 9, these areas are currently part of the countryside belt, intentionally designed to prevent settlement coalescence. Development at this location would constitute a significantly physical and intrusive expansion of the existing Broxburn settlement, the visual impact of which would be all the more prominent given that the land slopes from south to north.

The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why this designation has been rolled forward to the LDP. The council's approach to countryside belt is set out in the Countryside Belt Position Statement (CD184).

For these reasons, the council does not propose to modify the plan in response to this representation.

Reporter's conclusions:

1. The overall effectiveness of the CDAs as part of the council's spatial strategy and housing land supply are considered under Issue 1A. I do not re-examine any of those matters here but find it relevant to highlight that we conclude that there is insufficient evidence to support a modification to significantly reduce the support provided by the plan to the Broxburn CDA and sites within it. We find that it would be undesirable to remove any of these areas from the plan unless there was clear evidence that their development would be entirely incapable of progressing.

2. I am aware from the submissions that the council's CDA allocation strategy seeks to address the contamination and infrastructure issues by permitting the development of greenfield sites thereby providing cross funding to improve overall development viability. The council considers that there is enough flexibility within the boundaries of the CDAs to accommodate any reduction in capacity of any of these sites. This flexibility is recognised in paragraph 5.46 of the plan. At Issue 1A we conclude, in general terms, that the plan provides sufficient flexibility for the house numbers within the CDAs to increase where appropriate.

3. Nevertheless, we conclude at Issue 9I that the indicative capacity of site H-BU 4 Albyn (although it is not shown in the proposed plan as being within the CDA, it is within the CDA boundary in the current local plan) should be reduced from 350 to 100. We acknowledge at Issue 9F that the capacity of H-BU 10 West Wood might be less than envisaged in the plan, albeit it seems that the capacity of H-BU 8 Greendykes Road (West) could be greater than currently envisaged. I also recognise that some respondents have doubts about the capacity and viability of the Broxburn component of the CDA more generally. It could be the case that, ultimately, as a whole, the current Broxburn CDA sites deliver less homes than is envisaged in the plan

4. We conclude at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target of the plan. We also conclude that, notwithstanding the challenges associated with the CDAs, support for them does not prejudice the development of other sites out with the CDAs where these would otherwise be supported in principle. Given the above context, I therefore give serious consideration to whether any parts of this site should be allocated for housing.

5. The site is made up of three distinct parts; these can best be described using the references assigned in the Main Issues Report (MIR). EOI-0138b is an extensive, elongated area of land, lying to the west of the CDA adjacent to site H-BU 8. It largely comprises actively used agricultural land; however I observed a substantial rock outcrop within the north western part of the site. Combined, areas EOI-0138d and EOI-0138h make up a small area of agricultural land to the north of the CDA adjacent to site H-BU 9 Greendykes Road East and to the west of Greendykes Bing. The land covered by EOI-0138f lies to the north of the CDA between Greendykes Bing and site H-BU 10. This area is presently occupied by a shale bing smaller in size than Greendykes Bing.

6. As the site was included in the MIR it was subject to community engagement. The MIR concluded that only the parts of the site that were within the CDA designation in the current local plan should be supported. However the Settlement Statements within the MIR show that the areas covered by EOI-0138 d and f were preferred extensions to the CDA but with no increase in site capacity. These two areas are also shown in MIR Appendix 1 'Consolidated List of Sites' as preferred sites, with no number of units noted.

7. In their representation Ashdale Land and Property Company Limited refer to their earlier MIR submissions. These indicate that the site is free from physical or any other insurmountable constraints and that access could be taken from the CDA or various points on Newbiggin road.

8. I consider that the main considerations in relation to this site are the impacts on: a) the landscape setting of Broxburn and Greendykes Bing, b) the character and amenity of the area, c) biodiversity and d) the separation between the settlements of Broxburn and Winchburgh.

9. Although parts of the site were shown as a 'preferred' in the MIR and have been considered in the Strategic Environmental Assessment of the plan, I have not been furnished with any significant amount of supporting environmental information such as I might have expected for a site of this size. There are no specific details of what is proposed and no assessment or detailed analysis of the potential landscape or visual impacts of development on the site.

10. The land covered by EOI-0138f is shown on the proposed plan as a local biodiversity site. It is located between Greendykes Bing (a scheduled monument), a small water body and the Union Canal. Taking this into account I do not consider that there is sufficient evidence that this area would be an appropriate extension to the CDA.

11. The land covered by EOI-0138b is significantly detached and separated from existing housing at the north of Broxburn and from the housing under construction at site H-BU 13 Kirkhill North, by Broxburn Community Wood. I agree that the existing countryside belt at this location has an established, robust and defensible boundary. I am not convinced that this extensive area would form an appropriate extension to the CDA.

12. Areas EOI-0138d and EOI-0138h lie in close proximity to Greendykes Bing. Impacts on the setting of the bing could potentially be addressed via the development management process. Some of area EOI-0138d could in my view form a discrete, natural extension to site H-BU 9. However the north east of that land and the area covered by EOI-0138h exceed what I consider to be a natural rounding off of the CDA and lie in very close proximity to the bing. No technical appraisal of building in such close proximity to the bing has been provided. Therefore, overall I remain unconvinced that these areas are appropriate extensions to the CDA.

13. In conclusion, in the context of the very limited evidence provided in support of this overall site and despite our conclusions at Issue 1A in respect of the supply of housing land and our conclusions in respect of the individual Broxburn CDA sites, I do not recommend a modification which would allocate this land for housing development.

14. As I note above, elsewhere we recommend changes to clarify the support for windfall development within the CDAs. We note that the capacities of all the allocated sites in the plan are indicative, and not intended to be a cap. We also recommend, at Issue 1A, that Policy HOU 2 is strengthened so that it provides for the consideration of additional housing sites should there be a shortfall in the supply of effective housing land. It is in this context that any difficulties with the programming or capacity of sites within the Broxburn CDA would fall to be considered.

Reporter's recommendations:

No modifications.

Issue 9F	Allocation of land for mixed use (including housing) within the Broxburn Core Development Area (CDA)	
Development plan reference:	H-BU8 - Greendykes Road (West) H-BU9 - Greendykes Road (East) H-BU10 - Westwood	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (0243) Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260) Winchburgh Developments Ltd (21862570) John Orr (21716490)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 – Schedule of housing sites, Broxburn (pages 165 to 175) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority’s summary of the representation(s):		
<p><u>Representations to Allocation of land for mixed use within the CDA (including housing)</u></p> <p><u>Background</u></p> <p>These sites lie within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the West Lothian Local Plan. The overall residential allocation for the East Broxburn element of the CDA is 2050 units.</p> <p>The three sites comprise agricultural fields and woodland. Part of H-BU 8 and the majority of H-BU 10 are the subject of current planning applications (refs. 0558/P/09, 0485/P/10 and 0897/P/14) (CD357, CD358 and CD324) The former two are for Planning Permission in Principle for mixed use developments comprising housing, community facilities and recreational uses with associated landscaping and open space. The latter is for Planning Permission in Principle for the formation of a local distributor road and erection of a primary school. An overall Concept Master Plan for the wider CDA has been submitted with each application. These applications remain undetermined.</p> <p><u>Mixed Use Allocation within the CDA (including housing)</u></p> <p>Scottish Environment Protection Agency (0243)</p> <p>Requires Flood Risk Assessments to be undertaken for development sites within the CDA.</p> <p>Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)</p> <p>Challenges the effectiveness of a number of the CDA allocations in East Broxburn and specifically supports the deletion of the north part of site allocation H-BU 10 in the East Broxburn CDA in order to allow for further land allocations to be made at/within the Winchburgh CDA.</p>		

Winchburgh Developments Ltd (21862570)

Questions the effectiveness of the housing allocations in East Broxburn and their ability to contribute to the 5 year housing land supply. Requests that the boundaries of the CDA are re-examined and notes in particular that the Concept Masterplan submitted with the CDA planning applications has substantial areas of open space due to the undermining and contaminated land issues in the area. Also seeks certainty over the funding mechanism for a new non-denominational secondary school at Winchburgh which is required to be funded jointly with the East Broxburn developers.

John Orr (21716490)

Objects to the LDP continuing to support the principle of further housing in the Core Development Areas (CDAs) and regards it as a pointless and misguided strategy. Observes that only some of the CDAs have seen development activity and that there has been none in Broxburn after nearly 7 years. It is suggested that a combination of factors including contamination, fragmented landholdings, lack of servicing and environmental factors such as black mould render this CDA virtually undevelopable. Allocated sites H-BU 8, H-BU 9 and H-BU 10 are identified as being non effective and it is suggested that they be abandoned and replaced with more easily developed sites.

Modifications sought by those submitting representations:

Representations to Allocation of land for mixed use within the CDA (including housing)

Scottish Environment Protection Agency (0243)

Requires the LDP to include the need for Flood Risk Assessments to be undertaken for development sites within the CDA.

Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)

Requests the deletion of constrained sites referred to in Broxburn and in particular deletion of the northern portion of site H-BU 10 as proposed.

Winchburgh Developments Ltd (21862570)

Requires the East Broxburn CDA boundaries to be reduced, particularly in the north. Requests that a co-ordinated approach to infrastructure delivery, with a parallel financial framework plan or plans, is drawn up to accompany the LDP; in particular certainty is required over the funding mechanism for a new non-denominational secondary school at Winchburgh, which is to be jointly funded by the Winchburgh and East Broxburn CDA developers.

John Orr (21716490)

Requests that allocated sites H-BU 8, H-BU 9 and H-BU 10 be deleted and replaced with more easily developed sites.

Summary of responses (including reasons) by planning authority:

The general issues relating to land supply and the effectiveness of the site are addressed in a separate Schedule 4 ((1A) (Housing Land Supply and Policies HOU1 and HOU2).

Representations to Allocation of land for mixed use within the CDA (including housing)

Scottish Environment Protection Agency (0243)

The LDP Appendix Two: *Schedule of Housing Sites* already identifies the need for an FRA as part of the delivery requirements for development of sites within the CDA (LDP Proposed Plan pages 165 to 173). No modifications are therefore required in terms of this representation.

Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)

As set out in the response to the Winchburgh CDA representations (**24F**) the capacity in that CDA is increased to 3,950 residential units in the LDP. It is acknowledged that the individual numbers of units may alter between the sites and the council has carefully considered the reasons put forward in support of the modifications to the East Broxburn CDA, particularly in respect of the effectiveness of sites. There are, however, three current planning applications in the CDA and whilst there have been a number of technical issues, including those relative to potential contamination, the developers are currently undertaking further site investigations to address such issues.

The council remains of the view that there is insufficient justification to modify these allocations as there is enough flexibility in the boundaries of both CDAs to accommodate any changes in capacity of individual sites. For these reasons, the council does not propose to modify the plan in response to this representation.

Winchburgh Developments Ltd (21862570)

As above, the council is satisfied that there is an adequate overall housing total for the full Winchburgh CDA of 3,950 and there is no need to reduce the boundaries of the allocations in East Broxburn to accommodate this.

In terms of the delivery of the infrastructure associated with the CDA, the council has set out in the WLLP and in the LDP (Appendix 2 – pages 119 to 124) that the requirements are to be fully developer funded. This is also established in the planning obligation that covers the Winchburgh CDA permission in principle and would also be contained within any obligation relating to permissions in the East Broxburn CDA. The council is able to work with the developers to introduce phasing for the delivery of key infrastructure and introduce flexibility, where possible, in terms of the triggers for the delivery of that infrastructure. Nevertheless, the overall funding proposal requirements need to rest with the developers and the council does not propose to modify the plan in response to this representation.

John Orr (21716490)

The CDA allocations are not housing allocations but rather mixed use allocations which incorporate both derelict brownfield sites and greenfield sites. The CDA allocation

strategy is aimed specifically at addressing the contamination and servicing issues that Mr Orr refers to whilst permitting the development of greenfield sites which, in combination, should ensure the overall development is viable. The council remains of the view that there is insufficient justification to modify these allocations particularly as there are current undetermined planning applications. The council does not therefore propose to modify the plan in response to this representation.

Reporter's Conclusions:

1. In addition to the representations listed above the representation from Ashdale Land and Property Company Ltd (0415) (see Issue 9E) questions the effectiveness and the capacity of the eastern part of the CDA, particularly site H-BU 10 West Wood. I consider that it is appropriate to deal here with those aspects of that representation. Winchburgh Developments Ltd wants the plan to be accompanied by a parallel financial framework and specifically that there is certainty about the funding mechanism for the proposed new non-denominational secondary school at Winchburgh. We address infrastructure and developer contributions at Issue 1F and education infrastructure at Issue 1J. In accordance with those conclusions, it would be through supplementary guidance and the Action Programme of the plan where I would expect further details of such funding arrangements to be considered.
2. The representations question the effectiveness of the CDA on the basis of the inclusion of sites H-BU 4 Albyn and H-BU 8 Greendykes Road West, H-BU 9 Greendykes Road (East) and H-BU 10. Site H-BU 4 is addressed separately under Issue 9I. It is alleged that it has not been demonstrated that these sites are effective particularly in relation to the ground conditions and infrastructure costs. They also note that part of site H-BU 10 is affected by noise. It is considered by some that the joint working required in order to deliver the CDAs is unlikely to be successful. The representation from Aithrie Estates and the Hopetoun Estate Trust notes that these three sites do not have planning permission and considers their programming within the plan period to be highly optimistic.
3. It is requested that the plan be modified to allocate additional land as part of the CDA to compensate for the areas of land that are non-effective or which are likely to have lower capacity than indicated in Appendix Two. Consideration is given under Issue 9E to the allocation of the site proposed by Ashdale Land and Property Company Ltd.
4. The overall effectiveness of the CDAs as part of the council's spatial strategy and housing land supply are considered under Issue 1A. I do not re-examine any of those matters here but find it relevant to highlight that we conclude that there is insufficient evidence to support a modification to significantly reduce the support provided by the plan to the Broxburn CDA and sites within it. We find that it would be undesirable to remove any of these areas from the plan unless there was clear evidence that their development would be entirely incapable of progressing. I deal here with representations relating to site specific matters.
5. In response to my request for further information (FIR39) the council has confirmed in relation to applications 0558/P/09 and 0897/P/14 that the applicant has submitted additional information on ground conditions. The council is hopeful that outstanding issues can be resolved in the next few months. I have no evidence to doubt that this may be the case. There are unresolved technical issues relating to application 0485/P/10 for site H-BU 10, primarily associated with noise from the East Mains Industrial Estate. While noise may affect part of that site it has not been shown that this cannot be

mitigated. The council has confirmed that it still considers that these three sites are effective, and although the capacity of site H-BU 10 may be reduced any shortfall can be accommodated within the existing CDA boundaries.

6. In relation to site H-BU 8, Ashdale Land's response to my separate further information request (FIR40) indicates an acceptance of the notional capacity of the site, but also observes that a higher capacity could yet be proposed through a future planning application. Although Ashdale Land also expresses concerns about the viability of site H-BU 9, this evidence is not sufficient to demonstrate that the site cannot be delivered nor that the capacity of 135 units is too high.

7. The evidence from objectors does not include any detailed assessment of development viability for these particular sites. I also have no technical information indicating that any parts of the sites are undevelopable. Based on the submissions before me I conclude that there is no clear evidence that the development of these sites would be entirely incapable of progressing. There is insufficient justification to delete all or part of these sites or to alter the capacities given in Appendix Two.

8. The representations include opposition to the inclusion of the northern part of site H-BU 10 as it intrudes into the countryside. This appears to be based on the view that the council has not acted equably by including this land and ruling out other sites in the countryside. There is no response from the council on this point. I note that this site has been carried over from the current local plan. The northern part of this site is greenfield land. I am aware from the submissions that the council's CDA allocation strategy seeks to address the contamination and infrastructure issues by permitting the development of greenfield sites, thereby providing cross funding to improve overall development viability. I find no justification to now exclude this land from the allocation.

9. Although not listed above Scottish Canals made a representation in relation to site H-BU 10. It is requested that the requirement for a 12m buffer zone is withdrawn and reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would participate in. I agree that it is sensible to indicate in Appendix Two the requirement for a buffer to the canal. However I agree that a lesser extent of buffer might potentially be required. Appendix Two already indicates the requirement for a flood risk assessment and that consideration should be given to the flood risk from the Union Canal. I am therefore content that any buffer that may be required can be negotiated as part of any future planning application. The requirement for the buffer would not and should not preclude improvements to canal-related infrastructure or integration of the housing with the canal in terms of access, connectivity and any related facilities.

10. The council confirmed through FIR01 that SEPA's representation (ref EOI-0138g in Table 2 of SEPA's representations) relates to site H-BU 10. The entries in Appendix Two for sites H-BU 8-10 already identify the need for a flood risk assessment as part of the delivery requirements for each of these sites. I see no compelling need for the plan to provide more detail than that.

Reporter's Recommendations:

1. In Appendix Two, in the entry for site H-BU 10 West Wood, under 'Other', delete the sentence beginning 'Requirement to accommodate...' and replace it with the following sentence:

'Requirement to consider the relationship with the Union Canal so as to integrate new development with it whilst respecting its setting as a scheduled monument and maintaining any buffer that may be required in relation to the potential for flood risk'.

Issue 9G	Allocation of land for housing at Kirkhill North, Broxburn	
Development plan reference:	H-BU 13 – Kirkhill North, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Elizabeth Love (20937853) John Orr (21716490)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 175) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BU 13 – Kirkhill North, Broxburn</u></p> <p><u>Background</u></p> <p>Site H-BU 13 Kirkhill North has the benefit of Planning Permissions ref: 0758/P/14 (CD359) and 0259/MS/15 (CD360) for 185 houses and Planning Permission ref: 0757/FUL/14 (CD361) for 45 houses. Development commenced on the site in mid-2015.</p> <p>Elizabeth Love (20937853)</p> <p>Objection is raised to the allocation of the site for housing for the following reasons:-</p> <ul style="list-style-type: none"> • concern that development will likely be detrimental to the value of the respondents property; • concern that development will diminish current views and outlook and reduce light to the respondents property; and • an understanding that ground conditions rendered the site unsuitable for development and that this had influenced the respondents purchase of property, as did its unbuilt and open aspect (referred to as 'green belt'). <p>The respondent has also complained that development has commenced on site and alleges that the works do not accord with the plans which had been observed.</p> <p>John Orr (21716490)</p> <p>Objection is raised to allocation of the site for housing specifically citing a belief that the site is non effective and cannot be relied upon to contribute to meeting the LDP Housing Land Target.</p> <p>The respondent also expresses surprise that this greenfield site on the edge of an existing settlement, and which had never previously been identified for development in</p>		

the adopted WLLP, or featured in the 'call for sites' exercise or the Main Issues Report, has been allocated.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BU 13 – Kirkhill North, Broxburn

Elizabeth Love (20937853)
John Orr (21716490)

No specific modifications have been sought. However, objections are raised to allocation of the site suggesting that the site is removed from the LDP.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BU 13 – Kirkhill North, Broxburn

Elizabeth Love (20937853)

It is unclear whether the respondent was aware that the site had secured planning permission. The application had been given the necessary publicity and notification had been carried out. As related above, housing is legitimately in the process of being constructed.

Notwithstanding this, the issues of property values and interruption to outlooks and views are not material planning considerations. The issues of loss of light and outlook for neighbouring properties and the suitability of the ground conditions have already been considered as part of the formal process of assessing the planning applications. The impacts on existing residential amenity have been shown to be acceptable through that process. Appropriate remediation measures are in place to address the ground conditions. While there have been instances of non-compliance with the approved plans these have been addressed through the appropriate development management channels.

John Orr (21716490)

The general issues relating to land supply and the effectiveness of sites are addressed more extensively in a separate Schedule 4 number 1A (Housing Land Supply and Policies HOU1 and HOU2) and also in the Housing Land Position Statement (CD215). As development has commenced on this site, concerns about non effectiveness have been superseded.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's Conclusions:

1. As the council has stated, this site benefits from planning permission for residential

development and is under construction. There is, therefore, no justification for removing the allocation of this site for housing.

Reporter's Recommendations:

No modifications.

Issue 9H	Allocation of land for housing at West Wood, Broxburn	
Development plan reference:	H-BU 10 – West Wood, Broxburn	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Canals (21870361) John Orr (21716490) Aithrie Estates & Hopetoun Estate Trust (21772260)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 173) Proposals Map 2, Linlithgow & Broxburn Area</p>	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>Scottish Canals (21870361), John Orr (21716490), Aithrie Estates & Hopetoun Estate Trust (21772260)</p> <p><u>H-BU 10 – West Wood, Broxburn</u></p> <p><u>Background</u></p> <p>Site H-BU 10 West Wood is within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the adopted West Lothian Local Plan (CD092). The overall residential allocation for the East Broxburn element of the CDA is 2,050 units.</p> <p>The site comprises agricultural fields and woodland and is the subject of an application (ref: 0485/P/10) (CD358) for Planning Permission in Principle for a 38.5 Ha mixed use development comprising housing, community facilities with associated landscaping and open space. An overall Concept Master Plan for the wider CDA and an Illustrative Master Plan (as amended) for the site have been submitted with that application. This application is undetermined.</p> <p><u>Mixed Use Allocation</u></p> <p>Scottish Canals (21870361)</p> <p>Scottish Canals query why Appendix 2 - Schedule of Housing Sites, Broxburn (page 173) identifies a requirement for a 12m buffer zone between the canal and the site. Suggests that this would effectively limit any prospect of integrating new development with the canal. Such a blanket approach is considered unhelpful and should instead be reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would be willing to participate in.</p> <p>SC would welcome further discussions about the site being well integrated into the Union</p>		

Canal in terms of access, connectivity, and drainage and infrastructure. Moorings, towpath improvements and lighting (where appropriate) should be considered as part of any brief preparation.

John Orr (21716490)

Mr Orr considers that the H-BU 10 site is not an effective housing allocation because of the combination of contamination, fragmented landholdings, lack of servicing and environmental factors such as 'black mould' and should no longer be pursued as a housing allocation.

Aithrie Estates & Hopetoun Estate Trust (21772260)

The Trust has made an objection relating to the overall East Broxburn CDA which relates to the calculation of the land supply and the effectiveness of a number of the sites in the East Broxburn CDA. With specific regard to site H-BU 10, it seeks the deletion of the northern portion of this site and the transfer of the resultant reduction in capacity to land south of Winchburgh.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-BU 10 – West Wood, Broxburn

Scottish Canals (21870361)

Request that the requirement for a 12m buffer zone is withdrawn and reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would participate in and that the requirement for the site to be well integrated into the Union Canal in terms of access, connectivity, drainage and infrastructure is included.

John Orr (21716490)

Requests that the site be removed as a housing allocation in the LDP.

Aithrie Estates & Hopetoun Estate Trust (21772260)

Seeks the deletion of the northern portion of site H-BU 10 and the transfer of the resultant reduction in capacity to land south of Winchburgh.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-BU 10 – West Wood, Broxburn

Scottish Canals (21870361)

It is confirmed that the requirement for a 12m buffer strip was introduced at the suggestion of SEPA, who in a consultation response identified the need for some mechanism to address potential flood risk. In that context, the council is not agreeable to

withdrawing the requirement, regarding it as sensible and precautionary, and it therefore does not propose to modify the plan in response to these representations.

The council is not, however, unsympathetic to the aspirations expressed by SC regarding the integration of new development with the Canal and it is prepared to make it a matter of record that if it can be satisfactorily demonstrated through the submission of detailed proposals and/or a fuller site investigation that a lesser stand-off would suffice, there may be scope for negotiating a reduction in the width of the buffer. Scottish Canals is consulted as a matter of course on proposals which lie in proximity to the canal through the Development Management process and this should enable the final detailing and relationship between the site and the canal to be better considered and determined at that time and when more details are available.

The SC comments that the canal is considered as an option for mitigating flooding or taking surface water and that the site is fully accessible / integrated with the canal are already covered by the text relative to this site, under the headings Flood Risk and Other respectively.

John Orr (21716490)

The general issues relating to land supply and the effectiveness of the site are addressed in a separate Schedule 4 number 1A (Housing Land Supply and Policies HOU1 and HOU2).

The H-BU 10 allocation is not a purely housing allocation but rather a mixed use allocation. It is also part of the wider CDA allocation which incorporates both derelict brownfield sites and greenfield sites such as the H-BU 10 site itself. The CDA allocation is aimed specifically at addressing the contamination and servicing issues that Mr Orr refers to whilst permitting the development of greenfield sites which, in combination, should ensure the overall development is viable.

Aithrie Estates & Hopetoun Estate Trust (21772260)

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. It seeks to sustain the integrity of all of the CDAs including Broxburn and aspires to see them developed as originally intended.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's Conclusions:

1. We deal with all of the representations raised in relation to site H-BU 10 West Wood under Issue 9F.

Reporter's Recommendations:

No modifications.

Issue 9I	Allocation of land for mixed use development (including housing at Albyn, Broxburn)	
Development plan reference:	H-BU 4 – Albyn, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Canals (21870361)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 168) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>Scottish Canals (21870361)</p> <p><u>H-BU 4 – Albyn, Broxburn</u></p> <p><u>Background</u></p> <p>Site H-BU 4 Albyn is within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the adopted West Lothian Local Plan (CD092). The overall residential allocation for the East Broxburn element of the CDA is 2,050 units.</p> <p>There is a current application (ref: 0897/P/14) (CD324) for Planning Permission in Principle for the formation of a local distributor road and erection of a primary school with associated landscaping and open space. This site includes some of the land which is within H-BU 4.</p> <p><u>Mixed Use Allocation</u></p> <p>Scottish Canals (21870361)</p> <p>SC query why Appendix 2 - Schedule of Housing Sites, Broxburn (page 168) identifies a requirement for a 12m buffer zone between the canal and the site. Suggests that this would effectively limit any prospect of integrating new development with the canal. Such a blanket approach is considered unhelpful and should instead be reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would be willing to participate in.</p> <p>SC would also welcome discussions about flooding and suggest the canal is considered as an option for mitigating flooding or taking surface water discharge from the site.</p>		

Modifications sought by those submitting representations:**Representations to Allocated Sites**H-BU 4 – Albyn, Broxburn

Scottish Canals (21870361)

Request that the requirement for a 12m buffer zone is withdrawn and reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would participate in.

Summary of responses (including reasons) by planning authority:**Representations to Allocated Sites**H-BU 4 – Albyn, Broxburn

Scottish Canals (21870361)

It is confirmed that the requirement for a 12m buffer strip was introduced at the suggestion of SEPA, who in a consultation response identified the need for some mechanism to address potential flood risk. In that context, the council is not agreeable to withdrawing the requirement, regarding it as sensible and precautionary, and it therefore does not propose to modify the plan in response to these representations.

The council is not, however, unsympathetic to the aspirations expressed by Scottish Canals regarding the integration of new development with the Canal and it is prepared to make it a matter of record that if it can be satisfactorily demonstrated through the submission of detailed proposals and/or a fuller site investigation that a lesser stand-off would suffice, there may be scope for negotiating a reduction in the width of the buffer. Scottish Canals is consulted as a matter of course on proposals which lie in proximity to the canal through the Development Management process and this should enable the final detailing and relationship between the site and the canal to be better considered and determined at that time and when more details are available.

The Scottish Canals comment that the canal is considered as an option for mitigating flooding or taking surface water is already covered by the text relative to this site, under the heading Flood Risk and the council therefore does not propose to modify the plan in response to these representations.

Reporter's Conclusions:

1. The only outstanding representation listed above in relation to site H-BU 4 Albyn is from Scottish Canals. However, the representation from Ashdale Land and Property Company Ltd (0415) (referred to by the council under Issue 9E) questions the effectiveness and the capacity of this site. I consider that it is appropriate to deal here with those aspects of that representation. The matters in their representation relating to the wider CDA and its effectiveness are dealt with separately under Issues 9E and F.
2. This site is carried over from the current local plan. It is also within the area covered by the in principle planning application (not yet determined) for East Broxburn CDA

(0897/P/14). I note that on the plans accompanying this planning application (CD324) housing is only shown on a small part of this site; the remainder is to accommodate a new primary school and distributor road relating to the wider CDA. The council refers to the site as being within the CDA, and indeed it is within the CDA boundary in the current local plan. I note, however, that the site is not shown on the proposals maps for the LDP as being within the CDA, nor is it in the list of Broxburn CDA sites on page 84 of the proposed plan.

3. In response to my request for further information (FIR40) Ashdale Land has indicated that this site suffers from significant geotechnical constraints and surface contamination. They indicate that at current land values it might not be possible to deliver residential development on financially viable terms. They consider that there is some degree of doubt as to the effectiveness of the housing component of this site within the plan period.

4. In response to the matter of the effectiveness of this site the council has responded to the FIR indicating that it is hopeful that the outstanding issues relating to the planning application can be resolved within the next few months. It considers that part of this site could come forward within the plan period for housing.

5. It is clear that this site will require remediation before it is suitable for residential development. However I have not been presented with any substantive evidence that demonstrates that this site is currently unviable. I therefore have insufficient justification to remove this allocation on the basis that the site is not capable of being effective.

6. In relation to the issue of capacity, Ashdale Land notes that the part of the site covered by the current planning application to be developed for a new primary school and distributor road would not accommodate any housing. They consider that the remaining part of this site is unlikely to be able to accommodate the 350 units indicated in Appendix Two.

7. The council has responded to the issue of capacity, indicating that 350 units is the maximum that could be accommodated on this site but that it is more than likely that this number will be reduced. The council has advised that the school required in association with site H-BU 8 Greendykes Road West, under planning application 0558/P/09, is proposed within application 0897/P/14, i.e. within site H-BU 4. I agree that if this site is to be developed in accordance with the concept masterplan submitted as part of the current application then 350 units is unlikely to be accommodated within the area shown for residential development.

8. Neither Ashdale Land nor the council has provided a revised capacity. However, given that both parties seem to agree that the site is likely to deliver significantly less than the 350 units envisaged in the proposed plan, I must consider whether I am able to recommend a more realistic figure. The proposed layout for application 0897/P/14 would leave an area for housing development on site H-BU 4 which appears broadly similar in size to the nearby site H-BU 5 Candleworks. The capacity of H-BU 5 in the proposed plan is 100 units. Given the agreement that a capacity of 350 units is too high, and the lack of any alternative figures provided by the parties, this comparison with site H-BU 5 provides the best evidence before me which would allow me to recommend a revised capacity for site H-BU 4. I recommend that its indicative capacity be altered to 100 units. This would not, of course, preclude delivery of a higher number of units if that proves to be achievable.

9. I agree that it is sensible to indicate in Appendix Two the requirement for a buffer to the canal. However I agree that a lesser extent of buffer might potentially be required. Appendix Two already indicates the requirement for a flood risk assessment and that consideration should be given to the flood risk from the Union Canal. I am therefore content that any buffer that may be required can be negotiated as part of any future planning application. The requirement for the buffer would not and should not preclude improvements to canal-related infrastructure or integration of the housing with the canal in terms of access, connectivity and any related facilities.

10. I conclude that the requirement for a buffer should be indicated in more general terms and that the requirement for a positive relationship between any development and the canal should be more clearly stated.

Reporter's Recommendations:

1. In the table of Broxburn housing sites on page 84, for site H-BU 4 Albyn, under 'Capacity', replace '350' with '100'.

2. In Appendix Two, in the entry for site H-BU 4 Albyn:

2.1 Under 'Capacity', replace '350' with '100'.

2.2 Under 'Other', delete the sentence beginning 'Requirement to accommodate...' and replace it with the following sentence:

'Requirement to consider the relationship with the Union Canal so as to integrate new development with it whilst respecting its setting as a scheduled monument and maintaining any buffer that may be required in relation to the potential for flood risk'.

Issue 9J	Allocation of land for mixed used development (including housing) at Candleworks, Broxburn	
Development plan reference:	H-BU 5 – Candleworks, Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Canals (21870361)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 169) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p>Representations to Allocated Sites</p> <p>Scottish Canals (21870361)</p> <p><u>H-BU 5 – Candleworks, Broxburn</u></p> <p><u>Background</u></p> <p>Site H-BU 5 Candleworks is within the East Broxburn part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) which is a mixed use allocation in the adopted West Lothian Local Plan (CD092). The overall residential allocation for the East Broxburn element of the CDA is 2,050 units.</p> <p>The site was the subject of an application (ref : 0115/P/11) (CD362) for Planning Permission in Principle for a 4.4 Ha residential development for which there was a Minded to Grant decision in April 2012. The application was, however, subsequently withdrawn in 2015.</p> <p><u>Mixed Use Allocation</u></p> <p>Scottish Canals (21870361)</p> <p>Scottish Canals query why Appendix 2 - Schedule of Housing Sites, Broxburn (page 169) identifies a requirement for a 12m buffer zone between the canal and the site. Suggests that this would effectively limit any prospect of integrating new development with the canal. Such a blanket approach is considered unhelpful and should instead be reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would be willing to participate in.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-BU 5 – Candleworks, Broxburn</u></p>		

Scottish Canals (21870361)

Request that the requirement for a 12m buffer zone is withdrawn and reconsidered as part of a brief/masterplan preparation for the site which Scottish Canals would participate in.

Summary of responses (including reasons) by planning authority:**Representations to Allocated Sites****H-BU 5 – Candleworks, Broxburn****Scottish Canals (21870361)**

It is confirmed that the requirement for a 12m buffer strip was introduced at the suggestion of SEPA, who in a consultation response identified the need for some mechanism to address potential flood risk. In that context, the council is not agreeable to withdrawing the requirement, regarding it as sensible and precautionary, and it therefore does not propose to modify the plan in response to these representations.

The council is not, however, unsympathetic to the aspirations expressed by SC regarding the integration of new development with the Canal and it is prepared to make it a matter of record that if it can be satisfactorily demonstrated through the submission of detailed proposals and/or a fuller site investigation that a lesser stand-off would suffice, there may be scope for negotiating a reduction in the width of the buffer. Scottish Canals is consulted as a matter of course on proposals which lie in proximity to the canal through the Development Management process and this should enable the final detailing and relationship between the site and the canal to be better considered and determined at that time and when more details are available.

Reporter's Conclusions:

1. I note that this site is within the area covered by the in principle planning application for east Broxburn CDA and is partly shown on the plans accompanying planning application 0897/P/14 (CD324) for housing development.
2. I agree that it is sensible to indicate in Appendix Two the requirement for a buffer to the canal. However I agree that a lesser extent of buffer might potentially be required. Appendix Two already indicates the requirement for a flood risk assessment and drainage impact assessment. I am therefore content that any buffer that may be required can be negotiated as part of any future planning application. The requirement for the buffer would not and should not preclude improvements to canal-related infrastructure or integration of the housing with the canal in terms of access, connectivity and any related facilities.
3. I conclude that the requirement for a buffer should be indicated in more general terms and that the requirement for a positive relationship between any development and the canal should be more clearly stated.

Reporter's Recommendations:

1. In Appendix Two, in the entry for site H-BU 5 Candleworks, under 'Other', delete the sentence beginning 'Requirement to accommodate...' and replace it with the following sentence:

'Requirement to consider the relationship with the Union Canal so as to integrate new development with it whilst respecting its setting as a scheduled monument and maintaining any buffer that may be required in relation to the potential for flood risk'.

Issue 9K	Allocation of Land for mixed use development at Kilpunt, By Broxburn	
Development plan reference:	EOI-0115 – Kilpunt, By Broxburn	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Cadzow Estates (21736518)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Broxburn (page 84) Appendix 2 - Schedule of Housing Sites, Broxburn (page 165-175) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>Cadzow Estates (21736518)</p> <p>The respondent maintains that development of the land at Kilpunt has an important role to play in the future delivery of policy objectives of the council and the delivery of mixed use development and that this should be reflected in the designation of the land on the Proposals Map. Cadzow Estate also suggests that the Proposals Map should be clearer about the extent of the proposed Kilpunt Park and Ride facility (P-33 on page 276).</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Non Allocated Sites</u></p> <p>EOI-0115 – Kilpunt, By Broxburn</p> <p>Cadzow Estates (21736518)</p> <p>Seeks the allocation of land at Kilpunt for mixed use development (including housing) and that the extent of the proposed Kilpunt Park and Ride facility should be more clearly defined on the Proposals Map.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Non Allocated Sites</u></p> <p>Cadzow Estates (21736518)</p> <p>The council's key aims in respect of housing and mixed use allocations are to provide a generous supply of housing land in sustainable locations and to continue to promote and support major development within the previously identified CDA's.</p> <p>The site is separated from the settlement of Broxburn by the busy A89 road corridor and is remote from the allocated East Broxburn CDA. It is therefore in an unsustainable location which does not accord with the housing objectives of the emerging LDP strategy.</p>		

It is not needed in terms of housing land supply requirements for the plan and instead is an important site within the proposed extension to the Livingston Countryside Belt. It is necessary that it is retained in the Countryside Belt to maintain the separate identity and visual separation of settlements and in particular to protect the landscaped setting of Broxburn. Allocation of this site for development would lead to significant visual intrusion. It is therefore not proposed to modify the plan.

As there are no specific proposals for the Park and Ride facility at this time the identification P-33 on the Proposals Map is indicative only.

Reporter's Conclusions:

1. The site comprises an area of active agricultural land lying to the south of East Mains Industrial Estate and extending to the east and south east of the small settlement of Burnside. It is separated from the remainder of Broxburn and the CDA by the busy A89. The Brox Burn runs along the northern part of the site.
2. The modification sought is based on the premise that Broxburn needs to deliver its own retail, employment and housing provision to maintain its identity as a local centre and to meet wider employment and housing needs.
3. Retail development at this location would not accord with the sequential approach set out in Policy TCR 2. Neither would it accord with the town centres first requirements of Scottish Planning Policy (SPP). We find at issue 26A that there is a significant surplus of employment land in West Lothian. I therefore find no justification for those aspects of the proposed allocation.
4. The plan directs housing development to the allocated East Broxburn CDA sites. Our conclusion at Issue 1A is that there is likely to be a significant shortfall in meeting the housing supply target of the plan. We recognise that there may be a case for the development of other sites out with the CDAs where these would otherwise be supported in principle. Although the submissions from Cadzow Estates indicate that housing would only be a very small part of this proposed allocation the modification sought does include housing. I therefore give consideration to that aspect of the requested modification.
5. As the site was included in the Main Issues Report (MIR) it was subject to community engagement. The submissions made as part of the MIR indicate that there were no objections against the development of this site by the various stakeholders and that all comments can be addressed as part of the planning application process. Cadzow Estates maintains that the council's concern that the development would result in visual intrusion would be mitigated by high quality sensitive design of buildings and landscape.
6. Although the site was included in the MIR and has been considered in the Strategic Environmental Assessment of the plan there is very little supporting environmental information such as I might have expected for a site of this size. There are no specific details of what is proposed and no assessment or detailed analysis of the potential landscape and other impacts of development on the site. Appendix 1 'Consolidated Lists of Sites' to the MIR identifies this land as a 'Not Preferred' site.
7. The MIR submissions make reference to the East Mains Industrial Estate to the north and an industrial user at Burnside as justification for development of this site. The MIR does not comment on the landscape impacts of development at the site. It is not unduly

prominent, however, it is relatively close to the western edge of Newbridge and I agree that this part of the countryside belt plays an important role in maintaining the separate identity and visual separation of settlements. I also share the council's concern that this site is detached from the remainder of Broxburn and is not sustainably located in relation to existing services and community facilities. The site does not appear physically linked to either of the nearby industrial uses. The A89 forms a very well defined edge to the countryside belt.

8. The proposed plan identifies this site as the location of a proposed park and ride facility and this is supported by the land owner. I recognise the benefits from such a facility; however I do not consider that this would justify an expansive extension to the settlement at this location.

9. Given the scale of development proposed and the very limited evidence provided in support of this overall site, and despite our conclusions at Issue 1A in respect of the supply of housing land, I do not recommend a modification which would allocate this land for mixed use development including housing.

10. The proposed park and ride at Kilpunt (proposal P-33) is identified in Appendix Six of the plan and is annotated on the proposals map. I agree that at this stage the plan does not require to be modified to show a site boundary for the park and ride.

Reporter's Recommendations:

No modifications.

Issue 10A	Allocation of land for housing in Dechmont	
Development plan reference:	H-DE 1 - Bangour Village Hospital H-DE 2 - Main Street, Dechmont H-DE 3 - Burnhouse Road, Dechmont	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Alastair Lyon (0141) NHS Lothian (0348) Dechmont Community Council (0162 and 21714614) Rhona Watt (21797504) Elaine Pringle (21704333) John Johnston (21125984) John Macfarlane & Colin Macfarlane (21865046) Walker Group Scotland Ltd (0423)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Dechmont (pages 85 & 88) Appendix 2 - Schedule of Housing Sites, Dechmont (page 176-178) Proposals Map 5, Villages (Dechmont)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-DE 1 - Bangour Village Hospital</u></p> <p>Alastair Lyon (0141)</p> <p>Advises that the allocated site embraces land which is owned by the respondent and his neighbours who reside at No's 9, 11, 13 and 15 Goodall Place, Dechmont.</p> <p>Dechmont Community Council (0162 and 21714614)</p> <p>Objects in general to the allocation of site H-DE 1 for reasons allied to the impact of development on infrastructure; traffic issues and the loss of green land.</p> <p>Requests that the 'Transportation' entry in Appendix 2 and relating to site H-DE 1 is amended to remove the reference about opportunities to link into Goodall Place and Burnside. The respondents are concerned that if this entrance to the site is opened up to vehicular access it would result in a rat-run through the village hospital site and Dechmont generally. During a recent public consultation organised by NHS Lothian to explain their proposals for the development of this site, it had been stated that this entrance would not be used for vehicles. The respondents are seeking assurance of this.</p> <p>Expresses concerns that the total number of 550 units would result in significant traffic issues for the surrounding area. This is supported by a recent traffic survey produced by NHS Lothian. Proposes that a statement should therefore be added to Appendix 2 requiring that additional road infrastructure improvements are required to facilitate the development of this site. In particular, it is proposed that traffic lights should be installed</p>		

on the Dechmont Roundabout.

Advises that Bangour Village is situated within half a mile of two existing flight paths to Edinburgh Airport (GOSAM and GRICE), In 2015 Edinburgh Airport trialled a new flight path (TUTUR) which saw planes take off towards the Forth and passing over West Lothian and raised a substantial number of noise complaints. There are concerns that if permanently approved this will see an additional flight path directly over Bangour Village, with aircraft at 3,000 - 4,000 feet above the development. Coupled with planned increased flight departures this will negatively impact on future residents and hence the reason why new homes on the Bangour Village site should be re-considered. At the very least, all new homes should be specifically insulated against aircraft noise, the cost for which should be met by Edinburgh Airport.

Refers to Appendix 2 and proposes that the submission of a noise survey should be made mandatory rather than just advisory. Also indicates that the list of catchment area schools has omitted Kirkhill Primary School and that this should be remedied.

NHS Lothian (0348)

The respondent has made a number of comments and observations relative to the Proposed Plan which are addressed in separate Schedule 4s, but principally (1A) which deals with generic housing land issues. The representations summarised below are however specific to site H-DE 1, Bangour Village Hospital.

While supportive of the allocation in principle, the respondent indicates that the appropriate boundary for the Bangour Village allocation in the LDP should be the same as that shown in the current planning application ref. 0607/P/15 (CD 363b) and extends over the full extent of the NHS Lothian land ownership. It includes land which is not currently shown as part of the allocated H-DE 1 site but which is instead shown as falling within a 'Special Landscape Area'. In the current adopted West Lothian Local Plan (WLLP), (CD 092) the equivalent area is identified as an area of Great Landscape Value (AGLV). The respondent argues that their planning application submission has demonstrated that development within this northern sector is possible without compromising the integrity of the AGLV. It is noted that Policy ENV 1 makes provision for development to be considered within such areas and that it should be a matter for the development management process to determine whether the detailed proposals that will be brought forward are sufficiently sensitive to this area. The respondents contend that that it is appropriate and logical that the housing allocation for Bangour is extended across the entirety of the (planning application site) and not restricted to the boundary shown in the Proposed Plan.

On the basis that there is a shortfall of housing land in West Lothian, an increase in the allocation of housing capacity at Bangour Village is considered to be appropriate. The number of houses being sought by NHS Lothian is in the region of 800, substantially more than the 550 identified in the Proposed Plan, but includes the area identified as a Special Landscape Area described above. From the whole site of approximately 220 acres, there are approximately 70 net acres of developable land which could accommodate residential development. It is considered that a density of between 12-15 homes per acre is appropriate as this would meet with the requirements of the development industry. It is requested that the LDP allocation for housing is increased from 550 units to 800 units; plus a further potential increment for converted buildings i.e. approximately 150-200, subject to final viability testing. It is argued that this would be

consistent with a presumption in Scottish Planning Policy 2014 in favour of sustainable development and particularly on an allocated, effective site which is capable of delivering more units than currently provided for in the LDP. Furthermore, given the potential build out rate of c 100 units annum, it is the case that development would not be fully developed until well into the proposed plan period and this will have the benefit of helping to maintain the housing land supply position throughout the plan period.

The respondents advise that the masterplan and current planning application for the development of site H-DE 1 have been informed by a number of studies looking at landscape, biodiversity, and environmental elements and satisfactorily demonstrate the suitability of the site to support an increased housing allocation i.e. in excess of the 550 the Proposed Plan allocates. They are also not aware of any technical objections from statutory/non-statutory consultees for circa 800+ new build houses.

Advises that a number of uses other than housing have also been proposed within what is a residential led application. An illustrative masterplan shows an ancillary mixed use development which could potentially include:

- Class 1 (Retail)
- Class 2 (Financial, professional and other services)
- Class 3 (Food and Drink)
- Class 4 (Business)
- Class 5 (General Industrial)
- Class 6 (Storage or Distribution)
- Class 7 (Hotel)
- Class 8 (Residential Institutions)
- Class 10 (Non-residential institutions) to include a new primary school
- Class 11 (Assembly and Leisure)

Walker Group Scotland Ltd (0423)

Notes the linkage between site H-DE 1 and H-DE 3 (with H-DE 3 being necessary to support the delivery of a new Primary School to serve H-DE 1). Also notes support for Proposal P-23 (which is specifically for the development of this new Primary School at the former Bangour Village Hospital).

John Johnston (21125984)

Seeks a change to the proposals map and specifically the boundary of the Bangour Village Hospital allocation (H-DE 1). Advises that the plan shows Goodall Place being part of the allocation but that this is privately owned land/property. It is also noted that there is no through access for vehicles to Goodall Place which is not clear from the map.

Finally, the respondent expresses concern at the random nature of communications with residents regarding proposals in the Proposed Plan.

Representations to Allocated Sites

H-DE 2 - Main Street, Dechmont

John Macfarlane & Colin Macfarlane (21865046)

The respondent has made a number of comments and observations relative to the

Proposed Plan which are addressed in separate Schedule 4s, but principally (1A) which deals with generic housing land issues. The representations summarised below are however specific to site H-DE 2, Main Street, Dechmont.

The respondents' principal objection is that the notional capacity allocated to the site in the Proposed Plan is 60 units. It is requested that this should be increased to 120 and it is argued that a higher density would be compatible with both policy and prevailing densities in the locality, Furthermore, a more dense development is considered to be justified in the context of there being a shortfall in housing land supply.

It is also stated that the allocation has been graphically misrepresented on Proposals Map 5. While the site area is stated as 6.2ha in Chapter 6 - Development Proposals by Settlement, Dechmont (page 85) and in Appendix 2 - Schedule of Housing Sites, Dechmont (page 177), and reflects the size of the current planning application site (ref. 0586/P/14) (CD 364), the area of the outline of the allocated site is approximately half of this size and clearly do not match. Requests that the Proposals Map is amended to show an enlarged site with the eastern boundary being the A899.

Other matters raised by the respondent are summarised as follows:-

- argues that a development comprising 120 units can still achieve a satisfactory provision of open space and a strong eastern woodland edge between the development site and the neighbouring countryside belt;
- argues that a development comprising 120 units can still be accommodated in terms of impact on transport and drainage infrastructure;
- queries the justification for a 70m wide landscape/no build zone and argues that the proposed density would leave excessive undeveloped land. Suggests that the proposed buffer should instead be in the order of 30m;
- notes that the area required for woodland lies outwith the planning application site boundary;
- references a number of supplementary assessments and reports as part of this representation;
- includes a site effectiveness exercise and concludes that development could be implemented before 2019;
- suggests that Supplementary Guidance on Developer Contributions and Education Strategy are required and that the LDP strategy is at risk without the availability of this detail.

Rhona Watt (21797504)

Objects to site as being detrimental to the appearance of the village and believes that it obstructs views of Binny Craig and the Bathgate Hills. Concludes that there would be too many houses allocated in Dechmont given the proposed Bangour development. Concerned at the loss of trees and habitat for bird population and pipistrelle bats. Considers development to be unnecessary but if it goes ahead would like to see a larger buffer zone to incorporate the existing trees.

Dechmont Community Council (0162 and 21714614)

Seeks change to site capacity, suggesting that it should be 30 units (as in the previous Local Plan) and not increased to the 60. Increasing the numbers of units will adversely change the character of the site to a high density development which would be totally out

of keeping with the surrounding housing in the village.

Refers to Appendix 2 and proposes that the submission of a noise survey should be made mandatory rather than just advisory. Also indicates that the list of catchment area schools has omitted Kirkhill Primary School and that this should be remedied.

Elaine Pringle (21704333)

Concerned that the development of site H-DE 2 may have adverse impacts for privacy and overlooking of respondents property and that the proposed building heights would be an important consideration in this regard. Suggests that proposals should be assessed against policy HOU 9. Notes that the OS map base does not show the respondents property which was built in 2013 and anxious to ensure that it is taken account of when proposals are being considered.

Representations to Allocated Sites

H-DE 3 – Burnhouse Road, Dechmont

Dechmont Community Council (0162 and 21714614)

Objects to the allocation of this site for the following reasons:-

- the site lies within the Bathgate Hills which has been designated as a Special Landscape Area;
- the Brox Burn should define the natural physical boundary between the village and the Bathgate Hills to stop 'development creep'.
- Burnhouse Road and the single track bridge over the Brox Burn is totally unsuitable for a residential development of the scale proposed;
- a traffic survey for the Bangour Village Hospital site highlighted an issue with the development of 500 houses causing issues on the main roads around the site. The additional traffic from 120 additional units in this location would give rise to even greater traffic issues;
- it is disputed that additional housing is required to facilitate the development on Bangour Village Hospital (H-DE 1) and that this would only add to the problem of oversubscribed de-nominational schools in the area; and
- Queries how a greenfield site in the Bathgate Hills could be considered as a suitable candidate for development when proposals for the development on a brownfield site at Bangour (General) Hospital was rejected as being unsuitable for the area and this decision supported on appeal. (Planning Application 0026/P/00 (CD 365) / Appeal ref P/PPA/400/67)

NHS Lothian (0348)

Confirm support for the allocation of site H-DE 3 for residential development in order to assist the delivery of a new primary school at site H-DE 1.

Walker Group Scotland Ltd (0423)

Supports the allocation of site H-DE 3. However, advises that the site area is 9.95ha and not 7.7ha as stated in Chapter 6 - Development Proposals by Settlement, Dechmont (page 85) and in Appendix 2 - Schedule of Housing Sites, Dechmont (page 178). Also suggests that the capacity of the site at reasonable densities and having regard to the

need for open space and SUDS requirements is significantly greater than the 120 units allocated in the Proposed Plan. Whilst yet to prepare a detailed layout, and without the benefit of discussions with the council, the respondents consider that the capacity of the site has been under stated and is closer to 180 units based upon development densities achieved elsewhere in West Lothian.

Identifies an inconsistency in the naming/referencing of site H-DE 3 in the Proposed Plan. Disagrees with the site being held back and described as a 'reserve' site and argues that its requirement to support site H-DE 1 has now been recognised by NHS Lothian. Seeks corresponding revisions to Appendix 2 (page 178).

References Appendix 2, page 178, and disputes the suggestion that a significant part of the site is at serious risk of flooding. SEPA flood map is produced to evidence this. Proposes that Appendix 2 should also be augmented to include an additional entry under the column headed 'planning' to the effect that the proposed development will contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE 1).

John Johnston (21125984)

Observes that there is no evidence that the proposed Burnhouse development (H-DE 3) naturally links into the Bangour site and it is not clear why this site is being considered in tandem. In addition, the respondent challenges the development of prime agricultural land to accommodate new development, arguing that this is contrary to the council's own guidelines (Policies ENV 2, 3, 4).

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-DE 1 - Bangour Village Hospital

Dechmont Community Council (0162 and 21714614)

Seeks revision of the 'Transportation' entry in Appendix 2 relating to site H-DE 1 to remove the reference about opportunities to link into Goodall Place and Burnside.

Proposes that additional road infrastructure improvements should be added to Appendix 2.

Proposes that Kirkhill Primary School is added to Appendix 2 as one of the catchment area schools.

NHS Lothian (0348)

Seeks to increase the allocation from 550 units to 800 units (for new build properties) and a recognition that there is potential for an additional allowance of up to 200 units to take account of listed building conversions.

Proposes that controls over the physical distribution of new housing across the site are removed to allow for development to extend into the northern part of the site and at the same time redraw the SLA boundary to exclude this part of the site.

John Johnston (21125984)

Seeks a change to the proposals map and specifically the boundary of the Bangour Village Hospital allocation (H-DE 1) to exclude land at Goodall Place which is not owned by the NHS.

Representations to Allocated Sites

H-DE 2 - Main Street, Dechmont

John Macfarlane & Colin Macfarlane (21865046)

Seeks to increase the allocation from 60 units to 120 units.

Seeks to change Proposals Map 5 to redefine the boundary of the allocation to match that of planning application 0586/P/14 (bringing it into line with the site area of 6.2ha referenced in Appendix 2).

Rhona Watt (21797504)

Seeks to ensure that if the allocation is maintained a large buffer zone (to incorporate the trees already in situ) is made a specific requirement of Appendix 2.

Dechmont Community Council (0162 and 21714614)

Seeks to reduce the site capacity to 30 units.

Proposes that Appendix 2 is amended to make the submission of a noise survey mandatory rather than just advisory. Also proposes adding Kirkhill Primary School to the list of catchment area schools.

Elaine Pringle (21704333)

Seeks restriction in relation to the height of buildings and a specific requirement for new tree planting to be provided between existing and new housing.

Representations to Allocated Sites

H-DE 3 – Burnhouse Road, Dechmont

Dechmont Community Council (0162 and 21714614)

Seek to have the allocation removed from the LDP and for the land to once again be shown as part of the Bathgate Hills Special Landscape Area.

Walker Group Scotland Ltd (0423)

Seeks removal of “reserve site” from the site description given that it is acknowledged by the owner of H-DE 1 that Burnhouse is required to support the delivery of H-DE 1. Seeks change to Chapter 6 - Development Proposals by Settlement, Dechmont (page 85) and Appendix 2 (page 178) to recognise that the area of site H-DE 3 is 9.95ha and not 7.7ha as stated.

Seeks change to Chapter 6 - Development Proposals by Settlement, Dechmont (page 85) and Appendix 2 (page 178) to recognise that the area of site H-DE 3 is 9.95ha and not 7.7ha as stated.

Seeks change to Appendix 2 (page 178) to remove the text which advises that the site is at serious risk of flooding.

Proposes that Appendix 2 should also be augmented to include an additional entry under the column headed 'planning' to the effect that the proposed development will contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE 1).

John Johnston (21125984)

Seeks to have the allocation removed from the LDP as there are no natural links with the Bangour Village Hospital site and because it constitutes the development of prime agricultural land.

Summary of responses (including reasons) by planning authority:

The issues raised in relation to housing land are addressed in a separate Schedule 4, "Housing Land & Policies HOU 1 & HOU 2" (1A). There is also a related Position Statement on housing land supply. This is mirrored by a Schedule 4 statement on education infrastructure (1J) and a Position Statement on education capacity in West Lothian.

Representations to Allocated Sites

H-DE 1 - Bangour Village Hospital

Background

This large site was originally the subject of Policy E15 of the Broxburn Area Local Plan (1991) (CD094) - Alternative uses of Buildings at Bangour Village Hospital. It was also shown as being located in an Area of Great Landscape Value (AGLV) and Policy E15 noted that alternative uses would be acceptable provided they were compatible with the AGLV designation and retained the woodland and reservoir.

The adopted West Lothian Local Plan (2009) went further and allocated it as housing site (HBn1) with a total allocation of 500 homes. The site was also embraced by a Conservation Area designation (Policies HER 17 - 20) and was subject to a Tree Preservation Order (Policy ENV 14), with a safeguard for an education facility (Policy COM 8). (CD 092)

The Main Issues Report (MIR) of the West Lothian Local Development Plan (2014) identified the site as a "committed" site for housing, reflecting its earlier status in the adopted local plan. (CD 079) At this time, representations were received from the site owners seeking an increase in the number of houses. The council was not unsympathetic to the fact that the site was not without its challenges: the cost of refurbishing listed buildings would undoubtedly be expensive; and infrastructure costs, especially for education, high. The need to protect and enhance the conservation area, protect the character and appearance of listed buildings and their settings and protect areas of woodland and open space within the site all imposed limitations on the development

potential of the site and posed challenges to its viability. Having reviewed the circumstances the council agreed the capacity could be increased to accommodate at least 550 houses without compromising environmental quality. The figure of 550 units was subsequently confirmed in the Proposed Plan as the allocation for site H-DE 1.

The site is the subject of a current planning application for Planning Permission in Principle (0607/P/15). (CD363) Concurrent applications for Conservation Area Consent (CAC) and Listed Building Consent (LBC) have also been submitted. The council did not determine this application within the required period and this prompted the lodging of an appeal with the DPEA in March 2016. Scottish Ministers have since decided that they will determine this case and have prepared a direction to that effect. This means that the appointed reporter will produce a report and make recommendations in order for the final decision to be taken by Scottish Ministers.

Alastair Lyon (0141) and John Johnston (21125984)

Concerns about the definition of allocated site H-DE -1 are noted. It is not uncommon for allocated sites in development plans to embrace land in different ownerships and for the various owners of the land to not always be in agreement with that allocation. At the end of the day implementation of a proposal can only take place on land that is in the control of the developer and the land owner therefore has the ultimate say. Notwithstanding this, the council recognises that the matter raised is in this instance a cartographic error caused by the council's digital geographic information system. The council would therefore not take issue if the Reporter was minded to direct that an adjustment should be made to the southern boundary of the allocated site to exclude the strip of land owned by the respondent and his neighbours residing at Nos 9, 11, 13 and 15 Goodall Place, Dechmont. This would adopt the same southern boundary as shown on the most recent planning application (0607/P/15) (CD363b)

Dechmont Community Council (0162 and 21714614)

Regarding the Community Council's concerns about vehicular access, the council would not take issue if the Reporter was minded to direct that an adjustment should be made to Appendix 2 (page 176) under the 'Transportation' column stating that "*appropriate road infrastructure improvements arising from the transportation assessment process that will include Dechmont Roundabout will be required to be provided by the developer to allow Bangour Village Hospital site to be developed.*"

The respondents other comments relating to Appendix 2 and suggesting that the reference about opportunities to link into Goodall Place and Burnside should be removed have also been considered. It is concluded that the intention of the statement may have been misinterpreted and the council does not propose to remove it. The statement reads "access is from the A89 but with opportunities (for paths) to link into Goodall Place and Burnside". This is intended to relate to linking the re-development of the hospital site with the village and for existing links to be used to create new paths to integrate with the existing village path network. No vehicular access is proposed via Burnside or Goodall Place. However, it is recognised that the wording could be made clearer, perhaps by adopting this form of words, and the council would therefore not take issue if the Reporter was minded to direct that an adjustment should be made to Appendix 2 (page 176) under the 'Transportation' column to this effect.

In relation to aircraft noise in the vicinity of Bangour, it is understood that while Edinburgh

airport are seeking to accommodate more flights, not all will be on the same flight path. Various flight paths will be used with the split dependant on wind directions and wind speed and that approximately 25% of all flight over the course of the year will actually be from the opposite direction. The trial flight path TUTUR was undertaken from June to October 2015 and has been reported as successful. If Edinburgh Airport wish to pursue it there will need to be further statutory consultation. There would also not "*be flights every minute through the day and night*", as the airport generally operates from 5.30am to 11.30pm, and while there are cargo flights through the night, they are at a much reduced scale. The council does not propose to make any modification to the plan in response to this representation.

The councils' Environmental Health service has advised that until more details of the dwellings that are proposed on sites in the Dechmont area, reference to a noise survey should remain as "may be required", rather than needless insisting on a full noise survey at this time. The council does not propose to make any modification to the plan in response to this representation.

The council accepts that reference should be included in Appendix 2 to Kirkhill Primary School as it does form part of the catchment area. This is a typographical omission which the council will be pleased to remedy when the Plan is finalised. (Such a revision would be applied to all three allocated sites in Dechmont).

NHS Lothian (0348)

The council maintain that the large former village hospital site with an extensive woodland component, especially in its north half as well as a former quarry, is not appropriate for development. It is not prepared to undertake an amendment to allocate the whole boundary of the NHS ownership to match the planning application boundary i.e. that includes a Special Landscape Area.

Similarly, with regard to an increase in numbers from 550 to 800, it has been the council's position for some time that the site cannot accommodate such a high number of units without a major detrimental impact on the landscape framework and conservation area around the former buildings.

It has already increased the number of units from 500 to 550 after review. To add a further 250 units or more units as the consultant suggests as the feasibility work on the existing buildings progresses, is to overdevelop the site and negate the woodland framework which the original hospital was developed around. It would also not respect the conservation area nor the conversion of a large number of the listed buildings.

Walker Group Scotland Ltd (0423)

The council notes the support of the respondents for the allocation of site H-DE 1 and how their site, H-DE 3 links with it. A new primary school is required to support the development of the former Bangour Village Hospital (H-DE 1) and in order to help reduce the per unit cost of the new school, and improve the viability of the development, it is proposed to bring forward an additional housing site at Dechmont on land that is not part of the Bangour Village Hospital site (H-DE 3). This site will however only be supported if it opens up the Bangour Village Hospital site for development.

The respondents support for Proposal P-23 is also noted.

John Johnston (21125984)

The council issued over 7,000 letters in respect of properties that abutted allocated sites in the Proposed Plan and it recognises that there was always the potential for mishaps of one kind or another to occur. Where these were known about and brought to its attention the council has sought to address such matters and of course apologises unreservedly. In this particular instance it is thought the reason why neighbours at different ends of a street received letters relating to just one of two allocations relates to the fact that each property abuts different, albeit adjacent sites. The notification rules appear to have been applied correctly, but it is a case of different properties only requiring to be notified of the site that is closest to it.

Representations to Allocated Sites

H-DE 2 - Main Street, Dechmont

Background

The Broxburn Area Local Plan (1989) showed this site lying outwith the settlement boundary of Dechmont and forming part of the Livingston Countryside Belt (Policies E5, E6, E9, & E10 being relevant). (CD 094) The adopted West Lothian Local Plan (2009) (CD 092) replicated this with the majority of the site still being outwith the settlement boundary and part of the Livingston Countryside Belt (Policy ENV 22), albeit that a narrow strip on the west side formed part of a small holding which was within the village boundary, but with no zoning as there was an allocated housing site adjacent to the west (HDm1). The Main Issues Report of the West Lothian Local Development Plan (2014) identified the site, in part, as a "Preferred New Site" (EOI – 0166) and assigned it a notional capacity of 30 units. (CD 079)

In January 2014, a Proposal of application notice was submitted for residential development on this site, ref. 0042/PAC/14 (CD 366). This was followed in July 2014 with the submission of an application for planning permission in principle, ref. 0586/P/14 (CD364b), which proposed a development of 120 units, double the capacity of what the Proposed Plan indicates. (CD 078) The council did not determine this application within the required period and this prompted the lodging of an appeal with the DPEA in October 2015. It was initially the subject of a hearing in April 2016 (PPA-400-2059). Scottish Ministers have since decided that they will determine this case and have prepared a direction to that effect. This means that the appointed reporter will produce a report and make recommendations in order for the final decision to be taken by Scottish Ministers.

John Macfarlane & Colin Macfarlane (21865046)

Raised a number of detailed matters. However, these are all addressed in the council's statement (CD 364c) on their appeal which has now been called in by Scottish Ministers.

Rhona Watt (21797504)

The council is satisfied with the principle of allocating this site for residential development and does not believe that it will have any significantly detrimental impact on views towards Binny Craig or the Bathgate Hills in general. The site was allocated in an attempt to bring forward new housing sites in and around smaller communities, as a counter balance to the larger and more strategic sites, and to spread the benefits of growth and

complement the wider West Lothian spatial strategy. The Proposed Plan identifies a capacity of 60 units, which the council believes can be satisfactorily accommodated while still retaining substantial areas of green space and established planting to the southern and eastern boundaries. The council does not propose to make any modification to the plan in response to this representation.

Dechmont Community Council (0162 and 21714614)

The council has sought to strike a balance between pressures for development and local needs, tailoring allocations to local circumstances and the characteristics of the site, and seeking to take account of the overarching objectives and other elements of the plan. It is therefore satisfied that a site of this nature is capable of accommodating a development of 60 houses and does not propose to make any modification to the plan in response to this representation.

The council notes that reference should be included in Appendix 2 to Kirkhill Primary School as it does form part of the catchment area. This is a typographical omission which the council will be pleased to remedy when the Plan is finalised.

Elaine Pringle (21704333)

Concerns about the physical nature of any future development and amenity issues are noted. However these are matters which the Development Management process takes precedence in addressing and the respondent is therefore encouraged to take the opportunity to engage in the consultation exercise allied to the planning application/appeal. The council does not propose to make any modification to the plan in response to this representation.

Representations to Allocated Sites

H-DE 3 – Burnhouse Road, Dechmont

Background

The Broxburn Area Local Plan (1989) showed this site lying outwith the settlement boundary of Dechmont and forming part of the Bathgate Hills Area of Great Landscape Value (AGLV) (CD 094). The adopted West Lothian Local Plan (2009) continued to show the site as part of the AGLV. The site was identified as a “preferred new site” (PJ066: “Burnhouse”) in the Main Issues Report of the West Lothian Local Development Plan (2014) with a notional capacity of 120 units, but with a caveat stating that it is a “Reserve site (only required if needed to support the delivery of Bangour Village Hospital site (H-DE1).”

Dechmont Community Council (0162 and 21714614)

While the adopted West Lothian Local Plan 2009 shows this site being within the Bathgate Hills Area of Great Landscape, the Proposed Plan has been informed by a review of landscape designations and site H-DE 3 is no longer embraced by such a designation. A separate Schedule 4 has been prepared which addresses the subject of Countryside Belts & Other Landscape Designations (1B) and is supported by the Local Landscape Designation Position Statement. (CD 212)

The Community Council stress that the Brox Burn should define the natural physical boundary between the village and the Bathgate Hills to stop “development creep”. The north boundary of H-DE 3 site is along a definable track that follows a major contour in the landscape east - west. There are many instances where burns flow through development areas rather than act as the boundary. The release of this greenfield site to support the delivery of a new primary school has necessitated a review of the previous AGLV boundary in this location as outline above

The Community Council point out that Burnhouse Road and the single track bridge over the Brox Burn is totally unsuitable for a residential development of the scale proposed. Within the Proposed Plan Appendix 2 from the Schedule of Housing Sites / Delivery Requirements; page 178 under “Transportation” it is pointed out that there will be a “new access from Burnhouse Road”. It is more than likely arising from the Transport Assessment that would accompany any future planning application that the capacity of this bridge, along with provision for footways to connect south into the existing village network at Burnhouse Road, would be assessed and bridge widening and / or replacement would be considered and undertaken by the developer.

The Community Council raise a traffic survey for the Bangour Village Hospital site highlighted an issue with the development of 500 houses causing issues on the main roads around the site. The additional traffic from 120 additional units in this location (i.e. at Burnhouse Road) would give rise to even greater traffic issues.

However, the council’s Transportation Unit consider that while appropriate road infrastructure improvements required from the Transportation Assessment process will be required and this can address increased traffic issues, the site remains on a bus route, has the strategic A89 cycle route between Newbridge – Bathgate along the south verge (that also intersects with the Livingston Greenway network just to the south west with the M8 overbridge at Wester Dechmont and also M8 underpass at Deer Park / Loan Path) and is within walkable distance for Up[hall Station rail station.

The West Lothian Local Plan (2009) recognised that scale of development proposed at the Bangour Village Hospital site (500 houses at that time) would require extensive changes to educational arrangements, particularly given that the local school is an Infant School with 2 classes on a limited site. (CD 092) This has meant that for some time that the education requirements allied to development at Bangour Hospital has always been known to be challenging and that it would require major investment and a bespoke solution.

NHS Lothian (0348)

Support for the allocation of site H-DE 3 for residential development in order to support the delivery of a new primary school at site H-DE 1 is noted.

Walker Group Scotland Ltd (0423)

The council notes conditional support for the allocation of site H-DE 3 for housing but does not agree that the development capacity of the site has been understated and the proposition that it is increased from 120 to 180 units. Housing numbers have been predicated on, amongst other things, environmental capacity and available education infrastructure, and the currently specified capacity is deemed appropriate in these regards. Furthermore, the council does not propose to remove the ‘reserve’ status which

attaches to this site. Its allocation and justification remains very much allied to supporting the delivery of a redeveloped former Bangour Village Hospital (H-DE 1) and the role it might play in this project has still to be concluded. For these reasons, the council does not agree to modify the plan in response to these representations.

It is acknowledged that there is an inconsistency in the referencing of site H-DE 3 in the Proposed Plan. The Settlement Statement in the Proposed Plan, Page 85, references the site as *H-DE 3 Reserve site (only required if needed to support the delivery of Bangour Village site H-DE 1)* while Appendix 2, Page 179, simply references it as *H-DE 3 Burnhouse*.

The council notes the respondents comments regarding the recording of the site area and accepts that it extends to 9.95ha and not 7.7ha as stated in Chapter 6 - Development Proposals by Settlement, Dechmont (page 85) and in Appendix 2 - Schedule of Housing Sites, Dechmont (page 178). The council would therefore not take issue if the Reporter was minded to direct that a correction should be made to this figure in the Plan.

The respondents suggestion that the entry relating to this site in Appendix 2 (page 178) should be amended to reflect site investigation works relative to flood risk are noted. However, the council considers it would be prudent to retain this advisory and it does not therefore propose to modify the plan in response to these representations.

The respondents have also suggested revising Appendix 2 to the effect that it should acknowledge the requirement to contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE 1) by inserting under the "Planning" column "The proposal will contribute towards the delivery of a new primary school at Bangour Village Hospital (H-DE 1)". The council recognises that it would be helpful to make it clear that there are expectations on developers to contribute proportionately to funding education provision and would therefore not object to the Reporter requiring this amendment should it be considered helpful in improving the legibility and understanding of the Plan.

John Johnston (21125984)

The council recognises that site H-DE 3 site is a greenfield site and embraces prime agricultural land.

Greenfield land, much of which is prime agricultural land, is an important resource and the council is alert to the needs to use it sparingly, hence the reason why the strategy for identifying additional housing land necessary to meet the identified build rate has been to give priority to the reuse of brownfield land within the existing urban area and to focus the limited greenfield land releases. The council has only allocated this site to support the delivery of a new primary school in Dechmont, circumstances which are held to be exceptional.

The adopted West Lothian Local Plan (2009) educational position for Dechmont was that the scale of development proposed at the Bangour Village Hospital site of 500 houses would require extensive changes to educational arrangements, particularly given that the local school is an Infant School with 2 classes on a limited site. (CD 092) This has meant for some time that the education solution would require major investment and school consultation to put in place revised arrangements.

Reporter's conclusions:

1. Our conclusions in respect of housing land are at Issue 1A. We find that it is likely that the number of houses which will be built during the period of the plan will fall significantly short of the housing supply target for the plan. My conclusions below take account of this context.

2. I sought further information (FIR41) from the council and a number of other parties in relation to development proposals in Dechmont. I take account of all of the responses I received, and refer to these as necessary below.

H-DE 1 Bangour Village Hospital

3. As noted above, there is an outstanding appeal for planning permission in principle on this site. This has been recalled by Ministers for their own decision, as have the related appeals for listed building consent. The appeal site includes further land to the north of the allocated site, encompassing a larger area of generally wooded land on the slopes above the hospital buildings. The application boundary contains all the land within NHS Lothian's ownership and all of the land which is currently the conservation area. Through the appeal, NHS Lothian seeks permission for around 800 new homes, and anticipates that there would be additional units from the retention and conversion of some of the existing listed buildings. Therefore, in broad terms, the appeal proposal reflects the changes being sought by NHS Lothian to the site allocation in the proposed plan.

4. Dechmont Community Council's representation appears to be an objection to the allocation of this site. Certainly it is suggested by the community council that the allocation needs to be reconsidered in the light of possible changes to the flight paths related to Edinburgh Airport.

5. Even as far back as 1991 (and the Broxburn Area Local Plan) the council has sought to secure a future for the redundant listed buildings at this former hospital. The current local plan (in 2009) went further, allocating the site for 500 houses to help enable the restoration of the buildings on site, or at least some of them. The evidence before me (and indeed my own visit to the site) attests to the high quality and interest of these buildings, and to the parlous condition of many of them. I support the council's objective, in allocating the site, of securing a future for some of these buildings.

6. The main difference between the current allocation in the local plan and the allocation in the proposed plan is an increase in the capacity of the site from 500 to 550 units. I am not persuaded, on the basis of Dechmont Community Council's representation, that this would now make the allocation unsupportable due to impacts on infrastructure. The site capacity is only indicative. It would be through the development management process, and taking account of a more detailed appraisal of infrastructure capacity, that an appropriate scale of development can be finalised. There is no compelling evidence to suggest that an indicative capacity of 550 is unreasonable or unrealistic in respect of infrastructure capacity.

7. Notwithstanding its opposition to development on this site, Dechmont Community Council also makes a number of suggestions in respect of the entry for the site in Appendix Two of the plan. In respect of noise, I cannot conclude for certain that a noise survey is required. I do note, however, the presence of noise from aircraft as well as from the M8, and I think this also worth referring to. Any measures which may be required to

mitigate the impacts of noise are best considered through the development management process, informed by a noise survey and assessment if required. It is possible that changes to the Edinburgh Airport flight paths could be a factor to be considered, but it has not been demonstrated that any such changes as may occur would make residential development of the site inappropriate.

8. Similarly, whilst a transport appraisal would be necessary for a development of this size (and I recommend a modification to clarify that), I don't have the technical evidence before me to conclude that this would, by necessity, require works at Dechmont Roundabout. It may well do, but this is a matter which is best left to arise from the appraisal itself, and the development management process.

9. The council acknowledges above that a mapping error means that the southern boundary of this site contains some land within some properties at Goodall Place. I agree that a modification should be made to correct this. It would also be helpful to clarify that the envisaged links to Goodall Place and Burnside are footpath links, not vehicular. Albeit there would be a new primary school as part of the proposals, Appendix Two should be amended so that it refers to Kirkhill Primary School. The same modification should be made for other allocated sites in Dechmont.

10. There are a number of differences between what the proposed plan envisages for this site, and the aspirations of NHS Lothian. In short, these relate to the extent and capacity of the allocated land. NHS Lothian wants an allocation for around 800 new build homes. Their representation on the proposed plan suggests that there could be in the order of 150 to 200 additional units in the converted listed buildings. In response to FIR41, NHS Lothian now states that the appeal proposals instead envisage around 90 units in converted listed buildings.

11. The proposed plan refers only to housing on the site. NHS Lothian refers to a potential range of ancillary uses, although the council does not offer a view on that prospect. NHS Lothian does not request any change to the allocation to indicate potential for a wider range of uses, and I am therefore content to leave this as a matter to be addressed through the development management process.

12. The number of units envisaged in the appeal proposal is, as I note above, significantly greater than those of the allocation in the proposed plan. Ministers have recalled the appeals for their own determination. They (based on a full report from the reporters appointed to those appeals) will have a much more detailed evidence base to inform any view they may take on this aspect of the proposal, and indeed on other matters which may be relevant to the appeals, for example education capacity and transportation impacts.

13. In these circumstances, I am not inclined to recommend that the indicative capacity of the proposed allocation be altered. The principle of development on the site is already established in the local plan, and I find above that this should remain the case. That principle would therefore remain established in the development plan even if the current appeals were to be refused. An indicative capacity which is lesser than that envisaged in the appeal proposals would not restrict Ministers' ability to issue such consents, should they be minded to do so on the basis of the evidence before them. I think it best to avoid this examination, on the basis of a much more limited evidence base, second-guessing Ministers' decisions on this aspect of the proposals.

14. That said, and although I have no strong basis on which to suggest an alternative figure, I have seen no compelling evidence which would point to a figure of 550 new build homes as being the most which could be satisfactorily accommodated on the site.

15. Although I recognise that much of the northern part of the site is wooded (and within the Bathgate Hills Special Landscape Area), the evidence before me does not demonstrate that no housing development should be countenanced there. I can see merit in the extent of the allocated site better reflecting the whole of the land owned by NHS Lothian, and the whole of the conservation area. The indicative masterplan shows housing development in the northwestern corner of the site (around the former quarry) and in the wooded corner of the site to the north of the Nurses Block. I make no comment on the appropriateness of these aspects of the masterplan – this is a matter best considered through the development management process. However, in order to help give the best chance of securing the investment needed to restore some of the listed buildings on the site, I do not think that the prospects of housing development on the northern part of the former hospital site should be ruled out. I therefore recommend that the plan be modified so that the entire former hospital site is included in allocation H-DE 1. I appreciate that this might imply a higher capacity for the site. However, and as I note above, I think this is a matter best left to the development management process.

16. NHS Lothian makes a number of other comments and suggestions not referred to by the council above. Some of these relate to housing policy more generally, and we deal with these under Issues 1A and 1H. However there are a number of others, which I address below.

17. It appears that NHS Lothian may consider that only part of the site merits conservation area status. Clearly, any subsequent comprehensive redevelopment of the site would also be a factor in such a judgement in the future. It is suggested that the plan should make provision for a review of the conservation area. I have not been furnished with all the detailed evidence (submitted in support of the current appeal proposals) which NHS Lothian says supports its position. I am not in a position to take a fully informed view as to whether the conservation area status of the former hospital site ought to be reviewed, with or without its redevelopment. There are statutory provisions relating to conservation areas, and I am content that the council can give proper consideration to this matter in discharging its statutory obligations.

18. Proposed plan Policy ENV 28 Listed Buildings encourages owners of major heritage assets to prepare and adopt management or conservation plans for these. NHS Lothian appears to suggest that such a plan should be prepared for the former hospital site. I can see that there would be value in that, in particular in respect of any of the listed buildings (and perhaps of other heritage assets) which are retained following any redevelopment of the site. I recommend an alteration along these lines.

19. NHS Lothian wants the Appendix Two entry for this site to reflect the status of the current appeals. In response to this, I would note that the status of the current planning appeals is that they are undetermined and, in any event, whatever planning status is ascribed to the site could quickly become out of date. Therefore I see no strong case for referring to the current proposals for the site.

20. It is also proposed by NHS Lothian that the proposal for a new primary school in Dechmont (P-23) is not shown as to be located within the former hospital site, but rather should be a more generic proposal for Dechmont. My understanding is that the principal

requirement for a new primary school at Dechmont would be because of the large number of houses (and therefore pupils) from the redevelopment of the former hospital. The appeal proposal provides for a new school, and the indicative plans show a number of potential locations for this within the site. Neither of the other two proposed allocations in Dechmont makes provision for the school, nor am I aware of any other potential locations within the village. In this context, it is appropriate that the plan associates the proposal for a new primary school with the redevelopment of the former hospital site. This would not preclude, should a better option emerge, the possibility of the school being provided on another site.

21. NHS Lothian would like 'Hospital' dropped from the title of the site, because it is no longer a hospital but is proposed to be a village. However, the site is commonly known as the former hospital site, and it is that former use (in particular the desire to preserve the listed buildings on the site) which is the main driver for allocating the site. The council's name for the site is therefore an appropriate one.

H-DE 3 Burnhouse

22. As is noted above, at page 85 of the proposed plan it is stated that this is a 'Reserve site (only required if needed to support the delivery of Bangour Village Hospital site H-DE 1)'. The entry for the site in Appendix Two does not describe it as a reserve site. The council states above that allocation of the site is proposed in order to help reduce the per unit cost of the new school at the Bangour Village Hospital site, and improve the viability of that development. This site will only be supported if it opens up the hospital site for development.

23. I sought, through FIR41, further evidence on the proposed status of this site, and its envisaged role in supporting development at Bangour Village Hospital. In responding, the council explains that a new primary school is required to accommodate pupils from the redevelopment of Bangour Village Hospital and from Main Street Dechmont (H-DE 2). A single-stream school could accommodate children from around 700-1000 new dwellings. Together, it is stated that the three allocated sites in Dechmont (550 units at Bangour Village Hospital, 60 at Main Street and 120 at Burnhouse) could deliver a suitable quantum of development to support such a new school. The inclusion of the Burnhouse site was because NHS Lothian stated that infrastructure costs would make a 550 unit development at Bangour Village Hospital unviable.

24. If, says the council, significantly more than 550 units are consented at Bangour Village Hospital, then the Burnhouse site would not be required and could in fact make it more difficult to deliver the new primary school and undermine the overall masterplan for the Bangour Village Hospital development. In addition, the council says that, if there are more than 550 units consented at Bangour Village Hospital then a catchment review would likely be needed for non-denominational secondary education. If so, there would be unlikely to be sufficient capacity in the new catchment school to accommodate development at both Bangour Village Hospital and Burnhouse. As both would feed to the same primary school, it would not be appropriate for them to feed to different secondary schools.

25. The council says that the need for any development on the Burnhouse site would only be established after a decision on the delivery of the Bangour Village Hospital site is reached. The numbers of houses envisaged in the appeal proposals for Bangour Village Hospital are such that, if approved, there would be no need for development at

Burnhouse. In that event, it is stated that development there should not proceed since it would not be needed to maintain a five year supply of effective housing land, would not be in keeping with the character of the village, would be within the Special Landscape Area and would exacerbate rather than solve education capacity constraints.

26. In responding to FIR41, Walker Group (the promoters of the site at Burnhouse) states that it is not appropriate to speculate on any higher capacity figure for Bangour Village Hospital other than the 550 units proposed in the plan. Walker Group also states that since the draft Housing Land Audit includes the site at Burnhouse, there is no basis for considering any scenario which excludes development there

27. In relation to primary schooling, Walker Group says that the appeal proposals for Bangour Village Hospital (as confirmed by the council's committee report for that development, and in its evidence to the appeal) are predicated on a two-stream primary school, not a single stream school. Walker Group also states that, during the course of the appeal proceedings, NHS Lothian stated that, in the event that the higher number of homes was approved at Bangour Village Hospital, contributions from Burnhouse would be even more important.

28. In respect of secondary schooling, Walker Group refers to the council's response to FIR07, where it is stated that Broxburn Academy has constraints which will be addressed either by a new secondary school at Winchburgh or by an extension to Deans High School. In either event, a catchment review would be required.

29. In responding to FIR41, NHS Lothian clarifies that, contrary to what is stated above, its representation simply notes the proposal for development on the Burnhouse site, rather than being supportive of it. Their preferred option is an increased capacity (beyond the proposed allocation of 550 new build homes) for the Bangour Village Hospital site. NHS Lothian states that there is no case for Burnhouse to be released at this stage to support development at Bangour Village Hospital. Like the council, NHS Lothian states that this could make it more difficult to deliver the new primary school and could undermine the Bangour Village Masterplan. Accordingly, if it is not required to support development at the hospital site then development at Burnhouse should not proceed.

30. The response to FIR41 from John Macfarlane and Colin Macfarlane states that, with additional capacity of 60 units at Main Street (H-DE 2) and a similar level of additional capacity at Bangour Village Hospital then the Burnhouse site would not be required.

31. I do not agree with Walker Group's contention that there is no basis for considering any scenario which excludes development at Burnhouse. The site is not currently allocated for development. There is no planning permission in place, albeit I now note that a proposal of application notice was submitted in June 2017. Inclusion in a housing land audit on the expectation that the site will be allocated in the future does not, it need hardly be said, mean that it must be so allocated. Both John Johnston and Dechmont Community Council are opposed to development on the site, and I must consider its suitability for development.

32. The site is a prominent one, in particular from the east. It comprises of land which rises up to the north, to an elevation well in excess of the existing village. Albeit its northern boundary may be defined by a track and a minor ridgeline, I do not find this proposed new settlement boundary (at least at present) to be a particularly strong one. Vehicular access to the site would be taken from Burnhouse Road, at a location which

would be currently outside the village. I have seen no indicative masterplan or layout for the development but it appears to me that the existing housing along Goodall Place, Goodall Crescent and Burnside Drive, and the Brox Burn itself, could be a constraint upon the provision of good footpath links from the site south into the village itself. The fairly steep valley of the burn, and its associated woodland, would also appear to be a constraint in providing footpath links with the former hospital site to the west.

33. The site is part of the Bathgate Hills Area of Great Landscape Value (AGLV) identified in the current local plan. The council's West Lothian Local Landscape Designation Review (CD87) identified this site as being part of the new candidate Bathgate Hills Special Landscape Area (SLA), indeed it was identified as part of the suggested core area of the SLA. But for the proposed housing allocation on the site, the plan would have identified the site as being within the SLA. The site is similar in character to the land on the opposite side of Burnhouse Road, which would remain within the SLA. I acknowledge, as pointed out by Walker Group, that the inclusion of the site in the former AGLV does not preclude it from being allocated. However, it does tend to reinforce my concerns about the prominence and sensitivity of the site.

34. Finally I note that, as the council confirms in response to FIR 41, around 80% of the site is prime quality agricultural land, albeit at category 3.1 and subject to 'wetness limitations'.

35. I acknowledge the concerns raised by Dechmont Community Council about the additional traffic which would be generated by development at Burnhouse, and about the narrow bridge over the Brox Burn. In general terms, however, I note that the council's transportation officials consider that the site is a relatively accessible one and that the impacts of additional traffic (including the need for any bridge replacement/widening, or other mitigation works) could be considered through a transport assessment. Although it would be a disadvantage in terms of integrating development on the site with the rest of the village, accessing the site via Burnhouse Road would mean that traffic from any new development could access the Dechmont Roundabout without the need to travel through the village centre. In any event, I am satisfied that the transport impacts of the development (which would need to take account of the likely scale of the proposals at Bangour Village Hospital current at that time) could be fully considered through the development management process.

36. All told, notwithstanding our conclusion at Issue 1A which I refer to above, I am not inclined to favour the allocation of this site for housing development due to the likely landscape and visual impacts of development and the relatively poor prospects for adequately integrating development on the site with the existing village and with development at Bangour Village Hospital. However, I must take account of the potential role of development at Burnhouse in supporting development at the hospital site and the provision of a new primary school.

37. Albeit I recommended that the boundary of the proposed allocation at the hospital site be expanded to match that of the planning application which is currently subject to appeal, I do not recommend a modification to increase the indicative capacity of the site beyond the 550 in the proposed plan. I cannot at this point reach a confident conclusion about the likely numbers of houses (if any) which would be approved at the hospital site. I have not had sight of all the detailed evidence which may have been submitted by the parties to the appeal in relation to the viability of different scales of development at the hospital site or the differing impacts of that (and of development at Burnhouse) on the

need for additional education capacity.

38. There is conflicting evidence before me as to the need for, and likely form of, investment in education infrastructure arising from development in Dechmont. It is not clear what changes to secondary school catchments and capacities might be required. This conflict and uncertainty (and noting also my recommendations below in respect of site H-DE 2 Main Street) undermines the case for allocating Burnhouse as a reserve site on the basis of it being needed to ensure the delivery of development at Bangour Village Hospital, and of the new primary school.

39. I also acknowledge Walker Group's concerns that the 'reserve' status of the site is not ideal. It does not provide the same certainty and assurance as an unqualified allocation would. It may be some time before a final view could be taken on whether development of the Burnhouse site would be needed. I also take heed of NHS Scotland's wariness of the need for agreements with or reliance on another developer in order to establish the phasing of development at the hospital site and the provision of the new primary school. Although, as Walker Group points out, this would not be a novel approach, it sheds further doubt on the case for allocating the site purely to help deliver development at the hospital site and the associated new primary school. Given my concerns above about the suitability of the site for development, I am lead to conclude that the site should not be allocated at all.

H-DE 2 Main Street

40. As is the case for Bangour Village Hospital, there is an outstanding appeal for a development proposal for this site. Again, this has been recalled by Ministers for their own decision.

41. In relation to the size of the site, it is clear from the council's response above, and its response to FIR41, that the intended extent of the allocated site is as shown on the proposals map. The site put forward through the 'call for sites' exercise was a larger site, containing additional land to the east and southeast. The Main Issues Report identifies that site as a preferred site 'in part'. It appears that the site area of 6.2 hectares in Appendix Two of the proposed plan is a factual error. The site of the application which is now at appeal is 6.4 hectares (or 6.2 hectares if the verge along the A899 is excluded). The size of the site proposed to be allocated in the proposals map is 2.9 hectares.

42. The appeal proposal is for 120 houses and would include land to the east and southeast, outwith the site proposed to be allocated – in fact covering the same extent as the site shown in the Main Issues Report. I deal firstly with the representations about the proposed allocation site from the community council and from local residents. I then go on to consider the representation from John and Colin Macfarlane, which seeks that a larger site be allocated

43. The site at Main Street would be a newly allocated site. It is not allocated in the current local plan. The community council reference to it being so, and to a capacity of 30 units, may stem from what the Main Issues Report said about the site.

44. As I observed during my site inspection, there is already housing development to the west and, for part of its boundary, to the south of the site. There is also a house at the northwest corner of the site (within it). At the northeast corner of the proposed allocation site are a group of trees amongst which is set a derelict bungalow and outbuildings.

45. There is no technical evidence that the site is of particular biodiversity value, including to birds. Impacts on protected species is a matter to be fully addressed through the development management process – it is not obvious why the presence of bats in the area need render the site undevelopable. The upper slopes of Binny Craig to the north are visible from some locations around the site, and will be visible from, for example, the houses on Craiglaw to the south. But I could discern no locations where there were any particularly notable or valued public views of either Binny Craig or the Bathgate Hills which would be significantly affected as a result of development of the site.

46. In relation to Elaine Pringle's concerns about privacy and overlooking, I find no reason to conclude that residential development of this site could not be made compatible with the similar residential uses adjacent to it. It is through the development management process where proper consideration can be given to ensuring a layout and design (including the heights of the houses) which ensures this. Albeit the OS base map may not show Ms Pringle's house, any development proposal would need to factor in the relationships with all neighbouring property, whether or not they are shown on that map.

47. As with site H-DE 1, I cannot conclude for certain that a noise survey is required. Any measures which may be required to mitigate the impacts of noise are best considered through the development management process, informed by a noise survey and assessment if required.

48. I appreciate that, in association with the allocation at Bangour Village Hospital (and noting my recommendation that the Burnhouse allocation be omitted), there would be a considerable amount of new housing development supported in Dechmont. However, this site would be the smallest of the proposed allocations in Dechmont. I consider that it would be a natural eastwards extension of Dechmont which could be developed without significant harm to the character and amenity of the village. I find that it is appropriate that site H-DE 2 be allocated for housing.

49. Having found that the site would be a natural extension to the village, and noting its size, I find that a capacity of 30 houses (as sought by the community council) would imply a very low density of housing. I see no reason, in particular given our findings on housing land at Issue 1A, to support such a low figure. Development ought to be possible at a considerably higher density without detriment to the character of the village (noting the different styles and densities of housing areas around the village) or the amenity of neighbouring houses.

50. The indicative capacity of the site in the proposed plan is 60 houses. John Macfarlane & Colin Macfarlane seek a capacity of 120 houses. This would be on the basis of the larger appeal site rather than the smaller allocated site.

51. The proposed plan envisages, it would seem, a 70m strip of undeveloped land to the east of the site, between it and the A899. In its appeal submissions, the council says that some of that could be planted with trees, but that there should be an open area between the new planting and the existing trees along the road, in order to protect the character of this avenue of trees. In fact, in response to FIR41, the council now says this strip is 115m wide and would allow a substantial shelter belt to be formed between the proposed allocation site and the A899, linking with the remnant Haggis Wood to the south, near the Dechmont Roundabout. This strip of land could also, says the council, accommodate a sustainable drainage system and open space related to the proposed allocation site. The appeal proposal before Ministers (albeit for planning permission in principle) has an

indicative layout showing a narrower strip of new woodland (perhaps around 30-40 metres wide) at the far eastern end of the appeal site, running immediately alongside the avenue of trees along the A899.

52. It seems to me that the A899 could provide an obvious eastern boundary to the village, and one which could be enhanced by strategic landscaping. The eastern boundary of the appeal site is very clearly defined by the A899, whereas the eastern boundary of the proposed allocation site is, on the ground, a much less distinct and natural boundary. And the 115m wide strip of undeveloped land (including some woodland) now envisaged by the council is considerably wider than the type of strategic landscaping one would normally expect to see for a development of this scale in a village-edge location such as this one.

53. It is not obvious to me why a narrower strip of woodland, such as that shown for the appeal proposal, could not perform the same function. I am not convinced that the line of trees along the A899 forms such a distinctive avenue that it requires an open area to the west of it. The council describes the eastern part of the site, in its appeal submissions, as 'a key landscaped gateway'. At present, however, it is overgrown and scrubby grassland which does not appear to me to be of any particular landscape quality.

54. In line with my comments above in relation to the education capacity implications of development at the Bangour Village Hospital site and the current uncertainty about the amount of homes (if any) which would finally be consented there (and in the light of my recommendation that the Burnhouse allocation be omitted) I see no reason why the additional education capacity requirements stemming from a further 60 homes at Main Street could not be factored in. Or, to put it more simply, whatever the overall scale of development supported in Dechmont, the council will need to consider the implications for primary school provision. There is no convincing evidence to suggest that an additional 60 homes on this site could not be planned for and accommodated as part that.

55. The community council is also concerned about the additional traffic from a development of this size, but does not say what specific problems are envisaged. It appears to me that the site could be easily and safely accessed from Main Street, from where new residents could access both Livingston and the M8 motorway via the A899 to the east, avoiding the need to drive through the village. An additional 60 houses on the site would not, on the face of it, appear likely to cause significant issues for the surrounding road network. Whilst the appeal proposal is a matter on which the Scottish Ministers must decide, I note that the transport appraisal for that development (which in fact was based on a nominal capacity of 165 units) concludes that the traffic from that scale of development could be satisfactorily accommodated. The council has not raised any concerns above in relation to any additional transport impacts which would arise from a larger allocation at this site. This all tends to support a conclusion that an expanded allocation ought not to raise any unresolvable issues in respect of its transportation impacts.

56. Given therefore our conclusions under Issue 1A that it is unlikely that sufficient homes will be built to meet the housing supply target for the plan, I consider that the site should indeed be extended to cover the larger appeal site, and its indicative capacity doubled to 120 units. Without taking a view on the specific proposal which is the subject of the appeal, the site appears to be generally capable of accommodating a development of that sort of scale. There is nothing to suggest that the other concerns raised by those opposed to development here (which I address above in relation to the allocated site)

would rule out the principle of development of the larger site. The southeast corner of the larger site (shown as protected open space in the proposed plan) is an area of scrubby woodland – Haggis Wood. The indicative layout for the appeal site excludes this from the development area, giving further support to my conclusion that the larger site could accommodate around 120 dwellings.

Reporter's recommendations:

1. In the proposals map:

1.1 Amend site H-DE 1 so that it has the same boundary as that of planning application 0607/P/15.

1.2 Amend site H-DE 2 so that it has the same boundary as planning application 0586/P/14.

1.3 Omit site H-DE 3. Include this land within the Special Landscape Area.

2. In the table of housing sites in Dechmont on page 85:

2.1 In the entry for site H-DE 1 Bangour Village Hospital, modify the entry under Site Size (Ha) to reflect the size of the enlarged allocation.

2.2 In the entry for site H-DE 2 Main Street, under 'Capacity', replace '60' with '120'.

2.3 Delete the entry for site H-DE 3 Burnhouse.

3. In Appendix Two, in the entry for site H-DE 1 Bangour Village Hospital:

3.1 Under 'Transportation', replace 'to link' with 'for pedestrian and cycle links'.

3.2 Under 'Transportation', add the following sentence: 'Transport appraisal required'.

3.3 Under 'Education', insert 'Kirkhill Primary'.

3.4 Under 'Other', insert 'and aircraft' after 'from traffic'.

3.5 Under 'Other', add a new sentence after the fourth sentence as follows:
'A conservation and management plan shall be prepared for the listed buildings on the site.'

4. In Appendix Two, in the entry for site H-DE 2 Main Street:

4.1 Under 'Capacity', replace '60' with '120'.

4.2 Under 'Education', insert 'Kirkhill Primary'.

4.3 Under 'Other', in the sixth paragraph beginning 'Existing small woodland...', replace 'could' with 'to'.

4.4 Under 'Other', replace the final paragraph beginning 'Requirement to accommodate...' with the following text:

'Requirement to accommodate a landscaped no build zone of between 30m and 40m depth along the eastern boundary of the site with the A899.'

5. In Appendix Two, delete the entry for site H-DE 3 Burnhouse.

Issue 11A	Allocation of housing land in East Calder	
Development plan reference:	H-EC 5	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Isobel Brydie (0178) Persimmon Homes (21800734) Scottish Environment Protection Agency (0243)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 6 - Development Proposals by Settlement Statement, East Calder (page 85) Appendix 2 - Schedule of Housing Sites, East Calder (page 181) Proposals Map 5, Villages (East Calder)</p>	
Planning authority's summary of the representation(s):		
<p>Isobel Brydie (0178)</p> <p>Development proposals should be planned to have no adverse impact on surroundings; open space should be protected; footpaths must be protected and improved where required for pedestrian safety; scale and design of development should be in keeping with the character of the area; provision should be made for housing for the elderly; avoid suburbanisation of this 'countryside' area: sensitive planning required to protect the landscape; protect trees and hedgerows; the number of houses must not exceed 500; remaining capacity should be 378; capacity issues at the East Calder treatment works; no neighbour notification received.</p> <p>Persimmon Homes (21800734)</p> <p>Objects to the current wording relative to the site capacity; seek amendment to site capacity and additional text relating to the site.</p> <p>Scottish Environment Protection Agency (0243)</p> <p>Identifies a requirement for a flood risk assessment to be included in the LDP.</p>		
Modifications sought by those submitting representations:		
<p>Isobel Brydie (0178)</p> <p>Seeks a limitation on the number of houses to be built to no more than 500 which leaves a remaining site capacity of 378.</p> <p>Persimmon Homes (21800734)</p> <p>Seeks amendment to site capacity (to read 560 units rather than 383 units) and reflect planning application ref. 0609/FUL/15 (CD315) and ref. 0198/FUL/15 (CD316). In addition, insert additional text under H-EC 5 entitled H-EC 5a entitled Raw Holdings</p>		

(Remainder II) with a site area of 12 ha and a capacity of 300 units to reflect additional land located within the CDA but outwith the application sites which could come forward in the longer term.

Scottish Environment Protection Agency (0243)

It is suggested that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan requiring a Flood Risk Assessment (FRA).

Summary of responses (including reasons) by planning authority:

Isobel Brydie (0178), Persimmon Homes (21800734)

The Raw Holdings (West) forms part of the wider Livingston and Almond Valley Core Development Area (CDA) with land at Almondell and Raw Holdings West forming the Calderwood section of this CDA. The approach to the Calderwood area is set out in the West Lothian Local Plan (CD092) paragraphs 7.88 – 7.97, with specific reference to Raw Holdings addressed in paragraph 7.89). The Local Plan sets a combined site capacity across the Calderwood area of approximately 2800 houses.

Following adoption of the WLLP, landowners in the Raw Holdings area prepared a draft development framework to guide future development in the area as required by paragraph 7.89 of the WLLP. The Framework, and the background to Raw Holdings, is set out in a report to the Council Executive of 14 June 2011 (CD206). The Development Framework was not approved by the council. The decision of the Council Executive on 14 June 2011 was to invite the landowners to submit proposals for Raw Holdings at a maximum of 12 dwellings per hectare, therefore limiting site capacity. No submissions have been received by the council to meet with this request. In addition, there is no agreed master plan in place for the whole of the Raw Holdings area. The lack of an agreed master plan has resulted in the piecemeal development of the area.

Planning consent has been granted on the Almondell allocation for 2300 houses (CD329). This has been followed up with a number of detailed planning consents which are now being implemented. This would leave a balance of 500 units to be built on the Raw Holdings allocation. Of this 500, planning consent has been granted for 90 private sector units at Seven Wells, East Calder which also forms part of the Raw Holdings allocation CDA allocation (CD368), with a further proposal for 27 new council houses. This leaves a balance of 383 units remaining for the Raw Holdings.

The council has received planning applications for further development at Raw Holdings.

The Cala Homes planning application for 300 units was reported to the Development Management Committee (DMC) on 16 December 2015 (CD316). Officer recommendation was to refuse the application, however, the committee determined to continue the application to facilitate discussion between all the developers expressing an interest in the area with a view to the formation of a master plan.

The application by Persimmon Homes for 258 homes has yet to be determined. The applicant has submitted a development framework (in conjunction with Cala Homes) as part of this proposal which identifies a site capacity across the Raw Holdings area of 830 units (CD315 and CD315a). The council has yet to determine the planning application.

A key requirement of the Calderwood CDA is for developers to provide for new education capacity in the form of land, new schools and school extension. This includes a need to secure land adjacent to St Paul's Primary School, East Calder to allow for an extension to the school and improved access. The land required is within the ownership of Persimmon Homes and forms part of the planning application 0609/FUL/15 and draft development framework.

The council has yet to agree the development framework/master plan for the Raw Holdings area. The development framework submitted as part of the Persimmon planning application does not fully meet the requirements of the development plan in terms of density. It does, however, provide for the principle of land being made available to provide for a school extension at St Paul's Primary School.

The LDP continues to support development of the CDAs (paragraphs 5.57 – 5.61, pages 25-26 and policy CDA 1). The policy advises that within the CDAs net housing densities shall average at least 25 units per hectare. However, the council has determined that the site capacity at Raw Holdings is to be no more than 500 units to reflect the requirements of the current local plan and previous decisions of the council as set out above.

Education forecasting indicates that there will be capacity issues at catchment schools both at primary and secondary school level (CD201) should numbers at Raw Holdings exceed the council's preferred approach of no more than 500 units.

It is not proposed to change the content of the LDP in relation to this site.

Scottish Environment Protection Agency (0243)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires a Flood Risk Assessment to be submitted.

Reporter's conclusions:

1. We deal with all of the issues raised in these representations under Issue 11C.

Reporter's recommendations:

No modifications.

Issue 11B	Allocation of housing land at Almondell (remainder), East Calder	
Development plan reference:	H-EC 9	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, East Calder (page 85) Appendix 2 - Schedule of Housing Sites, East Calder (page 182) Proposals Map 5, Villages (East Calder)	
Planning authority's summary of the representation(s):		
Scottish Environment Protection Agency (0243) - Identifies a requirement for a flood risk assessment to be included in the LDP.		
Modifications sought by those submitting representations:		
Scottish Environment Protection Agency (0243) It is suggested that additional text is incorporated into the entry referencing the site in Appendix 2 of the plan requiring a Flood Risk Assessment (FRA).		
Summary of responses (including reasons) by planning authority:		
Scottish Environment Protection Agency (0243) The site has a valid planning approval (ref. 0524/P/09) (CD329). SEPA was consulted on the planning application and on the inclusion of the sites in the LDP (CD208). SEPA's response to the LDP consultation is recorded in (CD249). Both responses indicated that SEPA were content with the approach proposed by the developer and this is reflected in the LDP. It is not proposed to change the content of the LDP in relation to this site. However, it is acknowledged that SEPA's position has been updated since the granting of planning approval and allocation of the site in the LDP for development. If the Reporter sees merit in altering the LDP the council would not object to this.		
Reporter's conclusions:		
1. We address SEPA's representation on this site under Issue 11C.		
Reporter's recommendations:		
No modifications.		

Issue 11C	Calderwood and Raw Holdings Core Development Areas (CDAs), East Calder	
Development plan reference:	H-EC 4, H-EC 5, H-EC 6, H-EC 7, H-EC 8 and H-EC 9 P-26 P-28	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (0243) East Calder Community Council (0361) Stirling Developments (21504629) Persimmon Homes (21800734)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 6 - Development Proposals by Settlement Statement, East Calder (page 85) Appendix 2 - Schedule of Housing Sites, East Calder (page 181-182) Appendix 6 – List of Proposals (other developments) – East Calder (page 276) Proposals Map 5, Villages (East Calder)Development Proposals P-26 Mansefield Park P-28 St Paul’s Primary School</p>	
Planning authority’s summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-EC 4, H-EC 5, H-EC 6, H-EC 7, H-EC 8 and H-EC 9</u></p> <p>Scottish Environment Protection Agency (0243)</p> <p>SEPA does not object to the CDA allocations but suggests that the references to flood risk in Appendix 2 are insufficient for some sites.</p> <p>East Calder Community Council (0361)</p> <p>Identifies a discrepancy between the housing numbers stated for Raw Holdings West. Suggests that the capacity figures on page 85 are correct, albeit, out of date and therefore somewhat misleading, but these are different from the figures shown on page 181.</p> <p>Comments that the absence of a masterplan for the Raw Holdings area of East Calder makes it very difficult to respond to potential changes at East Calder Park and the immediate surrounding area. However, it is suggested that the area known locally as ‘The Muddies’ together with the areas within Raw Holdings West which are used recreationally, should be subject to the provisions of Policy ENV 21.</p> <p>Persimmon Homes (21800734)</p> <p>Objects to the site capacity assigned in the Proposed Plan to Raw Holdings. Suggests that the capacity of H-EC 5 should be 560 units to reflect the current planning applications</p>		

being considered by West Lothian Council (CD315) and (CD316).

In addition, suggests that a further text entry should be added under H-EC 5 (Appendix 2, page 85) entitled 'H-EC 5a Raw Holdings (Remainder II)' with a site area of 12 ha and a capacity of 300 units. This is to reflect additional land located within the CDA but outwith the application sites which could come forward in the longer term.

Persimmon Homes (21800734)

Supports the LDP and the CDA allocations and seeks continued support from the council for CDAs.

Representations to Non Allocated Sites

Persimmon Homes (21800734)

Proposes allocation of additional housing site at Coxydene to support the Calderwood CDA, contribute to affordable housing and reduce current infrastructure requirements at the Calderwood CDA.

Policy HOU 3

Persimmon Homes (21800734)

With respect to the current demand for development sites from the housebuilding sector, to ensure development progress is made the respondent seeks an amendment to the current windfall site criteria. The windfall site criteria require that sites lie within the settlement boundary. The respondent suggests that areas within CDA planning approved boundaries be included.

P-26: Mansefield Park (pages 86/276)

East Calder Community Council (0361)

Identifies a spelling error in the table titled 'Other Developments' (page 86). Refers to 'the Muddles' whereas the correct term for this area of ground is 'the Muddies'.

Persimmon Homes (21800734)

Seeks clarification as to what is meant by "Park improvements at 'The Muddies' in association with Calderwood CDA". Proposes the text is amended to read "Park improvements at 'The Muddies' in association with Calderwood CDA. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others".

P-28 St Paul's Primary School (page 276)

Persimmon Homes (21800734)

Seeks clarification as to what is meant by "School extension and new access (including land)". Proposes the text is amended to read "School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by

way of developer contributions from others”.

Proposals Map 5: Villages

Persimmon Homes (21800734)

Objects to Proposals Map with regards to the extent of Site Ref H-EC 5 and seeks amendment to take account of the extent of the current planning application Ref: 0609/FUL/15 (CD315). A plan corresponding with the planning application boundary has been submitted which it is proposed should be substituted directly for the East Calder, Kirknewton and Wilkieston inset.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-EC 4, H-EC 5, H-EC 6, H-EC 7, H-EC 8 and H-EC 9

Scottish Environment Protection Agency (0243)

It is suggested that additional text is incorporated into the entries referencing the CDA (page 85) and allocated sites H-EC 5 and H-EC 9 in Appendix 2 of the plan to take account of SEPAs requirements in relation to flood risk.

East Calder Community Council (0361)

No specific modification proposed but it is assumed that a reconciliation of the capacity figures is sought.

Persimmon Homes (21800734)

Seeks a revision of the capacity shown in Chapter 6 – Development Proposals by Settlement (page 85) for site H-EC 5 from 410 units to 560 units.

Seeks a corresponding revision of the capacity shown in Appendix 2: Schedule of Housing Sites/Site Delivery Requirements (page 181) for site H-EC 5 from 383 units to 560 units.

Seeks insertion of an additional entry in both Chapter 6 and Appendix 2 entitled “H-EC 5a Raw Holdings (Remainder II)” with a site area of 12 ha and a capacity of 300 units.

Stirling Developments (21504629)

No specific modification proposed with respect to the CDA.

Representations to Non Allocated Sites

Stirling Developments (21504629) - Seeks allocation of additional housing site at Coxydene.

Policy HOU 3

Stirling Developments (21504629) - Seeks amendment to policy HOU 3.

The following amendment to the text is requested where highlighted text reflects additions to the policy.

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries and within approved planning boundaries provided:

P-26: Mansefield Park (pages 86/276)

East Calder Community Council (0361)

Seeks the correction of the spelling of a place name 'The Muddies' (page 86).

Persimmon Homes (21800734)

Seeks to amend the entry for P-26 on page 276. The following amendment to the text is requested where highlighted text reflects additions.

Park improvements at 'The Muddies' in association with Calderwood CDA. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others.

P-28 St Paul's Primary School (page 276)

Persimmon Homes (21800734)

Seeks to amend the entry for P-28 on page 276. The following amendment to the text is requested where highlighted text reflects additions to the policy.

School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by way of developer contributions from others.

Proposals Map 5: Villages

Persimmon Homes (21800734)

Seeks to amend the boundary of housing allocation H-EC 5.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-EC 4, H-EC 5, H-EC 6, H-EC 7, H-EC 8 and H-EC 9

Scottish Environment Protection Agency (0243)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the sites in Appendix 2 with the addition of text that requires a Flood Risk Assessment to be submitted.

East Calder Community Council (0361), Persimmon Homes (21800734)

The Raw Holdings (West) forms part of the wider Livingston and Almond Valley Core Development Area (CDA) with land at Almondell and Raw Holdings West forming the Calderwood section of this CDA. The approach to the Calderwood area is set out in the West Lothian Local Plan (CD092 paragraphs 7.88 – 7.97, with specific reference to Raw Holdings addressed in paragraph 7.89). The Local Plan sets a combined site capacity across the Calderwood area of approximately 2,800 houses.

Following adoption of the WLLP, landowners in the Raw Holdings area prepared a draft development framework to guide future development in the area as required by paragraph 7.89 of the WLLP. The Framework, and the background to Raw Holdings, is set out in a report to the Council Executive of 14 June 2011 (CD206). The Development Framework was not approved by the council. The decision of the Council Executive on 14 June 2011 was to invite the landowners to submit proposals for Raw Holdings at a maximum of 12 dwellings per hectare, therefore limiting site capacity. No submissions have been received by the council to meet with this request. In addition, there is no agreed master plan in place for the whole of the Raw Holdings area. The lack of an agreed master plan has resulted in the piecemeal development of the area.

Planning consent has been granted on the Almondell allocation for 2,300 houses (CD329). This has been followed up with a number of detailed planning consents which are now being implemented. This would leave a balance of 500 units to be built on the Raw Holdings allocation. Of this 500, planning consent has been granted for 90 private sector units at Seven Wells, East Calder which also forms part of the Raw Holdings allocation CDA allocation (CD368), with a further proposal for 27 new council houses. This leaves a balance of 383 units remaining for the Raw Holdings.

The council has received planning applications for further development at Raw Holdings. The Cala Homes planning application for 300 units was reported to the Development Management Committee on 16 December 2015 (ref. 0198/FUL/15). Officer recommendation was to refuse the application, however, the committee determined to continue the application to facilitate discussion between all the developers expressing an interest in the area with a view to the formation of a master plan (CD316).

The application by Persimmon Homes for 258 homes has yet to be determined. The applicant has submitted a development framework (in conjunction with Cala Homes) as part of this proposal which identifies a site capacity across the Raw Holdings area of 830 units (CD315). The council has yet to determine the planning application.

The council's response to policy ENV 21 is specifically addressed in a separate Schedule 4 number 26F.

Persimmon Homes (21800734)

The Council notes the proposed entry "H-EC 5a Raw Holdings (Remainder II)" with a site area of 12 ha and a capacity of 300 units".

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to modify the current allocation.

The current allocation is adequate to accommodate the substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply.

The site lies within the catchment of East Calder Primary School, St Paul' RC Primary School, West Calder High School and St Margaret's RC Academy and there are known education capacity constraints which would prevent expansion of the CDA in the short and medium term.

For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the Education Position Statement (201).

For these reasons, the Council does not agree to modify the plan in response to this representation.

Stirling Developments (21504629)

The council welcomes the respondents support for the LDP generally and the CDA allocations in particular. The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to support and encourage their development.

Representations to Non Allocated Sites

Stirling Developments (21504629)

Development at Coxydene would constitute a physical and intrusive expansion of the existing settlement.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

Significantly, the site is an integral part of the countryside belt to the east of East Calder, intended to prevent settlement coalescence, and the maintenance of this designation in the LDP is considered entirely justifiable. The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP.

The site lies within the catchment of East Calder Primary School, St Paul' RC Primary School, West Calder High School and St Margaret's RC Academy and there are known education capacity constraints which would prevent development of this site in the short and medium term.

For those sites which have been allocated for housing in the LDP there is an assumption

that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the Education Position Statement (CD201).

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate further land for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

POLICY HOU 3

Stirling Developments (21504629)

The council's response to policy HOU 3 is specifically addressed in a separate Schedule 4 (26G).

P-26: Mansefield Park (pages 86/276)

East Calder Community Council (0361)

WL/LDP/PP/0361 (Michelle Heron on behalf of East Calder Community Council)
The council recognises that there is a spelling error and is happy to correct this.

Persimmon Homes (21800734)

The Council has noted the suggested changes however it does not propose to modify the proposed plan. The suggested change to Appendix 6 – List of Proposals expands on the delivery mechanism which is to be agreed amongst the developers and as such it is not necessary to modify the plan as suggested.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that any detail of the delivery or land equalisation should not be included in Appendix 6.

P-28 St Paul's Primary School (page 276)

Persimmon Homes (21800734)

The Council has noted the suggested changes however it does not propose to modify the proposed plan. The suggested change to Appendix 6 – List of Proposals expands on the delivery mechanism which is to be agreed amongst the developers and as such it is not necessary to modify the plan as suggested.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that any detail of the delivery or land equalisation should not be included in Appendix 6.

Proposals Map 5: Villages

The Council notes that suggested boundary change of H-EC 5, however does not propose any modification with respect to this representation.

The extent of housing and land for East Calder park should be delivered through a Masterplan for this part of the CDA. No change to the boundary or extension of the allocation on Map 5 is necessary to inform development on the site. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions:

1. I also deal here with the representations the council addresses in the Schedule 4 forms for Issues 11A and 11B. I sought further information (FIR30) from the council and a number of other parties on matters related to development within the CDA. In addition to the council, both Persimmon Homes and Stirling Developments responded to this request.
2. On a point of clarification, it is Stirling Developments, not Persimmon Homes, which seeks allocation of land at Coxydene and a modification to Policy HOU 3. We deal with Policy HOU 3 under Issue 26G.
3. East Calder Community Council says that all developments in and around the village should include homes suitable for elderly residents. I consider that this is a matter best addressed through the development management process. Any incorrect spelling of 'The Muddies' can be corrected by the council as a 'non-notifiable' modification.

Flood Risk

4. The council confirmed in its response to FIR01 that the SEPA representations here (see site CDA-AD in Table 2 of SEPA's representation) relate to sites H-EC 6-9. In addition, SEPA's reference to 'site CDA-RW' in the same table is to sites H-EC 4 & 5. Albeit the planning permission may already be granted for part of these sites, it is possible that revised proposals might come forward. I therefore consider that it would be prudent that the entries for these sites in Appendix Two refer to the need for a flood risk assessment.

Isobel Brydie

5. Isobel Brydie (0178) makes a number of detailed comments about how development at site H-EC 5 Raw Holdings West (Remainder) ought to be designed, ensuring (for example) that the character of the area, footpaths and open space are protected. Capacity issues aside (I return to these below), I am satisfied that these matters can all be addressed through masterplanning for the site and through the development management process. That said, I note that the council is now (see below) minded to grant planning permission for housing over much of the land which covers H-EC 5. I have no technical evidence before which would suggest that waste water capacity is a constraint for this site.

Developer contributions – Proposals P-26 and P-28

6. I note the detailed modifications proposed by Persimmon Homes, about the arrangements for both the transfer of land and the developer contributions associated with park improvements at The Muddies, and the extension of St Paul's Primary School. I do not have detailed information about these arrangements such as would allow me to recommend these modifications. In any event, it seems to me that this would be

specifying a level of detail which it is not necessary to go into (and which could be unhelpfully limiting) in the LDP.

Site Capacities

7. The council's proposed capacity for the sites at Raw Holdings West is rooted in the former Edinburgh & The Lothians Structure Plan. That specified, as the council explains in response to FIR30, an overall limit across the Livingston and Almond Valley CDA of 5,000 homes. The council chose to plan on the basis of this upper limit. It assigned 2,800 of these homes to the Calderwood CDA in the current local plan, 2,300 of which were to be at Almondell ('Calderwood') and 500 at Raw Holdings West. Planning permission in principle is in place for 2,300 homes at Calderwood, and indeed that site is now delivering homes. Therefore the capacity of Raw Holdings West is 500 homes. Raw Holdings West comprises sites H-EC 4 and H-EC 5 (where it is also anticipated that a new secondary school will be built). 117 homes have already been built, explains the council, on H-EC 4. Therefore the remaining capacity at H-EC 5 is 387, which would take the total across both the Raw Holdings West sites to 500.

8. I understand this historical context. However, the Structure Plan is no longer extant. Nor are the capacity limits it set. I asked the council what specific harm there would be in exceeding the capacity figures for Raw Holdings and for the Calderwood CDA as a whole. Other than referring (as I describe in the paragraph above) back to how these capacities have been derived, the council did not point to any harm which would arise. I appreciate that the Structure Plan provided the context for the allocation of 500 units at Raw Holdings and 2,800 across the CDA. However, it seems to be to be an unsatisfactory basis on which to fix these capacities now. They have, in any event, and as described below, been overtaken by decisions the council has already taken.

9. The council refers above to two planning applications for housing development on sites which, between them, encompass much of site H-EC 5. The council advises, in responding to FIR30, that its Development Management Committee decided on 3 August 2016 (which was in fact more than two months before this plan was submitted for examination) that it was minded to grant both these applications, subject to the conclusion of Section 75 planning obligations. Although the applications remain undetermined, the council has therefore already decided that it wishes to grant permissions on site H-EC 5 which have a total capacity of (now, after slight amendments to one of the proposals) 553 homes. This is significantly in excess of the capacity of 383 units in the proposed plan.

10. These planning applications are the ones referred to by the council above - by Cala Homes (0198/FUL/15) for 300 homes and by Persimmon Homes (0609/FUL/15) for (now) 253 homes. The site of the Cala application is almost wholly within the site of H-EC 5 - covering the land south of the road from Mansefield out to Raw Holdings itself. The Persimmon site covers land at the northwestern edges of H-EC 5 as well as land south of St Paul's Primary School which is shown as protected open space in the proposed plan. The proposed plan also shows, in the general vicinity of this protected open space, proposals P-24 (a Partnership Centre), P-26 (Park improvements at 'The Muddies', in Mansefield Park) and P-28 (the extension of St Paul's Primary School).

11. The council explains that, at the time of drafting the proposals map, the precise locations of these proposals could not be delineated. Things, however, have moved on. Planning permission now exists for the Partnership Centre (in fact construction was well

underway at the time of my site inspection), within the northwestern corner of the area of protected open space on the proposals map. The extension of St Paul's Primary School is planned for the land to the south of the school. This is also shown as protected open space and is in fact within the boundary of the Persimmon site. Land to the south of the proposed school extension is also shown as protected open space, but this too is within the Persimmon site and the layout of the proposed development (which the council is minded to approve) shows housing on most of that land.

12. The council provided a drawing (which it says derives from the Cala application) in response to FIR30, which shows the disposition of all that I describe in the above paragraph. It also shows an extension to Mansefield Park, partly within and partly outwith the Persimmon site. The council suggests that, should the 'minded to grant' decisions be confirmed before this examination is completed, this drawing could provide the basis for amendments to the proposals map. However, whether and when these permissions are confirmed, what is currently shown in the proposals map for East Calder clearly does not now reflect what the council envisages will occur. It seems to me that the Cala drawing provided by the council best does this. Persimmon Homes provided its own suggested revised proposals map for East Calder alongside its initial representation. Although this shows the same extent of housing as the Cala drawing, it does not reflect the locations of the Partnership Centre and primary school extension. Therefore, I make a series of recommendations below which would modify the proposals map for East Calder so that it accords with the dispositions of uses shown in the Cala drawing. I also recommend a change to correct the planning status of the site.

13. Persimmon Homes also seeks, as described above, adjustments to the overall capacity of H-EC 5. My recommendations below would adjust the boundary of H-EC 5 so that it is consistent (in the area south of St Paul's Primary School and east of Mansefield Park) with the Persimmon application site. Across that application site and the Cala site, Persimmon suggests an indicative capacity of 560. As explained above, the combined output of the applications which the council are minded to grant would be 553 units.

14. Persimmon refers to additional land outwith these application sites but within H-EC 5. It refers above to a site area of 12 hectares and a capacity of a further 300 units. The precise boundaries of this 12 hectare area of land are not clear to me. Core Document CD315 contains an indicative masterplan for Raw Holdings, submitted in support of the Cala and Persimmon applications (the Cala drawing I refer to above appears to be based on an extract of this masterplan). Persimmon maintains that, as the council is minded to approve these applications then it is also minded to approve the masterplan. That is a matter for the council. Insofar as the masterplan shows land uses outwith these two application sites, approval of these applications would not bestow planning permission for any development proposal outwith them, regardless of what the masterplan shows. Nevertheless, the masterplan is helpful in seeking to determine what development may come forward in the remaining part of H-EC 5 which is outwith the Cala and Persimmon application sites.

15. The proposals map shows, indicated as being within the site of H-EC 5, Proposal P-30. Page 276 of the proposed plan identifies this as land for a new secondary school as part of the Calderwood CDA. The location given for this is 'Raw Holdings'. In accordance with what can be implied from the proposals map, the masterplan identifies the northeastern corner of H-EC 5 as the site for the new secondary school, some 10.7 hectares in total. The masterplan also shows a mixed use site (1.12ha) and Site C

(0.8ha) and Site M (5.12ha). It is not stated what uses would be proposed on sites C and M, but I assume the aspiration would be for housing development. Other than these, the masterplan appears to show some woodland, some open water and some 'white land' around the existing houses and other buildings at Raw Holdings.

16. It seems likely that there would be, in addition to the 553 homes which the council is minded to approve, further land within H-EC 5 which could accommodate housing development. However, I do not find that the masterplan (or any other evidence before me) supports the identification of a further 300 units on 12 hectares of land as proposed by Persimmon. I find above that the 383 unit capacity does not (being largely based on the former Structure Plan) now have a strong basis and has, in any event, been overtaken by the council's support for 553 units on only part of the site. I do not have any detailed evidence as to what other planning considerations (for example transport implications, impacts on other infrastructure, environmental considerations) might come into play should a larger capacity be contemplated for site H-EC 5. In the absence of any other evidence which would allow me to confidently select a higher figure, I recommend that the indicative capacity of H-EC 5 in the plan be increased to 553 units. The plan should also state that the total capacity of the site may be higher. I do not recommend that a further allocation of 300 houses, as H-EC 5a, be identified.

17. In order to be consistent with the figure given in Appendix Two of the plan, the capacity of site H-EC 9 Almondell (Remainder) given on page 85 of the proposed plan should be 2,020, not the 2,120 stated there.

Coxydene Farm

18. This site is at the far eastern end of the Calderwood component of the CDA. It is outwith the CDA allocation in the current local plan and outwith its successor allocation (H-EC 9 Almondell (Remainder)) in the proposed plan. It is within the planning application boundary for the planning permission in principle for the Calderwood development but, as the evidence submitted by both the council and Stirling Developments in response to FIR30 confirms, the 'Land Utilisation Plan' for the development shows that it is not an area which was anticipated to be developed.

19. The southwestern boundary of the site is defined by an overhead powerline. The Land Utilisation Plan, and other documents provided by Stirling, shows a corridor of greenspace, edged by avenues of trees, along the route of the powerline. This is intended to provide a landscaped eastern edge to the Calderwood development.

20. The site itself, as I observed during my site inspection, is relatively flat arable land, although it begins to rise up towards its northeastern edge, which forms the administrative boundary between West Lothian and the City of Edinburgh council areas. The land continues to rise, somewhat more steeply, in further fields to the northeast. Wrapping around this further arable land are the woodlands, on higher land still, associated with Bonnington House – now Jupiter Artland.

21. On the face of it, there may be the potential for further expansion of the Calderwood development into this site. The overhead powerline provides an obvious boundary to the development site (if not a naturalistic one) but the land beyond it would seem to be capable of being developed. The rising land and woodland to the northeast would provide natural containment, in landscape and visual terms, to further development here. Further landscaping could be undertaken on the northeast boundary, and in the fields

beyond if needed. The site is a little more prominent in views from the south (for example from some locations in Kirknewton) than the consented land to the west of it, but only modestly so. In this context, and developed after the Calderwood site had already been developed up to the powerlines, development on the site need not appear unduly obtrusive or out of place.

22. I note the council's concerns about the potential for impacts on the setting of Bonnington House, and what Stirling Developments says about this in response to FIR30. Bonnington House is a listed building, category A. There is also a sundial and dovecot (also both A-listed) within the grounds of the house. The arc of wooded land contributes to the setting of the house, as does the more formal designed landscape around the house. The site is not, as far as I understand, on the national inventory of Gardens and Designed Landscapes.

23. There would be views of the site from the western fringes of the woodland associated with the house. However, these views would already undergo substantial change as the Calderwood development continues. Development at the Coxydene Farm site would, of course, bring this change closer. However, I do not find that it need have a significantly adverse effect on the setting of the house or its grounds. There is no intervisibility, due to the woodland, between the house and the site. Nor can the house be seen from the B7015 to the south of the site. The woodland to the west and south of the house may form part of its setting, but in my view the proposed site, further down the hill and adjacent to the powerline, contributes little to that setting. There is little or no sense, when viewing the woodland from the road or from the site, of a designed landscape beyond it.

24. All that said, there are other factors which I think count against allocating the site in this local development plan. Most obviously, the site is at the far eastern end of the Calderwood development. Initial development there has, naturally enough, focussed on the western part of it, closer to East Calder. The Phase 3 Plan shows that development is expected to next proceed further east, but there would, even after that it is complete, still be extensive areas in the northern and eastern parts of the development still to be built. It is therefore likely that any development on the Coxydene site would not begin for a number of years, and not until development was underway on the development parcels immediately to the west of the powerline.

25. It has not been argued that development at Coxydene is required to ensure the delivery of any aspect of the consented development. It has not been shown how the site would be accommodated within a revised landscape framework and masterplan for the eastern part of Calderwood, or how it would affect the requirements for new infrastructure to be provided within the development, for example the proposed primary school within its eastern part. The site is also, it would seem from the council's summary of consultation responses to the call for sites exercise (CD90), prime quality agricultural land. Overall, I do not consider that there is a strong case for allocating the site for housing at this time.

Reporter's recommendations:

1. In the tables of East Calder allocations on page 85:

1.1. In the entry for site H-EC 5 Raw Holdings (Remainder), replace '410' with '553'.

1.2. In the entry for site H-EC 9 Almondell (Remainder), replace '2,120' with '2,020'.

2. In Appendix Two, in the entries for sites H-EC 4-9, under 'Flood Risk', insert 'Flood Risk Assessment required'.

3. In Appendix Two, in the entry for site H-EC 5 Raw Holdings West (Remainder):

3.1. Under 'capacity', replace '383' with '553'.

3.2. Under 'status', replace 'permission granted' with 'minded to grant'.

3.3. Under 'other', insert the following text:

'The indicative capacity of 383 relates only to those applications, on part of the site, which the council is minded to grant. The total capacity of the site may be higher.'

4. In the proposals map for East Calder, make adjustments as follows so that the proposals map accords with the map provided by the council as Appendix 5 (on page 5 of the council's paper of appendices) of its response, dated 19 May 2017, to FIR30:

4.1. Show the area of the partnership centre development (area A on the Appendix 5 map) as white land within the settlement boundary. Place Proposal P-24 within this area.

4.2. Show the area proposed for the extension of St. Paul's Primary School (area D on the Appendix 5 map) as white land within the settlement boundary. Place Proposal P-28 within this area.

4.3. Show the East Calder Park Extension (area E on the Appendix 5 map) and East Calder Park Extension (PHES) (Area F on the Appendix 5 map) as land safeguarded for open space. Place Proposal P-26 within this area.

4.4. Amend the western boundary of allocation H-EC 5 so that it accords with the area to be developed for housing as shown on the Appendix 5 map.

Issue 11D	Allocation of land for housing at Langton Road, East Calder	
Development plan reference:	EOI-0113	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Davidson and Robertson Rural (21870299)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, East Calder (page 85) Proposals Map 5, Villages (East Calder) Allocation of land for housing at Langton Road, East Calder	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>EOI-0113</p> <p>Davidson and Robertson Rural (21870299)</p> <p><u>Housing Land</u></p> <p>In justifying the release of this site for housing, the respondent states that despite an increasing rate of house building in recent years infrastructure and educational capacity continues to pose a serious constraint to house building, particularly within marketable CDAs such as Calderwood. In summary, all of the CDAs are underperforming in terms of output and this is having serious repercussions in attaining SDP targets.</p> <p>The site benefits from a sustainable location for housing development, is effective and is able to take advantage of available infrastructure. An opportunity exists for new housing to be integrated into the settlement pattern and allows additional flexibility in housing land supply to meet sustainable development objectives. New housing will raise the socio-economic profile support existing services, sustain facilities and contribute to the growth and increased vibrancy of the town. Allocation of the site would widen the choice range and mix of housing available as well as enhancing local community facilities.</p> <p><u>Countryside Belt</u></p> <p>The LDP has not undertaken a serious review of the countryside belt boundary at this location. The site would not adversely impact on the landscape but would integrate development on the urban fringe. Any adverse environmental impact is capable of being mitigated.</p> <p><u>Transport and Accessibility</u></p> <p>The site is ideally placed in transportation terms for housing development and is on a strategic transport node within the A71 corridor.</p>		

Modifications sought by those submitting representations:**Representations to Non Allocated Sites**

EOI-0113

Davidson and Robertson Rural (21870299)

Requests amendment to the countryside belt boundary and allocation of the site for housing.

Summary of responses (including reasons) by planning authority:**Representations to Non Allocated Sites**

EOI-0113

Davidson and Robertson Rural (21870299)

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

Significantly, the site is an integral part of the countryside belt around East Calder, intended to prevent settlement coalescence, and the maintenance of this designation in the LDP is considered entirely justifiable. The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP.

Development at this location would constitute a physical and intrusive expansion of the existing settlement with the danger of leading to coalescence and the site is also considered to be visually intrusive when viewed from the A71.

The site lies within the catchment of East Calder Primary School, St Paul' RC Primary School, West Calder High School and St Margaret's RC Academy and there are known education capacity constraints which would prevent development of this site in the short and medium term.

For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in Education Position Statement (CD201).

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for housing. For these reasons, the Council does not agree to modify the plan in

response to these representations.

Reporter's conclusions:

1. We address matters related to housing land supply at Issue 1A. There we find that the number of houses which would be built over the plan period is likely to fall significantly short of the plan's housing supply target. I therefore give serious consideration as to whether this site should be allocated for housing development.
2. The site is greenfield – predominantly paddocks and grazing land, and fairly flat. There is an informal tree-lined path along the western boundary, beyond which lies an area of housing. The land to the north, on the other side of Langton Road, is allocated for housing – site H-EC 5 Raw Holdings West (Remainder) in the proposed plan, where the council is minded to grant permission for residential development (see our conclusions under Issue 11C). The A71 runs along the southern boundary of the site, and there is further undeveloped land to the east. Overhead power lines, on steel pylons, cross the northwest part of the site.
3. The site was promoted to the council through the 'call for sites' exercise, but not preferred in the Main Issues Report. Davidson & Robertson Rural estimates that the site would have a capacity of around 120 units.
4. In respect of the concerns stated above by the council, I agree (as I observed during my site inspection) that the site would be visible from the A71. However, it seems to me that landscaping on this southern boundary could help soften the visual impacts of development from this road – there is a woodland strip between the housing to the west of the site and the A71, and there would be scope to replicate this arrangement in new development on the site. Subject to that, and an appropriate landscape treatment on the eastern edge of the site, development here need not be especially intrusive, in particular noting the existing housing to the west and 'minded to grant' application for housing to the north. I see no danger of coalescence with any other settlement, and the A71 would still provide a strong southern boundary to East Calder.
5. The site was assessed to inform the Strategic Environmental Assessment (SEA) (CD090) of the plan. This does not reveal any significant environmental constraints. I note that there are watercourses running through the site and along its boundaries, and it is reported that there is insufficient capacity in the relevant waste water treatment works. Therefore flood risk and drainage impact assessments would be required, but there is no reason to conclude any issues arising from these could not be resolved. I draw the same conclusion about any potential noise arising from traffic on the A71, again noting that the housing to the west is already fairly close to this road, albeit behind the belt of woodland. The power lines, which the council has not referred to above, are an obvious constraint on development. But they need not make the site undevelopable, and indeed they run through, in a landscaped strip, the adjacent area of housing to the west.
6. Our findings in respect of education capacity are under Issues 1F and 1J. In respect of East Calder, there is already to be significant investment in education infrastructure associated with the implementation of the Core Development Area allocations. That is a dynamic situation, as evidenced by the council now being minded to grant two applications for housing development on site H-EC 5 which, together, whilst only covering part of the site, have a total capacity significantly in excess of what the council had been arguing should be the indicative capacity of the whole site.

7. The council's most recent assumptions about the rate of new housing development (which inform its views about when new education infrastructure is required) are contained in its revised April 2017 draft of the draft 2016 Housing Land Audit. However, we note in our conclusions at Issue 1A that this revised draft has not been agreed (or even consulted upon) with the housing development sector. We find that it is too optimistic, and that the rate of housing development in the coming years is likely to be less than the council has assumed.

8. In this evolving context, and noting our general conclusions on education capacity, it ought to be possible to make provision for the additional numbers of pupils generated from development of this site at Langton Road.

9. I appreciate that the proposed plan already supports a very significant amount of development in and around East Calder. However, I see no evidence which indicates that any more cannot be countenanced, and indeed there may be advantages in terms of infrastructure provision of focussing further development there. I cannot say for certain when the site, if allocated, would be likely to deliver new housing. However there do not appear to be any constraints which would render the site incapable of becoming effective or which could not be addressed through the development management process.

10. Given all of the above, and noting our conclusions in respect of the likely shortfall in meeting the housing supply target, I recommend that the site be allocated for residential development. My recommendations below include matters to be incorporated in an entry for this site in Appendix Two of the plan, based on the evidence before me, including the SEA entry for the site and the various consultation responses to the call for sites exercise.

Reporter's recommendations:

1. In the proposals map, identify a new allocation H-EC 10 at Langton Road, East Calder, having the same boundaries as site EOI-0113 in Main Issues Report Map 5.

2. In the table of East Calder Housing sites on page 85, make a new entry as follows:

LDP Site Ref: 'H-EC-10'
 Location: 'Langton Road'
 Site Size (Ha): '5.3'
 Capacity: '120'

3. In Appendix Two, make a new entry for a housing site in East Calder as follows:

Site Ref: 'H-EC 10'
 HLA Ref: [blank]
 Status: 'New allocation'
 Site Name: 'Langton Road'
 Area (Ha): '5.3'
 Capacity: '120'
 Planning: [blank]
 Transportation: 'Access from the B7015'
 Education:
 'Catchment Area Schools:
 St Paul's Primary
 St Margaret's Academy

East Calder Primary

West Calder High

Contributions towards new education infrastructure may be required.'

Flood Risk:

'Flood Risk Assessment required

Drainage Impact Assessment required'

Other:

'The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

The site may have been subject to past coal working and an assessment and/or investigation may be required.

Potential capacity issues at East Calder waste water treatment works and early discussion with Scottish Water required.

Structural landscaping required along the eastern and southern boundaries of the site.

Footpath along the western boundary of the site to be retained/enhanced.

Noise assessment may be required.'

Issue 11E	Non-allocation of sites for development at Oakbank, by East Calder	
Development plan reference:	MIRQ0078/EOI-0104 Various	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Ian Findlay (21863501)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Landward (page 87) Appendix 2 - Schedule of Housing Sites, Landward (pages 191-192) Proposals Map 3, Livingston Area	
Planning authority's summary of the representation(s):		
<p>Ian Findlay (21863501)</p> <p><u>Background</u> (page 6)</p> <p>The council should be more mindful of West Lothian's shale industry past when making decisions as it has shaped so much the culture and environment today. The Oakbank Regeneration Project, which the respondent is promoting, makes a number of connections with this past and can at the same time make a positive contribution to the existing environment. In particular:</p> <ul style="list-style-type: none"> • Rebuilding the Oakbank Village, with homes, businesses, a village hall and wider community schemes yet to be realized. • Making use of brownfield land (previously used by the Oakbank Oil Company) • Rebuilding the community of Oakbank and facilitating access to surrounding parkland. • Addressing antisocial behaviour and repairing environmental damage. <p><u>Context</u> (page 7)</p> <p>Notes that the emerging LDP will promote development and growth in the right areas. However, the respondent states that West Lothian should not become too reliant on short term economic growth which so often fails. Past experiences suggest that where high-tech manufacturing has been encouraged to settle in West Lothian it has, as a result of global pressures, often failed. West Lothian should not be wholly reliant on the need to grow the local economy simply to generate tax income. The council should not expect to attract so much short term economic development which in the longer term are often at a cost. It should be mindful of the need to develop communities that are not reliant on new investment, and should concentrate on developing West Lothian in a sustainable manner for the long term.</p> <p><u>Role and Purpose of Plan</u> (page 7)</p> <p>Social considerations should be taken more into account when determining planning</p>		

applications. Considerations should extend to anti-social behaviour, poor health, environmental concerns, brown field sites, contamination risks etc.

Vision Statement and Aims (page 8)

Reference should be made to safeguarding income generating farmland
Community Regeneration - aims are agreed; Oakbank Regeneration Project would be at the heart of this vision.

Sustainable Housing Locations)

Sustainable housing is required all over West Lothian not just in the CDA, we should be mindful sustainable homes are required in the countryside.

Infrastructure Requirements and Delivery

There is a need for the Council to publish a systematic approach to the evaluation of infrastructure, e.g. the requirements of development in the countryside is very much different from the CDA. One model does not fit all.

Town Centres and Retailing

Agrees with aims.

The Natural and Historic Environment

Need to protect natural spaces not just open spaces so which are so often manmade and awaiting the next developer to arrive.

Climate Change and Renewable Energy

Statement makes no sense, what does this mean in practical terms, our vision towards the Climate and Renewable Energy are fundamental in encouraging future investment, this LDP is missing an opportunity if this is low on the vision agenda. West Lothian should be making a statement here and targeting the best Scottish region in developing performing low carbon developments or risk being left behind.

Waste and Minerals (page 9)

Regards mineral extraction as a lucrative business and suggests that the council should seek to ensure that approved schemes are required to not only minimise impact but to also contribute towards improving the area affected, and not just remediation at the end of the extraction period. Suggests that more should be done to compensate for social, economic and physical damage caused.

Spatial Strategy

Economic Development and Growth (page 12)

The LDP also should make reference to safeguarding income generating farmland.

Local business opportunities, small business start-ups and working from home (page 17)

Suggests that paragraph 5.26 is supportive of the type of businesses which the respondent is seeking to develop within the Oakbank Regeneration Project.

Community Regeneration (page 19)

The respondents cannot understand why the Council is not supportive of proposals for the re-development of this particular area.

Sustainable Housing Locations (page 20)

Sustainable housing is required in all parts of West Lothian including rural areas and not just in the CDAs.

Housing land requirements for the LDP (page 20)

Suggests that paragraph 5.36 is supportive of the proposed housing element the respondent is seeking to develop within the Oakbank Regeneration Project.

Effective Housing Land and Generous Supply (page 23)

Suggests that the sites at Oakbank are immediately deliverable save for education constraints. Also references support for the project from at least 40 parties.

New Housing Sites and Design (page 24)

Suggests that the Oakbank Regeneration Project will embrace a higher standard of design than typically seen within West Lothian.

Affordable Housing (page 27)

It is proposed to provide different models of home purchase including shared equity.

The council's response to Affordable Housing is set out in a separate Schedule 4 number (1H)

Infrastructure Requirements and Delivery (page 30)

Calls for the Council to publish a systematic approach to the evaluation of infrastructure which differentiates between the countryside and urban areas including CDAs. Makes the point that one model does not fit all.

Providing for Community Needs (page 32)

Proposes that developer contributions are levied to finance not just education but other social needs.

Green Infrastructure and Green Networks (page 34)

Indicates that the Oakbank Regeneration Project will aim to improve access to the adjacent Almondvale Country Park and identifies potential to link into and rebuild a

disability accessible path/cycle network on the North and South on the Linhouse Water

Walking and Cycling (page 37)

Proposes that the Oakbank Regeneration Project linkd the core paths and cycle ways to encourage the people to take healthier travel options.

Town Centres and Retailing (page 39)

Agrees with the council's strategy.

The Natural and Historic Environment (page 41)

Identifies a need to protect natural spaces and not just open spaces.

Development in the Countryside (page 42)

Observes that the policies relating to development in the country side appear to be aligned with single homes and not with small scale developments where community benefit could result. Suggests that there should be an opportunity to allow for small scale development in the countryside which are not necessarily associated with lowland crofting or agriculture. Considers the current policy too restrictive,

Country Parks (page 50)

Proposes improvements to the west end of Almondale Country Park on the back of the proposed development.

Allotments/Community Growing (page 51)

Indicates that provision would be made for allotments within the proposed scheme to encourage community produce being sold in a community shop.

Climate Change and Renewable Energy (page 62)

Finds it difficult to understand what this means in practical terms and concludes that the LDP is missing an opportunity. Suggests that the council should be making a statement here and aiming higher to be the best Scottish region in developing performing low carbon developments or run the risk of being left behind.

Low Carbon Development and Renewable Energy (Page 63)

Aligns the proposed allocation with the councils support for low and zero carbon homes.

Energy and Heat Networks (page 66)

Proposes to deliver a low / zero or potentially carbon plus development, through district heating and networked solar technologies.

Vacant and Derelict Land (page 72)

Notes that Oakbank is currently an area of vacant and derelict land but was in the past the location of a small mining community including 70 to 80 homes, a school, playing

fields and industrial works. Suggests that Oakbank has no realistic chance other than the proposed allocation to correct the environmental decay.

Appendices (page 99)

Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements (page 119)

Proposes that Oakbank should be allocated within the schedule as a deliverable site for up to 50 homes.

Identifies an error in the Proposed Plan which mistakenly identifies H-PU 2 as H-PU 3 and vice versa.

Glossary (page 280)

Suggests the format of this LDP is too similar to earlier documents and that it would be useful to highlight the main differences from earlier documents.

The supplementary guidance documents do not appear to give any more details despite there appear to be some positive moves with e.g. renewables

Notes a distinct lack of policies for agriculture and diversification with the result that rural living is side lined.

Proposals Maps

Encourages the council to avoid development on greenfield land and prioritise development to derelict/brownfield sites.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

EOI-0104/MIRQ0078

Ian Findlay (21863501)

Correct errors/site referencing in relation to H-PU2 and H-PU3 allocations.

The Oakbank site should be allocated within the schedule as a deliverable site for up to 50 homes in Appendix 2.

Summary of responses (including reasons) by planning authority:

Ian Findlay (21863501)

The site was the subject of a submission to the council's "call for sites" to inform the preparation of the West Lothian LDP and was identified as "not preferred" in the Main Issues Report (EOI-0104 refers (CD250). A subsequent submission was made to the LDP Proposed Plan seeking inclusion of the site in the LDP for development (MIRQ0078, CD251).

Spatial Strategy, Vision and Aims

The LDP sets out a development strategy which seeks to deliver a balance between development requirements and the need to protect the area's valuable natural environment; the LDP reflects that planning permission has been granted for development on land which is currently undeveloped and also includes brownfield sites. All sites suggested for inclusion in the LDP have been the subject of site clearance and regard to infrastructure availability. The council notes the comments made, but does intend to make any further changes to the LDP.

The council's response to the Spatial Strategy, Vision and Aims are set out in a separate Schedule 4 number 1C.

Appendices (page 99)

The council acknowledges that the error which has been identified is in fact with the labelling of sites H-PU 2 and H-PU 3 on Map 3 in so far as they do not correspond with the sites listed in the Settlement Statement (page 93) and Appendix 2 (page 224). The Reporter may wish to recommend that Map 3 is amended to correct this error, in which case the Council would be happy to comply.

The council's response to the changes to HPU 2 and H-PU 3 are set out in a separate Schedule 4 number 18B.

Glossary (page 280)

The council notes the comments made, but does intend to make any further changes to the plan.

The council's responses to supplementary guidance are set out in a separate Schedule 4 number 1E.

Proposals Maps

The council supports the re-use of brownfield land in appropriate locations and circumstances but it is considered that in order to meet housing needs and demands in the right locations that it is inevitable that greenfield land be released for development.

The council's response to the Proposals Maps is set out in a separate Schedule 4 number 1Q.

Representations to Non Allocated Sites

EOI-0104

Ian Findlay (21863501)

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more

suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

The site lies within the catchment of East Calder Primary School, St Paul' RC Primary School, West Calder High School and St Margaret's RC Academy and there are known education capacity constraints which would prevent development of this site in the short and medium term.

For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201).

The focus of development in East Calder lies in the Calderwood Core Development Area (CDA) to the east of the town. This site benefits from planning consent (CD329) for the construction of 2300 houses and construction has commenced. The site at Oakbank is regenerating to nature and is removed from the CDA.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for housing. For these reasons, the Council does not agree to modify the plan in response to these representations other than to correct typing errors/site referencing in Appendix 2 in relation to H-PU2 and H-PU3 allocations.

Reporter's conclusions:

1. In addition to promoting the development of land at Oakbank, Mr Findlay, representing Facilities Engineering and Design Solutions Limited, makes a number of comments about various aspects of the plan. We address economic development strategy under Issue 1P. We address housing land and policies under Issue 1A, where we find that the number of homes which will be built in the period of the plan is likely to fall significantly short of the housing supply target. We address affordable housing under 1H. We address infrastructure under Issue 1F and community facilities under 26I. We address climate change and renewable energy under Issue 1O, waste and minerals under 26Al and prime quality agricultural land under 26K. We address policy on development in the countryside under Issue 26Aj. Policies in relation to the natural environment are addressed under a number of issues, including 26Aa and 26P. We address the format of the plan under Issue 1L and the approach to supplementary guidance under Issues 1M and 1E. Errors in the mapping in relation to the sites at Pumpherston are addressed under Issue 18B.

2. In relation to what is described by Mr Findlay as the Oakbank Regeneration Project, an allocation for up to 50 homes on the site is sought. Core document CD250 is Mr Findlay's response to the Main Issues Report, and CD251 is the Vision Document for the project.

3. The latter document explains that Oakbank was a shale mining village established in the 19th century and associated with the former Oakbank Oil Works. The works were demolished in 1932. Over the years the village declined and the last of the houses, which formed a row along the east side of Oakbank Road, was demolished in the 1980s. To the

east of the site of the former row of houses are large concrete pads, the remnants of former poultry sheds on this land.

4. There are a handful of houses along Oakbank Road, as well as a vehicle repair business, a football pitch and a bowling green. These are not, however, identified as a settlement in either the current local plan or the proposed plan, lying outwith and to the southwest of the settlement envelope of East Calder.

5. The aim of the project is to regenerate the village. However, as the Vision Document explains, the row of miners' houses has long since disappeared. Whilst this land was formerly developed, it is now overgrown and turning to woodland. It appears more as part of the countryside than as an area of brownfield land. The Conceptual Layout (which I acknowledge is simply illustrative) in the Vision Document proposes housing on the site of both the former row of houses and the concrete pads to the east.

6. Whilst that eastern part of the site is more easily recognisable as brownfield land, overall I am not persuaded that development of this site (notwithstanding the laudable aims set out in the Vision Document) could readily be characterised as regenerating the former village. It would be a new residential-led development on land which is, at least in part, brownfield, but which is detached from the larger settlement of East Calder. It would have the appearance of a newly built hamlet in the countryside rather than a regeneration of the former mining village. I acknowledge the benefits of returning the land covered by the concrete pads to a beneficial use. But I do not consider that this is of sufficient benefit, notwithstanding our conclusions under Issue 1A, to justify a development of this size in this countryside location.

Reporter's recommendations:

No modifications.

Issue 12A	Allocation of land for housing in Fauldhouse		
Development plan reference:	H-FA 1 - Eastwood Park (East) H-FA 2 - Meadow Crescent H-FA 3 - Park West H-FA 4 - Shotts Road H-FA 5 - Breich Water Place H-FA 6 - Sheephousehill North H-FA 7 - Lanrigg Road (3) H-FA 8 - Eldrick Avenue H-FA 9 - Main Street (former cinema and garage) H-FA 10 - Eastfield Recreation Ground H-FA 11 - Former Victoria Park Colliery		Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):			
Helen Close (0333) James Ford (21903583) John Donald (0143) and (0144) Walter Crawford Property (0228) and (21774425)			
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Fauldhouse (page 86) Appendix 2 - Schedule of Housing Sites, Longridge (pages 183-188) Proposals Map 5, Villages (Fauldhouse)		
Planning authority's summary of the representation(s):			
<p><u>Representations to Allocated Sites</u></p> <p><u>H-FA 9 Main Street</u></p> <p>Helen Close (0333) - Concerned about proposed residential development on grounds that it would:</p> <ul style="list-style-type: none"> ▪ increase volume of traffic and parking where there is already limited vision and safety; ▪ increase public transport passengers with the effect of generating more litter in the burn which is adjacent to the bus stop; and ▪ increase flood risk <p><u>General complaints regarding planning in Fauldhouse</u></p> <p>James Ford (21903583) - The respondent objects to all of the proposed housing allocations in Fauldhouse. There is particular criticism of development being mainly located on the eastern side of the village and contributing to traffic congestion. The respondent suggests that many of the council owned sites in Fauldhouse were obtained through Compulsory Purchase Order and casts doubt on the legitimacy of proposals to develop housing on them.</p>			

Finally, the respondent claims to have received unfair treatment in his dealings with the council regarding planning related matters in the past and suggest that he has been 'black listed'.

Representations to Non Allocated Sites

EOI-0027 Crofthead Farm

James Ford (21903583) - This representation proposes the allocation of land at Crofthead Farm, Fauldhouse for housing and reference is made to a previous submission made in response to a "call for sites" exercise in 2011, EOI-0027, which was considered but dismissed at the Main Issues stage of the process. (CD079)

The respondent seeks to justify the allocation of site EOI-0027 by noting that it lies within the 30 mph speed limit sign on Longridge Road, whereas an allocated site, previously EOI-0124 and now referenced H-FA 11, is only partially located within the speed limit market sign. It is also suggested that the allocation of site EOI-0027 could help to boost the supply of affordable housing in the village.

PJ-0007 Land by Crofffoot Farm

John Donald (0143) and (0144) - The respondent unsuccessfully applied for planning permission in 2010, ref. 0330/FUL/10 for a rural crofting scheme covering four fields to the east of Willow Avenue – the application was withdrawn (CD343). Proposals for a smaller but similar development were submitted at the MIR (Main Issues Report) stage of the local development plan but were rejected on the grounds that the development was below the minimum threshold of five houses for allocating in the LDP.

John Donald (0143) and (0144) - The respondent seeks to have allocated a 0.92 hectare site on fields between Willow Avenue, the local sewage treatment works and the main house and buildings associated with Crofffoot Farm. The proposed site is immediately south of that in representation (0143) above.

Extension to site H-FA 11 - Lanrigg 2

Walter Crawford Property (0228) and (21774425) - It is proposed that site H-FA 11 - Lanrigg 2, should be extended to north-east / east / south-east for a total area of 7.5ha and that the settlement boundary should be re-drawn to embrace it. The respondent has subsequently intimated a willingness to reduce the size of extended area, effectively removing the area of land closest to Lanrigg Road.

Reasons given in support of this extension include:

- use of brownfield land instead of greenfield in accordance with national policy;
- no visual impact on settlement or character of town;
- would be accessible to town centre and by public transport;
- would add additional social housing and seek partner approach to achieve; and
- desire to extend their part-accepted site H-FA 11: Lanrigg 2 on basis of a comprehensive masterplan approach for company's entire land-holding.

Modifications sought by those submitting representations:Representations to Allocated SitesH-FA 9 Main Street

Helen Close (0333) - Intimates that the site should not be allocated for housing.

General complaints regarding planning in Fauldhouse

James Ford (21903583) - Intimates that none of the proposed sites should be allocated for housing.

Representations to Non-Allocated Sites

James Ford (21903583) - Promotes the allocation of site EOI-0027 (Crofthead Farm) for housing.

John Donald (0143) and (0144) - Promotes the allocation of site PJ-0007 (Land at Croftfoot Farm) for housing.

John Donald (0143) and (0144) - Promotes the allocation of a 0.92 hectare site between Willow Avenue, local sewage works and Croftfoot Farm main house and buildings for housing.

Walter Crawford Property (0228) and (21774425) - Seeks the extension of allocated site H-FA 11 (Croftfoot Farm) to north-east / east / south-east to join with other land owned by the respondent and to relocate the settlement boundary to accommodate this.

Summary of responses (including reasons) by planning authority:Background

The Proposed Plan identifies eleven housing sites in Fauldhouse. The sites are listed in the settlement statement (page 86) and in Appendix Two: Schedule of Housing Sites / Site Delivery Requirements (pp. 183-188). They are also illustrated on the proposals Map 5: Villages. The sites are either carried forward from the adopted West Lothian Local Plan (2009) (CD92), with many having the benefit of planning permission, or are new allocations.

Sites carried forward from the West Lothian Local Plan 2009

H-FA 1 Eastwood Park (East) – planning permission granted
 H-FA 2 Meadow Crescent
 H-FA 3 Park View (West)
 H-FA 4 Shotts Road
 H-FA 5 Breich Water Place – planning permission granted
 H-FA 6 Sheephousehill (North)
 H-FA 7 Lanrigg Road

New allocations

H-FA 8 - Eldrick Avenue
 H-FA 9 Main Street (former cinema and garage)
 H-FA 10 Eastfield Recreation Ground
 H-FA 11 Lanrigg Road 2

Representations to Allocated SitesH-FA 9 Main Street

Helen Close (0333) - Site H-FA 9 - Main Street is a new allocation. It does however have the benefit of having a planning brief approved by the Council Executive on 12/01/10 (and updated for the Proposed LDP at September 2015) which addresses a standard set of development issues relevant to this former cinema site. (CD191)

The site is eminently suitable for redevelopment and the suggestion that it is not allocated in the LDP for housing is rejected. The council offers the following responses to the concerns which have been raised:

- traffic and parking issues are addressed in the planning brief but will be assessed in detail at the planning application stage;
- litter created by transit passengers, while undesirable is not a sufficient reason to reject the redevelopment of a long-standing gap site on this section of Main Street; and
- site delivery requirements (page 187 of the Proposed Plan) already stress the need for a Flood Risk Assessment related to the adjacent burn and for the adoption of a sustainable urban drainage (SUDS) approach to site development, matters which the Development Management process is well capable of dealing with.

General complaints regarding planning in Fauldhouse

James Ford (21903583) - The council does not agree with the respondents' proposition to not allocate the eleven housing sites that have been identified.

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan, paragraphs 85-92, 106-113 and policy 5 and page 6, Table 3.1 (CD099). There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by SPP 2014 – paragraph 110) (CD068) the council has allocated a number of housing sites across West Lothian for housing development.

While it is the case that many of the allocated sites are in eastern part of Fauldhouse, the council's Transportation Manager has confirmed that suitable access can be provided to these sites. A Transport Assessment which was prepared in support of the Proposed LDP, the Transport Appraisal and Modelling MIR (CD83) advises of no significant impact on the road network or need for improvement arising from these developments.

With regard to the acquisition of sites through Compulsory Purchase Orders (CPOs), it is advised that this is not a process routinely used by the council and is only resorted to

rarely and always in very particular circumstances. The council is not aware of any of the sites in Longridge having been subject to such Orders but would be happy to investigate and respond if presented with any firm evidence.

In conclusion, the council considers that the plan should not be modified in respect of this representation.

Complaint

West Lothian Council is committed to providing high-quality customer services. If something goes wrong or individuals are dissatisfied with any aspect of our services, there is an established complaints procedure in place to deal with this. Complaints can be made in person at any of our offices, by phone, in writing or email via a complaints form. To date, and to the best of the knowledge of the Development Planning service, no formal complaint has been registered by this respondent.

Representations to Non-Allocated Sites

James Ford (21903583) - This representation seeks the allocation of site EOI-0027 (Crofthead) Farm for mixed use purposes (25.6 hectares) to the north-east of Eastfield Recreation Ground. The site was identified as 'not preferred' at MIR stage. The council has considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development for the reasons below:

- the location of speed limit signage is not a material factor in allocating development sites;
- affordable housing requirements are already provided for through Policy HOU 5 *Affordable Housing* in the Proposed Plan for all Council Wards in West Lothian including Fauldhouse and the Breich Valley;
- education capacity has already been factored into the allocation of sites and there is insufficient remaining capacity to service the development of another large site;
- while the site is recognised as being accessible to the village centre on foot, and accessible to bus local buses, it is some distance from the rail station;
- there are considerable ground stability issues in this area, including several disused tipping sites; and
- allocation of this site would further hasten the coalescence with Longridge, bringing the suggested eastern edge of Fauldhouse within just 500 metres from the edge of Longridge to the north-east.

The council does not therefore agree to modify the Plan in response to this representation.

James Ford (21903583) - This representation seeks the allocation of site PJ-0007 (Land at Crofthead Farm) for residential use (2.0 hectares/ 4 units of very low density housing). Site PJ-0007 was identified in the Main Issues Report (MIR) (pp. 142-3, Map 10) as a 'not preferred site' due to access issues. (CD079)

The council has considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development because there remain access issues from either the Croftfoot Estate via a narrow overbridge or via the sewage works access. There are better housing sites available in Fauldhouse within the settlement boundary and these have been allocated.

The council does not therefore agree to modify the Plan in response to this representation.

John Donald (0143) and (0144) - This representation seeks the allocation of a new housing site not identified at MIR (Main Issues Report) stage. The council has considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development due to lack of viable access and better sites are available as listed above.

Walter Crawford Property (0228) and (21774425) - This representation seeks the extension of allocated site H-FA 11 (Lanrigg 2) with relation to site EOI-0124 (Land on the north eastern boundary of Fauldhouse) which was identified at MIR stage as a 'preferred new site (in part)'.

The part of MIR (Main Issues Report) site EOI-0124 which is allocated is H-FA 11: Lanrigg 2 (1.7ha / 25 unit capacity). (CD079) The extended capacity sought is for approximately twice the allocated site, minus the area adjacent to Lanrigg Road. Notwithstanding supporting information submitted with the representation, there remain significant concerns about a proposed extension of this site;-

- the Proposed Plan at paragraph 5.2, page 10, states that sustainability factors are integral to site selection including 'to maximise the use of brownfield land' in accordance with national policy which has been followed as a principle in site selection;
- while the removal of the section of the site nearest Lanrigg Road would reduce visibility from vehicular traffic, significant tree cover loss from the proposed site would exacerbate visual impacts and negatively impact on the landscape character setting of town and the adjacent long distance footpath north to Whitburn;
- while the site is accessible to the village centre on foot, and accessible to bus local buses, it is distant from the rail station;
- affordable housing requirements are already provided for through Policy HOU 5 *Affordable Housing* in the Proposed Plan (page 28) for all Council Wards in West Lothian including Fauldhouse and the Breich Valley; and
- allocation of sites is not based on allowing developers to complete their masterplan ambitions, and the council must remain even-handed and neutral regarding ownership of proposed sites and would thus not give any credence to allocation by ownership.

The council has considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development; specifically ownership and masterplans are not reasons to allocate housing land.

Any further plan changes recommended by the planning authority

It has become apparent since publication of the Proposed Plan that there are several typographical errors in both the settlement statement (page 86) and Appendix 2 (page 184 and 188) regarding two allocated sites in Fauldhouse.

Site H-FA 3 is identified in both parts of the document as the 'Former Victoria Park Colliery' and assigned a site area of 1.7ha and a capacity of 40 units. This is erroneous. Site H-FA 3 in fact 'Park View (West). The site area is 1.27 ha and the notional

capacity is 30 units.

The residual columns in this table and which detail ‘Planning’, ‘Transportation’, ‘Education’, ‘Flood Risk’ and ‘Other’ development requirements have also become transposed and are incorrect. The information set out in H-FA 3 under these headings instead applies to site H-FA 11.

Site H-FA 11 is identified in both parts of the document as ‘Croftfoot Farm’ and assigned an area of 3.57ha and a capacity of 90 units. This is also erroneous. Site H-FA 11 is in fact ‘Former Victoria Park Colliery’. The site area is 1.7ha and the notional capacity is 25 units.

The residual columns in this table and which detail ‘Planning’, ‘Transportation’, ‘Education’, ‘Flood Risk’ and ‘Other’ development requirements are also incorrect. The correct information which should apply to site H-FA 3 Park View (West) is detailed below.

Status	Carried forward from WLLP
Planning	Identified as a site for housing
Transportation	Access via existing road at Park View to the south.
Education	Catchment Area Schools Falla Hill Primary/Whitburn Academy/St John the Baptist Primary/St Kentigern’s High
Flood Risk	Flood Risk Assessment required which assesses the flood risk from the small watercourses which flow along the north and west boundaries. Drainage Impact Assessment required.
Other	The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and or investigation may be required. Limited capacity at Fauldhouse waste water treatment works and early discussion with Scottish Water required. Requirement to accommodate a buffer strip of 6m between the development and the watercourse on the western boundary of the site. Developer contributions required to enhance local park provision

The council would be pleased to correct these errors if invited to do so by the Reporter and in the manner described above.

Reporter’s conclusions:

H-FA 9 Main Street

1. This is currently a vacant gap site located in a prominent location on Main Street in the centre of Fauldhouse. I noted during my site inspection that there is residential development to the east, south east and west of the site. I am mindful of the concerns raised by Helen Close in respect of allocation of the site for residential use. However, I am also aware that there is a council approved planning brief for the site which identifies flatted or terraced development as the proposed use.

2. The brief requires that satisfactory vehicular and pedestrian access to the site is achieved without adverse effect on the amenity of existing and proposed residents and road safety. The brief refers to the requirement for the provision of a turning space as part of the access road for the site and also that adequate visibility splays to Main Street are provided for the safety of both pedestrians and vehicle users. Parking provision requirements appear to be satisfactory for this urban location and I note the proximity of the site to a bus stop and regular bus services which would no doubt be of benefit to future residents.

3. I am therefore satisfied that traffic and parking issues can be appropriately addressed without detriment to neighbouring properties. Similarly, I am satisfied that flood risk concerns can be dealt with at the planning application stage with the planning brief requiring a flood risk assessment to be undertaken for the site. The potential for increased litter is not a matter I need concern myself with.

4. In light of the above, I consider residential allocation appropriate for the site. Given its current condition, I consider that development for residential purposes would enhance the site and the amenity of the local area. I am not satisfied that sufficient justification has been provided for me to recommend the removal of the allocation from the plan and I do not propose any modification in respect of this site.

General complaints regarding planning in Fauldhouse

5. Whilst I acknowledge that the majority of housing allocation sites are located on the eastern side of Fauldhouse, I note that there are several sites located within the centre of the settlement and also a site located on the western side, thus providing a range of site locations and sites of varying size. Whilst there is potential for increased traffic congestion on the eastern side of the settlement due to the allocations in this area, I noted the existing road infrastructure on the eastern side of the settlement during my site inspection and am satisfied that the sites allocated can achieve appropriate access to and from this. Nothing presented itself to me to suggest that the road network cannot accommodate these sites. I am also conscious that the council's transport modelling advises that there are no significant impacts on the road network as a result of the proposed allocations and further, no need for improvement to the road network has been identified as being required as a result of these allocations. In light of this and given my general observations, I am satisfied that the eastern allocations can be accommodated without significant adverse impact on the operation of the road network.

6. I note that the use of CPOs to purchase sites is not common practice for the council and I also note that the council is not aware of any sites having been subject to such orders. James Ford considers that he is being unfairly treated by the council in respect of planning matters. I note that there is an established complaints procedure operated by the council in order to deal with such matters, which do not have a bearing on my conclusions here.

7. In light of the above, I consider that there is insufficient justification to remove the proposed allocations from the plan.

Representations to non-allocated sites

8. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore, I

give serious consideration to the case for allocating additional housing sites in Fauldhouse.

EOI-0027 Crofthead Farm

9. This is a substantial site located on the north east edge of the settlement. James Ford intimates that none of the proposed sites in Fauldhouse should be developed and specifically criticises the majority of proposed allocations being on the eastern side of the settlement. It is therefore surprising that he is seeking to have this site allocated, given its size and its location east of the proposed allocation sites. In land use planning terms, logic would dictate that the sites closest to/abutting the current settlement edge should be developed in preference to leapfrogging these in favour of the above site.

10. The site forms part of the area of countryside separating Fauldhouse from Longridge to the north east. Should this site be allocated for development then it would significantly reduce the separation between the two settlements. I am not persuaded that because this site is within the 30 miles per hour speed limit and other sites are only partly within it that this should somehow count as an argument for justifying the allocation of the site over other sites. Whilst the allocation of the site might assist in the provision of affordable housing, the allocated sites in the proposed plan already provide several opportunities to do so.

11. Given my conclusions in relation to the extension to site H-FA 11 Lanrigg 2 to the west, which I come to below, and which I consider should not be allocated, it would not make planning sense to allocate this site which would be isolated and physically separated from the main settlement. Therefore I do not recommend that this site be allocated for housing.

PJ-0007 Land by Crofffoot Farm

12. There is residential development to the north and west of the site and the steading/former farmhouse at Crofffoot to the south, although this is not located adjacent to the southern boundary of the site for it to be considered a gap site. There are substantial tree belts along the site's northern, eastern and western boundaries which screen it from surrounding areas. This vegetation, whilst part of the character of the site, also reinforces the sense of separation from the established residential areas to the north and west. Access to the site from the north is via a single lane overbridge and whilst this might accommodate pedestrian access between the site and the settlement to the north, I do not consider it an appropriate site access for use by motor vehicles. Similarly, whilst there is an option to access the site to the south, this is via the sewage works access which is a rather convoluted access to this southern edge of the settlement. There is nothing before me which would justify allocating this site for residential use.

0144

13. This site (proposed in representation 0144 by John Donald) is not particularly well related to the existing settlement, facing onto the backs of properties along the southern edge of the settlement. The site is located immediately adjacent to the sewage works and if it were to be allocated would require to use the sewage works access road as its site entrance. As well as potential marketability issues associated with proximity to such a use, there is also an important amenity issue. The sewage works currently are located away from the settlement. If this site was to be allocated, it would bring residential

development significantly closer to the sewage works. I am therefore not convinced that the site is appropriate for allocation as a housing site. There is nothing before me which would justify allocating this site for residential use.

Extension to H-FA 11 Lanrigg 2

14. Given that sites H-FA 1 Eastwood Park (East) and H-FA 7 Lanrigg Road 3 are included in the current local plan and are carried forward as part of this plan, the allocation of H-FA 11, between these two sites, provides what I consider a logical infill development in this north eastern area of the settlement.

15. As has been commented on, there is a concentration of allocation sites on the eastern edge of the settlement including on part of Walter Crawford Property's land. Whilst Walter Crawford Property has put forward logical arguments for their extension to site H-FA 11 to be allocated also, I am conscious that to extend the capacity to approximately twice that of the allocated site would further reinforce the disparity between the eastern edge of the settlement and the rest of the settlement which has only relatively small urban infill allocation sites.

16. I consider that to simply extend H-FA 11 by the scale proposed would, in combination with the other allocations on the eastern side, create a significant imbalance in the future growth of the settlement. I consider this to be particularly important in the context of sustainable travel and given that the rail station is located at the western end of the settlement.

17. Whilst there has been some development on previously allocated sites (including allocation H-FA 1 in part) and some development on other additional sites, I am also mindful that there are several allocations identified within the settlement which have not progressed. This would tend to suggest that demand in this location may not be as strong as in other parts of the council area.

18. Walter Crawford Property has confirmed that the development proposals in this part of Fauldhouse have always been on the basis of a comprehensive masterplan for the company's entire landholding. Whilst Walter Crawford Property is to be commended for considering their landholding in a holistic manner, this does not compel me to conclude that the site should be allocated.

19. I noted during my site inspection that there is little to define the north eastern corner of the site and whilst there is a path along the site's eastern edge, it is not a particularly strong physical feature to differentiate from the expanse of rough grassland beyond. Irrespective of land ownership, I consider that the site's allocation would provide weak settlement boundaries that would prove difficult to defend in the future.

20. In the context of allocations H-FA 1 and H-FA 7, I consider the allocation of site H-FA 11 to represent a logical infill site which rounds off development in this location. Therefore I do not recommend that the proposed extension to the site is allocated for housing.

Any further plan changes recommended by the planning authority

21. The council refers above to typographical errors to sites H-FA 3 and H-FA 11, and invites me to recommend that these be corrected. However, the need for such changes

does not arise from the unresolved issues raised in representations. I therefore decline to make any recommendation in respect of the changes proposed. The council may wish to consider what changes it can itself make as 'non-notifiable' modifications.

Reporter's recommendations:

No modifications.

Issue 13A	Kirknewton General - Allocation of land for housing in Kirknewton, Proposal P-31 and other general issues relative to Kirknewton	
Development plan reference:	H-KN 1- Braekirk Gardens H-KN 2 - Station Road (East) H-KN 4 - Station Road (South extension) LATE - 0002 - Station Road P-31 - Milrig Holdings/Kirknewton Railway Station	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Margaret O'Donnell (0017) Kirknewton Community Council (0305) Kirknewton Community Council (0278) Kirknewton Community Council (0390) K.R. Hogg (0268) Scottish Environment Protection Agency (0243) Davidson & Robertson Rural (21870507) Drummond Homes (21735170) John Thomas (21438160) Susan Campbell (20988322) Gordon Hyslop (20952638) M Carr (21784245) J Johnston (21765868) Dr Tim Kempster (21518048) Scott Frost (21254632)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Kirknewton (page 87) Appendix 2 - Schedule of Housing Sites, Kirknewton (page 189 & 190) Proposals Map 5, Villages (Kirknewton)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-KN 1- Braekirk Gardens</u></p> <p>Davidson & Robertson Rural (21870507) - the legitimacy of allocating this site for housing is disputed as it has already been largely built out with only a relatively few completions remaining.</p> <p>J Johnston (21765868) - suggests that the extent of the remaining housing land at H-KN 1 should be fully enumerated in order to clarify the contribution this site has still to make to the land supply.</p> <p>Drummond Homes (21735170) - supports the sustainable development objectives set out in para 5.37 (page 20) of the LDP and specifically supports the allocation of H-KN 1 for housing, noting that it is in the process of being built out. Considers that the development of this site will assist in achieving a five year housing land supply, securing the provision of affordable housing and supporting community regeneration.</p>		

Susan Campbell (20988322) - supports the development of site H-KN 1.

Scottish Environment Protection Agency (0243) - does not object to the allocation but observes that Appendix 2 - Schedule of Housing Sites, Kirknewton (page 189) has not identified the requirement for a Flood Risk Assessment to determine the full extent of land capable of being developed. It is however acknowledged that the site has a long standing planning permission and is largely complete. Nevertheless, it suggests a revision to the text of the entry in Appendix 2 which expressly requires the submission of a Flood Risk Assessment and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

H-KN 2 - Station Road (East)

Davidson & Robertson Rural (21870507) – objects to allocation of the site for housing. Notes that the allocation has been carried forward from the West Lothian Local Plan (HKn7) (CD092) and cites this as an example of a housing site which has not been progressed over the course of that plan period, implying that it is non effective. Proposes that the site is deleted from the LDP in favour of an alternative site to the east and referenced LATE-0002 (CD181).

Davidson & Robertson Rural (21870507), Margaret O'Donnell (0017), John Thomas (21438160) and Gordon Hyslop (20952638) – object to allocation of the site for housing for one or more of the following reasons:-

- proximity to the Edinburgh-Glasgow railway line;
- proximity to overhead electricity transmission lines and pylons;
- susceptibility of the site to flooding;
- access constraints;
- generation of additional traffic;
- inadequacy of facilities in the village to accommodate further development (in particular the capacity of the local Primary School);
- loss of an open green space;
- physical relationship of new development to existing properties in terms of overlooking and loss of privacy;
- negative impact on private property values;
- ownership and tenure composition of the development

Susan Campbell (20988322) – supports the development of site H-KN 2.

Kirknewton Community Council (0305) - proposes that the site is not allocated for housing in the LDP and suggests that it should instead be landscaped and made available for a range of largely recreational uses. A document entitled the “Kirknewton Community Development Plan” is referenced and submitted in support (CD221).

Drummond Homes (21735170) - supports the sustainable development objectives set out in paragraph 5.37, (page 20) of the LDP and specifically supports the allocation of H-KN 2 as an effective site which is capable of being delivered during the plan period. Also supports Policy HOU 1 (which identifies sites H-KN 1 & H-KN 2) and their subsequent referencing in the Proposals Map and Appendix 2.

Considers that the development of this site will assist in achieving a five year housing

land supply, securing the provision of affordable housing and supporting community regeneration.

Identifies the rail station as being key to the sustainability of residential development and supports the provision of a new park and ride facility and electrification of the rail line in the plan.

Observations regarding constraints which have thus far hindered the development of the site are addressed. These are:

- site access - advises that a solution to what was a previously protracted issue has since been identified and agreed in principle with the council through a recent planning application relative to the site;
- noise and flooding - advises that these are matters which can be satisfactorily resolved by design;
- capacity restrictions at East Calder Waste Water Treatment Works – suggests that these can be overcome through negotiation and investment.

The subject of education capacity has been afforded particular attention. Specifically, it is recognised that new development will require to contribute to infrastructure, (in this instance the expansion of the local primary school) but there is anxiety that this should be proportionate and in accordance with Circular 3/2012 (CD031). The Proposed Plan is deemed not to be sufficiently clear on the role of the Council or other third party funding mechanisms to deliver new or expanded infrastructure required. Objection is therefore raised to paragraph 5.53, (page 23) which states that “where there is an infrastructure constraint, such as education capacity, this will require to be addressed by housing providers in the first instance”.

In the context of Kirknewton it is stated that it is untenable that the burden of a full school expansion should be placed on the first developer and the council is encouraged to act in partnership with developers to proactively enable such development using access to borrowing facilities such as Scottish Futures Trust or City Deal as well as the Local Infrastructure Fund. While acknowledging that paragraph 5.78 (page 30) and 5.84 (page 30) set out the principles that infrastructure must be paid for, there is concern that the actual mechanism is not clear from either the LDP or the Action Programme and therefore needs to be set out in greater detail.

Scottish Environment Protection Agency (0243) - does not object to the allocation and observes that Appendix 2 - Schedule of Housing Sites, Kirknewton (page 189) has identified the requirement for a Flood Risk Assessment to determine the full extent of land capable of being developed. It is however intimated that SEPA does not itself have any record of flooding which would support this requirement.

H-KN 4 - Station Road (South extension)

Davidson & Robertson Rural (21870507) - objection is raised to allocation of the site for housing. Notes that the allocation has been carried forward from the West Lothian Local Plan (CD092) and identifies it as an example of a site which has not been progressed over the course of that plan period which suggests that it is non effective. References the recent refusal of planning permission for retirement homes (ref. 0691/P/14) (CD326a and CD326b) and highlights concerns about general environmental constraints to reinforce the view that the site is non-effective. It is however suggested that if site LATE-0002 is

allocated then development of H-KN 4 may become a more viable proposition.

John Thomas (21438160), Susan Campbell (20988322), Dr Tim Kempster (21518048) and K.R. Hogg (0268) - objection is raised to allocation of the site for housing for one or more of the following reasons:-

- the definition of the site on the Proposals Map lacks detail;
- absence of demand for new housing in Kirknewton as evidenced by the slow pace of development on site H-KN 1 over a protracted period of time;
- development would have a negative impact on the character of Kirknewton, changing it from a rural village to a suburb of Livingston;
- impact on the visual and environmental amenity of the site has not been sufficiently taken account of;
- the resultant loss of natural habitat and wildlife (particularly protected species) and concerns that development would contravene wildlife legislation;
- the physical relationship of new development to existing properties in terms of overlooking and loss of privacy;
- an inadequacy of facilities in the village to support further development (in particular the capacity of the local Primary School);
- susceptibility of the site to flooding;
- unsatisfactory detail regarding access to the site;
- potentially conflicting with the existing access serving H-KN 1;
- collectively giving rise to road safety issues through the generation of additional traffic (particularly at peak times when the school is operational), placing additional pressure on already congested roads and on-street parking and impacting on the national cycle way which is partly on road;

Susan Campbell (20988322) - doubts the development of this site would secure the range of infrastructure requirements needed and also cites the inability of the council to secure provision of a new High School at East Calder in advance of housing in support of not permitting development in advance of development taking place. Asserts that building houses on H-KN 4 will not regenerate the community. Suggests that developed should instead be focused on sites H-KN1 and H-KN 2.

Tim Kempster (21518048) - intimates that there is public opposition to proposals to develop H-KN 4 as demonstrated by the volume of objections to a recent planning application (ref. 0691/P/14 (CD326a and CD326b) and requests that the site is removed from the plan.

K R Hogg (0268) - suggests the site is removed from the plan.

John Thomas (21438160) and M Carr (21784245) - supports carrying over the allocation of the site for housing from the West Lothian Local Plan (CD092) to the LDP as a means of meeting housing targets and supporting local services in the village and highlights the accessibility and sustainable nature of the site with reference to the railway station. Advises that the site owner is actively seeking development of the site and references a recent planning application (ref. 0691/P/14 (CD326a & 326b) (and which has recently been the subject of an appeal (CD326c).

Notes a commitment in the LDP to address local school capacity issues but suggests that the council has failed to do this. Urges the council to revisit this issue and use its development planning powers to enable land owners to deliver the primary school

extension.

Advises that the recent planning application facilitated discussion on education constraints and clarified a requirement for additional land to facilitate a primary school extension. A land exchange was tentatively agreed and will be progressed if or when a planning permission is granted.

Considers the indicative capacity figure of 30 houses is too low and suggests that there is scope to increase this depending on housing tenure/mix.

Notes requirement in Appendix 2 of the LDP for a flood risk and drainage impact assessment but advises that these have already been undertaken as part of the recent planning application with no adverse issues identified.

Scottish Environment Protection Agency (0243) - does not object to the allocation and observes that Appendix 2 - Schedule of Housing Sites, Kirknewton (page 190) has identified the requirement for a Flood Risk Assessment to determine the full extent of land capable of being developed and a Drainage Impact Assessment to assess the impact of the development of the local network. Suggests a revision to the text of the entry in Appendix 2 which expressly requires developers to contact the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Proposal P-31 - Milrig Holdings/Kirknewton Railway Station

K.R. Hogg (0268) and Scott Frost (21254632) - objection is raised to Proposal P-31 for a Park & Ride Bus Interchange at Milrig Holdings/Kirknewton Station for one or more of the following reasons:

- undermining policy regarding the development of land within the designated countryside belt;
- increasing traffic on an already congested and inadequate road (and further complicated by the location of the nearby level crossing);

Kirknewton Community Council (0278) and (0390) - supports the principle of a Park & Ride facility but would like to be engaged in discussions regarding the details.

Scottish Environment Protection Agency (0243) - does not object to the proposal. Suggests a revision to the text of the entry in Appendix 2 which expressly requires developers to contact the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

General Issues

K.R. Hogg (0268) –suggests that the cumulative development of sites in Kirknewton and elsewhere will destroy the character of small villages.

Susan Campbell (20988322) - identifies poor quality access roads, an inferior rail link, the level crossing and the high quality of surrounding farm as necessarily precluding the village from becoming an employment and residential growth area. Values its relatively small and self-contained character and expresses a preference for the status quo to be maintained. Has confidence in the community council to represent the best interests of

the village in planning and development matters.

John Thomas (21438160) - concerned about increased traffic generation from new development generally and sceptical that transport capacity issues can be addressed through developer contributions. Highlights practical restrictions of significantly improving road and rail links and doesn't have confidence that new technology and changes to working practices will have much impact.

Scott Frost (21254632) - suggests that the railway station would be better located on the eastern side of Kirknewton to be closer to the allocated housing sites.

Kirknewton Community Council (0278) and (0390) and Scott Frost (21254632) - regards the existing level crossing as unfit for purpose and argues that an alternative solution should have been promoted. There is particular concern at the lack of a pedestrian bridge or underpass.

Kirknewton Community Council (0278) and (0390) - suggests that local roads cannot cope with traffic relative to sites which have already secured planning permission let alone new allocations and suggests that road improvements and speed restrictions are required on roads between the A71 and the village now.

Calls for the full Wilkieston By-Pass to be constructed and for the City of Edinburgh Council to be engaged to facilitate this.

Recognises that there are capacity issues with the local Primary School which are an impediment to further development but does not necessarily want to see the school or village extended.

Identifies a requirement for a new community hall.

Proposes that the conservation area boundary is enlarged and afforded better protection.

J Johnston (21765868) - notes the general commitment to developing CDAs in West Lothian but calls for the council to ensure that existing settlements are also supported so that they can contribute to meeting housing targets.

Representations to Non Allocated Sites

LATE- 0002 – Station Road

Davidson & Robertson Rural (21870507) - proposes the allocation of land at Station Road Kirknewton for housing development and reference is made to a previous submission made in response to a "call for sites" exercise in 2011 (CD181) which argues the suitability of the site.

It is suggested that the inclusion of this site would assist in addressing a shortfall in the housing land supply and help to meet strategic housing land requirements in light of the alleged under performance of other sites allocated in the LDP, most notably CDAs. The council is criticised for overly relying on output from CDA sites which it is alleged are failing to deliver, especially in the early plan period, and largely due to education and infrastructure constraints.

The methodology used for determining housing land supply is criticised in so far as it used data from the 2014 Housing Land Audit and not the 2015 HLA and it is suggested that the output from constrained sites is in any event too optimistic.

The council's reasons for having not allocated the site post MIR stage are disputed (CD213). It is argued that the site represents a logical extension of the village and is an accessible and sustainable location for residential development which would have no significant environmental impact. It is proposed that the settlement boundary is amended to embrace the site. The site is considered to meet all the necessary tests of effectiveness and is capable of being delivered in the short term. In particular, it is disputed that there are any insurmountable education constraints to development and it is suggested that any required expansion of Kirknewton Primary School could be facilitated by development of this site and H-KN4.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-KN 1- Braekirk Gardens

Davidson & Robertson Rural (21870507) - objection is raised to the inclusion of site H-KN 1 and proposes it is removed from the LDP.

J Johnston (21765868) - suggests that the plan clarifies the number of houses that remain to be built on site H-KN 1.

Scottish Environment Protection Agency (0243) - suggests revisions to the text referencing the site in Appendix 2 of the Proposed Plan.

H-KN 2 - Station Road (East)

Davidson & Robertson Rural (21870507), Margaret O'Donnell (0017), John Thomas (21438160), Gordon Hyslop (20952638) and Kirknewton Community Council (0305) - objection is raised to the allocation of site H-KN 2 for housing and proposes it is removed from the LDP.

Drummond Homes (21735170) - supports the allocation of site H-KN 2, and while intimating no specific modifications, nevertheless seeks clarity on the role of the Council or other third party funding mechanisms to deliver new or expanded infrastructure and calls for the LDP to set these out in greater detail than has already been done.

H-KN 4 - Station Road (South extension)

Davidson & Robertson Rural (21870507) John Thomas (21438160), Susan Campbell (20988322), Dr Tim Kempster (21518048) and K.R. Hogg (0268) - objection is raised to allocation of the site for housing and it is suggested that the allocation should be removed from the LDP.

J Johnston (21765868) and M Carr (21784245) - while intimating no specific modifications the representations seek clarity on what the Council proposes to do about addressing local school capacity issues. It is also requested that a variation of the site capacity (30 houses) is allowed for.

Scottish Environment Protection Agency (0243) – suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan

Proposal P-31 - Milrig Holdings/Kirknewton Railway Station

K.R. Hogg (0268) and Scott Frost (21254632) - objection is raised to Proposal P-31 for a Park & Ride Bus Interchange at Milrig Holdings/Kirknewton and it is suggested that the allocation should be removed from the LDP.

Scottish Environment Protection Agency (0243) - it is suggested that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan

General Issues

K.R. Hogg (0268), Susan Campbell (20988322) and John Thomas (21438160) - while intimating no specific modifications the representations intimate dissatisfaction with the allocation of sites for housing in Kirknewton and the implication is that they should be removed from the LDP.

Scott Frost (21254632) - proposes that the railway station should be relocated to the eastern side of Kirknewton.

Kirknewton Community Council (0390) and Scott Frost (21254632) - suggests that the LDP should identify and encourage an alternative to the existing level crossing arrangements at Kirknewton.

Kirknewton Community Council (0278) - while intimating no specific modifications the representations identify a number of road improvement works and the implication is that these should be identified as proposals in the plan.

Proposes that the plan promotes a full Wilkieston By-Pass (as opposed to the “half” by pass identified in the plan).

Proposes that the plan should identify proposals for a new community hall.

Proposes that the plan should provide for an enlargement of the Kirknewton Conservation Area and afford it greater policy protection.

Proposes that the plan does not support the extension of the local Primary School nor the village in general.

Representations to Non Allocated Sites

LATE- 0002

Davidson & Robertson Rural (21870507) – argues that the site at Station Road (LATE-0002) is effective and deliverable in the short term and should therefore be allocated for housing in the LDP to augment the effective housing land supply.

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesH-KN 1- Braekirk Gardens

Davidson & Robertson Rural (21870507) - as this site has planning permission and remains active the council maintains that it is in order to continue to show it as an allocated site for housing in the Proposed Plan. The Proposed Plan recognises that the site is part complete and it does not conceal the fact in Appendix 2 that it has a relatively small remaining capacity (15 at the time of HLA 2014).

J Johnston (21765868) - the Housing Land Audit 2014 provides a reliable record of completions, indicating that there have been 109 completions from a total of 124, leaving a balance of 15 remaining.

Drummond Homes (21735170) - support for the continued allocation of site H-KN 1 is noted as is the observation that it legitimately contributes to the five year housing land supply.

Susan Campbell (20988322) - notes support for the development of site H-KN 1.

Scottish Environment Protection Agency (0243) - it has been explained that the site has an extant planning consent. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that requires a Flood Risk Assessment be submitted and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

H-KN 2 - Station Road (East)Infrastructure & Developer Contributions

Drummond Homes (21735170) - the council's approach to infrastructure and developer contributions is set out in a separate Schedule 4 number 1F.

Allocation as a housing site

Davidson & Robertson Rural (21870507), Margaret O'Donnell (0017), John Thomas (21438160), Gordon Hyslop (20952638) and Kirknewton Community Council (0305) - the site was allocated for residential development in the adopted West Lothian Local Plan 2009 (CD092) and referenced as HKn7 and is being carried over into the LDP.

There are a number of factors which may explain why the site has yet to be developed, not least that it has a significant capacity, at least in local terms, and that the demand for market housing in the village has previously not been as strong as it might have been. It is also the case that the site is in the same ownership as neighbouring site H-KN 1 which

has had a particularly slow build rate and is only latterly nearing completion. There are clearly commercial considerations in opening up a new development site and which the council as planning authority have no control over.

It is also recognised that there are a number of constraints relative to this site which may have encumbered its development in the past, education capacity and developer contributions being but two. An overview of education issues is set out in the Education Position Statement (CD201). The effectiveness of the site was therefore one of a number of considerations which informed the selection of sites at the Main Issues stage of the process and which was subsequently deemed to be satisfactory. Specific concerns regarding access have also been referenced by the site owners in their submission to the Proposed Plan. Consultations undertaken with key agencies and others suggest that other matters, including flood risk, railway noise, overhead electricity lines and amenity considerations are not insurmountable and are capable of being satisfactorily addressed. It therefore remains the case that the council continues to regard H-KN 2 as an appropriate and suitable housing allocation which can contribute to the overall supply of housing land and does not agree to modify the plan in response to these representations. Susan Campbell (20988322) - notes support for the development of site H-KN 2.

Kirknewton Community Council (0305) - the site is allocated for housing in the adopted local plan. The decision that housing development would be appropriate here recognised that it represented a logical physical extension to the village and that has not changed in the intervening period. The site is bounded on three sides by existing housing with a hard, physical and defensible boundary in the form of the Edinburgh to Glasgow Railway line to the north. It is also readily accessible by public transport and on foot and the council considers that the suggested alternative use of this site (recreational open space) would not make the most efficient use of this substantive land resource. There are other significantly large areas of open space nearby which are capable of being used for informal recreational use. Furthermore, when developed, it is anticipated that the site itself will yield an element of amenity open space due to the developable area being reduced by the need to accommodate a buffer to the railway.

While recognising that the "Kirknewton Community Development Plan" (CD221) has laudable aspirations to improve the provision for community and recreational activities in the village, the council does not believe that this particular site is appropriate for such projects. Consequently, the council does not agree to modify the plan in response to these representations.

Drummond Homes (21735170) - the council welcomes the support of Drummond Homes for the allocation of site H-KN 2 for housing and actively encourages the respondents (who own the site) to use its best endeavours to accelerate its development.

H-KN 4 - Station Road (South extension)

Davidson & Robertson Rural (21870507), John Thomas (21438160), Susan Campbell (20988322), Dr Tim Kempster (21518048) and K.R. Hogg (0268) - the site was originally allocated for residential development in the adopted West Lothian Local Plan 2009 (CD092) and referenced as HKn10. It was one of only four non-strategic sites promoted by objectors which was supported and recommended for inclusion in the Plan by the PLI reporter. (CD188). The site is retained and is being carried over into the LDP.

A 'notice of intention' relative to an appeal against the refusal of planning application (ref.

0691/P/14) (CD326c) was issued on 3 March 2016 and intimated that the reporter was minded to allow the appeal and grant planning permission for a residential development in principle, subject to conditions and the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997. As a consequence, it is the council's view that this serves to re-inforce the allocation of the site for housing in the LDP and for this reason, the Council does not propose to modify the plan in response to these representations.

J Johnston (21765868) and M Carr (21784245) - an overview of education issues is set out in the Education Position Statement (CD201). In this particular instance, however, the nature of the proposals which Reporters are on record as having 'minded to grant' is such that education considerations are effectively nullified by an age restricted occupancy condition. It is also the case that a legal agreement is to be drawn up for the transfer of land to the council for incorporation within the Kirknewton Primary School boundary to facilitate a school extension and this should have beneficial consequences for education provision in Kirknewton generally.

The number of houses identified in Chapter 6 - Development Proposals by Settlement Statement, Kirknewton (page 87) and Appendix 2 - Schedule of Housing Sites, Kirknewton (page 190) is indicative. It is for prospective developers to show an acceptable development scheme, via the normal development management process that would accord with all of the planning authority's expectations and requirements. That scheme may enable the development of more homes or it may mean less. Either way, the position remains to be finalised once a precise form of development emerges. At this early stage, it is not for the LDP to predict or restrict the outcome of that design process but it is reasonable and necessary to provide some indication of what the quantum of development is likely to be. In this instance, and now with the benefit of a 'minded to grant' intimation, a development of 35 houses has been sanctioned and the council would therefore not take issue if the Reporter was minded to amend the entry referencing the site in Chapter 6, page 87 and Appendix 2, page 190 to reflect this changed figure.

Scottish Environment Protection Agency (0243) - SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that contact is made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Proposal P-31 - Milrig Holdings/Kirknewton Railway Station

K.R. Hogg (0268) - the requirement for the provision of a Park & Ride facility at Kirknewton Station is a condition of planning permission 0524/P/09, the principal planning permission relating to the Calderwood Core Development Area (CD329a and CD329b). This is a 210 mixed use development comprising residential, commercial, industrial, recreational, retail use, community facilities, landscape, open space, primary and secondary schools and road and service infrastructure and as such the requirement has already been established and is non-negotiable. The car park requires to be phased over a period of time and is tied to house completions within the Calderwood development. Appendix 2, page 124, re-enforces this requirement. A planning application for the approval of matters specified in conditions was received on 20 August 2015 (0634/MSC/15) and is being processed (CD330a and CD 330b).

Kirknewton Community Council (0390) - the council welcomes the support of the Community Council for the principle of a Park & Ride facility and notes that it has been consulted on planning application 0634/MSC/15 and will have the opportunity to make detailed representations.

Scottish Environment Protection Agency (0243) - comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 with the addition of text that contact is made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

General Issues

K.R. Hogg (0268), Susan Campbell (20988322), John Thomas (21438160) - the Proposed Plan has sought to allocate a range of sites for housing and the council is satisfied that the sites which have been identified are in keeping with the Vision and Spatial Strategy set out in the Plan and are proportionate to the requirements of the village. Kirknewton is physically constrained to the north by the railway line and by a significant local bio-diversity site to the south and alternative suitable development sites are difficult to identify without further adding to its expansive form and impacting on the landscape setting of the settlement. For these reasons the council proposes to retain the allocated site and does not agree to modify the plan in response to these representations.

Scott Frost (21254632) - the council recognises the benefits of having a mainline station in this part of West Lothian and is anxious to make the most of such an asset. The Proposed plan is therefore supportive of improvements to Kirknewton railway station and identifies instances where developer contributions will be sought to enhance its use and render it a more effective transportation resource. There has however been no consideration afforded to relocating the station. The council has experience of negotiating the establish new railway stations elsewhere in West Lothian (Armadale, Blackridge and latterly Winchburgh) and is aware that such provision is invariably allied to strategic housing developments in the hundreds if not thousands. In the case of Kirknewton, no such quantum of housing is proposed or envisaged and this renders it an unrealistic financial. It is also just as likely that relocating the station, even it were economic and practical to do so, would disadvantage as many users as it would potentially benefit. For these reasons the council does not agree to modify the plan in response to this representation.

Kirknewton Community Council (0278) and Scott Frost (21254632) - the adopted West Lothian Local Plan addressed the issue of the level crossing at Kirknewton by expressing support for its closure (while maintaining two fully operational access points to the village). It did however acknowledge that if this was not possible it would be necessary for Network Rail to provide a full barrier option (paragraph 8.55, pages 141-142) and in the event that is what has transpired. Network Rail is of the view that level crossings are safe if used correctly but has since undertaken works to install a full width automated barrier and upgrade control measures to address the safety issues which had been raised. Notwithstanding this, the council recognises that the level crossing arrangement at Kirknewton remains contentious, and while it would not be opposed to its removal and replacement with a less disruptive engineering solution, it is concluded that this is an operational decision for Network Rail to make.

Kirknewton Community Council (0390)Road Improvements

The council's response to roads and transportation issues is set out in a separate Schedule 4 number 26V.

Wilkieston By-Pass

While the construction of a 'full by-pass' to the north of Wilkieston and continuing eastwards to Edinburgh would represent the optimum solution to addressing east/west traffic congestion on the A71, there is currently no intent on the part of the City of Edinburgh Council to promote works within their area which would facilitate this, as evident from the CEC Second Proposed Local Development Plan (CD192). The West Lothian LDP can only give expression to proposals within its jurisdiction and it has done so by promoting the Wilkieston Northern Bypass, a relief road for Wilkieston linking the A71 with the B7030. This represents a practical and achievable intervention which addresses as best it can traffic related issues on this important road corridor.

Community Facilities

The community needs of **Kirknewton** are currently served by two venues on Main Street, the Kirknewton Village Hall and the recently built 'Green Room', a social space built by the community and operated by Kirknewton Community Development Trust. Consultation with council service providers informed preparation of the Proposed Plan and there was no intimation of other proposals or programme to develop additional community facilities within the village at this time. Overall, facilities are commensurate with the size of the village but should proposals for come forward for additional facilities in due course they would be considered on their planning merits.

Kirknewton Conservation Area Boundary

The Kirknewton conservation area was designated approximately 40 years ago and it is recognised that there may have been developments which have had an unintended deleterious impact on its character and appearance over that period, so much so that it is not unreasonable that conservation area boundaries are periodically reviewed. The council is already committed to upholding the status of its nine designated conservation areas and policy ENV 23 intimates that further designations will be promoted where it is considered desirable to preserve or enhance their character and appearance. In compliance with the act, paragraph 139 of SPP 2014 (CD068) and PAN 71 : *Conservation Area Management*, (CD061), the council commenced a systematic review of its conservation areas under the terms of policy HER 18 of the adopted West Lothian Local Plan, starting in 2015 with the Broxburn Conservation Area Conservation Area Appraisal (CAA). This is a management tool which helps identify the special interest and changing needs of an area and provides the necessary information to create a development action plan in relation to protecting and managing the factors which led to the area being designated a conservation area in the first instance. It is intended that this should be a rolling programme and probable that the Kirknewton Conservation Area will be next to be reviewed.

Notwithstanding the above, the council would not take issue if the Reporter was minded to amend Policy ENV 23 to more explicitly reference this review process and commit the

council to undertaking Character Appraisals of each conservation area, their boundaries and the effectiveness of special planning policies and proposals, all to be progressed on a priority basis and made subject to consultation with local communities and drawing upon the published guidance in Planning Advice Note 71 : *Conservation Area Management*.

Planning Controls in Conservation Areas

A number of policies refer including HOU 3, ENV 23, ENV 24 and the council is satisfied that these provide sufficient safeguards to satisfactorily manage change in historic environments and are at the same time compliant with Scottish Historic Environment Policy (SHEP) (CD073) and SPP 2014 (CD068). It does not therefore propose to modify the Plan in the manner requested.

Extension of the Kirknewton Primary School

An overview of education issues is set out in the Education Position Statement (CD201) It is however the case that an extension in the capacity of this school will be required to service housing allocations in the Proposed Plan and the council cannot agree to withdrawing support from this proposition.

Representations to Non Allocated Sites

LATE- 0002

Davidson & Robertson Rural (21870507)

Background

The site is located south of Kirknewton and on the west side of the B7031. It is outwith the established settlement boundary, extends to approximately 5.5 hectares and comprises agricultural land.

Housing Land Supply

The council's justification for its approach to housing land requirements and housing land supply is set out in a separate Schedule 4 number 1A.

Allocation as a housing site

The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites. (LDP Proposed Plan page 10, paragraph 5.4). Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply, and in this eastern part of West Lothian there are significant committed sites in the Livingston & Almond Valley Core Development Area, particularly at Raw Holdings (H-EC 4/5) and Almondell (H-EC 6/9), which cumulatively provide a long term framework for settlement growth in the area over the Local Development Plan period. Generally, therefore, there are other more suitable sites available for development that can and are being brought forward to support development requirements and there is consequently no strategic need to bring forward additional land for housing in this particular location at this time.

The Council does not in any event consider this site to be an appropriate housing allocation for physical and practical reasons. The site comprises a prominent and attractive area of countryside and contributes to the setting and visual amenity of the area. Built development on an elevated sloping site, particularly of the scale proposed, would constitute a significant physical expansion of Kirknewton and urban intrusion into the surrounding countryside on the southern approach. It would adversely change the established character and appearance of the site and its surroundings and the council is not convinced that it could be successfully integrated, even with the addition of new structural landscape features. In this instance there is no justification to amend the settlement boundary to include the proposed site, and changes to such boundaries at this location would result in weaker boundaries and a diminishment of the settlement setting. Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development on the southern periphery of Kirknewton would be considered to be contrary to the terms of this policy and out of keeping with the character of the settlement and the local area. Development would also be contrary to the terms of policy 1B of the SDP (CD99, pages 14 and 44).

The site was previously subject to site assessment (CD200) and was identified in the MIR as a non-preferred site with reasons being allied to :

Education capacity

The site lies within the catchment of Kirknewton Primary School, St Paul's RC Primary School, Balerno Community High School and St Margarets RC Academy where there are known education capacity constraints which would prevent development of this site in the short and medium term. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the Education Position Statement (CD201).

Drainage

The site is served by the AVSE PFI East Calder waste water treatment works where there is insufficient capacity.

Hydrology

SEPA has identified a requirement for a Flood Risk Assessment for this site which assesses the flood risk from the small watercourse which flows along the southern boundary and to determine the extent of the land capable of being developed. Consideration also requires to be given to any culverted structures within or nearby the site which may exacerbate flood risk. SEPA advise that development of this site would increase flood risk to this site and out with this site if developed and advise of surface water issues recorded in 2001 at an inlet of a culvert downstream of this site.

Land Quality

The site comprise prime quality agricultural land of predominantly class 3.1 and its loss would be detrimental to agricultural production.

Previous attempts to promote residential development on this site have been rejected by Reporters appointed by the Scottish Government when considering the West Lothian Local Plan at the PLI. (CD188) WLLP PLI report Chapter 2.5 Livingston & Almond Valley CDA (Proposed Sites), paragraphs 5.3 – 5.16, pages 2.143 – 2.148. The site formed part of the proposals referred to as 'Site 1 –Overton'. Since the PLI there has been no substantive change in circumstance to support the identification of the site for residential development.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. I sought further information (FIR31) from the council, seeking purely factual clarification/updates on the pending planning applications/appeals for the Kirknewton Station park and ride and for sites H-KN 2 Station Road East and H-KN 4 Station Road (South extension).

H-KN 1 Braekirk Gardens

2. Albeit this site has largely been developed, it seems that it has not quite been completed (I noted construction work continuing during my site inspection) and therefore I see no harm in it being shown as an allocation. This does not affect our overall conclusions on the housing land supply position. Given that the site is almost complete, there is no need to modify the plan to require a flood risk assessment.

H-KN 2 Station Road East

3. This site (like all the other proposed housing allocations in Kirknewton) is already allocated for housing in the current local plan, establishing the principle of housing development. In relation to many of the matters raised by those who are opposed to this allocation, I am not aware of a change of circumstances which would warrant the site being de-allocated. Most of these matters would have been apparent when the site was first considered (for example the presence of overhead power lines and the adjacent railway) and/or could be addressed at the development management stage (for example ensuring the privacy and amenity of neighbouring homes is protected). I note that the plan would require a flood risk assessment to be undertaken, and that SEPA has no objection to the allocation of the site.

4. The entry for this site in Appendix Two of the proposed plan says that it is to be accessed from the C class road to the west. In responding to FIR31, the council supplied a copy of a decision letter on an appeal against the refusal of a previous application for planning permission on the site. Although the appeal was dismissed, the reporter (although finding that it would not be a straightforward matter) foresaw no insurmountable problems in providing a satisfactory access. Again, I am not aware of a change in circumstances which would challenge that conclusion.

5. In respect of the proposal from the community council that the site should be landscaped and made available for recreation, I can understand why this may be an attractive prospect, despite the presence of other open space in the village. However, this aspiration does not render the alternative proposal for the site - allocation for housing – inappropriate, in particular noting that it is already so allocated.

6. I acknowledge that, as an allocation carried forward from the previous plan, there has been a lack of progress on developing the site. However, Drummond Homes identifies those matters which are stated to have hindered development thus far, reporting progress with some, and confidence that others can be addressed. The council appears to share this confidence, at least partly on the basis of advice from statutory consultees.

7. Overall, the evidence does not point to the need to remove this site from the plan on the basis that it is incapable of being developed, or that that would be inappropriate.

H-KN 4 Station Road (South extension)

8. As with site H-KN 2, many of the matters raised by those who are opposed to this allocation would have been apparent when the site was allocated for housing in the current local plan and/or could be addressed at the development management stage. This includes the need to ensure that the privacy and amenity of neighbouring homes is protected. I note that the plan would require a flood risk assessment to be undertaken, although I see no need to provide further detailed advice in respect of this.

9. K.R. Hogg expressed concerns about the effects of additional traffic from the new development, including in association with traffic from site H-KN 1, an extended primary school, an enlarged East Calder and the proposed park and ride facility. I appreciate that the level crossing to the west of the village may cause traffic to queue into the village when the barriers are down. However, it seems to me that the additional traffic generated from site H-KN 4 would, in all this context, be fairly modest.

10. Susan Campbell suggests that the site could be suitable for the provision of renewable energy or community woodland. I can appreciate that such proposals might find favour with some in the village. However, these aspirations do not render the alternative proposal for the site - allocation for housing – inappropriate, in particular noting that it is already so allocated.

11. In any event, I note that the appeal for planning permission in principle for housing development on the majority of this site was allowed in October 2017. A planning obligation associated with the appeal provides for a transfer of land to the council to accommodate a future extension of Kirknewton Primary School. In addition, as retirement homes, there would be no significant impacts on primary school education infrastructure.

12. The indicative capacity of the appeal development is 35 dwellings. The description of that proposal says 'up to 35 retirement houses'. I note that this planning permission is in principle only, and that it is for 'retirement' homes which would normally be expected to take up less land than mainstream housing. It is still possible that the detailed proposals following the planning permission in principle have a different number of homes, or even that a different proposal could come forward for the site. This is acknowledged in the representations supporting the allocation. Noting that the capacity of 30 homes for the site in Appendix Two of the plan is indicative, I am satisfied that it need not be altered in the light of the appeal decision.

13. I acknowledge that, as an allocation carried forward from the current local plan, there has been a lack of progress on developing the site. However, the appeal decision points towards a measure of progress with this site. Overall, I am not persuaded that the evidence points to the need to remove this site from the plan on the basis that it is

incapable of being developed, or that this would be inappropriate.

14. I note that the proposals map may have wrongly included part of the rear garden of 13 Station Road within this allocation. If this is the case, correction of this would appear to be a minor matter which the council could address in the final mapping for the plan and as a 'non-notifiable' modification.

P-31 Milrig Holdings/Kirknewton railway station.

15. This proposal is for a park & ride and bus interchange on land to the north of the station and railway line. It would be associated with development at the Calderwood CDA, which lies to the northwest. There is a similar proposal in the current local plan, establishing the principle of this development. I note that Kirknewton Community Council is supportive of this proposal, and West Lothian Council advises that the provision of such a facility is already a requirement of the planning permission for the CDA. In responding to FIR31, the council advises that the planning application for the approval of matters specified in conditions referred to above (0634/MSC/15) which would, if approved, provide the detailed consent for this facility, has not yet been determined.

16. It is through the processing of that application that the detailed proposals for the site, including impacts on road safety and congestion, would fall to be considered. Although it would, of course, generate vehicular traffic itself, its purpose is to reduce overall levels of traffic and congestion by encouraging greater use of the train station. The council advises that the principal reason for the delay in determining the application is that agreement has not yet been reached on the access arrangements for the site.

17. In any event, on the basis of the evidence before me I do not consider that the support for this project in the current local plan should be abandoned. I recognise that it would mean development in an area of land which would otherwise be in the countryside belt covered by Policy ENV 7 of the proposed plan.

18. In respect of SEPA's representations, a reference to flood risk in the section covering the Calderwood CDA in Appendix Two may be helpful. However, the tables at the start of Appendix Two aim to summarise the education, transport and other infrastructure to be provided in association with each CDA. They do not set out the full list of other assessments and requirements for each, and I see no need to single out the flood risk assessment requirements for just one element of the infrastructure associated with one of the CDAs.

LATE-0002 Station Road

19. We find, under Issue 1A, that the number of homes which will be built in West Lothian during the period of the plan is likely to fall significantly short of the plan's housing supply target. Therefore I give serious consideration as to whether this site should be allocated for housing.

20. However, development of this site would represent a significant southward extension of the village on what would be, on land sloping up to the south, a prominent and visually sensitive site. In particular housing on the southern part of the site would be prominent when approaching the village northwards along the B7031. Development on the rising land on the western part of the site would also be prominent. Although it was being used for the grazing of sheep during my site inspection, I note that development of this site

would also involve development on what is classified as prime quality agricultural land. These factors mitigate against the allocation of this site for housing, and I do not recommend (despite our conclusions on housing land supply) that it be so allocated.

Other matters raised

21. It has been suggested that Kirknewton station be relocated further east, but there is no detailed evidence before me as to the costs, benefits or feasibility of doing so. The safety and operation of the level crossing at Kirknewton is a matter, in the first instance, for the operator of that facility. I have seen no specific proposals which aim to address this, or to provide a pedestrian bridge over the railway.

22. The community council proposes improvements and traffic management measures on the A71. This would be a matter for the council in the first instance, and the community council does not say that these measures are required as a result of development proposed in the plan. We address proposals in relation to the Wilkieston bypass at Issue 23A.

23. The council has stated its intention to undertake appraisals of the character and effectiveness of each of its conservation areas, and to consult with local communities in doing so. Kirknewton conservation area is likely to be the next to be carried out. In the absence of such an appraisal, I am not in a position to recommend that the boundary of the conservation area be extended, and less so to recommend what specific changes should be made. The council invites me to amend policy ENV 23 to refer to the above review process. However, the representation from the community council is concerned only with Kirknewton rather than with Policy ENV 23 more generally. I therefore do not recommend such a change. The community council also wants better protection for the conservation area, but does not suggest any specific changes to the plan.

24. The community council states a desire for a new community hall, but does not specify in its representation where this would be located. I am therefore not in a position to make any specific recommendation on this point.

Reporter's recommendations:

No modifications.

Issue 14A	Former “Freeport” Retail Village by West Calder	
Development plan reference:	MIRQ-0164/EOI-0161 Site H-LW 6.	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
A W Land Purchases Ltd (0231)		
Provision of the development Plan to which the issue relates:	Appendix 2: Schedule of Housing / Site Delivery Requirements Page 192, site H-LW 6 Proposals Map 3 : Livingston Area	
Planning authority’s summary of the representation(s):		
<p>A W Land Purchases Ltd (0231)</p> <p>The site should continue to be identified as a development opportunity, but should not be constrained in terms of the site area identified and the policy approach should be more flexible. The proposed plan is overly restrictive where a flexible, pro-active approach is required to ensure that a strategic masterplan can deliver regeneration and change to the existing site.</p>		
Modifications sought by those submitting representations:		
<p>A W Land Purchases Ltd (0231)</p> <p><u>Proposals Map 3</u></p> <ul style="list-style-type: none"> • The proposals plan should also be edited to reflect the opportunity that exists to develop the former Freeport site and the brown line defining the land ‘to the west’ of Livingston suitable for very low density housing, should be extended to include the wider Freeport site but exclude the area immediately around the bings. • Clarification is also sought on the definition of the existing Freeport site as a local Nature Reserve (indicated by the black triangle) as this appears to be within the existing development footprint. <p>A map extract has been submitted that shows suggested modified boundaries for the ‘land to the west’ where very low density housing could be appropriate and also a site specific boundary for Freeport including a potential Five Sisters Bing Scheduled Monument masterplan area. The proposed map is considered to provide a positive framework for future development and inclusion of the bing as a part of the strategy.</p> <p><u>Policy reference for Westwood/Freeport Village</u></p> <p>A specific policy reference for Westwood/Freeport Village should be worded as follows:</p> <p><i>“Re-development, or re-use, of Westwood/Freeport Village is supported for a range of</i></p>		

potential retail, leisure, commercial and residential uses. Some element of new or extended building outwith the existing development envelope including housing could be supported provided it is the minimum required necessary in terms of the financial viability of an appropriate scheme and delivers wider environmental and/or economic benefits.

Development proposals should be subject to an approved comprehensive development framework or strategic masterplan that successfully integrates with and respects the surrounding area particularly the setting of the adjacent Five Sisters Bing Scheduled Monument within a strong landscape setting and promote the principles of sustainable transportation, by supporting the use of public transport, walking and cycling.”

Summary of responses (including reasons) by planning authority:

A W Land Purchases Ltd (0231)

On the former “Freeport” Retail Village by West Calder, planning permission in principle was granted, subject to a Section 75 agreement, on 29 August 2013 for the reuse / redevelopment of existing vacant shopping / leisure centre for uses comprising of children’s indoor play area, dance studio, cafe, heritage centre, office / conference centre, retail, cookery school, garden centre and 30 houses (CD319).

Additionally, a Certificate of Lawfulness was issued on 3 October 2014 for Class 1 retail and / or any other uses specified in planning permission 0488/P/09; including Class 3 food & drink and Class 10 non-residential institutions.

In relation to the objection A W Land Purchases Ltd (0231), the Council has carefully considered the arguments put forward in support of the re-development of Westwood / Freeport Village and while there is merit in a pro-active approach and any development would be subject to a comprehensive framework or masterplan, it does not accept that housing should freely be considered outwith the footprint of the existing brownfield footprint as this would result in sporadic, isolated, large scale housing development in the countryside.

Proposals Map

- It is noted that the Freeport site lies to the west of the “brown line” for the policy relating to “Land Suitable for low density housing (Policy ENV 2; sections 5.148 – 5.151) and therefore sits within land suitable for very low density housing that was specially targeted at restructuring whole agricultural farm holdings in the west of West Lothian. This line was initially established in the Calders Area Local Plan 1995 before the “Freeport” development was built and the land was part of Auchenhard Farm.

Should the Reporter be minded to move the policy boundary to west of the Freeport site boundary, as it is no longer an agricultural unit nor meets the terms of the lowland crofting policy, then the council would not object to such an alteration.

- The location of the symbol defining the Local Biodiversity Site related to the Breich Water riparian corridor to the south is noted and as such the map could be updated and the symbol relocated to the south east to straddle the river.

Policy reference for Westwood/Freeport Village

A specific policy reference for Westwood/Freeport Village is not accepted as the site is covered within the landward section of Appendix 2. The council do not proposed to alter the Proposed Plan.

Reporter's conclusions:Proposals Map

1. I sought clarification from the council with the issue of a further information request (FIR23) as to what the "brown line" on the proposals map means in relation to the policy relating to land suitable for low density housing and what the implications are for land being located on one side of it or the other. I also sought the council's suggested alternative policy boundary excluding the Freeport site boundary.
2. The proposals map currently shows the Freeport site to the west of the brown line and within an area identified as suitable for very low density housing. I note that the line was originally defined in the Calders Area Local Plan 1995 when the site formed part of a farm and the purpose of the policy was to enable the restructuring of whole agricultural farm holdings in the west of the council area. The council has confirmed that land to the east of the brown line on the proposals map is not subject to the terms of the lowland crofting policy.
3. The alternative alignment for the lowland crofting policy boundary provided by A W Land Purchases Ltd is not suitable for inclusion, since it would not link back up with the policy line elsewhere – the plan provided is in that sense incomplete. It seems to me that, in any event, the line is intended to identify which parts of West Lothian are subject to the council's lowland crofting policy. It is not intended to imply that land outwith the policy area is suitable for high density housing development, or that any development within it must be low density. In this context, I see very limited reason for changing the line of the policy in response to the development aspirations of A W Land Purchases Ltd, and I decline to make such a recommendation.
4. This aspect of the representation does, however, highlight a problem with this element of the proposed plan. The line appears on the proposals map, but the policy itself, which is intended to relate to it, is absent. This lacks clarity. The council, in responding to FIR23, points to its intention to update the lowland crofting policy. In order for this to benefit from the scrutiny I consider to be necessary given the reference to this policy in the proposed plan, and in the interests of the clarity of the development plan as a whole, this update should be done by means of statutory supplementary guidance to the local development plan.
5. The Freeport site was subject of representations at the inquiry into the current local plan and I note the conclusions of the inquiry reporters in respect of the options that were explored as part of these representations. The reporters were clear that this site would not be a good location for housing, however, taking account of the limitations of this location, they accepted that the most likely way to achieve a beneficial use of the site would be through the types of uses proposed, enabled by a small amount of housing. In reference to the area's character and location, the reporters concluded that the housing should be of a type which merits a rural location. The reporters were clear that no more than 30 very low density houses should be allowed and that all the development should be achieved within the footprint of the existing retail village. The reporters concluded that

a greater number of houses would be excessive for this location.

6. Given A W Land Purchases Ltd owns the site and the Five Sisters being scheduled monument, I can appreciate that this presents an opportunity to look more holistically at the development and use of the area. However, ownership alone does not justify the implementation of proposals and I am not convinced that including the being within a masterplan framework in association with an expanded housing development proposal is necessarily appropriate. The council, in considering the previous development proposal on the site, were mindful of the need to limit the scale of housing due to the character of the area and the location and also giving consideration to the setting of the scheduled monument. Although not referred to by the council above, I also note that, in responding to the Environmental Report, at Main Issues Report stage, Historic Environment Scotland (0351) noted that development on the fields between the former outlet centre and the being could have a significant adverse impact on the setting of the monument.

7. During my site inspection, I noted the rural character of the area and whilst other settlements might be relatively short distances as the crow flies, I consider that the site is isolated, particularly for pedestrians and cyclists, and that it does not lend itself well to large scale housing development. Whilst I have some sympathy with A W Land Purchases Ltd in terms of seeking to generate development on this brownfield site, I am not persuaded that the wider masterplan proposal or the significantly extended 'Freeport development opportunity' area shown in representations is appropriate. I concur with the council that the modifications sought would result in large scale housing in this relatively isolated rural area which I do not consider appropriate, particularly as it is unrelated to any specific settlement.

8. I am therefore not persuaded that the proposals map should be amended to extend the development area for H-LW 6 or to include the Five Sisters scheduled monument as part of a wider development site.

9. Proposals map 3 identifies a Nature Reserve within the existing footprint of the Freeport village site. I understand that this symbol is intended to relate to the Local Biodiversity Site centred on the Breich Water riparian corridor which is located to the south of the site. I therefore recommend that the proposals map is updated and the symbol relocated to accurately reflect the location of this site.

Policy reference for Westwood/Freeport Village

10. In light of my observations above, I am not persuaded of the need for a specific policy reference for Westwood/Freeport village. I am satisfied that residential proposals for the site are adequately addressed in Appendix Two of the plan.

Reporter's recommendations:

1. In the proposals map, reposition the Nature Reserve symbol to the south west of site H-LW 6 so that it is to the south east of that site and straddling the Breich Water river corridor.

2. In Appendix Four, in the entry for 'Development in the countryside – residential and various other uses':

2.1 In the second column, replace 'PG' with 'PG/SG'

2.2 In the third bullet, delete 'lowland crofting/low density rural housing'.

2.3 Add an additional bullet as follows:

- 'Statutory supplementary guidance on lowland crofting/low density housing'.

Issue 14B	Landward Area Statement	
Development plan reference:	H-LW 1 Gavieside (by Polbeth) H-LW 4 West Mains Farm (Lowland Crofts)(by West Calder) H-LW 5 Longford Farm (Lowland Crofts)(by West Calder) E-LW 3 Five Sisters Business Park (east), by Westwood, West Calder E-LW 4 Five Sisters Business Park (west), by Westwood, West Calder	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
SQ1 LLP (0251) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Landward Area Statement	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-LW 1</u> - Scottish Environment Protection Agency (0243) does not object to the allocation. It is likely the majority of the site is developable and that site layout and topographic information may be sufficient. It does however suggest a revision to the text of the entry in Appendix 2 which should expressly require a Flood Risk Assessment (FRA) to be submitted in connection with the small watercourse running through the site.</p> <p><u>H-LW 4</u> - Scottish Environment Protection Agency (0243) does not object to the allocation. It is likely the majority of the site is developable and that site layout and topographic information may be sufficient. It does however suggest a revision to the text of the entry in Appendix 2 which should expressly require a Flood Risk Assessment to be submitted in connection with the small watercourses that run through and adjacent to the site, including the Longhill Burn/West Calder Burn and tributary of Harwood Water.</p> <p><u>H-LW 5</u> - Scottish Environment Protection Agency (0243) does not object to the allocation but observes that Appendix 2 - Schedule of Housing Sites, Kirknewton (page 192) has not identified the requirement for a Flood Risk Assessment. It is acknowledged that while the site has a long standing planning permission a revision to the text of the entry in Appendix 2 which expressly requires the submission of a Flood Risk Assessment should nevertheless be made in the event that the proposals change from what has been approved.</p> <p><u>E-LW 3</u> - Scottish Environment Protection Agency (0243) does not object to the allocation. It does however suggests a revision to the text of the entry in Appendix 1 which should expressly require a Flood Risk Assessment to be submitted and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map which suggests</p>		

that there may be flooding issues within/adjacent to the site.

E-LW 4 - Scottish Environment Protection Agency (0243) does not object to the allocation. It does however suggests a revision to the text of the entry in Appendix 1 which should expressly require a Flood Risk Assessment to be submitted and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map which suggests that there may be flooding issues within/adjacent to the site.

Representations to non-allocated sites

MIRQ-0125 South Queensferry

SQ1 LLP (0251) - representations were made to the West Lothian Council Local Development Plan Main Issues Report consultation process, which sought the allocation of the site referred to as MIRQ 0125 for residential development. The rationale for the representation was based on the site being brownfield in nature, well contained with mature tree belts that would screen any development on the site and is sustainably located in terms of local services and infrastructure, lying adjacent to an existing settlement. The site will also benefit further from added accessibility resulting from the Replacement Forth Crossing and potential Winchburgh train station.

Despite the fact that the Council recognised that the site is brownfield land, upon which there is “in-principle” support for redevelopment, the alternative proposal put forward by SQ1 LLP was not supported for a number of key reasons identified in the MIR Consolidated Summary of Representations (CD091, pages 203-207). SQ1 LLP does not accept the Council’s assessment of the site and asks that the proposal is re-considered. (SD044 MIRQ0125).

Modifications sought by those submitting representations:

Representations to allocated sites

H-LW 1

Scottish Environment Protection Agency (0243) - Request that site requirements within appendix two of the LDP should be expanded to address flood risk (LDP page 190).

H-LW 4

Scottish Environment Protection Agency (0243) - Request that site requirements within appendix two of the LDP should be expanded to address flood risk (LDP page 191).

H-LW 5

Scottish Environment Protection Agency (0243) - Request that site requirements within appendix two of the LDP should be expanded to address flood risk (LDP page 192).

E-LW 3

Scottish Environment Protection Agency (0243) - Request that site requirements within appendix one of the LDP should be expanded to address flood risk (LDP page 108).

E-LW 4

Scottish Environment Protection Agency (0243) - Request that site requirements within appendix one of the LDP should be expanded to address flood risk (LDP page 108).

Representations to non-allocated sitesMIRQ-0125 South Queensferry

SQ1 LLP (0251) - maintain their objection to the Proposed Plan on the basis that the site at Hopetoun House, South Queensferry MIRQ 0125 should be removed from the countryside and allocated as a residential opportunity site.

Summary of responses (including reasons) by planning authority:Representations to allocated sites

H-LW 1 - The site has an extant planning consent which was granted on 29th October 2012. As such, it has already been subject to assessment and deemed suitable for development subject to conditions (a FRA was undertaken before the planning permission was issued). It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 (CD078, page 190) with the addition of text that requires that the submission of a Flood Risk Assessment. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

H-LW 4 - The site has an extant planning consent which was granted on 1st April 2008. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 (CD078, page 191) with the addition of text that requires that the submission of a Flood Risk Assessment. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

H-LW 5 - The site has an extant planning consent which was granted on 10th October 2008. As such, it has already been subject to assessment and deemed suitable for development subject to conditions. It is not within the scope of the LDP to retrospectively revise planning applications which have previously been granted.

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 (CD078, page 192) with the addition of text that requires that the submission of a Flood Risk Assessment. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

E-LW 3 - The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 (CD078, page 108) with the addition of text that requires that the submission of a Flood Risk Assessment. While this will have no effect on

the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

E-LW 4 - The council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 (CD078, page 108) with the addition of text that requires that the submission of a Flood Risk Assessment. While this will have no effect on the extant planning permission it would helpfully apply to any subsequent and alternative applications for planning permission to develop the site which may be submitted.

Representations to non-allocated sites

MIRQ-0125 South Queensferry - The Council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development as set out below.

This site would be remote from services and schools in West Lothian and would represent an unsustainable location and would also be immediately adjacent to a class 5 industrial use and bringing residential development closer to the industrial use could prejudice its future operations.

There are potentially education capacity constraints within the area which may prevent development of this site.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this site for residential use.

The site was the subject of a similar objection at the Public Local Inquiry in 2007 into the subsequently adopted West Lothian Local Plan (2009) and was rejected by Reporters (CD188, section 4.2, paragraphs 2.4 – 2.4.13 refer).

For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions:

Flood risk on allocated sites H-LW 1, 4 & 5 and E-LW 3 & 4

1. I am conscious that whilst there is an extant planning permission for these sites, there may well be other alternative proposals that are brought forward in relation to them. Given SEPA's comments are a refinement of previous advice, I accept that it would assist with the consideration of any subsequent planning applications which might be made. I therefore consider it appropriate to incorporate a reference to the need for a FRA, albeit accepting that this would not have any implications for any extant planning permissions.

MIRQ-0125 South Queensferry

2. Whilst this site has previously accommodated development and therefore in the strictest sense represents brownfield land, the signs of former development are relatively limited excepting an area of former hardstanding in the centre of the site. The site has remained vacant for over 40 years and in that time, natural remediation and regeneration has occurred to such an extent that much of the site is given over to grassed areas, trees and shrubs. Its appearance now is clearly that of a greenfield site. This and the established tree belt around the site provide it with a semi-rural character which acts as a buffer to the built edge to the east.

3. The site currently forms part of an Area of Great Landscape Value (AGLV) and it also falls within the Inventory of Gardens and Designed Landscapes associated with Hopetoun House. The council has drawn attention to the fact that the site was considered at the Public Local Inquiry in 2007 into the current local plan. I note that the reporters, in considering the site for development, considered that its ambience contributed to the AGLV and the designed landscape and considered that this would be lost if the site was developed. I also note that the most recent review of landscape designations within the council area, which seeks to replace AGLVs with Special Landscape Areas (SLA), does not advocate the site being excluded from the candidate SLA designation, albeit the review does recommend that the employment site to the west is excluded from this designation.

3. Whilst there is an established residential area to the east of the site at Linn Mill, these houses effectively turn their back to the site and the vast majority are physically separated by a mature tree belt. Access to the site from the east would involve using a narrow gap between houses off Linn Mill before connecting with Society Road to the north. This eastern entrance to the site is strongly characterised by mature trees and stone walls that are routed east - west across the site. Development of the site and the creation of a site entrance at this location would significantly change the character of this area as a result. Whilst I appreciate that there is a potential access on the site's western boundary, this does not lead directly to pedestrian friendly areas or to uses that could be easily accessed by foot and I consider that this access would be most attractive to those traveling by private vehicle.

4. The site is located immediately to the east of an existing class 5 industrial use which currently benefits from not having noise sensitive receptors close to it. I consider that if this site was allocated for residential development then this would bring such a receptor closer to the industrial site and that this proximity could prejudice the industrial site's future operations or indeed intensification within the existing site.

5. The site effectively provides a buffer between the industrial site and the residential development at Linn Mill to the east. Therefore, despite our conclusions at Issue 1A that it is likely that the number of homes to be built in West Lothian during the period of the plan will fall significantly short of the housing supply target, I do not recommend that this site be allocated for housing.

Reporter's recommendations:

1. In Appendix One, in the entries for sites E-LW 3 Five Sisters Business Park (east) and E-LW 4 Five Sisters Business Park (west), under 'Infrastructure & other requirements', insert 'Flood Risk Assessment required'.

2. In Appendix Two, in the entries for sites H-LW 1 Gavieside (by Polbeth), H-LW 4 West Mains Farm and H-LW 5 Longford Farm, under 'Flood Risk', insert 'Flood Risk Assessment required'.

Issue 15A	Linlithgow General and allocated development sites	
Development plan reference:	Page 26 paragraphs 5.63 – 5.67 – approach to development in Linlithgow Page 89 Linlithgow settlement statement Page 193 – 200 – Linlithgow housing sites Proposals map 2 Landscape Character and Local Landscape Designations (page 41, paragraphs 5.139 - 5.143) Paragraphs 5.240 to 5.242 and policy EMG 4; Proposal 113 Paragraphs 5.164-5.165 P-118	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Paths Across West Lothian (0015) Donald Greig (0041) Susan Allison (0052 and 0062) C A Rait (0077 and 0078) Kevin Laahs (0079) Helen Gray (0083) Mark Darragh (0090) Simon Whitworth (0091 and 0344) David & Stella Henderson (0094) Oliver Ferrario (0095) Dorothy Buck (0096) Gillian Forsyth (0097) W Taylor (0098) Andrew Sutherland (0101) John & Anne McCormack & Family (0102) The Lawries (0103) John Stewart (0104) Terry Greig (0105) John Wigham (0106) S Aitken (0107) Jason Wright (0108) Shirley Miller (0111) B Greig (0112) John & Ann Ralph (0114) R Cameron (0115) John MacKenzie (0118) Michael McGuire (0119) Thelma Napier (0127) Alan Meikle (0130) Frank and Sheila Brash (0131) Ian and Janette Kennedy (0132) Raja Gopalan Ramamurthy (0138) George Duncan Adam (0140) Jim and Jaqui Stupart (0148)	John Kemp (21903480) James Cameron (21901690) Ian Brownell (21903174) Lynda Thomas (21901313) Alastair Young (21900572) Colin Watson (21900284) Wendy Kennedy (0372) Roger Livermore (0375) Neil Faulds (0379) Paul Mauchline (0380) Fay Napoli (0381) Aldyth Carrick (0382) Jackie Boyd (0383) Alan Brown (0385) Helen Livermore (0386) Shona Smith (0388) Ailsa Wilson QC (0389) J C Stewart (0394) Kenneth Wilson (0395) Rachel Grant (0414) Mr and Mrs S Bisht (0416) Sian Wann (0411 and 21785472) Cala Management Ltd (0418) Ron Smith (0424) Robert Stewart (0425) Donald Sutherland (0426) Linlithgow and Linlithgow Bridge Community Council (0428) Scott Finlay (0433) Elaine Anderson (0434) Wallace Land Investment & Management (0449, 0450, 0451, 0452 and 0453) Sheila and William Young (0456) Mr & Mrs Graham (0460)	

Thérèse Stewart (0149)	Fraser McCluskey (21910234)
Margaret and Donald Spencer (0152)	Jennifer Hammond (21910130)
Allan Robertson (0156 and 0271)	Matt Wallace (21909794)
Graeme Grant (0157)	S Ryan (21909725)
Gladman Developments (0158)	Richard Rippon (21909335)
Cala Land Management (0161 and 1800156)	Orla Bennett (21909147)
Edward Crawley (0168)	Jennifer Davies (21909039 and 21889226)
Name illegible (0173)	Sarah Gahagan (21908947)
C Donaldson (0182)	Steven Neale (21908859)
G Woods (0186)	James Boyd (21908747)
Linlithgow Civic Trust (0187 and 0432)	Dr Mairi Watts (21892177)
Ronnie Jack (0190)	Iain Macleod (21890779)
Luke Smallwood (0196)	Allan Melling (21890279)
Janet Wigham 0197)	John Kelly (21889730)
Stewart Towers (0198)	Charles Webster (21878213)
Tom Packe/Tom Myles (0201)	Keith Irving (21877215)
Tom Packe (21885205)	Christopher Thomas (21870470)
Allan Watson (0202)	Fiona Campbell (21869116)
Jo Jack (0204)	Cala Land Management Ltd (21867093)
Kay Green (0207)	Andrew MacGregor (21866415)
Jane Muir (0208)	Christine Mahony (21866113)
Marshall Green (0211)	John Aitken (21863500)
Katrina Ovendon (0215)	Finlay Scott (21848598)
A D McNab (0217)	Manor Forrest Ltd (21837154)
Daniel Ovenden (0219)	Douglas Hanley (21832880)
Jillian Stewart (0221)	Tom Brown (21829599)
Arthur & Beryl Homan-Elsy (0225)	Christine Anderson (21820028)
Scott Oliver (0227)	Michael Vickers (21817641)
J McNab (0234)	David Bateman (21817205)
Scottish Natural Heritage (0238)	Peter Corry (21811882)
Clarendon Mews Residents (21862933, 0137 and 0244)	Linda Ovens (21806840)
Oracle UK (0246)	Sean Semple (21805807)
John & Katie Kerr (0256)	Peter Buck (21803202)
Dorothy Parlett (0264)	Heather Adam (21772368)
Dr Henry Payne (0266)	Irene Fortune (21770063)
Jean Balmer (0270)	Paul Buchanan-Smith (21755712)
Morven Grant (0272)	Robert McMillan (21749350)
F Balmer (0274)	Manor Forrest (21908084)
David & Isobel Elliot (0275)	Dorothy Jamieson (21907110)
Gavin Hunter & Ann McVie (0277)	Sheena Miller (21906586)
Alan & Fiona Edwards (0279)	James Jamieson (21906511)
M Cannon (0280)	Moira Tweedie (21906311)
Maureen C Ramage (0283)	Edith McDowall (21905735)
Norman Aitken (0284)	Andrew McIntosh (21905608)
Donald Lamb (0297)	Bruce Jamieson (21900051)
Alison McAulay (0299)	Jennifer Leonard (21899784)
Ian Lockhart (0300)	Gordon Cameron (21899011)
Isobel Lockhart (0301)	John Watson (21898420)
Claudine Parkinson (0309)	Donald & Jennifer Macdonald (21893837)
Leslie Duff (0310)	Janet Wigham (21689834)
	Steve Donaghue (21670368)
	Helen MacKenzie (21660154)

<p>Helen Watts (0311) Roy Gardner (0312) Stephen Pashley (0313) Adrienne Forsyth (0314) Clare Gardner (0315) Morna Scott (0316) Christine Bilton (0317) Ailsing Vorster (0318) Terence Vorster (0319) Eleanor Renwick (0320) Gavin Miller (0321) Clare Rainey (0322) Jackie Boyd (0323) Nick Smith (0324) Alan Douglas (0325) Sally Douglas (0326) Neil & Pamela Barnes (0328) Sarah & Gerry McCardle (0329) James Forsyth (0330) David & Isobel Elliot (0332) Barrie Kennedy (0335) Gerry & Marie Dougan (0336) Michael Stoker (0337) Doreen Gmitrzak (0338) Mairi Rudkin & Michael Watts (0339) Nick Goldfinch (0341) Laura McGowan (0343) Marion Percival (0345) Residents of Deanburn, Preston House and Preston Gardens (0349) Historic Environment Scotland (0351) Peter Martin Smith (0362) Transition Linlithgow (0363) Gavin Hunter (0366) Gardner Estate (0369)</p>	<p>Jonathan Moss (21648848) Leslie Neary (21558610) Eileen McGhee (21543061) Mr & Mrs Watt (21538330) Emma Gordon (21495743) Anthony Daly (21448840) Yvette Gentleman (21443519 and 0039) Robert Allan (21395490) David & Adrienne Armstrong (21372312) Duncan Fortune (21349895) Nancy Durrant (21294413) Stewart Forsyth (21199868) Dr Rebecca Smallwood (21009678) Iain Mclean (20972986) Paul Gavin (20926139) Elizabeth Halliday (21872575) Jim Hannan (21870675) Colin Neil (21858089) Jennifer Martin (21591616) Scottish Canals (21870361) James Stewart (21887763) David Szkudlarek (21883018) William Lindsay (21849146) Martin Crook (21862925) Manor Forrest (21907238) Kevin Treadwell (21897700) John Kerr Ltd (21804649) David Mitchell (21798485) Linlithgow and District Allotment Society (21140481) Winchburgh Developments Ltd (21862570) Claire Wakefield (21889085) Jennifer Martin (21887865) Gillian Burgess (21885398) Linlithgow Cycle Action Group (21885168)</p>
<p>Provision of the development Plan to which the issue relates:</p>	<p>Linlithgow General and allocated development sites</p>
<p>Planning authority's summary of the representation(s):</p>	
<p><u>OBJECTIONS TO DEVELOPMENT IN LINLITHGOW</u></p> <p>Ian Ure (0015)</p> <p>Seeks inclusion of reference to a footpath at Linlithgow in the LDP and on the ground.</p> <p>Donald Greig (0041)</p> <p>Objects to development of site H-LL 12 Preston Farm on grounds of loss of prime agricultural land; disregard of AGLV zoning; traffic impact on local roads; distant from the</p>	

town centre, public transport links; no/limited education and health capacity; collusion with developers in determining the site boundary; development in Linlithgow should be looked at holistically and housing opportunities sought that will develop and enhance infrastructure in the town.

Susan Allison (0052 and 0062)

Objects to development of site H-LL 12 Preston Farm on grounds of traffic; lack of education capacity; adverse impact on traffic along the High Street unless the motorway junction is upgraded to four-way; concern over levels of pollution.

C A Rait (0077 and 0078)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of view and sunlight; additional traffic; adverse impact on Preston Road and Linlithgow High Street; lack of education capacity; child safety concerns; adverse impact on wildlife; adverse impact on grade A listed Preston House, surrounding area and the canal; supports "A Plan For The Future" via the Linlithgow Planning Forum which focuses on additional housing on the other side of town; new housing better suited on the hospital site; adverse impact of traffic, on schooling, child safety, the character of the area, the environment and detriment to a very close listed building; concern that proposals reflect those of Cala Homes.

Kevin Laahs (0079)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of view; road safety and increase in traffic; safety over the canal bridge and through Deanburn; adverse impact on listed canal bridge.

Helen Gray (0083)

Objects to development of site H-LL 12 Preston Farm on grounds of road safety and increase in traffic.

Mark Darragh (0090)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on local roads; insufficient infrastructure; lack of education capacity; loss of view/visual impact; loss of wildlife and habitat; flood risk.

Simon Whitworth (0091 and 0344)

Objects to development of site H-LL 12 Preston Farm and cross references to submission (0349) on grounds that allocation is contrary to SPP and the SDP policy 7; the site is not effective; the allocation offends the council's policies for release of land in Linlithgow; allocation is contrary to the local landscape designation review; the allocation is contrary to policies in the LDP; the site is within an AGLV; loss of greenfield land; loss of prime agricultural land; impact on the grade A listed Preston House; impact on the scheduled monument of the canal; remoteness from the town centre and the rail station; Linlithgow is an area of restraint; traffic impacts and congestion; air quality; lack of car parking; education constraint; transport impacts; adverse impact on wildlife and protected species

David & Stella Henderson (0094)

Object to development of site H-LL 12 Preston Farm on grounds of loss of protected green belt; suggest development should be located on land where there is no green belt protection; adverse impact on Preston House; development is contrary to the council's report on Special Landscape Areas; traffic impact; lack of education capacity; lack of capacity in health facilities; detrimental impact on amenity of the canal and tourism associated with the canal; accept need for social and affordable housing but the proposal is for luxury housing on the green belt; noise and disturbance during construction work.

Oliver Ferrario (0095)

Objects to development of site H-LL 12 Preston Farm on grounds of increase in traffic; loss of green belt; loss of habitat; pressure on health and school places; availability of brownfield sites elsewhere; concerns for health and well-being of existing and future residents.

Dorothy Buck (0096)

Objects to development of site H-LL 12 Preston Farm on grounds of remoteness from public transport links and town centre amenities; increased traffic; road congestion; lack of education capacity; adverse impact on wildlife; adverse impact on grade A listed Preston House and the Union Canal; loss of prime quality agricultural land.

Gillian Forsyth (0097)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

W Taylor (0098)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

Andrew Sutherland (0101)

Objects to development of site H-LL 11 Wilcoxholm Farm/Pilgrims Hill on grounds of lack of education capacity; access constraints; flood risk; lack of parking and public transport; infrastructure constraints in relation to gas, electricity and drainage; traffic impact; questions need for development in Linlithgow given the extent of new development in

Winchburgh.

John & Anne McCormack & Family (0102)

Object to development of site H-LL 12 Preston Farm on grounds of destruction of view, serious negative impact on property values; adverse impact on wildlife; flood risk; traffic concerns; loss of rural setting along the canal; loss of greenbelt; availability of sites elsewhere.

The Lawries (0103)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on roads infrastructure; increase in traffic; education capacity constraints; availability of health facilities; loss of green belt; adverse impact on the canal; adverse impact on views; loss of wildlife; loss of prime agricultural land.

John Stewart (0104)

Objects to development in Linlithgow on grounds of adverse impact on infrastructure and capacity of infrastructure to accommodate development.

Terry Greig (0105)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on roads infrastructure; increase in traffic; education capacity constraints; lack of health care capacity; loss of wildlife; proximity to a listed building; loss of AGLV.

John Wigham (0106)

Accepts need for housing but objects to housing sites accessing Manse Road (H-LL 10 in particular) on grounds of insufficient road capacity and education constraint.

S Aitken (0107)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on roads infrastructure; increase in traffic; education capacity constraints; lack of health care capacity; loss of wildlife; proximity to a listed building; loss of special landscape area; adverse impact on the canal.

Jason Wright (0108)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of part of the longstanding green belt and setting for the town; additional traffic on Preston Road leading to further congestion; additional pressure on doctors, dentists and schools which are already overstretched.

Shirley Miller (0111)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of view, light and noise pollution; loss of green space along the canal; traffic congestion; lack of school capacity; adverse impact on wildlife; loss of agricultural land; adverse impact on listed Preston House; loss of outlook; other sites should be considered for development.

B Greig (0112)

Objects to development of site H-LL 12 Preston Farm on grounds of development within an AGLV; loss of wildlife habitat; development in the green belt; increase in traffic; pressure on schools and health clinics which are already at capacity; piecemeal development; flood risk; other sites should be considered for development.

John & Ann Ralph (0114)

Objects to development of site H-LL 12 Preston Farm on grounds of the area should continue to be a designated Special Landscape Area; adverse impact on the setting of the town; loss of green belt; increase in traffic; adverse impact on road network which has capacity issues; adverse impact on setting of listed Preston House; adverse impact and loss of protected species and biodiversity; education capacity issues; health care capacity issues; loss of prime agricultural land; loss of amenity; adverse impact on attractiveness of Linlithgow to visitors; housing should be close to the town centre; Linlithgow needs social and affordable housing close to the town centre or where infrastructure can be built.

R Cameron (0115)

No objection to development of Preston Farm site (H-LL 10), however, concerns for development in Linlithgow in general due to impact on road network, education constraint and drainage capacity.

John MacKenzie (0118)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

Michael McGuire (0119)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of flooding; access; suitability for development; and land ownership.

Thelma Napier (0127)

Objects to development of site H-LL 12 Preston Farm; no reasons given for objection.

Alan Meikle (0130)

Objects to development of site H-LL 12 Preston Farm on grounds of flood risk and increase in water runoff into the canal and surrounding areas; further road congestion; adverse impact on wildlife and protected species; negative impact on tourism.

Frank and Sheila Brash (0131)

Objects to development of site H-LL 12 Preston Farm on grounds of increase in traffic and capacity of the road network to cope; education capacity; impact on green belt and collusion with developers.

Ian and Janette Kennedy (0132)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on Bathgate Hills; disturbance and loss of wildlife; flooding and water run off; capacity of road network; capacity of local schools and amenities; congestion; lack of parking and distance to the railway station.

Raja Gopalan Ramamurthy (0138)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt; adverse impact on the canal; loss of agricultural land; loss of wildlife; adverse impact on Grade A listed Preston House; alternative sites elsewhere.

George Duncan Adam (0140)

Objects to development in Linlithgow; seeks a master plan for Linlithgow/ Linlithgow Bridge Master Plan to control all new housing developments and associated infrastructure works; encourages delivery of 4 way junction on the M9 at Linlithgow; supports proposal P-118; suggests alternative access arrangement to site H-LL 10; suggests access solutions for Linlithgow.

Jim and Jaqui Stupart (0148)

Objects to development of site H-LL 12 Preston Farm on grounds of traffic and road capacity concerns; loss of green belt; adverse impact on wildlife and protected species; would support housing for the elderly if the site were to come forward for development.

Thérèse Stewart (0149)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on the canal; flood risk; adverse impact on protected species and biodiversity; exacerbation of existing traffic and road-safety concerns; change to long-standing environmental protection of the site; loss of prime agricultural land; proximity and impact on the setting of the Preston House.

Margaret and Donald Spencer (0152)

Objects to development of site H-LL 12 Preston Farm on grounds of change to designation from AGLV; adverse impact on wildlife and protected species; increase in traffic and road congestion.

Allan Robertson (0156 and 0271)

Seeks master plan to guide development in Linlithgow; education, air quality, car parking and accessibility concerns; seeks new distributor roads constructed to service areas zoned for housing development (e.g. around the south east quarter), and consideration of

a specific High Street relief road, constructed to the north of the current M9 corridor; LDP should be amended in line with the proposals detailed in the Linlithgow Planning Forum's document '*Linlithgow, A Plan for the Future 2015-30*'.

Graeme Grant (0157)

Objects to development in Linlithgow on grounds of lack of infrastructure; impact on roads; congestion, air quality and noise pollution; suggests development should be re-allocated to Winchburgh.

Edward Crawley (0168)

Objects to development of site H-LL 12 Preston Farm on grounds of impact on health centre; education capacity; impact on road network; adverse impact on wildlife and the canal.

Name illegible (0173)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt; adverse impact on wildlife; lack of capacity in schools and health facilities; traffic congestion and impact on the road network.

C Donaldson (0182)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of increased traffic; increased air pollution from the increased traffic; increased pressure on health facilities and education provision; loss of habitat, particularly protected species.

G Woods (0186)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

Linlithgow Civic Trust (0187 and 0432)

Policies and proposals in the LDP do not constitute a co-ordinated development plan for the settlement area in that they do not consider the needs of the area and examine how they may be provided during the 10 year period of the LDP; the impact of the development areas are dealt with in a reactive way and leave the requirement for developers to contribute to infrastructure to be achieved through the planning application process and developer contributions; settlement boundary needs to be determined by a comprehensive master plan for the settlement area which includes all relative issues and a phased development sufficient to finance the necessary infrastructure; objects to the site H-LL 12 as it is within the AGLV, remoteness from services and the site would not contribute to infrastructure benefits set out in the Linlithgow Planning Forum's Plan for the Future; LDP Transport appraisal does not address consequences in terms of health and

safely, the environment and business and the quality of life for residents; lack of information relating to financing of M9 junction improvements at Linlithgow; failure to address these car parking issues; no co-ordinated approach to education and housing; seek a master plan for the town.

Ronnie Jack (0190)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV protection; additional traffic; pressure on school and health facilities; loss of prime agricultural land; adverse impact on protected; impact on setting of Preston House; availability of sites elsewhere.

Luke Smallwood (0196)

Objects to development of site H-LL 4 Manse Road on grounds of loss of prime agricultural land; change to AGLV designation; lack of infrastructure capacity including roads and education; adverse impact on setting of the town; road traffic concerns.

Janet Wigham (0197)

Objects to the proposed allocations H-LL 4 Manse Road and H-LL 10 Clarendon Farm on grounds of increase in traffic, impact on the canal bridge and pedestrian safety; adverse impact on tourism around the canal basin; lack of education capacity; adverse impact on air quality; school catchments for sites H-LL 3, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 are incorrect.

Stewart Towers (0198)

Objects to development of site H-LL 12 Preston Farm on grounds of change to AGLV designation; adverse impact on setting of listed building and scheduled monument; increased traffic and road safety concerns; loss of habitat and adverse impact on wildlife; loss of prime quality agricultural land; support the *Linlithgow: A Plan for the Future 2015-2030*

Tom Packe/Tom Myles (0201) and Tom Packe (21885205)

Objects to development of site H-LL 4 Manse Road on grounds of change to AGLV designation; visual impact; allocation is contrary to SPP 2014; availability of more favourably and less sensitive located sites; loss of prime agricultural land; detrimental impact on setting of listed building; adverse impact on ecology and protected species; education capacity constraint; flood risk; road safety; site does not meet the terms of the sequential approach to development in the town.

Allan Watson (0202)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt; adverse impact on wildlife; road traffic and safety concerns; drainage and flooding concerns; impact on the canal.

Jo Jack (0204)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on

wildlife; traffic and road safety concerns; traffic congestion.

Kay Green (0207)

Objects to development of site H-LL 12 Preston Farm on grounds of adverse impact on wildlife; change to AGLV status; traffic and road safety concerns; lack of education and health care capacity; adverse impact on setting of listed building; detrimental impact on the canal and tourism; development would have no impact on the needs for social and affordable housing close to the town centre or where infrastructure could be built.

Jane Muir (0208)

Objects to development of site H-LL 3 Boghall East on grounds of flooding and surface water increase; loss of agricultural land; objects to other development proposals in the town on grounds of loss of prime agricultural land; destruction of wildlife habitats; suggests brownfield sites should be developed in preference to greenfield release; insufficient education capacity.

Marshall Green (0211)

Objects to development of site H-LL 12 Preston Farm on grounds of impact on road network; pollution; traffic congestion; inadequate infrastructure; impact on wildlife and protected species; availability of alternative sites.

Katrina Ovendon (0215)

Objects to development of site H-LL 12 Preston Farm on grounds of impact on view; increase in traffic and road safety concerns; adverse impact on protected species.

A D McNab (0217)

Objects to development of site H-LL 12 Preston Farm on grounds of detrimental effect on habitats; increase in traffic; pressure already struggling infrastructure of schools, health and dental services; loss of historic greenbelt land attached to Grade A listed Preston House.

Daniel Ovenden (0219)

Objects to development of site H-LL 12 Preston Farm on grounds of change to AGLV status; noise disturbance; access issues; adverse impact on wildlife; road safety concerns; loss of view; lack of infrastructure capacity.

Jillian Stewart (0221)

Objects to development of site H-LL 12 Preston Farm on grounds of unnecessary rezoning of the Area of Great Landscape Value / core candidate Special Landscape Area; loss of protected wildlife; roads infrastructure; traffic congestion; remoteness for rail station, town centre amenities and major bus routes; adverse impact on the canal; adverse impact on grade A listed Preston House; collusion with developers; loss of prime agricultural land; availability of alternative sites.

Arthur & Beryl Homan-Elsy (0225)

Object to development of site H-LL 12 Preston Farm on grounds of loss of habitat; loss of view to and from Preston House; urbanisation of the canal site; development should be re-directed to Livingston or other sites in Linlithgow; increase in commuter traffic.

J McNab (0234)

Objects to development of site H-LL 12 Preston Farm on grounds of detrimental effect on habitat; increased traffic; further pressure on struggling infrastructure of schools, health and dental services; loss of greenbelt land attached to Grade A listed Preston House.

Scottish Natural Heritage (0238)

Pages 26 and 27 Paragraphs 5.65 and 5.67 look forward to contributing to drafting the supplementary guidance for Linlithgow Loch referred to in paragraph 5.67; advise that paragraph 5.65 sets a clear principle of a sequential approach to release of land in Linlithgow; capacity, including the type and scale of development, would best be explored in more detail through the preparation of a development framework for Linlithgow; a design-led approach is important to the removal of the area of restraint and the allocation of sites for development in Linlithgow.

Clarendon Mews Residents (21862933, 0137 and 0244)

Previous policy of development restraint in Linlithgow should be continued; only if infrastructure issues of traffic congestion, lack of commuter parking, air quality, drainage and flooding, and education capacity can be clearly resolved, should restraint on development be relaxed; all mitigation measures must actually be in place before any development should be allowed including an all-way junction on the M9 and a bypass to the High Street; no coherent joined up master plan for Linlithgow; supports development at Wilcoxholm sites subject to addressing access and infrastructure constraints; remove site H-LL 10 from the plan; area of restraint should only be removed when matters such as an all-way junction on the M9 and a by-pass to the High Street can be delivered.

Oracle UK (0246)

Seek allocation of land at Blackness Road for housing development and removal of the current zoning of the site for employment use; the site complies with Scottish Government policy for the creation of a mixed use neighbourhood and is an effective brownfield site; allocation of other housing sites in Linlithgow is contrary to SPP 2014.

John & Katie Kerr (0256)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt status as an Area of Great Land Value; redrawing of the greenbelt to match the Developer's plans; the site is not within easy reach of the town centre and its local amenities; unsuitable roads infrastructure and traffic congestion; lack of education capacity; alternative sites should be considered; loss of prime agricultural land; adverse impact on the canal; adverse impact on setting; impact on Preston House; adverse impact on protected species; support the proposed expansion in the East of the town proposed by Linlithgow's Local Planning Forum.

Dorothy Parlett (0264)

Objects to development of site H-LL 5 Falkirk Road on grounds of access and increased traffic and lack of education capacity.

Henry Payne (0266)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of prime quality agricultural land and special landscape area designation; adverse impact on wildlife and protected species; flood risk; lack of education capacity; lack of capacity in health care facilities; piecemeal development.

Jean Balmer (0270)

Objects to development of site H-LL 12 Preston Farm on grounds of access and increase in traffic; loss of greenfield land; loss of natural habitat and wildlife; less sensitive sites can absorb the development needs.

Morven Grant (0272)

Objects to development in Linlithgow on grounds of inability of infrastructure to cope with development including education, health and road capacity; access constraints; specifically objects to Clarendon Farm site (H-LL 10); loss of greenfield land; loss of prime agricultural land; loss of wildlife.

F Balmer (0274)

Objects to development of site H-LL 12 Preston Farm on grounds of access; traffic congestion; loss of greenfield land; impact on setting of the canal; adverse impact on wildlife and loss of habitat; loss of agricultural land; availability of other sites; adverse impact on green belt.

David & Isobel Elliot (0275)

Objects to development of site H-LL 11 Pilgrim's Hill on grounds of view from the canal towpath; access constraints; adverse impact on wildlife; education constraints; availability of alternative site e.g. Edinburgh Road; WLC should be promoting development on flats to free up houses; development of prime agricultural land should be avoided.

Gavin Hunter & Ann McVie (0277)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

Alan & Fiona Edwards (0279)

Objects to development of site H-LL 12 Preston Farm on grounds of re-designation from AGLV; detrimental effect of the town's setting; effect on grade A listed Preston House;

impact on the canal and views; traffic congestion; traffic and road safety concerns; child safety concerns; site is unlikely to generate sufficient finance through “planning gain” to pay for new junctions on the M9; alternative sites to the east of the town should be considered; adverse effect on the environment, wildlife and protected species; site contrary to the council’s SEA findings; loss of prime agricultural land; CDA developments will satisfy much of the overall need for housing.

M Cannon (0280)

Objects to development of site H-LL 12 Preston Farm on grounds of traffic and safety pressures; lack of capacity in school and health facilities; adverse impact on wildlife; adverse impact on landscape and setting of the town.

Maureen C Ramage (0283)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt; loss of wildlife; traffic and access concerns; lack of education capacity; lack of capacity in health facilities; traffic congestion on the High Street.

Norman Aitken (0284)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV; impact on setting of the town; adverse impact on setting of Preston House; adverse impact on the canal; traffic congestion and capacity of the road network to cope; lack of education and health care capacity; adverse impact on biodiversity including protected species; more social and affordable housing close to the town centre is required.

Donald Lamb (0297)

Objects to development of site H-LL 12 Preston Farm on grounds of insufficient infrastructure in terms of school places, town centre parking and traffic; road safety concerns; loss of AGLV; adverse impact on the canal; damage to wildlife.

Alison McAulay (0299)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of protected greenbelt land; loss of habitat; loss of wildlife and protected species; destruction of landscape and outlook; traffic congestion; increase in car traffic due to distance from the town centre; pressure on the High Street and parking; schools and the health centre are already over-subscribed; other less sensitive or brownfield sites could be developed for housing.

Ian Lockhart (0300)

Objects to development of site H-LL 12 Preston Farm on grounds of additional traffic; traffic congestion; child safety concerns; lack of capacity in schools, leisure and roads to accommodate development; infrastructure improvements are required before additional housing could be considered.

Isobel Lockhart (0301)

Objects to development of site H-LL 12 Preston Farm on grounds of additional traffic on

and around Preston Road and the proximity to the schools; lack of capacity in schools, leisure and roads.

Claudine Parkinson (0309)

Objects to development of site H-LL 12 Preston Farm on grounds of access and traffic congestion; lack of education capacity; loss of view from the canal; loss of protected landscape; overshadowing of existing properties; adverse impact on protected species; adverse impact on setting of grade A Preston House; inadequate infrastructure.

Leslie Duff (0310)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV.

Helen Watts (0311)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV; adverse impact on setting of grade A listed Preston House; loss of biodiversity and protected species; loss of prime agricultural land; traffic congestion; road safety concerns; lack of education capacity.

Roy Gardner (0312)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of habitat for badgers, bats, and other threatened species; loss of a high grade cereal field; loss of an area of outstanding natural beauty; loss of view from the town of Linlithgow and canal; loss of a historic setting; further pressure on school places in Linlithgow; increased risk to the safety of children; traffic congestion; loss of green belt.

Stephen Pashley (0313)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of long standing greenbelt land; loss of habitat to protected species and high grade agriculture; adverse impact on setting of the canal; infrastructure constraints; lack of education capacity; traffic congestion.

Adrienne Forsyth (0314)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of greenbelt; loss of habitat and protected species; increased road traffic on Preston Road; increased pressure on school places which are already over-subscribed; pressure on the health services; loss of a Grade A historic site; loss of an area of outstanding natural beauty; increased traffic on an already dangerous and hampered High Street; increased lighting, noise and air pollution; effect of a house building site on the canal stability; impact of construction on physical and mental health.

Clare Gardner (0315)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of habitat for badgers, bats, and other threatened species; loss of a high grade cereal field; loss of an area of outstanding natural beauty; loss of view from the town of Linlithgow and canal; loss of a historic setting; further pressure on school places in Linlithgow; increased risk to

the safety of children; traffic congestion; loss of green belt.

Morna Scott (0316)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV; adverse impact on setting of grade A listed Preston house and grade B listed Katie Shaw's Brig (canal bridge); adverse impact on wildlife and protected species; loss of prime agricultural land; traffic congestion; road safety concerns; lack of education capacity; loss of light and view; increased traffic noise.

Christine Bilton (0317)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of wildlife and protected species; loss of AGLV; education and health capacity concerns.

Ailsing Vorster (0318)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV and protected landscape; distance from public transport; road safety concerns; loss of protected species; impact on setting of Grade A Preston House and the Scheduled Monument of the Union Canal; lack of education and health capacity; loss of prime agricultural land; flood risk; traffic congestion and parking problems.

Terence Vorster (0319)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV and protected landscape; distance from public transport; road safety concerns; loss of protected species; impact on setting of Grade A Preston House and the Scheduled Monument of the Union Canal; lack of education and health capacity; loss of prime agricultural land; flood risk; traffic congestion and parking problems.

Eleanor Renwick (0320)

Objects to development of site H-LL 12 Preston Farm on grounds of distance from frequent public transport; congestion; road safety concerns; lack of infrastructure; loss of protected wildlife.

Gavin Miller (0321)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV; increase in traffic; flood risk; loss of agricultural land; loss of wildlife habitat including protected species.

Clare Rainey (0322)

Objects to development of site H-LL 12 Preston Farm on grounds of lack of infrastructure in terms of school places, town centre parking and traffic; road safety concerns; loss of AGLV and backdrop to the canal; adverse impact on wildlife.

Jackie Boyd (0323)

Objects to development of site H-LL 12 Preston Farm on grounds of road safety; traffic

congestion; lack of education capacity; flood risk and drainage concerns; loss of green belt; loss of AGLV; loss of wildlife.

Nick Smith (0324)

Objects to development of site H-LL 12 Preston Farm on grounds that re-designation is contrary to the council's Local Landscape Designation Review report; adverse impact on currently designated Area of Great Land Value; the council is acting in the interests of the developer and not respecting the local character of the town; adverse impact on grade A listed Preston House and the union canal (a national monument); loss of prime agricultural land; alternative areas should be sought which are at least non-productive or are already brown field sites; transport links to the site are poor; site is not within walkable distance of the rail station; inadequate parking at the station and town centre will become worse; road safety concerns; pollution; loss of protected species.

Alan Douglas (0325)

Objects to development of site H-LL 12 Preston Farm on grounds of flood risk; change to protected landscape will have a detrimental effect on Linlithgow.

Sally Douglas (0326)

Objects to development of site H-LL 12 Preston Farm on grounds of lack of capacity in schools and health facilities; development can't adequately fund more; fragile infrastructure in Linlithgow is underfunded by West Lothian Council.

Neil & Pamela Barnes (0328)

Support no development at Burghmuir, Linlithgow; welcome work of interested parties to improve water quality of Linlithgow Loch; greater emphasis is required to promote and increase sustainable transport networks; seek information on any proposals for Linlithgow Cross and Vennel Flats.

Sarah & Gerry McCardle (0329)

No development in the town should be considered prior to the situation with Air Quality being rectified; sites suggested are not free of development constraints, particularly in relation to education provision in relation to Low Port and Springfield primary schools; further development in the Manse Road area will worsen existing road safety concerns and increase the volume of traffic; references to school catchment areas for sites H-LL 3, H-LL 7, H-LL 10, H-LL 11, H-LL 12 and H-LL 5 are incorrect; Proposal P-118 does not feature on the map; the status of Linlithgow as an Area of Restraint should not change and no development of the town should be permitted until improvements to infrastructure have been completed.

James Forsyth (0330)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of green belt and habitat; increased road traffic on Preston Road; increased pressure on already over-subscribed schools; pressure on health services; loss of grade A historic site; loss of an area of outstanding natural beauty; increased traffic on High Street; increased light, noise and air pollution; water pollution on construction site; stability of the canal; access constraint; and adverse impact on physical and mental health during construction.

David & Isobel Elliot (0332)

Objects to development of site H-LL 11 Wilcoxholm on grounds of loss of view from the canal towpath; access constraints; adverse impact on wildlife; education constraints; availability of alternative site e.g. Edinburgh Road; WLC should be promoting development of flats to free up houses; development of prime agricultural land should be avoided.

Barrie Kennedy (0335)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV; impact on Grade A Preston House; loss of prime agricultural land; adverse impact on biodiversity; site remote from public transport and town centre facilities; increase in traffic; adverse impact on the canal; loss of greenfield land; other more suitable sites are available to the east of the town.

Gerry & Marie Dougan (0336)

Objects to development of site H-LL 12 Preston Farm on grounds of change of long-standing environmental designation; proximity and impact on setting of Preston House; pressure on transportation and school services; impact on protected species and biodiversity; loss of prime agricultural land; changing the character of the area; small contribution to the overall housing numbers for West Lothian; loss of privacy, noise and disturbance; strong overlap between the council's proposals and those of Cala.

Michael Stoker (0337)

Objects to development of site H-LL 4, Manse Road on grounds of traffic congestion on Manse Road; loss of greenfield land; re-development of brownfield sites should be considered before developing otherwise productive agricultural land.

Doreen Gmitrzak (0338)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; loss of agricultural land; questions need for housing in the area; ability of infrastructure to cope with the proposed development; increase in traffic; road congestion; concern for children's safety; impact on protected species.

Mairi Rudkin & Michael Watts (0339)

Objects to development of site H-LL 4, Manse Road and H-LL 10, Clarendon Farm on grounds of traffic congestion; road safety; adverse impact on the canal and basin which will impact on tourist potential; air quality; no new development should be supported to the south of the canal; increased pressure on local schools.

Nick Goldfinch (0341)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; lack of suitable road access; traffic congestion at peak times on Manse Road; lack of available primary schooling.

Marion Percival (0345)

Object to development of site H-LL 12 Preston Farm on grounds of loss of productive farm land; spoiling of the landscape; loss of view; availability of other brownfield sites; need is for small social housing suitable for singles or couples without children; education capacity constraint; adverse impact on wildlife and protected species; adverse impact on ancient building.

Residents of Deanburn, Preston House and Preston Gardens (0349)

Object to development of site H-LL 12 Preston Farm on grounds of allocation is contrary to SPP 2014 and the SDP; the site is not effective; the allocation offends the council's policies for release of land in Linlithgow; allocation is contrary to the local landscape designation review; the allocation is contrary to policies in the LDP; the site is within an AGLV; loss of greenfield land; loss of prime agricultural land; impact on the grade A listed Preston House; impact on the scheduled monument of the canal; remoteness from the town centre and the rail station; Linlithgow is an area of restraint; traffic impacts and congestion; air quality; lack of car parking; education constraint; air quality; transport impacts; adverse impact on wildlife and protected species

Historic Environment Scotland (0351)

Development allocation of site H-LL 11 – Wilcoxholm Farm / Pilgrim Hill may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation. However, content that these impacts could be mitigated by application of policy and sensitive design but essential that Historic Environment Scotland have early involvement in further discussions on the development of proposals for the site. Any proposed direct impact on the scheduled monument would be subject to the Scheduled Monument Consent process. The site delivery requirements should be updated to reflect these comments.

Historic Environment Scotland (0351)

Content that impacts from development allocation H-LL 12 – Preston Farm on the setting of the scheduled Union Canal or the setting of A listed Preston House could be mitigated by robust application of policy and sensitive design, this should be reflected in the Environmental Report and site delivery requirements; welcome early discussion as proposals for development of this site progress, and the site delivery requirements should be updated to reflect this.

Peter Martin Smith (0362)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; loss of AGLV; loss of prime agricultural land; loss of protected species; **adverse** impact on the approach to Linlithgow from the south and skyline.

Transition Linlithgow (0363)

The LDP needs to state how air quality issues will be addressed; consideration should be given to the types of travel journeys and destinations and to align those with the impacts of new developments; the LDP must mandate transport impact assessments as part of the development planning process; objects to Proposal P-43 being located in the

Countryside Belt, and also encourages an examination of alternative options prior to progressing Proposal P-45; brownfield land should always be prioritised over use of any form of agricultural land; supports Proposal P-44; suggests brownfield sites should be considered in advance of greenfield.

Gavin Hunter (0366)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of adverse impact on landscape and proposed Special Landscape Area to the south; development would be contrary to policy ENV 12 and adversely impact on the Canal; failure to take into account flood risk requirements of policy EMG 2; contribution to the effective housing land supply; affordable housing requirements; drainage constraints; impact on biodiversity; traffic; parking; air quality; brownfield sites should be prioritised; impact on public transport; lack of education capacity; site density; other development sites should be considered.

Wendy Kennedy (0372)

Objects to development principally of site H-LL 12 Preston Farm but also other proposed sites in Linlithgow on grounds of lack of consideration for the landscape, environment, air pollution, and infrastructure; proposals are poorly thought out, a knee jerk reaction to the current housing situation and not a plan for the future of Linlithgow or West Lothian; proposals are contrary to landscape designation review; site is out with the settlement envelope; adverse impact on south boundary of Linlithgow ; adverse impact on views from the Union Canal; adverse impact on tourism; adverse impact on scheduled monument of the canal; site remote from the town centre and frequent bus or rail routes; traffic congestion; air quality; adverse impact on setting of grade A listed Preston House; loss of greenfield land; loss of prime agricultural land; loss of protected species; flood risk; drainage; supports proposals of the Linlithgow Planning Forum.

Roger Livermore (0375)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; loss of AGLV; loss of prime agricultural land; adverse impact on protected species; adverse impact on skyline and approach to Linlithgow from the south; supports reinstatement of area of restraint; infrastructure capacity constraints; traffic impacts; support for social housing on Mill Road and housing at Edinburgh Road.

Neil Faulds (0379)

Objects to development of site H-LL 4, Manse Road on grounds of lack of education capacity; pressure on local amenities such as the sports centre and doctors surgery; loss of greenfield land; loss of prime agricultural land; availability of brownfield land to the west of Linlithgow which could be considered rather than using agricultural land.

Paul Mauchline (0380)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield site beyond the settlement boundary; site is designated "Area of Great landscape or "Special Landscape Area; loss of prime agricultural land; impact on protected species; impact on the road network; impact on the skyline; increase in traffic; education capacity.

Fay Napoli (0381)

Objects to development of site H-LL 4, Manse Road on grounds of road safety and increase in traffic; loss of prime agricultural land.

Aldyth Carrick (0382)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; loss of AGLV; loss of prime agricultural land; loss of protected species; impact on skyline from development; increase in traffic; education capacity constraints

Jackie Boyd (0383)

Objects to development of site H-LL 12 Preston Farm on grounds of traffic; lack of education capacity; flooding; loss of green belt and AGLV; loss of wildlife.

Alan Brown (0385)

Objects to designation of the land at H-LL 11 Wilcoxholm Farm/Pilgrims Hill for development on grounds of loss of prime agricultural land; impact on skyline and views into the town; loss of area of land of high landscape value; detrimental visual impact; access constraints over the canal; remoteness from town centre and other facilities; flood risk; road safety concerns; traffic congestion; air quality; drainage constraint; alternative sites more suitable for development.

Helen Livermore (0386)

Objects to development of site H-LL 4, Manse Road on grounds of loss of greenfield land; loss of AGLV; loss of prime agricultural land; adverse impact on protected species; adverse impact on skyline and approach to Linlithgow from the south; supports reinstatement of area of restraint; infrastructure capacity constraints; traffic impacts; support for social housing on Mill Road and housing at Edinburgh Road.

Shona Smith (0388)

Objects to development of site H-LL 12 Preston Farm on grounds of increased traffic and congestion; child safety concerns; supports proposals of the Linlithgow Planning Forum; adverse impact on Linlithgow's setting from the western approach, the canal and other aspects of the town; adverse impact on tourism and the town's attractiveness; large houses are not required in Linlithgow and that affordable housing with easy access to the motorway, train and bus routes is required more; negative impact on wildlife.

Ailsa Wilson QC (0389)

Objects to development of site H-LL 12 Preston Farm on grounds of the proposal is contrary to strategic, national and local planning guidance; incorrect references to statute; proposal conflicts with SDP policy 7, particularly the first two objectives of the policy; no environmental or landscape justification has been provided to alter the settlement boundary at this location; allocation contradicts findings of the local landscape designation review; failure to address infrastructure requirements. Incorrect references to legislation.

J C Stewart (0394)

Objects to development of site H-LL 12 Preston Farm on grounds of access constraints both in terms road capacity at Deanburn and the need for a secondary access; distance of the site from the town centre; education capacity constraints; unacceptable impact on the landscape environment; flooding and drainage issues; unnecessary loss of prime agricultural land; other sites elsewhere are more suited for development in the Linlithgow area.

Kenneth Wilson (0395)

Objects to development of site H-LL 12 Preston Farm on grounds of access constraints both in terms road capacity at Deanburn and the need for a secondary access; distance of the site from the town centre; education capacity constraints; unacceptable impact on the landscape environment; flooding and drainage issues; unnecessary loss of prime agricultural land; other sites elsewhere are more suited for development in the Linlithgow area.

Rachel Grant (0414)

No thought given to the impact of development and infrastructure to support proposals; lack of education capacity; lack of capacity in health care; traffic congestion, noise and air pollution; particular reference to Clarendon Farm (H-LL 10) and Manse Road (H-LL 4) sites; loss of greenfield land within an AGLV; loss of prime agricultural land; adverse impact on wildlife.

Mr and Mrs S Bisht (0416)

Objects to development of site H-LL 4, Manse Road of grounds of loss of AGLV and prime agricultural land; loss of protected species; negative impact on the view, skyline and look of the entrance to the town.

Sian Wann (0411 and 21785472)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims on grounds of alteration to landscape character; adverse impact on the canal; flood risk; traffic impact; parking concerns; congestion; air quality; school capacity constraints; site contrary to requirements of PAN 2/2010 in relation to site effectiveness.

Cala Management Ltd (0418)

Oppose strategy of a sequential approach to development in Linlithgow; approach is unnecessary for the housing allocations given that the council has already allocated the sites for development within the LDP. There should be no need for any preferential assessment for the location of the housing allocation, as they are all promoted for development. Support development of the Preston Farm site (H-LL 12); if the proposed sequential approach taken by the council is considered to be acceptable but this approach should not preclude or delay development from starting on effective sites such as Preston Farm, in preference of a brownfield site which may not be forthcoming. References to school catchments in relation to the Preston Farm site should be corrected; in terms of surface water management developers should only be expected to mitigate the impact of the proposed development and not off site mitigation; given that adopted surface water exists within the site, the developer should only require to demonstrate that

greenfield run-off is not exceeded; happy to help and facilitate any measures to redirect surface water into the Union Canal, provided this is at nil cost to the developer / landowner, beyond which is attributable to the development of the site itself.

Ron Smith (0424)

Objects to proposals for Linlithgow; opportunity to maximise planning gain by pooling housing opportunities together in terms of social-rented housing, roads, environmental/public realm improvements and other infrastructure, and derived from the considerable increase in land value that will accrue from sites being designated for development is lost; housing sites should all be grouped to the south-east of the town, in the Clarendon/Edinburgh Road area carefully situated in relation to the landscape and situated out with areas currently designated as Areas of Great Landscape Value, in accordance with the Linlithgow Planning Forum's '*Plan for the Future*' document; no effective remedy to air quality issues is proposed; suggests construction of a northern bypass to assist in resolving this rather than a four-way interchange at Burghmuir; objects to housing site H-LL 4 Manse Road as development is in isolation and would block the potential for any Manse Road-Edinburgh Road link road and unnecessarily encroach too far south into the currently-designated Area of Great Landscape Value; objects to housing site H-LL 10 Clarendon Farm as development of the site on its own would be contrary to the proper future planning of the whole south-east sector of Linlithgow and the site should be developed in accordance with a proper phased masterplan for the whole area between Manse Road and Edinburgh Road. Objects to housing site H-LL 12 Preston Farm - development is unnecessary and would divert resources from the planning gain package which would accompany the suggested housing in the south-east quadrant of the town. The site is also within an Area of Great Landscape Value which provides a setting for the category A listed Preston House.

Robert Stewart (0425)

Objects to development of site H-LL 12 Preston Farm on grounds of loss of AGLV and unnecessary rezoning of the Area of Great Landscape Value / core candidate Special Landscape Area; impact on biodiversity and protected species; proximity and impact on the setting of a Grade A Listed Building (Preston House); proximity and impact on a Scheduled Monument (Union Canal); site is isolated and far away from the town centre and public transport links; no ability for developer to improve local roads networks; child safety concerns; loss of prime agricultural land; collusion between the council and developers; site contrary to LDP policies; support the Linlithgow Planning Forum's '*Plan for the Future*'.

Donald Sutherland (0426)

Objects to development of site H-LL 12 Preston Farm on grounds of increased traffic and congestion; increased air pollution from the increased traffic; increased pressure on health facilities and education provision; loss of habitat especially in relation to Protected Species.

Linlithgow and Linlithgow Bridge Community Council (0428)

Objects to proposed approach to Linlithgow on grounds of reactive determination of housing sites whilst ignoring topography, AGLV, proximity to town centre and impact on existing infrastructure; settlement envelope should not be determined by development

opportunity and land ownership but should be conducive to landform and existing plus proposed infrastructure; supports “*Linlithgow A Plan for the Future*”; supports vision and aims of the LDP; supports policies EMP 6 and EMP 8; suggests need for employment policy to encourage re-use of vacant premises;; supports para 5.15 in relation to West Lothian Economic Strategy; support policies HOU 1 – HOU 3, HOU 5 – HOU 8; seek change to policy HOU 4; seeks a better mix between social rented and owner occupied housing; agrees with removal of “are of restraint”; supports policies TRAN 1-TRAN 4; seeks various changes to the LDP to reflect Linlithgow requirements (see Modifications section below); Transport Appraisal is a reactive assessment whereas a proactive plan is required; supports principle of countryside belts subject to fine-tuning of boundaries including taking into account terms of Linlithgow A Plan for the Future; concerns over content of the SEA and length of the document; suggests policy NRG 5 is an aspiration rather than a policy; the LDP does not resolve problems lack of infrastructure investment and ad hoc approach to development; a master plan is required for the town; lists various aspects of the Linlithgow A Plan for the Future which have community support e.g. business park at Burghmuir; tourist information centre at Burgh Halls; enhancements to Linlithgow conservation area; provision of affordable housing and infill private housing development; traffic management, 4 way junction on M9 ; eastern local distributor road; relief of traffic over the canal; decked car park at Regent Centre; new primary school; integrated health centre on a town centre site.

Scott Finlay (0433)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims on grounds of landscape and suitability of the site; infrastructure and traffic; better alternative sites; breaches of policy/guidance; development would destroy an important part of the town's landscape, appearance and habitat and negatively impact on existing historic and characterful infrastructure including the canal, several bridges and its bio-diversity; flood risk; inadequate road infrastructure; increase in traffic; unsuitable access via Maidlands; site is far enough away from the town and station that extensive short journey car use is inevitable leading to increased congestion, pollution and parking issues; education capacity concerns; other brownfield sites more suited to housing are available e.g. Edinburgh Road; other sites should be allocated in the area to meet housing need; removal of the area of restraint policy for Linlithgow should not mean a free for all.

Elaine Anderson (0434)

Objects to allocation of site H-LL 10 on grounds of transport and capacity of Manse Road to cope with traffic increase; increase in pollution on High Street; incorrect references to catchment schools for the site; lack of education capacity at Linlithgow Academy; adverse impact on area of outstanding local beauty.

Wallace Land Investment & Management (0449, 0450, 0451, 0452 and 0453)

Object to the proposed housing allocations H-LL 4 Land east of Manse Road, H-LL 7 Clarendon House, 30 Manse Road, H-LL 10 Clarendon Farm, H-LL 11 Wilcoxholm Farm / Pilgrims Hill, and H-LL 12 Preston Farm on the basis of concerns over the effectiveness of the proposed allocations in terms of lack of primary school capacity; increased traffic impacts; congestion and further deterioration in air quality; and lack of infrastructure solutions from the council to deal with these matters. Object to Proposal P-43, proposed strategic employment allocation at Burghmuir in Linlithgow on the basis that there is no market demand for the proposed use and that there is an existing site allocated for this

use (E-LL 2) which is currently available for this type of development.

Sheila and William Young (0456)

Objects to development of site H-LL 12 Preston Farm on grounds of unsuitable roads infrastructure and increase in traffic; site is well outside the town with poor bus routes and connections to the town centre; loss of green belt and AGLV status; allocation of the site is not in interest of the local community or the character of the town; the site is not within easy reach of the town centre and its local amenities; the sites will not bring any benefits to the town to alleviate the current congestion and pollution problems on the High Street; loss of prime agricultural land; adverse impact on the canal, the setting of grade A listed Preston House and views into the town; adverse impact on protected species; support the Linlithgow Planning Forum's proposals to expand Linlithgow to the east.

Mr & Mrs Graham (0460)

Object to allocation of site H-LL 10 Clarendon Farm for development on grounds of road capacity; access; increased congestion; air quality; education capacity constraints; flood risk; potential contamination of the canal and feeder burns to Linlithgow Loch; loss of prime agricultural land; adverse impact on wildlife.

Fraser McCluskey (21910234)

Objects to development on grounds of loss of greenfield site beyond settlement boundary; loss of AGLV/special protected area; loss of prime agricultural land; loss of protected species; impact on approach into Linlithgow from the south along Manse Road; adverse impact on skyline; ability of local road infrastructure to cope with development.

Jennifer Hammond (21910130)

Supports the proactive approach adopted by the document "*Linlithgow a Plan for the future 2015-2030*" which seeks to address piecemeal development and which is not adequately considered in the Proposed Plan; community engagement required to ensure that development genuinely addresses local needs and balances essential housing with infrastructure and community provision; supports "*Linlithgow Plan for the Future*" in relation to traffic in the High Street, development of tourism and business opportunities and provision of affordable and social housing in the area. Comprehensive development plan required; "*Linlithgow Plan for the Future*" provides a much better approach to balancing development of Linlithgow with infrastructure requirements.

Matt Wallace (21909794)

Objects to allocation of site H-LL 4 Manse Road on grounds of loss of greenfield land out with the settlement boundary; loss of AGLV/special landscape area; loss of prime agricultural land; impact on protected species; impact on the skyline on the approach into Linlithgow from the south along Manse Road; additional pressure on local roadways and the wider network; traffic congestion.

S Ryan (21909725)

Objects to allocation of sites H-LL 4 Manse Road, H-LL 10 Clarendon Farm and H-LL 12 Preston Farm on grounds of loss of prime agricultural land; impact on protected species;

increase in traffic; education constraints; capacity issues in health and leisure provision; availability of brownfield sites.

Richard Rippon (21909335)

Objects to proposed development sites in Linlithgow, particularly those on the south side of the town; loss of AGLV or special landscape area; loss of prime agricultural land; loss of protected species; impact on setting of the town from the south and impact on skyline; traffic congestion; lack of car parking; adverse impact on community services such as swimming pool and doctors' surgeries.

Orla Bennett (21909147)

Objects to allocation of site H-LL 7 on grounds of unsuitable access and capacity of the road network to accommodate development; adverse impact on the canal bridge; air quality issues; lack of school capacity; insufficient capacity on public transport and increase in traffic; and advises that a bypass to the High Street is required.

Jennifer Davies (21909039 and 21889226)

Objects to allocation of sites H-LL 4 Manse Road on grounds of site being out with the settlement envelope and within an AGLV; impact on skyline and setting; proposed allocation undermines Special Landscape Area Designations in the landscape designation review; creation of an arbitrary boundary vulnerable to further development pressures and creates precedence for further erosion of the SLA; infrastructure capacity constraints; allocation will not protect or enhance either the built or natural environment; loss of greenfield; site is not in a sustainable location and is remote from town centre and schools; traffic constraints; air quality issues; education capacity constraint; allocation is not sufficient to secure proportionate developer contributions to facilitate the provision of infrastructure required; allocation H LL 4 is contrary to the LDP Vision; adverse impact on the natural environment, including the setting of Linlithgow; approach to housing land allocations is contrary to the SDP, in that there is a shortfall to 2019; the site is not effective and therefore contrary to PAN 2/2010; piecemeal development strategy which does not provide confidence to will deliver strategic infrastructure requirements; text in paragraph 5.82 regarding developer contributions is incorrect and contrary to Circular 3/2012 as contributions can only be required where it is necessary to allow development to proceed, not to make good any existing deficiencies; education capacity constraints; allocation is contrary to SDP policy 7; contrary to LDP aims; remote from town centre; loss of prime agricultural land; allocation would exacerbate air quality issues in town centre, without making meaningful contribution to alleviate these issues.

Sarah Gahagan (21908947)

Objects to the LDP on grounds of lack of infrastructure in place or detailed to support development; traffic concerns over the bridge at the canal basin at the bottom of Manse Road, Linlithgow; pedestrian safety concerns; education capacity concerns at Low Port Primary.

Steven Neale (21908859)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of education capacity constraints; transport infrastructure constraints; traffic congestion; recognise

opportunities to mitigate some of the negative effects through creation of a new local access road as set out in "*Linlithgow Plan for the Future*" and upgrading the M9; recognises need for affordable (flats) built closer to the train station to reduce any extra traffic; brownfield site available closer to town on Edinburgh Road; brownfield land should be developed prior to release of greenfield sites; encroachment on AGLV/special landscape area.

James Boyd (21908747)

Objects to allocation of site H-LL 4 Manse Road on grounds of loss of greenfield site beyond the current settlement boundary; loss of AGLV/special landscape area; loss of prime agricultural land; loss of protected species; impact on the approach into Linlithgow from the south along Manse Road and impact on skyline.

Mairi Watts (21892177)

Object to allocation of sites H-LL 4 Manse Road and H-LL 10 Clarendon Farm for development. No reason given for objection.

Iain Macleod (21890779)

Objects to allocation of site H-LL 12 Preston Farm for development on grounds of increase in traffic on Deanburn Road leading to Preston Road and Manse Road; additional on the two primary schools, especially Linlithgow Primary, which is already full; detrimental impact on grade listed Preston House; loss of wildlife habitat including protected species; loss of prime agricultural land; impact on public transport.

Allan Melling (21890279)

Objects to allocation H-LL 4 Manse Road on grounds of loss of greenfield site beyond the current boundary; loss of prime agricultural land; loss of AGLV; loss of protected species; impact on the view and skyline approaching Linlithgow.

John Kelly (21889730)

Agrees with vision and aims of the LDP; agrees with the thrust of employment policies but advises that where policies are specific e.g. EMP 5 there is no mention of Linlithgow and asks where are the plans for expansion of employment in Linlithgow; no reference to tourism support in Linlithgow; effective housing land supply should be allocated per settlement and be sufficient for 10 to 15 years; site H-LL 6 Mill Road can easily accommodate 30 houses; settlement boundary should follow landform; Transport Appraisal is a very poor assessment of the traffic situation in Linlithgow focusing as it does on the High Street morning rush only and is too long and complex to be understood; agrees with all the points made by Linlithgow and Linlithgow Bridge Community Council.

Charles Webster (21878213)

Objects to development in Linlithgow on grounds of further development will only aggravate current problems i.e. parking, traffic congestion, public transport or schooling; supports retention of green space proposed by the LDP but rejects any proposals for further housing development in the town.

Keith Irving (21877215)

Supports the hierarchy on development within Linlithgow with a focus on brownfield sites first and foremost and prioritising sites closer to the station; seeks more detail on what will be done to encourage walking or cycling in the town as a result of infrastructure contributions; transport appraisal needs specific reference to the national walking strategy, cycling actions plan for Scotland and Designing Streets; traffic management required on High Street and should be highlighted as issues in the traffic modelling; supports town centre first principles of the LDP but believes that barriers to town centre living should be tackled e.g. car parking provision should not be an essential pre-requisite for creating additional housing stock in the upper floors.

Christopher Thomas (21870470)

Objects to development in Linlithgow on grounds of impact on traffic congestion, air quality, parking, education capacity constraints; infrastructure capacity constraints; impact on the canal basin from proposed sites around Manse Road; no evidence to show that the council has proposals to ensure that necessary social and physical infrastructure accompanies growth; objects to sites H-LL 4 Manse Road and H-LL 10 Clarendon Farm on grounds of traffic congestion, road safety and parking; clear strategy required to show how new housing will march hand in hand with physical infrastructure improvements particularly traffic, transport and parking congestion; education capacity & social/community facilities e.g. health; safeguarding the environment e.g. the Upper Linlithgow and Union Canal preservation area; development is contrary to the LDP vision statement in terms of infrastructure provision; seeks collaboration between all parties to develop a considered and holistic approach for Linlithgow; refers to "*Linlithgow Plan for the Future*".

Fiona Campbell (21869116)

Objects to development of site H-LL 10 Clarendon Farm on grounds of detrimental effect on town in general as well as personal property; loss of greenfield land; more appropriate to develop brownfield land; loss of light and privacy; noise from cars and houses; flooding; capacity of drainage network; traffic impact and congestion; adverse impact on mature trees and wildlife including protected species; geographical constraints in Linlithgow do not support development.

Cala Land Management Ltd (21867093)

Supports the Vision Statement to provide a generous supply of housing land and an effective five year housing land supply but the promotion of CDAs should not be at the expense of other effective sites coming forward e.g. Preston Farm; supports removal of Linlithgow area of restraint; opposes sequential approach to development in Linlithgow LDP has in effect already completed the sequential decision making, by deeming that greenfield land is required to be released across Linlithgow to meet the strategic requirements; supports development of the Preston Farm site; the sequential approach should not preclude or delay development commencing on site in preference of a brownfield site which may not be forthcoming; incorrect school catchment references; developer should only be expected to mitigate the impact of the proposed development and not the wider area; happy to help and facilitate measures to redirect surface water into the Union Canal, provided at nil cost to the developer/landowner, beyond which is attributable to the development of the site itself.

Andrew MacGregor (21866415)

The number of houses proposed for Linlithgow detailed on pages 89 and 255 differ; further exacerbation of traffic congestion in the Stockbridge area as a result of proposed developments at Falkirk Road (H-LL 5) and Preston Farm (H-LL 12); proposed access to the Falkirk Road site would constitute a major safety hazard; the majority of future local housing and retail developments should be located in the east of the town; supports 'planning gain' for future developments which should include contributions for westbound slips to the M9 at Burghmuir, new community facilities' and a healthy contribution to the cost of extending Linlithgow Academy; current lack of residential properties in Linlithgow has resulted in artificially high market prices; more comprehensive mix of properties required to enable older residents to 'downsize' and younger families to make their first step onto the housing ladder.

Christine Mahony (21866113)

Seeks provision of more affordable homes in Linlithgow; need for more business and employment opportunities and the invigoration of the High Street; transport pinch points due to topography of the town are already overloaded; lack of a 4 way junction at Linlithgow exacerbates traffic congestion; location of proposed housing and employment sites on the east side of the town will contribute to traffic problems and adversely affect air quality; education capacity constraints; area of restraint should remain; vague references to mitigation through 'traffic management', motorway slip roads etc, but no technical or feasibility studies to show they are realistic; no discussion of the feasibility of funding the slip roads onto the M9 (at junction 3) and hard to see how that could be funded by developers as part of any planning gain given remoteness of proposed development sites from this junction; concerns over combined capacity of sites H-LL 4, H-LL 7 and H-LL 10 related to access, traffic congestion road capacity. Does not endorse all the ideas in the local community council document "*Linlithgow – A Plan for the Future 2015-30*", but they do propose several improvements which could potentially be funded by planning gain.

John Aitken (21863500)

Objects to development in Linlithgow on grounds of failure of the LDP to effectively address issues of congested High Street with poor air quality; insufficient car parking provision for commuters using Linlithgow station; insufficient parking for tour coaches; high demand for affordable housing; failure to realise the town's tourist potential; need to improve Infrastructure; suggests open land to the south east that could be used without enlarging the town; radical and proactive holistic approach needed for Linlithgow as proposed by Linlithgow Planning Forum's "*Linlithgow- A Plan for the Future*"; strongly recommends the council look to this plan for a better approach.

Finlay Scott (21848598)

Objects to allocation of site H-LL 11 Wilcoxholm/Pilgrims Hill for development on grounds of landscape and suitability of the site for development; infrastructure and traffic concerns; better alternative brownfield sites are available; destruction of an important part of the town's landscape, appearance and habitat; negative impact on existing historic and characterful infrastructure including the canal and several bridges and its bio-diversity; flood risk; access through Maidlands housing development is physically impossible; site far enough away from the town and station that extensive short journey car use is

inevitable leading to increased congestion, pollution and parking issues; education capacity constraints; removal of the area of restraint policy for Linlithgow should not mean a free for all.

Manor Forrest Ltd (21837154)

Object to allocation of H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of site overlays the Union Canal, a scheduled ancient monument and a protected right of way/core path; site abuts the railways (noise/amenity issues); access constraints both in terms of accessing wider network and linking the two parts of the site; non car transport options to the town centre are limited; site topography raises visual impact issues; education catchment; no demonstrable developer interest.

Douglas Hanley (21832880)

Objects to allocation H-LL 4 Manse Road on grounds of loss of site is within a special landscape area; loss of prime agricultural land; impact on protected species; loss of greenfield land.

Tom Brown (21829599)

Objects to allocation of H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of access through Maidlands; increase in traffic; flooding; school capacity; adverse impact on the canal and wildlife; adverse impact on air quality; concern that the site can accommodate more units than is stated in the LDP; increase in congestion; contrary to policies EMG 2, EMG 4 and ENV 2.

Christine Anderson (21820028)

Objects to proposals affecting Linlithgow on grounds of not enough thought/consideration has been given to Linlithgow's future; supports the Linlithgow Plan for the Future with the exception of a north relief road; if plans included an eastern relief road then would support housing at Williamsraig, Wilcoxholm and from Clarendon/Oatlands to Killdimery; suggests alterations to the school estate to accommodate development; seeks compulsory purchase of former Clydesdale Bank building in the High Street and refurbishment into a small business centre; seeks compulsory purchase of Victoria Halls and conversion to rented accommodation for older Council tenants wishing to move to the town centre; seeks enlarged Health Centre; seeks time limits to be applied to length of stay in car parks, park and ride and rest room facilities for tourist buses.

Michael Vickers (21817641)

Linlithgow is low on the council's priority list as set out in the LDP with the focus being on the CDAs; implausible to remove area of restraint and build only 580 houses will be built in the next 10 years should 'restraint' be removed; revised settlement boundary makes little sense other than responding to developers' wishes; accepts need for affordable housing; whilst recognising High Street bottleneck there are no proposals other than changing traffic light frequency to address this; too much concentration on Livingston as a 'sub-regional centre'; few proposals for the town in terms of economic development and growth; little to support tourism in the town; supports HNDA in terms of more rented accommodation but little is foreseen in Linlithgow; questions why no Linlithgow charrette; disappointing that developers will only be asked to 'mitigate' transport problems; no

reference to affordable housing in Linlithgow or Linlithgow Bridge; LDP gives little support to infrastructure provision in the town; education capacity constraint; water and drainage issues associated with Linlithgow Loch; supports approach to the canal (paragraphs 5.164-5.165, page 49); questions approach to protection of the historic environment in the town; no reference in the LDP to Edinburgh Airport flight paths and airport growth; questions proposed scale of development once area of restraint is removed; the LDP should indicate a settlement envelope for the town which provides for development for the next 10 – 15 years, the Linlithgow Plan for the Future provides for this; approach set out in Linlithgow Plan for the Future is commended to the council.

David Bateman (21817205)

Objects to development of site H-LL 3 Boghall East on grounds of adverse impact on tourism; loss of open countryside and view; visual impact; development will not provide for affordable homes.

Peter Corry (21811882)

Objects to development of site H-LL 12 Preston Farm on grounds of development is contrary to policies HOU 3, HOU 4 and ENV 1; loss of AGLV status and site is out with the settlement envelope; visual impact and views of grade A listed Preston House, surrounding area and key landscape feature; additional traffic contributing to traffic congestion; impact on wildlife including protected species; impact on woodland; education capacity; proposals put forward by the Linlithgow Planning Forum in "*Linlithgow- A Plan for the Future 2025-30*" should be given serious consideration as it gives a number of viable alternatives together with proposals for the town's development.

Linda Ovens (21806840)

Supports second sentence of vision statement; no detailed proposals for developer contributions towards Linlithgow supporting infrastructure; development should not progress until infrastructure is available; objects to H-LL 4 on grounds of traffic impact; concerns for impact on school route; incorrect references to catchment schools and inconsistencies in referencing compared with other sites. Objects to site H-LL 10 Wilcoxholm/Pilgrims Hill as infrastructure should be in place prior to development and detailed proposals for improvement are not set out in the LDP in relation to road network and catchments schools; reference to financial contribution from developers as part of a Planning approval is insufficient; school capacity issues at listed Low Port Primary School; impact on local road infrastructure and increase in traffic.

Sean Semple (21805807)

Objects to development of sit H-LL 10 Clarendon Farm on grounds of recent appeal decision on the site (PPA-400-2046). Concerns over increase in traffic and levels of air pollution.

Peter Buck (21803202)

Objects to allocation of site H-LL 12 Preston Farm for development on grounds of increase in traffic and road congestion; loss of prime agricultural land; no account take of impact on biodiversity or acknowledgement presence of protected species on site; impact on grade A listed Preston House; site is within an AGLV; site contrary to policies ENV 1

and ENV 4.

Heather Adam (21772368)

Objects to development in Linlithgow particularly H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm on grounds of land is within a conservation area; loss of prime quality agricultural land; flooding; soil disturbance; availability of gap sites elsewhere e.g. Edinburgh Road; traffic impact; suggests new road from Edinburgh Road to the south of the town would be advantageous; air quality; need to address education capacity issues, health care provision and parking; availability of alternative brownfield sites; impact on wildlife; loss of mature trees and hedgerows.

Irene Fortune (21770063)

Objects to development of site H-LL 4 Manse Road on grounds of site is within an AGLV; loss of prime agricultural land; traffic issues; all brownfield sites should be regenerated prior to release of greenfield land.

Paul Buchanan-Smith (21755712)

objects to development of site H-LL 4 Manse Road on grounds of loss of greenfield land beyond the settlement boundary; site is within AGLV; loss of prime agricultural land; more appropriate brownfield sites are available; impact on protected species; impact on skyline and approach to the town from the south; drainage capacity; flood risk; traffic impact and road capacity.

Robert McMillan (21749350)

Objects to development of site H-LL 11 Wilcoxholm Farm/Pilgrims Hill on grounds of flooding and drainage; traffic congestion; increased pollution and parking issues; education capacity constraints; loss of prime agricultural land; availability of more suitable sites elsewhere with lesser impact; site is not brownfield; adverse effect on the canal and flora, fauna and wildlife.

Manor Forrest (21908084)

Objects to allocations of site H-LL 12 on grounds of flooding; access; adverse impacts on the landscape environment; and reliance on cars as a means to access town centre.

Dorothy Jamieson (21907110)

Objects to allocation of site H-LL 12 Preston Farm. No reason given for objection.

Sheena Miller (21906586)

Objects to proposed residential developments in Linlithgow on grounds of proposals not having been given proper attention in relation to school capacity.

James Jamieson (21906511)

Objects to allocation of site H-LL 4 on grounds of site being within an AGLV/special landscape area; loss of prime agricultural land; impact on protected species; traffic impacts and congestion.

Moira Tweedie (21906311)

Objects to allocation of site H-LL 4 on grounds of site being within an AGLV/special landscape area; loss of prime agricultural land; impact on protected species; traffic impacts and congestion; impact on skyline and approach into Linlithgow; traffic congestion.

Edith McDowall (21905735)

Objects to allocation of sites H-LL 4 Manse Road, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of increase in traffic congestion; child safety concerns; air quality; errors in the plan in relation to school catchments for sites H-LL 7, H-LL 10, H-LL 11 and H-LL 12.

Andrew McIntosh (21905608)

Objects to allocation of site H-LL 4 Manse Road on grounds of loss of greenfield land out with the settlement boundary; impact on protected species; impact on skyline; site is within a special landscape area; loss of prime agricultural land.

John Kemp (21903480)

Objects to proposed residential developments in Linlithgow until issues of traffic management, parking and education are resolved.

Ian Brownell (21903174)

Objects to allocation of site H-LL 4 on grounds of loss of green-field site beyond the current settlement boundary.; development within an area of Great Landscape Value or Special Landscape Value ; loss of prime agricultural land; loss of protected species such as badgers and bats which will be adversely; detrimental impact on the skyline.

James Cameron (21901690)

Objects to development of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm on grounds of access; impact on school capacity and amenity.

Lynda Thomas (21901313)

Objects to proposed approach to Linlithgow on grounds of traffic congestion; delays along the High Street and frequent incidents/road rage at the Canal Bridge at the end of Manse Road; inadequate parking facilities that adversely affect town centre trading, tourism and road safety; lack of education capacity; proposed development is contrary to the LDP vision in relation to support for tourism and provision of infrastructure; adverse impact on wildlife, natural environment and protected species; education capacity constraints; air pollution; water quality in Linlithgow Loch; loss of farmland. Specific objection to site H-LL 4 Manse Road on grounds of access, impact on the canal bridge, congestion, pedestrian and driver safety; accepts need for affordable housing however, not the scale of development currently proposed; approach to planning gain to address infrastructure constraints.

Alastair Young (21900572)

Objects to development of sites H-LL 4 Manse Road on grounds of proposed development site is out with the current settlement boundary and on land designated as greenbelt; loss of prime agricultural land; impact on the canal and bridge crossings; loss of views over AGLV; disturbance to natural habitat and protected species; pressure on existing infrastructure i.e. town centre amenities and education; congestion on the High Street; lack of education capacity; development sites of 200 houses at H-LL-11 at Wilcoxholm Farm & Pilgrims Hill; 120 houses at H-LL-10 Clarendon are not in keeping with managed development and would likely overwhelm the town.

Colin Watson (21900284)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hills on grounds of impingement of development on a constrained area; insufficient infrastructure; Linlithgow is large enough and does not require to grow in the way proposed; future developments should be around smaller towns; infrastructure in Linlithgow needs to be in place to support proposed developments; lack of mains sewerage and gas connection; access constraints.

Bruce Jamieson (21900051)

Objects to allocation of site H-LL 12 for development on grounds of loss of valuable open space crucial to the wellbeing of the town.

Jennifer Leonard (21899784)

Objects to development in Linlithgow on grounds that the town should remain an area of restraint; loss of greenfield land; need to address infrastructure constraints; loss of green belt; insufficient education capacity; increase in traffic; increase in air pollution; adverse impact on tourism; bypass is required for the town; destruction of landscape setting and environmental value of the town. Objects to development of site H-LL 12 on similar grounds in addition to adverse impact on landscape amenity value of the canal and adverse impact on biodiversity of the canal corridor.

Gordon Cameron (21899011)

Objects to development of site H-LL 4 Manse Road on grounds of loss of greenfield land beyond settlement boundary; loss of AGLV/special landscape area; loss of prime agricultural land; impact on skyline; contrary to SEA findings.

John Watson (21898420)

Objects to development of site H-LL 10 Clarendon Farm on grounds of recent refusal of planning consent at appeal; loss of prime agricultural land; loss of AGLV; any development would spoil the Royal and Ancient Burgh; other areas are being developed and should continue to be developed without encroaching on such a special and important area.

Donald & Jennifer Macdonald (21893837)

Object to development of Preston Farm on grounds of access concerns; lack of public

transport and impact of private transport flood risk; impact on historic context of the field and impact on the canal; impact on wildlife; no reference to catchment schools on page 200; school capacity concerns; need for assessment of risks from loss of greenfield land when there are many other brownfield sites are more appropriate for development.

Janet Wigham (21689834)

Objects to development of sites H-LL 7 Clarendon House, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of incorrect references to catchment schools and over-capacity in Low Port Primary School.

Steve Donaghue (21670368)

Objects to development of site H-LL 12 Preston Farm on grounds of increased and unwelcome thoroughfare through Braehead Place; additional pressure on the schools; additional traffic on the roads; and loss of the important greenbelt.

Helen MacKenzie (21660154)

Objects to development in Linlithgow on grounds that development will exacerbate existing infrastructure problems of traffic congestion, air quality, parking, education capacity, flooding and drainage; objects specifically to site H-LL 11 Wilcoxholm/Pilgrims Hill as contrary to policy ENV 1, ENV 12, ENV 33, EMG 2, EMG 4; supports a bypass for Linlithgow; proposed housing sites are not effective; adverse impact of development on the canal.

Jonathan Moss (21648848)

Objects to allocation of site H-LL 12 for development on grounds of capacity of road network to cope; lack of school capacity; loss of view; adverse impact on wildlife; flooding; impact on tourism.

Leslie Neary (21558610)

Objects to allocation of site H-LL 12 Preston Farm for development on grounds of loss of green belt; increase in traffic; pressure on health and school places; loss of habitat and protected species; loss of high grade agricultural land; loss of view into open fields; loss of historic setting of grade A listed Preston House; no affordable housing proposed on the site; less sensitive sites in the LDP can absorb the proposed development; need to protect unique attraction of the town for tourists.

Eileen McGhee (21543061)

Objects to development in Linlithgow on grounds of adverse impact on tourism through increased traffic and lack of parking; objects to release of greenfield land; infrastructure and facilities must be present before release of land for development; Linlithgow should remain an area of restraint until issues of traffic congestion, air quality, education and health are addressed; adverse impact on the canal; inaccuracies regarding school catchments in Linlithgow; Linlithgow is not a CDA therefore questions why it needs to be developed.

Mr & Mrs Watt (21538330)

Objects to allocation of site H-LL 4 Manse Road for development on grounds of loss of green belt; infrastructure unable to cope; education at capacity; strain on medical services; drainage/sewerage infrastructure unable to cope; increase in traffic; pedestrian safety; de-valuation of existing property due to loss of view; other areas of Linlithgow are more suited to development.

Emma Gordon (21495743)

Objects to allocation of site H-LL 12 Preston Farm on grounds of loss and impact on AGLV/special landscape area status; impact on historic setting of Grade A listed Preston Hall; impact on protected species; impact on scheduled monument of the canal; spoiling of the pastoral view; loss of prime agricultural land; proposed site boundary exactly reflects the developer's plans for the site; increase in traffic and child safety concerns; air pollution.

Anthony Daly (21448840)

Objects to allocation of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm on grounds of adverse impact on the Canal Bridge and Canal Visitor centre; does not support removal of area of restraint until a solution is found to congestion on High Street; no mitigation measures being considered or communicated to help with the town's current traffic problems; impact on road network; air quality improvements should be implemented; encroachment on Special Landscape Area (H-LL 10); no consideration given to topology of the landscape; increased pressure on education.

Yvette Gentleman (21443519 and 0039)

Objects to development of H-LL 3, Boghall East on grounds of loss of countryside belt; development should be directed to existing housing estates; adverse impact on tourism; increase in traffic; noise; adverse impact on wildlife; alternative sites available elsewhere; concerns over affordable development.

Robert Allan (21395490)

Land should be used at the east of Linlithgow to develop the junction on the M9 to allow for an off ramp east bound and on ramp west bound; suggests this would remove a large amount of unnecessary heavy traffic going through the centre of Linlithgow, improve air quality and reduce congestion. Supports development at Burghmuir including supermarket which would reduce car journeys and provide better retail choice; advises that a new health centre is urgently required.

David & Adrienne Armstrong (21372312)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of lack of infrastructure; increasing traffic congestion; decreasing air quality; lack of secondary education capacity; insufficient parking near the High Street creating an adverse effect on local shops; frequent overcrowding on public transport; loss of green spaces; unacceptable pressure on local health services; no progress on improving the environmental quality of the town.

Duncan Fortune (21349895)

Objects to allocation of site H-LL 4 Manse Road for development on grounds of exacerbation of existing significant traffic issues; pedestrian safety; traffic analysis undertaken in support of the LDP has not assessed the impact on Manse Road and Back Station Road; the site was previously designated as an area of Special Landscape value and no justification given as to why this designation should change simply to allow additional housing; seeks retention of special landscape value status; impact on protected species and wildlife.

Nancy Durrant (21294413)

Wishes to support the proposed plan, and have the amenity woodland area surrounding Clark Avenue (Colhill) maintained as land safeguarded for open space; does not support development at this location.

Stewart Forsyth (21199868)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of inadequate road capacity; concerns for road and pedestrian safety; proposed site access is unknown; Maidlands is not a suitable access; flooding.

Rebecca Smallwood (21009678)

Objects to LDP strategy for Linlithgow; area of restraint approach should remain; access, parking, congestion, school capacity issues remain to be addressed; road safety concerns; air quality; lack of reference to new access to serve sit H-LL 10; incorrect references to school catchments; no reference to nursery provision; loss of greenfield land; impact on flora and fauna; detrimental impact on nature and character of the town; specifically to sites H-LL 4, H-LL 7 and H-LL 10.

Iain Mclean (20972986)

Objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill on grounds of loss of greenfield land; loss of prime quality agricultural land; availability of alternative sites within the Linlithgow town boundary; risk that housing numbers on the site will increase; negative visual impact; infrastructure capacity constraints; only the lower part of the site should be considered for development i.e. north of the canal to mitigate infrastructure and access constraints; distance of the site from the high school; increase in congestion and air pollution.

Paul Gavin (20926139)

Seeks change to the LDP in relation to site H-LL 6, Mill Road; LDP is not consistent with the planning application for development of the site (0244/FUL/15) in terms of access, need for land contamination and coal mining impact surveys; requirement for the building of a MUGA alongside development; seeks a change to the proposals map to reflect that a large part of the site is not buildable due flood risk.

Elizabeth Halliday (21872575)

Objects to allocation of site H-LL 4 Manse Road for development on grounds of the site is

greenfield site out with the current settlement boundary; the land is designated as a special landscape area; loss of prime agricultural land; loss of protected species; the impact skyline on approach into Linlithgow from the south.

Jim Hannan (21870675)

Objects to developments in Linlithgow as inadequate consideration has been given to how the proposed developments would affect quality of life of existing residents; inadequate town centre parking; limited parking around the rail station has detrimental effect on businesses and tourism; objects to site H-LL 4 on grounds of site being a greenfield site out with the settlement envelope; site is an area of great landscape value; loss of prime agricultural land; detrimental visual impact on approaching Linlithgow from the south along Manse Road; traffic congestion and capacity of road network; road safety concerns.

Colin Neil (21858089)

Objects to LDP due to lack of consideration given to current town road congestion, lack of parking and failure of the council and police to deal with this; opposes further development to the south east of Linlithgow until better control of traffic is applied and upgrading of route over to Livingston via Dechmont; town centre has too much through traffic, and insufficient parking.

Jennifer Martin (21591616)

Objects to development of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm; LDP is inaccurate and contains mistakes when quoting school catchment areas: all sites have access issues for construction traffic and future residents cars over the canal bridge which is not a suitable access point; concerns for safety on walking route to school; increase in traffic; road safety concerns; incorrect school catchment references for sites H-LL 3 Boghall East, H-LL 5 Falkirk Road, H-LL 7 Clarendon House, H-LL 10 Clarendon Farm, H-LL 11 Wilcoxholm/Pilgrims Hill and H-LL 12 Preston Farm.

Scottish Canals (21870361)

Advise that if sites H-LL 11 Wilcoxholm/Pilgrims Hill and H-LL 12 Preston Farm are brought forward for development further input will be required to ensure that the proposals take into account the Scheduled Ancient Monument of the canal and respect its setting; development of these sites could derive other canal-related improvements such as moorings, access improvements; the sites could also be drained into the canal to alleviate any flooding or surface water discharge constraints; seek further discussions about any briefs being prepared for these sites; seek developer contributions for canal related improvements.

James Stewart (21887763)

Objects to development of site H-LL 12 Preston Farm on grounds of traffic congestion; need for improved traffic planning around Edinburgh Road and Manse Road south; need for more town centre parking; retain health centre in the centre of town; provide further facilities for young people in the town centre.

David Szkudlarek (21883018)

Objects to development of site H-LL 12 Preston Farm on grounds of allocation is contrary to the council's landscape report; setting on the grade A listed Preston House; impact on wildlife; impact on AGLV.

William Lindsay (21849146)

Objects to the Proposed Plan as it affects Linlithgow; prior to any new housing developments, a full traffic survey is needed for Linlithgow High Street; need for bypass for Linlithgow; site at Preston Fields (H-LL 12) will add to traffic congestion on Preston Road; education capacity constraints; health services capacity issues; infrastructure issues need to be addressed prior to new development.

Claire Wakefield (21889085)

Supports reference in vision statement to requirement for developer contributions for infrastructure, however the LDP contains no detailed proposals for infrastructure requirements; development should not progress until infrastructure is in place; refers to appeal decision on site H-LL 10 and seeks removal of the site from the LDP; road capacity and safety concerns; high street congestion; increase in traffic; lack of education capacity; seeks more information in the LDP on improvements to the road network and catchment schools; insufficient to include reference to a simple financial contribution from developers as part of a Planning approval if there are no plans for how this money should be spent; area of restraint should continue filing that expansion of Linlithgow should be restricted when infrastructure capacity issues can be dealt with, if ever to the Edinburgh road sites where they have the possibility of multiple direct accesses on to the B9080 in both directions, don't impact on the canal bridge, have less impact on Back Station Road and needn't impact Low Port primary school if they feed an expanded Springfield School via a safe route footbridge over the canal and railway.

Jennifer Martin (21887865)

Objects to allocation of site H-LL 10 for development on grounds of loss of greenfield land; advises that no brownfield sites in Linlithgow have been identified for local employment opportunities; increase in traffic and capacity of road network to cope; impact on air quality; lack of education capacity; incorrect references to catchment schools for sites H- LL 2, Westerlea Court, H-LL 3 Boghall East, H-LL 4 Manse Road, H-LL 7 Clarendon House, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/ Pilgrims Hill; insufficient road capacity; overcrowded rail services and lack of parking to accommodation commuters; not enough safe walking routes to the town across the canal or proposals for upgrading current bridges or creating more; preferred site are all on greenfield prime agricultural land.

Gillian Burgess (21885398)

Objects to development in Linlithgow; the council needs to stick to the approach stated i.e. brownfield sites first, greenfield sites within the current town boundaries, then greenfield sites out with the current boundaries. The council also needs to consider which sites could be set up with the minimum of disruption to neighbours and the wider community. Issues include traffic disruption, flooding risks, school placements. Questions why site H- LL 10 is include in the LDP following appeal decision to refuse consent;

proposed access route (Proposal P-118) is not shown on the plan; H-LL 10 main access via St Michaels hospital seems unrealistic and opposes access via Clarendon Road due to lack of road capacity, traffic congestion and local impact; air quality concerns; lack of school capacity and capacity in health provision; site allocation is contrary to council policy to retain prime agricultural sites unless the development is essential; brownfield sites should be developed first according; H-LL 12 Preston farm is out with the current boundaries and should not be considered as part of the Plan; proposals map for Linlithgow is too small and unintelligible; inconsistencies in housing numbers for Linlithgow page 255 states 559 while p89 totals 569. No consideration has been given to the implications new houses will have on education capacity as doctors surgery facilities; increase in traffic; no reference to how Proposals P-44 and P-45 will be financed.

Linlithgow Cycle Action Group (21885168)

Healthcare is inadequate for the expansion of population of Linlithgow.

SUPPORT FOR DEVELOPMENT IN LINLITHGOW

Gladman Developments (0158)

Supports allocation of land at Clarendon Farm for residential development (H-LL 10) however, seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk. It is intimated that these issues have been satisfactorily addressed by a recent planning application (CD311) and a subsequent appeal (CD311). Concern also raised regarding concern over references to catchment area schools pertaining to the site and advises that the site is available and effective and can be delivered in the short term to the benefit of West Lothian, with the cooperation of the Council on education infrastructure matters.

Cala Land Management (0161 and 1800156)

Support the principle of development of site H-LL 3 (*Boghall East*) for housing; however, advise that constraints attributed to this site within the Schedule of Housing Sites have been resolved through negotiations associated with CALA's current planning application (CD312) and the Proposed Plan should be amended to reflect that position; application of a sequential approach to the selection of housing sites does not prioritise the most effective allocations and delivery of the housing land requirement; reference to primary school catchment is incorrect; the sequential approach to development in Linlithgow is irrelevant and the Plan should bring forward effective sites, not simply apply a hierarchical approach to the allocation of housing land.

Scott Oliver (0227)

Supports the planned development of Linlithgow and Linlithgow Bridge subject to exclusion of the Preston Farm site and planning for a reduction of congestion in the High Street, a new road between M9 and Edinburgh Road, a new road from Edinburgh Road to Manse Road South to relieve Manse Road bridge; more town centre parking; provision of a coach/car park to support tourism, retention of the health centre in the centre of the town, combined health centre in the centre of the town; improved transport to St John's hospital Livingston; upgrade of road from Manse Road South to Dechmont to a B class road; creation of a cross town cycle path; and increasing the economic and environmental potential of the Union Canal.

Laura McGowan (0343)

Supports housing development in Linlithgow subject to the council considering the road network and main roads with schools on them and ensuring that developers pay as appropriate to ensure road and child safety as deemed necessary throughout.

Historic Environment Scotland (0351)

H-LL 11 Wilcoxholm Farm/Pilgrim Hill development allocation may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation. Content that these impacts could be mitigated by application of policy and sensitive design, however, essential that Historic Environment Scotland have early involvement in further discussions on the development of proposals for the site. Any proposed direct impact on the scheduled monument would be subject to the Scheduled Monument Consent process. The site delivery requirements should be updated to reflect these comments.

Historic Environment Scotland (0351)

H-LL 12 Preston Farm – content that impacts from development on the setting of the scheduled Union Canal or the setting of A listed Preston House could be mitigated by robust application of policy and sensitive design, this should be reflected in the Environmental Report and site delivery requirements; welcome early discussion as proposals for development of this site progress, and the site delivery requirements should be updated to reflect this.

Gardner Estate (0369)

Supports the development of site H-LL 3 for housing subject to points raised by Cala Land Management being addressed (see Cala Land Management (0161 and 1800156) above).

Roger Livermore (0375)

Support for social housing on Mill Road and housing at Edinburgh Road.

Helen Livermore (0386)

Support for social housing on Mill Road and housing at Edinburgh Road.

Martin Crook (21862925)

Advises that there is scope for housing development in Linlithgow however infrastructure gaps must be addressed first and the focus of provision should be on providing for affordable needs.

Manor Forrest (21907238)

Supports allocation of site H-LL 10 Clarendon Farm for development for reasons set out in recent Ministerial decision on a planning application for the site. WLC needs to enter into dialogue with developers to find a mechanism to release a mix of tenure of housing which has historically been undeliverable as a result of education constraints.

Kevin Treadwell (21897700)

Supports allocation of H-LL 10 Clarendon Farm for development on grounds that more land for housing is needed in Linlithgow in general in order to maximise the use of the train station as a means of sustainable transport; additional housing could be used to cross subsidise the provision of education facilities within the adjacent CDA [Winchburgh] to alleviate capacity issues in Linlithgow Academy.

John Kerr Ltd (21804649)

Supports development of site H-LL 10 Wilcoxholm/Pilgrims Hill on grounds that the site will contribute fully in accordance with the LDP spatial strategy and the overall aims and objectives of the Plan. The site contributes to the aims and in that it allows the plan, SPP 2014 and SESplan requirements; site can make a significant contribution towards market and affordable housing; welcomes lifting of area of restraint but does not agree with 500 units allocation for the town; proposes a master plan to guide development; do not agree with comments at para 3.54 of the LDP in relation to school capacity constraint; acknowledges need for flood risk assessment and resolution to transport issues; do not envisage any overriding physical or environmental constraints that would necessarily preclude development over any of the site; would engage with WLC to bring the site forward.

David Mitchell (21798485)

Supports view that limited and controlled development would be beneficial to Linlithgow; concerns over vision for sustainable developments that fully address the needs of Linlithgow; concern that development will not benefit the town; *supports "Linlithgow - A Plan for the Future 2015-30"*; more holistic and long lasting solution to the development in Linlithgow is required.

Linlithgow and District Allotment Society (21140481)

Endorses the statement in paragraph 5.171 that 'There are a number of private allotment sites across West Lothian which are safeguarded for allotment/private growing use'. This statement should remain in the Plan and safeguarding private allotments should be a legitimate reason in determining planning applications.

Winchburgh Developments Ltd (21862570)

Supports the position adopted by the Local Development Plan at Linlithgow (5.64)

Modifications sought by those submitting representations:

Paths Across West Lothian (0015)

Inclusion of reference in the LDP to Old Drove Road footpath at Linlithgow.

Donald Greig (0041)

The site H-LL 12 should be removed from the LDP.

C A Rait (0077 and 0078)

Site H-LL 12 should not be re-zoned for housing and remain as a Special Landscape Area and protected as a historic Greenbelt.

Kevin Laahs (0079)

None specified but infers removal of site H-LL 12 from the LDP for housing development.

Mark Darragh (0090)

Removal of the site H-LL 12 from the LDP urge and protection of the site from development.

Simon Whitworth (0091 and 0344)

Removal of the site H-LL 12 from the LDP.

David & Stella Henderson (0094)

Protect Preston Farm Field (H-LL 12) as greenbelt.

Oliver Ferrario (0095)

None specified but infers removal of site H-LL 12 from the LDP for housing development.

Dorothy Buck (0096)

Removal of the site H-LL 12 from the LDP urge and protection of the site from development.

Gillian Forsyth (0097)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

W Taylor (0098)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

Andrew Sutherland (0101)

None specified but infers removal of the site H-LL 11 from the LDP.

John & Anne McCormack & Family (0102)

None specified but infers removal of the site H-LL 12 from the LDP.

The Lawries (0103)

None specified but infers removal of the site H-LL 12 from the LDP.

John Stewart (0104)

None specified but infers that development should not progress in Linlithgow.

Terry Greig (0105)

None specified but infers removal of the site H-LL 12 from the LDP.

S Aitken (0107)

None specified but infers removal of the site H-LL 12 from the LDP.

Jason Wright (0108)

None specified but infers removal of the site H-LL 12 from the LDP.

Shirley Miller (0111)

None specified but infers removal of the site H-LL 12 from the LDP.

B Greig (0112)

None specified but infers removal of the site H-LL 12 from the LDP.

John & Ann Ralph (0114)

None specified but infers removal of the site H-LL 12 from the LDP.

John MacKenzie (0118)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

Michael McGuire (0119)

None specified but infers removal of the site H-LL 11 from the LDP.

Thelma Napier (0127)

None specified but infers removal of the site H-LL 11 from the LDP.

Alan Meikle (0130)

Remove site H-LL 12 from the plan and that the area is maintained as a countryside/rural habitat.

Frank and Sheila Brash (0131)

None specified but infers removal of the site H-LL 11 from the LDP.

Ian and Janette Kennedy (0132)

None specified but infers removal of site H-LL 12 from the LDP.

Raja Gopalan Ramamurthy (0138)

None specified but infers removal of site H-LL 12 from the LDP.

George Duncan Adam (0140)

None specified but suggests means of addressing access issues in and around Linlithgow.

Jim and Jaqui Stupart (0148)

Seeks removal of site H-LL 12 from the LDP.

Thérèse Stewart (0149)

None specified but infers removal of site H-LL 12 from the LDP.

Margaret and Donald Spencer (0152)

Seeks removal of site H-LL 12 from the LDP.

Allan Robertson (0156 and 0271)

Requests the that West Lothian Council make amendments to the Plan in line with the proposals detailed in the Linlithgow Planning Forum's document '*Linlithgow, A Plan for the Future 2015-30*'.

Graeme Grant (0157)

None stated but suggests development should be re-located to Winchburgh.

Gladman Developments (0158)

Seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk. It is intimated that these issues have been satisfactorily addressed by a recent planning application and a subsequent appeal. Also seeks correction of incorrect references to catchment area schools.

Cala Land Management (0161 and 1800156)

Amend development requirements in relation to site H-LL 3.

Gardner Estate (0369)

Amend the proposed plan to promote the delivery of effective sites capable of development pre-2019 and in doing so, making contributions towards the delivery of the Winchburgh secondary schools programme. This consideration should outweigh the hierarchical nature of the sequential approach currently identified in the Plan.

Edward Crawley (0168)

Seeks removal of site H-LL 12 from the LDP.

Name illegible (0173)

Seeks removal of site H-LL 12 from the LDP.

C Donaldson (0182)

None specified but infers removal of site H-LL 12 from the LDP.

G Woods (0186)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

Linlithgow Civic Trust (0187 and 0432)

Requests West Lothian Council to make amendments to the Plan in line with the proposals detailed in the Linlithgow Planning Forum's document '*Linlithgow, A Plan for the Future 2015-30*'.

Ronnie Jack (0190)

None specified but infers removal of site H-LL 12 from the LDP.

Luke Smallwood (0196)

None specified but suggests that site H-LL 4 be removed from the LDP and excluded from the settlement envelope.

Janet Wigham (0197)

None specified but implies that sites H-LL 4 and H-LL 10 are removed from the LDP and references to catchment schools for sites H-LL 3, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 are corrected.

Stewart Towers (0198)

Reconsider proposed re-zoning of site H-LL 12 for housing and remove it from the proposed LDP.

Tom Packe/Tom Myles (0201) and Tom Packe (21885205)

Site H-LL 4 should not be allocated for residential development but instead, be protected from future development in the emerging LDP. Suggest that development should be re-allocated to Winchburgh.

Allan Watson (0202)

None specified but infers removal of site H-LL 12 from the LDP.

Jo Jack (0204)

None specified but infers removal of site H-LL 12 from the LDP.

Kay Green (0207)

None specified but infers removal of site H-LL 12 from the LDP.

Marshall Green (0211)

None specified but infers removal of site H-LL 12 from the LDP.

Katrina Ovendon (0215)

None specified but infers removal of site H-LL 12 from the LDP.

A D McNab (0217)

None specified but infers removal of site H-LL 12 from the LDP.

Daniel Ovenden (0219)

None specified but infers removal of site H-LL 12 from the LDP.

Jillian Stewart (0221)

Remove site H-LL 12 from the LDP.

Arthur & Beryl Homan-Elsy (0225)

None specified but infers removal of site H-LL 12 from the LDP.

J McNab (0234)

None specified but infers removal of site H-LL 12 from the LDP.

Scottish Natural Heritage (0238)

None specified however, support the preparation of a development framework for Linlithgow; a design-led approach is important to the removal of the area of restraint and the allocation of sites for development in Linlithgow.

John & Katie Kerr (0256)

Removal of site H-LL 12 from the LDP.

Dorothy Parlett (0264)

None specified but infers removal of site H-LL 5 from the LDP.

Henry Payne (0266)

Removal of site H-LL 12 from the LDP.

Jean Balmer (0270)

None specified but infers removal of site H-LL 12 from the LDP.

Morven Grant (0272)

None specified but infers removal of sites from the LDP, specifically H-LL 10.

F Balmer (0274)

None specified but infers removal of site H-LL 12 from the LDP.

David & Isobel Elliot (0275)

None specified but infers removal of site H-LL 11 from the LDP.

Gavin Hunter & Ann McVie (0277)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

Alan & Fiona Edwards (0279)

Retain site H-LL 12 as AGLV and retain its existing rural form.

M Cannon (0280)

None specified but infers removal of site H-LL 12 from the LDP and alternative housing sites identified in less important and distant locations.

Maureen C Ramage (0283)

None specified but infers removal of site H-LL 12 from the LDP.

Norman Aitken (0284)

None specified but infers removal of site H-LL 12 from the LDP.

Donald Lamb (0297)

None specified but infers removal of site H-LL 12 from the LDP.

Alison McAulay (0299)

None specified but infers removal of site H-LL 12 from the LDP.

Ian Lockhart (0300)

None specified but infers removal of site H-LL 12 from the LDP.

Isobel Lockhart (0301)

None specified but infers removal of site H-LL 12 from the LDP.

Claudine Parkinson (0309)

None specified but infers removal of site H-LL 12 from the LDP.

Leslie Duff (0310)

Preston Field H-LL 12 should remain designated as AGLV and protected from housing development.

Helen Watts (0311)

Preston Field H-LL 12 should remain protected from housing development.

Roy Gardner (0312)

None specified but infers removal of site H-LL 12 from the LDP.

Stephen Pashley (0313)

None specified but infers removal of site H-LL 12 from the LDP.

Adrienne Forsyth (0314)

None specified but infers removal of site H-LL 12 from the LDP.

Clare Gardner (0315)

None specified but infers removal of site H-LL 12 from the LDP.

Morna Scott (0316)

None specified but infers removal of site H-LL 12 from the LDP.

Christine Bilton (0317)

None specified but infers removal of site H-LL 12 from the LDP.

Ailsing Vorster (0318)

None specified but infers removal of site H-LL 12 from the LDP.

Terence Vorster (0319)

None specified but infers removal of site H-LL 12 from the LDP.

Eleanor Renwick (0320)

None specified but infers removal of site H-LL 12 from the LDP.

Gavin Miller (0321)

Removal of site H-LL 12 from the LDP and re-instate site as AGLV.

Clare Rainey (0322)

None specified but infers removal of site H-LL 12 from the LDP.

Jackie Boyd (0323)

None specified but infers removal of site H-LL 12 from the LDP.

Nick Smith (0324)

The council should follow the proposed rezoning set out by the Linlithgow Planning Forum in the South East of the town; the council engages better with local communities and their representatives (including the Planning Forum) and listen to these proposals; sites proposed need to be evaluated in the same way that the council has assessed other sites to determine their appropriateness for development; local knowledge suggests that other more suitable sites in line with the character of the town could be identified. Alternative sites should be identified.

Alan Douglas (0325)

None specified but infers removal of site H-LL 12 from the LDP.

Sally Douglas (0326)

None specified but infers removal of site H-LL 12 from the LDP.

James Forsyth (0330)

None specified but infers removal of site H-LL 12 from the LDP.

David & Isobel Elliot (0332)

Seeks removal of site H-LL 11 from the LDP.

Barrie Kennedy (0335)

Remove site H-LL 12 from the LDP.

Gerry & Marie Dougan (0336)

None specified but infers removal of site H-LL 12 from the LDP.

Michael Stoker (0337)

None specified but infers removal of site H-LL 4 from the LDP.

Doreen Gmitrzak (0338)

None specified but infers removal of site H-LL 4 from the LDP.

Mairi Rudkin & Michael Watts (0339)

None specified but infers removal of sites H-LL 4 and H-LL 10 from the LDP.

Nick Goldfinch (0341)

None specified but infers removal of site H-LL 4 from the LDP.

Marion Percival (0345)

None specified but infers removal of site H-LL 12 from the LDP.

Residents of Deanburn, Preston House and Preston Gardens (0349)

Removal of site H-LL 12 from the LDP and designation of the site as a special landscape area.

Historic Environment Scotland (0351)

H-LL 11 Wilcoxholm Farm/Pilgrim Hill and H-LL 12 Preston Farm - update delivery requirements to reflect HES requirements.

Peter Martin Smith (0362)

None specified but infers removal of site H-LL 4 from the LDP.

Transition Linlithgow (0363)

The LDP must mandate transport impact assessments as part of the development planning process; LDP needs to state how air quality issues will be addressed; policy amendments suggested e.g. EMG 3 should explicitly state that DIA's must be undertaken when proposals are planned in locations that already have known water quality/drainage concerns; LDP should state that there will be a presumption to delay any development in the Loch's catchment area until the consequences (pollution, and drainage) of adding more development sites are fully evaluated and understood; alternative brownfield sites suggested for development.

Gavin Hunter (0366)

Designate site H-LL 11 as Special Landscape Area or alternatively greenfield land.

Wendy Kennedy (0372)

Development of houses in Linlithgow needs to be to either end of the town with specific access to the M9 in place; remove H-LL 12 from the LDP.

Roger Livermore (0375)

Re-instate area of restraint and remove site H-LL 4 from the LDP.

Neil Faulds (0379)

None specified but infers removal of site H-LL 4 from the LDP.

Paul Mauchline (0380)

None specified but infers removal of site H-LL 4 from the LDP.

Fay Napoli (0381)

None specified but infers removal of site H-LL 4 from the LDP.

Aldyth Carrick (0382)

None specified but infers removal of site H-LL 4 from the LDP.

Jackie Boyd (0383)

None specified but infers removal of site H-LL 12 from the LDP.

Alan Brown (0385)

Remove site H-LL 11 from the LDP and suggests alternative sites on Land south of the canal opposite St. Magdaline's, east of Clarendon and west of St. Michael's Hospital and Day Care Centre; ex-quarry at Kettlestoun; Stuart House; Victoria Halls; empty flats above shops; re-development of the Cross Car Park and Vennel Guyancourt; re-location of bonded warehouse at Edinburgh Road; land behind St. Michael's RC Church; and Doomsdale.

Helen Livermore (0386)

Re-instate area of restraint and remove site H-LL 4 from the LDP.

Shona Smith (0388)

In favour of rebalancing the town's settlements and growing Linlithgow from the East; removal of site H-LL 12 from the LDP.

Ailsa Wilson QC (0389)

None specified but infers removal of site H-LL 12 from the LDP. Amend paragraph 3.1 to reflect correct legislation i.e. The Town and Country Planning (Scotland) Act 1997).

J C Stewart (0394)

None specified but infers removal of site H-LL 12 from the LDP.

Kenneth Wilson (0395)

None specified but infers removal of site H-LL 12 from the LDP.

Sian Wann (0411 and 21785472)

Designate site H-LL 11 as special Landscape Area, or alternatively greenfield land.

Rachel Grant (0414)

Reconsider proposals for Linlithgow.

Mr and Mrs S Bisht (0416)

None specified but infers removal of site H-LL 4 from the LDP.

Robert Stewart (0425)

Removal of site H-LL 12 from the LDP and site given the status of core Special Landscape Area (SLA).

Donald Sutherland (0426)

None specified but infers removal of site H-LL 12 from the LDP.

Linlithgow and Linlithgow Bridge Community Council (0428)

The settlement envelope should exclude Kettlestoun Playing Fields and H-LL 12 Preston Farm; include development in the south east quadrant to allow for 15-20 years growth including a developer funded eastern distributor road; inclusion of indicative road layouts for new development sites; reference to a master plan for Linlithgow as Supplementary Guidance; detail plans for the High Street including relief road and traffic management systems; improved town centre parking; supports policy TCR 1 with caveat that it refer to a master plan for Linlithgow; seeks change to paragraph 5.26 to reflect provision of a business centre in Linlithgow town centre; seeks change to paragraph 5.27 to include reference to existing tourist potential in Linlithgow; seeks change to paragraph 5.135 to include reference to Linlithgow master plan; comment on the West Lothian Economic Strategy;; seek change to policy HOU 4; seeks change to paragraph 5.35 in relation to social housing; seeks change to paragraph 5.64 to reflect recent appeal decisions; seek change to paragraph 5.66 to clarify time span; seek change to paragraph 5.95 in relation to provision of health services; seek change to paragraph 5.110 to apply specifically to Linlithgow; seek change to paragraphs 5.144 – 5.145; seeks change to paragraph 5.202 to exclude the battlefield site of Linlithgow Bridge from out with the settlement envelope; seeks change to policy NRG 2 and supporting paragraphs 5.220 – 5.221; seeks updates to Linlithgow Settlement Statement to reflect progress with housing sites; seeks change to site boundary of H-LL 4, H-LL 10 and H-LL 11 to reflect landform; seeks change to capacity of site H-LL 6; seeks deletion of site H-LL 12; seeks new policy or amended policy TRAN 5 to address congestion and pollution in town centres; seeks change to paragraph 5.66; seeks change to paragraph 5.241 in relation to air quality seeks change to paragraph 5.113 to fully reflect the Transport Appraisal; seeks change to paragraph 5.114 to include reference to upgrading of road from southern end of Manse Road to roundabout at junction of Main Street Dechmont and the A899 to connect Linlithgow to Livingston; seek change to policy ENV 12 to include reference to the canal's economic and environmental potential; seeks change to policy ENV 25 to include reference to encouraging appropriate restoration/re-roofing for of or part of Linlithgow Palace and improvements to Linlithgow public realm; seek change to policy EMG 4 in relation to

Linlithgow; seeks change to policy NRG 2 in that it should not be promoted as a policy; seeks change to policy NRG 4 in relation to the precautionary principle; seek change to paragraphs 5.218 and 5.219; seek change to paragraph 5.229; suggests an alternative settlement envelope following landform contours rather than existing fields and focussing on development in the south east quadrant of the town.

Scott Finlay (0433)

Seeks removal of site H-LL 11 from the LDP.

Elaine Anderson (0434)

None specified but infers removal of site H-LL 10 from the LDP.

Wallace Land Investment & Management (0449, 0450, 0451, 0452 and 0453)

Allocate land at Burghmuir, Linlithgow for the mixed use development in favour of proposed housing allocations in Linlithgow.

Sheila and William Young (0456)

None specified but infers removal of site H-LL 12 from the LDP.

Mr & Mrs Graham (0460)

None specified but infers removal of site H-LL 10 from the LDP.

Yvette Gentleman (21443519 and 0039)

None specified but infers removal of site H-LL 3 from the LDP.

S Ryan (21909725)

None specified but infers removal of sites H-LL 4, H-LL 10 and H-LL 12 from the LDP.

Matt Wallace (21909794)

None specified but infers removal of site H-LL 4 from the LDP.

Ian Brownell (21903174)

None specified but infers removal of site H-LL 4 from the LDP.

John Aitken (21885168)

No specific modification has been sought. However, objection is raised to development of a number of development sites suggesting that they be removed from the LDP.

Anthony Daly (21448840)

Site H-LL 10 should be included in the SLA; no access should be taken via Clarendon Road; delete reference to Linlithgow Bridge Primary and replace with Low Port Primary;

remove site H- LL 11 from the plan; delete reference to Linlithgow Bridge Primary and replace with Low Port Primary; remove site H-LL 7 from the plan; delete reference to Linlithgow Bridge Primary and replace with Low Port Primary; remove site H- LL 4.

James Stewart (21887763)

Remove site H-LL 12 from the LDP.

Jennifer Davies (21909039 and 21889226)

Delete site H LL 4 or modify to remove the southern element of the site, reinstate Special Landscape Area as per Council's own landscape review; existing Settlement Boundary should be retained as it can utilise well established, attractive and robust boundary features. Section on Role and Purpose of the Plan should expressly state that the LDP requires to conform with the SDP and clarify that weight to be given to Proposed Plan will require to be assessed on a case by case basis, the Proposed Plan has not been through any consultation, and allocations will be subject to objection. Should the Proposed Plan be modified by the Scottish Government the Council will (except in very limited circumstances) be compelled to follow that modification. The Council is not the ultimate arbiter on the content of the Proposed Plan, and the text requires to be amended to acknowledge the Plan preparation process. The Proposed Plan is only one of a range of potential material considerations in decision making.

David Szkudlarek (21883018)

None specified but infers removal of site H-LL 12 from the LDP.

Manor Forrest (21908084)

None specified but infers removal of site H-LL 12 from the LDP.

Manor Forrest Ltd (21837154)

None specified but infers removal of site H-LL 11 from the LDP.

Tom Brown (21829599)

None specified but infers removal of site H-LL 11 from the LDP.

Douglas Hanley (21832880)

None specified but infers removal of site H-LL 4 from the LDP.

Robert McMillan (21749350)

None specified but infers removal of site H-LL 11 from the LDP.

Steven Neale (21908859)

None specified but infers removal of site H-LL 11 Wilcoxholm/Pilgrims Hill from the LDP.

James Boyd (21908747)

None specified but infers removal of site H-LL 4 Manse Road from the LDP.

Iain Macleod (21890779)

None specified but infers removal of site H-LL 12 from the LDP.

Allan Melling (21890279)

None specified but infers removal of site H-LL 4 from the LDP.

Finlay Scott (21848598)

None specified but infers removal of site H-LL 11 from the LDP.

Dorothy Jamieson (21907110)

The plan should not go ahead.

Moira Tweedie (21906311)

None specified but infers removal of site H-LL 4 from the LDP.

James Jamieson (21906511)

Remove site H-LL 4 Manse Road from the LDP.

Edith McDowall (21905735)

None specified but infers removal of sites H-LL 4 Manse Road, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/Pilgrims Hill from the LDP and correction to references to catchments schools.

Andrew McIntosh (21905608)

None specified but infers removal of site H-LL 4 from the LDP.

John Kemp (21903480)

No development in Linlithgow until infrastructure issues are resolved.

James Cameron (21901690)

Objects to development of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm.

Alastair Young (21900572)

Remove site H-LL 4 from the LDP.

Emma Gordon (21495743)

None specified by infers removal of site H-LL 12 from the LDP.

Mr & Mrs Watt (21538330)

None specified but infers removal of site H-LL 4 from the LDP.

Leslie Neary (21558610)

None specified but infers removal of site H-LL 12 from the LDP.

Jonathan Moss (21648848)

None specified but infers removal of site H-LL 12 from the LDP.

Bruce Jamieson (21900051)

None specified but infers removal of site H-LL 12 from the LDP.

Jennifer Leonard (21899784)

None specified but infers removal of site H-LL 12 in particular from the LDP.

Gordon Cameron (21899011)

None specified but infers removal of site H-LL 4 from the LDP.

John Watson (21898420)

None specified but infers removal of site H-LL 10 from the LDP.

Steve Donaghue (21670368)

None specified but infers removal of site H-LL 12 in particular from the LDP.

Duncan Fortune (21349895)

Remove site H-LL 4 Manse Road from the LDP and re-instate special landscape value status.

David Bateman (21817205)

Site H-LL 3 should be removed from the LDP and designated as green belt and the view across Boghall East to open countryside towards the old Edinburgh Road and the Beecraigs ridge, should be protected.

Peter Corry (21811882)

Site H-LL 12 should be removed from the LDP. Proposals put forward by the Linlithgow Planning Forum in '*Linlithgow - A Plan for the Future 2025-30*' should be given serious consideration as it gives a number of viable alternatives together with proposals for the

town's development.

Linda Ovens (21806840)

Proposal H-LL 4 should be amended or removed for consideration within a future Plan; remove site H-LL 10 from the LDP.

Sean Semple (21805807)

None specified but infers removal of site H-LL 10 in particular from the LDP.

Peter Buck (21803202)

None specified but infers removal of site H-LL 12 in particular from the LDP.

David Mitchell (21798485)

Serious consideration be given to the input of the local Linlithgow community and in particular the contents of the '*Linlithgow- A Plan for the Future 2015-30*'.

Heather Adam (21772368)

None specified but infers removal of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm in particular.

Irene Fortune (21770063)

None specified but infers that site H-LL 4 should be removed from the LDP and AGLV prevail.

Paul Buchanan-Smith (21755712)

None specified but infers that site H-LL 4 should be removed from the LDP.

Nancy Durrant (21294413)

Seeks designation of amenity woodland area surrounding Clark Avenue (Colthill) maintained as land safeguarded for open space.

Stewart Forsyth (21199868)

None specified but infers removal of site H-LL 11 from the LDP.

Iain Mclean (20972986)

None specified but infers removal of site H-LL 11 from the LDP.

Scottish Canals (21870361)

See Schedule 4 reference 1F in relation to developer contributions

Paul Gavin (20926139)

Seeks change to proposals map in relation to site H-LL 6 to reflect that not all of the site is buildable.

Jim Hannan (21870675)

None specified but infers removal of site H-LL 4 from the LDP.

Elizabeth Halliday (21872575)

None specified but infers removal of site H-LL 4 from the LDP.

Christine Mahony (21866113)

None specified but infers removal of sites H-LL 4, 7 and 10 from the LDP.

Fiona Campbell (21869116)

None specified but infers removal of site H-LL 10 from the LDP.

Charles Webster (21878213)

None specified but infers no further development in Linlithgow and removal of all proposed sites.

Colin Watson (21900284)

None specified but infers removal of site H-LL 11 from the LDP.

Helen MacKenzie (21660154)

Seeks amendment to the LDP to include plans to reduce congestion on the High Street; a relief road for the High Street; reduction of pollution in the High Street; new road between the M9 and Edinburgh Road; relief road from Edinburgh Road to Manse Road South; more town centre parking; retain health centre in the town centre; plan for combined health and care services; upgrading Manse Road South to Dechmont; provision of a cross town cycle path; coach/car park to encourage tourism.

Christopher Thomas (21870470)

None should proceed without a strategic plan that clearly shows how new house building and infra-structure & education improvements march hand-in-hand.

Lynda Thomas (21901313)

None specified but infers removal of sites from the LDP, specifically H-LL 4.

Michael Vickers (21817641)

The terms of the "Linlithgow - A Plan for the Future (2015 - 2030)" should be incorporated into the LDP and in particular a more strategic settlement boundary be.

Martin Crook (21862925)

Redraw the settlement boundary based on an ideal settlement boundary based on a vision for the town and ideally based around a master plan for the town; a master plan is required for Linlithgow.

Claire Wakefield (21889085)

Removal of site H-LL 10 from the LDP.

Jennifer Martin (21887865)

None specified but infers removal of site H-LL 10 in particular from the LDP.

Gillian Burgess 21885398)

None specified but infers removal of site H- LL 12 in particular and need for more detail regarding Proposals P-44, P-45 and P-118 and correct inconsistencies in the proposed number of houses in Linlithgow.

Summary of responses (including reasons) by planning authority:

Paths Across West Lothian (0015)

While the council acknowledges the aspirations of PAWL to reinstate the drove route across west Lothian, the Land Reform Act allows for people to follow this wide route if they so wish. There are several historic drove roads passing through West Lothian. However, while there is some uncertainty about the exact line to the eastern drove route and walkers still have rights of access under the Land Reform Act, the council through the Core Path Plan (CPP) does not consider its signage and promotion as a short term priority. During the extensive public consultation on the CPP, before it was finally adopted in December 2013, the drove road did not feature highly in responses from the public. West Lothian Access Forum has also not been fully supportive of promoting the drove route due to the potential impact on land management operations. The council does not propose to amend the LDP in relation to this submission.

ALL LISTED BELOW OBJECT TO ONE OR MORE OF THE PROPOSED HOUSING SITES IN LINLITHGOW

Paths Across West Lothian (0015), Donald Greig (0041), Susan Allison (0052 and 0062), C A Rait (0077 and 0078), Kevin Laahs (0079), Helen Gray (0083), Mark Darragh (0090), Simon Whitworth (0091 and 0344), David & Stella Henderson (0094), Oliver Ferrario (0095), Dorothy Buck (0096), Gillian Forsyth (0097), W Taylor (0098), Andrew Sutherland (0101), John & Anne McCormack & Family (0102), The Lawries (0103), John Stewart (0104), Terry Greig (0105), John Wigham (0106), Jason Wright (0108), Shirley Miller (0111), B Greig (0112), John & Ann Ralph (0114), R Cameron (0115), John MacKenzie (0118), Michael McGuire (0119), Thelma Napier (0127), Alan Meikle (0130), Frank and Sheila Brash (0131), Ian and Janette Kennedy (0132), Raja Gopalan Ramamurthy (0138), George Duncan Adam (0140), Jim and Jaqui Stupart (0148), Thérèse Stewart (0149), Margaret and Donald Spencer (0152), Allan Robertson (0156 and 0271), Graeme Grant (0157), Cala Land Management (0161 and 1800156), Edward Crawley (0168), Name illegible (0173), C Donaldson (0182), G Woods (0186),

Linlithgow Civic Trust (0187 and 0432), Ronnie Jack (0190), Luke Smallwood (0196), Janet Wigham (0197), Stewart Towers (0198), Tom Packe/Tom Myles (0201), Tom Packe (21885205), Allan Watson (0202), Jo Jack (0204), Kay Green (0207), Jane Muir (0208), Marshall Green (0211), Katrina Ovendon (0215), A D McNab (0217), Daniel Ovenden (0219), Jillian Stewart (0221), Arthur & Beryl Homan-Elsy (0225), Scott Oliver (0227), J McNab (0234), Scottish Natural Heritage (0238), Clarendon Mews Residents (21862933, 0137 and 0244), Oracle UK (0246), John & Katie Kerr (0256), Dorothy Parlett (0264), Henry Payne (0266), Jean Balmer (0270), Morven Grant (0272), F Balmer (0274), David & Isobel Elliot (0275), Gavin Hunter & Ann McVie (0277), Alan & Fiona Edwards (0279), M Cannon (0280), Maureen C Ramage (0283), Norman Aitken (0284), Donald Lamb (0297), Alison McAulay (0299), Ian Lockhart (0300), Isobel Lockhart (0301), Claudine Parkinson (0309), Leslie Duff (0310), Helen Watts (0311), Roy Gardner (0312), Stephen Pashley (0313), Adrienne Forsyth (0314), Clare Gardner (0315), Morna Scott (0316), Christine Bilton (0317), Ailsing Vorster (0318), Terence Vorster (0319), Eleanor Renwick (0320), Gavin Miller (0321), Clare Rainey (0322), Jackie Boyd (0323), Nick Smith (0324), Alan Douglas (0325), Sally Douglas (0326), Neil & Pamela Barnes (0328), Sarah & Gerry McCardle (0329), James Forsyth (0330), David & Isobel Elliot (0332), Barrie Kennedy (0335), Gerry & Marie Dougan (0336), Michael Stoker (0337), Doreen Gmitrzak (0338), Mairi Rudkin & Michael Watts (0339), Nick Goldfinch (0341), Laura McGowan (0343), Marion Percival (0345), Residents of Deanburn, Preston House and Preston Gardens (0349), Historic Environment Scotland (0351), Peter Martin Smith (0362), Transition Linlithgow (0363), Gavin Hunter (0366), Wendy Kennedy (0372), Roger Livermore (0375), Neil Faulds (0379), Paul Mauchline (0380), Fay Napoli (0381), Aldyth Carrick (0382), Jackie Boyd (0383), Alan Brown (0385), Shona Smith (0388), Ailsa Wilson QC (0389), J C Stewart (0394), Kenneth Wilson (0395), Rachel Grant (0414), Mr and Mrs S Bisht (0416), Sian Wann (0411 and 21785472), Cala Management Ltd (0418), Ron Smith (0424), Robert Stewart (0425), Donald Sutherland (0426), Linlithgow and Linlithgow Bridge Community Council (0428), Scott Finlay (0433), Elaine Anderson (0434), Wallace Land Investment & Management (0449, 0450, 0451, 0452 and 0453), Sheila and William Young (0456), Mr & Mrs Graham (0460), Fraser McCluskey (21910234), Jennifer Hammond (21910130), Matt Wallace (21909794), S Ryan (21909725), Richard Rippon (21909335), Orla Bennett (21909147), Jennifer Davies (21909039 and 21889226), Sarah Gahagan (21908947), Steven Neale (21908859), James Boyd (21908747), Mairi Watts (21892177), Iain Macleod (21890779), Allan Melling (21890279), John Kelly (21889730), Charles Webster (21878213), Christopher Thomas (21870470), Fiona Campbell (21869116), Cala Land Management Ltd (21867093), Andrew MacGregor (21866415), Christine Mahony (21866113), John Aitken (21863500), Finlay Scott (21848598), Manor Forrest Ltd (21837154), Douglas Hanley (21832880), Tom Brown (21829599), Christine Anderson (21820028), Michael Vickers (21817641), David Bateman (21817205), Peter Corry (21811882), Linda Ovens (21806840), Sean Semple (21805807), Peter Buck (21803202), Heather Adam (21772368), Irene Fortune (21770063), Paul Buchanan-Smith (21755712), Robert McMillan (21749350), Manor Forrest (21908084), Dorothy Jamieson (21907110), Sheena Miller (21906586), James Jamieson (21906511), Moira Tweedie (21906311), Edith McDowall (21905735), Andrew McIntosh (21905608), John Kemp (21903480), James Cameron (21901690), Ian Brownell (21903174), Lynda Thomas (21901313), Keith Irving (21877215), Alastair Young (21900572), Colin Watson (21900284), Bruce Jamieson (21900051), Jennifer Leonard (21899784), Gordon Cameron (21899011), John Watson (21898420), Donald & Jennifer Macdonald (21893837), Janet Wigham (21689834), Steve Donaghue (21670368), Helen MacKenzie (21660154), Jonathan Moss (21648848), Leslie Neary (21558610), Eileen McGhee (21543061), Mr & Mrs Watt (21538330), Emma Gordon (21495743), Anthony

Daly (21448840), Yvette Gentleman (21443519 and 0039), Robert Allan (21395490), David & Adrienne Armstrong (21372312), Duncan Fortune (21349895), Nancy Durrant (21294413), Stewart Forsyth (21199868), Rebecca Smallwood (21009678), Iain Mclean (20972986), Paul Gavin (20926139), Elizabeth Halliday (21872575), Jim Hannan (21870675), Colin Neil (21858089), Jennifer Martin (21591616), Scottish Canals (21870361), James Stewart (21887763), David Szkudlarek (21883018), William Lindsay (21849146), David Mitchell (21798485), Claire Wakefield (21889085), Jennifer Martin (21887865), Gillian Burgess (21885398), Linlithgow Cycle Action Group (21885168)

NOTES FOR REPORTER

Submissions to site H-LL 12 Preston Farm include reference to a technical dossier outlining where it is deemed that the council has erred in its assessment of the site and includes a commentary on matters pertaining to the site which have given grounds of objection to the proposed allocation.

H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 5 (Falkirk Road), H-LL 6 (Mill Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm), H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm) were all the subject of submission at the call for sites to inform the Main Issues Report stage of the LDP as follows:

H-LL 3 (Boghall East) – EOI-0020, EOI-0015
 H-LL 4 (Manse Road) – EOI-0045
 H-LL 5 (Falkirk Road) – EOI-0105
 H-LL 6 (Mill Road) – EOI-0131
 H-LL 7 (Clarendon House) - EOI-0184
 H-LL 10 (Clarendon Farm) – EOI- 0210
 H-LL 11 (Wilcoxholm/Pilgrims Hill) – EOI-0114
 H-LL 12 (Preston Farm) – EOI-0168

Sites H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 5 (Falkirk Road), H-LL 6 (Mill Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm), H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm) were all the subject of submissions following publication and consultation on the Main Issues Report (CD079).

Sites H-LL 1 (81-87 High Street, former bus depot), H-LL 2 (Westerlea Court/Friarsbrae) and H-LL 6 (Mill Road) have planning permission and are either under construction or completed (CD416, CD417 and CD310). The council does not propose any change to the LDP in relation to these sites other than to update the LDP to reflect grant of planning permission.

Taking account of sites in Linlithgow/Linlithgow Bridge which have been completed since publication of the MIR and subject to satisfactorily addressing infrastructure and environmental constraints, up to 570 housing units could come forward in Linlithgow over the period to 2024.

WEST LOTHIAN COUNCIL RESPONSE TO SUBMISSIONS TO PROPOSED PLAN IN RELATION TO LINLITHGOW

Legislation

Ailsa Wilson QC (0389)

The LDP has been prepared under the terms of the Town and Country Planning (Scotland) Act 1997). Reference in paragraph 3.1 of the LDP to the Planning (Scotland) Act 1997 is incorrect. The council proposes to amend the LDP to correct this error.

Settlement boundary and loss of greenfield land

The proposed settlement boundary for Linlithgow has been redrawn to incorporate the proposed housing sites and to reflect the review of landscape designations contained within the West Lothian Local Plan. As such the terms of proposed policies in the LDP relating to development in the countryside do not apply. Although the LDP advises that priority is to be given to development of brownfield land, there is not enough brownfield land to meet the requirements of the Strategic Development Plan. Greenfield release is supported in this instance as physically, the greenfield sites identified in Linlithgow relate well to the existing settlement and development would present a logical extension to the settlement. The council does not, therefore, agree to modify the Plan in response to representations objecting to the change to the settlement boundary. By following a sequential approach to development in Linlithgow, brownfield opportunities have been identified and included as proposed development sites. The brownfield site on Edinburgh Road has not been included to reflect that the site has a recent planning permission for retail development (CD415). The council does not propose to change the LDP in relation to these matters.

Area of Restraint

The Main Issues Report for the West Lothian LDP set out the background to the “area of restraint” for Linlithgow and the council’s justification to move away from this approach and support development (CD079 paragraphs 3.80-3.97). Area of restraint does not prohibit housing development and did not introduce a moratorium on development. Housing developments which have come forward whilst the ‘area of restraint’ was in place were assessed against their impact on local infrastructure and services – especially on traffic and on school capacity. Removal of the area of restraint is predicated on the delivery of infrastructure to support development were benefits to the community in terms of new and improved community facilities, including enhanced health service facilities, that transport, traffic and education issues are addressed and an appropriate element of affordable housing was provided. The LDP Proposed Plan advises that development cannot proceed until such matters are addressed. A means of addressing these are through the allocation of development sites with the requisite requirements for developer contributions.

Support for development is therefore conditioned upon the delivery of infrastructure to support development, principally education infrastructure and, to minimise impact on traffic, air quality and other environmental considerations, to support a sequential approach which would see sites closest to the town centre brought forward for development in advance of greenfield release (paragraphs 5.63 – 5.67 of the LDP). Land release at Linlithgow would assist in addressing housing needs and demand. Supplementary Guidance would be required for developer contributions towards transport mitigation measures, Linlithgow Academy and to reduce development impact on Linlithgow Loch.

The council does not propose to change the LDP in relation to these matters.

Sequential Approach and Spatial Strategy

Any release of sites would follow a sequential approach as set out in the MIR and could only proceed once secondary school capacity is available and all other constraints such as air quality considerations have been overcome. It is therefore unlikely that land would be released before 2019 given current education constraints or unless developments are for retirement or limited to one bedroom accommodation where there is no impact on the education estate.

The sequential approach presumes against the expansion of the Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town, principally, but not exclusively, by way of visual impact, traffic congestion or air quality. Traffic mitigation measures can be provided within the town which will result in no net detriment to the existing network. Mitigation includes traffic signalling at points on the network to reduce queuing and slip roads on the M9. Land is safeguarded to allow for future provision of the slips.

Main Issues Report stage (CD079, inset map 1) evidences that the council was presented with a number of candidate housing sites in Linlithgow (in excess of 1,000 new homes) and the development options far exceeded requirements necessitating site selection and sieving. All submissions were treated equally, assessed on merit and not in collusion with developers or landowners. Recognising the sensitivities of the setting of Linlithgow likely environmental impact given the sensitive and historic nature of the town and infrastructure implications, the council adopted a sequential approach to the selection of sites whereby priority was afforded to firstly to brownfield sites within the current settlement boundary followed by greenfield infill sites and only thereafter by greenfield releases outside the current settlement boundaries. The site selection was also informed by an accessibility analysis to ensure that development sites could be integrated into effective networks for walking, cycling and public transport and that they were sustainably located. This had the effect of substantially reducing the number of candidate sites and enabled the council to select the allocations set out in the LDP. As such, the approach set out in the LDP and the requirements for supplementary and planning guidance to assist in development delivery is considered by the council to provide a master planned approach to development in the town.

The council is of the opinion that these sites represents a satisfactory range of housing sites commensurate with the needs and within the physical and environmental capacity of the town to absorb at this time. The council has had to be particularly mindful of education constraints in Linlithgow, the resolution of which are largely dependent on the provision of new secondary school capacity in Winchburgh. Given the education capacity position in Linlithgow, it can be seen that additional residential land allocations would exacerbate problems with local schools. An overview of education issues is set out in Position Statement: Education (CD201). See also Schedule 4 number 1A in relation to the spatial strategy.

For these reasons, the council does not agree to modify the plan in response to these representations.

Development Plan Policies

Linlithgow and Linlithgow Bridge Community Council (0428)

The council has considered the terms of policy HOU 4 in relation to windfall housing development in Linlithgow and Linlithgow Bridge and does not propose to amend the policy - see schedule 4 number **26H** in relation to policy HOU 4 and sequential approach.

Strategic Development Plan Policy 7

Policy 7 of the SDP relates to maintaining a five year housing land supply. The policy applies to the allocation of sites to address a shortfall in the housing land supply. The council has allocated a number of sites across the LDP plan area to meet the housing land requirement in full, including sites in Linlithgow. Policy 7 is only applicable should such sites fail to deliver and an effective five year housing land supply is not being maintained. The council does not propose to amend the LDP in relation to this submission.

LDP Proposed Plan Policies EMG 2, EMG 3, EMG 4, ENV 1, ENV 12 and ENV 33

Should any of the proposed development sites be taken forward into the adopted LDP they would be assessed against the policy background set out in the LDP. No change is proposed to policy EMG 2 in relation to flooding (see Schedule 4 number 26U), no change is proposed to the terms of policy EMG 4 in relation to air quality (see Schedule 4 number 26Am). The council's response to representations on policy EMG 2 and EMG 3 is set out in Schedule 4 number **26U**.

Policy ENV 1 relates to development within landscape character and special landscape areas and is not applicable as all proposed development sites in Linlithgow lie out with these designations.

Policy ENV 12 relates to developments affecting the Union Canal. Scottish Canals has not raised objection to the terms of this policy and have advised that should sites H-LL 11 and H-LL 12 be brought forward for development it would wish to have further input to ensure proposals take into account the Scheduled Ancient Monument and respect its setting. Scottish Canals further advise that development of these sites could also derive other canal-related improvements such as moorings, access improvements and the sites could also be drained into the canal to alleviate any flooding or surface water discharge constraints. Should planning applications be lodged for any site in proximity to the canal the terms of policy ENV 12 would be required to be met. Scottish Canals has advised of its willingness to enter into further discussions should any development briefs be prepared for these sites.

Policy ENV 33 relates to scheduled monuments. Should planning applications be lodged for any site in proximity to the scheduled monuments the terms of policy ENV 33 would be required to be met. No planning applications have yet been lodged for any of the proposed development sites other than sites H-LL 1 (81-87 High Street, former bus depot), H-LL 2 (Westerlea Court/Friarsbrae) and H-LL 6 (Mill Road) which are either under construction or completed.

The council does not propose to change the LDP in relation to these matters.

Landscape Capacity Study/Special Landscape Area/Area of Great Landscape Value/Visual Impact and Tourism

A number of representations make reference to the Linlithgow 'Green Belt'. For

clarification, it should be noted that there is no such designation in force. West Lothian does not have any land designated as Green Belt. It is however assumed that this term has been used to describe the countryside which surrounds the town, some of which does benefits from designation in the adopted West Lothian Local Plan (2009) as an 'Area of Great Landscape Value.

The adopted West Lothian Local Plan (WLLP) designates six Areas of Great Landscape Value (AGLVs) and six Areas of Special Landscape Value (ASLCs), a two-tier system with AGLVs being the premier designation. The landscape protection section of the WLLP commits the council to undertaking a review of AGLVs during the plan period. The West Lothian Local Landscape Designation Review was undertaken to meet this commitment (CD087). Should the sites come forward for development a high level of landscape design and appropriate master plan would be required to mitigate impact. Should the Reporter be minded to support the allocation of sites for development the council would consider the promotion of tree preservation orders having first undertaken TEMPO survey with a view to protecting important trees on site. This would be particularly relevant for the following sites:

H-LL 4 Manse Road for trees in the north east corner of the site

H-LL 10 Clarendon Farm for established linear tree belt / landscape feature NE-SW across site

H-LL 11 Wilcoxholm Farm to protect corridors of trees on the site and along the canal

H-LL 12 Preston Farm to address any visibility and landscape character issues

It would be anticipated that a landscape plan for all proposed development sites would be submitted for consideration alongside any planning application for development. In addition, the council would consider amendment to Appendix two to refer to 'Landscape Design Requirements' as additional site delivery requirements. Site H-LL 7 lies within a conservation area and as such any trees on site are already protected.

The council's approach to landscape designations and justification for site allocations which include land previously protected is set out in the council's position statements on landscape designation and countryside belts (CD212) and (CD184) Land at Manse Road (H-LL 4) and Preston Farm (H-LL 12) is within AGLV under the terms of the WLLP. However, a commitment of the West Lothian Local Plan (WLLP, paragraph 3.52) was to undertake a review of landscape designations for compliance with landscape guidance published in 2005 by Scottish Natural Heritage and Historic Scotland to assist local authorities in future reviews of designated landscapes. The council has complied with this by undertaking the West review of Areas of Great Landscape Value during the plan period. Schedule 1B provides the council's response to concerns relating to landscape review and allocation of development sites.

A number of representations have raised issues over loss of view and impact of proposed developments on the skyline. Loss of view is not a material consideration in the determining of planning applications. Impact on the skyline would be addressed at planning application stage when detailed proposals are submitted. Robust landscaping and planting could mitigate any negative visual impact. Concerns over adverse impact on tourism are anecdotal. Any development would have to comply with the terms of the council's supplementary planning guidance on "Controlling light pollution". The council does not propose to change the LDP in relation to these matters.

Biodiversity

In preparation for the Main Issues Report and reacting to sites proposed to the council through the Expressions of Interest the council visited all the sites and assessed them for various planning and land use related issues including wildlife and biodiversity. Available habitat data from The Wildlife Information Centre (TWIC), who have a service level agreement with the council, was also considered where it was available. The site analysis is included and informed the SEA in support of the LDP (CD216). Comments in relation to biodiversity for each proposed development site in Linlithgow are set out in the site clearance database (CD169 and CD262). SNH has not raised objection to the allocation of the sites. In relation to sites H-LL 10 and H-LL 12 SNH advise that a biodiversity assessment would be required. Appropriate conditions on any grant of planning consent and licences could ensure that any impact on wildlife is minimised.

The council does not propose to change the LDP in relation to these matters.

Education Capacity and School Catchments

The council's position in relation to education capacity and education requirements is set out in the Education Position Statement (CD201). The delivery of housing in Linlithgow is largely predicated on a solution to education capacity issues at Linlithgow Academy. Housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints (LDP proposed plan, paragraph 5.64) or unless developments are for retirement or limited to one bedroom accommodation where there is no impact on the education estate. Development is therefore predicated on the delivery of new/additional education capacity linked to requirements of the Winchburgh Core Development Area development (see Schedule 4 number x). The council proposes to amend the LDP to correct drafting errors in relation to catchment schools for sites H-LL 3, H-LL 5, H-LL 7, H-LL 10, H-LL 11 and H-LL 12.

The council does not propose to change the LDP in relation to these matters.

Transport Matters

The transport appraisal and modelling prepared in support of the LDP sought to examine and address transport impacts for Linlithgow arising from proposed development (CD195, page 6, paragraphs 3.1 – 3.8). The appraisal included specific study work for Linlithgow testing options with and without the provision of a 4 way junction on the M9 at Linlithgow. The appraisal concluded that the traffic mitigation measures identified and tested, would relieve congestion along Linlithgow High Street and were therefore beneficial for environmental targets for air quality assessments. The proposals will reduce traffic queuing times at traffic lights and should help to provide the best reductions in annual mean NO₂ and PM₁₀ concentrations. Any disruption to community and loss of amenity arising from construction activities will be temporary. All proposed development sites could be accessed with varying levels of impact on the network which could be managed. Land to accommodate future provision of slips on the M9 at junction 3 to create a 4 way junction at Linlithgow is safeguarded in the LDP proposed plan. Land is also safeguarded within Falkirk Council's administrative area to accommodate the slip roads (CD260, page 25). See Schedule 4 number 11 in relation to transportation matters in Linlithgow.

With regard to bus parking and tourism The Linlithgow Town Centre Study by Halcrow

Fox in 1992 considered the question of the development of tourist transport infrastructure in Linlithgow. The report highlighted:

- a need for coach parking within easy reach and visual contact of the Palace to be counterbalanced by a need to protect the parkland of the Peel and the Loch shore from any encroachment of hard surfaces or development;
- a need to avoid any issues regarding the safety of pupils of Low Port Primary School and any additional penetration of vehicles north of Blackness Road/High Street; and
- opportunities that may exist in the under-utilised land in the vicinity of St Michaels RC Church and Lanthorn Youth Hostel. St Michaels RC Church requires all of their car parking to the rear of the Church, but if a new access could be achieved to the lower portion of land to the north this would be an attractive location for visitor parking, within visual contact and easy walking distance of the Palace and shops.

Over the last ten years, various options for improved coach parking around the town have been considered. Discussions have taken place with St Michael's RC Church about partnership options for using land in its control but they have not been willing to engage. The area available to the rear of the Low Port Centre is fairly limited and therefore this restricts the likely coach capacity. The access is currently the main entrance to both the Low Port Centre and Primary School. Any proposal would need to integrate these two sites safely. The boat yard would have to be re-sited. Major works would be required to the junction with Blackness Road to accommodate coach turning and on the access road to the site. It is likely that some users parking will have to be removed.

The suggestion that the council buy a site on the Edinburgh Road was deemed to be unaffordable in terms of land acquisition costs, the site now has a planning permission for retail development and remains in private ownership (CD415).

The council has provided additional car parking throughout the town over the years at St Ninian's Way car park (71 spaces) and at Sports/Cricket Club (90 spaces). It has also provided coach parking on Blackness Road but, to date, this has been little used. Historic Scotland has provided more events over recent years at the Palace and arrangements have been made to operate a bus park and ride sites on the outskirts of the town at the Oracle factory. These have been evidenced to work well and have generally been well used.

Due to the constraints of the Low Port centre site it is extremely difficult to estimate with any certainty the cost of providing coach parking. The ground conditions and topography of the site will determine what can be achieved cost effectively. However, an indicative starting estimate could be close to £350,000 to 400,000. Given financial constraints under which the council is operating there is no funding in place to cover this cost. In any event no feasibility has been undertaken on the suitability of the site for parking. The LDP proposed plan identifies a proposal for a coach park and ride to the east of the town in the Burghmuir area (Proposal P-45).

A modal shift in travel patterns would also assist in addressing traffic issues in the town. The council has prepared an Active Travel Plan which is aimed at improving sustainable transport options throughout West Lothian. This document was approved by the Council Executive on 26 April 2016 will form planning guidance associated with the LDP (CD163). Site selection has also been informed by an accessibility analysis whereby sites closest to the town centre and railway station have been given priority. The accessibility analysis

is set out in the transport appraisal and modelling prepared to inform the MIR (CD083).

The provision of new roads to the north and east as bypasses to the town as suggested in "*Linlithgow A Plan for the Future 2015 - 2030*" (CD263) are not considered by the council to be sustainable options or achievable within the lifetime of the LDP. Such provision requires additional housing units for the solutions to work and considerable developer contributions to deliver. Whilst the council supports development in Linlithgow and advises that developer contributions will be required to assist in delivery, the scale of development set out in the LDP for Linlithgow is not to the scale proposed in the document "*Linlithgow A Plan for the Future 2015 - 2030*" which covers a time frame beyond that of the LDP.

Planning permission in principle for the erection of a single storey decked car park at the Regent Centre and realignment of existing car park (0024/P/0143) was granted by the council on 27 March 2013 (CD370). The consent has yet to be implemented.

The council does not propose to change the LDP in relation to these matters.

Air Quality

A detailed assessment of Linlithgow air quality has been carried out by the council and in light of this assessment the council is required to declare an Air Quality Management Area for the exceedances of the Scottish PM₁₀ annual mean and Nitrogen dioxide annual mean objectives. Consultation on the proposed AQMA for Linlithgow ran from the 7 March 2016 to 7 April 2016 and views gathered during this period were considered. An Air Quality Management Order was drafted and finalised on the 25 April 2016 declaring an Air Quality Management Area (AQMA) for Linlithgow due to exceedances of both Nitrogen dioxide (NO₂) and fine particulates (PM₁₀) (CD187 and CD219).

Air quality is also a factor which is integral to the SEA process and which has been carried out in tandem with the Proposed Plan.

Following declaration of an AQMA, there begins a process of internal consultation looking at all the options to improve air quality (in this case reduce fine particulates and Nitrogen dioxide) and prioritising these to inform a draft Action Plan. This is then subject to wider community consultation. This will allow the council to:

- calculate more accurately how much of an improvement in air quality will be needed;
- refine its knowledge of the sources of pollution so that the AQAP can be targeted; and,
- take into account, as far as possible, local developments which are likely to affect air quality that were not fully factored into earlier assessments.

Once finalised, the Action Plan will determine what action will be taken and how it will be prioritised. The action plan will focus on effective, feasible, proportionate, and quantifiable measures to reduce air pollution in Linlithgow.

A range of well-established measures can be used to reduce traffic levels and influence driver behaviour. These measures will be examined with colleagues in transportation in conjunction with the local community to determine which ones would provide the required reduction in traffic and improvement in flow. The council has, however, already put in

place an Active Travel Plan for the whole of West Lothian which seeks to encourage an approach to travel and transport that focuses on physical activity as opposed to motorised means.

The Active Travel Plan seeks to provide a policy framework which will inform and influence the development of policy and projects within the council and by external partners. It aims to understand the spatial travel needs of communities and tackle barriers to increased levels of active travel with all the benefits this brings to health, the environment and the economy. The development of the Plan has been informed by an evidence led approach and community engagement (CD163).

Amongst other environmental factors, air quality is thoroughly considered when assessing applications for planning permission. Policy EMG 4 of the Proposed Plan deals specifically with air quality and states that *'Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively.* Policy EMG 4 also states that *"Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality. Development promoting behaviour change programmes in Linlithgow (and Broxburn/Uphall) to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.'*

The council is of the view that it has the necessary tools at its disposal to corporately address the issue of air quality in Linlithgow and elsewhere and it does not therefore propose to modify the Plan to remove allocated sites. However, it does propose to update the text in the LDP to reflect the declaration of an AQMA in Linlithgow.

With regard to new house building in Linlithgow, the council has had regard to the likely impacts of development on air quality. From the outset, when appraising the candidate development sites, the council intentionally favoured those sites which were most sustainable in terms of location and access to public transport facilities in order to try and mitigate the use of the private car. Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP Strategy. It was subsequently concluded that the sites which have been allocated in the Proposed Plan should not give rise to a significant diminution of air quality but there are in any event measures in place to deal with this.

The transport appraisal prepared in support of the LDP sought to examine and address transport impacts for Linlithgow arising from proposed development (CD195, page 6, paragraphs 3.1 – 3.8). The appraisal included specific study work for Linlithgow testing with and without the provision of a 4 way junction on the M9 at Linlithgow. The appraisal concluded that the traffic mitigation measures identified and tested, would relieve congestion along Linlithgow High Street and were therefore beneficial for environmental targets for air quality assessments. The proposals will reduce traffic queuing times at traffic lights and should help to provide the best reductions in annual mean NO₂ and PM₁₀ concentrations. These measures could be used to inform the Action Plan required as a result of declaration of an AQMA in the town. Land is safeguarded in the LDP proposed plan to allow for future provision of slips on the M9 at junction 3 to create a 4 way junction at Linlithgow. See also Schedule 4 number 26Am in relation to air quality.

The council proposes to amend the LDP to update the LDP in relation to these matters.

Prime Agricultural land

Prime agricultural land is identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute). Proposed housing sites in Linlithgow are identified in the land capability classification for agriculture as class 2 and class 3.1 agricultural land. Because Linlithgow is surrounded by prime quality agricultural land, if new housing sites are to come forward to address housing needs it is highly likely that development would need to take place on prime quality agricultural land. The council has concluded that there is an established need to identify housing land in Linlithgow to address a shortage of homes in the community, particularly affordable provision. The proposed sequential approach to development seeks to focus in the first instance on release of brownfield land within the settlement boundary thereafter greenfield land within the settlement boundary (see paragraph 5.65 of LDP proposed plan). However, to meet requirements there will be a need for greenfield release. Paragraph 80 of SPP 2014 (CD068) accepts that there may be circumstances where it is necessary to use good quality agricultural land for development. SPP 2014 supports development on prime agricultural land, or land of lesser quality that is locally important where it is essential as a component of the settlement strategy or necessary to meet an established need. The Reporter in determining the appeal against refusal of planning consent at Clarendon Farm (H-LL 10) (CD311) found that the shortfall in the housing land supply significantly reduced the extent to which impacts on prime quality agricultural land should be considered to constrain development of the appeal site.

The council does not propose to change the LDP in relation to these matters.

Drainage and Flooding

The sewerage system in Linlithgow is a combined system. The council is aware that Linlithgow is a 'Priority Area' identified in the National Flood Risk Strategy as being at a particular risk from surface water flooding. The council is also aware that capacity is exceeded several times per year during which inspection chambers in the town surcharge, roads become flooded and buildings suffer damage. During these events a mixture of raw sewage and surface water is discharged through an overflow directly into Linlithgow Loch which can result in seasonal impacts to public health and public use of the loch associated with toxic algal blooms. There is evidence to suggest that deteriorating water quality in the loch is adversely impacting on the ability of the loch to support fish, the quality of the Site of Special Scientific Interest and on its value as a leisure destination.

A Surface Water Management Plan for Linlithgow is currently being prepared by the council. Scottish Water and the council have commissioned the study into how the natural and built drainage systems in Linlithgow perform and interact. This will help identify a series of long-term actions to reduce the risk of surface water and sewer flooding. Another study will explore how the canal might be better used to unlock development potential in the town whilst reducing the risk of flooding by relieving pressure on existing drainage systems. Scottish Canals advise that if development is to proceed in the town sites could also be drained into the canal to alleviate any flooding or surface water discharge constraints – see (21870361) although there is currently no formal agreement in place between Scottish Water and Scottish Canals for the discharge of surface water to the canal.

Detailed assessment of flooding and drainage would be required upon submission of planning applications for each of the proposed development sites. Suitable design and mitigation solutions would be possible and any necessary agreements could be reached with Scottish Water and Scottish Canals and requirements conditioned in any grant of planning consent. Such level of detail is not required for the LDP. Any assessment would also be informed by the Linlithgow Loch Catchment Management Plan dating from 2012 (CD259) and the outputs awaited from the study referred to above.

Scottish Water has been consulted on the proposed development sites in Linlithgow and advise that there is sufficient waste water capacity at the Linlithgow waste water treatment works although sewer extensions will be required. In terms of water, the town is served by the Balmore water treatment works where the council has been advised that there is sufficient capacity although water main extensions will be required. The comments from Scottish Water and others has led the council to conclude that any issues in relation to drainage and water infrastructure can be addressed (CD261). The council would seek developer contributions towards this.

The council does not propose to change the LDP in relation to these matters.

Housing Land Supply

The council's approach to housing land supply is set out in Schedule 4 number 1A. The council's Local Housing Strategy 2012-2017 (CD165) sets out the council's strategic direction to help meet housing need and demand and prioritise investment in housing and related services across West Lothian. The Strategy covers all housing and housing need across the area and relates to home-owners, council and Housing Association Tenants as well as tenants of private landlords. It covers previously separate strategies on Homelessness, Housing Support and Fuel Poverty and has a close relationship with council planning policies, in particular the council's Affordable Housing Policy. Within the LHS, Linlithgow is identified as a Priority 1 area for investment, i.e. an area of high need where there is recognising that there is a high demand for affordable housing in the town which is not being met within the current housing stock. The council has a commitment to construct 1,000 houses throughout West Lothian by 2017 and has sought to address needs in Linlithgow with development of council house build at site H-LL 6 Mill Road. However, other sites are required to address demands and with limited options available to the council in terms of land ownership the identification of further land for housing with contributions required for affordable housing as set out in policy HOU 5.

In terms of housing completions over the period 2001/2015 321 have been built in the town, an average of 21 per annum. This rate of house building has impacted on the availability of homes for those seeking to locate in the town as witnessed in CD207.

The council proposes to amend the table in page 255 where it relates to Linlithgow to ensure consistency with the figure in page 89 i.e. total number of units proposed for Linlithgow is 569 over the plan period. No other amendments are proposed.

Health Provision and Community Facilities

NHS Lothian has advised the council that the scale of housing developments proposed in the LDP presents significant challenges for growth of health care provision and will likely lead to the requirement for additional GP practices. Premises issues, resulting from the LDP, are being addressed through a ten year premises strategy. Developer contributions

have been identified as a means to assist in the required increase in services and facilities linked to the population growth (CD264).

The council does not propose to change the LDP in relation to these matters.

Impact on Union Canal, Scheduled Monuments and Listed Buildings

Historic Environment Scotland (HES) and Scottish Canals were consulted throughout the preparation of the LDP.

In response to site H-LL 10 HES advises that there could be significant adverse effect from development of this site and development could impact on the site and setting of the Union Canal. HES further advises however that if development does not result in a direct impact on the Scheduled Monument they would be content that the application of appropriate local and national policies should be able to mitigate any other potential adverse impacts and that Scheduled Monument Consent would be required.

In response to site H-LL 11 HES advises that although they consider that this development allocation may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation, they are content that these impacts could be mitigated by application of policy and sensitive design. Early engagement with HES would be essential in further discussions on the development of proposals for the site and any proposed direct impact on the scheduled monument would be subject to the Scheduled Monument Consent process. HES ask that the site delivery requirements set out in the LDP should be updated to reflect our comments here. The council would not take issue with this should the Reporter be minded to accept this suggested change.

In response to site H-LL 12 HES advise that whilst neither the SEA findings for this allocation, or the site delivery requirements, take cognisance of the potential for impacts on the site and setting of the scheduled Union Canal or the setting of A listed Preston House they are content that these impacts could be mitigated by robust application of policy and sensitive design. HES ask that this is reflected in the ER and site delivery requirements. The council would not take issue with this should the Reporter be minded to accept this suggested change.

HES comments are set out in submission Historic Environment Scotland (0351) and in (CD285 and CD414).

Scottish Canals has not objected to development and advise that if sites H-LL 11 Wilcoxholm/Pilgrims Hill and H-LL 12 Preston Farm are brought forward for development further input will be required to ensure that the proposals take into account the Scheduled Ancient Monument of the canal and respect its setting. They further advise that development of these sites could derive other canal-related improvements such as moorings, access improvements and the sites could also be drained into the canal to alleviate any flooding or surface water discharge constraints. Scottish Canals comments are set out in submission reference (21870361).

The council does not propose to change the LDP in relation to these matters.

Linlithgow Plan for the Future 2015 – 2030

The '*Linlithgow Plan for the Future 2015 – 2030*' (CD263) was published by the Linlithgow Planning Forum and provides an analysis of the town and its issues. It provides suggestions to address these and sets out a plan for action and calls for the preparation of a master plan a holistic approach to future development in the town. The Plan contains similarities to the LDP Proposed Plan in that it highlights a shortage of housing, infrastructure constraints, historic setting and protection and promotion of the town's assets. The document sets out a series of proposals which, when compared to those set out in the LDP Proposed Plan hold a number of similarities. In terms of site proposals, the Plan supports housing development in principle at sites H-LL 2, H-LL 3, H-LL 5, H-LL 6, H-LL 10, H-LL 11. The Plan differs from the LDP proposed plan in relation to sites H-LL 4, H-LL 7 and H-LL 12 which are not referenced, transport matters i.e. calling for an eastern local distributor road, a High Street relief road on the north side of Linlithgow Loch. A comparison of proposals set out in the Plan against those of the LDP Proposed Plan is set out in the Appendix attached.

The council does not propose to change the LDP in relation to these matters.

Site Specific Matters**H-LL 3 Boghall East**

The site lies within the settlement envelope of Linlithgow and has been allocated for development since 1994 when it was allocated for employment use in the Linlithgow Area Local Plan (LALP) (CD262). The LALP was replaced by the West Lothian Local Plan which allocates the site for employment use. As such there is a long standing expectation that the site would be developed. The site was the subject of a planning application (0302-FUL-14) for the erection of 49 houses (CD312). The application was appealed for non-determination with the appeal decision issued on 25 January 2016. Amongst the documentation before the Reporter was a design statement, tree survey, planning statement, employment land and property market review, transport and access statement, site layout and topographical survey, ecology survey, drainage survey, development impact assessment and tree survey. The Reporter concluded that the proposal would accord with the provisions of the development plan except in relation to secondary school capacity and therefore could not support the proposal at the current time. In making his decision, the reporter did not object to the principle of housing development on the site. However, the Reporter did acknowledge that development could not progress due to education capacity constraints. Para 5.64 of the LDP advises that for all housing sites in Linlithgow housing development can only proceed once secondary school capacity is available and it is therefore unlikely that land will be released before 2019 given current education constraints. The council does not propose any modifications to the LDP in relation to site H-LL 3 other than to correct errors relating to catchment primary schools for the site. The single mature field tree in the north east corner and the avenue of trees on the western boundary of the site are protected by a Tree Preservation Order. Retention of the mature beech hedge along the frontage/ north boundary would be considered in any detailed planning application.

The council does not propose to change the LDP in relation to these matters other than to review tree preservation orders in the area and a reference in Appendix Two to guidance on Landscape Design Requirements.

H-LL 5 Falkirk Road

The site is a brownfield site within the settlement envelope and has been the subject of a previous planning application which was refused consent on 18 August 2008 on the grounds of over development, education capacity concerns and lack of a noise survey (0609/FUL/08 refers). No objections were raised by the council's Transportation service subject to junction upgrading onto Falkirk Road (the only access point) and traffic calming (CD369) Transportation comments to inform the LDP allocation the council's Transportation service has advised that site access would be via the existing access onto Falkirk Road. The site scored highly in terms of accessibility (CD083 and CD195). In addition, the Transport Appraisal undertaken in support of the LDP concludes that the development proposals included in the Local Development Plan can be accommodated by the implementation of various mitigating measures which fall broadly into two areas, this includes improvement to the traffic management of the High Street, Falkirk Road and Edinburgh Road and the provision of West orientated slip roads at the M9/Blackness Road Junction 3 motorway interchange. The council does not propose any modifications to the LDP in relation to site H-LL 5 other than to correct errors relating to catchment primary schools for the site.

Sites H-LL 6 Mill Road

The site contributes to the council's commitment to construct 1,000 houses throughout West Lothian by 2017 and has a valid planning permission for 7 houses and 8 flats (CD310). Construction has commenced on site with a contract awarded to McTaggart Construction to build housing on behalf of the council. Three underground sewerage pipes cross the land adjacent to the current proposal and constrain design options. The presence of the three pipelines imposes significant constraints on the options for the site layout. The site is constrained because of physical factors. The development as currently proposed maximises the limited development potential of the site. Condition 4 of the planning consent sets out requirements in relation to contaminated land and site remediation which require to be adhered to prior to commencement of development. The site area shown on the LDP proposals map reflects the extent of the planning approval. There is no requirement for a MUGA as part of the planning approval. The proposed housing development allows for the remainder of the site to be retained as open space and available for informal play. The council has installed a MUGA in the vicinity of Linlithgow Bridge Primary School which is within walking distance of the Mill Road site. The MUGA is open to the public for use. In addition, a Proposal of Application Notice has been lodged with the council by the Linlithgow Community Development Trust for an outdoor sports facility and community hub on land at Kettlestoun Mains, to the west of site H-LL 6 which would provide for a range of sports facilities open to the public (CD323) This site has transferred from the council to the Linlithgow Community Development Trust to progress. The council does not propose any modifications to the LDP in relation to site H-LL 6.

H-LL 7 Clarendon House

The site is the subject of an approved planning brief, the brief having been approved by the Council Executive on 8 February 2011 and subsequently updated in July 2013 (CD204). The site was marketed by the council in 2012 resulting in the house, garden and stable block now being in private ownership. Sale of the remainder of the site did not progress. The site is within the Linlithgow settlement envelope, is partly brownfield and has been declared surplus to council requirements. It forms part of the council's capital

programme for disposal thus generating receipt for the council. The brief was the subject of consultation with interested parties including adjacent owners, the Linlithgow Civic Trust and Historic Environment Scotland. All comments received were reported to the Council Executive in considering whether or not to approve the planning brief. The planning brief is intended to guide the development of the site and identify key design, environmental and infrastructural requirements of the council while ensuring the proper preservation of the character of the listed building and its setting and the amenity of the site and wider area. The site is currently being marketed by the council for housing development. The council's Education Planning service has advised that the site can be brought forward to the market in 2016 on the understanding that there are educational constraints which will mean that only 1 property per year can be developed (CD311). The council does not propose any modifications to the LDP in relation to site H-LL 7 other than to correct errors relating to catchment primary schools for the site.

With site H-LL 7, covering Clarendon House, a Planning Brief has been prepared (CD204). This stipulates the protection to existing trees on the site. Again, as stated in LDP Appendix 2, page 197, "*development to be in accordance*" with the brief "*unless otherwise agreed*". A Tree Preservation Order can be considered for the protection of trees on site should the Reporter be minded to support the allocation for the site for development.

H-LL 10 Clarendon Farm

The site was the subject of a planning appeal (CD311) following the council's decision to refuse planning consent for residential development (CD311). The appeal was called in by Scottish Ministers and subsequently dismissed (CD311). In the appeal decision, education capacity, particularly at Low Port Primary School was identified as the most significant and ultimately insurmountable issue. All other concerns associated with the development were considered by the Minister to be matters which could be addressed or were not sufficient to warrant refusal of planning permission. Planning history is a material consideration and it will be for the Reporters to attach whatever weight they wish to that. The council's position statement on Education (CD201) sets out the council's approach to education requirements with the LDP proposed plan itself advising of requirements for supplementary and planning guidance to address education infrastructure constraints. Any development in Linlithgow is predicated on the delivery of infrastructure to support development where benefits to the community in terms of new and improved community facilities, including enhanced health service facilities, that transport, traffic and education issues are addressed and an appropriate element of affordable housing was provided. The LDP Proposed Plan advises that development cannot proceed until such matters are addressed. A means of addressing these are through the allocation of development sites with the requisite requirements for developer contributions. The council does not propose to change the LDP in relation to these matters other than to review tree preservation orders in the area, add reference in Appendix 2 to guidance on Landscape Design Requirements and change reference to the site being adjacent to rather than within the conservation area.

H-LL 12 Preston Farm

The Main Issues Report advised that the council's preferred approach was to remove the Linlithgow area of restraint and follow a sequential approach to the new development being supported in the town. The Preston Farm site came to the council's attention through a submission to the "call for sites" to inform preparation of the Main Issues Report

(CD169). Having reviewed the submission, and having regard to the sequential approach to development, the site was included in the Main Issues Report as a preferred site and reflected the site boundary of the site submission. This resulted in submissions being received expressing concern over the proposed development. Having reviewed the submissions against the wider needs of the community the council and reflecting on the sequential approach to development in the town, the council remained of the view that the site was a viable development option however, it substantially amended the site boundaries to address some of the concerns raised. At Proposed Plan stage development of the site continues to be opposed although the council has also received support for the proposed development. A number of submissions arise from neighbour notification at Proposed Plan stage. The council's response to the issues raised is set out in other sections of this Schedule 4. Development of the site is predicated on the delivery of infrastructure to support development were benefits to the community in terms of new and improved community facilities, including enhanced health service facilities, that transport, traffic and education issues are addressed and an appropriate element of affordable housing was provided. The LDP Proposed Plan advises that development cannot proceed until such matters are addressed. The council does not propose to change the LDP in relation to these matters other than to review tree preservation orders in the area and adding reference in Appendix to guidance on Landscape Design Requirements.

OTHER MATTERS

SEA

Gordon Cameron (21899011)

In relation to the comment on the SEA, page 359 that site H-LL 4 Manse Road allocation occupies "a skyline location and is an integral part of the AGLV as it meets Linlithgow development here would erode this clear boundary." the SEA does indeed reflect this statement, but it was made in the context of individual Site Appraisals by Settlement from the Call for Sites Submissions process where a large number of conditions and setting elements were assessed. If this site is to be progressed, then details of a strong south boundary treatment would be expected with a future planning application along with cross sections of the site to determine the potential development platforms and address this skyline issue that was identified during the initial site assessment. The council does not propose to amend the LDP in relation to this submission.

Reporter's conclusions:

1. I deal here with the representations relating specifically to the proposed allocated sites in Linlithgow. I include here those representations included under Issue 1B that relate to development at Linlithgow. We address the generalities relating to transportation matters in Linlithgow under Issue 11. Representations relating to air quality in Linlithgow and Policy EMG 4 'Air Quality' are addressed under Issue 26Am and those relating to wider issues of transportation, including air pollution, are considered under Issue 26V. The sequential approach to assessing and releasing windfall sites for development in Linlithgow is considered along with Policy HOU 4 'Windfall housing in Linlithgow and Linlithgow Bridge' under issue 26H. I note that no modification is recommended there in respect of the request by Linlithgow and Linlithgow Bridge Community Council that paragraph 5.64 relating to the sequential approach is altered to reflect recent appeal decisions. Other policies are considered elsewhere in our report.

2. In terms of the overall approach to Linlithgow it is clear that there is a great deal of opposition to further housing development, at least until infrastructure constraints are addressed. There is also opposition to what respondents consider to be a reactive selection of housing sites that ignores topography, landform and geographical constraints in Linlithgow. A number of parties do not support any further development. Some parties put forward the view that a master plan should be prepared for Linlithgow/Linlithgow Bridge to control all new housing and infrastructure. It has been requested that the plan should be amended in line with the proposals detailed in the Linlithgow Planning Forum's document 'Linlithgow, A Plan for the Future 2015-30' on the basis that it provides a better approach to balancing development of Linlithgow with infrastructure requirements. It is also clear that there is disagreement over the location and scale of development that may be acceptable. There is some support for the promotion of a wider range of housing including more affordable homes and the development of flats, particularly in locations close to the town centre.

3. There is much overlap amongst the points being made in the representations. There are a number of generic issues, I shall address these first and then consider matters relating to individual sites.

Area of restraint

4. There are representations opposing and supporting the lifting of the 'area of restraint' status for Linlithgow in the current local plan. Most of those in opposition argue that the lack of infrastructure should be resolved before the status of Linlithgow is altered, particularly in relation to transportation and air quality matters. Some are simply opposed as they consider that the town has reached its environmental capacity and the limits imposed by its geography. Some consider that there is no need for housing at Linlithgow given the extent of new development at Winchburgh. A number of respondents qualify their support for lifting of the restraint on the basis that infrastructure issues are addressed as part of those developments. I consider infrastructure issues more fully below.

5. As noted at paragraph 5.63 of the proposed plan Linlithgow is identified as part of the West Lothian Strategic Development Area. As such it is not automatically afforded any special exemption from development. The Strategic Development Plan still allows local development plans to identify 'areas of restraint' in circumstances where action is justified. The council has reviewed the justification for identifying Linlithgow as an 'area of restraint'.

6. The plan indicates at paragraph 5.64 that land is identified for release for development at Linlithgow to address housing needs and demand. Our conclusion on housing land supply under Issue 1A is that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target. A significant number of the representations argue that there is a shortfall in affordable housing in the town; this is reflected in the identification of Linlithgow as a priority 1 area for such housing in the Local Housing Strategy. I consider that, in principle, there is a case for housing development at Linlithgow.

7. I note that many of the reasons why the 'area of restraint' was initially applied in the Linlithgow Area Local Plan 1994 and continued through to the current local plan remain relevant today. These include protection of landscape setting, traffic congestion, lack of parking, availability of community facilities, capacity of education and environmental

impacts. However I accept that some of these matters have been at least partially addressed. I note that constraints on the transport network remain but that the Transport Appraisal (TA) of the plan concludes there is capacity for some development. I also note that some progress has been made and that action is proposed in relation to town centre parking and air quality issues. Lack of education capacity is intended to be resolved by the proposed secondary schools at Winchburgh and alterations to primary school catchments.

8. Furthermore I am conscious that there are policies within the plan which relate to these issues and which would allow them to be considered as part of the development management process. Development could help facilitate the mitigation of concerns relating to infrastructure, air quality and community facilities. In particular additional development is required to secure the required funding for the proposed slip roads at the M9.

9. Taking these matters into account I do not recommend any modifications in relation to the proposed removal of the 'area of restraint' status.

Settlement Boundary and Loss of Greenfield Land/Prime Agricultural Land

10. While there is some support for controlled expansion of the town there remains disagreement on the areas where growth is considered to be acceptable. Some respondents consider that if there is to be housing development in the town, it should be in the eastern or southern eastern sector which has better road access and would have less impact on the town centre in terms of congestion and air quality. It is argued that this would also fit with the council's recent decision to locate a new supermarket in that area. A number of those who favour development in this area consider that it should include an eastern distributor road.

11. I note the criticism by a number of parties that the council's approach is reactive to the sites proposed by developers rather than being design led. It is suggested that additional development would best be explored through the preparation of a development framework for Linlithgow.

12. The council argues that the approach set out in the LDP and the requirements for supplementary and planning guidance to assist in development delivery provides a master planned approach to development in the town. In terms of the location and direction of growth paragraph 5.65 of the proposed plan indicates that a sequential approach will be applied to new development in Linlithgow and Linlithgow Bridge.

13. Our conclusions on the sequential approach to new development in Linlithgow set out in paragraphs 5.65 and 5.66 and the related Policy HOU 4 are at Issue 26H, where we have recommend that those paragraphs and Policy HOU 4 are deleted. I do accept, however, that the council has applied a sequential approach in terms of its selection of the allocated sites.

14. In selecting which sites to allocate the council has sought to prioritise brownfield land and sites that it considers are most sustainable over greenfield sites and those on the periphery of the town. It has assessed and allocated individual sites following application of scoring mechanisms which it considers identify the most appropriate locations for allocating sites in the Linlithgow area. The council, taking account of the high scores for landscape quality through the Local Landscape Designation Review (LLDR) (CD087) and

the appeal decision at Burghmuir, has designated a countryside belt to the east of Linlithgow. This is intended to protect the historic eastern approaches to the town, its landscape setting and established agricultural areas.

15. This approach to the allocation of sites accords with the requirements of SPP in relating to the promotion of sustainable patterns of development, the protection of landscape setting and the identity of settlements. The plan directs the location of new housing sites and identifies delivery requirements within Appendix Two. I see no justification for a separate master plan for the town, which would, in essence, be the same thing.

16. The town is surrounded by green field and 'Prime' agricultural land on all sides; however none of the surrounding land is designated as green belt. As the council indicates paragraph 80 of SPP supports development on prime agricultural land where it is essential as a component of the settlement strategy or necessary to meet an established need. It also refers to the findings of the reporter in the appeal at Clarendon Farm (site H-LL 10) that given the shortfall in the housing land supply, he did not accept that the presence of prime quality agricultural land should, on its own, be considered to constrain the development of that site.

17. I accept that removing the area of restraint status to accommodate additional housing at Linlithgow will inevitably lead to the loss of green field sites and prime agricultural land. On the basis of our conclusions at Issue 1A in respect of housing land supply, and given the priority status of Linlithgow in respect of affordable housing, I consider that this is justified. The council has sought to direct growth to the areas that it deems most acceptable. I therefore now go on to examine its approach to site selection in more detail.

Landscape Considerations

18. Many respondents express concern at the impact of housing development on the landscape character of the town and seek a more natural and defensible settlement boundary following landform contours. I note that there is a level of support for 'Linlithgow, a Plan for the Future 2015 – 2030'. This document argues that more account should be taken of topography and landscape designations than land ownership. A number of the respondents also disagree with the council's approach to designation of the proposed Special Landscape Areas (SLAs) and to the allocation of sites that are considered to be of landscape value.

19. I consider it appropriate to briefly consider the general approach taken by the council to site selection. I address landscape impacts and the acceptability of the individual sites selected for allocation in detail later on.

20. The spatial strategy involves the allocation of land for housing around the settlement including some sites which had been identified as being part of candidate SLAs (cSLAs). The allocation of those sites would entail amendments to the boundaries of the SLAs.

21. The cSLAs were derived from the LLDR which was undertaken to review the designated Areas of Great Landscape Value (AGLV). We find at Issue 26J that the LLDR has been carried out using a robust methodology and with access to an appropriate level of expertise. I find it appropriate that the council has taken this landscape character assessment into account in deciding which sites to allocate. In addition the impacts of the

proposed allocations on the landscape have also been assessed through the Strategic Environmental Assessment (SEA). However, landscape is only one of a range of criteria that have been taken into account in site selection and overall such impacts are balanced against other site selection criteria. I therefore conclude that, overall, the council's approach to site selection has satisfactorily taken account of landscape character and landscape impacts.

22. On a more detailed note particular concerns are raised regarding the landscape impact of the proposed allocated sites on the south side of the town on the Bathgate Hills cSLA. Small sections of the overall Bathgate Hills cSLA would be removed to accommodate the proposed sites H-LL 4, 10 and 12, all of which lie fully within the cSLA.

23. The effects of the proposed allocations of sites H-LL 4, 10 and 12 on the landscape have also been assessed through the SEA where these sites are all identified as having adverse landscape and townscape impacts. The LLDR statement of importance for that cSLA identified that forces for change included development pressure at the edges of Linlithgow, particularly where development begins to move uphill, as is the case with these sites. Management recommendations included ensuring that settlement expansion does not advance to key skylines.

24. The council argues that impact on the skyline may best be addressed at the planning application stage. It considers that where the allocated sites impinge on high quality landscape, robust, high quality on-site landscaping and planting could mitigate any negative visual impact.

25. The council's position statement on Local Landscape Designation (CD212) comments on but does not include an in depth description of the assessment that has been undertaken of these three sites. I will consider the impact of these particular sites on the Bathgate Hills cSLA on a site by site basis below.

26. I make recommendations below that Appendix Two is modified, where appropriate, to clearly indicate the requirement for assessment of landscape impacts and the provision of high quality landscaping.

Infrastructure Including Transportation, Education and Health Provision

27. The council recognises that the delivery of infrastructure improvements, including education provision, health/community facilities and transportation requires to be addressed in order for new development at Linlithgow to be acceptable.

28. To address these matters the council relies on Policy INF 1 'Infrastructure Provision and Developer Obligations' and Appendix Two of the plan which provides details of infrastructure required to support the development of allocated housing sites. It also proposes supplementary guidance on developer contributions.

29. Policy INF 1 is considered under issue 1F where we conclude that only where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, will there be a presumption against development.

30. The wider, but not the site specific, issues of education infrastructure are addressed under issue 1J where we recommend modifications to make clear that, where appropriate developer contributions towards necessary infrastructure provision, such as education,

are secured planning permission should ordinarily be granted.

31. The Council acknowledges the lack of capacity at Linlithgow Academy and at Low Port Primary School. There is clearly a need to address education infrastructure, but we find at Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. Lack of education capacity is intended to be resolved by the proposed secondary schools at Winchburgh and alterations to primary school catchments. With this in mind I conclude that despite the current constraints at Linlithgow, education capacity should not be a barrier to the allocation of the Linlithgow housing sites in the proposed plan.

32. The council may amend the plan to correct drafting errors in relation to the catchment schools for sites H-LL 3, H-LL 5, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 as non-notifiable modifications.

33. The representations relating to transportation in Linlithgow are considered under issue 1I. There we recognise that the traffic modelling concluded that some growth may be accommodated without the need for the slip roads onto the M9. We conclude that it is not clear that all of the transportation issues associated with the proposed housing developments may be able to be acceptably mitigated. However, whilst mindful of these conclusions, I am satisfied that the acceptability, or otherwise, of detailed development proposed on allocated sites and any mitigation that may be required should ultimately be for the development management process to determine. The exception to that is site H-LL 12 Clarendon Farm which, for the reasons set out below, I recommend be omitted from the plan. It has been suggested that sites H-LL 4, 10 and 12 should be accessed from an eastern by pass to the town. There are no proposals by the council or any other party to construct such an access. We also conclude at Issue 1I that it is not appropriate that the large scale road proposals such as those put forward in 'Linlithgow A Plan for the Future' be included within the plan.

34. I do not consider that any further modifications to the plan are required in respect of infrastructure issues at Linlithgow.

35. The preparation of any supplementary guidance, including the timings of this, are matters for the council and out with the scope of this examination.

Drainage and Flooding

36. I note the concerns regarding water quality at Linlithgow Loch, impacts due to surface water run-off and flooding.

37. Issue 26U addresses representations relating to the water environment. I consider that policies EMG 1, 2 and 3 adequately deal with flooding and drainage matters and that no modifications are required to specifically address these matters in relation to Linlithgow. Appendix Two sets out delivery requirements in relation to flooding and drainage on a site by site basis. In addition Scottish Canals states that sites H-LL 11 and 12 may drain into the canal to alleviate any flooding or surface water discharge constraints.

38. I am content that detailed assessment of flooding and drainage in association with the proposed housing allocations would be appropriately addressed via the development management process.

Air Quality/Policy EMG 4

39. A significant number of representations express concern at the individual and cumulative impacts of the allocated sites on air quality and that air quality modelling has not been undertaken for the proposed spatial strategy. Those representations are addressed under issue 26Am where we recommend modifications to policy EMG 4 Air Quality to require developers to identify and submit details of potential mitigation measures and to make provision for developer contributions or planning agreements to mitigate impacts on air quality. I also acknowledged that the council's approach to site selection will go some way to minimising deterioration in air quality.

40. The Air Quality Management Area (AQMA) for Linlithgow extends to the settlement boundaries in the proposed plan, including the land allocated for development. The location of allocated sites within the AQMA does not preclude development on those sites. Within the AQMA air quality is a material planning consideration and applications for new development upon allocated sites will require to comply with Policy EMG 4. Further development will not be supported unless resultant adverse effects on air quality can be mitigated. SEPA supports this approach.

41. I am therefore satisfied that, subject to the modifications recommended under Issue 26Am, no further modifications are required in relation to the air quality impacts of the proposed allocated sites.

Biodiversity

42. All the proposed sites were assessed as part of the Main Issues Report process and through the SEA. Scottish Natural Heritage (SNH) has not raised any objection to the sites allocated.

43. The potential presence of protected species is a development management consideration. As indicated in SPP paragraph 214 the level of protection afforded by legislation must be factored into the planning and design of a development and any impacts must be fully considered before the determination of an application. It is normal for full assessment of biodiversity impacts based on any required ecological surveys to be undertaken at the planning application stage. For a number of reasons, including the timing and longevity of such surveys, it is not appropriate that they be undertaken as part of the development plan process. In addition to any necessary ecological surveys planning conditions could ensure that impacts on wildlife are mitigated, which may include the retention of any important trees.

44. In the absence of any objections from SNH I find the level of assessment undertaken to be satisfactory.

Impact on Union Canal (Scheduled Monument) and Listed Buildings

45. As the council has indicated, Historic Environment Scotland (HES) and Scottish Canals were consulted on the LDP and neither raised any objections to the allocated sites.

46. HES is content that impacts from development on the setting of the Union Canal and Preston House could be mitigated by robust application of appropriate local and national policy and sensitive design. It requests that Appendix Two should be amended to include

delivery requirements to reflect this.

47. Scottish Canals comments on sites H-LL 11 and 12 indicating that development should respect the setting of the canal and it seeks developer contributions for canal related improvements.

48. Paragraph 5.164 of the plan specifically relates to the Union Canal and notes its status as a scheduled monument. This does not preclude new development. Detailed assessment of impacts on the setting of the canal would be made as part of any future planning application.

49. The acceptability of any development on the proposed sites in terms of such impacts can be addressed via the development management process. Policy ENV 33 Scheduled Monuments seeks to protect scheduled monuments and their setting. Policy ENV 12 The Union Canal also seeks to enhance and protect the setting of the canal.

50. No comments have been made by HES or Scottish Canals regarding Katie Shaw's Brig but I am content that, as with Preston House and the Union Canal, this could be addressed through careful design and mitigation. I recommend that the entries for sites H-LL 11 and 12 in Appendix Two are modified to reflect the comments from HES and Scottish Canals.

Tourism

51. A number of the respondents consider that additional development at Linlithgow would have an adverse impact on tourism due to impacts on the landscape, the Union Canal and lack of transportation infrastructure, particularly town centre parking. Although I recommend deletion of part of site H-LL 4 principally for reasons of landscape impact, I do not consider that development on that site or on any of those that lie adjacent to the canal would have a direct impact on tourism. Transportation is addressed above and under issue 11. I recognise that constraints relating to town centre parking is a tourism related issue but overall we conclude in Issue 11 that the plan indicates how transportation issues may be addressed in an appropriate amount of detail.

Linlithgow Housing Sites

H-LL 3 Boghall East

52. The site is surrounded by housing on three sides and is opposite the Oracle business premises on Blackness Road.

53. Development here would remove an area currently used for agricultural purposes and alter the appearance of this location for adjacent residents. However, as the council states, this site lies within the settlement envelope of Linlithgow and has been allocated for development since 1994. Use of this land for housing would be compatible with the surrounding uses and raises no landscape issues. I do not consider that the development of this site by housing would have any adverse impact on tourism.

54. The appeal in relation to the erection of 49 houses (PPA-400-2058) was dismissed due to lack of secondary education capacity. The reporter was not otherwise opposed to housing at this site and considered that issues of drainage and flooding could be addressed by planning conditions. I am content that issues raised in the representations

relating to traffic, amenity and wildlife can adequately be addressed through the development management process.

55. Cala Land Management Ltd and the Gardiner Estate advise that constraints noted within Appendix Two relating to noise, contamination, archaeology and drainage assessment have been resolved through the recent planning application and should be amended to reflect that position. These details may remain relevant should that planning application not be implemented or if the site is taken forward by a different developer. I do not recommend that Appendix Two is modified in relation to these matters.

56. I note the council's proposal to add a reference in Appendix Two to guidance on landscape design requirements. As indicated above, this site is surrounded by existing built development and I see no justification for any landscape design requirements. The protection of existing trees at the site can be addressed via the development management process.

57. I do not recommend any modifications in respect of this site.

H-LL 4 Manse Road

58. This site comprises two areas of agricultural land extending to the south and east of the existing settlement boundaries.

59. I note the significant amount of representations in respect of this site. The main concerns being the impacts of development on the landscape, congestion, road and pedestrian safety, particularly at the canal bridge on Manse Road. It is argued that the site is not in a sustainable location and is remote from the town centre and schools. The representations relating to air quality, education, impacts on biodiversity and tourism do not raise any issues that have not been addressed by my comments above.

60. I note the opposition to the loss of part of the cSLA and the concern that the allocation forms an arbitrary boundary vulnerable to further development pressures leading to erosion of the remainder of the SLA. I also note the comments regarding the visual impacts of development at this location including that it would have an adverse impact on the approach to and skyline of Linlithgow and would be contrary to the SEA findings. Some respondents request that the boundary of the site is altered to reflect landform and that the southern element of the site should be removed.

61. The SEA recorded this site as commanding a skyline location and forming an integral part of the AGLV. The SEA also indicates that it would have adverse landscape and town scape impacts noting that it forms a clear boundary to Linlithgow entering from the south on Manse Rd and that development would erode this clear boundary.

62. I acknowledge that the proposed boundaries of the southern part of the site are not clearly or robustly defined by topography or landscape features from the adjacent cSLA. The edges of the site are marked by an incomplete hedgerow along part of the southern boundary and the remainder of the site boundary is not distinct from the open fields beyond. However this part of the site lies adjacent to an area of established housing on the opposite side of the road and development would not extend the settlement boundary any further south than that. I consider that development of this part of the allocated site would not adversely affect the setting of the town or the landscape of the wider cSLA. I am satisfied that appropriate design, including the incorporation of suitable planting and

boundary treatment, would allow development here to complement the existing housing and the established settlement boundary which is presently defined by a stone wall, trees and shrubs.

63. The northern part of the site extends further eastwards than the southern portion and is separated from it by trees and shrubs. It forms part of an area of land which slopes upwards towards the east beyond the existing housing. The northern part of the site is elevated above both the adjacent housing and the southern part of the site. Development here is likely to skyline and be unduly prominent in views of the settlement when approaching from the south. I do not consider that it would adversely affect the character of the cSLA but in my view development on the northern part of the site would remove the natural edge to the settlement and would adversely affect the landscape setting of the town. The two components of the site are quite discrete (in a way that most proposed sites are not) and would most likely require (as confirmed in Appendix Two) separate accesses. Each part could be developed independent of the other. I am therefore able to recommend that this northern part of the site be deleted.

64. Respondents argue that it has not been demonstrated that suitable vehicular access can be achieved and that the scale of this allocation is not sufficient to secure proportionate developer contributions to facilitate the provision of infrastructure. It is said that it would block the potential for any Manse Road-Edinburgh Road link road.

65. The SEA indicated that access options are limited but notes no constraints. The initial TA for the Main Issues Report indicated that this site would have minimal impact on the capacity of the local road network with no or only minor improvements required; good access to local services; reasonable access to rail facilities and moderate impact on parking at the railway station.

66. The updated TA (2015) included further modelling and consideration of mitigation measures for Linlithgow. It states that the canal crossing is a pinch point where mitigation options are limited and are predicted to increase queuing at the Back Station Road/Highport junction.

67. During my site inspections I noted on most occasions considerable amounts of on-street parking and congestion on and around Manse Road. I also witnessed the difficulties of crossing the canal both by car and on foot. The footpath across the canal is very narrow and there is very little available pedestrian reserve for pedestrians waiting to cross Manse Road to the north of the canal. I acknowledge that this is a busy route to nursery and primary schools, the railway station and the town centre.

68. Using the average trip rates applied in the 2015 TA both parts of this site would generate an addition of 28 per hour for the AM period. Deletion of the northern part would reduce this to 15.3 trips per hour, 12 departures and 3.3 arrivals. The southern part of the site is a relatively small extension to the settlement and I do not consider that the additional quantity of vehicular movements predicted to be generated from this area would have sufficient impact on the local road network, including the canal crossing, to justify deletion from the plan.

69. In light of these conclusions, the plan should be amended to allocate only the southern part of this site, with an indicative capacity of 25 units.

H-LL 5 Falkirk Road

70. This is a brownfield site within the established settlement envelope and comprises a narrow strip of land abutting the Glasgow-Edinburgh railway line. Established housing lies to the north and east and a retail park lies to the north and west of the site.

71. I note the concerns regarding traffic impact and that deliverability of this site is restricted by third party rights which affect the ability to achieve visibility and access width requirements for an adoptable road.

72. The council has advised that no objections were raised by its Transportation service. I am satisfied that the transportation requirements relating to the upgrading of the junction onto Falkirk Road and traffic calming could be addressed by planning conditions. Any legal issues are a matter for the developer to resolve. I see no reason to conclude that these matters cause the site to be undeliverable.

73. I agree that the capacity may be limited by the proximity to the railway line. Appendix Two states a capacity of 18 units. Given its location and shape the site lends itself to higher density development such as flats rather than detached dwellings. I therefore do not consider that the site capacity requires to be amended.

Site H-LL 6 Mill Road

74. From my site inspection it appears that this site has now been developed for the 15 units stated in Appendix Two. The northern portion of the site shown on the plan is not part of the development that has been constructed and is fenced off. This may reflect the comments that part of the site is not buildable due to flood risk.

75. The council does not propose any modifications, however should it wish to delete this site as a non-notifiable modification, since it is now complete, it will have no significant impact on our conclusions in respect of housing land supply at Issue 1A.

76. I do not propose any modifications in respect of this site.

H-LL 7 Clarendon House

77. This small site comprises the grounds of Clarendon House, the house itself having been sold separately by the council.

78. Concerns are raised that it has not been demonstrated that suitable vehicular access can be delivered and that development at this location will give rise to pollution, traffic congestion and flooding.

79. The site is the subject of an approved planning brief, which was the subject of consultation with interested parties including the Linlithgow Civic Trust and Historic Environment Scotland. The council has not identified any access constraints and I consider that the limited capacity of this site would not give rise to any significant adverse impacts in terms of traffic or air quality.

80. The delivery requirements in Appendix Two identify drainage and flooding issues. I have no reason to consider that these matters cannot be addressed through the development management process.

81. I note the concerns relating to potential impacts on the conservation area. The SEA considered that the site is relatively self-contained, not exposed and not at a high level or on the skyline. My own site inspection found the site to be well screened from the surrounding area. Any impacts on the wider conservation area are therefore likely to be limited. Matters of detailed design and layout can be addressed at the planning application stage.

82. I do not recommend any modifications in respect of this site.

H-LL 10 Clarendon Farm

83. This site is an area of agricultural land to the east of the existing settlement boundary. Areas of established housing lie to the west and north of the site, open agricultural land lies to the south and east.

84. The main concerns raised in the representations in respect of this site are similar to those relating to site H-LL 4 and primarily relate to traffic impact and landscape impact. The representations relating to air quality, education, impacts on biodiversity, the canal and tourism do not raise any issues that have not been addressed by my comments above.

85. Gladman Developments argues that education was the only issue that the reporter in appeal PPA-400-2046 found to be unacceptable and the LDP identifies that this can be resolved through the delivery of the education solution provided for in relation to the Winchburgh CDA. They contend that it has been demonstrated that the site can be safely and suitably accessed via Clarendon Road.

86. In my view the findings of the reporter were not quite as clear cut as Gladman suggests. The reporter accepted that although the council had not raised any concerns relating to traffic congestion on Manse Road and the canal bridge he found that the development would add to congestion at Manse Road, the canal bridge and the town centre. He also considered that the potential use by new residents of the private unmade road from Clarendon Mews counted against the proposal.

87. In response to my further information request (FIR34), contrary to the details given in Appendix Two, the council confirmed that it considers Clarendon Road is a suitable access for up to 120 housing units at this site. It indicates that the St Michael's Hospital access had been considered as an alternative option to offset issues identified with Manse Road at the canal bridge and Back Station Road. However the council has now advised that no specific improvements are required to the traffic and pedestrian infrastructure at the canal bridge in association with development at this site unless it exceeds 120 units. It also confirmed that a secondary access would not be required unless that number of units was exceeded. Access to the site solely from St Michael's would also be acceptable but would require a number of improvements. If those are not fully implemented then secondary access from Clarendon Road may be required. The council states that it does not prescribe which access solution should be adopted so that the developer has options that may be progressed and appraised through a planning application.

88. Despite the lack of opposition by the council to an access via Manse Road there is a significant volume of local concern regarding congestion and safety at the canal bridge. Although the 2014 TA scored this site highly overall it indicated that it would have a

moderate impact on the local road network and concluded that the constraint posed by the canal bridge would have a detrimental impact on the performance of the network.

89. The aforementioned appeal decision was issued on 21st July 2015; the reporter therefore did not have the revised TA dated October 2015 among his evidence. Based on the assessment within the revised TA this site would load an additional 74 vehicle trips per hour for the AM period onto the road network. Options for mitigation considered within the TA are limited to traffic light controls and widening of the carriageway and footway at Back Station Road. Anything more significant, including the possibility of widening the bridge to allow for two way traffic and safer pedestrian routes was not taken forward as part of the TA as any changes would involve large scale mitigation measures. However, the analysis indicates that alterations to the traffic signals would increase rather than reduce queues at this location.

90. During my site inspections I noted, on most occasions, considerable amounts of on-street parking and congestion on and around Manse Road. This reduces the effective width of the public road and exacerbates the problems of traffic queuing to cross the canal. I also witnessed the difficulties of crossing the canal both by car and on foot and the very limited facilities for pedestrians at this location. I found the area around the canal bridge crossing to be a hazardous environment for pedestrians. I note that this is a busy route to nursery and primary schools, the railway station and the town centre. The additional vehicle movements associated with this site would, in my opinion significantly exacerbate the existing problems at this location.

91. In view of the revised TA, the evidence presented by the local residents and my observations on site I consider that the site cannot be satisfactorily accessed from Clarendon Road/Manse Road without significant adverse impacts upon the local road network. It is not clear that such impacts on traffic and pedestrian safety can be satisfactorily mitigated.

92. I note that the proposed access from St Michael's Hospital is identified in Appendix Six as 'P118' but its location is not shown on the proposals map or in any other submissions. The possibility of access via St Michael's was addressed by Gladman in its response to FIR34. They consider that access via this route is not required nor desirable. They also point out that this route raises a number of issues including landscape impact and that it has not been considered or tested in detail. They note that the route would cross an area of unallocated land that is a cSLA and greenspace corridor to Linlithgow Palace. They contend that there is no evidence that the site can be satisfactorily served by this access route.

93. The prospect of accessing the site via the St Michael's route is not specifically considered within the 2015 TA. The existing hospital takes access onto the B9080 and any secondary route via the hospital would take access from that road. The railway bridge on the B9080 reduces traffic to one lane and limits pedestrian access. The TA states that the bridge is a pinch point that has a detrimental impact on the performance of the road network. Any changes requiring large scale mitigation measures have been discounted as has any by-pass diverting traffic from the town centre. The TA does not explore the implications of additional vehicular movements from this site from the St Michael's route nor does it consider whether the impacts can be acceptably mitigated.

94. I conclude that it is unclear from the submissions, including the council's response to the FIR, that access from St Michael's would be acceptable in terms of its impact upon

the road network.

95. In addition to the above the potential use by new residents of the private farm track to Clarendon Mews remains an outstanding issue.

96. Taking account of the above I find significant cause to doubt the council's position regarding the access arrangements for this site.

97. I note the comments that this allocation conflicts with the SLA designation and that the boundary of the site does not reflect landform.

98. The site slopes upwards from north to south and from west to east. The proposed southern and eastern boundaries of the site do not relate to a specific topographical or landscape feature. However these boundaries have been altered from those proposed at the MIR stage. They reflect the findings of the SEA in that they exclude the linear groupings of trees and the more elevated and exposed land to the east and south where development might have breached the skyline.

99. I recognise that in his appeal decision the reporter, taking account of the landscape and visual assessment, found that development at this site could be suitably and sensitively incorporated into the landscape of the town. From my site inspections I note that views of the site from Manse Road are well screened by existing housing and vegetation and that views from the canal are screened by topography and vegetation.

100. Taking account of the above I am content that housing within this site would not have any significant adverse landscape impacts. However, a potential access from the St Michael's hospital site would traverse open agricultural land and would not be so well screened by vegetation or topography. Such a route is therefore likely to be prominent, especially as it would include street lighting. The SEA refers to the proposed access being via the Clarendon Mews access onto Manse Road. It indicates that access from St Michael's is unlikely. No assessment is given in relation to the landscape fit of such an access or of the scope for effective mitigation. I therefore find that an access from St Michael's hospital has the potential to unacceptably impact on the landscape and the setting of the town.

101. In conclusion I find that there remains considerable doubt that this site can be satisfactorily accessed without unacceptable impacts on the local road network. In addition access via St Michael's Hospital, as proposed within Appendix Two, is likely to have adverse impacts upon the landscape. In view of this I find it inappropriate that this site be allocated within the plan and recommend that it be deleted. Consequently, proposal P-118 should be deleted from Appendix Six.

H-LL 11 Wilcoxholm Farm/Pilgrims Farm

102. Although the council's response in relation to individual sites above does not include a separate set of comments for this site I consider that some of the site specific representations merit separate consideration here.

103. This site comprises two areas of agricultural land lying to the east of the existing settlement boundary. The two areas are separated by the Union Canal which bisects the site in an east-west direction.

104. Concerns are raised regarding traffic, road safety and air pollution including the remoteness of the site from the town centre and other facilities, impact on access arrangements for existing residents and that it has not been demonstrated how the northern part of the site may be accessed.

105. The MIR noted access issues but provides no further details. I see no obvious constraint to direct access being taken onto Edinburgh Road (B9080), however Appendix Two notes that junction improvements will be required and that impact on roads capacity requires consideration. The canal bridge crossing of Edinburgh Road presents a constraint in the form of a traffic light controlled, single width, carriageway with a very narrow footway on one side only. The 2015 TA notes that the canal bridge crossings are pinch points that have a detrimental impact on the performance of the road network. I acknowledge that mitigation options are limited, however this site is on the eastern end of the town with access to the M9 possible without the need to travel through the town centre, thereby reducing the likely impacts upon the town centre. The 2014 TA lists this site as having reasonable access to local services and it scored well in terms of access to bus and rail facilities. The site is within the recognised walking distance to the train station.

106. In terms of impacts on the existing problems of town centre traffic congestion and air quality I believe that this site is better located than those proposed to the south of the town. Consideration of detailed access arrangements and any mitigation that may be required could be addressed at the planning application stage.

107. I note the concerns raised regarding the proposed canal crossing. HES indicates that access requirements at this site may have an adverse impact on the canal and its setting, however it is content that these could be mitigated by application of policy and sensitive design. It seeks that Appendix Two is updated to reflect this requirement. Scottish Canals has no objections so long as development ensures that the proposals respect the setting of the canal. I deal with these matters in my recommendations below.

108. The topography of this site is such that an acceptable crossing may be difficult to achieve. The northern part of the site undulates significantly and generally sits well below the level of the canal. There is a marked difference in level between the northern and southern parts of the site. Options to form a sensitive crossing of the canal appear to be limited to the far eastern end of the site where the difference in levels lessens. I agree that this forms a significant constraint which should be identified in Appendix Two.

109. Concerns are raised relating to adverse impacts on the landscape and the proposed SLA to the south of the site. Change to the site boundary is sought to better reflect landform.

110. The SEA notes that the centre of the site is higher and more exposed. It notes that the site would be visible from the surrounding area and that the southern part of the site is on the skyline.

111. The site generally slopes from south to north. The southern part of the site would infill the intervening gaps between two existing groups of houses that front on to Edinburgh Road. Those parts of the site are roughly level with the road, beyond that the land slopes downwards. Much of the site is set lower than the surrounding area and is screened by topography and vegetation in views from the B9080. I, therefore, do not consider that the site would have an adverse impact on the setting of the town or the SLA

beyond.

112. I consider that the topography of this site is a potential constraint which could affect the extent of development. However I have no evidence to suggest that the capacity proposed cannot be achieved.

113. I am content that other matters raised have been addressed in my generic comments above and lack of mains sewerage could be addressed as part of the development management process.

114. I consider that, while there are issues which may limit the extent and capacity of development on this site, the evidence before me does not indicate that the site is not effective or deliverable. Overall I am satisfied that this site should be allocated for housing.

H-LL 12 Preston Farm

115. The site is part of a field that lies to the south and west of established housing areas. The Union Canal runs along the northern boundary of the site and Preston House lies further to the south.

116. There is limited support for this site and I recognise the strength of the opposition to this allocation. A number of the issues raised are generic and have been addressed above.

117. In terms of traffic impacts I note that the indicative layout for this site shows that suitable junction arrangements onto Deanburn Road can be achieved. Despite the concerns regarding the impacts on the existing junction of Deanburn Road with Preston Road the council has indicated, in response to FIR34, that access via Deanburn Road for up to 60 units would not require any improvement measures and that a secondary access is not required.

118. Residents have expressed concern regarding the distance of this site from the town centre and public transport and the resultant impacts on the wider road network. The 2015 TA considered potential mitigation measures in relation to congestion within the town centre and at particular junctions. That analysis indicates that signalling the crossing facility at the West Port pub would provide Preston Road and St Ninian's Road with a large reduction in queuing. I am therefore satisfied that mitigation of the traffic impacts of this site on the wider road network can be addressed through the development management process.

119. I note, however, that the site boundary proposed by the council excludes the area where access may be obtained onto Deanburn Road, effectively land locking the site. The council in response to FIR34 indicated that the 60 units would be accessed from Deanburn Road. In addition the indicative proposals that formed part of the MIR process included the land fronting Deanburn Road. I therefore consider that the omission of this area is a drafting error and recommend that the boundary of the site should be amended to include that land.

120. I note the comments that development at this site would divert resources from the planning gain package which would accompany the suggested housing in the south-east quadrant of the town. The delivery requirements in relation to infrastructure, including

any mitigation, would be considered on a site by site basis and there is no reason to conclude that allocation of this site would negatively impact on other developer contributions.

121. I turn now to consider the concerns raised relating to the landscape impacts of development at this site including the loss of part of the former AGLV, now part of the cSLA.

122. In reaching its decision to allocate this site the council indicates that landscape was only one factor in the overall site assessment. It accepted the modification of the SLA boundary subject to the requirement for a high level of landscape design.

123. The SEA notes that the site is relatively self-contained in terms of its relationship with the wider AGLV (now SLA). It is not at a high level or exposed, although it is viewable from Deanburn Road it does not skyline and would not be visible from the wider area to the south. From my site inspections I note that there are limited views of this site from public locations.

124. I have considered the supporting information submitted in respect of this site which includes an indicative layout, contour plans and cross sections. I note that the site boundary has been reduced from that originally proposed and no longer includes the highest part of the site and the more level area in the foreground of Preston House. The land which has been excluded is to be protected as open space. The proposed boundary of this site with the SLA relates to the break in slope within the field. The submissions show that housing could be designed and positioned so that it is set below the level of the plateau in front of Preston House and would allow the existing mature woodland to remain as a clearly visible boundary to the SLA. I consider that the proposal to exclude the upper part of the field would preserve the landscape setting of this part of Linlithgow and the SLA. I am content that subject to careful design this site could be developed without adverse impacts upon the landscape.

125. On the basis of the above I conclude that the proposed boundary of the SLA at this site is sufficiently robust and defensible. I appreciate that local residents consider this site to be an attractive edge to the existing housing here. However taking account of the above I cannot justify removal of this allocation on the grounds of landscape impact. I do, however, recommend that Appendix Two be modified to take account of landscape design delivery requirements.

126. I have considered biodiversity above, however, given the particular attention that has been given to potential impacts on protected species, particularly bats, at this location I shall address this further.

127. Respondents state that this site is important for its inter-relationship with the nearby ancient woods, mature gardens, canal, reservoir and farmland and that scope for mitigation of impacts is very limited.

128. SNH, specialist adviser to the Scottish Ministers on natural heritage, does not oppose the allocation of this site. Appendix Two notes the requirement for a biodiversity assessment. Furthermore the allocation of a site for housing does not negate the planning authority from its responsibilities to ensure that biodiversity and, in particular, protected species are adequately considered as part of the development management process in accordance with the relevant legislation. Any future planning application would

require to be assessed against the appropriate policies, including Policy ENV 20 Species protection and enhancement as well as the council's planning guidance 'Controlling light pollution.'

129. The ecological surveys that would be required to accompany any future planning application would consider what habitats require protection and where mitigation would allow development to proceed without adverse impacts on any protected species. Any future developer would require to also comply with the legislative requirements relating to protected species including any requirement for a licence from SNH. I am therefore satisfied that adequate protection will be afforded to biodiversity interests including protected species.

130. Impacts on heritage assets, including the Union Canal, are considered in my generic comments above. The indicative layout for this site shows the housing set back from the canal and I am satisfied that subject to detailed design considerations the site could be developed without adverse impacts upon the setting of the canal. I do not find any justification to recommend modification or removal of this allocation due to impacts on heritage assets. However, I consider that Appendix Two should be amended to take account of the comments from HES and Scottish Canals.

131. In addition to concerns relating to flooding and surface water run-off, which I deal with above, the representations raise concerns regarding potential impacts on the stability of the canal and pollution from construction works. Scottish Canals and SEPA have not objected to this allocation in relation to these matters. However I note that the entry in Appendix Two specifically requires a Flood Risk Assessment (FRA) only in relation to Preston Burn/Mains Burn. I consider that this should be modified so that the FRA is not necessarily restricted only to the impact in relation to those watercourses.

132. I note that Cala Management Ltd seek modifications to the details for this site in Appendix Two relating to the possible need for the developer to pick up surface water runoff from existing developments off site. I note that this reference is made in relation to other sites and not just H-LL 12. I accept that developers should only be expected to mitigate impacts which are attributable to the development of the site itself. However if other existing developments drain to this site then I consider it to be reasonable for that drainage to be facilitated. I do not see any need to modify Appendix Two in relation to this matter.

133. It is stated that the allocation of this site would fail to comply with SESplan Policy 7. That policy states that sites for greenfield housing development proposals either within or out with the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years effective housing land supply, subject to satisfying each of the following criteria:

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

134. It is argued that there is no proper basis for concluding that criteria (a) and (b) can be met and there is a failure to address the infrastructure requirements in relation to criterion (c).

135. I have considered the impacts on the landscape and heritage assets and for the reasons given above in relation to those matters I am of the opinion that the development would be in keeping with the character of the settlement and local area. Despite the comments from respondents there is no green belt at this location and development at this site would not lead to coalescence of settlements. Therefore I do not consider criterion (b) to be of relevance in this instance. As detailed above I am satisfied that any additional infrastructure requirements, including off site mitigation to the transport network, may be secured via the development management process.

136. Other matters raised in the representations and not addressed above including impact on woodland; loss of sunlight; noise and disturbance during construction work; light and noise could be addressed through the development management process.

137. Overall I find that careful consideration has been given to the minimisation of impacts from development at this site. There is evidence that traffic impacts can be mitigated. I find no justification in terms of biodiversity and landscape impacts to remove this allocation. I conclude that, subject to my recommended modifications in respect of the delivery requirements, the site is an acceptable allocation.

Other sites

138. I am aware that other sites including H-LL 1 81-87 High Street and H-LL 2 Westerlea Court, Friarsbrae have been granted planning permission and are either under construction or completed. I accept that development details are dynamic and see no requirement to modify the plan in respect of these sites.

Other matters

139. I note the comments here and under issue 1B relating to proposals P-33 High amenity employment site at Burghmuir, P-44 M9 Junction 3 slip roads and P-45 Coach park and ride facility. Some respondents consider that P-43 and P-45 reduce the robustness of the Countryside Belt and that more centrally located, brownfield sites would be more appropriate. We address proposal P-43 at Issue 15N.

140. P-45 appears to be related to P-44 although no details are supplied. Taking account of the concerns regarding the lack of ability to accommodate coach parking within the town I consider that this location close to the motorway network and proposed slip roads is, in principle, acceptable. I do not consider that it is necessary for the plan to provide details of how this proposal is to be funded.

141. I note the representations relating to the protection of an existing area of amenity open space at Clark Avenue/Colt Hill. These representations are considered under Issue 26F, where we simply note that this land is in fact shown as open space in the proposed plan.

142. Paths Across West Lothian seeks inclusion of reference in the plan to the Old Drove Road footpath at Linlithgow. I note that the council has advised that the route is unclear and it has not been identified as a core path. On this basis I do not recommend any modification.

143. The council states above that it intends to make various non-notifiable modifications to the plan, including to the delivery requirements in Appendix Two. Whilst

this is a matter, in the first instance, for the council, I note that it has generally treated other similar modifications, as proposed in representations, as being substantive in nature.

Reporter's recommendations:

1. In the proposals map:

1.1 Delete the northern part of the two areas that make up site H-LL 4. Omit this land from the settlement boundary and include it in the Special Landscape Area.

1.2 Delete site H-LL 10. Omit this land from the settlement boundary and include it in the Special Landscape Area.

1.3 Amend the eastern boundary of site H-LL 12 to include the land fronting Deanburn Road in accordance with the FIR34 response dated 28 June 2017 from Montague Evans on behalf of Cala Land Management. Exclude this land from the Special Landscape Area.

2. In the table of Linlithgow housing sites on page 89:

2.1 In the entry for site H-LL 4 Land east of Manse Road, alter the capacity from '45' to '25' and alter the figure for 'Site Size (Ha)' to reflect the modified site.

2.2 Omit the entry for site H-LL 10 Clarendon Farm.

2.3 In the entry for site H-LL 12 Preston House, alter the figure for 'Site Size (Ha)' to reflect the modified site.

3. In the table of other developments in Linlithgow on page 90, omit the entry for proposal P-118 New access associated with housing site H-LL 10. Omit this proposal from Appendix Six.

4. In Appendix Two:

4.1 In the entry for site H-LL 4 Manse Road, under 'Capacity', replace '45' with '25'.

4.2 Delete the entry for site H-LL 10 Clarendon Farm.

4.3 In the entries for sites H-LL 4 Manse Road and H-LL 12 Preston Farm, alter the figure for 'Site Size (Ha)' to reflect the modified site.

4.4 In the entries for sites H-LL 11 Wilcoxholm Farm and H-LL 12 Preston Farm under 'Other' insert the following text:

'Requirement to consider the relationship with the Union Canal so as to integrate new development with it whilst allowing for canal related improvements such as moorings and access improvements and respecting its setting as a scheduled monument and maintaining any buffer that may be required in relation to the potential for flood risk'.

4.5 In the entries for sites H-LL 3 Boghall East, H-LL 4 Manse Road and H-LL 12 Preston Farm, under 'Other', insert the following text:

'A master plan is required to accompany any planning application and robust landscaping and planting shall be incorporated in order to mitigate negative visual impacts.'

4.6 In the entry for site H-LL 12 Preston Farm:

4.6.1 Under 'Flood Risk', delete the first paragraph and insert the following paragraph:

'Flood Risk Assessment Required. This shall include, but not necessarily be limited to, an assessment of flood risk from the Preston Burn/Mains Burn and the reservoir on site.'

4.6.2 Under 'Transportation', delete 'but the capacity of the cul de sac is limited and a secondary access may be required'.

4.6.3 Under 'Other', insert the following text:

'Requirement to consider the relationship with Preston House and Katie's Brig so as to integrate new development whilst respecting the setting of these listed buildings.'

APPENDIX TO SCHEDULE 4 NUMBER 15A

LINLITHGOW PLAN FOR THE FUTURE 2015 – 2030 PROPOSALS COMPARED TO THOSE OF THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)

LINLITHGOW PLAN FOR THE FUTURE	WEST LOTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)
ES1 Installation of District Heating Systems in New Housing Developments	Paragraphs 5.209 - 5.232 refer
ES2 Installation of District Heating Systems in Existing Built-up Areas	Paragraphs 5.215 - 5.221 refer
ES3 Development of Solar Farm	Paragraphs 5.215 - 5.221 and policy NRG 2 refer
ES4 Development of Hydro-Electric Power Plants on River Avon	Paragraphs 5.215 - 5.221 refer
ES5 Sustainable Design of New Developments	Policy DES 1 and the council's Residential Design Guide refer
ES6 Small Farms and Tree Planting	Paragraphs 5.170 – 5.174 and policies ENV 15 and ENV 16 refer
ES7 Mitigation of Loch and Watercourse Pollution	Site references include reference to need to address impact on Linlithgow Loch e.g. references to employment sites in Appendix one, include a requirement for provide high level SUDs to ensure neutral impact at least or betterment for Linlithgow Loch water quality. See also policy ENV 11 Protection of the water environment / coastline and riparian corridors. Paragraph 5.67 refers to preparation of Supplementary Guidance to reduce development impact on Linlithgow Loch.
ES8 Measures to Cut Down High Street Air Pollution	Paragraphs 5.240 – 5.242 and policy EMG 4 refer. Paragraph 5.67 refers to preparation of Supplementary Guidance for developer contributions towards transport mitigation measures for Linlithgow should new development proceed. Supplementary Guidance will also be required towards Linlithgow Academy and to reduce development impact on Linlithgow Loch.
B1 Townscape Heritage Initiative/Conservation Area Enhancement	Paragraphs 5.188, policies ENV 23 – 25, paragraphs 5.195 – 5.199, policies ENV 28 and ENV 29 refer. In addition the LDP Proposed plan advises of the preparation of a public realm design guide for the town.
B2 Restoration and Re-use of Linlithgow Palace	Paragraph 5.195 and policy ENV 28 refer

WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN EXAMINATION

LINLITHGOW PLAN FOR THE FUTURE	WEST LOTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)
B3 Preservation of Riggs and Public Access to Annet House Rigg Garden	Policy HOU 4 refers
B4 Tourist Information Centre	Paragraphs 5.27 – 5.28 and policy EMP 8 refer
B5 Promotion of Larger Hotel in Linlithgow	Paragraphs 5.27 – 5.28 and policy EMP 8 refer
B6 Extension of Learmonth Gardens	Paragraphs 5.164 – 5.165 and policy ENV 12 refer
B7 Canal Side Facilities near St Michael's Hospital	Paragraphs 5.164 – 5.165 and policy ENV 12 refer
B8 Canal Marina near Park Farm	Paragraphs 5.164 – 5.165 and policy ENV 12 refer
E1 Completion of Mill Road Industrial Estate	The LDP Proposed Plan continues to support development at Mill Road, sites E-LL 1 and E-LL 2 refer. Policies EMP 1 and EMP 2 refer
E2 Burghmuir Business Park	Policies EMP 1 and EMP 2 refer, site reservation E-LL 2 and proposed strategic employment site proposal P-43 refer.
E3 Business Centre at or near The Cross	Policy EMP 3 refers
E4 Home/Business Accommodation	Policy EMP 3 refers
H1 Social-Rented and 'Affordable' Housing	Paragraphs 5.69 – 5.74 and policy HOU 5 refer. The council is also to prepare new supplementary guidance for affordable housing (see reference in Appendix 4.
H2 New Council Housing – Mill Road	Site contained in the LDP Proposed Plan and referenced as H-LL 6
H3 New Council Housing – Additional 100 houses	Sites contained in the LDP Proposed Plan would provide for this.
H4 Private Housing – Boghall East	Site contained in the LDP Proposed Plan and referenced as H-LL 3
H5 Private Housing – Stockbridge North	Site completed
H6 Private Housing - Westerlea, Friarsbrae	Site contained in the LDP Proposed Plan and referenced as H-LL 2
H7 Mixed Housing – Clarendon to Edinburgh Road	Site contained in the LDP Proposed Plan and referenced as H-LL 10
H8 Mixed Housing – Wilcoxholm Farm	Site contained in the LDP Proposed Plan and referenced as H-LL 11
H9 Private Housing - Sawmill Site, Falkirk Road	Site contained in the LDP Proposed Plan and referenced as H-LL 5
H10 Private Housing - Whisky Bond Site, Edinburgh Road	Site has a planning approval for retail development (App xx refers)
H11 Quality and Design of New Housing Developments	Planning briefs are prepared for sites where appropriate; where these are in place they are referenced in the LDP; planning briefs may be prepared across the life of the LDP.
T1 Traffic Management to 'Reclaim' the High Street	The LDP seeks to promote sustainable travel through a policy approach and appropriate planning guidance including the council's Active Travel Plan which is referenced in the LDP – policy TRAN 3.
T2A Four-way motorway interchange at Burghmuir	Paragraph 5.66 and proposal P- 44 refer

WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN EXAMINATION

LINLITHGOW PLAN FOR THE FUTURE	WEST LOTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)
T2B High Street Relief Road	The provision of new roads to the north and east as bypasses to the town are not considered by the council to be sustainable options or achievable within the lifetime of the LDP. Such provision requires additional housing units for the solutions to work and considerable developer contributions to deliver. Whilst the council supports development in Linlithgow and advises that developer contributions will be required to assist in delivery, the scale of development set out in the LDP for Linlithgow is not to the scale proposed in the document "Linlithgow A Plan for the Future 2015 - 2030" which covers a time frame beyond that of the LDP.
T3 Roundabouts on Blackness Road at eastern end of Springfield Road and at the Kingsfield Road junction	Transportation Service advise that traffic capacities determine the layout of a road junction. The existing priority layouts of the junctions in question are correct for their capacities and layout.
T4 Eastern Local Distributor Road	The provision of new roads to the north and east as bypasses to the town are not considered by the council to be sustainable options or achievable within the lifetime of the LDP. Such provision requires additional housing units for the solutions to work and considerable developer contributions to deliver. Whilst the council supports development in Linlithgow and advises that developer contributions will be required to assist in delivery, the scale of development set out in the LDP for Linlithgow is not to the scale proposed in the document "Linlithgow A Plan for the Future 2015 - 2030" which covers a time frame beyond that of the LDP.
T5 Relief of Traffic over Canal Bridge at Manse Road	Transportation Service advise that there are no current proposals to change the road operation at the bridge. The bridge is not in council ownership.
T6 Decked Car Park at Regent Centre	Planning permission in principle for the erection of a single storey decked car park at the Regent Centre and realignment of existing car park (0024/P/0143) was granted by the council on 27 March 2013. The consent has yet to be implemented.
T7 Commuter Car Park at Edinburgh Road	The site proposed for car parking has a valid planning consent for retail use. The provision of car parking, whilst assisting in addressing parking issues would not promote sustainable transport modes.
T8 Tourist Car Parking at Blackness Road	The council has provided coach parking on Blackness Road.
T9 Improvements to Access to the Railway Station and to Rail Services	Transportation Service advise that there are no considerations or planned improvements for access to the station. Rail Services are being looked at as

WEST LoTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN EXAMINATION

LINLITHGOW PLAN FOR THE FUTURE	WEST LoTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)
	part of the line electrification.
T10 Improvements to Bus Services	Not a development plan matter
T11 Parking for Tourist Buses	See Schedule 4 15A
T12 Formation of Cycle Network	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
T13 Provision of Cycle Route/Footpath Link between Union Canal Towpath and Maidlands	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
T14 Upgrading of Sellars Road and Formation of Pedestrian/Cycle Link north-east of Sainsbury's Store	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
T15 Cycle/Footpath Links to Livingston and Bathgate via Beecraigs Country Park	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
T16 Modal Share/Active Travel Policy for New Housing Areas	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
T17 Cycle and Pedestrian Links across 'Green Wedge' at Clarendon	The council's Active Travel Plan (CDX) actively promotes travel modes alternative to the car.
S1 Investigation of Successful Retail Business Initiatives Elsewhere	The LDP includes a range of policies to promote business and retail opportunities, policy EMP 3 and TCR 1 – TCR 3. The requirements of Scottish Planning Policy 2014 require that a sequential approach to retail development must be taken.
S2 Redevelopment of Guyancourt Vennel	The LDP contains a policy approach to assist in the redevelopment of such buildings within conservation areas policy ENV 23 applies.
S3 Establishment of Arts Retail Quarter	The LDP includes a range of policies to promote business and retail opportunities, policy EMP 3 and TCR 1 – TCR 3. The requirements of Scottish Planning Policy 2014 require that a sequential approach to retail development must be taken.
S4 Neighbourhood Shops within New Housing Areas	The council can provide the policy approach to encourage new retail development. The requirements of Scottish Planning Policy 2014 require that a sequential approach to retail development must be taken, policies TCR 1 – TCR 3 of the LDP refer.
R1 Provision of Community Rooms	Work has commenced on a new partnership centre at County Buildings that will see the existing building fully refurbished to allow a range of different uses to be accommodated. The council will also look at options to allow letting of office space to small businesses and/or a business incubation centre.

WEST LoTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN EXAMINATION

LINLITHGOW PLAN FOR THE FUTURE	WEST LoTHIAN LOCAL DEVELOPMENT PLAN (Proposed Plan)
R2 Linlithgow Partnership Centre	Work has commenced on a new partnership centre at County Buildings that will see the existing building fully refurbished to allow a range of different uses to be accommodated. Plans are to relocate a number of facilities in the completed building including; Linlithgow Library, Customer Information Services, Local History Library, Family History Society, Annet House, St Michael's Day Centre for the elderly. There will also be accommodation for Police Scotland who will be relocating from the nearby police station.
R3 Redevelopment of site of Victoria Hall to form a Community Theatre/Cinema	The LDP contains a policy approach to assist in the redevelopment of such buildings within conservation areas policy ENV 23 applies.
R4 Formation of Clarendon Public Park with Woodland Planting and Community Orchards	The site is in private ownership. The LDP provides a policy approach to protect areas of open space and would seek to provide new areas of open space where required. The LDP provides a policy approach to encourage woodland planting and community growing policies ENV 9 and ENV 15 refer.
R5 New/Upgraded Playing Fields, Community Facilities and Additional Parking, Kettilstoun	A Proposal of Application Notice has been lodged with the council by the Linlithgow Community Development Trust for an outdoor sports facility and community hub on land at Kettilstoun Mains, to the west of site H-LL 6. This would provide for a range of sports facilities open to the public. This site has transferred by the council to the Linlithgow Community Development Trust to progress.
R6 Establishment of Permanent Youth Centre	The LDP contains a policy approach to assist in the provision of such facilities.
ED1 New Primary School at Edinburgh Road	The council has an established Education strategy for West Lothian to manage the education estate. This does not include provision of a new primary school.
HE1 Creation of Integrated Health Centre	Provision of health facilities is a matter for NHS Lothian. The LDP can provide the policy support for such facilities and establish a framework for developer contributions to assist in their delivery.

Issue 15B	Non Allocation of land for housing in Linlithgow	
Development plan reference:	EOI-0016 -Springfield West, Linlithgow EOI-0054 - Kettlestoun Mains	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Gardiner Estate (0370) Cemex UK (0421)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Linlithgow & Linlithgow Bridge (page 89) Development in Linlithgow & Linlithgow Bridge (page 26, paragraphs 5.63-5.67) Appendix 2 - Schedule of Housing Sites, Linlithgow (pages 193-200) Proposals Map 2, Linlithgow Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>EOI- 0016 - Springfield West</p> <p>Gardner Estate (0370)</p> <p>Seeks allocation of the site for a housing development and objects to the Proposed Plan on the basis of its failure to recognise the suitability of the subject site for housing land; reference to sequential assessment for development sites in Linlithgow is not supported and should be removed.</p> <p>EOI-0054 - Kettlestoun Mains</p> <p>Cemex UK (0421)</p> <p>Seeks allocation of the site for a housing development to provide for up to 210 houses; argues the council is failing to maintain a five year effective housing land supply; the site compares favourably with the “effectiveness criteria set out in PAN 2/2010 (CD038); the proposed development site is sustainable and no major public investment is required in additional infrastructure to support it; the proposed development is in keeping with the character of the local surrounding area; the proposed development site is therefore consistent with paragraph 125 of SPP (2014) (CD068) and complies with the requirements of Policy 7 of the Strategic Development Plan (CD099); the site can contribute to the housing land requirement to 2024 with potential for up to 210 houses; the site is brownfield.</p>		

Modifications sought by those submitting representations:**Representations to Non Allocated Sites**

EOI- 0016 - Springfield West

Gardner Estate (0370)

Seeks adjustment to the settlement boundary to include the site within the settlement of Linlithgow and designated for housing for up to 20 homes; partially remove the site from the Land Safeguarded for Open Space designation; remove references to sequential approach to development for Linlithgow.

EOI-0054 - Kettlestoun Mains

Cemex UK (0421)

Seeks inclusion of the site as a housing allocation in the LDP.

Summary of responses (including reasons) by planning authority:**Representations to Non Allocated Sites**

EOI- 0016 - Springfield West

Gardner Estate (0370)

The site lies out with the Linlithgow settlement envelope but is within the Linlithgow Palace and High Street conservation area, originally designated in 1975 and is regarded as being highly important in protecting views for the Linlithgow Loch and Palace and as part of the open green approach to the town.

The site was previously included in the Airngath Hills AGLV one of six AGLVs in West Lothian. The WLLP committed the council to undertaking a review of AGLVs during the plan period. The council undertook this review, proposing the replacement of AGLVs with Special Landscape Areas (SLA), and published the draft West Lothian Local Landscape Designation Review (LLDR) as a consultation document alongside the Main Issues Report for the LDP (CD079). The LLDR contains identifies a candidate SLA at Airngath Hill. The proposed boundary of this cSLA excludes site EOI-01016. No comments were received to the LLDR in relation to the proposed boundary of the cSLA at this location.

The LLDR was prepared primarily to look at landscaping designations outwith settlement boundaries; to reflect the allocation of the site within the Linlithgow Palace and High Street conservation area and to maintain the important views and open green approach to Linlithgow an open space allocation is considered appropriate.

Paragraph 5.65 of the LDP sets out the sequential approach to new development being supported in Linlithgow/Linlithgow Bridge. In terms of the sequential approach the site is not considered to be brownfield and is outwith the settlement boundary. The LDP requires that any release of land in Linlithgow is acceptable in landscape and townscape terms. Given the allocation of the site within the Linlithgow Palace and High Street conservation area and the allocation of other sites across the town, the council is of the view that the

site be protected from development.

For these reasons, the council does not agree to modify the plan in response to these representations.

EOI-0054 - Kettlestoun Mains

Cemex UK (0421)

The site lies within the proposed Avon Valley Special Landscape Area as defined in the draft West Lothian Local Landscape Designation Review (CD087). This cSLA will replace the Bathgate Hills and River Avon Valley AGLV. The site fails the sequential test for development sites in Linlithgow by virtue of its inclusion in the Avon Valley Special Landscape Area.

Part of the proposal site forms part of designated battlefield site within HES's Inventory of Historic Battlefield.

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan, paragraphs 85-92, 106-113 and Policy 5 and Table 3.1, page 6 (CD099). There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply, as required by paragraph 110 of SPP (2014) (CD068), the council has allocated a number of housing sites across West Lothian for housing development.

The site is not considered to meet the criteria for effectiveness as set out in Planning Advice Note 2/2010 (CD038) physical, contamination, deficit funding, infrastructure. There are infrastructure capacity constraints at Linlithgow Academy which will not be resolved until a solution is in place for secondary school provision associated with the Broxburn/Winchburgh CDA.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. I deal here only with the consideration of sites EOI-0016 and EOI-0054. The sequential approach to new development in Linlithgow/Linlithgow Bridge is considered in Issue 26H. Consideration of the effectiveness of allocated sites in Linlithgow is considered under Issue 15A and air quality in Linlithgow is addressed in Issue 26Am. Our findings in relation to housing land supply are given within Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to the case for allocating these sites for residential development.

EOI-0054 - Kettlestoun Mains

2. The site is located immediately north of the A706, a main route into Linlithgow from the west, to the east is Mill Road. Established housing areas are located to the north, east and south east of the site. The 'Xcite' leisure complex lies to the south of the site. The Glasgow – Edinburgh railway line lies adjacent to the north east corner of the site

and the Avon Viaduct is clearly visible in close proximity to and elevated above the site. The River Avon runs along the northern boundary of the site with open countryside beyond. The site lies within the Avon Valley candidate Special Landscape Area (cSLA).

3. Cemex UK argues that this site is a logical extension to the settlement. It should be considered as brownfield due to its history of sand and gravel extraction and part use by a metal recycling company. It is sustainable and compares favourably with the effectiveness criteria set out in PAN 2/2010, having no known constraints, apart from secondary school capacity. Localised contamination from the metal works use can easily be remediated. They consider that development can sit comfortably within the landscape character of the area without detriment to the cSLA and be in keeping with the character of the surrounding area.

4. I accept that having previously been developed this site may be considered as 'brownfield' as defined in Scottish Planning Policy (SPP). However, I do not consider that the inclusion of the site within the settlement boundary is justified solely on the basis of the past use of the site for sand and gravel extraction. I must give consideration to other relevant matters.

5. The Strategic Environmental Assessment (SEA) indicated that built development should not be supported as it would constitute an intrusive incursion into the countryside. It notes that the site is visible from the adjacent roads and contributes to the overall rural setting on entering the town from the west.

6. In terms of landscape impact the submitted landscape assessment report argues that the site comprises a very small proportion of the cSLA and as it is an area of disturbed ground, not pristine or natural, it is of medium to low sensitivity. Retention and enhancement of the existing woodland would contain and screen development at the site in views from the south. The report concludes that development at the site would not significantly alter the landscape character of the site or have a detrimental impact on the overall area of the cSLA.

7. There are a number of mature trees along its boundaries and the site is largely screened from the adjacent roads. These trees form an attractive edge to the settlement at this location and contribute to the visual quality of the approach to the town. The site was previously a quarry and it is partially restored; its interior is a mixture of naturally regenerated vegetation and immature formal tree planting incorporating a number of foot paths. The topography within the site varies but in general terms the interior forms a bowl sitting at a notably lower level than the adjacent roads. The submitted indicative plans and cross sections show that development at the southern part of the site is likely to predominantly sit lower in the landscape, contained by the existing planting and topography. I acknowledge that the interior of the site is viewed from the elevated railway line; however, given the nature of the topography and vegetation of this area I consider that the impact upon views would not be significant. Subject to the retention of the mature trees along the A706 I consider that the impact of development at this site on the character of the surrounding area and the cSLA is likely to be minimal and would not adversely affect the setting of the town.

8. In terms of the site being an incursion into the countryside, I accept that it would extend the built up area of Linlithgow on the northern side of the A706. However the site now proposed is significantly smaller than that sought through the call for sites exercise and shown on the Main Issues Report (MIR) and does not extend as far west. In light of

my conclusions above I do not accept that this incursion provides justification to decline to allocate this site.

9. The site is within the boundaries of the Inventory Battlefield designation relating to the Battle of Linlithgow Bridge. We deal with representations in relation to Policy ENV 31 Historic Battlefields under Issue 26Q. The inventory identifies nationally important battlefields. I acknowledge that inclusion on the inventory is not a barrier to development but consideration is required of the potential impacts on the special qualities and landscape characteristics of the battlefield.

10. At the Main Issues Report stage Historic Environment Scotland (HES) indicated that much of the north east of the site is believed to have played a significant part in the battle and this should be considered when evaluating the deliverability of this site. It indicated that it considered that the site has capacity for some development but that it is unlikely that the density proposed (on the then larger site proposed) can be achieved without a significant adverse effect.

11. HES's 'Managing Change' guidance advises that assessment should be made of the impacts on the special qualities and landscape characteristics of battlefields taking account of the entry details in the inventory. Development on important topography should be avoided and key views across the site should be retained. The inventory for this battlefield states that despite the past quarrying, the overall shape of the landscape remains.

12. The Archaeology Report submitted in support of the proposal indicates that as the whole of the proposed site was within the former sand and gravel quarry there is only limited potential for the recovery of archaeological or battlefield remains in small pockets. It indicates that the impacts of development would largely be on the ability to understand the landscape context of the battle site. It is argued that this has also been affected by the metal works and past quarrying but that impacts can be mitigated through design and layout. In particular it is proposed that the north eastern part of the site around Peace (Pace) Hill and the viaduct would be retained as open space and that the heights of the development would be restricted to minimise visual intrusion. The report contends that the most important elements of the battlefield, in terms of its landscape context, would be preserved and that indirect impacts on the Avon Viaduct are unlikely to be significant. In addition, it is argued that development can offer potential to enhance provision of interpretation and public access via improvements to the path network.

13. It is clear that this site has previously been disturbed by development and part of the designated battlefield site has already been lost to housing and the Xcite leisure complex. As I note above, the site now proposed is significantly smaller than that initially proposed. Although its boundary extends to 14.3 Ha the submitted supporting information advises that only 9.2 Ha is developable; as indicated above part of the site would be left as open space. The extent of the development, layout and design of housing at this site are matters that could be addressed via the development management process. I am content that detailed assessment at that stage could ensure that the overall integrity of the battlefield site would not be compromised and that the landscape context and special qualities of the battlefield would be adequately protected.

14. Taking account of the indicative plans, the archaeology report and the comments from HES, I consider that, subject to appropriate design considerations, the proposed allocation would not cause significant damage to this important heritage asset. My

recommendations below include that protection of the battlefield is included in the delivery requirements in Appendix Two. The capacity of the site which I recommend, 210 units, is indicative only.

15. I acknowledge that use of this part of the overall CEMEX site for informal recreation would be curtailed as a result of development but a significant area of informal open space would remain. I also recognise that the proposed access and interpretation improvements would bring some community and environmental benefits. My recommendations include the requirement to incorporate public access to the wider area of open space, the Avon Trail and the battlefield-related interpretation features.

16. The SEA did not raise any constraints relating to access/parking/roads. The submitted Transport Statement states that the local road network can accommodate the predicted traffic from development. The council does not oppose this proposed site on the grounds of access constraints. Although this site was not considered in the 2015 Transport Appraisal (TA) that analysis has shown that the road network has the capacity for additional development. It concluded that large increases in traffic volumes, including at the A803/Mill Road, can be accommodated by mitigation in the form of signal optimisation.

17. In terms of sustainability the recommended guidelines contained within PAN 75 Planning for Transport on accessibility to public transport are less than 400m to bus services, up to 800m to rail services and a maximum threshold of 1600m for accessibility to local facilities. The town centre and the railway station are out with the recognised walking distance from the site. However, the site is within the recognised walking distance to schools, the Sainsbury's supermarket and the retail park at Linlithgow Bridge. The site is also within recommended walking distance of bus routes. Development at this location is likely to place some additional pressure on the town centre in terms of car parking and congestion; it is inevitable that new development will do so. However this site is located such that access can be gained to the M9 without crossing the town.

18. I am therefore satisfied that any traffic and air pollution impacts could be considered and appropriate mitigation secured via the development management process. I find no compelling evidence that this site should not be allocated on the basis of traffic impact.

19. The council argues that the site is not effective due to constraints including contamination, deficit funding and lack of capacity at Linlithgow Academy. Cemex UK indicates that they do not foresee ground conditions or funding to be a constraint; I have no cause to doubt this. In the response to the SEA I note that SEPA did not make any comments relating to flooding or drainage issues at this site; these issues could also be addressed through the development management process. The Education Consultant's report submitted in support of this site concludes that Linlithgow Bridge Primary School has capacity to allow this site to come forward and that the proposed Winchburgh Academy would leave sufficient space at Linlithgow Academy to accommodate this development. It also indicates that there is space to accommodate an extension at Linlithgow Bridge Primary School should that be required.

20. We address education capacity at Issues 1F and 1J, where we recommend a more positive policy approach. We find in Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. The council has not indicated that there is a lack of primary school capacity to accommodate the development of this site. The council intends to resolve the lack of education capacity in Linlithgow by the proposed

secondary schools at Winchburgh and alterations to primary school catchments. With this in mind I see no compelling evidence that pupils from housing on this site could not be accommodated either within the current school estate or, following any necessary investments, in new school infrastructure, towards which any required contributions could be made. I therefore conclude that, despite the current constraints at Linlithgow Academy, education capacity should not be a barrier to the allocation of this site in the proposed plan. My recommendations below include that the education delivery requirements are contained within Appendix Two.

21. Drawing all of the above together I consider that the landscape impacts would not be as significant as identified in the SEA. I do not find that this site would constitute an unacceptable incursion into the countryside which would adversely affect the cSLA. Effects on the rural setting of the town, the historic battlefield and the road network could be addressed via the development management process. Although this site is on the edge of the town it benefits from access to nearby retail facilities and to the M9 without adding significantly to pressure on the town centre.

22. Furthermore I take into consideration our conclusions at Issue 1A relating to the likely shortfall in meeting the housing supply target. I also note the recommendation at Issue 15B to delete one site and part of another site which would result in a combined reduction in capacity of 140 units from the allocated sites in Linlithgow.

23. Overall, I find that there is sufficient justification for considering this site as suitable and effective for residential development. I therefore recommend that it be allocated as such within the plan. Based on the evidence before me, including the SEA entry for the site and the various consultation responses to the call for sites exercise, my recommendations below include matters to be incorporated in an entry for this site in Appendix Two of the plan.

Springfield West

24. This site is an area of actively used agricultural land located at the junction of Blackness Road (A803) and Springfield Road. The A803 is the main approach into Linlithgow from the east. Areas of established housing lie to the south and south west of the site, to the north west lies Linlithgow Loch. The site is an elevated plateau, the land beyond the site boundaries slopes significantly to the north and west towards the A803 and Springfield Road.

25. The site is within the Linlithgow Palace and High Street Conservation Area and abuts the proposed SLA, the Royal Park & Peel heritage designation and the area covered by 'the Rigs' heritage area development restriction.

26. In terms of landscape impacts the SEA notes that this site is higher than the surrounding land uses, is on the skyline and would be highly visible from the surrounding area. In particular it notes that it is likely to affect the setting of Linlithgow Palace and Loch. It concludes that, given the site's skyline location and varying levels, development would be detrimental to the surrounding area.

27. The site is presently part of the open green approach to the town. It occupies a raised platform above the level of the adjacent housing to the south and west of the site. Although there are substantial trees alongside the A803, neither these nor the topography fully screen the site from the road. In views heading westwards into Linlithgow along that

main route the site appears in the same field of views as the loch and the palace in the skyline above the town. Housing at this site would, to my mind, compete with and detract from those views on this important visual approach into Linlithgow. I consider that it would detract from the setting of the palace, loch and the town itself.

28. Although it lies out with the settlement boundary the site is located close to the town centre. I accept that the site is more sustainably located than much of the existing housing at the Springfield area and some of the other sites allocated for residential development in the plan.

29. The submissions from Gardiner Estate do not identify any infrastructure constraints directly affecting the site. However, very little information has been provided relating to technical matters such as access, flood risk, ground conditions and landscape impact. I find that the supporting information is lacking in detail. In particular, despite the potential impacts on the setting of Linlithgow, the palace and loch there is no real analysis of the potential landscape or visual impacts of development on the site.

30. Taking account of the above I consider that the development would adversely impact on the setting of Linlithgow, the palace and loch. Furthermore, limited evidence has been provided in support of development at this site. In conclusion, despite our conclusions at Issue 1A in respect of the supply of housing land, I do not consider that this site should be allocated for residential development.

Reporter's recommendations:

1. In the proposals map, identify a new allocation H-LL 13 at Kettlestoun Mains, Linlithgow, having the same boundaries as the site outlined red in Appendix 1 of CEMEX UK's representation (0421b). Include this site within the settlement boundary, and exclude it from the Special Landscape Area.

2. In the table of Linlithgow Housing sites on page 89, make a new entry as follows:

LDP Site Ref: 'H-LL 13'
 Location: 'Kettlestoun Mains'
 Site Size (Ha): '14.3'
 Capacity: '210'

3. In Appendix Two, make a new entry for a housing site in Linlithgow as follows:

Site Ref: 'H-LL 13'
 HLA Ref: [blank]
 Status: 'New allocation'
 Site Name: 'Kettlestoun Mains'
 Area (Ha): '14.3'
 Capacity: '210'
 Planning: [blank]
 Transportation: 'Access from the A706'
 Education:
 'Catchment Area Schools:
 [Council to insert details of relevant catchment schools.]
 Contributions towards new education infrastructure may be required.'
 Flood Risk:

'Flood Risk Assessment required
Drainage Impact Assessment required'

Other:

'The site lies within the boundary of the site of the Battle of Linlithgow Bridge which appears in Historic Environment Scotland's Inventory of Historic Battlefields. An archaeological assessment is required and the design and layout of the development will require to ensure that the landscape context and special qualities of the battlefield would be adequately protected.

The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

A master plan is required to accompany any planning application. This shall incorporate retention of the existing trees along the southern and eastern boundaries of the site as a defining feature of the landscape and incorporate public access to the wider area of open space, the Avon Trail and the battlefield related interpretation features.

The site is located in an area with a coal mining legacy and an assessment or investigation may be required.

The site may embrace or be adjacent to land affected by contamination and an assessment, investigation and remediation may be required.'

Issue 15I	Retailing in Linlithgow	
Development plan reference:	Policy TCR 1 -Town Centres Policy TCR 2 - Location of New Retail and Commercial Leisure Developments Policy TCR 3 - Commercial Entertainment and Hot Food Premises	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Lothbury Property Trust Company Limited (0153)		
Provision of the development Plan to which the issue relates:	<u>Chapter 5</u> <i>This section of the Plan details the Spatial Strategy - Town Centres and Retailing (para 5.133 – 5.138, page 39)</i> Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority’s summary of the representation(s):		
<p><u>Commercial Centre Linlithgow</u></p> <p>Lothbury Property Trust Company Limited (0153) - Welcomes the designation of a new commercial centre at Linlithgow Bridge although it is considered that the boundary should correspond with the existing retail offer already clustered at this location i.e. to include Stockbridge Retail Park, the Sainsbury’s store to the north-west and the Aldi and Dominoes units to the immediate east. This existing concentration of retail floorspace functions as a whole, forming an essential part of the Linlithgow retail provision/hierarchy. It is considered appropriate that this combined role is reflected in the Local Development Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>Commercial Centre Linlithgow</u></p> <p>Lothbury Property Trust Company Limited (0153) - Proposes a change to Figure 6 (CD078, page 39) : Under the ‘Centre’ column of the table the site description should read ‘Linlithgow Bridge’ rather than ‘Stockbridge Retail Park (Linlithgow Bridge)’.</p> <p>Proposes a change to Proposals Map 2 : A Commercial Centre boundary should be shown on Proposals Map 2, consistent with the map submitted as part of the representation WL/LDP/PP/0153.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Commercial Centre Linlithgow</u></p> <p>Lothbury Property Trust Company Limited (0153) - With reference to the proposed change to Figure 6 (CD078, page 39), the council recognises that for the sake of consistency it would be appropriate to identify the Centre as “Linlithgow Bridge”. The council would therefore not take issue if the Reporter was minded to amend Figure 6 accordingly.</p>		

The respondents' suggestion that Proposals Map 2 should graphically identify the extent of the Commercial Centre is also noted and the council would not object to the Reporter agreeing to this modification should it be considered helpful in improving the legibility and understanding of the Plan. The respondents have submitted a drawing illustrating the boundary and the council does not disagree with this.

Reporter's conclusions:

1. Figure 6 lists 'Stockbridge Retail Park (Linlithgow Bridge)' in Linlithgow as a Commercial Centre. I see no reason why this should not be altered to read 'Linlithgow Bridge Retail Park'.
2. The other retail centres in the hierarchy in Figure 6 are identified on the proposals maps. It would be sensible to also identify the Linlithgow Bridge Retail Park on Proposals Map 2.
3. The plan provided by Lothbury Property Trust Company Limited showing the changes requested to Proposals Map 2 includes two distinct areas. The southern area relates to the site occupied by a variety of modern retail units signposted as and clearly identifiable as the retail park. The northern area relates to the site of a Sainsbury's store on the north side of Main Street. The Sainsbury's store is a standalone development situated beyond a traffic lit road junction and is diagonally opposite the main part of the retail park. However the council has no objections to the commercial centre also including the Sainsbury's store and I see no significant reason why this should not be the case.
4. I note that the boundary proposed by Lothbury Property Trust Company Limited includes part of an area along the western and northern boundaries of the site that is designated as open space on the plan. That part of the open space is the formal peripheral landscaping associated with the retail site and appears to reflect the existing site boundary. The alteration proposed would not imply that the removal of the landscaping is acceptable. Given the nature of this area I see no reason why the inclusion of this narrow strip as part of the commercial centre boundary would have negative implications for the wider open space designation.

Reporter's recommendations:

1. In Figure 6 West Lothian's Existing Retail Hierarchy, replace 'Stockbridge Retail Park (Linlithgow Bridge)' with 'Linlithgow Bridge Retail Park'.
2. In the proposals map, identify the site of the Linlithgow Bridge Commercial Centre as the areas shown on the drawing submitted with the representation from Lothbury Property Trust Company Limited (0153) (3).

Issue 15J	Allocation of land for mixed use development at Blackness Road, Linlithgow	
Development plan reference:	MIRQ-0210, Blackness Road, Linlithgow	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Oracle UK (0246)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Linlithgow (page 89) Proposals Map 2, Linlithgow & Broxburn Area Policy EMP 1 (Safeguarding and Developing Existing Employment Land)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>MIRQ-0210 – Blackness Road, Linlithgow</u></p> <p>Oracle UK (0246) - explains that while still committed to an operational presence on the site, the nature of the respondents business has changed substantially and the large production and distribution building has been unused since 2011. It is proposed to reconfigure the site to focus on activities with a high amenity and predominantly office based environment and the respondents seek to have the site allocated for a mixed use development comprising business uses and housing (200 units). The fact that the site is brownfield is advanced as a positive consideration together with intimation that the site meets all the tests of effectiveness. An indicative site masterplan has been prepared and submitted as part of the representation together with other supporting documentation addressing employment and transportation issues.</p> <p>At the same time, the respondents oppose the allocation of other sites for housing in Linlithgow, namely H-LL 3, H-LL 4, H-LL 5, H-LL 7, H-LL 10, H-LL 11 and H-LL 12 and are especially critical of the fact that the majority of sites will require the development of greenfield land.</p> <p>In terms of the effect on employment land, it is argued that this would be inconsequential as evidenced by there being no demand for the surplus accommodation on site.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>MIRQ-0210 – Blackness Road, Linlithgow</u></p> <p>Oracle UK (0246) - seeks allocation of the existing Oracle business site at Blackness Road for a mixed use development embracing employment and housing. Proposes that other housing allocations should at the same time be deleted, namely H-LL 3 (Boghall East), H-LL 4 Land east of Manse Road), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 Clarendon Farm, H-LL 11 Wilcoxholm Farm/Pilgrims Hill) and H-LL 12,</p>		

Preston Farm.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

MIRQ-0210 – Blackness Road, Linlithgow

Oracle UK (0246)

Employment Land

The site is part of an established employment area currently identified in the West Lothian Local Plan 2009 (CD092). The Oracle facility was previously a single user site, however in recent years large areas of space have been let to occupiers in an attempt to maximise the use of redundant parts of the complex and demonstrates that there is at least some demand for business uses in Linlithgow.

The assessment of loss of employment land is noted against historic transactions in West Lothian, however, the council still considers that the land would be best retained for employment generating uses given the previous use of the site and the proximity to the remaining buildings at Oracle. Introducing non employment uses on the site would also have implications for the development of the adjacent employment site (E-LL 2) potentially constraining what could be done with it.

The council is required to provide for employment land in order to accord with SESplan Policy 2 (CD099) and this site makes a significant contribution to the overall range of employment sites available for development, particularly in Linlithgow where choice is limited. As the economy continues to recover it is anticipated that there will be more demand for employment land and for premises of the calibre which the Oracle facility provides.

Housing Land

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 85 – 92, 106 – 113 and Policy 5, and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy (CD068 – paragraph 110) the council has allocated a number of housing sites across West Lothian for housing development including 10 other sites in Linlithgow. Despite a number of these allocations embracing greenfield land, they are considered better suited to accommodating a housing development than this particular site at Blackness Road.

The juxtaposition of housing with employment uses is identified as a particular issue in terms of the Oracle site, as is the potential for housing to be adversely affected by motorway noise and any attendant physical works to combat it. The site is also perceived as being too physically detached and would not integrate well with the existing community. This would be contrary to planning advice contained within the SPP (CD068)

that seeks to ensure new sites integrate well with the local communities and make it a smart successful sustainable place.

In terms of site servicing and infrastructure, it was concluded that it could have an adverse effect on the capacity of local schools, particularly Linlithgow Academy and St Joseph's Primary, both of which would not be able to accommodate this development when taking account of the allocations made in the LDP already. The council's position in relation to education capacity and education requirements is set out in the Education Position Statement (CD201).

The drainage implications of developing this site are also potentially quite serious. A high level of attenuation and significant treatment of runoff would be required at the very least, but it is important to be aware that this site is within the catchment of Linlithgow Loch and any intensification of development has the potential to impact negatively on Linlithgow Loch, a body of water which is deteriorating from what was a mesotrophic loch to one that is currently eutrophic trending towards hyper-eutrophic.

Surface runoff from this site, currently developed as business with extensive parking, is directed via surface water drainage systems to the loch without treatment and attenuation. Wastewater from the business premises is also currently directed via the combined sewer through the town leading to Linlithgow Bridge Wastewater Treatment Works. Capacity in this sewer is heavily constrained and its lack of capacity results in frequent spillage into the loch through the combined sewer overflow (CSO) at the Vennel, worsening the outlook for the loch.

The council has therefore concluded that this site would not be appropriate for housing and for these reasons, the council does not agree to modify the plan in response to these representations.

With reference to the allocated housing sites identified, i.e., H-LL 3 (Boghall East) S4 ref - 15B, H-LL 4 (Land east of Manse Road) S4 ref- 15C, H-LL 5 (Falkirk Road) S4 ref- 15D, H-LL 7 (Clarendon House) S4 ref 15E, H-LL 10 Clarendon Farm S4 ref 15F, H-LL 11 Wilcoxholm Farm/Pilgrims Hill) S4 ref 15G and H-LL 12 Preston Farm S4 ref 15H, the councils views on these are is set out in a separate Schedule 4 (No 15A).

Reporter's conclusions:

1. I note the opposition to allocated sites and the concern that they are less well placed than the Oracle site to deliver new development. The consideration of individual allocated sites is dealt with under Issue 15A.
2. I note the comments of Oracle UK relating to lack of demand for the surplus accommodation on site. This is, in general terms, consistent with our findings at Issue 26A that there is a substantial surplus of employment land in West Lothian. There, we recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, in certain circumstances, of a wider range of uses on employment land. Our conclusion at Issue 1A is that there is likely to be a significant shortfall in meeting the housing supply target of the plan. I therefore give serious consideration to whether this site should be allocated for mixed use including housing.
3. In terms of the effectiveness of the site I note that the submissions indicate that there

are no constraints. Given that the proposal involves redevelopment of an existing site I find this to be a reasonable conclusion. As indicated above the site is within the settlement boundary and is no less accessible or sustainable than the existing substantial housing area to the south and south east. Matters of flooding/drainage, ground conditions, noise impact from M9 and protection of the high quality environment of the remaining Oracle site could be addressed via the development management process. In particular, in terms of the impact upon water quality at Linlithgow Loch, I consider it reasonable to conclude that this may be addressed by a sustainable drainage system (SUDs) given that this would be redevelopment of a brownfield, rather than a greenfield, site. I also note that the allocation in the proposed plan for the directly adjacent proposed site (E-LL 2) indicates that SUDs would be required to address this matter. There is no evidence to suggest that, with planning permission in place, development would not be able to proceed fairly quickly. One exception to this could be the need to address education infrastructure, but we find in Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. However, as I do not recommend that the plan be modified to include this site I give no further consideration to this particular matter.

4. I note the council's comments regarding the juxtaposition of uses. SPP gives support to mixed use neighbourhoods. The existing Oracle facility is low density incorporating areas of designed landscaping and is bound by mature trees resulting in an overall high visual quality. I did not witness any activities that would raise amenity issues. There are presently two accesses to the site and the masterplan indicates that the housing and business accesses would be separate. I am satisfied that the development management process could ensure a development that allows each use to co-exist without any adverse impacts on amenity or the business use.

5. This site is to the west of the proposed allocation E-LL 2, which is considered under Issue 15O. A mixed use allocation containing housing could potentially impose limitations on the use of the adjacent land for class 5 use. However employment use and housing can often happily exist alongside each other and given our conclusions at Issue 26A regarding employment land I do not consider this to be a significant issue. Furthermore any potential amenity issues could be addressed via the development management process.

6. However, map 1 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in Linlithgow. There is no hint in that map of any prospect of an alternative use for this site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

7. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

8. I acknowledge that the site is established employment land, and also that it is a brownfield site. However, the lack of any community engagement about the prospect of a change of use at this site, such as would have been undertaken had it been included in the Main Issues Report, even as a 'not preferred' site, is a significant factor which weighs against the case for allocating it for mixed use development. Therefore, notwithstanding our conclusions at Issues 1A and 26A, I do not recommend that the plan supports housing development on this site.

9. I note above the concerns of Oracle UK about the lack of demand for business uses at this site. In the context of a revised Policy EMP 1, this could be more fully considered should an application be made for alternative uses on any part of the site.

Reporter's recommendations:

No modifications.

Issue 15K	Non-allocation of land for development, Kingsfield Farm, Linlithgow	
Development plan reference:	EOI-0165	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Taylor Wimpey (0247)		
Provision of the development Plan to which the issue relates:	Non-allocation of land for housing and commercial uses Chapter 6 - Development Proposals by Settlement Statement, Linlithgow (page 89) Proposals Map 2, Linlithgow & Broxburn Area Page 26 paragraphs 5.63 – 5.67 – approach to development in Linlithgow	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p>Taylor Wimpey (0247)</p> <p>It is suggested that the site is suitable and capable of being developed and in support of the proposal it is argued that:</p> <ol style="list-style-type: none"> 1. the council should plan for the future growth of Linlithgow now, and be proactive rather than reactive; 2. the countryside belt proposed is objected to on grounds that the council has not been transparent in its process and has not allowed for adequate consultation; 3. the historic precedent has been set by the development of Linlithgow along lower, more easily developed landform, and this should continue, with the town expanding to the east; 4. appropriate development at Kingsfield can be accommodated within the sensitive landscape setting of Linlithgow; and 5. the development of Kingsfield could make a positive contribution to housing choice in Linlithgow. 		
Modifications sought by those submitting representations:		
<p><u>Representations to Non Allocated Sites</u></p> <p>Taylor Wimpey (0247)</p> <p>Seeks a modification of the Proposed Plan to (a) allocate the land for housing and (b) not to designate the proposed Countryside Belt.</p>		

Summary of responses (including reasons) by planning authority:Representations to Non Allocated Sites

Taylor Wimpey (0247)

In response to the specific matters raised by the respondent, the council submits the following comments:

1. the council is planning for the future growth of Linlithgow in a proactive way. The LDP process is evidence of this.
2. the inclusion of the proposed Countryside Belt designation in the Proposed Plan is effectively a self-contained consultation process; the fact that the respondent is arguing this issue at all demonstrates that it has succeeded in stimulating debate. The council's approach to designation of countryside belt is set out in a separate Schedule 4 and CD184.
3. the most recent extensions to the town have been to the south and the east. The council has intentionally resisted the growth of Linlithgow to the east as being unsustainable in view of the distance such development would be from the town centre.
4. the development of Kingsfield would be visible from the north, from the road approach to Linlithgow, and from the south, to those using the train. It would not, therefore, be able to be accommodated within the sensitive landscape setting of Linlithgow.
5. the Burghmuir site has been the subject of two planning applications; ref. 0095/P/12, for the site as proposed for inclusion in the LDP, (CD184) and ref. 0518/P/13, for part of the site, for a 200 house development (identified as phase A in the supporting statement) (CD371). Application 0095/P/12 was withdrawn after it had been placed on the agenda of the Planning Committee with a recommendation to refuse planning permission. Application 0518/P/13 was refused by the planning committee on 13th November 2013. An appeal against that refusal was dismissed on 27th July 2015.

The council is not minded to modify the plan as proposed by the respondent because;

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development because:

- There is a potential education constraint at Linlithgow Academy. An overview of education issues is set out in Position Statement: Education (CD201);
- The northern part of the site is higher than the surrounding landform, which means that development would be exposed to views from traffic using the approach from the motorway and from passengers using the railway to the south of the site. The objector concedes this point in the representation, stating that '... the approach from the M9, which is an elevated view that will take in the site even if not directly

adjacent to the access road’;

- Development of the site would change the character and appearance of the area and would have an adverse impact on the setting of the town of Linlithgow;
- Development of the site would, according to the objector, require the development of the adjacent site, Burghmuir (see Schedule 4 number 15N), which would exacerbate the detrimental impact on the landscape and on the character and setting of Linlithgow. It will be noted that the Burghmuir site is also not supported by the council;
- Parts of the site would be outwith easy walking distance of the centre of Linlithgow, increasing the need for travel by car; the site’s development would, in consequence, be unsustainable. In terms of accessibility, the site did not score highly against other proposed development sites in Linlithgow Transport Modelling and Accessibility Analysis, page 23 (CD083 and CD195);
- Development of the site would increase traffic movements in the town with consequent harm to air quality and increased traffic congestion;
- Development of the site would result in the loss of Class 1 agricultural land;
- There is no justification to amend the settlement boundary to include the proposed development site. Change to the settlement boundary would result in a weaker boundary and diminishment of settlement setting and is contrary to Policy ENV 7 - Countryside Belts and settlement settings of the LDP proposed plan and;
- The site is too remote from the town centre and would not contribute towards sustainable patterns of development. The site does not satisfy the terms of the sequential approach which the council has applied to the selection of development sites in Linlithgow (CD079) page 26 paragraph 5.65.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter’s conclusions:

1. Our consideration of housing land supply is contained within Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to the case for allocating this site for housing.

2. The site lies adjacent to the eastern edge of Linlithgow with actively used agricultural land lying to the north and south, Kingsfield Farm and Golf Course lie to the east. A minor road abuts the north eastern boundary of the site; this road joins Blackness Road (A803) to the B9080. The land to the north (at Burghmuir) is part of a separate proposal for housing considered under Issue 15N. We conclude in Issue 15N that the site at Burghmuir should not be allocated. In this context I find the site at Kingsfield to be isolated and remote from the remainder of the settlement.

3. Taylor Wimpey contends that the site is a logical future extension to Linlithgow. They

question the basis for the countryside belt identified in the plan and consider that this site should not form part of it. Our findings in relation to Policy ENV 7 Countryside Belts and settlement settings are contained within Issue 26L. There we support the inclusion of countryside belts in the plan and the general approach to these taken by the council. Policy ENV 7 sets out the four strategic purposes of countryside belts. Of particular importance to my conclusions here is the second objective, protecting the landscape setting of settlements.

4. The council comments that development at the site would have an adverse impact on the 'sensitive' setting of the town. I note that there are no landscape designations covering the site. The site is shown as a 'Not Preferred Site' on Main Issues Report (MIR) Map 1 Linlithgow. In terms of landscape impacts the Strategic Environmental Assessment (SEA) noted that the northern part of the site is on the skyline, and that development would alter the character of the area and be visible from the surrounding area, but did not oppose the allocation of this site in terms of landscape fit.

5. The site is an area of open agricultural land and being relatively flat it is not overly prominent in the wider landscape in relation to the neighbouring land. It can, however, be viewed from the roads to the north and east and from the railway line to the south. I observed that views of the site from the motorway are largely screened by roadside vegetation and topography. A belt of mature trees runs from Blackness Road to the south western corner of this site then extends further south wrapping around the existing housing. This woodland presently forms an attractive and defensible settlement boundary and provides visual containment to the town.

6. Reference is made by the council and Taylor Wimpey to the 2015 appeal decision relating to planning application 0518/P/13 for land at Burghmuir immediately adjacent to this site (CD371). I take account of the findings of the reporter and I make similar observations in respect of some of the likely impacts of development on the site at Kingsfield Farm on the setting of the town. Linlithgow sits down in the landscape and is set amongst rolling hills and woodland. The site forms part of the gently undulating agricultural approach to the town from the east. Development at the site would significantly extend the suburban approach into the town and would adversely affect its setting.

7. The site is clearly out with the settlement envelope; it is a considerable distance from the town centre, schools and other facilities. As the council has noted, in the Linlithgow Transport Modelling and Accessibility Analysis (CD083) the site scored very poorly in comparison with others, particularly in relation to walking and cycling access and impact on the road network. Even if the existing unmade, remote footpath link to the housing to the west of the site was to be upgraded it would not significantly improve access to the town centre. Development at the site is likely to place greater pressure on the town centre in terms of car parking and congestion. It would run contrary to the aims of addressing air pollution by a sustainable approach to development and transportation.

8. Taylor Wimpey's submissions do not identify any infrastructure constraints directly affecting the site. However, very little information has been provided relating to technical matters such as access, flood risk, ground conditions and landscape impact. The indicative plans show vehicular access from Blackness Road and from the minor road to the east of the site. Access from Blackness Road would be dependent on the development of the land at Burghmuir to the north. I noted that the minor access road is of restricted width at one point and may require improvement in order to accommodate

development of the scale proposed. The council has not commented on this, however, I acknowledge that detailed consideration of the transportation impacts of any proposal on the site would be for the development management process. Nevertheless I find that the supporting information is lacking in the level of detail that I might have expected for a site of this size. In particular, despite the potential impacts on the setting of Linlithgow there is no detailed analysis of the potential landscape or visual impacts of development on the site

9. The council refers to a potential education constraint at Linlithgow Academy. We address education capacity at Issues 1F and IJ, where we recommend a more positive policy approach. We find in Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. However, as I do not recommend that the plan be modified to include this site I give no further consideration to this matter.

10. In conclusion, taking account of the above I consider that the location and extent of the development proposed is unsustainable. It would also be out of context with and harmful to the setting of Linlithgow. Furthermore only limited evidence has been provided in support of this overall site. Despite our conclusions at Issue 1A in respect of the supply of housing land, I do not recommend a modification which would allocate this land for housing development.

Reporter's recommendations:

No modifications.

Issue 15L	Proposed settlement boundary change at St Michael's Lane, Linlithgow	
Development plan reference:	Map 2 Linlithgow	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr and Mrs Nicol (0282 and 21827625)		
Provision of the development Plan to which the issue relates:	Promotion of a settlement boundary change. Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p>Mr and Mrs Nicol (0282 and 21827625) - The respondents are disappointed that despite previous submissions to the LDP (Main Issues Report submission MIRQ 0050), and having secured planning approval for change of use) to convert woodland to garden ground in April 2005, ref. 1037/FUL/04, (CD0372), their garden and that of their neighbours has not been included within the settlement boundary for Linlithgow.</p> <p>The respondents advise that their garden ground has been developed with the full knowledge and support of the council and have referenced a planning permission for the erection of a garden shed and summerhouse from 2006 (ref. 0550/H/06) (CD373a and 373b) and indicate that their neighbour also secured planning permission for a garage to store motor vehicles, pointing out that all proposals are consistent with the land's use as a domestic garden related to their residential properties. It is argued that this makes the exclusion of the land from the settlement boundary is all the more puzzling and anomalous.</p>		
Modifications sought by those submitting representations:		
Mr and Mrs Nicol (0282 and 21827625) - Seeks an amendment to the definition of the proposed Linlithgow settlement boundary to reflect planning consents associated with garden ground to the east of 1 & 2 St Michaels Lane, Blackness Road, Linlithgow and to specifically bring the garden ground within the settlement boundary.		
Summary of responses (including reasons) by planning authority:		
<p>The garden ground associated with 1 & 2 St Michael's Lane is located to the east of the lane and is physically divorced from the residential properties. The house and garden ground lie within the Linlithgow Palace and High Street Conservation Area, a Site of Scientific Interest (SSSI) and a Special Landscape Area (SLA). They also lie outwith the settlement boundary of Linlithgow, as shown in the adopted West Lothian Local Plan (CD092) Proposed Plan (Map 2).</p> <p>The respondents argue that because the council has previously sanctioned the change of use of what was once an area of woodland to private garden ground it follows that the settlement boundary should be amended to reflect this. A committee report relative to</p>		

planning application ref. 0167/FUL/12 summarises the planning history associated with 1 St Michaels Lane (CD336a and CD336c) while (CD337a and 337b), (CD338a and 338b) and (CD339) detail the planning history for 2 St Michaels Lane).

One of the consequences of bringing the garden ground within the settlement boundary and excluding it from the Linlithgow Loch SSI and SLA is that it would open up a general presumption in favour of further development and make it more difficult to resist. It is recognised that the respondents have not indicated that this is their intention but as there has previously been pressure for residential development on part of the land, and which was the subject of an unsuccessful planning application (ref. 0167/FUL/12) (CD336a), it is understandable that the council should have such concerns.

This application generated a consultation response from Scottish Natural Heritage (SNH) dated 16th March 2012 (CD336b) which advised against the proposal as it would have an adverse impact upon the Linlithgow SSSI. The advice explains that “the areas around the Loch within the SSSI boundary act as a vital buffer zone to the open water which is the special notable feature of this SSSI”. The SSSI is currently in unfavourable condition and is deteriorating due to nutrient enrichment from a variety of sources within its catchment. Changes to surface water runoff and drainage within the catchment carry the risk of accelerating this decline in condition”.

The council concludes that this advice remains valid and is therefore concerned that the act of bringing the garden ground within the settlement boundary could be a first step in the incremental erosion of the boundary with the SSSI which in turn could have an adverse impact on the SSSI. Taking a broader view of including the land within the settlement boundary, it is difficult to see any wider community benefit.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter’s conclusions:

1. Given that planning permission was granted for the change of use of this area to private garden ground I consider that this area now forms the domestic curtilage of this property at 1 St Michael’s Lane. It would therefore be unreasonable to treat this land as if it were not part of the curtilage by excluding it from the settlement boundary. I find the proposed modification to be acceptable.
2. The SSSI and heritage designations would not be modified and would still apply to this area along with the policies designed to protect such areas. Inclusion within the settlement boundary therefore does not signify any acceptance of future development at this site.

Reporter’s recommendations:

1. In the proposals map, include within the Linlithgow settlement boundary the site at St Michael’s Lane, Linlithgow, as per planning permission ref. 1037/FUL/04 and as shown on the plan submitted as part of representation (0282) (1) from Mr and Mrs Nicol. Exclude this land from the Special Landscape Area.

Issue 15N	Non-allocation of land at Burghmuir, Linlithgow for development	
Development plan reference:	EOI-0103	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453) Robert Allan (21395490) Neil & Pamela Barnes (0328)</p> <p>NB see also Schedule 4 number 15A</p>		
Provision of the development plan to which the issue relates:	Allocation of land for housing and commercial uses	
Planning authority's summary of the representation(s):		
<p><u>Housing land supply</u></p> <p>Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)</p> <p>The proposed plan fails to allocate sufficient effective housing land to meet SESplan requirements.</p> <p><u>Sustainability</u></p> <p>Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)</p> <p>The site is in a sustainable location, within walking distance of the town centre and railway station.</p> <p><u>Integration with the local area</u></p> <p>Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)</p> <p>The site will integrate with and be in keeping with the character of the local area. The design takes account of the Reporter's decision on appeal PPA-400-2045.</p> <p><u>SEA Assessment</u></p> <p>Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)</p> <p>An amended, alternative SEA assessment, carried out by the objector, demonstrates that the environmental impacts would be acceptable.</p>		

Infrastructure requirements

Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)

The council's proposed development strategy for Linlithgow fails to address infrastructure constraints for primary education and traffic impacts with consequent air quality impacts.

Robert Allan (21395490)

Land should be used at the east of Linlithgow to develop the junction on the M9 to allow for an off ramp east bound and on ramp west bound; suggests this would remove a large amount of unnecessary heavy traffic going through the centre of Linlithgow, improve air quality and reduce congestion. Supports development at Burghmuir including supermarket which would reduce car journeys and provide better retail choice; advises that a new health centre is urgently required.

Neil & Pamela Barnes (0328)

Support no development at Burghmuir, Linlithgow; welcome work of interested parties to improve water quality of Linlithgow Loch; greater emphasis is required to promote and increase sustainable transport networks; seek information on any proposals for Linlithgow Cross and Vennel Flats.

Modifications sought by those submitting representations:

Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)

Inclusion of the site at Burghmuir for the development of 600 homes and new motorway access slips.

Robert Allan (21395490)

No modification stated but infers that land at Burghmuir should be allocated for development.

Summary of responses (including reasons) by planning authority:

Wallace Land Investment & Management (0353) (0355) (0449) (0450) (0451) and (0453)
d Robert Allan (21395490)

Background

Two planning applications have been submitted by Wallace Land and Investment for the site; one, 0095/P/12, for the site as proposed for inclusion in the LDP, and one, 0518/P/13, for part of the site, for a 200 house development (identified as phase A in the supporting statement).

Application 0095/P/12 was withdrawn after it had been placed on the agenda of the Planning Committee with a recommendation to refuse planning permission (CD371). Application 0518/P/13 was refused by the planning committee on 13th November 2013 (CD341). An appeal against that refusal was dismissed on 27th July 2015 (CD341).

The appeal decision

The reporter's decision to refuse planning permission for the 200 house site known as Burghmuir A and Phase A noted that the site had not been identified as a preferred site in the Main Issues Report. The decision of the reporter to dismiss the appeal and refuse permission was founded on his findings that the proposed development would not be sustainable, and that it would harm the character and setting of Linlithgow, both of which make it contrary to SESplan.

Housing land supply

The site, because of education infrastructure availability, would not be able to impact on the housing land supply requirement over the next 5 years. The Proposed LDP identifies sufficient sites to satisfy housing land supply requirements. The council's position on housing land is set out in the Housing Land Position Statement (CD215)

Integration with the local area

The proposed site of 200 houses is open countryside. Development of any sort would not integrate. The addition of some screen planting would be an intrusive element in itself, and would not hide the fact that 200 houses have been built there. This is directly contrary to the findings of the Reporter at the recent appeal. The site is higher than the surrounding landform, which means that development there would be exposed to views from traffic using the A803, a principal route into and out of the town. The setting and character of the town would be adversely affected by the development of the site. Development of the site would be detrimental to the character and appearance of the area, which is currently open countryside.

In this instance there is no justification to amend the settlement boundary to include the proposed site. A change to the settlement boundary at this location would result in a weaker boundary and a diminishment of settlement setting which would be contrary to LDP Policy ENV 7 *Countryside Belts and settlement settings*.

The proposal is also contrary to the terms of SPP 2014 which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as good quality agricultural land (CD068, paragraph 76). The council's position on countryside belts is set out in the Countryside Belt Position Statement (CD184).

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development in the countryside on the periphery of Bathgate *Linlithgow* would be considered to be contrary to the terms of this policy and out of keeping with the character of the settlement and local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099, pages 14 and 44).

SEA assessment

The developer's assessment makes assumptions which are not considered to be correct. Part of their assessment compares the site with another site, ignoring the potential weighting of factors.

Air Quality

Air quality in Linlithgow has been the subject of detailed assessment and reported to the council's Council Executive on 1 March 2016 (CD187 and CD219). Declaration of an Air Quality Management Area does not in itself prevent development but can inform planning decisions particularly where proposals may lead to an improvement in air quality for example through the provision of new junctions on the M9. The council supports in principle the provision of a 4 way junction at Linlithgow junction 3 and acknowledges that development of the site may assist in the delivery of the 4 way junction. However, parts of the site would be outwith easy walking distance of the centre of Linlithgow, increasing the need for travel by car; the site's development would, in consequence, be unsustainable. In terms of accessibility, the site did not score highly against other proposed development sites in Linlithgow (CD083 Transport Modelling and Accessibility Analysis, page 23 and CD195). The site does not meet the terms of the sequential approach to development in Linlithgow and significant loss of prime quality agricultural land. The council's position in relation to countryside belt is set out in its position statement (CD184).

Infrastructure requirements

There are no known infrastructure constraints for primary education affecting the site. However, there are capacity constraints at secondary school level, notably at Linlithgow Academy. This constraint is unlikely to be removed until post 2019 at the earliest, the site therefore cannot be considered to be effective and contribute to the five year effective housing land supply. The council's position in relation to Education is set out in the Education Position Statement (CD201).

The council does not propose to modify the LDP in relation to this site.

Neil & Pamela Barnes (0328)

Support for no development at Burghmuir is noted.

Reporter's conclusions:

1. Consideration of the effectiveness of allocated sites in Linlithgow and the appropriateness of site H-LL 11 Wilcoxholm Farm/Pilgrim's Hill are contained within Issue 15A. Our findings in relation to housing land supply are given within Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to the case for allocating this site for mixed use including housing.

2. Wallace Land Investment & Management (WLIM) also seeks modification of the plan as they object to the P-43 'High Amenity Employment Site' annotation in relation to this site, however they consider that it indicates an acceptance by the council of development at this site. The council has not commented in relation to proposal P-43. We address issues related to employment land under Issue 26A where we find that there is a significant surplus of employment land, which includes high amenity office campuses and large sites with easy access to the motorway network. We recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing.

3. This site abuts two employment sites. At Issue 15O we consider the request to expand the range of employment use classes at the adjacent site E-LL 2 which has been carried over from the previous plan. At Issue 15J we consider the inclusion of housing on the partly used employment land immediately to the west of E-LL 2. Our conclusion at 26A that there is a surplus of employment land and the presence of the available adjacent sites causes me to question the justification for proposal P-43.

4. The site identified by WLIM comprises three adjoining parcels of land extending from the eastern edge of Linlithgow along Blackness Road (A803) to the slip road from the M9. The land to the south of this site (at Kingsfield Farm) is part of a separate proposal for housing considered under Issue 15K. We conclude in Issue 15K that the site at Kingsfield Farm should not be allocated.

Impact on the setting of Linlithgow

5. WLIM argues that the site will integrate with and be in keeping with the character of the local area and that the indicative plans take account of the Reporter's decision on appeal PPA-400-2045.

6. The site consists of open and gently undulating agricultural land. The part of the site to the south of Blackness Road rises to a slight ridge adjacent to the road. The part of the site that lies to the east of the minor road from the A803 to the B9080 has trees along its northern boundary; it is lower lying than and is fairly well screened from the A803. The site is exposed in views from the south, including from the railway line and Edinburgh Road (B9080). I observed that views of the site from the motorway are largely screened by roadside vegetation and topography.

7. In terms of landscape impacts the Strategic Environmental Assessment (SEA) noted that development would alter the character of the area, in particular the entrance to Linlithgow from the east, and be visible from the surrounding area but did not oppose the allocation of this site in terms of landscape fit.

8. In the above appeal decision relating to housing development on the southern part of this site the reporter concluded that the development would significantly harm the character and setting of Linlithgow. It would extend the built area of the town perceptibly and disproportionately along the major eastern route to the motorway. The scale and prominence of the proposed housing would erode the relatively self-contained form of the town in views across the shallow valley to the south of Blackness Road within which lies Edinburgh Road, the railway line to Edinburgh and the Union Canal.

9. I take account of the findings of the reporter and I make similar observations in respect of some of the likely impacts of development of the site on the setting of the town. Linlithgow sits down in the landscape and is set amongst rolling hills and woodland. A belt of mature trees runs from Blackness Road to the south western corner of this site then extends further south wrapping around the existing housing. This woodland presently forms an attractive and defensible boundary and provides visual containment to the town at its eastern end.

10. The site forms part of the gently undulating agricultural approach to the town from the east. Its development would extend the settlement into a broad open area that is not contained by land form or features. The indicative plans supporting this proposal incorporate structural tree planting in an attempt to avoid the urbanisation of Blackness

Road and to screen views from the south. The planting would eventually lessen the visual impact of development but would take some time to establish and be effective. I consider that the extensive development proposed would significantly extend the suburban approach into the town and would adversely affect its setting.

11. The council, in proposing a High Amenity Employment Site at this location, indicate their acceptance of some development at this site. However, that proposal does not appear to have been subject to the SEA. I have no evidence that the P-43 proposal would be acceptable in terms of the impact on the setting of Linlithgow.

Sustainability

12. Although the southern part of the site, phase A, adjoins the existing housing at Linlithgow the indicative plans show the proposed housing on the northern part of the site being located beyond the proposed hotel and community facilities. The eastern parts of the site extend well beyond the existing settlement envelope and are a considerable distance from the town centre, schools and other facilities.

13. As the council has noted, in the Linlithgow Transport Modelling and Accessibility Analysis (CD083) the site scored very poorly in comparison with others, particularly in relation to walking and cycling access and impact on the road network. The development would, at least initially but potentially in the longer term, place greater pressure on the town centre in terms of car parking and congestion.

14. WLIM contends that only a development of the scale proposed would facilitate west facing slip roads to and from the M9. They state that the technical assessments show that there would be no significant deterioration in air quality due to traffic congestion if the slip roads are provided by the 300th new house. The assessment included the impact of traffic for a large food store also proposed at the site, although this is not included in the indicative proposals.

15. I recognise that the slip roads and proposed health centre and sports centre could bring community and environmental benefits. It is unclear if the development would significantly affect air quality in the Air Quality Management Area (AQMA). However it seems inevitable that development at the site would still place pressure on the town centre in terms of access to facilities therein. In the overall balance of things a substantial development extending significantly eastwards of the town would not fit comfortably with a sustainable approach to development and modes of transport.

16. Mr and Mrs Barnes oppose the loss of prime agricultural land. Taking account of the above matters I agree that the proposal is contrary to the terms of Scottish Planning Policy (SPP) which indicates that it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as good quality agricultural land.

Other matters

17. The council refers to an education constraint at Linlithgow Academy. We address education capacity at Issues 1F and 1J, where we recommend a more positive policy approach. We find in Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. However, as I do not recommend that the plan be modified to include this site I give no further consideration to this matter.

18. WLIM notes that the proposal has been open to community consultation as part of the Pre-Application Consultation and application process. An Environmental Impact Assessment, Transportation Assessment and Air Quality Assessment have all been undertaken as part of planning application 095/P/12. These are not part of this examination. I note the alternative SEA assessment undertaken in support of this site. While I consider that the scoring in the council's SEA did not take account of delivery of the new motorway slip roads, I find that WLIM's revised SEA is supported by only limited information. It is lacking in the level of detail that I might have expected for a site of this size. In particular, despite the potential impacts on the setting of Linlithgow there is no detailed analysis of the potential landscape or visual impacts of development on the site. The revised SEA does not alter my conclusions.

Conclusions

19. Taking account of the above I consider that the location and extent of the development proposed by WLIM is unsustainable and would adversely impact on the setting of Linlithgow. Furthermore limited evidence has been provided in support of development at this site. In conclusion, despite our conclusions at Issue 1A in respect of the supply of housing land, I do not recommend a modification which would allocate this land for mixed use including housing development.

20. In view of the nature of the site, the potential landscape impacts, the surplus of employment land and the lack of detail regarding proposal P-43 I also consider that it should be removed from the plan.

Reporter's recommendations:

1. In the proposals map, delete proposal P-43.
2. In the table of 'Other Developments' in Linlithgow on page 90, delete the entry for P-43 High amenity employment site
3. In Appendix One, delete the entry for P-43 Land at Burghmuir, north of Blackness Road. Omit this proposal from Appendix Six.

Issue 150	Land at Burghmuir, Linlithgow	
Development plan reference:	E-LL 2	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Gardner Estate (0368)		
Provision of the development plan to which the issue relates:	Allocation of land for employment uses Pages 89 and 110	
Planning authority's summary of the representation(s):		
<p>Gardner Estate (0368c)</p> <ul style="list-style-type: none"> • Welcomes change to the site description which removes reference to Oracle/Sun Microsystems, although identifies inconsistencies across the LDP in the name given to the site and site reference. • Does not support restriction to class 4 uses and seeks allocation of the site to include use classes 4, 5 and 6. 		
Modifications sought by those submitting representations:		
<p>Gardner Estate (0368c)</p> <p>Update the schedule of sites within the Linlithgow and Linlithgow Bridge settlement statement of the Proposed Plan to incorporate the conclusions of Appendix One: Employment Land Allocations. This would result in that schedule stating that the site is suitable for Use Classes 4 and 5.</p> <p>Update the schedule of sites within Appendix One: Employment Land Allocations so that this Appendix refers to the site by its correct reference (E-LL 2) and that the site is referred to by its amended address "Land at Burghmuir, north of Blackness Road".</p> <p>Seeks designation to include for Class 6 Storage & Distribution Use, subject to suitable access arrangements being provided.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Gardner Estate (0368c)</p> <p>The council acknowledges the drafting errors in the LDP text and is minded to correct inconsistencies in the site referencing to refer to the site as E-LL 2 Land at Burghmuir, north of Blackness Road. Address to be amended to "Land at Burghmuir, north of Blackness Road" should the reporter be so minded.</p>		

For consistency with the preferred approach set out in the Main Issues Report, the use classes supported are classes 4 and 5. Use class 6 is not supported given the landscape setting of the site and potential impacts on the road network.

Reporter's conclusions:

1. I note the drafting errors and that the council is content to correct the inconsistencies in the references to this site; I have addressed these below.
2. Gardiner (not 'Gardner') Estate seeks that the use classes supported at this site be extended to include Class 6 (Storage and Distribution). The entry for this site in Appendix Two already supports both Use Class 4 and 5. The council opposes this due to impacts on the landscape setting of the site and potential impacts on the road network.
3. At Issue 26A we recommend that Policy EMP 1 Safeguarding and Developing Existing Employment Land provides for alternative uses in employment areas in certain circumstances. That policy also allows the council to assess the acceptability of the impacts of a proposal in relation to amenity and traffic.
4. I fail to see why a Class 6 development at this site should have any greater impact on the landscape setting of the site than one under Class 4 (Business) or Class 5 (General Industrial). Any subsequent planning application could address the layout and design of the development and require the retention of any trees to ensure that the setting of the site is protected.
5. A Class 6 use is likely to generate traffic but a Class 4 use could easily generate similar levels of traffic albeit with different patterns. The site is close to the eastbound junction of the M9 motorway and a Class 6 use makes sense at such a location, even though it currently does not serve traffic travelling to or coming from the west. The acceptability of any future Class 6 development in terms of traffic generation and any requirement for road infrastructure improvements are matters that may be assessed in any subsequent planning application.
6. In conclusion, I see no reason to exclude Class 6 use.

Reporter's recommendations:

1. In Appendix One, in the entry for site E-Li 3 Oracle Expansion Land:
 - 1.1 Under 'Site Ref', change 'E-Li 3' to 'E-LL 2'.
 - 1.2 Under 'Address', replace 'Oracle Expansion Land' with 'Land at Burghmuir, north of Blackness Road'
 - 1.3 Under 'Use Classes' delete '4,5' and insert '4,5,6'.
2. In the table of Linlithgow employment allocations on page 89, in the entry for site E-LL 2 Land at Burghmuir, north of Blackness Road, under 'Use Classes', delete '4' and insert '4,5,6'.

Issue 16A	Allocation of housing land at Tarbert Drive, Murieston	
Development plan reference:	Site H-LV 3.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Whitelaw (0031) Mr & Mrs Bell (0063) Geoff Stevens (0064) Jackie Hutchins (0065) Emma Truswell (0066) John Bailey (0067) George & Marjory Chirnside (0068) Robert Reid (0070) Iain Millar (0071) Gail E Millar (0072) Thomas Patton (0073) Keri Beagley(0074) J Young (0075) Doreen Carter (0080) William Dobbie (0086) Margot Patton (0087) Peter & Mary Cunningham (0099) R Whitson (0109) Joan Rychter (0110) Agha Mohammed (0113) Mr & Mrs Wilkinson (0120) Gus Wilson (0128) Ian Carmichael (0129) David (0134) Margaret & John Young (0135) Lesley Borthwick (0136) Peter Robertson (0139) David Brown (0164) Callum & Irene Whitelaw (0185) Callum & Irene Whitelaw (0191) Stephen and Alexandra Christie (0192) Annie Dryden (0199)</p>	<p>E A McGeechan (0203) Ian Shemilt (0205) William Wilson (0210) Lesley & Darren Dunlop (0212) Tracey Beveridge (0213) Clare O'Lone (0218) Netta Findlay (0237) Scottish Environment Protection Agency (0243) Fraser A Mackenzie & Gillian Cairney (0276) Margaret Brown (0296) Patrick Cassidy (0327) Marie Hudson (0334) Amie Butchard (0340) Mr & Mrs Buchanan (0342) Murieston Community Council (0346) A and M Thomson (0364) Ashleigh Trenzinger (0373) Dipin & Family (0387) Livingston Village Community Council (0410) Scott Tucker (0419) Henry, Susan, Laura and Fiona Gilles (0427) Neil Harris (21903538) Simon Baxendale (21772340) Irene Whitelaw (21769336) Robert Lemmer (21605856) Jill Simpson (21061671) Philip Galt (21755271)</p>	
Provision of the development Plan to which the issue relates:	Appendix 2: Schedule of Housing Sites / Site Delivery Requirements; Site H-LV 3; page 202 Proposals Map 3: Livingston Area	
Planning authority's summary of the representation(s):		
Irene Whitelaw (0031) Mr & Mrs Bell (0063) Geoff Stevens (0064) Jackie Hutchins (0065) Emma Truswell (0066) John Bailey (0067) George & Marjory Chirnside (0068) Robert Reid (0070) Iain Millar (0071) Gail E Millar (0072) Thomas Patton (0073) Keri Beagley(0074) J Young (0075) Doreen Carter (0080) William Dobbie (0086) Margot		

Patton (0087) Peter & Mary Cunningham (0099) R Whitson (0109) Joan Rychter (0110) Agha Mohammed (0113) Mr & Mrs Wilkinson (0120) Gus Wilson (0128) Ian Carmichael (0129) David (0134) Margaret & John Young (0135) Lesley Borthwick (0136) Peter Robertson (0139) David Brown (0164) Callum & Irene Whitelaw (0185) Callum & Irene Whitelaw (0191) Stephen and Alexandra Christie (0192) Annie Dryden (0199) E A McGeechan (0203) Ian Shemilt (0205) William Wilson (0210) Lesley & Darren Dunlop (0212) Tracey Beveridge (0213) Clare O'Lone (0218) Netta Findlay (0237) Scottish Environment Protection Agency (0243) Fraser A Mackenzie & Gillian Cairney (0276) Margaret Brown (0296) Patrick Cassidy (0327) Marie Hudson (0334) Amie Butchard (0340) Mr & Mrs Buchanan (0342) Murieston Community Council (0346) A and M Thomson (0364) Ashleigh Trenzinger (0373) Dipin & Family (0387) Livingston Village Community Council (0410) Scott Tucker (0419) Henry, Susan, Laura and Fiona Gilles (0427) Neil Harris (21903538) Simon Baxendale (21772340) Irene Whitelaw (21769336) Robert Lemmer (21605856) Jill Simpson (21061671) and Philip Galt (21755271)

all object to site H-LV 3 at Tarbert Drive, Murieston, Livingston being allocated for housing use due to the following issues –

- Land contamination;
- mine workings;
- traffic congestion and increase in traffic
- safety concerns for children given proximity and accessibility to children's play area;
- adverse impact on and loss of flora and fauna;
- loss of open space;
- site is not required for housing; more suitable sites elsewhere;
- education capacity issues at primary school level;
- disruption to the small cul-de-sac (Tarbert Drive) through construction traffic and noise;
- the site is subject to a Tree Preservation Order (TPO) made in 2009; and
- a history of planning refusals.

In summary, there are 54 responses for H-LV3. The majority of them, approximately 40, make reference to contaminated land, wildlife, TPO's and transport issues. The remainder purely note an objection, but do not provide a justification. There were a number of responses which made reference that the Community Council commissioned a planning consultant in 2014 to write a report with regard to the site. The report concluded that the site should be de-allocated (if legally possible) for housing.

In regard to contaminated land matters, the responses can be categorised into two groups:

- comments highlighted the potential health impacts of the remediation works would have on the local residents; and
- contaminated land matters were highlighted/discussed in previous planning applications, i.e. planning permission (1269/FUL/06) was refused on appeal (PPA/400/284) in 2009, therefore the objectors query, why the site continues to be promoted for housing.

Scottish Environment Protection Agency (0243) – note that the developer requirements section of the LDP Proposed plan mentions "Drainage Impact Assessment required". While SEPA have no further specific information on flood risk at this location, they advise that it is a site where they can support the relevant development requirements in relation to flood risk.

Modifications sought by those submitting representations:

All of the responses listed above in section 1 and 2 were objections. Those who provided detail noted that the site should be de-allocated from housing and/or the land should not to be disturbed.

Scottish Environment Protection Agency (0243) – do not seek any modifications to the Plan in relation to site H-LV 3.

Summary of responses (including reasons) by planning authority:

Irene Whitelaw (0031) Mr & Mrs Bell (0063) Geoff Stevens (0064) Jackie Hutchins (0065) Emma Truswell (0066) John Bailey (0067) George & Marjory Chirnside (0068) Robert Reid (0070) Iain Millar (0071) Gail E Millar (0072) Thomas Patton (0073) Keri Beagley(0074) J Young (0075) Doreen Carter (0080) William Dobbie (0086) Margot Patton (0087) Peter & Mary Cunningham (0099) R Whitson (0109) Joan Rychter (0110) Agha Mohammed (0113) Mr & Mrs Wilkinson (0120) Gus Wilson (0128) Ian Carmichael (0129) David (0134) Margaret & John Young (0135) Lesley Borthwick (0136) Peter Robertson (0139) David Brown (0164) Callum & Irene Whitelaw (0185) Callum & Irene Whitelaw (0191) Stephen and Alexandra Christie (0192) Annie Dryden (0199) E A McGeechan (0203) Ian Shemilt (0205) William Wilson (0210) Lesley & Darren Dunlop (0212) Tracey Beveridge (0213) Clare O'Lone (0218) Netta Findlay (0237) Scottish Environment Protection Agency (0243) Fraser A Mackenzie & Gillian Cairney (0276) Margaret Brown (0296) Patrick Cassidy (0327) Marie Hudson (0334) Amie Butchard (0340) Mr & Mrs Buchanan (0342) Murieston Community Council (0346) A and M Thomson (0364) Ashleigh Trenzinger (0373) Dipin & Family (0387) Livingston Village Community Council (0410) Scott Tucker (0419) Henry, Susan, Laura and Fiona Gilles (0427) Neil Harris (21903538) Simon Baxendale (21772340) Irene Whitelaw (21769336) Robert Lemmer (21605856) Jill Simpson (21061671) and Philip Galt (21755271):

The Livingston Local Plan (1996) allocated the site for housing use (as site MS8) as part of a large number of housing sites along the Murieston Valley Road in south Livingston (CD097).

The West Lothian Local Plan (2009) carried forward the established site for housing use as site HLv61 for approximately 9 units, but with a Tree Preservation Order on the site (CD092 & CD276).

With regard to contaminated land matters. The council supports the principle of rehabilitation for derelict and contaminated land. This is in accordance with the Scottish Government's Planning Advice Note 33: "Development of Contaminated Land" PAN33 (CD040).

This is noted within the West Lothian Local Plan Development Plan: Proposed Plan of October 2015, section 5.245 – 5.246 and policy EMG 6.

PAN 33 and the council's supplementary guidance on the development of contaminated land (CD132), sets out the framework to permit safe and appropriate site investigation, risk assessment and remediation of such sites.

Development of H-LV3 would require strict adherence to the above noted guidance and good practice. There are no material considerations, in regard to contaminated land

matters, that suggest the site should not be developed. There are multiple potentially contaminated land sites within West Lothian which have been successfully rehabilitated over recent years. The principles which permitted development of these sites are applicable to H-LV3 at Murieston.

The site has been the subject of a previous planning application for 16 houses (0146/04) and reported to committee in February 2006 but was recommended for refusal for the following reasons:

- the proposal would have resulted in the unjustified loss of protected mature trees;
- the proposal would have had an adverse impact on residential and visual amenity of the locality and on the overall environmental quality of the area;
- a satisfactory method statement had not been submitted for removal of the incinerator ash on the site;
- there was insufficient capacity at the catchment primary school to serve children from the proposed houses;
- the requirements of the affordable housing policy had not been met;
- the requirements of the policy on developer contributions towards a new denominational secondary school had not been met (CD374).

While the committee decided to continue consideration of the 2004 application to allow further negotiations to see if a satisfactory layout could be achieved, the application was subsequently withdrawn.

Subsequently an application, 1269/FUL/06 (CD375a & 375b), was made for the “erection of 16 houses with associated works” at Tarbert Drive in December 2006. While this was submitted to committee with a recommendation for approval, it was refused in February 2008. The subsequent appeal (P/PPA/400/284) to the DPEA was dismissed and refused planning permission by the reporter in April 2009 (CD376).

The planning application was however refused by the planning committee giving two reasons for refusal, one of which related to TPO's, the other to soil contamination as follows:

“In light of the soil contamination found on the site, the proposed methods for remediation of the site do not adequately address the issue of safeguarding public health”.

In summary, the appeal was dismissed due to the felling of trees which would be breach of WLLP policies ENV 11 and ENV 14 (CD092 & CD276).

In regard to contaminated land matters, the reporter noted the following: *“For the reasons given above taking account of the favourable view of the proposals reached by the various reasonable experts, and subject to the various provisos noted above and listed by the community council, I conclude that the evidence does not support the objectors views that the remediation proposals are likely to result in an acceptable threat to human health, nor the council's contention (in the first reason for refusal) that the proposed methods for remediation of the site do not adequately address the issue of safeguarding public health... For the reasons given, and taking account of the extensive technical evidence that has been supplied, I find that the proposed remediation arrangements would, with necessary further refinement, be likely to meet these requirements.”*

To respond to the various other points raised by objectors:

- The council promoted a Tree Preservation Order (TPO) across the site in 2009 in response to public concern when trees were being removed by the landowner

and also because of the quality of trees in and on the boundaries of the site. However, this TPO would not prevent development, but ensure the tree canopy and roots of those trees that were worth retention, as identified in previous arboricultural tree surveys that accompanied the planning applications and vetted by the council's arborist were accommodated in any design.

- The site is not formally allocated as open space but as a development site, albeit it has been designated since Murieston Valley was laid out by the former Livingston Development Corporation and hence there would be no loss of formal open space.
- The Murieston Trail would be unaffected and remain as a local access route and core path.
- Education capacity is provided by Williamston and St Ninian's primary schools and James Young High School and St Margaret's Academy. There are no capacity issues at these schools with these additional 9 dwellings that are allowed for within the school projections.
- No specific protected flora or fauna cover the site of the former farmhouse and garden that comprise H-LV3. There are no known badger sets in, or adjacent to, the site as claimed.
- Issues such as "construction traffic" and "related noise" can be controlled by planning conditions placed on any approved planning application. Any disruption would not be long term. When the properties along Tarbert Drive were built, a spur access road was formed at the same time into the H-LV3 site as it was intended for development around the same time the properties on Tarbert Drive were also constructed as part of the wider Murieston Valley development area.
- Again, other issues such as perceived loss of privacy can be controlled through planning conditions, but again, the site was intended for development when Tarbert Drive/Teviot Drive and the east end of Murieston Valley were originally constructed.
- As the penultimate development site in the Murieston Valley, the site of the former Murieston Farmhouse has been intended for development since the 1980's when the former Livingston Development Corporation produced "Stage A" plans for this area (CD0275).
- While there are over 400 properties along the Murieston Valley Road that exceeds the normal cul-de-sac limit, the existence of a secondary emergency access at the east end does not raise any concerns with Transportation Services for the potential vehicles generated from another 9 dwellings.

To summarise, the council does not consider that the LDP Proposed Plan should be modified in respect of any of the issues raised.

Reporter's conclusions:

1. This site has an indicative capacity of 9 houses. It is allocated for housing in the current local plan (as indeed it was allocated in the predecessor Livingston Local Plan in

1996).

2. I note the concerns raised about contamination on the site. However, I have seen no detailed evidence which would indicate that this could not be satisfactorily addressed prior to development. As the council points out, remediation of contaminated land prior to (or in association with) its redevelopment is fairly commonplace. I am content that the detailed proposals for this, and the assessment of it, could be left to the development management process. Such a conclusion is consistent with the findings of the reporter who determined the previous appeal (P/PPA/400/284) against refusal of permission to develop the site.

3. Given the small size of the proposal, I do not consider that the level of additional traffic created (either during construction or in association with residential use) would be significant, or would give rise to road safety concerns. I also note the availability of a secondary access for emergency vehicles to Murieston Valley via the lane linking Murieston West Road to the roundel at the end of Murieston Valley. The council confirms that development of the site has already been factored in to its planning for future school capacity. There is no technical evidence which indicates that the site is of particular biodiversity value, and any potential impacts (including on protected species) would need to be considered during the development management process. There would be no direct impacts on the Murieston Trail which passes the southeast boundary of the site. Concerns are raised about the impacts on other services and infrastructure (for example broadband and health services) but there is no detailed evidence to back these up, in particular in light of the small number of houses which the site would accommodate.

4. It appears to me that the other matters raised by objectors could be addressed through development management, including ensuring a layout that avoided any significant loss of amenity or privacy for neighbouring residents, and dealing with the legacy of any former mining activity at or near the site. As I observed during my site inspection, the TPO would protect the trees on the site but need not, given the remaining land available, rule out development of the site entirely.

5. It having long remained undeveloped, local residents will be accustomed to considering this as an area of informal and partly wooded greenspace, albeit it is overgrown and fenced off, effectively preventing access. And I can understand the concern that, previous proposals for development of the site having come to nothing, its development for housing still remains a prospect. However, it was matters related to the detail of the previous proposals, not the principle of development on the site, which led these to falter. Based on the evidence before me and my inspection of the site, I see nothing which indicates that the principle of residential development here (long-established through the previous local plans) ought to be reversed.

Reporter's recommendations:

No modifications.

Issue 16B	Allocation of land for housing at Brotherton Farm, Livingston	
Development plan reference:	MIRQ-0123	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments Ltd (0147)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Livingston (page 90) Appendix 2 - Schedule of Housing Sites, Livingston (pages 201-217) Proposals Map 3, Livingston	
Planning authority's summary of the representation(s):		
<p>Gladman Developments Ltd (0147)</p> <p>Representation to non-allocated site</p> <p>MIRQ-0123 – Brotherton Farm, Livingston</p> <p>Using data from the Housing Land Audit (2014), the respondents calculate that the council has at best 2.6 years supply of effective housing land. It is also observed that the council continue to rely on a number of committed sites that have failed to deliver housing units. The opportunity therefore exists for additional housing land to be allocated in the LDP that has potential to deliver new housing in the plan period. Additional allocations will add greater flexibility and certainty to the housing land supply.</p> <p>It is noted that:</p> <ul style="list-style-type: none"> • Livingston is the principal settlement within the West Lothian SDA; recognised as accessible and well placed for investment and growth yet the LDP proposes no new significant housing land allocations in the town in the period to 2024. • Brotherton Farm sits in the countryside belt on the western edge of the town, outwith any existing landscape protection designations. The site is at the eastern extremity of the boundary of the proposed 'Upper Almond Valley' Landscape Character Unit (LCU) and development here would not affect its overall landscape characteristics. • The LVIA and Design Statement show that the development of this site follows an established pattern of development in Livingston townscape. • This proposal is for an economically viable stand-alone development, delivering all requisite infrastructure on a developer funded basis, on a short term basis (within 5 years), meeting key concerns of WLC. 		
Modifications sought by those submitting representations:		
<p>Gladman Developments Ltd (0147)</p> <p>Seeks a modification of the Proposed Plan to (a) allocate the land at Brotherton Farm for</p>		

housing with an indicative capacity of 150 new homes.

Summary of responses (including reasons) by planning authority:

This representation is for the allocation of land at Brotherton Farm for housing development. It should be noted that an application for planning permission in principle for a 12.4ha residential development (0648/P/14) was refused by the council in March 2015. The council's reasons for not granting permission are set out in the decision notice (CD233).

That decision was appealed to the Planning and Environmental Appeals Division (PPA-400-2057).

The council's response to the appeal is set out in its statement of observations submitted in respect of the appeal (CD 427).

Subsequently, a notice of intention was issued by the Reporter in December 2015. The Reporter indicated that permission would be granted subject to conditions and the execution of a section 75 agreement. He deferred determination for a period of 4 months to enable an obligation (either by agreement or a unilateral obligation) to be completed, registered or recorded. It has not been possible to reach agreement and no obligation has been recorded within the period specified by the Reporter. On 11 April 2016, the council invited the Reporter to review the position (CD248).

While the council continues to be of the opinion that the allocation of this site for housing is both inappropriate and unnecessary, it recognises that it would be bound by the outcome of the appeal, notwithstanding that there may be grounds available to it for pursuing judicial review. In the interim, the council does not propose to change the LDP in relation to this submission.

Reporter's conclusions:

1. The appeal referred to above was allowed in October 2016. Therefore planning permission in principle now exists for a 12.4 hectare residential development on this site. In addition to the 11 conditions to which the appeal is subject, the appellants made a unilateral undertaking to provide (or to contribute towards the cost of) certain items of infrastructure.
2. I asked the council (FIR20) for any additional comments it wished to make in light of this appeal decision. This was to include, in the event that this site was to be allocated, the council's suggested additions to the tables of allocated sites in Livingston on pages 90-92 of the proposed plan, an entry for this site in Appendix Two, and any other consequential changes which may be required. I gave Gladman Developments Ltd (the joint applicants/appellants) the chance to comment on the council's response.
3. The council provided the requested material for inclusion in the plan should the site be allocated. Gladman raises concerns about certain elements of the council's suggested inclusions.
4. Firstly, it is argued that, because the planning permission in principle is not limited to 150 units, the entry in Appendix Two should state that this is the 'indicative' capacity. However, it is plain from the evidence before me that the capacity figures for all the sites

identified in Appendix Two are indicative, and are not to be treated as either a fixed target or a cap. There is no reason to spell this out just for the site at Brotherton Farm.

5. Gladman is also opposed to the inclusion of the wording 'Construction, if required, of a new pathway along the A71' in the Appendix Two entry for the site. The notice of intention to allow the appeal, dated 11 December 2015, stated that a new path along the north side of the A71 (eastwards from The Wilderness Roundabout) may need to be part of the planning obligation for the site, but that would require further discussion beforehand between the appellant and the council.

6. In the event, the unilateral undertaking was made by the appellant because agreement could not be reached with the council in respect of the proposed planning obligation. The undertaking proposed the provision of a signalised pedestrian crossing of the A71 (to link with the footpaths on the southern side of the road) rather than a new footpath on the northern side, east of the Wilderness Roundabout. The reporter, in a second intentions notice dated 6 June 2016, accepted this proposal.

7. The unilateral undertaking already provides for a path within the site on the western side of the roundabout, so I have assumed the additional wording the council proposes (and to which Gladman objects) is intended to relate to the mooted path on the eastern side. Neither the unilateral obligation nor the planning conditions associated with the appeal proposal require such a path on the eastern side. In this context, I agree with Gladman that reference to the need for a footpath, even the caveated one proposed by the council, is not justified. In any event, the undertaking (including what it says about a path to the west of the roundabout) remains in place regardless of my recommendations here.

8. Given that planning permission in principle is in place, and that there are no other obvious impediments to doing so, I conclude that the site should be allocated in the proposed plan and in accordance with my findings above.

Reporter's recommendations:

1. With the exception of the text 'Construction, if required, of a new footpath along the A71' (this text should be omitted), amend the plan by:

1.1. Inserting a new entry for a site H-LV 33 in the table of Livingston housing allocations on page 90;

1.2. Inserting a new entry for this site in Appendix Two of the plan; and

1.3. Including the site on the proposals map,

all in accordance with the details provided in the council's response (dated 13 April 2017) to FIR20.

Issue 16C	Almond South, Gavieside, West Livingston Almond North, Gavieside, West Livingston Breich Valley Walkway	
Development plan reference:	Site E-LV 47 Site E-LV 49 P-104	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Rosebury Estates (21861519) and (0165)		
Provision of the development Plan to which the issue relates:	Section 6 Development Proposals by Settlement (page 92). Appendix 1: Employment Land Allocations (page 117). Appendix 6: List of Proposals (page 276). Proposals Map 3: Livingston Area.	
Planning authority's summary of the representation(s):		
<p>Rosebury Estates (21861519) and (0165) - support Proposal P-104 (page 88, and Proposals Map 3: Livingston) for an Almond & Breich Valley Walkway. This could be assisted in planning and delivery (in part as part of the development), by the changes sought to E-LV 47.</p> <p>Allocation Ref: support allocation site E-LV 47 (Pages 92, 117 and Proposals Map 3: Livingston) for development, subject to changes. They note that the annotation in the table on Page 92 indicates a site area of 31ha. At MIR stage, the Estate had sought the extension of the previously identified as "Almond North" allocated area to the south down to the River Almond to enable a comprehensive Masterplan to be prepared. The original area identified in the WLLP measured some 16.8ha, and the additional land sought to be included measured 14.4ha resulting in a total area of 31.2ha. However, having measured the proposed area for development in the LDP, this would more accurately be stated at 23ha, not 31ha as shown on the table and seek a correction to the LDP to reflect this.</p> <p>The entry under "Ownership" on page 117 states that the land is in private ownership, however, there is land within Council ownership on the eastern edge of the proposed development area, and this should probably be reflected on the table.</p> <p>The entry under "Infrastructure & other Requirements" indicates a requirement for a Flood Risk Assessment. The allocation, as currently shown, is well outside the SEPA 1 in 200 year flood area (some 15-20mtrs above it), and on that basis we would be surprised if a Flood Risk Assessment was necessary or justified for the allocation. It may be that, as a result of the changes sought below, this entry remains.</p> <p>The entry under "Planning Status" indicates that this allocation is carried forward from the current Local Plan. Whilst this is technically correct, the allocation from the Local Plan has in fact been extended to the south on the Council ownership (but not as requested on our client's ownership) and now extends down to the River Almond. A change is sought, subject to the other changes sought below, to this entry to read "<i>part carried forward from WLLP, part allocation in LDP</i>".</p> <p>The identification of the site area on the Proposals Map is noted, however the consultants question the logic in extending the allocation on the council's ownership to the river and not on the adjacent land as requested in our representations to the Main Issues Report.</p>		

The council's ownership is most affected by the pipeline safeguarding (which would rule out many uses on large parts of the site, particularly the extended area), and as currently shown would be a difficult area to appropriately masterplan or develop. Therefore request that the whole E-LV 47 allocation be extended to the River Almond to enable a masterplan for the comprehensive development of the whole area to be prepared, taking in to account place-making objectives; to consider and mitigate impact of the pipeline safeguarding; to take into account any impact of flooding; to allow existing boundaries to be enhanced rather than creating new boundaries; to identify an appropriate, flood free, route for the Almond & Breich Valley walkway and potentially delivered (in part) as part of the development; to identify the most appropriate area for SUDs and drainage solutions for the whole development; to prepare a landscape strategy for the whole site; and avoid leaving a difficult area to farm.

Whilst these changes would result in an area being identified for development of some 38ha, do not envisage the whole area being subject to physical development. The allocation, as currently drawn does not achieve the efficient use of land, unnecessarily restricts the masterplan process, and potentially prejudices the delivery of P-104.

With allocation Ref E-LV 49 (Pages 92, 117 and Proposals Map 3: Livingston), Rosebury Estates support the identification of this land for development in this LDP.

With regard to the Countryside Belt south of E-LV 47 (Proposals Map 3: Livingston), Rosebury Estates object to the identification of the area to the south of E-LV47 as Countryside Belt as it prejudices the ability to appropriately masterplan the development and to achieve satisfactory drainage solutions which are most appropriately located at the lowest point of the site. The agents request that this be redrawn and provide a plan to show this although they do not anticipate physical development on the whole area, but the opportunity should be provided for the masterplan to be prepared identifying the most appropriate areas for development.

Modifications sought by those submitting representations:

Rosebury Estates (21861519) and (0165) - seek changes as set out in their representations to site E-LV 47 in West Livingston e.g. remove the need for a flood risk assessment, but essentially to increase the site area and remove the Countryside Belt designation to the south of E-LV 47 that is shown on Proposals Map 3: Livingston Area.

Summary of responses (including reasons) by planning authority:

Rosebury Estates (21861519) and (0165)

Context - site E-LV 47 comprises agricultural fields on the upper slope above the River Almond, to the west of Kirkton Campus, Livingston. Under the terms of the Adopted West Lothian Local Plan (2009) (CD092) the site is within the Livingston settlement boundary and allocated as "AN" - Almond North as a 31ha employment site as an extension to Kirkton Campus to be developed as part of the West Livingston CDA. It is surrounded by Livingston Countryside Belt (Policy ENV 22-23).

Main Issues Report (2014) (CD079) - the site was identified as a Preferred Employment site (CDA- AN) and was subject of an Expression of Interest (EOI -0013) (CD079). There was an adjacent EOI to the east: EOI-0173 the encompassed the land for the required link road / bridge crossing.

Proposed West Lothian Local Plan (2015) - this site is allocated for planning use class 4, business and class 5 general industrial employment uses. It included the road corridor to the east that would form a new road link from Toll Roundabout south across the River Almond to the part of the CDA at Gavieside.

Employment Land

The council is required to allocate employment land based on the requirements set out in the approved Strategic Development Plan (CD099 - paras 93 – 96 and Policy 2). There is a need to provide sufficient effective employment land which can allow the delivery of jobs in the period to 2024. As a result of the need to identify a range and choice of sites to ensure an effective employment land supply as required by SPP (CD068 – para 101), the council has allocated a number of employment sites across West Lothian.

In Livingston, 51 sites have been allocated for employment development; of which 2 remained in Kirkton Campus, 8 at Eliburn Campus and 2 at Starlaw Campus. Hence, the need to extend Kirkton Campus to the west into Almond South (E-LV 47) and Almond North (E-LV 49) for employment use.

Flooding

SEPA's submission on the Proposed Plan (0243) points out that the "Developer requirements" section mentions "*River Almond to south, possible requirement for Flood Risk Assessment and Drainage Impact Assessment.*" SEPA state "*the FRA should also take into account any small watercourses within/ adjacent to the site. The FRA should consider any structures, e.g. culverts/ bridges, which may exacerbate flooding. For clarity and consistency, the council may wish to stipulate that an FRA is required rather than a possible requirement.*" Consequently, it is valid to require a Flood Risk Assessment, but as suggested by SEPA, clarify that it is required.

Wildlife and Habitat

At MIR stage, Scottish Natural Heritage has raised no objections to development of the site. While at Proposed Plan stage they also had no comments.

In relation to the various points raised by Rosebury Estates (21861519) & (0165):

To clarify the size of site issue; the total site area of Almond North / E-LV 47 should read 23.3 ha, not 31ha as listed in Appendix 1 Employment Site Allocations (pages 92 & 117/ column 3) i.e.; E-LV 47 is formed by the original WLLP Almond North ("AN") allocation at 15.4ha and the EOI-0173 site to the east at 7.9ha. The 31ha figure came from combining both employment sites located north of the Almond: i.e.; E-LV 47 site at 23.3 and E-LV 49 Cousland Wood site at 7.3 to form approximately 31ha.

The consultant points out that the entry in Appendix 1 (page 117) under "Ownership" states that the land is in private ownership but that the council own the land to the east. This is acknowledged and the entry can be amended to reflect the "*east part is public*".

In relation to the comment on "Planning status", (page 117), the east part of the site was brought forward after the Main Issues Report stage, following the EOI representation (EOI 0173) being identified as a "Preferred New Site". This was to reflect the likely land take for the new distributor link road and overbridge across the River Almond to connect

Gavieside CDA to the Toll Roundabout / A779 – Starlaw Road / M8. This was to remove the small sections of Countryside Belt / open space / Area of Special Landscape Control (AoSLC) designated in the adopted West Lothian Local Plan (Proposals Map 3).

The corridor for the link road and bridge is to the east of the ethylene high pressure gas pipeline and connects to the early masterplan for the south side at Gavieside CDA, though this masterplan have not been formalised or made public yet by the lead developer. While the strip to the north of the river is in council ownership and as the agent points out unlikely to be developed it was shown on the proposals map to allow for development of the road and associated embankments rather than leave it as part of the “Countryside belt / open space / AoSLC” as shown on the adopted proposals plan map.

Support for allocation of Almond North (E-LV 49) is acknowledged.

The area to the south of E-LV 47 the lower field has been left as a reasonable buffer along the River Almond with the “Almond Pools West” that forms a Local Biodiversity Site, particularly for wild fowl. It was not considered to allocate this lower area immediately adjacent to the river for development. There is also a stand-off on the south side of the river that contains the Breich Valley Walkway (P-104).

This walkway is also a Core Path. There are no plans to create the walkway on the north side of the river as it is more open and sensitive to the wildfowl using the Almond West Ponds whereas there is a planted woodland buffer on the south side through which the core path is routed.

The south boundary of E-LV 47 was drawn where the approximate break of slope that was envisaged would allow the creation of 2 large linear development platform accessed either from the north (A705) or from the east depending on the configuration of the new link distributor road and the slope that may need for an extra crawler lane provided.

As the agent points out, this lower area remains within their client control. It forms a field that has been previously farmed and there is no indication why it should become a “difficult area to farm” as the land manger would continue to have access from the fields in their ownership to the west.

It is not accepted that it would be difficult to master plan the site with the lower area adjacent to the Local Biodiversity Site excluded from the allocation. To allocate a larger area up to the river, indicates development could be expected in this sensitive location and that is not the intention.

While no major changes are proposed to site E-LV 47, however, the council does see merit in the minor clarifications for the accompanying table (page 117) should the Reporter be minded to amend the LDP in relation to these matters.

Reporter’s conclusions:

1. I note the support of Rosebery Estates (not Rosebury Estates, as stated above) for allocation E-LV 49 Cousland Wood and for Proposal P-104 Almond & Breich Valley walkway and paths.
2. We conclude under Issue 26A that there is a significant surplus of allocated employment land. Therefore there is no strong case, in terms of the overall supply of

employment land, for expanding site E-LV 47 Almond North, Gavieside.

3. In respect of the ability to deliver development for employment uses on that site, I see no strong evidence that its size or shape, as currently proposed, would make it difficult to masterplan or to provide adequate drainage infrastructure. The site is fairly large, and broadly rectangular. Rosebery Estates has not pointed to any detailed user requirement, size threshold or placemaking objective which would render the site too small. Similarly, there is no detailed evidence to support the contention that the size of the site, as currently allocated, would frustrate any intention to develop site E-LV 49 Cousland Wood which lies to the north. There is no reason to conclude that appropriate landscaping and a sustainable drainage system could not be accommodated within the allocated site.

4. As the council points out, and as I observed at my site inspection, the southern boundary of E-LV 47 appears to lie along the approximate line of a break in the slope, albeit such a break seems less distinct towards the western part of the site, and overall there is a significant fall across the site from north to south. The land to the south of the allocated site initially slopes a little more steeply down to the River Almond, then levels out near the river. This land would still (as it is now) remain available to farm, and would be accessible from the other agricultural land to the west.

5. The council explains that it has no plans to move the Almond & Breich Valley path from its current wooded setting on the south side of the river to the more open north side. Therefore expanding the site down toward the north bank of the river would not appear to offer any significant advantages in terms of that path.

6. I acknowledge that the site is well above the level of the river, and there would appear to be little risk of associated flooding. However, noting SEPA's recommendation, I think it prudent that Appendix One of the plan still allows for the possibility that a Flood Risk Assessment may be required.

7. The council explains that the extension southwards of the eastern part of the site is to facilitate the delivery of the new link road across the River Almond to Gavieside. I do not know why this road is not shown as a proposal on the proposals map nor referred to in the entry for this site in Appendix One. Nor why that eastern part of the allocation stops at the river, leaving a gap of countryside belt to be bridged between this allocation and the employment land on the south side of the river. Nevertheless, I accept that there is no need to extend the rest of the site southwards to facilitate delivery of this road.

8. Drawing all this together, I cannot agree that the proposed boundary of the site (which I note is the same one as for the equivalent allocation in the current local plan) is inappropriate.

9. There are a number of factual corrections which Rosebery Estates suggests and which the council has not taken exception to. I agree that these would improve the accuracy of the plan, and I incorporate these in my recommendations below.

Reporter's recommendations:

1. In the table of Livingston employment sites on page 92, in the entry for site E-LV 47 Almond North, Gavieside, replace '31' with '23'.

2. In Appendix One, in the entry for site E-LV 47 Almond North, Gavieside:

2.1 Under 'Area', replace '31' with '23'.

2.2 Under 'Ownership', replace 'Private' with 'Private/WLC'.

2.3 Under 'Planning status', insert 'in part' before 'carried'.

Issue 16F	Allocation of land for housing at Balmoral Gardens, Livingston	
Development plan reference:	MIRQ-0153 -Balmoral Gardens	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Rehana Karim (0194)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement , Livingston (page 90) Proposals Map 3, Livingston Area	
Planning authority's summary of the representation(s):		
<p>Representations to Non Allocated Site</p> <p>MIRQ-0153 (Balmoral Gardens)</p> <p>Rehana Karim (0194)</p> <p>Objects to the non-allocation of residential land at Balmoral Gardens in Livingston. It is submitted that the site should be identified in the LDP as a residential development site of 1.1 hectares with an indicative capacity of up to eighteen units.</p> <p>This representation concerns a consented residential development site at Balmoral Gardens, Livingston. The site which is subject to this representation is bounded to the north by existing residential development at Balmoral Gardens, to the east by existing woodland, to the south by an existing railway line and to the west by Murieston Road.</p> <p>The site is a former railway siding and at present is disused and overgrown. It is considered significant to note that development of the site has previously been established via planning permission 0144/P/08 (CD376) and has been subsequently renewed via planning permission 0816/FUL/10 (CD377) and 0213/P/14 (CD378). In this regard outline planning consent (0144/P/08) and the subsequent renewals allow for the erection of <u>four</u> houses on the Balmoral Gardens site.</p> <p>In addition to the above, planning application 0351/P/09 (CD379) proposed a 1.1ha retirement complex on the site with an indicative plan showing eighteen flats in two blocks. It is significant to note that while the proposals which were the subject of this application received a favourable recommendation to approve by council officers, and received a 'minded to grant' decision by the planning committee, the applicant failed to follow through and complete the required Section 75 obligation. Consequently, planning permission was never actually granted and this particular development did not proceed. In the meantime the site has changed ownership.</p> <p>Given the aforementioned history, and particularly the fact that the site has been shown to be potentially capable of accommodating up to eighteen units, the respondent objects to the non-allocation of this site in the Proposed Plan and seeks its inclusion.</p>		

The site in the Proposed Plan is currently identified as 'land safeguarded for open space'.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

MIRQ-0153 (Balmoral Gardens)

Rehana Karim (0194)

Request a change to the designation of the site as land safeguarded for open space and for it to be allocated instead for housing with a notional capacity of up to eighteen houses and included in the Schedule of Housing Sites in Appendix Two (page 201) of the LDP and shown as such Proposals Map 3.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

MIRQ-0153 (Balmoral Gardens)

Rehana Karim (0194)

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is (a) insufficient justification to allocate this land for housing in the LDP and (b) specifically not for up to eighteen units.

The site is regarded as a windfall site and it is recognised that it benefits from planning permission in principle (0213/P/14) for up to four houses. It is however the case that the council does not allocate sites of less than 5 units in the development plan. The council is also aware that there are constraints on the developable area of the site because of its physical relationship to the adjacent railway line and this, at the very least, calls into question the capacity of the site to satisfactorily accommodate any more houses. Notwithstanding the previous 'minded to grant' indication for eighteen flats, taken incidentally under a different planning authority regime, it is significant that a legal agreement was never concluded and permission has therefore not been granted. The subsequent granting of permission for four houses also supersedes this.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations.

Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this site.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions:

1. I note that the council had previously been minded to grant a development of retirement homes on the site with an indicative capacity of 18 homes. Despite the council referring to this as being under a different 'regime', it is a factor which I take account of.
2. The most recent permission (0213/P/14) for development on the site is for 4 houses. Dr Karim's representation seems to refer to this as full planning permission, whereas the decision notice supplied by the council describes it as planning permission in principle. In any event, this confirms that the principle of residential development of the site is currently established.
3. It may be that the site is capable of accommodating more than 4 houses. But I do not consider that the previous indicative layout is sufficient to demonstrate that the site has capacity for 18 homes. Retirement homes would normally require less space than typical family homes. And I am conscious (as I noted during my site inspection) of the site's awkward shape and proximity to the railway line, and of the trees both within and along its boundaries. It is also notable that permission for 18 homes was never in fact granted and that, despite repeated renewals of the planning permission, the 4-home development has not progressed either.
4. In light of the lack of progress so far in delivering any development on the site, its physical constraints, the absence of strong evidence supporting a capacity of 18 units and the council's standard approach (which is reasonable) of not allocating sites of less than 5 units, I am not in a position to recommend that the site be allocated with a capacity of 18 units, or with any alternative capacity. For the same reasons, and because of the green, wooded character of the site presently, I consider that its proposed designation as protected open space is appropriate. This would not prevent the implementation of any extant planning permission for the site. Any alternative proposal for housing development on the site would fall to be considered on its merits.

Reporter's recommendations:

No modifications.

Issue 16G	Allocation of land for housing at Ettrick Drive, Craigshill, Livingston	
Development plan reference:	H-LV 5 - Ettrick Drive, Craigshill, Livingston	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Isabel Findlay (0001) Karen Winters (0002) Christine Hodgson (0003) Jessie Young (0004) Eugene Tomany (0005)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 90) Appendix 2 - Schedule of Housing Sites / Site Delivery Requirements, Livingston (page 203) Proposals Map 3, Livingston Area.	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-LV 5 (Ettrick Drive, Craigshill, Livingston)</u></p> <p>Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Jessie Young (0004), Eugene Tomany (0005)</p> <p>object to the allocation of the site for housing for one or more of the following reasons:-</p> <ul style="list-style-type: none"> • the physical relationship of new development to existing properties in terms of loss of daylight (it is advised that the residents in Ettrick Drive are predominantly elderly, infirm and disabled, and many have impaired vision); • the physical relationship of new development to existing properties in terms of overlooking and loss of privacy; • road safety issues through the generation of additional traffic (both during and after construction) and placing additional pressure on already congested roads. There is particular concern about access to the Health Centre and a local special needs school being especially difficult; • the impact on 'on street' car parking given that existing residents have parking bays by their bungalows which, they believe, are for their sole use, and as many are blue badge holders they would object to having these spaces used by non-disabled people. There is also an issue with a small car park to the side of the site which fills up rapidly and with some of the spaces being used by Health Centre Staff; • the likelihood of noise, particularly during the construction period as many of the local residents are elderly and disabled and the impact of having a building site in close proximity would have a detrimental effect on their health; and • the loss of an open space which has always been used and enjoyed by residents. 		

Modifications sought by those submitting representations:**Representations to Allocated Sites**H-LV 5 (Ettrick Drive, Craigshill, Livingston)

Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Jessie Young (0004), Eugene Tomany (0005)

The respondents seek the removal of site H-LV 5 as a housing allocation from the LDP.

Summary of responses (including reasons) by planning authority:**Representations to Allocated Sites**H-LV 5 (Ettrick Drive, Craigshill, Livingston)

Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Jessie Young (0004), Eugene Tomany (0005)

The site was originally allocated in the Livingston Local Plan 1996 (CD097) as site C35 and “Reserved for a range of specified uses” within the Craigshill local centre boundary. Specifically, these were identified as “Commercial / Community / Housing” and for many years a temporary Co-op shop was located in portable accommodation on the site before being demolished and the site grassed over when it permanently relocated to a new building at Howden South Road, Almondvale.

It is a long standing reserve site from the earlier “Stage A” plan for Craigshill. “Stage As” were akin to mini-local plans that the former Livingston Development Corporation produced to govern development within the new town.

As an established site, it was rolled over into the Adopted West Lothian Local Plan 2009 (CD092) where it was identified as site HLv76. Due to its small size (0.24ha), it was considered an appropriate small scale housing site that would be suitable for an estimated 10 houses.

The site is now carried forward to the Proposed Plan (CD078) where it has been referenced as H-LV 5 and the site requirements in Appendix 2 notes that a Planning Brief has been approved to guide its development. (CD258) This dates from 2002, and while probably needing to be refreshed, the basic principles remain sound. In terms of layout and design, it anticipates a two storey flatted or terraced development. It was specifically not considered suitable for a four storey flatted development (as occurs to the north east of the site) due to the adverse physical impact this could have on neighbouring properties. The Planning Brief also requires privacy distances of a minimum of 18m between habitable rooms to be respected. The north / south terraced properties along Ettrick Drive have blank gables on their north elevation, so there is no issue of overlooking or loss of daylight.

In terms of car parking, there is a car park to the north used by the adjacent Health Centre and mall. The car parking to the east of site had originally been part of the co-op building parking but remains outwith the development area and of use to residents. The brief states any new development would be required to provide parking within the site

boundaries. There is existing open space to the southwest, opposite Tweed Drive and to the northeast at Forth Drive and other small areas of open space spread throughout the scheme. The existing footpath on the north east boundary would be retained. An outline planning application for 24 flats in two 3/4 storey blocks (ref. 0234/P/07) was submitted in 2007, but later withdrawn (CD380).

Overall, the council considers the site to be a viable and appropriate location for a modest urban infill development and is satisfied that the concerns which have been raised can be satisfactorily addressed through the Development Management process and by also having regard to the council's approved Residential Development Guide (CD107). For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. I note the various concerns raised by those who object to this allocation. As I observed at my site inspection, the site is an area of maintained grassland with some small shrubs and a path through it. Albeit it is not in active use nor making a particularly distinctive contribution to amenity (and the evidence before me does not demonstrate that there is a deficiency of open space provision in the local area), I can appreciate why it may be valued locally as an area of informal open space.

2. However, I note that the principle of housing development on this site is already established through allocation in the current local plan. I saw nothing at my site inspection to indicate that residential use would be inappropriate, even allowing for its undeveloped character. The detailed matters raised in representations, including the physical relationship with neighbouring housing and the provision of adequate car parking, could be adequately addressed through the development management process. The current planning brief, despite its age, appears to me to demonstrate this. Although I recognise that my site inspection provides only a snapshot, at that time (midweek, within daytime working hours) the health centre car park was not full and there was also available space for on-street parking.

Reporter's recommendations:

No modifications.

Issue 16H	Former Eagle Brae Depot, Eliburn, Livingston	
Development plan reference:	H-LV 24	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Wilson (0022)		
Provision of the development Plan to which the issue relates:	Allocation of land for housing in Livingston Appendix 2: Schedule of Housing Sites / Site Delivery Requirements (page 213) Proposals Map 3: Livingston Area	
Planning authority's summary of the representation(s):		
Robert Wilson (0022) Has raised an objection to allocation of the former council depot at Eagle Brae Eliburn for housing use but did not elaborate.		
Modifications sought by those submitting representations:		
Robert Wilson (0022) No modification suggests but infers removal of the site from the LDP.		
Summary of responses (including reasons) by planning authority:		
Robert Wilson (0022) Housing Land The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan, SESplan (CD099). There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by SPP2014 (CD068 – para 110), the council has allocated a number of housing sites across West Lothian for housing development. The site is anticipated to commence delivery of housing within the first plan period. Deletion of the site would reduce the availability of housing land supply within the first plan period and over the plan period as a whole (CD215). As an established site, there was no allocation of the site, or the surrounding area, in either the adopted 1996 Livingston Local Plan or the adopted West Lothian Local Plan (2009). As a vacant former depot building, the council's Estates Services had identified it as		

surplus to the council's requirements and raised it at the "Expressions of Interest" stage to inform the Main Issues Report for the LDP (PJ 0005) (CD169). Within the Main Issues Report in 2014 it was considered a "Preferred New Site".

The site is located in the middle of an area dominated by housing and there is existing residential use on all 4 sides of the development site, thereby the site lends itself to residential development by removing it from a business use within a residential neighbourhood, albeit, as it was operated as a Class 4 business use this was compatible with surrounding houses.

There is a small watercourse to the north west of the site. SEPA have no evidence to suggest it flows through the site, however any applicant should be minded that Planning Advice Note 69 'Planning for Flooding' states that *"Buildings must not be constructed over an existing drain (including a field drain) that is to remain active."*

The council's historical maps were reviewed, no evidence of potentially contaminative activities having been carried out on the site was recorded. Other potentially contaminative activities, e.g. quarries that form the adjacent play park and oil tanks related to the depot have operated within the vicinity of the site.

Developers must submit with any planning application a study and report assessing the site for contamination and adverse ground conditions. If there is any indication of contamination, or other ground condition problems, a remediation statement and environmental insurance must be provided by suitably qualified persons or organisations acceptable to the council and be made available with the submission of any planning application. The above requirement will not prejudice any action that may be taken under the statutory contaminated land regime.

In terms of education capacity, the site is within the catchments of Harrysmuir and Howden St Andrew's Primary Schools and Inveralmond Community High and St Margaret's Academy. However, there are capacity issues emerging at Harrysmuir Primary School where a school extension would be required. The developer contributions required for the appropriate catchment schools would have to be paid.

Planning gain is required towards upgrading the quality of access and signage to Heatherbank Neighbourhood Park in Ladywell from the developers of site. There are trees within the site boundary and the council's arborist should be consulted on their health and longevity at an appropriate time in the process i.e. at the planning application stage.

Vehicular access would be via existing access at Eagle Brae, but details would again be considered at the planning application stage.

In terms of archaeology, the plot itself was depicted as largely undeveloped on the 1st edition Ordnance Survey (OS) Map, with the exception of a structure annotated as 'North Lodge', which occupied the northern-western corner. This was originally on the western side of the road shown on the 1st edition, but the re-alignment of Eagle Brae means that its location now lies within the plot. There may be some potential for elements of this structure to survive below ground level, but it appears unlikely to be of major archaeological significance.

The majority of the rest of the plot appears likely to have been subject to reasonably

extensive levels of previous disturbance, meaning that there is a limited possibility of earlier deposits surviving. No sites have been recorded from within this large plot, which was depicted as undeveloped ground on the 1st, 2nd and 3rd edition OS maps of the area.

Modern maps and aerial photographs suggest that it remains as undeveloped farmland, and the fact that it does not appear to have been affected by disturbance during the modern period means that it retains some potential to produce buried deposits associated with earlier phases of occupation. It is likely that a programme of evaluation would be required to assess this potential in advance of development of the plot.

Overall it is considered there is no significant impediment to developing this site for housing (CD169).

Summary

The site is a brownfield site located in an established residential area. The council's strategy is to give priority to the development of brownfield sites the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan for Edinburgh and South East Scotland.

This site is within the settlement boundary and would present a logical next phase of residential development. The council does not intend to alter the Proposed Plan in response to this objection.

Reporter's conclusions:

1. I note Mr Wilson's opposition to the allocation of this site, although he has not stated any detailed reasons for this. This is, as I observed during my site inspection, a brownfield site in a predominantly residential area, although the depot was in fact in use at the time I visited. There are areas of amenity grassland and footpaths surrounding the depot buildings, all within the allocated site. There are also some trees, including a row of conifers along the eastern edge and a small copse of deciduous trees at the northwest corner.

2. I do not consider that the presence of the grassland, trees and paths on the site ought to preclude its development. It would be through the development management process where the form of development on the site (including whether any of these features should be retained) is best considered. The existing access off Eagle Brae seems, on the face of it, to be an appropriate access point for any new development. I have no reason to conclude that the various other matters the council refers to above cannot be addressed at the development management stage.

Reporter's recommendations:

No modifications.

Issue 16I	Allocation of land for employment uses at Appleton Parkway, Eliburn Campus, Livingston	
Development plan reference:	Sites E-LV 13 & E-LV 14 – Appleton Parkway, Eliburn Campus, Livingston	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert & Maureen Sommerville (0184) Network Rail (21871541)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 91) Appendix 1 – Schedule of Employment Sites, Livingston (page 112) Proposals Map 3, Livingston	
Planning authority’s summary of the representation(s):		
<p>Robert & Maureen Sommerville (0184) - while not opposed to suitable development proposals, the respondents identify a number of concerns regarding both sites, E-LV 13 and E-LV 14, which lie to either side of their house. They are also keen to ensure that previous assurances given by former council officers should be honoured.</p> <p>Notes that Map 3 accompanying the Proposed Plan obscures their house “Schoolhouse” under a label with the site name E-LV 13 and could wrongly give the impression to potential developers that it doesn’t exist. They point out that on the supplied Map 3, “is obscured by the site name E-LV 13, and feel that anyone considering a development might think there is no house there. They are not totally against any suitable proposal, but state that previous assurances given by former Heads of the Planning Department should be honoured.</p> <p><u>E-LV 14</u></p> <p>Advises that a surface/flood water collection pond to catch and store flood water was constructed at Appleton Parkway Roundabout as part of the flood defences and queries whether this feature will be retained.</p> <p>Concerned that there appears to be insufficient consideration given to the geological underground workings in this area although the whole of site E- LV 14 has been deep drilled on a number of occasions. This area has been mined for coal and large scale room and stoop shale workings and has previously been zoned only as suitable for single storey development, with large raft type foundations. The “Middleton Hall” fault is a well-documented major underground fault line which runs north easterly through this site. Collapses of mine workings have occurred on numerous occasions and these should be a major consideration for any proposed development.</p> <p>Indicates that there is a 250 mm high pressure gas main just outside the bund fence to the south and east boundary of schoolhouse and advise that the owners of the School House had agreed to a raised bund or mound of soil with trees/shrubs planted on it, constructed to the south and east of their house, by Livingston Development Corporation before Houston Road West was constructed. The bund and trees was to afford some</p>		

screening and noise protection from the “Houston Road West” and Appleton Parkway Roundabout and any proposed future developments, and it was agreed this would be maintained and retained.

E-LV 13

The respondents note there is no firm commitment to the location of the road access to site E-LV 13.

Advises that there is a 250mm distribution water main in a T shape running from the under the railway, through the wood up to Houston Road West. Relocating this water main was a key reason why the site was considered uneconomical to develop in the past.

Concerned that since the construction of “Schoolhouse Road”, it has remained un-adopted and is not maintained by the council. This means that there are no arrangements for snow ploughing, gritting or grass cutting. Neighbouring house owners are also inconvenienced by illicit HGV parking with noisy refrigerated vehicles arriving and leaving at unsocial hours. Private hire taxis use the turning area to the west of the house as a toilet or to dump waste and the site is occasionally used by travellers which brings additional issues of noise and nuisance. Late night revelry and drug dealing are also commonplace. When Police Scotland are contacted they advise that they have no powers as it is a private road,

The pedestrian crossing on Schoolhouse Road was constructed to give access to the underpass at Houston Road West. The crossing appears to be built too high and vehicles are damaged. The public persist walking on the roadway despite there being a footpath. Suitable signs are required to make them aware there are still vehicles using it.

The respondent suggests that the only way to stop the continued disruption on Schoolhouse Road is to erect a temporary lockable barrier which could be accessed by authorized vehicles as required. Suggests that WLC and British Transport Police see no problem with a barrier. This barrier was requested by the school house owners at the original construction stage but never provided.

Network Rail (21871541) - notes that sites E-LV 13 and E-LV 14 are identified for employment uses falling within Use Classes 4 and 4, 5 and 6. Requests that consideration is instead given to identify these sites as residential allocations and modify the Proposed LDP.

Suggests that there is a surplus of employment land in West Lothian and implies that sites E-LV 13 and E-LV 14 are not required.

In support of removing the employment allocation, references:

- Policy 2 of the South East Scotland Strategic Development Plan (SESsplan) which states that the West Lothian Local Development Plan will support the delivery of 123ha of the established strategic employment land supply. Also states that “the development of mixed communities (with residential and compatible employment opportunities jointly provided) on strategic employment sites may be appropriate provided this is justified through an LDP and does not result in a net loss to the overall strategic land supply”.

- Notes that the Proposed Plan (Figure 2) states that in relation to the SESplan employment land requirement of 123ha, there is 206ha currently marketable with a total of 575ha of identified employment land within the West Lothian area and suggests that this represents a significant surplus.

In support of allocating the sites for housing, references:

- paragraph 119 of Scottish Planning Policy which states that LDPs should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption;
- paragraph 122 of Scottish Planning Policy which states that LDPs should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing;
- paragraph 90 of the South East Scotland Strategic Development Plan (SESplan) which states that the scale of the housing requirements for West Lothian will require the identification of sites in sustainable locations where infrastructure is either available or can be provided and in locations where there are no environmental constraints; and
- Figure 5 of the Proposed Plan which shows a shortfall of 3,623 units over the period 2009-2019.

It is also noted that land to the east and north of sites E-LV 13 and E-LV 14 is identified for housing (H-LV 23, H-LV 25 , H-LV 26 and H-LV 27)

It is argued that the allocation of sites E-LV 13 and E-LV 14 would contribute to the identified current housing shortfall on the basis that:

- the site can be immediately made available;
- there is an existing site access and the site is flat;
- the site is in close proximity to Livingston North station, a bus route on Appleton Parkway and is also close to key road links;
- the site is in walking distance to the Deans 'Local Centre', primary school and is in close proximity to Livingston town centre;
- the Proposed Plan identifies housing to the north and east and Sites ELv13 and ELv14 would represent a logical 'rounding-off' of a residential area in this part of Livingston;
- Appleton Parkway provides a strong division between residential and business/industry uses; and
- there is a mature landscape framework which could assist in providing an attractive residential environment.

Modifications sought by those submitting representations:

Robert & Maureen Sommerville (0184) - state they are not against a suitable development.

Network Rail (21871541) - seeks wishes to change sites E-LV 13 and E-LV 14 from employment to residential use.

Summary of responses (including reasons) by planning authority:

Robert & Maureen Sommerville (0184)

The West Lothian Local Plan (2009) (CD092) carried forward the employment allocations on both sites (ELv22 and ELv23). Appendix 5.1 covering Employment Sites for ELv22 lists the "Development Requirements" and notes that it should to have "regard to the proximity and amenity of school house". The allocations and requirements are now carried forward into the Proposed Plan (sites E-LV 13 and E-LV 14).

At E-LV 14, the underground conditions and gas pipe line location were picked up in the detailed Stage A produced by LDC. They can be re-introduced into Proposed Plan - Appendix 1: Employment Land Allocations under "Infrastructure & other requirements" (page 112) to guide future applications.

Both the SUDs pond and planted embankment, to give protection to the residential amenity of the school house, are expected to remain in any development of E-LV 14.

The issue of travellers, late night revellers, taxi and overnight lorry use is outwith the scope of the Development Plan. However, development of both these site would lead to increased usage and surveillance and adoption of the road and removal of many of these issues.

The respondents claim there is "*no firm commitment to a location of the road access to E-LV13*" However, it is noted in Proposed Plan - Appendix 1: Employment Land Allocations under "Infrastructure & other requirements" (page 112) that "access from Appleton Parkway Roundabout" and this is the newly constructed road with an access stub opposite / west of School House.

Transportation engineers have checked the traffic calming on the School House Road and confirm it meets their standards. As Old School House Road is a public adopted road it is not possible to erect a barrier to restrict access.

It is unfortunate about the length of time it has taken to secure employment development on these sites within Eliburn Campus. Many of the anti-social issues listed would be reduced and/or removed through development, but they remain suitable for employment uses so long as future planning applications respect the existing residential amenity of the old School House.

Network Rail (21871541) - state that "*the railway bounds the sites to the north, beyond which is a large recreational park and a large established residential area*". However, the park area has been redeveloped for social housing and the Deans South area (sites H-LV 25, 26 & 27) is due for substantial redevelopment for c 240 units to transform this existing Deans residential neighbourhood which has suffered from structural issues through substandard design and construction.

They continue "*.....and vacant land to the south and east.*" Land to the south is part of the Eliburn Campus area where the road network and services were laid into the entrance of sites. Several of these are owned by Scottish Enterprise and they have not been marketed. Until recently there was a single user allocation on E-LV 15 to the south and this restriction has now been removed and the site is capable of being split up for smaller employment uses.

The land to the east (site H-LV 23) is a former Scottish Enterprise site (WLLP site ELv24) that was advanced by them at the Main Issues Report (MIR) stage for a change from employment to housing. This has been carried through into the Proposed Plan. Scottish Enterprise, who own sites E-LV 13 & 14, did not advance a change of use on these sites at the MIR stage, nor during the Proposed Plan consultation.

In 2013, Scottish Enterprise applied for planning permission in principle (LIVE/0822/P/13) for a 7.6 ha residential development including access, parking and landscaping (grid ref. 302918 668237) on site H-LV 23. This application has yet to be determined due to agreeing the level of developer contributions to provide education capacity.

Network Rail has not given any significant reasons why the E-LV 13 & 14 sites should be altered from employment use to housing. The argument on oversupply of employment land fails to recognise that many employment sites covered in the total supply figure are either under ownership for expansion or have some other constraint. The final set of bullet points Network Rail raise can equally be applied to the employment use for which these sites are allocated.

At a combined area of just over 6ha and say at a standard residential density of 25 dwellings per hectare, this could derive c 150 units. The local schools catchment would be Deans Primary and St John Ogilvie Primary School and Deans Community High School and St Margaret's Academy. There is insufficient capacity in the education system to cater for an additional 150 houses.

Overall, the council considers these sites to be a viable and appropriate location for employment uses and is satisfied that the concerns which have been raised can be satisfactorily addressed through the Development Management process. For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. We address issues related to employment land under Issue 26A and housing land under Issue 1A. We find that there is a significant surplus of employment land, and that the number of homes which would be built over the period of the plan is likely to be significantly less than the plan's housing supply target. We recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing.

Potential housing use

2. Network Rail does not state what specific interest it has in these sites, albeit they are adjacent to a railway line. The plan (in Appendix One) states that the sites are owned by Network Rail, but the council now says that they are owned by Scottish Enterprise. In any event, in response to my request (FIR18) for further evidence, Scottish Enterprise confirms that it would have no objection were these sites to be allocated for housing instead of for employment use. Mr and Mrs Summerville state (in responding to FIR46) that they would be opposed to housing development.

3. Immediately to the east of site E-LV 14 is site H-LV 23 Houston Road (North), which is allocated for housing. We address representations related to that site under Issue

16Ar. It can be seen that Scottish Enterprise promoted that site for housing development (it is allocated for employment use in the current local plan), and this is supported by the council in so allocating it in the proposed plan. There are no representations opposed to that allocation. Sites E-LV 13 and 14 and H-LV 23 are all aligned in a strip of land, which narrows to form a point at the west, between a railway line to the north and Houston Road/Houston Road West to the south. There are belts of trees along some of the boundaries of these sites. All are disused, and for the most part they are generally flat (H-LV 23 is somewhat more undulating) and covered by overgrown grassland and scrub. In the Schedule 4 form for Issue 16Ar, the council explains that all the land north of Houston Road/Houston Road West had originally been identified for housing by the former Livingston Development Corporation. Some land north of the road was then allocated for employment use in the 1980s following a re-appraisal of the need for such land.

4. The relationship of sites E-LV 13 and 14 with Houston Road/Houston Road West is similar to that of H-LV 23. I explain above that the sites are all similar in character, albeit E-LV 13 is much smaller than the others, and a more awkward shape. There is housing to the north of E-LV 13 and 14 (on the other side of the railway line) and there would, provided H-LV 23 is developed, be housing to the east. I recognise that E-LV 13 and 14 are further from Livingston North station than H-LV 23, but it should be possible to link these sites with foot/cycle paths. There is already a pedestrian bridge over the railway linking E-LV 13 and 14 to the housing area (and Deans Primary School) north of the railway.

5. In all this context, whilst I agree that site E-LV 14 is suitable for employment use, it seems to me to be also suitable for housing development. Mr and Mrs Sommerville raise concerns about increased noise and disturbance from traffic from housing development. However, there would be traffic associated with employment use of the site, which Mr and Mrs Sommerville have not said they are opposed to. There is also some distance between the Schoolhouse and the spur on to Appleton Parkway Roundabout. Detailed design and landscaping proposals for E-LV 14 could ensure that there were no significant impacts on the amenity of the Schoolhouse, whether the site was accessed from the roundabout and/or from a new access onto Houston Road. The awkward shape of E-LV 13 and its location, sandwiched in a much narrower gap between the railway line, Houston Road West and another, larger roundabout, means that there is a weaker case for allocating it for housing.

6. Map 4 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in central and northern Livingston. It identifies these two sites as current local plan employment allocations. It does not, as it does for the site to the east (now H-LV 23) imply any prospect of an alternative use for them. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

‘Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.’

7. Earlier, at paragraph 64, promoters of sites are advised to engage in any ‘call for sites’ exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to

community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

8. I acknowledge that the prospect of housing development on site E-LV 14 was not subject to community engagement through the Main Issues Report. However, it is the case that the principle of development on this site is already established, and the Strategic Environmental Assessment of the plan proceeds on that basis. I have no evidence which would suggest that it could not be developed without significant environmental impacts, either for employment use or for housing. Through my further information requests, Scottish Enterprise has been able to express a view on the prospect of housing on the site - as have Mr and Mrs Somerville, occupants of the Schoolhouse, the only residential property neighbouring the site. The site is very similar in character to the adjacent site H-LV 23 which is allocated (unopposed in any representations) for housing. Finally, as I note above, there is both a surplus of employment land and likely to be a shortfall in meeting the housing supply target of the plan. In all of this context, and notwithstanding the terms of Circular 6/2013, the lack of engagement on the prospect of housing development on this site (rather than employment use) through the Main Issues Report should not in my view preclude the consideration, now, of such a change.

9. I note the council's statement above, brief though it is, about the lack of education capacity to support housing development on this site. The proposed plan provides for extensions at all four of the catchment schools referred to by the council, albeit the council's response to FIR07 refers only to the proposed extension of St Margaret's. The spreadsheet which accompanies that response does not identify any constraints at either Deans or St John Ogilvie primary schools, although the Appendix Two entries for sites within the St John Ogilvie catchment refer to the possible need for a hall and classroom extension at that school.

10. The council's most recent assumptions about the rate of new housing development (which inform its views about when new education infrastructure is required) are contained in its revised April 2017 draft of the draft 2016 Housing Land Audit. However, we note in our conclusions at Issue 1A that this revised draft has not been agreed (or even consulted upon) with the housing development sector. We find that it is too optimistic, and that the rate of housing development in the coming years is likely to be less than the council has assumed.

11. In this light, there is no strong evidence before me which demonstrates that primary school capacity would preclude housing development on site E-LV 14. Even if the allocation of this site did give rise to primary capacity issues, the council has not shown why these could not be addressed, for example through the school extensions identified in the proposed plan.

12. I appreciate that there are secondary school capacity constraints. However the implications of these are, for non-denominational schooling, Livingston-wide, and for Roman Catholic schooling they extend wider than that. The same applies to the potential solutions to these issues. Noting again that the rate of housing development is likely to be slower than the council assumes, and noting our conclusions under Issues 1F and 1J where we recommend a more positive policy approach to education capacity issues, I do not consider that secondary school capacity issues should rule out the allocation of site E-LV 14 for housing.

The Schoolhouse

13. I take account of the various concerns in the representation from Mr and Mrs Sommerville (who say they are not opposed to suitable development on these sites), including in respect of drainage, the legacy of previous mining, the gas and water mains and impacts of development on their amenity and privacy. It seems to me, in particular noting that the current local plan allocation establishes the principle of development on these sites, that these matters can be addressed through the development management process. As for site E-LV 14, I reach that conclusion regardless of whether the site was to be developed for employment or residential use. As for any antisocial or inconsiderate behaviour on Schoolhouse Road, I agree with the council that development of the sites would serve to reduce the likelihood of this recurring. Finally, I would hope the council would endeavour to ensure that the reference number on the final proposals map does not obscure the Schoolhouse.

Conclusion

14. Drawing all of the above together, in light of the significant surplus of employment land, the likely significant shortfall in meeting the housing supply target and the seeming suitability of the site for housing development, I recommend that site E-LV 14 be allocated for housing development. In recommending the detailed content for an entry for this new housing site in Appendix Two of the plan, I draw on my findings above and on the current entries for (in Appendix One) site E-LV 14 and (in Appendix Two) site H-LV 23, immediately to the east. In respect of its indicative capacity, I recommend a figure of 125 units, which would be a similar density to the allocation H-LV 23.

15. Given the constraints which I find apply to site E-LV 13, I do not recommend that it be allocated for housing development. These same constraints would apply, to some degree at least, to employment use of the site. Given my recommendation that the adjacent E-LV 14 should now be allocated for housing, and noting again the surplus of employment land which already exists, I recommend that allocation E-LV 13 be deleted. Its status as 'white land' would not preclude the consideration of any proposal for suitable development on it which might come forward in the future.

Reporter's recommendations:

1. In the proposals map:

1.1 Omit allocation E-LV 13

1.2 Amend allocation E-LV 14 to a housing allocation H-LV 34

2. In the table of housing allocations in Livingston on page 90, insert a new entry as follows:

LDP Site Ref: 'H-LV 34'

Location: 'Appleton Parkway north east'

Site Size (Ha): '5.58'

Capacity: '125'

3. In the table of employment allocations in Livingston on page 91, delete the entries for sites E-LV 13 Appleton Parkway north west and E-LV 14 Appleton Parkway north east.

4. In Appendix One, delete the entries for sites E-LV 13 Appleton Parkway north west and E-LV 14 Appleton Parkway north east.

5. In Appendix Two, make a new entry for a site in Livingston, with the content of the columns to be as follows:

Site Ref: 'H-LV 34'

HLA Ref: [blank]

Status: 'New allocation'

Site Name: 'Appleton Parkway north east'

Area (Ha): '5.58'

Capacity: '125'

Planning: 'Identified as a site for housing'

Transportation: 'Access from Appleton Parkway Roundabout and/or Houston Road'

Education:

'Catchment Area Schools

St John Ogilvie Primary

St Margaret's Academy

Deans Primary

Deans Community High School

Hall and classroom extension may be required at St John Ogilvie Primary School

Other education contributions may be required'

Flood Risk: 'Flood Risk Assessment Required'

Other:

'Retention of mature woodland on northern and eastern boundaries.

Form pedestrian/cycle links to existing path network, and to site H-LV 23 to the east.

The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and/or investigation may be required.

The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

The site may be susceptible to noise from the railway line and a noise assessment may be required.

Limited capacity at East Calder waste water treatment works and early discussion with Scottish Water required.

The site may embrace, or be adjacent to, land affected by contamination, and an assessment, investigation and/or remediation will be required.'

Issue 16J	Allocation of land for mixed use (including housing) at Murieston Valley Road, Livingston	
Development plan reference:	H-LV 31- Murieston Valley Road	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>David Boland (0195) Barbara Boland (0455) Michelle Fraser and Paul Brown (0222) Shelagh Taylor (21890399) Jill Simpson (21061671) Peter McGowan (21782451) Dorothy McKenna (21797779)</p>		
Provision of the development Plan to which the issue relates:	<p>Objection to allocation of H-LV 31 as a mixed use housing development. Chapter 6 - Development Proposals by Settlement, Livingston (page 90). Appendix 2 - Schedule of Housing Sites, Livingston (page 217). Map 3: Livingston.</p>	
Planning authority's summary of the representation(s):		
<p>Representations to Allocated Sites</p> <p>H-LV 31- Murieston Valley Road</p> <p>David Boland (0195) & Barbara Boland (0455)- resides adjacent to the allocated site and is concerned about additional traffic through the community and traffic movements in the immediate vicinity of his property that would require vehicles to either reduce speed or stop to turn left into the proposed development. The potential for overlooking and loss of privacy is also a concern.</p> <p>Michelle Fraser and Paul Brown (0222) - object to the proposed use of the site for a "mixed development and housing".</p> <p>Notes reference to the fact that the site has been contaminated in the past, but that it does not specify the type of contamination (which is understood to have been toxic waste from Edinburgh). This is believed to be the reason why the site was not developed for housing at the time when Murieston Valley was initially established.</p> <p>Advises that the site is largely waterlogged and hence would need to be drained. Suggests that this runs the risk of toxic contamination entering local watercourses. Concludes that this makes it totally unsuitable for a housing development and that development of the site would be in contradiction of Environmental Policy ENV 11 on the water environment.</p> <p>As a consequence of the waterlogging, states that the site is rich in wildlife with heron frequently seen feeding on the large populations of frogs that inhabit the site. The</p>		

vegetation is typical of a wetland site, and some trees are beginning to become established on the site, which will enhance its value for wildlife and amenity. Development of the site would therefore be in contradiction of Environmental Policy ENV 19 on protection of local biodiversity

While the Plan has safeguards for protecting existing sites of landscape and conservation value, it has little to say about increasing the areas to be set aside for these purposes. The respondents recommend that the proposed use for the site be changed to nature conservation and that it should be set aside as a local wildlife sanctuary or nature reserve. The site is not large in terms of its potential contribution to the expected future demand for housing but in the context of Murieston Valley it is a valuable resource for landscape and biodiversity.

Shelagh Taylor (21890399) - indicates that the allocation of this site for mixed use, including housing, would have an extremely detrimental effect to local wildlife in the Murieston area, as well as causing a significant impact on local residents and increasing traffic. Regards it as inevitable that the road would lead to further applications for development in this area. As a long term Murieston resident notes that local people frequently walk around this area with children and dogs and enjoy the peace, wild flora and fauna and regular sighting of deer and birds of prey. The area is also used for horse riding.

Jill Simpson (21061671) - seeks to require the developers of site H-LV 31 to improve broadband as it is poor in the Murieston Valley area.

Peter McGowan (21782451) – states that the land is not suitable for housing as there is a lot of wildlife using the land including deer, foxes, raptors, mice and toads. Also as the land is contaminated the soil should not be disturbed.

Dorothy McKenna (21797779) – objects on the basis of contamination, safety, wildlife and flora and traffic capacity. Contamination issues would affect them directly, as they live directly opposite the site. This is major health concern to them and all householders within the immediate area. Her husband has a medical condition COPD so any type of airborne contamination could be fatal. The area may also fall into old mining sites so again this could mean another type of contamination. There would more congestion and a safety risk from increased traffic.

The land is currently home to many types of species of wildlife & flora which provides the area with an open look. Muieston Valley (road) is the only access to all the immediate homes so to have an increase in residential vehicles would lead to more congestion. This is a well-established residential area that does not require any type of commercial structures. The shopping area is defined at Livingston South Railway Station.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-LV 31- Murieston Valley Road

David Boland (0195) Barbara Boland (0455) Peter McGowan (21782451) Dorothy McKenna (21797779) - makes no specific reference to modifications.

Michelle Fraser and Paul Brown (0222) and Mrs Shelagh Taylor (21890399) - proposes that the use of the site be changed to nature conservation and for it to be set aside as a local wildlife sanctuary or nature reserve or similar.

Jill Simpson (21061671) - seeks to require developers of the site to improve broadband.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-LV 31- Murieston Valley Road

Background

The site is of the former Dressellrig Farm House. The original "Stage A" prepared by the former Livingston Development Corporation (LDC) for this area considered it could be converted for local centre uses. However, due to vandalism and decay, the buildings needed to be demolished. Evidence from LDC is that this area was cleared of a tipped ash layer but suggests that there is no toxic contamination on the site.

The Livingston Area Local Plan (CD097), subsequently allocated the site for Local Centre uses (sites MSR2 / MSR3 & MS10B). The land was later transferred to the ownership of the council with the wind-up of the LDC.

The site is identified in the adopted West Lothian Local Plan 2009 (WLLP) (CD092) as site for a 'Local Neighbourhood Centre (Policy TC13). This is explained as a location where small-scale retail, business, community, leisure and recreation development serving local needs would be supported.

However, the slow take up of land in the adjacent local centre to the north east, by Livingston South rail station, suggested that this site was probably larger than it needed to be for purely local facilities and it has been concluded that a more efficient use could be made of the site. The Proposed Plan (CD078) now indicates that it should be developed for a mix of housing in addition to the uses previously envisaged and the site has been referenced as H-LV 31 in the Plan.

The council is aware that the site has mistakenly been identified in Chapter 6 - Development Proposals by Settlement (page 90) as a housing allocation, while the corresponding entry in Appendix 2 correctly identifies it as a new site for Mixed-use (including housing). The council would be pleased to be invited by the Reporter to delete the site entry from the housing table on page 90 and move it to the mixed use table on page 92 including reference to 24 units.

David Boland (0195); Barbara Boland (0455); Michelle Fraser and Paul Brown (0222) and Shelagh Taylor (21890399) -

It will be apparent that the site has long been intended for some form of built development despite having become absorbed into the local environment and perceived as a natural green space over time. Despite this, the council disputes that it genuinely merits to be considered as a Local Biodiversity Site. The site has been previously occupied by farm buildings (now demolished) and any scrub is not natural. There are in any event substantial areas of formal and semi-formal open space within the Murieston Valley at

Cambridge Pond Park and along the Murieston Trail.

Because the site is located within a part Livingston where there has previously been a history of land contamination the precaution has been taken to require an appropriate site investigation to be undertaken and for any necessary remediation to be implemented should the site come to be developed. Developers would have to ensure the land was fit for the purpose proposed and did not carry an unacceptable risk from contamination to the health of future users of the site or pose a threat to the surrounding environment. The site would be dealt in accordance with the council's SPG - Development of potentially contaminated land (CD132). This document sets out the standard procedures for such works which follows authoritative best practice which are designed to be protective of human health.

Overall, the council considers the site to be a viable and appropriate location for a modest urban infill development and is satisfied that the concerns which have been raised can be satisfactorily addressed through the Development Management process and by also having regard to the council's approved Residential Development Guide (CD107). For these reasons, the council does not agree to modify the plan in response to these representations.

Jill Simpson (21061671)

The council does not have the powers to enforce broad band improvements on developers and does not therefore propose to make any modification to the Proposed Plan.

Reporter's conclusions:

1. As I observed during my site inspection, the local centre near Livingston South Station has a range of commercial units and community services. On the face of it, it is difficult to foresee a need or sufficient demand for a further local centre of this size so close by, in particular noting that the site is, in effect, only accessible (at least by vehicles) via the cul-de-sac formed by Murieston Valley. In this context, identification of the site for mixed use (including housing) appears to me to be appropriate.
2. I note what has been stated about the wildlife interest of the site and its informal use for recreation. However, the site has long been allocated for development and there is no compelling evidence that this principle needs to be revisited. I noted during my site inspection the informal path which crosses the rear of the site, but saw no other evidence of significant recreational use of the site. There is no strong evidence that the site has any significant biodiversity value, albeit it is overgrown and there are some trees on parts of it.
3. In relation to flooding and drainage of the site, I note that SEPA has raised no objection to the allocation. There is no technical evidence which would indicate that the legacy of any previous contamination or mineral extraction cannot be addressed in a manner which ensures that the health and safety of nearby residents is protected. The site is modest in size, such that the impacts of increased traffic would not be significant. There is nothing to suggest that a layout could not be devised which would ensure there was no significant impact on the amenity or privacy enjoyed by neighbouring residents. Finally, each development proposal needs to be considered on its merits and I see no

reason why changing the allocation of this site from a local neighbourhood centre to mixed use would set an unwanted precedent for other development proposals in the area.

4. Therefore I am satisfied that a mixed use allocation for this site is appropriate. The council proposes that the entry for this site in the tables in Chapter 6 of the plan be amended to confirm that it is a mixed use development. I can understand why the council proposes such a change. But it seems to me that this would put this site at odds with the other mixed use sites identified in the table on page 92 - all of these sites are in the town centre, and none of them feature in Appendix Two. Given that the entry for the site in Appendix Two already acknowledges that the allocation is for mixed use (including housing) I see no strong need to make the changes suggested by the council.

Reporter's recommendations:

No modifications.

Issue 16K	Modification of Policy EMP 1 to facilitate a broader range of uses at 1 Simpson Parkway, Kirkton Campus, Livingston	
Development plan reference:	Policy EMP 1 - Safeguarding and Developing Existing Employment Land	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
St Francis Group Limited (0250)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 83) Appendix 1 – Schedule of Employment Sites, Blackridge (page 104) Proposals Map 3, Livingston Area Policy EMP 1	
Planning authority’s summary of the representation(s):		
<p>St Francis Group Limited (0250) - presented evidence which they contend demonstrates that the need for employment land of the type and stock exemplified by this site at 1 Simpson Parkway and elsewhere within Livingston and West Lothian is now much reduced and unlikely to pick up during the currency of the LDP. A report prepared by Ryden (SD175) states that; “Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector.”</p> <p>As of November 2015, the respondent advises that over 500,000 sq ft of available business property space was on the market for sale or let within 1 mile of 1 Simpson Parkway. This comprises over 150,000 sq ft of industrial and over 220,000 sq ft of office space not including the subject property of 120,000 sq ft. This is regarded as a very significant supply of available business space. Most will be characteristically the same in terms of scale, type, function and form leading to a market lacking in variety, purpose and function fit for business needs today. In between the available buildings, there are also vacant, undeveloped sites which have been allocated for Employment Use in the current adopted West Lothian Local Plan and appear to have been carried through into the Proposed Plan.</p> <p>No 1 Simpson Parkway is located within Kirkton Campus. It sits within a total gross area of 4 Hectares (11 acres) and comprises a modern detached headquarters building/production and warehouse facility with 200 car parking spaces. It is currently vacant and has been marketed by professional agents for lease or purchase on behalf of the landowners for over five years without success. There have been limited firm enquiries and few sustained notes of interest. Coupled with the limited market interest (due mainly to restrictive planning policies, and to the limited flexibility of the production facility to change itself without significant cost or reworking), there is a real challenge to sustain the property as a future employment area, without support from West Lothian Council to incentivise appropriate change.</p> <p>The respondents are at the same time concerned that new allocations for Employment Use are still being identified in the Proposed Plan for locations elsewhere in Livingston, also within the Kirkton Campus and further afield around the district and cannot</p>		

comprehend the reasons why the council should do this, given the evident over-supply of property and sites in the immediate surroundings.

It is the case that the same allocated land was identified in the adopted Local Plan 2009 (sites E-LV 48, E-LV 39, E-LV 41 & E-LV 46). In the period of pre-adoption (2007-09) through to now, (8 years) none of these sites have come forward and have not contributed to the employment land supply.

The respondents cite the case of a Proposal of Application Notice (PAN) which was lodged in 2015 for sites EL-V 48 and EL-V 46 at Gregory Road, and outlined the developer's intention to bring forward a future planning application for a "*mixed use development including residential, business, industry, storage & distribution and community/leisure facilities*" (CD432). This site lies immediately adjacent to No 1 Simpson Parkway and is said to provide evidence of developer interest, and policy pressure, that the current Local Plan proposals and restrictions on use and type of use at Kirkton is having a negative effect on future investment decisions. Additional research revealed that within 1 mile of 1 Simpson Parkway other developer-led change of use applications which demonstrate that the current Local Plan policy relating to Kirkton Campus is having a limited positive effect on development proposals coming forward for the allocated sites in the adopted plan (and for the proposed sites coming forward in the emerging LDP).

Policy EMP 1 of the Proposed Plan seeks to safeguard Employment Areas within the designated boundaries, including Kirkton Campus. In part, the policy confirms that proposals for non-business/non-industrial uses on allocated employment sites will only be supported in circumstances where certain criteria can be demonstrated. The respondents have sought to demonstrate through a property market analysis and developer interest activity the following:

(e) it has been satisfactorily demonstrated that there is no net detriment to the overall supply of employment land; It has been shown that the overall supply of employment land in the immediate vicinity of 1 Simpson Parkway, and within 1 mile of the site, remaining within the designated Employment Area, that around 500,000 sq ft of space is currently available. The supply of employment land is therefore excessive, and evidence shows there is limited, if any take up of this stock. So we do not consider that a net detriment would occur in the event of a proposal came forward for non-business/non-industrial use on the site within the Employment Area.

(f) it can be satisfactorily demonstrated that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. Prospective developers will be required to evidence their attempts to secure a continued employment-generating use and in particular that they have actively marketed the premises or site over a sustained period; On the basis of over five years marketing, and limited sustained notes of interest there is little reasonable or realistic demand. There is one potential business, subject to implementation of a planning permission for a meat processing plant, who may secure an employment-generating use following active marketing. However, that consent has not been implemented and there is no firm indication that this may materialise.

(g) the proposal would not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites; The proposal, described in the following section, would not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites. The nearby sites remain vacant and undeveloped. The PAN for

a mixed use with business, residential and other commercial uses on Site Proposal E-LV 46 and E-LV 48 would not arise any use conflicts as there are no immediate neighbours operating an industrial or other incompatible use nearby.

(h) the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area; Development of 1 Simpson Parkway would not serve to fragment a larger industrial area, as the immediate area is comprised of vacant land, where employment generating proposals have failed to come forward in the current adopted Local Plan and there is little future prospect of doing so. As such, the form, position and arrangement of these sites may better serve a new development opportunity site, or cluster, where fragmentation would not cause disruption.

(i) the proposal would have no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible by public transport and footway connections to the surrounding area; The proposed development details below can be suitably studied, planned and mitigated to ensure no detrimental impacts.

(j) proposals are ancillary to, or complement the overall employment use, and can be satisfactorily demonstrated to directly benefit those working in that employment area. Proposals would be a mix of uses, including employment-generating uses predominately, with ancillary supporting uses with potential residential.

On the above analysis, the respondent considers there to be an opportunity for change of use of 1 Simpson Parkway. Detail of the proposed change of use is outlined below for consideration to demonstrate an effective and viable reuse of the site can be delivered.

The proposal, in outline, for redevelopment of 1 Simpson Parkway is as follows:

- Remove the single user/large production facility and car park to create a brownfield development site;
- Retain more than 50% of the site (net) for employment uses within the Employment Area standard uses, Class 4 (business), Class 5 (general industrial) and Class 6 (warehouse and storage). There is potential to offer bespoke office accommodation however that sector and current stock is also in a state of decline in Livingston;
- Provide supporting or ancillary commercial services to include, subject to market interest – Childcare, leisure or community use with limited non-retail food e.g. hot food / restaurant / café;
- In order to enable the above predominately commercial development, there would be a proposal to provide residential development at a modest scale taking account of position, location and residential amenity in relation to the predominant uses. Landscaping and open space provision would ensure suitable buffering and place making in this context.

The respondents argue that there is a current lack of available small scale housing opportunities in Livingston, coupled with a falling demand for the type of large-scale industrial processing facility as existing. 1 Simpson Parkway is identified as providing an opportunity to contribute towards the strategic housing development objectives of the LDP through the re-use of the site for a use in need, and within a sustainable brownfield location.

The housing component is planned to offer a supporting facilitating role, rather than lead a redevelopment scheme. There are benefits that can be realised through delivery of

housing – receipts to provide site clearance, place making and developer contributions towards key Council services such as education, affordable housing and open space.

It is anticipated the site could accommodate up to 75 residential homes of varying styles ranging from terraced, semi and detached family homes. This small number would provide a deliverable source of additional housing for Livingston and West Lothian, where the strategic housing land position is in need of a generous supply according to Scottish Planning Policy.

Paragraph 40 of SPP (CD068) requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this, decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

The respondent references the SESplan housing requirement and how this translates to West Lothian. It notes that a substantial part of the delivery of new housing is expected to be in the Core Development Areas but suggests that the economic climate may serve to slow down the implementation of large complex schemes that are dependent on costly new infrastructure and servicing. The effectiveness of the projected housing supply is questioned and it is suggested that the council therefore needs to find alternative sites to replace and enhance the supply.

It is argued that small sites such as 1 Simpson Parkway, which require little investment in infrastructure, can quickly contribute towards meeting the LDP housing land requirement in the short to medium term, unlike the CDAs. It would provide a deliverable source of additional housing for Livingston and West Lothian, where the strategic housing land position is in need of a generous supply.

The respondents have assessed the site against the criteria of PAN 2/2010 (CD038) and conclude that it is 'effective'.

They have also had regard to paragraph 58 of PAN 2/2010 which advises that Local Authorities should "ensure that at all times sufficient effective land is available to meet the housing land requirement for at least the following 5 years." It is suggested that a housing development would provide a sustainable and deliverable source of housing which is in high demand for this region. In keeping with the surroundings, development in this area would benefit from existing services and infrastructure and could be delivered without compromising the amenity of surrounding land uses.

In conclusion, the respondents are seeking the change of emphasis and wording relating to Proposed Plan Policy EMP 1 as it applies to the existing Employment Area. This would help relax what is considered by the respondents to be restrictive land use and delivery policies for the Kirkton Campus, particularly in relation to legacy issues where there is absolutely little prospect of such an initiative occurring in the life of the new LDP. There is little prospect for the Kirkton Campus, on the evidence of lack of development activity for adopted Local Plan allocated sites coming forward; on the evidence of limited developer activity to seek planning permission for any change of use (save for 3 proposals) and based on the market evidence that shows there is a very large over-supply of employment land within 1 mile of the Kirkton Campus and with limited prospect of change occurring in the life of the new plan, given the same allocations have been rolled over into the next plan.

The respondents seek to relax planning restrictions, open up the site for a wider range of employment generating uses, alongside a wider marketing effort as a result, may have a positive effect on re-energising the future for Kirkton Campus.

Modifications sought by those submitting representations:

St Francis Group Limited (0250) - seek modifications to Policy EMP 1 - Safeguarding and Developing Existing Employment Land as it applies to Employment Areas and which would allow for employment sites to be diversified and redeveloped for a mix of uses, including housing and relates this to a specific site at 1 Simpson Parkway, Kirkton Campus, Livingston.

Summary of responses (including reasons) by planning authority:

St Francis Group Limited (0250)

The Livingston Area Local Plan (CD097) identified Kirkton Campus with an Industrial Area Boundary on the Proposals Map. Policy EM 1 safeguarded various industrial estates across the New Town for “employment generating development”. The types of acceptable uses for Kirkton Campus were defined as “business and general industry. At the time this local plan was drawn up in early 1990s, 1 Simpson Parkway had already been built.

The West Lothian Local Plan 2009 (CD092) continued to protect Kirkton Campus as part of an Employment Area. Policy EM5 stated *the expansion, conversion or redevelopment of premises within the areas shown on the proposals map, and on other established sites will be encouraged for uses falling within classes 4,5 and 6, or as restricted in policy EM2 and specified in Appendix 5.1.*”

Consequently, there has been a long history of Kirkton Campus being laid out as the first high-amenity, science and technology campus in Livingston. This is stated on the road entrance signs into the Campus. It remains almost 75% developed with 6 undeveloped sites, including a new site following demolition of a building near to 1 Simpson Parkway.

The Campus has been able to accommodate the growth in the business sector and is home to Sky, the largest employer in West Lothian that is housed over a number of different units in the south part of the estate. There are also financial services accommodated with Lloyds Banking group call centre.

While it is acknowledged there is a large number of both vacant premises and sites

across Livingston and West Lothian, this can allow a large choice of different sized buildings and plots and continue to generate employment opportunities.

The Agents claim there *“is a significant supply of available business space. Most will be characteristically the same in terms of scale, type, function and form leading to a market lacking in variety, purpose and function fit for business needs today”*. However, they also point out the property is capable of sub-division. While it may be 35 years old, the adjacent properties on Kirkton Campus have either been refurbished or demolished and the site available for redevelopment for employment uses.

While the objector address Policy EMP 1 criteria (e) to (j) in relation non-business and non-industrial uses; they do not address criteria (a) to (d) related to conversion or redevelopment of sites within such areas as Kirkton Campus for similar uses such as 4/5/6 to ensure they are compatible to neighbouring land uses, do not effect amenity or that transport implications and crucially *“(d) infrastructure deficiencies or requirements are capable of being satisfactorily remedied”*. This latter issue in relation to proposed new isolated residential development and addressing the ensuing school capacity deficiencies cannot be rectified.

It is most difficult to reconcile the respondents claim that the introduction of residential units onto the site would not fragment the industrial area; i.e. in contravention of Policy EMP 1 criteria (h).

The site is within a clearly contained business campus. It is remote from other housing areas and the town centre or local centre for local services. The closest street is Charlesfield Lane over 500m to the east or beyond the Charelsfield distributor road along the south boundary in Adambrae.

The respondents claim *“there is a current lack of available small scale housing opportunities in Livingston”* however, there are 27 sites with capacities ranging from 8 - 36 units.

Fundamentally, in educational capacity terms, the site falls with the primary school catchment of Livingston Village and St Ninian's. For secondary schools, it is Inveralmond High School and St Margaret's Academy, From a 4ha site, at an average residential density of 25-30 dwellings per hectare, then a site such as this could accommodate between approximately 100 -120 units in excess of the 75 proposed. There is no educational capacity for these additional unplanned units.

In relation to overall housing demand, the agents claim *“given the financial crash, these growth areas were not as successful as hoped and did not deliver the housing figures as expected.....”* However, despite the recession, of the 4 allocated major Core Development Areas (CDA), 3 CDA have approved master plans and housing development is well underway on these sites by different developers on different sized plot.

Piecemeal erosion of the Campus is not acceptable as this would allow existing employment sites to be interspersed with pockets of housing and the related expectation of enjoying residential amenity does not sit well with business and general industrial uses that can operate 24 hours a day. The agent proposes half the site be redeveloped for use classes 4,5,6 or offices uses, albeit acknowledging *“that sector and current stock is also in a state of decline in Livingston”*, with the remaining half for residential use

(approximately 75 houses) .

A scenario can be envisaged whereby the employment half could remain undeveloped and then the whole site is presented for increased residential use. Indeed, when considering the PAN 2 /2010 on effective housing criteria (CD038), it is admitted *“housing is the sole preferred use of the land in planning terms”*.

During the Public Local Inquiry into the West Lothian Local Plan (2007), the owner of the site at Lister Road, Kirkton South sought residential use. The Reporter dismissed this objection due to the incompatibility of the uses and the removal of quality employment land.

Similarly, the adjacent site at Lister Road was promoted for housing. It has recently re-opened as an office and depot facility.

SPP (CD068) requires local planning authorities to provide a wide range and choice of employment sites.

SDP (CD099) Policy 2 requires the council to allocate a further 123ha of employment land across the whole of West Lothian.

The agent does acknowledge that there have been 3 recent active enquiries to reuse the site for employment purposes.

Finally, the objector seeks to *“...open up the site for a wider range of employment generating uses...”* However, Policy EMP1 does allow for this flexibility, so long as various criteria are met, but it excludes retail use. Isolated housing use in Kirkton Campus would not be compatible with existing or future business, general industrial, storage and distribution and ancillary uses in the employment area.

For these reasons, the council does not propose to change Policy EMP1.

Reporter’s conclusions:

1. There are detailed comments made in this representation about the suitability of 1 Simpson Parkway, Livingston for a mixed use development. However, in concluding, the respondent seeks ‘the change of emphasis and wording relating to Proposed Plan Policy EMP 1 as it applies to the existing Employment Area’.
2. I therefore take this representation to be requesting a change to the wording in Policy EMP 1 (although no specific change is suggested) rather than a request that the site be allocated for mixed use development. In that context, we deal with the matters raised in this representation under Issue 26A, which is where we deal with a number of other representations on a similar theme. Any proposals for alternative uses at 1 Simpson Parkway would fall to be considered under the terms of Policy EMP 1, as modified in accordance with our recommendations under Issue 26A.

Reporter’s recommendations:

No modifications.

Issue 16L	Re-definition of Employment Area Boundary at Fleming House, Simpson Parkway, Kirkton Campus, Livingston and modification of Policy EMP 1.	
Development plan reference:	Policy EMP 1	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Bizspace Limited (0252) and (21872215)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 83) Appendix 1 – Schedule of Employment Sites, Blackridge (page 104) Proposals Map 3, Livingston Area Policy EMP 1 - Safeguarding and Developing Existing Employment Land	
Planning authority’s summary of the representation(s):		
<p>Bizspace Limited (0252) and (21872215) - object to the property known as Fleming House being located within a defined Employment Area Boundary and being subject to the provisions of Policy EMP 1 – Safeguarding and Developing Existing Employment Land. The respondents seek the removal of the site from the Employment Area and a redefinition of the alternative uses permitted by Policy EMP 1 which would assist their aspirations to redevelop the site for housing.</p> <p>The respondents present evidence which they contend demonstrates that the need for employment land of the type and stock exemplified by Fleming House and elsewhere within Livingston and West Lothian is now much reduced and unlikely to pick up during the currency of the LDP. A report prepared by Ryden states that; “<i>Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector.</i>”</p> <p>It is however argued that demand for housing in West Lothian, of the right type and scale, remains strong given the area’s prime location with good strong transport connections to Edinburgh, Glasgow and other key employment areas within West Lothian along the M8 corridor. It is on this basis that they believe that the site should be identified as a housing allocation in the forthcoming Local Development Plan with a potential of delivering 50 - 60 units.</p> <p>The site at Simpson Parkway extends to some 2.7 acres (1.1 ha), and is relatively small in comparison with other large housing sites allocated in the Proposed Plan. The site is located within the boundary of the Kirkton Campus Employment Area, however it is not specifically identified as a specific employment site. Kirkton Campus provides business accommodation for primarily Class 4, 5, and 6 uses. Appendix 1 - Employment Land Allocations, suggests that due to the decline in demand for the properties on site, there is a need to diversify the acceptable use classes as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997; from the familiar Class 4,5,6 (business, general industry, storage and distribution) to include Class 2 – Financial/Professional Services, or other uses not in a class of their own e.g. sui generis.</p>		

It is argued that this evidences a surplus of employment land available within Livingston and West Lothian. A review of the property's planning history shows that planning permission was granted in 2013 for the change of use of 3 units within Fleming House to change from office space to Fitness Centre (0809/FUL/12) (CD381a,b,c).

The respondent contends that this strengthens the evidence that the need for serviced office accommodation of this form and scale within West Lothian is no longer in demand should other compatible uses be proposed where there is a market interest. With the building now ageing and with more superior and better located premises available elsewhere within West Lothian, the landlord is having difficulty in justifying rental values to compete with these other locations. The concern is that there is a risk of losing further occupiers and this may lead to a downward decline of the property itself.

The respondent is therefore looking for support and future certainty from the Local Development Plan process to help it address this situation and encourages the council to support additional alternative uses to prevent an increase in vacant properties. As such, it is suggested that this site presents an excellent opportunity for a quick and effective housing development which would contribute towards the strategic requirements whilst offering a wider flexible mix of business uses that are compatible and viable at this location.

Modifications sought by those submitting representations:

Bizspace Limited (0252) and (21872215) – proposes that Fleming House, an employment site located at Kirkton Campus, Livingston should be excluded from the Employment Area Boundary (where Policy EMP 1 applies) and the policy modified to allow for a wider range of uses to include housing. In this particular instance it is suggested that 50 to 60 houses could be accommodated.

Summary of responses (including reasons) by planning authority:

Bizspace Limited (0252) and (21872215)

The Livingston Area Local Plan (CD097) originally defined the boundary of Kirkton Campus Industrial Area with boundary on the Proposals Map. Policy EM 1 safeguarded various industrial estates across the New Town for "employment generating development". The types of acceptable uses for Kirkton Campus were cited as "business and general industry".

The West Lothian Local Plan (CD092) 2009 continued to protect Kirkton Campus as part of an Employment Area. Policy EM5 stated "*the expansion, conversion or redevelopment of premises within the areas shown on the proposals map, and on other established sites will be encouraged for uses falling within classes 4,5 and 6, or as restricted in policy EM2 and specified in Appendix 5.1.*"

Kirkton Campus has the distinction of being the first high-amenity, science and technology campus in Livingston. It remains almost 75% developed with 6 undeveloped sites, including a new site following demolition of a building south east of Fleming House.

The Campus has been able to accommodate the growth in the business sector and is home to SKY, the largest employer in West Lothian which is housed in a number of units in the southern part of the campus. There are also financial services accommodated with

Lloyds Banking group call centre opposite Fleming House.

While it is acknowledged that there are a large number of vacant premises and sites across Livingston and West Lothian, this does present a wider selection of different sized buildings and plots for incoming businesses to choose from.

The respondents claim there *“is a significant supply of available business space. Most will be characteristically the same in terms of scale, type, function and form leading to a market lacking in variety, purpose and function fit for business needs today”*. However, they also point out the property is capable of sub-division. While it may be 35 years old, the adjacent properties on Kirkton Campus have either been refurbished or demolished and the site made available for redevelopment for employment uses.

While the respondent addresses Policy EMP 1 criteria (e) to (j) in relation non-business and non-industrial uses, they do not address criteria (a) to (d) related to conversion or redevelopment of sites within such areas as Kirkton Campus for similar uses such as Classes 4/5/6 to ensure they are compatible with neighbouring land uses, do not effect amenity or that transport implications and crucially *“(d) infrastructure deficiencies or requirements are capable of being satisfactorily remedied”*. This latter consideration in relation to proposed new isolated residential development and addressing the ensuing school capacity deficiencies cannot be rectified.

It is difficult to reconcile the respondents claim that the introduction of residential units onto the site would not fragment the industrial area; i.e. in contravention of Policy EMP1 criteria (h).

The consultants claim *“the Employment Land Allocation provided in Appendix 1 of the Proposed Plan suggests that due to the decline in demand for the properties on site, there is a need to diversify the acceptable use classesfrom the familiar Class 4,5,6 (business, general industry, storage and distribution) to include Class 2 – Financial/Professional Services or other uses not in a class of their own e.g. sui generis.”*

This is not the case. In reviewing the employment land availability, to assist in site delivery the Proposed Plan further provides a detailed site categorisation of employment land supply and requirements. This categorisation recognises that different types of employment development within Use Classes 4, 5 and 6, will have different locational and environmental requirements. The granting of planning permission for uses such as a fitness centre, as in the case of Fleming House, demonstrates that the council have actively supported redevelopment for appropriate ancillary uses.

Residential use is however not appropriate. The site is located within a clearly contained business campus. It is remote from other housing areas and the town centre or local centre for local services. The closest residential street is Charlesfield Lane over 700m to the east.

The respondents claim *“there is a current lack of available small scale housing opportunities in Livingston”*. However, there are actually 27 sites with capacities ranging from 8 – 36 units.

Fundamentally, in educational capacity terms, the site falls within the primary school catchment of Livingston Village Primary School and St Ninian’s RC Primary School. For secondary schools, it is Inveralmond High School and St Margaret’s Academy. From a

1.1ha site, at a high residential density of 35-50 dwellings per hectare, then it could accommodate between approximately 50-60 units as the agent suggest. However, neither primary or secondary schools have capacity for this number of new housing units.

In relation to overall housing demand, the agents claim *“given the financial crash, these growth areas were not as successful as hoped and did not deliver the housing figures as expected.....”* However, despite the recession, of the 4 allocated major Core Development Areas (CDA), 3 CDA have approved master plans and housing development is well underway on these sites by different developers on different sized plots.

Piecemeal erosion of the Campus is not acceptable to allow existing employment sites to be interspersed with pockets of housing and the related expectation of enjoying residential amenity do not sit well with business and general industrial uses that can operate 24hrs a day.

During the Local Plan Inquiry in 2007, the owner of Lister Road, Kirkton South (site E-LV 32) sought residential use. The Reporter dismissed this objection due to housing uses being incompatible within the campus area, as well as the potential loss of quality, serviced employment land.

Similarly, the adjacent site at Lister Road to the north that had contained a printers, became redundant and had been promoted for housing. It has recently re-opened as an office and depot facility after having been acquired by the council.

SPP (CD068) requires local planning authorities to provide a wide range and choice of employment sites.

SDP (CD099) Policy 2 requires the council to allocate a further 123ha of employment land across the whole of West Lothian.

The agent does acknowledge that there have been 3 recent active enquiries to reuse the site for employment purposes.

Finally, the respondent seeks to *“....open up the site for a wider range of employment generating uses....”* However, Policy EMP 1 allows for this flexibility, so long as various criteria are met, but it excludes retail use. Isolated housing use in Kirkton Campus would not be compatible with existing or future business, general industrial, storage and distribution and ancillary uses in this employment area.

For these reasons, the council does not propose to re-define the Employment Area Boundary or change Policy EMP 1.

Reporter’s conclusions:

1. We address issues related to employment land under Issue 26A and housing land under Issue 1A. We find that there is a significant surplus of employment land, and that the number of homes which would be built over the period of the plan is likely to fall significantly short of the plan’s housing supply target. We recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing. Therefore I give serious

consideration to the case for allocating this site for housing.

2. In relation to Fleming House, however, it is fairly centrally located within the northern part of Kirkton Campus. It does not appear to be very well located in relation to other residential uses or to community and other facilities. I note the points made by Bizspace about the difficulties in finding a user for the site. I did notice, when visiting the site and the surrounding area, several sites which remain undeveloped and other sites with buildings which are either vacant or seemed (like this one) only to be partially occupied. Conversely, I note the council's view that the site could be subdivided, refurbished or redeveloped to better fit potential users' requirements.

3. In the context of a revised policy EMP 1, these factors could be more fully considered should an application be made for an alternative use for the site. However, and notwithstanding our conclusions at Issues 1A and 26A, its central location within the employment area is such that I do not think there is a strong case for allocating the site for housing in the local development plan.

4. Map 4 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in the central and northern parts of Livingston. It does not imply any prospect of housing development at this site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

5. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

6. I acknowledge that this site is established employment land. There is no evidence to suggest that it could not be developed without significant environmental impacts, either for employment use or for housing. However, I am not aware of any community engagement about the prospect for housing on the site, such as would have been undertaken had it been included in the Main Issues Report, even as a 'not preferred' site. This lack of engagement is a further factor counting against the case for allocating the site for housing.

Reporter's recommendations:

No modifications.

Issue 16M	Allocation of land for housing at Eucal Business Centre, Craigshill Road, Livingston.	
Development plan reference:	Craigshill Road (formerly HLv 68 in WLLP)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Bizspace Limited (0253) and (21859634)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 90). Appendix 2 - Schedule of Housing Sites, Livingston (page 165-175). Proposals Map 2, Linlithgow & Broxburn Area.	
Planning authority's summary of the representation(s):		
<u>Representations to Non Allocated Sites</u>		
Bizspace Limited (0253) and (21859634)		
<p>The Eucal Business Centre is located within a predominately residential part of south east Livingston. The site has a gross area of 1.7acres (0.8ha). It can be accessed from the north (Craigshill Road) and the west (Craigshill Street). It comprises a small single storey business/industrial unit, offering serviced business space, storage, office and mechanical service uses. However there is only a 33% occupancy rate and despite refurbishment, tenant incentives and other interventions to improve the position there are 17 vacant units. Market evidence demonstrates that the need for employment land of this type and stock within Livingston and West Lothian is now much reduced, and unlikely to improve. It is therefore the case that the site is deemed suitable for redevelopment.</p>		
<p>It is explained that the adopted West Lothian Local Plan (2009) identifies the site as HLv 68 and allocates it for housing, suggesting that the site could accommodate 25 units (CD092). The site continues to form part of the established housing land supply (in the 2014 and 2015 Housing Land Audits) but it was decided not to carry it forward to the Proposed Plan as a consequence of a previous grant of planning permission for a flatted development (CD382) (ref. 0519/P/96) having lapsed some years before and because of a failure to confirm the effectiveness of the site at the time of the Main Issues Report. The respondents, who have newly acquired the property, are now seeking the re-instatement of the previous housing allocation.</p>		
<p>The respondent references the SESplan housing requirement and how this translates to West Lothian. It notes that a substantial part of the delivery of new housing is expected to be in the Core Development Areas but suggests that the economic climate may serve to slow down the implementation of large complex schemes that are dependent on costly new infrastructure and servicing. The effectiveness of the projected housing supply is questioned and it is suggested that the council therefore needs to find alternative sites to replace and enhance the supply.</p>		
<p>It is argued that small sites such as Craigshill, which require little investment in infrastructure, can quickly contribute towards meeting the LDP housing land requirement</p>		

in the short to medium term, unlike the CDAs. It would provide a deliverable source of additional housing for Livingston and West Lothian, where the strategic housing land position is in need of a generous supply and would be compatible with Scottish Planning Policy (Para 40) (CD068) which requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area.

Public transport serves the site with frequent bus services running around the town providing connections to further beyond. It is bounded by green open space to the east beyond which is residential. To the south and the west lies residential housing and to the north is a fire station (with planning permission for housing), beyond which is further housing. It is argued that the redevelopment of this site for housing would not be out of keeping with the character of the area.

The respondents (new owners of the site) have undertaken a strategic review of its portfolio of sites and believe that if it is specifically allocated for housing (rather than just as 'white land' within the settlement boundary) it would greatly assist in marketing the site to developers and enhance the likelihood of redevelopment.

The respondents have assessed the site against the criteria of PAN 2/2010 (CD038) and conclude that it is 'effective'.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

Bizspace Limited (0253) and (21859634)

Seeks re-instatement of this site at Craigshill Road, Livingston as an allocated housing site, as shown in the adopted West Lothian Local Plan (site H-LV 68) with an indicative capacity of 25 units.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

Bizspace Limited (0253) and (21859634)

In the lead up to the preparation of the Main Issues Report, there were no representations received from the owners of the site to have it retained and carried over to the LDP. Indeed, a questionnaire seeking to establish the effectiveness of allocated sites in the West Lothian Local Plan was not returned but it now appears that this may have been at the time of change of ownership. In the Main Issues Report (2014) (CD079), due to the lapsed planning permission not being implemented, the site was identified as being "de-allocated" together with six other apparently 'non effective' housing sites in Livingston.

Having been presented with information which advises that the existing business centre is no longer fit for purpose, and suggesting that there is now genuine interest in redeveloping the site for housing, the council accepts that the circumstances which informed its previous decision to 'de-allocate' this site have changed.

Given the previous planning history, and having already established that housing would not be out of character in this area, or adversely impact on adjacent uses, the council

would not take issue to the Reporter recommending that the site should be allocated in the LDP for approximately 25 houses (as was the case in the adopted West Lothian Local Plan).

Reporter's conclusions:

1. We address issues related to employment land under Issue 26A and housing land under Issue 1A. We find that there is a significant surplus of employment land, and that the number of homes which would be built over the period of the plan is likely to be significantly less than the plan's housing supply target.

2. I note that the site is allocated for housing development in the current local plan and the council is not opposed to this continuing. I note also that the site has previously benefited from planning permission for housing, albeit this has now lapsed. Finally, I note the low occupancy rate of the business centre and that the council accepts that there is a low level of demand for the type of business accommodation it provides. In light of the above, I agree that the site, which is located in a predominantly residential area, would be better allocated for housing development. Our conclusions in respect of Issues 1A and 26A also tend to support such a change.

3. As noted by the council above, the Main Issues Report identified this site as being proposed to be de-allocated. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

4. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

5. I acknowledge that the continued allocation of this site for housing was not the favoured option set out in the Main Issues Report and subject to community engagement. However, it is the case that the principle of housing development on it has been long established. Planning permission did exist for flatted development, and indeed it is still allocated for housing in the current local plan. I have no evidence which would suggest that it could not be developed for housing use without significant environmental impacts. As I note above, there is both a surplus of employment land and likely to be a shortfall in meeting the housing supply target of the plan. In this context, and having regard to the terms of Circular 6/2013, in my view the favoured option in the Main Issues Report of de-allocating this site should not preclude consideration, now, of its continuation as a housing allocation.

6. In light of the council's support for retaining the site as a housing allocation I sought (FIR19) further evidence from the council on how they would suggest, should the site be so allocated, the necessary alterations to the plan be made. In response, the council

provided proposed text for inclusion on page 90 of the plan (for the table of housing sites in Livingston) and a proposed entry for the site in Appendix Two.

7. The council suggests a capacity of 25 houses. BizSpace argues that this should be higher in this 'suburban, highly accessible and medium density location'. BizSpace also points to the council's planning guidance on residential development, which describes high density as 45 units per hectare and medium density as 30 units. It is argued that the higher figure would be appropriate here, giving a capacity for this 0.73ha site of 33 units.

8. BizSpace variously describes the housing around the site as 'medium' and 'medium to high' density. It is suggested that a 2-3 storey flatted or townhouse development would be appropriate, and would help ensure the viability of redeveloping this brownfield site.

9. As BizSpace acknowledges, the nearby housing is generally of two-storey terraced dwellings. There are some semi-detached houses to the north. This does not mean that a higher density of development on the site (for example the flatted/townhouse development suggested by BizSpace) would be inappropriate. The capacity figures in the plan are, in any event, indicative, and are not to be considered as a cap. It would be through the development management process that more detailed consideration could be given to the appropriate form and density of development on the site. For the purposes of the local development plan, my view is that the nature of existing housing development in the area indicates that the indicative capacity figure of 25 (the same figure for this site in the current local plan) remains appropriate at present.

10. As BizSpace points out in its response to FIR19, the proposals map would also need to be updated. BizSpace supplied a map extract showing the extent of its ownership. It is requested that the boundaries of the allocated site should follow those of BizSpace's ownership, and that there is a corresponding adjustment to the extent of the area of protected open space shown on the proposals map immediately to the east of the site. The land owned by BizSpace includes part of the undeveloped strip of amenity grassland south of the Eucal Business Centre's car park and security fence, and which merges into the larger area of wooded land (the protected open space) to the east. The council may potentially wish this strip to remain undeveloped, although that would be a consideration to be addressed at development management stage. In any event, the inclusion of this land within the allocated site would not preclude this outcome if desired. I am content that the proposals map be modified in accordance with BizSpace's suggestions.

Reporter's recommendations:

1. In the proposals map, identify a new housing allocation H-LV 32. The extent of the allocated land is to be the extent of the land owned by BizSpace, as shown on the final page of BizSpace's response, dated 26 April 2017, to FIR19.

2. In the table of housing sites in Livingston on page 90, include an entry for site H-LV 32 Eucal Business Centre in accordance with the text supplied on page 1 of 2 of the council's response, dated 11 April 2017, to FIR19.

3. In Appendix Two, include an entry for site H-LV 32 Eucal Business Centre in accordance with the text provided on page 2 of 2 of the council's response, dated 11 April 2017, to FIR19.

Issue 16N	Wellhead Farm, Murieston, South Livingston.	
Development plan reference:	None specific for site.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Wallace Land Investment & Management (0356)		
Provision of the development Plan to which the issue relates:	Promotion of site for housing at Wellhead Farm, Murieston, Livingston. Policy ENV 7: Livingston Countryside Belt, page 44. Proposals 101: South Murieston / Linhouse distributor road. Proposals Map 3: Livingston.	
Planning authority's summary of the representation(s):		
<p>Wallace Land Investment & Management (0356)</p> <p>Propose a development in three phases for a total of 680 homes and a community hub. Each phase is stand-alone and the agents indicate the site can come forward in one, two or all three phases together.</p> <p>The LDP Main Issues Report (MIR) identified part of the site as "Preferred New Site" (EOI- 0051). The council considered this site had capacity for 100 homes on 8.3ha site. This was part of a larger site promoted to the council, in advance of the MIR, by the owners of Wellhead Farm (EOI-0055).</p> <p>This MIR Preferred Site was supported by the council's Site Assessment through the Strategic Environmental Assessment (SEA) process (SEA Environment Report: Appendix 2). This confirmed that the environmental impacts of the proposal were acceptable for 18 out of 23 SEA assessment questions. An identical Assessment was also included for the remainder of the site (EOI-0055).</p> <p>In response to the MIR, Wallace Land submitted representations supported by Development Framework Reports for the phases of development at Wellhead Farm. The representation for Phase 1 supported the allocation of the MIR Preferred Site, albeit for a higher 150 homes capacity. The representation for Phase 2 (assessed by the Council as EOI-0055), promoted the additional allocation of 7.4ha of land for 130 homes. The representation for Phase 3 promoted the allocation of the remaining phase for 400 homes in the latter plan period (also assessed by the Council as EOI-0055). (Total = 680 houses).</p> <p>The LDP Proposed Plan now excludes the MIR Preferred Site at Wellhead Farm. Instead, the whole site is proposed to form part of the <i>Countryside Belt</i> around Livingston. No justification is provided for this designation. No indication is given in the Proposed Plan or any of its supporting evidence, of the reasons for the change in position from the MIR stage.</p> <p>The "Assessment of the Housing Land Supply" (SD006) submitted with this</p>		

representation demonstrates that the Proposed Plan fails to allocate sufficient effective housing land to meet the housing requirements set by SESplan. Further, that the council's assessment of the housing shortfall does not comply with Scottish Planning Policy (SPP). Accordingly, more land should be allocated to ensure that the LDP accords with the requirements of SESplan and SPP.

This Supporting Statement confirms the council's conclusion that the proposal at Wellhead Farm is in a sustainable location. It forms an attractive and logical extension to the south side of Murieston.

The site is within walkable distance of existing amenities and has good public transport accessibility. The proposal will meet local housing need and demand, 170 homes (25% of this development will be affordable). The scale and design of the development will integrate with and be in keeping with the character of the local area.

This proposal has been updated to take account of public consultation, held in September 2015.

Phases 1 and 2 are promoted for residential development with Phase 3 incorporating a community hub. Earlier phases are capable of coming forward independently. The facilities in the community hub would be agreed with the Council. This could include a site for a new Primary School, should this be necessary to support later phases of development.

The site will be accessed by vehicles from two access points on Murieston Road. Pedestrian access will also be provided to Murieston Road. A new footpath will be provided along Murieston Road on the frontage to the proposal.

A new distributor road is identified as P-101 in the proposed LDP. The rationale and justification for this is not clear. If the road is required, it can be provided through the northern half of the Wellhouse Farm site. This will link through to the economic development site at Linhouse. It could help to alleviate traffic flows on Murieston Road and provide further vehicular connections around the south of Livingston to the wider area.

The agents undertook a Re-Assessment of the SEA appraisal of the site and consider the Council concludes that this site is in a sustainable location.

When the mitigation measures embedded in the design of the proposal are taken into account, then no unacceptable adverse environmental impacts will arise.

It is noted that the council has raised some concerns on the potential landscape and visual impacts in its Site Appraisal. Wallace Land has commissioned a Landscape and Visual Appraisal for Phases 1 and 2 (SD149). This concludes that the site is well screened. This conclusion would equally apply to Phase 3.

Modifications sought by those submitting representations:

Wallace Land Investment & Management (0356) - Allocation of site for housing at Wellhead Farm, Murieston Road, Livingston

Summary of responses (including reasons) by planning authority:

Wallace Land Investment & Management (0356)

The issue of housing land supply is dealt with in Schedule 4: 1A.

The issue of the Linhouse distributor road (P 101) is dealt with in Schedule 4:16Ap.

The issue of the Countryside Belt around south Livingston is addressed in Schedule 4: 26L and the council's position statement on countryside belt.

West Lothian Local Plan (2009) (CD092) designated the site as Livingston Countryside Belt, (Policy ENV22) although the southern half is part of the adjacent Linhouse extension safeguard as a "Proven Site of National Importance" (Policy EM1). The core Linhouse development site lies to the east, beyond the structural shelter belt.

The Main Issues Report (2014) (CD079) had the northern half of the Wellhead site (EOI 0051 / EOI 0055) as a "Preferred New Site", to help facilitate the adjacent "Preferred New Site" for housing at north Linhouse (WLLP-ELv54 / EOI 0099) in relation to numbers of units necessary to support primary school extensions or a new primary school; while the southern half of Wellhead, that was part of a larger submission (EOI 0051 / EOI 0055) extending to the south west, was a "Not Preferred Site".

The LDP Proposed Plan retains the Livingston Countryside Belt designation (Policy ENV 7), along with a Proposal 101 for the South Murieston / Linhouse distributor road.

The distributor road connecting onto Murieston South Road has been modelled by Transportation Services and found to be appropriate in accommodating the dispersal of additional traffic from the Linhouse site.

The link road is required to service the E-LV 46 industrial site. Depending on the scale of build out from the site there may be a requirement for a secondary access onto Murieston Road. Whether the link is completed all the way through to Oakbank Park Road will once again be dependent on proposed layouts for the development area.

Planning permission in principle (LIVE/0918/P/15) for a 16.6 ha residential development with associated landscaping, engineering and infrastructure works including new vehicular accesses (grid ref. 306208 664469) on land at Wellhead Farm, Murieston Road, Livingston was applied for in December 2015.

This was refused planning permission in May 2016 (CD383a,b,c). The reasons for refusal were as follows:

"1. The proposal is contrary to Policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland since the application site is a greenfield site located outwith the settlement envelope of Livingston on land designated in the adopted local plan as the Livingston Countryside Belt. Development of this site would have a significant adverse impact on the integrity and character of a local landscape designation and would be detrimental to the natural environmental qualities of the area.

2. The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is unallocated and the majority of the SESplan

requirement for additional housing in West Lothian will be met through sites allocated in the current local plan or which have gained planning permission since the local plan was adopted.

3. The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. The council adopts the position that there is a generous supply of housing land in West Lothian and granting permission to this unallocated site would be outwith the terms of this policy. In any event, it is unlikely that this site could contribute to any perceived short term deficit in housing land supply in the period to 2019.

4. The proposal is contrary to Policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland insofar as the site is not allocated for housing in the adopted local plan. The proposal would not be in keeping with the countryside setting of the site and the proposal does not comply with criterion (a). There are known education infrastructure issues which mean that the proposal does not comply with criterion (c).

5 The proposal is contrary to Policy 8 of the Strategic Development Plan for Edinburgh and South East Scotland. The development site is outwith the settlement envelope of Livingston and a large proportion of the site is remote from local facilities, schools and public transport connections. Granting permission to the development is likely to result in a high proportion of journeys by car and potentially lead to a resource commitment by the council in terms of transporting children to catchment schools.

6. The proposal is contrary to Policy 9 of the Strategic Development Plan for Edinburgh and South East Scotland. There are known educational infrastructure constraints within the catchment schools. Granting permission would exacerbate this situation and potentially prejudice the development of allocated housing sites.

7. The proposal is contrary to Policy ENV22 of the adopted West Lothian Local Plan. The Livingston Countryside Belt forms an area of high amenity on this edge of the town. The proposed development within the Countryside Belt is unjustified and would neither protect nor enhance that designation.

8. The proposal is contrary to Policy ENV23 of the adopted West Lothian Local Plan. The application site is outwith the Livingston settlement envelope in an area designated as the Livingston Countryside Belt. Development of the site will have a significant adverse impact on the integrity and character of this local landscape designation and would be detrimental to the natural environmental qualities of the area.

9. The proposal is contrary to Policy ENV31 of the adopted West Lothian Local Plan as the site is located outside the settlement boundary of Livingston, where there is a presumption against development except in limited circumstances where development is compatible with a rural area. The proposed development can be characterised as an unjustified development of a greenfield site and, therefore, does not meet the criteria contained in policy ENV31 of the local plan for allowing development in the countryside.

10. The proposal is contrary to Policy HOU1 of the adopted West Lothian Local Plan. The application site is not allocated as a housing site in the adopted local plan. As such, the proposal is contrary to Policy HOU1.

11. The proposal is contrary to Policies IMP2 and IMP3 of the adopted West Lothian Local Plan as there are known educational infrastructure constraints within the catchment

schools. Granting permission would exacerbate this situation and potentially prejudice the development of allocated housing sites.

12. The proposal is contrary to the policies and provisions of the emerging West Lothian Local Development Plan. In particular, it is contrary to the following proposed policies :

- (i) ENV2 - Housing development in the countryside;*
- (ii) ENV7 - Countryside Belts and settlement setting;*
- (iii) HOU1 & 2 - Housing sites and Maintaining an effective land supply and*
- (iv) INF 1 - Infrastructure.*

13. By granting planning permission in principle, the council would set an undesirable precedent for other similar developments in the countryside. The cumulative effect of which would be the gradual erosion of rural areas of West Lothian and the coalescence of settlements and these factors would be to the detriment of the area's visual amenity and rural character."

The agent raises various points on the need for additional housing land. The council's position on housing land supply is covered in Schedule 4: 1A that addresses "housing land supply and housing need and demand".

Under the SEA re-assessment , the consultant picked 2 comparator sites: Site H-LW 1: Gavieside, by Polbeth and Sites H-WC 2/ H-WC 3/ H-WC 4: Mossend Core Development Area

However, Site H-LW 1 was the subject of a planning permission, while Mossend was previously allocated in the West Lothian Local Plan as part of the wider West Livingston CDA.

The catchment area schools for this site are Bankton and St Ninian's Primaries and James Young High School (JYHS) and St Margaret's Academy. There would be educational catchment issues at both primaries and secondary schools for this significant level of c 680 additional unplanned for houses.

While Bankton Primary would have some capacity and more limited capacity at St Ninian's, there is a concern that both these primary schools are more remote and could potentially require off-site improvements works to underpasses and overbridges to enhance the safe route to school from the edge of town.

Also across Livingston as a whole, the oversupply of pupils in the north of the town means that JYHS is a popular school. However, by 2020 there will have insufficient places at S1 across the whole of Livingston.

For these reasons, the council does not propose to allocate some or all of Wellhead Farm in south Livingston to allow residential use. No modification is proposed.

Reporter's conclusions:

1. In addition to the representation from Wallace Land Investment & Management, I also take account here of the representation from Ron Waugh (21906945), who is opposed to residential development in this part of Livingston. The proposed plan shows proposal P-101, the South Murieston/Linhouse Distributor Road, traversing the northern part of the site. We address the representations related to that proposal under Issue 16Ap.

2. We address matters related to housing land supply under Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to whether this site should be allocated for housing.
3. Wallace Land seeks allocation of the entire site at Wellhead Farm, extending south to the railway line. Alternatively, it is proposed that either 'Phase 1' (the northernmost field, adjacent to Murieston Road) or both Phases 1 and 2 (extending south to the burn which crosses the site near Wellhead farmhouse) be allocated.
4. Much of the eastern half of the site, extending as far south as the railway line, is allocated for employment use as part of the larger ELv54 Linhouse site in the current local plan, although this does not include the northernmost part closest to Murieston Road. The Main Issues Report favoured housing development on the northern part of the site – Wallace Land's Phase 1. A development framework was to be prepared in conjunction with a preferred site for housing on the northern part of what is now, in the proposed plan, part of site E-LV 46 Linhouse. The remainder of the site, phases 2 & 3, was not preferred.
5. As I observed during my site inspection, this is a greenfield site currently under grazing. The northern part of the site is well contained by the existing housing to the north and west and the woodland (and allocated employment land) to the east. The burn and then rising land to the south also form a natural boundary (albeit a weaker one) to this part of the site. I appreciate that, being undeveloped, the site, with its pleasant views south to the hills, contributes something to the amenity of and outlook from Murieston Road. However, I do not think that this contribution is especially distinctive, for example compared to the paths, woodland and other areas of managed greenspace in the Murieston area.
6. The council's reasons for refusal of the planning application referred to above (now the subject of an appeal, and I am aware that the reporter has recently issued a letter stating his intention to allow the appeal) include that the appeal site is remote from local facilities and services. Whilst it is outwith our remit to take a view on the merits of that particular appeal proposal, I do not find this to be a strong argument against the case for allocating the northern parts of the site. The site is roughly in the middle of a stretch of housing which lies along, and on both sides of, Murieston Road. The council, as I note above, had initially favoured development on the northern part of it in the Main Issues Report. It is immediately adjacent to the new housing development on site H-LV 2. The Murieston Trail provides pedestrian access to Murieston South railway station and the local commercial and community centre adjacent to it.
7. In all this context, I conclude that the site, or at least part of it, is an obvious prospect for extending the neighbourhood of Murieston and providing additional homes without significant adverse impacts on the environment or the character and amenity of the area. I do, however, restrict this conclusion to that part of the site which is to the north of the burn. I find that the land to the south of it is somewhat more remote, would integrate less well with the existing settlement, and would be less well-contained in landscape and visual terms. I am also wary of recommending such an extensive area of additional housing land without more detailed supporting evidence, for example on transport impacts.
8. The council lists above the catchment schools for this site. It is stated that there is

some capacity at both Bankton and St Ninian's primary schools, although the extent of this is not stated. In fact, Williamston primary school, rather than Bankton, appears to be the catchment non-denominational primary school, and there may be some doubt as to whether the catchment area of St Ninian's does in fact include the site. The spreadsheet which accompanies the council's response to FIR07 does not identify any constraints at either Williamston or St Ninian's.

9. The council's most recent assumptions about the rate of new housing development (which inform its views about when new education infrastructure is required) are contained in its revised April 2017 draft of the draft 2016 Housing Land Audit. However, we note in our conclusions at Issue 1A that this revised draft has not been agreed (or even consulted upon) with the housing development sector. We find that it is too optimistic, and that the rate of housing development in the coming years is likely to be less than the council has assumed.

10. In this light, there is no strong evidence to demonstrate that primary school capacity should preclude the allocation of the site, in particular if restricted to that part of it north of the burn. Even if the allocation of the site did give rise to primary capacity issues, the council has not shown why these could not be addressed.

11. I appreciate that there may be secondary school capacity constraints. However the implications of these are, for non-denominational schooling, Livingston-wide, and for Roman Catholic schooling they extend wider than that. The same applies to the potential solutions to these issues. Noting again that the rate of housing development is likely to be slower than the council assumes, and noting our conclusions under Issues 1F and 1J where we recommend a more positive policy approach to education capacity issues, I do not consider that secondary school capacity issues should rule out the allocation of the northern part of this site.

12. I acknowledge that all the catchment schools are relatively distant from the site. However, it is almost inevitable that, for some development sites, this would be the case. The need for any contributions towards safer routes to schools could be considered through the development management process.

13. I therefore recommend that the northern part of the site (equating to Wallace Land's phases 1 and 2) be allocated for residential development. In recommending the content of an Appendix Two entry for this site, I have regard to my conclusions above, the evidence from Wallace Land, and the consultation responses on this site following the 'call for sites' exercise.

Reporter's recommendations:

1. In the proposals map, identify a new housing allocation H-LV 35, to have the same boundary as that of planning application 0918/P/15.

2. In the table of Livingston housing sites on page 90, add a new entry as follows:
LDP Site Ref: 'H-LV 35'
Location: 'Wellhead Farm'
Site Size (Ha): '16.6'
Capacity: '280'

3. In Appendix Two, include a new entry for a site in Livingston, with the contents of the

columns to be as follows:

Site Ref: 'H-LV 35

HLA Ref: [blank]

Status: 'New allocation'

Site Name: 'Wellhead Farm'

Area (Ha): '16.6'

Capacity: '280'

Planning: 'Identified as a site for housing'

Transportation:

'Access from Murieston Road.

Layout to incorporate Proposal P101 Murieston Link Road'

Education:

'Catchment Area Schools

[council to insert the catchment schools]

Education contributions may be required.'

Flood Risk: 'Flood Risk Assessment Required'

Other:

'Provision of strategic landscaping on southern boundary.

The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and/or investigation may be required.

The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

Limited capacity at East Calder waste water treatment works and early discussion with Scottish Water required.'

Issue 160	Open space designation at Murieston Valley, Livingston.	
Development plan reference:	Open Space designation at Murieston Valley, Livingston.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Craig Browning (21910008) Tracey Carson and Lyndsay Sneddon (0371)		
Provision of the development Plan to which the issue relates:	Allocation of land as open space. Proposals Map 3, Livingston Area.	
Planning authority's summary of the representation(s):		
<p>Craig Browning (21910008) - observes that the area to the south of Murieston, behind Murieston Gardens and Murieston Court, is a very valuable area for recreation and offers the possibility of "escaping to the countryside" whilst still remaining in Livingston. It is presumed that the respondent supports the designation of this area as open space.</p> <p>Tracey Carson and Lyndsay Sneddon (0371) – object to the identification of the site as open space.</p>		
Modifications sought by those submitting representations:		
<p>Craig Browning (21910008) - makes no specific reference to any modification.</p> <p>Tracey Carson and Lyndsay Sneddon (0371) - seek retention of the site as "white land".</p>		
Summary of responses (including reasons) by planning authority:		
<p>Craig Browning (21910008) and Tracey Carson and Lyndsay Sneddon (0371) - The area referred to lies to the south of Murieston, behind Murieston Gardens and Murieston Court, and is known as Southern Woods. It is owned by West Lothian Council.</p> <p>The area was technically outwith the Livingston 'new town' boundary and came to be designated in the Calders Area Local Plan (CD096) as part of the Livingston Countryside Belt (Policy EV 18). This identified a general presumption against development and afforded it a degree of protection that it might not otherwise have had. The Livingston Countryside Belt designation was carried over into the Adopted West Lothian Local Plan (Policy ENV 22) (CD092).</p> <p>The area has been designated as "Land Safeguarded for Open Space" in the LDP Proposed Plan in recognition of being an open space asset associated with the urban area of south Livingston. Key recreational routes around the Linhouse site continue to be protected as core paths (#13 in the adopted Core Path Plan 2013) (CD111).</p>		

Reporter's conclusions:

1. Mr Browning's representation (and the council's response above) seems to relate to the open space to the south and east of Murieston Road, behind the houses on Murieston Court and Murieston Gardens. Mr Browning supports the identification of this land as open space in the proposed plan, and there are no unresolved matters arising from his representation.

2. I issued a further information request (FIR16) to clarify which land the representation from Ms Carson and Ms Sneddon relates to. In response, I was provided with a map identifying the strip of land to the northwest of Murieston Valley, between that road and the railway line. This land lies immediately to the northeast of land which is the subject of a representation from RK Property Ltd and which we address under Issue 26F. Since the sites are adjacent to each other and the issues raised are similar, we therefore address the representation from Ms Carson and Ms Sneddon under Issue 26F.

Reporter's recommendations:

No modifications.

Issue 16P	Allocation of land for employment uses at Caputhall Road, Deans Industrial Estate, Livingston.	
Development plan reference:	E-LV 8 - Caputhall Road (Central). E-LV 9 - Caputhall Road (West 1).	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Caledonian Group (0021)		
Provision of the development Plan to which the issue relates:	Allocation of land for employment uses. Chapter 6 - Development Proposals by Settlement, Livingston (page 91). Appendix 2 - Schedule of Housing Sites, Livingston (page 111). Proposals Map 3, Livingston Area.	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p>E-LV 8 - Caputhall Road (Central) E-LV 9 - Caputhall Road (West 1)</p> <p>Caledonian Group (0021) - The respondents support the allocation of these sites at Caputhall Road, Livingston.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p>E-LV 8 - Caputhall Road (Central) E-LV 9 - Caputhall Road (West 1)</p> <p>Caledonian Group (0021)</p> <p>No modification of allocations E-LV 8 and E-LV 9 has been sought.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to Allocated Sites</u></p> <p>E-LV 8 - Caputhall Road (Central) E-LV 9 - Caputhall Road (West 1)</p> <p>Caledonian Group (0021)</p> <p>Both these small employment sites have been carried forward from the adopted West Lothian Local Plan 2009 (CD092) and the council is pleased to receive support for their continued allocation for employment uses within Deans Industrial Estate, Livingston.</p>		

Reporter's conclusions:

1. There are no unresolved issues arising from this representation.

Reporter's recommendations:

No modifications.

Issue 16Q	Policy TCR2	
Development plan reference:	Proposed Plan - policy TCR2	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Enterprise (0160 and 21450464) Livingston Centre Ltd and Livingston Almondvale Ltd (0220 and 21416622)</p>		
Provision of the development Plan to which the issue relates:	Policy TCR 2 Location of New Retail and Commercial Leisure Developments.	
Planning authority's summary of the representation(s):		
<p><u>Representations to Policy TCR2</u></p> <p>Scottish Enterprise (0160 and 21450464) - Fully supports policy TCR2 which meets the requirements of Scottish Planning Policy relating to town centres first approach, without conflicting with the requirements of other employment policies (particularly regarding Class 4 development). For this reason, SE would not support any future amendment to this policy which may introduce the requirements for sequential testing for office development.</p> <p>Livingston Centre Ltd and Livingston Almondvale Ltd (0220 and 21416622) - Supports the requirement for the LDP to identify, support and promote the network of town centres, including appropriate opportunities for their improvement, links to green networks and any new retail provision which may be required. It is noted that Livingston is referred to as the 'prime shopping centre' within West Lothian and that The Centre provides for wider shopping needs, whilst neighbourhood centres provide for more local needs.</p> <p>However, concerns are raised regarding Policy TCR2: for the following reasons: Policy TCR2 requires a sequential approach to be taken for new retail and commercial leisure developments within town centres. In principle, this is supported by our client. However, the town centre boundary for Livingston is such that new unrestricted Class 1 retail development could be developed remotely from The Centre, which the LDP recognises as the primary shopping centre for Livingston, and on sites which may serve a better town centre use.</p> <p>A situation could occur where new Class 1 unrestricted retail development is proposed on an area within the defined town centre for Livingston but on a site that is allocated for another use, such as business or leisure etc. It could also be a site that is located a significant distance from The Centre, with inadequate or no public transport or pedestrian links to The Centre. West Lothian Council would require to be flexible in determining such an application on the basis that a retail development within the town centre is likely to be acceptable in principle, even if it is not located close to the existing retail area or public transport and pedestrian links. In order to combat this situation from arising, it is submitted that a Prime Retail Area should be identified within Livingston. The Prime Retail Area should be the first place for retail development to be located before other</p>		

town centre sites are considered appropriate. It is submitted that this will protect the vitality and viability of the town centre and protect the threat that dispersed retail areas could have within Livingston.

Modifications sought by those submitting representations:

Scottish Enterprise (0160 and 21450464) - Scottish Enterprise would not support any future amendment to policy TCR 2 which may introduce the requirements for sequential testing for office development.

Livingston Centre Ltd and Livingston Almondvale Ltd (0220 and 21416622) - Suggests that the town centre boundary should identify a "Prime Retail Area" where new retail development should be directed in the first instance. This boundary should include The Centre, The Designer Outlet Centre, Almondvale West Retail Park and Almondvale Retail Park.

Summary of responses (including reasons) by planning authority:

Scottish Enterprise (0160 and 21450464) - Noted. The council does not propose any amendment to this policy.

Livingston Centre Ltd and Livingston Almondvale Ltd (0220 and 21416622) - Scottish Planning Policy (SPP) states that "*planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should; apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening and consider opportunities for promoting residential use within town centres where this fits with local need and demand*" (paragraph 60 SPP CD068).

In line with SPP, Livingston as a sub-regional centre has an established town centre boundary at Almondvale within which a range of appropriate town centre uses are located. Within this boundary the plan identifies a number of sequentially suitable and viable sites with regard to size, location and availability. All allocated sites within the town centre boundary at Almondvale will help to reinforce and strengthen the town centre by providing a range of opportunities which would contribute to the consolidation of its status as a strategic town centre as identified in Strategic Development Plan (SDP) (SDP table 1 network of centres CD099).

In terms of responding to comments on the accessibility of allocated sites within the town centre boundary at Almondvale it should be noted that the LDP has been subject to transport appraisal for all sites in the proposed plan (Main Issues Report –Transport Appraisal and Modelling – Appendix two: Transportation Assessment CD083). Within the context that the town centre covers a large area the council is satisfied that the allocated sites are not remote from the centre and are within an acceptable walking distance of the primary shopping centre, can be accessed by public transport or car and that any upgrades to these links could be made satisfactorily with specific arrangements being addressed through any eventual planning application. As such, the council disagrees with the suggestion that a "Prime Retail Area" boundary should be defined in the plan.

In light of the above, the Council does not agree to modify the Plan in response to this representation.

Reporter's conclusions:

1. We address Policy TCR 2 Location of New Retail and Commercial Leisure Developments generally under Issue 26Ai. Issue 16U addresses the representations related to the proposed mixed use allocations MU1-MU9 in Livingston town centre.

Prime retail area for Livingston town centre

2. The current local plan has a town centre boundary which is very similar (in fact slightly more expansive) than that in the proposed plan. There is no prime retail area identified in the local plan. The representation from Livingston Centre Ltd and Livingston Almondvale Ltd does not propose a specific policy or form of words which would give effect to this proposal.

3. I accept that The Centre, The Designer Outlet Centre, Almondvale West Retail Park and Almondvale Retail Park do indeed form somewhat of a central core to the retail offer within Livingston town centre. Other sites within the town centre may be less well-served by bus services. They may also be less well-served by footpaths.

4. However, it has not been argued that the town centre boundary needs to be drawn more tightly. In the absence of that, SPP does not offer strong support for an approach which would, in effect, introduce a sequential test within the town centre – favouring the prime retail area proposed in the representation before other parts of the town centre. It seems to me that Policies TCR 1 Town Centres and TCR 2 (in particular if amended in accordance with our recommendations) provide an appropriate basis for considering applications for new development proposals within the town centre. As the council points out, issues related to public transport and pedestrian links can be considered and addressed through the development management process.

Reporter's recommendations:

No modifications.

Issue 16R	Livingston General	
Development plan reference:	N/A	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Craig Browning (21910008) Robert Rae (21690215) Livingston Village Community Council (0240)</p>		
Provision of the development Plan to which the issue relates:	Miscellaneous	
Planning authority's summary of the representation(s):		
<p>Craig Browning (21910008)</p> <p>The area to the south of Murieston behind Murieston Gardens and Murieston Court is a very valuable area for recreation and offers the possibility of "escaping to the countryside" whilst still remaining in Livingston.</p> <p><u>A71 Corridor (page 35, paragraphs 5.114-5.115)</u></p> <p>Robert Rae (21690215)</p> <p>The respondent observes that the parking at Livingston South Station is frequently full, on normal working days, which discourages the use of the train service. Electrification of the route is also likely to increase passenger numbers at the station and the respondent suggests that the station itself is now too small for the peak hour passenger flows due to the narrow wooden platforms. The respondent acknowledges that this is the responsibility of Network Rail but questions if the Council has any influence on the facilities provided.</p> <p>Livingston Village Community Council (0240)</p> <p>The respondent has commented on 9 topics:</p> <p><u>1. Maps or plans as tabled at a public event</u></p> <p>Suggests some legibility improvements in the Maps. For instance large green areas obscure paths and roads. The town centre boundary requires to be checked by allocation MU 5. Additionally, the majority of a designated local biodiversity site opposite Almondvale Stadium to the west, is now occupied by council housing.</p> <p><u>2. Housing developments</u></p> <p>The area of greatest potential growth throughout West Lothian is housing. Given the housing targets set by the Scottish Government, the respondent has concerns about the supporting infrastructure.</p>		

3. Infrastructure concerns

Concerned at the likely strain on existing infrastructure within Livingston, principally education, medical facilities and roads; also reference to drainage systems and primary energy provision; notes reference in the LDP to limited capacity at both at East Calder and Newbridge waste water treatment plants; suggests pressure is applied to Scottish Water for funding to augment capacity for waste water treatment to fit into the housing growth plan; advises that support infrastructure must be part of the composite planning and grown similarly and contemporaneously and where funding is the issue the council must seek and obtain additional Scottish Government funding for fast infrastructure growth; intolerable to saddle private developers with huge infrastructure developer contributions all the time; private sector should make contributions however, reasonableness has to prevail; other fund sources are also needed if the infrastructure growth stands a chance of keeping pace with 1100 plus houses per year. Suggests a financial element be introduced by loans or whatever for infrastructure to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

4. Transport issues

Suggests that the council should identify ways of funding infrastructure costs up front, developers should contribute to the improvements as their development progresses. North/south traffic movements should be addressed with improvements to Alderston Road. A71 improvements are required now and should not wait until developers are in a position to provide the improvements. Seek update on delivery of A801 Avon Gorge improvement.

5. Edge of centre retail provision

As housing sites sprawl further and further outward toward the Livingston town boundaries there should be some provision for the smaller retail zones.

6. Allotment provision

Following the resounding success of the Killandean Allotment site this sort of development should find space in the Plan. This is a growing interest activity in West Lothian and should be encouraged either as Killandean a private enterprise leasing council land or by West Lothian Council running similar sites.

7. Affordable housing percentage

Concerned that the affordable housing requirement from new market housing is proposed to increase from the current 15% to 25%. Suggest that this risks deterring some developers because the economics no longer stand up.

8. Unconventional gas extraction

References Policy MRW 5 and notes that a moratorium is in place over this at present but that there could be pressure for this to be lifted. Advises that INEOS are holding exhibitions in the potential extraction areas to the west of West Lothian and anticipates there being interest in West Lothian at some point. In that event there would be concern that the drilling process would be visible above ground and also that horizontal drilling

and extraction radiates outward from the well deep underground. Questions how the council as planning authority would define a boundary for this radiated extraction to prevent unforeseen problems of contamination, or other issues, spreading in the substrata and affecting ground below properties.

9. Planning Integration

Seeks the integration and co-ordination of developers and infrastructure providers. Lack of funding will be raised as the reason why infrastructure tends to be reactive. Therefore suggests a financial element be introduced by loans or whatever to load the front end capital of developments so that delays are minimised for the integrated planned proposal.

Modifications sought by those submitting representations:

Craig Browning (21910008), Robert Rae (21690215)

No modification proposed

Livingston Village Community Council (0240)

1. Maps or plans as tabled at a public event

No modification proposed

2. Housing developments

The council should forward fund infrastructure improvements and then recover the cost as developments are built out.

3. Infrastructure concerns

The council should forward fund infrastructure improvements and then recover the cost as developments are built out.

4. Transport issues

The council should forward fund infrastructure improvements and then recover the cost as developments are built out.

5. Edge of centre retail provision

No modification proposed

6. Allotment provision

No modification proposed

7. Affordable housing percentage

No modification proposed

8. Unconventional gas extraction

No modification proposed

9. Planning Integration

No modification proposed

Summary of responses (including reasons) by planning authority:

Craig Browning (21910008)

Comments are noted, however no modifications are necessary.

Robert Rae (21690215)

Comments are noted, however no modifications are necessary.

Livingston Village Community Council (0240)

1. Maps or plans as tabled at a public event

Comments noted, however no modifications are necessary.

2. Housing developments

The council's response to infrastructure and developer contributions is set out in a separate Schedule 4 number 1F.

3. Infrastructure concerns

The council's response to infrastructure and developer contributions is set out in a separate Schedule 4 number 1F.

4. Transport issues

The council's response to the Transport Infrastructure is set out in a separate Schedule 4 number 1T and 26V.

5. Edge of centre retail provision

The council notes the comments made, and no modifications are necessary.

6. Allotment provision

The council's response to the Allotment Provision is set out in a separate Schedule 4 number 26O.

7. Affordable housing percentage

The council notes the comments made, but does intend to make any further changes to the plan.

The council's response to Affordable Housing is set out in a separate Schedule 4 number 1H.

8. Unconventional gas extraction

The council notes the comments made, and no modifications are necessary.

9. Planning Integration

The council notes the comments made, and no modifications are necessary.

Reporter's conclusions:

1. We address Craig Browning's representation under Issue 16O. In relation to Robert Rae's representation, I am not aware of any proposal to extend the car park at Livingston South Railway Station. We address transportation issues generally under Issue 26V.

2. The council has, in addition to doing so above, also recorded (and responded to, albeit in different terms), the representations from Livingston Village Community Council at Issue 16S. Mapping is addressed at Issue 1L. Other concerns raised by Livingston Village community council in relation to housing and infrastructure are addressed elsewhere, in particular at Issue 1A, 26Ac, 26I, 1F and 1J. Policy on allotments is addressed at Issue 26O. Policy MRW 5 is addressed at Issue 26Ai. Retail provision is addressed at Issue 26Ai. Site MU5 at Adabrae is addressed at Issue 16U

Reporter's recommendations:

No modifications.

Issue 16S	Livingston - Issues raised by Murieston Community Council and Livingston Village Community Council.	
Development plan reference:	H-LV3 Tarbert Drive, Murieston. P-101 South Murieston, Linhouse Distributor Road. Policy ENV 10 - Protection of Urban Woodland. MU5 – Adambrae. P-51- Killandean Allotments, South Kirkton. Policy MRW 5.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Murieston Community Council (0346) Livingston Village Community Council (0410)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (pages 90-92). Appendix 2 - Schedule of Housing Sites, Livingston (pages 201-217). Appendix 6 – List of Proposals (pages 277-278). Proposals Map 3: Livingston Area.	
Planning authority's summary of the representation(s):		
<p>Murieston Community Council (0346) - Three specific issues are commented upon:</p> <p>(1) Allocation of site H-LV 3 (Tarbert Drive, Murieston) for housing</p> <p>The proposal to develop this site was rejected by the Scottish Government's Directorate for Planning and Environmental Appeals Ref: PPA-400-284 on 3rd April 2009 and is the subject of a Tree Preservation Order. The Community Council therefore consider the inclusion of this site in the proposed plan as inappropriate and oppose any development of this site.</p> <p>(2) Proposal P-101 (South Murieston, Linhouse Distributor Road)</p> <p>It is assumed that the function of this new road is to provide access to site E-LV 46 (Linhouse) employment. The Community Council considers the extension of this road from E-LV 46 to Murieston Road to be unnecessary and inappropriate, and suggest that the road from Oakbank Industrial Park to E-LV 46 should be terminated within E-LV 46. Consequently, the Community Council oppose the development of this road west of E-LV 46.</p> <p>(3) Policy ENV 10 - Protection of Urban Woodland</p> <p>The Community Council agree with the Proposed Plan to designate land parallel to the Edinburgh- Glasgow railway line and Murieston Valley limited to the west by Murieston Road and to the east by Robin's Lane as "Land Safeguarded for Open Space".</p>		

Livingston Village Community Council (0410) - 9 specific issues are commented upon:

(1) Maps/plans tabled at briefing sessions

Suggests some legibility improvements to aid interpretation of these maps. The dominance of the dark green denoting “land safeguarded for open spaces” obliterates some map features such as paths and roads. At this scale the faintness of the background street maps can make navigation tricky. A similar obliteration is also present in the larger light green areas denoting “countryside belt”.

The dark blue line meant to delineate the town centre area requires to be checked throughout its length. There is at least one error adjacent to area MU5 at Adambrae.

The land to the west of Alderstone Road opposite the stadium is almost fully covered by green diamonds which we interpret as “local diversity”. The majority of this land has had council housing and an access road built here under planning reference 0778/FUL/10. This map therefore needs to be refreshed to reflect the current development.

(2) Housing Developments

The area of greatest potential growth throughout West Lothian is housing. The level of completions, approximately 1,100 per year up to 2024, is probably greater than for any other council. This is obviously heaviest in the named core areas such as Winchburgh but Livingston also has a significant share in the allocation of land for housing.

The Community Council is of the view that the Scottish Government has set the housing targets and which West Lothian Council is required to meet, rather than let the council decide what it can realistically contribute, and issue is taken with its approach.

Notes that the Proposed Plan has not taken forward some of the preferred housing sites in the Main Issues Report and in particular the areas to the south of Murieston. Queries whether this may give rise to some non-compliant planning applications or indeed appeals.

Advises that the Community Council’s main concern regarding the provision of houses is not the number of houses per se but the lack of infrastructure to support them. This is more of a concern in areas NOT defined as the core areas where new infrastructure seems to be reasonably well catered for.

(3) Infrastructure Concerns.

Indicates that there is strain on existing infrastructure support within Livingston as a whole. The main areas are education, medical facilities and roads. Less at risk but still important are drainage systems and primary energy provision. Re drainage, it is noted within the plan that there are repeated mentions of limited capacity at both at East Calder and Newbridge waste water treatment plants. Pressure must therefore be applied to Scottish Water for funding to augment capacity for waste water treatment to fit into the housing growth plan.

Indicates that the support infrastructure must be part of the composite planning and grow contemporaneously. Lack of funding seems to be the barrier to the early development of adequate infrastructure capacity. Notes that it is procurement always lags behind the

need. Recognises that the council cannot support the development without external funding and proposes that Scottish Government should contribute. It is considered intolerable to saddle private developers with monstrous infrastructure developer contributions all the time. While agreeing that they should make some contributions, reasonableness has to prevail. Hence, other fund sources are also needed if the infrastructure growth stands a chance of keeping pace with 1,100 plus houses per year.

(4) Transport Issues

Observes that North/South routing within Livingston is primarily served by the dual carriage way to the east which seems to cope – and Alderstone Road to the west – which does not cope at present at peak times and there are concerns about any increase of traffic here. Suggests that improvements are required to Alderstone Road.

Identifies a need for longer term upgrading of the A71 to address the volume of existing traffic and the likely increase in commuter traffic due to new development. While some improvements are identified in the Plan it is doubtful if these will be sufficient longer term.

Suggests that the A801 corridor improvements need to be brought forward. In particular the cross border Avon Gorge scheme should be implemented without delay. Notes that it has been approved for some time. Aware of rumours that the savings achieved for the Queensferry Crossing would be re-allocated to Avon Gorge but unsure what the current situation is.

(5) Edge of Centre Retail Provision

Suggests that provision should be made for smaller, more localised retail zones as housing sites sprawl further and further outward from the Livingston town boundaries.

(6) Allotment Provision

Following the resounding success of the Killandean Allotment site it is suggested that this sort of development should be encouraged and promoted in the Proposed Plan. There is a growing interest in this activity in West Lothian and should be provided for, either as at Killandean, a private enterprise leasing council land, or by West Lothian Council operating similar sites.

(7) Affordable Housing provision

Raises concern about proposed increase in affordable housing requirements from the current 15% to 25% in some instances and believes that this creates a risk that some developers will be dissuaded from building because the economics no longer stand up.

(8) Unconventional Gas Extraction (fracking) - Policy MRW 5.

Understands that Scottish Government have placed a moratorium for the time being but suspect that INEOS and possibly others operators will lobby for this to be lifted thereby raising the prospect of drilling in West Lothian. The Community Council is aware of events being staged by the fracking industry to promote and improve the image of fracking. In practical terms there are concerns that the drilling process is visible above ground but the horizontal drilling and extraction radiates outward from the well deep underground. Queries how a planning authority would define and police a boundary for

this radiated extraction to prevent unforeseen problems of contamination – or other issues- spreading in the substrata and affecting ground below properties.

(9) Planning Integration

Identify an urgent need to introduce some mechanisms into development planning whereby early co-ordination from the developer's embryo and first alert of housing proposals appearing on the horizon is conveyed to the various infrastructure providers at the earliest possible opportunity.

This can also be defined as pro-active planning rather than re-active reaction and should be an integral part of the planning process. As previously stated, the main areas of infrastructure that often lag too far behind housing building are education and medical facilities. The respondents are unsure how these agencies are made aware of development proposals in order that they can plan for them. Question whether 'triggers' are early enough, powerful enough to get reaction, or if they really exist at all.

Suspect that a lack of funding will be put forward as the reason why infrastructure tends to be reactive and therefore suggest that a financial element be introduced by loans or whatever to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

Modifications sought by those submitting representations:

Murieston Community Council (0346) - No specific modifications proposed.

Livingston Village Community Council (0410)

Indicate that the land to the west of Alderstone Road, opposite the stadium and shown as a Local Biodiversity Site (relating to the River Almond) should have the boundary redrawn back to the river corridor to reflect the recent council house building on this vacant site. In addition, the Almondvale town centre boundary is drawn in error adjacent to area MU5 at Adambrae; i.e. it should be placed around the south and west boundaries of the MU5 site.

Summary of responses (including reasons) by planning authority:

Murieston Community Council (0346) - In response to the issues raised the council offers the following comments:

- (1) Site H-LV 3 Tarbert Drive is addressed in a separate Schedule 4, reference number (16A)
- (2) Linhouse distributor road - WLC Transportation has confirmed that the Transport Assessment prepared in support of the LDP (CD195) indicates no significant impact on the road network, or with the present level of information on use and density, no need for improvement arising from the development. Indeed, this new road would aid the network. This issue is also address in Schedule 4 reference number (16Ap)
- (3) Policy ENV 10 "Protection of Urban Woodland", it is acknowledged that Murieston Community Council, in relation to land west by Murieston Road and to the east by Robin's Lane, support this designation.

Livingston Village Community Council (0410) - In response to the issues raised, the council offers the following comments:

- (1) Mapping - There were specific Geographic Information Systems (GIS) issues related to the mapping package that produced the Proposed Plan maps. The council is aware of the legibility and transparency issue of the Ordnance Survey map bases and would seek to address it in the final map production run of the adopted Proposed Plan.

Matters relating to site MU5 are dealt with in Schedule 4 number 16U.

- (2) Housing developments – the council cannot anticipate whether a landowner or developer will submit a planning application and then appeal a decision. However, it is beneficial to have an up-to-date development plan that is the first point of reference in determining planning applications and is one of the reasons why the council is keen to expedite the process of having the Local Development Plan approved.
- (3) Infrastructure concerns – It is acknowledged that school roles are often close to the maximum capacity but capacity nevertheless exists in both the primary and secondary sector for those houses allocated in the Proposed Plan, albeit in some cases with the need for developer contributions for school extensions to manage the additional pressure arising from their development or for the commencement of development to be delayed pending the provision of a new school or an extension.

In terms of medical facilities, NHS Lothian was consulted on the plan and confirmed the existing and proposed level of development was at a level which they believed could be accommodated by the health service. It is however ultimately for the health providers to make the necessary provisions.

Transport Assessment prepared in support of the LDP (CD093) advises of no significant impact on the Livingston road network or need for major improvement arising from the overall development outwith the CDAs.

Scottish Water has advised of capacity constraints in some communities but has not objected to developments within the plan.

Developer contributions are an acceptable practice across Scotland and governed by a Planning Circular (CD031) that ensures they are proportionate and related to the application.

- (4) Transport Issues - Alderstone Road has been identified as an issue on the overall Livingston road network. However, there are no major new planned developments that feed onto this road. Should any non-residential schemes come forward, then the required Transport Assessment would identify improvements to the network. This could also include sustainable transport solutions involving more Active Travel improvements. As part of the west Livingston CDA a new distributor road is planned at Gavieside to link the A71 northwards to Toll Roundabout / A779. This will relieve pressure on Alderstone Road.

The A71 corridor is the subject of a study by consultants to identify active travel corridor improvements to help reduce car journeys. This is associated with the Calderwood CDA developer having been required to create a park & ride facility at Kirknewton Station. A planning application has been submitted for this facility (CD399).

It is the council view that the A801 link road and bridge over the Avon linking the M8 to M9 is a strategic road connection of national importance and should be funded by the Scottish Government. The council will continue to lobby for the implementation of the project at the earliest opportunity.

- (5) Edge of Centre Retail Provision – “Smaller retail zones” are already catered for by the 9 local centre boundaries identified across Livingston.
- (6) Allotment Provision – The council has an Allotment Strategy that addresses many of the issues raised. It will be noted that land to the west of Killandean Allotments in Kirkton South has been identified for expansion (Proposal P51).
- (7) Affordable Housing – the 25% rate has been in place with CDA developments since 1999 and there is no evidence to suggest that it has held back development. The council is currently in the process of revising its affordable housing policy.
- (8) Unconventional Gas Extraction (fracking) - as mentioned, a moratorium on Unconventional Gas Extraction is currently in place. If the moratorium should end, then the suggestion for additional training for community councils on this issue will be raised with the Improvement Service and Planning Aid Scotland.
- (9) Planning Integration - Consultation was undertaken with all key agencies (such as NHS Lothian, Transport Scotland, Scottish Water etc during the preparation of the Main Issue Report that sets the stage for the Proposed Plan. There is ongoing dialogue between the council and these key agencies; e.g. quarterly liaison meetings with Scottish Water. This is part of the forward planning exercise that it forms the Local Development Plan allocation and phasing of housing and employment sites. It also establishes what development infrastructure needs are required for particular sites and these are highlighted in the LDP so that developers are aware that these requirements must be costed, designed for and accommodated within their planning applications.

Either Section 75 legal agreements, between the council and developer or planning conditions can be placed on a planning application to ensure that developers’ contributions from sites are linked to the council for e.g.; provision of school extensions. The government is progressing integration of the social care and health aspects of local government provision with local authorities and NHS Trust through the Health Care Partnerships.

Reporter’s conclusions:

1. As the council points out, representations in relation to site H-LV 3 Tarbert Drive are addressed at Issue 16A. Proposal P-101 South Murieston, Linhouse Distributor Road is addressed at Issue 16Ap.
2. I note the support from Murieston Community Council for the open space designation between Murieston Valley and the railway line. Our findings at Issue 26F relate to this land.
3. The council has, in addition to doing so above, also recorded (and responded to, albeit in different terms), the representations from Livingston Village Community Council at Issue 16R. Mapping is addressed at Issue 1L. Transport issues are addressed at

Issue 26V. Other concerns raised by Livingston Village community council in relation to housing and infrastructure are addressed elsewhere, in particular at Issue 1A, 26Ac, 26I, 1F and 1J. Policy on allotments is addressed at Issue 26O. Policy MRW 5 is addressed at Issue 26Ai. Retail provision is addressed at Issue 26Ai. Site MU5 at Adambrae is addressed at Issue 16U.

Reporter's recommendations:

No modifications.

Issue 16T	Employment Sites (E-LV 33 and E-LV 35), Gregory Road, Kirkton South Livingston.	
Development plan reference:	E-LV 33 (Gregory Road East) and E-LV 35 (Gregory Road West)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Manse LLP (0352) & (0420) Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Landowner seeking change from employment land to residential use. Appendix 1: Employment Land Allocations (page 114). Proposals Map 3: Livingston Area.	
Planning authority's summary of the representation(s):		
<p>LLP (0352) & (0420) - re-submitted to the Proposed Plan their statement that they had lodged at the Main Issues Report stage in Autumn 2014 when the sites were known as ELv46 Gregory Road east and ELv48 Gregory Road west as allocated in the adopted West Lothian Local Plan (CD092).</p> <p>This submission supports the allocation of two sites identified on MIR (CD079) Map 6 South Livingston with references ELv48 (Gregory Road West) and ELv46 (Gregory Road East) for housing. Gregory Road West is approximately 8.4 hectares in size and Gregory Road East measures 3.69 hectares. The sites are identified on Map 6 as committed employment sites (CD079).</p> <p>The council is advised that the land has been in their clients ownership for some time with little prospect emerging of viable development for their allocated use. The council is advised that the owners of the site were not aware of the Council's 'Expression of Interest' exercise undertaken in 2011, and so the subject sites have not previously been brought to the attention of the council.</p> <p>The council is asked to read this representation in conjunction with the agents representation on housing supply and demand issues, which considers the context set by SESplan and its Supplementary Guidance in terms of the housing requirements for West Lothian and the housing supply position set out in the MIR. This concludes that there do not appear to be enough preferred sites for housing identified in the MIR to meet the Housing Supply Target in the two periods identified by SESplan i.e. 2009 – 2019 and 2019 – 2024.</p> <p>They contend the sites at Gregory Road, within the existing urban area of Livingston, are well placed to assist in meeting this apparent shortfall in identified housing sites. The sites are serviced and currently comprise and have the appearance of wasteland and can be defined as brownfield.</p> <p>A meeting to discuss the sites' availability for housing was discussed with the Council in March 2014, at which they were advised by the planning officer that it was then too late to refer to the sites within the MIR. However, Manse LLP was encouraged to respond to the MIR to support their case for the sites' allocation for housing in the Proposed LDP.</p>		

The agents indicate they are aware that a great deal of work has been undertaken by the Council in assessing the suitability of many sites for development, and understand that to date the subject sites have not been considered in this context. The purpose of this submission, therefore, is to provide information that will assist the Council in assessing its merits. Welcome further discussion with the council on the potential for allocating the sites for housing development and to provide any further information that might be required.

The sites have been allocated for employment use for a number of years. Realistically, there is no prospect of them coming forward for such use in the foreseeable future. This is also in the context that there is currently an over-supply of employment land in Livingston, and the fact that additional land for such use is identified in the existing Core Development Areas, which are likely to be more attractive to potential occupiers.

The sites are located within the urban area and are within walking distance of local services and facilities. Whilst other proposed housing sites in West Lothian are constrained by education capacity, the sites are located within a local catchment where capacity is available.

The sites are extremely well connected by public transport and there are bus stops at both ends of Gregory Road, which have a choice of regular buses (First Group and Horsburgh Coaches), connecting the area with Livingston Town Centre, Edinburgh and Glasgow. Moreover, the sites are within walking distance of employment opportunities in Kirkton Campus.

The proposed development offers an opportunity to create a new, distinctive residential development in a sustainable location. Allocating the sites for housing will enhance the character of the area, by bringing unused sites back into use and will create a genuinely mixed use environment.

The capacity for new housing is significant, amounting to almost 300 units between both sites, assuming a broad mix of accommodation from 2 bed terraced houses to 5 bedroom detached houses. Site A (to the east) has a capacity for approximately 90 new homes, including affordable housing. Site B (to the west) has a capacity for approximately 195 new homes, including affordable housing.

Indicative layouts have been prepared for both sites; the sites meet the effectiveness criteria set out in Scottish Government guidance.

Scottish Environment Protection Agency (0243) - does not object to the allocation of either site but observes that no requirements have been identified for Flood Risk Assessments in relation to existing watercourses on the boundaries of the sites. Expressly requires the submission of Flood Risk Assessments and for contact to be made with the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map. Additionally advises that development should not take place on top of or immediately adjacent to culverted watercourses.

Modifications sought by those submitting representations:

Manse LLP (0352) & (0420) - seek a change from employment land to residential use in order to meet the shortfall in housing land supply at two sites within Kirkton Campus

ELv33 Gregory Road (East) and ELv35 Gregory Road (West) Livingston.

Scottish Environment Protection Agency (0243) - it is suggested that explicit requirements be incorporated into the entry referencing the site in Appendix 1 (Employment Land Allocations) of the plan.

Summary of responses (including reasons) by planning authority:

Manse LLP (0352) & (0420) - wider housing land supply issues are dealt with in a separate Schedule 4: 1A and Position Statement on Housing Land.

The Livingston Local Plan (CD097) identified Kirkton Campus with an Industrial Area Boundary on the Proposals Map. Policy EM 1 safeguarded various industrial estates across the New Town for "employment generating development". The types of acceptable uses for Kirkton Campus were defined as "business and general industry. At the time this local plan was drawn up in early 1990s, the site to the north had been built and occupied by Apollo Computers.

The West Lothian Local Plan (CD092) continued to protect Kirkton Campus as part of an Employment Area. Policy EM5 stated the expansion, conversion or redevelopment of premises within the areas shown on the proposals map, and on other established sites will be encouraged for uses falling within classes 4,5 and 6, or as restricted in policy EM2 and specified in Appendix 5.1.

Consequently, there has been a long history of Kirkton Campus being laid out as the first high-amenity, science and technology campus in Livingston. This is stated on the road entrance signs into the Campus. It remains almost 75% developed with 6 undeveloped sites, including a new site following demolition of a building on Simpson Parkway.

The Campus has been able to accommodate the growth in the business sector and is home to Sky, the largest employer in West Lothian that is housed over a number of different units in the south part of the estate. Sky also uses part of the Alba Campus to the west and they lease the car park of the former Apollo Computers building for staff use. There are also financial services accommodated with Lloyds Banking group call centre, and multinational firms such as WL Gore and Johnston & Johnston. On the east side of the Campus, there is a wide range of smaller class 4 offices and also medium sized units along Charlesfield Road.

While it is acknowledged there is a large number of both vacant premises and sites across Livingston and West Lothian, this can allow a large choice of different sized buildings and plots and continue to generate employment opportunities.

There is no evidence that the owners have marketed the sites for employment use.

The Agents claim "*the sites form part of the extension to Kirkton Campus*", while in fact they are centrally located and part of the Campus laid out and serviced by the former Livingston Development Corporation.

Further the agents state the sites "are within walking distance of local services and facilities" However, the main retail and bus interchange at Almondvale Centre are well over 800m.

Fundamentally, the agent claims, under the assessment of site effectiveness, “that there are no infrastructure constraints”. The reference to West Calder High School and Livingston Village Primary School are misleading as they are not within the school catchment of these 2 sites.

The catchment area schools are Bankton and St Ninian’s Primaries and James Young High School (JYHS) and St Margaret’s Academy. There would be educational catchment issues at both primaries and secondary schools for this significant level of c 300 additional unplanned for houses, isolated within the centre of Kirkton Campus.

While Bankton Primary would have some capacity and more limited capacity at St Ninian’s, there is a concern that both these primary schools are more remote and could potentially require off-site improvements works to underpasses and overbridges to enhance safe route to school.

Also across Livingston as a whole, the oversupply of pupils in the north town means that JYHS is a popular school. However, by 2020 there will have insufficient places at S1 across the whole of Livingston.

For these reasons, the council does not propose to change the LDP to allow residential use of these 2 employment sites.

Scottish Environment Protection Agency (0243) - SEPA’s comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 (Employment Land Allocations) with the addition of text that Flood Risk Assessments are undertaken, than no development should take place above culverted watercourses and that contact is made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Reporter’s conclusions:

1. We address issues related to employment land under Issue 26A and housing land under Issue 1A. We find that there is a significant surplus of employment land, and that the number of homes which would be built over the period of the plan is likely to be significantly less than the plan’s housing supply target. We recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing. Therefore I give serious consideration to the case for allocating this site for housing.

2. I did notice, when visiting these sites and the surrounding area, several sites which remain undeveloped and other sites with buildings which are either vacant or seemed only to be partially occupied. That aside I have seen little specific evidence (beyond the lack of development to date and the more general point made that there is a surfeit of employment land) to support the claim that there is little prospect of employment use of these site.

3. Map 6 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in the southern part of Livingston. It identifies these sites as current local plan employment allocations. It does not imply any prospect of an alternative use for them. We refer at Issue 1A to Circular 6/2013 Development Planning.

It states (paragraph 118) that:

‘Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.’

4. Earlier, at paragraph 64, promoters of sites are advised to engage in any ‘call for sites’ exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.’

5. I acknowledge that these sites are established employment allocations, and the SEA of the plan proceeds on that basis. There is no evidence to suggest that they could not be developed without significant environmental impacts, either for employment use or for housing. However, I am not aware of any community engagement about the prospect for housing on these sites, such as would have been undertaken had they been included in the Main Issues Report, even as ‘not preferred’ sites. Accordingly, and in the light of the advice in the circular, I do not think it is appropriate that they be allocated for housing.

6. The sites are fairly centrally located within the parcel of employment land comprising Kirkton and Alba campuses. Their development for housing would perhaps serve to fragment the land available for employment use within the campuses. They are not, on the face of it, ideally placed in relation to other housing land, although they are fairly close to the boundary of the town centre. In the context of a revised policy EMP 1, these factors, and the prospects for development for employment use, could be more fully considered should an application be made for an alternative use for these sites.

7. Given SEPA’s advice, I think that it would be helpful for Appendix One to clarify the need for a Flood Risk Assessment for these sites.

Reporter’s recommendations:

1. In Appendix One, in the entries for sites E-LV 33 Gregory Road east and E-LV 35 Gregory Road (west), under ‘Infrastructure and other requirements’, insert ‘Flood Risk Assessment required’.

Issue 16U	Livingston Town Centre Mixed Use Sites MU1-MU9.	
Development plan reference:	MU1 – Site east of Almondvale Stadium MU2 – Site north of Almondvale Road MU3 – Site north of Almondvale Road MU4 – Site south of Almondvale Way MU5 – Almondvale Roundabout South, north of Bluebell Glade, Adambrae MU6 – Site north of Almondvale roundabout MU7 – Site west of , Almondvale Roundabout MU8 – Site south of Almondvale Way MU9 – Site west of Almondvale Place	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) Bellsquarry and Adambrae Community Council (21889062) Jim Wilkie (0413) Henry Boot Developments Ltd (21620319) Scottish Environment Protection Agency (0243) Livingston Village Community Council (0410)		
Provision of the development Plan to which the issue relates:	Mixed use allocations in Livingston; Chapter 6 - Development Proposals by Settlement, Livingston (page 92) Proposals Map 3	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>MU1, MU2, MU3, MU4, MU5, MU6 and MU9</u></p> <p>Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) - The representation supports the Vision Statement to provide an adequate and diverse range and quality of employment land and maintain West Lothian's attraction as an area which provides a range of choice for those wishing to invest and do business. Supports the promotion of West Lothian as an attractive tourist destination. Supports the development and regeneration of town and village centres. In particular, supports the consolidation and enhancement of Livingston's role as a sub-regional retail and commercial centre, as outlined in the vision statement.</p> <p>However, the representation has concerns with respect to unrestricted Class 1 retail development being allowed on these sites, prior to other suitable existing retail sites being available. These sites are not well linked to The Centre and do not provide adequate pedestrian links between each other or The Centre. The location of these sites will lead to a dispersed shopping area with an increased reliance upon the use of private transport (car) to undertake shopping trips. This is not in accordance with Scottish Planning Policy.</p>		

MU5

Bellsquarry and Adambrae Community Council (21889062) - MU5 was originally intended for amenity use by the former Livingston Development Corporation. It is mixed woodland and bounded to the south by more woodland, which is safeguarded for open space in the Proposed Plan and with which it forms a natural continuation. There is also a short boundary to the west with open land reserved for future cemetery expansion. The remaining sides are bounded by Charlesfield Road, Almondvale Roundabout and Alderstone Road.

The site was carried over from West Lothian Local Plan (2009), when it was included in the Livingston Town Centre area and designated TCU11, zoned for mixed town centre use. In the West Lothian Development Plan, Proposed Plan, the site is now shown outside the Town Centre boundary (Map 3), but it is still proposed that it be zoned for mixed use. As the site is apparently no longer considered part of the Town Centre, we believe that mixed town centre use is inappropriate and the zoning should be reconsidered. The difficulty in accessing this site from either of the adjacent roads, owing to the proximity of the busy Almondvale Roundabout, also argues against developing it for housing. This land is popular with the local community for recreational purposes, dog walking, etc. The site should be retained as open amenity space. A much more appropriate use than a housing development, for the reasons given above.

Jim Wilkie (0413) - A community petition which seeks to have this site (MU5) designated as 'Land Safeguarded for Open Space'. The extent of community support for this petition of 670 voters, who are exclusively Adambrae residents, is overwhelming. 97% of Adambrae voters resolutely supported the petition. Desire as Council Tax Payers that our concerns and aspirations are recognised by your Planning Officials.

Livingston Village Community Council (0410) - The dark blue line meant to delineate the town centre area requires to be checked throughout its length. There is at least one error adjacent to area MU5 at Adambrae.

MU2 and MU3

Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) - Supports the use of MU2 (temporary car park, Almondvale Road) and MU3 (former police station, Almondvale Road) for mixed use development, in principle. Site MU2, in particular has well established pedestrian links to The Centre and is accessible by public transport.

MU8 and MU9

Henry Boot Developments Ltd (21620319) - The allocation within the Proposed LDP or Mixed Use (MU) requires to be defined in the plan. These are town centre sites and it needs to be made clear in this schedule that town centre uses are acceptable and included Classes 1, 2, 3, 4, 11 and "sui generis" uses. The location description of MU8 as a temporary car park is not correct - this has never been used as a car park. The reference in the schedule to 'residential capacity' is also misleading. These particular sites are not being promoted for residential use. At face value this table could be interpreted to mean residential use is all that is permitted, although that is not the intention.

MU1, MU4, MU5, MU6, MU7 and MU9

Scottish Environment Protection Agency (0243) - The requirement for flood risk assessment (FRA) should be included in the LDP for mixed use sites MU1, MU4, MU5, MU6, MU7 and MU9. SEPA have been unable to locate the site in the Appendix. If the LDP is updated to include details for the sites then SEPA's requirement for an FRA should be reflected.

Modifications sought by those submitting representations:

Representations to allocated sites

MU1, MU2, MU3, MU4, MU5, MU6 and MU9

Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) - The allocation of these sites is not in accordance with SPP.

MU5

Bellsquarry and Adambrae Community Council (21889062) - Request that the site MU5 be retained as open amenity space for the local community.

Jim Wilkie (0413) - Seeks to have site MU5 re-designated as 'Land Safeguarded for Open Space'.

Livingston Village Community Council (0410) - The dark blue line meant to delineate the town centre area requires to be checked throughout its length.

MU8 and MU9

Henry Boot Developments Ltd (21620319) - Reference to residential capacity in the mixed use table is misleading, e.g. page 92 of the Proposed Plan (CD078). This title should be replaced with the title 'use classes' that identifies which uses can be supported on each site. With specific reference to MU8 and MU9, the amended table should note that Use Classes 1, 2, 3, 4, 7, 9, 11 and "sui generis" uses are acceptable at these locations.

The location description of MU8 need to be changed as it has never been a temporary car park.

MU1, MU4, MU5, MU6, MU7 and MU9

Scottish Environment Protection Agency (0243) - If the sites are included in an appendix, site delivery requirements should include a requirement for an FRA.

Summary of responses (including reasons) by planning authority:

Representations to allocated sites

MU1, MU2, MU3, MU4, MU5, MU6 and MU9

Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) - Scottish

Planning Policy (SPP) states that “*planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should; apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening and consider opportunities for promoting residential use within town centres where this fits with local need and demand*” (paragraph 60 of Scottish Planning Policy 2014. (CD068)

In line with SPP, Livingston as a sub-regional centre has an established town centre boundary at Almondvale within which a range of appropriate town centre uses are located. Within this boundary the plan identifies a number of sequentially suitable and viable sites with regard to size, location and availability. The mixed use sites help to reinforce and strengthen the town centre by providing a range of opportunities which would contribute to the consolidation of its status as a strategic town centre as identified in Table 1: Network of Centres (page 36) of the Strategic Development Plan. (CD099)

In terms of responding to comments on the accessibility of the mixed use sites it should be noted that the LDP has been subject to transport appraisal for all sites in the proposed plan (CD195). Within the context that the Almondvale town centre covers a large area the council is satisfied that the mixed use sites are within an acceptable walking distance of the primary shopping centre, can be accessed by public transport or car and that any upgrades to these links could be made satisfactorily with specific arrangements being addressed through any eventual planning applications.

In light of the above, the Council does not agree to modify the Plan in response to this representation.

MU5

Bellsquarry and Adambrae Community Council (21889062); Mr Jim Wilkie (0413); Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622); Livingston Village Community Council (0410) - The site is subject to an approved planning brief (CD281). The brief identifies a range of uses suitable to a town centre location which could be accommodated on the site including retail, leisure, offices, business, recreation and residential development. The planning brief was the subject of consultation with interested parties. Local members were consulted on the brief prior to a wider consultation being carried out. The wider consultation encompassed neighbouring properties and the local Community Council. The site is included in the council’s capital programme for disposal.

When Livingston Development Corporation formed the road network they included underpasses on the north and east boundaries. Access was intended from the NW corner of the site off Charlesfield Road. However, in the interim, since the roads were formed the site was wooded over. The site was first allocated for mixed use in the West Lothian Local Plan, which was adopted by the council on 13 January 2009 (CD092)(e). The allocation was initially retained in the LDP to contribute to the growth of Livingston as a sub-regional centre by providing a mixed use opportunity within the town centre boundary.

However, the site is small, detached from the town centre, and has resulted in a significant level of opposition. Given this, and to reflect the non-strategic nature of this site

in residential, economic and retail land supply terms, the council sees merit in the representations received which request that the site is designated as open space out with the town centre and invites the Reporter to review the allocation. Should the Reporter be minded to direct that an adjustment be made to the zoning of the site to reflect this, this would be acceptable to the council.

MU8 and MU9

Henry Boot Developments Ltd (21620319); Livingston Centre Ltd and Livingston Almondvale Ltd (0220) and (21416622) - Scottish Planning Policy (SPP) states that *“planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should; apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening and consider opportunities for promoting residential use within town centres where this fits with local need and demand”* (paragraph 60 Scottish Planning Policy 2014 (CD068). SPP clearly identifies uses that can be supported within the town centre and this has been translated through policy TCR 1 (Town Centres, page 40 of the Proposed Plan) (CD078). The council does not therefore propose to include any further information in the table titled “Mixed Use”, page 92 of the Proposed Plan, (CD078) that identifies specific use classes for those sites.

It is agreed the locational description of mixed use site MU8 (page 92 of the Proposed Plan) (CD078) has been wrongly identified as a temporary car park, Almondvale Road. The council propose to amend the descriptions to a number of Livingston town centre sites as noted below.

MU1, MU4, MU5, MU6, MU7 and MU9

Scottish Environment Protection Agency (0243) - The LDP does not include an Appendix which provides specific details on the uses supported on mixed use sites therefore there is no place to include site delivery requirements. The council does not propose to include an appendix section for mixed use sites however, it should be noted that any eventual planning application would involve reviewing flood risk map data which would flag up any flood risk issue and the need for a FRA. In addition, SEPA are consulted on planning applications as a statutory consultee and able to provide comments and advice at that stage.

Errors in Livingston Settlement Statement mixed use table – page 92

It should be noted that a number of the site descriptions in the Livingston settlement statement mixed use table (page 92) have been incorrectly referenced to Map 3 Livingston Area and will be amended as follows. This is considered to be a non-notifiable modification.

LDP (page 92):

MU1 Site east of Almondvale Stadium

MU2 Site north of Almondvale Way

MU3 Site north of Almondvale Road

MU4 Site south of Almondvale Way

MU5 Almondvale Roundabout South North of Bluebell Glade, Adambrae

MU6 Site West of Almondvale Roundabout
 MU7 Former Police Station, Almondvale Road
 MU8 Temporary, Car Park, Almondvale Road
 MU9 Site west of Almondvale Place

Amended Site Descriptions:

MU1 Site east of Almondvale Stadium
 MU2 Temporary, Car Park, Almondvale Road
 MU3 Former Police Station, Almondvale Road
 MU4 Site West of Almondvale Roundabout
 MU5 Almondvale Roundabout South North of Bluebell Glade, Adambrae
 MU6 Site north of College Roundabout
 MU7 Site north of Almondvale Way
 MU8 Site south of Almondvale Way
 MU9 Site north of Almondvale Road/west of Almondvale Place

Reporter's conclusions:

1. I note that these sites are all within the town centre boundary on the proposals map for the current local plan. The town centre boundary in the proposed plan would be drawn a little more tightly, excluding some areas of greenspace in the Almond valley to the north. The council acknowledges that some of the descriptions of these sites on page 92 of the proposed plan are incorrect. This is to be addressed as a 'non-notifiable' modification. I use the council's amended site descriptions in my sub-headings below.

MU1 Site east of Almondvale Stadium

2. This site is on the northern edge of the town centre, beyond Almondvale Stadium. In response to my request for further information (FIR42), the council confirms that the synthetic grass sports pitch to the east of the stadium (and forming the southern leg of MU1) is under council ownership and an important part of the sports facilities used by St Margaret's secondary school which lies to the north, on the other side of the river. The council therefore now has no plans to redevelop this pitch, and is amenable to it being omitted from the allocated site. Noting this context, I agree that such a modification should be made.

3. I accept that the site is somewhat detached from the main town centre uses further south. However, it has not been argued that it should be excluded from the town centre. In the absence of that, it seems to me that the principle of mixed use development on this site is one generally supported by SPP. Issues related to public transport and pedestrian links could be considered and addressed through the development management process. It might be expected that retail development would not form a large proportion of any development of this site given its location, but that it is also a matter which could be given fuller consideration at the development management stage.

MU2 Temporary Car Park, Almondvale Road

MU3 Former Police Station, Almondvale Road

4. The site references in the representation from Livingston Centre Ltd and Livingston Almondvale Ltd (and reflected in the text above which summarises this representation) are based on the partly incorrect references on page 92 of the plan. It is clear from the representation that it supports these allocations, which lie immediately to the south of The

Centre. These sites are not referred to in any of the other representations. There are therefore no outstanding issues raised in respect of these sites.

MU4 Site West of Almondvale Roundabout

5. This site lies at the western edge of the town centre. Albeit it lies within the town centre boundary (both in the current local plan and in the proposed plan) it is somewhat of an outlier, being to the west of the busy Alderston Road which serves to sever it from the retail and other town centre uses to the east of the road. As a result, I share some of the misgivings expressed about the ability to integrate this site with the rest of the town centre.

6. It is identified in the current local plan as a site for bulky goods retailing. There is an unoccupied former factory building on the site. This appears to have been vacant for a number of years. As a brownfield site in what is still a central location in Livingston, the council is right to seek a beneficial new use for it. If the site was not to be identified for mixed use, it would still be within the town centre where policy would favour the same kinds of uses. The alternative would be to identify it as white land out with the town centre boundary, or as part of the area of employment uses immediately adjacent to it to the north and west. However I am not convinced, in particular given the very large amount of land allocated for employment uses already, that either would help facilitate reuse of the site.

7. On balance, I consider that the proposed mixed use allocation is appropriate, and perhaps provides the best way in which the plan can support redevelopment of the site. The appropriate use (or uses) of the site, as well as the provision of pedestrian links with other nearby uses, can be considered and addressed through the development management process.

MU5 Almondvale Roundabout South North of Bluebell Glade, Adambrae

8. I can easily understand why it has been argued that this part of a larger area of open space should not be allocated. I note its location at the edge of the town centre, and its separation from it by Alderston Road. Noting that the site appears to be retained in council ownership and that the council is itself amenable to the deletion of the allocation, I recommend that this be done and the site identified as protected open space.

MU6 Site north of College Roundabout

MU7 Site north of Almondvale Way

MU8 Site south of Almondvale Way

MU9 Site north of Almondvale Road/west of Almondvale Place

9. These form a cluster of sites in the western part of the town centre. Albeit they are surrounded/separated by busy roads, the same could be said of much of the town centre. It has not been argued that they should be excluded from the town centre. In the absence of that, it seems to me that the principle of mixed use development on them is one generally supported by SPP. Issues related to public transport and pedestrian links could be considered and addressed through the development management process. I observed that site MU6 is currently maintained as amenity grassland, but none of the representations raise the loss of this feature as an issue and in fact it is currently allocated in the local plan for 'town centre uses'.

10. In relation to the types of uses which would be acceptable, SPP and proposed plan Policy TCR 1 Town Centres clearly set out the range of uses which would be considered acceptable in principle within the town centre. It would be for the development management process to determine the specific use or uses at each site, rather than having this set out in the table on page 92. In any event, I noted during my site inspection that site MU8 has been newly developed for what appeared to be retail units (yet to be occupied at the time of my visit) and that there is a hotel, restaurant and coffee shop on site MU7.

The 'residential capacity' of each site

11. Because some of these sites are now developed, and because residential development may or may not form part of the proposals on the undeveloped sites, I agree that the reference to 'Residential Capacity' in the table on page 92 is inappropriate. This should be changed simply to 'Site Area'.

Flood Risk

12. SEPA's representation says that flood risk assessments would be required in association with development at sites MU1,4-7 and 9. However, as the council points out, the format of the plan does not readily lend itself to the inclusion of such a requirement. These mixed use sites are listed only in the table on page 92 and there is no equivalent for them of Appendices One and Two to list development requirements and other information. However, it seems to me that a simple footnote to the table could provide a helpful reminder about flood risk of these sites without proving unduly disruptive to the format of the plan.

Reporter's recommendations:

1. In the proposals map:

1.1 Omit the southern leg (containing the synthetic grass sports pitch) from site MU1

1.2 Omit site MU5 and identify this land as part of the area of protected open space to the southwest.

2. In the table of mixed use sites in Livingston on page 92:

2.1 Change the heading 'Residential Capacity (Ha)' to 'Site Area (Ha)'. Ensure that the correct site areas are entered for each, including the modified site MU1.

2.2 Omit site MU5 Almondvale Roundabout South North of Bluebell Glade, Adambrae

2.3 Insert the following text as a footnote:

'Flood risk assessment will be required for sites MU1,4,5,6,7 & 9'

Issue 16V	Livingston CDA	
Development plan reference:	Housing allocations	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
John Orr (21716490) SEPA (0243)		
Provision of the development Plan to which the issue relates:	West Livingston CDAs housing allocations. H-LV 13 Appendix 2: Housing Site Requirements; page 207. H-WC 1-4 Appendix 2 Housing Site Requirements; page 203-231.	
Planning authority's summary of the representation(s):		
<p>John Orr (21716490) - objects in relation to sustainable housing locations. A large proportion of housing sites are non-effective and have significant infrastructure issues which make them both impractical and uneconomic to develop; to continue to support the principle of further housing development in existing CDAs is misguided and pointless, the allocations are not delivering and some are virtually undevelopable.</p> <p>Lack of any progress in CDA at West Livingston. Suggests the allocation is not economically viable and suffers from some of the worst ground conditions in the area. The roads and transport links are inadequate. In addition, it has incompatible neighbouring uses which may give rise to major environmental issues.</p> <p>In relation to Livingston CDA (Previous WLLP ref: CDA-GF), SEPA (0243) cannot see this site within the table in the proposed plan.</p> <p>They require a FRA to assess risk to site from Breich Water and River Almond. It is likely the majority of the site is developable and site layout and topographic information may be sufficient. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p> <p>At Polbeth part of the wider West Livingston CDA (Previous WLLP ref: CDA-MO), SEPA point out no developer requirements noted in proposed plan relating to flood risk.</p> <p>They require a FRA to determine flood risk to site from Breich Water and West Calder Burn. They previously commented on LIVE/0349/FUL/11 and LIVE/0875/FUL/14 and had no objection as the sites did not encroach on the functional floodplain. This larger site includes area immediately adjacent to the watercourses. It is likely the majority of the site is developable and site layout and topographic information may be sufficient. SEPA have a river gauging station on Breich Water adjacent to site.</p> <p>Also at Polbeth CDA (WLLP ref: CDA-CB) No developer requirements noted in proposed plan relating to flood risk. SEPA require a FRA to determine flood risk to site from the West Calder Burn. It is likely the majority of the site is developable and site layout and topographic information may be sufficient. Report of surface water flooding adjacent to</p>		

site in July 2007.

Modifications sought by those submitting representations:

John Orr (21716490) - suggests that alternative housing sites are required which are as far as possible free from constraints, although none are specifically identified.

SEPA (0243) - seek Flood Risk Assessment at Sites H-LV13 and H-WC 1-4 in the West Livingston CDA.

Summary of responses (including reasons) by planning authority:

John Orr (21716490) - whilst development is not yet underway at the more major part of the West Livingston Core Development Area (CDA) at Gavieside Farm, planning applications have been approved in other parts of the CDA at Mossend by West Calder.

The Core Development Areas remain a key strand of the development strategy for West Lothian and are supported through the Strategic Development Plan (paragraphs 90-91) (CD099).

It is anticipated that the major electrification and upgrade of the Edinburgh – Shotts rail line that goes through West Calder station and due to open in Autumn / Winter 2016, combined with a new replacement West Calder secondary school will kick start the Gavieside CDA. There will be a new entrance to West Calder Station and a 200 space park and ride facility provided by the developer that will contribute to the site's overall sustainability. Of the 4 CDAs identified in the LDP proposed plan, those at Winchburgh, Armadale and Calderwood are well underway with hundreds of houses either complete or on site.

The council's approach to housing land is set out in its Housing Land Position Statement and Schedule 4 number 1A.

In relation to SEPA comments about Flood Risk Assessments (0243) being required these are already stated at Appendix 2 Housing Site Requirements, under column 10, "Flood Risk", page 207. Similarly, with the 4 sites at West Calder/Polbeth also identified as requiring a Flood risk Assessment (page 230-231).

The council does not propose to amend the LDP in relation to the issues raised.

Reporter's conclusions:

Delivery of the CDA

1. We deal with matters related to housing land supply largely under Issue 1A. John Orr says that the West Livingston CDA is not economically viable and suffers from poor ground conditions, poor transport links and environmental problems from a nearby poultry farm. However, I have not been furnished with any detailed evidence which would allow me to assess the specific effects of any such constraints (if they are constraints) on delivery of the CDA.

Flood Risk

2. We issued FIR01 to seek clarification on the council's position on certain of the sites referred to in SEPA's representation. In responding, the council said that it had not previously responded in respect of site H-LV 13 Gavieside Farm (the Livingston West CDA). In fact, it had done so above. In any event, SEPA considers that a flood risk assessment is required for this site. Noting that a flood risk assessment is listed as a requirement in the entry for this site in Appendix Two, I see no need for any further modification. We deal with sites H-WC 1-4, the West Calder component of the CDA, under Issue 21A.

Reporter's recommendations:

No modifications.

Issue 16 W	Brucefield Industrial Park, Livingston	
Development plan reference:	E-LV 1	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 111. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (SEPA) (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned in the LDP. SEPA would require a Flood Risk Assessment (FRA) to assess the flood risk from the small watercourse which runs along the western and southern boundary of the site. The impact of culverts on flood levels in the watercourse should be considered. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in part of the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (SEPA) (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 111, under site entry: E-LV1 Brucefield Park West, column 7 "Infrastructure & other requirements" i.e.;</p> <p><i>"A Flood Risk Assessment by a developer is required for the site in relation to the small water courses along the site boundaries"</i>.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (SEPA) (0243) -</p> <p><u>Background</u></p> <p>The site was identified in the adopted West Lothian Local Plan (2009) for employment development (CD092), Appendix 5.1 page xix, site reference ELv2 and proposals map 3). It is carried forward into the LDP. It received planning permission for 3 units in 2000, but this has not been implemented. It remains one of the few remaining sites to be developed in the South west corner of the Estate.</p>		

Flooding

SEPA advise that a small part of the site may be subject to flooding. However, it has not objected to development of the site, subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1. Infrastructure requirements). The WLC Flood Risk Officer is aware of the issue and is content that a FRA study be carried out to inform any future planning application.

The Estate has a history of water quality issues due to connections from the estate direct to a culvert through it and the council have been working with the estate owners, SEPA and others to improve the water quality by a series of off-line ponds to the east of the estate in Bellsquarry & Dedridge.

Consequently, the council's Flood Risk Team generally agrees with SEPA comments and note that some minor surface water flooding is possible on the site.

Therefore, the council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 1 Brucefield Park West, insert a new sentence:

'Flood risk assessment required to assess the risk from the small watercourse which runs along the western and southern boundary of the site.'

Issue 16X	Caputhall Road, Deans, North Livingston	
Development plan reference:	E-LV 11	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 111. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p><u>Employment Land</u></p> <p>Scottish Environment Protection Agency (SEPA) (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. SEPA would require a Flood Risk Assessment (FRA) to assess risk from the small drain to the north of site. Given proposed site use, basic information likely to be acceptable including site layout and levels. Measures to ensure no increased run-off likely to be required.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (SEPA) (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 111, under site entry: E-LV 11 Caputhall Road column 7 "Infrastructure & other requirements" i.e.;</p> <p><i>"A Flood Risk Assessment by a developer is required for the site in relation to the small water courses along the site boundaries".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (SEPA) (0243)</p> <p><u>Background</u></p> <p>The Deans Industrial Estate was a former large shale bing that was rehabilitated by the former Livingston Development Corporation in the 1970's and the industrial estate laid out. It was identified for "Business, General Industrial & Storage & Distribution use" in the Livingston Local Plan (1996) (CD097) as site DI 34.</p> <p>The site was identified in the adopted West Lothian Local Plan (2009) for employment development (CD092), Appendix 5.1 page xix, site reference ELv18 and proposals map 3).</p>		

It is carried forward into the LDP. It is owned by West Lothian Council and received planning permission for a Waste Transfer Station / Management Facility. However, the council altered their Waste Strategy and have now pursued another alternative site (north part of E-BB 4: Inchmuir Road 3) at Whitehill Industrial Estate and work is underway on that site.

Flooding

SEPA advise that there is a small drain on the north part of the E-LV 11 site and if a waste management facility were to be pursued at some future date, then specific information, such as site levels and ensuring no increased surface water run-off, would be required.

However, SEPA has not objected to development of the site, subject to a Flood Risk Assessment being carried out. This requirement can be identified in the LDP (Appendix 1. Infrastructure requirements).

The council's Flood Risk Team generally agree with SEPA comments and note some minor surface water flooding is possible on site.

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 11 Caputhall Road, insert a new sentence:

'Flood risk assessment required to assess the risk from the small drain to the north of site'.

Issue 16 Y	Appleton Parkway East, Eliburn, Livingston	
Development plan reference:	E-LV 15	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 112. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (SEPA) (0243) - raised an issue on potential flooding related to allocation of the site for employment use.</p> <p>Developer requirements mention "<i>Development must respect location of Lochshot Burn and Greenway to south and no buildings within 10m of south boundary</i>". SEPA require a Flood Risk Assessment (FRA) to determine the risk to the site from the Lochshot Burn and also small watercourses that run along north and west boundaries.</p> <p>Advise that the majority of the site is likely developable and site layout and topographic information may be sufficient. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in part of the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (SEPA) (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 112, under site entry: E-LV 15 Appleton Parkway east, column 7 "Infrastructure & other requirements" i.e.; "<i>A Flood Risk Assessment by a developer is required for the site in relation to the Lochshot Burn along the south boundary and adjacent small water courses</i>".</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Background</u></p> <p>The former Livingston Development Corporation laid out and serviced Eliburn Campus in the mid-1990's. It was identified for "High Amenity Industrial or Business" use in the Livingston Local Plan (1996) as site ENW 3 (CD097).</p> <p>The site was identified in the adopted West Lothian Local Plan (2009) for employment development (CD092), Appendix 5.1 page xx, site reference ELv25 and proposals map 3). It is owned by Scottish Enterprise and was considered a "single-user" site due to its</p>		

large size and related to earlier Scottish Planning Policy and the former Edinburgh & Lothian Structure Plan. However, the single-user caveat has been removed. The site is carried forward into the LDP as E-LV15.

Flooding

SEPA note the existing LDP site requirements related to a stand-off from Lochshot Burn, but request that a Flood Risk Assessment should be carried out to determine the flood risk associated not only with the Lochshot Burn, but also adjacent smaller water courses on the north and west boundaries.

While the existing site requirements also identifies, "*Additional structural woodland shelterbelt planting along south boundary*", this buffer would also allow for measures to mitigate flood risk and surface water run-off.

SEPA indicate there may be flooding issues on part of the site. The council's Flood Risk Officer's initial view is that due to the site location upstream in the catchment and the existing level of the site above the Lochshot Burn, there should be no major flooding issues, but a Flood Risk Assessment would assist and help identify development platform levels and the position of the development boundary along the south site boundary. There is some minor surface water flooding possible on the site.

However, SEPA has not objected to development of the site and note "*the majority of the site is likely developable*", subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 15 Appleton Parkway east, insert a new sentence:

'Flood risk assessment required to assess the risk from the Lochshot Burn and also small watercourses that run along north and west boundaries'.

Issue 16Z	Appleton Parkway South, Eliburn, Livingston	
Development plan reference:	E-LV 16	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 112. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raise an issue on potential flooding related to allocation of the site for employment use. Advise that developer requirements mention "<i>Respect Lochshot Burn and Greenway to north</i>". SEPA require a Flood Risk Assessment (FRA) to determine flood risk to the site from the Lochshot Burn. The majority of the site is likely developable and site layout and topographic information may be sufficient.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 112, under site entry: E-LV 16 Appleton Parkway south, column 7 "Infrastructure & other requirements" i.e.; "<i>A Flood Risk Assessment by a developer is required for the site in relation to the Lochshot Burn along the north boundary.</i>"</p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p><u>Background</u></p> <p>The former Livingston Development Corporation laid out and serviced Eliburn Campus in the mid-1990's. It was identified for "High Amenity Industrial or Business" use in the Livingston Local Plan (1996) as site ENW 4 (CD097). The former agricultural fields sit somewhat above the level of the Lochshot Burn along the northern boundary that is formed by a steep wooded slope.</p> <p>The site was identified in the adopted West Lothian Local Plan (2009) for employment development (CD092, Appendix 5.1 page xx, site reference ELv26 and proposals map 3). It is owned by Scottish Enterprise and suitable for sub-division. The site is carried forward into the LDP as E-LV16.</p>		

Flooding

SEPA has not objected to development of the site and note “*the majority of the site is likely developable*”, subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council's Flood Risk Team generally agrees with SEPA comments.

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 16 Appleton Parkway south, insert a new sentence:

'Flood risk assessment required to assess the risk from the Lochshot Burn'.

Issue 16Aa	Appleton Parkway south west, Eliburn, Livingston	
Development plan reference:	E-LV 17	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 112. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - Raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements mentioned. SEPA require a Flood Risk Assessment (FRA) to assess the risk of flooding to the site from the small watercourse to the west of the site.</p> <p>Consideration of flood risk from the pond is also advised.</p> <p>It is likely the majority of the site is developable and site layout and topographic information may be sufficient. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in the developed area of Appleton Place and the map may also be indicating a pond on site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - Seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment land Allocations, page 112, under site entry: E-LV 17 Appleton Parkway south west, column 7 "Infrastructure & other requirements" i.e.;</p> <p><i>"A Flood Risk Assessment by a developer is required for the site in relation to a water course to the west of the site".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p><u>Background</u></p> <p>The former Livingston Development Corporation laid out and serviced Eliburn Campus in</p>		

the mid-1990's. It was identified for "High Amenity Industrial or Business" as part of a wider single-user site in the Livingston Area Local Plan (1996) as site ESW2 & R1 (CD097). The site has subsequently been split into a number of parcels for employment uses to the west that have been constructed and more recently mixed uses and housing uses (H-LV14) to the east that are under construction.

The site was identified in the adopted West Lothian Local Plan (2009) for employment development (CD078, Appendix 5.1 page xxi, site reference ELv27 and proposals map 3). The site is carried forward into the LDP as E-LV17.

The pond referred to is a major SUDs facility relating to the development of the adjacent E-LV18. The WLC Flood Risk Officer is content that it is serving its purpose. His view is that some minor surface water flooding may be expected in the south west corner of the site. The existing basin on site deals with surface water run-off from the developed areas.

Flooding

SEPA has not objected to development of the site and note "*the majority of the site is likely developable*", subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 17 Appleton Parkway south west, insert a new sentence:

'Flood risk assessment required to assess the risk from the small watercourse to the west of the site.'

Issue 16Ab	Former Rosebank Nursery, Kirkton, Livingston	
Development plan reference:	E-LV 23	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 113. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raised an issue on potential flooding related to allocation of the site for employment use. Scottish Environmental Protection Agency (SEPA) require a Flood Risk Assessment (FRA) to determine the flood risk to the site from the Killandean Burn and advise that the majority of the site is likely to be developable and site layout and topographic information may be sufficient to determine risk. However, flood risk from the small watercourse issuing to the southwest of the site should also be considered.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified as a developer requirement and amendment to Appendix 1: Employment land Allocations, page 113, under site entry "Former Rosebank Nursery": E-LV23, column 7 "Infrastructure & other requirements" - <i>"A Flood Risk Assessment by a developer is required for the site in relation to the adjacent Killandean Burn and small watercourse / culvert issuing to the south west"</i>.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p><u>Background</u></p> <p>The site was originally the site of Rosebank Farm which the former Livingston Development Corporation (LDC) used as their horticultural nursery and grounds maintenance depot .LDC laid out and serviced Kirkton Campus in the 1980's. Rosebank was identified for "High Amenity Industrial or Business Use" in the Livingston Local Plan (1996) as site KSR2 (CD097).</p> <p>The site has subsequently been split into a number of development parcels for employment uses with the farmhouse being demolished and some business units initially built either side of Rosebank Road.</p> <p>The site was identified in the adopted West Lothian Local Plan (WLLP 2009) for</p>		

employment development (CD078, Appendix 5.1 page xxii, site reference ELv39 (part) and proposals map 3). The site is carried forward into the LDP as E-LV23. However, the north east / lower part of the ELv39 area, adjacent to the Killandean Burn was removed from the allocation due to known flooding issues that left a smaller site alongside the B7015 (E-LV23) While the development requirements in the WLLP had asked for a “Flood Risk Assessment”, this was removed with the reduction of the site that left the higher road site. The site is the subject of an approved planning brief (CD282).

The council’s Flood Risk team generally agree with SEPA comments, although the “small watercourse to south west of site” is shown as a culvert on their records.

Flooding

SEPA has not objected to development of the site and note “*the majority of the site is likely developable*”, subject to a Flood Risk Assessment being carried out. This requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter’s conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter’s recommendations:

1. In Appendix One, in the ‘Infrastructure & other requirements’ column of the entry for site E-LV 23 Former Rosebank Nursery, insert a new sentence:

‘Flood risk assessment required to assess the risk from the Killandean Burn and the small watercourse / culvert issuing to the south west.’

Issue 16Ac	Former Rosebank Nursery, Kirkton, Livingston	
Development plan reference:	E-LV 24	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 112. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. SEPA require a Flood risk Assessment (FRA) to determine the flood risk to the site from the Killandean Burn.</p> <p>The majority of the site is likely to be developable and site layout and topographic information may be sufficient to determine risk. Flood risk from the small watercourse in the southwest and northeast of the site should also be considered.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 113, under site entry "Former Rosebank Nursery": E-LV24, column 7 "Infrastructure & other requirements" i.e.; - <i>"A Flood Risk Assessment by a developer is required for the site in relation to the adjacent Killandean Burn and small watercourse / culvert to the southwest and watercourse northeast of the site".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243) - The site was originally the site of Rosebank Farm which the former Livingston Development Corporation (LDC) used as their horticultural nursery and grounds maintenance depot LDC laid out and serviced Kirkton Campus in the 1980's. Rosebank was identified for "High Amenity Industrial or Business Use" in the Livingston Local Plan (1996) as site KSR2 (CD097).</p> <p>The site has subsequently been split into a number of development parcels for employment uses with the farmhouse being demolished and some business units initially built either side of Rosebank Road that crates the access to the north into E-LV 24.</p>		

The site was identified in the adopted West Lothian Local Plan (WLLP 2009) for employment development (CD092, Appendix 5.1 page xxii, site reference ELv39 (part C) and proposals map 3).

The site is carried forward into the LDP as E-LV24. However, the north east / lower part of the ELv39 area, adjacent to the Killandean Burn, was removed from the allocation due to known flooding issues that left a smaller site alongside the B7015 (E-LV23) and E-LV24 that was part of the former horticultural nursery lying above the lower area and separated by a steep wooded slope. The small water course to the north east is known to have a high discharge.

While the development requirements in the WLLP had asked for a "Flood Risk Assessment", this was removed with the reduction of the site to the higher former horticultural nursery area.

However, the Flood Risk Team generally agree with SEPA comments, albeit the "small watercourse to south west of site" is shown as a culvert on our records.

Flooding

SEPA has not objected to development of the site and note "*the majority of the site is likely developable*", subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 24 Former Rosebank Nursery, insert a new sentence:

'Flood risk assessment required to assess the risk from the Killandean Burn, the small watercourse / culvert to the southwest and the watercourse northeast of the site.'

Issue 16Ad	Former Rosebank Nursery, Kirkton Livingston	
Development plan reference:	E-LV 25	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 112. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. SEPA require a Flood risk Assessment (FRA) to determine the flood risk to the site from the Killandean Burn and small drain running through the site.</p> <p>The majority of the site is likely to be developable and site layout and topographic information may be sufficient to determine risk.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 113, under site entry "Former Rosebank Nursery": E-LV25, column 7 "Infrastructure & other requirements" i.e.;</p> <p><i>"Following discussion with the council's Flood Risk Management Team, a Flood Risk Assessment by a developer may be required in relation to the adjacent Killandean Burn and small watercourse within the site".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Background</u></p> <p>The site was originally the site of Rosebank Farm which the former Livingston Development Corporation (LDC) used as their horticultural nursery and grounds maintenance depot .LDC laid out and serviced Kirkton Campus in the 1980's. Rosebank was identified for "High Amenity Industrial or Business Use" in the Livingston Local Plan (1996) as site KSR2 (CD097).</p> <p>The site has subsequently been split into a number of development parcels for employment uses with the farmhouse being demolished (principally E-LV 25) and some business units initially built to the west at Rosebank Road. There are two houses to the</p>		

east.

The site was identified in the adopted West Lothian Local Plan (WLLP 2009) for employment development (CD092, Appendix 5.1 page xxii, site reference ELv39 (part d) and proposals map 3).

The site is carried forward into the LDP as E-LV25. However, the north east / lower part of the ELv39 area, adjacent to the Killandean Burn was removed from the allocation due to known flooding issues that left the main horticultural area alongside two smaller sites (E-LV23 and E-LV24) that lay above the lower area closer to the burn and separated by a steep wooded slope.

While the development requirements in the WLLP had asked for a “Flood Risk Assessment” for the larger site, this was removed with the reduction of the site to the higher former horticultural nursery area.

The Flood Risk team are not convinced there is a real flood risk associated with this site. Some drainage infrastructure (SUDS basin/surface water outfall and foul outfall) has been constructed on this site by the Council.

Flooding

SEPA has not objected to development of the site and note “*the majority of the site is likely developable*”, subject to a Flood Risk Assessment being carried out. This consideration can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter’s conclusions:

1. I note that the council is not convinced that there is a risk of flooding on this site. However, given SEPA’s statutory role in relation to flood risk, I think it prudent that its advice is followed in this case.

Reporter’s recommendations:

1. In Appendix One, in the ‘Infrastructure & other requirements’ column of the entry for site E-LV 25 Former Rosebank Nursery, insert a new sentence:

‘Flood risk assessment required to assess the risk from the Killandean Burn and the small watercourse within the site.’

Issue 16Ae	Kirkton Road South, Kirkton Livingston	
Development plan reference:	E-LV 34	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 114. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. SEPA require a Flood Risk Assessment (FRA) for the small watercourses running along the western boundary and through the middle of the site.</p> <p>SEPA also indicate the impact of culverts on flood levels should be considered.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 114, under site entry "Kirkton South Road": E-LV 34, column 7 "Infrastructure & other requirements" i.e.; <i>"A Flood Risk Assessment by a developer is required for the small watercourses running along the western boundary and through the middle of the site".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Background</u></p> <p>Livingston Development Corporation (LDC) laid out and serviced Kirkton Campus in the 1980's. The site was originally the extension site for the adjacent building to the west. It was identified for "High Amenity Industrial or Business Use" in the Livingston Local Plan (1996) as site KC28B (CD097).</p> <p>An enlarged site, extending south east was identified in the adopted West Lothian Local Plan (WLLP 2009) for employment development (CD092, Appendix 5.1 page xxii, site reference ELv47: Gregory Road and proposals map 3). The site is carried forward into the LDP as E-LV34.</p>		

Flooding

SEPA has not objected to development of the site, subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council's Flood Risk Team generally agrees with SEPA comments.

Consequently, the council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 34 Kirkton South Road, insert a new sentence:

'Flood risk assessment required to assess the risk from the small watercourses running along the western boundary and through the middle of the site.'

Issue 16Af	Gregory Road, Kirkton, Livingston	
Development plan reference:	E-LV 36	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations Page 114. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - Raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. Scottish Environment Protection Agency requires a Flood Risk Assessment (FRA) for the small watercourse on the northern boundary. The majority of the site is likely to be developable with site layout and topographical information may be sufficient to assess.</p> <p>Review of the surface water 1 in 200 year flood map shows that there may be flooding issues along the east and south parts of the site. This should be investigated further and it is recommended that contact is made with the council's flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - Seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: page 114, under site entry "Gregory Road": E-LV 36, column 7 "Infrastructure & other requirements" i.e.</p> <p><i>"A Flood Risk Assessment by a developer is required for the small watercourse along the northern boundary".</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p><u>Background</u></p> <p>Livingston Development Corporation (LDC) laid out and serviced Kirkton Campus in the 1980's. The site was originally part of a larger site. It was identified for "High Amenity Industrial or Business Use" in the Livingston Local Plan (1996) (CD097) as site KC34. Scottish Environment Protection Agency (0243) – this site was allocated previously as referenced in Appendix 5.1 page xxii, site reference ELv49: Gregory Road and proposals</p>		

map 3 of the Adopted West Lothian Local Plan 2009 (CD092). The site is carried forward into the LDP as E-LV 36.

Flooding

Scottish Environment Protection Agency consider that the “*majority of the site is likely developable*” and has not objected to development of the site, subject to a Flood Risk Assessment being carried out. This requirement can be identified in the Local Development Plan (Appendix 1 - Infrastructure requirements).

The West Lothian Council Flood Prevention Officer generally agrees with Scottish Environment Protection Agency comments and is aware of possible surface water flooding on and adjacent to the site and the watercourse to north of it, but these are unlikely to raise any major development issues.

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter’s conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter’s recommendations:

1. In Appendix One, in the ‘Infrastructure & other requirements’ column of the entry for site E-LV 36 Gregory Road, insert a new sentence:

‘Flood risk assessment required to assess the risk from the small watercourse along the northern boundary.’

Issue 16Ag	Allocation of land for employment uses at Starlaw Park, (Central) Livingston	
Development plan reference:	E-LV 42	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (0243)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 91) Appendix 1 - Employment Land Allocations, Livingston (page 115) Proposal Map 3, Livingston Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>E-LV 42 – Starlaw Park (Central)</u></p> <p>Scottish Environment Protection Agency (SEPA) (0243) - SEPA does not object to the allocation however requires a Flood Risk Assessment (FRA) which assesses the risk from the small watercourse which runs under the Tailend Roundabout adjacent to the site. The SEPA (Scottish Environment Protection Agency) flood map indicates that should the culvert under the roundabout surcharge the site may be impacted. Concludes that the site is likely to be developable and site layout and topographic information may be sufficient.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>E-LV 42 – Starlaw Park (Central)</u></p> <p>Scottish Environment Protection Agency (SEPA) (0243) - Suggests an addition to the text of the entry in Appendix 1 – Employment Land Allocations, Livingston (page 115) requiring a Flood Risk Assessment (FRA) which assesses the risk from the small watercourse which runs under the Tailend Roundabout adjacent to the site. The FRA (Flood Risk Assessment) should consider any structures, e.g. culverts, which may exacerbate flooding. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p>		

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesE-LV 42 – Starlaw Park (Central)Background

The opportunity to develop the vacant Starlaw Farm was identified by the former District Council in the Bathgate Area Local Plan (1998) for “Mainstream Employment Development” as site 2: Starlaw Park East on the west edge of Livingston close to the then new Junction 3A – M8. (CD 98). The remaining undeveloped parts of the wider Starlaw Farm site were rolled forward into the adopted West Lothian Local Plan 2009 (WLLP) for employment development (Appendix 5.1 page xxiv, site reference ELv57: Starlaw Park and proposals map 3). (CD092) The site has been carried forward into the LDP as E-LV 42.

Scottish Environment Protection Agency (SEPA) (0243) - consider the “*majority of the site to be developable*” and has not objected to development of the site, subject to a Flood Risk Assessment being carried out. This requirement can be identified in the Local Development Plan (Appendix 1 - Infrastructure requirements).

The council’s Flood Risk Team state that they are not sure if there is a real flood risk associated with this site and while there is some minor surface water flooding, the majority of the site has been developed.

However, the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 1 with the addition of text that requires a Flood Risk Assessment be submitted and that contact is made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Reporter’s conclusions:

1. I note that the council is not convinced that there is a risk of flooding on this site. However, given SEPA’s statutory role in relation to flood risk, I think it prudent that its advice is followed in this case.

Reporter’s recommendations:

1. In Appendix One, in the ‘Infrastructure & other requirements’ column of the entry for site E-LV 42 Starlaw Park central, insert a new sentence:

‘Flood risk assessment required to assess the risk from the small watercourse which runs under the Tailend Roundabout adjacent to the site’.

Issue 16Ah	Starlaw Park (East), West Livingston	
Development plan reference:	E-LV 43	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations (Page 115) Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (SEPA) (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>No developer requirements are mentioned. Scottish Environment Protection Agency (SEPA) requires a Flood Risk Assessment (FRA) for the small watercourse which runs under the Tailend Roundabout adjacent to the site. The SEPA (Scottish Environment Protection Agency) flood map indicates that, should the culvert under the roundabout surcharge, the site may be impacted.</p> <p>The majority of the site is likely to be developable and site layout and topographic information may be sufficient.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (SEPA) (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 115, under site entry:</p> <p><i>“Starlaw Park east”: E-LV 43, column 7 “Infrastructure & other requirements” i.e.;</i> <i>“A Flood Risk Assessment by a developer is required for the small watercourse which runs under the adjacent Tailend Roundabout”.</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (SEPA) (0243)</p> <p><u>Background</u></p> <p>The opportunity to develop the vacant Starlaw Farm was identified by the former West Lothian District Council in the Bathgate Area Local Plan (1998) (CD098) for “Mainstream Employment Development” as site 2: Starlaw Park East on the west edge of Livingston, close to the, then new, Junction 3A – M8.</p>		

The remaining undeveloped parts of the wider Starlaw Farm site were rolled forward into the adopted West Lothian Local Plan (WLLP 2009) for employment development (CD092), Appendix 5.1 page xxiv, site reference ELv57: Starlaw Park and proposals map 3). The site is carried forward into the LDP as E-LV 43 to the north of the main access into the estate.

Flooding

SEPA (Scottish Environment Protection Agency) consider the “*majority of the site to be developable*” and has not objected to development of the site, subject to a Flood Risk Assessment being carried out; this requirement can be identified in the LDP (Appendix 1 - Infrastructure requirements).

The council's Flood Risk Team generally agrees with SEPA comments. There is some minor surface water flooding possible on site.

The council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site, I agree that Appendix One should note the requirement for a flood risk assessment.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 43 Starlaw Park east, insert a new sentence:

'Flood risk assessment required to assess the risk from the small watercourse which runs under the Tailend Roundabout adjacent to the site'.

Issue 16Ai	Beugh Burn, North Livingston	
Development plan reference:	E-LV 45	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations (Page 116) Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) - raise an issue on potential flooding related to allocation of the site for employment use. Developer requirements mention "<i>Re-alignment of Beugh Burn and integrated SUDS (Sustainable Urban Drainage System) scheme</i>". SEPA (Scottish Environment Protection Agency) would require a Flood Risk Assessment (FRA) to assess the risk to the site from the Beugh Burn and any proposed re-alignment works.</p> <p>A number of small watercourses / drains run through the site and flood risk from these should also be assessed. Developer requirements need to include a requirement for a FRA (Flood Risk Assessment) as burn re-alignment should not be undertaken without detailed assessment. Re-alignment works will also require a Controlled Activity Regulations (CAR) licence.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 116, under site entry:</p> <p><i>"Beugh Burn": E-LV 45, column 7 "Infrastructure & other requirements" i.e.;</i> <i>"A Flood Risk Assessment by a developer is required for the Beugh Burn, and several other small watercourses that run through the site and any proposed burn realignment, which will also require a CARs (Controlled Activities Regulations) licence from SEPA"</i> <i>(Scottish Environment Protection Agency).</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p><u>Background</u></p> <p>The Beugh Burn area was designated part of the Livingston Countryside Belt (policy ENV 9) in the Livingston Local Plan (1998) (CD097).</p>		

The site was subsequently identified, after revision of the countryside belt boundaries, as a strategic employment site close to M8-J3 in the adopted West Lothian Local Plan (WLLP 2009) for employment development (CD92, Appendix 5.1 page xxiv, site reference ELv64: Beugh Burn and proposals map 3). The site is carried forward into the LDP as E-LV 45.

Flooding

Scottish Environment Protection Agency (SEPA) has not objected to development of the site, subject to a Flood Risk Assessment being carried out on the potential realignment of the Beugh Burn. This requirement can be identified in the Local Development Plan (Appendix 1 - Infrastructure requirements).

The council's Flood Risk Team generally agrees with Scottish Environment Protection Agency (SEPA) comments.

Consequently, the council is agreeable to this minor modification if it is acceptable to the Reporter.

Reporter's conclusions:

1. Given the acknowledged potential for flood risk at this site and for proper consideration of any re-alignment of the Beugh Burn, I agree that Appendix One should note the requirement for a flood risk assessment. The requirements of the Controlled Activities Regulations apply in any event, and need not be stated in the plan.

Reporter's recommendations:

1. In Appendix One, in the 'Infrastructure & other requirements' column of the entry for site E-LV 45, insert a new sentence:

'Flood Risk Assessment required to assess the risk from the Beugh Burn and several other small watercourses that run through the site, and from any proposed burn realignment.'

Issue 16Aj	Linhouse, South Livingston	
Development plan reference:	E-LV 46	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (SEPA) (0243) Jonathan Louis (21869885) Ron Waugh (21906945)</p>		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations, Page 116 Proposals Map 3	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (SEPA) (0243) - raise an issue on potential flooding related to allocation of the site for employment use.</p> <p>Developer requirements mention "<i>Separation of Linhouse Water and protection of watercourse from surface water contamination</i>". SEPA require a Flood Risk Assessment (FRA) to determine flood risk from the small water courses that run through the site. This should include any culverted watercourses and no development should take place above these structures.</p> <p>The majority of the site is likely to be developable and site layout and topographical information may be sufficient.</p> <p>Jonathan Louis (21869885) - Linhouse is used by many within the community as open space and greenspace. Livingston was built with greenspace in mind with the many.</p> <p>Ron Waugh (21906945) - Comparing the old 2009 Plan with the new Proposed Plan it is noticed that what was ELv54 in the old plan has been reduced in size (now ELV46). If this has been done for a reason, it should be explained. This reduction releases land on Wellhead Farm which is being targeted by developers for house building. I trust the above mentioned land has not been released for that purpose. In the new proposed plan, what remains of Wellhead Farm after recent house building, is designated countryside belt. If it remains that way in the final plan, it will safeguard it from developers only until they put pressure on again and again. This can and should be avoided once and for all by designating the farm as Land Designated as Open Space.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (SEPA) (0243) - seek a Flood Risk Assessment to be identified via a developer requirement.</p> <p>This can occur in Appendix 1: Employment Land Allocations, page 116, under site entry "Linhouse": E-LV 46, column 7 "Infrastructure & other requirements" i.e.;</p>		

“A Flood Risk Assessment by a developer is required for several small watercourses that run through the Linhouse site, including culverted water courses”.

Jonathan Louis (21869885) - No specific modification proposed.

Ron Waugh (21906945) - The proposed modification seeks designation of the remaining Wellhead Farm land between Wellhead Farm and ELv46 Linhouse as Land Safeguarded for Open Space.

Summary of responses (including reasons) by planning authority:

Scottish Environment Protection Agency (SEPA) (0243) Background

Linhouse has a long history as a development site arising from its original national safeguarded single –user site designation and was allocated in the Calder Area Local Plan (1995 – Policy E5) (CD096) for large scale industry that would comprise “high-technology business / industrial development”.

The site was subsequently identified as a “Proven site of national importance” in the adopted West Lothian Local Plan (WLLP 2009) (CD092, Appendix 5.1 page xxiii, site reference ELv54: Linhouse and proposals map 3). The site is carried forward and consolidated into the LDP as E-LV 46 with the wider overlapping areas continued as Countryside Belt to conserve the established tree belt, some of which is also identified as a local bio-diversity site.

Flooding

Scottish Environment Protection Agency (SEPA) consider “*the majority of the site is likely to be developable*” and has not objected to development of the site, subject to a Flood Risk Assessment being carried out. This requirement can be identified in the Local Development Plan (Appendix 1 - Infrastructure requirements).

The councils’ Flood Risk Team generally agrees with Scottish Environment Protection Agency (SEPA) comments.

Consequently, the council is agreeable to this minor modification if it is acceptable to the Reporter.

Jonathan Louis (21869885) - no plan change is required; the Linhouse site is surrounded by greenspace.

Ron Waugh (21906945) - no plan change is required. The site is carried forward and consolidated into the LDP as E-LV 46 with the wider overlapping areas preserved within the Countryside Belt to conserve the established tree belt.

Reporter’s conclusions:

1. Ron Waugh’s concerns relate not to this site, but to the land to the west within Wellhead Farm, which he considers should be identified as protected open space rather than countryside belt in order to forestall housing development there. We deal with the representation seeking an allocation of land at Wellhead Farm for housing under Issue 16N, including taking account of Mr Waugh’s representations. Our conclusions in respect of proposal P-101 South Murieston/Linhouse Distributor Road (under Issue 16Ap) are

also relevant to my conclusions below.

2. I sought further evidence from the council (through FIR16) on the rationale for this allocation and its relationship with proposal P-101. I gave parties who had made representations related to these matters the opportunity to comment on the council's further evidence, and I take full account below of all of this evidence.

3. The council, in response to FIR16, explains the background to the identification of this site, including the preparatory works to create a central development platform. Albeit the site is no longer identified in Scottish Planning Policy (SPP) as of national importance as a single-user, high amenity site, the council still wishes it to be retained for employment use, stating that the site is accessible from the A71 and, via the A899, the M8.

4. We conclude at Issue 26A that there is a significant surplus of employment land. In that context, there is no strong sense that this site, long available for employment use yet thus far unutilised, is likely to be developed soon. That said, it would no longer be safeguarded solely for a single user, meaning that the range of potential users would be much greater. And I am sympathetic to the view that, the site having been prepared for employment land and in the absence of any representations arguing that it be developed for any alternative use, it would be prudent to retain it as an allocation for employment use. I note in passing that, in responding to FIR16, Nick Lansdell (who made representations covered under Issue 16Ap), Murieston Community Council and Wallace Land Investments (promoting housing development at Wellhead Farm) all support the continued allocation of Linhouse South for employment use.

5. The representation from Jonathon Louis is on behalf of the Murieston Environmental Group. It refers to this site, but also to 'Linhouse circular', which I understand is the promoted walk which follows a route around the Linhouse site on tracks through woodland and other areas of open space. I walked the length of this path during my site inspection. Richard Dickson (21833765) and Joanna MacLaine (21830524) also raise concerns about the impacts of development on the paths around the site.

6. This route is in fact shown on the proposals map as a 'Protected Right of Way/Core Path'. There is no evidence to suggest that the proposed allocation would have any direct effect on the path through most of its length. The route is wholly outside the allocated site. And I note that the entry for the site in Appendix One says 'recreational foot and cycle paths to be retained.'

7. I acknowledge that following development of the site the path would require to cross the new roads which would be needed to provide access to the site from the northeast (via site E-LV 39 Williamston South) and perhaps also from the west via Murieston Road. In the context of the entire route, I find that these impacts on path users would be fairly minor. Albeit that the path is largely within a wooded setting, the experience of walking it is likely to be altered by development of the site itself. Nevertheless, I do not find that such impacts would warrant abandoning the long-standing allocation of the site for employment use.

8. Richard Dickson and Joanna MacLaine also raise concerns about the impacts of development of this site on recreation and wildlife. However, whilst there may be impacts associated with the loss of habitats on an undeveloped (and unfarmed) site such as this one, I have seen no evidence which indicates that the site has a particular biodiversity value.

Flood Risk

9. Noting that SEPA and the council are agreed that there may be some flood risk associated with the site, it would be prudent that the entry for this site in Appendix One refers to the need for a flood risk assessment. Given the succinct approach adopted for most of the other sites in Appendix One, I see no need to provide further detail than that.

Reporter's recommendations:

1. In Appendix One, in the entry for site E-LV 46 Linhouse, insert 'Flood Risk Assessment required' under 'Infrastructure & other requirements'.

Issue 16Ak	Site at Kirkton North (H-LV 9) west Livingston.	
Development plan reference:	Site H-LV 9.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 2: schedule of Housing Sites / Site Delivery Requirements Page 205. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) – note that the Developer Requirements mentions <i>"Introduction of water resilience measures required. The site has a history of flooding and retaining run-off. There is a culverted watercourse traversing the site"</i>.</p> <p>Although no flood risk is identified from SEPA flood maps or historic records, given the comments SEPA would require a FRA to determine the flood risk from the culverted watercourse. There should also be no development above, or immediately adjacent to, a culverted watercourse.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (0243) – indicate a requirement for a Flood Risk Assessment should be entered into the Site Delivery Requirements in Appendix 2: Schedule of Housing Sites, Page 205 / Column 10, under "Flood Risk"</p>		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p>This site at Kirkton North (H-LV9) is carried forward from the West Lothian Local Plan. The presence of a small water course on the west side of the site was identified when the Planning Brief was drawn up</p> <p>Should the Reporter find it warranted, this is an acceptable amendment to the council to aid better development of the site.</p>		
Reporter's conclusions:		
<p>1. Given that the entry for this site in Appendix Two already acknowledges the history of flooding on this site, I agree that it should note the requirement for a flood risk assessment.</p>		

Reporter's recommendations:

1. In Appendix Two, in the 'Flood risk' column of the entry for site H-LV 9, insert a new sentence:

'Flood Risk Assessment required to assess the risk from the culverted watercourse traversing the site.'

Issue 16AI	Site at Howden South (H-LV 29) Livingston.	
Development plan reference:	Site H-LV 29.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (0243)		
Provision of the development Plan to which the issue relates:	Appendix 2: schedule of Housing Sites / Site Delivery Requirements Page 215. Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Environment Protection Agency (0243) – note that no developer requirements are mentioned in relation to flood risk for the site. They require a Flood Risk Assessment (FRA) to assess the risk to the site from the River Almond. This should consider any impacts of structures i.e. culverts and bridges.</p> <p>A FRA has been carried out by Mott MacDonald for Rivers and Fisheries Trusts of Scotland to investigate potential removal of Howden Bridge Weir. This does not extend to the full site but indicates potential risk to part of site.</p>		
Modifications sought by those submitting representations:		
Scottish Environment Protection Agency (0243) – indicate a requirement for a Flood Risk Assessment should be entered into the Site Delivery Requirements in Appendix 2: Schedule of Housing Sites Page 215 / Column 10, under “Flood Risk”.		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Environment Protection Agency (0243)</p> <p>This site is a new housing allocation, as in the adopted West Lothian Local Plan (2009) it was allocated for town centre uses such as offices and retail and it had originally been set out by the former Livingston Development Corporation as a trim track and trail.</p> <p>While the development platform is likely to be associated with the south boundary, Howden Road and therefore well above the level of the River Almond along the north boundary, this is an acceptable amendment to aid better development of the site and the council would not be averse to a requirement for a Flood Risk Assessment being entered into the Site Delivery Requirements in Appendix 2, if that was acceptable to the Reporter.</p>		
Reporter's conclusions:		
1. Given the acknowledged potential for flood risk at this site, I agree that Appendix Two should note the requirement for a flood risk assessment.		

Reporter's recommendations:

1. In Appendix Two, in the 'Flood risk' column of the entry for site H-LV 29 Howden South Road (Former Trim Track), insert a new sentence:

'Flood risk assessment required to assess the risk from the River Almond.'

Issue 16Am	Primary School Extension at Bellsquarry, Livingston.	
Development plan reference:	Proposal P-55.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Bellsquarry and Adambrae Community Council (21889062)		
Provision of the development Plan to which the issue relates:	Chapter 6, Development Proposal by Settlement: Livingston - Page 92. Proposals Map3: Livingston Area	
Planning authority's summary of the representation(s):		
<p>Bellsquarry and Adambrae Community Council (21889062) - raise two issues in relation to Proposal P-55 concerning the proposed extension to Bellsquarry Primary School:</p> <ol style="list-style-type: none"> 1. It is not clear where the land for any extension to Bellsquarry Primary School would come from. There does not seem to be any spare land available adjacent to the school. 2. The Community Council would not support extending Bellsquarry Primary School unless and until the school roll from the catchment area warrants it. This is a popular school and at present the school roll is full, swelled by pupils from outside the catchment area taking up spare capacity at the school. <p>Also advise of increased traffic congestion near the school at drop-off and pick-up times from intake of children to the school from outwith the area giving rise to safety concerns for local residents which would only be exacerbated by extending the school with no corresponding increase in pupil numbers from the official catchment area; advise that the school is full to capacity, albeit not entirely with children from the official catchment area. If Limefields site is developed this will put additional strain on the school to cope with the increased number of pupils and amidst uncertainty as to how the school could be extended. Local infrastructure constraints would not currently support any major new housing developments in the Bellsquarry and Adambrae area.</p>		
Modifications sought by those submitting representations:		
Bellsquarry and Adambrae Community Council (21889062) - none specified.		
Summary of responses (including reasons) by planning authority:		
<p>Bellsquarry and Adambrae Community Council (21889062)</p> <p>The council's position in relation to education is set out in the council's position statement on education (CD201) and in Schedule 4 number 1J.</p> <p>The existing Bellsquarry Primary School has been previously extended by the council to the north of the old school building.</p>		

While it is acknowledged the playground space available to the school is restricted, requirements would be informed by a feasibility study to determine the options. Currently the school is operating slightly over capacity, however, school capacity issues can be managed through placing requests.

Any school extension would be funded by developer contributions from those developments within the catchment area.

The adjacent existing West Calder High School is to be relocated to Parkhead, West Calder and the original school buildings demolished. A cleared site has been allocated for housing use (site H-PB1). The primary school catchment area for this new site will involve Polbeth & St Marys Primary Schools and not Bellsquarry Primary School.

The council awaits a final decision from the DPEA in relation to a site at Brotherton Farm, Livingston which may impact on the education estate within the Bellsquarry and Adambrae area, Schedule 4 number 16B refers.

There are only two residential sites allocated in the LDP within the Bellsquarry Primary School catchment area that are anticipated to come forward within the 5 year Proposed Plan period:

- H-LV 4 at Calder Road Bellsquarry for 5 units; and
- H-LV 31 at Murieston Valley Road for 24 units.

There are no allocations within the Adambrae area, other than a small site at Almondvale Roundabout (SW corner) MU- 5. While this site is allocated for mixed use, it could accommodate residential development however, as yet no site capacity is identified as contributing towards housing land requirements for the LDP. At 0.5ha, the site could accommodate approximately 20 flats.

Reporter's conclusions:

1. I note the community council's opposition to the extension of the school unless it is for pupils from within the current school catchment. The community council may be right to point out that there appears to be limited space on site to extend the school. On the basis of my brief site inspection, I would not disagree. However, this is a technical matter for the council to consider in its role as education authority. I am not in a position to express a view on whether the site can physically accommodate an extension of the school, not least because I have no detailed information on what that would involve. As for the management of placement requests into the school, this too is primarily a matter for the council. In the light of these findings, and noting that the community council has not stated that the proposal to extend the school should be omitted from the plan, no modifications are required.

2. We deal with the general issue of education capacity under Issue 1J, housing land and policies under Issue 1A and infrastructure matters generally under issues 26I, 1F and 26V. The proposed housing development at Brotherton Farm, which the council refers to above, has been allowed on appeal, and we take full account of that fact in our conclusions. The housing allocation at Limefield (H-LV 11) is already allocated in the current local plan, and I note that the community council says that there is planning permission in place. The only other major housing proposal in the plan in the Adambrae and Bellsquarry areas is the proposed allocation (H-PB 1) for housing on the site of the former West Calder High School. The community council does not refer to that proposal,

and indeed no other representations raise unresolved issues which relate specifically to it.

Reporter's recommendations:

No modifications.

Issue 16An	Calder Road, Bellsquarry, Livingston.	
Development plan reference:	Site H-LV 4: Calder Road, Bellsquarry.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Bellsquarry and Adambrae Community Council (21889062)		
Provision of the development Plan to which the issue relates:	Appendix 2: Schedule of Housing Sites / Site delivery Requirements Site H-LV 4 (page 202) Appendix 3: Schedule of Land Ownership (page 261) Proposals Map 3: Livingston Area	
Planning authority's summary of the representation(s):		
Bellsquarry and Adambrae Community Council (21889062) – advise that reference in Appendix 3 (page 202) to site H-LV 4 having planning permission are incorrect; accept that a planning brief has been prepared for the site; advise that the hedge separating the site from Calder Road is of ancient origin and in any planning application the community council would seek to ensure that this hedge is preserved; advise that a Tree Preservation Order (TPO) might be appropriate.		
Modifications sought by those submitting representations:		
Bellsquarry and Adambrae Community Council (21889062) – seek a correction of error in Appendix 3: Schedule of Land Ownership (page 261) and suggest a TPO for the hedge along the north boundary of H-LV4 Calder Road.		
Summary of responses (including reasons) by planning authority:		
Bellsquarry and Adambrae Community Council (21889062)		
The reference to site H-LV 4 in Appendix 3 (page 202) to planning permission having being granted is incorrect and is a typographical error. The council would propose to amend the LDP to correct this error and amend the text to read “ <i>H-LV 4: Proposed housing site. <u>Approved Planning Brief</u></i> ”		
The mature hedge feature along the south side of Calder Road is a recognised feature in the village. However, it is patchy in places with gaps and some non-native species. The approved Planning Brief (2011) (CD283a) notes that it should be retained, other than where the access points will need to be created to access the 5 individual house plots; i.e.; page 3 of the approved planning brief states under “ <i>Boundary Treatment: The development proposals shall include details of the boundary treatment of the site including new walls and fencing. Where not removed to form access points, the vegetation onto Calder Road should be retained.</i> ”		
Given the change that is likely to occur to the mature hedge with the future development proposals, it is not considered necessary to create a Tree Preservation Order for this		

section of hedge. Further landscaping of this key natural edge within the village can be controlled by appropriate planning conditions on attached to any future grant of planning consent.

Reporter's conclusions:

1. Although the council does not refer to the fact above, I note that this site is already allocated for housing in the current local plan. The community council does not seek the removal of the allocation, but seeks rather a Tree Preservation Order (TPO) for the hedge which fronts the site.
2. I recognise the contribution which the hedge makes to the amenity of the area. It would appear, from the approved planning brief, that each of the 5 houses anticipated for the site may require a separate access through it on to Calder Road. In any event, the case for a TPO of the hedge is out with the scope of our examination of the proposed plan. In the absence of any argument that the site should not be allocated, consideration of the impacts of any development on the hedge would be a matter to be addressed at the development management stage.
3. Contrary to what is stated above, the entry for this site on page 202 of the plan is in Appendix Two rather than Appendix Three, and it does not state that permission has been granted.

Reporter's recommendations:

No modifications.

Issue 16Ao	Balgreen Farm, south Livingston.	
Development plan reference:	No specific Proposed Plan reference. Main Issues Report stage reference EOI-0111.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
George Duncan (21871160)		
Provision of the development Plan to which the issue relates:	Allocation of land for housing. Policy ENV 7 "Countryside Belts and settlement setting" (page 44). Proposals Map 3: Livingston Area	
Planning authority's summary of the representation(s):		
<p>George Duncan (21871160) - proposes an alternative housing site for inclusion in the LDP; does not accept the council's reasons for the non-inclusion of this land and wishes to challenge the decision through a formal objection to the Proposed LDP. MIR site EOI-0111, Balgreen Farm, Livingston is effective, capable of being delivered in the short to medium term and will help to meet housing need in West Lothian and the site should be allocated for housing development in the LDP: advises that the housing land audit 2015 should inform the LDP; does not agree with the effective supply and advises that the constrained sites programmed for implementation of 4,358 is an over estimate; advises that programming mentioned in Paragraph 5.48 referring to the period beyond the LDP does not assist in meeting immediate and 'effective' land requirements and that in the interim it is not clear how output on currently identified sites can or has been increased. Advises that site EOI-0111 is effective and deliverable within the next 5 years, it does not have any overarching infrastructure constraints and can be serviced to allow development, it is well located for local services and can assist the council in meeting the strategic housing land requirements within the Housing Market Area (HMA), and provide an enhanced range and mix of housing including affordable housing for Livingston in accordance with SESplan's SDP and Scottish Planning Policy objectives. The site is immediately adjacent to the settlement envelope and would allow a logical expansion to the urban area over the plan period. Advises that there is an over reliance on the CDAs and other strategic allocations.</p>		
Modifications sought by those submitting representations:		
George Duncan (21871160) - requests that the land at Balgreen Farm, identified at the MIR stage (EOI-0111), is reallocated from a countryside designation to a housing allocation in the LDP that can be taken forward in the short-medium term.		
Summary of responses (including reasons) by planning authority:		
<p>George Duncan (21871160)</p> <p>The general issues raised on housing land supply, Countryside Belts, other landscape designations and education infrastructure are addressed under schedule 4 number 1A relating to housing land supply and the council's position statements on housing land</p>		

(CD215), countryside belt (CD184) and local landscape designations. (CD212). This Schedule 4 relates to the planning policy background to the site and its context within south Livingston.

This site fell outwith the new town designated area that was covered by the Livingston Local Plan (CD097) in 1996. The northern boundary of the site with Skivo Tip has been replanted and was designated as "Livingston Countryside Belt" (Policy EN 9). It states, *"The Livingston Countryside Belt is defined on the Proposals Map. Within the Countryside Belt, development will be resisted which could lead to the coalescence of the New Town with neighbouring settlements. There is a presumption against development in the area unless it is of the highest standard in terms of location and design."*

However, the Calders Area Local Plan, adopted in 1995 (CD096), identified all the land south of Livingston, (excluding the Linhouse national safeguarded employment site), up to the Edinburgh – Carstairs rail line and west to the minor C-road that accesses Harburn Village from the east, as Livingston Countryside Belt (Policy EV 18). It states, *"A defined area around the western and southern boundaries of Livingston New Town will be protected as the Livingston Countryside Belt. Development will be resisted which could lead to the coalescence of West Calder/Polbeth, Polbeth/Livingston and Mid/East Calder."*

The preamble in the Calders Area Local Plan to policy EV 8 indicates (Paragraph 5, page 53), *"South of Livingston the countryside belt guards against piecemeal development between Murieston and Harburn."*

Two other sections of the Calders Area Local Plan related to south Livingston: Section 3.3 Murieston stated, (page 14, paragraph 1).....*"any future proposals to build on the high and exposed land to the south–west of Murieston Road will have to be carefully considered so as to preserve the existing amenity and views....."*

In relation to the review of the boundaries of the then national safeguarded large single user employment site at Linhouse, there was a consideration to a wider safeguarding issue (page 25, paragraph 1). This indicates *"The Linhouse site forms the eastern half of a 200ha tract of land extending to Balgreen Farm and including the new town designated area south of Murieston Road. (This land subsequently was developed for the very low density housing at Castle View/Lin View/Hill View Lanes and at a later date, Well View Lane).*

It continues, *"This tract is of homogeneous character and relatively free of constraints. It may be of interest in whole or larger part for the unpredictable extensive kind of development which has been discussed."* (i.e. page 23/paragraph 4; covered Alternative Large Site Uses for Linhouse in an era of inward investment where *"there are increasingly frequent enquiries for large readily available areas for other purposes. These may be employment related or mixed-development packages, commonly they include leisure components and may be very extensive land users"*)

"While it is not proposed to allocate this additional area for development, it is particularly important to safeguard it from piecemeal encroachment in terms of the policies which apply severally to it (Murieston 3.3, E4 – Linhouse, EV18 - Livingston Countryside Belt). Any development proposals for this wider area will be reviewed on their merits as departures from the Local Plan".

Consequently, there has been a long standing acknowledgement in the development plan over the unique open character of the land at Balgreen around south Livingston.

The West Lothian Local Plan in 2009 (CD092) continued the Livingston Countryside Belt allocation across Balgreen Farm in policies ENV 22 & ENV 23. The latter policy states: *“Within the Countryside Belts, development that will lead to coalescence between settlements and for which there is no specific locational need will be resisted. Proposals that would result in sporadic development, or the expansion of existing clusters of houses and for which there is no specific locational need, will be similarly resisted.”*

At the Main Issues Report stage for the LDP, in the assessment of consultation responses in Autumn 2014 (CD222), it concluded for the site EOI-0111 at Balgreen Farm, that as a green field site:

“Development of the site is not in accordance with the council’s preferred development strategy which supports development within the core development areas and other strategic locations and the redevelopment of brownfield land. This is a greenfield site and there are other more suitable sites available for development.

There is no education capacity available to support development of the site at the moment, but there could be in the future.”

The site is currently part of a countryside belt, preventing settlement coalescence. Development at this location would constitute a physical and intrusive expansion of the existing settlement beyond the existing Murieston Road and housing south of the road.” This remains the view of the council and it sees no need to allocate this large remote site on the south west edge of the town for development with a consequent impact on education and local road capacities. There are other sites elsewhere in the LDP area to accommodate housing requirements.

The agent claims the site *“is well located for local services “*, However, the local centre at Livingston South Station, which serves the Murieston area would be in excess of 2,500m from the edge of Balgreen site on Castlevie Lane/Skivo Road and consequently also remote from the public transport interchange at the rail station.

As the agent points out, the council’s position in Autumn 2014 at the Main Issues Report stage that the Balgreen site was not supported was for 3 main reasons:

- *“Development of the site is not in accordance with the Council’s preferred development strategy which supports development within the core development areas and other strategic locations and the release of brown-field land in the first instance for development. There are other more suitable sites available for development.*
- *The physical development of this site would constitute an intrusive physical expansion into the Countryside Belt and that more acceptable sites are proposed to be brought forward to support development requirements.*
- *Those education capacity constraints within the area which prevent development of this site in the short term.”*

Nothing has changed in the interim 18 months to alter the council’s views on this site.

To summarise, with regards to the representations received in relation to Balgreen Farm, the council does not consider that the LDP should be modified in respect of any of the issues raised in the representation.

Reporter's conclusions:

1. We address matters related to housing land supply under Issue 1A, where we find that the number of houses to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore I give serious consideration to the case for allocating this site for housing.
2. This is a large greenfield site on agricultural land at the southern edge of Livingston. Although it is elevated, a measure of containment is provided by the conifer plantation along the northwestern boundary and the railway line to the southeast. Despite that, I agree with the council that this is a fairly remote site which does not appear to me to be a natural option for extending the built-up area of the town. It would be relatively remote from the town centre, and even from the local centre at Murieston.
3. The representation provides very limited information about how it is anticipated that the site would be developed or accessed. The conifer plantation I refer to appears to be outwith the site, as is the low density housing development to the north of it, south of Murieston Road. This housing and the plantation would, on the face of it, appear likely to hinder the integration of the site with the neighbouring residential areas to the north, as too would the elevated nature of the site. It is not stated explicitly how vehicular access would be provided to the site, although the representation implies that this would be via Castleview Lane, which forms the southwest boundary. If that was to be the case, it would serve to underline my conclusions about the poor prospects for integrating the site with the rest of the town.
4. Overall, I find that there is little evidence before me to commend this site as a logical or natural extension of Livingston.

Reporter's recommendations:

No modifications.

Issue 16Ap	South Murieston / Linhouse Distributor Road, Livingston	
Development plan reference:	Proposal P-101: South Murieston/Linhouse Distributor Road	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Arthur Marris (21899921) Gillian de Felice (21893213)		
Provision of the development Plan to which the issue relates:	Section 6: Development proposals by Settlement: Livingston Proposal P-101: South Murieston/Linhouse Distributor Road (page 92) Proposals Map 3: Livingston Area	
Planning authority's summary of the representation(s):		
<p>Arthur Marris (21899921) – objects to the proposed new road link and while supporting non-allocation of sites at Murieston Castle and almost everywhere else in south Livingston, objects to new housing at Linhouse; advises that the <i>proposed new road is unnecessary and will lead to pressure to put lots of houses in Linhouse and Linhouse is unsuitable for housing because it is too cold leading to increased carbon emissions due to the need for extra heating.</i></p> <p>Gillian de Felice (21893213) – objects to proposed new road on grounds of increase in traffic and an adverse impact on wildlife.</p>		
Modifications sought by those submitting representations:		
Arthur Marris (21899921) and Gillian de Felice (21893213) – none specified but assume removal of Proposal P-101 relating to South Murieston/Linhouse Distributor Road from the Proposed Plan.		
Summary of responses (including reasons) by planning authority:		
<p>Arthur Marris (21899921) and Gillian de Felice (21893213)</p> <p>The Linhouse site has a long development history through the safeguarding of it in the Calders Area Local Plan (CD096) adopted in 1996 and the West Lothian Local Plan (CD092) adopted in 2009. Proposals maps with both plans showed an access from the A71 into the site.</p> <p>Both local plans discussed the potential access to the large development site: The Calders Area Local Plan noted (page 24) that in any planning brief that was to be prepared for the site it was to address</p> <p><i>“e) means of a secondary access and employee transport f) upgrading the access onto the A71 to form a roundabout”</i> (this subsequently became Oakbank Roundabout).</p> <p>In the West Lothian Local Plan, in Chapter 8 “Transport and accessibility”, within the section on “Other Roads”, page 146, para 8.74 states, <i>“Land will be safeguarded for the provision of a distributor road to access the employment site at Linhouse which is</i></p>		

identified as a site of national importance”.

Policy TRAN 30 states, *“Land for the following road schemes will be safeguarded which would be realised through development
Linhouse access road”.*

The distributor road connecting onto Murieston South Road has been modelled by Transportation Services and found to be appropriate in accommodating the dispersal of additional traffic from the Linhouse site.

The link road is required to service the E-LV 46 industrial site. Depending on the scale of build out from the site, there may be a requirement for a secondary access onto Murieston Road. Whether the link is completed all the way through to Oakbank Park Road will once again be dependent on proposed layouts and uses for the development area.

The “Oakbank Loop” recreational walkway would remain in any development proposal for Linhouse, though the issue of location and specification of pedestrian / cyclist crossings of the distributor road at its west and east ends has yet to be determined. This would occur at the outline design stage of the carriageway when the specific alignment and interacting issues such as crossings would be assessed in detail should the proposal be advanced.

The “loop path” around the Linhouse site remains protected by large swathes of either an open space designation, or the countryside belt policy. The SSSI at Linhouse Valley on the south side of the rail line remains unaffected by the Linhouse proposal.

The council does not propose to modify the LDP in relation to the submissions received.

Reporter’s conclusions:

1. In addition to the representations above, Murieston Community Council is also opposed to a ‘link road’ (the council uses this term above, so I adopt it here) to Murieston Road, stating that the Linhouse site (E-LV 46) should be accessed only from Oakbank. Nick Lansdell (21780505) takes a similar view, citing added pressure for housing development on the site, and impacts from the link road on the countryside belt, the core path network, amenity, environmental quality and congestion. I sought, through FIR16, further evidence from the council about the case for and purpose of the link road. I gave parties who had made representations related to this proposal the opportunity to comment on the council’s further evidence, and I take full account below of all of this evidence.

2. Policy TRAN 30 of the current local plan safeguards land for a number of road schemes, including a Linhouse access road. The proposals map for that plan shows a route between the southern end of Oakbank Park Road and the eastern edge of the Linhouse employment site (ELv54 in that plan). The entry for this site in Appendix 5.1 of that plan, under ‘Requirements’, lists a ‘Secondary Access from Murieston Road’. It seems therefore that the principle of accessing the Linhouse site from both Oakbank Park Road and Murieston Road is already established in the current local plan.

3. The council states above that the access onto Murieston Road may not be needed, depending on the extent to which the Linhouse site is developed. It also states that it is

not certain whether, even if it is needed, it would provide a direct link through to Oakbank Park Road. This is not the impression given by the way proposal P-101 is presented on the proposals map.

4. In response to FIR16, the council confirms that the first and primary access road for the Linhouse site would be from the east, via Oakbank Park Road. The link road to Murieston Road would only be required if the site was developed to such an extent that the capacity of the Oakbank Roundabout was exceeded. The link road would, if required, provide a through route between Oakbank Park Road and Murieston Road, but it is stated that it could be designed to deter through traffic.

5. The council also provided extracts from the outputs from traffic modelling undertaken to support the local development plan process. This material appears to show reductions in employment numbers in the Murieston area over time. But it does not respond in great detail to the specific concerns raised by objectors about the impacts of additional traffic (in particular HGV traffic) through Murieston Road between the site and the A71.

6. I have no evidence before me that the link road, which for the most part would run through land which is already allocated for development in the current local plan, would have a significant effect on wildlife. Gillian de Felice, like Nick Lansdell, refers also to impacts on the enjoyment of paths and greenspace at Oakbank. As I note above, the current local plan shows the route safeguarded for a Linhouse access road, and notes the requirement for an access on to Murieston Road. In respect of impacts on open space and paths from the link road, the proposed plan would have very similar implications to the current local plan. Although the link road would appear likely to cross the Linhouse Circular route at 2 places, I am not persuaded that any impacts on path users would be so significant as to warrant the removal of the link road proposal, at least part of which would be essential in order to provide any vehicular access to the Linhouse site. This conclusion is consistent with our conclusions in respect of representations about the allocation of the Linhouse site itself (Issue 16Aj) and site E-LV 39 Williamston South (Issue 16At).

7. Arthur Marris states that the link road is likely to lead to further pressure for housing development at Linhouse. We deal with the representation seeking an allocation of nearby land at Wellhead Farm for housing under Issue 16N. There are no representations seeking the allocation of site E-LV 46 (or any further sites at Linhouse) for housing. The council might receive subsequent planning applications for housing development in this area, but any such proposals would need to be considered on their merits at the time. The link road is proposed in order to serve the development of the Linhouse site for employment purposes, and any fears that this could lead to further pressure for housing development are not in my view sufficient grounds for removing this proposal from the plan.

8. In all of the above context, and noting that the link road is already a requirement for the (significantly larger) Linhouse site in the current local plan, I am satisfied that it is appropriate to retain this proposal. I do, however, consider that the plan should be clearer that the link to Murieston Road would only be required if warranted on the basis of emergency access requirements or (as the council has stated) if there would otherwise be capacity issues at the Oakbank Roundabout. The plan should also clarify that any proposals for development incorporating the link road would require an appropriate transport appraisal. My recommendations below reflect this.

Reporter's recommendations:

1. In Appendix One, in the entry for site E-LV 46 Linhouse, under 'Infrastructure & other requirements', replace 'Secondary access from Murieston Road' with the following text:

'Secondary access from Murieston Road if required due to safety or junction capacity requirements, and subject to a transport appraisal.'

Issue 16Aq	Murieston Castle Farm, south west Livingston.	
Development plan reference:	Main Issues Report reference – EOI 0110	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
BDW Trading Ltd and H&J Russell (21863641)		
Provision of the development Plan to which the issue relates:	Allocation of greenfield land within the countryside belt for housing. Policies: HOU1, HOU2, HOU8, INF1. Proposals Map 3: Livingston Area.	
Planning authority's summary of the representation(s):		
<p>BDW Trading Ltd and H&J Russell (21863641) – raised a large number of points concerning the development of Murieston Castle Farm, south west Livingston for housing use and they can be grouped under the following headings:</p> <p><u>SESplan</u></p> <p>The objector supports the:</p> <ul style="list-style-type: none"> • role and purpose of plan, but disputes that the plan is compliant with SPP 2014 which requires a generous supply of housing land and maintenance of a 5 year effective housing land supply. • key aims and vision statement but does not believe these can be achieved until the council can demonstrate a 5 year effective housing land supply; but calls for additional housing land to be identified in the plan. <p>The objector:</p> <ul style="list-style-type: none"> • suggests that SESplan Figure 7 showing Strategic Development Area in West Lothian should be included in the LDP for clarity and would also serve to highlight that new housing can come forward in locations which can satisfactorily address SESplan Policy 7 criteria; <p>and is critical of:</p> <ul style="list-style-type: none"> • references to HONDA 2 and their weighting in addressing housing land requirements and cites recent appeal decisions which emphasises the need for the LDP to conform with the SDP; and • failure to meet housing land requirements over the first period 2014 to 2019 and the subsequent shortfall. <p>They query the numbers set out in figure 5 of the Proposed Plan and provides alternatives and concludes that the council has failed to meet SESplan and SPP 2014 requirements.</p> <p><u>Housing Land Audit</u></p> <p>They are critical that:</p> <ul style="list-style-type: none"> • re-programming of 2014 HLA was not agreed with the house building industry; and • “constrained” sites have been included in 2009 to 2019 programming and suggests that 		

there is little prospect of them coming forward; and regard the proportion of “constrained” sites in the second period to be too high and is critical that no evidence has been presented to support this figure as required by SPP.

They conclude that the LDP is flawed and that additional deliverable short term housing sites should be identified and Figure 5 should be reworked to exclude “constrained” sites and suggests that this identifies a requirement for a further 4,300 houses, the majority being required in the first period.

They allege that the council is failing in its obligation to facilitate the identified housing land requirement and are critical of the council for not having justified the 10% generosity allowance it has adopted and as required by SPP.

They suggest that:

- reference to the SESplan paper “*Maintaining an Effective Five Year land Supply*” should be removed as it was not consulted on and has no material status;
- revisions to the text to reflect the need to meet the requirements of both SESplan plan periods; and
- in the absence of there being a clear commitment to infrastructure delivery, the council will fail to meet its housing growth requirements and economic aims.

The objectors are critical of responsibility for providing additional education infrastructure being placed on developers and suggest that there is a fundamental requirement for the council to forward fund such infrastructure and to then recoup expenditure later. Hence they object to Policy HOU8 as being unreasonable, unquantifiable and addressed by other funding.

CDAs

The objector:

- concludes that there is an over reliance on constrained sites and historic large scale allocations within the CDAs.

They note that:

- previous structure plan requirement were not achieved.
- development in CDAs accounts for 47% of total effective land supply but that this is heavily dependent on infrastructure being available; and suggests that the development industry is unable to maintain funding beyond current section 75 agreements and that future development could stall unless the council is willing to forward fund.

Consequently they propose that:

- an additional range of small to medium potentially effective sites should be identified to help meet the SESplan housing requirement to 2019; and
- identifies SG on Developer Contributions for Transportation Infrastructure as being fundamental to delivery of LDP strategy and suggests that there is a risk until the content of this document is confirmed and agreed.

Murieston Castle Farm, south west Livingston

The agent:

- objects to the non- inclusion of the site as an LDP housing allocation and cites the housing land supply shortfall as justification for now including it and supporting

documents as part of this representation

- notes Planning Permission in Principle has been sought to develop the northern part of the site for approximately 100-120 units with the intention that the southern part of the site forms a longer term growth option to be safeguarded for residential development in this LDP. (Note: Supporting Documents - SD079 (Design Statement) and SD094 (Site Investigation) can be found in the original representation file 21863641).

The development of the site:

- for housing is supported for reasons allied to SPP and specifically because it would contribute to sustainable housing, it would outweigh any adverse impacts and because the development plan is out of date.
- is supportable against SESplan Policy 7 criteria.
- would be consistent with national planning outcomes.

It is claimed there would be:

- economic benefits arising from the development of this site including the realisation of developer contribution for infrastructure and services employment opportunities, affordable housing provision and opportunities to sustain local services;
- consistent with place-making agenda and would support good design and address the six qualities of successful places;
- support for Murieston's local centre;
- no adverse impact on the natural or historic environment;
- in keeping with the character of the local area and would integrate with established housing within a strong woodland setting; and
- could be implemented to exclude areas of known flood risk.

The site is well located in terms of accessibility and public transport and provides opportunities for new walking and cycling linkages and public access generally and could be integrated with the wider green network.

Development would address the deficit in the housing land supply while increasing choice and affordable housing availability.

Finally the site:

- is recognised as being greenfield and in the Countryside Belt, but it is argued that such releases are needed as there are not enough brownfield opportunities and that development can in any event be accommodated without detrimental impact.
- will also provide a logical extension to the west side of Livingston.
- lies with the Harburn/Hartwood Fringe Landscape Character Area (LCA) but is not subject to specific landscape restrictions and development would not be inconsistent with the main characteristics.

There is education capacity available to service the site, albeit that contributions may be required to fund extensions.

Transport mitigation measures can be funded through developer contributions.

The site is effective in terms of SPP criteria.

The MIR previously supported the development

Modifications sought by those submitting representations:

BDW Trading Ltd and H&J Russell (21863641) propose that:

- Policy HOU2 is amended to remove the word ‘endeavour’ and should provide criteria to assess new sites (consistent with SESplan Policy 7).
- Policy INF1 is amended to reflect Supplementary Guidance.

and object to the non-inclusion of the Murieston Castle Farm, south west Livingston 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.

Summary of responses (including reasons) by planning authority:

BDW Trading Ltd and H&J Russell (21863641)

The general issues raised above on housing land supply, countryside belts, other landscape designations and education infrastructure are addressed under the council’s position statements on housing land (CD215), countryside belts (CD184) and landscape designations (CD212) and associated Schedule 4s. This Schedule 4 relates to the planning policy background to the site at Murieston Castle Farm and its context within south west Livingston.

The site was always located outwith the new town designated area covered by the Livingston Local Plan (CD097). The Livingston Local Plan adopted in 1995 designated the area as Countryside Belt (Policy EN 9). It states, “*The Livingston Countryside Belt is defined on the Proposals Map. Within the Countryside Belt, development will be resisted which could lead to the coalescence of the New Town with neighbouring settlements. There is a presumption against development in the area unless it is of the highest standard in terms of location and design.*”

However, the Calders Area Local Plan, adopted in 1995 (CD096), identified all the land south of Livingston, (excluding the Linhouse national safeguarded employment site), up to the Edinburgh – Carstairs rail line and west to the minor C-road that accesses Harburn Village from the east, as Livingston Countryside Belt (Policy EV 18). It states, “*A defined area around the western and southern boundaries of Livingston New Town will be protected as the Livingston Countryside Belt. Development will be resisted which could lead to the coalescence of West Calder/Polbeth, Polbeth/Livingston and Mid/East Calder.*”

The preamble in the Calders Area Local Plan to the policy, indicates (Paragraph 5, page 53), “*South of Livingston the countryside belt guards against piecemeal development between Murieston and Harburn.*”

Two other sections of the Calders Area Local Plan related to south and west Livingston: Section 3.3 Murieston stated, (page 14 , paragraph 1).....”*any future proposals to build on the high and exposed land to the south–west of Murieston Road will have to be carefully considered so as to preserve the existing amenity and views.....*”

Page 25 / paragraph 3 states in relation to the adjacent Balgreen Farm, “*While it is not proposed to allocate this additional area for development, it is particularly important to safeguard it from piecemeal encroachment in terms of the policies which apply severally*

to it (Murieston 3.3, E4 – Linhouse, EV18 - Livingston Countryside Belt). Any development proposals for this wider area will be reviewed on their merits as departures from the Local Plan“.

Consequently, there has been a long standing acknowledgement in development plans over the unique open character of the land at Balgreen around south Livingston as well as west at Murieston Castle and Westfield Farm.

The West Lothian Local Plan in 2009 (CD092) continued the Livingston Countryside Belt allocation across Murieston Castle and Westfield Farms in policies ENV 22 & ENV 23. The latter policy states: *“Within the Countryside Belts, development that will lead to coalescence between settlements and for which there is no specific locational need will be resisted. Proposals that would result in sporadic development, or the expansion of existing clusters of houses and for which there is no specific locational need, will be similarly resisted.”*

However, at the Main Issues Report stage, in the assessment of consultation responses in Autumn 2014, (CD220 , page 351), the conclusion for the greenfield site EOI-0110 at Murieston Castle Farm was that:

- *“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.*
- *Education capacity is available.*
- *Capacity in and access to the local road network would, however, require to be fully assessed and agreed”.*

However, the council view was that part of the site was an “alternative” to the development of the long standing Linhouse development area, for housing use to the east. The northern section of the Linhouse site was identified as a “Preferred New Housing” site, (Site EOI - 0099 at 9.1ha for 250 units), with the reminder rolled forward as a committed employment site.

Fundamentally, an extensive greenfield area of approximately 85ha with a suggested 375+ houses was considered to create to great an impact on education capacity, local services and road capacities in the Murieston Valley to sanction the whole Murieston Castle and Westfield Farms as a sin gel greenfield release.

A Planning Permission in Principle application was submitted to WLC in May 2015 for the northern part of the promoted landholding (Phase 1). The application, as amended, is for approximately 100-120 units which can be accommodated with feasible extensions to education infrastructure (CD385).

The southern part of the site forms a longer term growth option (Phase 2) which the objector seek to be safeguarded for residential development in this LDP and can be

delivered once necessary infrastructure capacity becomes available.

The application for planning permission in principle at Murieston was referred to the West Lothian Council Planning Committee in February 2016 with the summary that the application is significantly contrary to the development plan (CD385).

While it is acknowledged that the effective housing land supply and any potential short term deficit is a material consideration in determining the application, it was judged that the SESplan criteria in Policy 7, against which any shortfall should be assessed, cannot be met as the development proposal does not meet the terms of 7a nor 7c (CD287).

A defensible western boundary to the settlement of Livingston is formed by Murieston Road. Development to the west of that road will have a detrimental impact on the rural setting of Murieston and that of the Category B Listed, Westfield House.

The site is a greenfield site in an unsustainable location and is remote from public transport connections. There is no locational justification for the proposed development, which is contrary to strategic and local policies in respect of housing land supply; development in the countryside; infrastructure provision and cultural heritage.

While there is a responsibility on the council to maintain a supply of land, in the right places, for a mixture of tenures and which is free from constraints which would prohibit early development of the site, HoNDA2 identifies that there is a very significant reduction in the housing requirements in West Lothian up to 2038 compared to the requirements set out in the SESplan SDP.

Even without this reduction the application site is unlikely to be able to contribute to any housing completion figures by March 2019 and would therefore not meet the tests for effectiveness set out in PAN 2/2010 (Affordable Housing and Housing Land Audits) (CD038).

In summary, the planning application conflicts with a number of development plan policies and there are no the material considerations that outweigh the presumption against development in this location.

Minute of West Lothian Planning Committee on 3rd February 2016 (CD385d) on application 0355/P/15 notes:

“Having concluded the pre-determination of the application, agreed to refer the planning application to a meeting of West Lothian Council (Planning) for decision.”

The West Lothian Council (Planning) also on 3rd February 2016 view on application 0355/P/15 for Planning permission in principle for a 14.5ha residential development with associated landscaping, roads and footpaths at land at Murieston Road, Murieston, Livingston with a recommendation to refuse planning permission in principle was:

“To refuse planning permission in principle as the application had immediately beforehand been the subject to a pre-determination hearing by West Lothian Planning Committee and had been referred to the meeting for determination.”

Decision: To unanimously approve the terms of the report and refuse planning permission.” (CD385d)

The application was then submitted to the DPEA for consideration at appeal (PPA-400-

2067 -Planning Permission Appeal) in May 2016. The outcome of this appeal is awaited by the council. The council's submission documents set out the council's case for refusal of planning consent (CD385).

To summarise, with regards to the representation received in relation to Murieston Castle Farm, the council does not consider that the plan should be modified in respect of any of the issues raised in the representation.

Reporter's conclusions:

1. BDW Trading Ltd and H&J Russell want the land which was the subject of planning appeal PPA-400-2067 to be allocated for housing. They also want further land to the south (which they describe as phase 2 of the development) to be allocated. The first phase (the appeal site) would have a stated capacity of 100-120 homes. The second phase is roughly the same size, although the representation indicates a total capacity across both phases of up to 400 homes. Although it is stated that phase 2 would be delivered only 'once necessary infrastructure capacity becomes available' it is clear from the terms of the representation that a housing allocation extending across both phases is sought. It is on that basis which I proceed.
2. The entire site (phases 1 and 2 together) is agricultural land lying to the west of Murieston Road. The Edinburgh to Glasgow (via Shotts) railway line forms the northern boundary. Field boundaries form the western boundary. A strip of woodland, within the site, runs along the southern part of the western boundary. The track to Murieston Castle Farm forms the southern boundary. The boundary between the two phases (in effect the southern boundary of the appeal site) is a track running east-west across the middle of the site to the listed Westfield House.
3. The appeal referred to above was dismissed by the Scottish Ministers on 16 August 2017. I gave (through FIR47) both the council and BDW Trading Ltd/H&J Russell the opportunity to comment on the relevance of that decision for the case for allocating this land. Both parties also had the opportunity to comment on the other's initial response to my information request. I take account of all of the responses I received, and refer to them below as necessary. My conclusions here, it is important to note, relate to whether the whole site should be allocated for housing, not to the specific proposals on only part of the site which were subject to the appeal.
4. We address matters related to housing land under Issue 1A, Policy HOU 8 under Issue 26I and Policy INF 1 under Issue 1F. We find (notwithstanding the council's response to FIR47) at issue 1A that the amount of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. I therefore give serious consideration to the proposal to allocate this land for housing.
5. In respect of the case for allocating the site, the main concerns of the council listed above appear to be the landscape and visual impacts of development here, the distance of the site to public services and impacts on Westfield House. Concerns are also noted about education capacity and transport impacts.
6. It seems to me that the site is reasonably well-contained by the surrounding topography and vegetation. Other than when fairly close to the site boundaries, views of the site, and of development within it, would be fairly limited. Additional landscaping could provide further containment.

7. However, I noted during my site inspection that Murieston Road, including the belts of woodland along it, currently provides a strong western edge to the Murieston area of Livingston. The sloping North Wood and the railway line provide a similarly strong southern boundary to Brucefield Industrial Park. Together, these help provide a well-established landscape setting to this part of Livingston, and a clear separation between the urban area and the countryside around it. I have serious concerns about what would be such a significant incursion beyond these strong boundaries and into this area of countryside. Even with the visual containment I refer to above, in my view this would do significant harm to the landscape setting of this part of Livingston. The southern and western boundaries of the site, even if enhanced by planting, would be much weaker than the existing settlement boundaries I refer to above. Further development to the west and south could become much more likely as a result. These adverse landscape impacts are significant factors weighing against the allocation of the site.

8. I also share the council's concerns about the relative remoteness of the site. I appreciate that there are local services in the neighbourhood centre around Livingston South Station, and that these could be accessed on foot via Murieston Valley or Murieston Trail. However, they would be at some distance from the site, in particular from its western and southern margins. The belts of woodland on the west side of Murieston Road which would limit the visibility of development would also, conversely, serve to reinforce the somewhat detached character of the site.

9. In responding to FIR47, BDW Trading Ltd and H&J Russell argue that allocation of the whole site provides an opportunity to provide better connections with Murieston (including a second vehicular access, a bus route and pedestrian/cycle routes) than would have been possible through the appeal proposal, and would allow an increased scale and density of development. I recognise the advantages of connecting the larger site in such a way. However, this would not entirely overcome my concerns about the relative remoteness of the site, nor my concerns about the landscape impacts of developing it.

10. I note the council's concerns in relation to Westfield House. The house is to the west of the site, albeit one of its access drives runs across it. In any event, impacts on the setting of the house would be a matter best considered through the development management process. I do not get the sense that the presence of this listed building would be likely to rule out the prospect of development across this site.

11. In respect of transport impacts, the report which accompanies the appeal decision (the reasoning and conclusions in the report having been adopted by Ministers) concludes that the transport impacts of the proposal (for around 120 homes) could be appropriately mitigated. One of the many documents submitted by BDW Trading Ltd and H&J Russell in support of their case for allocating this site was a transport appraisal submitted in support of the appeal proposal. That document assumes a development of 400 homes. It predicts that two of the junctions on the nearby road network would, as a result, be operating at above capacity and proposes mitigation measures for both of these. The council makes no comment above on the contents of this transport appraisal. Despite that, it (and the report of the appeal) go some way to supporting the view that an amount of development could proceed on the site without significantly adverse impacts on the operation of the local road network. That said, and whilst I note what is said in the transport appraisal (and in the responses to FIR47) about such matters, I remain of the view that the site is somewhat isolated, and not ideally placed to support active travel and the use of public transport.

12. In respect of schools, we recommend under Issues 1F and 1J a more positive policy approach to education capacity issues. Elsewhere, for some sites which we recommend be included in the plan, we have not found, despite the council's arguments to the contrary, education capacity to be a barrier to doing so. Whilst the council points to the appeal reporter's conclusions in respect of the impacts of that development on Bellsquarry Primary School, there is a difference between considering a development proposal on an unallocated site and considering the case for allocating a site in the wider context of the development planning process. And as is pointed out by BDW Trading Ltd and H&J Russell, the allocation of a site for 400 houses could raise the prospect of alternative approaches to resolving any school capacity issues.

13. In any event, despite our conclusions at Issue 1A and regardless of school capacity considerations, due to the relatively remote nature of the site and the landscape impacts of developing it, I do not support the case for allocating this site.

Reporter's recommendations:

No modifications.

Issue 16Ar	Houstoun Road North, north west Livingston.	
Development plan reference:	Site H-LV 23.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Enterprise (21842643)		
Provision of the development Plan to which the issue relates:	Housing Growth (pages 20- 28). Appendix 2: Schedule of Housing Sites (page 212). Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Scottish Enterprise (21842643) – support the allocation of the H-LV 23 as a housing site; marketing of the site over several years for business use as been unsuccessful; the site is located adjacent to a residential area and within comfortable walking distance of Livingston North Station. The site is effective and can be added to the 5 year effective housing land supply as developer contributions are able to overcome local education constraints; the site is located close to Eliburn Park, offering leisure facilities. All of the issues raised in Appendix 2 of the LDP (page 212) have been considered in a suite of documents supported a planning application 0822/P/13 which is currently before West Lothian Council (CD318a and 318b). The applicants are currently discussing the terms of a section 75 agreement regarding developer contributions prior to the consent being issued. Proposals set out in the LDP action programme relating to extension of primary and secondary schools in the Livingston area are noted and education capacity at educational facilities recognised as a longstanding issue for West Lothian Council. However, the agents believe that there is need for more transparency from council officials on how new development can be utilised to assist in overcoming these issues and claim that obtaining information from the council on what is required to overcome these issues is difficult and is hindering development.</p>		
Modifications sought by those submitting representations:		
Scottish Enterprise (21842643) – no modification sought.		
Summary of responses (including reasons) by planning authority:		
<p>Scottish Enterprise (21842643) – In the early days of Livingston New Town, the Livingston Development Corporation originally designated all the land north of the Houstoun distributor road for residential development. However, a re-appraisal of the need for employment land in the 1980's, saw the 4 pockets of land north of the roads and westwards from Livingston North Station, allocated for employment uses.</p> <p>Later further revisions for the housing land supply saw the east sections (sites EN 2A and EN 3) revert to housing allocations in the 1996 Livingston Local Plan (CD097). These housing sites, which subsequently became Waverley Crescent and Buchanan Crescent, were to support the adjacent Carmondean Centre providing for local services and take</p>		

advantage of the location next to the rail station. Site EN 4 was safeguarded by Policy EM3 as an extension to Eliburn Campus.

In the West Lothian Local Plan (2009), site EN 4 was re-titled site ELv24 and allocated for business uses (CD092). However, representation from the owner, Scottish Enterprise, and their view that there was sufficient undeveloped employment land remaining in Eliburn Campus and adjacent Starlaw Park, saw the site identified as a Preferred New Housing site for c 130 units within the Main Issues Report (2014), site EOI-0221 (CD302). The Proposed Plan (2015) continued this housing use as Site H-LV 23.

The planning permission in principle application (0822/P/13) submitted for a 7.6 ha residential development including access, parking and landscaping on H-LV 23 and negotiations on a suitable Section 75 agreement continue in relation to education infrastructure (CD318a and 318b).

The council's position on education capacity is set out in its position statement on education (CD201, CD201a-CD201l) and in Schedule 4 number 1J.

The council does not propose to amend the LDP in relation to this submission.

Reporter's conclusions:

1. Scottish Enterprise makes comments about the need for more clarity in addressing education capacity constraints. We address these matters under issue 1J. There are no other unresolved issues arising from Scottish Enterprise's support for the allocation of this site for housing development.

Reporter's recommendations:

No modifications.

Issue 16As	Former Buchanan House, Kirkton, Livingston.	
Development plan reference:	Site H-LV 22 Kirkton North Road (site of former Buchanan House)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Manor Forrest Ltd (21836104) Catherine Brown (21528269)		
Provision of the development Plan to which the issue relates:	Appendix 2: Schedule of Housing Sites - Livingston (page 212). Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Manor Forrest Ltd (21836104) – support the allocation of the site for housing; advise that planning permission in principle has been secured; legal agreement outlines the delivery of affordable housing and planning gain contributions; development is expected to commence in early 2016 with the demolition of Buchanan House. Detailed technical assessments illustrate that the site is effective.</p> <p>Catherine Brown (21528269) – seeks provision by the developers of a secure fence between the proposed site and the strip of woodland owned by the Woodland Trust.</p>		
Modifications sought by those submitting representations:		
<p>Manor Forrest Ltd (21836104) – no modifications sought.</p> <p>Catherine Brown (21528269) – seeks provision of secure boundary fence between the site and adjacent woodland.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The former Buchanan House office building situated within, Kirkton, Livingston adjacent to the Kirkton residential area has been vacant for some considerable time and subject to extensive vandalism and fire raising.</p> <p>An initial outline planning permission (0676/P/07) for a 3.85ha residential development at Buchanan House in 2007 was withdrawn (CD386a and CD386b). A further planning permission in principle for a 3.85ha residential development (0499/P/09) was refused planning permission in October 2010 (CD387a, CD387b and CD387c). Another planning permission in principle application (0737/P/11) for a smaller 1.9Ha residential development was submitted in November 2011 and subsequently granted in principle, subject to a Section 75 agreement, in October 2015 (CD388a, CD388b and CD388c).</p> <p>An application (0926/MSC/15) for approval of matters specified in conditions of planning permission 0773/P/11 for a residential development of 55 houses including access road, parking and landscaping, was granted in February 2016 (CD389a, CD389b and CD389c).</p>		

Thereafter an application (LIVE/0927/MSC/15) for approval of matters specified in conditions of planning permission 0737/P/11 for a residential development of 57 houses including access roads, parking and landscaping (grid ref. 304248 667361) was approved in February 2016 (CD3421a, CD421b and CD421c).

The approved landscape plan (20 of 25) clearly shows the retention of the woodland strip along the west side of the site along with “retention of the existing fencing” on the west side of the woodland as it abuts Kirkfield View (CD421b).

Demolition of the former Buchanan House is underway.

The council does not propose to amend the LDP in relation to this submission other than to update page 212 of Appendix 2: Schedule of Housing Sites/Site Delivery Requirements to reflect the grant of planning permission.

Reporter’s conclusions:

1. There are no outstanding issues arising from Manor Forest Ltd’s support for the allocation of this site for housing. I note that planning permission is already in place for the site, and that this provides for the retention of the woodland. Details of any fencing required for this site is a matter best left to the development management process. In any event, I saw during my site inspection that development of this site was already well underway.

Reporter’s recommendations:

No modifications.

Issue 16At	Williamston South site at entrance to Linhouse area, South Livingston.	
Development plan reference:	E-LV 39: Williamston South (and E-LV 46: Linhouse)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Richard Dickson (21833765) Joanna MacLaine (21830524) Nick Lansdell (21780505)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations (pages 115 & 116). Proposals Map 3.	
Planning authority's summary of the representation(s):		
<p>Richard Dickson (21833765) and Joanna MacLaine (21830524) – object to the sites due to loss of open space and adverse impact on wildlife.</p> <p>Richard Dickson (21833765) – states both sites are well used by the local and wider community for recreational use.</p> <p>Joanna MacLaine (21830524) – adds that both these areas are extensively used by locals and visitors; they attract wildlife for which there are no other similar sites.</p> <p>Nick Lansdell (21780505) – states that E-LV46 retains employment site status; a secondary access is not required for development within this context; the proposal does not represent value for the tax payer with no planning application for employment land identified access road creates pressure for speculative housing which puts strategic employment site at risk from housing. Employment site does not require access into residential area and would contravene policies ENV 7 by impinging on countryside, ENV 21 by impacting upon Core Path Network through intersection, NRG 1 by increasing potential of motor vehicle use and by damaging the amenity of new and existing development including environmental quality and adversely impacting on linkages of communities to the land, EMG 4 by encouraging additional vehicles of a commercial nature to pass through residential areas – Brucefield Industrial Estate to Oakbank Industrial Estate, and EMG 5 by increasing road traffic.</p>		
Modifications sought by those submitting representations:		
Richard Dickson (21833765), Joanna MacLaine (21830524) and Nick Lansdell (21780505) – none specified but it is implied that removal of the sites from the LDP is sought.		

Summary of responses (including reasons) by planning authority:

Richard Dickson (21833765), Joanna MacLaine (21830524) and Nick Lansdell (21780505)

Site E-LV 46 Linhouse has a long standing development history through the safeguarding of it in the Calders Area Local Plan (CD096) adopted in 1996 and the West Lothian Local Plan (CD092) adopted in 2009.

Site E-LV 39 Williamston South was set out for development through the major rehabilitation scheme undertaken by the former Lothian Regional Council in the 1990's as one of 4 entrance sites into the Linhouse Complex. The Contentibus Bing, which lay to the east, was removed and development platforms created for employment sites off the newly constructed A71 Bypass.

Both sites are within the Livingston urban area with the Edinburgh to Shotts train line forming the southern boundary.

Of the 4 entrance sites, Williamston South is the only site remaining undeveloped. The woodland shelter belts and paths around the site have now matured over the last 25 years. However, they will remain in any future employment development and are protected as "Land safeguarded for open space" on the LDP Proposals Map with a range of LDP policies applicable, most notably policy ENV21 "Protection of Formal and Informal Open Space" (LDP, Page 54).

In relation to Countryside Belts, the sites are clearly surrounded by the countryside belt designation and were never originally designated countryside belt, but have been considered for development since the 1981 National Planning Guidelines identified the Linhouse area as a safeguarded site of national importance.

With open space and the core path network, the substantial woodland shelter belt area that was originally planted around the Linhouse core area in the mid-1990's by the former Lothian Regional Council to screen any future development, will remain. It is protected by either Policy ENV 21 on open space, close the urban area in South Murieston, or the southern portion is protected by Policy ENV 7: Countryside Belts (LDP page 44).

Again, the Core Path surrounding the Linhouse area is recognised on the proposals map as a "protected right of way / core path."

Site E-LV46 is judged to be a sustainable location on the edge of the built up area that has a long history of development. It is within 800 of Livingston South Rail Station.

Air quality is not known to be an issue in the south Livingston area as occurs in the 2 other Air Quality Management Areas in West Lothian at Broxburn and potentially Linlithgow. It is most likely that HGVs will not navigate through residential areas along Murieston South road but take the more direct route via the A71 onto A899 or west Calder Rd rather than go through Brucefield Industrial Estate; however, such matters can be addressed at planning application stage and with any requirements for transport assessment.

Any noise matters arising from development would be also be addressed at planning application stage.

Reporter's conclusions:

1. Nick Lansdell's representation refers to site E-LV 46 Linhouse, however his stated opposition is not to the allocation of the site itself but, for a number of reasons, to the proposed link road from the site to Murieston Road. We deal with that matter under Issue 16Ap.
2. Neither of the representations from Richard Dickson and Joanna MacLaine, when listing their concerns, differentiates between the impacts of site E-LV 39 Williamston South and site E-LV 46 Linhouse. The council addresses a number of other representations on site E-LV 46 under Issue 16 Aj. We cover there the representations of Mr Dickson and Ms MacLaine insofar as they relate to E-LV 46. I cover here only E-LV 39.
3. I undertook an inspection of the site itself, as well as of the surrounding paths and woodland. As far the site itself is concerned, I note that it has been long identified for employment use. Although in its overgrown state it may be used for dog walking and informal access, that is likely to have been the case for many years and I do not consider that this is sufficient reason to recommend that it is no longer allocated for employment use.
4. As I observed, the paths and woodland around the site provide an attractive recreational resource, of much greater value than the overgrown central part of the site which it is intended would be developed. The council confirms that these paths and woodland would remain in place, and indeed the woodland to the north and west is in fact outwith the boundary of the allocated site.
5. There would likely be some severance of the path at the southwestern edge of the site by the proposed road linking this site with site E-LV 46 Linhouse. In addition, despite the woodland surrounding much of the paths around the site, the experience of walking these is likely to be altered following development of the site itself. Nevertheless, as with the informal use of the site itself, I do not find that such impacts would warrant abandoning the long-standing allocation of the site for employment use.
6. I note the concerns raised about impacts on wildlife. However, whilst there may be impacts associated with the loss of habitats on an undeveloped (and unfarmed) site such as this one, I have seen no evidence which indicates that the site has a particular biodiversity value.
7. Our conclusions under Issue 26A are that there is a significant surplus of employment land. Despite that conclusion, in the context of my findings above that the impacts of developing the site would be minor, and in the absence of a case being made for any alternative form of development on the site, I am satisfied that it would be prudent to retain this allocation for employment land.

Reporter's recommendations:

No modifications.

Issue 16Au	Deer Park, North Livingston.	
Development plan reference:	Site E-LV 44: Deer Park.	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
The Muir Group (21809901)		
Provision of the development Plan to which the issue relates:	Economic Development & Growth (pages 12-19). Appendix 1: Employment Land Allocations (page 116). Proposals Map 3.	
Planning authority's summary of the representation(s):		
The Muir Group (21809901) – supports the economic strategy but seek a broader range of uses on the site E-LV 44 at Deer Park.		
Modifications sought by those submitting representations:		
The Muir Group (21809901) – a broader range of uses on the site and extension of the site boundary to the north west up to the M8 boundary.		
Summary of responses (including reasons) by planning authority:		
<p>The Muir Group (21809901) – support for the economic strategy is acknowledged.</p> <p>The Livingston Local Plan in 1996 (CD097) allocated the site (KW 13) for “Business, commercial or Leisure uses”. Policy EM 8 indicated it was “<i>safeguarded for a high amenity office park development</i>”.</p> <p>The majority of the site was built out by the time the West Lothian Local Plan was adopted in 2009. The site was referenced as ELv61 in the West Lothian Local Plan (CD092). One site remained on the north boundary along the frontage with the M8. Due to the awkward shape of the site and the development platform that had been created setting out the rest of the estate, the north west corner was outwith the ELv61 site allocation.</p> <p>In Appendix 5.1 of the West Lothian Local Plan relating to Employment sites (page xxiv) it noted that site ELv61 was identified as suitable for use class 4: business use and under “Requirements” noted:</p> <ul style="list-style-type: none"> • “<i>Site safeguarded for high amenity office park development;</i> • <i>M8 frontage requires high standard of architectural and landscape design</i>” <p>Site ELv61 was rolled forward into the LDP Proposed Plan as site E-LV 44. Within Appendix 1: <i>Employment Land Allocations</i> of the LDP the site is categorised the site as “D” – i.e. for office use only that states:</p> <p><i>“while recognising the flexibility that is afforded by use class 4, allowing development for</i></p>		

office, research and development, as well as light industrial uses, in the same locality, the LDP also recognises that in certain locations development for industrial use may still be inappropriate. The inclusion of this category is therefore intended to ensure that development will take place exclusively for office purposes. Sites included in this category will include the flagship Alba Campus (which is normally restricted to class 4 uses), as well as established office parks, such as Almondvale and Fairways, all in Livingston, protecting the status and quality of these office parks.” The Fairways is the marketing name for Deer Park.

The masterplan for the site was for class 4 office development. Road improvements carried out at the start of the development were based on the predicted additional traffic flows. If there is an addition to the area of development, or a change to the classification then the impact of the new allocation would be required to be assessed against the original allocation. Any increases in impact would need to be addressed by the developer, especially on the carriageways at Livingston East (Deer Park) roundabout towards the M8 and A899 towards Livingston.

It is acknowledged that as such a prominent site on the entrance to the town, it would be beneficial for high quality landscaping along this north boundary with the M8 and that inclusion of the north west corner within E-LV 44 would secure this improvement.

The council does not propose to change the LDP in relation to this matter however, it does see merit in the representation and would not oppose any change to the LDP should the Reporter be minded to amend the LDP in relation to this matter.

Reporter’s conclusions:

1. The representation from the Muir Group said simply that it supported the plan as written, albeit it was accompanied by a map which appeared to indicate a desire that additional land to the northwest of site E-LV 44 be included in the allocation. There was no mention of a greater range of uses on the site. I therefore sought further evidence (FIR17) in order to clarify matters.
2. In response, the Muir Group resubmitted the same map and expressed a desire that the site be zoned for ‘business, commercial or leisure uses’, which was stated to have previously been the case. However, the council explains that, although the site was identified for commercial, business or commercial uses in the 1996 Livingston Local Plan, Policy EM 8 of that plan indicated that Deer Park was ‘safeguarded for high amenity office park development.’
3. The current local plan identifies the site (with the same boundaries as in the proposed plan) as site ELv61. Appendix 5.1 of the local plan identifies the allocation as for Use Class 4 and as Category D (office only). It is stated that the site is safeguarded for high amenity office park development and that the M8 frontage requires a high standard of architecture and landscaping. The allocation in the proposed plan would apply the same approach.
4. The Muir Group has not submitted any supporting evidence to the effect that the proposed (and indeed current, established) allocation of the site for office development is inappropriate, or why there is a case for extending this to include a wider range of uses. I therefore see no compelling need to recommend that the plan be altered in this respect, indeed I can understand why the council would wish to promote high quality office

development at this prominent site near the main entrance to Livingston from the M8. I reach this conclusion despite our findings at Issue 26A that there is a significant surplus of allocated employment land.

5. I note that the council sees the potential for better landscaping should the allocated site be enlarged. As I observed during my site inspection, this additional land is overgrown and makes no positive contribution to the amenity of the area. I am content to recommend such a modification.

Reporter's recommendations:

1. In the proposals map, identify an enlarged site E-LV 44 so that it incorporates the additional employment land proposed in the map which accompanied the Muir Group's response to FIR17.

2. In the table of Livingston employment sites on page 91, modify the entry for site E-LV 44 Deer Park so that the stated area of the site reflects the increased area of the site as modified.

3. In Appendix One, modify the entry for site E-LV 44 Deer Park so that the stated area of the site reflects the increased area of the site as modified.

Issue 16Av	Allocation of land for mixed use (including housing) at Appleton Parkway South East, Eliburn, Livingston.	
Development plan reference:	E-LV 19 (formerly ELv 28 in WLLP)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments Ltd (0350)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Livingston (page 91). Appendix 1 – Schedule of Employment Sites, Livingston (page 113). Proposals Map 3, Livingston Area Policy EMP 1	
Planning authority’s summary of the representation(s):		
<p><u>Representations to Allocated Site</u></p> <p><u>E-LV 19 - Appleton Parkway South East, Eliburn, Livingston</u></p> <p>Gladman Developments Ltd (0350) - supports the overall vision of the Local Development Plan; capitalising on West Lothian’s strategic location and supporting the previously established Core Development Areas (CDA’s), whilst also acknowledging the designation of the whole of West Lothian in the Strategic Development Plan as a Strategic Development Area (SDA) and encouraging development to meet regeneration needs and local objectives, whilst always maintaining an effective five-year supply of housing land. Support for CDAs and large expansion areas is however conditional on them being genuinely effective and forming a part of an overall strategy, made up of these large sites and complementary smaller sites, with the larger sites unlocking infrastructure capacity for the whole of West Lothian.</p> <p>Gladman Developments Ltd supports the LDP aims to provide an adequate and diverse range of quality employment land and to provide a range and choice for those wishing to invest and do business in West Lothian.</p> <p>Reference is made to Policy 2 of the South East Scotland Strategic Development Plan (CD099) which states that the West Lothian Local Development Plan will support the delivery of 123 hectares of the established strategic employment land supply.</p> <p>This is contrasted with the actual LDP allocation of 575 hectares of identified employment land within the West Lothian area, shown in Figure 2 of the LDP (CD078) and it is observed that 206 hectares of this total allocation is immediately available, i.e. marketable and inferring that this represents a significant surplus. It is subsequently argued that the “loss” of part of the employment land allocation provided for by site E-LV 19 would be inconsequential in the overall context of employment land supply (the land involved amounting to less than 1 hectare) and would instead be more beneficially allocated as land for housing.</p>		

The respondents promote a change to the allocation of site E-LV 19 and wish instead to see a mixed use allocation which also embraces a residential component. Indicative plans have been tabled which identify two distinctive housing allocations, Site A on the western part of E-LV 19 with a notional capacity of 42 flats and Site B on the eastern part of E-LV 19 with a notional capacity of 28 flats.

In support of these changes to the Proposed Plan the respondents have referenced the West Lothian housing land supply position and have tabled figures which suggest that there is a significant shortfall in housing sites within the Proposed Plan to meet the required Housing Supply Target, as set by the Edinburgh and South East Scotland Strategic Development Plan 2013. It is averred that a five-year effective housing land supply has not been maintained and it is suggested that the council needs to allocate additional sites to enhance the supply. It is argued that small sites such as this can contribute towards meeting the LDP housing land shortfall.

The respondents have also submitted a document entitled 'Elburn Business Park, Livingston – Review of Industrial Market 2015' which provides an overview of their ownership, the disposal of land and a brief history of planning approvals at Elburn Campus. It concludes that the demand and take up of employment land of the type previously allocated (and subsequently carried forward to the Proposed Plan) has been consistently poor over many years despite efforts by professional agents to actively market it on behalf of the landowners and cites factors such as fitting out costs and compliance with more stringent building regulations as significant impediments to take up. Three specific planning applications, which are obliquely referenced in the Review, are highlighted in the respondents submission as being of relevance to the consideration of the proposed changes to the allocation of site E-LV 19. Collectively, they provide a narrative of how the development of site E-LV 19 has evolved in recent years. The applications are:

0675/FUL/07 - full planning permission for the erection of a 22,838 sq m industrial and office development with associated access roads, landscaping and car parking with land reserved for ancillary uses (approved 11/04/2008) (CD434)

0056/P/12 - planning permission in principle for a 6.8 ha mixed use development of employment and residential (approved 25/02/2014) (CD435)

0158/MSC/14 - matters specified in condition relating to planning permission 0056/P/12 for the erection of 87 houses (approved 23/06/2014) (CD436)

Modifications sought by those submitting representations:

Representations to Allocated Site

E-LV 19 - Appleton Parkway South East, Elburn, Livingston

Gladman Developments Ltd (0350) - seeks to change the allocation of site E-LV 19 at Appleton Parkway South East, Elburn, Livingston from a wholly employment allocation to a mixed use allocation embracing employment and housing land with an indicative capacity of 70 flats in total split across two parts of the site.

Summary of responses (including reasons) by planning authority:Representations to Allocated SiteE-LV 19 - Appleton Parkway South East, Eliburn, Livingston

Gladman Developments Ltd (0350)

Background

The Adopted Livingston Local Plan 1996 (CD097) identified land at Eliburn Campus with an Industrial Area boundary on the Proposals Map and Policy EM 1 safeguarded various industrial estates across the New Town for “employment generating development”. The types of acceptable uses for this part of Eliburn Campus were defined as “high amenity”. The former Livingston Development Corporation laid out and serviced Eliburn Campus in the mid1990’s. What is now referenced as LDP site E-LV 19 was then identified under Policy EM 10 as a high quality employment development single user site (Eliburn South West - ESW 2) in the Adopted Livingston Local Plan (1996) (CD097).

The Adopted West Lothian Local Plan 2009 (CD092) continued to protect the Eliburn Campus as part of an Employment Area, and what is now referenced as LDP site E-LV 19 was shown as part of a larger allocation of industrial land, ELv 28.

Policy EM5 of the WLLP stated “*the expansion, conversion or redevelopment of premises within the areas shown on the proposals map, and on other established sites will be encouraged for uses falling within classes 4,5 and 6, or as restricted in policy EM2 and specified in Appendix 5.1.*”

In this instance, Appendix 5.1 specified uses falling generally within classes 4 & 5 but additional clarification explained that only “High Amenity” uses were appropriate and equated these with business park science and technology uses housed in low rise buildings in a highly landscaped setting. It also applied restrictions to Class 6 uses, precluding operations that would generate high levels of vehicular traffic or require buildings with a high and intrusive eaves heights. (CD092)

Consequently, there has been a long history of intent to see Eliburn Campus being built out as a high-amenity campus.

In the course of determining planning application 0675/FUL/07 (CD434) the council conceded the Livingston Local Plan aspiration to develop the land at Eliburn Campus as a single user site on the advice of its economic development advisors (the adjacent site had already been developed for small scale employment units) but it was content that the proposals which had been encompassed by the application were of a sufficient design quality to at least achieve the high amenity environment that had long been envisaged. The works authorised by these proposals were only ever partially implemented owing to unfavourable market conditions and were subsequently suspended for several years. In 2012 the council was however presented with a revised scheme for the development of the site and the fundamental issue raised by this new planning application, ref 0056/P/12 (CD435) was the introduction of an element of residential development onto a long term employment site in contravention of the development plan.

The proposition presented to the council was that the northern part of site ELv 28 (now E-

LV 19) would be retained for industrial and business development with the receipt from the residential development component being used to build speculative industrial buildings and complete the office accommodation. It was intended that that the newly constructed accommodation would appeal to start-up businesses and act as a catalyst for the development of the residual parts of the site. The council was satisfied that the proposals would deliver, by means of cross-subsidy, flexible starter units for local businesses.

In the event, the council were also re-assured that the layout would ensure that the new houses proposed for the southern part of site ELv 28 would be protected from the activities in the adjacent industrial units (a landscaped bund and acoustic fence fulfilling the noise attenuation measures) and, similarly, that the operation of the operation of the industrial units would not be adversely affected by the proximity of the housing. It was concluded that the proposals would result in a well defined boundary between residential uses and industrial/business uses. The council also took some comfort in the fact that the applicant had undertaken to construct the units and have them available for let before the new housing that formed part of the application had been occupied and proposed to ensure this by means of a suspensive condition. Consequently, planning permission in principle was granted in February 2014 subject to conditions and a legal agreement securing developer contributions and affordable housing on the site.

An application for the approval of matters specified in condition followed later in 2014 (0158/MS/14) (CD436) and permission was granted in favour of Barratt Homes for the erection of 87 houses. Development commenced shortly thereafter and was completed in early 2017.

Housing Land Supply

The council's justification for its approach to housing land requirements and housing land supply is set out in Schedule 4, 1A.

Housing Land Allocations

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan (CD99 - paras 85 - 92, 106 - 113 and Policy 5) and also Table 3.1 (Housing Land Requirement by Local Development Plan Area) of SESplan Supplementary Guidance – Housing Land (CD101).

There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by Scottish Planning Policy (CD068 - paragraph 110).

The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites. (CD078 - paragraph 5.4).

Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply and providing a long term framework for settlement growth in the area over the Local Development Plan period. In Livingston alone there are at least 27 allocated housing sites.

Generally, there are other more suitable sites available for residential development than site E-LV 19 that can be brought forward to support development requirements and there is in any event no strategic need to bring forward additional land for housing in Livingston at this time.

Employment Land

Site E-LV 19 is part of an established employment area currently identified in the West Lothian Local Plan 2009 as site ELv 28 (CD092) and is being carried forward to the Proposed Plan.(CD078)

The policy approach set out in the Local Development Plan Proposed Plan is to encourage economic growth by providing a range of employment land allocations and a flexible policy approach within which development proposals can be assessed. The council is required to provide for employment land in order to accord with SESplan Policy 2 (CD099) and site E-LV 19 makes a modest and proportional contribution to the overall range of employment sites available for development in Livingston.

While it is not disputed that there is a large number of both vacant premises and sites across Livingston and West Lothian, this can be seen as a strength in so far as it means that there is wide pool of different sized buildings and plots available to accommodate employment opportunities. Furthermore, as the economy continues to show signs of recovery it is anticipated that there will be increased demand for employment land and for premises of the calibre which site E-LV 19 undoubtedly has the potential to offer.

The council is always mindful of the need to safeguard and maintain a sufficient supply of employment land and it considers the proposition that allowing what is being represented by the respondents as 'surplus' industrial land to be put to other uses would invariably undermine this and would, in these particular circumstances, raise pertinent amenity issues.

Policy EMP 1 of the Proposed Plan is particularly instructive in this instance in so far as it establishes a clear and robust set of criteria against which proposals which seek to develop non-business/non-industrial uses on allocated employment sites can be judged. (CD078) Applying this to the proposed introduction of residential development it is difficult to reconcile this with criteria (a) - *it has been satisfactorily demonstrated that there is no net detriment to the overall supply of employment land* - and criteria (h) - *the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area.*

It is feared that introducing non employment uses (i.e. residential) on this particular site would have the potential to conflict with the development of the adjacent employment land, constraining what could be done with it, and also giving rise to amenity issues for the occupants of these new houses.

The juxtaposition of new housing with employment uses is identified as a particular issue in terms of the site E-LV 19, as is the potential for housing to be adversely affected by noise and any attendant physical works to combat it. Site A in particular is deemed to be the least satisfactory of the two proposed allocations as it would be more physically isolated and subsumed by the adjoining industrial/business development and would not integrate well. This would be contrary to planning advice contained within the SPP (CD068) that seeks to ensure new sites integrate well with the local communities and

make it a smart successful sustainable place.

The planning history of this site, recounted above, evidences that the council has previously made generous concessions in terms of reducing the amount of employment land in this part of Livingston, albeit with sound reasoning and justification. However the current proposition amounts to nothing less than the piecemeal erosion of the Eliburn Campus and is a step too far. It would allow existing employment sites to be interspersed with pockets of housing and the related expectation of enjoying residential amenity does not sit well with business and general industrial uses that can theoretically operate 24 hours a day. This is regarded as unacceptable.

Overall, the council considers E-LV 19 to be a viable and appropriate location for employment generating uses and would be best retained as such. For these reasons the council does not agree to modify the plan in response to the representations.

Reporter's conclusions:

1. We find at Issue 26A that there is a significant surplus of employment land. We recommend modifications to Policy EMP 1 Safeguarding and Developing Existing Employment Land so that it is more supportive, subject to a number of criteria being met, of the redevelopment of some employment land for alternative uses, including housing. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. In that context, I give serious consideration to the case for modifying the plan to allow for an element of housing development on this site.
2. The site to the south, beyond a bund and wooden fence, H-LV 14 Appleton Parkway South East (Eliburn Park), has now been developed for housing. To the east of that is a newly built church. There are two office buildings at the eastern part of the site (east of Gladman's site B) and two buildings (housing 8 industrial units) towards the central part, between Sites A and B. Further west, on sites E-LV 17 Appleton Parkway south west and E-LV 18 Appleton Parkway, are two office buildings. To the north, site E-LV 16 Appleton Parkway south remains undeveloped.
3. The proposed housing would be on the fringes of Eliburn Campus, and of fairly modest scale. These factors reduce the extent to which housing development here would have an impact on the employment potential of the campus as a whole. However, both sites (in particular site A) would appear as small pockets of housing in areas of predominantly employment uses. The proposed plan supports both general industrial and storage and distribution uses (as well as offices) in the remainder of site E-LV 19, immediately adjacent to these proposed areas of housing. Site E-LV 16, to the north, supports development of the same types of uses, as does E-LV 17 to the west. I therefore share, to some degree, the council's concerns about the potential for conflict which would be created by locating these small pockets of housing (in particular site A) in an area allocated for a wide range of employment uses. Such conflict could be to the detriment of the amenity of the proposed housing and/or to the ability to deliver new or expanded industrial or other employment uses on the neighbouring parts of the campus.
4. Map 4 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in the northwestern part of Livingston. It identifies this site as part of a current local plan employment allocation (ELv28). Although it also refers to proposal EOI-0024, that proposal (to change part of the allocated site from employment

use to housing) relates only to the southern part of ELv28. That southern part of the site is now site H-LV 14. There is no hint of any prospect of an alternative use for the north part of the site, now proposed allocation E-LV 19. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

‘Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.’

5. Earlier, at paragraph 64, promoters of sites are advised to engage in any ‘call for sites’ exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

‘Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.’

6. I acknowledge that the site is an established employment allocation, and the Strategic Environmental Assessment (SEA) of the plan proceeds on that basis. There is no evidence to suggest that it could not be developed without significant environmental impacts, either for employment use or for housing. However, I am mindful that the contribution of this site towards meeting the housing shortfall would be relatively modest. In addition, bearing in mind that there are a number of potentially interested neighbours, I am not aware of any community engagement about the prospect for housing on this site, such as would have been undertaken had it been included in the Main Issues Report, even as a ‘not preferred’ site.

7. Balancing all of these factors in the round and not withstanding our conclusions at Issues 1A and 26A, I do not recommend that the plan supports housing development on this site.

8. I note the difficulties identified by Gladman in attracting and retaining tenants for the existing units on the site, and their concerns about the poor prospects, due to build costs and the lack of demand, for the development of further units on the remaining land. In the context of a revised policy EMP 1, these factors (along with the issue of any potential conflict between residential and industrial uses) could be more fully and properly considered should an application be made for housing development on any part of the site.

Reporter’s recommendations:

No modifications.

Issue 17A	Allocation of land for housing in Longridge	
Development plan reference:	H-LR 1 - Curling Pond Lane H-LR 2 - Fauldhouse Road H-LR 3 - Land at Back O Moss and Main Street H-LR 4 - Longridge Park	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Alexander Smith Jnr. (0048 & 21905532) Dawn Brownlie & Stephen Bryce (0169) Scottish Environment Protection Agency (0243) Stig A. Walsh & Monja A. Knoll (0331) Scottish Water (0409) James Ford (21903583)		
Provision of the development plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Longridge (page 93) Appendix 2 - Schedule of Housing Sites, Longridge (pages 183-188) Proposals Map 5, Villages (Longridge)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-LR 1 - Curling Pond Lane</u></p> <p>James Ford (21903583) - Objects to proposed housing sites at Longridge on grounds that some of the sites were obtained through CPO (Compulsory Purchase Order).</p> <p><u>H-LR 2 - Fauldhouse Road (North)</u></p> <p>James Ford (21903583) - Objects to proposed housing sites at Longridge on grounds that some of the sites were obtained through CPO (Compulsory Purchase Order).</p> <p><u>Housing Land</u></p> <p>Stig A. Walsh & Monja A. Knoll (0331) - Objection to allocation of the site for housing.</p> <p><u>Community Facilities</u></p> <p>Stig A. Walsh & Monja A. Knoll (0331) - Suggests development would place extra pressure on existing community facilities such as schools, medical centre and dentist; there is only one local shop and takeaway in Longridge.</p> <p><u>Traffic and Roads</u></p> <p>Stig A. Walsh & Monja A. Knoll (0331) - Concerns raised regarding impact of traffic on the B7010 which is already a dangerous road; seek traffic calming on the proposed entrance to the site but question if this would be a safe solution to address concerns.</p>		

Water and Drainage

Stig A. Walsh & Monja A. Knoll (0331) - Suggests that increased demand for mains water will affect pressure in existing developments; water pressure at present is only just adequate.

Scottish Water (0409) - No objections to development of the site; advises that 'insufficient capacity should not be seen as a barrier to development'.

Flooding

Stig A. Walsh & Monja A. Knoll (0331) - Notes that the site is waterlogged all year round; flooding continues to be an issue for houses in the village; development of the site will displace flooding to elsewhere around Longridge. Previous refusal of planning consent as this would encroach access to a water facility.

Scottish Environment Protection Agency (0243) Support the relevant development requirements in relation to flood risk.

House Prices and loss of outlook

Stig A. Walsh & Monja A. Knoll (0331) - Development will likely affect house prices in Longridge and remove current moorland outlook.

Wildlife and Habitat

Stig A. Walsh & Monja A. Knoll (0331) - Development will result in loss of wildlife habitat.

H-LR 3 - Land at Back O Moss and Main Street

James Ford (21903583) - Objects to proposed housing sites at Longridge on grounds that some of the sites were obtained through CPO (Compulsory Purchase Order).

Dawn Brownlie & Stephen Bryce (0169) - Objects to the allocation of site H-LR 3 for the following reasons:

- possible impact any work might have on already problematic drainage in the area including overflowing raw sewage;
- impact of new development on saturation of garden which required installation of field drains;
- impact of potential traffic volume on noise pollution and vibrations; and
- limited local education capacity and budget to pay for expansion of school.

H-LR 4 - Longridge Park

James Ford (21903583) - Objects to proposed housing sites at Longridge on grounds that some of the sites were obtained through CPO (Compulsory Purchase Order).

Alexander Smith Jnr. (0048 & 21905532) - Understands that the site was donated or compulsory purchased from Easter Longridge Farm on the express condition that it could only be used for recreational use for the village (i.e. football field or village hall, swing park) but under no circumstances was residential development to be permitted. The

current proposal is in breach of that contract.

Representations to Non Allocated Sites

James Ford (21903583) - Seeks allocation of sites proposed (and rejected) at earlier stages of the LDP process, specifically EOI-0028, Back O Moss Farm (Site A) – 0.98 hectare / 20 units capacity, and, EOI-0029, Back O Moss Farm (Site B) – 2.2 hectare / 55 units capacity. The respondent considers that the sites which were submitted have not been allocated due to personal discrimination and claims to have been 'black listed' by the council.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H- LR 1 - Curling Pond Lane

James Ford (21903583) - Intimates that the site should not be allocated for housing.

H-LR 2 - Fauldhouse Road (North)

James Ford (21903583); Stig A. Walsh & Monja A. Knoll (0331) - Intimate that the site should not be allocated for housing.

H-LR 3 - Land at Back O Moss and Main Street

James Ford (21903583); Alexander Smith Jnr. (0048 & 21905532); Dawn Brownlie & Stephen Bryce (0169) - Intimate that the site should not be allocated for housing.

H-LR - 4 Longridge Park

James Ford (21903583); Alexander Smith Jnr. (0048 & 21905532) - Intimate that the site should not be allocated for housing.

Representations to Non Allocated Sites

James Ford (21903583) - Seeks the allocation of two sites which were proposed (and rejected) at earlier stages of the LDP process : EOI-0028, Back O Moss Farm (Site A) and, EOI-0029, Back O Moss Farm (Site B)

Summary of responses (including reasons) by planning authority:

Background

The council is required to meet specific housing targets based on the requirements set out in the approved Strategic Development Plan, paragraphs 85-92, 106-113 and policy 5 and page 6, Table 3.1 (CD099). There is a need to provide sufficient effective housing land which can allow the delivery of housing in the period to 2024. As a result of the need to identify a range and choice of sites to ensure a generous effective housing land supply as required by SPP – paragraph 110) (CD068) the council has allocated a number of housing sites across West Lothian for housing development.

The proposed plan designates four housing sites in the settlement of Longridge which are identified in Appendix Two: Schedule of Housing Sites / Site Delivery Requirements (pages 218-219) and on the Proposals Map 5: Villages.

Two of these sites were carried forward from the adopted West Lothian Local Plan 2009 (CD092):

- H-LR 1 Curling Pond Lane was previously allocated as site HLR3; and
- H-LR 2 Fauldhouse Road (North) was previously allocated as site HLR6

And two of the sites are new allocations:

- H-LR 3 Land at Back O Moss and Main Street; and
- H-LR 4 Longridge Park

Further site details regarding representations are given in responses below.

Representations to Allocated Sites

H-LR 1 - Curling Pond Lane

James Ford (21903583) - This site has an effective planning permission and is largely built out. Construction stalled during the recession due to the developer going out of business but work has recently recommenced. The council looks forward to seeing the completion of this site and does not propose to modify the Plan.

H-LR 2 - Fauldhouse Road (North)

James Ford (21903583); Stig A. Walsh & Monja A. Knoll (0331); Scottish Water (0409); Scottish Environment Protection Agency (0243) - The 'background' section above details the requirements placed on the council to identify and deliver housing sites across West Lothian.

Site H-LR 2 (16.8ha, 30 unit capacity) is anticipated to commence delivery of housing within the first plan period. It is an established site having been previously allocated in the West Lothian Local Plan as site HLR6.

It should be noted that this site has a valid planning approval 0493/P/02 granted on 10 May 2006 which has been kept live through subsequent reserved matters applications (CD344a). Site specific issues raised by the respondents are capable of being addressed through conditions of the planning permission. The council does not therefore agree to modify the Plan in response to these representations.

Community Facilities

Stig A. Walsh & Monja A. Knoll (0331) - The allocation of new development within Longridge may attract further local shops and facilities.

National Health Service Lothian has raised no concerns about development of the site. The recently completed Fauldhouse Partnership Centre provides for health needs. National Health Service Lothian has advised that there is capacity for health provision and has raised no concerns with development of the site. The site falls within the school catchment areas of Longridge Primary School, St John the Baptist Primary School, St

Kentigern's High School and Whitburn Academy where there is capacity to accommodate development. The council does not therefore agree to modify the Plan in response to this issue.

House Prices and loss of outlook

Stig A. Walsh & Monja A. Knoll (0331) - House values and loss of outlook/view are not planning matters. The council does not therefore agree to modify the Plan in response to this issue.

H-LR 3 - Land at Back O Moss and Main Street

James Ford (21903583); Dawn Brownlie & Stephen Bryce (0169) - Many of the issues raised in these representations are covered in the council's response to similar issues raised at site H-LR 2 Fauldhouse Road (North) above.

Site H-LR 3 Land at Back O Moss and Main Street is a new allocation for the proposed plan with an area of 2.5ha and capacity estimated as 20 housing units.

Flood risk and drainage

Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* (pp. 218 – 219) notes that there is an issue of surface water flooding at this site and thus requires that Flood Risk Assessment and water impact assessment work is carried out. It is also noted that a 'small watercourse flows behind the existing development on Northfield Meadows' (west across the A706 / Main Street) 'and may be culverted beneath Main Street and the development site'. The feasibility of opening up the watercourse is advised to be considered subject to impacts on localised flooding. For site H-LR 3 it is stated that 'no development should occur on top of the culvert'. Whilst posing a difficulty for site development, it is not insurmountable and the council does not propose to modify the Plan in response to this issue due to the express requirements for site delivery.

Education

The only issues raised regarding Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* (pp. 218-219) with respect to education capacity are at Whitburn Academy which will require to be assessed. Educational capacity changes as cohorts of students move through the school system thus it is a development planning task to ensure that forthcoming sites are allocated and phased to support local education facilities. Should there be any capacity issues regarding this relatively small site then phasing would overcome such a capacity shortage in the near term. The council does not therefore agree to modify the Plan in response to this representation.

H-LR 4 - Longridge Park

James Ford (21903583); Alexander Smith Jnr. (0048 & 21905532) – West Lothian Council Property records show that 4.4 acres of land at Easter Longridge Farm, Whitburn was sold and disposed in favour of the former Whitburn and Livingston Council for a cash value and was not therefore subject to Compulsory Purchase Order or other restrictive covenant. No such restrictions can be found in the disposition as recorded at the County of West Lothian on 5 September 1968. While this is first and foremost not regarded as a wholly pertinent consideration for the allocation of land in the Proposed Plan, it is the

case that the council does not in any event agree to modify the Plan in response to this representation.

Representations to Non Allocated Sites

James Ford (21903583) - This representation seeks the allocation of two sites (EOI-0028 and EOI-0029) from Main Issues Report stage for residential purposes - MIR, Settlement Statement (page164, Settlement Map 10). (CD079). Neither of these sites were taken forward into the proposed plan as noted below.

EOI--0028: Back O Moss Farm (Site A):

- housing site: 0.98ha/20 units
- Main Issues Report status: 'not preferred'
- Not allocated in the Proposed Plan due to access and utilities issues

EOI-0029: Back O Moss Farm (Site B):

- Housing site: 2,2ha/55 units
- Main Issues Report status: alternative site to HLr6 (Proposed Plan site H-LR 2 (Fauldhouse Road North))
- Not allocated in the Proposed Plan because other preferable sites were available

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development. The council does not therefore agree to modify the Plan in response to this representation.

Complaint

West Lothian Council is committed to providing high-quality customer services. If something goes wrong or individuals are dissatisfied with any aspect of our services, there is an established complaints procedure in place to deal with this. Complaints can be made in person at any of our offices, by phone, in writing or email via a complaints form. To date, and to the best of the knowledge of the Development Planning service, no formal complaint has been registered by this respondent.

Reporter's conclusions:

H-LR 1 Curling Pond Lane

1. The site has an effective planning permission and I noted during my site inspection that whilst part of the site has been built out, the central area has yet to be completed. I understand that work ceased on the site when the original developer went out of business during the last recession and that work on the site has now recommenced. Given that there is just under half the site still to complete, I consider it prudent to retain the site as a housing allocation.

H-LR 2 Fauldhouse Road (North)

2. The site is identified as a housing allocation in the current local plan and it has a valid planning permission (ref: 0493/P/02) dating back to 2006 which has been kept live through subsequent reserved matters applications. Representations by Dr Walsh and Dr Knoll have been made about this site and concern is expressed about the impact of

development on existing community facilities, traffic, water and drainage, flooding, wildlife and habitat, house prices and loss of outlook. Whilst the impact on house prices and loss of outlook are not matters that I can take into account, I am mindful that site specific issues can be addressed through the planning conditions. Importantly, Scottish Water and SEPA do not object to the allocation of the site for housing. Similarly, NHS Lothian does not raise any concern about development of the site, advising that there is capacity for health provision within the settlement. In terms of the educational estate, there is capacity to accommodate the allocation although there are capacity issues at Whitburn Academy which would require to be addressed. The new housing is likely to provide custom to the local shop and takeaway and help to sustain such provision. In light of the above, I see no reason to remove this allocation from the plan.

H-LR 3 Land at Back O Moss and Main Street

3. This is a new allocation with an estimated site capacity of 20 housing units and represents a modest southern extension to the settlement, over and above the allocations which have extended the settlement to the west and north west and which have been carried over from the current local plan. The allocation effectively rounds off the south eastern settlement edge. Dawn Brownlie and Stephen Bryce, in their representations, express concern about drainage impact, the impact of traffic volumes on noise and vibration and the limited local educational capacity. The council confirms that surface water flooding is an issue with this site and hence there is a requirement to provide a Flood Risk Assessment and Water Impact Assessment. There is a small watercourse behind the existing development on Northfield Meadows which may be culverted beneath the site and, if so, no development is to take place on top of the culvert. Whilst the council encourages the prospect of opening up the watercourse, this is not to impact on localised flooding. There are capacity issues at Whitburn Academy which would require to be addressed although I note that the council is confident that phasing would overcome capacity issues in the short term, particularly given that this is a relatively small site. In any event, I do not consider the issues raised to represent significant constraints to development and therefore do not recommend that the allocation be removed from the plan.

H-LR 4 Longridge Park

4. Alexander Smith Jnr claims that the site was either donated by or compulsory purchased from Easter Longridge Farm on the basis that it could only be used for recreational use for the village and that residential development was not to be permitted. The council states above that, contrary to what has been alleged in representations, there was no compulsory purchase or restricted transfer of this land. In any event, these would be legal matters between the parties involved and do not have a bearing on the planning merits of allocating this site. In that context, I have no basis to recommend that the site is not allocated.

Representations to non-allocated sites

5. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore I give serious consideration to the case for allocating the sites at Back O Moss Farm for housing development.

6. I noted during my site inspection that in order to access site EOI-0028 (Site A), it

would involve utilising an existing farm track. The site is located to the rear of residential properties on Northfield Crescent and would effectively represent 'backland' development with no direct footpath linkages through to Main Street via the houses on Northfield Crescent. This site therefore feels isolated from the main settlement and does not represent a logical land use for this site. I therefore do not consider it appropriate for inclusion in the plan as a housing allocation.

7. I consider that site EOI-0029 (Site B) for circa 55 units would represent a significant extension to the south eastern part of the settlement which is already proposed for expansion with the allocation of site H-LR 3. The site would also breach the natural rounding off of the settlement boundary to the south east which is achieved with the allocation of site H-LR 3. I am mindful that given there are two housing allocations carried over from the current local plan, completions in Longridge have not been as quick as originally envisaged. Adding further sites to those proposed allocations would not necessarily speed up delivery of housing and on the contrary may simply exacerbate the problem where supply and demand do not marry.

8. Mr Ford's complaints about the council's conduct are not within the remit of our examination.

Reporter's recommendations:

No modifications.

Issue 18A	Allocation of land for housing at Pumpherstion Farm, Pumpherstion	
Development plan reference:	EOI-0035	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
John Henderson (21061517) Wallace Land Investment & Management (0354)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Pumpherstion (page 93) Proposals Map 3, Pumpherstion	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>EOI-0035 – Land at Pumpherstion Farm</u></p> <p>John Henderson (21061517) - while noting that the site has not been allocated for housing in the Proposed Plan, objection is nevertheless raised to any potential allocation of the site for reasons allied to:-</p> <p>the temporary impact of construction traffic on local roads and the amenity of existing road users;</p> <p>the subsequent volume of additional traffic that such a large development would generate and which would create congestion and add to road safety concerns;</p> <p>the loss of undeveloped agricultural land and subsequent urbanisation of the countryside;</p> <p>the belief that development of brownfield sites should take precedence.</p> <p>Wallace Land Investment & Management (0354) - it is suggested that there are significant issues regarding the methodology adopted by the council to define the housing land requirement and the effective housing land supply for the LDP Proposed Plan. A detailed assessment of the housing land supply accompanies the representation and expands on this subject together with statements regarding the maintenance of an effective housing land supply and on infill/windfall housing development within settlements.</p> <p>Objection is specifically raised to Policy HOU 1 and Figure 5 (page 22) of the Proposed Plan on the basis that the council's proposed development strategy does not comply with the requirements of SESplan or SPP 2014. It is stated that the Proposed Plan fails to allocate sufficient effective housing land to meet the housing requirements set by SESplan and that more effective housing land should be allocated to ensure that the LDP meets the requirements.</p> <p>Specifically, it is proposed that a site at Pumpherstion Farm, Pumpherstion should be allocated for a phased mixed use development incorporating up to 1,230 homes, with community hub, including a new Primary School if required. A submission was made to the MIR in respect of this site but it was not allocated in the Proposed Plan (EOI-0035).</p>		

The site is described as forming an attractive and logical extension to the southeast side of Pumpherston which will balance the proposed extension at Drumshoreland to the northwest of Pumpherston and the scale and design of the development would integrate with and be in keeping with the character of the local area. The site is described as being in a sustainable location, accessible and close to public transport links and would meet local housing need and demand, around 300 houses could be affordable. This site is said to be immediately effective and could deliver approximately 50 private sales per annum from two housebuilders.

Reference is made to the Strategic Environmental Assessment (SEA) and notes that the environmental impacts of the proposal were deemed acceptable for 11 out of 23 SEA assessment criteria. These conclusions are challenged and a re-assessment of the site's environmental impact has been undertaken which concludes that there are no unacceptable adverse environmental impacts. It is also argued that the site would compare favourably (in SEA terms) with an allocated housing site in the Proposed Plan (H-PU 1).

A supporting statement detailing Pumpherston Farm's suitability for housing development accompanies the representation. It is also noted that a Proposal of Application Notice (PAN) for Phase 1 was submitted to the council in July 2015 in respect of a residential development with associated infrastructure, landscaping and engineering works (0535/PAC/15)(CD321).

The representation also includes an objection to the identification of the land embraced by site EOI-0035 as forming part of the *Countryside Belt* around Livingston as the Proposed Plan has not provided justification for this designation.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

EOI-0035 – Land at Pumpherston Farm

John Henderson (21061517) – objects to the site allocation but makes no specific reference to modifications.

Wallace Land Investment & Management (0354) - proposes that more effective housing land should be allocated to ensure that the LDP meets the requirements of SESplan and SPP and the plan should specifically allocate site EOI-0035 for a mixed use development. Seeks removal of the countryside belt designation which embraces the site.

Summary of responses (including reasons) by planning authority:

EOI-0035 – Land at Pumpherston Farm

Background

The site is located east of Livingston, between South Village (Pumpherston) and Mid Calder. It is outwith the established settlement boundaries of these towns, extends to approximately 90 hectares and comprises agricultural land associated with Pumpherston Farm. The northern and central portions of the site are currently identified as part of the Livingston Countryside Belt in the adopted West Lothian Local Plan while the southern

sector, bounded by the River Almond, is embraced by the Almond & Linhouse Valley Area of Great Landscape Value. The entire site is embraced by a new countryside belt designation in the Proposed Plan.

Representations to Non Allocated Sites

John Henderson (21061517) - the respondents comments are noted. The council does not propose to allocate this site for housing and welcomes the support given by the respondent to the Spatial Strategy identified in the Proposed Plan.

Wallace Land Investment & Management (0354)

Housing Land Supply

The council's justification for its approach to housing land requirements and housing land supply is set out in a separate Schedule 4, number 1A.

Allocation as a housing site

The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations and brownfield sites. (LDP Proposed Plan page 10, paragraph 5.4). Substantial provision of housing land has been made in West Lothian with new greenfield and brownfield sites augmenting the existing land supply, and in this eastern part of West Lothian there are significant committed sites in the Livingston & Almond Valley Core Development Area, particularly at Raw Holdings (H-EC 4/5), Almondell (H-EC 6/9), and at Drumshoreland, Pumpherston (H-PU 1) which cumulatively provide a long term framework for settlement growth in the area over the LDPP plan period. Generally, therefore, there are other more suitable sites available for development that can be brought forward to support development requirements and there is consequently no strategic need to bring forward additional land for housing in this particular location at this time.

The Council does not in any event consider Pumpherston Farm to be an appropriate housing allocation for physical and practical reasons. The site comprises an attractive area of countryside and contributes to the setting and visual amenity of the area. Built development, particularly of the scale proposed, would constitute a significant physical expansion and urban intrusion into the surrounding AGLV/countryside belt/proposed countryside belt, radically changing the character and appearance of the site and its surroundings and resulting in the coalescence of the distinctive settlements of Livingston, South Village and Mid Calder. It is significant that one of the reasons for having established countryside belts in the first instance was precisely as a bulwark against coalescence.

In this instance there is no justification to amend the various settlement boundaries to include the proposed site, and changes to such boundaries at this location would result in weaker boundaries and a diminishment of settlement setting which would be contrary to LDP Policy ENV 7 *Countryside Belts and settlement settings*.

The proposal is also contrary to the terms of SPP 2014 which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive

landscapes (CD068 paragraph 76).

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development on the periphery of Livingston, South Village and Mid Calder would be considered to be contrary to the terms of this policy and out of keeping with the character of these settlements and the local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099, page14).

The site was previously subjected to a detailed assessment (CD222) and a number of issues were identified. These include:

Education capacity

The site lies within the catchment of Pumpherston & Uphall Station Primary Schools, St Paul's Primary School, Broxburn Academy and St Margarets RC Academy where there are known education capacity constraints which would prevent development of this site in the short and medium term. A development of the scale envisaged would require the provision of a new developer funded primary school, school catchment area review and also pro rata developer contributions to increase capacity in the school estate. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period. An overview of education issues is set out in the council's Position Statement on Education (CD201).

Drainage

The site is served by the AVSE PFI East Calder waste water treatment works where there is insufficient capacity. There is also the complication of a combined sewer running through the site.

Hydrology

There is complex hydrology in and around this site, including a number of culverted watercourses, and a possibility that development could lead to flood risk, both on and off the site.

Land Quality

The site embraces Class 2 and 3 (Macaulay) quality agricultural land and its loss would be detrimental to agricultural production.

Ecology

The site is potentially ecologically sensitive. Badger activity has been recorded along the southern boundary with the River Almond and there are known to be great crested newt habitats in the locality. The council's approach to environmental assessment is set out in a separate Schedule 4 number 1K.

Countryside Belt

Since the site was considered at the Main Issues Report stage there has been no

significant change in circumstance to support its allocation for residential development other than a review of landscape designations. The review of such designations was a requirement of the West Lothian Local Plan and in this instance has had the effect of the previous Area of Great Landscape Value designation which related to the southern portion of the site bounding the River Almond being replaced with a designation of countryside belt. This extends northwards, embracing the remainder of the site and replicating a comparable countryside belt designation in the adopted West Lothian Local Plan. The sensitivity of the area therefore continues to be recognised and protected. The council's justification for its approach to defining countryside belts is set out in a separate Schedule 4, number 1B.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. Wallace Land seeks allocation of this entire site for housing and mixed use development. The site is around 87 hectares in size. It is located to the south of Pumpherston and to the east of the Craigshill neighbourhood of Livingston. It would extend as far east as the Bank Burn (beyond which are what appear to be some large poultry units) and south to the valley of the River Almond.
2. Overall, Wallace Land estimates that the site would yield up to 1,230 homes, a community hub and new primary school. It is stated that it could be allocated in whole or in part. Phases 1-3 would have the potential to deliver 670 units during the period of the plan. The proposal of application notice referred to above is for Phase 1 (at the northwest corner of the site), which Wallace Land says could accommodate 230 homes. In fact I understand that this application was subsequently made and refused, and that an appeal (PPA-400-2075) has been made against this refusal. I do not have any further evidence before me in relation to this application and appeal, and I take no account of them as the final decision remains outstanding.
3. We address matters related to housing land at Issue 1A. We find that the number of homes to be built during the period of the plan is likely to fall significantly short of the plan's housing supply target. Therefore I give serious consideration as to whether this site (in whole or, an alternative option suggested by Wallace Land, in part) should be allocated for housing development.
4. Allocation of the entire site, at up to 1,230 homes, would represent a strategic-scale housing allocation. Such a proposal has been the subject of community engagement through the Main Issues Report (albeit the site was not preferred by the council) and has been assessed in order to inform the Strategic Environmental Assessment (SEA) of the proposed plan.
5. The SEA report raises a number of environmental sensitivities, including that there are likely to be protected species around (and perhaps within) the site, there may be archaeological reserves, and there may be a risk of flooding. There are also core paths and a right of way in and on the boundaries of the site. Although these are factors which would need to be taken account of and addressed, I do not get the sense that they would be likely to preclude development across the site.
6. I do, though, have serious reservations about recommending the allocation of such a

large site for development on the basis of the evidence before me. In the first instance, albeit there could be provision made for significant planting and landscaping around the boundaries of the site, allocating to its full extent would significantly extend the settlement of Pumpherston. Although the valley of the River Almond would remain a strong natural boundary (and I note the proposed riverside park along the north of the river) the settlement would extend closer to Mid Calder to the south and (to a lesser degree) an extended East Calder to the southeast, with only the fairly narrow river valley (and a new riverside park) intervening.

7. Albeit Pumpherston is already immediately adjacent to the Livingston settlement boundary (being bounded to the west by the Houstoun Industrial Estate), it still feels somewhat separate from the much larger town. Allocation of the entire site would tend to further weaken this separate identity of Pumpherston. At present, the site as a whole is an important part of the Countryside Belt in the proposed plan which helps retain physical and visual separation between settlements. It is also, as the council says, an attractive area of countryside which contributes to the landscape setting of Pumpherston and the eastern edge of Livingston.

8. The consultation responses to the call for sites exercise (CD090) indicate that the site is category 2 and 3 under the Macaulay (now Hutton) land capability for agriculture classification. On this basis, at least some of the site (I noted that most of it seemed to be under arable use during my site inspection) is prime quality agricultural land. This is also a factor against its allocation for development.

9. Finally, I am conscious of the sheer scale of the development proposed across the entire site. This raises two issues. Firstly, it is likely to take some time to develop, indeed Wallace Land suggests that only half of it might be developed during the plan period. We note at Issue 1A that, when considering the case for adding additional housing allocations we are inclined to favour, in particular, and all else being equal, smaller sites which are more likely to be fully delivered during the plan period. This would not preclude the allocation of this large site – there are other allocations which seem unlikely to deliver housing during the plan period. But, in the context of seeking to meet a shortfall in the housing supply target during the period of the plan, it does tend to diminish the value of allocating the entire site for development.

10. Secondly, the implications of such a large development for the operation of the surrounding road network could potentially be very significant. Transport Scotland had (see Issue 26V) expressed concerns about the transport appraisal of the proposed plan. Although Transport Scotland's concerns have been resolved, they illustrate the general point that additional allocations of significant scale (which this would certainly be) could have significant implications for the transport network. Although there is a level of supporting information which accompanies the representation from Wallace Land, this does not extend to an appraisal of the transport impacts of development on this site. Albeit that would fall to be more fully considered through the development management process, I would wish to have more evidence as to the potential transport implications (and the other environmental and infrastructure implications) for such a large additional allocation.

11. I appreciate that there may be benefits in allocating the entire site – most obviously in providing more land which can be potentially developed for housing but also, it could be argued, in providing the scale of development which can better support investment in new infrastructure (for example the new primary school suggested). However, these

potential advantages do not overcome my misgivings about recommending the allocation of the full site.

12. I note above that Wallace Land suggests that, alternatively, only part of the site might be allocated. Most obviously, it seems to me, would be the proposed 'Phase 1' site – the area of land which is also subject to the outstanding appeal, and with a stated capacity of 230 units. However, I still have significant concerns about allocating a smaller part of the site, either Phase 1 on its own or including the proposed Phase 2 land to the south of it.

13. Albeit the Phase 1 land is the closest part of the site to Pumpherston, immediately to the north, it is more elevated than the land to the south and it forms part of the attractive countryside setting to the South Village part of Pumpherston. In views across the site from the south on Pumpherston Road, development would be prominent. Although the row of houses to the north of the site is visible from this location at present, Pumpherston itself is largely hidden from view. The boundary to the south of Phase 1, along the farm track, would not be a strong one. This could be enhanced by landscaping and new planting, but this would take some time to mature. The same applies to the southern boundary of the Phase 2 land. Although I do not have a detailed map of the extent of prime quality agricultural land across the site, there is no evidence which suggests that this land is significantly poorer in quality than the other parts of the site. Although the transportation impacts of development of a smaller part of the site would be lesser, it remains the case that I have little information on what these might be.

14. It is also the case that, whilst development of a smaller part of the site would reduce some of the impacts which would occur, it would also, conversely, become a more piecemeal approach to development. Such an allocation would not provide for the proposed primary school or community hub suggested for later phases, nor the riverside park.

15. Overall, therefore, notwithstanding our conclusions at Issue 1A in respect of housing land, I do not favour the allocation of any land for housing at Pumpherston Farm.

Reporter's recommendations:

No modifications.

Issue 18B	Mapping Error Correction – Sites in Pumpherston	
Development plan reference:	H-PU 2 H-PU 3	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Facilities Engineering and Design Solutions Limited (21863501)		
Provision of the development Plan to which the issue relates:	Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements page 119 - Pumpherston	
Planning authority's summary of the representation(s):		
<p><u>Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements</u> (page 119) <u>Sites H-PU 2 & H-PU 3</u></p> <p>Facilities Engineering and Design Solutions Limited (21863501) – advise that Appendix 2, page 224, and page 93 of the Proposed Plan identify site H-PU 2 as Pumpherston Golf Course and site H-PU 3 as the former Pumpherston primary school. This does not accord with Map 3 which transposes these references. It is also intimated that land referenced as Pumpherston Golf Course in instead associated with James Young House.</p>		
Modifications sought by those submitting representations:		
<p><u>Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements</u> (page 119) <u>Sites H-PU 2 & H-PU 3</u></p> <p>Facilities Engineering and Design Solutions Limited (21863501) – seeks correction of errors/site referencing in relation to sites H-PU 2 and H-PU 3 allocations.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Appendix 2 – Schedule of Housing Sites / Site Delivery Requirements</u> (page 119) <u>Sites H-PU 2 & H-PU 3</u></p> <p>Facilities Engineering and Design Solutions Limited (21863501) – It is acknowledged that the error which has been identified is with the labelling of sites H-PU 2 and H-PU 3 on Map 3 in so far as they do not correspond with those listed in the Settlement Statement (page 93) and Appendix 2 (page 224). The council proposes to correct this error and considers it to be a non-notifiable modification.</p>		
Reporter's conclusions:		
<p>1. I agree that correcting these errors would not be a material change to the plan. The council may make such a change without any recommendation from this examination.</p>		

Reporter's recommendations:

No modifications.

Issue 19A	Allocation of land for housing in Stoneyburn	
Development Plan Reference:	H-SB 1 - Stoneyburn Farm (East) H-SB 6 - Meadowhead Road/Church Street	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number)		
Kirsty Easton (0016) Alex Scott (0025) and (0030) and (20935998) Sundial Properties (21530245) Chris Blackshaw (21013190)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Stoneyburn (page 94) Appendix 2 - Schedule of Housing Sites, Stoneyburn (pages 226 & 228) Proposals Map 5, Villages (Stoneyburn)	
Planning authority's summary of representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-SB 1 - Stoneyburn Farm (East)</u></p> <p>Sundial Properties (21530245) - Notes that the site has been carried over from the adopted West Lothian Local Plan 2009 (CD092) and seeks retention of the housing allocation H-SB 1. Fully supports development requirements prescribed for the site in Appendix 2 although would welcome more details re the archaeology reference as this was not previously appreciated as a site issue.</p> <p><u>H-SB 6 - Meadowhead Road/Church Street</u></p> <p>Kirsty Easton (0016) and Alex Scott (0025, 0030 and 20935998) - object to the identification of this site for one or more of the following reasons:-</p> <ul style="list-style-type: none"> • development will have an adverse effect on the site's wildlife, trees and flowers; • development will result in the loss of agricultural land; • access to the site is restricted/not accessible from a main thoroughfare; • surrounding roads are in a poor condition, not adopted and incapable of supporting an increase of cars or construction traffic associated with a new development; • the proposed development will generate noise and dirt pollution that during the construction period; • development will lead to a loss of privacy and will change the character of the area;. • development will have a detrimental effect on house prices; • there are not enough local amenities and facilities in Stoneyburn to support the additional population; • development on this site would have a serious effect on the natural drainage of Leighton Terrace which gravitates from the houses towards the Breich burn at the foot of the site; 		

- there is sufficient housing in Stoneyburn but if development is necessary it should be located on land to the north of the village and occupying the gap between Stoneyburn and Bents; and
- a public right of way footpath is used as a natural nature trail by many of the villagers and the loss of this footpath would be an inconvenience to the villagers who use it.

Housing Site in Stoneyburn (unspecified by respondent)

Chris Blackshaw (21013190) - Vehemently oppose this proposal (unspecified). Suggests that Stoneyburn sewage infrastructure is at full capacity and fears that development will lead to problems with land slippage. The respondent advises that he has personally mapped a range of the Lesser Butterfly Orchids for SNH and that these are protected by a preservation order and their removal to facilitate development would be a criminal offence. The respondent advises that he is prepared to fight any proposal to develop this site "to the bitter end with my life if that's what I have to do my death will be directly linked to the proposal".

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-SB 1 - Stoneyburn Farm (East)

Sundial Properties (21530245) - No specific modification is sought. However, further information on the potential archaeology mentioned in Appendix 2 has been requested.

H-SB 6 - Meadowhead Road/Church Street

Kirsty Easton (0016) - Objection is raised to development of site H-SB 6 for housing suggesting that it should be removed from the LDP.

Alex Scott (0025) and (0030) and (20935998) - Objection is raised to the development of site H-SB 6 for housing and suggests that it should be removed from the LDP.

Housing Site in Stoneyburn (unspecified)

Chris Blackshaw (21013190) - No specific modification is sought although it can be inferred that the respondent would not wish the (unspecified housing site) allocated in the LDP.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-SB 1 - Stoneyburn Farm (East)

Sundial Properties (21530245) - West of Scotland Archaeology Service was consulted on all sites allocated for development within the Proposed Plan and in this instance responded to advise that the site may have archaeological potential and recommended that an assessment and or investigation may be required. This response subsequently

informed Appendix 2 – Schedule of Housing Sites, and the council has no further information it can add/share.

H-SB 6 - Meadowhead Road/Church Street

Kirsty Easton (0016), Alex Scott (0025) and (0030) and (20935998) - Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. This is a suitable site for development that can be brought forward to support development requirements and there is therefore the allocation should remain in terms of meeting housing requirements.

The LDP has been subject to transport appraisal for all sites in the proposed plan (CD083). It is however the case that access and detailed construction and traffic arrangements will only be addressed as and when a planning application is submitted.

The council is satisfied that the Development Management process is capable of addressing issues of noise and pollution during the construction phase of any development through the imposition of appropriate conditions. There are also mechanisms for dealing with such issues under other environmental legislation if necessary.

Concerns relating to the potential loss of/outlook and the effect any prospective development may have on the value of property are not legitimate planning considerations.

Concerns relating to the ability of the village to absorb these proposed allocations and service the resultant social needs are noted. In terms of education it has already been established that there is capacity within the school estate and with regard to health provision it is the responsibility of the primary care provider to address. NHS Lothian have been consulted on the Proposed Plan and have not raised any particular issues.

Water and drainage issues have been provisionally explored with Scottish Water and the response it provided states that where there is limited or insufficient capacity at their works, Scottish Water will provide the necessary capacity. In this instance, if the proposed site is allocated in the LDP, Scottish Water would seek to deliver available capacity enabling the development to proceed.

SEPA was also invited to provide a response to all allocated site within the LDP and this has again informed Appendix Two: Schedule of Housing Sites. It cites a developer requirement for a flood risk assessment to be undertaken and this will in turn help to determine what, if any, practical measures may be required. Flood data held by SEPA has already established that the site lies adjacent to an indicative flood outline but as there is a 5m height difference there is considered to be no risk of flooding from the Breich Water that lies within 40m of the boundary of the site to the south. There is a risk of surface water flooding shown on the flood maps however it is likely this map is simply picking up the low lying small watercourses channel. The Flood Risk Assessment required will allow this to be more carefully examined and for a bespoke solution to be identified.

The suggestion that other locations in Stoneyburn are more suited to a housing development are noted, however the council has assessed the relative merits of the various development options which were available in Stoneyburn and is content with the selection that has been made and which is now detailed in the Proposed Plan. It will be noted that other allocations have been made.

Comments made in regard to the possible loss of a public right of way are addressed in Appendix Two: Schedule of Housing Sites in so far one of the site delivery requirements is to retain/enhance existing links to wider informal path network. Although not explicitly stated it is anticipated that links would be provided to the public right of way to the west of the site and Glenview Park across Burnbrae Road to the east of the site. The management of trees on the site would be dealt with through any eventual planning application, probably as a requirement for a tree survey to be undertaken. If required, new tree planting can also be secured by planning conditions.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Site in Stoneyburn (unspecified)

Chris Blackshaw (21013190) - SNH was consulted on all of the sites allocated in the Proposed Plan and has provided a response to the effect that it does not raise any concerns. The respondent can hopefully also take comfort from the fact that SNH is consulted as a statutory consultee on planning applications and would have an opportunity to comment on any subsequent planning application.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions

H-SB 1 Stoneyburn Farm (East)

1. The reference to archaeology in Appendix Two is based on advice from West of Scotland Archaeology Service who were consulted on all sites allocated for development in the plan. Given that the text in Appendix Two refers to archaeological potential and that assessment and or investigation may be required, it is clear to me that a definitive conclusion on archaeology at the site cannot be reached until further dialogue takes place in the context of a planning application submission. This reference in Appendix Two is simply signposting that further work may be required as part of any consideration of application proposals. I am therefore satisfied that there is nothing that needs to be added that will provide further clarity. It should be noted that archaeological potential and the possible need for further work is not unique to this site and is indeed referenced for another site allocation in Stoneyburn.

H-SB 6 Meadowhead Road/Church Street

2. Kirsty Easton objects to the allocation of the site. Concern is expressed in respect of the potential impact of development on the site's flora and fauna. Specific reference is made to trees that would be required to be removed. I noted the mature trees on and around the site boundary during my site inspection and that these are an attractive feature of the area whilst also providing ecological benefit. Whilst the council has advised

that tree management would be dealt with through any eventual planning application and that new tree planting could be secured by planning conditions, I consider that given the contribution the trees make to the character of the site there should be a specific reference, in Appendix Two, to their importance to future site planning. The council has not referred to how ecological considerations would be addressed as part of the development of the site. Given the site's current condition and its proximity to the Breich Water, I consider that there is merit in identifying such considerations in Appendix Two.

3. Kirsty Easton expresses concern about the impact on established paths across the site, specifically the one which connects the play park to the west and the sports pitch to the east. Whilst the council advises that existing links are to be retained/enhanced, I consider that these are a particularly important feature of the site that should be given careful consideration as part of any future proposals for the site. I therefore recommend that the entry for the site in Appendix Two is more explicit about protecting these links, particularly the east-west link as it is not identified on the proposal map.

4. Concern is expressed about access to the site and whilst the council has identified Meadow Road as the preferred access, I am conscious that this access is close to an existing play park. I observed during my site inspection that Burnbrae Road may offer a suitable access option and I recommend that this is given similar consideration by the council as a potential site access. Whilst concern has been raised about traffic safety, I am satisfied that the development management process would ensure appropriate road standards were achieved. Similarly, I am satisfied that potential nuisance arising from construction activity can be minimised through appropriate conditions and other measures to ensure appropriate site management.

5. Kirsty Easton refers to other sites within the village which she considers are more appropriate for proposed development. Whilst I am aware that the council has considered various development options within the settlement, these are not before me for consideration.

6. Scottish Water has acknowledged, in terms of water and drainage, that there is limited or insufficient capacity at their works. However, they have advised that they will deliver capacity to enable this and other allocations to proceed and there is no information before me to suggest that this would not be case here. Whilst I note that there is a risk of surface water flooding, the requirement for a flood risk assessment could ensure that solutions are devised for dealing appropriately with this matter.

7. The point is made that there are not enough local amenities within Stoneyburn to support the additional residents that this site would accommodate. However, I am aware that there is capacity within the school estate to accommodate the development. I am also aware that NHS Lothian has not raised any specific concerns about the allocation of this site. Importantly, the site is within close proximity to the local primary school and local amenities located along Main Street.

8. Alex Scott objects to the allocation of the site claiming that it will have an adverse impact on the value of his property and will impact on views. He also refers to the environmental impact that this allocation would have. Effects on property prices and loss of view are not issues that I can take into account as part of my consideration of this allocation. As I note above, I make recommendations regarding trees and ecology in order to ensure that these matters are given thorough consideration as part of any future proposal for the site.

9. In light of the above, I do not recommend that the allocation be removed from the plan.

Housing Site in Stoneyburn (unspecified)

10. Chris Blackshaw does not specify which proposal he opposes. I note his concerns regarding the lesser butterfly orchid. However, I am also mindful that Scottish Natural Heritage (SNH) has been consulted on the proposed plan and all the sites identified for allocation within it. No concern of SNH has been brought to my attention in respect of any of the site allocations at Stoneyburn or specifically in respect of the lesser butterfly orchid. I do not consider there to be sufficient justification to recommend any modifications in respect of these representations.

11. Proposals Map 5: Villages shows the area of land safeguarded for open space to the north east of site H-SB 6 to include part of Burnbrae Road. The council may wish to correct this minor mapping error as a 'non-notifiable' modification.

Reporter's recommendations

1. In Appendix Two, in the entry for site H-SB 6 Meadow Road/Church Gardens:

1.1 Under 'Other', after 'network' insert:

'including east-west links between Meadow Road and Burnbrae Road as well as links to the south across the Breich Water.'

1.2. Under 'Other', insert the following additional text:

'A tree survey will be required as part of any future planning application and development proposals should take account of existing trees on and around the site boundary and accommodate these where possible. Where trees are proposed for removal, mitigation measures should be put in place to minimise this loss. Biodiversity Assessment of the site is required.'

1.3 Under 'Transportation', replace the existing text with the following text:

'Burnbrae Road and Meadow Road offer potential site access options which will be explored in more detail as part of the planning application process.'

Issue 20A	Allocation of land for housing at Houstoun Mains Holdings, by Dechmont	
Development plan reference:	LATE-0011/MIRQ-0058	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Simpson Highview Ltd (21778605) and (0159)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Landward (page 87) Proposals Map 2, Linlithgow & Broxburn Area Countryside Belts (page 42 para 5.144) Development in the Countryside (page 42 para 5.148-5.147)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>LATE 0011/MIRQ-0058 – Land at Houstoun Mains Holdings, by Dechmont</u></p> <p>Simpson Highview Ltd (21778605) and (0159) - proposes that a site at Houstoun Mains Holdings, by Dechmont, should be allocated for housing. A submission was made to the MIR in respect of this site but it was not allocated in the Proposed Plan (LATE-0011/MIRQ-0058).</p> <p>While supporting the general principle of Policy ENV 3, the respondent opposes the inclusion of the area of land west of Uphall and north of the A89 as part of the Countryside Belt, suggesting that development here could be accommodated without necessarily compromising the separation between Uphall and Dechmont/Livingston at this location. It is argued that a comparable situation in land use terms already exists on the south side of the A89. It is suggested that development will also help promote public access (enhancing an existing core path within the site and facilitating new connections) as well as improvement to the road infrastructure at the A89.</p> <p>It is claimed that post Main Issues public consultation the council confirmed it would change the Proposed Plan to accommodate development but that it has not done so.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>LATE 0011/MIRQ-0058 – Land at Houstoun Mains Holdings, by Dechmont</u></p> <p>Simpson Highview Ltd (21778605) and (0159) - seeks a modification of the Proposed Plan to (a) remove the site from the Countryside Belt and (b) allocate it for housing.</p>		

Summary of responses (including reasons) by planning authority:Representations to Non Allocated SitesLATE 0011/MIRQ-0058 – Land at Houston Mains Holdings, by Dechmont

Simpson Highview Ltd (21778605) and (0159) - substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

Significantly, the site is an integral part of the countryside belt around Dechmont/Uphall/Livingston, intended to prevent settlement coalescence, and the maintenance of this designation in the LDP is considered entirely justifiable. The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP. While recognising that there are built forms of development on the south side of the A89, comprising a mix of houses and business uses, these are generally very long standing (inter war) and have evolved from the original agricultural small holdings or have been authorised under a previous development plan regime which did not discourage the rationalisation of the small holdings and the operation of small businesses from them. Replication of such a form of development on the north side of the A89 is however not supported. Development at this location would constitute a physical and intrusive expansion of the existing settlement with the danger of leading to coalescence and the site is also considered to be visually intrusive when viewed from the A89.

The council refutes the assertion that in responding to representations pursuant to the Main Issues Report it gave any undertaking to make the specific changes to the Plan requested by the respondent. This was not the case. The response stated that “the preferred approach (i.e. the option favoured by the council) has been refined and is to be taken forward to the Proposed Plan. Development within the Houston Mains Holdings area would be determined under the terms of policies relating to development in the countryside” (CD90) (pages 100-101). What this meant was that while there were certain details of the *preferred approach* which it was intended to amend, new development at this location would continue to be appraised with regard to policies designed to regulate new development in the countryside. In other words, no relaxation or change to the established position was intended. It appears that the respondent has misinterpreted what this statement meant.

For these reasons, the council does not agree to modify the plan in response to this representation.

Reporter’s conclusions:

1. Our conclusions in respect of housing land are at Issue 1A. We find that the number of homes which will be built during the period of the plan is likely to fall significantly short of the plan’s housing supply target. I therefore give serious consideration to whether this

site should be allocated for housing.

2. This is a greenfield site sitting between the settlements of Dechmont (to the west) and Uphall (to the east). Uphall Golf Course lies immediately to the east of the site. The A89 runs along its southern boundary. Further to the south, on the other side of the M8, lies Livingston. These are all separate settlements in both the current local plan and the proposed plan. Part of the spatial strategy of these plans, and in particular the purpose of the countryside belt in this area, is to prevent coalescence between these settlements. This appears to me to be an entirely legitimate aim.

3. Along with other undeveloped land nearby, both north and south of the A89, the site forms part of an area of countryside which maintains a separation between Dechmont, Uphall and Livingston. I recognise that there is a range of commercial uses on the land to the southeast (our conclusions on Issue 20D relate to that land). However, allocating this greenfield site for development, even noting its fairly modest size, would weaken the effectiveness of this part of the countryside belt.

4. The site is somewhat detached from either Uphall or Dechmont. Notwithstanding the mix of uses on the land to the southeast, the smallholdings to the north and the Dobies Garden Centre beside the Dechmont Roundabout, and having regard to our conclusions under Issue 20D, development here would create something of an isolated, sporadic housing development in the countryside.

5. I take account of the suggestion that there could be new and improved footpath connections through the site, but this would be a relatively minor benefit in comparison. Simpson Highview also says there would be improvements to the A89, but it is not obvious to me what form these would take, or why they would be necessary without development on this site.

6. The council treats the representation as one favouring residential development of the site, and indeed that is the main thrust of the points made. At one point, however, the representation appears to argue, instead, for commercial mixed use development. I therefore consider that prospect.

7. We conclude under Issue 26A that there is a significant surplus of employment land. Our recommendations would see the relevant policies of the plan amended so that, in certain circumstances, a wider range of uses on such land may be acceptable. In that context, there is no strong case for allocating yet further land for employment uses.

8. In making our recommendations under Issue 26A, we are also mindful of the need to generally support the plan's policy approach to town centres and retailing, and the 'town centres first' approach in Scottish Planning Policy. The site is somewhat detached from Uphall, which has a town centre identified in the proposals map which is supported through policies TCR 1 Town Centres and TCR 2 Location of New Retail and Commercial Facilities. Support for retail and commercial development of this site, in an out of town location, would appear to run counter to these policy aims.

9. In all of this context, I do not favour the allocation of this site for either residential or commercial mixed use development.

Reporter's recommendations:

No modifications.

Issue 20B	Non-allocation of land for residential and employment development in the countryside near Uphall Station. Land West of Uphall Business Park, by Uphall Stankards South, by Uphall Land at Uphall Industrial Estate (north), by Uphall Land at Uphall Industrial Estate (south), by Uphall	
Development plan reference:	E-UH 1 - Stankards South E-UH 2 - Uphall Industrial Estate (North) E-UH 3 - Uphall Industrial Estate (South) (EOI-0216/MIRQ-0250)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Uphall Business Park Ltd (21768463) Ogilvie Homes & Uphall Business Park Ltd (0193)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Landward (page 87) & Uphall (page 94) Proposals Map 2, Broxburn Area Countryside Belts (page 42 paragraph 5.144) Development in the Countryside (page 42 paragraph 5.148-5.147) Appendix 1 : Employment Land Allocations (page 106)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>EOI-0216/MIRQ-0250 – Land near Uphall/Uphall Station</u></p> <p>Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193)</p> <p><u>Allocation as a housing site</u></p> <p>Objection is raised to the Proposed Plan in so far as land to the west of Uphall Business Park has not been allocated for housing and has at the same time been identified as part of the countryside belt. Specifically, this representation proposes that the site should be allocated for housing, indicating that it could accommodate up to 200 houses.</p> <p>It is suggested that there is a shortfall in housing sites within the Proposed Plan to meet the housing requirement identified in the Housing Land Supplementary Planning Guidance which is part of the Edinburgh and South East Scotland Strategic Development Plan 2013 (CD101), and that allocating this site would help address this shortfall in the period 2014-2019.</p> <p>In support of the proposal it is argued that:</p> <ul style="list-style-type: none"> • the site is not in agricultural use and is not part of an operational farm; • the site sits within its own established landscape setting; • the site occupies a sustainable location with particular emphasis being placed on its proximity and connectivity to Uphall Station railway halt; • the site is effective and has also been the subject of a recent planning application (0840/P/15) (CD314a, CD314b and CD314c) promoted by an established house builder, Ogilvie Homes Ltd ; 		

- the proposals submitted for planning permission have been the subject of public consultation through a Proposal of Application Notice (PAN) (0515/PAC/15) (CD325) and were not objected to;
- the proposals submitted for planning permission have been subject to a Phase 1 Habitat Survey which concludes that residential development will have minimal impact;
- technical studies suggest that the site is not subject to flooding;
- the proposed residential development would release funds which would be invested in upgrading the infrastructure of neighbouring Uphall Business Park and thereby helping to support local economic development and employment and community regeneration;
- the proposed development would facilitate improvements to be made to the road, cycle and footpath access between the site and Uphall Business Park.

The representations reference a number of technical and non-technical supporting documents (submitted as part of the aforementioned planning application) which argue the suitability of the site for housing and suggests that it is viable and can be developed in the short term.

This site was previously embraced by a submission for a mixed use allocation over a much larger area in response to a “call for sites” exercise in 2011 (ref. EOI-0216/MIRQ-0250) (CD224). The established industrial brownfield land which made up most of the site was recognised as something of an anomaly in the countryside and originated from the time when the M8 was being constructed. The LDP has pragmatically acknowledged that it embraces land which is already developed and supports a broad range of uses, specifically Use Classes 4, 5 and 6 as defined by the Use Classes (Scotland) Order 1997. It did however stop short of allocating the remainder and undeveloped portion of the site (essentially the land now proposed for housing) having concluded that this would constitute an intrusive physical expansion of Broxburn/Uphall further southwards, well beyond the limit of development which had already been provided for.

Call for Sites Representation EOI-0022

Support is also expressed for the allocation of the adjoining land to the north which was the subject of a separate “call for sites” submission (ref. EOI-0022) (CD225).

Countryside Belt

The representation includes an objection to the identification of the land as forming part of the Countryside Belt around Livingston.

Representations to Allocated Sites

Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193)

E-UH 1 - Stankards South

The respondent references vacant business units which are located on this site, fronting the A89, and would support the premises being identified in the LDP for retail use.

E-UH 1- Stankards South, E-UH 2 - Uphall Industrial Estate (North) & E-UH 3 - Uphall Industrial Estate (South)

The respondent supports the concept of there being greater flexibility of uses within traditional industrial estates (page 14, paragraphs 5.24-5.25 and page 17, paragraph 5.26) but wishes to see this go further. It is proposed that Uphall Business Park should have a more flexible planning policy designation to allow for different land uses which would facilitate a wide range of business opportunities. It is also suggested that the LDP supports alternative forms of development in instances where industrial land is surplus to requirements and particularly where this would result in the re-investment of proceeds in the industrial undertaking itself.

Modifications sought by those submitting representations:**Representations to Non Allocated Sites****EOI-0216/MIRQ-0250**

Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193) - seeks a modification of the Proposed Plan to (a) allocate the land for housing with an indicative capacity of 200 new homes, (b) remove the site from the Countryside Belt.

Representations to Allocated Sites**EOI-0216/MIRQ-0250**

Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193) - make no specific reference to modifications but does suggest that (a) the range of permitted business use classes at Uphall Business Park should be extended and (b) a general provision for different types of development to locate on industrial estates should be adopted if the land is surplus to requirements particularly where the proceeds are to be re-invested in the industrial/business undertaking.

Summary of responses (including reasons) by planning authority:**Representations to Non Allocated Sites****EOI-0216/MIRQ-0250**

Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193)

Background

The site lies to the south of Uphall between the A89 and the M8 and forms part of the former Uphall West Bing (since rehabilitated and restored to agricultural grazing land and now regarded as *greenfield*). It is identified in the adopted West Lothian Local Plan as lying outwith the settlement envelope of the town and is also shown as "white land", a term commonly used to describe land (and buildings) without any allocation in a development plan where it is assumed that, for the most part, existing uses shall remain unaltered.

Allocation as a housing site

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

The site was subject to site assessment (CD169), and was identified in the MIR as a non-preferred site. The site (WS45 – Uphall Depot, Uphall) was also considered, and rejected, at the previous West Lothian Local Plan Inquiry in 2008 (CD188), Reporters Report, Chapter 2.4, pages 2.95 – 2.96, paragraphs 5.10 – 5.16, Uphall Depot, Uphall).

The site comprises undeveloped land in the countryside and is physically divorced from both Uphall and Uphall Station, settlements which have very robust and defensible boundaries by virtue of the A89 and M8 motorway respectively. In visual terms, the site makes a significant contribution to the separation of Uphall Station/Livingston from Uphall/Broxburn and the rural character of the surrounding area. It is highly visible from the A89 and the B8406 (Station Road) approach to Uphall Station and a residential development would represent a major intrusion into the countryside between these settlements, detracting from the rural character and visual amenity of the area.

The site does not constitute a logical extension to the urban area and while acknowledging that it lies in close proximity to the railway station and the M8 Motorway, it is nevertheless the case that the site has relatively low accessibility to services and community infrastructure.

While recognising the respondents' intention to invest the returns received from house builders in neighbouring Uphall Business Park, it is considered that employment sites could be developed in their own right without the necessity of cross funding from a prospective housing site at this location.

Consideration has been afforded to the practical impacts of development at this location and a number of issues have been identified. these include:

Education

The site lies within the catchment of Uphall Primary School and Kirkhill Primary School and there are known education capacity constraints which would prevent development of this site in the short and medium term (CD169). For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201).

Flood Risk

The site has been identified by SEPA as being at risk of flooding from the Beugh Burn

and there are concerns that development could increase flood risk potential out with the site. The Beugh Burn is culverted beneath Stankards Uphall East Bing and the culvert is said to be in a poor condition. Collapse of the culvert would present a potentially serious flooding situation upstream affecting roads and infrastructure. SEPA has therefore recommended the preparation of a Flood Risk Assessment as a minimum requirement to determine the extent of land capable of being developed.

Waste Water Treatment

The site is served by the AVSE PFI EAST CALDER waste water treatment works (WWTW) where there is currently insufficient capacity to accommodate additional development and sewer extensions would be required.

Call for Sites Representation EOI-0022

This site was subject to site assessment (CD169), and was identified in the MIR as a non-preferred site for housing. It was dismissed for reasons allied to not being in accordance with the development strategy, for being within the countryside and for being disruptive to the semi-rural aspect of the settlement.

Countryside Belt

The site has purposefully been embraced by a Countryside Belt designation, intended to prevent the coalescence of Uphall, Broxburn and Livingston and to reinforce the settlement strategy for the area.

This designation is considered entirely justifiable given that all neighbouring land, with the exception of land specifically allocated for industrial/business use, shares this designation and the protection it provides. Strategic purposes for Countryside Belts are set out in Policy ENV 7 and the purpose and reason for designation of each Countryside Belt is set out in the council's Position Statement on Countryside Belts (CD184).

It should be noted that the previous Broxburn Area Local Plan (CD094) had embraced this site as part of the Countryside Belt but this designation was not carried forward to the Adopted West Lothian Local Plan due to the site having been earmarked for a major Park and Ride facility. In the event, alternative arrangements for parking provision to serve the railway station have been developed and the site is no longer required for this purpose.

For these reasons, the council does not agree to modify the plan in response to these representations.

Representations to Non Allocated Sites

EOI-0216/MIRQ-0250

Uphall Business Park Ltd (21768463) and Ogilvie Homes & Uphall Business Park Ltd (0193)

E-UH 1- Stankards South

The established industrial brownfield land, now allocated as E-UH 1, E-UH 2 and E-UH 3, was recognised as something of an anomaly in the countryside and originated from the

time when the M8 was being constructed. The LDP has pragmatically acknowledged that it embraces land which is already developed and it supports a broad range of uses, specifically Use Classes 4, 5 and 6 as defined by the Use Classes (Scotland) Order 1997. This is regarded as a reasonable position and the council does not consider there to be any justification for extending the range of uses to include, for example, retail and commercial leisure, as this would conflict and undermine other policies of the LDP, particularly those which seek to restrict such uses to town centres in compliance with SPP 2014 (*pages 18-20, paragraphs 58-73*) (CD068).

E-UH 1- Stankards South, E-UH 2 - Uphall Industrial Estate (North) & E-UH 3 - Uphall Industrial Estate (South)

The council is mindful of the need to safeguard and maintain a sufficient supply of employment land and considers the proposition that a general policy to allow 'surplus' industrial land to be put to other uses would seriously undermine this and would be fraught with difficulties. On the rare occasions where this might be appropriate, the council is satisfied that Policy EMP 1 would facilitate consideration of such a proposal in so far as it has established a clear and robust set of criteria against which such proposals can be appraised. However, the circumstances in this instance are such that it is not actually industrial land that is being 'traded' for residential development but a greenfield site in the countryside and there is therefore no meaningful comparison. Furthermore, while the suggestion that the returns from alternative development proposals should be invested in the principal industrial is an attractive proposition, it is difficult to see how developers and land owners could actually be compelled to do this.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. We deal with the issues raised by Uphall Business Park Ltd about the range of uses allowed in employment sites under Issue 26A. In addition to that, it is suggested that the vacant units in the business park which front onto the A89 would be suitable for retail use.
2. These units appear to have been vacant for some time and would be in need of refurbishment. Of more significance, they are out with the settlement boundary of Uphall and Broxburn, and separated from these towns by the busy A89. Elsewhere in our report we have been mindful of the need to generally support the plan's policy approach to town centres and retailing, and the 'town centres first' approach in Scottish Planning Policy. Uphall and Broxburn both have town centres identified in the proposals map which are supported through policies TCR 1 Town Centres and TCR 2 Location of New Retail and Commercial Facilities. Support for retail use of these units, in an out of town location, would appear to run counter to these policy aims. I do not favour such a modification.
3. These representations also seek the allocation of land to the north of Uphall Station for housing development. An appeal against the council's refusal of planning permission in principle for housing development on this site was dismissed in April 2017. I sought (FIR43) views from the council and the above representees as to the relevance of this appeal decision to this Issue, and I take account of the responses I received.
4. I find that site to be somewhat divorced from Uphall – there would be undeveloped land (on either side of the busy A89) between the site and the edge of the town. The M8

motorway and railway line present a barrier between the site and the housing at Uphall Station to the south, albeit that there are footpath links under the railway line and motorway. I appreciate that it would be possible to improve footpath links associated with the development of the site, and that its proximity to Uphall railway station is an advantage. But this would not overcome the separation of the site from other areas of housing, or its relatively isolated character.

5. In addition, the dense woodland strips along the edges of the site provide a further measure of containment. Albeit these could help minimise the landscape and visual impacts of development here, conversely they would not assist with the integration of the site with other residential areas. They tend, rather, to reinforce the isolated nature of the site.

6. Such close proximity of the site to the M8 motorway and the railway line to the south (albeit the site would not be unique in these respects) and the business park to the east (and, potentially following its development, the allocated employment land to the west) are not factors which tend to support residential use of the site. It may be possible to mitigate the impacts of noise and air-borne pollution from these neighbouring uses (the existing woodland strips would assist), but they perhaps serve to illustrate that the location of the site is, for a housing development, less than ideal.

7. I recognise that there is a stated intention to reinvest the proceeds gained from the development of the site into the adjacent business park. However, like the council, I am doubtful as to how any such linkage could be legitimately ensured through planning conditions or a planning obligation. More importantly, however, I do not consider that the benefits of such investment (in particular noting or findings under Issue 26A that there is in any event a significant surplus of employment land) would outweigh the disadvantages of developing a site which does not appear well-suited to housing.

8. The representations describe the site as brownfield land. I note that the site was formerly developed, but has now been restored. Albeit that it may not currently be under agricultural use, in my view the site generally has the appearance now of a greenfield site. This reinforces my findings above. Taking all of this into account, and notwithstanding our conclusions at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target of the plan, I do not favour allocating this site for housing development.

9. In responding to FIR32, Uphall Estates Ltd and Ogilvie Homes expand upon the reasons why they consider that the site should be allocated for housing. I deal above with the key points they raise. But they also argue that, as a fallback, the site should be 'white land' rather than countryside belt.

10. I recognise that the site is 'white land' in the current local plan. That may have been because of the history of previous uses on the site, its proximity to the business park to the east, or because a park and ride facility was envisaged in this area. It may have been a combination of these things. However, no park and ride facility is now proposed in the plan. The site has, now, a greenfield appearance. And, as I note above, there is a significant surplus of employment land already identified in the plan. In this light, I consider that the countryside belt designation for this site in the proposed plan is appropriate.

Reporter's recommendations:

No modifications.

Issue 20C	Allocation of land for housing at Beechwood Grove Park, Uphall Station	
Development plan reference:	EOI-0021/EOI-0134/MIRQ-0147	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Dundas Estates & Development Co Ltd (21864464)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Uphall Station (page 94) Proposals Map 3, Livingston Countryside Belts (page 42 paragraph 5.144) Development in the Countryside (page 42 paragraph 5.148-5.147)	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>EOI-0021/EOI-0134/MIRQ-0147 – Beechwood Grove Park, Uphall Station</u></p> <p>Dundas Estates & Development Co Ltd (21864464)</p> <p><u>Allocation as a housing site and definition of settlement boundary</u></p> <p>It is proposed that land east of Beechwood Grove Park, Uphall Station should be allocated for housing and that the settlement boundary should be re-defined to embrace it. A submission was made to the MIR in respect of this site but it was not allocated in the Proposed Plan (EOI-0134/MIRQ-0147).</p> <p>In support of the allocation it is explained that the land has been embraced in a masterplan which was submitted as part of outline planning application (Ref 0050/P/08)(CD322) which the council has intimated that it is 'minded to grant' subject to a Section 75 Agreement being concluded. The masterplan identifies part of the land which is subject to this representation as being set aside as a "Great Crested Newt Mitigation Area". The remainder has no assigned use.</p> <p>The site is described as being accessible by a range of transport modes and located within walking distance of Uphall Station rail halt. Overall, it is suggested that development of the site would represent a sustainable and natural extension to the proposed residential development area at Drumshoreland, embraced by planning application 0050/P/08. It is also noted that a new school (Pumpherstons and Uphall Station Community Primary School) has already been built within the southern half of the master planned site, thereby addressing education requirements, and that existing mature trees and hedgerows on the boundaries of the site provide natural containment and will provide a more robust boundary to define the Countryside Belt.</p> <p><u>Countryside Belt</u></p> <p>Objection to the inclusion of the land as part of the Countryside Belt on the grounds that it does not provide any of the strategic purposes of Countryside Belts as defined in Policy</p>		

ENV 7 (page 44) of the LDP.

Biodiversity Site designation

Objection to the designation of the land as a Biodiversity Site. It is noted that this land forms part of the same Drumshoreland masterplan referenced above and is currently used for agricultural purposes (arable). Farming will however cease when the adjacent fields come to be developed (pursuant to planning application 0050/P/08) and part of the land has already been identified in the masterplan as an integral part of a proposed Great Crested Newt mitigation strategy. It is suggested that the balance of this land is capable of accommodating up to 60 houses and should be specifically allocated for this purpose in the LDP.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

EOI-0021/EOI-0134/MIRQ-0147 – Beechwood Grove Park, Uphall Station

Dundas Estates & Development Co Ltd (21864464) - seeks a modification of the Proposed Plan to (a) allocate the land for housing with an indicative capacity of 60 new homes, (b) re-define the settlement boundary to embrace the site, (c) remove the site from the Countryside Belt and (d) remove the bio-diversity designation shown on the Proposals Map.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

EOI-0021/EOI-0134/MIRQ-0147 – Beechwood Grove Park, Uphall Station

Dundas Estates & Development Co Ltd (21864464)

Allocation as a housing site

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. Indeed, there is already a substantial allocation of land for housing in the immediate area which extends to more than 600 houses. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

A significant part of this site has been shown to be environmentally sensitive. Surveys allied to the planning application for residential development at Drumshoreland (ref 0050/P/08) recorded high value foraging habitat for great crested newts, a protected species, in the area and a 2010 survey recorded ponds with great crested newts present and breeding to the south of the site. SNH has confirmed that it is part of the supporting network for the Drumshoreland great crested newt metapopulation and may be used by

great crested newts as a breeding and foraging habitat during terrestrial phases of their lifecycle. (CD169). It is the case that provisions have already been drawn up to integrate a proportion of this land with the adjacent development (as part of the newt mitigation strategy devised for the planning application relative to the allocated housing site H-PU 1) and it would therefore be inappropriate and perverse to allocate this land for housing.

There are known education capacity constraints within the catchment area which would prevent development of this site in the short and medium term. (CD169) For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201).

The site has been identified by SEPA as being at risk of flooding and there are concerns that development could increase flood risk potential out with the site. SEPA has recommended the preparation of a Flood Risk Assessment as a minimum requirement.

In terms of waste water treatment the site is served by the AVSE PFI East Calder waste water treatment works where there is currently insufficient capacity to accommodate additional development.

It has been noted by the council's Transportation Manager that there is currently no direct means of accessing the site and that this could only be achieved through the adjacent allocated housing site, assuming this could be successfully negotiated/agreed and implemented to a level which would actually facilitate access (CD169).

The council's Environmental Health service has identified a potential noise issue for occupants of any new houses at this location as a consequence of the relationship of the site to the railway line and the M8 (CD169).

Settlement Boundary

The existing Pumpherston/Uphall Station settlement boundary in the vicinity of this site is strong and clearly identifiable. Development at this location would constitute a physical and intrusive expansion of the existing settlement beyond what has already been generously provided for and there is held to be no justification to amend the settlement boundary in order to support the development of houses.

Countryside Belt

Significantly, the site is an integral part of the existing countryside belt around Uphall Station/Broxburn Livingston. This has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP. Strategic purposes for Countryside Belts are set out in Policy ENV 7 and the purpose and reason for designation of each Countryside Belt is set out in the council's Position Statement on Countryside Belts (CD184). In this particular instance, the council refutes the suggestion that it does not have a strategic purpose and cites this as actually being threefold in this instance - to maintain the separate identity and visual separation of settlements, to promote public access: to 'green' space for informal recreation; and enhance landscape and wildlife habitat. The maintenance of this designation in the LDP is considered entirely justifiable and defensible under the circumstances.

Biodiversity Site Designation

The annotation of a “Nature Reserve” on the Proposals Map does not actually embrace the land which the respondent is seeking to have allocated for housing. It relates instead to the reservoir which is located immediately to the south of the site boundary and which is a long standing local nature reserve known as Pumpherston Pond. It is a recorded habitat for the Drumshoreland great crested newt population, a protected species, and the designation has been carried forward from the West Lothian Local Plan. There are no justifiable grounds for dispensing with the designation which is supported by SNH.

For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter’s conclusions:

1. The land in question is an agricultural field at the edge of the village of Uphall Station. It lies between the housing at Beechwood Grove and Beechwood Park to the north and west, a public path (set in woodland) to the north and east, and a pond (a former reservoir) to the south. I sought updates (FIR44) from the council and Dundas Estates on progress with the planning application referred to above, and on the plans for (and progress with) the great crested newt mitigation strategy associated with that proposed development.
2. I am advised by the council that outline planning permission for the wider development site was granted in May 2017. The site lies within the planning application boundary, but all the areas proposed for development are to the south and west of it (within proposed allocation H-PU 1 Drumshoreland/Kirkforthar Brickworks). Condition 2 of that permission requires that the first application for approval of the reserved matters contains full details of the newt mitigation strategy. Condition 3 provides that no works are to commence until the newt mitigation strategy has been approved and any licenses required for this mitigation work under the Habitats Regulations have been obtained.
3. The council refers to an earlier ‘Drumshoreland GCN Mitigation’ report submitted with the application for outline planning permission in 2008. Also provided by the council are a copy of the approved masterplan for the development (Dundas Estates provides a more legible copy), a ‘Newt Plan’ from 2015 and a drawing entitled ‘Figure 5a. Proposed Newt Conservation Area: Mitigation Habitat’. This drawing is an extract from a Great Crested Newt Habitat and Species Mitigation Plan (dated February 2017) and submitted on behalf of the developers in support of their reserved matters application for site H-PU 1. A full version of that Species Mitigation Plan is provided by Dundas Estates.
4. The approved masterplan for the outline planning permission shows the central part of the field as being for ‘No development proposed. Continuation of existing use.’ A strip along the southern boundary (adjacent to the pond) and narrower strips along the northern and eastern boundaries are to be ‘GCN Mitigation Areas’.
5. Figure 5A from the February 2017 Species Mitigation Plan shows a narrower strip of ‘Species Rich Grassland Foraging Habitat’ along the southern boundary of the field, with the same along the eastern but nothing along the northern. There would be three amphibian hibernacula within the strips to the south and east, and a new pond within the southern strip. The reserved matters application is currently being considered by the council and therefore the Species Mitigation Plan could be rejected by the council, or it

could seek changes to it. However Dundas Estates advises that the protected species licenses for the mitigation works have already been issued (indeed I noted the amphibian fencing during my site inspection) and that significant change to the mitigation plan is unlikely.

6. Notwithstanding the current status of the 2017 Species Mitigation Plan, both that document and the approved masterplan for the wider development site indicate (as indeed does the 2015 Newt Plan) that a significant part of the field is to continue in agricultural use and would not be required as part of the newt mitigation works. Another drawing within the Species Mitigation Plan identifies the field (apart from its margins) as of 'Low Value to Great Crested Newts'. The margins, prior to any of the mitigation works, are identified as being of moderate value, with the higher value land being further to the south and east. Neither the council in its evidence or the Species Protection Plan demonstrates that continued agricultural use of the field (outwith the areas required for mitigation) would be beneficial to newts (its 'low' value in the Species Mitigation Plan would be consistent with that) nor that development of such land would be harmful to newts. In this context, the evidence suggests that there would be some potential for residential development in the central part of the field, away from any areas required for the newt mitigation works. The extent of any such developable land could be established through the development management process, as could the extent and nature of any further great crested newt mitigation works which may be required.

7. The council clarifies above that the nature reserve indicated on the proposals map refers to the pond to the south. However, as Dundas Estates points out, the site is part of a larger area, extending as far as Strathbrock Mains to the east, which is shown hatched on the proposals map as 'Local Biodiversity Sites'. The council makes no reference to this above. Great Crested Newts aside, I have no evidence to indicate that this arable field is of particular biodiversity value.

8. The field, as I note above, is bounded to the west and (partially) to the north by existing housing. The pond, supplemented by the newt mitigation works along this boundary, would provide a strong southern boundary. The path and woodland to the north and east, again supplemented by further newt mitigation works, would also provide a strong boundary. Given this containment of the field, I see no likelihood of significant landscape or visual impacts from housing development upon it. There may be some impacts on the setting and amenity of the path to the north and east, but only for a short stretch of what is a much longer path. There may be an opportunity to connect the site to this path and improve it (for example by providing lighting) to provide a stronger pedestrian link to the railway station. Landscaping along these boundaries could help mitigate any minor impacts as may arise. The existing trees on the western boundary should also be retained.

9. I appreciate that the only means of vehicular access to the field would be via development Area A1 in the approved masterplan. The masterplan shows an access point to the field from the northeast corner of Area A1, and states (as I note above) that its current use (i.e. agriculture) would continue. The council's evidence does not demonstrate that such a means of access, for housing development on the field, would be inappropriate. And the masterplan actually serves to illustrate Dundas Estates' point that, accessed only through new housing in Area A1, continued agricultural use of the field would appear unlikely, or even inappropriate.

10. The council has not stated that the risk of flooding would preclude development on

the site. The proposed allocation H-PU 1 on the land to the south (which would be carried over from allocation HLv98 in the current local plan) requires a flood risk assessment to be carried out. Noting the terms of SEPA's response following the 'call for sites' exercise (see CD169), a similar requirement would be appropriate for this site. Albeit there may currently be insufficient capacity at present in the East Calder waste water treatment works, Scottish Water's position is that current capacity issues such as that should not generally be considered to be a barrier to development.

11. In respect of the noise environment of the site, I recognise its proximity to the railway line and, further to the north, the M8 motorway. However, I don't have any technical evidence which would indicate that these would make the site incapable of development. I did not find, during my site inspection, the site to be excessively noisy. I also note that houses on the site would be further from the motorway and railway line than some of the other houses at Uphall Station, including some at Beechwood Grove. I am satisfied that the noise environment of the site, and how this should inform its development, is a matter which could be considered through the development management process.

12. Our general findings in respect of education infrastructure are at Issues 1F and 1J. In respect of this site, the council's education service, in response to the call for sites exercise (CD169) identifies 'primary school constraints'. The council does not expand on these above. I note that a new primary school has been built within site H-PU 1. In response to FIR07, the council advises that this school requires to be extended from single-stream to two-stream by 2021 to accommodate pupils from new development. Contributions are to be sought towards this. The council has not set out above why the addition of around 60 or so houses on the site could not be accommodated by an extended school.

13. The council's most recent assumptions about the rate of new housing development (which inform its views about when new education infrastructure is required) are contained in its revised April 2017 draft of the draft 2016 Housing Land Audit. However, we note in our conclusions at Issue 1A that this revised draft has not been agreed (or even consulted upon) with the housing development sector. We find that it is too optimistic, and that the rate of housing development in the coming years is likely to be less than the council has assumed. In this context, I do not consider that there is compelling evidence to suggest that any pupils from housing on this site could not be accommodated either within the current school estate or following any necessary investments in new school infrastructure, towards which any necessary contributions could be made.

14. Taking into account all of the above, and in the light of our findings at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target for the plan, I consider that the site should be allocated for housing. This would not imply that housing should take place across its entirety. Allocation H-PU 1 to the south includes areas which are required for great crested newt mitigation and for other open space and landscaping. The same approach could be taken to the allocation of this site. Dundas Estates suggests a capacity for the site of 60 units. The potential figure given in CD169 is 45 units, and it is also noted there that the site area is 2.89 hectares. Noting that the capacity figures in the plan are indicative, I am content to assume a capacity of 60 units for that purpose. My recommendations below include text for a new entry for this site in Appendix Two of the plan, based on the evidence before me in relation to this site, my conclusions above, and the entry for the adjacent site H-PU 1.

Reporter's recommendations:

1. In the proposals map, identify a new housing allocation H-PU 4, this having the same boundaries as site EOI-0134 in Main Issues Report Map 3. Include this site within the settlement boundary for Uphall Station and Pumpherston.
2. On page 93, in the table of housing sites in Pumpherston, include a new site H-PU 4, Beechwood Grove Park, with a site area of 2.89 hectares and a capacity of 60.
3. In Appendix Two, make a new entry for a site in Pumpherston, with the content of the columns to be as follows:

Site Ref: 'H-PU 4'

HLA Ref: [blank]

Status: 'New allocation'

Site Name: 'Beechwood Grove Park'

Area (Ha): '2.89'

Capacity: '60'

Planning: 'Identified as a site for housing'

Transportation: 'Access from site H-PU 1'

Education:

'Catchment Area Schools

St Paul's Primary

St Margaret's Academy

Pumpherston & Uphall Station Primary

Broxburn Academy

May require contributions towards education infrastructure'

Flood Risk: 'Flood Risk Assessment Required'

Other:

'The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and/or investigation may be required.

The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

The site may be susceptible to noise from the M8 motorway and railway line to the north, and to noise from aircraft. A noise assessment may be required.

There is a record of great crested newts being present on the site. Biodiversity assessment of the site will be required, and proposals should be consistent with the newt mitigation works to be carried out in association with the development of site H-PU 1.

Existing trees on the western boundary to be retained.

New and enhanced links to surrounding footpath network to be provided.

Limited capacity at East Calder waste water treatment works and early discussion with Scottish Water required.

The site may embrace, or be adjacent to, land affected by contamination, and an assessment, investigation and/or remediation will be required.

The site may have archaeological potential and an assessment and or investigation may be required.'

Issue 20D	Allocation of land for mixed use development at Houstoun Mains Holdings, by Uphall	
Development plan reference:	LATE-0010/MIRQ-0174	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Folio Developments (21871000)		
Provision of the development Plan to which the issue relates:	LATE-0010/MIRQ-0174 Chapter 6 - Development Proposals by Settlement, Landward (page 87) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>LATE-0010/MIRQ-0174 – Houstoun Mains Holdings</u></p> <p>Folio Developments (21871000)</p> <p><u>Allocation as a mixed use site</u></p> <p>It is proposed that a site at Houstoun Mains Holdings, by Uphall, should be allocated for mixed uses. A submission was made to the MIR in respect of this site but it was not allocated in the Proposed Plan (LATE-0010/MIRQ-0174). Reference is made to previous submissions made in response to a “call for sites” exercise in 2011 (CD303) which includes a Development Framework detailing the suitability of the site, and to representations made in response to the MIR Report in 2014 (CD305) which addressed the development context, site characteristics and the development potential.</p> <p>It is indicated that the Houstoun Mains Holdings is already subject to a degree of commercial and business uses and it suggested that the proposed allocation would provide an opportunity to build on this success and supplement it with a range of associated commercial and leisure uses and make it a more coherent and attractive location.</p> <p>It is further suggested that the inclusion of this site would be in accordance with the LDP spatial strategy and the overall aims and objectives of the Plan in terms of promoting sustainable economic growth. Additionally, it is considered that such an allocation would be in accordance with National Planning Framework, Scottish Planning Policy (2014) and the South East Scotland Strategic Development Plan.</p> <p>The site is promoted as effective and deliverable and one which is strategically located to take advantage of existing development and optimise the use of land and available infrastructure within a growth corridor identified by the SDP.</p> <p><u>Countryside Belt</u></p> <p>Objection to the inclusion of the land as part of the Countryside Belt on the grounds that</p>		

its boundary has not been seriously reviewed to accommodate a marketable mixed use development proposition. It is argued that the land can be developed within robust and defensible long term boundaries and would not adversely impact on the landscape and integrate development on the urban fringe. Any adverse environmental impact is capable of being mitigated.

Policies

There is a wish to see policies in the LDP that promote economic and rural diversification within locations such as Houstoun Mains Holdings.

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

LATE-0010/MIRQ-0174 – Houstoun Mains Holdings

Folio Developments (21871000) - seeks a modification of the Proposed Plan to (a) allocate the site for mixed uses, (b) remove the site from the Countryside Belt and (c) introduce policies which promote economic and rural diversification within locations such as Houstoun Mains Holdings.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

LATE-0010/MIRQ-0174 – Houstoun Mains Holdings

Folio Developments (21871000)

Allocation as a mixed use site

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

While recognising that there are built forms of development on the south side of the A89, comprising a mix of houses and business uses, these are generally very long standing (inter war) and have evolved from the original agricultural small holdings or have been authorised under a previous development plan regime which did not discourage the rationalisation of the small holdings and the operation of small businesses from them. Allocation of the site, as proposed, would contribute to the eventual coalescence with Uphall/Dechmont and Livingston.

Consideration has been afforded to the practical impacts of development at this location and a number of issues have been identified. These include:

Education

Education Planning does not support development for reasons allied to primary school capacity restrictions. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in the council's Position Statement on Education (CD201).

Flood Risk

The site has been recorded as being susceptible to fluvial and pluvial flooding. SEPA advise that a small area is within the flood map and would require a Flood Risk Assessment which assesses the flood risk from the small watercourses which flow through the site.

Waste Water Treatment

The site is served by the AVSE PFI East Calder or Newbridge PFI waste water treatment works. While there is sufficient capacity at East Calder there is only limited capacity at Newbridge and an upgrade would be required. Given the levels involved waste water pumping would be required regardless of which WWTW the drainage was taken to.

Proximity to Edinburgh Airport

The site falls within the safeguarding consultation zone of Edinburgh Airport. As a consequence, built development would likely be subject to height and design restrictions, above ground SUDs systems avoided and landscaping carefully designed to avoid attracting birds and thereby minimising the chance of bird strikes.

Proximity to a listed building

Historic Scotland has intimated concerns that development will have the potential to affect the setting of A listed Houston House.

Countryside Belt

Significantly, the site is an integral part of the countryside belt around Dechmont/Uphall/Livingston, intended to prevent settlement coalescence, and the maintenance of this designation in the LDP is considered entirely justifiable. The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it has been rolled forward to the LDP. The council's position on countryside belts is set out in the Countryside Belt Position Statement (CD184).

For these reasons, the council does not agree to modify the plan in response to this representation.

Policies

The council is satisfied that Policies EMP 4 (Employment development outwith settlement boundaries), Policy ENV 2 (Housing development in the countryside) and Policy ENV 3 (Other development on the countryside) are collectively capable of satisfactorily

addressing proposals for economic and rural diversification in a consistent, coherent and proportionate manner. As a consequence, no additions to the roster of proposed policies is considered necessary.

Reporter's conclusions:

1. The representation from Folio Developments says that the policies in the plan should promote economic and rural diversification. We address the policies in the proposed plan elsewhere in our report. Policies ENV 2 Housing development in the countryside and ENV 3 Other development in the countryside are addressed at Issue 26Aj, and employment land policies are addressed at Issue 26A.
2. I acknowledge that there are a range of commercial, retail and other business uses on this site. These include a garden centre/Florist/coffee shop, a golf shop and driving range, a vehicle MOT business, a kitchen/bathroom showroom and several others. There are also several houses. Much of the current development fronts the A89. Overall the site has a somewhat disparate appearance. However for the most part, beyond the A89 frontages, the site is greenfield and undeveloped. Along with other undeveloped land nearby, both north and south of the A89, the site forms part of an area of countryside which maintains a separation between Dechmont and Uphall and, south of the M8, Livingston.
3. These are all separate settlements in both the current local plan and the proposed plan. Part of the spatial strategy of these plans, and in particular the purpose of the countryside belt in this area, is to prevent coalescence between these settlements. This appears to me to be an entirely legitimate aim. Allocating this land for development would significantly weaken the effectiveness of this part of the countryside belt.
4. We conclude under Issue 26A that there is a significant surplus of employment land. Our recommendations would see the relevant policies of the plan amended so that, in certain circumstances, a wider range of uses on such land may be acceptable. In that context, there is no strong case for allocating additional land for employment uses.
5. In making our recommendations under Issue 26A, we are also mindful of the need to generally support the plan's policy approach to town centres and retailing, and the 'town centres first' approach in Scottish Planning Policy. The site is somewhat detached from Uphall, which has a town centre identified in the proposals map which is supported through policies TCR 1 Town Centres and TCR 2 Location of New Retail and Commercial Facilities. Support for retail and commercial development of this site, in an out of town location, would appear to run counter to these policy aims.
6. In all of this context, I do not support allocating this site for development.

Reporter's recommendations:

No modifications.

Issue 21A	West Calder & Harburn Settlement	
Development plan reference:	H-WC 1 Cleugh Brae H-WC 2 Mossend, Phase 1 Site A H-WC 3 Mossend, Phase 1 Site B H-WC 4 Mossend (Remainder) H-WC 5 Burngrange Cemetery	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
L McCartney (0281 and 21838721) Alan Gray (0084 and 2159936) Stuart Livingstone (21369421) Walker Group (Scotland) Ltd (0423) Davidson &Robertson Rural (21869740)		
Provision of the development Plan to which the issue relates:	Land for Housing and amendments to Appendix Two: Schedule of Housing Sites/Site Delivery Requirements at West Calder and Harburn.	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-WC 5 –Letter of Support</u></p> <p>L McCartney (0281 and 21838721)</p> <p>Confirms that they are delighted that the site has been allocated for housing within the proposed plan. The site will be brought forward quickly once the plan has been adopted.</p> <p><u>H-WC 2/H-WC 3/H-WC 4</u></p> <p>Stuart Livingstone (21369421)</p> <p>There is currently no safe pedestrian route between the Westwood View area and the rest of West Calder. The current road and junction layout, as well as gradients, results in insufficient visibility for pedestrians and all other road users at the junction between the B792 and Mossend.</p> <p>The traffic impact resulting from any development in the area would make an already unsafe situation worse. This impact would be felt from day one of construction and would become progressively worse. As developments are completed and occupied the junction in question would become the main route to access the A71 east and west and the M8 west.</p> <p>This is all the more concerning as it will eventually become a route to school. This applies to Development Sites H-WC 1, H-WC 2, H-WC 3 and H-WC 4. A safe pedestrian route is urgently required regardless of any development plans, however, no development of the area can commence until a safe pedestrian route is in place.</p>		

Taking the WLC LDP as a whole, there appears to be relatively extensive sites allocated for 'residential' use with no obvious indication of development proposals for local/wider amenities, schools and infrastructure. Questions the availability of capacity for anticipated levels of population increase the LDP aspires to.

Representations to non-allocated sites

Proposed site at Hartwood Road (East) (LATE-0009) (CD295)

Alan Gray (0084 and 2159936)

Seeks promotion of 1.05 hectare site at Hartwood Road, West Calder as a new housing proposal in the Proposed LDP. The site was assessed by the council at the MIR stage. Requests that the merits and advantages of the site are reconsidered, and the site removed from its current countryside designation and allocated as a specific housing development opportunity with capacity for around 10 - 12 units in the new LDP. Also asks that the information set out in the supporting planning statement is included as part of representation on the Proposed LDP and is forwarded to the Examination Reporter in support of the representation.

Proposed expansion Mossend/Cleugh Brae

Walker Group (Scotland) Ltd (0423)

Objects to the failure of the council to support a further expanded CDA allocation of land at Mossend/Cleugh Brae to deliver an additional 240 units, sufficient to deliver necessary infrastructure. Objects to the non-allocation of the site for residential development of 240 dwellings and provides a number of reasons including the following: -

- It will contribute towards providing a generous supply of housing land which is proven to be effective.
- It represents the continued promotion of development within the core development areas, namely West Livingston/Mossend.
- It will make the existing development strategy more robust by improving viability.
- Additional land will be made available to support the Council's new build housing programme for the provision of affordable housing.
- The expansion potential of Mossend (MO) and Cleugh Brae (CB) takes the form of 4 development parcels to the north of the existing allocations and is illustrated in the Capacity Assessment document. Justification for the expansion of Mossend (MO) and Cleugh Brae (CB) beyond those factors already mentioned is explained by the need for additional development to support the new A71 junction and relief road required to facilitate any development beyond that already consented.
- There is a risk that these large developments will not progress beyond a certain stage. This could happen if an infrastructure constraint is reached and the cost of addressing the constraint is too costly, thus making future development unviable.
- At Mossend / Cleugh Brae the infrastructure constraint of the A71 link road is a

barrier to the development of the balance of the site and the delivery of Gavieside Farm (GF, 1900 units) itself.

- Whilst, the existing road network has been able to support the initial development of circa 270 units (supported by a Transport Assessment), development beyond this is constrained until such time as the A71 link/relief road is capable of being delivered. There is insufficient value in the allocated scheme to overcome infrastructure constraints.
- The cost of delivering the A71 link / relief road cannot be supported by the development of the balance of Mossend and Cleugh Brae (circa 250 units), which remains constrained until it is delivered. It is clear therefore that additional development to support the necessary infrastructure, namely the new A71 link road, is required.
- The Capacity Assessment (submitted as part of the MIRQ0039) (CD296) examines options for further development in and around the existing allocation. Expanding Mossend (MO) and Cleugh Brae (CB) in the manner illustrated in the Capacity Assessment document could deliver a further 240 units which would support the provision of the necessary infrastructure i.e. the A71 link road and access to the Park & Ride. These additional units could be brought forward in the period to 2019.

Proposed site at Hartwood Road (West) (EOI-0052)

Davidson & Robertson Rural (21869740)

Maintain their objection to the Proposed West Lothian LDP. Despite previous representation in respect of this land (EOI-0052) (CD298) the site is not included in the LDP as a housing allocation. Earlier submissions provided a written rationale for the inclusion of this site and we do not agree with the Council's reasons for rejecting the proposals made. These arguments are made again in this representation. The site contributes to the aims and objectives of the Proposed LDP in that it will help to:

- direct growth to places where it will support sustainable development goals, community regeneration, and maintain and enhance the character and identity of towns and villages;
- ensure that necessary social and physical infrastructure accompanies growth;
- allow for a range of house types and sizes across all sectors;
- achieve and maintain a minimum of 5 years effective housing land supply in each of the sectors identified in the current Housing Needs and Demand Assessment;
- have regard to significantly increased demand for rented housing; and
- deliver affordable housing, particularly in the areas of highest demand. Allocation of the land at Hartwood Road would be in accordance with the LDP spatial strategy and the overall aims and objectives of the Plan in terms of promoting sustainable economic growth.

In addition it has been demonstrated that the site is a sustainable location in that it:

- Can be satisfactorily accessed via A71 in accordance with normal highway standards and it is accessible to public transport and rail services.
- Environmental considerations indicate that the landscape and visual impact of development would not be significant and can be satisfactorily mitigated.
- There are no environmental and landscape designation affected and bio- diversity would be improved.
- There is no risk of flooding and the development would be subject to a SUDs Management Scheme.
- Drainage infrastructure and utilities exist locally for cost effective connections subject to a satisfactory Drainage Impact Assessment by Scottish Water.
- Urban design would consolidate the village structure enhancing the urban edge to the south through infill development. In maintaining our objection we would wish to be represented at the LDP Examination Hearing in order to present our case in favour of this development.

(This representation refers to a submission at Expression of Interest stage EOI-0052 as a housing allocation however the council can confirm that EOI-0052 relates to a proposal for development of community facilities, care home and parking rather than one for housing).

(It should be noted that there was another submission covering the same site at Expression of Interest stage EOI-0042 relating to a proposal for housing. The council has assumed that the Agent meant to refer to EOI-0042 in their submission so has provided a response below to both proposals).

Modifications sought by those submitting representations:

Representations to allocated sites

H-WC 2/H-WC 3/H-WC 4

Stuart Livingstone (21369421)

Seeks a safe pedestrian route between Westwood View, Mossend and the rest of West Calder. The proposed development will increase the number of pedestrians and road users at the junction between the B792 and Mossend. The junction in question would become the main route to access the A71 east and west and the M8 west. Upgrades should include no less than junction improvements and signalised pedestrian crossings.

Representations to non-allocated sites

Proposed site at Hartwood Road (East) (LATE-0009)

Alan Gray (0084 and 2159936)

Request the allocation of this site for residential development 10-12 units. Also suggests the site be removed from its current countryside designation.

Proposed expansion Mossend/Cleughbrae

Walker Group (Scotland) Ltd (0423)

Requests the West Calder Proposals Map is amended to include additional allocations at Mossend/ Cleugh Brae in accordance with the plan submitted as an appendix to WL/LDP/PP/0423 - Potential Expansion Area.

Proposed site at Hartwood Road (West) (EOI-0052)

Davidson &Robertson Rural (21869740)

Requests the allocation of the site for residential development.

Summary of responses (including reasons) by planning authority:

Representations to allocated sites

Stuart Livingstone (21369421), L McCartney (0281 and 21838721), Davidson &Robertson Rural (21869740)

H-WC 2/H-WC 3/H-WC 4

The council has granted full planning permission for 173 units and planning permission in principle for a 1.9ha residential development on these sites (CD402, and CD403). In addition the council is minded to grant full planning permission for a further 32 units and planning permission in principle for an additional 0.36ha (CD404). These applications relate to part, but not all, of the allocations.

The applications were supported by a Transport Assessment (TA) which demonstrated that the traffic could be accommodated. Adequate footpath provision already exists from Westwood View to the village centre. The recent planning applications include the partial upgrading of the footpath from the new allocations to join in to the existing network.

Any further development proposals for these allocations will have to be supported by a TA and any necessary road or footpath improvements will be secured at that time.

Representations to non-allocated sites

Proposed site at Hartwood Road (LATE-0009)

The council has carefully considered the reasons put forward in support of the proposed modification to the Plan with regard to the representation, but remains of the view there is insufficient justification to allocate the site for residential development. The site was promoted at the Expressions of Interest stage following that it was assessed and subsequently discounted by the Council as "not preferred" as a future development site through the Main Issues Report.

The allocation of this site for housing development at West Calder would not conform to

the Spatial Strategy and could be prejudicial to the continued development of the core development area at Mossend/Cleugh Brae. The site also suffers from environmental, access and infrastructure shortcomings. In particular:

- Development of this site would be visually and environmentally intrusive and detract from the rural character of the site and its surroundings;
- There are concerns regarding access via Hartwood Road;
- Though this site is not shown to be at risk of flooding on the flood hazard maps it is known from local knowledge that runoff from the site is a significant problem. There is also a history of flooding due to lack of capacity in the public sewer;
- There is no education capacity available to support development of the site.

The council does not agree with the allocation of this site. It is considered there are other better sites than that proposed and these have been allocated in the plan. None of the supporting information included in the representations is considered to be of sufficient weight/merit to support a modification.

Walker Group (Scotland) Ltd (0423)

Proposed expansion Mossend/Cleughbrae

The allocation has already been expanded to align with the consented planning permission and to provide a more defensible boundary that relates better to physical features on the ground. What is now being proposed is a significant physical incursion in to land which is allocated as countryside belt, for the purposes of preventing the coalescence of settlements. The council considers that this would be inappropriate urban sprawl which would undermine the countryside belt and lead to the coalescence of West Calder with Polbeth and the Gavieside allocation to the north.

The council considers that there is sufficient land allocated within this part of West Lothian and that a further increase is unnecessary. There are education capacity constraints in the locality which would prevent any further development. Other more acceptable sites are being brought forward to support the development requirements for the wider area.

Alan Gray (0084 and 2159936)

Proposed site at Hartwood Road (West) (EOI-0052) and Davidson & Robertson Rural (21869740)

The council has carefully considered the reasons put forward in support of the proposed modification to the Plan with regard to the representation, but remains of the view there is insufficient justification to allocate the site for residential development. The site was promoted at the Expressions of Interest stage (EOI-0052 for community facilities, care home and parking) following that it was assessed and subsequently discounted by the Council as “not preferred” as a future development site through the Main Issues Report. The site suffers from environmental, access and infrastructure shortcomings. In particular:

- Development of this site would be visually and environmentally intrusive and detract from the rural character of the site and its surroundings.
- There are concerns regarding access via Hartwood Road and the impact of

development on the local road network into West Calder and vehicular access to the site could be challenging.

- There is a small watercourse in very western tip of development site which may pose a risk of flooding and SEPA would require that a Flood Risk Assessment and Drainage Assessment be submitted.
- In terms of waste water treatment the site is served by the EAST CALDER waste water treatment works where there is insufficient capacity.

In relation to EOI-0042 the council would state that the allocation of land for housing development at this location would not conform to the Spatial Strategy and could be prejudicial to the continued development of the core development area at Mossend/Cleugh Brae. The site also suffers from environmental, access and infrastructure shortcomings. In addition to those identified above it should be noted that there is no education capacity available to support development of the site.

The council does not agree with the allocation of this site. It is considered there are other better sites than that proposed and these have been allocated in the plan. None of the supporting information included in the representations is considered to be of sufficient weight/merit to support a modification.

Reporter's conclusions:

1. There are no unresolved matters arising from Mr McCartney's support for the allocation of site H-WC 5 Burngrange. We deal elsewhere (primarily at Issues 26I, 26V, 1F and 1J) with the general point about the provision of infrastructure to accompany housing development raised by Mr Livingstone. We find, at Issue 1A, that the amount of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan.

Pedestrian access to Sites H-WC 1-4.

2. I note that most of the land covered by these allocations is already allocated for development in the current local plan. Further, and as the council states above, planning permission already exists for residential development on part of these sites. These applications appear to have been supported by a Transport Assessment and the council is satisfied as to the provision made for new footpaths.

3. The council says that the footpath links from Westwood View to the village centre are already adequate. It is not for me to take a view on that, but rather to consider the impacts of the additional housing allocations proposed. As I observed at my site inspection, there are footpaths between Westwood View and the centre of the village, but using them does involve crossing the B792 at the entrance to Westwood View and then again at the junction with Mossend. Due to the presence of that junction, and the bend in the B792 at this point, I can understand Mr Livingstone's concerns. But this, if it is a problem, is an existing one. I recognise that the Mossend and Cleughbrae developments may increase use of this junction, although the completion of the proposed A71 link road further east may eventually serve to lessen traffic at it. In any event, noting the existing planning permissions (and that any further applications are likely to require a Transport Assessment) I am satisfied that that provision of facilities for pedestrians can be fully considered through the development management process.

Flood Risk

4. We issued FIR01 to seek clarification on the council's position on certain of the sites referred to in SEPA's representation. In responding, the council said that it had not previously responded in respect of sites H-WC 1-4. In fact, it had done so in the Schedule 4 form for Issue 16V. In any event, SEPA considers that a flood risk assessment is required for these sites. Noting that a flood risk assessment is listed as a requirement in the entries for these sites in Appendix Two, I see no need for any further modification.

Expansion of the Mossend allocation.

5. Walker Group says that this is needed to support delivery of the A71 link road which, it is stated, is not deliverable on the basis of the unconsented remainder of the sites in the proposed allocations. It is also stated that this same remainder cannot be developed without the link road, and that this is also a constraint on the Gavieside allocation.

6. The council has not responded on this point about viability and deliverability. However, neither has Walker Group provided any detailed evidence to support its assertion that additional development is needed to deliver the link road. I have no evidence before me about the cost of the road or about how it is to be funded. Nor does Walker Group demonstrate how the additional allocations sought would secure its delivery. In the absence of this kind of detailed evidence, I cannot support a case for the new allocations on the basis that they are required to deliver the link road.

7. Map 6 of the Main Issues Report shows current local plan CDA allocations at Mossend and Cleughbrae. It does not show the additional land now incorporated into these allocations in the proposed plan. Nor does it show the further land to the northeast of Mossend which Walker Group also wishes to be allocated. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

8. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

9. I have no evidence that the prospect of further development on land to the northeast of the proposed allocations has been the subject of any community engagement, for example as would have been the case if it had been identified in the Main Issues Report, even as a 'not preferred' site. The site has not been considered in the Strategic Environmental Assessment process for the plan, nor has it been accompanied by any detailed supporting environmental information. These factors also mitigate against allocating the site at present.

10. I observed during my site inspection that the northeast boundary of the proposed allocation H-WC 4 Mossend (Remainder) does not appear to follow any obvious or strong landscape feature on the ground. The field across which the boundary would lie is a relatively flat area of pasture land, albeit it narrows further to the northeast. The northern boundary of allocation H-WC 2 Mossend Phase 1 (Site A) appears to be a low hedge, beyond which is a flat area of overgrown paddock. It could well be that, in terms of landscape and visual impacts at least, there is potential for some further development to the northeast of these current allocations. This might help if there are indeed issues with the viability and deliverability of the A71 link road. However, in the light of my findings above, I do not consider that this prospect is sufficient reason to merit allocating the additional land which Walker Group seeks.

Hartwood Road sites

11. The council lists a number of concerns about both these sites. I refer to the one being promoted by Davidson & Robertson Rural as 'Hartwood Road West' and the site promoted by Alan Gray as 'Hartwood Road East'.

12. I note what the council says about the problems which have been experienced due to run-off from Hartwood Road East, and the previous flooding there. In response to the 'call for sites' exercise, the council's flood risk officer refers to these issues, and the need for a flood risk assessment. SEPA refers to flooding associated with a culvert in 2001, but notes that the site is not adjacent to any watercourse. The supporting documents submitted with Mr Gray's representation state that the flooding issue has been resolved. At Hartwood Road West, SEPA's response to the call for sites exercise refers to the need for a flood risk assessment due to the watercourse on the western boundary of this site, but says that 'the vast majority of the site is developable'. The response from the council's flood risk officer is that the issues of water run-off 'would need engineered out'. Whilst these various issues would need to be considered through flood risk assessments for these sites, this evidence does not point towards flood risk ruling out development on either of them.

13. I note that there may currently be insufficient capacity in the East Calder waste water treatment works. However, Scottish Water's position is that such capacity issues should not generally be considered to be a constraint on development. There is no evidence that they should be treated as such for these sites.

14. The council states above that there is insufficient education capacity for these sites, but elaborates no further. The catchment schools for this site would appear to be St Mary's and Parkhead primaries, St Kentigern's Academy and West Calder High School.

15. The proposed plan provides (through proposal P77) for an extension to Parkhead Primary School. The Appendix Two entry for site H-WC 4 Mossend (Remainder) identifies that a new primary school may be required once the number of units across the Mossend/Cleugh Brae allocations reaches 300.

16. The council's most recent assumptions about the rate of new housing development (which inform its views about when new education infrastructure is required) are contained in its revised April 2017 draft of the draft 2016 Housing Land Audit. However, we note in our conclusions at Issue 1A that this revised draft has not been agreed (or even consulted upon) with the housing development sector. We find that it is too optimistic, and that the rate of housing development in the coming years is likely to be

less than the council has assumed.

17. In this light, there is no strong evidence before me which demonstrates that primary school capacity would preclude housing development on these sites, in particular given their relatively small size. Even if this did give rise to primary capacity issues, the council has not shown why these could not be addressed.

18. I appreciate that there may also be secondary school capacity constraints. There are plans for a replacement West Calder High School (P79) (under construction at the time of my site inspection), a new non-denominational secondary school within the Calderwood development and for new secondary schools at Winchburgh. Noting again that the rate of housing development is likely to be slower than the council assumes, and noting our conclusions under Issues 1F and 1J where we recommend a more positive policy approach to education capacity issues, I do not consider that secondary school capacity issues should rule out the allocation of these relatively small sites for housing.

19. I requested further evidence from the council about its concerns, stated above, about access difficulties for these sites, and any impacts on the wider road network. I gave the promoters of both these sites the opportunity to comment on the council's additional evidence.

20. In respect of physically accessing the sites, the council states that Hartwood Road would need to be widened to 5.5 metres and a footway provided. However, as both site promoters point out, such works could be undertaken during the process of development. This requirement would not appear to be an insurmountable obstacle to the development of these sites.

21. The council is also concerned about the potential for increased queuing at the Hartwood Road/A71 Main Street junction due to additional traffic which would be generated from these sites. The council refers to the Gavieside/Cleugh Brae/Mossend CDA (2,200 units in total). It is stated that the proposed link road to the east of the village is expected to relieve this junction of 'a good percentage' of the trips being made southward from the CDA. In this context of the much larger allocations to the north of the village and a proposed link road which would alleviate some of its effects, it strikes me that a much smaller scale of development south of the village would be likely to be able to be accommodated. Detailed consideration of transportation impacts, for example the need, if any, to contribute towards the cost of the link road or other mitigation, could be left to the development management process.

22. The land at Hartwood Road West slopes down to the north, towards a playing field and the housing and other buildings on this edge of West Calder. This means development on the site would be prominent from this lower land. The southern boundary of the site is weak, being a simple fence. However the land beyond the fence continues to slope up towards Bank Park, containing the site in the wider landscape. Landscaping within the site would strengthen this southern boundary. Development on the site would not be readily visible from outwith these fairly close environs. And the site appears well-placed to take advantage of the footpaths and open space on the land to the north.

23. I acknowledge that the undeveloped nature of the site contributes to the character of this part of the village, but I do not consider that its contribution is a particularly distinctive one. In the context of our findings at Issue 1A, I consider that this site should be

allocated for housing. My recommendations below include text for a new entry for this site in Appendix Two of the plan, based on the evidence before me in relation to this site, my conclusions above, and the consultation responses (CD90) for this site following the 'call for sites' exercise. The latter document assumes a capacity of 10 units, which seems very low for a site of this size. At the previous local plan inquiry, the reporters assumed a capacity of 35-40. Given the sloping nature of the site, the need for landscaping on the southern boundary and the lack of an indicative layout, I think it is appropriate to identify a more conservative indicative capacity of 25 units.

24. I have more concerns about the impacts of Hartwood Road East. It would in my view appear a less natural extension to the village. It sits a little higher than much of the Hartwood Road West site. The hedge along the eastern side of Hartwood Road here is a more distinctive feature than the hedge along the western side of the road. Forming a new access with sufficient visibility splays, in particular as the site sits above the level of the road, may result in the loss of a significant part of the hedge. The site in my view appears (due to the hedge and the tree belts to both the north and east of the site) more part of the wooded setting of this part of the village than a natural housing site. Housing development here would erode this setting. Therefore I do not favour the allocation of this site.

Reporter's recommendations:

1. In the proposals map, identify a new housing allocation H-WC 6, this having the same boundaries as site EOI-0042 in Main Issues Report Map 6. Include this site within the settlement boundary for West Calder.
2. On page 95, in the table of housing sites in West Calder & Harburn, include a new site H-WC 6, Hartwood Road West, with a site area of 1.55 hectares and a capacity of 25.
3. In Appendix Two, make a new entry for a site in West Calder, with the content of the columns to be as follows:

Site Ref: 'H-WC 6'

HLA Ref: [blank]

Status: 'New allocation'

Site Name: 'Hartwood Road West'

Area (Ha): '1.55'

Capacity: '25'

Planning: 'Identified as a site for housing'

Transportation: 'Access from Hartwood Road. Road widening required.'

Education:

'Catchment Area Schools

St Paul's Primary

St Kentigern's Academy

Parkhead Primary

West Calder Academy

May require contributions towards education infrastructure'

Flood Risk: 'Flood Risk Assessment Required'

Other:

'The Coal Authority has indicated that the site is located in an area with a coal/mining legacy and an assessment and/or investigation may be required.

Limited capacity at East Calder waste water treatment works and early discussion with

Scottish Water required.

The site may embrace, or be adjacent to, land affected by contamination, and an assessment, investigation and/or remediation will be required.

The site may have archaeological potential and an assessment and/or investigation may be required.

Landscaping required on southern boundary of the site.'

Issue 22A	Cowhill (“Heartlands”) Business Park, Whitburn	
Development plan reference:	Site E-WH1	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Ecosse Regeneration (0121)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land Allocations (page 118) Proposals Map 4	
Planning authority’s summary of the representation(s):		
<p>The preferred approach, noted the respondent, is to allow for a wider range of uses in currently allocated employment sites in locations to be identified in the LDP is welcomed and supported.</p> <p>It is however submitted that the range of acceptable uses on such sites should be increased to include other employment/commercially orientated uses such as retail floorspace (food) where appropriate, retail warehousing (non-food) where appropriate, trade centre outlets , tourist related uses, car showrooms, hotels, gyms, restaurants, cinemas, roadside services, garden centres, other leisure uses etc and they request that the entire site known as “Heartlands Business Park” is treated in such a manner and allocated as a mixed use area (to allow for the full range of uses listed above) in the emerging LDP.</p> <p>The objectors state that the business park already benefits from planning consents for uses including retail floor space, restaurant and public house, hotel and health and fitness centre/crèche</p>		
Modifications sought by those submitting representations:		
<p>It is submitted that the range of acceptable uses on such sites should be increased to include other employment/commercially orientated uses such as retail floorspace (food) where appropriate, retail warehousing (non-food) where appropriate, trade centre outlets , tourist related uses, car showrooms, hotels, gyms, restaurants ,cinemas, roadside services, garden centres, other leisure uses etc; and they request that the entire site known as “Heartlands Business Park” is treated in such a manner and allocated as a mixed use area (to allow for the full range of uses listed above) in the emerging LDP. They state that the business park already benefits from planning consents for uses including retail floor space, restaurant and public house, hotel and health and fitness centre/crèche.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The council contends that such alternative uses to classes 4, 5 and 6 to the those granted in the overall outline planning permission for this site reference 0493/P/2002 (CD430),</p>		

would, if permitted, lead to a reduction in overall land supply for these uses in particular at this location and in the west of West Lothian, to the detriment of demand for class 4, 5 and 6 uses. Proposals already granted for such alternative uses on site E-WH 1 are of course deemed acceptable.

It is important that the council maintains an effective land supply of mainstream employment uses throughout West Lothian to meet the requirements of SESplan (CD099) in terms of policy 2. Therefore losing what is deemed effective employment land supply in this strategic location would be contrary to Policy 2.

Should the Reporter be so minded to allow for a widening of uses, it should be restricted to class 2 uses and car showrooms only as this is deemed an appropriate use in an industrial location such as this site that is also close to a motorway junction.

Reporter's conclusions:

1. The above summary of the representation from Ecosse Regeneration treats it as arguing for a widening of the range of uses supported in all the employment sites in the plan. We address that wider point (it is made by other respondents) under Issue 26A. However, my reading of the representation is that Ecosse Regeneration is really seeking a wider range of uses at site E-WH 1 Cowhill, Heartlands Business Park. A mixed use allocation is sought for this site, including support for the kinds of uses the council refers to above.
2. Ecosse Regeneration refers to (and supplies) a report by Colliers and James Barr entitled 'commentary on the M8 corridor out of town market' and dated January 2013. This report says that there is a gross over-supply of vacant office space across the central belt, in excess of 10-years supply of anticipated take-up. Low rental yields and the difficulty in raising finance means that new development is not viable. In respect of Heartlands, the report says that it is inconceivable that it is capable of attracting the scale of class 4 uses previously envisaged.
3. Albeit this report is now several years old, I pay it due regard. In general terms it is consistent with what has been argued by several other respondents (including, to a degree, Scottish Enterprise) and with our findings at Issue 26A that there is a significant surplus of employment land. In that context, I give serious consideration to the case for supporting a wider range of uses at this site.
4. At Issue 26A, we express serious reservations about a significant expansion of the range of uses generally supported on employment land, finding that this would result in significant conflict with the 'town centres first' approach required by Scottish Planning Policy (SPP) and with the policies and proposals in the plan itself which aim to support town centres.
5. In my view these concerns are highly relevant to the wider range of uses now being sought at Cowhill. Many of them are precisely the types of retail and leisure uses which attract significant numbers of people and which SPP wishes to be directed, in the first instance, to town centres. The site has direct access to the motorway network, and is therefore highly accessible. The M8 motorway itself severs the site from the town of Whitburn, which has a town centre identified in the proposals map and which is supported through policies TCR 1 Town Centres and TCR 2 Location of New Retail and Commercial Facilities. Support for the wide range of uses sought, in this location, would appear to run

counter to the aims of these policies, and to SPP.

6. I recognise that there may already be consent for a range of uses at Cowhill. Notwithstanding that, the surplus of employment land and the previous (and perhaps future) difficulties in attracting large amounts of class 4 uses to the site, I do not support the mixed use allocation sought by Ecosse Regeneration.

7. Our recommendations at Issue 26A would see the relevant policies of the plan amended so that, in certain circumstances, a wider range of uses on employment land may be acceptable. Any subsequent planning applications for alternative uses at Cowhill could be considered in that context.

8. Although not referred to by the council above, the Scottish Environment Protection Agency (SEPA) (0243) wants the entry for this site in Appendix One to refer to the need for flood risk assessment. I appreciate that the site is now largely serviced. However, it is possible that alternative proposals could come forward. In this context, I think it is prudent that the potential need for a flood risk assessment is highlighted.

Reporter's recommendations:

1. In Appendix One, in the entry for site E-WH 1 Cowhill, Heartlands Business Park, under 'Infrastructure & other requirements', insert 'Flood Risk Assessment may be required'.

Issue 22B	Cowhill/Heartlands Business Park, Whitburn	
Development plan reference:	Cowhill (E-WH1)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Ecosse Regeneration Ltd (0121) Land Options West (0122) Heartlands (Central) Ltd (0123)		
Provision of the development Plan to which the issue relates:	Appendix 1: Employment Land at Whitburn, E-WH1 (EWb4 – WLLP) (Page 118) Map 4: Bathgate Area	
Planning authority's summary of the representation(s):		
Ecosse Regeneration Ltd (0121), Land Options West (0122), Heartlands (Central) Ltd (0123) It is submitted that a wider range of uses should be considered for this employment allocation beyond classes 4 (Business), 5 (General Industrial) and 6 (storage and distribution).		
Modifications sought by those submitting representations:		
Ecosse Regeneration Ltd (0121), Land Options West (0122), Heartlands (Central) Ltd (0123) It is submitted that a wider range of uses should be considered for this employment allocation beyond classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution), including uses such as retail floorspace (for food) (where appropriate), retail warehousing (non food) (where appropriate), trade centre outlets tourist related uses, car showrooms, gyms, restaurants, cinemas, roadside services, garden centres and other leisure uses etc. The objectors wish the whole E-WH1 site to be allocated as 'mixed use' therefore.		
Summary of responses (including reasons) by planning authority:		
Ecosse Regeneration Ltd (0121), Land Options West (0122), Heartlands (Central) Ltd (0123) The council notes the request and has widened the uses in some industrial estates to include class 2 uses to enable some demand for this use to be taken up, particularly in vacant properties. The council has to ensure that it meets its requirements for employment land allocations as set out in SESplan (CD099, page 35) in Policy 2. This means keeping enough supply		

to meet demand for classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution).

The council is also mindful of the policy 'town centre first' and is seeking to protect town centres in West Lothian by not having industrial estates widened out to accommodate the range of uses listed by the respondent, the majority of which should be located in the town centre first (complying with Scottish Planning Policy (CD068 paragraphs 59, 60 and 68) and only when sequentially assessed would such uses perhaps be afforded the opportunity of planning permission in an industrial estate.

The council notes the take up figures mentioned in the supporting documents and acknowledges there has been a downturn in employment land take up, particularly with class 4 offices, however it has been demonstrated by the recent development in E-WH1 by Oil Estates Ltd that demand still exists for class 5 general industrial and often offices are associated with such uses.

The council has however been pragmatic in the past in supporting non class 4, 5 and 6 uses within this industrial estate, but each case has to be assessed on its own merits, with the protection of the vitality and viability of the town centre of Whitburn being considered with each application. For example consent has been granted for a food superstore and hotel which are not in keeping with the original class 4, 5 and 6 designations, albeit interest in the food retail component has been withdrawn.

It was always intended that this site should be developed for class 4, 5 and 6 uses as shown in the appellants plan on page 14 of their submission.

Permitting this wider range of uses would set an undesirable precedent for other industrial estates across West Lothian if mixed uses were permitted on this site that could be to the detriment of employment land supply.

If the reporter may be so minded, the council would allow a widening of uses classes to include class 2 and car showrooms within this industrial estate in line with other industrial estates, if so inclined.

Reporter's conclusions:

1. These representations appear to be identical to those the council also records under Issue 22A. We address them there.

Reporter's recommendations:

No modifications (see Issue 22A).

Issue 22C	Polkemmet, Whitburn	
Development plan reference:	Sites H-WH1, H-WH2 & H-WH3 at Polkemmet, Whitburn	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Ecosse Regeneration Management Ltd (0124) Heartlands (Central) Ltd (0125) Land Options West (0126)		
Provision of the development Plan to which the issue relates:	Housing Land Appendix 1: Schedule of Housing Sites / Site Delivery Requirements (page 233) Map 4: Bathgate Area	
Planning authority's summary of the representation(s):		
Ecosse Regeneration Management Ltd (0124), Heartlands (Central) Ltd (0125), Land Options West (0126) The objectors seek more reference to "Heartlands" site expansion and consequently safeguarding of this expansion.		
Modifications sought by those submitting representations:		
Ecosse Regeneration Management Ltd (0124), Heartlands (Central) Ltd (0125), Land Options West (0126) More reference to Heartlands expansion and safeguarding.		
Summary of responses (including reasons) by planning authority:		
Ecosse Regeneration Management Ltd (0124), Heartlands (Central) Ltd (0125), Land Options West (0126) "Heartlands" is referred to in paragraph 5.4 of the proposed plan as set out below: <i>".....The LDP spatial strategy seeks to deliver sustainable development by continuing to support the previously established CDA allocations at Armadale, East Broxburn/Winchburgh and Livingston and the Almond Valley (i.e. Calderwood, East Calder and Gavieside, West Livingston) together with the strategic allocation at Heartlands, Whitburn. Further land allocations for development are required in order to meet SESplan requirements in full. A key requirement is the provision of infrastructure to support development and maximising use of existing infrastructure"</i> There are housing allocations at Whitburn that will continue to be supported and these are set out on page 233 of the Proposed Plan while the Main Issues report allowed future proofing for an additional 250 units that was mentioned at MIR stage:		

H-WH 1 – 68 units
 H-WH 2 – 88 units
 H-WH 3 – 1783 units (900 remaining)

Paragraph 5.16 also supports the employment land at Polkemmet “*The priority for the LDP is to support the council’s Economic Strategy 2010 – 20 in achieving the SOA outcomes and to continue to bring forward sites identified for employment purposes into economic use, in particular within the previously identified CDAs at Armadale, East Broxburn and Winchburgh and Livingston and the Almond Valley and the strategic allocation at Heartlands Business Park, Whitburn.*”

As with the MIR (CD079, paragraphs 2.10, 3.5, 3.33, 3.50, 3.61, 3.67, 3.78 – 3.79), the council remains committed to the regeneration of Whitburn and the entire build out of the existing Heartlands site (CD390a, 390b, 390c). It is recognised that Heartlands is a site physically capable of accommodating more than the 2,000 units that have been allocated in the adopted West Lothian Local Plan (CD092, paragraph 5.56). An additional 250 units were therefore allocated at the MIR stage and this is continued into the LDP Proposed Plan stage. It is not intended to allocate any more houses at this stage. This is considered to provide enough support for the Heartlands site in the LDP moving forward over the next 5 year period.

In infrastructure terms, particularly with school capacities, there is no prospect at the present time to increase the number of units beyond that already allocated. After 1,000 units, a new Non-Denominational (ND) primary school will be required for the site that will require to be paid for by the developer. At present children go Greenrigg, Croftmalloch and Polkemmet Primary Schools along with St Joseph’s RC primary and there will likely be catchment reviews to resolve the location of building of a new primary school. It is likely that by 2025, further catchment reviews would be required with either a new ND primary or extensions to existing primary schools being required, alongside an extension required at St Joseph’s RC Primary.

Reporter’s conclusions:

1. These representations, aside from expressing support for the proposed plan as it relates to the Heartlands development, object to the fact that proposal P-82 (described as ‘Golf courses/amenity open space’ on page 96 of the proposed plan) is not identified on the proposals maps. We address this (the only unresolved matter raised in these representations) under Issue 22G.
2. In addition, however, to the representations noted above, SEPA (0243) also requested that the plan requires a flood risk assessment for site H-WH 3 Polkemmet Remainder. In response to our information request (FIR01), the planning authority states that planning permission exists for the site and that therefore there is no need to further augment the site requirements noted in the plan. However, it is still possible that revised proposals could come forward for a site which already has planning permission. I therefore think it prudent that the plan signal the need for flood risk to be considered in such circumstances.

Reporter’s recommendations:

1. In Appendix Two, in the entry for site H-WH 3 Polkemmet Remainder, under ‘Flood Risk’, insert ‘Flood Risk Assessment required’.

Issue 22D	Land at Whitburn South	
Development plan reference:	MIRQ-0148/EOI-0123 Chapter 6 - Development Proposals by Settlement Statement, Whitburn (page 96) Countryside Belts (page 42 para 5.144) Development in the Countryside (page 42 para 5.148-5.147)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
CALA Management Ltd (0166 and 21659376)		
Provision of the development Plan to which the issue relates:	Allocation of land for residential development in Whitburn Proposals Map 4, Bathgate Area.	
Planning authority's summary of the representation(s):		
<p>Representations to Non Allocated Sites</p> <p>MIRQ-0148/EOI-0123</p> <p>CALA Management Ltd (0166 and 21659376)</p> <p>This representation seeks the allocation of land (82.91 hectares) at Blaeberryhill Farm (Whitburn South) for residential purposes (1,000 dwellings).</p> <p>The site's development would represent a sustainable expansion to the settlement of Whitburn and be of a scale and form in keeping with the character of the settlement and local area. It is envisaged that it would be developed in tandem with development at "Heartlands", however, it is important to note that it could progress in isolation of the identified development to provide an alternative development opportunity to the south of the town.</p> <p>It is considered that the site at Whitburn South is ideally placed to contribute to the regeneration of the town. Furthermore, it would play an important role in helping to address the significant shortfall in effective housing land supply, which has emerged upon analysis of the Proposed Plan.</p> <p>It is requested that this representation is read in conjunction with an associated representation on Housing Supply and Demand, (addressed in a separate Schedule 4 dedicated to this subject – Issue 1A) which demonstrates that the LDP needs to allocate a substantial number of additional housing sites to be consistent with SESplan and Scottish Planning Policy.</p>		

Modifications sought by those submitting representations:

Representations to Non Allocated Sites

MIRQ-0148/EOI-0123

CALA Management Ltd (0166 and 21659376)

The Proposed Plan should be modified to extend the Whitburn settlement boundary and allocate Whitburn South for housing development with an indicative capacity for 1,000 new homes.

Summary of responses (including reasons) by planning authority:

Representations to Non Allocated Sites

MIRQ-0148/EOI-0123

CALA Management Ltd (0166 and 21659376)

The Council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this substantial tract of land for development as set out below.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations such as “Heartlands” that covers the extensive vacant and derelict Polkemmet Colliery site.

Generally, there are other more suitable sites available for development that can be brought forward to support development requirements in west West Lothian and there is therefore no need to allocate this extension of the Whitburn urban area into the countryside in terms of meeting housing requirements.

The Strategic Development Plan gives priority to redeveloping brownfield land in advance of greenfield sites such as occurs at Whitburn South.

Development would be visually intrusive and result in a loss of the physical boundary to the south of the town of the existing defensible boundary of distributor road that is Blaeberryhill Road. The Blaeberryhill woodland strip on the south side of the road further reinforces the current town boundary.

Consideration has been afforded to the practical impacts of development at this location and a number of issues have been identified (CD169 and CD294). These include:

Flood Risk - There is complex hydrology with a number of watercourse crossings particularly on the Bickerton Burn south of this site. The southern boundary of this site appears susceptible to flooding from out-of-bank flows associated with the Bickerton Burn. Run-off from ditches within the site also has a history of causing flooding to an area of housing at Glenisla Court off Blaeberryhill Road.

Water Supply - In terms of water supply the site is served by the Pateshill Water Treatment Works (WTW) where there is limited capacity. Water main extensions will also be required and levels may be an issue.

Education - There are education capacity constraints within the area which prevent development of this site and there is consequently no Education support.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. We find at Issue 1A that it is likely that the number of houses which will be built during the period of the plan will fall significantly short of the housing supply target for the plan. Therefore I give serious consideration to the case for allocating this land for housing development.

2. I don't find the technical constraints raised by the council to represent a particularly convincing case against the allocation of this site. In respect of flood risk, the consultation responses to the call for sites exercise (see CD090) from both SEPA and the council's flood risk officer refer to the risk of flooding, but neither suggests this would make the site unsuitable for development. The principal risk of flooding would come from the Bickerton Burn to the south of the site, and CALA's indicative development framework (SD069) envisages landscaping and greenspace along this southern part of the site.

3. With regard to water and waste water infrastructure, the consultation responses indicate that there is limited capacity. But the council does not demonstrate why this could not be overcome. Scottish Water's position, in general terms, is that lack of current capacity should not be seen as an insurmountable constraint on development.

4. Education capacity is I think a matter of greater significance. CALA proposes a new primary school on the site, but there is little evidence about how secondary school pupils, and denominational primary school pupils, could be accommodated. However, we recommend, at Issues 1F and 1J, a more positive policy approach to planning for new education infrastructure. At Issue 1A we find that the council's most recent evidence on the expected rate of housing development in West Lothian in the next few years (which informs its position on education capacity constraints) is too optimistic, meaning that education capacity constraints are not likely to be as acute as the council fears. Whilst I would perhaps, for a site of this size, have liked to see more analysis of education capacity issues, in the context of forward planning for West Lothian, and of interventions on secondary school capacity which are likely to be highly interdependent, I am not persuaded that, if development on this site was favoured, acceptable school capacity solutions could not be found.

5. I also note CALA's analysis of the potential for footpath links from the site northwards to the town centre. I observed this potential during my site inspection. Whilst Blaeberryhill Road might provide somewhat of a barrier (and would be busier should development on the site proceed), I agree that there would seem to be good opportunities to deliver a development on this site which could be fairly well-connected to the services and amenities in the town centre.

6. Blaeberryhill Road is a 'distributor' type road, linking East Main Street in Whitburn to

the A706 south to Longridge. The link road through the Heartlands site to the west provides access to Junction 4A of the M8. In this respect, and accessed from Blaeberryhill Road, the site would be well-connected, and may be potentially suitable for a significant scale of development. CALA recognises that development would likely require off-site junction improvements, referring to the likely need for improvements to the Blaeberryhill Road/East Main Street junction, and to contributions towards dualling of the A801.

7. However, this would be a significant additional allocation of 1000 new homes. Given this scale of development, and given the scale of the Heartlands development nearby to the west, I would have been assisted by more detailed evidence as to the potential transport implications of the development, and the nature of any interventions considered to be necessary. The relative lack of evidence about the transport implications of such a large allocation tends to count against it.

8. I refer above to the Heartlands development, with proposed allocations carried forward from the current local plan for over 1,900 new homes and, north of the M8, over 30 hectares of employment land. I am conscious that Heartlands is a key part of the spatial strategy of the proposed plan, and of course of the current local plan. Whilst I observed progress on the ground during my site inspection, the great majority of the site is yet to be developed.

9. CALA states that the Blaeberryhill site could progress either alongside, or in isolation to, the Heartlands site. However, Heartlands is an established element of the spatial strategy of the current local plan (there are no representations seeking that it be omitted from the LDP), whereas the Blaeberryhill site is not. I have concerns about the allocation of such a large additional site in such close proximity to Heartlands. There are two aspects of this. Firstly, there would, it seems to me, be the potential for development at Blaeberryhill to deflect resources and investment from delivery of the already-established Heartlands site. Perhaps of more significance, together Blaeberryhill and Heartlands (the great majority of which is still to be built) would represent an allocation of almost 3,000 new homes at the south and southwestern boundaries of Whitburn. I have significant concerns about the impacts of such a large concentration of new development on the character of the town, and I do not consider that a sufficiently convincing case has been made for this.

10. The council raises concerns about the landscape impacts of breaching the current southern boundary of the town defined by Blaeberryhill Road and the woodland strip to the south of it. I share these concerns. The woodland strip provides a strong and defensible southern boundary to Whitburn. Development beyond it would extend the town onto slightly higher land and would make the town more exposed in views from the north. The site is fairly exposed in views from the southwest (along the A706 north of Longridge) and from the minor road to the south, eastwards of Blacklaws. The southern boundary of the site, albeit along the Bickerton Burn, is a significantly weaker boundary than that provided by the woodland along much of Blaeberryhill Road.

11. On the other hand, I note, as CALA points out, that the site is fairly well-contained. The broad ridge between Longridge and Stoneyburn means that the site is not generally visible in longer views from the south and southeast. The minor road at Blacklaws is very lightly trafficked. And as noted above, albeit it would take some time to mature, CALA proposes a significant belt of greenspace and landscaping along the northern side of the Bickerton Burn.

12. Finally, I am conscious of the sheer scale of the development proposed across the entire site. It is likely to take some time to develop. We note at Issue 1A that, when considering the case for adding additional housing allocations we are inclined to favour, in particular, and all else being equal, smaller sites which are more likely to be fully delivered during the plan period. This would not preclude the allocation of this large site – there are other allocations which seem unlikely to deliver housing during the plan period. But, in the context of seeking to meet a shortfall in the housing supply target during the period of the plan, it does tend to diminish the value of allocating the entire site for development.

13. CALA, in its representation, argues that development on this site would comply with the three criteria set out in Policy 7 of SESplan, the strategic development plan for Edinburgh and southeast Scotland. However, my concerns about the scale of the allocation in association with Heartlands (and perhaps to a lesser extent about the likely landscape impacts) and about the amount of evidence in relation to transport impacts are such that I am not persuaded that the first and third criteria of Policy 7 would be satisfied. I do not think that such a scale of development can be described, as CALA has suggested, as ‘rounding off’ the development extent of Whitburn.

14. All told, whilst I recognise that there may be future potential for the southwards expansion of Whitburn, the scale of the development proposed, the relative lack of information about transport implications and, perhaps most importantly, the presence of the established, strategic-scale Heartlands allocation in such close proximity mean that I do not support a modification which would allocate this land for housing development. I reach this conclusion despite our findings at Issue 1A in respect of housing land supply.

Reporter’s recommendations:

No modifications.

Issue 22E	Land Hens Nest Road, East Whitburn – Promotion of site for housing	
Development plan reference:	MIRQ-0060/EOI-0135	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Ogilvie Homes Ltd (0417)		
Provision of the development Plan to which the issue relates:	Allocation of land for residential development in East Whitburn Chapter 6 - Development Proposals by Settlement Statement, Whitburn (page 96) Proposals Map 4: Bathgate Area Countryside Belts (page 42 para 5.144) Development in the Countryside (page 42 para 5.148-5.147)	
Planning authority's summary of the representation(s):		
<p>Non-allocated Sites</p> <p>MIRQ-0060/EOI-0135</p> <p>Ogilvie Homes Ltd (0417)</p> <p>The site at Hens Nest Road should be included within the settlement envelope of East Whitburn and should be identified as a residential development site.</p> <p>The respondents argue that the Proposed Plan has failed to make suitable provision for the allocation of sufficient land to ensure that it can maintain at all times, a minimum 5 years effective and generous supply of housing land and propose that land lying to the west side of Hens Nest Road, as detailed on those plans which accompanied and formed part of their representations and which were lodged in relation to this site during the “Call for Sites” exercise, should be allocated for residential development. The respondents also seek that the land in question is removed from the area of land covered by the wider “countryside” designation, as detailed on Proposals Map 4: Bathgate Area.</p> <p>It is intimated that the site is owned outright by Ogilvie Homes Limited, and due to the historical nature of its purchase by them the site does not suffer from a balance sheet value that impedes its ability to be developed on commercially acceptable terms in the current financial climate. Ogilvie Homes Limited as owner is in a position to adopt a relatively flexible approach to the actual capacity of the site and to the ratio between the suggested extent of the developable area and the new public open space that would be created as an integral part of the proposed allocation/development of the site.</p> <p>Survey work has confirmed that the site is not subject to any insurmountable “physical” constraints and those items of service infrastructure require to support the development of the site are either already available or can be provided at a reasonable cost. In addition, Ogilvie Homes Limited would be in a position to “front load” the provision of the affordable housing element of the proposed development.</p>		

Modifications sought by those submitting representations:

Non-allocated Sites

MIRQ-0060/EOI-0135

Ogilvie Homes Ltd (0417)

Seeks a modification of the Proposed Plan to:

- (a) allocate the land for housing with an indicative capacity of up to 250 houses; and
- (b) adjust the East Whitburn settlement boundary to embrace the site.

Summary of responses (including reasons) by planning authority:

Non-allocated sites

MIRQ-0060/EOI-0135

Ogilvie Homes Ltd (0417)

The Council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development as set out below.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations such as “Heartlands” that is located on vacant & derelict land associated with the former Polkemmet Colliery.

Generally, there are other more suitable sites available for development that can be brought forward in west West Lothian to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

The site is part of a countryside belt designation, preventing settlement coalescence of Whitburn and East Whitburn. Development at this location would constitute a physical and intrusive expansion of the existing settlement and would also be visually and environmentally intrusive.

The site has also previously been the subject of change with the restructuring of East Whitburn Mains Farm via the lowland crofting policy that lead to the creation of the low density plots to the south, “Bickerton Crofts” and Hamilton Way residential site and The Riding Equestrian Centre (that has also been the subject of residential re-development proposals that were rejected), to the north with the remainder of the land being transferred to The Woodland Trust Scotland to manage the community woodland and access between Whitburn and East Whitburn.

There are education capacity constraints which would prevent development of this site in the short to medium term. For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an

education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. An overview of education issues is set out in Position Statement: *Education* (CD201).

The site is also considered to have relatively low accessibility to services and community infrastructure being located between two settlements (Whitburn and East Whitburn) and 5 miles distant from the nearest railway station. The capacity of Hens Nest Road to cope with an additional 250 dwellings without substantial upgrading of the route and junction with Main Street is also queried.

For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. Our overall findings in relation to housing land are at Issue 1A. There, we conclude that the number of houses to be built in West Lothian during the period of the plan is likely to fall significantly short of the plan's housing supply target. I therefore give serious consideration to the case for allocating this site for housing.

2. This site is sandwiched between Whitburn and East Whitburn. The concept masterplan submitted in support of the proposals shows housing development limited to the southern and eastern parts of the site – along the western side of Hens Nest Road. Formal and informal open space is proposed on the western and northern areas of the site, so that the physical separation between the two settlements would be maintained.

3. Ogilvie Homes suggests an indicative site capacity of 250 homes, although it is indicated that there is flexibility in this respect. The council is concerned about the capacity of Hens Nest Road to accommodate this scale of development. The road is fairly straight along the site boundary, and it appears likely that one or more accesses into the site could be safely achieved. There appears to be reasonable visibility at the junction of Hens Nest Road with East Main Street.

4. However, I noted during my site inspection the presence of traffic calming measures on Hens Nest Road, and it appears to narrow somewhat towards the southern part of the site. I acknowledge that detailed consideration of the transportation impacts of any proposal on the site would be for the development management process. However, the site would be of substantial scale given the size of the existing settlement of East Whitburn. I would have been assisted by further information on the likely impacts of the proposal on Hens Nest Road and its junction with East Main Street, and on the road network more generally.

5. Albeit the site was shown as a 'not preferred' site in the Main Issues Report and has been considered in the Strategic Environmental Assessment of the plan, I have not been furnished with any significant amount of supporting environmental information such as I might have expected for a site of this size. For example, development on the rising land on the southern part of the site (as is proposed in the indicative masterplan) could, it seems to me, be fairly prominent. But there is no detailed analysis of the potential landscape or visual impacts of development on the site.

6. I recognise that development on the western side of Hens Nest Road could be a natural extension to East Whitburn. There is housing along the eastern side of the road,

along almost the full length of the proposed site. However, I share the council's concerns that development (at the southern end of the site in particular) would be somewhat remote from the centre of the settlement. There is a small convenience store in East Whitburn, and a community education centre. But in general terms it does not provide many of the commercial or public services which would be associated with a larger settlement. The plan does not, for example, identify a town or local centre within the settlement. There is such a centre in Whitburn, but that is further removed from the site.

7. The proposals for additional open space and enhanced footpath links are a relevant consideration. I recognise that there could be benefits for new and existing residents from these, although the introduction of housing nearby could have implications for the character and amenity of the existing footpaths around the south and west of the site. In respect of the areas of proposed open space to the north and west of the site (the indicative masterplan shows a football pitch, a wildflower meadow and areas of informal open space), it is not stated what arrangements might be put in place in respect of their future ownership and management. Albeit such matters can often be dealt with through the development management process, in this case the areas of open space would be of significant size. I would therefore have found it useful to have some more information about these matters. The council has not expressed any appetite for this new open space. I also note that there are already several paths and areas of formal and informal open space in and around Whitburn and East Whitburn, including the community woodland to the south of the site. These would, I think, tend to limit the further advantages of the additional open space proposed. Overall, I do not think that any benefits as may accrue from the additional open space would outweigh the concerns I express above.

8. I would also make the observation that, despite the stated intention that only the eastern and southern portions of the site would be developed, the masterplan submitted by Ogilvie Homes is only indicative. The representation seeks that the entire site be allocated for housing. That would mean that, on the proposals map at least, both settlements would become conjoined. That would potentially lead to future pressure for further development between the two settlements, perhaps on the land to the north of the site, or even on that part of it Ogilvie Homes currently intends to be open space.

9. In all of this context, and despite our conclusions in respect of housing land, I do not recommend that this site be allocated for housing development.

Reporter's recommendations:

No modifications.

Issue 22F	Whitburn Charrette	
Development plan reference:	Page 26, paragraph 5.62	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214) and (21116167)		
Provision of the development Plan to which the issue relates:	Page 26, paragraph 5.62	
Planning authority's summary of the representation(s):		
British Solar Renewables (0214) and (21116167) - British Solar Renewables are keen to engage in the process going forward in light of the adjacent development at Heartlands.		
Modifications sought by those submitting representations:		
British Solar Renewables (0214) and (21116167) - no modifications are sought.		
Summary of responses (including reasons) by planning authority:		
British Solar Renewables (0214) and (21116167) - It is acknowledged that British Solar Renewables are keen to engage in the process going forward in the development of the masterplan for Whitburn as a result of the Whitburn Charrette. This is encouraged given the adjacent development at Heartlands and its relationship to the town centre. No modification to the Local Development Plan is proposed by the council other than to correct a mis-spelling within the Local Development Plan text of the word "Charrette".		
Reporter's conclusions:		
1. There are no unresolved matters arising from British Solar Renewables' representations in respect of the Whitburn Charrette. The council is entitled to correct whatever spelling mistakes it may identify.		
Reporter's recommendations:		
No modifications.		

Issue 22G	Whitburn General	
Development plan reference:	n/a	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214)		
Provision of the development Plan to which the issue relates:	Miscellaneous	
Planning authority's summary of the representation(s):		
<p>British Solar Renewables (0214)</p> <p>The sentiments expressed within the proposed Local Development Plan ("proposed plan") at paragraph 1.5 is strongly supported and is found to reflect the vision of Scottish Planning Policy (SPP) and the National Planning Framework 3 (NPF3).</p> <p><u>Vision Statement and Aims</u> (page 8)</p> <p>The aims of the proposed plan (Page 8 and 9) as detailed are supported, however there are additions proposed in order to strengthen these aims.</p> <p><u>Spatial Strategy</u> (page 10)</p> <p>The spatial strategy is generally supported in line with the Strategic Development Plan. The Council must ensure that progression of sites is undertaken in a manner which is informed and realistic, therefore open discussion and communication with developers is crucial. In achieving this, Policy DES 1: Design Principles is relevant and supported.</p> <p><u>Economic Development and Growth</u> (page 12)</p> <p>The thrust of the proposed plan supporting sustainable economic growth and regeneration, and acknowledges a degree of flexibility in some instances, is supported. This approach to economic development and growth is considered to accord with the provisions of Scottish Planning Policy in relation to business and employment. This is therefore supported.</p> <p>Paragraph 5.33 of the Plan notes that Whitburn is amongst a number of former mining communities included in the Scottish Index of Multiple Deprivation 2012 and acknowledges the significant imbalance between public and private sector housing. The correspondent acknowledges the council's ambition to achieve a more diverse housing mix in order to help create more socially and economically balanced communities and is active in promoting the improvement of the physical environment and townscape (Paragraph 5.35) The Local Development Plan seeks to ensure the necessary physical and social infrastructure accompanies growth across the Plan area.</p>		

Policy HOU 1 & HOU 2 and Housing Land Supply, Meeting the Housing Land Requirement

This has been addressed in a separate Schedule 4 number 1A.

Policy HOU3: Infill/Windfall Housing Development with Settlements

Supports the policy and is particularly welcoming of the flexibility provided by criterion (c) which addresses the development of amenity or open space.

Please also refer to Schedule 4 number 26G.

Strategic Allocations (including previously identified core development area allocations) (page 25)

The recognition and continued support for strategic allocations like “Heartlands” at Whitburn is supported. Associated policy CDA 1 is supported to a degree; however, given the preceding text and common thread throughout the proposed plan, an amendment to the Policy to include reference to the identified strategic allocations, including “Heartlands”.

Please also refer to Schedule 4 number 26G.

Whitburn Charrette (page 26, paragraph 5.62)

Keen to engage in the process going forward in light of the adjacent development at Heartlands.

Please also refer to Schedule 4 number 22F.

Affordable Housing (page 27)

General support of the 15% threshold.

Policy HOU5: Affordable Housing reflects this threshold of 15%; this is supported. Paragraph 5.70 states that the availability of affordable housing continues to be a major issue for West Lothian. It is anticipated that the demand for social rent and below market rent housing will increase over the plan period. The continuing residential developments taking place at Heartlands including the additional capacity indicated for the area known as Framework C may assist in meeting this demand in the future.

Noted that the Scottish Government referred to the proposed plan dates from 2006 and is not part of this consultation. Clarification is required on any timescales and processes for any supplementary guidance and at this stage it is difficult to comment on any supplementary guidance in a meaningful fashion.

Please also refer to Schedule 4 number 1H.

Infrastructure Requirements and Delivery (page 30)

Notes that education is found to be a key constraint to development taking place across West Lothian. However, the representation points out that the development consented at

Heartlands includes provision of a new primary school. Supports taking a longer term investment view however the Council is reminded that Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development.

Please also refer to Schedule 4 number 26S.

Education (page 32)

Considers that education remains a significant impediment to residential development sites coming forward, therefore that it is unhelpful that the proposed plan is not accompanied by supplementary guidance. This approach provides little confidence for developers and investors, and yet it is noted that the onus for overcoming education barriers in West Lothian falls to the developer (Paragraph 5.90)

Please also refer to Schedule 4 number 1J.

West Lothian Open Space Strategy - Policy ENV21: Protection of Formal and Informal Open Space and ENV22: Protection of Playing Fields and Outdoor Sports Facilities (page 53)

General support for these policies. Specific comments about the allocation for golf course/amenity open space located within the wider Heartlands development along with surrounding open space with respect to promoting a solar energy scheme.

Please also refer to Schedule 4 number 26F.

Climate Change Measures – Policy NRG1: Climate Change and Sustainability (page 62)

General comments made and emphasise that the proposed plan could be more ambitious and seek greater use of renewable energy technologies across the Plan area. A Climate Change Strategy 2015-2020 and Carbon Management Plan (CMP) for West Lothian are being prepared, however neither are available for comment at this stage. Again it would have been useful to have the Planning Guidance published alongside the proposed plan in order to provide a comprehensive response at this stage. Given the correspondent's background in the solar industry they would welcome dialogue with the Council in early course in respect of this emerging Planning Guidance.

Please also refer to Schedule 4 number 26Ak.

Low Carbon Development and Renewable Energy – Policy NRG 4 Other renewable Energy Technologies (Page 63)

Strongly supports the proposed plan's encouragement of the decentralisation of energy production. It is the case however that this is not fully integrated into either of the two renewable energy policies set out in the proposed plan.

Policy NRG4 provides general support for development of renewable energy schemes in principle, however suggests the wording of the policy is considered vague and requires overall strengthening if it is to be included in the finalised Plan.

Considers that the proposed plan largely focuses on building-related renewables infrastructure and provides nothing in the way of support for ground-mounted solar arrays

as a means by which the targets, aims and ambitions of the Climate Change (Scotland) Act 2009, National Planning Framework 3 and Scottish Planning Policy can be met. This approach is flawed and the Council should revise the Plan to address this matter with some urgency. This would assist in meeting the Council's key aim of *"help to achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."* (Page 5-6).

Energy and Heat Networks - Policy NRG 5: Energy and Heat Networks (page 66)

The principle of energy and heat networks is supported, however in the use of this Policy going forward the Council must be mindful that such schemes carry with them a degree of commercial risk and they are not always a viable development option.

Vacant and Derelict Land - Policy EMG6: Vacant, Derelict and Contaminated Land (page 72)

Supports the development of such sites in principle, subject to compatibility with other policies of the Local Development Plan. This is supported.

Minerals and Waste - Policy MRW 1: Minerals, Resources and Safeguarding , Policy MRW2: Supporting Principles for Mineral Extraction, Policy MRW3: Impediments to Mineral Extraction (page 73)

The entire area at Heartland's is designated within the proposed plan as an area of search for open casting. The policies are not in themselves objected to, however the associated designation on proposals Map 4 is objected to.

Policy MRW3 is supported in so far as it provides the Council with the ability to remove the development site at Heartlands from the area of search.

Please refer to separate Schedule 4 number 1Q with respect to mapping.

Development Proposals by Settlement – Whitburn (page 96)

Heartlands Allocation - Continued support for the allocation at Heartlands and further housing land allocations in this location are strongly supported.

The area depicted for housing within Proposals Map 4 does not reflect the consented development area and requires to be amended to reflect these areas in order to strengthen the Heartlands strategic allocation in the Local Development Plan going forward.

Map 4 also designates the majority of the Heartlands consented development area as an area of search for open casting. This is not appropriate and should be removed.

The employment land designated at Heartlands accords with the provisions of the planning permission in place, however the agent would note the discrepancy between the proposed plan at Page 96, whereby Cowhill business park is given the site reference 'EWb4' which does not accord with Map 4.

Golf Course/Amenity - The consented golf course/amenity open space is not referenced on Map 4. It is the case that the inclusion of a golf course to the south of the Heartlands development, as consented under the 2006 master plan, is no longer considered appropriate to this site. In adapting to and mitigating against climate change and in a policy framework seeking to encourage renewable energy development which is a key aim of the Proposed Local Development Plan and is the mainstay business of their Client and potential site owners, the proposed development has been reconsidered and it is now thought more appropriate to develop install a solar energy park in this location.

Education - Under the existing planning permission for the first 2,000 houses to be built at Heartlands, the related Section 75 legal agreement in place provides for extension and expansion of existing education facilities. The Proposed Plan includes a new Primary School under proposal P-87, and while this is accepted, it should be included in the Plan as something to be delivered in the context of longer-term residential development growth at Heartlands.

Community Regeneration - Framework Area B & C development should take cognisance of the community regeneration initiatives within the Plan for former mining communities, including Whitburn. The agent's client is also keen to engage and support where possible.

Healthcare Provision - Supports new partnership centres with possible health centre provision are proposed for a range of locations, including Whitburn.

Local Centres - The Heartlands development is expected to provide a local neighbourhood centre for the emerging population and existing residents at Whitburn.

Housing Mix - Strongly supports the council's ambitions to achieve a more diverse housing mix in order to help create more socially and economically balanced communities and the acknowledgement and the importance that Heartlands responds to the need and demand in the West Lothian Council and Strategic Development Plan area.

Affordable Housing - While the emerging Local Development Plan policy framework must echo the sentiments of Scottish Planning Policy in providing the level and type of affordable housing, it is considered that the provision of affordable housing in Policy HOU 5 for Whitburn and Blackburn is aligned with local needs and therefore is more appropriate than a general benchmark figure. The Heartlands proposal will deliver significant levels of affordable housing to serve West Lothian.

Density - The proposed plan does not provide density indications, however the associated supplementary planning guidance (Residential Development Guide) presented as planning guidance (non-statutory guidance) states: "*Housing density should always relate to the character of the wider area and its accessibility. However, in order to sustainably meet long term-housing needs, it is important that new developments are designed to make the best and most efficient use of the land available.*" This approach, and flexibility in approach, is supported.

Proposals Maps – The agents raise a number of concerns relating to the overview Proposals Map and Proposals Map 4 that require to be amended. See below.

Modifications sought by those submitting representations:

British Solar Renewables (0214)

Vision Statement and Aims (page 8)

The wording of the aim 'sustainable housing locations' includes continued support for the Core Development Areas (CDAs) however fails to explicitly include support the areas strategic allocations. It therefore requires to be amended as set out below:

"Sustainable Housing Locations

- *Provide a generous supply of housing land and an effective five year housing land supply at all times, of a range and choice to meet need and demand;*
- *Continue to promote and support major development within the previously identified CDA's and strategic allocations;"*

As currently written the aim 'climate change and renewable energy' is not considered to be sufficiently robust to assist in the creation of a strong policy framework for renewable energy over the course of the Plan period. Development in sustainable locations is not enough; the Council should, through this emerging Plan, place West Lothian at the forefront of the utilisation, deployment and integration of a range of renewable energy technologies to create a low carbon, sustainable and resilient place. The following amendments are required:

"Climate Change and Renewable Energy

- *Help to achieve climate change objectives by minimising the area's carbon footprint through promoting a range of types of development in sustainable locations and supporting mitigation and adaptation measures."*

Policies HOU 1 & HOU 2 and Housing Land Supply, Meeting the Housing Land Requirement

This has been addressed in a separate Schedule 4 number 1A.

Strategic Allocations (including previously identified core development area allocations)(page 25)

Seek an amendment to the Policy CDA 1 to include reference to the identified strategic allocations, including "Heartlands". This to cement their position going forward and add credible support to the aims for housing growth.

Low Carbon Development and Renewable Energy (Page 63)

In the absence of any policy inclusion within the proposed Local Development Plan at this stage, it is suggested that the Council consider the inclusion of some policy reference to solar arrays in line with the 'SAS'. Indeed, in the drafting of such policy the 'SAS' urges local authorities to:

"Ensure that policies for large arrays of PVs (photovoltaics) cover landscape, urban design, land use, biodiversity, aviation, access, grid, security fencing and decommissioning issues. Ensure that design policies, particularly in urban areas,

encourage applicants to explore possibilities for large arrays of elevational PVs”

Typical planning considerations as set out in the ‘SAS’ include:

- Landscape/visual impact
- Ecological impacts
- Archaeology
- Impact on communities
- Glint and glare impacts
- Aviation matters
- Decommissioning

To create the correct policy framework for the growth of renewable technologies across West Lothian during the duration of this Local Development Plan, a policy should be included in the Plan at this stage, reflecting those matters highlighted above.

Development Proposals by Settlement – Whitburn, Proposals Map and Proposals Map 4

- Map 4 requires to be amended to reflect the consented Heartlands development in order to strengthen the Heartlands strategic allocation in the Local Development Plan going forward.
- Map 4 requires to be amended to remove the majority of the consented Heartlands being an area allocated for open casting. This is not appropriate and should be removed.
- The employment land designated at Heartlands accords with the provisions of the planning consent in place, however we would note the discrepancy between the Proposed Local Development Plan at Page 96, whereby Cowhill business park is given the site reference ‘EWb4’ which does not accord with the Proposed Local Development Plan proposals Map4.

Summary of responses (including reasons) by planning authority:

British Solar Renewables (0214)

Vision Statement and Aims (page 8 & 9)

Sustainable Housing Locations - The proposed plan can be modified to mention “Heartlands” and other strategic sites at Bangour and Wester Inch, Bathgate.

Climate Change and Renewable Energy - The council considers its wording is satisfactory and accords with SPP.

Spatial Strategy (page 10) - Support is noted.

Economic Development and Growth (page 12) - Support is noted.

Promoting Community Regeneration - Support is noted, in particular in terms of Heartlands, to remain flexible in the council approach to the on-going delivery of large-scale sites and council ability to respond to local needs.

Policies HOU 1 & HOU 2 and Housing Land Supply, Meeting the Housing Land Requirement - This has been addressed in a separate Schedule 4 number 1A.

Policy HOU3: Infill/Windfall Housing Development with Settlements - Support is noted. Please also refer to Schedule 4 number 26G.

Strategic Allocations (including previously identified core development area allocations)(page 25) - General support is noted, however the council does not intend to change the wording of policy CDA 1. Please also refer to Schedule 4 number 26Ac.

Whitburn Charrette (page 26, paragraph 5.62) - Support is noted. No modification to the Local Development Plan is proposed by the council other than to correct a mis-spelling within the Local Development Plan text of the word “Charrette”. Please also refer to Schedule 4 number 22F.

Affordable Housing (page 27) - The council will consult on the supplementary planning guidance separately. Affordable housing percentages will be determined by which area the site is located. In Whitburn, the policy states 15% with commuted sums required for sites with below 40 units proposed. Please also refer to Schedule 4 number 1H.

Infrastructure Requirements and Delivery (page 30) -The council notes the comments made, but does intend to make any further changes to the plan. Please also refer to Schedule 4 number 26S.

Education (page 32) - The council notes the comments made, but does not intend to make any further changes to the plan. Infrastructure where this relates to education remains a barrier to development that requires to be overcome on this site and other sites in West Lothian, with the developers having to make contributions. Please also refer to Schedule 4 number 1J.

West Lothian Open Space Strategy - The aims of Policy ENV21: Protection of Formal and Informal Open Space and ENV22: Protection of Playing Fields and Outdoor Sports Facilities (page 53) - Comments noted, nonetheless any proposals for a solar energy farm will be assessed on its own merits.

Climate Change Measures – Policy NRG1: Climate Change and Sustainability (page 62) - Comments noted, there will be the opportunity to comment on any PG the council takes forward on renewable energy (not wind).

Low Carbon Development and Renewable Energy – Policy NRG 4 Other renewable Energy Technologies (Page 63) - Comments noted. Any proposals for a solar energy farm will be assessed on its own merits. The council does not agree that it has failed to make use of the opportunities the Plan presents in respect of renewable energy generation. Planning Guidance on renewable energy (not wind) will also be produced in due course. No change of the plan is considered relevant or necessary at this stage. The Council welcomes ongoing engagement with the agent and developer with respect to solar energy.

Energy and Heat Networks - Policy NRG 5: Energy and Heat Networks (page 66) - Comments noted, the council does not intend to make any changes to the text and notes that not all developments will be viable.

Vacant and Derelict Land - Policy EMG6: Vacant, Derelict and Contaminated Land (page 72) - Support is noted.

Minerals and Waste - Policy MRW 1: Minerals, Resources and Safeguarding, Policy MRW2: Supporting Principles for Mineral Extraction, Policy MRW3: Impediments to Mineral Extraction (page 73) - The council intends to remove the area of opencast search around the Heartlands development as no open casting would be likely to receive council support, given the consent which is now in place for mixed uses and in particular housing at Heartlands and much of the site has been subject to coal removal previously.

Development Proposals by Settlement – Whitburn (page 96)

Heartlands Allocation -

- Comments are noted but changes to reflect the consented areas are not necessary
- The council intends to remove the area of opencast search around the Heartlands development as no open casting would be likely to receive council support, given the recent consent which is in place for mixed uses.
- Council notes the discrepancy between the proposed plan at page 96 does not accord with Map 4. This is a drafting error and in the settlement statements the site should read as 'E-WH1'.

Golf Course/Amenity - Comments are noted regarding proposed changes from golf courses to a solar farm which will be required to be assessed on its own merits and will not be allocated in the Local Development Plan.

Education - The primary school will remain an option under P-87.

Community Regeneration - Support is noted and acknowledge engagement where possible

Healthcare Provision - Support is noted.

Local Centres - Comments are noted, this has not been identified in the proposed plan as a proposal and the council will add this to the proposed plan.

Housing Mix - Support is noted.

Affordable Housing - Delivery on affordable housing is noted and will require to accord with the planning permission for the site. New proposals will require to accord with any new supplementary planning guidance that is approved by the council.

Density - Support is noted.

Reporter's conclusions:

1. I deal here only with British Solar Renewables' requested changes relating to the allocation of the Heartlands development at Whitburn. The other sections of the plan which they also make comment on are addressed under various other issues in our

report. We address the extent of the search area for surface coal extraction at Issue 26A1.

2. British Solar Renewables refers to further land to the west and south of the proposed housing allocations (the largest of which being site H-WH 3 Polkemmet Remainder) as having consent. I therefore asked (through FIR25) for further details of the extent of the consented development at Heartlands. Core Document CD90b appears to show a boundary for the outline planning consent extending significantly further west and south of the proposed housing allocations. It identifies the western parts of this land (areas H10-H13 in the plans) as being for 'future housing development' - as opposed to 'housing development' in the proposed allocation site - areas H1-H8.

3. CD90c is the outline planning permission itself. The council does not refer to it above, but condition 3 of that permission says that it relates only to 2,000 residential units on areas H1-H9. With the exception of site H9 in the drawings at CD90b, these areas referred to in condition 3 comprise the housing allocations at Heartlands in the proposed plan. The additional sites to the west (H10-H13) are, through condition 3, not favoured by the council for housing development. The land to the south is shown in CD90b as being for the golf course which British Solar Renewables says it does not now wish to develop. In this context, I do not agree that the terms of the outline planning permission indicate that this additional land to the west and south should be allocated for housing development.

4. British Solar Renewables indicates that it now supports the development of a solar energy farm on the land previously proposed for a golf course. The evidence before me is not sufficiently detailed to allow me to recommend that such an aspiration be realised in the form of a specific allocation in the plan. It is in the context of the policies in the plan, in particular Policy NRG 4 Other Renewable Energy Technologies, which any such proposal would fall to be considered. However, given the lack of appetite for pursuing the golf course development, I recommend that this proposal (P-82) be omitted from the plan. The representation from Ecosse Regeneration (represented by the same agent as British Solar Renewables) also makes reference to proposal P-82.

5. The outline planning permission for the Heartlands development provides for phased interventions to extend the capacity of existing schools. Proposal P-87 is for a new primary school. It is not clear to me how P-87 would relate to the development of the housing sites at Heartlands. However, in the absence of more specific direction on this matter in the proposed plan, I am not persuaded that the change sought (which seems to me to be more about emphasis rather than substance) would make a significant difference to the interpretation and implementation of the plan. It would have no direct influence on the terms of the existing outline planning permission.

6. Any typographical errors in the plan's referencing of sites in Whitburn may be corrected by the council as 'non-notifiable' modifications.

Reporter's recommendations:

1. In the table of 'other developments' in Whitburn on page 96, omit proposal P-82 Heartlands Polkemmet. Omit the same proposal from Appendix Six.

Issue 23A	Wilkieston Settlement	
Development plan reference:	H-WI 1 Linburn H-WI 2 East Coxydene Farm P-88 A71 bypass; relief road north of Wilkieston	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
William Laidlaw (0183) and (0308) Louise Clements (21886028) Brian Martin (21669441) Sportscotland (21118219)		
Provision of the development Plan to which the issue relates:	Land for housing; settlement statement for Wilkieston and Appendix 6 list of proposals (other developments).	
Planning authority's summary of the representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-WI 1</u></p> <p>Sportscotland (21118219) - Potential loss of outdoor sports facilities is an issue for Sportscotland. They note a number of land use allocations which appear to contain outdoor sports facilities. They do not object to these allocations since they recognise that the outdoor sports element(s) may be unaffected, or that there may be plans to provide for their replacement, but stress that SPP2014 paragraph 226 applies. Whilst they have highlighted a number of land allocations; if there are any other allocations which may prejudice the use of, or lead to the loss of outdoor sports facilities; then SPP similarly applies.</p> <p><u>H-WI 2 and P-88</u></p> <p>William Laidlaw (0183) and (0308) - Concerned about loss of privacy in particular the proposed development by reason of its size and siting represents an un-neighbourly plan of development that would have an impact on the amenities of the neighbouring properties. The proposal is doubling the size of the north side of the village, would have an adverse effect on the look and feel of such a small village. Any new relief road would bring with it increased traffic flow (especially HGV vehicles) and congestion and also an increase in traffic pollution to roads which are already very busy, especially at rush hours. Another area of concern is that sewage is collected in a septic tank in a drain at the dip of the B7030 road.</p> <p>Louise Clements (21886028) - Proposed site is burdened by right of servitude of multiple properties, for soak-away from septic tanks. Village has existing parking issues, and additional housing would escalate this. New road would bring additional risk and add to congestion in the village. The village has no mains gas and housing adjacent to the site and has no mains drainage, additionally the Internet connection is extremely poor. Impact upon the existing residents open aspect should be given careful consideration at planning</p>		

stage. No records of where surface water in the area adjacent to site H-WI 2 discharges to this must be resolved and investigated. Proposal does not promote community regeneration, nor maintain and enhance the character and identity of the village. It also directly contravenes subsections a. b. c. and d of policy DES1 Design Principals; subsections f. and g of the design principal are also of concern.

Brian Martin (21669441) - Objection to H-WI 2, East Coxydene Farm as it is aimed at exploiting an Edinburgh commuter market and 'de-ruralising' this small community. The proposed development will impact on my family's life by removing a very key element of they chose to move to Wilkieston from Edinburgh. Concerns over loss of view north west over a rural landscape that is very much valued for its privacy and aesthetic value. This situation will be completely removed if the 25 houses are constructed on this site. The addition of the 75 or so residential units if H-WI 1 and H-WI 2 considered together will not make Wilkieston more sustainable.

There is a shortage of affordable homes nationally with every Local Authority required to identify sites which can be developed for new homes, but don't believe that the 25 homes being proposed contribute to affordable housing quota. Suggests that the location is aimed at exploiting the Edinburgh housing and labour market demand. The poor public transport links, and proximity to local schools do not make the area affordable to young families on low incomes unless they have their own transport. The allocation is contrary to affordability and sustainability arguments. Exact location of the proposed road isn't clear.

The increase of traffic - during construction of both sites proposed in Wilkieston will lead to the increase in heavy vehicles using the B7030 which is at barely tolerable levels now. Currently suffer from these vehicles blocking the exit when either waiting to enter A71 or when turning from the A71.

Sympathetic to much of the LDP but object to residential development specifically at H-WI 2, as this will have little impact on the lives of every resident of West Lothian, but will have negative impact local residents in terms of quality of life.

Modifications sought by those submitting representations:

H-WI 1

Brian Martin (21669441) - no specific modification has been sought. However, objection is raised to development of site H-WI 1 for housing suggesting that the site is removed from the LDP.

H-WI 2 and P-88

William Laidlaw (0183) and (0308) - no specific modification has been sought. However, objection is raised to development of the site for housing and P-88 relief by-pass road suggesting that the site is removed from the LDP.

Louise Clements (21886028) - no specific modification has been sought. However, objection is raised to development of site H-WI2 for housing suggesting that the site is removed from the LDP.

Brian Martin (21669441) - no specific modification has been sought. However, objection is raised to development of site H-WI 2 for housing and P-88 relief by-pass road

suggesting that the site is removed from the LDP.

Summary of responses (including reasons) by planning authority:

William Laidlaw (0183) and (0308); Louise Clements (21886028); Brian Martin (21669441) and Sportscotland (21118219).

H-WI 1, H-WI 2 and P-88 - Site H-WI 2 is included in the approved master plan for the Calderwood CDA and is subject to a planning permission in principle for mixed use development (CD329a and CD 329b). Condition 24 (p) of the planning consent refers to provision of a Wilkieston half bypass. Whilst site H-WI 2 is not identified in the approved master plan and planning permission as a housing site, an indicative road corridor is shown on the approved plans, running to the north of Lyndean Terrace. The LDP spatial strategy is predicated on the continuing support for development in Core Development Areas of which the Calderwood CDA forms part. Para 5.46 of the LDP allows for additional development within the CDAs. In order to assist in the delivery of the half bypass and to reflect the indicative alignment, the council has concluded that following determination of the preferred route for the half bypass there will be a residual area of ground between the existing village and the road presenting an opportunity to identify a development site. The site would make a contribution to overall housing numbers in the LDP and would be required to contribute towards affordable housing provision. Any expansion of Wilkieston to the west is likely to lead to ribbon development, and represent a significant incursion into the open countryside. The council does not propose to amend the LDP in relation to this issue.

In response to issues raised relating to water and drainage Scottish Water has provided a response to all allocated sites within the LDP Appendix Two: Schedule of Housing Sites (Scottish Water Rep WL/LDP/PP/409) stating that where there is limited or insufficient capacity at their works, Scottish Water will provide available capacity. In this instance as the proposed site is allocated in the LDP Scottish Water would seek to deliver available capacity enabling the development to proceed.

William Laidlaw (0183) and (0308) and Brian Martin (21669441) - The LDP has been subject to transport appraisal for all sites in the proposed plan (CD083). It should be noted however, that detailed construction and residential traffic arrangements will be addressed through any eventual planning application.

Reporter's conclusions:

H-WI 1 Linburn

1. This site is already allocated for housing development in the current local plan. The principle of development there is therefore already established. I am not aware of any change in circumstances which would warrant this principle being reconsidered, and none of the representations argue explicitly for this allocation to be removed. The former playing field is now maintained as amenity grassland.

P-88 A71 by-pass

2. This proposal is related to the representations made against the allocation of site H-WI 2 East Coxydene Farm. I do not consider that this proposal would, in of itself, be likely to increase traffic flows and congestion in and around Wilkieston, as has been

stated. It is aimed, rather, at serving to alleviate the effects of this, and of the additional traffic which would be generated by the development of the Calderwood CDA. Condition 24 of that consent (to which the council refers above) requires the Wilkieston 'half by-pass' to be in place prior to the occupation of the 1230th residential unit at Calderwood. In fact, in response to my request (FIR32) for further information, the council confirms that the by-pass itself has planning permission in principle as part of that consent. The council explains that the alignment shown on the proposals map is indicative. In all this context, I see no reason to recommend that the proposal be deleted.

3. Kirknewton Community Council (the council addresses this representation under Issue 13A) supports this proposal. I note that the community council would prefer to see a full A71 by-pass of the village rather than just the proposed route linking to the B7030 to the north. The council agrees that this would be the best solution. However, it seems from the council's explanation that land within Edinburgh would be required, and that the City of Edinburgh Council has no plans to progress such a proposal. Upgrading of the B7030 (also suggested by the community council) would, similarly, be a matter for the City of Edinburgh Council.

4. I note the alternative suggestion from Louise Clements of a new roundabout at the Camps junction further west. However, our examination is into the adequacy of the proposed plan. I have no detailed evidence as to the feasibility and desirability of this alternative proposal.

H-WI 2 East Coxydean Farm

5. I note the concerns expressed about about loss of privacy and amenity to neighbouring properties. It seems to me that these are matters which could be addressed through the development management process, as could affordable housing requirements and the other infrastructure-related matters raised. Albeit the existing houses to the south of the site may enjoy an open aspect to the north presently, this does not render the site unsuitable for housing development. There is no technical evidence that the site is at undue risk from flooding or from the legacy of former coal mining. The council could ensure that an appropriate level of parking provision was made for any new development.

6. The council advises, in its response to FIR32, that there is an undetermined planning application for 46 homes on this site. The drawings for that application indicate a by-pass route which joins the A71 further to the west than the indicative route shown in the proposed plan, and a housing development which is larger in extent than the proposed allocated site. In any event, I make no findings in respect of these proposals, which are for the council to consider through the development management process.

7. Wilkieston is a small village, and I can understand why some residents value this. However, albeit that it would be a development of reasonably significant scale in the village context, I see nothing in the allocation of this site which would necessitate the loss of that aspect of the character of the village. I recognise that some of the demand for new housing in Wilkieston may come from those wishing to commute to Edinburgh. But such demand would exist regardless of this housing allocation. The council is obliged to plan on the basis of the SESplan housing requirements and, in response, proposes to allocate land in many settlements in West Lothian. It does not seem to me that, in this context, the proposed allocations in Wilkieston would represent an unreasonable level of development for the village to accommodate. In association with proposal P-88, the site

would appear to be an appropriate opportunity for providing additional housing within the village.

8. Rights of servitude and any damage to private property would be a matter between the parties concerned. I have no detailed evidence that this issue would make the site incapable of being (or unlikely to be) developed. Scottish Water does not generally consider limitations on waste water treatment capacity to be a constraint to planned development. Construction traffic associated with a development of such modest size need not, in my view, lead to significant impacts and would, in any event, be of limited duration.

9. The council also confirmed, in responding to FIR32, the need for minor factual corrections to the entry for this site in Appendix Two of the plan. My recommendations below incorporate the required changes. Otherwise, I do not recommend that this allocation be altered or omitted.

Reporter's recommendations:

1. In the table of housing sites in Wilkieston on page 97, in the entry for site H-WI 2 East Coxydene Farm, under 'Site Size (Ha)', replace '6.0' with '1.4'.
2. In the entry for site H-WI 2 East Coxydene Farm in Appendix Two:
 - 2.1 Under 'Site Ref', replace 'H-WH 2' with 'H-WI 2'.
 - 2.2 Under 'Area (Ha)' replace '6.0' with '1.4'.
 - 2.3 Under 'Other', delete 'The site lies within an Area of Special Agricultural Importance but its loss is not regarded as significant'.
 - 2.4 Under 'Other', in the final sentence replace 'at the northern end' with 'to the north'.

Issue 24A	Allocation of land for housing at Dunn Place, Winchburgh	
Development plan reference:	H-WB 2 - Dunn Place	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Yvonne Drysdale (0100) Winchburgh Community Council (0172) Petition from Residents (0189) Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and 21904220) Holy Family Primary School (21898212) Kevin Treadwell (21897700) David O'Rourke (21902047) Scottish Environment Protection Agency (0243)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (page 97) Appendix 2 - Schedule of Housing Sites, Winchburgh (page 239) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-WB 2 – Dunn Place</u></p> <p>Yvonne Drysdale (0100), Winchburgh Community Council (0172), Petition from residents (0189), ¹ Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and 21904220), ² Holy Family Primary School (21898212), Kevin Treadwell (21897700) and David O'Rourke (21902047) - object to the allocation reference H-WB 2 on the following grounds:</p> <ul style="list-style-type: none"> • Loss of green space • Loss of outlook • Increased traffic • Flood Risk • Would compromise West Lothian as a tourist destination • Impact on wildlife • Health and safety risk during construction • Ground stability issues • Lack of infrastructure including education capacity. <p>Scottish Environment Protection Agency (0243) - does not object to the allocation. While acknowledging that Appendix 2 - Schedule of Housing Sites, Winchburgh (page 239) already identifies the requirement for a Flood Risk Assessment, it suggests a revision to the text of the entry in Appendix 2 which expressly requires developers to contact the flood prevention officer to discuss flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p>		

NOTE

¹ The Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh have submitted a petition as part of its representation. (This is a different petition from the petition submitted by Winchburgh Residents 0189). While the main representation references sites H-WB 2 (Dunn Place) and H-WB 15 (Glendevon Regeneration site) the petition refers to sites H-WB 2 and H-WB 10 (Glendevon South). It is clear from the representation from the Joint Parent Council of Winchburgh & Holy Family Primary School that the petition relates to sites H-WB 2 and H-WB 15 and not H- WB 10 and has been interpreted as such.

² The representation from Holy Family Primary School (21898212) references site H-WB 15 but the comments clearly relate to site H-WB 2 and have been interpreted as such.

Modifications sought by those submitting representations:Representations to Allocated SitesH-WB 2 – Dunn Place

Yvonne Drysdale (0100), Winchburgh Community Council (0172), Petition from residents (0189), Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and 21904220), Holy Family Primary School (21898212), Kevin Treadwell (21897700) and David O'Rourke (21902047) – no specific modifications have been sought. However, objection to development of the site infers that site H-WB 2 (Dunn Place (Winchburgh Primary School) be removed as a housing allocation.

Scottish Environment Protection Agency (0243) – suggests that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan (CD078) and requiring contact to be made with the WLC Flood Protection Officer.

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesH-WB 2 – Dunn Place

Yvonne Drysdale (0100), Winchburgh Community Council (0172), Petition from residents (0189), Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and 21904220), Holy Family Primary School (21898212), Kevin Treadwell (21897700) and David O'Rourke (21902047) – the site is allocated for development in the West Lothian Local Plan and currently contributes towards the established housing land supply for West Lothian. The site is brownfield and the council's strategy is to give priority to the development of brownfield sites, the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy

focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. The site is deemed to be suitable for a modest residential development which can be brought forward to support development requirements. The council has sought the views of the key infrastructure and service providers and has identified no significant impediments to development.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is no justification to remove the allocation of this land for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (0243) - SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 of the plan (CD078) with the addition of text that contact should be made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Reporter's conclusions:

1. The representations refer to both sites H-WB 2 Dunn Place (Winchburgh Primary School) and H-WB 15 Glendevon (regeneration site), and there is a petition which also refers to H-WB 10 Glendevon (South) Remainder. However the nature of the matters raised in these representations appear to only to relate to site H-WB 2, no details are provided in relation to the other two sites. My conclusions here relate to site H-WB 2.
2. In response to my Further Information Request (FIR33) the council acknowledges that the site has not previously been subject to any substantive physical development and is content that it should be described as a greenfield site. This does not require any modifications to Appendix Two.
3. The site is a grassed area with some recently planted trees. However it is an allocated housing site in the current local plan. I do not consider that its contribution as an area of amenity open space justifies removal of this allocated site.
4. I note the representations include concerns that allocation of this site involves loss of a school playing field with no compensatory provision, contrary to sportscotland guidance. The council has confirmed that there is no loss of designated/protected open space and that there was no requirement for sportscotland to be consulted. From my site inspection I also noted no signs that the site is, or has been, actively used for formal recreational purposes. Although the representations refer to the land being used by the adjacent schools I saw no evidence of this. The land is fenced off from the school and formal play provision is incorporated within the grounds of the schools.
5. The council has confirmed that the planned extension of the school due for completion in 2018 may require 0.4 hectares of this site. The site would not, however, according to the council, be required for any further school expansion.
6. SEPA provided comments on the requirements for flood risk assessment for all the employment and housing land allocations in the proposed plan, for entry into Appendix One (employment sites) or Appendix Two (housing sites). Of all these sites on which

SEPA made comments, Table 2 of its response identified those sites where it recommended a specific change to the contents of those appendices. This site is not referred to in Table 2 of SEPA's response. In any event, the entry for this site in Appendix Two says that a drainage impact assessment is required. I see no compelling need for the plan to provide more detail than that.

7. Concerns raised relating to inadequate parking in the area are noted. The allocation of this site would not remove any existing parking, and parking required to serve development at the site can be addressed as part of any future planning application. Given the small scale of this site I am satisfied that any impacts on the road network as a consequence of the development would not be to a degree that would merit the removal of this allocation.

8. Many of the representations question the suitability and viability of the site for development in view of past mine workings in the area. The council has indicated that no significant impediments to development have been identified. No technical evidence is before me that would cause me to doubt that this matter can be addressed via any future planning application.

9. I note the concerns regarding adverse impacts on wildlife. SNH has not raised any objections to the allocation of this site for development. Taking account of that and my observations of the site I have no evidence that development of this site would have unacceptable impacts on biodiversity.

10. I can sympathise with residents' concerns at the loss of outlook and amenity as a result the removal of this area of green space. The planning system does not protect the view from a property but can consider impacts on residential amenity. The development management process would consider the layout and design of any housing to ensure an appropriate relationship with the existing houses and protect privacy and amenity. Any potential adverse impacts resulting from construction works is a matter that may be controlled, as appropriate, by planning conditions and other legislation.

11. In conclusion, I agree with the council that there is no justification to modify the plan removing the allocation of this land for housing.

Reporter's recommendations:

No modifications.

Issue 24B	Allocation of land for housing at Glendevon Regeneration Site, Winchburgh	
Development plan reference:	H-WB 15 - Glendevon Regeneration site	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and (21904220) Holy Family Primary School (21898212) Scottish Environment Protection Agency (0243)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (page 97) Appendix 2 - Schedule of Housing Sites, Winchburgh (page 251) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>H-WB 15 - Glendevon Regeneration site</u></p> <p>¹ Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and (21904220) and ² Holy Family Primary School (21898212) - objects to the allocation reference H-WB 15 on the following grounds:</p> <ul style="list-style-type: none"> • Loss of green space • Increased traffic • Flood Risk • Would compromise West Lothian as a tourist destination • Impact on wildlife • Health and safety risk during construction • Ground stability issues • Lack of infrastructure including education capacity. <p>Scottish Environment Protection Agency (0243) does not object to the allocation. While acknowledging that Appendix 2 - Schedule of Housing Sites, Winchburgh (page 251) already identifies the requirement for a Flood Risk Assessment, it suggests a revision to the text of the entry in Appendix 2 which expressly requires developers to contact the flood prevention officer to discuss flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.</p> <p><u>NOTE</u></p> <p>¹The Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh have submitted a petition as part of its representation. While the main representation references sites H-WB 2 (Dunn Place) and H-WB 15 (Glendevon Regeneration site) the petition refers to sites H-WB 2 and <u>H-WB 10 (Glendevon South)</u>. It is clear from the representation from the Joint</p>		

Parent Council of Winchburgh & Holy Family Primary School that the petition relates to sites H-WB 2 and H-WB 15 and not H- WB 10 and has been interpreted as such.

² The representation from Holy Family Primary School (21898212) references site H-WB 15 but the comments clearly relate to site H-WB 2 and have been interpreted as such.

Modifications sought by those submitting representations:

Representations to Allocated Sites

H-WB 15 - Glendevon Regeneration site

Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and (21904220) and Holy Family Primary School (21898212) - no specific modifications have been sought. However, objection to development of the site infers that site H-WB 15 (Glendevon (regeneration site)) be removed as a housing allocation.

Scottish Environment Protection Agency (0243) – it is suggested that additional text be incorporated into the entry referencing the site in Appendix 2 of the plan (CD 078) and requiring contact to be made with the WLC Flood Protection Officer.

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites

H-WB 15 - Glendevon Regeneration site

Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) and (21904220) and Holy Family Primary School (21898212) – the site is brownfield and the council's strategy is to give priority to the development of brownfield sites, the aim being to limit the amount of greenfield land released for development. This strategy is in accordance with Scottish Government policy and the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. The site is deemed to be suitable for a modest residential development which can be brought forward to support development requirements. The council has sought the views of the key infrastructure and service providers and has identified no significant impediments to development.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is no justification to remove the allocation of this land for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

Scottish Environment Protection Agency (0243) - SEPA's comments are essentially a

refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entry referencing the site in Appendix 2 of the plan (CD078) with the addition of text that contact should be made with the flood prevention officer to investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map.

Reporter's conclusions:

1. The representations refer to sites H-WB 2 Dunn Place (Winchburgh Primary School) and H-WB 15 Glendevon (regeneration site) and there is a petition which also refers to H-WB 10 Glendevon (South) Remainder. However the matters raised in these representations (apart from SEPA's) appear only to relate to site H-WB 2, and we address them at Issue 24A.
2. SEPA provided comments on the requirements for flood risk assessment for all the employment and housing land allocations in the proposed plan, for entry into Appendix One (employment sites) or Appendix Two (housing sites). Of all these sites on which SEPA made comments, Table 2 of its response identified those sites where it recommended a specific change to the contents of those appendices. This site is not referred to in Table 2 of SEPA's response. In any event the entry in Appendix Two for the site says that a Flood Risk Assessment which assesses the flood risk from the small watercourse which flows along the southern boundary of the site is required. I see no compelling need for the plan to provide more detail than that.
3. From my site inspection I noted that the allocated site boundary appears to include the residents' drying green associated with the adjacent maisonette flats. The northern and north eastern boundaries of the site therefore directly abut the flats. This may be a minor drafting error for the council to address as a non-notifiable modification. In any event the impact on the amenity of adjacent residents could be addressed as part of any planning application.

Reporter's recommendations:

No modifications.

Issue 24C	Allocation of land for housing within the CDA at Glendevon North, Winchburgh	
Development plan reference:	H-WB 12 – Glendevon North, Winchburgh	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Angus Robertson (0028) Scottish Canals (21870361)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97, 98 and 249) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 12 – Glendevon North, Winchburgh</u></p> <p><u>Background</u> H-WB 12 Glendevon North covers land within the approved Winchburgh Masterplan boundary which has permission in principle under ref: 1012/P/05 (CD340a and b for development as part of the settlement expansion of Winchburgh, including residential, school and community uses and associated roads, landscape ,SUDS and footpath connections.</p> <p><u>Residential amenity impacts</u></p> <p>Angus Robertson (0028) - objects to the allocation of the site for housing development on grounds of the impacts on residential amenity in respect of noise, disturbance and parking</p> <p><u>Union Canal</u></p> <p>Scottish Canals (21870361) - raises no objections to the allocation but seeks further involvement in any preparation of development briefs and master plans for sites in Winchburgh in proximity to the Union Canal.</p>		
Modifications sought by those submitting representations:		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 12 – Glendevon North, Winchburgh</u></p> <p><u>Residential amenity impacts</u></p> <p>Angus Robertson (0028) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.</p>		

Union Canal

Scottish Canals (21870361) - no specific modifications sought.

Summary of responses (including reasons) by planning authority:Representation to Allocated SiteH-WB 12 – Glendevon North, Winchburgh

Angus Robertson (0028) - The H-WB 12 allocation benefits from Planning Permission in Principle as part of the approved settlement expansion of Winchburgh. The approved Winchburgh Masterplan identifies this area for residential development and as the proposed location for a secondary school campus with associated roads, footpaths, sports facilities, open space, woodland planting and SUDS. The permission in principle incorporates a Code of Construction Practice to ensure that residential amenity is protected during the construction phases. A further assessment of the impacts on residential amenity would be carried out should detailed proposals be submitted to the council, through the normal planning application process. The council does not agree to the removal of this allocation from the LDP.

Union Canal

Scottish Canals (21870361) - comments noted

Reporter's Conclusions:

1. I acknowledge the various concerns raised by Mr Robertson. I note, however, that planning permission in principle has already been granted for the expansion of Winchburgh, including this site. Associated with that, a masterplan for the Winchburgh CDA has also been approved by the council. The principle of development on this site is therefore already established (as it is in the current local plan) and the masterplan provides further detail about what is envisaged. I do not, in that context, agree that the site should not be allocated. Some of the matters addressed by Mr Robertson would fall to be further considered through the development management process when detailed proposals for the site are submitted.

2. Notwithstanding the existing planning permission in principle and approved masterplan, I am satisfied that the opportunity to make best use of the proximity of this site to the Union Canal can be addressed in any further briefs and masterplans for the site, and through the further development management procedures which would be required for any detailed proposals on the site.

Reporter's Recommendations:

No modifications.

Issue 24D	Allocation of land for housing at Niddry Mains House, Winchburgh	
Development plan reference:	H-WB 18 (MIRQ-0159) – Niddry Mains House	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Jean Hughes (0188) Ian Edgeler (21806131) Aithrie Estates and Hopetoun Estates Trust (21900249)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97,98 and 254) Proposals Map 2, Linlithgow & Broxburn Area Allocation of land for housing	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Site</u></p> <p><u>H-WB 18 (MIRQ0159) – Niddry Mains House</u></p> <p><u>Background</u></p> <p>The site extends to approximately 2.8 hectares and lies to the north east of Winchburgh, south of Niddry Mains House. It embraces the southern part of Beatlie Wood which also forms the western boundary of the site with the B8020. The site does not currently have any allocation assigned to it in the adopted West Lothian Local Plan but it is bounded by the Winchburgh Core Development on three sides. The site was initially promoted for development post publication of the Main Issues Report in August 2014 and justification for a development of some 40 units was premised on the site being sustainably located, immediately effective and being a natural extension to the existing settlement. After due consideration it was concluded that the site was an appropriate location for new housing and was identified as a 'preferred site' in the Proposed Plan, albeit that the indicative capacity was reigned back to not more than 30 units in recognition of the partially wooded nature of the site and the physical relationship with Niddry Mains House.</p> <p>Jean Hughes (0188) - objects to the allocation of the site for housing on grounds of infrastructure, loss of outlook, adverse impact on wildlife and the reduction in property value.</p> <p>Ian Edgeler (21806131) - objects to the allocation of the site for housing on the following grounds: - detrimental impact on neighbouring properties; sewage issues; discrepancy between number of units in MIR and Proposed Plan; loss of open space and insufficient supply of open space, which would be contradictory to the statement elsewhere in the Plan that there is insufficient open space to cater for new housing in Winchburgh and access issues from the B9080.</p> <p>Aithrie Estates and Hopetoun Estates Trust (21900249) - supports the allocation of the site for housing development.</p>		

Modifications sought by those submitting representations:Representations to Allocated SiteH-WB 18 (MIRQ0159) – Niddry Mains House

Jean Hughes (0188) - no specific modifications have been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Ian Edgeler (21806131) - suggests that the site should be retained as a counter to already planned development and could also help facilitate wider access to the open space surrounding the bings. No objection to the redevelopment of Niddry Mains Houses itself and its immediate environs, but not the greater site.

Aithrie Estates and Hopetoun Estates Trust (21900249) - no modifications are sought in relation to the site.

Summary of responses (including reasons) by planning authority:Representations to Allocated SiteH-WB 18 (MIRQ0159) – Niddry Mains House

Jean Hughes (0188) and Ian Edgeler (21806131) - The council does not agree to the removal of this allocation from the LDP.

A further assessment of the impacts on residential amenity will however be carried out should detailed proposals be submitted to the council through the normal planning application process. There is also a specific requirement through the LDP allocation to ensure appropriate path connections into the wider Winchburgh CDA settlement expansion and to protect the woodland, both to the west and within the site. Any proposal will be assessed against these requirements at the detailed application stage.

Aithrie Estates and Hopetoun Estates Trust (21900249) - support for allocation noted.

Reporter's Conclusions:

1. The representation from Jean Hughes raises the issue of the land being a feeding source for bats. The council has not responded to this matter. However I note that SNH has not raised any concerns in respect of this site and I am satisfied, in this instance, that ecological matters can be addressed via the development management process.

2. The representation from Mr Ian Edgeler raises the matter of access issues from the B9080. The council has not responded to this. The entry for this site in Appendix Two of the plan raises no transportation issues. The site fronts onto a curve on the B9080 at a location where visibility may be maximised. I observed no impediments to access at this location. I am satisfied that suitable access arrangements could be delivered via any future planning application.

3. I noted that the site does vary in level, however, careful attention to design and layout could be addressed at the development management stage to ensure an appropriate

relationship with the existing houses and protect privacy and amenity.

4. Concerns have been raised about lack of open space and infrastructure provision. I note that the site is grazing land; it does not incorporate any formal recreational facilities or contribute to the character of the area as amenity open space. I am content that the provision of formal open space and infrastructure to serve Winchburgh is more appropriately addressed via the planning applications for the CDA.

5. Sites allocated as part of the Winchburgh CDA surround this site. I agree that, in this context, it forms a natural infill site within the settlement boundary. I see no justification not to include this as an allocated site.

Reporter's Recommendations:

No modifications.

Issue 24E	Allocation of land north of Niddry Castle, Winchburgh for mixed uses (including housing)	
Development plan reference:	H-WB 17 – Site north of Niddry Castle, Winchburgh	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Robert Clow (0269) Patricia Nairn (21771325) Craig Buchan (21889714) John Buchanan Smith (21801842) Peter and Lois Smith (21786020) Penni Brown (21768313) Richard Nairn (21669570) and (21320817) David Nairn (21781547) Susan Brash (21776487) Jackie Rochmanowska (21771754) Historic Environment Scotland (0351) Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97,98 and 253) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 17 – Site north of Niddry Castle</u></p> <p><u>Background</u></p> <p>Site H-BU 17 lies north of Niddry Castle and embraces land which forms part of the Niddry Castle Golf Course. It is shown within the wider CDA boundary in Appendix 7.2 of the adopted West Lothian Local Plan (CD092). It is not, however, part of the developable area within the approved Winchburgh CDA Masterplan, which has permission in principle under ref: 1012/P/05 (CD340a and b) for development as part of the settlement expansion of Winchburgh, including residential, school and community uses and associated roads, landscape, SUDS and footpath connections.</p> <p>The site was brought forward through the “call for sites” exercise as a joint submission from Winchburgh Trust and Aithrie Estates together with Niddry Castle Golf Club (EOI-0201) (CD290). It is understood that there is an agreement between the parties that the site would form an extension to the Winchburgh CDA Masterplan area and that the golf course and club would be re-located to land to the west of Winchburgh (on the former Auldathie landfill site which is to be restored as part of the approved masterplan proposals). The EOI submission for this site and neighbouring sites (EOI-0199 and EOI-0200) were accompanied by the Niddry Castle Golf Course Feasibility Study (CD291).</p> <p>Robert Clow (0269) - objects to allocation of the site for housing development for reasons allied to designated landscape; adverse impact on setting of listed building; threat to ancient trees.</p>		

Patricia Nairn (21771325) - objects to allocation of the site for housing development for reasons allied to adverse impact on Niddry Castle; development detracting from surroundings and the adverse visual impact.

Craig Buchan (21889714) - objects to development of the site for housing for reasons allied to the adverse impact on Niddry Castle in particular and the adverse visual impact generally.

John Buchanan Smith (21801842) - objects to the allocation of the site for housing for reasons allied to the visual, physical and environmental impact on Niddry Castle and immediate surrounding area and also the potential change to the established character of the site.

Peter and Lois Smith (21786020) - object to the allocation of the site for housing for reasons allied to the designation; impact on historic monument and environs; adverse impact on view of the Castle if housing is permitted without the preservation of substantial amenity land around it.

Penni Brown (21768313) - objects to housing and mixed use allocation; proposes area should be protected as a Designed Landscape; trees protected by TPO and the setting of the castle protected; proposal deemed contrary to policy HOU 1; proposal contravenes policies ENV 1, ENV 7, ENV 9, ENV 21, ENV 28, ENV 30; loss of golf course.

Richard Nairn (21669570) and (21320817) - objects to the allocation of site for development for reasons allied to; adverse impact on setting and amenity; coalescence; seeks designation as designed landscape and promotion of TPO. Development contrary to policies ENV 1, ENV 7, ENV 9, ENV 21, ENV 28 and ENV 30; seeks recompense for loss of golf course.

David Nairn (21781547) - objects to development of the site for reasons allied to; loss of green space currently used for recreation; loss of golf course; adverse impact on setting of Niddry Castle; flood risk lack of local amenities; adverse impact on shale bings.

Susan Brash (21776487) objects to development of the site because of the impact on Niddry Castle and for reasons allied to the loss of the setting of the site and the golf course.

Jackie Rochmanowska (21771754) - objects to housing development; considers there to be other more appropriate areas around Winchburgh which are available for development; acknowledges that the golf course would be re-sited however, concerned over loss of land currently used for leisure and recreation in the heart of Winchburgh giving easy access to all the community; adverse transport impacts; adverse impact of housing development on the canal; and adverse impact on the setting of Niddry Castle.

Historic Environment Scotland (0351) - recognises that development could be accommodated here, however due to the proposed number of houses (notionally 250) and the close proximity of the site boundary to the castle, the respondent considers that it could be difficult to deliver this scale of development in this location without significant adverse impact on the setting of Niddry Castle.

Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260) – support the principle of development but object to the capacity assigned to the site and suggest that

the net capacity should be 185 rather than the 250 indicated in the proposed plan. Concludes that there appear to be few constraints that would affect development of this site. Advise that detailed mining records available to the Estate show no evidence of mine workings or indeed the presence of minerals. Although to the north of the site is where an oil works once stood and where waste blaes was deposited on what is now the Niddry Castle Bing. Contamination of the northern edge is however considered to be remote from any sources of contamination arising from the oil works. Anticipates access initially being via Castle Road, but a new road would be constructed to the east in due course and possibly associated with adjacent development. Notes that the site was included in a landscape assessment and that information supplied to the council at the MIR stage on deliverability. In view of the proximity of the rail line to the west of the site it is expected that there will be some site loss in order to mitigate impacts, hence the conclusion that a net site capacity of 185 rather than the 250 shown in the Proposed Plan is a more plausible figure.

Modifications sought by those submitting representations:

Representation to Allocated Site

H-WB 17 – Site north of Niddry Castle

Visual, physical and environmental impacts and loss of Countryside Belt

Robert Clow (0269) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP and suggests that non-golf used land is landscaped and heavily planted.

Patricia Nairn (21771325) – no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Craig Buchan (21889714) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

John Buchanan Smith (21801842) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Peter and Lois Smith (21786020) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Penni Brown (21768313) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Richard Nairn (21669570) and (21320817) - no objection is raised to development of the site suggesting that the site is removed from the LDP. The area should be regarded as a conservation area.

David Nairn (21781547) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Susan Brash (21776487) - no specific modification has been sought. However, objection

is raised to development of the site suggesting that the site is removed from the LDP.

Jackie Rochmanowska (21771754) - no specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Historic Environment Scotland (0351) - suggests that the number of housing units proposed be reduced with the final number being determined as a result of a further assessment of the capacity of the site, for example through the master planning process. If this site is retained in the Plan, early consultation with Historic Environment Scotland on a mitigation strategy and on the development of a masterplan for the site is deemed essential.

Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260) - requests that the capacity assigned to site H-WB 17 is reduced to 185 units.

Summary of responses (including reasons) by planning authority:

Representation to Allocated Site

H-WB 17 – Site north of Niddry Castle

Robert Clow (0269), Patricia Nairn (21771325), Craig Buchan (21889714), John Buchanan Smith (21801842), Peter and Lois Smith (21786020), Penni Brown (21768313), Richard Nairn (21669570) and (21320817), David Nairn (21781547), Susan Brash (21776487) and Jackie Rochmanowska (21771754) - These representations to the allocation of the site can generally be categorised into three headings :

Landscape and visual impact and loss of open space and trees

While priority is ordinarily to be given to development of brownfield land, there is recognition that there is not enough brownfield land to meet the requirements of the Strategic Development Plan and a greenfield release is supported in this particular instance, in line with the LDP spatial strategy, as an extension to the existing CDA allocation. It is acknowledged that this is a sensitive site but is a natural infill site between the physical constraints of the railway line to the west and the Niddry Bing to the east and will allow the settlement boundary to extend only to the existing southern limits of the Niddry Bing. The feasibility study submitted with the EOI has analysed the landscape capacity of the site and a low density development, set within a high quality landscaped setting would be appropriate in this location. When viewed from the south and west, including from the canal, development of the site in this manner would form an appropriate settlement expansion set against the backdrop of the existing woodland and the shale bing.

It will be important to ensure that existing trees are retained and that proposals do not encroach into the existing woodland. This can be achieved at the detailed design/planning application stage, though the site capacity may need to be adjusted downwards to ensure this.

As set out in the Background section, it is the intention that the golf course is re-provisioned as part of the proposals to develop this site, to ensure that the recreation

facility is retained for the benefit of the Winchburgh community.

Detrimental impact on the setting of the Category A Listed Niddry Castle and adjacent shale bing

As above, the impact on the setting of Niddry Castle has been assessed through the feasibility study. Subject to there being a robust and high quality landscaped southern boundary to the site from the Niddry Burn and that the heights and orientation of proposed buildings are carefully considered at the detailed design stage, the development of the site will not be detrimental to the setting of the castle. These are issues that can be addressed further at the detailed design/planning application stage and the position is supported by Historic Environment Scotland (Historic Scotland at the time of assessment of the EOI site).

There is a planning permission in place for the depletion of the Niddry Bing and re-use of the shale ref: 0461/M/12 (CD391a, b and c). The material is currently being used in connection with the construction of the Queensferry Crossing. Any development adjacent to the bing will have to take into account the long term activities on the site. Ultimately the intention is that the bing will be removed completely, altering the wider setting of both the castle and the H-WB 17 site.

Traffic and flooding impacts

The technical impacts of the development have been considered through the access study which formed part of the feasibility study for the EOI. Transportation was satisfied that up to 300 units could be accommodated on this site of the existing road network, subject to appropriate upgrades. A minimum 6m buffer is required along the southern boundary to mitigate any potential flood risk from the Niddry Burn. As outlined above this buffer is likely to be significantly larger in order to mitigate any visual impacts and potential impacts on the setting of the listed castle.

Historic Environment Scotland (0351) and Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260) - The council notes the comments made and recognises that the development of this site is not without its difficulties. In particular, the council is sensitive to the fact that the development of this site has the potential to impact on the 'A' listed Niddry Castle and its proximity to the railway also creates a potential for noise disturbance. In terms of infrastructure, it is acknowledged that there are capacity constraints at Linlithgow Academy which have a bearing on development in Winchburgh. A satisfactory solution to all of these issues would therefore be required to enable residential development to proceed.

Overall Summary

Notwithstanding the aforementioned constraints, the council does not agree to the removal of this allocation from the LDP. The council would not however take issue if the Reporter considered it necessary to amend the allocation and site delivery requirements, to require a robust evaluation and mitigation strategy for any development and to also adjust the site capacity downwards to address and mitigate any potential landscape and visual impacts.

Reporter's Conclusions:

1. The site comprises the northern half of Niddry Castle Golf Club. It varies notably in level from west to east and north to south. The northernmost part of the site containing the existing clubhouse and car park is flat and is mostly enclosed by trees. The area to the immediate south of the clubhouse is a fairly level plateau. There is a break in slope running roughly east to west across the centre of the site. The southern half of the site, containing a number of substantial mature trees, sits at a lower level. The site then slopes further again towards the Niddry Burn.
2. The Strategic Environmental Assessment (SEA) states that the site visually contributes to the setting of the town and is an attractive backdrop to Niddry Castle, and that built development would seriously erode this. It also indicates that development would be an intrusive incursion into the countryside belt between Winchburgh and Broxburn. Furthermore, options for securing access to the site are very limited. The SEA concluded that this site should not be supported.
3. I consider that the site has limited ability to absorb new development. It is clear that the setting of the castle extends beyond what is its present day curtilage. The historical and scenic associations extend into the current golf course, particularly the northern part that is allocated for housing. In particular, the mature trees set among grassland on the southern part of this area provide visual evidence of the designed landscape and clearly contribute to the setting of this historic asset. The representations indicate that this is understood and appreciated by the public, particularly those using the nearby routes including the canal and towpath. The proximity of development on this area to the castle and loss of the established landscape would erode key characteristics of the setting of the castle.
4. Any development on the flatter open area at the upper part of the site also has the potential to damage the setting of the castle, albeit to a lesser degree. In order to tie in with existing levels and infrastructure the housing is likely to be constructed at a higher level than or on a similar level as the castle. As such in views from the south, including from the roads, canal and towpath the housing would form a noticeable feature competing with the setting of the castle. Development at the site would cause the prominence of the castle in the landscape to be significantly reduced.
5. I believe that only development on the part of the site containing the clubhouse and car park would have no significant impact on the setting of the castle. This is a very small proportion of the overall allocation. My observations on site lead me to conclude that development on the majority of this site would be harmful to the setting of the castle. Therefore I am not convinced that the allocation, even with the requirement for the robust mitigation sought by Historic Environment Scotland, is appropriate.
6. I accept that substantial parts of the outlook from the castle itself would remain open; however the key vista towards the parkland setting would be lost. This would also detract from the historic asset.
7. The council indicates that further investigation is required to determine the validity for protection of the large stand-alone trees and group of trees near the middle of the site. While a planning condition may be used to protect these trees I remain unconvinced that development around the trees would be acceptable due to the likely impact on the setting of the castle.

8. I acknowledge the concerns regarding potential damage to the economic and tourism benefits associated with this historic asset and its value to users of the canal. However any such impacts on the overall use of the canal and on visitor numbers to West Lothian are likely to be of limited significance.

9. Development of the site would reduce the width of the countryside belt between Winchburgh and Broxburn at an area where the gap between the two is not particularly wide. This would be less significant if development were to be confined to the very upper part of the site only and the mature trees were retained, however that is not what is proposed.

10. I accept that this is in some respects a sustainable location for residential development; however, I have doubts that suitable access can be achieved to this site. Access to the site is proposed initially via Castle Road. The submissions from Aithrie Estates and the Hopetoun Estate Trust indicate that the site would ultimately be accessed by a new road to the east. The SEA notes that options for securing access to the site are very limited; the access is very restricted in width and there is no practical scope for widening it. I observed on my site inspections that the road is narrow, unmade and presently lacking in pedestrian footways, passing places and lighting. It also passes through the parking area of a business, Primecare Health Ltd, at the southern end of Castle Road beyond the former miners' cottages. Access from the east would be dependent on development at other sites not included in the plan. It is unclear that this site can be satisfactorily accessed.

11. Although not commented on by the council I note the concerns regarding impacts on wildlife. Had I concluded that this site is suitable for allocating, the protection of biodiversity could be addressed via the development management process.

12. The representations include requests to have an area around the castle protected by a formal designation such as a designed landscape or conservation area. Historic Environment Scotland has not advocated such an approach and policies within the plan do give protection to listed buildings and their settings. Therefore I do not consider that a modification is justified in this respect.

13. The concerns regarding the loss of a leisure and recreational use located at the heart of the community and easily accessible are understandable. I agree that the site is a sustainable location for the golf course. This location is much more accessible to the community than the alternative location on the edge of the settlement proposed as part of the regeneration of Auld Cathie landfill site. The golf course is also an appropriate use of the original parkland around the castle. Nevertheless the future of the golf course at the present location is not within the remit of this examination.

14. In conclusion, although there are policies within the plan to protect listed buildings, landscape character, open space and trees I am not convinced that this site is suitable for residential development. Despite our conclusion at Issue 1A that there is likely to be a significant shortfall in meeting the housing supply target of the plan, I consider that the plan should be modified to remove this allocation.

Reporter's Recommendations:

1. Modify the proposals map, the table of Winchburgh mixed use sites on page 97 and Appendix Two to delete site H-WB 17 Site west of Niddry Castle.

2. In the proposals map, include this land within the countryside belt.

Issue 24F	Allocation of land for mixed use (including housing) within the Winchburgh Core Development Area (CDA)	
Development plan reference:	H-WB 16 - Site west of Ross's Plantation H-WB 17 - Site north of Niddry Castle EO1-0193, EO1-0202, EO1- 0203, and EO1-0204	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (0243) Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260) Winchburgh Developments Ltd (21862570)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97 and 98) Appendix 2 – Schedule of housing sites, Winchburgh (pages 119 to 124) Proposals Map 2, Linlithgow & Broxburn Area</p>	
Planning authority's summary of the representation(s):		
<p>Background</p> <p>The areas proposed for development within the original West Lothian Local Plan Winchburgh CDA boundary are identified within the approved Winchburgh CDA Masterplan, which has permission in principle under ref. 1012/P/05 for development of the settlement expansion of Winchburgh, including residential, school and community uses and associated roads, landscape, SUDS and footpath connections. (CD340) A total of 3,450 residential units are approved as part of that masterplan. Of those, 542 residential units have detailed planning consent. Within the planning conditions and the planning obligation associated with the masterplan there are a series of caps on the occupation on units until such time that key infrastructure is delivered.</p> <p>Representations to Allocation of land for mixed use within the CDA (including housing)</p> <p>Scottish Environment Protection Agency (0243)</p> <p>Requires Flood Risk Assessments to be undertaken for development sites within the CDA.</p> <p>Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)</p> <p>Seeks further land allocations at Winchburgh.</p> <p>Winchburgh Developments Ltd (21862570)</p> <p>Seeks allocation of additional housing land to meet the 5 year housing land requirement; seeks certainty over funding mechanism for new non-denominational secondary school at Winchburgh.</p>		

Modifications sought by those submitting representations:**Representations to Allocation of land for mixed use within the CDA (including housing)**

Scottish Environment Protection Agency (0243)

Requires the LDP to include the need for Flood Risk Assessments to be undertaken for development sites within the CDA

Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)

Seeks an adjustment to the capacity of new sites H-WB 16 and H-WB 17 to 185 and 200 respectively to account for their net developable capacity; reduce the total number of units shown in Appendix 2 for Winchburgh from 4,243 to 3,903 (see Aithrie/HET Doc.4 and calculation on Doc.7); allocate new sites with references EO1-0202, EO1- 0203, EO1-024 and EO1-0193 to augment the land supply in Winchburgh to make up the balance and as a contribution to finding further effective land in the Plan area; alter the proposals map to show the new sites proposed in representations; delete sites referred to in Broxburn and delete the northern portion of site H-BU 10 as proposed.

Winchburgh Developments Ltd (21862570)

Allocate additional housing land at Winchburgh; co-ordinated approach required to infrastructure delivery; concern raised over lack of a parallel financial framework plan or plans to accompany the LDP; certainty required over the funding mechanism for a new non-denominational secondary school at Winchburgh.

Summary of responses (including reasons) by planning authority:**Representations to Allocation of land for mixed use within the CDA (including housing)**

Scottish Environment Protection Agency (0243)

The LDP Appendix Two: *Schedule of Housing Sites* already identifies the need for an FRA as part of the delivery requirements for development of sites within the CDA (pages 239 to 255). No modifications are therefore required in terms of this representation.

Aithrie Estates & Hopetoun Estate Trust (0170 and 21772260)

The representations to the individual sites are addressed in the responses to these sites: under 24N (H-WB16) and 24E (H-WB17).

In terms of the overall allocations the council is satisfied that the addition of 500 units through the two additional CDA sites is an adequate overall total to bring the full CDA capacity to 3,950. It is acknowledged the individual numbers of units may alter between the sites and the council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to modify these allocations as there is enough flexibility in the CDA to accommodate any changes in capacity of individual sites. For these reasons, the council does not propose to modify the plan in response to this representation.

Winchburgh Developments Ltd (21862570)

The council is satisfied that there is an adequate overall housing total for the full CDA of 3,950. It is acknowledged that the individual numbers of units may alter between the sites and the council has carefully considered the reasons put forward in support of the modification, but remains of the view there is no justification for additional unit numbers to allocated in the CDA.

In terms of the delivery of the infrastructure associated with the CDA, the council has set out in both the West Lothian Local Plan 2009 (CD092, Appendix 7.1) and in the LDP (Appendix 2 – pages 119 to 124) that the requirements are to be fully developer funded. This is also established in the planning obligation that covers the CDA permission in principle. Whilst the council is able to work with the developers to introduce phasing for the delivery of key infrastructure and introduce flexibility, where possible, in terms of the triggers for the delivery of that infrastructure. Nevertheless, the overall funding proposal requirements need to rest with the developers and the council does not propose to modify the plan in response to this representation.

Reporter's Conclusions:

1. The overall effectiveness of the CDAs and the requirement, in general terms, for the allocation of additional sites are considered under Issue 1A. Although not noted above the representation from Winchburgh Developments Ltd specifically seeks that Niddry Bing is safeguarding as a future brownfield development site. Although not identified as part of the CDA this site is shown as 'white land' lying within the proposed settlement boundary. I see no justification for altering the boundary of the CDA to incorporate that site.
2. The representation from Aithrie Estates & The Hopetoun Estate Trust seeks an adjustment to the capacity of new sites H-WB 16 and H-WB 17. We consider site H-WB 17 under Issue 24E and site H-WB 16 under Issue 24M. Their proposed allocation of sites EOI-0193, 0202, 0203 and 0204 is considered under Issue 24N.
3. I note the concerns raised by Winchburgh Developments Ltd over the delivery of infrastructure in relation to the CDAs. Although not included above they make specific reference to the delivery of a heritage park as being aspirational, noting that attempts to date to jointly deliver any park have been unsuccessful. Infrastructure is addressed in general terms at Issue 1F, and education infrastructure at Issue 1J. In terms of the specific reference to a heritage park I note that the masterplan and associated planning permission in principle ref. 1012/P/05 include a requirement for a town park. Furthermore the entries for sites H-WB 3 Niddry Mains (North) and H-WB 4 Claypit in Appendix Two include the requirement for provision of new parks and open space and the enhancement of existing parks. I see no justification to modify the delivery requirements in relation to the Winchburgh CDA sites at Appendix Two.
4. SEPA provided comments on the requirements for flood risk assessment for all the employment and housing land allocations in the proposed plan, for entry into Appendix One (employment sites) or Appendix Two (housing sites). Of all these sites on which SEPA made comments, Table 2 of its response identified those sites where it recommended a specific change to the contents of those appendices. Table 2 of SEPA's response refers to sites within the Winchburgh CDA. The entries in Appendix Two indicate that a Flood Risk Assessment is required as part of the delivery requirements for all of the allocated sites within the CDA. I see no compelling need for the plan to provide

more detail than that.

Reporter's Recommendations:

No modifications.

Issue 24G	Allocation of land for employment use at Myreside, Winchburgh	
Development plan reference:	E-WB 1 and E-WB 2 - Myreside	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Winchburgh Developments Ltd (21862570)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Winchburgh (pages 97, 98 and 118) Proposals Map 2, Linlithgow & Broxburn Area Allocation of land for employment (page 97 and 118)	
Planning authority's summary of the representation(s):		
<p>Representation to Allocated Site</p> <p>Winchburgh Developments Ltd (21862570)</p> <p>E-WB 1 and E-WB 2 - Myreside</p> <p>Background</p> <p>E-WB 1 and E-WB 2 Myreside embraces land within the approved Winchburgh CDA Masterplan boundary which has permission in principle under ref: 1012/P/05 (CD340) for development as part of the settlement expansion of Winchburgh, including residential, commercial, industrial, community facilities and associated roads, landscape ,SUDS and footpath connections.</p> <p>Employment Uses</p> <p>Suggests that a more flexible approach to delivering employment uses on the allocated employment land is required through Policy EMP1.</p>		
Modifications sought by those submitting representations:		
<p>E-WB 1 and E-WB 2 - Myreside</p> <p>Winchburgh Developments Ltd (21862570)</p> <p>Considers that Policy EMP1 should be modified to allow for a broader range of employment generating uses, such as retail and hotel/leisure uses, on employment land. This would reflect the range of employment uses that would be appropriate in the strategic employment areas for the settlement expansion of Winchburgh. It would also reflect the more flexible approach set out in Policy EM2 for traditional industrial estates.</p>		

Summary of responses (including reasons) by planning authority:
<p>E-WB 1 and E-WB 2 - Myreside</p> <p>Winchburgh Developments Ltd (21862570)</p> <p>Allocations E-WB 1 and E-WB 2 benefit from Planning Permission in Principle as part of the approved settlement expansion of Winchburgh. The approved Winchburgh Masterplan identifies these areas as proposed employment areas and the location for a park and ride facility associated with the proposed motorway junction.</p> <p>Policy EMP1 is already sufficiently flexible to allow for the inclusion of other employment generating uses such as hotel/leisure uses where these can be seen to meet the criteria set out in the policy, particularly where they complement the overall employment use of the site. No modifications are required to the LDP as a result of this representation. Policy EMP 1 is also addressed in a separate Schedule 4 relating to employment policies (26A).</p>
Reporter's Conclusions:
<ol style="list-style-type: none"> 1. We address representations in relation to Policy EMP 1 Safeguarding and Developing Existing Employment Land under Issue 26A. 2. In addition, however, to the representations noted above, SEPA also requested that the plan require a flood risk assessment for site E-WB 2 Myreside West, rather than just flag this as a possibility. In response to my information request (FIR01), the planning authority states that planning permission in principle exists for the site and that therefore there is no need to further augment the site requirements noted in the plan. In that context, the 'possible' requirement for a flood risk assessment (for example should revised proposals come forward) appears sufficient.
Reporter's Recommendations:
<p>No modifications.</p>

Issue 24H	Allocation of land for housing at Castle Road, Winchburgh	
Development plan reference:	H-WB 1 – Castle Road, Winchburgh	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Colin Brett (21906329)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97,98 and 239) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p>Representation to Allocated Site</p> <p>H-WB 1 – Castle Road</p> <p>Background</p> <p>H-WB 1 Castle Road is a housing allocation which has been carried forward from the West Lothian Local Plan (WLLP site ref: HWH3).</p> <p>Impact on woodland</p> <p>Colin Brett (21906329) - Respondent seeks assurance that the woodland within the site will be protected as agreed in the previous local plan. Suggests that the proposed area allocated for housing be reduced to remove any areas covered by woodland.</p>		
Modifications sought by those submitting representations:		
<p>Representation to Allocated Site</p> <p>H-WB 1 – Castle Road</p> <p>Impact on woodland</p> <p>Colin Brett (21906329) - Proposes that the site allocated for housing be reduced to remove any areas covered by woodland.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Representation to Allocated Site</p> <p>H-WB 1 – Castle Road</p> <p>Colin Brett (21906329) - The H-WB 1 allocation has been carried forward from the WLLP. An assessment of the impacts on the woodland would be carried out at the detailed</p>		

application stage when proposals will be submitted to the council through the normal planning application process. Where appropriate, the requirement to retain the woodland on the allocated site can be addressed at this stage without the need to amend the boundary of the allocation. The council does not consider there is a need to amend the boundary of the allocation in the LDP.

Reporter's Conclusions:

1. It is acknowledged that the site contains a number of mature trees. Retention of trees can be addressed as may be appropriate via the development management process and Policies ENV 9 Woodland, forestry, trees and hedgerows and ENV 10 Protection of Urban Woodland deal with protection of woodland. I am satisfied that no modification is required to either remove this site or alter the boundary of the allocation.

Reporter's Recommendations:

No modifications.

Issue 24I	Allocation of land for housing within the CDA at Glendevon South remainder, Winchburgh	
Development plan reference:	H-WB 10 – Glendevon South Remainder	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Jenna Barlas (21906270) Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378)</p>		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97,98 and 247) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 10 - Glendevon South Remainder</u></p> <p><u>Background</u></p> <p>H-BU 10 Glendevon South remainder covers land within the approved Winchburgh CDA Masterplan boundary which has permission in principle under ref: 1012/P/05 (CD340a and b) for residential development with associated landscaping, SUDS and footpath connections.</p> <p>Jenna Barlas (21906270) - welcomes wider plan aims and objectives but expresses concern at the boundary of H-WB 10 with existing property to the south and the impact on house setting. Concern that the boundary between Winchburgh and Faucheldean will become blurred and have an adverse impact on setting.</p> <p>¹Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) – a petition referencing this site and expressing concerns about its development has been received. However no specific details have been identified.</p> <p>NOTE</p> <p>¹ The Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh have submitted a petition as part of separate representations on sites H-WB 2 (Dunn Place) and H-WB 15 (the Glendevon Regeneration site). The petition however refers to sites H-WB 2 and H-WB 10. While it appears clear from the representation from the Joint Parent Council of Winchburgh & Holy Family Primary School that the petition relates to sites H-WB 2 and H-WB 15 and not H- WB 10, it is nevertheless reported here.</p>		

Modifications sought by those submitting representations:Representation to Allocated SiteH-WB 10 - Glendevon South Remainder

Jenna Barlas (21906270) - requests changes to the site boundary of H-WB 10 to allow a significant distance between all of Faucheldean and any new boundary.

Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) – no specific modification has been sought.

Summary of responses (including reasons) by planning authority:Representation to Allocated SiteH-WB 10 - Glendevon South Remainder

Jenna Barlas (21906270) - The southern boundary of the allocation reflects the overall Winchburgh Masterplan area, which is carried forward from the CDA mixed use allocation in the WLLP. In the approved Masterplan (permission ref: 1012/P/05) the majority of the area to the south of Old Glendevon Farm Cottages and north of Faucheldean is proposed for open space, woodland planting and SUDS or to remain undeveloped. An extensive open space area is therefore proposed for retention between Winchburgh and Faucheldean. The council does not consider it is necessary to alter the boundary of the allocation.

Joint Parent Council of Winchburgh & Holy Family Primary School & Residents of Winchburgh (0378) – no changes to the Plan are proposed.

Reporter's Conclusions:

1. The representation from the Joint Parent Council of Winchburgh & Holy Family Primary School and Residents of Winchburgh (0378) is clearly marked as a representation in respect of this site but provides no comments. I consider that it is an objection in principle to the allocation of this site for development.

2. This allocation has been carried over from the current local plan and the southern boundary reflects the planning permission granted. The boundary of the CDA at this site is set back from Faucheldean and an intervening small area of countryside belt is proposed. I am satisfied that the protection of amenity can be addressed in the consideration of any future planning application. I am content that the masterplan and planning application would also allow appropriate treatment of the site boundary in relation to the hamlet of Faucheldean.

Reporter's Recommendations:

No modifications.

Issue 24J	Allocation of land for housing within the CDA at Claypit, Winchburgh	
Development plan reference:	H-WB 4 – Claypit, Winchburgh	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Canals (21870361)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement Statement, Winchburgh (pages 97,98 and 241) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 4 – Claypit</u></p> <p><u>Background</u></p> <p>H-WB 4 Claypit covers land within the approved Winchburgh CDA Masterplan boundary which has permission in principle under ref: 1012/P/05 (CD340a, and b) for development as part of the settlement expansion of Winchburgh, including residential, school and community uses, canal related facilities and associated roads, landscape ,SUDS and footpath connections.</p> <p>Scottish Canals (21870361) – raises no objections to the allocation but seeks further involvement in any preparation of development briefs and master plans for sites in Winchburgh in proximity to the Union Canal.</p>		
Modifications sought by those submitting representations:		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 4 – Claypit</u></p> <p>Scottish Canals (21870361) – no specific modifications sought.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representation to Allocated Site</u></p> <p><u>H-WB 4 – Claypit</u></p> <p>Scottish Canals (21870361) - The H-WB 4 allocation benefits from Planning Permission in Principle as part of the approved settlement expansion of Winchburgh. The approved Winchburgh Masterplan identifies this area for residential development and as the location for a town park, around the existing Claypit pond. A road bridge over the canal is</p>		

also proposed in this location.

Scottish Canals was consulted at the Masterplan submission stage and continues to be consulted on any detailed planning applications for development adjacent to the Union Canal. There are also regular Planning Authority/Scottish Canals liaison meetings held to discuss development issues and opportunities as they arise.

No modifications are required to the LDP as a result of this representation.

Reporter's Conclusions:

1. I am satisfied that the opportunities to make best use of the proximity of this site to the Union Canal can be addressed in any subsequent briefs and masterplans for the site.

Reporter's Recommendations:

No modifications.

Issue 24K	Proposal P-99 (Extension to Winchburgh Primary School) Winchburgh & Proposal P-100 (Extension to Holy Family Primary School) Winchburgh	
Development plan reference:	P-99 P-100	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Kevin Treadwell (21897700)		
Provision of the development Plan to which the issue relates:	Proposals Map 2 : Linlithgow and Broxburn Area Appendix 6 - List of Proposals (other developments) Winchburgh (page 279)	
Planning authority's summary of the representation(s):		
<p>Representations to Proposals Maps and List of Proposals</p> <p>Proposals Maps</p> <p>Kevin Treadwell (21897700)</p> <p>Considers that each CDA area should be the subject of its own map;</p> <p>List of Proposals (other developments)- Winchburgh</p> <p>Kevin Treadwell (21897700)</p> <p>Seeks more information on proposals P-99 and P- 100</p> <p>Background</p> <p>Winchburgh and Holy Family Primary Schools are accommodated in a joint school building located at Glendevon Park, Winchburgh. Under the terms of the planning obligation for the Winchburgh part of the wider Winchburgh/East Broxburn/Uphall Core Development Area (CDA) and the associated planning application ref: 1012/P/05 (CD340) there are developer contribution requirements for up to 3 extensions to the school building. One extension has detailed planning permission that has been implemented.</p>		
Modifications sought by those submitting representations:		
<p>Representations to Proposals Maps and List of Proposals</p> <p>Proposals Maps</p> <p>Kevin Treadwell (21897700)</p> <p>Requests separate maps for each CDA</p>		

<p>List of Proposals (other developments) - Winchburgh</p> <p>Kevin Treadwell (21897700)</p> <p>None specified other than a request for more information on proposals P99 and P100</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>Representations to Proposals Maps and List of Proposals</p> <p>Proposals Maps</p> <p>Kevin Treadwell (21897700)</p> <p>The council considers that the CDA proposals are clearly shown on the proposals maps and it is not necessary to have individual maps for each CDA.</p> <p>List of Proposals (other developments)- Winchburgh</p> <p>Kevin Treadwell (21897700)</p> <p>The extensions to the school building will require planning permission. At that stage the full details will be available for the public to comment on as part of the normal planning application process.</p>
<p>Reporter's Conclusions:</p>
<p>1. We address the approach to mapping in the proposed plan under Issue 1L. We address concerns about site H-WB 2 Dunn Place (Winchburgh Primary School), including whether it may be required for school extensions, under issue 24A.</p>
<p>Reporter's Recommendations:</p>
<p>No modifications.</p>

Issue 24M	Allocation of land for residential development west of Ross's Plantation, Winchburgh	
Development plan reference:	H-WB 16 - Site west of Ross's Plantation	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97, 98 and 253) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p>Representation to Allocated Site</p> <p>H-WB 16 – Site west of Ross's Plantation</p> <p>Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260)</p> <p>The respondent has made a number of comments and observations relative to the Proposed Plan with particular relevance to the methodologies and assumptions underpinning housing targets, the provision of land to meet those targets, the effectiveness and phasing of the supply, and the allocation of housing land generally. The council's response to housing land including strategic allocation and CDA's are set out in a separate Schedule 4, (1A). The representations summarised below are however specific to allocated site H-WB 16 in Winchburgh.</p> <p>Objects to the stated capacity of the site in the Proposed Plan. At 250 units this is held to represent the net capacity while the respondent argues that it should instead be 189 units.</p> <p>This land forms part of the Winchburgh masterplan. It is allocated not for housing but for open space, tree planting, a woodland/wetland and a regional SUDS pond.</p> <p>The site is well-contained as follows: to the north/north-east by the M9 motorway; to the west by the haul road used to extract blaes from the Niddry Castle Bing and by the bing itself; and to the south-east by Ross's Plantation, this area being out with the masterplan and ownership. The land to the west of the haul road is allocated for housing development.</p> <p>Consideration will require to be given to any landscape issues when detailed development of the site is proposed.</p> <p>While it would be possible to effect access across the haul road, this feature will create noise, dust and amenity issues for as long as the bing depletion works and the use of this haul road continues. This feature and noise issues associated with the M9 will require mitigation and probably a loss of some developable land. The Master Plan for Winchburgh states that: "A key objective that has influenced the direction and phasing of</p>		

development, has been the desire to keep the haul routes used by the HGVs to remove material from Niddry Castle Bing, and new development, separate for as long as possible” (para 9.8) (CD340).

As such, the net developable area will be restricted hence the indication of the net site product of houses of 189. It is also assumed that the site is unlikely to be developed within the next 5 years and possibly not within the period of the proposed LDP, dependent on the rate of depletion of the bing.

Modifications sought by those submitting representations:

Representation to Allocated Site

H-WB 16 – Site west of Ross’s Plantation

Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260)

Requests that the capacity assigned to site H-WB 16 is modified and reduced to 189 units.

Summary of responses (including reasons) by planning authority:

Aithrie Estates and the Hopetoun Estate Trust (0170) and (21772260)

Representation to Non-Allocated Sites

H-WB 16 – Site west of Ross’s Plantation

The council notes the comments made, and considers merit in this representation in that it is recognised that the development of this site is not without difficulties. The council acknowledges there are capacity constraints at Linlithgow Academy and residential development of this site is constrained and also taking into account that the site is predominantly identified for greenspace in Masterplan.

The proximity of the site to the M9 also creates a potential for noise disturbance and a satisfactory solution to this issue would be required to enable residential development to proceed.

The council would therefore not take issue if the Reporter considered it necessary to amend the allocation and site delivery requirements to require a robust evaluation and mitigation strategy for any development and also adjust the site capacity downwards to mitigate any potential landscape and environmental impacts.

Reporter’s conclusions:

1. Issues relating to housing land including strategic allocation and CDAs are dealt with at Issue 1A.
2. The representation from Aithrie Estates and the Hopetoun Estate Trust seeks a reduction in the capacity identified for this site in Appendix Two from 250 to 189 units to take account of mitigation required to address impacts of the working of Niddry Castle

Bing and noise from the M9 and to allow for landscaping of this site as part of the wider CDA. The representation recognises that these matters would be considered as part of any future planning application.

3. I agree that if there is any resultant reduction in the number of units that may be accommodated this would be determined as part of the development management process. I have no direct evidence that the reduced figure of 189 units is an accurate reflection of the likely capacity of the site taking account of any mitigation and landscaping that may be required. Nevertheless, noting that the council is content with this revised capacity I have no objection to modifications to reflect the reduced capacity sought.

Reporter's recommendations:

1. In the table of Winchburgh mixed use sites on page 97, in the entry for site H-WB 16 Site west of Ross's Plantation, replace '250' with '189'.

2. In Appendix Two, in the entry for site H-WB 16 Site west of Ross's Plantation:

2.1 Insert the following text after the fifth paragraph under 'Other':

'The site may be susceptible to adverse impacts resulting from the working of Niddry Castle Bing. A noise survey, dust assessment and related mitigation may be required.'

2.2. Under 'Capacity', replace '250' with '189'.

Issue 24N	Allocation of land for residential development in Winchburgh	
Development plan reference:	EOI-0193 (site west of Glendevon and south of Lampinsdub) EOI-0202 (site at sewage works, south of Winchburgh) EOI-0203 (site north of Niddry Farm Cottages, south of Winchburgh) EOI-0204 (site south of Niddry Farm Cottages, south of Winchburgh)	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Winchburgh (pages 97,98 and 253) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p>The respondent has made a number of comments and observations relative to the Proposed Plan with particular relevance to the methodologies and assumptions underpinning housing targets, the provision of land to meet those targets, the effectiveness and phasing of the supply, and the allocation of housing land generally. The council's response to housing land including strategic allocation and CDA's are set out in a separate Schedule 4, (1A). The representations summarised below are however specific to non-allocated site in Winchburgh which the respondent is promoting for development.</p> <p><u>Representations to Non-Allocated Sites</u></p> <p><u>EOI-0193</u></p> <p>Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) – explains that the land comprising this site was promoted at the MIR stage and was supported by the council as an alternative site to H-WB 17. On this basis, it is clear the MIR submissions found favour with the council on their merits. The site is pleasant and would provide an excellent environment for a range of housing opportunities. It has easy access to the B9080 and is close to the site of the proposed new schools and other amenities associated with the development of Winchburgh. It would make a natural westward extension to the developing Winchburgh as implied in the responses to the MIR submissions. The net developable capacity of the site is estimated to be 300 houses.</p> <p><u>EOI-0202</u></p> <p>Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) – argues that this site is argued as a natural southerly extension to the village and lies immediately south of the community hub of the village. While the northern portion is currently a park, it would benefit from being upgraded. The park is owned by Hopetoun Estate and it is envisaged that such works would be a requirement of any development. The cemetery is also</p>		

required to be extended and land would be made available for that purpose if required. Part of the site is occupied by the current sewage treatment works for the village; but the proposal is to redirect effluent, possibly to South Queensferry when the present works will become redundant (although a pumping station may remain). Existing footpath links to the wider countryside will be maintained and enhanced.

There appear to be few constraints that would affect development of this site. Detailed mining records show no evidence of mine workings or indeed the presence of minerals. The site was included in a landscape assessment supplied to the council at the MIR stage on deliverability.

The exact boundary of development to the south would have to be determined in more detail, but one issue needing to be addressed is the intrusion into the countryside belt of site H-BU 10 and which has been objected to by the respondent. The council is charged with being disingenuous in so far as it saw fit to allocate site H-BU 10 but not EOI-0202. The net developable capacity of the site EOI-0202 is estimated to be 130 houses.

EOI-0203

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) – contends that this site is a natural extension to the south and east of the existing urban envelope. It is suggested that there is an opportunity to incorporate lower density executive homes here which would add to the range and choice of homes to be expected in a growing community.

The site is said to represent a sustainable location being convenient to all existing and proposed services, to village amenities and to all existing and proposed public transport routes. There is also an opportunity to utilise existing canal and burn corridors for wider pedestrian and cycling integration to WLC Core Pathways. As a result, development would assist the recreational and heritage opportunities in the “countryside belt” between Broxburn and Winchburgh.

The respondent argues that there appear to be few constraints that would affect development of this site. Detailed mining records show no evidence of mine workings or indeed the presence of minerals. The site was included in a landscape assessment as part of the previous MIR submission together with information on deliverability. It is however recognised that landscape impact would be a constraining issue and such considerations (and the lower density previously envisaged) would result in a net developable capacity of 130 homes.

EOI-0204

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - recognises the sensitivity of this area but notes that it was nevertheless included as part of potential development to the south and west of Winchburgh in the submitted Master Plan for the longer term. The respondents consider there to be scope for some limited lower density enabling development to the north of the site, possibly in association with the steadings. This would not only contribute towards providing a range and choice of housing opportunities very close to the existing village but would also produce funds to help achieve one of the Winchburgh Master Plan objectives which is to provide a heritage park and interpretation facilities concerning the shale mining in the area. There are no known site constraints which would prevent some limited development from taking place.

Modifications sought by those submitting representations:Representations to Non-Allocated SitesEOI-0193

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - requests that the site is identified as a housing allocation in the LDP and included as a housing site in Appendix Two : Schedule of Housing Sites with a net developable capacity of 300 houses.

EOI-0202

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - requests that the site is identified as a housing allocation in the LDP and included as a housing site in Appendix Two : Schedule of Housing Sites with a net developable capacity of 130 houses with present restrictions.

EOI-0203

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - requests that the site is identified as a housing allocation in the LDP and included as a housing site in Appendix Two : Schedule of Housing Sites with a net developable capacity of 130 houses.

EOI-0204

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - requests that the site is identified as a housing allocation in the LDP and included as a housing site in Appendix Two : Schedule of Housing Sites. No capacity has been proposed.

Summary of responses (including reasons) by planning authority:Representations to Non-Allocated SitesEOI-0193

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - The Council notes that site was preferred at the MIR stage as an alternative site to H-WB 17. However after reconsideration it is concluded that allocating this site would amount to an unacceptable release of greenfield land.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. There is enough flexibility in the CDA to accommodate any reduced capacity.

The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it in its current form in this location has been rolled forward to the LDP. The council's approach to countryside belt is set out

in the Countryside Belt Position Statement (CD184).

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate these sites for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

EOI-0202, EOI-0203 and EOI-0204

Aithrie Estates and the Hopetoun Estate Trust (0170) and (2177260) - Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Development of these sites would constitute an intrusive physical expansion of Winchburgh, well beyond the limit of development which is already provided for in the adopted West Lothian Local Plan. It would also be visually and environmentally intrusive.

The existing countryside belt has established a robust and defensible boundary and the council is anxious to retain this, hence the reason why it in its current form in this location has been rolled forward to the LDP. The council's approach to countryside belt is set out in the Countryside Belt Position Statement (CD184).

Significantly, the site is an integral part of the countryside belt intended to prevent the coalescence of Winchburgh and Broxburn, and the maintenance of this designation in the proposed plan is considered entirely justifiable

Development at this location would constitute a physical and intrusive expansion of the existing settlement and would also be visually and environmentally intrusive.

Sites EOI-0203 and EOI-0204 are located in close proximity to scheduled monuments. The Union Canal forms the northern boundary of the site, while to the west of it is the Faucheldean Bing. The Greendykes Bing, which is also scheduled, lies to the south-west, while a fourth scheduled site, an enclosure identified as crop-marks on aerial photographs, lies just to the south-west of Niddry farm. National planning policy stresses that scheduled sites should as far as possible be preserved within an appropriate setting.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate these sites for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

Reporter's conclusions:

1. I deal here only with the proposed new sites EOI-0193, EOI-0202, EOI-0203 and EOI-0204. Representations relating to H-BU 10 West Wood are addressed under Issue 9F.
2. The overall effectiveness of the CDAs as part of the council's spatial strategy and housing land supply are considered under Issue 1A. We conclude there that the plan provides sufficient flexibility for the house numbers within the CDAs to increase where appropriate. I do not re-examine any of these matters here but find it relevant to highlight

that we conclude that there is insufficient evidence to support a modification to the Winchburgh CDA sites (with the exception of H-WB 16 – see Issue 24M) and that there is sufficient flexibility within the CDA to offset any reduction in the capacity of sites.

3. However, we conclude at Issue 1A is that there is likely to be a shortfall in meeting the housing supply target of the plan. We also conclude that notwithstanding the challenges associated with the CDAs support for them does not prejudice the development of other sites out with the CDAs where these would otherwise be supported in principle. I therefore give serious consideration to whether any of these sites should be allocated for residential development.

4. Aithrie Estates and the Hopetoun Estate Trust seek a flexible approach to the expansion of Winchburgh and that sites not included in the outline planning permission/masterplan for the CDA are allocated. The sites are argued to be a natural extension of the existing urban envelope, sustainably located in relation to the existing settlement and the facilities therein and with no significant constraints. Albeit the respondents recognise the sensitivity of site EOI-0204 and that landscape impact would be a constraining issue for EOI-0203.

Site EOI-0193

5. The Main Issues Report (MIR) identified site EOI-0193 as a preferred new site with a capacity for 250 units but it was programmed for the period 2024-2029. It is an area of active agricultural land with stands of mature woodland along its western boundary and lies immediately to the west of the CDA boundary. I acknowledge that the site would, in the longer term, be sustainably located in relation to and would benefit from improved public transport services and community facilities associated with the committed CDA. I recognise that the potential for future expansion of the town westwards would seem a logical progression of the CDA. However I consider that the allocation of this site within the current plan period would not be appropriate given the anticipated rate and phasing of development of the CDA.

Sites EOI-0202, 0203 and 0204

6. In support of sites EOI-0202, 0203 and 0204 Aithrie Estates and the Hopetoun Estate Trust refer to their Landscape and Visual Analysis dated 2014 (SD017). They contend that Winchburgh has the potential to expand southwards without adversely affecting the landscape setting of the settlement or resulting in any coalescence with East Broxburn. It is purported that Greendykes bing provides visual containment from the west and south western directions and that development of these sites would have a localised effect on the edge of the existing countryside. It is argued that the scale of the surrounding bings and the location adjacent to the urban edge of the settlement would minimise any impact.

7. The three sites located to the south of Winchburgh are listed in MIR Appendix 1 and shown on Map 2 as 'Not Preferred' sites. The SEA describes sites 0202 and 0203 as visually contributing to the setting of Winchburgh. It describes site 0204 as being detached and distinctive from the village. The SEA indicates that development on these three sites would be intrusive incursions into the countryside. It concludes that they would seriously erode the countryside belt between Winchburgh and Broxburn and should not be supported.

8. Site EOI-0202 is separated from the settlement by a belt of woodland situated on an

area of slightly raised ground and by the cemetery on its north eastern boundary. The Niddry Burn bisects the site in an east to west direction. A strip of woodland lies on the northern side of the burn. The portion of the site lying to the south of the Burn and woodland is open agricultural land. The northern part of this site is fairly enclosed and could in my view form a discrete, natural extension to the settlement but it is the whole site, not just that part of it, which has been put forward. The Niddry Burn and woodland to the north form a clear, natural and defensible settlement boundary at this location.

9. Site EOI-0203 is an area of open agricultural land sloping downwards towards the Niddry Burn. The burn crosses the northern part of the site and, along with the trees beyond, separates it from the settlement. It is also clearly divided from the village by the Union Canal which runs along its north-eastern boundary. The minor road along the southern boundary of the site is open to the wider agricultural land and site EOI-0204 beyond. Taking account of the physical features of this site and its surroundings I do not consider that it would appear as a natural extension to the settlement.

10. Site EOI-0204 is an area of active agricultural land surrounded on three sides by further open fields. Its only defined and defensible boundary is where it lies adjacent to Greendykes Bing. I don't accept that the minor road from Niddry eastwards is a defensible boundary; it has no landscape or topographical definition.

11. Clear views of and across site EOI-0203 and of the southern part of site EOI-0202 are available north of Greendykes Bing along the B8020, the main road heading from Broxburn to Winchburgh. Views of the three sites from the minor roads to the east are not shielded by the bing. I do not agree that the visual impacts would only affect a small amount of persons. I found both roads to be relatively busy at various times of day.

12. The Landscape Assessment indicates that not all of the sites would be fully developed; southerly areas would be part of a landscape framework. However no details are provided and this is not reflected in the boundaries sought in the proposed allocation. I note the proposal to develop sites EOI-0203 and 0204 for low density housing. Again no details are provided; nevertheless this would not alter my conclusions.

13. All of these sites would be within the countryside belts shown in the LDP. Aithrie Estates and the Hopetoun Estate Trust consider that Winchburgh and Broxburn would remain discrete, separated by a wider countryside belt. They consider that there would be a degree of separation of these sites from the wider expanse of the countryside belt through landform and features such as the bridges and roads.

14. The countryside belt between Winchburgh and Broxburn is at its narrowest in the vicinity of site EOI-0204. The eastern portion of that site lies in very close proximity to the boundary of the East Broxburn CDA. Apart from the bing at the north western boundary of site EOI-0204, topography provides no separation of this site from the wider countryside. The roads and bridges are minor features; I am not satisfied that these would offer adequate visual and physical separation between the sites and the surrounding countryside. The allocation of sites EOI-0202, 0203 and 0204 would in my view undermine the strategic purpose of maintaining separation of these settlements.

15. I note that some potential community benefits may result from development of these sites, such as improved access to the countryside and open space. However, I do not consider that such improvements would be of a degree of significance that would justify the allocation of the sites.

16. In conclusion, I agree with the council that the southern edge of Winchburgh has a robust and defensible boundary. Overall I consider that the sites are clearly separate from Winchburgh and would not form justifiable or defensible extensions to the settlement. I also find that they would harmfully erode the countryside belt between Broxburn and Winchburgh. Despite our conclusions at Issue 1A in respect of the supply of housing land I do not recommend a modification which would allocate any of these sites for housing development.

Reporter's recommendations:

No modifications.

Issue 25A	Non-allocation of land for housing in Westfield	
Development plan reference:	Proposed new site, Westfield	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Lauriston Developments Ltd (21119948) and (0047)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Westfield (page 95) Proposals Map 5, Villages (Westfield)	
Planning authority's summary of the representation(s):		
<p><u>Representation to Non-Allocated site</u></p> <p><u>South Logie Nursery, Logiebrae Road, Westfield.</u></p> <p>Lauriston Developments Ltd (21119948) and (0047) - objection is raised to the Proposed Plan in so far as land by Westfield has not been allocated for housing. The site is situated within the settlement boundary of Westfield and comprises a disused commercial horticultural nursery. The site retains buildings and structures associated with its former use, but it has not been operational for a number of years. The substantive part of the site is approximately 1.7 hectares and it takes access from the B8028.</p> <p>It is suggested that the site is suitable and capable of being developed for 30 houses and in support of the proposal it is argued that:</p> <ul style="list-style-type: none"> • the site is not subject to any national, regional or local biodiversity or heritage designations; • the site is not within an area at risk from flooding; • a site investigation report does not identify any particular constraints; • any infrastructure which may be required to enable the site to be developed is either available, or can be provided; and • the site has been assessed against the effectiveness criteria set out within PAN 2/2010 and is considered effective <p>A supporting statement has been submitted.</p> <p>The site is the subject of an undetermined planning application for 30 dwellings (ref 0133/FUL/08) (CD335a and CD335b) but which has not progressed due to education capacity issues. The respondent understands that what capacity there is has been reserved for an allocated site (H-WF 1) at North Logie Brae and South Logie Brae, Westfield which has the benefit of planning permission.</p> <p>The respondent understand that that precedence must be given to allocated/approved sites and this is one of the reasons why they are seeking to have South Logie Nursery formally recognised as an allocated site and made part of the 'effective' housing land supply.</p>		

Modifications sought by those submitting representations:Representations to Non-Allocated SiteSouth Logie Nursery, Logiebrae Road, Westfield.

Lauriston Developments Ltd (21119948) and (0047) – seeks a modification of the Proposed Plan to allocate the former South Logie Nursery for housing.

Summary of responses (including reasons) by planning authority:Representation to Non-Allocated siteSouth Logie Nursery, Logiebrae Road, Westfield.

Lauriston Developments Ltd (21119948) and (0047)

Background

The site lies to the south of Westfield and is identified in the adopted West Lothian Local Plan as lying within the settlement boundary of the village. It is also shown as “white land”, a term commonly used to describe land (and buildings) without any allocation in a development plan where it is assumed that, for the most part, existing uses shall remain unaltered.

Allocation as a housing site

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. In Westfield in particular, there is already a substantial housing allocation of 550 units at North and South Logie Brae and to add additional allocations in the same small settlement cannot be justified. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this site in terms of meeting housing requirements.

While the site is currently subject to a planning application (0133/FUL/08 CD335a and CD335b) for the construction of 30 houses, it is understood that education capacity issues have been identified which constrain its development, (see updated Education Response Feb 2015 (CD335c) and which further reinforce the Council’s opposition to the allocation of this site at this time.

With regard to other technical constraints, it is noted that the site is served by the Westfield waste water treatment works (WWTW) where there is limited capacity.

The Council has carefully considered the reasons put forward in support of allocating this site for housing but concludes that the LDP allocates more than enough land for housing for the foreseeable future and it maintains that demands to further augment the housing land supply, as pursued through representations, should be rejected. For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions:

1. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore, I give serious consideration to the case for allocating this site for housing development.
2. The site is located within the Westfield settlement boundary in the current local plan. Similarly, the site is located within the settlement boundary in the proposed plan. The site is identified as white land in both plans. I noted during my site inspection that there is a disused horticultural nursery on the site and there are buildings and structures associated with its former use. There are also piles of rubble, timber and scrap material on the site, associated with its former use. Therefore, I consider it to represent a brownfield site within the settlement boundary.
3. There is residential development to the north of the site beyond which is the local primary school and there is a residential property to the south west corner of the site fronting onto the B8020 road. Given the site's western boundary runs along the B8020 between the residential properties to the north and the residential property to the south, it provides a natural infill opportunity along this road.
4. I note the site layout forming part of the current planning application which shows 30 residential units, a play area, SUDs pond, roads infrastructure, parking provision and landscaping. I consider that this layout demonstrates that a satisfactory residential development can be achieved on the site. I am also satisfied that appropriate site access can be achieved. Importantly, I note that Laurieston Developments Ltd proposes the provision of a footpath link to the B8020 and the site layout plan identifies the existing road being re-profiled and a footpath added. This, I consider, would be an important factor in enabling children from any development to safely access the primary school to the north.
5. The council refers above to education capacity issues, and to Core Document CD335c, which is the consultation response to the planning application on this site from the council's education service. That says that none of the catchment schools were over capacity at that time (February 2015) but projects all four being over capacity in the coming years. It states opposition to this site as a windfall site, saying that allocated sites should have priority in terms of education capacity.
6. We address education capacity at Issues 1F and 1J, where we recommend a more positive policy approach. We find in Issue 1J that this should not normally be a reason for not allocating a site which otherwise ought to be. In respect of this site, I note the large allocation at Logie Brae, immediately to the east of the site, which has an indicative capacity of 550 units. The entry for that site in Appendix Two of the plan says that planning permission has been granted. That site has been carried forward from allocations in the current local plan which records that, at that time, there was planning permission in place for the north western part of it. Elsewhere in our examination, some respondents cast doubt on the effectiveness of this allocated site although the council advised that it expects detailed proposals to come forward.
7. In any event, if development on the allocated site does progress, then this would place demands on the catchment schools which the council would require to manage. The council intends to resolve capacity issues in the catchment secondary schools for the site by the proposed secondary schools at Winchburgh. Given the

modest scale of the proposed site at South Logie Nursery, I see no obvious reason why this additional amount of housing could not be factored in to education planning. If the allocated site does not progress (and I note that it hasn't thus far, despite being allocated since 2009 and with a planning permission in place, at least for part of, since before that) then there is capacity 'freed up' which the council had been assuming would be required for the allocated site.

8. More generally, we find at Issue 1A that the council's projections of future housing completions, which inform its planning in relation to future school capacities, are too optimistic, and have not been agreed (or even consulted on) with the housing development sector. It is likely, therefore, that constraints on education capacity in the next few years will not be as acute as the council fears.

9. In light of the above, and of our conclusions at Issues 1F and 1J, I do not think that concerns about education capacity should be a reason to preclude the allocation of this site. However, map 1 of the Main Issues Report shows the potential development sites (whether preferred by the council or not) in the Linlithgow area. This site is not identified as a potential development site. We refer at Issue 1A to Circular 6/2013 Development Planning. It states (paragraph 118) that:

'Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.'

10. Earlier, at paragraph 64, promoters of sites are advised to engage in any 'call for sites' exercise to provide the necessary evidence to justify the inclusion of a site as a preferred option in the Main Issues Report. It is then stated that:

'Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.'

11. I acknowledge that the site is a brownfield site, modest in size and within the settlement boundary. However, the lack of any environmental assessment or community engagement through the development planning process about the prospect of a change of use at this site, such as would have been undertaken had it been included in the Main Issues Report, even as a 'not preferred' site, is a significant factor which weighs against the case for allocating it for residential development. Therefore, notwithstanding our conclusions at Issue 1A, I do not recommend that the plan supports housing development on this site.

Reporter's recommendations:

No modifications.

Issue 26A	Employment land policies	
Development plan reference:	EMP1, EMP 2, EMP5 and EMP 7	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Enterprise (0160) Winchburgh Developments Ltd. (21862570)</p>		
Provision of the development Plan to which the issue relates:	Employment land policies	
Planning authority's summary of the representation(s):		
<p>Scottish Enterprise (0160)</p> <p><u>EMP1 - Safeguarding and Developing Existing Employment Land</u></p> <p>Scottish Enterprise supports the principles of this policy to protect and safeguard existing employment land. However, due to the extent of land available, advise that there should be greater flexibility within the policy to allow for other 'employment-generating use' besides class 4, 5, 6 and / or to move between uses as appropriate to the site characteristics. Advise that other uses can generate employment numbers equal to or greater than class 4, 5, 6 and of varying employment types and if a site's characteristics are suitable to an alternative use, policy should not presume against such changes. Scottish Enterprise acknowledges that retail use, beyond that which is to serve that particular local employment area, should not as a matter of course fall within this flexible approach in principle, due to other good planning reasons.</p> <p>Support in principle point (f) of EMP 1, relating to the requirement that applicants demonstrate their attempts to secure employment development /use. Recommends, however, that Supplementary Guidance (SG) could usefully be prepared, to provide guidance on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and/or the employment benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of West Lothian Council and Scottish Enterprise. Scottish Enterprise would be happy to contribute to the preparation of the Supplementary Guidance, which it considers should be carried out as soon as possible.</p> <p>Scottish Enterprise has seen considerable benefit to employment areas when a mix of ancillary uses are developed, which support the main employment use of the area, for example banks (Use Class 2), crèche facilities (Use Class 10) and fitness centres (Use Class 11) all of which provide additional services and facilities to meet the needs of employees. In this respect, whilst Scottish Enterprise agrees that larger scale retail development should not be introduced to employment sites, where this conflicts with other policies, it is felt that some employment areas may benefit from small scale retail-type development particularly those uses which can cater for the 'lunch-time trade' of the</p>		

local businesses within that area. In Scottish Enterprise's experience, investors are more likely to be attracted to areas which provide a full range of facilities for employees, as opposed to those areas from which employees will have to travel, most often by car, during the lunch period. An example of the successful development of ancillary retail facilities which has contributed to the successful development of an employment area is Ashtenne in East Kilbride. Seeks amendment to the policy in this regard.

Scottish Enterprise also considers that sub-section j of policy EMP 1 introduces a requirement that may potentially prevent any non-business use from complying with the policy and may be better to be deleted and included with the Supplementary Guidance suggested by Scottish Enterprise.

Policy EMP 2 and supporting text at paragraph 5.23 page 14

Scottish Enterprise supports this policy and, as with EMP1 above, considers that the preparation of Supplementary Guidance to support and provide additional guidance to the implementation of the policy would be beneficial. Also considers that residential /mixed use development may be appropriate within /at the edges of these traditional industrial estates, if those estates become surplus to employment land requirements. Policy EMP2 could be amended to include for appropriate non-employment uses, including housing. Amended text has been suggested to reflect this.

Policy EMP 7 and supporting text paragraphs 5.24 - 5.25, page 17

Scottish Enterprise supports the status and emphasis given to Enterprise Areas in the proposed plan but requests that the policy be modified to allow for other potential employment generating uses to be developed on the site by slightly changing the emphasis relating to the food and drink sector and re addressing the balance of material considerations. Amended text is suggested to reflect comments.

HOU1 Allocated Housing Sites, page 23, paragraph 5.49

Scottish Enterprise supports in principle policy HOU1 in that it supports the delivery of much needed homes. It has some concern, however, that as worded the policy could allow for employment-generating development at the allocated housing sites, which may impinge upon the delivery of other employment land and suggests alternative wording.

Policy TCR 2 Location of New Retail and Commercial Leisure Developments, page 40

Scottish Enterprise fully supports this policy which meets the requirements of Scottish Planning Policy relating to the town centres first approach, without conflicting with the requirements of other employment policies (particularly regarding Class 4 development). For this reason, Scottish Enterprise would not support any future amendment to this policy which may introduce the requirement for sequential testing for office development.

Appendix One: Employment Land Allocations, Core Category D, page 101

Whilst Scottish Enterprise supports the intentions of the Proposed Plan to seek to provide a range of sites for different employment uses, it questions the potential to control offices compared to research and development (R&D) and some light industrial uses. Advises that the council may wish to give consideration to amending the wording of this category to ensure that it can properly manage development during the duration of the Local

Development Plan.

Employment Land Allocations (page 101 onwards)

Scottish Enterprise supports the proposed plan's identification of employment land, subject to the minor changes to the policies EMP1, EMP 2, EMP5 and EMP 7 detailed above.

H-LV-14 Livingston housing allocation, page 209

Scottish Enterprise supports the reallocation of this site to housing to reflect the current 'minded to grant permission' status of this site, as detailed in a separate site specific representation. Scottish Enterprise suggests, however, that mechanisms are brought forward in the planning permission to ensure delivery of housing sites on the ground, rather than just the delivery of housing allocations and permissions. In particular, details of development contributions for infrastructure and schools must be clarified and must relate to that necessary to development proposed.

Appendix 4, page 265 Supplementary Guidance (SG)

Scottish Enterprise notes that no Supplementary Guidance is suggested for Economic Development. Scottish Enterprise refers to its responses to EMP1, 2 and HOU 1 above and suggests that consideration be given to the preparation of Supplementary Guidance on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no demand exists for the allocated use and the Supplementary Guidance should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justify the proposal.

Scottish Enterprise supports the preparation of Residential Development Supplementary Guidance, Transportation Planning Guidance and Education Strategy Planning Guidance and recommends that the guidance be prepared for consultation as soon as possible particularly relating to the amount and mechanisms for developer contribution, to avoid any delay to delivery of development sites.

Modifications sought by those submitting representations:

Scottish Enterprise (0160)

Policy EMP 1

Scottish Enterprise requests that the council gives consideration to the following changes (shown in bold) to EMP 1, extract:

The expansion, conversion or re-development of land and premises within these areas will be supported, as will proposals for new development embracing the same use classes, i.e. 4, 5 and 6 **and other land uses which are demonstrated to generate employment opportunities equal to or greater than Class 4,5,6**, subject to the following criteria being satisfied:

e. the proposed land use does not conflict with other policies in this development plan, most notably those relating to retail development.

Advise that Supplementary Guidance (SG) could usefully be prepared, to provide guidance in relation to policy EMP 1 on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and / or the employment benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of the council and Scottish Enterprise.

Scottish Enterprise requests that the council gives consideration to amending that part of EMP1 to read "Proposals to introduce retail uses **which are not ancillary to or which will serve a catchment area wider than the immediate employment area** will not be supported'.

Scottish Enterprise also considers that sub-section j of policy EMP 1 introduces a requirement that may potentially prevent any non-business use from complying with the policy and may be better to be deleted and included with the Supplementary Guidance suggested by Scottish Enterprise.

Policy EMP 2

In paragraph 5.23 page 14 EMP 2 Flexibility of uses within traditional industrial estates - Amend policy EMP 2 to include for appropriate non-employment uses, including housing as follows:

Proposals to introduce retail uses into these areas will not be supported, **unless ancillary to the employment use of the site.**

Policy EMP 7

At policy EMP 7, request that consideration be given to the following (new text in bold):

Developments which contribute towards **employment generation and particularly those which enhancing** the food and drink sectors will be supported in principle, subject to the following criteria being satisfied;

- a. the scale, layout and design of the proposal shall be appropriate to the character of the site and the surrounding area;
- b. the proposal shall have no unacceptable traffic, amenity or environmental impact **any impact on traffic, amenity or the environment is mitigated to acceptable levels or is justified on grounds of overriding economic benefit** and
- c. the necessary local and strategic infrastructure requirements (as set out in Appendix 1) are capable of being satisfactorily addressed

Policy HOU 1

At policy HOU 1 request that consideration be given to the following amendment:

- b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use **and any development for employment purposes will not affect adversely the potential for the release of land allocated for or safeguarded as employment land which is the subject of other policies within this Plan;** and

Appendix 1

At page 101, Appendix One: Employment Land Allocations, Core Category D the council may wish to give consideration to amending the wording of this category to ensure that it can properly manage development during the duration of the Local Development Plan.

H-LV-14 Livingston housing allocation, page 209

Mechanisms are brought forward in the proposed plan to ensure delivery of housing sites on the ground, rather than just the delivery of housing allocations and permissions. In particular, details of development contributions for infrastructure and schools must be clarified and must relate to that necessary to development proposed.

Appendix 4, page 265 Supplementary Guidance (SG)

Scottish Enterprise notes that no Supplementary Guidance is suggested for Economic Development. Scottish Enterprise refers to its responses to EMP1, 2 and HOU 1 above and suggests that consideration be given to the preparation of Supplementary Guidance on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no demand exists for the allocated use. The Supplementary Guidance should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justify the proposal.

Winchburgh Developments Ltd. (21862570) - A more flexible approach to delivering employment uses must be adopted through Local Development Plan Proposed Plan Policy EMP1.

Summary of responses (including reasons) by planning authority:

Scottish Enterprise (0160)

EMP1 - Safeguarding and Developing Existing Employment Land

If the council accepts these changes to policy, there will be consequential change to the criterion listed in this policy. With regard to proposed changes at sub-section j of policy EMP 1 the council is content with the wording of the policy as set out in the Local Development Plan proposed plan and does not support the suggested amendment.

Supplementary Guidance (SG) – the council already has Supplementary Planning Guidance from December 2011 (CD423) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance/planning guidance is refreshed and updated in support of the Local Development Plan. The requirements for this are set out in Appendix 4 of the Local Development Plan proposed plan.

Policy EMP 2 and supporting text

The policy approach set out in the Local Development Plan proposed plan is to encourage economic growth by providing a range of employment land allocations and a flexible policy approach within which development proposals can be assessed. Whilst retail proposals should follow the sequential approach the council recognises that there may be circumstances where this approach cannot be followed. However, to promote the

sequential approach as required by Scottish Planning Policy 2014, the council does not support amendment to policy EMP 2 to allow for ancillary retail use.

The council already has Supplementary Planning Guidance from December 2011 (CD423) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance/planning guidance is refreshed and updated in support of the Local Development Plan. The requirements for this are set out in Appendix 4 of the LDP proposed plan. The council does not propose to amend policy EMP 2 as a result.

Policy EMP 7 and supporting text paragraphs 5.24 - 5.25, page 17

The wording to policy EMP 7 reflects that the Enterprise Area is specifically designated to support the food and drink industry. The amendment proposed by Scottish Enterprise to include the text “**employment generation and particularly those which enhancing**” adds no value to the policy as currently drafted in the Local Development Plan proposed plan. As such the council does not propose to amend the policy in this regard.

The council does, however, see merit in the amendment to clause (b. above) of the policy and would support the Reporter should they be minded to amend the policy as a result.

Policy HOU 1 SE requests that consideration be given to the following amendment

See Schedule 4 number 1A.

Page 40, Policy TCR 2 Location of New Retail and Commercial Leisure Developments

See Schedule 4 number 16Q.

Page 101, Appendix One: Employment Land Allocations, Core Category D

The council still considers it necessary to retain this category as an option and does not intend to amend the wording.

Employment Land Allocations (page 101 onwards) - support noted.

H-LV-14 Livingston housing allocation page 209

The council's approach to developer contributions is set out in Schedule 4 number 1F. It is proposed that supplementary guidance/planning guidance is prepared to set out the levels of developer contributions required to support delivery of development. The requirements for this are set out in Appendix 4 of the Local Development Plan proposed plan. The council does not propose to amend the Local Development Plan in relation to this submission.

Appendix 4, page 265 Supplementary Guidance (SG)

Supplementary Guidance (SG) – the council already has Supplementary Planning Guidance from December 2011 (CD423) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance / planning guidance is refreshed and updated in support of the Local Development Plan. The requirements for this are set out in Appendix 4 of the Local Development Plan proposed plan.

Winchburgh Developments Ltd. (21862570) - The council considers that it has struck the correct balance between mainstream employment uses and other uses, in order that the West Lothian employment land supply is adequately protected. The approach is considered flexible enough. No change is proposed to the terms of EMP 1 as a result of this submission.

Reporter's conclusions:

1. In addition to the representations noted above, a number of others raise similar or related issues which I deal with here. I also sought further evidence (FIR08) from the council, Scottish Enterprise and others in relation to these matters.

The amount of allocated employment land

2. SESplan Policy 2 requires the LDP to provide 123 hectares (ha) of 'strategic employment land', and that this is to provide a range and choice of marketable sites of differing sizes and qualities to meet anticipated requirements. The proposed plan would, on its face, allocate 575ha of employment land, including 220ha of 'safeguarded' land.

3. Several parties (including Bizspace (21872215), St. Francis Group Ltd (0250 and 21887865), Ecosse Regeneration (0121) and Manse LLP/Royal London Asset Management (0352, 0420)) assert that this is too much. It is also asserted that, in addition to an excess of allocated land, there is a considerable amount of vacant business premises, adding to the excess of supply. Having such an excess, it is argued, is not only unnecessary but also harmful as it deters investment in this land because, with such a large supply of sites, there is great uncertainty that a final user (and therefore a return on investment) would be found. It also prevents such land being put to another type of beneficial use.

4. Scottish Enterprise, in its representation,

'questions whether detailed consideration has been given to the need to allocate, retain and safeguard the full extent of employment land as allocated in the proposed plan. In Scottish Enterprise's experience, it can be a deterrent to investment and to the viability and deliverability of employment sites, if there is an excess of land potentially available for such purposes.

Scottish Enterprise requests that detailed assessment is given to whether there is a realistic prospect that all allocated land will be serviced, and will remain appropriate for economic purposes, to meet short to long term needs of investors and employers. Due to the extent of safeguarded and allocated land, Scottish Enterprise considers it unlikely that this will be achieved and on this basis feels that deliverability of employment land may not be achieved during the plan's lifespan.

...Accordingly, Scottish Enterprise supports the provision of a range and mix of sites, including the provision of land at least to the extent required by SESPlan 1, Policy 2 (123ha) but requests that West Lothian Council gives further consideration to the need for additional land and the safeguarding of a further 221ha of land. A significant over-supply may act as a deterrent to the viability and deliverability of employment land, through lack of confidence for investment and to service land, such that the allocation of land in itself has no benefit to the area.'

5. In responding to FIR08, the council provides updated information on the categories of employment land shown in Figure 2 of the plan. I don't find the total figures given in the recalculated table in the council's response to be wholly clear. However, based on the table (and the spreadsheet which accompanied it), it appears now that 166ha of the allocated land would be immediately available and marketable, with a further 43ha with only minor constraints. There would a further 98ha of allocated land with major constraints, and finally a further 236ha of 'safeguarded' employment land. The council can insert up-to-date totals in Figure 2 as a 'non-notifiable' modification'.
6. In any event, the proposed plan clearly identifies an amount of employment land which is greatly in excess of the minimum 123ha of 'strategic' employment land required by SESplan. The land which is 'immediately available' is, by itself, comfortably in excess of the SESplan requirement. SESplan does not require that all allocated land is immediately available, and it is reasonable to conclude, given the use of the term 'minor constrained', that most of the 40ha (or thereabouts) of such land could be made available relatively easily if required. And as the council has allocated the land for employment use, it is not unreasonable to conclude that some of the land which is 'major constrained' may also be capable of development within the plan period. Finally, for much of the 'safeguarded' land (perhaps almost half), the spreadsheet appears to indicate that it is the lack thus far of servicing and/or of the creation of a development platform which is the main constraint.
7. The council considers, as it sets out in response to FIR08, that the 123ha of 'strategic' land referred to in SESplan is met mainly by allocations within the Core Development Areas (CDAs). It points to allocations in Armadale, East Broxburn, Calderwood, West Livingston and Winchburgh totalling around 145ha. The council refers to 'other major strategic opportunities', and gives one example – 35ha of employment land near M8 Junction 4A at Heartlands Business Park. Thus, the council says that there is at least 180ha of land of the type sought by SESplan.
8. I accept that the 123ha of strategic employment land sought by SESplan is a minimum requirement, not the maximum permissible. In addition, the label 'strategic' suggests that there could be other (i.e. non-strategic) employment land which would be outwith the sphere of interest of SESplan. I therefore asked the council what evidence informed the allocation of the total amount of employment land in the plan, and why this is so much greater than the SESplan requirement.
9. The council's response indicates that many of the employment sites have been rolled forward from the current local plan, which itself was created through the conjoining of the previous 5 area local plans which covered West Lothian. The council also states that it inherited employment allocations from the former Livingston Development Corporation, with one of the main functions of the new town being to provide land for employment.
10. I do not consider that this provides a strong rationale, now, for allocating so much land for employment use. It seems to me that the plan allocates far more land for this than it need have done. Underlining that point, and though admittedly anecdotal, during the course of my site inspections throughout West Lothian, but in particular in Livingston, I was struck (consistent with the evidence from some of the parties I refer to above) by what appeared to be a significant amount of previously developed business land containing properties which were vacant, or at least significantly under-utilised. I also observed several long-allocated sites which still remain undeveloped. In the absence of any strong argument from the council to the contrary, I place significant weight on the

evidence from Scottish Enterprise and others that there is a surplus of employment land and that having such a surplus of land (and indeed of buildings) has a deterring effect on the prospects for new investment due to the increased uncertainty of securing an end user and the downward pressure on yields. Because of this, I conclude that too much employment land has been identified.

11. Although some respondents have made general points about the particular locations or types of employment land (for example those close to motorway junctions) which ought to be favoured, I have no strong basis which would allow me to recommend sweeping changes to where employment land is allocated. Nor do I have the evidence to say, beyond concluding that there is too much of it, how much land ought to have been allocated. Such a significant review as to the appropriate amount, type and locations of employment land would be a matter for the council to consider in preparing its next local development plan.

12. Some respondents' main interest is site-specific, and they argue for particular sites to be omitted from the land covered by Policy EMP 1 Safeguarding and Developing Existing Employment Land, or for sites to be allocated for an alternative use. We deal with these site-specific representations elsewhere, taking account of the conclusions reached here in respect of employment land.

13. Other respondents argue that the plan, because of the surfeit of employment land, should be less restrictive about the types of uses to be allowed on such land. Scottish Enterprise supports such an approach, both in relation to safeguarded and allocated land, and to existing employment areas. It suggests that 'consideration be given to the fine tuning of proposed policies to ensure that their requirements are sufficiently flexible to respond to changing market conditions and to provide for the early delivery of development, particularly of employment land'. I address the relevant policies in turn below.

Policy EMP 1 Safeguarding and Developing Existing Employment Land

14. Although Bizspace's (see Issues 16L and 16M), and the St Francis Group's main interests are site-specific, they appear to want Policy EMP 1 to support a wider range of uses, including residential use in the latter case. Similarly, Ecosse Regeneration's main interest is Heartlands Business Park (see Issue 22A) and Winchburgh Developments Ltd's is the Winchburgh CDA. But both want this policy to support a wider range of uses such as retail, tourism and leisure uses.

15. Scottish Enterprise's first suggested change would greatly widen the range of uses which would, subject caveats, be potentially supported by the policy. Elaborating, in its response to FIR08, Scottish Enterprise gives examples including trade wholesalers, vehicles sales showrooms, bulky goods retailers, doctors and dentists, nursery/day care and more general leisure uses including hotels, cinemas, bowling, soft-play, fitness, and food and drink. Scottish Enterprise would also support some residential uses.

16. In light of my conclusion that the plan seeks to allocate too much employment land, it is incumbent upon me to give serious consideration to recommending the kind of changes to this policy which are sought. The council did not provide above any substantive response to Scottish Enterprise's proposed alterations to this policy. FIR08 asked that it provide one.

17. The council's response is that the wide range of sizes and types of employment land throughout West Lothian already demonstrates considerable flexibility. This seems to me to somewhat miss the point. It is, at least in part, the very scale of the overall amount of employment allocations (which are generally aimed at use classes 4-6) which has prompted Scottish Enterprise and others to seek a more flexible approach to the range of uses potentially supported within them.

18. Notwithstanding the surplus of employment land, and the problems which can result from this, I have serious reservations about such a significant expansion of the range of uses which are considered to be 'employment uses' and which therefore would be supported by the first part of the policy (that on the left hand column of page 13 of the proposed plan). Leaving aside site-specific considerations, which we address elsewhere, this would in my view result in significant conflict with the 'town centre first' approach required by Scottish Planning Policy (SPP), and indeed with the policies and proposals in the plan itself which aim to support West Lothian's town centres, including the 'sub-regional' Livingston town centre.

19. The first of the subject policies in SPP is 'Promoting Town Centres'. At paragraph 60 of SPP, it is stated that the planning system should 'apply a town centre first' policy where planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities. Paragraph 68 explains how development plans should adopt a sequential town centre first approach, although the following paragraph cautions that this should be done in a flexible and realistic manner.

20. There is a substantial amount of land covered by Policy EMP 1, including high amenity office campuses and large sites with easy access to the motorway network. I think that to favour such a potentially wide range of uses, many of which would be the kind of uses SPP seeks to direct firstly to town centres, in such a wide range of locations could be seriously detrimental to the plan's efforts to support town centres, and would be contrary to the intentions of SPP.

21. I have, however, considered whether the second part of Policy EMP 1, which lists the criteria for assessing proposals for non-business/non-industrial uses, could be adapted to introduce the potential for the wider range of uses being sought by Scottish Enterprise and others. Most obviously, criterion j. could be omitted, as suggested by Scottish Enterprise.

22. I have considered what, if anything, the policy should say about the prospects for residential development. Given my conclusion that the plan allocates too much employment land and our findings at Issue 1A that the number of homes which would be built over the period of the plan is likely to fall significantly short of the housing supply target, I find that the policy should allow for the development of housing in certain circumstances. My recommendations reflect that.

23. It would I think still be necessary to underline the need for any proposals to comply with the other policies in the plan. This would make it clear that the requirements of these policies (in particular Policy HOU 3 Infill/Windfall Housing Development within Settlements and Policy TCR 2 Location of New Retail and Commercial Leisure Developments) would fully apply, whilst at the same time confirming that, when there is a surplus of employment land and subject to meeting the relevant requirements of those other policies, some employment land could be appropriate for these kinds of alternative uses.

24. Criterion e. of the policy would also need to be adjusted to reflect my conclusion that too much employment land has been allocated. A modification would also be required to Policy HOU 3 to ensure that it would not conflict with Policy EMP 1 as modified. I also recommend a change to the first sentence of EMP 1 to clarify that it applies to all employment land, not just the allocated sites in Appendix One of the plan.

25. Scottish Enterprise's other proposed change to this policy would be to support small-scale retail development which is ancillary to and supportive of the employment area within which it would be located. The council says in response to FIR08 that it is not opposed to minor ancillary development such as small scale retail, but that it does not support any change to the wording of the policy. However, the policy currently says that 'proposals to introduce retail uses into these areas will not be supported'. Despite the council's opposition to the change, it seems to me that Scottish Enterprise's suggested modification would support the kind of small-scale ancillary retail development which the council now says it does not oppose. I recommend deleting the text which would rule out any retail development. I am concerned, however, that introducing a further criterion to give support to minor, ancillary retail, leisure and other developments within business areas could dilute the clarity of the policy, in particular in light of my recommended modifications to it. It seems to me that any such proposals for genuinely ancillary or complementary uses within employment areas could be considered on their merits, and perhaps this issue could be covered in the proposed planning guidance (see below).

26. In response to Scottish Enterprise's suggestion that guidance be prepared to support the implementation of this policy, the council confirms its intention to update existing guidance on alternative uses within industrial estates, and welcomes the fact that Scottish Enterprise is willing to assist in the preparation of this. Scottish Enterprise envisages guidance which would apply to a revised policy EMP 1. Given my recommended changes to this policy, I agree that it would be prudent that guidance is prepared which would set out in more detail how it would be interpreted and applied. As a result, I recommend changes to Appendix Four.

Policy EMP 2 Flexibility of uses within traditional industrial estates

27. Uphall Business Park (21768463) argues that a flexible approach to 'traditional industrial estates' should promote alternative uses for peripheral areas of these which are surplus to requirements. It seems to me that Policy EMP 2 would do this, and not only to peripheral areas. Scottish Enterprise promotes a modification that would also support the potential for residential uses in these areas.

28. My recommended changes to Policy EMP 1 would, in effect, apply a broadly similar test across all employment sites to that which would be applied, to only part of them, by Policy EMP 2. In that event, there would appear to be no real need for Policy EMP 2. In the interests of clarity, I recommend that this policy be deleted. Accordingly, I also recommend changes to paragraph 5.23.

Policy EMP 3 Employment development within settlement boundaries

Policy EMP 4 Employment development outwith settlement boundaries

Policy EMP 8 Tourism

29. Historic Environment Scotland (0351) notes that the use of the term 'architectural' in these policies adopts a narrow scope in relation to the historic environment assets which could be affected by such development. I agree that a wider scope would better reflect

the need to consider the historic environment in its fullest sense.

Policy EMP 5 Masterplan Requirements for Employment Sites

30. Scottish Enterprise offers guarded support for this policy, provided any requirement to masterplan a site does not deter investment and is commensurate with the scale of the development. Scottish Natural Heritage (0238) supports this policy but also says that some sites, for example E-LV 47 Almond North, which it says forms part of Livingston's landscape setting, should have clear requirements set out by the council in a site brief or other suitable format.

31. In relation to Scottish Enterprise's representation, it can be left to the council to apply the policy in an appropriate manner. Likewise, the council can take a view, on a site by site basis, as to the need for site briefs for employment sites, and indeed for housing and mixed use allocations. No modification is required.

Policy EMP 7 Enterprise Area

32. It seems to me that the first modification to this policy promoted by Scottish Enterprise would broaden it in scope so that it would support a wider range of uses within the Enterprise Area sites in West Lothian. In responding to FIR08, the council asserts that the emphasis on the food and drink sectors in the Enterprise Area was at the bidding of Scottish Enterprise following the closure of the Halls of Broxburn (latterly Vion) food processing plant. Be that as it may, Scottish Enterprise's proposed change would still emphasise the food and drink sectors but would also support other types of employment uses. The council does not restate its opposition to such a change in its response to FIR08, and it also observes that none of the Enterprise Area sites have been developed. In all of this context, it seems to me that the plan should support a wider range of employment uses in Enterprise Areas.

33. The four sites this policy refers to are all also covered by Policy EMP 1. There is therefore arguably some tension between EMP 1 (as in the proposed plan, and if modified in accordance with my recommendations) which on the face of it supports a wider range of employment uses on these sites, and EMP 7 which favours the food and drink sectors. However, I can see value in the plan highlighting the presence and role of the Enterprise Areas, and it would be clear, on a fair reading of the plan, that EMP 7 would take precedence in respect of these sites. The second modification suggested by Scottish Enterprise would simply be to nuance criterion b. of the policy. I am not persuaded it would make a significant difference in practice, and I do not think that this further modification is required.

34. Scottish Enterprise and the council confirm that there is a factual error in the plan in that it is site H-BU 3 Clifton View 2, not H-BU 2 Clifton View 1, which is within the Enterprise Area. The policy, and the entries for these sites in Appendix One, require to be modified to reflect this.

Linlithgow and Linlithgow Bridge Community Council (0428)

35. The community council considers that there should be an additional policy to encourage the use of vacant premises. It points to the example of the Oracle site in Linlithgow. My recommended modifications to Policy EMP 1 mean that it would, in appropriate circumstances, allow for a wider range of uses on employment land, including

within any such premises which may be vacant. I am satisfied that no further change is required.

36. The community council is also critical of paragraph 5.27, which it says ignores the tourism potential of Linlithgow. This paragraph makes specific reference to the potential for new hotels in the M8 corridor. However, there is no sense from the plan, or from Policy EMP 8 Tourism, that the tourism potential of Linlithgow has been ignored. I note in passing that the photograph in the proposed plan which is on the same page as Policy EMP 8 is of Linlithgow Palace.

Appendix 1: Employment Land Allocations – Core category D

37. Scottish Enterprise questions the restrictions imposed by this category, which would restrict all development on such sites to office uses. I sought further information about this through FIR08. The concern from Scottish Enterprise appears to be that the Use Classes Order permits changes of use within Class 4, which includes not only offices but also research & development and light industry. Scottish Enterprise also makes the point that there is often little discernible difference between such uses.

38. I have some sympathy with the position of Scottish Enterprise here. It is not obvious to me why some locations need to be for office use only. However, the council is entitled to follow such an approach if it wishes, and it could (for example through planning conditions) restrict the use of new development notwithstanding the Use Classes Order. Noting that the proposed approach would in essence continue that of the current local plan, I am not persuaded that a compelling case has been made that this needs to be changed.

Reporter's recommendations:

1. In Policy EMP 1 Safeguarding and Developing Existing Employment Land:

1.1. In the first sentence in the second column of page 13, replace 'allocated employment sites' with 'employment land'.

1.2. Delete the text in criterion e. and replace it with the following text:

'there would be no shortfall in the overall supply of employment land'.

1.3. Delete the text in criterion j. and replace it with the following text:

'The proposal would comply with the other policies in the development plan, in particular, for residential development, Policy HOU 3 Infill/Windfall Housing Development within Settlements and, for retail, leisure and other developments appropriate to town centres, with Policy TCR 2 Location of New Retail and Commercial Leisure Developments.'

1.4. Delete 'Proposals to introduce retail uses into these areas will not be supported'.

2. Delete Policy EMP 2 Flexibility of uses within traditional industrial estates.

3. In the sub-heading before paragraph 5.23, replace 'traditional industrial estates' with 'employment areas'.

4. In paragraph 5.23, delete the final sentence and replace it with the following

sentence:

'Policy EMP 1 provides for alternative uses in employment areas in certain circumstances.'

5. In Policy EMP 3 Employment development within settlement boundaries, replace 'architectural' with 'historic environment assets'.

6. In Policy EMP 4 Employment development outwith settlement boundaries, replace 'architectural' with 'historic environment assets'.

7. In Policy EMP 7 Enterprise Areas:

7.1. In the first bullet point, replace 'E-BU 2' with 'E-BU 3'.

7.2. Amend the sentence after the bullet points beginning 'Development which contributes...' so that it begins follows:

'Employment development, especially where it would contribute towards enhancing the food and drink sectors, will be...'

8. In Policy EMP 8 Tourism, replace 'architectural' with 'historic environment assets'.

9. In Policy HOU 3 Infill/Windfall Housing Development within Settlements, insert an additional criterion after criterion a. as follows:

'b. if the site is identified for employment use in the LDP, the proposal complies with Policy EMP 1 - Safeguarding and Developing Existing Employment Land;'

10. In Appendix One:

10.1 In the entry for site E-BU 2 Clifton View 1, under 'Planning status', delete 'site has Enterprise Area status in conjunction with sites E-BU5 and ELV-15'.

10.2 In the entry for site H-BU 3 Clifton View 2, under 'Planning status', insert 'Site has Enterprise Area Status'.

10.3 In the entry for site H-BU 5 East Mains CDA allocation, north of A89, under 'Planning status', delete 'in conjunction with site E-BU2 and E-LV15'.

11. In the table in Appendix Four, in the entry for Economic Development and Growth, delete the text under 'Express Statement' and:

11.1 Under 'Topic' insert 'Non-employment Uses Within Employment Areas'

11.2 Under 'SG/PG' insert 'PG'

11.3 Under 'Express Statement' insert the following bullet points:

- 'Further details of policy approach
- Other planning guidance may be produced during plan period in response to issues arising'

11.4 Under 'Time-frame' insert 'Subsequent'.

Issue 26C	Telecommunications	
Development plan reference:	Policy INF 2	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Mobile Operators Association (0200)		
Provision of the development plan to which the issue relates:	Proposed LDP - page 31	
Planning authority's summary of the representation(s):		
<p><u>Policy support – general</u></p> <p>Mobile Operators Association (0200) - Consider it important that there is a telecommunications policy within the plan.</p> <p><u>Policy revision – locational need</u></p> <p>Mobile Operators Association (0200) - The reference to specific locational need in the policy is inconsistent with the terms of Scottish Planning Policy (SPP) (CD068 – para.300)</p> <p><u>Policy revision – visual impact of sharing facilities</u></p> <p>Mobile Operators Association (0200) - The second criterion of the policy requiring that the sharing of facilities should have no increased visual impact is unduly restrictive and inconsistent with the terms of Scottish Planning Policy (SPP) (CDX) and Planning Advice Note 62: <i>Radio Telecommunications</i> (PAN 62) (CD053).</p>		
Modifications sought by those submitting representations:		
<p><u>Policy support – general</u></p> <p>Mobile Operators Association (0200) - No modification required.</p> <p><u>Policy revision – locational need</u></p> <p>Mobile Operators Association (0200) - Suggests that the reference to specific locational need is removed from the policy.</p> <p><u>Policy revision – visual impact of sharing facilities</u></p> <p>Mobile Operators Association (0200) - Suggests that the wording of the second criterion is amended to 'promote site sharing but ensure that visual impact is minimised'.</p>		

Summary of responses (including reasons) by planning authority:LDP policy background

The policy for telecommunications was brought forward from the adopted West Lothian Local Plan (CD092, pages 220 – 221, para. 12.61, Policy IMP 13). Policy IMP 13 provides for a general presumption in favour of radio telecommunications where a specific locational need can be demonstrated and this approach is updated and carried forward into the LDP and policy INF2.

Assessment criterion b) of policy INF 2 requires the taking into account of ‘the possibility of sharing existing telecommunications facilities, subject to there being no increase in adverse visual impact’ and is caveated by criterion k) which allows for assessment against ‘any other relevant policies in the LDP’.

The LDP (CD078, page 30, para 5.81) makes reference to critical infrastructure requirements for the plan area including Information Communication Technology (ICT).

Policy support – general

Mobile Operators Association (0200) – General support for the policy is welcomed.

Policy revision – locational need

Mobile Operators Association (0200) – SPP (CD068, para 300) relates to Development Management requirements rather than those for Development Planning and appears to be about planning overstepping its jurisdiction and applying legislation beyond its powers. The policy in the LDP continues the principle set out in the adopted local plan (CD092, page 221, policy IMP13) and is not onerous.

Policy revision – visual impact of sharing facilities

Mobile Operators Association (0200) – It is agreed that the phrasing of the local plan policy IMP 13 has been slightly amended to read better for the condensed and rationalised approach to the LDP policy framework. Assessment using criterion b) is as a ‘consideration to be taken into account’ and is considered to provide for a proportionate approach in keeping with contemporary planning in Scotland. Further guidance on assessment of design and siting of proposals is given in LDP Policy DES 1 *Design Principles* (page 11).

Any further plan changes recommended by the planning authority

No changes to the LDP are recommended, however there is a graphics error on page 31 and it is requested that the Reporter permits the revision to the policy title chevron to add the words ‘POLICY INF 2’.

Reporter’s conclusions:

1. As the council points out, the reference ‘INF 2’ has been omitted from the policy box on page 31, and may be inserted as a ‘non-notifiable’ modification. On another fairly minor matter, I think the criteria listed in the policy should be in a separate paragraph – currently, they appear to be associated with the second paragraph which deals with

telecommunications infrastructure in new development generally, rather than also applying to telecommunications development in its own right, as described in the first paragraph of the policy.

Reference to 'specific locational need'

2. I share the council's interpretation of paragraph 300 of SPP. The sentence quoted by the Mobile Operators Association seems to make a more general point about not questioning the need for a telecommunications service generally, rather than being about the specific location of individual items of infrastructure. That said, it seems to me unlikely that an operator would propose a development for which it would have no need. The criteria in the proposed policy require consideration of a wide range of factors (including the possibility of sharing, and the availability of alternative sites) in determining whether any particular proposal is acceptable. I do not consider it necessary for the council to take a view on what may be fairly technical considerations which inform an operator's need for a development. I recommend that this requirement in the policy is removed.

Criterion b. – sharing existing facilities

3. The council points out that the various criteria listed are considerations 'to be taken into account' rather than absolute requirements. But on the plainest reading of the policy, the possibility of sharing can only be taken into account if there would be no increase in adverse visual impact. As the Mobile Operators Association acknowledges, adding extra equipment to an existing facility would usually involve some form of visual impact. Whilst it may not be the intention of the policy, at present it arguably discourages the sharing of sites and equipment by seeming to require that this must have no adverse visual impact.

4. I do not favour the approach suggested by the Mobile Operators Association since this would seem, by removing it as one of the criteria, to downplay the importance of seeking to use existing facilities where possible. Instead, I recommend that criterion b. remains in a modified form.

Reporter's recommendations:

1. In Policy INF 2 Telecommunications:

1.1 In the first paragraph, delete the words 'where a specific locational need has been identified and'.

1.2 Begin a new paragraph at 'Considerations to be taken into account...'

1.3 In criterion b., replace 'there being no increase in adverse visual impact' with 'consideration of any additional visual impacts'.

Issue 26F	Protection of Formal & Informal Open Space	
Development plan reference:	Policy ENV 21	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Clare and Ian MacGregor (0045) Robert Miles (0046) Houghton Planning (0047) and (21306483) Nigel and Francine Orr (0050) Brenda Bateman (0053) Karen Tait (0054) Craig and Norma Cameron (0055) Nancy and Mark Durrant (0057) Laurie and Sandra Boles (0058) Angus Laing (21887909) Colliers International for British Solar Renewables (0214) Murieston Community Council (0346) East Calder Community Council (0361) William Cochrane (21685080) Judith McDermid (21456233)</p>		
Provision of the development Plan to which the issue relates:	Policy ENV21 (page 54) relating to the protection of formal and informal open space. Proposals Map 2: Linlithgow Area. Proposals Map 3: Livingston Area. Proposals Map 4: Bathgate Area.	
Planning authority's summary of the representation(s):		
<p>Over a dozen representations made reference to Policy ENV 21. However, 8 related to an open space site at Colt Hill, Linlithgow, while 2 related to an open space site in Murieston Valley and the consultant also raised another similar Livingston site (Hunter Gardens). The other reps related to open space sites at Polkemmet, Whitburn and East Calder and Armadale.</p> <p><u>Open space at Colt Hill, Linlithgow – issues related to auction of land</u></p> <p>Clare and Ian MacGregor (0045) are concerned about the purchase of land in the Clark Avenue / Colt Hill area by Pumpkin Properties. The area in question comprises some 6 acres purchased at auction from The Greenbelt Company, without the residents of neighbouring properties being notified of the sale or given any opportunity to purchase it all/or in part. The land is designated as amenity space and they estimate 80-90% of it as being completely unsuitable for any sort of house and road building. However, the Pumpkin property's website, www.pumpkinproperties.co.uk; presents the land as a development opportunity and sets out a plan for a substantial development of houses and connecting roads.</p> <p>The amenity land is covered in trees, most but no means all of which were planted at the time of the houses in Clark Avenue being built (i.e. 17 years ago). There was a</p>		

responsibility on The Greenbelt Company to maintain this area which has not been respected properly since the site changed hands.

In addition, the trees play an important role in absorbing water and holding the hill together that many of them stand on. 17 years ago when the development was built there were issues with mud sliding down the hill and run off flooding properties at its foot. Part of the land also borders a burn running around the edge of Clark Avenue estate and is extremely boggy.

The MacGregors' contend, any construction on the scale proposed by Pumpkin Properties would be highly detrimental environmentally and to neighbouring properties. It would also remove verdant amenity land which plays an unsung but important part in maintaining the pleasant aspect of the immediate area and of Linlithgow as a whole.

Robert Miles (0046) comments that amenity land around Clark Avenue is marked on Proposed Plan Map 2 and noted on the land deeds to his property, and is mainly planted to trees. Recently however the land has been sold by Greenbelt Ltd with no consultation with residents, resulting in a developer advertising building plots.

In Policy DES 1 section a, the council require developers to ensure there is no significant adverse impact on amenity. Also from an environment and visual impact perspective, Policy ENV 21 will not approve developments that impact on open spaces or loss of trees, particularly as elsewhere in the document the council are concerned about air quality and trees are known to improve air quality.

He notes that the provision of secondary education in Linlithgow continues to restrict housing development in the town and this should add weight to continuing to avoid allowing building outside of the approved local development plan.

Development of site H-LL 6 at Mill Road provides additional housing in the area, and with this in mind there should be no need to supplement the development plan with further housing near Clark Avenue on designated amenity land.

The council should consider the impact of development H-LL 6 on Clark Avenue and possibly Avalon Gardens during design and construction, particularly with regard to potential back flooding due to restricting flows of the Linlithgow loch runoff via the Mill Burn and impact on drainage, water supplies and sewerage.

Traffic management at the staggered junction of the A706 and the High Street is poor, made worse by the siting of bus stops directly opposite the junction. The junction would benefit from a series of mini roundabouts or traffic lights, and relocation of the bus stops.

The traffic from the Mill Road area in Linlithgow Bridge to the A706 to Bo'ness has a difficult junction and traffic travelling from Bo'ness to Linlithgow have to negotiate a blind bend just before the junction, traffic travelling from Mill Road cannot see traffic from either direction unless creeping out into the A706 road, and speed of traffic along the A706 is excessive with risk of collision.

Traffic lights at Linlithgow Bridge are often misunderstood. At peak periods, traffic does not flow well with tailbacks from the lights well past the Bridge Inn and traffic from Polmont, turning in the direction of the leisure centre, blocking traffic travelling toward the high street. The lights and traffic lanes should be redesigned.

Lights and turning lanes at the Stockbridge retail park, and at the Aldi supermarket and Linlithgow Bridge Primary School in conjunction with the nearby bus stop creates traffic delays and gridlock at busy times.

Parking in the town centre has been improved with remodelled parking near the health centre and Linlithgow Loch, but additional off street parking near the Linlithgow Cross coupled with enforcement of parking restrictions on the High street would reduce traffic delays through the town.

The Orr's (0050) in general, are in support of the plan for Linlithgow, but would like to object in principle to any development of the amenity land surrounding Clark Avenue / Colt Hill in Linlithgow for the same reasons as listed above by the McGregor's (0045) and Mr Miles (0046).

This amenity land was planted and developed as woodland as a planning consent condition when Persimmon Homes built the properties. The land, which is steep and hilly, contains a mix of existing mature woodland and newer existing trees and shrubs, and a pedestrian right of way via a rustic path leading from Clark Avenue to St Ninian's Road.

The houses in Clark Avenue benefit from the maturing trees as drainage of rainfall run off has dramatically improved on the hillside. Special drainage techniques, such as those selected for motorway embankments, were used on the steepest parts of the hillside to protect the properties below, hence our concerns.

Ms Bateman (0053) would not wish to see any development on the open lot within the Clark Ave Estate. Her understanding was that the area was fully developed and no further development would be allowed within the space.

Dr Tait (0054) objects to potential development on the Colt Hill site adjacent to St Ninian's Avenue/Clark Avenue in Linlithgow as this is not a site currently earmarked for development in the plan. She believes that there is sufficient land available for development in the locality under the terms of the proposed development plan and that further building on this land would be detrimental to the area.

Furthermore, development of this land would remove the majority of the trees planted to improve drainage for all the properties located at the bottom of the hill in Clark Avenue and would result in a significant loss of privacy as the land is currently amenity woodland. The land provides an important site to enhance biodiversity and would increase local traffic.

The Cameron's (0055) also objection to the principle of any development of the land purchased as shown on the Pumpkin Properties website or elsewhere in the amenity land in Clark Avenue/Colt Hill area. Last year they were approached by one of the current owners, to ask if we were interested in purchasing the land directly behind their house.

They are concerned about the maintenance and preservation of the old trees that surround Clark Avenue/Colt Hill. When our estate was built, it was sold to the then buyers as a prestigious small development which included substantial high quality amenity land.

They would also like to voice concern about the lack of attention to the green areas around Clark Avenue. According to the paperwork we have, these should be tended to every two weeks during the growing season and as far as we are aware they have been

cut once this year by The Greenbelt Company and once by the new owner

The Durrant's (0057) similarly in general support of the plan for Linlithgow, but wish to object in principle to any development of the amenity land surrounding Clark Avenue/Colt Hill in Linlithgow for many of the reasons as already noted above.

The Bole's (0058) note the area surrounding Colt Hill and Clark Avenue is marked as amenity land. They are concerned the new owners are advertising Colt Hill to housing developers that shows an artist impression on how the housing development would appear for 16 to 20 homes. They object due to:

1. The impact it would have on education within Linlithgow. Both Linlithgow Bridge Primary School and Linlithgow Academy are under continued pressure for capacity levels. Currently, both schools have high class numbers;
2. The impact to the amenity space; and
3. The woodland area is important as it acts in absorbing water from the marshy ground. If the number or coverage of trees was reduced it may adversely affect the drainage on the surrounding properties.

Dr Laing supports the draft Plan as written but concerned, that Linlithgow is no longer an 'area of restraint' with regard to development. He is aware that Pumpkin Properties have purchased 2.5 ha of amenity woodland and open space at Colt Hill, immediately adjacent to his property and are actively marketing it as a series of individual building plots for which they intend to seek planning permission. Any housing development in this area will have a significant adverse effect on landscape setting for the Clark Avenue houses, as well as impacting on its role as a prominent and important green corridor between Linlithgow Loch and the River Avon. He is strongly in favour of the adopted Plan retaining Policies HOU 4 and ENV 10 and 21, which appear to be directly relevant.

Houghton Planning consultants (0047) represent RK Property Ltd and wish to object to the designation as open space of all land not shown as currently developed, or allocated, in Livingston. In particular, they object to the designation of land they own at Murieston Valley and Hunter Road, Livingston.

The adopted West Lothian Local Plan designates a number of areas within Livingston as 'Land Safeguarded as Open Space', a number of which have also been defined as an 'Areas of Special Landscape Control'. A further map annotation identifies areas that are subject to Tree Preservation Orders (TPOs). Other areas within the town are left as 'white land'; albeit that they may have been planted as landscaped buffer areas as the new town expanded.

The Local Plan was adopted after the West Lothian Council (WLC) had originally prepared its Open Space Strategy in 2004/5, although just before this was reviewed in 2010; The Open Space Strategy implements the requirement in Scottish Planning Policy (SPP) for local authorities to undertake an audit of their own open space and to produce an open space strategy.

This approach to open space, which has served WLC well to date and which selects open spaces to safeguard based upon their value, now seems to have been revised in the Proposed Local Development Plan to safeguard all open space in Livingston irrespective of its quality, or importance to the implementation of the Open Space Strategy. The Proposed Plan then seeks to protect those areas through Policy ENV 21 'Protection of

Formal and Informal Open Space' from inappropriate development.

The starting point for the examination of this issue is Scottish Planning Policy (SPP). This sets out a requirement at para 222 for local authorities to have *"up-to-date audits, strategies and action plans covering green infrastructure's multiple functions"*. WLC last did this in 2010, which is not that up-to-date, but is probably fit for purpose. Para. 224 then requires local development plans to *"identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs"*.

Finally, para. 229 states that *"local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised"*.

RK Property own land at Murieston Valley, which extends north east and north west of Moriston Drive, Livingston. At present, about half of this land is 'white land' in terms of the West Lothian Local Plan and the remainder is 'Land Safeguarded as Open Space'. All of the land is also covered by a blanket TPO that was recently approved by WLC, one of series that the Council has passed in relation to landscaping areas planted with trees as the new town has developed.

RK Property bought the land knowing this Local Plan zoning, and accepting that it was only the 'white land' that had development potential. They have since tried to find a management solution, including the local community, to the existing defined open space area, but without success.

The Proposed Plan now defines all of this land as 'Protection of Formal and Informal Open Space', which means that its ability to be developed is now severely curtailed, if not prevented entirely. This is despite the fact that part of RK Property's land has recently secured support on appeal for a new dwelling (see appeal ref: PPA-400-2053)(CD394d) whilst WLC has separately granted planning permission on the adjoining site, similarly now defined as open space, for a further single dwelling (ref:0264/FUL/14) (CD393b).

WLC have not justified that change. There is no real explanation for this shift in policy in the Proposed Plan, and no supporting document that updates or changes the Open Space Strategy, which should have happened, we suggest, to have justified such a significant policy shift. The consultants suggest that this change is a knee-jerk reaction to applications such as those submitted by RK Property, and the adjoining owner, rather than a considered response, but they await WLC's response to this representation to better understand the basis for it.

The consultants contend, the zoning of land at Murieston Valley should not have changed from that shown in the Local Plan. In fact, there is an argument that even the area defined at Murieston Valley as 'Land Safeguarded as Open Space' should not be shown as such because it is questionable if it is 'valued', 'functional' or 'capable of being brought into use to meet local needs'. It is simply an area of landscape buffer planting, which fills a gap between the existing development at Moriston Drive and the railway line to the north. Indeed, it is interesting to note that the Greenspace Scotland mapping service, which WLC direct you to, defines all of this land with a 'Primary Classification' of 'Open semi-natural' and 'Secondary Classification' of 'Woodland'. It is questionable that such a classification justifies such a high level of protection as open space.

An alternative approach, which would find support in SPP, is that such areas should be seen as the type of area where WLC should “encourage the temporary use of unused or underused land as green infrastructure”, which could be included as an aspiration in the Proposed Plan whilst leaving all such areas as ‘white land’, which is how such areas are, in the main, currently defined and still seems fit for purpose.

Open space at Heartlands and Polkemmet Park, Whitburn – issues

British Solar Renewables (0214) state that the aims of Policy ENV 21: Protection of Formal and Informal Open Space and ENV 22: Protection of Playing Fields and Outdoor Sports Facilities are to give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development. However, both policies acknowledge that there may be instances where development of such sites can and should be permitted. This is supported by BSR.

It is the case at “Heartlands”, Whitburn that land to the south of defined settlement boundary has planning consent for a golf course/amenity open space, and is included in the proposed LDP as such under proposal P-82. It is no longer considered appropriate to continue with this proposed use at this location.

Polkemmet Park lies to the immediate north/north-west of the site and remains safeguarded for open space in the proposed Local Development Plan. Swathes of land north of the settlement of Whitburn and to the east are designated in the proposed LDP as countryside belt and open space.

The site is considered to be of value for the new community at Heartlands, in helping to create a sustainable development location via the installation solar energy schemes in this location. The land is considered capable of being dual-use; generating energy for the “Heartlands” development, but also acting as open space for the area. It is not considered that the introduction of a renewable energy development on site will in any way adversely affect the aims of national, strategic or proposed local planning policy.

Open Space at land to east of Robin’s Lane, Murieston Valley, Livingston – support

Murieston Community Council (0346), among several issues, raised one relating to open space in Murieston Valley to east of Robin’s Lane (i.e.; Policy ENV 10 Protection of Urban Woodland, Page 47, para 269, Map3 - Livingston Area). The Community Council agree with the Local Plan to designate land parallel to the Edinburgh- Glasgow railway line and Murieston Valley limited to the west by Murieston Road and to the east by Robin's Lane as "Land Safeguarded for Open Space".

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

While, East Calder Community Council (0361) stress, in the absence of a masterplan for the Raw Holdings area of East Calder, it is very difficult to respond specifically to potential changes to East Calder Park and the immediate surrounding area with related improvements. However, they believe that the area known locally as ‘The Muddies’ and the areas within Raw Holdings West which are used recreationally, should be covered by the policy ‘ENV 21’.

William Cochrane (21685080) - objects to the proposed re-designation of the Armadale

Stadium site as protected open space; policy HOU2 in the adopted West Lothian local plan should remain in relation to the site; objects to safeguarded open space policy ENV21 in the LDP as it relates to the stadium site.

Judith McDermid (21456233) The current site of Polbeth and West Calder Community Garden is not identified on Proposals Map 5: Village. It is the area identified as land safeguarded for Open Space between West Calder and Polbeth on the south side of the A71. The area currently under lease is to the west of the access track from the A71 over the railway but on the completion of the High School Access Road this will extend to fill the majority of this area.

Modifications sought by those submitting representations:

Open space at Colt Hill, Linlithgow – issues related to auction of land

Nine Residents of Clark Avenue, Linlithgow: Clare and Ian MacGregor (0045); Robert Miles (0046); Nigel and Francine Orr (0050); Brenda Bateman (0053); Karen Tait (0054); Craig and Norma Cameron (0055); Nancy and Mark Durrant (0057); Laurie and Sandra Boles (0058); Angus Laing (21887909) - wish the Proposed Plan to retain the open space protection for the existing amenity space in this area.

Designation of Formal and Informal Open Space, Livingston – issues regarding process

Houghton Planning for RK Property (0047) seek the removal of the blanket designation of 'Protection of Formal and Informal Open Space' in relation to Livingston, and a return to the more structured approach favoured in the Local Plan whereby only open space that can be justified as valued and functional is so defined.

In addition, they seek the removal of the 'Protection of Formal and Informal Open Space' designation in as much as it relates to land owned by RK Property at Murieston Valley and Hunter Road, Livingston.

Open space at Heartlands and Polkemmet Park, Whitburn – issues

The new owners of the "Heartlands" site at Whitburn, British Solar Renewables (0214) indicate they will no longer pursue the approved golf course on the south part of the site and proposal P-82 should be removed.

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

East Calder Community Council (0361); indicate the area known locally as 'The Muddies' and the areas within Raw Holdings West which are used recreationally, should be covered by Policy ENV 21.

Open space at Armadale Stadium

William Cochrane (21685080) – seeks removal of site from area of open space and for the site to be restored back to White space within settlement boundary.

Open space between West Calder and Polbeth

Judith McDermid (21456233) – seeks the current site of Polbeth and West Calder Community Garden to be identified on Proposals Map 5: Village

Summary of responses (including reasons) by planning authority:**Open space at Colt Hill, Linlithgow – issues related to auction of land**

This former vacant area on the edge of Linlithgow was developed in the late 1990's for a residential home at the top of the hill and an adjacent residential estate that became Clark Avenue.

In the Adopted Linlithgow Area Local Plan 1994 (CD095), the wider Colt Hill area is identified under Section 3.3.5 (page 18) as a Possible New Housing Site. It states

*“Colt Hill – this area covers 6,3ha of undulating ground to the northwest of the town between Listloaning , Jock’s Hill and Lochmill in the south , and the M9 in the north. Two neighbouring areas at Lochmill and Mill Road area allocated for housing In order to protect and enhance the green wedge on land between the town and the motorway , it has been agreed that a limited development will be acceptable at Colt Hill. This will comprise no more that 30 houses **with associated landscape improvements** and a 1 ha site for a nursing home on the hilltop in the south eastern part of the site.*

*A Brief has been prepared with **the objective of minimising the impact any development may have on the landscape and securing the dedication of the bulk of the site as a green buffer between the town and the motorway.** This is consistent with the protection on the landscape setting of Linlithgow provided by Policy R1 Development in the Countryside.*

*Policy H11 At Colt Hill, two small areas totalling 3.0ha are allocated for housing on condition that the development is limited to 30 houses **and the remaining area (apart from the nursing home site) is dedicated as a green buffer between the town and the motorway.**”*

The site abuts the north west edge of the Linlithgow Conservation Area.

The West Lothian Local Plan, adopted in 2009, shows the central area between the nursing home and Clark Avenue as Land Safeguarded for Open Space by Policy COM 2 (CD092).

The issue raised by Mr Miles (0046) in connection with flooding of Clark Avenue and nearby Avalon Gardens in relation to flooding on the Mill Burn is not a major issue for SEPA, nor the Council's Flood Risk Officer.

Mr Miles raises various point related to traffic issues in Linlithgow Bridge. The Transportation Services views are that traffic levels through the town are high and as part of the LDP process looking at development impacts in Linlithgow micro-simulation modelling work was specifically carried out for the town. One of the conclusions was that improvements to the signals through Linlithgow Bridge would improve the through movement of traffic.

Improvements at the staggered junction of High Street with St Ninian's Road and Preston Road were considered during the modelling process. However, it was identified that improving signals would increase delay for all vehicles through the junction and therefore would be detrimental compared to the existing layout. The side road junctions are too far apart for a single roundabout and there is restricted road space for 2 small roundabouts.

The council will be investigating possible solutions to traffic management in Linlithgow High Street as part of the air quality assessment procedure.

The new owner of the land at Colt Hill has not made any representations to the Proposed Plan.

Designation of Formal and Informal Open Space, Livingston

With regard to the objection relating to two open spaces at Murieston Valley and Hunter Road in Livingston (0047 - 21306483)

The original West Lothian Space strategy was produced in 2005 for a 10 year period to 2015. It was reviewed in 2010 given the multi-million pound investment the council had made in numerous open spaces over the first 5 years. This is in the context of auditing over 2,200 open spaces.

The consultant's claim that the 2010 review is not up to date, but are obviously unaware of the resources and timescale required to undertake such an exercise over the whole authority area and the council consider it more than adequate for continued protection and investment in improving open spaces across West Lothian. Indeed, the consultants later acknowledge the open space strategy is "fit for purpose".

As the new town has developed and the landscape framework matured, there are numerous small, former "white land" areas across the town where development would now not be appropriate. In these areas the council has advanced TPO's to offer some degree of planning protection, often in response to issues and requests raised by local residents and communities who consider these areas have "value" and are "functional" as claimed by the consultant when referring to SPP.

Indeed, Murieston Community Council (0346) agree with the Local Plan to designate land parallel to the Edinburgh - Glasgow railway line and Murieston Valley limited to the west by Murieston Road and to the east by Robin's Lane as "Land Safeguarded for Open Space".

Murieston Valley open space site

With regard to the background to the open space in Murieston Valley, the long linear strip of undeveloped land, between the rail line and the rear of development along the north side of Murieston Valley Road, westwards from Murieston Road to what is now the east side of Moriston Road, was identified in the Adopted Livingston Local Plan 1998 (CD097) as "Areas of amenity open space / greenways" and protected by Policy R13. This land included the recreational walkway and bridleway; known as the Murieston Trail that was a long standing proposal from the former Development Corporation that set out through various Stage A plans on how Murieston was to develop.

The narrow strip of land east from what became Moriston Road was not designated as

the east end of Murieston Valley Road had not been constructed yet and its exact alignment had not been fixed. When LDC wound up in 1996, the majority of the narrow strip was transferred to the Woodland Trust Scotland and the east end, slightly larger triangular shaped site by the turning circle transferred to the council. A review of its development potential of this very narrow strip of land at the east end of the Valley and also next to the turning circle, in view of its proximity to the raised rail line, concluded that it should remain as open space.

A general review of Livingston “white land” after the 2009 West Lothian Local Plan adoption and as the 2005 Open Space Strategy was updated in 2010, together with issues of inappropriate uses being promoted on green space areas coming to the fore, ensured that the Proposed Plan sought to extend the general “Land safeguarded as open space” protection policy to areas such as Murieston Valley and Hunter Road.

However, there is a Development Management background to this Murieston Valley area. A planning application submitted in January 2013 (Ref: 0020/P/13) (CD392a,b and c) sought approval in principle for a housing development on land immediately to the east of and extending, north, behind Moriston Drive.

The planning application was refused on the grounds that the development of this site would result in the loss of a substantial number of trees to the detriment of the environmental quality and visual amenity of the area and that it would have a detrimental impact on the spatial character of the area.

The applicant sought a review of this decision at the council’s Local Review Body (LRB) in August 2013. The review was dismissed in November 2013 and the LRB confirmed the decision to refuse planning permission.

The land to the east of Moriston Drive towards the turning circle at the end of Murieston Valley Road and westwards, to the north of Moriston Drive up Ossian Drive was TPO’d by the council in early 2014 (CD276) & (CD277).

A planning application (Ref 0264/FUL/14) for the construction of a detached house with associated parking and access at Murieston Valley Livingston; i.e. to the east of Moriston Drive was recommended for refusal, but granted approval by the Development Management Committee in November 2014 (CD393a,b and c).

Another application (Ref 0064/P/15) was submitted for the single house on the south part of the site (0020/P/13) refused permission in 2013. Again, this application was refused in April 2015 for similar reasons (CD394a,b and c).

However, the application was subsequently granted on Appeal (appeal ref: PPA-400-2053) in January 2016 as the reporter considered it as an infill development with the earlier single plot application that had been granted contrary to recommendation to the east (CD394d).

While the Local Plan focuses on residential sites with 4 or more units to tie up with the Housing Land Audit, when the Proposed Plan “Proposals Map 3: Livingston Area” comes to be published, it will exclude these 2 recently granted plots east of Moriston Drive from the open space designation.

Hunter Road Kirkton South

With regard to the similar site at Hunter Road, Kirkton South promoted by the consultant. The Adopted Livingston Local Plan 1998 (CD097) allocated 2 housing sites at Kirkton South (KS 1B and KS 1C) that became Kaims Brae/ Walk (site 1B) & Kaims Grove (site 1C). Both were separated by a proposed north / south “woodland planting” strip i.e. Policies EN 11 & EN 12 as this had been identified in the earlier Stage A Plan’s assessment of the development potential of the area to separate out the 2 phases of development. The mature woodland copse, on what became the bend of Hunter Road, was left out of the two housing allocations as a mature feature that was to be protected rather than included within the “Sites for Housing use” allocation.

Policy EN 11 of the Adopted Livingston Local Plan 1998 (CD097) stated; *“Existing and new woodlands will be protected from development and their proper management encourage. Where loss of tress can be justified it should be minimised and trees removed should be replaced in alternative locations but preferably in the vicinity of the original trees”*.

This was (Section 8.5.9; page 61) *“in order to retain and improve the quality of the environment and landscape in Livingston, it is essential that the extensive existing woodland areas throughout the town should be protected and enhanced through effective maintenance and management and that new areas of woodland should be planted, using native species where possible to reflect the traditional landscape character of the area”*.

This site was in the care of the former Livingston Development Corporation before being passed to the Scottish Greenbelt Company at reorganisation and then sold on at auction to the present owner.

Again, in relation to the West Lothian Open Space Strategy 2005 - 15, the initial focus was on parks and open space rather than other types of open space such as amenity woodland that were not a priority for survey and were numerous such sites in Livingston, let alone across West Lothian. By the time of the 2009 West Lothian Local Plan, both housing sites had been developed out, as well as the employment site at the north end of Hunter Road and the flats to the south at Kaims Terrace (originally LVLP site KS2B). The mature copse of woodland on the corner of Hunter Road became part of the urban fabric of Livingston.

The council undertook to designate the area with a Tree Preservation Order in 2011.

The LDP Proposed Plan, picking up on the green network linkages with the greenway along the south side of the River Almond to the north of the Kaims housing estate and Livingston Village neighbourhood park across the river, identified mature woodland on the corner of Hunter Road along with the woodland strips between the various phases of residential development in the Kaims area that had been identified on the earlier Adopted Livingston Local Plan 1998 Proposals Map (CD097).

A small part of the frontage area now has a major electrical substation adjacent to the kerbside. It is clearly not a suitable site for infill residential development.

In relation to the final point raised by the consultant about Greenspace Scotland classification of the area, the consultant misunderstands that open space can be “open and semi- natural” and also contain “woodland” as defined in PAN 63: Open Space, and

that open space does not need to be formal, highly maintained cut grass to achieve its intended purpose.

Open space at Heartlands and Polkemmet Park, Whitburn – issues

For Whitburn, (0214), it is acknowledged that the new owners of “Heartlands” support Policy ENV 21 and the nearby Polkemmet Country Park, although they now indicated they no longer considered it appropriate to continue with the approved golf course use to the south of Whitburn.

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

In relation to East Calder Community Council's (0361) concerns about East Calder Park / “The Muddies”, the adopted West Lothian Local Plan (2009) allocated the area as part of the wider Calderwood CDA. Para 7.96 states “*Additional requirements at Calderwood are: land for an extension to Mansefield Park.....*” (i.e.; East Calder Park).

The Proposed Plan clearly allocates East Calder Park / “The Muddies” at Raw Holdings West as covered by Policy ENV 21 that relates to “Protection of Formal and Informal Open Space”. The proposal “P26” (page 86) indicates for “*Mansefield Park – Park improvements at ‘The Muddies’ in association with Calderwood CDA*”.

Open space at Armadale Stadium

William Cochrane (21685080) – The stadium is shown as white land within the Armadale settlement envelope in the West Lothian Local Plan (WLLP) (CD092). White land is defined in the WLLP as “A general expression used to mean land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered.” Under the terms of the WLLP any proposals for development of the stadium would be considered under the terms of policy COM 2 of the WLLP which relates to urban sports, recreational facilities, formal or informal open space.

Land allocations and policies in the WLLP were reviewed for the West Lothian Local Development Plan (LDP). In the LDP the stadium is shown as being within the settlement envelope as land safeguarded for open space with policy ENV 21 applicable relating to the protection of formal and informal open space.

Policy ENV21 is the principle policy in the LDP that would be used to assess any development proposal for the site. Policy HOU 2 only applies where there is not enough housing land identified in the LDP to maintain the supply. Policy COM 2 and policy ENV 21 are broadly the same, the latter essentially being a refresh of the earlier policy.

In effect, very little has actually changed in terms of policy against which development of the Armadale Stadium site would be assessed. The application of a “green wash” to designate the site as open space is designed reflect the policy position which applies under the terms of the WLLP and reflected in the emerging development plan.

Should alternative uses be sought for the stadium site, residential use may be considered appropriate given that residential use abuts the site on three sides. However, such a proposal would require to be assessed under a policy approach relating to open

space/recreational use as per proposed policy ENV 21 of the LDP proposed plan as the council would seek a justification to support the loss of the facility. No proposals have been lodged with the council for alternative use and the stadium remains open for recreational use. The policy approach in the LDP proposed plan reflects this. The council does not propose to modify the plan to reflect the terms of this submission, however, should the Reporter see merit in the submission it would seek to remove the open space zoning and revert to white land within the settlement envelope.

Open space between West Calder and Polbeth

Dr Judith McDermid (21456233) –The land surrounding the current site of Polbeth and West Calder Community Garden is protected “Land protected for open space”. The fact that the actual site compound is not covered and left “white” is a very minor technical Geographical Information Systems mapping issue that can be rectified by enclosing the compound in the next map reiteration.

To conclude, no modification to the LDP is proposed by the council, other than to correct that the proposal referenced as “P-82”, relating to the golf course to the south of Heartlands, Whitburn; that was inadvertently missed off Map 5 Bathgate Area, should now not be reinstated within the LDP as the new owner state they do not intend to pursue that use and the minor amendment to included the West Calder Community Garden site compound as part of the “Land protected for open space” surrounding the small site.

Reporter’s conclusions:

1. Representations about proposal P-82 at Heartlands are addressed at Issue 22G and those in relation to Raw Holdings and East Calder Park at Issue 11C.

Colt Hill, Linlithgow

2. This land is identified as ‘Land Safeguarded for Open Space’ in the proposed plan. There are no representations seeking a change to that status. We address wider matters related to development in Linlithgow elsewhere, including at Issues 15A and 11.

Open Space in Livingston

3. In respect of the representation from RK Property Ltd, similar issues are raised in the representation from Tracey Carson and Lyndsay Sneddon (0371) which the council initially responded to under Issue 16O. However, I think it more appropriate to address it here.

4. In response to my request for further information (FIR16), I was provided with a map clarifying which land the representation from Ms Carson and Ms Sneddon relates to. This map identifies the strip of land to the northwest of Murieston Valley, between that road and the railway line. This land lies immediately to the northeast of land which is the subject of the representation from RK Property Ltd. The council, in response to FIR16, stated that this land is designated as open space because it is an open space asset associated within the urban area of south Livingston.

5. As well as making site-specific comments, the representations from RK Property Ltd and from Ms Carson and Ms Sneddon are critical of the general approach the plan takes to the protection of open space in Livingston. The approach is contrasted with the current

local plan – whereas many of the smaller areas of amenity and informal open space in Livingston are ‘white land’ within the settlement boundary in the current local plan, the proposed plan would now designate these as areas of protected open space, along with the larger/formal areas of open space which are protected in the current local plan. It is said that such an approach is not justified by the council’s open space strategy, or by SPP.

6. Paragraph 224 of SPP says that LDPs should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs. Whilst this does not state that other areas of open space should not be protected, it does imply that the protection of open space in a LDP should be based on the audit and strategy.

7. Paragraph 5.183 of the proposed plan says that the council’s open space strategy ‘led to the identification of thresholds for the provision of different types of open space’. Paragraph 5.184 says that, as well as protecting ‘defined types of open space’ (which I take to be a reference to those in the open space strategy and referred to in the preceding paragraph 5.183), Policy ENV 21 Protection of Formal and Informal Open Space ‘also aims to protect and safeguard the most important spaces within settlements’. The policy itself refers to impacts on trees, woodland, habitats, green corridors and public access.

8. Policy ENV 21 therefore perhaps aims to protect a wider range of open space than might be expected to be prioritised in an open space strategy. Whilst I note the provisions of the open space strategy and SPP, it seems to me reasonable that it seeks to do so. This would, of course, be a different approach to that taken in the current local plan, but that does not render it an inappropriate one. I think the council is justified, as the landscape framework of the Livingston new town matures, in taking a more comprehensive approach to its protection and management through the LDP. There is nothing inherently wrong in doing so through the same policy which also protects more formal, managed open space. It follows that I do not support a policy approach which would, instead, support the temporary use of these areas as green infrastructure. This provision in SPP aims to encourage temporary greening of sites prior to their eventual redevelopment rather than being intended to apply to land which is to be protected as open space.

9. That general point aside, it has been argued that, in any event, the land at Murieston Valley does not merit protection as open space. I have inspected this land and the surrounding area, and have carefully considered the representations made. Having done so, I see little evidence to support a different approach to the land (including that owned by both RK property and by Ms Carson and Ms Sneddon) between Murieston Valley and the railway line. Regardless of ownership, this seems to me to be the type of informal open space which makes a significant contribution to the amenity of this part of Murieston. It provides an area for informal recreation (there are informal paths through it) and a generally wooded buffer between this residential area and the railway line. In these respects I am satisfied that this land, to adopt the terms used in SPP, has value and function, and is very clearly the type of open space (albeit informal) which Policy ENV 21 aims to protect.

10. I reach the same conclusion in respect of the land at Hunter Road. It seems to me that the woodland strip between Kaims Brae and Kaims Grove and the wooded land to the southeast of it, fronting Hunter Road, make a valuable contribution to the landscape

framework and amenity of this neighbourhood of the town.

11. I do not therefore recommend that the general approach to the protection of open space in Livingston be altered, or that the land at Murieston Valley or Hunter Road referred to in representations be removed from the area protected by Policy ENV 21. The exception I make to this is the area covered by the two planning permissions at Murieston Valley referred to in the representations from RK Property Ltd. Since each of these sites already has planning permission for a house, omitting them from the area to be covered by Policy ENV 21 would aid the clarity and consistency of the plan. I note that the council agrees that such a change should be made. I take no account of any alleged comments (referred to in the representation from Ms Carson and Ms Sneddon) which may or may not have been made about the council's intended approach to their land.

Armadale Stadium

12. In response to our request for further information (FIR21) in relation to the intended purposes of policies ENV 21 and ENV 22 Protection of Playing Fields and Outdoor Sports Facilities, the council confirms that ENV 22 is intended to apply to outdoor sports facilities whereas ENV 21 is intended to apply to open space more generally. Our recommended modifications, here and at Issue 26Ad, would clarify that.

13. The stadium itself is used as a speedway track, having been formerly used for greyhound racing. Most of the area at the stadium identified as open space in the proposed plan is the stadium itself, consisting of the stands and terraces and other buildings, the racetrack and the grassed area at the centre. Also identified as open space is the stadium's car park and a strip of unused ground to the east of the stadium. Although I would characterise the stadium as a sports facility, it is not an area which generally has the appearance or function of open space. Overall, I think there is little justification for identifying this land as open space intended to be covered by Policy ENV 21. I recommend that it be omitted from that.

Polbeth and West Calder Community Garden

14. The exclusion of part of the community garden from the wider area around it which is identified as open space appears to be a minor mapping error. I note that the council intends to rectify this, presumably as a 'non-notifiable' modification.

Policy ENV 21 Protection of Formal and Informal Open Space.

15. I refer above to the council's response to FIR21, which clarifies that it is principally Policy ENV 22 which is intended to apply to outdoor sports facilities. Accordingly, as the council suggests, I recommend that references to outdoor sports facilities and playing fields be omitted from Policy ENV 21.

Reporter's recommendations:

1. In the proposals map, remove the land at Murieston Valley which is subject to planning permissions PPA-400-2053 and 0264/FUL/14 from the area which is 'Land Safeguarded for Open Space'.

2. In the proposals map, remove the area of land at and immediately adjacent to Armadale Stadium from the area which is 'Land Safeguarded for Open Space'.

3. In Policy ENV 21 Protection of Formal and Informal Open Space:

3.1 In the first sentence, delete 'and/or sports and recreation facilities,'

3.2 In clause a., delete ',sport and/or recreation facilities'.

Issue 26G	Policy HOU 3 – Infill/Windfall Housing Development within Settlements	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy HOU 3	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214) Wallace Land Investment & Management (0446) Stirling Developments (21504629)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy Housing Growth, Delivery and Sustainable Housing Locations Policy HOU 3 (page 24)	
Planning authority's summary of the representation(s):		
<p>British Solar Renewables (0214) - supports the policy and is particularly welcoming of the flexibility provided by criterion (c) which addresses the development of amenity or open space.</p> <p>Wallace Land Investment & Management (0446) - starts from the premise that the Proposed Plan does not identify sufficient housing land to meet SESplan requirements and ensure an effective 5-year housing land supply will be maintained, and therefore anticipates that additional sites being required in the short term to 2019.</p> <p>Observes that the LDP as drafted makes reference to the potential for windfall sites to assist in maintaining an effective supply of housing land (paragraph 5.56) in the context of sites <u>within</u> settlements and proposes that the scope of policy HOU 3 should be expanded to provide a policy context for the assessment of proposals <u>outwith</u> settlements where there is a need for additional land consistent with Policy HOU2, the Strategic Development Plan (SDP) and SPP para 29.</p> <p>Notes that in the event of a failure in the 5-year effective housing land supply a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35 and that this should be reflected in the Plan.</p> <p>Stirling Developments (21504629) - supports the LDP and in particular the continued encouragement given to CDAs. Suggests that an amendment to the text of HOU 3 could further assist deliver much needed housing by making a minor amendment to the windfall site criteria. Proposes that the requirement for windfall sites to lie within the settlement boundary is revised to also include areas within approved CDA boundaries. Argues that this will ensure that the most effective use is made of existing land allocations and will also assist in funding the infrastructure costs associated with CDAs.</p>		
Modifications sought by those submitting representations:		
British Solar Renewables (0214) – no modifications requested		

Wallace Land Investment & Management (0446) – the following amendments to the policy text as set out in the LDP are requested; highlighted text reflects additions to the policy.

POLICY HOU 3 *Infill/Windfall Housing Development within or adjacent to Settlements*

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries or, in the event of a failure in the housing land supply, on sites on the edge of settlements where the sustainability of the proposal accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with SESplan, provided:

- a. the development will be in keeping with the character of the settlement and local area;*
- b. the site is not identified for an alternative use in the LDP;*
- c. the site does not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 – Protection of formal and informal Open Space and is acceptable in landscape and townscape terms;*
- d. the proposed housing use is compatible with nearby uses, there is no adverse effect on the character of the local area and a satisfactory residential environment can be achieved;*
- e. the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities;*
- f. existing physical infrastructure, including roads, drainage, sewage capacity, and education have the capacity to accommodate the proposed development, or capacity can be made available;*
- g. any additional infrastructure required as a result of the development is either committed or to be funded by the developer as required by policies INF 1 – Infrastructure Provision and Developer Obligations and TRAN 2 - Transportation contributions and associated works;*
- h. the site is not at significant risk of flooding in the terms of policy EMG 2 - Flooding; and*
- i. the proposal complies with other LDP policies and relevant Supplementary Guidance.*

Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations.

Proposals for the change of use, conversion and reuse of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.

Stirling Developments (21504629) – requests the following amendments to the policy text; highlighted text reflects additions to the policy.

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries and within approved planning boundaries provided:

Summary of responses (including reasons) by planning authority:

British Solar Renewables (0214) - support is noted and welcomed.

Wallace Land Investment & Management (0446) - Housing development to meet the SESplan strategic housing land requirement will be supported on the sites specified as housing allocations in the Settlement Statements and listed in Appendix 2. Ordinarily, development should be contained within the defined settlement boundaries and proposals for new development outwith these boundaries should be refused.

The council rejects the suggestion that the LDP should actively provide (and inadvertently be seen to encourage) new housing development outwith established settlement boundaries. In a plan led system, the LDP is tasked with ensuring that sufficient land is allocated to enable a five year effective land supply to be maintained at all times. Following adoption of the LDP, this position will be monitored through the annual housing audit process and if any shortfall begins to emerge the council will have to consider whether action is required to address the matter through a review of the LDP. Depending on circumstances, this review could occur before the end of the plan's 5 year life time. Only in this way is there a realistic prospect of ensuring that the process of identifying any additional housing sites is undertaken on a planned basis and in a way that supports and is consistent with the development strategy. Conversely, the approach suggested in the representation could give rise to an unplanned and ad hoc release of sites which may not be consistent with agreed programmes for the provision of new or improved infrastructure designed specifically to support the overall development of the area and could fundamentally undermine the Spatial Strategy which the LDP espouses.

The council is of the view that Policy 7 of the Strategic Development Plan (CD099) adequately fulfils any requirement for guidance in relation to the consideration of proposals for development outwith settlement boundaries which are pursuant to maintaining a five years' effective housing land supply.

It is also an important consideration that there is a significant amount of land already allocated for housing development in West Lothian, but should it be necessary to address a deficit in the effective housing land supply, the council would in the first instance be looking to direct new development to the Core Development Areas and other strategic allocations within settlement boundaries where there is capacity to increase the volume of housing planned for.

For these reasons, the council does not agree to modify the plan in response to the representations.

Stirling Developments (21504629) - the council is supportive of the existing CDAs and is favourably disposed to the principle of maximising their housing output, paragraph 5.46 of the LDP refers. The explicit addition of CDAs to the search area for appropriate windfill sites within settlement boundaries is therefore not considered an unreasonable proposition and the Council would not take issue if the Reporter was minded to amend the wording of Policy HOU 3 to reflect this. The title of the policy and the policy itself should however make specific reference to CDAs, eg:

POLICY HOU 3 Infill/Windfall Housing Development within Settlements and/or Core Development Areas

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries and/or Core Development Areas identified in the LDP provided:

Reporter's conclusions:

1. Policy HOU 3 Infill/Windfall Housing Development within Settlements provides criteria against which windfall housing proposals would principally be assessed. The proposed plan adopts an explicitly separate policy approach (through Policy HOU 4 Windfall Housing Development in Linlithgow and Linlithgow Bridge) for assessing windfall development proposals in Linlithgow and Linlithgow Bridge. Our assessment and conclusions in relation to Policy HOU 4 and its accompanying text is provided in Issue 26H, and I make no further reference to that issue here.
2. In one representation it is contended that Policy HOU 3 should be amended to also allow for the development of windfall sites on the edge of settlements, rather than solely within settlement boundaries, in the event of there being an inadequate effective housing land supply.
3. In Issue 1A the overall situation regarding the supply of land for housing has been assessed. Having regard to our conclusions on that issue, and in particular, in relation to whether there is an adequate supply of effective housing land, there is merit in allowing for the release of appropriate windfall sites where these would supplement the amount of housing being built across West Lothian. Indeed Figure 5 in the proposed plan takes account of the housing contribution that is estimated to be provided on windfall sites, and Policy HOU 3 makes specific provisions for such proposals.
4. In Issue 1A we have set out what we consider to be necessary modifications, in order to provide an appropriate and proportionate response to that issue. I am not persuaded that broadening the scope of Policy HOU 3 would be a necessary or adequately justified component of that response. Essentially planning for an inadequate effective housing land supply in this policy would be somewhat at odds with the overarching emphasis on the need for the plan to maintain an effective five-year supply. If the plan was modified in this way to cover a broader range of possible eventualities, it would become cumbersome and lack focus, which could potentially be prejudicial to delivering the LDP's strategy.
5. Where less than the necessary five-year effective housing land supply is available, the provisions of SDP Policy 7, and Policy HOU 2 Maintaining and Effective Housing Land Supply (as modified in response to representations considered in Issue 1A) would apply. Policy 7 and the modified Policy HOU 2 would provide clarity on the main considerations in assessing proposals in such circumstances. Additionally, paragraph 125 of Scottish Planning Policy (which in turn engages the provisions of paragraphs 32-35 and the presumption in favour of development which contributes to sustainable development) would also potentially become a significant material consideration in determining proposals on windfall sites.
6. In such circumstances and having regard to this wider policy context, proposals on windfall sites adjacent to, but outwith, established settlement boundaries would therefore, in the first instance, fall to be considered under SESplan Policy 7, and Policy HOU 2 as modified. Conversely, where an effective five-year housing supply is being maintained, Policy ENV 2 sets out the circumstances where housing outwith settlement boundaries (i.e. in the countryside) would be capable of being acceptable. The requested addition to

Policy HOU 3 would, to my mind, therefore be superfluous and no modifications are recommended.

7. The same representation suggests that criterion f. should be amended, to allow development where infrastructure "...capacity can be made available". No explanation over why this specific change is considered to be necessary has been provided. I am concerned that the proposed wording would introduce a degree of ambiguity to this criterion, which relates to whether there is capacity within existing infrastructure to accommodate development. Criterion g. sets out the requirements for where a need for additional infrastructure arising from the development is identified. I do not consider the suggested additional wording in criterion f. to be necessary, but criterion g. requires some modification to reflect changes to Policy INF 1 deemed necessary in our Issue 1F conclusions.

8. One representee requests that the scope of Policy HOU 3 be extended to allow for windfall and infill development within identified Core Development Areas (CDAs). The council is agreeable to such a modification. Given the support that the plan affords to CDAs, it is logical for the plan to allow for windfall development in such areas, should such opportunities arise, in order to maximise the housing in these areas and to contribute to the housing supply more widely. However, I see no value in making such a modification, as the full extent of the CDAs already fall within the identified settlement boundaries. This means that the provisions of Policy HOU 3 already apply to CDAs, allowing for windfall developments to come forward in these areas as well as in other identified settlements.

Reporter's recommendations:

1. In Policy HOU 3 Infill/Windfall Housing Development within Settlements, replace criterion g. with the following:

'g. the proposal complies with Policy INF 1 and Policy TRAN 2 as applicable, where additional infrastructure would be required as a result of the development;'

Issue 26H	Policy HOU 4 – Windfall Housing Development in Linlithgow & Linlithgow Bridge	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy HOU 4	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Cala Management Ltd (21867093) Wallace Land Investment & Management (0447) Scottish Environment Protection Agency (0243) Linlithgow & Linlithgow Bridge Community Councils (0428)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5 – The Spatial Strategy Windfall Housing Development in Linlithgow & Linlithgow Bridge Policy HOU 4 (page 26 to 27, paragraphs 5.63 – 5.67)</p>	
Planning authority’s summary of the representation(s):		
<p>Cala Management Ltd (21867093) - opposes the sequential approach and regards it as unnecessary as the LDP has already selected housing sites in the LDP using this methodology and has declared that greenfield land releases will be required to meet strategic requirements.</p> <p>Wallace Land Investment & Management (0447) - considers Policy HOU 4 to be unnecessary as the provisions it makes are adequately covered by Policy HOU 3 and others.</p> <p>While recognising the legitimacy of the “sequential testing” of sites described in paragraph 5.6 for the initial selection of sites for inclusion on the LDP, it is argued that this is not appropriate in a development management context. It is stated that it would be unreasonable to apply a sequential approach that prioritised the very sites which had contributed to the failure in the land supply and it is affirmed that the only way to address the shortfall would be to release additional greenfield sites (providing they comply with the sustainability principles of SPP paragraph 29 (CD068) and accord with LDP Policy HOU 2 (CD099).</p> <p>It is suggested that the proposed sequential approach also contradicts paragraph 5.67 of the LDP which implies the potential for settlement expansion beyond current limits is justified if sites within the town are undeliverable (or if they cannot be delivered without environmental harm).</p> <p>Scottish Environment Protection Agency (0243) - supports the aims of the policy.</p> <p>Linlithgow & Linlithgow Bridge Community Councils (0428) - proposes revisions to the text of Policy HOU 4.</p>		
Modifications sought by those submitting representations:		
Cala Management Ltd (21867093) - makes no specific reference to modifications but		

does oppose the sequential approach to site selection. Notes that if retained, this approach should not preclude or delay development from starting on effective sites in preference to a brownfield site which may not be forthcoming.

Wallace Land Investment & Management (0447) - seeks the deletion of Policy HOU 4, or, alternatively, revisions to the supporting text to provide greater clarity and to ensure that the policy reflects the requirements of SESplan, Proposed LDP Policy HOU 2 and the principles of sustainable development set out in SPP paragraph 29.

Scottish Environment Protection Agency (0243) - no modifications to policy sought but intimates a willingness to be involved in drafting Supplementary Guidance in respect of Linlithgow Loch.

Linlithgow & Linlithgow Bridge Community Councils (0428) - seeks to replace the text of Policy HOU 4 as set out below.

Text in Proposed Plan

Linlithgow and Linlithgow Bridge are particularly sensitive to the impact of new infill housing development by virtue of unique historic character, environmental constraints (landscape setting, air quality and drainage), traffic congestion and the availability of education capacity.

Proposals for windfall housing development within the settlement boundary of Linlithgow/Linlithgow Bridge will therefore be subject to additional scrutiny and will only be supported where it can be demonstrated that their impact can be satisfactorily managed and would not singularly or cumulatively exacerbate these matters.

Suggested Text

Proposals for windfall housing development within the settlement boundary of Linlithgow/Linlithgow Bridge will be subject to additional scrutiny and will only be supported where it can be demonstrated that any adverse impact can be mitigated by additional investment and/or satisfactorily managed and would not singularly or cumulatively disadvantageously affect; heritage, environment, free movement of pedestrians and cyclists, traffic flow and parking, and or education capacity.

Summary of responses (including reasons) by planning authority:

Cala Management Ltd (21867093) and Wallace Land Investment & Management (0447) - The council is of the opinion that having set aside the previous 'Area of Restraint' designation a significant policy shift has taken place and the new situation in Linlithgow is therefore deserving of a bespoke policy response relative to proposals for new windfall housing development specifically in Linlithgow/Linlithgow Bridge. The number of representations received in relation to housing allocations in Linlithgow/Linlithgow Bridge post MIR serves to illustrate the considerable local interest there is in housing issues relative to Linlithgow and the action is considered justified.

The council is of the opinion that there needs to be a managed release of housing land in these circumstances and that it is perfectly entitled to determine how it chooses to appraise windfall development proposals that may be put forward for consideration. A sequential approach is a mechanism for choosing sites for housing development which

requires developers to demonstrate that there are no suitable sites within the settlement boundary, before considering out of settlement sites to ensure that urban sites are encouraged to come forward for development and the optimum/most efficient use of land/buildings is achieved. It is the council's view that it is entirely appropriate, reasonable and justifiable to have sequential testing. If there is a shortfall in the 5 year effective land supply, then development should be directed to sustainable locations consistent with generally accepted planning principles.

Developers should provide evidence to justify why their site should come forward and the policy provides a framework to do this. It is not appropriate to simply remove the sequential test and direct all development to edge of centre locations.

The respondents interpretation of paragraph 5.67 is incorrect and appears to conflate two separate issues, i.e. windfall development within settlements and development outwith existing settlement boundaries. The LDP does not exclude the possibility that there may be circumstances which provide justification for allowing windfall development beyond the existing settlement boundary, but there is no inconsistency in the council adopting a sequential approach to test the appropriateness of such candidate sites. The two issues are mutually exclusive.

In conclusion, the adoption of a sequential approach to the appraisal of development proposals put forward for consideration is held to be entirely reasonable and the council declines to delete Policy HOU 4.

Scottish Environment Protection Agency (0243) – comments noted.

Linlithgow & Linlithgow Bridge Community Councils (0428) - The council is satisfied with the scope and wording of Policy HOU 4 as drafted in the LDP Proposed Plan and is therefore not minded to modify it in response to these representations. The council would however have no objection in principle to the Reporter making amendments should this be considered helpful in improving the legibility and understanding of the LDP.

Reporter's conclusions:

1. Representees have challenged whether Policy HOU 4 Windfall Housing Development in Linlithgow and Linlithgow Bridge is needed, given that Linlithgow and Linlithgow Bridge are no longer considered by the council to warrant identification as 'an area of restraint' as allowed for by the SDP and because, it is contended, Policy HOU 3 Infill/Windfall Housing Development within Settlements makes adequate policy provision for assessing housing proposals on windfall sites.

2. Concern has also been raised in representations that the proposed sequential approach to assessing and releasing windfall sites in Linlithgow and Linlithgow Bridge is inappropriate in the development management context. Wider concern is also expressed that a sequential approach would be applied to the release of allocated sites, but I note the policy and accompanying text as drafted makes no reference to allocated sites, and the policy would apply only to windfall sites.

3. The sequential approach set out in the plan is not provided by the policy but is referred to only in the supporting text, specifically in paragraphs 5.65 and 5.66. The requirements of the policy itself are somewhat less clear; it states that additional scrutiny will be given to proposals on windfall sites but it does not provide any additional or more

stringent criteria over and above the criteria for determining windfall proposals elsewhere in West Lothian, provided for by Policy HOU 3.

4. The council's justification for the sequential approach to assessing windfall sites, as set out above, appears to stem from a perceived need to 'soften' the change in policy stance on development in the town, which would become considerably more permissive in the proposed plan relative to the position of the current local plan. I acknowledge that having previously been an area of restraint, this does represent a locally significant change in policy, and there has been considerable interest and a large number of representations to the plan from the local community in regard to the proposed site allocations. However, these issues aside, it is important to recognise that this is a new plan and its policy approach must be justified, underpinned by an appropriate evidence base.

5. In practical terms, I have significant reservations over whether a sequential approach could be meaningfully applied to assessing windfall sites. The glossary of Scottish Planning Policy defines windfall sites as 'sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan'. Given the unpredictable nature (by definition) of if, when and where proposals on windfall sites may present themselves, there are inherent difficulties in attempting to draw comparisons with other sites which, unless simultaneously in the planning system, cannot be assumed to be an alternative, available site. Indeed, in such circumstances there would be no robust means of identifying any other sites as potential windfalls.

6. The policy's supporting text allows, in principle, for windfall sites to be developed for housing, where these are within the settlement boundary of Linlithgow and Linlithgow Bridge. In this respect, the policy position is identical to that for all other settlements as set out in Policy HOU 3. I consider it to be a fair assumption that all areas within the settlement boundary should be recognised as being relatively well related to the settlement as a whole, and therefore the accessibility to services and amenities would, as a minimum, be comparable to other established parts of the town. Consequently, I consider that such sites could reasonably be regarded as being within an inherently sustainable location by virtue of being located within the settlement boundary.

7. This is particularly the case given that the settlement boundary has been tightly drawn around Linlithgow and Linlithgow Bridge; it does not, for example, incorporate any greenfield sites beyond the existing built extent of the town, with the exception of land which is subject to a specific proposed allocation or protective designation. The windfall policy would not therefore give rise to any potential settlement extensions of even a modest scale. The proposed sequential approach to windfall sites in these circumstances appears unnecessarily onerous upon both applicants and the council's development management function, especially given the inherent difficulties of identifying other potential windfall sites referred to above. Furthermore, I see no logic in applying a sequential approach which in practice could potentially lead to proposals that would otherwise be acceptable in all other respects, and which would make a valued contribution to housing delivery, being refused. The scale of development from windfalls in Linlithgow and Linlithgow Bridge is unlikely to be particularly significant, and no substantive evidence has been provided to suggest why it would be inappropriate for windfall development opportunities to instead be assessed on their individual merits, rather than attempting to draw what are likely to be fruitless comparisons with other sites.

8. The policy intimates that additional scrutiny of proposals in Linlithgow and Linlithgow Bridge is necessary by virtue of a range of particular constraints in the locality. The policy does not make clear whether the required 'additional scrutiny' would be provided by the sequential approach outlined in the supporting text, or whether the sequential approach is intended to be a separate, additional requirement, in which case the additional policy requirements are highly ambiguous. In either case, there is no clear justification for setting a higher policy bar for windfall development in Linlithgow and Linlithgow Bridge than would apply in any other settlement in West Lothian.

9. The policy makes reference to the unique historic character, environmental constraints, traffic congestion and education capacity issues which make Linlithgow and Linlithgow Bridge particularly sensitive to new infill housing development, individually and cumulatively. This is not elaborated upon in the plan or in the council's response above. But even if these issues are accepted as read to be particularly pertinent in the town, I see no reason why the provisions of Policy HOU 3 would be considered to be deficient in any of these regards. The criteria provided by Policy HOU 3 draw all of the same (plus other) considerations into the assessment of windfall sites, and it would be for the decision-maker to identify which criteria should be engaged in an assessment, and then to attach the appropriate weight to these factors on a site- and settlement-specific basis depending on their relative significance.

10. Having regard to the approach outlined in paragraphs 5.65 to 5.66 of the plan, and the council's response above to the representations, these intimate that the intention is for Policy HOU 4 to extend its scope to sequentially considering windfall sites outwith the settlement boundary. This is at odds with the policy wording, which clearly refers only to windfall development within the settlement boundary. Significantly, it would also go beyond the provisions of Policy HOU 3, which limits windfall developments in every other area to locations within settlement boundaries.

11. This is a peculiar position for the plan to adopt, especially given the emphasis being placed on the particular sensitivities of Linlithgow and Linlithgow Bridge. In Issue 26G we have concluded that it is unnecessary to broaden the scope of Policy HOU 3, on the basis that should circumstances arise where there is an inadequate effective housing land supply, the provisions of Policy HOU 2 Maintaining and Effective Housing Land Supply (as modified to reflect our conclusions in Issue 1A) and SDP Policy 7 would apply. This would in turn allow for windfall sites outwith settlement boundaries to be legitimately explored, notwithstanding the restrictive provisions of Policy HOU 3 and Policy ENV 2 Housing development in the countryside that would ordinarily apply in such locations. Proposals could be determined on their individual merits, and therefore it would still be entirely legitimate for edge of settlement developments to be resisted where this would lead to unacceptably adverse effects, or where developments would be in otherwise unsustainable locations.

12. Overall, I find Policy HOU 4 and paragraphs 5.65 and 5.66 introduce ambiguity and inconsistency to the plan. The policy is not required in order to give proper regard to local character and constraints, as Policy HOU 3 adequately makes provision for this. The sequential approach would be unduly onerous and would be likely to be both difficult for the council to apply effectively, and for developers to satisfy. Furthermore, its (possibly unintended) more permissive approach to windfall sites outwith the settlement boundary would potentially undermine the value of establishing settlement boundaries and the plan's strategic focus on allocated sites. For these reasons, I recommend the policy be deleted, together with paragraphs 5.65 and 5.66. I consider there is merit in retaining

paragraphs 5.63 and 5.64, which provide useful contextual information in relation to the settlement.

13. There is no opposition to paragraph 5.67 and the proposed supplementary guidance it refers to. I see no reason why such supplementary guidance could not still be produced and linked instead to Policy HOU 3. The need for this is a matter for the council to consider. I would simply therefore bring to the council's attention that these documents are not currently referred to in Appendix Four.

Reporter's recommendations:

1. Delete Policy HOU 4 Windfall Housing Development in Linlithgow and Linlithgow Bridge and paragraphs 5.65 and 5.66.

Issue 26I	Healthcare and Community Facilities	
Development plan reference:	Policy HOU8 (page 30) Healthcare Provision (paragraph 5.93-5.96 page 33)	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Homes for Scotland (0239) and (0422) Wallace Land (0448) John MacFarlane and Colin MacFarlane (21865046) BDW Trading Ltd and H&J Russell (21863641) West Lothian Health Improvement and Health Inequalities Alliance (21798318) Amanda Denholm, Citizens Panel (20941901)</p>		
Provision of the development Plan to which the issue relates:	Policy and sections in the plan that deal with the provision of healthcare and community facilities in new housing development.	
Planning authority's summary of the representation(s):		
<p>Homes for Scotland (0239) and (0422) does not accept the principal of requiring the providers of new homes to contribute to the expansion of healthcare facilities. No detail is provided within the LDP Proposed Plan as to why this is necessary or where this may be applicable. It appears the policy is therefore included only as a hook for the Council to be able to prepare supplementary guidance on should they see a need for it in the future. This is not acceptable and the concerns Homes for Scotland and its members have regarding this policy are:</p> <ul style="list-style-type: none"> • The policy is unreasonable and potentially beyond the powers and abilities of a planning authority to implement. • The situation with healthcare provision is not analogous to education. There is no immediate and automatic relationship between new development and the provision of new local healthcare facilities. • Decisions on if and where to provide new facilities are taken by the Health Boards, local bodies such as Primary Healthcare Trusts, and by the PG practices themselves – which are generally private businesses. • Healthcare is a statutory requirement, funded through UK general taxation. <p>Homes for Scotland highlights the English planning appeal (Ref 2157515), in which the Inspectorate determined that, in relation to healthcare facilities, provision is a matter for the healthcare authorities, funded through general taxation, whilst the role of the planning system is simply to ensure that land is available as and when new facilities are brought forward.</p> <p>Wallace Land c/o Geddes Consulting (0448) - Any developer contribution needs to meet the tests set out in paragraph 14 of Circular 3/2012. Funding of the NHS in Scotland is the statutory responsibility of the Scottish Government and it would not therefore be appropriate or consistent with Circular 3/2012 to seek developer contributions for this. As noted at paragraphs 5.93 – 5.96 of the Plan. The proposed policy is at odds with the text in this paragraph. These modifications are necessary to ensure that any planning</p>		

obligation is in accord with Circular 3/2012 and is not an unreasonable demand by the Council.

John MacFarlane and Colin MacFarlane - (21865046) Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

BDW Trading Ltd and H&J Russell - (21863641) Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

West Lothian Health Improvement and Health Inequalities Alliance - (21798318) Very pleased to see recognition of the need to consider impact of developments on needs for healthcare facilities (policy HOU8), and seek developer contributions to these where appropriate. Suggest that there should be a separate policy that requires consideration of the need for other community facilities beyond healthcare, education and sports centres – for example neighbourhood or community centres. These can provide shared spaces which are important to facilitate social interaction and integration of communities. These facilities should be in central locations in the neighbourhood with safe, attractive, walking and cycling routes.

Amanda Denholm, Citizens Panel (20941901) - West Lothian needs more capacity at doctor's dentist's school and hospitals for the existing houses and population; developers should fulfil requirements for health and community facilities where these have been part of the grant of planning permission.

Modifications sought by those submitting representations:

Homes for Scotland (0239) and (0422) - Request this policy is removed from the LDP Proposed Plan.

Wallace Land (0448) - Recommend that references to the NHS and healthcare are removed from the policy and suggest revised wording within their representation.

John MacFarlane and Colin MacFarlane (21865046) - Do not accept the policy in the LDP Proposed Plan.

BDW Trading Ltd and H&J Russell (21863641) - Do not accept the policy in the LDP Proposed Plan.

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - Seeks a separate policy for other community facilities e.g. neighbourhood or community centres.

Amanda Denholm, Citizens Panel (20941901) - No specific modification has been outlined.

Summary of responses (including reasons) by planning authority:

Homes for Scotland (0239) and (0422), Wallace Land (0448), John MacFarlane and Colin MacFarlane (21865046), BDW Trading Ltd and H&J Russell (21863641), West Lothian Health Improvement and Health Inequalities Alliance (21798318), Amanda Denholm, Citizens Panel (20941901).

In responding to the plan at MIR stage comments from West Lothian Health Improvement Health Inequalities Alliance (HIHIA) suggested that “Although many GP practices will continue as small businesses, the relationship between NHS and West Lothian Council services will be significantly changed due to the Public Bodies (Joint Working) (Scotland) Act 2014. This Act has established that health and social care will be delivered by integrated NHS and council partnerships from 2015; these new partnerships will have responsibility for funding and providing primary and community based care facilities and services. The Community Empowerment (Scotland) Bill 2014 also places a greater onus on community planning and responsive local services. Health and social care infrastructure should be included as a Developer Contribution because new housing and new residents create demands on health and social care infrastructure in just the same way as they create demands on schools, traffic management, transport improvements and green space” (MIRQ 0216 HIHIA CD265).

Similarly the response at MIR stage from NHS Lothian advised that “The premises issues, resulting from the LDP, are being addressed through a ten year premises strategy. However, capacity issues also create a challenge for the teams delivering services (GP Practices, District Nurses etc). The scale of housing developments presents significant challenges for growth of health care provision and will likely lead to the requirement for additional GP practices (This is already evident in Armadale CDA). Consideration needs to be given to developer contributions to assist in the required increase in services and facilities linked to the population growth. Recognising this pressure within the MIR would oblige developers to positively engage in the provision of health and social care as part of their proposals” (MIRQ 0221 NHS CD264).

Following MIR stage the council updated the LDP to reflect advice from NHS Lothian and HIHIA through Policy HOU8 (page 30 LDP). However, it is noted that this change is at odds with text within paragraphs 5.93-5.95 of the plan (page 33 LDP).

The council does not propose to change the LDP in relation to this submission, however, should the Reporter see merit in the suggested change requested by Wallace Land c/o Geddes Consulting (0448) this would be acceptable to the council. No other modifications to the LDP in relation to the submissions made are proposed.

Reporter’s conclusions:

1. In addition to those representations referred to by the council above, Walker Group (0423) has made comments on matters relating to Policy HOU 8 Healthcare and Community Facilities in New Housing Development, and how healthcare facilities are paid for. In any event, my conclusions below address all the unresolved matters raised in the representations.

Background

2. Circular 3/2012 (‘Planning Obligations and Good Neighbour Agreements’) outlines the circumstances in which planning obligations can be used, and it establishes five policy tests (in its paragraph 14), all of which must be satisfied in order for section 75 obligations to be sought.

3. Representations have challenged the legitimacy of the basic premise of Policy HOU 8, which seeks contributions towards healthcare provision. It is argued that the policy is unreasonable, as healthcare is a statutory requirement funded through general

taxation, it is beyond the remit of the council to implement the policy and the plan does not provide any detail on why such contributions may be necessary, or where this requirement may apply. An English appeal decision has been cited in support of these arguments.

Circular 3/2012 policy tests

4. The circular does not include or exclude any specific forms of infrastructure, services or facilities from the potential scope of planning obligations. The appropriateness or otherwise of any obligation rests on whether it would satisfy the policy tests referred to above, as interpreted by emerging case law and amended by subsequent amendments and legislation. In order to establish whether healthcare ought to be considered outwith the scope of planning obligations, I have had regard to each of the policy tests in turn below:

Necessity test

5. Planning obligations are typically accepted as necessary and the most appropriate mechanism to robustly ensure any agreed payment is received in full and on time. There is certainly no basis to explicitly dismiss using obligations (as opposed to an alternative mechanism) as unnecessary in regard to healthcare, be it to secure a financial contribution or some form of physical development.

Planning purpose test

6. An obligation must relate to the use and development of land. A substantial amount of housing is being sought over the proposed plan period. Inevitably, new residential development of the scale being proposed will result in some localities experiencing considerable population growth, which directly increases demands for health services in localities. Depending on the types of housing being built, this could also alter the nature of health care needed in an area, by altering the overall demographic of the population (for instance, children typically place different types of demands on health services to the elderly). In the absence of a mechanism to provide an adequate quantity and quality of health care provision to meet the needs of residents of new developments, this could in some locations become a barrier to development, to the detriment of the spatial strategy.

7. The circular expects development plans to assist developers to identify the likelihood of a planning obligation and its likely financial requirements. Policy HOU 8 goes some way towards satisfying the circular in this regard by identifying that developer contributions may be sought in relation to health service provision. I note also that the policy is intended to be accompanied by supplementary guidance, which will be able to give clarity to how the policy will be implemented. I am satisfied therefore that there is a clear planning purpose for potentially seeking such contributions.

Relationship to proposed development test

8. It is contended by Homes for Scotland that new healthcare provision would have 'no immediate and automatic relationship' to proposed development, and that healthcare is not comparable to education in this regard.

9. In circumstances where development would create a direct need for particular facilities, or cumulatively place additional requirements on infrastructure, the circular

makes clear that planning obligations may be appropriate to overcome or mitigate what would otherwise be a barrier to granting planning permission. In circumstances where established health facilities would be unable to accommodate the additional patients directly generated by a new development therefore, there would be a very clear direct relationship. As such I see no reason why, in principle at least, the prospect of a planning obligation should be ruled out against this circular policy test.

10. Compliance with the circular is a recurring concern in representations relating to the implementation of the proposed policy. I consider the wording of Policy HOU 8 could be more tightly drawn to better reflect the need for a direct relationship between the development and any contributions being sought. Accordingly I have recommended a modification to this effect.

Scale and kind test

11. No substantive evidence has been submitted by any party to suggest that any contributions being sought under this policy would be incapable of being appropriately related in scale and kind to the proposed development. The modification I have recommended, as referred to in the preceding paragraph, would also improve the policy's clarity in regard to meeting this circular policy test, by making clear that contributions would be focused on meeting needs arising from the development, rather than addressing any existing deficiencies.

Reasonableness test

12. I accept the point made in representations that healthcare is a statutory requirement which is principally funded through UK general taxation. These established funding arrangements do not preclude planning contributions being sought however, where a development would directly give rise individually or cumulatively to the need for additional or an improved range of health services.

13. The council has drawn comparisons between its intended approach in Policy HOU 8 and the legitimacy of seeking developer contributions to provide additional school places and other infrastructure, where the need arises as a result of development. I note in relation to Issues 1F and 1J that representations do not challenge the overarching principle of seeking planning contributions towards providing additional school capacity. It is well-established practice for such contributions to be sought where appropriate. Education is funded by the local authority using its block grant from government and its own tax-raising powers, so there are differences between how healthcare and education are funded. However, they are both ultimately funded from taxation, the precise mechanisms for its collection and allocation being largely irrelevant to the question over the principle of seeking planning contributions. In this regard, the objections to healthcare provision being subject to planning contributions, based on it ordinarily being funded through taxation, are somewhat untenable.

14. The circular policy tests do not concern themselves with how services and infrastructure may ordinarily be funded. The focus of any contributions for healthcare (or any other services and infrastructure) would not be related to the day-to-day revenue costs arising from the additional pressures upon it from a development but, if applicable, from the extraordinary capital investments needed specifically in order to provide an adequate level of provision to accommodate the development and its residents. It is on this basis that planning contributions could reasonably be sought and, subject to meeting

all of the circular's requirements, I do not consider the wider funding regime for health services to have a bearing on the legitimacy of the council seeking contributions for this purpose in principle. I have noted the English appeal decision where a planning inspector reached a different view on a similar matter, but the weight I attach to that single decision is limited, and it in no way obliges me to conclude the same. For the reasons outlined above, I see no reason why such contributions would not potentially be justified.

Other matters

15. Paragraph 30 of Circular 3/2012 emphasises the importance of the plan-led approach and the value of formal policies relating to planning obligations within development plans, including supplementary guidance. Representations have noted an absence of detail and that the policy appears to be a 'hook' for forthcoming supplementary guidance.

16. Paragraph 32 of the Circular states that 'Broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the SDP or LDP...' whilst 'Methods and exact levels of contributions should be included in statutory supplementary guidance'. I consider the policy satisfies those aspects of the above which are incumbent upon LDPs to address, and I therefore find the general approach being taken and the level of detail provided in the plan to be acceptable.

17. One representation has contended that the supporting text in paragraphs 5.93 to 5.95 of the plan is inconsistent with Policy HOU 8, and proposes amendments to the policy to remove references to health services. The council agrees that there is inconsistency between the policy and supporting text, and has also stated that the amendments suggested in the representation would be acceptable.

18. I also find that the supporting text (paragraphs 5.93 to 5.95) does not substantiate the policy approach. However, the suggested change referred to above would in effect remove the policy requirement to seek planning contributions towards health service provision altogether. I am surprised that the council has indicated its agreement to such a suggestion, particularly given that it has, elsewhere above, robustly defended its proposed policy position on this matter.

19. I do not consider the suggested modification to the policy to be justified, based on my conclusion above that the principle of seeking contributions for this purpose is legitimate. In order to better reflect the policy approach within the supporting text therefore, a modification to this is required. This is included in my recommendations below.

20. One representation (which supports the inclusion of Policy HOU 8) requests that an additional policy be added to the plan to give consideration to a potentially wider range of community facilities. I am however satisfied that the policy, as drafted, provides a sufficient degree of flexibility in relation to what may be within its scope. This must be tempered by the need for individual contributions to clearly meet the Circular policy tests outlined above. Therefore, expanding the range of community facilities further, beyond those identified as required, would be unjustified. No modifications are required in response to this representation.

Reporter's recommendations:

1. Amend the wording of the first paragraph of Policy HOU Healthcare and Community Facilities in New Housing Development 8 to read as follows:

'In locations where the capacity, quality or locations of health service provision and/or community facilities are identified as being inadequate to meet the needs arising from a proposed development, an appropriate developer contribution may be sought to ensure a satisfactory quantity or quality of such provision, commensurate with the impact of the new development.'

2. Amend the last sentence of paragraph 5.94 to read as follows:

'The development plan can however allocate land for new health centres, and assist in joint working including, where appropriate, seeking planning contributions where the need for additional and/or improved facilities would arise directly from a development.'

Issue 26J	Landscape character and special landscape areas	
Development plan reference:	Policy ENV 1	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (0238) Wallace Land Investment & Management (0454) Peter Buck (21803202) Andrew Dodds (21903259)</p>		
Provision of the development plan to which the issue relates:	<p>Proposed LDP – p. 41 Proposals Maps 1 – 5 Proposed Local Development Plan supporting document: West Lothian Local Landscape Designation Review (LLDR) Proposed LDP supporting document: West Lothian Landscape Character Classification (WLLCC)</p>	
Planning authority's summary of the representation(s):		
<p><u>Policy ENV 1 wording – addition</u></p> <p>Wallace Land Investment & Management (0454) - an additional phrase is recommended: <i>'and this impact cannot be appropriately mitigated'</i> to bring the policy in line with Policy DES1: <i>Design Principles</i> which refers to <i>'significant adverse unmitigated impact on landscape character'</i>.</p> <p><u>Policy ENV 1 preamble wording – revision</u></p> <p>Scottish Natural Heritage (0238) – changes are requested to wording of paragraph 5.142 to reflect Scottish Natural Heritage's partnership with the council.</p> <p><u>Status of supporting documents</u></p> <p>Scottish Natural Heritage (0238) – the status of the supporting documents [West Lothian Local Landscape Designation Review (LLDR) and West Lothian Landscape Character Classification (WLLCC) arising from partnership work on landscape character work is queried.</p> <p><u>Housing allocation conflicts with terms of Policy ENV 1</u></p> <p>Peter Buck (21803202) – the allocation of housing site H-LL 12 Preston Farm in Linlithgow is objected to because it conflicts with policy ENV1 which protects landscape character.</p> <p><u>West Lothian Local Landscape Designation Review – omission of landscape protection from areas adjacent to Westfield and Bridgecastle</u></p> <p>Andrew Dodds (21903259) – areas adjacent to Westfield and Bridge Castle (or Bridgecastle) along with Barbauchlaw Glen should not be omitted from protection through the new Blackridge Heights Special Landscape Area (SLA). The peatbog to the</p>		

southeast of Bridgecastle and the Area of Great Landscape Value (AGLV) which forms a dog leg to the north of the historic village of Bridgecastle should be protected from development through designation as Special Landscape Area. The results of the West Lothian Local Landscape Designation Review (LLDR) (CD87) are not agreed with on this point.

West Lothian Local Landscape Designation Review – omission of landscape protection from woodland in Barbauchlaw Glen

Andrew Dodds (21903259) – the woodland area in Barbauchlaw Glen requires ongoing protection as an Area of Special Landscape Control. The results of the West Lothian Local Landscape Designation Review (LLDR) (CD087) are not agreed with on this point.

Modifications sought by those submitting representations:

Policy wording – addition

Wallace Land Investment & Management (0454) - an amendment is sought as highlighted below.

Policy ENV 1 Landscape character and special landscape areas

Development will not be permitted where it may significantly and adversely affect local landscape character and this impact cannot be appropriately mitigated. Where development is acceptable it should respect this landscape character and be compatible in terms of scale, siting and design. New rural development will be required to incorporate design elements to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.

Within the Special Landscape Areas (SLAs) shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated. Development proposals 'outwith' these areas which would affect its setting from strategic viewpoints will be subject to detailed visual appraisal and will not be supported if it adversely affects the designated area.

Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual impact assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit can be achieved.

The council will seek to protect and enhance landscape character and local landscape designations in accordance with Supplementary Guidance 'Landscape character and local landscape designations' and 'Green Networks'.

Policy ENV 1 preamble wording - addition

Scottish Natural Heritage (0238) – while no specific wording is suggested it is clear and understandable that Scottish Natural Heritage (SNH) seek acknowledgement of their support both in an advisory role and as a funder.

Status of supporting documents

Scottish Natural Heritage (0238) - Clarification of the status of the Proposed Local Development Plan supporting documents is sought.

Housing allocation conflicts with terms of Policy ENV 1

Peter Buck (21803202) – the removal of site H-LL 12 Preston Farm is sought.

West Lothian Local Landscape Designation Review (CD087) - omission of landscape protection from areas adjacent to Westfield and Bridgecastle

Andrew Dodds (21903259) – while a specific modification has not been stated it is intimated that the respondent would like the areas adjacent to Westfield and Bridgecastle reinstated for landscape protection through inclusion in the Blackridge Heights Special Landscape Area (SLA). This proposed reinstatement of protection is justified through challenge to the results of the Local Landscape Development Review.

West Lothian Local Landscape Designation Review (CD087) – omission of landscape protection from woodland in Barbauchlaw Glen

Andrew Dodds (21903259) – while a specific modification has not been stated it is intimated that the respondent would like ongoing protection through local landscape designation of the woodland area in Barbauchlaw Glen. This proposed reinstatement of protection is justified through challenge to the results of the Local Landscape Development Review (LLDR).

Summary of responses (including reasons) by planning authority:LDP policy background

The background to Policy ENV 1 *Landscape character and special landscape areas* is well explained in the proposed plan at paragraph 5.143:

The council undertook a 'Local Landscape Designation Review' (LLDR) in 2013 which identified 'Candidate' Special Landscape Character Areas (cSLA's). The review was consistent with the terms of SDP policy 13: 'Other Countryside Designations' and has informed the selection and identification of the SLAs which are shown on the proposals maps and which contribute to the development and extension of landscape components of the West Lothian green network, in accordance with SDP policy 11: 'Green Networks'. (SDP = Scottish Development Plan)

Policy wording – addition

Wallace Land Investment & Management (0454) – the council does not agree that wording within the policy should be changed as it already appropriately balances development against potential impacts. The policy reflects the requirements of Scottish Planning Policy. The wording changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy ENV 1.

The council does not therefore agree to modify the Plan in response to this

representation.

Policy ENV 1 preamble wording – addition

Scottish Natural Heritage (0238) – while reference is made to support the active role which Scottish Natural Heritage had in preparing and updating landscape character assessment work in the West Lothian Landscape Character Classification (CD242), a more fulsome recognition will be offered in Planning Guidance *Landscape Character and Local Landscape Designations* subsequent to finalisation of the Local Development Plan.

The council does not therefore agree to modify the Plan in response to this representation.

Status of supporting documents

Scottish Natural Heritage (0238) – West Lothian Local Landscape Designation Review (LLDR) (CD087) & West Lothian Landscape Character Classification (WLLCC) (CD242) are technical supporting documents which informed the Proposed LDP and will in due course inform Planning Guidance *Landscape Character and Local Landscape Designations* to be produced subsequent to finalisation of the Local Development Plan.

Council Executive at its meeting of 15 September 2015 (CD431a & b) considered Item 17 West Lothian Local Development Plan and approved recommendation 9: Approve the proposed amendments to the West Lothian Local Landscape Designation Review. From thence onward the Local Development Plan Proposed Plan has been a material consideration in the determination of any planning applications for development in West Lothian.

The council does not therefore agree to modify the Plan in response to this representation.

Housing allocation conflicts with terms of Policy ENV 1

Peter Buck (21803202) – it is true that the land surrounding the Linlithgow area scored very highly in terms of the landscape character as evidenced by Table 4.2 (CD087, p. 43). Underlying landscape character is one of a range of factors which is used in scoring potential sites for allocation as housing. For a town like Linlithgow which is encircled by high quality landscape it is inevitable that any expansion however restrained will extend into such areas thus other factors such as proximity to infrastructure, utilities and site access become more important factors to be balanced when weighing up site selection.

Further, much of the expansion of demand for Linlithgow has been shifted to Winchburgh where landscape character is more conducive to supporting the spatial strategy for West Lothian and greater land take and considerably larger housing numbers are allocated in the Proposed Local Development Plan. Incidentally, it is likely that much of the landscape around the historic town of Linlithgow before the modern commuter housing estates were built was likely to be situated on areas of highly valued landscape character.

At planning application stage, a high quality of landscape design will be requested and reviewed as part of the assessment of an application for site H-LL 12 Preston Farm.

The allocation of housing site H-LL 12 Preston Farm in Linlithgow does not conflict with Policy ENV 1 due to the reasons given above. Further information can be found in the

Position Statement on “*Local Landscape Designation*”.

The council does not therefore agree to modify the Plan in response to this representation.

West Lothian Local Landscape Designation Review – omission of landscape protection from areas adjacent to Westfield and Bridgecastle

Andrew Dodds (21903259) - Scottish Planning Policy (SPP, 2014) (CD068) requires that the ‘landscape character’ approach as defined by the European Landscape Convention (2000) and set out in Scottish Natural Heritage guidance is followed when reviewing local landscape designations. Landscape character assessment is a process which classifies, evaluates and analyses landscape as a basis for decision making. The aim of Scottish Planning Policy 2014 is for a consistent, methodical and robust approach yielding a single-tier of local landscape designation across Scotland i.e. Special Landscape Areas (SLA).

The current set of local landscape designations in West Lothian evolved over many decades. They lack clearly defined boundaries and justification for selection of areas, nor do they provide clarity for the landscape qualities and values which they protect. These weaknesses leave potential for challenges to the integrity of the landscape designations in the adopted West Lothian Local Plan (CD092): Areas of Great Landscape Value (AGLV) and Areas of Special Landscape Control (ASLC).

The West Lothian Local Landscape Designation Review (CD087, LLDR) was undertaken in 2014 by Land Use Consultants to address these issues and produce viable landscape protection designations going forward. It is considered that the methodology for the selection of Special Landscape Areas is robust and defensible

The findings of the West Lothian Local Landscape Designation Review (LLDR) are largely taken forward in the West Lothian Local Development Plan. Some adjustments to the Blackridge Heights AGLV (Area of Great Landscape Value) boundaries have been required due to the underlying landscape character areas ranked only in the middle third against LLDR (Local Landscape Development Review) criteria – below the cut-off line for designation - thus a reduction in the size of the area for landscape protection was seen as acceptable. Blackridge Heights is the weakest of the Special Landscape Area in scoring terms. Hence the Blackridge Heights Special Landscape Area focuses on the highest scoring areas within it in landscape character terms being the core Heights area and Blawhorn Moss National Nature Reserve and Special Area of Conservation.

The loss of landscape protection at and near Gowanbank / Muckraw and west of Bridgehouse / Bridgecastle while regretted is considered acceptable as there is little development pressure in this area as evidenced at the Expression Of Interest and Main Issues Report (MIR, CD079) stage in the Local Development Plan’s preparation.

The council does not therefore agree to modify the Plan in response to this representation.

West Lothian Local Landscape Designation Review (CD103) – omission of landscape protection from woodland in Barbauchlaw Glen

Andrew Dodds (21903259) – Why the Blackridge Heights Special Landscape Area does

not extend further east into Barbauchlaw Glen is explained by the need to focus the designation (explained immediately above), and define a firm boundary along the disused railway line.

None of the Areas of Special Landscape Control including the one for Barbauchlaw Glen survived the Local Landscape Designation Review and this is largely because they were designed as vehicles to prevent intrusive development, principally along riparian corridors and encourage environmental improvement i.e. tree planting and access works along these relatively narrow linear landscape features that had largely not been affected by development. Landscape quality was not an important feature in these designations and therefore they do not merit the protection of a local landscape designation, however many of the ASLC's (Areas of Special Landscape Control) are protected through overlapping designations and policy constraints such as the general restraint on development in the countryside: Proposed Local Development Plan policies ENV 1 and 2.

In the case of loss of landscape protection for the Barbauchlaw Glen ASLC (Areas of Special Landscape Control) it was thought that policy framework in the Proposed Local Development Plan would offer a more appropriate mechanism for support through such policies as:

Policy ENV 9 *Woodlands, forestry, trees and hedgerows*

Policy ENV 11 *Protection of Water Environment/ Coastline and Riparian Corridors*

The Barbauchlaw Glen and the woodland along it sit within such a riparian corridor. Further, the sides of the Barbauchlaw Burn to the west of Armadale are steep and thus topography is a significant constraint on development.

The council does not therefore agree to modify the Plan in response to this representation.

Summary

The council does not agree to any modifications of Policy ENV 1 in response to the above representations.

The Landscape Position Statement (CD212) sets out the council's approach to local landscape designation, including policy provision and identification of Special Landscape Areas, as set out in the West Lothian Local Development Plan – *Proposed Plan* (Pages 41, 42, 268 and Maps 1 - 5).

Any further plan changes recommended by the planning authority

No further plan changes are proposed to Policy ENV 1 *Landscape character and special landscape areas*.

Reporter's conclusions:

1. Objections to the allocation of site H-LL 12 Preston Farm, Linlithgow are considered under Issue 15A.

Landscape Character Assessments

2. The changes to paragraph 5.142 suggested by Scottish Natural Heritage (SNH) are very minor, and would have no effect on how the plan is used and applied. No modifications to this paragraph are required.

Mitigation of impacts on landscape character

3. Proposed Policy DES 1 Design Principles does not make specific reference to mitigation of impacts on landscape character. Although it would have been open to the council to refer to the prospect of mitigating landscape impacts in Policy ENV 1 Landscape character and special landscape areas, I do not think that the policy is deficient without that. It would be implicit in many policies of the plan (DES 1 being one such example) that mitigation of the impacts they cover would mean that the requirements of the policy would be satisfied. There is no need, in this case for Policy ENV 1, to spell that out.

The Blackridge Heights and Barbauchlaw Glen

4. Andrew Dodds refers to land near Westfield; Barbauchlaw Glen; Bridge Castle and its surroundings (including listed buildings) and an area of peat bog near Bridgehouse. All of these areas, it is stated, should be included within the Blackridge Heights Special Landscape Area. In considering this issue, I have had regard to the West Lothian Local Landscape Designation Review (LLDR) (CD87), referred to by the council above, to the council's Position Statement: Local Landscape Designations (CD212), and to the council's response to the related matters raised at Issue 1B.

5. Firstly, I support the council's approach of replacing the former Areas of Great Landscape Value (AGLV) and the Areas of Special Landscape Control with a single form of local landscape designation – Special Landscape Areas. This is a simpler approach (which I think is for the better) and one which is better aligned with SPP and with the SNH/Historic Environment Scotland guidance.

6. I take account of the detailed comments provided by Mr Dodds, and I recognise of course that these landscapes may be locally valued. However, it seems to me that the LLDR was carried out using a robust methodology and with access to an appropriate level of expertise. I note that the Avonbridge to Armadale Plateau Edge landscape unit (part of which was included in the AGLV) received relatively low scores for landscape character and quality. As a result, this part of the AGLV was not considered a suitable candidate for inclusion in a SLA. Indeed, the Blackridge Heights unit was not itself amongst the group of units which received the highest scores. Within that unit, it was Blawhorn Moss and Eastcraigs Hill (well to the southwest of Westfield and Bridgecastle) which were considered suitable as forming the core of the SLA. Having visited all these areas, and whilst recognising that the farmland to the south and southwest of Westfield is generally attractive, I do not disagree with these conclusions.

7. Barbauchlaw Glen (which was not part of the AGLV but which was an area of special control) lies within the larger Avonbridge to Armadale Plateau Edge landscape unit. I recognise that the glen is a discernible landscape feature. However, on the basis of an approach to designating SLAs based on larger units of landscape character (and which, as I state above, I support), I am not persuaded that the attributes of the glen are so distinctive as to justify its inclusion as part of the Blackridge Heights SLA (which is quite

different in character) or as a SLA in its own right.

8. Finally, there remain of course a number of other policies in the plan which would apply to development in these areas and which would provide an appropriate framework for considering any future development proposals there. For example, any listed buildings at Bridge Castle would be protected by Policy ENV 28 Listed Buildings, and indeed by the statutory provisions relating to development affecting the special interest or character of listed buildings or their settings.

Reporter's recommendations:

No modifications.

Issue 26K	Loss of prime agricultural land	
Development plan reference:	Policy ENV 4	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Fraser McCluskey (21910234) Matt Wallace (21909794) James Boyd (21908747) James Jamieson (21906511) Moirra Tweedie (21906311) Andrew McIntosh (21905608) Ian Brownell (21903174) Gordon Cameron (21899011) John Watson (21898420) Iain MacLeod (21890779) Allan Melling (21890279) Louise Clements (21886028) Elizabeth Halliday (21872575) Jim Hannan (21870675) Douglas Hanley (21832880) West Lothian Health Improvement and Inequalities Alliance (21798318) Heather Adam (21772368) Irene Fortune (21770063) Paul Buchanan-Smith (21755712) Robert McMillan (21749350) Emma Gordon (21495743) Iain McLean (20972986) Transition Linlithgow (0363) Wallace Land Investment & Management (0437)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – Vision Statement & Aims (page 43) Policy ENV 4 that deals with the loss of prime agricultural land.	
Planning authority's summary of the representation(s):		
<p>Fraser McCluskey (21910234), Matt Wallace (21909794), James Boyd (21908747), James Jamieson (21906511), Moirra Tweedie (21906311), Andrew McIntosh, (21905608), Gordon Cameron (21899011), Allan Melling (21890279), Elizabeth Halliday (21872575), Jim Hannan (21870675), Douglas Hanley (21832880), Irene Fortune (21770063) and Paul Buchanan-Smith (21755712) - objects to housing allocation site H-LL 4 (Land east of Manse Road) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.</p> <p>Ian Brownell (21903174) - objects to the continual urbanisation of Linlithgow on the grounds that development of these sites are contrary to the terms of policy ENV 4.</p> <p>John Watson (21898420) - objects to housing allocation site H-LL 10 (Clarendon Farm) in</p>		

Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

Robert McMillan (21749350) and Iain McLean (20972986) - objects to housing allocation site H-LL 11 (Wilcoxholm Farm / Pilgrims Hill) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

Iain MacLeod (21890779) and Emma Gordon (21495743) - objects to housing allocation site H-LL 12 (Preston Farm) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

Heather Adam (21772368) - objects to housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) in Linlithgow on the grounds that development of these sites is contrary to the terms of policy ENV 4.

Louise Clements (21886028) - objects to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston on the grounds that this land is of significant agricultural importance and would therefore be contrary to the terms of policy ENV 4.

The council's response to the housing allocations in Wilkieston is set out in a separate Schedule 4 number (23A)

Transition Linlithgow (0363) - Transition Linlithgow is deeply concerned about the sustainability and security of future food supplies across Scotland, and the need to protect Prime Agricultural Soils in West Lothian and around Linlithgow. Transition Linlithgow state that policy ENV 4 only addresses this concern in-part, however. Where agricultural land is not formally identified as 'prime', all efforts should be made to avoid using arable land for housing or employment sites. This better ensures the food security, resilience and sustainability of West Lothian and Scotland.

West Lothian Health Improvement and Inequalities Alliance (21798318) - support this policy that seeks to protect prime agricultural land.

Wallace Land Investment & Management (0437) - proposes modification of Policy ENV 4. Assumes the 'and's in the policy are included in error and the majority should read 'or', otherwise the effect of the policy would be to allow almost no development as all of the policy criteria would have to be satisfied simultaneously.

There is a requirement from SPP and SESplan to ensure that the policy framework in a Local Development Plan will continue to maintain a 5 year effective housing land supply over the LDP period.

In the event of a failing housing land supply, there are unlikely to be enough suitable brownfield sites available that could be used to address the shortfall. Therefore, the development of greenfield sites is acceptable in principle. It is a fact that most of the land adjacent to West Lothian's settlements is of prime agricultural quality.

Therefore it is inevitable that some prime quality land will be required to address any shortfall in the effective housing land supply.

The Plan's SEA Environmental Report (August 2014) notes the lack of brownfield/non-

prime sites available in the West Lothian area (para 4.4.7). Indeed, many of the proposed allocations in the LDP are also prime agricultural land, reflecting the lack of available alternatives in meeting housing requirements.

Scottish Planning Policy (paragraph 80) (CD068) notes that where it is necessary to use good quality land for development, the layout and design should minimise the amount of land that is required. This could be included within the policy.

This approach and modification is in accord with the policy requirements of SESplan and SPP.

Modifications sought by those submitting representations:

Fraser McCluskey (21910234), Matt Wallace (21909794), James Boyd (21908747), James Jamieson (21906511), Moira Tweedie (21906311), Andrew McIntosh (21905608), Gordon Cameron (21899011), Allan Melling (21890279), Elizabeth Halliday (21872575), Jim Hannan (21870675), Douglas Hanley (21832880), Irene Fortune (21770063) and Paul Buchanan-Smith (21755712) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation H-LL 4 (Land east of Manse Road) is set out in a separate Schedule 4 number (15A).

Ian Brownell (21903174) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocations in Linlithgow are set out in a separate Schedule 4 number (15A).

John Watson (21898420) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 10 (Clarendon Farm) is set out in a separate Schedule 4 number (15A).

Robert McMillan (21749350) and Iain McLean (20972986) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) is set out in a separate Schedule 4 number (15A).

Iain MacLeod (21890779) and Emma Gordon (21495743) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 12 (Preston Farm) is set out in a separate Schedule 4 number (15A).

Heather Adam (21772368) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) H-LL 12 (Preston Farm) are set out in a separate Schedule 4 number (15 A).

Louise Clements (21886028) - no specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston is set out in a separate Schedule 4 number (23A).

Transition Linlithgow (0363) - no specific modification of policy ENV 4 has been sought.

West Lothian Health Improvement and Inequalities Alliance (21798318) - no specific modification of policy ENV 4 has been sought.

Wallace Land Investment & Management (0437)- proposes modification of Policy ENV 4. Recommend the policy reads as set out below (changes in ***bold italic***).

POLICY ENV 4 Loss of prime agricultural land

Development will not be permitted where it results in the permanent loss of prime agricultural land as defined by the James Hutton Institute Land Capability Classes 1, 2, and 3.1 unless it can be demonstrated that:

- a. the development forms a key component of the spatial strategy set out in the LDP, or the site benefits from planning permission, ***or the site's development is justified on the basis of a shortfall in the 5-year effective housing land supply and accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with Policy HOU3; and or***
- b. the proposal is necessary to meet locational need, for example for essential infrastructure; and
- c. there are no other suitable sites available; ~~and~~ ***or***
- d. the proposal is for small-scale development directly linked to a rural business; ~~and~~ ***or***
- e. the proposal provides for the generation of electricity from a renewable source or the extraction of minerals where this accords with other LDP policies.

The layout and design of proposals should minimise the amount of prime agricultural land required.

Summary of responses (including reasons) by planning authority:

Fraser McCluskey (21910234), Matt Wallace (21909794), James Boyd (21908747) James Jamieson (21906511), Moira Tweedie (21906311), Andrew McIntosh (21905608), Gordon Cameron (21899011), Allan Melling (21890279), Elizabeth Halliday (21872575), Jim Hannan (21870675), Douglas Hanley (21832880), Irene Fortune (21770063) and Paul Buchanan-Smith (21755712) - no modification proposed.

The council's response to the housing allocation H-LL4 (Land east of Manse Road) is set out in a separate Schedule 4 number (15A).

Ian Brownell (21903174) - no modification proposed.

The council's response to the housing allocations in Linlithgow are set out in a separate Schedule 4 number (15A).

John Watson (21898420) - no modification proposed.

The council's response to the housing allocation site H-LL 10 (Clarendon Farm) is set out in a separate Schedule 4 number (15A).

Robert McMillan (21749350) and Iain McLean (20972986) – no modification proposed.

The council's response to the housing allocation site H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) is set out in a separate Schedule 4 number (15A).

Iain MacLeod (21890779) and Emma Gordon (21495743) - no modification proposed.

The council's response to the housing allocation site H-LL 12 (Preston Farm) is set out in a separate Schedule 4 number (15A).

Heather Adam (21772368) - no modification proposed.

The council's response to the housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) H-LL 12 (Preston Farm) are set out in a separate Schedule 4 number (15A).

Louise Clements (21886028) - no modification proposed.

The council's response to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston is set out in a separate Schedule 4 number (23A).

West Lothian Health Improvement and Inequalities Alliance (21798318) - no modification proposed. Support of this policy is noted.

Wallace Land Investment & Management (0437) - the Council has carefully considered the arguments put forward in support of modifying the wording of Policy ENV 4.

The council does not agree with the modifying this policy with respect to effective housing land supply as this is dealt with through policies HOU 1 and HOU 2 in the proposed plan.

The council's response to the housing land supply is set out in a separate Schedule 4 number (1A).

With respect to the addition of wording in relation to design, this is covered by policy DES 1, however the council does see merit in a cross reference within policy ENV 4 to policy DES 1 and should the reporter find favour in this change, the council would not be opposed.

Reporter's conclusions:

1. We address the concerns raised about allocated housing sites in Linlithgow under Issue 15A, and site H-WI 2 East Coxydene Farm in Wilkieston under Issue 23A. The representations from the West Lothian Health Improvement and Health Inequalities Alliance do not raise any unresolved issues in respect of Policy ENV 4 Loss of prime agricultural land.

2. Transition Linlithgow wishes to see all arable land (not just prime land) protected for food production where possible. Ian Findlay (21863501) also says that development should in preference be on brownfield rather than agricultural land. I recognise the benefits of minimising the loss of productive agricultural land. However, the plan needs to balance a number of competing considerations. Transition Linlithgow has not proposed a specific change to the plan, and the plan's promotion of the development of brownfield

land (which would help reduce the loss of agricultural land) and its protection for prime land are supported by Scottish Planning Policy (SPP).

3. SPP (at paragraph 80) also allows for the protection of lesser quality agricultural land which is locally important. It has not been argued that lesser quality land is of particular importance to West Lothian. In this context I do not consider that there is a strong policy basis for extending specific protection to other arable land.

4. It is plain to me that an approach which is to be consistent with SPP (again with reference to paragraph 80) would require the 'and' at the end of each of the criteria in Policy ENV 4 to be 'or'. Besides, the policy would not make sense without such a change – there is little prospect of any development being able to satisfy all five criteria, as the current wording of the policy seems to expect. Criteria b. and c. should be combined to further aid consistency with SPP. I also agree that it would be helpful for the policy to seek that any loss of prime land be minimised.

5. I recognise the potential for tension between the provisions of this policy and the requirement to maintain a sufficient supply of effective housing land. However, SESplan Policy 7 as well as Policy HOU 2 Maintaining an Effective Housing Land Supply of this plan (if modified in accordance with our recommendations under Issue 1A) would provide a direct policy mechanism for considering proposals for housing development on unallocated sites when a shortfall exists. There is no need to re-enforce those kind of provisions (and those in SPP, which would apply anyway) in ENV 4. There are several other policies in the proposed plan which, if the approach favoured by Wallace Land was to be followed consistently, would also need to be so amended. I think it simpler to let SESplan Policy 7 and Policy HOU 2 remain the most directly relevant policies should a shortfall in the supply of effective housing land exist.

Reporter's recommendations:

1. In Policy ENV 4 Loss of prime agricultural land:

1.1 Replace criteria b. and c. with a new criterion b. as follows:

'the proposal is necessary to meet locational need, for example for essential infrastructure, and there are no other suitable sites available'

1.2 Change the 'and' at the end of each criteria a. to d (a. to c. as modified) to 'or'.

1.3 Insert a new sentence at the end of the policy as follows:

'The layout and design of proposals should seek to minimise the amount of prime agricultural land required.'

Issue 26L	Countryside Belts and settlement setting	
Development plan reference:	Policy ENV 7	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Transition Linlithgow (0363) Wallace Land Investment and Management (0438) BDW Trading Limited and H & J Russell (21863641) Homes for Scotland (0239 and 0422)</p>		
Provision of the development plan to which the issue relates:	<p>Proposed LDP - pages 42, 44 Proposals Maps: 1-5</p>	
Planning authority's summary of the representation(s):		
<p><u>Policy wording – additional justification for designations and provision of supplementary guidance</u></p> <p>Wallace Land Investment and Management (0438) – additional text is requested to be added as paragraph 3 to Policy ENV 7 requiring justification of supplementary guidance for Countryside Belts because;</p> <ul style="list-style-type: none"> ▪ supplementary guidance should be provided and consulted upon to justify and explain designated Countryside Belts; ▪ not compliant with SESplan Policy 13 requirement to 'justify additions or deletions' to countryside designations though it is noted that some designated previously; and ▪ proposed <i>Linlithgow / Philpstoun & Bridgend Countryside Belt</i> is entirely new. It does not feature in the previous Local Plan and has been introduced without any justification, contrary to SESplan policy 13. <p>Wallace Land Investment and Management (0438) and Homes for Scotland (0239 and 0422) intimate that:</p> <ul style="list-style-type: none"> ▪ there is no justification provided for Countryside Belts, although they are partly included on landscape grounds; ▪ the purpose of each designated Countryside Belt is not clarified hence the exceptions criteria at a specific location are not made apparent ; <p><u>Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development</u></p> <p>Wallace Land Investment and Management (0438) – propose additional wording to exception criteria (d) would allow for greenfield residential development where a shortfall in the 5- year effective housing land supply can be proven and is consistent with the guiding principles of sustainable development based on the following rationale:</p> <ul style="list-style-type: none"> ▪ requirement from Scottish Planning Policy and SESplan to ensure that the policy 		

framework in a Local Development Plan will continue to maintain a 5 year effective housing land supply over the Local Development Plan period;

- not consistent with Scottish Planning Policy 2014 para. 29 (CD068) (presumption in favour of sustainable development), nor Proposed Local Development Plan Policy HOU 3: *Infill / Windfall Housing Development within settlements*;
- Countryside Belts should not be drawn too tightly to avoid constraining the ability to take action to address any shortfall in the supply by releasing additional housing sites particularly when considered alongside other designations including proposed Special Landscape Areas;
- conflicts with the aims of Proposed LDP Policy HOU 2: *Maintaining an Effective Housing Land Supply* by constraining the potential to address any housing land supply shortfall through the release of additional greenfield sites on the edge of settlements; and
- not consistent with Scottish Planning Policy para 50 (spatial strategy) which expects green belts, or Countryside Belts in this instance, to have regard to sustainable locations for development in the longer-term, in other words not to be drawn too tightly so that they are of only short-term relevance.

Homes for Scotland (0239 and 0422) however seek the removal of paragraph 5.144, 5.145 and Policy ENV 7.

Livingston Countryside Belt at Murieston – not consistent with ‘green belt’ criteria for SESplan Policy 7: *Maintaining a Five Year Housing Supply*

BDW Trading Limited and H & J Russell (21863641) - object to the non-inclusion of land west of Murieston Road as a housing allocation because it is not consistent with the Strategic Development Plan's (SDP 2013) (CD099) Policy 7: *Maintaining a Five Year Housing Land Supply* criteria (b) which requires that development will not undermine green belt objectives, and therefore those of the Livingston Countryside Belt.

Policy ENV 7 is not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

Transition Linlithgow (0363) – Countryside Belts have been a key planning policy mechanism for decades. The policy is no longer robust due to inclusion of proposals P-43 (Burghmuir high amenity employment site) and P-45 (Coach park and ride facility) within Linlithgow's defined Countryside Belt.

Modifications sought by those submitting representations:

Policy wording – additional justification for designations and provision of supplementary guidance

Wallace Land Investment and Management (0438) – the following additional text is requested to be added as paragraph 3 to Policy ENV 7:

Justification for designation of each area, including the strategic purposes of each, is set out in detailed Supplementary Guidance.

It is intimated in the suggested additional policy text that further 'Supplementary Guidance' should be tabled in LDP Appendix Five – *Supplementary Guidance (SG) and Planning Guidance (PG)*.

Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development

Wallace Land Investment and Management (0438) – additional wording to exception criteria (d) is requested as highlighted below:

(d) there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated. This may include a site that is justified on the basis of a shortfall in the 5-year effective housing land supply and which accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with Policy HOU3.

Livingston Countryside Belt at Murieston – not consistent with 'green belt' criteria for SESplan Policy 7: Maintaining a Five Year Housing Supply

Homes for Scotland (0239 and 0422) seek the removal of paragraph 5.144, 5.145 and Policy ENV 7.

BDW Trading Limited and H & J Russell (21863641) - the objector seeks the inclusion of land west of Murieston Rd as a housing allocation (linked to EOI-0110, MIRQ-0126 Murieston Castle Farm) (CD079, pp. 153 – 157, Map 6) on the basis that it is consistent with policy in Scottish Development Planning 2013 (CD099) and would not undermine the objectives of the Countryside Belt.

Policy ENV 7 not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

Transition Linlithgow (0363) – no specific amendment to the policy is intimated.

Summary of responses (including reasons) by planning authority:

LDP policy background

Green belts come under the 'Placemaking' section of Scottish Planning Policy 2014 (CD078, paras. 49 - 52).

The Strategic Development Plan (SDP 2013, CD099, p. 54) for the SESplan area includes policy which expands the green belt definition as below.

Policy 13: OTHER COUNTRYSIDE DESIGNATIONS

Local Development Plans should review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the Green Belt as appropriate. Opportunities for contributing to the Green Network proposals should also be identified in these areas.

As has been established, the principles for a development planning approach to green belts applies to Countryside Belts in West Lothian.

There are no green belts in West Lothian and the council is not involved in the multi-authority green belt for Edinburgh. Instead, West Lothian has promoted Countryside Belts (CBs) in relation to its smaller communities.

Policy ENV7 *Countryside Belts and settlement setting* has three elements – declaration of designations, strategic purposes and exceptions criteria – as reproduced below.

Policy ENV 7 Countryside Belts and settlement setting

“The following areas, as indicated generally on the Proposals Map are designated as Countryside Belt:

- *Livingston;*
- *Bathgate/Whitburn;*
- *Winchburgh/Broxburn;*
- *East Calder/Kirknewton; and*
- *Linlithgow/ Philpstoun & Bridgend*

The strategic purposes of Countryside Belts are to:

- *maintain the separate identity and visual separation of settlements;*
- *protect the landscape setting of settlements;*
- *promote public access to green space for informal recreation; and*
- *enhance landscape and wildlife habitat.*

Protection and enhancement of the landscape of these Countryside Belts will be sought and encouraged as part of the Central Scotland Green Network and other opportunities, through woodland planting and managed access.

Within designated Countryside Belts, development will not be permitted unless it can be demonstrated that the proposal satisfies following criteria:

- a. a proposal is environmentally acceptable and the criteria set out in the policies ENV 1 – ENV 6 of the LDP can be met;*
- b. the proposal will not undermine any of the strategic purposes as set out above;*
- c. the proposal will not give rise to visual or physical coalescence between settlements, sporadic development, or the expansion of existing clusters of houses (existing groups of houses in the countryside but not within a town or a village) by more than 20% of the number of houses within that group; and*
- d. there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated.”*

The policy combines the two pronged policy approach and the principles from the adopted local plan thereby conforming to the slimmer and rationalised policy approach in Scottish Planning Policy. No supplementary guidance is proposed in Appendix Five of the Proposed Local Development Plan for Countryside Belts.

Policy wording – additional justification for designations and provision of supplementary guidance

Wallace Land Investment and Management (0438) – a consistent policy to apply across all Countryside Belts in West Lothian is set out in Policy ENV 7 rather than setting out specifics for each individual Countryside Belt. They are not justified on an individual basis which could lead to inconsistencies. Countryside Belts support the Spatial Strategy as part of the strategic, forward plan for West Lothian in that they act as a mechanism to

promote containment and protection of settlements and foster place-making through resisting urban sprawl.

With the exception of the proposed Linlithgow/ Philpstoun & Bridgend Countryside Belt, all the countryside belts in the Local Development Plan are brought forward from the adopted local plan.

Scottish Government Circular 6/2013 *Development Planning* (CD033, Figure 2, p. 42) sets out the parameters for Local Development Plan preparation which requires the publishing of two documents leading up to the adoption of a Local Development Plan: Main Issues Report and Proposed Plan. It does not include a draft plan stage, which would require greater clarification of a Local Development Plan's Spatial Strategy approach and the green belt or similar designations which indicate the limits of proposed growth. Therefore council resources were put into preparing an MIR and the technical work for the review of Countryside Belts, whilst undertaken, was undertaken later as part of the preparation for the Proposed Plan in compliance with Strategic Development Plan 2013: Policy 13 (CD099 as above).

Due to resource constraints this information has not been published until now, though a comprehensive background to and review of Countryside Belts in West Lothian is set out and published as a Position Statement: *Countryside Belts* which is submitted as part of the LDP examination.

To overcome this shortcoming of the Proposed Plan in terms of background information to make transparent where and why changes have been made to the Countryside Belts in West Lothian, the council is keen to publish its Position Statement *Countryside Belts* as Planning Guidance. Such a move would not require a change to the wording of Policy ENV 7 as the council is at liberty to publish Non-Statutory Planning Guidance without going through the more rigorous requirements for Supplementary Guidance as indicated on page 36 of Circular 6/2013 (CD033).

Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development

Wallace Land Investment and Management (0438) – the exceptions approach suggested for allowing incursions into Countryside Belts based on 'maintaining a 5 year effective housing land supply' and 'accordance with the guiding principles of sustainable development' would appear to be an approach to promoting the development of greenfield land over more challenging brownfield sites and those within settlement boundaries. Such an approach would undermine the spatial basis for the designation of Countryside Belts. Greenfield sites in general tend to score more poorly than proximate sites to urban areas and require greater investment in completely new physical infrastructure – roads, water, gas, electricity etc. – and are therefore expensive to resource for infrastructure delivery particularly where such residential development is low density.

In summary, Countryside Belts support higher density development within settlement boundaries thus meeting the aims of 'Sustainable Housing Locations' and 'Infrastructure Requirements and Delivery' as set out on pages 8-9 in the Vision Statement and Aims of the proposed plan.

It is the council's view that no change is required to Policy ENV 7.

Livingston Countryside Belt at Murieston – not consistent with ‘green belt’ criteria for SESplan Policy 7: *Maintaining a Five Year Housing Supply*

BDW Trading Limited and H & J Russell (21863641) – this site has been assessed at EOI and MIR stages and was not taken forward as a credible development site.

The argument that inclusion of the site would be consistent with Strategic Development Plan 2013 (CD099, p. 44) Policy 7 *Maintaining a Five Year Housing Land Supply* and the policies exception criteria (b) which requires that development will not undermine green belt objectives is incorrect.

One windfall site does not satisfy the Five-year Housing Land Supply. This site is not included in the Local Development Plan Spatial Strategy. The proposed greenfield site would make a significant incursion into the Livingston Countryside Belt. The council stands by its Spatial Strategy and its approach to the retention of the Livingston Countryside Belt at this point that is a long standing planning policy from earlier local plans e.g. Calders Area Local plan (1995).

It is the council’s view that no change is required to Policy ENV 7.

Policy ENV 7 is not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

Transition Linlithgow (0363) – no change to the plan is required. See Schedule 4: 1B on spatial designations for landscape and countryside for further information.

Any further plan changes recommended by the planning authority

No further plan changes are proposed to Policy ENV 7: *Countryside Belts and settlement setting*.

Notwithstanding the above, it would be desirable to publish the Position Statement: *Countryside Belts* as non-statutory planning guidance to elucidate the process behind the review and establishment of Countryside Belts for the LDP. The council invites the reporter to make an appropriate recommendation on this issue.

Reporter’s conclusions:

1. Representations in relation to proposals P-43 Burghmuir high amenity employment site and P-45 Coach park and ride facility are addressed under Issue 15N and 15A respectively. The objection to the non-allocation of land at Murieston Castle Farm (and to its inclusion in the Livingston Countryside Belt) is addressed under Issue 16Aq.
2. In addition to the representations recorded above, those from Taylor Wimpey (0235) are also of relevance. Taylor Wimpey seeks the allocation for housing of land at Eastoun Farm Bathgate, and its exclusion from the countryside belt. We address this at Issue 4G. However, Taylor Wimpey is also opposed, in principle, to countryside belts. It is stated that they are, in effect, green belts, are contrary to Scottish Planning Policy (SPP) and are unsupported by any background evidence which justifies why they exist or how their boundaries have been derived.
3. Paragraph 132 of SESplan recognises that there are, besides the Edinburgh and

Dunfermline green belts, a range of other countryside designations in the SESplan area, including Countryside Belts in West Lothian. This is despite SESplan also identifying West Lothian as a Strategic Development Area. SESplan Policy 13 says that LDPs are to review and justify additions or deletions to those designations fulfilling a similar function to green belts. It is clear from Policy ENV 7 Countryside Belts and settlement setting (and from the council's position paper (CD184) that Countryside Belts provide a similar function to green belts. They do this currently in the local plan, albeit covering a total area which is lesser in extent. The position paper explains how the policy and the extent of the belts have been reviewed so as to inform the proposed plan, although I recognise that this document was prepared after the consultation on the proposed plan had ended.

4. Given this context, I do not agree that the Countryside Belts ought to be removed from the plan. The belts may well be around settlements where it is expected new housing would come forward. But the plan identifies significant areas of housing development, mostly in these same settlements. Many of the outcomes the policy seeks to achieve (or prevent) could be controlled through the development management process, but that would be better done so with policy support. Albeit not every part of the belts may support informal recreation, this does not invalidate this as a strategic objective for them. Homes for Scotland and Wallace Land both say that the belts are drawn too tightly around the settlements, but do not identify any specific changes which ought to be made.

5. Wallace Land wants supplementary guidance to set out the strategic purpose of each Countryside Belt. The council's position paper contains this information, and is (as a core document for this examination) already in the public domain. I am not persuaded that this detailed material need be in the form of statutory supplementary guidance to the plan. It is for the council to decide whether it wishes to publish the position paper as non-statutory planning guidance. It seems to me that Policy ENV 7 itself provides sufficient basis for the consideration of development proposals affecting the Countryside Belts, albeit the more detailed material in the position statement would also likely be of assistance.

6. I recognise the potential for tension between the provisions of this policy and the requirement to maintain a sufficient supply of effective housing land. However, SESplan Policy 7 as well as Policy HOU 2 Maintaining and Effective Housing Land Supply of this plan (if modified in accordance with our recommendations under Issue 1A) would provide a direct policy mechanism for considering proposals for housing development on unallocated sites when a shortfall exists. There is no need to re-enforce those kind of provisions (and those in SPP, which would apply anyway) in ENV 7. There are several other policies in the proposed plan which, if the approach favoured by Wallace Land was to be followed consistently, would also need to be so amended. I think it simpler to let SESplan Policy 7 and Policy HOU 2 remain the most directly relevant policies should a shortfall in the supply of effective housing land exist.

Reporter's recommendations:

No modifications.

Issue 26M	Green Network Policy	
Development plan reference:	Policy ENV 8	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds (0209) Scottish Government - Development Plan Team (0236) Scottish Natural Heritage (0238) Scottish Environment Protection Agency (0243) Wallace Land Investment & Management (0439)</p>		
Provision of the development Plan to which the issue relates:	Green Network Policy ENV 8 (page 46) and alterations to enhance the policy.	
Planning authority's summary of the representation(s):		
<p><u>Policy Support</u></p> <p>Royal Society for the Protection of Birds (0209) – commend the council's aim to deliver a green network in accordance with the Green Network Plan; at para 5.157, RSPB commend the aim to retain and conserve existing natural and semi-natural woodland. Management of such should include the removal of non-native (and especially invasive non-native) species. This will enhance the biodiversity value of woodlands. Similarly, new woodlands planted for non-commercial use should be exclusively native species.</p> <p>Scottish Environment Protection Agency (0243) - in respect of SEPA's interests, the associated multiple benefits that the Green Network can deliver is fundamental to the successful implementation of the river basin management plan and sustainable flood risk management. The promotion of multi-functional green networks will therefore ensure that complimentary environmental benefits will be considered and delivered as part of the network. This accords with SPP paragraph 220 which states that planning should 'protect, enhance and promote green infrastructure, including open space and green networks as an integral component of successful placemaking'. SEPA also support the supporting text at section 5.156 which highlights that the council will encourage the inclusion of SUDS, swales, wetlands, rivers and canals and their banks as part of the green network.</p> <p><u>Policy Change</u></p> <p>Scottish Government - Development Plan Team (0236) – suggests a change to policy ENV 8 and paragraph 5.103 to reflect fully the requirements of NPF3. i.e. insert additional text to the second paragraph of policy ENV 8, to reflect additional priorities as set out in National Planning Framework 3 (NPF3) for the Central Scotland Green Network in relation to active travel; addressing vacant and derelict land; and focusing action in disadvantaged areas.</p> <p>Scottish Natural Heritage (0238) – welcome and support the work carried out to develop West Lothian's green network through the Proposed Plan. However, recommend that to</p>		

align with the emerging direction of SESplan 2, Policy ENV8 is amended to include 'areas of significant change' as priority areas for the green network.

Wallace Land Investment & Management (0439) – seek an amendment to policy ENV8 to reflect requirements of paragraph 2 of Circular 4/1998 and paragraph 14 of Circular 3/2012; advise that paragraph 3.4 of the LDP states that a Green Network Plan is published alongside the Proposed Plan but this does not appear to be the case and the Supplementary Guidance is not yet available; advise that there is a need for development requirements to be justified and detailed in this SG, which should be the subject to consultation with landowners and other stakeholders to ensure requirements are reasonable and justified in terms of the Circulars, and are deliverable.

Modifications sought by those submitting representations:

Scottish Government - Development Plan Team (0236) – seek additional text to Policy ENV 8, second paragraph, line 1 (page 46) as follows with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council), the development will be expected to contribute wholly, or in part, to their delivery.

The priority areas will be active travel, addressing vacant and derelict land, and focusing action in disadvantaged areas along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities.”

Scottish Natural Heritage (0238) – seek additional text to Policy ENV 8 as follows with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council), the development will be expected to contribute wholly, or in part, to their delivery.

The priority areas will be along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts and areas of significant change. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities.”

Wallace Land Investment & Management (0439) – seek additions to Policy ENV 8 ,first para, line 2 with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council in consultation with landowners and other stakeholders, and detailed in adopted Supplementary Guidance), the development will be expected to contribute wholly, or in part, to their delivery, while meeting the tests of Circular 4/1998 and 3/2012, as appropriate.

The priority areas will be along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities.”

Summary of responses (including reasons) by planning authority:

Royal Society for the Protection of Birds (0209) – support for the Green Network policy (ENV 8) from RSPB is welcomed. Much of the tree management work the council has undertaken on its own land, via the West Lothian Open Space Strategy and delivered through the Central Scotland Green Network Trust, has seen the replacement of non-native tree species with native woodland.

Scottish Government - Development Plan Team (0236) – the minor clarification to Policy ENV 8 to highlight the priorities of NPF3, in relation to the CSGN, is considered acceptable. The change sought by Scottish Government is considered to be acceptable and the council would support the Reporter should they be minded to amend policy ENV 8 to reflect the changes sought.

Scottish Natural Heritage (0238) - the change sought by SNH is considered to be acceptable and the council would support the Reporter should he be minded to amend policy ENV 8 to reflect the changes sought.

Wallace Land Investment & Management (0439) – In regard to the comments by consultants for Wallace Land Investment & Management, the reference to consultation with landowners and stakeholders is acceptable as this is the council's intention through the publication of the Green Network Supplementary Guidance mentioned at paragraph 3.4 of the LDP. The insertion of reference to the green networks as detailed in the supplementary guidance is also acceptable.

The council's Green Network Plan was presented to the council's Policy Development & Scrutiny Panel in October 2015 as proposed Supplementary Guidance (CD243). It will be consulted upon, along with a number of other SG, in Summer 2016. Appendix 4 on "Supplementary Guidance & Planning Guidance" clearly notes (page 268) that the timeframe for preparation and delivery of the Green Network Supplementary Guidance is "subsequent" to the Proposed Plan i.e. after preparation of the LDP.

Finally reference to the both circulars 4/1998 and 3/2012 is acceptable to the council and the council would support the Reporter should he be minded to amend policy ENV 8 to reflect the changes sought.

Summary - while no major change is proposed to policy ENV 8 as a result of the submissions made, the council does see merit in the minor clarifications cited above should the Reporter be minded to amend the LDP in relation to this matter.

The proposed amended policy would read as follows:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council in consultation with landowners and other stakeholders, and detailed in adopted Supplementary Guidance), the development will be expected to contribute wholly, or in part, to their delivery, while meeting the tests of Circular 4/1998 and 3/2012, as appropriate.

The priority areas will be active travel, addressing vacant and derelict land, and focusing action in disadvantaged areas along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts and areas of significant change. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities."

Reporter's conclusions:

1. I note that the council area forms part of the Central Scotland Green Network (CSGN) and that this initiative is identified within the National Planning Framework 3 (NPF3) as a National Development. The policy, as currently worded, does not make reference to the priority actions identified in NPF3 in relation to the CSGN. In order to align the policy more fully with NPF3, I consider it appropriate to insert a reference to these priorities and I note that the council is in agreement to the changes sought in this regard. Whilst I am minded to accept these changes, I consider the suggested additional wording when inserted into the policy is not particularly clear. For the purposes of clarity, I have therefore recommended a slight amendment to the suggested wording.

2. Given that the plan is to comply with the current approved SESplan, I am not inclined

to recommend amendments to policy in order that it might comply with SESplan 2 which is the subject of an examination. However, the change suggested by Scottish Natural Heritage (SNH) seeking that priority areas should include 'areas of significant change' is of relevance to the council's spatial strategy and to the CSGN initiative to further create connected, multi-functional green space across the council area. I am satisfied that the suggested additional wording is relevant and appropriate for inclusion within the policy.

3. Whilst I appreciate that the council intends to consult landowners and stakeholders in relation to green network opportunities and their delivery through the preparation of the Green Networks Supplementary Guidance, the policy could be clearer on this point. As currently worded, the policy gives the impression that it is the council, only, that will consider opportunities and that development will simply be required to contribute to the delivery of these opportunities. I therefore accept that there should be clarity on this point and that development requirements should be justified and detailed within the Supplementary Guidance which will have been subject to consultation with landowners and other stakeholders. Appropriate dialogue can ensure that requirements of developers are reasonable and can be justified and ultimately and most importantly are deliverable.

4. I do not consider it necessary, as recommended by Wallace Land Investment & Management, to explicitly reference Circulars 4/1998 or 3/2012 in the policy, as compliance with the tests contained in these circulars is a requirement regardless of what planning condition is being applied or what contribution is being sought.

Reporter's recommendations:

1. In Policy ENV 8 Green Network:

1.1 In the second sentence, after '(as determined by the council', insert:

'in consultation with landowners and other stakeholders and detailed in adopted Supplementary Guidance'.

1.2 Amend the third sentence to read as follows:

'The priorities will be active travel (walking and cycling), vacant and derelict land, disadvantaged areas, strategic road corridors, areas of development restraint, areas of landscape protection including Special Landscape Areas and Countryside Belts and also areas of significant change.'

Issue 26N	Policy on Protection of the water environment / coastline and riparian corridors	
Development plan reference:	ENV 11: Protection of the water environment / coastline and riparian corridors.	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds (0209) Scottish Government - Development Plan Team (0236) Scottish Environment Protection Agency (0243) Wallace Land Investment & Management (0440)</p>		
Provision of the development Plan to which the issue relates:	Policy ENV 11 “Protection of the water environment / coastline and riparian corridors” (page 48)	
Planning authority’s summary of the representation(s):		
<p><u>Policy Support</u></p> <p>Royal Society for the Protection of Birds (0209) – commend the proposals in Policy ENV 11. The value of the aquatic environment from many perspectives is clearly appreciated and understood; note the intention (d), to restore natural watercourses wherever possible and commend this aim.</p> <p>Scottish Environment Protection Agency (0243) – support the intention of this policy and in particular the clear policy position that development proposals which would lead to deterioration of the ecological status of any element of the water environment will not be supported. SEPA also support the inclusion of the specific policy requirements in terms of: protection of Groundwater Dependent Terrestrial Ecosystems (GWDTE); a presumption against unnecessary engineering works in the water environment; improvements to the water environment where possible and the development of measures identified within the Forth Area River Basin Management Plan. The application of this policy will ensure that all development proposals must minimise and mitigate impacts on the water environment. This is supportive of the Water Framework Directive (WFD) “protect” objective, reflected in your Authority’s duties under the Water and Environment and Water Services (Scotland) Act 2003. (paras 2(1) and 2(2) refer).</p> <p><u>Change to policy sought</u></p> <p>Scottish Government - Development Plan Team (0236) – suggest four changes in section h) of the policy:</p> <p>the term ‘coastal zone’ should be replaced with the term “<u>marine area from mean high water springs (MHWS)</u>”, or alternatively define the coastal zone and clarify the jurisdiction of the National Marine Plan (NMP).</p> <p>This is to reflect that the NMP applies from MHWS out to 200 nautical miles. The use of the phrase ‘coastal zone’ does not provide the clarity relating to the jurisdiction of the NMP, especially as ‘coastal zone’ is not defined. It may be that the Local Authority is</p>		

promoting alignment between marine and terrestrial planning by referring to coastal zone – if so this would be most welcomed, however final wording should be used which reflects the importance of alignment but which does not confuse responsibilities or jurisdictions.

Seek change to section h) of the policy , should be amended to read:

'... proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan (2015) and forthcoming regional marine plans.'

It is pointed out that the policies of the NMP are considered necessary to achieve sustainable development and use in the marine environment and to achieve its objectives, therefore use of policies should be reflected in wording. While recognising a Regional Marine Plan for this area will not be in place in the immediate future, reference to forthcoming Plans would be useful in the event that one is adopted within the lifespan of the LDP.

The section h) policy text goes on to state:

'This principle is applicable to all marine activities, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism.' A change is sought to this section of the policy to read:

'This principle is applicable to all marine activity' as the National Marine Plan is applicable to all marine activity and use, current and emerging and it is not useful to suggest its application is more relevant to some activity over others, although a development plan may wish to bring attention to activity which is relevant to a particular Development Plan area such as offshore renewable energy which may have onshore infrastructure associated or anticipated in an area.

Finally in section h); parts i. to iv. should be removed or amended to accurately convey the content of NMP policy as the bullet points (i) to (iv) of section h) do not correctly reflect the policies of the national marine plan. Suggest that the council may be wishing to paraphrase policies, but the wording chosen misrepresents the policies.

Wallace Land Investment & Management (0440) - make several representations about Policy ENV 11 and recommend that the policy reads as set out below.

POLICY ENV 11 Protection of the water environment / coastline and riparian corridors

The council recognises the importance of the water environment in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should comply with SEPA's Guidance on buffer strips adjacent to water bodies, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;

*b. there will be a general presumption against development which would have a detrimental effect
significant adverse impact on Groundwater Dependent Terrestrial Ecosystems (GWDTE);*

c. there will be a general presumption against any unnecessary engineering works in the

water

environment including new culverts, bridges, watercourses diversions, bank modifications or dams;

d. opportunities to improve the water environment by opening out previously culverted water course, removing redundant water engineering installations, and restoring the natural course of watercourses should be (exploited) considered where these are within the site boundary (possible);

e. there is a presumption against proposals which would undermine, through intrusive development, the landscape character and amenity of river valleys and other significant water courses. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated;

f. the council will support the development of measures identified within the Forth Area River Basin

Management Plan designed to improve the ecological status of the water environment and coastal areas;

g. the water environment will be promoted as a recreational resource (subject to the requirements of Natura 2000 sites) with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.

h. there is a general presumption in favour of sustainable development and use of the marine environment in the coastal zone where the proposals can satisfactorily demonstrate that they are compliant with the objectives of the National Marine Plan (2015). This principle is applicable to all marine activities, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism. Generally:

i. proposals must not have a significant impact, either individually or cumulatively, on the natural,

built environment and cultural heritage resources either in the sea or on land;

ii. the location, scale and design are such that proposals will not have a significant adverse impact;

iii. proposals must not result in any deterioration in ecological status or potential for any water

body or prevent it from achieving good ecological status in the future;

iv. there will be no significant adverse impact on other users of marine resources and/or neighbouring land.

These changes are justified as any planning condition needs to meet the tests set out in paragraph 2 of Circular 4/1998 and paragraph 14 of Circular 3/2012.

The proposed wording regarding ... substantial undeveloped and suitably landscaped corridor ... is not precise and reasonable and does not meet the tests of the above Circulars. Including reference to SEPA's guidance on this matter in the policy would ensure that requirements for buffer strips are proportionate and justified. The presumption against works such as bridges conflicts with place-making and design principles in terms of delivering ... connected places (SPP para 38).

Improvements to the water environment should only be sought where feasible and appropriate, including that the relevant opportunity is within the site boundary.

Landscape character is covered by policy ENV1 and its inclusion in this policy represents unnecessary duplication.

Modifications sought by those submitting representations:

Scottish Government - Development Plan Team (0236) – suggest 4 changes within Policy ENV 11 that relate to sub-section h) covering the marine environment. Sub-section h) would read:

*h) there is a general presumption in favour of sustainable development and use of the marine environment in the **marine area from mean high water springs** where the proposals can satisfactorily demonstrate that they are compliant with the objectives **and policies** of the National Marine Plan 2015 **and forthcoming regional marine plans**. This principle is applicable to **all marine activity**.*

Wallace Land Investment & Management (0440) - suggested alterations; the first relating to criteria:

*a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should **comply with SEPA's Guidance on buffer strips adjacent to water bodies**, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;*

This acceptable as it clarifies the policy in relation to accepted national guidance. Other proposed changes are not acceptable. See section below.

Summary of responses (including reasons) by planning authority:

Royal Society for the Protection of Birds (0209) – RSPB support “to restore natural watercourses wherever possible”, highlighted in Policy ENV 11 criteria d), is acknowledged.

Scottish Government - Development Plan Team (0236) – suggest 4 changes within Policy ENV 11 that relate to sub-section h covering the marine environment. The proposed changes are all acceptable to the council as they add clarification to the policy.

Wallace Land Investment & Management (0440) - while it is accepted that reference to SEPA Guidelines is helpful, it is not accepted that all improvements to the water environment can always be carried out “*within the site boundary*” as the nature of water bodies may mean that the issue to be addressed is upstream or downstream and while outwith the (red line) application boundary, may be within the (blue line) ownership boundary of the applicant or, if not, then require a Section 75 agreement to mitigate impact on the wider water environment from the proposed development.

In addition, it is not accepted that the reference to “bridges” within the list of engineering works is contradictory. The list of items expands upon and clarifies what may be deemed

as potentially unnecessary engineering works in a water environment context, but does not specifically rule them out.

Similarly, it is not accepted that the reference to landscape character is duplication after being covered in Policy ENV1 that looks after wider landscape character of extensive special landscape areas. The riparian corridors in West Lothian are among the most undamaged environments and require protection as is highlighted in policy ENV 11 particularly focusing on the water environment associated with riparian corridors. The council does not propose to amend the policy in relation to this submission other than to change section a) to refer to SEPA guidance.

For clarity the amended policy would read as follows:

POLICY ENV 11 Protection of the water environment / coastline and riparian corridors

The council recognises the importance of the water environment in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

- a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should **comply with SEPA's Guidance on buffer strips adjacent to water bodies**, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;
- b. there will be a general presumption against development which would have a detrimental effect on Groundwater Dependent Terrestrial Ecosystems (GWDTE);
- c. there will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourses diversions, bank modifications or dams;
- d. opportunities to improve the water environment by opening out previously culverted water course, removing redundant water engineering installations, and restoring the natural course of watercourses should be exploited where possible;
- e. there is a presumption against proposals which would undermine, through intrusive development, the landscape character and amenity of river valleys and other significant water courses. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated;
- f. the council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment and coastal areas;
- g. the water environment will be promoted as a recreational resource (subject to the requirements of Natura 2000 sites) with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.

h. there is a general presumption in favour of sustainable development and use of the marine environment in the coastal zone marine area from mean high water springs(MHWS) where the proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan (2015) and forthcoming regional marine plans. This principle is applicable to all marine activities activity, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism. Generally:

i. ~~proposals must not have a significant impact, either individually or cumulatively, on the natural, built environment and cultural heritage resources either in the sea or on land;~~

ii. ~~the location, scale and design are such that proposals will not have a significant adverse impact;~~

iii. ~~proposals must not result in any deterioration in ecological status or potential for any water body or prevent it from achieving good ecological status in the future;~~

iv. ~~there will be no significant adverse impact on other users of marine resources and/or neighbouring land.~~

Reporter's conclusions:

1. Paragraphs 5.160-5.163 and policy ENV 11 fall under the subheading on page 45 of the plan which relates to 'Green Networks, Local Biodiversity Sites and Geodiversity Sites.' I agree with RSPB that, for clarity and in order to acknowledge the importance of the coast/ water environment, it is logical to provide a new subheading for the Coast/ Water Environment topic.

2. Section a. of the policy as currently worded refers to development proposals, adjacent to a water body, being required to provide for a substantial undeveloped and suitably landscaped corridor. The council's approach could in certain circumstances be construed as excessive whereas the SEPA guidance on buffer strips adjacent to water bodies would provide further clarity as to what might be expected of developers. Whilst this guidance deals with the water environment and not landscape issues specifically, sections e. and g. of the policy provide sufficient consideration to the landscape and recreational impacts of proposals.

3. Wallace Land Investment and Management has raised concern that the identification of measures such as bridges as 'unnecessary engineering works' is contrary to Scottish Planning Policy (SPP) in terms of achieving high quality places which include connected places. Bridge structures can raise various issues in relation to the water environment and therefore in this context, I consider the reference is justified. And as the council points out, the policy presumes against new bridges which are considered unnecessary, not all new bridges in principle.

4. Section d. of the policy refers to opportunities to improve the water environment and that such opportunities should be exploited where possible. Whilst reference is made to types of works, I do not take from this that they are indeed specific requirements. Whilst it has been suggested that such opportunities should be considered only where these are within the site boundary, this fails to acknowledge that due to the nature of a water body, issues may arise outwith a site boundary that require to be addressed. Planning obligations may be required to mitigate impacts on the wider environment arising as a

result of a specific development proposal. Planning conditions and developer contributions would need to accord with the tests set out in the circulars.

5. I acknowledge that whilst landscape character is covered by policy ENV 1 Landscape character and special landscape areas, this relates to the wider landscape and special landscape areas as opposed to the environment associated with riparian corridors and thus avoids duplication. I consider that there is merit in maintaining reference, in policy ENV 11, to landscape character in respect of river valleys which, as acknowledged by the council, represent some of the least damaged environments within the council area and which require protection.

6. SPP is clear that there should be an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary including in relation to policies and activities. However, it is also important to bear in mind that there are different responsibilities and jurisdictions for terrestrial planning and marine planning. The policy as currently worded oversimplifies this relationship by referring to a 'coastal zone', which has no clear definition. I recommend that the terminology is amended in order to clarify the complementary but separate planning regimes operating within this part of the council area.

7. I am aware that a regional marine plan will not be in place for the council area in the immediate future. However, there is potential that one is adopted during the lifetime of the plan and therefore I can see logic in making reference to regional marine plans. However, I recommend omitting the word 'forthcoming' from the policy itself. If there is, at the point in time when an application is being considered, no relevant adopted marine plan then there will be no need for a proposal to comply with it.

8. Proposals are intended to comply with both the objectives and policies of the National Marine Plan and the policy as worded is unintentionally misleading by specifically highlighting certain marine activities. I consider that it would be prudent to refer to all marine activity rather than emphasising certain activities as being more relevant than others. I am also aware that the bullets (i) to (iv) of section h. of the policy do not accurately reflect the policies of the national marine plan and I recommend a modification to remove reference to these altogether. I note that the council consider the suggested change appropriate as it adds clarity to the policy.

9. The Scottish Government also made reference to paragraphs 5.160-5.163 of the proposed plan and sought clarification as to the category of coast that the West Lothian coastline falls within and the approach to development within it. West Lothian Council has not specifically responded to these points. Whilst the plan does not address these matters, I note that the coastline within the council area is in fact very short and as can be seen from proposals Map 1, nearly all of it is undeveloped and within a local biodiversity site, special landscape area and/or a site on the national inventory of gardens and designed landscapes. In this context, I am satisfied that the policies in the plan associated with these respective designations, along with policy ENV 11 and the other policies in the plan relating to development in the countryside, provide a comprehensive basis on which to assess development proposals along this area of the coast. In this instance, therefore there would be little added value in requiring the council to categorise this short area of coastline in the manner envisaged in SPP.

Reporter's recommendations:

1. Insert the following sub-heading before paragraph 5.160:

'Coast / Water Environment'

2. In policy ENV 11 Protection of the water environment / coastline and riparian corridors:

2.1 Amend the second sentence of section a. to read as follows:

'Where appropriate, development proposals adjacent to a waterbody should comply with SEPA's Guidance on buffer strips adjacent to water bodies;'

2.2 Amend section h. to omit clauses i. to iv. and to read as follows:

'there is a general presumption in favour of sustainable development and use of the marine environment in the marine area from mean high water springs (MHWS) where the proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan (2015) and regional marine plans. This principle is applicable to all marine activity.'

Issue 260	Community Growing and Allotments.	
Development plan reference:	Policy ENV 15 (page 51).	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Linlithgow and District Allotment Society (21140481) West Lothian Health Improvement and Health Inequalities Alliance (21798318) Scottish Government (0236) Livingston Village Community Council (0240)</p>		
Provision of the development Plan to which the issue relates:	Chapter 4 – Vision Statement & Aims. Chapter 5 The Spatial Strategy (page 51). Policy ENV 15 that deals with Community Growing and Allotments.	
Planning authority's summary of the representation(s):		
<p>Linlithgow and District Allotment Society (21140481) - supports the statement in paragraph 5.171 (page 51) where private allotment sites across West Lothian are safeguarded for allotment / private growing use. This should be a legitimate reason in determining planning applications.</p> <p>West Lothian Health Improvement and Health Inequalities Alliance (21798318) - supports the policy with amendments.</p> <p>Scottish Government (0236) – notes that as currently worded Policy ENV15 is more negatively framed, the second line leads with “Community Growing spaces will only be supported where...”. The removal or the word ‘only’ would make the policy read more positively, and be more in line with the spirit of SPP.</p> <p>SPP (2014) states at paragraph 227 that “Plans should also encourage opportunities for a range of community growing spaces.” SPP is looking for positive support for community growing. Community growing can offer multiple benefits including access to fresh healthy food, community spirit and connections and health and well-being.</p> <p>Livingston Village Community Council (0240) suggests that following the resounding success of the Killandean Allotment site, this sort of development should find space in the forward plan. This is a growing interest activity in West Lothian and should be encouraged either as Killandean a private enterprise leasing council land, or by West Lothian Council running similar sites.</p>		
Modifications sought by those submitting representations:		
<p>Linlithgow and District Allotment Society (21140481) - no specific modification of policy ENV 15 has been sought.</p> <p>West Lothian Health Improvement and Health Inequalities Alliance (21798318) – notes that the policy states that community growing will only be supported with specific</p>		

conditions. Given the benefits of community growing to health and to communities, the respondent suggests that this should be rephrased to say that community growing will be supported in principle unless these conditions are breached.

Scottish Government (0236) – proposes the word ‘only’ is removed from the first sentence of the second paragraph of the policy.

Livingston Village Community Council (0240) - no specific modification of policy ENV 15 has been sought.

Summary of responses (including reasons) by planning authority:

Linlithgow and District Allotment Society (21140481) - no modification proposed.

West Lothian Health Improvement and Health Inequalities Alliance (21798318) -no change is proposed to policy ENV 15, however, the council does see merit in the representation should the Reporter be minded to amend the LDP in relation to this matter.

Scottish Government (0236) - no change is proposed to policy ENV 15, however, the council does see merit in the representation should the Reporter be minded to amend the LDP in relation to this matter.

Livingston Village Community Council (0240) - no modification proposed.

Reporter’s conclusions:

1. The Scottish Government and West Lothian Health Improvement and Health Inequalities Alliance both refer, in their representations, to the positive benefits of community growing in terms of access to healthy food, community spirit and community health and wellbeing. I note that the Linlithgow and District Allotment Society and Livingston Village Community Council also both offer support for these uses in the plan.

2. SPP seeks positive support for allotments and community growing. At paragraph 227 it states that:

‘Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is a proven demand. Plans should also encourage opportunities for a range of community growing spaces.’

3. In the context of SPP, policy ENV 15 Community Growing and Allotments is negatively worded in referring to community growing spaces only being supported where there is no detriment to the existing recreational use or natural heritage, biodiversity or landscape provisions and adjacent uses and the proposals can be shown to be self-sustaining and free of additional revenue implications for the council. In order to align the policy with the more positive tone of SPP, I consider that there is merit in adjusting the policy so that it reads more positively in terms of its support for community growing.

4. Policy ENV 15 refers specifically to the West Lothian Allotment Strategy, prepared in 2011, and that this and its subsequent review will inform the location of community growing spaces. Given that the review was due to be updated in 2015, I sought clarification from the council (FIR12) in terms of an update on the progress of the strategy

including when it was considered that the review would be completed and formally published.

5. The council has advised that the Community Empowerment (Scotland) Bill 2014 received Royal Assent becoming an Act in July 2015. Under the Act, councils have a duty to provide allotments and also to prepare a food growing strategy. The food growing strategy has a wide scope and should identify land to be used for allotments as well as 'other areas of land for use by the community for the cultivation of vegetables, fruit, herbs or flowers.' Therefore, it is proposed that the council's food growing strategy document will cover both food growing and allotments. The document will be separate from the LDP and the council expects further regulations before sections of the Act dealing with food growing come into force.

6. With the enactment of the Community Empowerment (Scotland) Act and the ongoing roll-out of its secondary legislation, the council has chosen to wait until these new legal provisions are in place before revising its Allotments Strategy which is to be incorporated with a food growing strategy. Current best estimates are that the revised Allotments Strategy section will be prepared, consulted upon and published by 2019 /2020.

7. I consider it appropriate to update the supporting text to policy ENV 15 to reference the Act and subsequent timescales so that it is up-to-date and so that readers are better informed of timescales.

Reporter's recommendations:

1. In policy ENV 15 Community Growing and Allotments, in the second sentence, delete 'only'.

2. Replace the text in paragraph 5.170 and 5.171 with the following text:

'The Community Empowerment Bill 2014 received Royal Assent, becoming an Act in July 2015. Under the Act, councils have a duty to provide allotments and also to prepare a food growing strategy. The food growing strategy has a wide scope and should identify land to be used for allotments as well as 'other areas of land for use by the community for the cultivation of vegetables, fruit, herbs or flowers.' Therefore, it is proposed that the council's food growing strategy document will cover both food growing and allotments. The document will be separate from the LDP and the council expects further regulations before sections of the Act dealing with food growing come into force.

To reflect the increased need for allotments and to improve the delivery of services to the public, by facilitating and enabling communities to actively manage and participate in allotment gardening, the council prepared the West Lothian Allotment Strategy in 2011. With the enactment of the Community Empowerment (Scotland) Act and the ongoing roll-out of its secondary legislation, the council has chosen to wait until these new legal provisions are in place before revising its Allotments Strategy which is to be incorporated with a food growing strategy. Current best estimates are that the revised Allotments Strategy section will be prepared, consulted upon and published by 2019 /2020. The existing strategy, however, provides a mechanism to deliver long term, sustainable improvements to existing and new allotment gardens across West Lothian. There are a number of private allotment sites across West Lothian which are safeguarded for allotment/community growing use.'

Issue 26P	Protection of National & Local Nature Conservation Sites	
Development plan reference:	ENV 18	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds (0209) Scottish Government - Development Plan Team (0236) Wallace Land Investment & Management (0441)</p>		
Provision of the development Plan to which the issue relates:	National & Local Conservation Sites relating to policy ENV 18 (page 52).	
Planning authority's summary of the representation(s):		
<p>Royal Society for the Protection of Birds (0209) – urge in relation to para 5.180 that the council expedite the ecological survey work required to assess potential local biodiversity sites. They note such sites will become of increasing value as the pressure for residential and industrial development, agricultural intensification and commercial forestry increases.</p> <p>Scottish Government - Development Plan Team (0236) – makes a suggested change for the first paragraph in policy ENV 18 i.e. delete the words: ‘, and locally designated nature conservation sites’. Beneath the third paragraph new text should be inserted to address how the locally identified sites would receive a level of protection commensurate with their status as set out in paragraph 169 of Scottish Planning Policy. In this regard, advise that an approach similar to that taken in policy ‘NE1: Environmental and Conservation Policies’ of the Perth and Kinross Council adopted Local Development Plan may be workable for West Lothian Council. Their reasoning is that clearer separation of the extent of protection is required for nationally and locally designated nature conservation sites to comply with SPP (2014) paragraph 196, which is clear that the level of protection given to local designations should not be as high as that given to international or national designations.</p> <p>Wallace Land Investment & Management (0441) – recommends the policy reads as set out below.</p> <p><i>“Policy ENV 18 Protection of Local and National Nature Conservation Sites: Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), and locally designated nature conservation sites will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts. In the case of national designations, development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest. Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the Town and Country Planning (Environmental Impact</i></p>		

Assessment) (Scotland) Regulations 2011.

Their reasoning is that the policy should reflect the potential for mitigation and the reference to the EIA regulations is incorrect.

Modifications sought by those submitting representations:

Scottish Government - Development Plan Team (0236) – suggest amendment to ENV 18 policy title and insert new policy (new policy in highlighted box)

“Policy ENV 18_a Protection of National Nature Conservation Sites”

Policy ENV 18b: Local Nature Conservation sites

Development which would affect an area designated by the Planning Authority as being of local

conservation or geological interest will not normally be permitted, except where the Council as

Planning Authority is satisfied that:

(a) the objectives of designation and the overall integrity of the designated area would not be

compromised; or

(b) any locally significant adverse effects on the qualities for which the area has been designated are

clearly outweighed by social and economic benefits.

OR

Amend policy title to read *“Policy ENV 18 Protection of National Nature Conservation Sites”*

The council consider that slight amendments to policy ENV 18 may be appropriate. The council would therefore have no objection if the Reporter is agreeable to these amendments and considers that a change to Policy ENV 18 is required. Should this be the case then the council suggests that Policy ENV 18 is amended as follows:

Remove reference to *“and locally designated nature conservation sites “*from Policy ENV 18 / para 1 / line 3; as Policy ENV 19 and para 5.180 covers the protection of Local Biodiversity and Local Geodiversity sites.

Overall, following these amendments, the new policy would read:

“Policy ENV 18 Protection of National Nature Conservation Sites:

Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI), will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts.

Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment (EIA) will be considered against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.”

Summary of responses (including reasons) by planning authority:

Royal Society for the Protection of Birds (0209) – in response to the comment pressing “the council to expedite the ecological survey work required to assess potential local biodiversity sites”, The council acknowledge that this aspect is vital in the determination of nature conservation sites. While some work can be carried out via the service level agreement the council negotiates annually with The Wildlife Information Centre (TWIC) to assess approximately 8 potential Local Biodiversity Sites per annum, it will rely on developers covering these survey costs if it relates to sites that they bring forward and where it is known that there are local or national nature conservation issues.

Scottish Government - Development Plan Team (0236) – while it is accepted that the policy should focus on national sites and having reviewed how Perth & Kinross Council set out their nature conservation policies in their LDP, it is considered that local nature conservation sites can be protected in West Lothian under the terms of LDP proposed plan policy ENV 19: Protection of Local Biodiversity and Local Geodiversity Sites”. This clearer policy separation of the extent of protection required for nationally and locally designated nature conservation sites complies with SPP (2014) paragraph 196 requirements (**CD068**).

Wallace Land Investment & Management (0441) – the change suggested is acceptable as it adds clarity to the policy and allows for mitigation measures and corrects a reference to a more recent piece of EIA legislation that was an oversight in the LDP Proposed Plan. The council would raise no objection should the Reporter be minded to amend the policy to reflect the terms of this submission.

In summary, while no major changes to policy ENV 18 are proposed by the council, the council does see merit in the minor representations made by Scottish Government and the clarifications requested by Wallace Land Ltd should the Reporter be minded to amend the LDP in relation to this matter. The proposed amended policy would read as follows:

*Policy ENV 18 Protection of ~~Local and~~ National Nature Conservation Sites:
Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR) and, Sites of Special Scientific Interest (SSSI), ~~and locally designated nature conservation sites~~ will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts. ~~In the case of national designations,~~*

Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.”

Reporter's conclusions:

1. Scottish Planning Policy (SPP) (paragraph 196) is clear that development plans should identify international, national and locally designated sites and they should be afforded the appropriate level of protection within development plans. This means that the level of protection should reflect their importance in the hierarchy of designations. Accordingly, SPP confirms (paragraph 196) that 'The level of protection given to local designations should not be as high as that given to international or national designations.'

2. Policy ENV 18 Protection of Local and National Nature Conservation Sites, as currently worded, by giving equal parity to sites of national and local importance does not accord with SPP. I therefore consider it appropriate to amend Policy ENV 18 so that it refers only to sites of national importance. I am satisfied that locally designated nature conservation sites are referenced accordingly and provided appropriate protection in Policy ENV 19 Protection of Local Biodiversity Sites and Local Geodiversity Sites. I am also satisfied that there is no harm caused by the removal of reference to locally designated sites in Policy ENV 18.

3. I note that Wallace Land Investment & Management has requested that the reference to EIA regulations is amended to reflect the 2011 regulations. Whilst I accept that the council's reference in the policy to the 'EIA (Scotland) Regulations 1999' is incorrect, I am also mindful that the 2011 regulations have in turn now been replaced by new regulations in accordance with the Environmental Impact Assessment (EIA) Directive 2014/52/EU which came into force in May 2017. Given this is a legal requirement and not a policy matter, I am not convinced of the need to reference the specific EIA regulations within the policy.

4. My recommendations below also incorporate a modification which we recommend under Issue 26Aa.

Reporter's recommendations:

1. Amend policy ENV 18 Protection of Local and National Nature Conservation Sites so that it reads:

'Policy ENV 18 Protection of National Nature Conservation Sites

Development within or affecting areas classified as sites of national importance, including National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI), will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts.

Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment.

Proposals must also have regard to the requirements of Planning Guidance 'Planning for Nature: Development Management & Wildlife' adopted in May 2015.'

Issue 26Q	Historic Battlefields: Battle of Linlithgow Bridge (1526)	
Development plan reference:	Policy ENV 31	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Wallace Land Investment and Management (0442)		
Provision of the development Plan to which the issue relates:	Local Development Plan (LDP) Proposed Plan - page 60; map 2	
Planning authority's summary of the representation(s):		
<p>Policy wording</p> <p>Wallace Land Investment and Management (0442) – It is recommended that the wording of the policy is changed to <i>'better reflect the importance of battlefields in terms of them being the locations of past events'</i>.</p> <p>Clarification of the involvement of Historic Environment Scotland</p> <p>Wallace Land Investment and Management (0442) – The policy should include a reference to Historic Environment Scotland because it <i>'will normally be a consultee and should be involved in defining appropriate mitigation where relevant.'</i></p> <p>Designation of Battlefield at Linlithgow Bridge</p> <p>Wallace Land Investment and Management (0442) – The battlefield site at Linlithgow Bridge would be better protected by 'not' being included within the settlement boundary.</p>		
Modifications sought by those submitting representations:		
<p>Policy wording - Clarification of the involvement of Historic Environment Scotland</p> <p>Wallace Land Investment and Management (0442) – The following amendments - highlighted and strike-through - to the policy text as set out in the Local Development Plan are requested. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.</p> <p>Policy ENV 31 <i>Historic Battlefields: Battle of Linlithgow Bridge (1526)</i></p> <p><i>Proposals for the sensitive management and interpretation of battlefield sites such as Linlithgow Bridge will be supported in principle.</i></p> <p><i>There is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon battlefield relationships established through the archaeology, character, appearance, setting or and the key</i></p>		

landscape features of the battlefield.

Where it can be demonstrated that the overall integrity of the battlefield will not be compromised and there will be no adverse impact on the archaeology, character, appearance, setting or the key landscape features of the battlefield, proposals and developments affecting battlefield sites ~~will~~ may require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority, and Historic Environment Scotland where it raises issues of national importance). The siting, scale and design of any new development, or extensions to existing buildings, must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints that assist in the understanding of the battle and historic assets (particularly archaeological deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.

Designation of Battlefield at Linlithgow Bridge

Wallace Land Investment and Management (0442) – While not explicitly stated it is intimated that the designations for the Historic Battlefield at Linlithgow Bridge should de-allocated within the settlement boundary.

Summary of responses (including reasons) by planning authority:

Local Development Plan policy background

Policy ENV 31 is a new policy for the Proposed Local Development Plan in response to the designation and inclusion of the battlefield at Linlithgow Bridge on the Historic Environment Scotland's *Inventory of Historic Battlefields* in November 2011 (CD214).

Within the 'Valuing the Historic Context' section of Scottish Planning Policy (Scottish Planning Policy 2014) (CD068, p. 35, para. 149) there is one specific line on battlefields which is copied below:

"Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields."

Historic Environment Scotland has raised no challenges to Policy ENV 31.

Policy wording

Wallace Land Investment and Management (0442) – The changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy ENV 31.

Clarification of the involvement of Historic Environment Scotland

Wallace Land Investment and Management (0442) – It is standard practice for Development Management officers to assess and refer planning proposals to Historic Environment Scotland for consultation as required. As an Inventory Battlefield, where a development proposal is considered likely to have potential impacts on the identified boundary area and setting of the Inventory Battlefield, consultation would be undertaken.

It is noted that the respondent does not have a development interest in the vicinity of the designated Historic Battlefield at Linlithgow Bridge.

Designation of Battlefield at Linlithgow Bridge

Wallace Land Investment and Management (0442) – Historic battlefields are designated by Historic Environment Scotland through its inventory. Therefore the council is not at liberty to alter a designation which appears on the Inventory of Historic Battlefields such as that at Linlithgow Bridge.

Any further plan changes suggested by the planning authority

None. The policy is effective and complies with Scottish Planning Policy 2014; no issues have been raised by Historic Environment Scotland.

Reporter's conclusions:

1. I do not favour the insertion, in the second paragraph of the policy, of the phrase 'battlefield relationships'. This would seem to potentially narrow the scope of the consideration of impacts of a development proposal on the battlefield site, and there is nothing in Scottish Planning Policy to indicate that this is the correct test to apply. I also note that Historic Environment Scotland (HES) has made no representations on the wording of the proposed policy.
2. I agree with the council that the inclusion of the word 'may' in the second paragraph would not be a particularly substantive change. The policy already says that any mitigation required needs to be 'appropriate', and I would not expect the council to insist on mitigation measures should the evidence demonstrate that none are necessary.
3. In respect of the involvement of HES, the wording proposed would require mitigation measures to be agreed with HES. This would not be appropriate. The council may of course consult HES on such matters, but it is for the council to reach a view on what if any mitigation ought to be required in respect of any planning application before it.
4. I can see nothing in representation 0442 from Wallace Land, as supplied by the council, which implies that the battlefield would be better protected by not being within the settlement boundary. I do note, however, that Linlithgow and Linlithgow Bridge Community Council (0428) makes such a statement. In any event, and as it points out, the council is not at liberty to alter the boundary of the battlefield designation. Therefore I decline to make such a recommendation. The settlement boundary could itself be altered so as to exclude the battlefield. However, that would present the anomaly of leaving significant areas of existing housing and other development on the west side of the town outwith its settlement boundary.

Reporter's recommendations:

No modifications.

Issue 26R	Policy ENV 32 Archaeology	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 32	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Wallace Land Investment & Management (0443)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Archaeology Policy ENV 32 (page 60)	
Planning authority's summary of the representation(s):		
<p>Wallace Land Investment & Management (0443) – proposes that Policy ENV 32 is more measured and should distinguish between the differing levels of effect a development may have on the archaeology of a site. It references SESplan Policy 1B (CD099) and paragraphs 150 - 151 of SPP 2014 (CD068) and argues that that the word 'significantly' is introduced to qualify the impact and that the period for carrying out any archaeological investigation need not be prior to the commencement of development but also during it.</p> <p>Reference is also made to PAN 2/2011 (CD039) as a reminder that in determining planning applications that may impact on archaeological features or their setting, planning authorities may have to balance the benefits of development against the importance of archaeological features and that the weight that should be given to archaeological considerations will depend on a number of factors.</p>		
Modifications sought by those submitting representations:		
<p>Wallace Land Investment & Management (0443) – requests the following amendments to the policy text; (highlighted text reflects suggested additions to the policy).</p> <p>POLICY ENV 32 Archaeology</p> <p><i>“Development will not be permitted where it would significantly adversely affect an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that:</i></p> <ol style="list-style-type: none"> <i>a. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and</i> <i>b. there is no alternative location for the proposal.</i> <p><i>Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, prior to or during the implementation of the development, as appropriate, to include archaeological excavation, recording, analysis and publication of findings.”</i></p>		

Summary of responses (including reasons) by planning authority:

Wallace Land Investment & Management (0443) - The council is satisfied that the policy as worded balances the benefits of development against the importance of archaeological features and is compliant with SPP 2014 and PAN 2/2011.

The proposed amendments are considered to have the effect of diluting the policy from what the council had intended. In particular, the suggested wording introduces an unnecessary element of uncertainty and changes the council's emphasis and preferred timeline for carrying out site investigations, i.e., before development commences. Reference to SESplan Policy 1B is also not deemed to be wholly relevant given that it does not explicitly address archaeology.

For these reasons, the council does not agree to modify the plan in response to this representation. However, if the Reporter is minded to recommend that the plan be amended the council would request that;

- (a) the suggested term '*would significantly adversely affect*' be substituted with '*have a significant adverse affect*';
- (b) the suggested term '*wherever possible*' is not incorporated at all; and
- (c) the suggested term '*prior to or during*' is substituted with '*before and / or during*'.

Reporter's conclusions:

1. I note that Scottish Planning Policy (SPP) seeks the preservation of archaeological sites in situ, wherever possible. However, there is an acceptance that this will not always be possible. SPP accepts that, in such circumstances, councils may use conditions or planning obligations to ensure appropriate procedures are followed. Similarly, SPP is clear that activities such as excavation, recording, analysis, publication and archiving are to be carried out before and/or during development.

2. The council's policy in requiring that archaeological remains should be preserved in situ only does not align with national policy. The council's policy in only permitting investigations being carried out before implementation of development is also not aligned with national policy. In order to avoid confusion and to ensure consistency of approach, it is important that the policy is aligned more closely with national policy objectives. I therefore consider it appropriate to amend the wording of the policy in order to achieve this.

3. My attention is drawn to SESplan Policy 1B which refers to 'significant adverse impacts' in respect of protecting the integrity of a variety of receptors including international and national built or cultural heritage sites. The implication being that the reference to 'significant' highlights that there are other impacts which cause less harm. SPP sets out a hierarchy of relative importance of archaeological assets. Given the policy is concerned with regionally and locally important archaeological sites, I am satisfied that a reference to significant adverse effects is introduced. I appreciate that the council are concerned about diluting the policy from its original intended version. However, it is important to strike the correct balance between protecting such resources and taking account of other competing considerations. I also note that the council has offered a suggested form of words in order to address this particular matter and I therefore consider there is merit in amending the policy accordingly.

4. I am not convinced that the suggestion by Wallace Land Investment and Management for the insertion of the words 'as appropriate' would make any difference to the effectiveness of the policy and therefore I do not consider such a change to be necessary.

Reporter's recommendations:

1. Amend policy ENV 32 Archaeology so that it reads:

'Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that:

- c. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and
- d. there is no alternative location for the proposal.

Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, before and/or during the implementation of the development to include archaeological excavation, recording, analysis and publication of findings.'

Issue 26U	The Water Environment – improvement, flooding, drainage	
Development plan reference:	Policy EMG 1 - Water Environment Improvement Policy EMG 2 – Flooding Policy EMG 3 - Sustainable Drainage	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Government – Development Planning Team (0236) Scottish Environment Protection Agency (0243) Wallace Land Investment & Management (0360) Jonathan Moss (21648848) Helen MacKenzie (21660154) John Orr (21716490)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy (Including Policy Framework) The Water Environment and Flood Risk and Management (pages 67-70)	
Planning authority’s summary of the representation(s):		
<p><u>EMG 1 Water Environment Improvement - support and requirement for modification</u></p> <p>Scottish Environment Protection Agency (0243) - supports the inclusion of this policy which will help the council meet its legal obligations under the Water Framework Directive and will ensure that the Local Development Plan helps to protect, improve and promote the sustainable use of our water environment. However it is suggested that paragraph three should include a caveat to require a Flood Risk Assessment (FRA)</p> <p><u>EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design</u></p> <p>Scottish Government – Development Planning Team (0236) - proposes text changes to the fifth paragraph on potential flood risk/resilient design to indicate limits regarding ‘flood storage capacity’, as well as, indicating that ‘land raising should only be considered in exceptional circumstances’ to accord with paragraph 265 of Scottish Planning Policy 2014 (SPP 2014, CD068).</p> <p><u>EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas</u></p> <p>Scottish Government – Development Planning Team (0236) - suggests that the provisions on the types of appropriate development for the location should be applied and clarified in accordance with the flood risk framework as set out in Scottish Planning Policy 2014, paragraph 263, pages 58-59 (CD068). Furthermore, the requirement that construction of protected developments cannot be initiated until Scottish Environment Protection Agency (SEPA) has confirmed that flood protection defences are operational should be removed, again to be in accordance with Scottish Planning Policy 2014 paragraph 263.</p>		

EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding

Scottish Government – Development Planning Team (0236) - additional provision should be provided in policy EMG 2 for the policy position: *‘that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk’* to be consistent with Scottish Planning Policy 2014, paragraph 88 (CD068).

EMG 2 Flooding – inclusion of a map on flood risk areas

Scottish Government – Development Planning Team (0236) - suggests that the Plan should include a map indicating areas of medium to high flood risk to provide more clarity to developers.

EMG 2 Flooding - support and requirement for modifications

Scottish Environment Protection Agency (0243) - supports inclusion of this policy and while welcoming changes that have already been incorporated following consultation in 2015, seeks some further minor amendments, namely;-

:

- Para. 5 – ‘and not increase flood risk elsewhere’ added at the end.
- Para. 6 – amend wording after formal flood protection scheme to ‘that is designed to an appropriate standard and is an acceptable land use for the location’
- Para. 8 – ‘and not increase the number of persons at risk’ to add at end.

EMG 3 Sustainable Drainage – Additional text on for flood risk framework / text amendments

Scottish Government – Development Planning Team (0236) - the policy should include provision for that section of the flood risk framework applicable to surface water flooding and for the standard set out to be used as a basis for decision making, to accord with paragraph 263, pages 58-59 of Scottish Planning Policy 2014 (CD078).

Wallace Land Investment & Management (0360) - it is recommended that the wording of the policy regarding the requirement for Water Impact Assessments (WIA) and Drainage Impact Assessments (DIA) should be amended to indicate that WIA and DIA should not be a council requirement for planning stages of development because it is only requested by Scottish Water when necessary to ensure development will not cause detriment to its assets.

EMG 3 Sustainable Drainage – support for policy

Scottish Environment Protection Agency (0243) - supports the policy and in particular the comprehensive approach to Sustainable Urban Drainage Systems (SUDS) and cross-references to other policies in the Proposed Plan.

Objections to allocation of sites on the basis of flooding, flood risk

Jonathan Moss (21648848) - objects to the allocation of housing at Preston Farm,

Linlithgow (H-LL 12) on the grounds that there are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (15A).

Helen MacKenzie (21660154) - objects to the allocation of housing at Wilcoxholm, Linlithgow (H-LL 11) on the grounds that there are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (15A).

John Orr (21716490) - objects to the allocation of housing at Balmuir Road, Bathgate (H-BA 1) on the grounds that there are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (1A).

Modifications sought by those submitting representations:

EMG 1 Water Environment Improvement - support and requirement for modification

Scottish Environment Protection Agency (0243) - seeks the addition of a caveat at end of the last sentence of Policy EMG 1 which reads;- *'provided these activities are informed by a Flood Risk Assessment'*

EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design

Scottish Government – Development Planning Team (0236) - seeks the following changes to the wording of policy EMG 2 are requested to the paragraph on 'resilient design to limit the impact of flood risk' and that the policy should state that:

- *where built development is permitted in medium to high risk areas any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome;*
- *land raising should only be considered in exceptional circumstances in accordance with paragraph 265 of the SPP.*

EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas

Scottish Government – Development Planning Team (0236) - requests that the relevant terms of the flood risk framework set out in paragraph 263, pages 58 – 59 of Scottish Planning Policy should be included in the policy. (CD068)

In addition, the policy requirement that *'development.....must not be constructed until confirmed operational by SEPA'* should be amended to state that *'development may be suitable provided flood protection measures already exist are under construction or are a planned measure in a current flood risk management plan'*.

EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding

Scottish Government – Development Planning Team (0236) - seeks the addition of text to state that: *'new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk'*.

EMG 2 Flooding – inclusion of a map on flood risk areas

Scottish Government – Development Planning Team (0236) - proposes that the Scottish

Environment Protection Agency (SEPA) map for medium to high flood risk areas is appended to the policy.

EMG 2 Flooding - support and requirement for modifications

Scottish Environment Protection Agency (0243) - Seeks three further amendments to the wording of Policy EMG 2 as detailed below. Additional text is highlighted.

Policy EMG 2 - Flooding

Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.

When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.

Development will specifically not be supported in:

- (a) locations identified as being at medium to high flood risk, unless it accords with the flood risk framework set out in SPP 2014; or*
- (b) where it would lead to an increase in the probability of flooding elsewhere.*

Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The Flood Risk Assessment should be undertaken in accordance with the relevant and prevailing SEPA technical guidance.

To limit the impact of potential flood risk any development that is subsequently permitted in medium to high risk areas (that accords with the exceptions in the risk framework) or is located in adjacent low to medium risk areas must be built to a water resilient design and not increase flood risk elsewhere.

Development that is proposed in an area that is or will be behind a formal flood protection scheme, that is designed to an appropriate standard and is an acceptable land use for the location, must be an appropriate and acceptable land use for the location, designed to be resilient and must not be constructed until the flood protection scheme is confirmed operational by SEPA.

Appendices 1 & 2 (which respectively list employment and housing land allocations in the plan) identify those sites where there is a known requirement for a FRA, watercourse buffer strips and best practice SUDS treatment. The council nevertheless reserves the right to require the preparation and submission of FRAs for other development sites which present over the plan period where deemed necessary. Guidance will be sought from SEPA and other agencies as appropriate.

Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage

capacity of the functional floodplain or local flooding problems. All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage and not increase the number of persons at risk.

All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage.

EMG 3 Sustainable Drainage – additional text on flood risk framework / text amendments

Scottish Government – Development Planning Team (0236) - requests that the relevant terms of the flood risk framework set out in paragraph 263, pages 58 – 59 of Scottish Planning Policy 2014 should be included in the policy (CD068).

Wallace Land Investment & Management (0360) - seeks amendments to the wording of Policy EMG 3 as detailed below. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.

Policy - EMG 3 Sustainable Drainage

*Developers ~~may be~~ **are** required to submit a ~~Drainage Impact Assessment (DIA)~~ **proposals** to ensure that surface water flows are properly taken into account in the design of a development. With the exception of single houses, SUDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates **on site**.*

Developers will be required to ensure that adequate land to accommodate SUDS is incorporated within development proposals and that housing densities take into account the physical space for effective SUDS. The design of the system should meet best current practice. It is expected that surface water drainage systems, including sustainable drainage systems, for most will be vested in Scottish Water as drainage authority and will, as a consequence, be designed and constructed in accord with the most up to date edition of Scottish Water's Construction Standards and Vesting Conditions 'Sewers for Scotland' (3rd Edition) and at the same time comply with SEPA's Policy and Supporting Guidance on the provision of Waste Water Drainage in Settlements in promoting connection to the public sewerage system where possible.

~~*Where new development (or the change of use of land or buildings) impacts on existing drainage arrangements, the council may require these arrangements to be upgraded and SUDS retrofitted as a condition of planning approval in order to avoid detriment to the water environment.*~~

~~*Where there are existing issues of capacity or flooding associated with combined drainage systems, developers may be required to invest in off-site works to provide additional capacity or reduce loadings on such drainage systems.*~~

Private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system.

Development relying on private sewage systems will only be permitted where there is no public system in the locality and where the council is satisfied that the proposal is acceptable in terms of the impacts on the water environment and on public health.

Developments involving private water supplies will only be permitted where there is no public supply in the locality and where the council is satisfied that there is sufficient

water and that the proposal is acceptable in terms of the environment and public health.

The council will support in principle the incorporation of water conservation measures in new developments, including rainwater harvesting and systems for the recycling of “greywater”.

Regard should also be had to other LDP policies in relation to drainage in new developments, SUDS, flood risk and the treatment of watercourses and proposals will require to contribute to the delivery of green infrastructure and the green network where this is considered appropriate.

EMG 3 Sustainable Drainage – support for policy

Scottish Environment Protection Agency (0243) - no policy modifications requested.

Objections to allocation of sites on the basis of flooding, flood risk

Jonathan Moss (21648848) - seeks the removal of site H-LL 12 Preston Farm, Linlithgow on the basis of flooding issues.

Helen MacKenzie (21660154) - seeks the removal of site H-LL 11 Wilcoxholm, Linlithgow, on the basis of flooding issues.

John Orr (21716490) - seeks the removal of site H-BA 1 Balmuir Road, Bathgate, on the basis of flooding issues.

Summary of responses (including reasons) by planning authority:

Local Development Plan (LDP) policy background

The Proposed Plan includes three policies to cover a wide range of instances essentially to do with water being in the wrong place – flooding and drainage – and reversing the reversal of the trend to culvert watercourses and other approaches which fight against sustainable management of the water environment in its widest sense largely believed to be best achieved through restoration to and co-opting natural flood and drainage ecosystems. The Proposed Plan policies to address these issues are:

Policy EMG 1 Water Environment Improvement

Policy EMG 2 Flooding

Policy EMG 3 Sustainable Drainage

Scottish Planning Policy (SPP 2014, CD068) offers guidance relevant to policies EMG 1-3 under Coastal Planning (paragraphs 87 - 91) where paragraph 91 is most relevant due to the largely unspoiled nature of the short coastline in West Lothian, all of which is under multiple designations including Forth Coast Special Landscape Area, Firth of Forth Special Protection Area, Hopetoun House Gardens and Designed Landscape, biodiversity and geodiversity sites.

The Managing Flood Risk and Drainage section of Scottish Planning Policy (SPP 2014, CD068) (paragraphs 254-268) offers extensive guidance for the council’s policies EMG 1-3 which have been drawn upon in their formation. Further guidance has received through

consultation and dialogue with key agencies and a range of specialist national level regulations and guidance.

The Strategic Development Plan (CD099) (pages 56-57) provides a bridging policy between Scottish Planning Policy (SPP 2014) and local planning policy.

Proposed plan policies EMG 1-3 also draw upon a number of policies in the adopted West Lothian Local Plan 2009 (CD092), principally ENV 15, ENV 15a, ENV 16 – as well as professional advice from the council's flood risk officer and examples of best practice.

For the sake of completeness, Policy EMG 1 is reproduced below and policies EMG 2 and 3 are set out in the modifications section above.

Policy EMG 1 - Water Environment Improvement

Proposals for the culverting of a watercourse will be considered with reference to SEPA's position statement on culverting.

Opportunities to improve the water environment and promote natural flood management are supported where it can be demonstrated that these will help to reduce overall flood risk. This could include wetland restoration, riparian planting, flood plain creation, daylighting of culverted watercourses and restoration of heavily modified watercourse.

Proposals that are aligned with measures identified in the River Basin Management Plan will be supported in principle, including the retrofitting of SUDS features to the existing surface drainage system, the restoration of watercourses and the removal of redundant structures.

Policy EMG 2 - Flooding [See above in modifications section.]

Policy EMG 3 - Sustainable Drainage [See above in modifications section.]

Appendix Five – Supplementary Guidance (SG) and Planning Guidance (PG) of the Proposed Plan includes Planning Guidance with a working title of *Flooding and Water Environment* which will cover planning issues, policy approaches, various specific topics, regulatory regime requirements including Scottish Environment Protection Agency (SEPA) and Scottish Water requirements as well as best practice.

EMG 1 Water Environment Improvement - support and requirement for modification

Scottish Environment Protection Agency (0243) - further detailed fine tuning of the policy is sought above and beyond previous consultations with this key agency. The council will produce planning guidance on Flooding and Water and it will be possible to include a reference to the need for Flood Risk Assessment (FRA) which can also provide a fuller context for the situations where FRA would apply.

The council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design

Scottish Government – Development Planning Team (0236) - the term ‘water resilient design’ will be more fully explained in subsequent Planning Guidance *Flooding and Water Environment* at which point the outcomes and aims of mitigation sought to prevent flood risk can be set out including the Scottish Government’s ‘flood risk framework’ which, if included in the Plan would render the policy too lengthy to be effective. These details support Policy EMG 2 *Flooding* and are best presented as further guidance to the policy. The council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas

Scottish Government – Development Planning Team (0236) - it is recognised that inclusion of the Flood Risk Framework, paragraph 263, pages 58-59 of Scottish Planning Policy (SPP 2014, CD068) would add clarity, however given its length and the existing length of Policy EMG 2 the council believes that this information is better placed in planning guidance, which accords with the general drive of Scottish Government for more condensed Local Development Plans with detail exported to supplementary guidance.

Paragraph 263 of Scottish Planning Policy (SPP 2104, CD068) states that ‘local development plans should use the following flood risk framework to guide development’ and it additionally advises at paragraph 266 that Development Management should apply the flood risk framework to decisions but at no point is it made explicit that the flood risk framework (always in lower case unlike Flood Risk Assessment) should be copied into Local Development Plan policy. The council proposes to take forward the ‘flood risk framework’ albeit retitled as a ‘Flood Risk Management Framework’ into its subsequent Planning Guidance *Flooding and Water Environment*.

The requirement for Scottish Environment Protection Agency (SEPA) sign-off is standard practice to provide confidence to developers, cover liability and ensure that investment in areas of flood risk is protected. Existing flood defences may or may not be effective - particularly if built to previous, lower specifications – and generally it is advisable for construction works such as flood defences to be vetted to ensure that they meet the design and engineering brief to protect properties from flood risk. Scottish Environment Protection Agency (SEPA) has not challenged this policy requirement.

The council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding

Scottish Government – Development Planning Team (0236) - the coastal section of West Lothian is approximately 5.5 kilometres long, well-wooded, relatively steep in many parts and completely covered in overlapping spatial designations: Firth of Forth Special Protection Area, Forth Coast Special Landscape Area, Hopetoun House Designed Garden and Landscape, Local Biodiversity Sites and British Geodiversity Sites. In addition, there are point designations for scheduled monuments and historic buildings.

Paragraph 88 of Scottish Planning Policy (SPP 2014, CD068) under the heading ‘Coastal Planning’ offers guidance to planning authorities to restrict coastal areas prone to rising sea levels and extreme weather events arising from climate change. Whilst many parts

of the Firth of Forth have settlements and development pressure adjacent the sea and near sea level this is not the case for the West Lothian coast line. Given the existing high degree of protected status for this section of coast and the heavy constraints to development the additional text suggested seems redundant and inappropriate to the context.

The council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding – inclusion of a map on flood risk areas

Scottish Government – Development Planning Team (0236) - the council agrees to take forward the addition of the Scottish Environment Protection Agency medium to high risk flood into its subsequent Planning Guidance *Flooding and Water Environment*.

The council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding - support and requirement for modifications

Scottish Environment Protection Agency (0243) - as a key agency, Scottish Environmental Planning Agency has previously commented on earlier versions of Policy EMG 2. The comments are not substantive changes to the direction of Policy EMG 2. The further iterations of policy amendments are fine-tuning and essentially detail which can be addressed in the council's subsequent Planning Guidance *Flooding and Water Environment*. Policy within a Local Development Plan is necessarily a snapshot of best policy practice at a certain point in time with further detail being allowed for through supplementary guidance and indeed future development plans.

The council does not therefore agree to modify the Plan in response to this representation.

EMG 3 Sustainable Drainage – additional text on flood risk framework / text amendments

Scottish Government – Development Planning Team (0236) - good sustainable drainage is an important component of any flood risk management and mitigation strategy.

It is recognised that inclusion of the Flood Risk Framework, paragraph 263, pages 58-59 of Scottish Planning Policy (SPP 2014, CD068) might add clarity, however given its length and the existing length of Policy EMG 3 the council believes that this information is better placed in subsequent planning guidance, which accord with the general drive of Scottish Government for more condensed Local Development Plans with detail exported to supplementary guidance. Paragraph 263 of Scottish Planning Policy (SPP 2014) states that 'local development plans should use the flood risk framework to guide development' and it additionally advises at paragraph 266 that Development Management should apply the flood risk framework to decisions, but at no point is it made explicit that the flood risk framework should be incorporated into Local Development Plan policy. The council proposes to take forward the 'flood risk framework' into its subsequent Planning Guidance *Flooding and Water Environment*.

Wallace Land Investment & Management (0360) - requests for Water Impact

Assessments (WIA) and Drainage Impact Assessments (DIA) are standard practice within the management of planning applications and development proposals. The changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy EMG 3.

The council does not therefore agree to modify the Plan in response to these representations.

EMG 3 Sustainable Drainage – support for policy

Scottish Environment Protection Agency (0243) - SEPA's support for policy EMG 3 is welcomed.

Objections to allocation of sites on the basis of flooding, flood risk

Jonathan Moss (21648848) - in respect of site H-LL 12 Preston Farm, Linlithgow, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan indicates that a Flood Risk Assessment and mitigation of surface runoff will be required. These are standard site development requirements which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

Helen MacKenzie (21660154) - In respect of site H-LL 11 Wilcoxholm, Linlithgow, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan indicates that a thorough Flood Risk Assessment will be required including flood risk assessment and mitigation related to risks from the Union Canal and Linlithgow Loch. These are standard site development requirements which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

John Orr (21716490) - in respect of site H-BA 1 Balmuir Road, Bathgate, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan, indicates that a Flood Risk Assessment will be required. This is a standard site development requirement which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

The council does not therefore agree to modify the Plan in response to these representations.

Policies EMG 1 - 3 are effective and comply with the policy framework and the policy approach is compliant with Scottish Planning Policy (SPP 2014); no outstanding issues have been raised by Scottish Environment Protection Agency.

However, there have been a number of requests for additional information and detail including Scottish Planning Policy 2014 paragraph 263, pages 58-59 'flood risk framework' which can be taken forward in subsequent planning guidance.

Reporter's conclusions:

1. The council has addressed SEPA's comments on the EMG policies both here and at Issue 1T. I note that the summaries of SEPA's responses on these policies in Issue 1T are different from the summaries provided above. In any event I proceed on the basis of

the representations themselves.

2. As for the comments on specific sites, we address representations (including in relation to flood risk) about sites H-LL 12 Preston Farm and H-LL 11 Wilcoxholm (both Linlithgow) under Issue 15A. In relation to site H-BA 1 Balmuir Road, Bathgate, I note that the entry for this site in Appendix Two of the proposed plan acknowledges that the site is susceptible to flooding and that a flood risk assessment is required. SEPA has made no comment on the flood risk requirements for this site (it has done so for many other sites). John Orr raises wider comments about the deliverability of this and several of the other housing allocations in the proposed plan. We generally deal with these matters under Issue 1A.

Policy EMG 1 Water Environment Improvement

3. The modification sought by SEPA to add the qualification that a Flood Risk Assessment (FRA) is required is considered by the council to be a matter that will be addressed in Supplementary Guidance. Scottish Planning Policy (SPP) advises that the planning system should promote a precautionary approach to flood risk from all sources but the requirement for FRAs, as indicated in paragraph 266 of SPP, is dependent on the category of flood risk. It is not clear that all proposals for water environment improvements will necessitate a FRA. Not all of the sites listed in Appendix Two of the plan are noted as requiring a FRA. I therefore find the wording proposed by SEPA to be potentially onerous to developers. I therefore consider that this modification should be qualified to where required.

Policy EMG 2 Flooding

4. The Scottish Government seeks changes to the wording of the fifth paragraph regarding potential flood risk / resilient design in order that it better reflects SPP in terms of flood storage capacity and land raising. SPP lists land raising as a development management matter. Similarly loss of flood storage capacity would be addressed via flood risk assessments as part of the development management process. I therefore do not consider that these modifications should be incorporated within policy EMG 2.

5. The council comments that the Scottish Government requests that the relevant terms of the flood risk framework set out in paragraph 263, pages 58 – 59 of SPP should be included in the policy. I find that this aspect of their representation is rather unclear. I consider, however, that this can be addressed by reference within this policy to the flood risk framework in SPP rather than replicating the framework within the policy. I address this in my recommended modifications.

6. With regards to the Scottish Government's comments on the sixth paragraph of policy EMG 2, I agree that the requirement that developments are not constructed until the flood protection scheme is confirmed operational by SEPA is not an explicit requirement of SPP. The wording of the policy is presently rather restrictive and prevents development from commencing until the flood protection scheme is completed and operational. I consider that this is a matter that is best addressed via the development management process depending on the site specific circumstances. I therefore agree that this sentence should be deleted.

7. I note the modification sought by the Scottish Government in relation to coastal flooding. Irrespective of the constraints upon the coastal area of West Lothian I agree

that the inclusion of text to reflect the requirements of paragraph 88 of SPP is appropriate. I address this in my recommended modifications below.

8. SEPA seeks further amendments to the wording of Policy EMG 2. I agree that the addition of wording to require that, in addition to being built to water resilient design, new developments do not increase flood risk elsewhere would be appropriate. This would better reflect the aims of SPP. I consider that the requested modification to insert wording to indicate that where new developments are to be built behind a formal flood protection scheme that scheme must be designed to an appropriate standard would be useful clarification. Both of these matters are addressed in my modifications. The requested wording 'and is an acceptable land use for the location' is already incorporated within the sixth paragraph of the policy. Their requested modification requiring that alterations and small scale extensions do not increase the number of persons at risk is more onerous than paragraph 257 of SPP. This would also be difficult for the planning authority to monitor and control. I therefore do not recommend such a modification.

Policy EMG 3 Sustainable Drainage

9. The Scottish Government seeks that the policy should include provision for that section of the flood risk framework applicable to surface water flooding in paragraph 263 of SPP. I note that the council proposes to include the full framework in its proposed Supplementary Guidance. SPP paragraph 263 states that local development plans should use the flood risk framework not incorporate it. I address this in my recommended modifications to Policy EMG 2.

10. Wallace Land Investment & Management seeks a more generic approach to sustainable drainage by deleting of the reference to Drainage Impact Assessments (DIA). The policy as presently worded does not require a DIA in every case; in that respect it reflects paragraph 267 of SPP. I address this matter further in paragraph 13 below. The need for a DIA would be identified via the development management process. Appendix Two indicates on a site by site basis where a DIA is required. The deletion sought would, in my view, weaken the policy. The request that 'on site' be inserted at the end of the first paragraph would conflict with the reference to off-site works later in this policy. I, therefore, do not accept that modification.

11. Wallace Land also seeks deletion of paragraphs three and four of this policy relating to the requirement for retrofitting of SuDS, upgrading of existing drainage and the requirement for off-site works. I accept that, as set out in its response to my request (FIR11) for further evidence, it would not be appropriate to utilise planning conditions or obligations to resolve existing deficiencies in drainage infrastructure that are not related to a proposed development. However I consider that it is entirely reasonable for these to be used where a proposed development would exacerbate those deficiencies. The normal tests applying to the use of conditions and obligations would still apply and would to my mind address the concerns raised in this representation. However I agree that for the sake of clarity and reasonableness the policy should be modified to indicate that it relates to where existing deficiencies in drainage infrastructure would be exacerbated by proposed development. In response to FIR11 the council now accepts the deletion of 'and SuDS retrofitted'. I agree that this is a reasonable approach as this is likely to be difficult to achieve. Furthermore the use of the word 'may' in the existing wording of the policy allows for some flexibility rather than making such requirements essential in all cases.

12. Although not listed above by the council I note that the RSPB (0209) requests that policy EMG 3 makes reference to best practice guidance on SuDS and Wildlife. The second paragraph of the policy indicates that the design of SuDS should meet best current practice and refers to Scottish Water and SEPA guidance. SEPA guidance includes that the ecological value of SuDS is encouraged. Furthermore Policy ENV 20 Species Protection and Enhancement makes reference to the council's planning guidance 'Planning for Nature Development Management and Wildlife'. I am therefore content that this modification is not necessary.

13. Also not noted above is the representation from Transition Linlithgow (0363). It seeks that policy EMG 3 should explicitly state that a DIA must be undertaken when proposals are planned in locations that already have known water quality/drainage concerns. If the wording of Policy EMG 3 is modified to clarify the circumstances in which a DIA will be required as per paragraph 267 of SPP it would address this representation. I take account of this in my recommended modifications below.

Proposals Map

14. The Scottish Government seeks that the SEPA map for medium to high flood risk areas and local knowledge that the council has on flood risk be included in the proposals map. The SEPA map is publicly available and I consider that there is no justification to replicate it within the LDP. Local knowledge of any additional areas prone to flooding might be more appropriately identified in guidance. I reject this modification.

Reporter's recommendations:

1. In Policy EMG 1 Water Environment Improvement, add the following text at the end of the last sentence:

'provided that, where appropriate, these activities are informed by a Flood Risk Assessment.'

2. In Policy EMG 2 Flooding:

2.1. In the sixth paragraph delete 'and must not be constructed until the flood protection scheme is confirmed operational by SEPA.'

2.2. At the end of the sixth paragraph insert the following additional sentences:

'Any such formal flood protection scheme must be designed to an appropriate standard. Developments will be assessed against the flood risk framework contained in SPP which sets out the types of development and locations where it is appropriate to develop'.

2.3. After the sixth paragraph include the following additional paragraph:

'New development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is clear justification for a departure from the general policy to avoid development in areas at risk.'

3. In Policy EMG 3 Sustainable Drainage:

3.1. In the first paragraph, after the first sentence insert the following additional

sentence:

‘DIAs, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects’.

3.2. In the third paragraph, delete ‘and SuDS retrofitted’.

3.3. In the fourth paragraph, after ‘combined drainage systems’ insert ‘and these would be exacerbated by proposed development’.

Issue 26V	West Lothian Transportation matters excluding Linlithgow	
Development plan reference:	Plan wide	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Isabel Findlay (0001) Karen Winters (0002) Christine Hodgson (0003) Eugene Tomany (0005) Neil Waddell (0060 & 0088) Geoff Stevens (0064) Doreen Carter (0080) Barbara Bowland (0133) Gladman Developments Ltd (0147) Gladman Developments Ltd (0158) David Bowland (0195) Scottish Government (0236) Scottish Natural Heritage (0238) Livingston Village Community Council (0240) Taylor Wimpey Ltd (0247) Amie Butchard (0340) Wallace Land Investment & Management (0356) East Calder Community Council (0361) A & M Thomson (0364) Ashleigh Trenzinger (0373) Barbara Bowland (0455) Gladman Developments Ltd (0459)</p>	<p>Neil Harris (21903538) Robert Lemmer (21605856) Alistair Short (21097306) Neil Waddell (21454872 & 21628708) Andrew Dodds (21716219) J. Stewart MacGarvie (21768463) Alastair Morrison (21839770) Rick Finc (21870299) Keith Irving (21877215) Lynn Garvey (21835156) Derek Hope (21875788) Louise Clements (21886028) Shelagh Taylor (21890399) John Henderson (21061517) Stuart Livingston (21369421) Monika Foster (21462208) Brian Martin (21669441) Robert Rae (21690215) Drummond Distribution (21617417) BDW Trading Ltd and H+J Russell (21863641) Rick Finc (21871160) Network Rail (2871541)</p>	
Provision of the development Plan to which the issue relates:	Transportation matters	
Planning authority's summary of the representation(s):		
<p>Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Eugene Tomany (0005)</p> <p>Increase in traffic during construction and from tenant's vehicles. There will also be parking issues.</p> <p>Neil Waddell (0060 & 0088)</p> <p>Housing development around East Calder should only be allowed if there is a commitment to enhance cycling conditions around East Calder and commuter routes into Edinburgh.</p>		

Barbara Bowland (0133), David Bowland (0195)

Site H-L31 Murieston Valley Road, Murieston , Livingston 24 units. Objects to an invasion of additional traffic through the community. The effect on the community from removal of any contaminated soil.

Gladman Developments Ltd (0147)

Inclusion of the site at Brotherton Farm, Livingston in the proposed LDP.

Gladman Developments Ltd (0158)

The council should address the provision of infrastructure costs up front before developments are approved. Funding can be clawed back as developments progress.

Scottish Government (0236)

- Page 37 – Policy TRAN 3 – Core Paths and Active Travel
The policy should be amended or supporting text provided which responds to paragraph 5.14 of National Planning Framework 3 on exemplar walking and cycling friendly settlements.
Paragraph 5.14 of National Planning Framework 3 encourages all local authorities to identify at least one exemplar walking and cycling friendly settlement to demonstrate how active travel network scan be significantly improved in line with meeting the Scottish Government’s vision for increased cycling.
- Page 37 – Paragraph 5.128
The statement is not factually correct and should be removed.
The station provision is not linked to Edinburgh to Glasgow Improvement Programme (EGIP) and is being provided by developers as part of Winchburgh expansion. The paragraph should be reworded to remove the link and dates of commencement.
- Action Programme Page 7 & Page 86 ref P-25
Reference to land reservation for parkway rail station south of East Calder / east of Mid Calder junction should be removed.
Transport Scotland reviewed the national picture from 2008 to 2032 for potential new stations. This site was not flagged at this time and subsequently not included in policy going forward.
- Transport Appraisal
The Proposed Plan does not recognise or define the impacts and what, if any, mitigation measures are required as a consequence of the LDP spatial strategy on the trunk road network. Additionally, the LDP does not define any cross boundary effects of development to the trunk road network, specifically at Newbridge. In order to do this the Proposed Plan needs to identify the interaction of traffic generated by the Proposed LDP allocations within the West Lothian area and out with the boundary on the trunk road network, specifically looking at Newbridge.

Transport Scotland has two areas of concern in relation to the Transport Appraisal:

1. The Transport Appraisal does not clarify the transport effects of the Proposed Plan spatial strategy within the West Lothian area on the trunk road network or the need for any transport infrastructure to mitigate any effects on this network.
 2. There is also no information provided on the potential impact of West Lothian's LDP allocations on the trunk road network out with the Council boundaries, particularly at Newbridge junction located within the City of Edinburgh Council area.
- After reviewing the Transport Appraisal, Transport Scotland is not content that the Council has satisfactorily appraised the potential impact of the LDP traffic on the trunk road network within West Lothian, as the new M9 junction at Winchburgh is not included within the model. The omission of this junction could significantly affect travel patterns resulting in inaccurate information.
 - Cross boundary mitigation measures is of particular concern to Transport Scotland with regard to the M9(T), specifically Newbridge. In the absence of an assessment of the cross boundary impacts of the proposals included in the Proposed Plan, Transport Scotland is currently unable to support the Proposed Plan.

Scottish Natural Heritage (0238)

Active travel plan should be an SPG and referenced as such in the plan document.

Livingston Village Community Council (0240)

The council should source ways of getting funding for infrastructure costs up front, developers should contribute to the improvements as their development progresses. North south traffic movements should be addressed with improvements to Alderston Road. A71 improvements are required now and should not wait until developers are in a position to provide the improvements. Is there any movement on delivery of A801 Avon Gorge improvement.

Taylor Wimpey Ltd (0247)

Request inclusion of site at Kingsfield, Linlithgow

Wallace Land Investment & Management (0356)

Request inclusion of site at Wellhead Farm, Murieston, Livingston

East Calder Community Council (0361)

More commitment required within the LDP to provide sustainable transport options in the East Calder area. Better bus provision. Better cycle connections along A71 especially towards Edinburgh. Better connections to rail stations and more car parking at Uphall Station.

Gladman Developments Ltd (0459)

Request inclusion of Dykeside Farm, Bathgate

Neil Harris (21903538), Robert Lemmer (21605856), Geoff Stevens (0064), Doreen Carter (0080), Barbara Bowland (0133), Amie Butchard (0340), A & M Thomson (0364), Ashleigh Trenzinger (0373)

Site H-LV3 Tarbert Drive, Murieston, Livingston 9 units. Land is contaminated resulting concern is that by disturbing the ground there may be health issues. This will extend as far as the material has to be taken off site. There will also be increased traffic in the town centre from this development.

Alistair Short (21097306)

Comments on Spatial Strategy supporting various council initiatives

Neil Waddell (21454872 & 21628708)

Lack of acknowledgement within the plan that cycling is part of any development. Especially at East Calder there should be no further development due to difficulties in health centre provision and traffic infrastructure.

Andrew Dodds (21716219)

Why are cycleways and footways over engineered?

J. Stewart MacGarvie (21768463)

Supports planning application 0840/P/15. The objection to the LDP is that the site is not recognised in the plan process and that it should be a site for housing as there are also employment benefits to the neighbouring business park.

Alastair Morrison (21839770)

Supports all policies within the plan which relate to cycling. Appendix 6(page 275) list the following policies being supported 34, 39, 41, 46, 102, 103, 105, 107 to 114 and 117.

Rick Finc (21870299)

Objects to site EOI-0113 not being included in final document.

Keith Irving (21877215)

Support hierarchy on development within Linlithgow with a focus on brownfield sites first and foremost and prioritising sites closer to the station, given the demand for rail commuting and parking at the station. Seeks more detail on proposals to encourage walking or cycling in the town as a result of infrastructure contributions. Transport appraisal needs specific reference to the national walking strategy, cycling action plan for Scotland. Critical of increasing congestion on the high Street by poor parking, lack of enforcement and in some places, use of single help with lines where double yellow lines would better aid a flow of traffic. These matters are not addressed in the transport

appraisal. Car parking provision should not be an essential pre- requisite for creating additional housing stock in the upper floors.

Lynn Garvey (21835156), Derek Hope (21875788)

Site H-BA28 should be restricted to a maximum of 2 houses to minimise traffic congestion on Mid Street. Effective traffic management should be part of any development assessment.

Shelagh Taylor (21890399)

Objects to road P-101 South Murieston / Linhouse Link Road being included in the LDP as it would become a distributor road for deliveries and HGV's through an area that is currently reasonably quiet.

John Henderson (21061517)

Objects to any housing to the south of Pumpherston village. The road network will not handle 1200 units that are proposed.

Stuart Livingston (21369421)

Objects to site H-WC3 being included in the plan. There is no footway connection from Westwood View area to West Calder. The development will add extra traffic to the road network making an unsafe situation worse.

Monika Foster (21462208)

Growth should be realistic. At the moment it's just about building homes and no thought to transport infrastructure. Development should cease until sustainable transport infrastructure is provided.

Brian Martin (21669441), Louise Clements (21886028)

Objects to H-WI2 East Coxydean Farm, Wilkieston being promoted. Also if it did go ahead where would the proposed access be located in relation to the site layout. There are no safe turning points on A71 for residents. The B7015 junction should be a roundabout with an extra leg to Bonnington Road.

Robert Rae (21690215)

Livingston South rail station requires an upgrade. The car park is full and is thus a disincentive to get a train. It will only get worse following electrification. The wooden platform requires upgrade.

Drummond Distribution (21617417)

Reallocation of land for site H-AM2 Armadale from housing to employment land. Also land available for a road connection through to sites H-AM5 and H-AM6 and onto North Street.

BDW Trading Ltd and H+J Russell (21863641)

Referring to Murieston Castle site (EOI-110):

- 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.
- The site can be integrated into the surrounding network with minimal upgrade.
- Sustainable transport policy principles can be met.

Rick Finc (21871160)

Referring to land at Balgreen Farm, Murieston, Livingston (EOI-111). Access to road network is off Castlevue Lane and Murieston Road giving links to Edinburgh and Glasgow via A71 and M8 respectively.

Network Rail (2871541)

Encourage preparation of supplementary guidance to include provision for rail infrastructure improvements; encourage early engagement prior to confirming proposals for Kirknewton Railway station (park & ride and bus interchange) and parkway railway station at East Calder; encourage inclusion of policy statement to clarify that no new level crossings will be permitted, proposals which increase the use of level crossings will generally be resisted and alternative crossing will require to be provided where development would prejudice the safe use of a level crossing.

Modifications sought by those submitting representations:

Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Eugene Tomany (0005)

No modification proposed just object to the site being allocated.

Neil Waddell (0060 & 0088)

No modification proposed or sought. The LDP should include cycle infrastructure improvement to existing roads and especially as a result of developments which increase traffic levels. Support cycling improvements around East Calder and into Edinburgh.

Barbara Bowland (0133), David Bowland (0195)

Removal of site from proposed plan.

Gladman Developments Ltd (0147)

Inclusion of the site at Brotherton Farm, Livingston in the plan

Scottish Government (0236)

Core Paths and Active Travel – the plan should include an exemplar settlement.

Paragraph 5.128 statement not factually correct. The station is not linked to EGIP.
Action program – remove reference for land for parkway rail station.
No other modifications asked for.

Scottish Natural Heritage (0238)

Active travel plan should be an SPG and referenced as such in the plan document.

Livingston Village Community Council (0240)

The council should forward fund infrastructure improvements and then recover the cost as developments are built out.

Taylor Wimpey Ltd (0247)

Request inclusion of site at Kingsfield, Linlithgow

Wallace Land Investment & Management (0356)

Request inclusion of site at Wellhead Farm, Muiriston, Livingston

East Calder Community Council (0361)

A more comprehensive management of the A71 corridor is essential if it is to handle the traffic increase from local developments. Public transport improvements should also compliment any proposed traffic enhancements.

Gladman Developments Ltd (0459)

Request inclusion of Dykeside Farm, Bathgate

Neil Harris (21903538), Robert Lemmer (21605856), Geoff Stevens (0064), Doreen Carter (0080), Barbara Bowland (0455), Amie Butchard (0340), A & M Thomson (0364)
Ashleigh Trenzinger (0373)

Removal of site from proposed plan

Alistair Short (21097306)

No modification proposed

Neil Waddell (21454872 & 21628708)

No modification proposed

Andrew Dodds (21716219)

Replace grass verge with hardcore to improve road widths for cyclists and motorists alike.

J. Stewart MacGarvie (21768463)

The site that forms the application 0840/P/15 is changed to housing supply within the

LDP.

Alastair Morrison (21839770)

No modification proposed

Rick Finc (21870299)

Would like site EOI-0113 to be included in the final LDP.

Keith Irving (21877215)

No modification sought

Lynn Garvey (21835156), Derek Hope (21875788)

Site H-BA28 should be restricted to a maximum of 2 houses

Louise Clements (21886028)

Objects to site H-WI2 being included in the LDP

Shelagh Taylor (21890399)

Removal of route P-101 from the LDP.

John Henderson (21061517)

No modification proposed.

Stuart Livingston (21369421)

Objects to site H-WC3 being included in the LDP

Monika Foster (21462208)

No modification proposed.

Brian Martin (21669441), Louise Clements (21886028)

Objects to H-WI2 being included in the LDP.

Robert Rae (21690215)

No modification proposed.

Drummond Distribution (21617417)

Redetermination of site H-AM2 from housing to employment and land available for a through road.

BDW Trading Ltd and H+J Russell (21863641)

Require the site to be included as a preferred site.

Rick Finc (21871160)

Require the site to be included as a preferred site.

Network Rail (2871541)

Seek inclusion of policy statement to clarify that no new level crossings will be permitted, proposals which increase the use of level crossings will generally be resisted and alternative crossing will require to be provided where development would prejudice the safe use of a level crossing.

Summary of responses (including reasons) by planning authority:

Isabel Findlay (0001), Karen Winters (0002), Christine Hodgson (0003), Eugene Tomany (0005)

Volume of traffic for 10 housing units would only generate 4 vehicles in the peak hour and about 60 vehicle movements throughout the day. This equates to an average of less than 3 movements an hour and would not cause any traffic issues. If there is contaminated soil that requires to be removed from site then there are recognised methods under Health and Safety that permits the removal of the material. Vehicles would have harps over the trailers to ensure no material became airborne.

Neil Waddell (0060 & 0088)

A study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the availability of external funding).

Barbara Bowland (0133), David Bowland (0195)

Volume of traffic for 24 housing units would only generate 10 vehicles in the peak hour and about 144 vehicle movements throughout the day. This equates to an average of less than 7 movements an hour and would not cause any traffic issues. If there is contaminated soil that requires to be removed from site then there are recognised methods under Health and Safety that permits the removal of the material. Vehicles would have harps over the trailers to ensure no material became airborne.

Gladman Developments Ltd (0147)

From a transportation perspective any new developments not contained in the LDP would follow the same procedure. There would be a requirement for a transportation Assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

Gladman Developments Ltd (0158)

See Schedule 4 number 1F

Scottish Government (0236)

Core Paths and Active Travel – It is not the intension of the council to have an exemplar walking and cycling friendly settlement. The council will as part of its Active Travel Policy be looking at providing settlements with the best walking and cycling infrastructure that addresses the needs of each local community. This will be an ongoing project when funding is available.

Corrections to the text will be made with regard to Winchburgh rail station and when it is delivered.

Action programme ref P25 – The land reservation for a parkway rail station southeast of East Calder is included in the LDP as the council needs to make the LDP compliant with the SDP where this item of infrastructure is mentioned. The Council considers it unlikely that this station will ever be constructed and would be willing for the removal of the reference if so considered appropriate.

Transport Appraisal – Technical paper on modelling methodology to support modelling results for LDP describes the impacts of Winchburgh motorway junction and why it was not included in the model and the small impact at Newbridge as a result of the cross boundary travel from the proposed developments. Also, see supporting document (SD181).

Scottish Natural Heritage (0238)

The Active Travel Plan (ATP) (CD163) is referred to in the LDP as Planning Guidance rather than Supplementary Planning Guidance. By referring to the ATP as Planning Guidance this allows the ATP to be updated quickly and/or during the lifetime of the LDP. By taking forward the ATP as Planning Guidance it won't form part of the development plan however, if adopted by the council it will have some status and could be considered as a material consideration in the determination of planning applications.

Livingston Village Community Council (0240)

There is a small local infrastructure fund that the council is able to use to forward finance infrastructure projects, however it is not large enough to fund road infrastructure. Priorities for this fund are more towards education provision. The continued expectations that developers have to fund improvements will continue. It is the developments themselves that can create network issues that require to be addressed. Without development it is the council's responsibility to deal with existing network issues. Either they find the budget to solve the network problem or have to accept the situation as it is.

Taylor Wimpey Ltd (0247)

From the transportation scoring assessment (Table 1 Call for Sites) (CD083 and CD195) document which was a supporting paper for the MIR stage this site was well below average as a sustainable housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a

transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

Wallace Land Investment & Management (0356)

From the transportation scoring assessment (Table 1 Call for Sites) (CD083 and CD195) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

East Calder Community Council (0361)

The council has an active travel plan that will be part of supplementary guidance to the SDP. Also a study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the availability of external funding).

There is an existing SPG covering bus route provision which developers from both the Calderwood area and Mossend area have to contribute towards.

Gladman Developments Ltd (0459)

From the transportation scoring assessment (Table 1 Call for Sites) (CD083 and CD195) document which was a supporting paper for the MIR stage this site was below average for a housing site allocation. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

Neil Harris (21903538), Robert Lemmer (21605856), Geoff Stevens (0064), Doreen Carter (0080), Barbara Bowland (0455), Amie Butchard (0340), A & M Thomson (0364) Ashleigh Trenzinger (0373)

The transportation impact of this site is so small that due to daily variations in traffic flows there would be no obvious traffic flow increases. Removal of any contaminated soil via a safe approved method would have to be agreed with the developer prior to any work commencing.

Alistair Short (21097306)

No issue has been raised.

Neil Waddell (21454872 & 21628708)

A study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the

availability of external funding).

Andrew Dodds (21716219)

National design standards specify suitable materials that should be used depending on the location and usage of the footway or cycleway. It is not possible where there are potential large numbers of pedestrians to lower standards.

J. Stewart MacGarvie (21768463)

From the transportation scoring assessment (Table 1 Call for Sites) (CD083 and CD195) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

Alastair Morrison (21839770)

Transportation agrees with the comments in support of the specified sections of the proposals relating to provision of cycling infrastructure and have nothing further to add.

Rick Finc (21870299)

From the transportation scoring assessment (Table 1 Call for Sites) (CD083 and CD195) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

Keith Irving (21877215)

See Schedule 4 number 15A

Lynn Garvey (21835156), Derek Hope (21875788)

This is a small infill site within the Bathgate area. Traffic generated from the site would not be noticed when compared to daily traffic flow variations on the road network. The site is located within easy walking distance of the town centre and public transport so from a sustainable transport perspective is well suited as a housing site. It will depend on any developer to come forward with the most appropriate number of housing units for the site.

Shelagh Taylor (21890399)

The provision of the distributor road would be developer led and may only come forward when site E-LV46 is developed. The design of the road would be to appropriate standards.

John Henderson (21061517)

This site has not been included in the preferred Local Development Plan. And therefore the Council position is correct, there is no housing proposed for this area.

Stuart Livingston (21369421)

Site H-WC3 forms part of the Mossend core development area of which a masterplan has been prepared. As part of the overall strategy for walking and cycling from the development, appropriate footpaths and cycleways will be provided which will link the development to West Calder. If any development did come forward for this site then there would be a requirement for a transportation assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

Monika Foster (21462208)

The SDP aims to set out levels of economic growth in the south-east Scotland area based on national trends. To be able to provide employment and housing areas, appropriate transport infrastructure levels are required where there may well be a necessity for infrastructure improvements. At a local level these development targets are incorporated in the LDP which details appropriate development areas. The impact of each development area on the surrounding network requires to be addressed through a transport assessment. Sustainable transport options for new developments are incorporated within each assessment. It is correct that growth should be realistic, however the provision of active travel options should be reasonable and introduced at the appropriate time of house or employment completions. It can be difficult to include public transport options at locations where there is no existing service in the area. The council will endeavour to ensure that an accessible route is provided to link with existing services for all developments. Transport infrastructure is always a requirement of new developments and the council can ensure that the developer provides the improvements when the network requires.

Brian Martin (21669441), Louise Clements (21886028)

A requirement of the Calderwood core development area in East Calder is the provision of a bypass to the north side of Wilkieston linking the A71 with the B7030. There is an allocation in the LDP for housing to the south of the bypass road. An access to this site shall be from this new bypass however its location is a detailed matter for a future application. Details are yet to be determined where the access shall be from. This will only be confirmed when a planning application is submitted to the council and assessed for junction spacing. The proposed junction on A71 for the bypass to B7030 will be a signalised layout. Residents wanting to turn around on A71 could use the new circular route around Wilkieston as a safer option. Turning difficulties for current A71 residents are not new and exist at present. However the bypass will allow an opportunity to turn around without manoeuvring on the A71.

Robert Rae (21690215)

As part of the Shotts line electrification currently being undertaken by Network Rail, there are proposed improvements to Livingston South rail station. The council will be

assessing use of all train stations to see what can be achieved through active travel opportunities. This is expected to take the form of improvements to cycling and walking routes.

Drummond Distribution (21617417)

Armadale forms one of the council's core development areas and a fundamental part of the development of the area is the provision of a northern link road from North Street to A89 East Main Street. From a transportation perspective the allocation of a link road is a requirement and therefore should the land be re-determined then a link road through the site shall be required.

BDW Trading Ltd and H+J Russell (21863641)

This site has not been included in the preferred Local Development Plan. And therefore the Council position is correct, there is no housing proposed for this area. There would be a requirement for a transportation assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

Rick Finc (21871160)

This site has not been included in the preferred Local Development Plan, therefore the Council position is correct, there is no housing proposed for this area.

Network Rail (2871541)

Developers and the council would consult with Network Rail on any development proposals affecting the rail network. Appendix 4 of the LDP (page 266) advises of the council's intention to prepare planning guidance in relation to rail infrastructure, this could include reference to rail infrastructure. Policy TRAN 1 (LDP page 36) includes reference to development only being permitted where transport impacts are acceptable and requirements where appropriate, for a Transport Assessment which covers all modes of transport and has been approved by the council. As such the council does not propose a policy specific to level crossings. No modification is proposed by the council in response to this submission.

Reporter's conclusions:

1. A substantial number of the representations summarised above by the council relate to site-specific issues. Where this is the case, we have addressed the issues raised in representations in the respective Schedule 4 form for the site in question. Transportation issues relating to Linlithgow and Linlithgow Bridge have been captured by the council at Issue 11 and our transport conclusions in respect of Linlithgow and Linlithgow Bridge are confined to that Issue and are not repeated here.

2. In addition to the representations referred to above, I have noted the comments relating to the proposed plan's approach to transportation matters made by West Lothian Health Improvement and Health Inequalities Alliance (21798318), Christine Hay (20999351), Jill Simpson (21061671) and Linlithgow and Linlithgow Bridge Community Council (0428). In any event my conclusions below address the points raised where

relevant to this issue.

3. As summarised above by the council, Transport Scotland's representation on the proposed plan identified two main concerns. First, that the transport appraisal accompanying the proposed plan does not clarify the effects upon the trunk road network, nor specifies the transport infrastructure needed in mitigation. Second, that no information on the potential cross-boundary effects on the trunk road network has been provided (with particular reference to the Newbridge junction within the City of Edinburgh's boundary).

4. The council had not provided above a substantive response to Transport Scotland's representation, but referred to a technical paper which had not been submitted to the examination. I therefore sought further information (FIR05) from both the council and Transport Scotland, to clarify what evidence was being relied upon and to establish whether any unresolved concerns remained.

5. This FIR stimulated the council to provide Transport Scotland with additional information. Notwithstanding that Transport Scotland has expressed some dissatisfaction with both the process of the plan's production and the transport assessment which accompanies it, it has confirmed that its representation to the proposed plan has been satisfied, and the proposed plan's spatial strategy can be adequately accommodated on the strategic network (both within and beyond West Lothian) without significant interventions. On this basis, there is no cause for me to give further consideration to this overarching issue, and no modifications are required.

6. The Scottish Government has identified that the proposed plan does not satisfy the expectation of National Planning Framework 3 (NPF3), paragraph 5.14, which encourages local authorities to '...develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting our vision for increased cycling', as part of the low carbon agenda. In its response to this representation, the council stated above that it did not intend to identify an exemplar settlement, and would instead look to meet the needs of each local community.

7. In light of this potential inconsistency with NPF3, I also used FIR05 to ask the council to explain how its approach squared with the expectation that an exemplar settlement should be identified. In response the council has suggested that the Calderwood Core Development Area at East Calder could be considered in these terms, as it prioritises walking and cycling and benefits from being on the national cycle network, route 75. The council has asserted that the approved masterplan for Calderwood aims to capitalise upon these direct links.

8. In order for the plan to be consistent with the expectations of NPF3 paragraph 5.14, I recommend a modification to include reference to Calderwood as an exemplar settlement, using the same substantive wording as provided in the council's further information response.

9. Several representations relate to cycling, with some intimating that the proposed plan gives inadequate attention to promoting cycling and providing improved infrastructure for cyclists. Policy TRAN 3 Core Paths and Active Travel (complemented by paragraphs 5.131 to 5.134) requires new developments to support and link to this network and to provide appropriate cycling infrastructure. It also provides a hook for seeking developer

contributions, which inevitably links to Policy INF 1 Infrastructure Provision and Developer Obligations, which is considered in Issue 1F.

10. Policy TRAN 3 makes clear that the council is seeking to develop an active travel network, of which cycling is an integral part. The policy goes on to explain that the 'Active Travel Plan' (referred to as a draft in paragraph 5.133 but which requires modification to reflect its adoption in April 2016) sets out the intentions for the active travel network. This includes measures such as reprioritisation of roads to support cycling, dedicated off-road routes, active travel connections to public transport and the development and extension of the national cycle route network. The Active Travel Plan would, it seems to me, provide a more natural home for identifying and promoting the delivery and use of new or improved cycling routes referred to in representations, rather than the local development plan.

11. Taken as a whole, I do not find the plan disregards or marginalises the importance of cycling as a sustainable mode of travel. I consider Policy TRAN 3 in particular provides an appropriately positive and supportive framework against which proposals can be assessed. No modifications are recommended, other than to recognise the Active Travel Plan's adoption as referred to above. Scottish Natural Heritage has requested that the Active Travel Plan be taken forward as statutory supplementary guidance, but given it has already been adopted I consider it would be excessive to expect it to now be taken through due process to elevate its status in this way.

12. The provisions of Policy TRAN 3, taken in the round, provide clear policy support for sustainable transport options to be developed and enhanced across West Lothian. Policy TRAN 1 Transport Infrastructure meanwhile gives consideration to transport infrastructure and impacts more widely. East Calder Community Council, in its representation, has stated that greater commitment to this in the East Calder area should be provided in the proposed plan. Livingston Village Community Council has also highlighted some specific transport issues requiring improvement.

13. However, the policy approach in the proposed plan is West Lothian-wide, so unless there are particularly acute local issues with strategic implications, I consider a broader approach as proposed to be more appropriate. Whilst I have noted the localised problems set out in these representations, I am satisfied that the proposed plan's policy stance on these issues more broadly would enable, and indeed require, proper regard to be given to all localised transport issues in development management decisions on individual proposals. On this basis, I have not recommended modifications in response to these representations.

14. A specific call has been made in representations to identify and develop the A71 as an active travel corridor. I note the council commissioned a feasibility study for this in 2016, to identify what the council has referred to as "high level options". There is however no evidence before me to demonstrate its deliverability, or indeed why this route should specifically be a strategic priority. Scottish Natural Heritage (SNH) has stated that identifying the A71 as an active travel corridor would align the proposed plan with the emerging strategic development plan ('SESplan 2'). The council, in the Schedule 4 form for Issue 1S, disagrees with the suggested modification. As we have highlighted in respect of housing issues in Issue 1A, the plan must comply with the adopted strategic development plan, and credence cannot be given to the emerging strategic development plan. I do not attach weight to the emerging SESplan 2, particularly given that any aspect of it could be subject to change as part of its own examination.

15. All told, I conclude that the creation or otherwise of an A71 active travel corridor is, at this time, a matter more appropriately left for the council to progress. I do not consider it justified to recommend a modification for the reasons outlined above.

16. One representation has suggested that cycleways and footways are over-engineered and has suggested that verges could be adapted to improve road width. These are detailed matters relating to roads which would not be appropriate for the plan to concern itself with. I also acknowledge the council's response regarding national design standards for cycleways and footways.

17. More broadly, SNH has stated the plan lacks detail on how the challenges of delivering sustainable transport, outlined in paragraphs 5.108 to 5.112, will be met. However, it has not suggested specific modifications or outlined the specific details it would have expected to see. I find these paragraphs are helpful in providing the context in which the subsequent policies (TRAN 1-3) are framed. It seems to me that the policies themselves adequately answer the question of how the issues identified in the explanatory text are intended to be addressed locally through the planning system. I do not find the plan to be deficient in this regard and no modifications are required.

18. In other representations it has been asserted that growth needs to be realistic and development should cease until transport infrastructure is provided. The plan recognises the need for transport infrastructure to accompany developments, and the requirements of policies TRAN 1-3 are potentially applicable to every development proposal. I consider that these policies, which emphasise the importance of sustainable modes and active travel, provide the capability to ensure transport infrastructure is properly taken account of by development proposals, through their accompanying transport assessment. I accept the council's point that there are limitations to providing public transport to serve new development unless there is already a service nearby.

19. The Scottish Government's representation has stated that the delivery of a new rail station at Winchburgh is not related to the Edinburgh Glasgow Improvement Project (EGIP). The council has stated it will revise the text, but for the avoidance of doubt I have recommended a modification to address the representation. If delivery timescales have changed from those stated in the proposed plan, the council would be free to update this as appropriate, as a non-notifiable modification.

20. In its representation, the Scottish Government sought the removal from the proposed plan of land reserved for a parkway railway station (proposal P-25), on the basis that looking ahead to 2032, there are no plans for it and, it seems, little prospect of developing a new station in this location. The council has stated above that the requirement to reserve land for this purpose was required by the SDP. Having been unable to find any such reference, I asked the council to identify where in the SDP this is referred to, as part of FIR05. The council has referred to what I consider to be generic, aspirational references to high speed rail connectivity. It does not require, nor do I consider it warrants at this stage, specific sites to be identified and reserved for new railway stations. No further evidence has been provided in support of the site's identification. Given the absence of any commitment or certainty surrounding future high speed rail projects or links to any such routes, the reservation of land for this purpose is unjustified and I recommend this proposal be omitted from the plan.

21. In another representation, it has been contended that the Livingston South rail station is deficient, and there is inadequate car parking, which are disincentives to using

the train. I have noted that the council has confirmed that improvements are proposed as part of the line's electrification, and that active travel opportunities will be explored. This would be in line with Policy TRAN 3. I have no evidence to suggest that any deficiencies at this station would undermine the deliverability of the spatial strategy more widely, and so I consider that it is appropriate to rely on the overall policy position, within which location-specific improvements could be sought.

22. Network Rail's representation recognises the importance of transport assessments to accompany planning applications, to establish the likely impacts and therefore improvements needed at each station. It recognises that Policy TRAN 1 and Policy TRAN 2 provide an overarching commitment to this approach.

23. Network Rail has encouraged the production of supplementary guidance which would support contributions towards rail infrastructure, and for this to be reflected in policy also. The council has stated that a specific reference to rail infrastructure could be included in the express statement for the 'Developer Contributions for Transportation Infrastructure' guidance (which is to be changed to supplementary guidance rather than planning guidance as presently indicated) in Appendix Four. However, I consider it more appropriate to rely on the overarching reference to 'transport infrastructure', as any fair interpretation of this would include rail within its scope. To single out one transport mode could be misinterpreted as indicating it to be of greater importance or a higher priority than other modes. Policy INF 1 (which we have considered in Issue 1F) includes transport infrastructure within its scope. Policy TRAN 2 provides additional support for seeking contributions specific to transport infrastructure, so I do not find the plan to be deficient in this regard.

24. It has been requested that the proposed plan should make clear that no new level crossings will be permitted, and that proposals which would increase their use will also normally be resisted. The council considers the provisions of Policy TRAN 1 to be adequate, by requiring that development be permitted only where its transport impacts would be acceptable. I find Policy TRAN 1 provides an appropriate and clear position that all transport impacts need to be established, and where such impacts would be unacceptable, planning permission will be refused. The ability to resist a development which would increase the safety risk presented by level crossings would not be reduced by the absence of an explicit reference to level crossings. No modification is required.

25. Christine Hay's comment appears to relate more to horse riding as a recreational activity rather than as a means of active travel. This representation does not relate solely to paragraphs 5.108 – 5.112, but to the omission of consideration of horse riding from the plan overall, and asserts that there is the need to protect bridleways as well as foot and cycle paths. Policy TRAN 3 deals with Core Paths, which can provide for both recreation and active travel. Recognising that bridleways would in many cases also be accessible to walkers and cyclists, I recommend adding another bullet, 'bridleways', to the list of infrastructure which could make up the active travel network.

26. Linlithgow and Linlithgow Bridge Community Council suggests that an additional policy (potentially 'TRAN 5') should be added, which would make provisions to investigate and mitigate congestion and pollution in town centres. I am satisfied that the policies already contained in the proposed plan require the effects of development to be established and mitigated where necessary, including the exacerbation or creation of congestion, for development to be supported. I see no particular merit in recommending an additional policy to address this issue.

27. With regard to pollution, it is not clear from the representation how this could be addressed effectively by planning policy; traffic generation is to varying degrees an inevitable aspect of any development. The proposed plan places a clear emphasis on sustainable modes of transport and active travel. It seems to me that this is as far as the remit of the plan can reasonably extend. Direct interventions or decision-making relating to vehicle emissions and pollution largely fall outwith the planning system, but the direction of international and national policy generally is to favour fuel-efficient, low emission vehicles as well as alternative technologies such as fully electric vehicles, which ought to assist in accommodating development growth without leading to a proportionate increase in pollution over the longer term. No modification to the plan is recommended.

Reporter's recommendations:

1. After paragraph 5.111 insert the following additional paragraph:

'National Planning Framework 3 (paragraph 5.14) encourages at least one exemplar walking- and cycling-friendly settlement to be developed, forming a key part of the low carbon agenda. Calderwood Core Development Area at East Calder can be considered in these terms. The development is centred on a national cycle route and puts walking and cycling first. National Cycle Network (NCN) Route 75 will run through the middle of an area of housing on a dedicated route. The approved masterplan for the Calderwood area provides for excellent direct walking and cycling links across the development.'

2. In paragraph 5.128, amend the first sentence to read as follows:

'The delivery of a new rail station at Winchburgh has been agreed with all interested parties and is to be constructed by developers.'

3. In paragraph 5.133, amend the first sentence to read as follows: 'The council's Active Travel Plan for West Lothian (adopted in April 2016) sets out...'

4. Omit proposal P-25 from the proposals map, from the table of other developments in East Calder on page 86 and from Appendix Six.

5. In Policy TRAN 3 Core Paths and Active Travel, after the bullet 'the Green Network routes;' insert the following additional bullet:

- 'bridleways;'

Issue 26W	Peatlands and carbon rich soils	
Development plan reference:	Policy ENV 6	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (0238) Scottish Environment Protection Agency (0243) Craig Holden (21859513) Royal Society for the Protection of Birds (0209)</p>		
Provision of the development Plan to which the issue relates:	Local Development Plan Proposed Plan - page 43	
Planning authority's summary of the representation(s):		
<p><u>Policy wording</u></p> <p>Scottish Natural Heritage (0238) – the introductory words to Policy ENV 6 are remarked upon as not being consistent with Scottish Planning Policy (SPP, CD068). It is recommended that this phrase is removed and replaced with other wording to align the policy with the requirements of Scotland's National Peatland Plan (CD150).</p> <p><u>Support for ENV 6 / environmental policies</u></p> <p>Scottish Environment Protection Agency (0243) - supports the policy because 'soil is a key part of our environment and soil degradation can have major implications for air and water quality as well as our climate, biodiversity and economy'. Scottish Environment Protection Agency (SEPA) states that the policy will assist in achieving management and protection of carbon rich soils as part of Scotland's approach to tackling Climate Change at source.</p> <p>Craig Holden (21859513) and the Royal Society for the Protection of Birds (0209)</p> <ul style="list-style-type: none"> - Supports environmental policies (i.e. ENV 5 – 20) within the Proposed Local Development Plan (CD093), especially those that aim to conserve habitats and biodiversity. - Supports Policy ENV 6 for the protection of peatland and carbon rich soils. 		
Modifications sought by those submitting representations:		
<p><u>Policy wording</u></p> <p>Scottish Natural Heritage (0238) – it is recommended that the opening words '<i>Within or adjacent to ecologically significant areas protected in this LDP</i>' (<i>Local Development Plan</i>) are removed and replaced with the following phrase: <i>in all cases where peat and other carbon rich soils are present</i>. [The proposed plan phrase is highlighted in the policy re-print below.]</p>		

Support for ENV 6 / environmental policies

Scottish Environment Protection Agency (0243); Craig Holden (21859513) and the Royal Society for the Protection of Birds (0209) – no modifications requested.

Summary of responses (including reasons) by planning authority:LDP policy background

The adopted West Lothian Local Plan (CD092) has a range of policies, ENV 1 – 6, in support of biodiversity and protection of identified areas of international, European, national, regional and local importance.

With the lead up to and publication in June 2015 of Scotland's National Peat Plan (SNPP) (CD0150) by Scottish Natural Heritage, the council developed a specialised policy for the proposed plan in support of the protection of peatlands and carbon rich soils as below.

The main guidance within Scottish Planning Policy (CD068) regarding the protection of areas of peat and carbon rich soils features in para. 205 under Development Management and also appears as a requirement of Spatial Frameworks for wind energy on page 39 as '*Other nationally important mapped environmental interests:....carbon rich soils, deep peat and priority peatland habitat*', as well as passing references such as paragraph 241 under subject policy Promoting Responsible Extraction of Resources. The paucity of explicit guidance on this subject for Development Plans within the Valuing the Natural Environment subject policies is likely to arise from the fact that SPP predates the release of Scotland's National Peat Plan (SNPP) by almost a year and consequently does not reference it.

Thus the policy approach for the proposed plan takes forward and rationalises the council's adopted policies whilst following best practice models.

Policy ENV 6 Peatlands and carbon rich soils

Within or adjacent to ecologically significant areas protected in this LDP (identified in policies ENV 18, ENV 19 and ENV 20) peat extraction and development likely to have an adverse effect on peatland and/or carbon rich soils will not be supported. Elsewhere commercial peat extraction and other development likely to have an adverse effect on peatland and/or carbon rich soils, will only be permitted in areas suffering historic, significant damage through human action and where conservation value is low and restoration is impossible. Where peat and other carbon rich soils may be affected by proposals, an assessment of the developments potential effects on CO2 emissions will be required.

Where this is not possible development should be informed by an appropriate peat survey and management plan, any disturbance or excavation should be minimised and suitable mitigation measures should be implemented to abate carbon emissions.

Policy wording

Scottish Natural Heritage (0238) – As Scottish Natural Heritage (SNH) is the publisher and charged with ensuring the protection of peatlands through raising the levels of conservation and active restoration via the recently published SNPP and associated

activities it is understandable that a policy change is sought on this matter. However, the timing is not conducive to its full representation within the council's proposed plan which was going through committee approvals process in the summer of 2015 leading up to publication for consultation in early autumn of 2015, similar to timing difficulties for other LDPs across Scotland nearing final draft or adoption stage.

The phrasing '*Within or adjacent to ecologically significant areas protected in this LDP (Local Development Plan)*' is not specifically proscribed by SPP and follows established and adopted nomenclature in the adopted plan as well as giving applicants an indication where peat and carbon rich soils are to be found in the council area. The policy mentions peat and carbon rich soils three times so Scottish Natural Heritage's (SNH) request could be viewed as fine tuning or adding repetition.

However, given the subsequent publication of the Scotland National Peat Plan (CD150) the council is pleased to support this important land use initiative and suggests that it is referenced in subsequent planning guidance '*Development in the Countryside – residential and various other uses*' which has yet to be produced.

The Council does not therefore agree to modify the Plan in response to this representation.

Support for ENV 6 / environmental policies

Scottish Environment Protection Agency (0243) and the Royal Society for the Protection of Birds (0209) – support for Policy ENV 6 from this key agency is welcomed.

Craig Holden (21859513) – Support for the Proposed Local Development Plan's environmental policies including Policy ENV 6 *Peatlands and carbon rich soils* is welcomed.

Reporter's conclusions:

1. I note that the Scottish Environment Protection Agency, the Royal Society for the Protection of Birds and Craig Holden support Policy ENV 6 Peatlands and carbon rich soils and that no modifications to it are sought by them.
2. I appreciate that SNH, as the lead organisation charged with ensuring the protection of peatlands and as the author of the first 'Scotland's National Peatland Plan' (SNPP), published in June 2015, seek to ensure that policy is up-to-date and aligned with the requirements of the national peatland plan. I am also mindful that the SNPP was published approximately one year after Scottish Planning Policy (SPP) and around the same time that the council developed a specialised policy for the proposed local development plan in support of the protection of peatlands and carbon rich soils. Due to the timing of both documents, it was not practical for the council to provide more extensive consideration of the SNPP.
3. The policy as worded refers to peat extraction and development within or adjacent to ecologically significant areas protected in the plan. These are referenced under policies ENV 18, ENV 19 and ENV 20 and include: sites of national importance, areas of regional or local importance including local biodiversity and local geodiversity sites and species protected by European or UK law.

4. Peatland and carbon rich soils are referenced throughout the policy and I am satisfied that the policy is sufficiently clear about the protection afforded to them without requiring the modification sought by SNH. The policy is consistent with paragraph 241 of SPP in that it allows for development affecting peatland and carbon rich soils only in certain limited circumstances. Notwithstanding the contents of the SNPP, the change suggested by SNH would not be consistent with paragraph 241 of SPP, and would seem to make the second sentence of the policy (the sentence which makes it consistent with SPP) redundant.

5. I note and welcome the fact that the council has advised that it will be preparing planning guidance 'Development in the Countryside – residential and various other uses' and that SNH's reference can be addressed within that. I am therefore satisfied that the policy as currently worded is appropriate.

Reporter's recommendations:

No modifications.

Issue 26X	Woodland, forestry, trees and hedgerows	
Development plan reference:	Policy ENV 9	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Jessie Kerr (21383913) Robert Lemmer (21605856) Richard Nairn (21669570) Penni Brown (21768313) Irene Whitelaw (21769336) Craig Holden (21859513) Neil Harris (21903538)</p>		
Provision of the development plan to which the issue relates:	Local Development Plan(LDP) Proposed Plan - pages 46, 47 Proposed Local Development Plan (LDP) Map 2: Linlithgow and Broxburn Area Proposed Local Development Plan (LDP) Map 3: Livingston Area Proposed Local Development Plan (LDP) Map 4: Bathgate Area.	
Planning authority's summary of the representation(s):		
<p><u>Objection to allocation / development of site on the grounds of loss of woodland - Armadale</u></p> <p>Jessie Kerr (21383913) – objects to allocation of housing site H-AM 17 Drove Rd, Armadale, due to potential loss of woodland.</p> <p><u>Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston</u></p> <p>Robert Lemmer (21605856) – objects to the development and the loss of natural wildlife at Housing site H-LV 3 Tarbert Drive.</p> <p>Irene Whitelaw (2176933) – objects to allocation / development of site H-LV 3 Tarbert Drive and understands a Tree Preservation Order in place.</p> <p>Neil Harris (21903538) – objects to site allocation due to contravention of existing Tree Preservation Order; removal of the trees would ruin the setting and aesthetics of the area which is adjacent to the Murieston Trail and is enjoyed by residents and visitors alike.</p> <p><u>Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh</u></p> <p>Richard Nairn (21669570); Penni Brown (21768313) – objects to allocation for development of site H-WB 17: Site west of Niddry Castle; seeks protection of trees and promotion of a Tree Preservation Order (TPO).</p>		

Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh

Richard Nairn (21669570); Penni Brown (21768313) – objects to allocation of site H-WB 17, Site west of Niddry Castle for development because contrary to policy ENV 9 criteria (a) *“there will be a presumption against development proposals which involve the loss of, or damage to, woodland, groups of trees (including [...] veteran trees or areas forming part of designated and designed landscapes)”*. The oaks, sycamores and ashes which grow on what is now Niddry Castle golf course are of significant historic origin as well as providing visual evidence to the designed landscape for the castle’s setting.

Support for environmental policies

Craig Holden (21859513) - Supports the environmental policies (i.e. ENV 5 – 20) within the Proposed Local Development Plan (LDP) especially those that aim to conserve habitats and biodiversity such as Policy ENV 9 for the protection of woodlands, forests, trees and hedgerows.

Modifications sought by those submitting representations:**Objection to allocation / development of site on the grounds of loss of woodland - Armadale**

Jessie Kerr (21383913) – it is intimated that site H-AM 17 Drove Rd, Armadale should be removed from the Proposed Plan.

Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston

Robert Lemmer (21605856); Irene Whitelaw (2176933); Neil Harris (21903538) – it is intimated that the housing site H-LV 3 Tarbert Drive should be de-allocated.

Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh

Richard Nairn (21669570); Penni Brown (21768313) – it is intimated that for housing site H-WB 17: Site west of Niddry Castle, a Tree Preservation Order (TPO) should be promoted.

Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh

Richard Nairn (21669570); Penni Brown (21768313) – it is intimated that housing site H-WB 17, Site west of Niddry Castle, should be removed from the Proposed Plan .

Support for environmental policies

Craig Holden (21859513) – no modification requested.

Summary of responses (including reasons) by planning authority:**LDP policy background**

Policy ENV 9: *Woodland, forestry, trees and hedgerows*; draws on policy in the adopted

West Lothian Local Plan (CD092); guidance in Scottish Planning Policy (SPP, CD068) within subject policy “*Valuing the Natural Environment*” section (SPP, pp. 45 – 49) and notionally on section “*Maximising the Benefits of Green Infrastructure*” (SPP, pp. 50 – 52); as well as models of best practice. The Strategic Development Plan 2013 as a focused, strategic document does not directly inform Policy ENV 9.

The main clauses of Policy ENV 9 are copied below. The policy then sets out criterion (a) – (i) which in the interests of brevity and because the relevant text from the criteria (a) has been copied in the summaries section above the full text is not re-produced here, but is of course available in the proposed plan (p. 47).

Policy ENV 9 Woodland, forestry, trees and hedgerows

There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government “Control of Woodland Removal” policy (2009) and the Forestry Commission Scotland’s policy “The right tree in the right place” (2010).

Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value.

Scottish Planning Policy (SPP2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly:

As a wide-ranging policy, non-statutory planning guidance is to be prepared to provide further detail for a number of areas such as Tree Preservations Orders, Conservation Area constraints, relevant British Standards, Forestry Commission Licences, best practice etc.

Objection to allocation / development of site on the grounds of loss of woodland - Armadale

Jessie Kerr (21383913) – site H-AM 17 Drove Rd is identified in ‘*Appendix Two: Schedule of Housing Sites/Site Delivery Requirements*’ of the Proposed Local Development Plan (p. 135) as a new allocation of 3.3 hectares with a capacity of 26 units for potential council housing. The site falls entirely to the south of the Armadale Round Town Walk (public right of way and core path) which also forms the northern boundary of the site. The site comprises the southeast quadrant of the local park at Drove Road; and whilst not an established site, development potential for residential use was indicated by a ‘brown star’ on this area of local park on Map 4: Bathgate Area of the West Lothian Local Plan (CD092). There is negligible tree cover and the site is largely grassed.

The local park to the north of the walkway is coloured dark green on Local Development Plan Map 4 indicating a ‘safeguard for open space’: this area includes established shelter

belt woodland and scrub. However, there may be concern regarding mature beech amongst other woodland species clinging to the steep sides of in the Barbauchlaw Glen to the north. Trees in this area are protected through the wider Local Development Plan policy framework.

Development of the site will not cause significant loss of woodland, though there are tree interests nearby. No change is required to the proposed plan.

Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston

Robert Lemmer (21605856); Irene Whitelaw (2176933); Neil Harris (21903538) – site H-LV 3 Murieston South (8), Tarbert Drive is identified in '*Appendix Two: Schedule of Housing Sites/Site Delivery Requirements*' of the Proposed Local Development Plan (LDP) (p. 202) as a site which has been carried forward from the adopted local plan of half an acre for with an estimated capacity of 9 housing units.

A range of mid-sized to large trees is established in the south-west of the site where the Local Biodiversity Site: Murieston Water overlaps the Tree Preservation Order (TPO).

Tree Preservation Order (TPO) Easter Murieston, which was confirmed in 2010, covers the site and is a blanket Tree Preservation Order (CD277 - map). It is usual for Tree Preservation Orders (TPO) to be undertaken to protect trees on a site from proposed development, however since Scottish Government's issue of Planning Circular 2011/1 *Tree Preservation Order* (CD128, para. 9) greater emphasis has been placed on the need to accurately define and map trees included within Tree Preservation Orders (TPO). West Lothian has commenced the process of reviewing Tree Preservation Orders (TPO) on its register and given the long-term resourcing required to undertake this task, prioritisation of sites to be reviewed is based on need. Tree Preservation Orders and tree protection issues within allocated sites in the proposed plan are a priority for review.

There is capacity within site H-LV 3 for the estimated nine units and a revised Tree Preservation Order focussing on mapped trees within the southwest of the site. Planning conditions placed on any grant of planning permission would protect identified trees from damage at construction stage.

No change is required to the proposed plan.

Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh

Richard Nairn (21669570); Penni Brown (21768313) – the site contains a number of feature trees of significant size to consider a feasibility survey with a view to promoting a Tree Preservation Order. It is usual for Tree Preservation Orders to be undertaken to protect worthy trees on a site for proposed development. There is a standard Tree Evaluation Method for Preservation Orders (TEMPO) survey which is the first step to assess the appropriateness and viability of a potential Tree Preservation Order (TPO). The council is already aware and is reviewing need for surveys to determine potential Tree Preservation Orders for the most advanced Core Development Areas such as Winchburgh. The site was added to the Priority Tree Preservation Order List at MIR stage.

No change is required to the proposed plan.

Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh

Richard Nairn (21669570); Penni Brown (21768313) – site H-WB 17, Site west of Niddry Castle, is identified in ‘Appendix Two: Schedule of Housing Sites/Site Delivery Requirements’ of the Proposed Local Development Plan (LDP) (p. 253) as a new mixed use site for an estimated 250 housing units on 9.4 hectares.

The current site use is as part of a golf course therefore fairways, greens and golf course features make up the majority of the soft landscape features on the site. There are a number of extant large stand-alone trees and a group of trees near the middle of the site which require further investigation to determine their validity for tree protection. West Lothian has commenced the process of reviewing Tree Preservation Orders on its register and given the long-term resourcing required to undertake this task, prioritisation of sites to be reviewed is based on need. Tree Preservation Orders and tree protection issues within allocated sites in the proposed plan are a priority for review. It is usual for a planning condition to be applied to planning permissions to protect trees during construction.

No change is required to the proposed plan.

Support for environmental policies

Craig Holden (21859513) – Support is welcomed for the Proposed Plan’s environmental policies including Policy ENV 9 for the protection of woodlands, forests, trees and hedgerows.

Summary

There have been no challenges to the wording of Policy ENV 9: *Woodland, forestry, trees and hedgerows*.

No changes to the allocation of sites in the proposed plan are recommended on the basis of tree protection. Tree protection objectives, where required, can be achieved through the Tree Preservation Order Register Review and planning application conditions.

The council is already aware of the need to investigate the viability of a Tree Preservation Order at the Winchburgh golf course site.

It should be noted, there is a graphics error to the policy title on page 47 which will be amended to correct the spelling of “forestry”.

Reporter’s conclusions:

1. Representations about site H-AM 17 Drove Road, Armadale are addressed under Issue 3E. Representations about site H-LV 3 Tarbert Drive, Livingston are addressed under Issue 16A. Representations about site H-WB 17 near Niddry Castle are addressed at Issue 24E.

Reporter's recommendations:

No modifications.

Issue 26Y	Protection of Urban Woodland	
Development plan reference:	Policy ENV 10	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Nancy Durrant (21294413) Craig Holden (21859513)		
Provision of the development Plan to which the issue relates:	Local Development Plan Proposed Plan - page 47 Proposals Map 2: Linlithgow and Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Amenity woodland at Clark Avenue and Colt Hill, Linlithgow</u></p> <p>Nancy Durrant (21294413) – raises concerns about the status and protection from development of amenity woodland areas surrounding Clark Avenue and at adjacent Colt Hill in Linlithgow.</p> <p><u>Support for environmental policies</u></p> <p>Craig Holden (21859513) - Supports the environmental policies (i.e. ENV 5 – 20) within the Proposed Local Development Plan (CD078, p. 47) especially those that aim to conserve habitats and biodiversity such as ENV 10: <i>Protection of Urban Woodland</i>.</p>		
Modifications sought by those submitting representations:		
<p><u>Amenity woodland at Clark Avenue and Colt Hill, Linlithgow</u></p> <p>Nancy Durrant (21294413) - requests that the amenity woodland areas surrounding Clark Avenue and at adjacent Colt Hill in Linlithgow is maintained as “<i>land safeguarded for open space</i>”.</p> <p><u>Support for environmental policies</u></p> <p>Craig Holden (21859513) – No modifications requested.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Local Development Plan background</u></p> <p>Policy ENV 10 is a new policy which is aimed at protecting urban woodlands - particularly those under common ownership - arising from conveyancing issues and changes to feudal tenure subsequent to implementation of the Land Reform (Scotland) Act 2003 (CD020), resulting in sale of and development pressures on amenity areas within housing estates.</p>		

Local Development Plan: Policy ENV 10 *Protection of Urban Woodland*

Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development.

Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal as set out in Scotland's Control of Woodland Removal Policy document.

Proposals to remove urban woodland must be accompanied by an independent aboricultural report.

N.B. - Forestry Commission Scotland's *Control of Woodland Removal Policy* (2009) is on the 'List of Core Documents' as CD193.

Due to the legal nature of the issue and the attraction of considerable betterment values from auctioning woodland with intimated potential for residential development, the council takes this matter seriously and will prepare Planning Guidance on "*Protection of Woodland and trees within Settlements*" to protect the landscape framework of Livingston New Town as well as other urban woodlands and trees within settlement boundaries.

The council has received many requests for Tree Preservation Orders (TPO) by neighbours of such sold amenity woodlands but given the onerous nature of making a Tree Preservation Orders (TPO) they are not suitable to address the potential scale of the threat to amenity woodlands in urban areas involved and in many cases not an appropriate mechanism for protection. Thus a policy approach has been introduced to the Proposed Plan for the protection of urban woodlands being less resource intensive, having wider reach and clarifying the council's intention to support woodland in urban areas.

The council believes that Policy ENV 10 will be effective in stemming the spate of sales of amenity woodland and the arising nuisance issues for neighbours: unauthorised tree cutting, bonfires, loss of security over adjacent woodland thought by residents to be part of the housing estate, and pressure to buy back such land from new owners.

Amenity woodland at Clark Avenue and Colt Hill, Linlithgow

Nancy Durrant (21294413) – the council is aware of this amenity woodland issue and approaches to neighbours to purchase the woodland and private development proposals not supported by the Proposed Plan. Due to digital mapping of the Proposed Plan maps it has been possible to make visible and extend areas of "Land Safeguarded for Open Space". These areas currently do no benefit from such protection through the adopted plan. In a multi-pronged approach to the protection of urban woodlands, Policy ENV 10 offers an additional level of comfort to the respondent and local residents at Clark Avenue and Colt Hill, Linlithgow and the land is tinted green on Proposals Map 2 to show that it is safeguarded as open space.

Support for environmental policies

Craig Holden (21859513) - Support for the Proposed Local Development Plans environmental policies including Policy ENV 10: *Protection of Urban Woodland* is welcomed.

Any further plan changes recommended by the planning authority

None. Policy ENV 10 complies with the Proposed LDP (Local Development Plan) policy framework and the policy approach is compliant with Scottish Government policy.

Reporter's conclusions:

1. Nancy Durrant's representations are addressed under Issue 26F. There are no unresolved issues arising from the representations of Craig Holden.

Reporter's recommendations:

No modifications.

Issue 26Z	Pentland Hills Regional Park (PHRP)	
Development plan reference:	Policies ENV 13 and ENV 14	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds (0209) Scottish Government - Development Plan Team (0236) Scottish Natural Heritage (0238)</p>		
Provision of the development Plan to which the issue relates:	Pentland Hills Regional Park policies ENV 13 and ENV 14 (PHRP Further protection) (page 50)	
Planning authority's summary of the representation(s):		
<p>Royal Society for the Protection of Birds (0209) – commend the aims within Policy ENV 14: Pentland Hills Regional Park – Further Protection and in particular the conservation of wildlife interests. The maintenance of moorland and grouse moor should not presume against native tree planting to enhance the wildlife interests and contribute to natural flood management, soil stabilisation and biodiversity enhancement. Furthermore, moorland management should also address water quality and peat conservation as well as grouse productivity.</p> <p>Scottish Government - Development Plan Team (0236) - in relation to Policy ENV 13, a change is suggested to the first paragraph to remove the words '<i>or in an area which contributes to its landscape setting</i>' as SPP (2014) (paragraph 196) (CD068) states that buffer zones should not be established around areas designated for their natural heritage importance. Similarly, in Policy ENV 14 – Pentland Hills Regional Park – Further Protection, a change is also suggested to the first paragraph to remove the words '<i>or in an area which contributes to its landscape setting</i>' for the same reason.</p> <p>Scottish Natural Heritage (0238) – unclear whether it is intended that the criteria in Policy ENV 13 will be expanded on in supplementary guidance or not. The nature of these criteria suggests that they may be detailed in proposed supplementary guidance, but for clarity recommend this is clearly stated within the policy.</p>		
Modifications sought by those submitting representations:		
<p>Royal Society for the Protection of Birds (0209) – No specific modifications proposed.</p> <p>Scottish Government - Development Plan Team (0236) – suggest similar minor amendments to the text of both policies, ENV 13 & 14, specifically removing the words '<i>or in an area which contributes to its landscape setting</i>'.</p> <p>Scottish Natural Heritage (0238) – seeks a modification to be made to the policy to clarify the nature and content of supplementary guidance.</p>		

Summary of responses (including reasons) by planning authority:Background

The council have a small part, c10%, of the overall Pentland Hills Regional Park. This is located in the rural south east of West Lothian and covered Harperrig Reservoir and West Cairns forestry plantation. A Habitat Management Plan for Harperrig Reservoir was adopted by the council in 2009 and is under review.

The council approved the designation of the area surrounding Harperrig Reservoir i.e.; the publically owned area under the control of City of Edinburgh Council as part of the Water of Leith flood prevention scheme, as a Local Nature Reserve in 2011.

Royal Society for the Protection of Birds (0209) – the council have been active, through Central Scotland Green Network Trust, in securing grants for woodland amenity planting around Harperrig Reservoir within the Pentland Hills Regional Park Since 2009; five phases of woodland planting have been undertaken in the area.

Scottish Government - Development Plan Team (0236) – the council is not opposed to the suggested revisions to Policies ENV 13 and ENV 14, recognising that they accord with SPP 2014, (paragraph 196) (CD068), and it would therefore not take issue if the Reporter was minded to amend them to accommodate these revisions.

Strike-through text reflects deletions requested.

POLICY ENV 13 - Pentland Hills Regional Park

Development, re-development and the conversion of existing buildings within the Pentland Hills Regional Park,

Development, re-development and the conversion of existing buildings within the Pentland Hills Regional Park, ~~or in an area which contributes to its landscape setting,~~ will not be permitted unless essential for the purposes of agriculture (including farm diversification), forestry, outdoor recreation, tourism or other rural activities compatible with the aims of the Regional Park.

Any such proposal will be considered against the following criteria:

- a. the contribution towards the amenity of the park in terms of design and landscaping;*
- b. it should not be visually obtrusive or necessitate visually obtrusive constructions;*
- c. it should be compatible with existing adjoining and neighbouring developments and uses;*
- d. it should be capable of being served by an adequate and appropriate access;*
- e. it can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and*
- f. where conversion is proposed this should be possible without substantial rebuilding and with the retention of original character and attractiveness.'*

POLICY ENV 14 - Pentland Hills Regional Park – Further Protection

The following policy will apply to land within the Pentland Hills Regional Park ~~or in an areas which contributes to its landscape setting and the aims of the Park:~~

- a. in co-operation with landowners, occupiers and Scottish Natural Heritage; the*

economic, landscape and nature conservation of the grouse moor will be protected and safeguarded;

b. new forestry schemes accord with the approved Edinburgh & Lothian's Forestry and Woodland Strategy;

c. there will be a general presumption against waste disposal operations;

d. the conservation of the hill landscape and wildlife interests will be sought in all proposals involving the installation of service utilities;

e. intrusive tourist developments, including static caravan and camping sites, will not be permitted;

f. public car parks will only be provided on the periphery of the park and must relate to recreation opportunities. They must be designed to integrate with the landscape and character of the location;

g. there is a general presumption against formal picnic sites in the remote hill areas and managed sites will only be provided in association with existing facilities and car parking; and

h. any proposals will also be required to comply fully with the criteria provided in policies related to development in the countryside and conversions, subdivisions and re-use of existing buildings in the countryside."

Scottish Natural Heritage (0238) – the council confirms that it is not intended to provide supplementary guidance as the 6 criteria cover a wide range of issues and the Regional Park has its own Management and Service Plan. The numbers of planning applications that have occurred within the PHRP designated area since its inception over 30 years ago has also been minimal. Consequently, this does not warrant additional supplementary guidance as any future applications can be dealt with by the additional policy ENV 14 looking at further protection for the area and other countryside policies within the plan. It should be noted that Appendix 6 in the Proposed Plan does not record this issue as requiring Supplementary Guidance. For these reasons, the council does not propose to modify the plan in response to these representations.

Reporter's conclusions:

1. My attention is drawn to Scottish Planning Policy (SPP) (paragraph 196) which states that 'International, national, and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans.' SPP also states that 'Buffer zones should not be established around areas designated for their natural heritage importance.'

2. The reference in these policies to an area outwith the boundary of the Pentland Hills Regional Park (PHRP) but within which there will be a restriction on development, re-development and the conversion of existing buildings, whilst not physically defined in plan form, does allude to a buffer zone of sorts. In order to align the policies more fully with SPP, I consider there is merit in deleting reference to the area outside the PHRP's boundaries. I note that the council is not opposed to amending the policies to align with SPP in this regard. I therefore consider that there is merit in recommending amendments to the policies as suggested by the council.

3. The council makes no reference to supplementary guidance in policy ENV 13 Pentland Hills Regional Park and has confirmed that it does not intend to prepare supplementary guidance, given that the criteria in the policy cover such a wide range of issues. I also note that the council considers, given the relatively low number of planning applications that have been submitted for that part of the PHRP within its area, this does

not justify additional supplementary guidance. I accept that the further protection offered in policy ENV 14 Pentland Hills Regional Park – Further Protection to land within the PHRP together with other countryside policies in the plan should prove sufficient for dealing with what are likely to be a fairly limited number of planning applications. I therefore do not consider it necessary to make specific mention of or to allude to the preparation of supplementary guidance in the context of policy ENV 13.

4. I also recommend a further change to insert what appears to me to be a missing word in clause a. of policy ENV 14.

Reporter's recommendations:

1. In Policy ENV 13 Pentland Hills Regional Park, delete ‘,or in an area which contributes to its landscape setting,’.
2. In Policy ENV 14 Pentland Hills Regional Park – Further Protection:
 - 2.1 Delete ‘or in an areas which contributes to its landscape setting and the aims of the Park.’
 - 2.2 In clause a., insert ‘interests’ after ‘conservation’.

Issue 26Aa	Protection of International Nature Conservation Sites	
Development plan reference:	Policy ENV 17 and ENV 18	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Royal Society for the Protection of Birds (0209) Scottish Natural Heritage (0238)		
Provision of the development Plan to which the issue relates:	International Nature Conservation Sites policy ENV 17 and policy ENV 18 Protection of Local and National Nature Conservation Sites (Page 52).	
Planning authority's summary of the representation(s):		
<p>Royal Society for the Protection of Birds (0209) – in relation to the section on Biodiversity (paras 5.175 - 180) and Policy ENV 17, RSPB simply note the council's recognition of the various national and international nature conservation designations.</p> <p>Scottish Natural Heritage (0238) – points out that the policy caveat “<i>Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife)</i>” at the foot of Policy ENV19, should also be added to Policies ENV17 (and ENV18).</p>		
Modifications sought by those submitting representations:		
Scottish Natural Heritage (0238) – seek addition to end of policies ENV 17 and ENV 18 to refer to Planning Guidance ((<i>Planning for Nature: Development Management & Wildlife</i>).		
Summary of responses (including reasons) by planning authority:		
<p>Royal Society for the Protection of Birds (0209) – comments noted.</p> <p>Scottish Natural Heritage (0238) – The Planning Guidance “<i>Planning for Nature: Development Management & Wildlife</i>”, (CD136), was the subject of a project by SNH that used West Lothian as a pilot in 2014/15. SNH used consultants to prepare Planning Guidance that would aid developers with submission of their planning applications in the development management process that could be rolled out across Scottish local authorities and the template used and adapted for each authority. It was “road tested” by some medium scale house builders and a single agent. The council adopted this Planning Guidance in May 2015 after public consultation. It won a commendation at the Scottish Awards for Quality in Planning in November 2015.</p> <p>The council would therefore have no objection if the Reporter is agreeable to this minor addition that is already present in Policy ENV 19 relating to Local Biodiversity and Geodiversity sites and considers that a change to Policy ENV 17 and ENV 18 is required. Should this be the case then the council suggests that Policy ENV 17 and Policy ENV 18 are amended as follows, new text highlighted in text box:</p>		

“POLICY ENV 17 Protection of International Nature Conservation Sites

Development proposals within or affecting areas classified as existing or candidate sites of international importance, under European Directives (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)), or affecting the habitats and species listed in the Habitat Directives Annexes I and II and Birds Directive Annex 1, will not be permitted unless it can be ascertained that it will not adversely affect the integrity of a European site, or

- a. there are no alternative solutions;*
- b. there are imperative reasons, of over-riding national public interest, including those of a social or economic nature, to allow development; and*
- c. compensatory measures are provided to ensure that the overall coherence of the Natura European site n Network is provided.*

Proposals likely to have a significant effect on a European site will only be approved if it can be ascertained by the council, by means of an Appropriate Assessment, that the integrity of the European site will not be adversely affected. Applicants will be required to provide information to inform the Appropriate Assessment.

Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife).

Policy ENV 18***Protection of Local and National Nature Conservation Sites***

Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), and locally designated nature conservation sites will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation.

In the case of national designations, development will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the EIA (Scotland) Regulations 1999.

Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife).

Reporter’s conclusions:

1. I note that the planning guidance ‘Planning for Nature: Development Management & Wildlife’ was adopted by the council, in May 2015, following public consultation. It is important to bear in mind, however, that this guidance is non-statutory. The council acknowledges in Appendix Four of the plan that the guidance does not have as much weight as statutory supplementary guidance, given its lower level of consultation and scrutiny and because it does not require to be approved by Scottish Ministers. The council advises, however, that ‘It should nevertheless be followed except where material circumstances justify an exception.’

2. The modifications sought by SNH effectively incorporate the planning guidance into the plan, where as it is non-statutory and is a separate entity. In light of this, I recommend that whilst policies ENV 17 and 18 may have regard to its content, it is not appropriate for them to require compliance with the planning guidance. For the same reasons and as SNH's representation refers to Policy ENV 19, I also recommend a similar change to that policy. In respect of Policy ENV 18, we incorporate such a modification into our recommendations at Issue 26P which also relates to this policy.

3. I note that Appendix Four of the plan refers to this planning guidance and in terms of timeframe refers to 'subsequent'. Given the council has confirmed its adoption was in May 2015, this reference in Appendix Four requires amendment to 'With LDP.'

Reporter's recommendations:

1. In Policy ENV 17 Protection of International Nature Conservation Sites, insert the following sentence at the end:

'Proposals must also have regard to the requirements of Planning Guidance 'Planning for Nature: Development Management & Wildlife' adopted in May 2015.'

2. In Policy ENV 19 Protection of Local Biodiversity Sites and Local Geodiversity Sites, in the final sentence, delete 'and be compliant with'.

3. In Appendix Four, in the entry for 'Wildlife, Habitat and Development etc. – Planning for Nature', under 'Time-frame', replace 'Subsequent' with 'With LDP'.

Issue 26Ab	Design Principles	
Development plan reference:	Policy DES 1 (page 11 of the Proposed Plan) New Housing Sites and Design (page 24, para 5.4-5.56 of the Proposed Plan)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Coal Authority (0167) British Solar Renewables (0214) Royal Society for the Protection of Birds Scotland (0209) Ross Morgan (21909371) Newton Community Council (21902291)</p>		
Provision of the development Plan to which the issue relates:	Design Principles	
Planning authority's summary of the representation(s):		
<p><u>Policy DES 1 (page 11 of the Proposed Plan)</u></p> <p>The Coal Authority (0167) - welcomes the inclusion of Policy DES 1 and the requirement for new development proposals to fully assess potential risks in respect of unstable land arising from past mining activities.</p> <p>British Solar Renewables (0214) - supports this policy as worded.</p> <p>Royal Society for the Protection of Birds Scotland (0209) - supports this policy as worded.</p> <p>Ross Morgan (21909371) - objects to housing allocation H-BA 6 (Easton Road/Balmuir Road, Bathgate) and seeks assurances that the development of the site is in line with Policy DES 1. It is noted that the respondent does not however object to Policy DES 1.</p> <p>The council's response to the housing allocation H-BA 6 (Easton Road/Balmuir Road, Bathgate) is set out in a separate Schedule 4 number 4F.</p> <p><u>New Housing Sites and Design (page 24, para 5.4-5.56 of the Proposed Plan)</u></p> <p>Newton Community Council (21902291) - notes that there are no planning proposals for either the village of Newton or the surrounding District and supports this situation.</p>		
Modifications sought by those submitting representations:		
<p><u>Policy DES 1 (page 11 of the Proposed Plan)</u></p> <p>The Coal Authority (0167), British Solar Renewables (0214) and Royal Society for the Protection of Birds Scotland (0209) - no modification proposed.</p> <p>Ross Morgan (21909371) - no specific modification of policy DES 1 has been sought.</p>		

New Housing Sites and Design (page 24, para 5.4-5.56 of the Proposed Plan)

Newton Community Council (21902291) - no modification proposed.

Summary of responses (including reasons) by planning authority:Policy DES 1 (page 11 of the Proposed Plan)

The Coal Authority (0167), British Solar Renewables (0214) and Royal Society for the Protection of Birds Scotland (0209) - comments noted and no modifications are necessary.

Ross Morgan (21909371) - no specific modification of policy DES 1 has been sought.

New Housing Sites and Design (page 24, para 5.4-5.56 of the Proposed Plan)

Newton Community Council (21902291) - comments noted and no modifications are necessary.

Reporter's conclusions:

1. I note the support for Policy DES 1 Design Principles given by several respondents. We deal with the proposed housing allocation H-BA 6 Easton Road/Balmuir Road at Issue 4F.

2. In addition to the comments noted above, Newton Community Council also suggested that there should be stricter guidelines on the appearance of new housing and residential conversions in the countryside. Policy ENV 2 Housing development in the countryside sets out the circumstances in which such development would be supported, and requires 'the highest standards in design'. Policy DES 1 sets out a list of design principles to apply to all developments, making reference to matters such as impacts on adjacent buildings, built heritage and landscape character. Between them these policies provide an appropriate basis for consideration of the design of new and converted houses in the countryside.

3. Transition Linlithgow (0363) also states that Policy DES 1 should make the council responsible for ensuring development proposals are accessible, and do not impact on the water environment or water quality. The policy requires developers to ensure that these would be the case, and to ensure many other things. Such a form of words is fairly typical of development plan policies – it puts the onus on applicants to demonstrate that their proposals can be implemented in an acceptable manner. But it remains the responsibility of the council to satisfy itself that this would indeed be the case, as Transition Linlithgow desires. Insofar as the spatial strategy of the plan and its allocation of development sites is concerned, our findings elsewhere address these matters where they are raised in representations. No change to Policy DES 1 is required.

4. Scottish Natural Heritage (SNH) (0238) questions the use of the term 'landscape provision' in the policy, suggesting 'landscaping' instead. I agree that this is a more understandable term, and recommend the plan be modified accordingly. We address SNH's comments on the Residential Development Guide under Issue 1E.

Reporter's recommendations:

1. In Policy DES 1 Design Principles, in criterion d., replace 'landscape provision' with 'landscaping'.

Issue 26Ac	Policy CDA 1 Development in the previously identified Core Development Areas	
Development plan reference:	Policy CDA 1	Reporter: Christopher Warren
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214 and 21116167) Scottish Natural Heritage (0238) Winchburgh Developments Ltd (21862570) Ashdale Land & Property Company Limited (0415)		
Provision of the development Plan to which the issue relates:	Policy CDA 1 (page 26)	
Planning authority's Summary of representation(s):		
<p>British Solar Renewables (0214 and 21116167) - suggests the wording of policy CDA 1 should also refer to strategic housing allocations such as Heartlands.</p> <p>Scottish Natural Heritage (0238) - general support for the inclusion of open space, green networks and active travel infrastructure within the infrastructure requirements.</p> <p>Winchburgh Developments Ltd (21862570) - generally supports the principle of policy CDA 1.</p> <p>Ashdale Land & Property Company Limited (0415) - argues for greater flexibility to address changing circumstances and suggests that Policy CDA 1 should be relaxed to allow for modifications to masterplans to be made.</p>		
Modifications sought by those submitting representations:		
<p>British Solar Renewables (0214 and 21116167) - proposes that the wording of policy CDA1 should also refer to strategic housing allocations such as Heartlands.</p> <p>Scottish Natural Heritage (0238) – no modifications sought.</p> <p>Winchburgh Developments Ltd (21862570) – no modifications sought.</p> <p>Ashdale Land & Property Company Limited (0415) - proposes that the wording of policy CDA should allow for modifications to masterplans to be made.</p>		
Planning authority's summary of representations:		
British Solar Renewables (0214 and 21116167) - CDAs originated from the now superseded Edinburgh & The Lothians Structure Plan (CD102) and were intended to be the main focus of development over the lifespan of the subsequent West Lothian Local Plan 2009 (CD092). While slow to establish, and due in large part to the challenging		

economic climate, they are mostly now delivering substantial year on year completions and are an important catalyst for new development across West Lothian.

Policy CDA 1 was intentionally designed to apply to the CDA areas only, and while recognising that there are some shared features and parallels between the Core Development Areas (CDAs) and strategic development sites, CDAs are distinctive areas of mixed use development whereas the strategic development sites (Drumshoreland, Bangour and Heartlands) are predominantly for housing. No change is proposed to the policy to include reference to strategic allocations.

Scottish Natural Heritage (0238) – noted and no modifications sought.

Winchburgh Developments Ltd (21862570) – noted and no modifications sought.

Ashdale Land & Property Company Limited (0415) - The council does not consider there to be any requirement for the LDP to make a specific reference to dealing with modifications to masterplans. It has been and should remain a matter for the development management process to deal with on a case by case basis, taking account of site specific circumstances and dealing with any resultant consequences for the associated legal agreements. No change is proposed to the policy to allow for modifications to masterplans to be made.

Reporter’s Conclusions

1. All of the above representations, and others which also relate to Policy CDA 1, are addressed under Issue 1A.

Reporter’s Recommendations

No modifications.

Issue 26Ad	Protection of Playing Fields and Outdoor Sports facilities	
Development plan reference:	Policy ENV 22 (Protection of Playing Fields and Outdoor Sports Facilities)	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214) Scottish Government Development Plan Team (0236)		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (<i>including Policy Framework</i>) (Protection of Playing Fields and Outdoor Sports facilities) (page 54) Policy ENV 22 (page 54)	
Planning authority's summary of the representation(s):		
<p>British Solar Renewables (0214) - the respondents state the aims of Policy ENV 21: Protection of Formal and Informal Open Space and Policy ENV 22: Protection of Playing Fields and Outdoor Sports Facilities are to give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development. However, both policies acknowledge that there may be instances where development of such sites can and should be permitted. This is supported by BSR.</p> <p>Referencing "Heartlands", Whitburn, it is observed that land to the south of the defined settlement boundary has planning consent for a golf course/amenity open space, and is included in the proposed LDP as such under proposal P-82. However it is intimated that it is no longer considered appropriate to continue with this proposed use at this location.</p> <p>Polkemmet Park lies to the immediate north/north-west of the site and remains safeguarded for open space in the proposed Local Development Plan. Swathes of land north of the settlement of Whitburn and to the east are designated in the Proposed Plan as countryside belt and open space and this is considered sufficient.</p> <p>The residual land is considered by the respondents as being of particular value to the new community at "Heartlands" in helping to create a sustainable development location for the installation of solar energy schemes in this location. The land is considered by BSR to be capable of being dual-use; generating energy for the "Heartlands" development, but also acting as open space for the area. It is not considered by the respondents that the introduction of a renewable energy development on site will adversely affect the aims of national, strategic or proposed local planning policy.</p> <p>Scottish Government Development Plan Team (0236) - suggest that the text of Policy ENV 22 should be amended to more accurately reflect paragraph 226 of SPP 2014 (CD068). Policy ENV 22 could be changed to adopt the wording of the SPP whilst being amended to reflect West Lothian's separation of school playing fields and outdoor sports facilities. It is contended that the policy is not consistent with SPP 2014 which only allows development of playing fields (without compensation) where there is a clear excess of provision. Policy ENV 22 dilutes this protection by referring to an "adequacy" of provision.</p> <p>The policy is regarded as confusing since it is worded in a manner which could read that</p>		

all parts (a) to (d) need to be complied with before the development of playing fields etc. may be permitted. SPP paragraph 226 on the other hand sets out 4 caveats, and requires that only one is complied with.

On the one hand Policy ENV 22 appears less stringent than SPP 2014 since it suggests playing fields etc. may be lost where there is adequate provision as opposed to a clear excess; but on the other – close reading suggests that, in addition to there being adequate provision; replacement provision should be provided (bullet b); and that bullet points c) and d) should be complied with. There is potential that the net result could be that no compensation would be provided. This would be inconsistent with SPP, unless there was in fact a clear excess of provision.

Modifications sought by those submitting representations:

British Solar Renewables (0214) - seek to have land to the south of the defined settlement boundary for “Heartlands” Whitburn allocated for a solar energy scheme as it is considered to no longer be appropriate to continue with the golf course/amenity open space use that has planning permission.

Scottish Government Development Plan Team (0236) - seek an amendment to the text of Policy ENV 22. They contend that as currently proposed, it does not comply with (paragraph 226) of SPP (2014) as it dilutes the protection of playing fields by referring to an “adequacy” of provision, whereas it should only allow development of playing fields (without compensation) where there is a clear excess of pitch provision.

Summary of responses (including reasons) by planning authority:

British Solar Renewables (0214) – the council is of the view that proposals for a “solar energy scheme” on land to the south of defined settlement boundary for “Heartlands” are more appropriately dealt with by policy NRG 4: Other Renewable Energy Technologies (page 65). This states that , while “*the council supports the development of renewable energy schemes in principle*”, they must be “*assessed against the detailed spatial framework and with regard to other policies set out in the LDP, specifically Policy ENV 5, ENV 11 & EMG 1.....*” Policy NRG 5 on Energy and heat networks also applies.

Under the circumstances, the council does not propose to modify the plan in response to this representation.

Scottish Government Development Plan Team (0236) - while it had been the intention that all four criteria set out in Policy ENV 22 should be met when considering proposals that affect school playing fields and / or outdoor sports facilities it is recognised that this does not fully align with national policy. Consequently, the council is not opposed to the suggested revisions to Policy ENV 22 and would therefore not take issue if the Reporter was minded to amend Policy ENV 22 to accommodate these revisions

Suggested revised text is set out below.

Policy ENV 22 Protection of Playing Fields and Outdoor Sports Facilities

Development of school playing fields and outdoor sports facilities will not be permitted unless it can be clearly demonstrated that:

- a) *the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*

- b) *the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- c) *the outdoor sports facility which would be lost would be replaced either by a new facility of comparable, or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site, or at another location that is convenient for users and maintains, or improves the overall playing capacity in the area; or*
- d) *the West Lothian Open Space Strategy (2005-15) and Interim Review (2010) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

Reporter's conclusions:

1. We address elsewhere the representations from British Solar Renewables in relation to development at Heartlands, Whitburn.
2. Scottish Planning Policy (SPP) is clear that outdoor sports facilities should be safeguarded and that development on them (without compensation) is only permitted where one of four caveats is met. This includes where there is a 'clear excess' of provision. This contrasts with the policy, as currently worded, which refers only to there being an 'adequacy' of provision. Despite the policy appearing less stringent than SPP in this respect, it is worded so that all four criteria (a – d) should be complied with before development will be permitted. This is also at odds with SPP. I consider there is merit in the policy being redrafted to align it with SPP and I note that the council has suggested changes to the wording of the policy for this reason.
3. Whilst the policy is entitled 'Protection of Playing Fields and Outdoor Sports Facilities', it refers to school playing fields in the first sentence. I sought clarification from the council with the issue of a further information request (FIR21) as to whether the policy is specifically concerned with school playing fields and outdoor sports facilities as opposed to other playing fields. The council has confirmed that the policy seeks to provide protection to all playing fields and outdoor sports facilities.
4. In order to provide further clarity and to align the policy more closely with SPP, I consider that it is sufficient for the policy to refer only to 'outdoor sports facilities' on the basis that 'playing fields' form part of this land use.

Reporter's recommendations:

1. Amend Policy ENV 22 so that it is entitled 'Policy ENV 22 Protection of Outdoor Sports Facilities' and reads as follows:

'Development on outdoor sports facilities will not be permitted unless it can be clearly demonstrated that:

a. the proposed development is ancillary to the principal use of the site as an outdoor sports facility; or

b. the proposed development involves only a minor part of the outdoor sports facility and

would not affect its use and potential for sport and training; or

c. the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site, or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or

d. the West Lothian Open Space Strategy (2005-15) and Interim Review (2010) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.'

Issue 26Ae	Vacant, Derelict and Contaminated Land	
Development plan reference:	Policy EMG 6 - Vacant, Derelict and Contaminated Land	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
British Solar Renewables (0214) Scottish Government Development Plan Team (0236) John Orr (21716490)		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (<i>including Policy Framework</i>) (Vacant, Derelict and Contaminated Land) (page 72) Policy EMG 6 (page 72)	
Planning authority's summary of the representation(s):		
<p>British Solar Renewables (0214) - support Policy EMG 6 in principle, subject to it being compatible with other policies in the LDP.</p> <p>Scottish Government Development Plan Team (0236) - proposes a change to the first paragraph of Policy EMG 6 with the insertion of additional text as follows:</p> <p><i>“The greening of vacant and derelict land is encouraged by this plan. A wide range of environmental measures to green and enhance vacant and derelict land will be promoted and supported. In addition development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments, will be treated as national development and supported.”</i></p> <p>Seeks to justify on the basis of the National Planning Framework 3 (NPF3) continuing the designation of the Central Scotland Green Network (CSGN) as a national development. NPF3 (paragraph 4.13) has reprioritised the national development towards three priorities including remediation of derelict land.</p> <p>Notes that West Lothian is within the CSGN area, and whilst the supporting text in paragraph 5.249 of the Proposed Plan does highlight that one of the objectives of the CSGN is to address vacant and derelict land, believes it would be helpful for Policy EMG 6 to specifically refer to the greening of such land in order to provide greater support for this type of project and ensure a link to the Action Programme to help realise the step change on the ground which the CSGN project envisages.</p> <p>John Orr (21716490) - claims that Easton Road Bathgate is undevelopable due to contamination when reviewing various allocated sites as opposed to his own proposed site at Dykeside Farm which he is promoting and which is addressed by a separate Schedule 4 (4M).</p>		
Modifications sought by those submitting representations:		
British Solar Renewables (0214) - no modification of Policy EMG 6 has been sought.		

Scottish Government Development Plan Team (0236) - seek an amendment to the text of Policy EMG 6 to encourage the 'greening' of vacant and derelict land.

John Orr (21716490) - no modification has been sought, although it is assumed that the respondent does not wish the site at Easton Road, Bathgate allocated in the Proposed Plan because of the alleged contamination.

Summary of responses (including reasons) by planning authority:

British Solar Renewables (0214) - support from British Solar Renewables towards policy EMG 6 with regard to Vacant, Derelict and Contaminated Land is welcomed by the council.

Scottish Government Development Plan Team (0236) - The council is not opposed to the suggested revisions to Policy EMG 6, recognising that it would accord with NPF3 (CD077) in relation to the CSGN and tie the supporting text of both the NPF3 and local plan into the policy. The council would therefore not take issue if the Reporter was minded to amend Policy EMG 3 to accommodate these revisions

Highlighted text reflects additions to the text.

POLICY EMG 6 - Vacant, Derelict and Contaminated Land

The redevelopment of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the LDP.

The greening of vacant and derelict land is encouraged by this plan. A wide range of environmental measures to green and enhance vacant and derelict land will be promoted and supported. In addition development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments, will be treated as national development and supported.

Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council. Where contamination is found, and prior to the granting of any planning permission, the developer must submit a programme of remedial works to be agreed with the council which should also address any adverse impact on controlled waters.

The developer must appoint an accredited site investigator to identify the specifications and monitor compliance to the works. Appropriate planning conditions will be applied to secure the remedial works. Any proposal requiring remediation will require to accord with Supplementary Guidance entitled "Development on Contaminated Land."

John Orr (21716490) - The site at Easton Road (Sibcas) Bathgate was carried forward from the adopted local plan and has a valid planning permission. It is known that the site as part of the former Hopetoun Iron and Steel Works may be affected by contamination and an assessment and remediation may well be required. This was however addressed in consideration of the planning application. The company that occupied the majority of the site moved to a new factory on the outskirts on Bathgate and this has delayed the brownfield site being brought forward for redevelopment.

Reporter's conclusions:

1. We deal with the representations relating to site H-BA 6 Easton Road/Balmuir Road under Issue 4M.
2. I note British Solar Renewables' support for Policy EMG 6 Vacant, derelict and contaminated land. I also note that the council is not opposed to the modification suggested by the Scottish Government. Given the benefits which greening of vacant and derelict land can deliver, and the support for this in NPF3, I am content to recommend (subject to a minor alteration) this modification. It commits the council to promoting a wide range of measures to green and enhance vacant and derelict land – I presume the plan's Action Programme will provide further details.

Reporter's recommendations:

1. In Policy EMG 6 Vacant, derelict and contaminated land, insert the following new paragraph after the first paragraph:

'The greening of vacant and derelict land is encouraged by this plan. A wide range of environmental measures to green and enhance vacant and derelict land will be promoted and supported. In addition, development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments will be treated as national development and supported in principle.'

Issue 26Ag	Policy ENV 24	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 24.	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Historic Environment Scotland (0351)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy Conservation Areas (Demolitions) Policy ENV 24 (page 55) Sets the policy context for development or demolition within a conservation area or affecting its setting.	
Planning authority's summary of the representation(s):		
<p>Historic Environment Scotland (0351) – Notes that the policy sets out five criteria, all of which are required to be satisfied in order to permit demolition of buildings which are of value to the character of a Conservation Area. It is observed that this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (CD073 pages 41-43 and paragraphs 3.44, 3.50 and 3.57), or national guidance which suggests that conservation area demolition proposals are usually considered in the same way as listed building demolitions, by assessing against a series of criteria, requiring <u>as a minimum that one of the criteria is met</u>. Additionally, whilst SHEP requires that planning authorities have regard to the <u>desirability</u> to preserve or enhance the conservation area in considering demolition applications, it is noted that the proposed policy requires proposals for replacement development to specifically sustain or enhance the conservation area (CD073) page 44, paragraph 3.60.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be the council's intention to establish a more rigorous regime, it should be satisfied that the proposed policy will be workable in practice, and will not be likely to lead to frequent deviation from policy in decision making, which may introduce uncertainty and inconsistency into the decision making process. In such circumstances, consistent adherence to a more flexible, practicable policy approach may be of more benefit.</p> <p>Advises that Historic Scotland and RCAHMS were replaced on 1st October 2015 with Historic Environment Scotland and suggests that references to the former bodies should be replaced by reference to "Historic Environment Scotland". For example, paragraph 5.194, the Buildings at Risk register is now maintained by Historic Environment Scotland.</p>		
Modifications sought by those submitting representations:		
<p>Historic Environment Scotland (0351) - no specific modification requested in terms of Policy ENV 24, but nevertheless invites the Council to consider revisions aligning it with national policy which is less stringent.</p> <p>Indicates that as Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) have since been superseded by Historic Environment Scotland it would be appropriate to update the text where necessary.</p>		

Summary of responses (including reasons) by planning authority:

Historic Environment Scotland (0351) - the council is of the view that Policy ENV 24 satisfies the requirements of SPP 2014 and the SHEP and provides necessary safeguards allied to demolitions within conservation areas. For this reason, the council does not propose to modify the plan in response to this representation.

However, the council acknowledges that the policy is more demanding than the SHEP and in the event that the Reporter considers that a change to Policy ENV 24 is required to align it more closely with national policy, the council suggests the following amendments where highlighted text reflects additions to the policy and "strike-through" text reflects deletions.

Policy ENV 24

Within Conservation Areas new development will not be permitted which would have any adverse effect on its character and appearance. Proposals must ~~contribute~~ have regard to the desirability of ~~to the preservation or enhancement of~~ preserving or enhancing the character and appearance of the Conservation Area ~~area~~ and will require appropriate high standards of design, materials, siting and implementation

When assessing applications for the demolition of unlisted buildings in Conservation Areas, the council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area.

In circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area, demolition would not ordinarily be resisted. However, where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use. In these circumstances demolition to facilitate new development will only be permitted where it can be shown that ~~all~~ ~~one or more~~ of the following criteria can be satisfied:

- a. the condition of the existing building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit; evidence of marketing for a period of five years must be submitted to the council as planning authority; ~~or~~*
- b. to accommodate the proposal, the building cannot be adapted without material loss to its character; ~~or~~*
- c. demolition and replacement will result in significant economic benefit for the community and the conservation area will be enhanced as a result of the development; ~~or~~*
- d. there is no alternative location for the development; ~~or~~*
- e. it can be demonstrated that the proposals allow for the immediate future use of the site which ~~enhance~~ enhances the character or appearance of the Conservation Area.*

Where planning permission and conservation area consent is granted, appropriate conditions will be applied to ensure that demolition does not take place in advance of the letting of a contract for the construction of a replacement building or alternative means of

treating the cleared site having been agreed.

The council recognises that references throughout the LDP to Historic Scotland and RCAHMS are no longer accurate. It is assumed the Reporter will be minded to recommend amending the LDP to reflect the new agency (Historic Environment Scotland) and the council would obviously support this update.

Reporter's Conclusions:

1. The policy is more stringent than the Historic Environment Policy Statement 2016 (which replaced SHEP) by requiring that demolition, to facilitate new development, will only be permitted where it satisfies five criteria. Whilst I have no doubt the council's intentions are laudable and intended to protect conservation areas within their administrative boundary, the position adopted could be considered unreasonable, particularly as there might be very few proposals that could ultimately meet all five criteria. It also has the potential to cause confusion in the interpretation of how the Scottish Ministers and the council will take decisions on such matters. This leads me to conclude that the policy is inappropriate and requiring amendment. Whilst I am minded to accept the council's suggested amendments to the policy so that only one criterion requires to be met, I am not satisfied that criterion (b) on its own is sufficient to justify demolition in a conservation area. I therefore recommend that this criterion is removed from the policy.

2. Planning authorities are required, when considering demolition applications in conservation areas, to have regard to the desirability of preserving or enhancing the appearance of the conservation area. The council are being more stringent than is required by law in specifying that proposals must contribute to the preservation or enhancement of the character and appearance of the area. This also has the potential to cause confusion for parties when promoting proposals and referencing national and local policy together and to result in uncertainty and inconsistency in the decision making process, contrary to the spirit of Scottish Planning Policy and to Historic Environment Scotland's Policy Statement.

3. The need to update, following their merger, references to Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland has been addressed under Issue 1L.

Reporter's Recommendations:

1. In Policy ENV 24 Conservation Areas (Demolitions):

1.1 Amend first paragraph to read:

'Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance. Proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation.'

1.2 In the third paragraph, amend the third sentence to read:

'In these circumstances, demolition to facilitate new development will only be permitted

where it can be shown that one or more of the following criteria can be satisfied:

- a. the condition of the existing building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of five years must be submitted to the council as planning authority; or
- b. demolition and replacement will result in significant economic benefit for the community and the conservation area will be enhanced as a result of the development; or
- c. there is no alternative location for the development; or
- d. it can be demonstrated that the proposals allow for the immediate future use of the site which enhances the character or appearance of the Conservation Area.'

Issue 26Ah	Policy ENV 28	
Development plan reference:	Chapter 5 – The Spatial Strategy Policy ENV 28	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Historic Environment Scotland (0351)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy Listed Buildings Policy ENV 28 (page 58) Sets the policy context for the r demolition of listed buildings.	
Planning authority's summary of the representation(s):		
<p>Historic Environment Scotland (0351) - Notes that Policy ENV 28 sets out four criteria, all of which are required to be satisfied in order to permit demolition of listed buildings. It is observed that this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP), (CD073 pages 41-43 and paragraphs 3.44, 3.50 and 3.57), or national guidance which set out four assessment criteria, requiring as a minimum that one of the four criteria to be met, and it is commented that it would be very rare that an application for demolition would be able to satisfy all four criteria set out in Policy ENV 28.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be the council's intention to establish a more rigorous regime, it should be satisfied that the proposed policy will be workable in practice.</p> <p>If it is proposed to amend the policy to require one or more criteria to be met, it is recommended that criteria (c) is omitted ("<i>the building cannot be adapted without material loss to its character</i>") as it would not be sufficiently robust as a stand-alone criteria. It is noted that whilst there may be instances where the only viable option for re-use of a listed building will require adaptation which will result in a 'material loss' to the character of the listed building, this is unlikely to outweigh the impact of complete loss through demolition.</p> <p>This policy states a presumption against enabling development and it is noted that this has been carried through from the Adopted West Lothian Local Plan. While supporting the application of robust criteria to assess the acceptability of enabling development, it is also recognised that in some cases it may be essential to secure a viable long term future for a listed building at risk. In view of this, it is suggested that the council may wish to retain the criteria for enabling development, but omit the first sentence of this section, to present a more positive approach to this issue.</p>		
Modifications sought by those submitting representations		
Historic Environment Scotland (0351) – seeks several minor modifications in terms of policy ENV 28 (e.g.; if it is proposed to amend the policy to require one or more criteria to be met, it is recommended that criteria (c) is omitted and retain the criteria for enabling development, but omit the first sentence of this section) the council is invited to consider		

revisions aligning it with national policy which is less stringent.

Summary of responses (including reasons) by planning authority:

Historic Environment Scotland (0351) - the council is of the view that Policy ENV 28 satisfies the requirements of SPP 2014 (CD068 paragraph 141) and the SHEP (CD073 pages 41 - 43 and paragraphs 3.44, 3.50 and 3.57), and provides necessary safeguards allied to the demolition of listed buildings. For this reason, the council does not propose to modify the plan in response to this representation.

The council does however acknowledge that the policy is more demanding than the SHEP and in the event that the Reporter considers that a change to Policy ENV 28 is required to align it more closely with national policy, the council suggests the following amendments where highlighted text reflects additions to the policy and "strike-through" text reflects deletions.

Policy ENV 28

The council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use.

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.

Demolition of a listed building will only be permitted where it can be shown that all of the following criteria can be satisfied:

- a. *the building is no longer of special interest;*
- b. *the condition of the building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of 5 years must be submitted to the council as planning authority;*
- c. ~~*the building cannot be adapted without material loss to its character;*~~
- d. *c. demolition is essential to delivering significant economic benefit for the community.*
- e.

In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

The preservation of buildings of architectural or historic interest will be promoted through partnership working with interested parties and the use of powers including Compulsory Purchase Orders, Repair Notices, Building Preservation Notices or other statutory procedures.

~~*There is a presumption against*~~ **Enabling development, to cross-subsidise works to a historic building,** ~~*where essential to secure a viable long term future for a listed building at risk. Such works will only*~~ **may be considered favourably where the character or setting of**

the building is not adversely affected; where there are sound conservation or design reasons for the new development (such as the re-instatement of a missing wing or courtyard building); where the works are economically justified to ensure the survival of the building; and, on balance, the benefits clearly outweigh any dis-benefits to the historic asset or its setting. In determining applications for planning permission and listed building consent relating to a listed building, the council will specify and require the fullest supporting information. Prior to the implementation of an approved alteration, recording shall be required in accordance with a schedule to be issued. Owners of major heritage assets will be encouraged to prepare and adopt management or conservation plans based on current best practice for their long-term guardianship. Additional controls (such as Article 4 Directions removing permitted development rights) will be introduced to protect the setting of listed buildings where such buildings are under threat from development.

Reporter's Conclusions:

1. Historic Environment Scotland (HES) has commented that the policy, as currently worded, is overly restrictive by requiring that four criteria are met before demolition of a listed building will be permitted. On this basis, I accept that it would be highly unlikely that many proposals would be able to comply with this requirement. Scottish Planning Policy (SPP) is clear that listed buildings should be protected from demolition and, in accordance with this, The Historic Environment Policy Statement 2016 (which replaced SHEP) also states that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it and it requires that, as a minimum, one of four criteria should be met.
2. Whilst I appreciate the council is keen to ensure stringent protection of this finite and valuable resource within the council area, I am mindful of the need to ensure consistency with the tests applied at national policy level. The approach adopted by the council would see the local development plan at odds with national policy on this subject and this would inevitably lead to confusion for parties in dealing with this important matter. On this basis, I recommend that the policy is amended so that it is more closely aligned with and reflects the requirements of The Historic Environment Policy Statement 2016.
3. HES has commented that the policy is negatively worded by stating a presumption against enabling development to cross subsidise works to a historic building. SPP (paragraph 142) is clear that 'Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of an asset and securing its long-term future.' I note the council has identified justifications where such enabling works will be considered and whilst I acknowledge the council's robust approach to this matter, I am also mindful that in certain circumstances it might be the only viable means of ensuring the long term future of a listed building at risk. Given this and the fact that SPP is more positive in its reference to the matter, I consider that the emphasis in the policy should be more positive and that the reference to a presumption against enabling development should be deleted.

Reporter's Recommendations

1. In Policy ENV 28 Listed Buildings:
 - 1.1 Delete the text in the third paragraph and replace it with the following text:

‘Demolition of a listed building will only be permitted where it can be shown that at least one of the following criteria can be satisfied:

- a. the building is no longer of special interest; or
- b. the building is incapable of repair; or
- c. demolition is essential to delivering significant economic benefit for the community; or
- d. the repair of the building is not economically viable and it has been marketed at a price reflecting its location and condition to potential restoring purchasers. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of 5 years must be submitted to the council as planning authority.’

1.2 Replace the text in the sixth paragraph with the following text:

‘Enabling development, where essential to secure a viable long term future for a listed building at risk, may be considered favourably where the character or setting of the building is not adversely affected; where there are sound conservation or design reasons for the new development (such as the reinstatement of a missing wing or courtyard building); where the works are economically justified to ensure the survival of the building; and, on balance, where the benefits clearly outweigh any dis-benefits to the historic asset or its setting.’

Issue 26Ai	Town Centres and Retailing	
Development plan reference:	Town Centres and Retailing (Page 9 - Vision Statement) Town Centres and Retailing (page 39 para 5.133-5.138) Policy TCR 1 – Town Centres (page 40) Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40) Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (0236) Scottish Natural Heritage (0238) Facilities Engineering and Design Solutions Limited (21863501) Michael Vickers (21817641) West Lothian Health Improvement and Health Inequalities Alliance (21798318)		
Provision of the development Plan to which the issue relates:	Town Centres and Retailing	
Planning authority's summary of the representation(s):		
<p><u>Town Centres and Retailing (Page 9 Vision Statement)</u></p> <p>Facilities Engineering and Design Solutions Limited (21863501) - supports the statement.</p> <p>Michael Vickers (21817641) - supports the general aim of the vision, however considers there is too much concentration on Livingston as a 'sub-regional centre'</p> <p><u>Town Centres and Retailing (page 39 para 5.133-5.138)</u></p> <p>Scottish Natural Heritage (0238) - supports multi-functional green network links to town centres from residential areas. Where new town centres are proposed, e.g. Calderwood, the LDP could be clearer that these links are to be delivered in these proposals as they are in existing settlements.</p> <p><u>Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)</u></p> <p>Scottish Government (0236) - seek a change to the name of policy TCR 2 to more clearly reflect the range of uses to which the policy applies.</p> <p>Also seek a change to the first sentence of the policy to ensure the town centre first sequential approach applies to the full range of uses set out in SPP 2014 (CD068). Notes that SPP 2014 had the effect of widening out the approach to the town centres first approach by applying it also to offices, community and cultural facilities and uses which</p>		

attract significant numbers of people. This is set out at paragraphs 60 and 68 of SPP 2014 (CD068).

The section on Local Neighbourhood Centres should be moved up the sequential order set out in the policy, to be on par with Town Centres to ensure the sequential town centres first order is consistent with that set out in SPP 2014.

SPP 2014 places local centres alongside town centres in the sequential approach. The proposed policy TCR 2 sets out a policy approach where local neighbourhood centres are after out-of-centre locations. This is contrary to SPP. The LDP policy should be changed to ensure compliance with national policy.

Policy TCR 2 identifies the requirement for Retail Impact Assessments and is consistent with paragraph 71 of SPP 2014, (CD068) but it does not also require that “Where a new **public building or office with a gross floorspace over 2,500m²** is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out.”

In order to provide consistency of approach, and give certainty to applicants and developers as to the information requirements, it is requested that policy TCR 2 be changed to add in the requirement for these assessments to align with SPP 2014.

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - while supportive of the need to protect the viability of town centres, LDP policy is considered too restrictive in relation to local neighbourhood centres. Developments that are solely residential with no other amenities are unlikely to facilitate social interaction or active travel. The respondent suggests the policy should actively support the development of very small scale retail and local services to promote mixed use areas within neighbourhoods.

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - suggest inclusion of a policy that permits restrictions on the numbers of hot fast food and alcohol outlets in town centres and near to schools.

Modifications sought by those submitting representations:

Town Centres and Retailing (Page 9 Vision Statement)

Facilities Engineering and Design Solutions Limited (21863501) - no modification is proposed.

Michael Vickers (21817641) - no modification is proposed

Town Centres and Retailing (page 39 para 5.133-5.138)

Scottish Natural Heritage (0238) - no modification is proposed

Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)

Scottish Government (0236) – suggests the following changes;

- Change the name of the policy TCR 2 to ‘Town Centres First Sequential Approach’
- The first sentence of the policy should be changed to read:

“New retail, commercial leisure, visitor attractions, offices, community and cultural facilities and other developments appropriate to town centres should be located in accordance with the following sequential approach...”

- The section on Local Neighbourhood Centres should be moved up the sequential order set out in the policy, to be on par with Town Centres.
- After the final paragraph of the policy add in the following ...

“Proposals for a new public building or office with a gross floorspace over 2,500m² outwith a town centre and contrary to the development plan will require an assessment of the impact on the town centres.”

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - no modification is proposed

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - no modification is proposed.

Summary of responses (including reasons) by planning authority:

Town Centres and Retailing (Page 9 Vision Statement)

Facilities Engineering and Design Solutions Limited (21863501) - the council notes the comments made, and no modifications are necessary.

Michael Vickers (21817641) - the council notes the comments made, and no modifications are necessary.

Town Centres and Retailing (page 39 para 5.133-5.138)

Scottish Natural Heritage (0238) - the council notes the comments made, and no modifications are necessary.

Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)

Scottish Government (0236) - the council notes the comments and suggested changes and would not object should the Reporter be minded to amend policy TCR 2 as set out in this representation. The council also proposes to change the title to this policy to reflect the comments made.

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - the council notes the comments made. No modifications are necessary.

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

West Lothian Health Improvement and Health Inequalities Alliance (21798318) - the council notes the comments made. Whilst the council can introduce a policy aimed at controlling the number of fast food outlets, such a policy would potentially run contrary to the promotion of town centre activities. Currently no thresholds have been identified which would lead the council introduce such a policy. As such no modifications are necessary.

Reporter's conclusions:

1. In addition to the representations listed above, I address here the representations on Policy TCR 2 from Scottish Enterprise (0160), to which the council responded at Issue 16Q. I also sought further comments (FIR09) from the council in order to clarify its response to representations on retail issues from Linlithgow & Linlithgow Bridge Community Council (0428) and from Winchburgh Developments Ltd (21862570). The representation from Facilities Design and Engineering Ltd does not raise any unresolved matters in relation to the town centre policies of the plan. We address under Issue 16U the proposal from Livingston Centre Ltd and Livingston Almondvale Ltd (0220 and 21416622) that there should be a prime retail area identified for Livingston.

Links between town centres and green networks

2. Scottish Natural Heritage does not suggest how the plan should make it clearer that, where new town centres are proposed, links to green networks are to be delivered. In any event, this is a matter which can be addressed in masterplans and detailed development proposals in such cases.

Policy TCR 1 Town Centres

3. Linlithgow and Linlithgow Bridge Community Council proposes that this policy and the supporting text make specific reference to Linlithgow and a Linlithgow masterplan. The council, in response to FIR09, points to the fact that the policy refers to Figure 6, which categorises Linlithgow as a traditional town centre, the extent of which is defined on the proposals map. I am satisfied that the policy contains sufficient information on Linlithgow (and on the other centres it identifies) for its purposes.

Policy TCR 2 Location of New Retail and Commercial Leisure Developments

4. In addition to the Scottish Government representations on this policy, Winchburgh Developments Ltd proposes that the policy takes a more flexible approach to allowing commercial leisure uses out with town centres. Scottish Enterprise supports the policy as drafted in the proposed plan, and would be opposed to any sequential test for office development.

5. I take note of both these views. However, it seems to me that both are arguing a point which does not sit well with SPP, in particular with paragraphs 60 and 68 as referred to by the Scottish Government. In my view the changes proposed by the Scottish Government (and supported by the council) would bring the policy closer into line with SPP, strengthening the support given in the plan to town centres.

6. I accept that, for some leisure uses and in some circumstances, a town centre

location may not be available or suitable. The sequential approach in the policy allows (as the council points out in response to FIR09) for such circumstances to be considered, and it does not preclude the possibility of development out with town centres. Likewise, it would not affect the support in the plan for office development on land identified for that purpose through the employment land allocations.

7. I recommend that the plan be modified in accordance with the Scottish Government's suggestions. This would, by moving Neighbourhood Centres higher up the sequential test, go some way towards responding to the concerns from the West Lothian Health Improvement and Health Inequalities Alliance that the plan is too restrictive in relation to such centres. It seems to me that the plan supports appropriately scaled retail development in such centres. A consequential minor change is also required to the current penultimate sentence of the policy, to clarify that this would relate to retail and not office development.

Policy TCR 3 Commercial Entertainment and Hot Food Premises

8. Paragraph 67 of SPP says that where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of settlements or the well-being of communities, plans should include policies to prevent such over-provision and clustering. The examples given are betting offices and high interest money lending. In any event, I have no detailed evidence before me which would support a policy restricting further development of hot fast food outlets or alcohol sales in town centres.

The role of Livingston

9. Michael Vickers, whilst supporting the general aims of the plan in respect of town centres and retailing, says there is too much concentration on Livingston as a sub-regional centre. Regardless of emphasis, Livingston is by far the largest retail centre in West Lothian. Nevertheless, policies TCR 1-3 support appropriate retail and other developments in the other town and village centres in West Lothian. I see no need for a modification arising from this representation.

Edge of Centre Retail Provision

10. Livingston Village Community Council (0410) stated, under this heading in their representations, that 'As housing sites sprawl further and further outward toward the Livingston town boundaries there should be some provision for smaller retail zones'. I note that, as the council points out in responding under Issue 16S, the plan makes provision for nine local centres across Livingston. In this context, and in the absence of any specific change sought by the community council, I do not consider that this representation warrants a change to the plan.

Reporter's recommendations:

1. In Policy TCR 2:

1.1 Change the name of the policy to 'Town Centres First Sequential Approach'

1.2 In the first sentence, after 'attractions', insert ',offices, community and cultural facilities'

1.3 Move the section headed 'Local Neighbourhood Centres' so that it is immediately below the section headed 'Town Centres'.

1.4 In the penultimate sentence, after 'Proposals' insert 'for retail development'.

1.5 Add an additional sentence to the end of the policy as follows:

'Proposals for a new public building or office with a gross floorspace over 2,500m² outwith a town centre and contrary to the development plan will require an assessment of the impact on the town centres.'

Issue 26Aj	Policy ENV 2 - Housing Development in the Countryside Policy ENV 3 - Other Development in the Countryside	
Development plan reference:	Policy ENV 2 Policy ENV 3	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
The Royal Society for the Protection of Birds (0209) Scottish Government – Development Plan Team (0236) Scottish Natural Heritage (0238) Wallace Land Investment & Management (0359)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Development in the Countryside. Policy ENV 2 (page 42) sets out the circumstances where housing development in the countryside may be permitted.	
Planning authority's summary of the representation(s):		
<p><u>ENV 2 Housing development in the countryside</u></p> <p>Scottish Government – Development Plan Team (0236) - In accordance with Scottish Planning Policy (SPP2014, CD068, para. 81) and Circular 3/2012 <i>Planning Obligations and Good Neighbour Agreements</i> (CD031) criteria related to occupancy restrictions should be avoided in rural areas.</p> <p><u>ENV 3 Other development in the countryside</u></p> <p>Wallace Land Investment & Management (0359) - Suggests that the policy conflicts with proposed LDP Policy HOU 2, Policy 7 of the approved SDP (CD099), and with SPP (paragraph 29) (CD068), which recognise that greenfield sites outwith existing defined settlement boundaries (i.e. in the countryside) may need to be released in the event of a shortfall in the 5-year effective housing land supply. Proposes that the list of circumstances which identify when new housing in the countryside would be permitted is augmented to allow for housing development on unallocated sites in order to avoid creating a barrier to maintaining an effective 5 year housing land supply.</p> <p>Scottish Natural Heritage (0238) - Recommend additional text to further clarify the relationship between landscape character and quality / amenity of place.</p> <p>The Royal Society for the Protection of Birds (0209) - Notes that the policy includes provision for the redevelopment of brownfield sites and cautions that brownfield sites often support a greater range of biodiversity, especially invertebrates and plants, than undeveloped agricultural land. In this knowledge, it is suggested that any development proposed for brownfield should be required to take into account existing biodiversity features and mitigate against their potential loss.</p>		

Modifications sought by those submitting representations:ENV 2 Housing development in the countryside

Scottish Government – Development Plan Team (0236) - Criteria ‘a’ and ‘b’ should be deleted as highlighted in grey below. In addition, it is requested that Policy ENV 2 should be re-drafted based on Circular 3/2012 (CD031) where paragraphs 49-51 deal with occupancy restrictions in more detail.

Policy ENV 2 *Housing development in the countryside*

Housing development in the countryside will only be permitted where:

- a. the house is required for a full-time worker in agriculture, horticulture, forestry, countryside recreation or tourism or other rural business; or*
- b. the house is required for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; or*
- c. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or*
- d. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or*
- e. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or*
- f. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or*
- g. the proposal is supported by the council’s lowland crofting policy.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.

The detailed of Supplementary Guidance on “Development in the Countryside” and “Lowland Crofting” will apply.

ENV 3 Other development in the countryside

Wallace Land Investment & Management (0359) - The following amendments to the policy text as set out in the LDP are requested; highlighted text reflects additions to the policy.

- g. the proposal is supported by the council’s lowland crofting policy. or*
- h. it is a suitable site on the edge of a settlement and the development will contribute to the maintenance of a 5 year effective housing land supply, consistent with Policy HOU 2.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed of Supplementary Guidance on “Development in the Countryside” and “Lowland Crofting” will apply where relevant.

Scottish Natural Heritage (0238) - recommends additional text on ‘local amenity’ to further clarify the relationship between landscape character and quality/amenity of place.

The Royal Society for the Protection of Birds (0209) - It is suggested that the policy is worded to include a requirement for developers of brownfield sites to take account existing biodiversity features and mitigate their loss.

Summary of responses (including reasons) by planning authority:

LDP policy background

The adopted West Lothian Local Plan (WLLP2009, CD092) has a number of policies which relate directly to proposals for development in the countryside:

WLLP Policy ENV31: *Development in the countryside*

WLLP Policy ENV32: *Particularly strong presumption against proposals for new build development in the countryside*

WLLP Policy ENV33: *Design and development criteria for any conforming proposals*

WLLP Policy ENV34: *Proposals for conversion, sub-division and re-use of existing buildings in the countryside*

WLLP Policy ENV35: *Lowland Crofting*

WLLP Policy ENV36: *Leisure and tourist development rural areas*

These six policies were subsumed into two policies – Policies ENV 2 and 3 - in the Proposed LDP based on a review of policy usage for refusals of planning applications which showed that the majority of applications were for residential development in the countryside (most often on greenfield sites). There was also an overall need to reduce and rationalise the number of policies in the Proposed Plan. Hence, the above policies were amalgamated, updated and made more rigorous following best practice and policy guidance.

In addition, Proposed LDP Policy EMP 8: *Tourism* gives additional policy direction for that topic along with other specific policy interests which can be applied and used to assess proposals at the planning application stage in the development process.

WLLP Policy ENV35: *Lowland Crofting* is a particular policy adopted by West Lothian several decades ago to attract development to ‘west’ West Lothian in response to the lack of development and difficulties for many farms in that area. ‘Very low density housing plots’, known as Lowland Crofting, which were not available elsewhere in West Lothian with other incentives were established to support the rural economy. It is believed that this policy has largely run its course as there have been no whole farm applications for lowland crofts for over 5 years and has now been brought into the general policy approach to development in the countryside proposals as set out in Policy ENV 2.

However, specialist planning guidance on this subject will be updated after a comprehensive survey of all 13 lowland crofting sites is completed and re-issued if the need continues in West Lothian, whilst as a lower priority in the past. The success of this policy is indicative of this part of rural central Scotland’s up and coming attractiveness as

a place to live and work.

Policy ENV 2 *Housing development in the countryside*

[See text above in modifications section.]

Policy ENV 3 *Other development in the countryside*

Development in the countryside will only be permitted where the following guiding principles are taken into account: or

- a. the development is justified for agriculture, horticulture, forestry, countryside recreation or tourism or other rural business use; or*
- b. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or*
- c. the proposal is for the replacement of a building in the countryside which is of a poor design or in a poor structural condition; or*
- d. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing buildings in the countryside; or*
- e. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.

Appendix Five – Supplementary Guidance (SG) and Planning Guidance (PG) of the proposed plan indicates further guidance is to be produced:

Planning Guidance *Development in the Countryside – residential land and various other uses*

Planning Guidance *Lowland Crofting*

ENV 2 Housing development in the countryside

Scottish Government – Development Plan Team (0236) - Paragraph 81 of SPP is within the Promoting Rural Development section and gives guidance on the policy approach for ‘accessible and pressurised rural areas’ including a bullet for development plans to:

- *‘set out the circumstances in which new housing outwith settlements may be appropriate avoiding use of occupancy restrictions.’*

Paragraphs 49-51 of Circular 3/2012 *Planning Obligations and Good Neighbour Agreements* (CD031) offers rationale for the avoidance of occupancy restrictions as a mechanism for control of development in the countryside as:

Such restrictions have historically been used particularly in respect of housing in rural

areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. (Circular 3/2012 para. 50)

Circular 3/2012 paragraph 50 further advises that it may be appropriate for planning authorities to ‘*consider the need for the development in that location, especially where there is the potential for adverse impacts*’ and then to balance ‘*the justification against the potential impacts*’ based on land management and / or a business case to be assessed against such suggested criteria as:

- *road safety,*
- *landscape quality or*
- *natural heritage etc.*

The council accepts that criteria ‘a’ and ‘b’ relating to occupancy restrictions should be removed and suggest replacement with the following criteria:

Revised (a): the proposal can demonstrate that road safety requirements can be met; public transport access is viable or a strong rationale is provided why this is not feasible; and sustainable and active transport objectives can be achieved as set out in Policies TRAN 1 – 4;

Revised (b): the proposal in its entirety offers benefits to landscape quality and character as well as to natural heritage whilst any potential dis-benefits can be shown through assessment to be negligible.

In addition, a final paragraph needs to be added to emphasise the desirability and efficacy of the submission of evidence to support any case to be made for proposed ‘*development in the countryside*’.

Additional final paragraph: It is advised that applications for proposals for the development of housing in the countryside are accompanied by supporting information and documentation such as a business case, land management strategy and other documentation to demonstrate reasons for the relaxation of this policy.

Despite the closeness of the two policies the council intends to pursue a specialised policy for ‘*housing development in the countryside*’ because this is a very common and often speculative type of planning application received in West Lothian due to proximity to Edinburgh and the attraction of lower land prices. Thus, it is important to control the potential suburbanisation of the countryside as set out in both SPP para. 81 and paragraphs 49-51 of Circular 3/2012.

The council believes that the amendments to Policy ENV 2: *Housing development in the countryside* as set out above will ensure compliance with SPP para. 81 and paragraphs 49-51 of Circular 3/2012.

ENV 3 Other development in the countryside

Wallace Land Investment & Management (0359) - In the event of a shortfall in the 5 year effective housing land supply the council recognises that it may be necessary to give planning permission to proposals for housing development on sites outwith the defined settlement boundaries and it does not therefore object to the principle of amending Policy

ENV 2 to reflect this. The council would however, suggest an alternative form of wording to that proposed by the respondent if the Reporter is minded to make a modification:

h. a shortfall has been identified by the council through the housing land audit with regard to the provision of an effective 5 year housing land supply and it has been satisfactorily demonstrated that there are no alternative allocated or unallocated sites within the settlement boundary. Any additional infrastructure required as a result of the development must either be committed or will be funded by the developer.

Scottish Natural Heritage (0238) – Policy ENV 3 is unlikely to be applied in isolation and other LDP policies such as Policies DES 1: *Design Principles* and ENV 1: *Landscape Character and Special Landscape Areas*, which when taken together establish the importance of local amenity including the relationship between landscape character and quality and the amenity of place / place-making.

Further iteration and detail for Policy ENV 3 - as well as for Policy ENV 2 - will be forthcoming in planning guidance for the LDP with the working title of “*Development in the Countryside – residential land and various other uses*”.

The Royal Society for the Protection of Birds (0209) - The RSPB’s comments are essentially a minor refinement of the policy and the council would not take issue if the Reporter was minded to amend it with the addition of text at (c) that introduced a requirement for developers of brownfield sites to take account existing biodiversity features and mitigate their loss.

None other than the changes as set out above in response to Scottish Government representation to the Proposed Plan are suggested.

Reporter’s conclusions:

Policy ENV 2 Housing development in the countryside

1. My understanding of paragraph 81 of SPP is that planning permissions should not seek to control (through conditions or obligations) who may occupy a new dwelling. That is not quite the same thing as making an exception when allowing a dwelling in the first place. However, noting that the council is content to remove criteria a. and b. of the policy (and recognising that these are the kind of exceptions which are often associated with occupancy restrictions), I am content to recommend that the policy is modified in accordance with the Scottish Government’s representations.

2. The council proposes two replacement criteria a. and b. – covering road safety, public transport, active travel, landscape quality and natural heritage. It also proposes an additional final paragraph setting out the supporting information which would be required to accompany an application for new housing in the countryside. These additional provisions may or may not be beneficial. However, they do not appear to me to result, either directly or indirectly, from the matters covered in the representations made in respect of Policy ENV 2. I therefore am not in a position to recommend that these modifications be made.

3. Wallace Land Management Ltd makes representations here in respect of Policy ENV 2, not ENV 3. I recognise the potential for tension between the provisions of this policy and the requirement to maintain a sufficient supply of effective housing land.

However, SESplan Policy 7 as well as Policy HOU 2 Maintaining and Effective Housing Land Supply of this plan (if modified in accordance with our recommendations under Issue 1A) would provide a direct policy mechanism for considering proposals for housing development on unallocated sites when a shortfall exists. There is no need to re-enforce those kind of provisions (and those in SPP, which would apply anyway) in ENV 2. There are several other policies in the proposed plan which, if the approach favoured by Wallace Land was to be followed consistently, would also need to be so amended. I think it simpler to let SESplan Policy 7 and Policy HOU 2 remain the most directly relevant policies should a shortfall in the supply of effective housing land exist. Addition of the phrase 'where relevant' at the end of the policy would add no value – I would not expect the council to apply the provisions of supplementary guidance where they had no relevance.

4. In addition to the representations referred to above, Ian Findlay, on behalf of Facilities Engineering and Design Solutions Limited (21863501) says that policy towards housing development in the countryside is too restrictive, and that there should be support for small scale development which provides community benefit. I note that the policy does support development where some benefits would accrue (for example redevelopment of brownfield land, which Mr Findlay supports). But I am not convinced on the basis of the evidence before me that the plan could provide (as Mr Findlay suggests) sufficiently clear guidance on what other community benefits might justify housing development in the countryside.

Policy ENV 3 Other development in the countryside

5. I agree with Scottish Natural Heritage that consideration of new development in the countryside otherwise supported by this policy should also include its impacts on local amenity. Such a requirement might reasonably have been included in the policy. However, as the council points out, Policy DES 1 Design Principles (which would also apply) already requires that impacts on amenity be considered. There is therefore no need for ENV 3 to repeat this requirement.

6. RSPB Scotland is right to point out that brownfield land can have higher biodiversity value than agricultural land. In any event, criterion b. of the policy refers to the natural heritage value of such land. No modification is required in response to this representation.

Reporter's recommendations:

1. Remove criteria a. and b. of Policy ENV 2 Housing development in the countryside.

Issue 26AI	Minerals and Waste	
Development plan reference:	Policies MRW 1, MRW 2, MRW 3, MRW 4, MRW 5, MRW 7, MRW 8 & MRW 9 – Minerals and Waste	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Coal Authority (0167) The Scottish Government (0236) Scottish Natural Heritage (0238) Ineos Upstream Limited (0242 and 21861031) Scottish Environment Protection Agency (0243) Hargreaves Surface Mining Limited (0249 and 21867235) British Solar Renewables (0214 and 21116167) Roger Laird (21858467)</p>		
Provision of the development Plan to which the issue relates:	Pages 73 – 78, including policies MRW 1, MRW 2, MRW 3, MRW 4 and MRW 5 Proposals Map – search area for open casting Paragraph 5.255	
Planning authority’s summary of the representation(s):		
<p>The Coal Authority (0167) – regarding Proposed Plan paragraph 5.255, would have preferred to see the area of search extended to include the whole plan area, however, would assume that the inclusion of the search areas identified has been informed by the views of the mineral industry in this respect and therefore do not object to this matter; support policy MRW 1; seek change to policies MRW2 and MRW 3; supports policies MRW 4 and MRW 5.</p> <p>The Scottish Government (0236) – seek a change to policies MRW 1 and MRW 3 in relation to mineral extraction; seek change to policy MRW 8 in relation to waste management facilities and policy MRW 9 in relation to landfill sites to reflect that there is no legal basis for the monitoring of planning conditions which is a statutory function of local authorities.</p> <p>Scottish Natural Heritage (0238) seek an amendment to clause (f) of policy MRW3 by way of insertion of additional text; advise that it is not clear from clause (f) whether this refers to designated sites or sensitive habitats in the wider countryside. Advise that as it may refer to Natura 2000 sites, with consequent requirements for Habitats Regulations Appraisal at project stage, the recommendation is that the terms used in part f) are clarified.</p> <p>Ineos Upstream Limited (0242 and 21861031) – seek amendments to policies MRW 2 and MRW 5 to give more positive policy support for onshore hydrocarbons; seek change to policy MRW 3 to delete reference to onshore oil and gas; have a single revised policy MRW 5 to cover onshore hydrocarbons with associated supporting text; support plan led approach however, suggest that the issues and impacts of development proposals should be identified in pre-application discussions with the applicant rather than scrutinising an application against a generic set of criteria that may not be relevant; the proposals map</p>		

should promote such opportunities and should be extended to safeguard Petroleum, Exploration and Development Licence (PEDL) areas; seek additional text to the Glossary to define 'onshore oil and gas extraction'.

Scottish Environment Protection Agency (0243)

Policy MRW 2 – Supporting Principles for Mineral Extraction (page 74) - Policies relating to mineral workings should be consistent with Scottish Environment Protection Agency's guidance relating to air, water and soils ensuring that there are no significant negative impacts on such issues insofar as they relate to our interests. For minerals proposals the development plan should require the submission of a restoration and aftercare plan. As the policy requires this by way of bullet point b, Scottish Environment Protection Agency (SEPA) supports its inclusion.

Policy MRW 3 – Impediments to Mineral Extraction (page 74) - Scottish Environment Protection Agency (SEPA) support the specific reference within this policy to the presumption against mineral extraction proposals for peat extraction of where there would be irreversible damage to a peat habitat.

Policy MRW 7 – Waste Management on Construction Sites (page 76) - Scottish Environment Protection Agency (SEPA) support this policy which both incorporates waste minimisation principles within the Plan to ensure that waste generation is minimised during construction, but also ensures that adequate space for waste and recycling facilities within new developments is provided. This will assist the Council in meeting the Scottish Government's Zero Waste goal by maximising the opportunities for waste recycling.

Policy MRW 8 – Waste Management Facilities (page 77) - There is a pressing need to move waste management away from landfill and towards sustainable waste management. Positive planning guidance needs to be in place to help deliver new facilities and infrastructure required to facilitate this move, as well as to support the new methods of waste collection. Scottish Environment Protection Agency (SEPA) support the inclusion of this policy as it will assist the Council in their pivotal role in helping to deliver the national waste targets reflected in the Zero Waste Plan (ZWP) through the provision of a positive policy framework for new infrastructure.

Specifically, Scottish Environment Protection Agency (SEPA) support the following aspects of the policy:

- Identification (and safeguarding of these from inappropriate adjacent development) of existing waste management sites on the proposals maps;
- The clear reference to the waste hierarchy and the associated policy framework which will ensure that applications for new waste management facilities will be assessed against this as well as the Zero Waste Plan, PAN 63 (Planning Advice Note) and Scottish Planning Policy (SPP).
- The policy statement that sites generally considered suitable for waste management facilities include existing or allocated industrial land (specifically Class 5 or 6) and the re-use and extension of existing waste management sites.

Scottish Environment Protection Agency (SEPA) does not comment individually on the proximity of waste sources to waste management facilities nor the need for such waste facilities within a Plan area. Notwithstanding this, it is important that development plans

are not restrictive on the source of the waste being managed within waste facilities. As a result, when considering the potential for new waste management facilities Scottish Environment Protection Agency (SEPA) require that Local Development Plans do not restrict the movement of waste to/from respective Plan areas whilst there remains a national shortage in waste infrastructure. As such Scottish Environment Protection Agency (SEPA) requires that the Plan be modified to reflect this.

Scottish Environment Protection Agency (SEPA) support the requirement within this policy for the promotion of the recovery of energy from waste, whereby sites are to be designed to enable links to be made to potential users of the heat and/or power generated at such sites.

Policy MRW 9 – Landfill Sites (page 78) - Scottish Environment Protection Agency (SEPA) support the inclusion of this policy which states clearly that new landfills will only be supported where they are required in specific circumstances including where there is a requirement to meet the need for a 10 year rolling landfill capacity as identified in the Zero Waste Plan Regional Capacity Table.

Hargreaves Surface Mining Limited (0249 and 21867235) - supports the council's recognition of the importance of coal to the local and national economy, energy security, and of their continued support for the industry; seeks change to policy MRW 3 clause (d) in relation to rail transport opportunities and clause (h) in relation to proposals affecting peat habitat; provides comments on the council's supplementary guidance for minerals.

British Solar Renewables (0214 and 21116167)

Policy MRW 1 (Minerals, Resources and Safeguarding) and Policy MRW 2 (Supporting Principles for Mineral Extraction) are relevant to the entire area at Heartland's as it is designated within the Proposed Plan as an area of search for opencasting. While the policies are not in themselves objected to, the associated designation on proposals Map 4 is.

The Heartland's site benefits from planning consent for a mixed-use development and development at the site is ongoing. In addition, the site is included in the extant and emerging Local Development Plan as a strategic development location. Consequently it is considered that the designation as an area of search is wholly inappropriate. Proposals Map 4 therefore requires to be amended to remove the allocation for opencasting on the site. It is held that to designate land at Heartlands, which already benefits from planning consent for mixed use development, for an area of search for opencasting goes against the Council's own aims set out at Paragraph 5.25 – *“to minimise the impacts on local communities, the environment and the built and natural heritage and ensure the sustainable restoration of sites and their beneficial afteruse.”*

Modifications sought by those submitting representations:

The Coal Authority (0167) - seek change to policy MRW 2 as follows:

(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

Policy MRW 2 Supporting Principles for Mineral Extraction

Development proposals for ~~open-cast~~ surface coal mining, the extraction of minerals,

construction minerals, silica sandstone, building stone and onshore gas and oil, (including associated infrastructure), will only be supported where they:

a. can be demonstrated not to have a unacceptable detrimental impact on communities, the environment, or the economy;

b. provide for restoration and aftercare to a high standard (including the provision of an appropriate guarantee, such as bonds or other financial guarantees - Policy MRW 3 refers);

c. provide an appropriate buffer zone between site boundaries and settlements to protect the amenity of houses and occupied properties;

d. result in the restoration of previously worked areas where the earlier restoration has not been completed to a high standard, or which have left a legacy of ground instability;

e. meet the relevant requirements set out in Supplementary Guidance “Minerals” and

f. satisfactorily address the attendant implications for haulage, including road safety, road cleanliness and the need to minimise nuisance

The Coal Authority (0167) - Seek change to Policy MRW3 – Impediments to Mineral Extraction as follows:

(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

Policy MRW 3 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

a. where ~~an open cast coal~~ a surface coal mining site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;

b. where there is conflict with any requirement of Scottish Planning Policy 2014, Planning Advice Note 50 and its annexes in relation to such sites or other mineral working sites;

c. where there would be an unacceptable environmental impact on individual properties;

d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;

e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;

f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;

g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;

h. for peat extraction, or where there would be irreversible damage to a peat habitat;

*i. where the development of the site when assessed against other additional workings, ~~opencast coal~~ **surface coal mining** sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and*

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

The Scottish Government (0236) – seek a change to policy MRW 1 to allow the policy to be more consistent with Scottish Planning Policy paragraph 237. The proposed change is as follows:

(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

Policy MRW 1 Minerals Resources and Safeguarding

*Minerals that are, or may be, of economic or conservation value will be protected from development which could prevent or jeopardise their extraction ~~provided~~ **unless** it can be demonstrated:*

- *by means of an independent assessment, that surface development would neither sterilise the mineral, or be a serious hindrance to its extraction; and that,*
- *the minerals are otherwise capable of being won in an environmentally sensitive manner.*

Prior extraction of minerals should be facilitated and encouraged for any substantial new development sites, in line with national policy, with the aim of preventing sterilisation of minerals.

The prevention of the sterilisation of a particular mineral does not imply a presumption in favour of its working.

There is a presumption in favour of new proposals for construction aggregate extraction which support and maintain a ten year council landbank of permitted reserves required under national policy guidance provided it can be demonstrated that they do not conflict with the terms of other policies set out in this LDP.

There is a presumption in favour of new proposals which support and encourage uptake of secondary and recycled aggregates as part of the overall mineral supply.

The Scottish Government (0236) - seek a change to policy MRW 2 Impediments to Mineral Extraction at criterion (h) to comply with paragraph 241 of Scottish Planning Policy, which seeks the protection of areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. N.B. Policy MRW 2 of the Local Development Plan relates to "Supporting Principles for Mineral Extraction" and does not have a criterion (h). The council has assumed that the change relates to policy MRW 3 of the Local Development Plan which is entitled "Impediments to Mineral Extraction."

(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

Policy MRW 2 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

- a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;*
- b. where there is conflict with any requirement of Scottish Planning Policy 2014, Planning Advice Note 50 and its annexes in relation to such sites or other mineral working sites;*
- c. where there would be an unacceptable environmental impact on individual properties;*
- d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;*
- e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;*
- f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;*
- g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;*
- h. ~~for peat extraction, or where there would be irreversible damage to a peat habitat for~~ peat extraction, in areas that have not suffered historic, significant damage through human activity or where restoration is possible of peatland areas of otherwise low conservation value;*
- i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that*

cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

The Scottish Government (0236) – seek a change to Policy MRW 8 to recognise that there is no legal basis for charging for the monitoring of planning conditions, which is a statutory function of Local Authorities.

(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

MRW 8 Waste Management Facilities

Existing waste management sites as identified on the proposals map shall be safeguarded from alternative development, except where demonstrated to be surplus or no longer suitable to meet future requirements, or where they have been allocated in the development plan for redevelopment.

Development that is proposed adjacent to or in the vicinity of an existing waste management facility and that would be likely to adversely affect the present or future operation of the facility will not be supported.

Development that is proposed on, adjacent to, or in the vicinity of a site that is identified for provision of a new waste management facility and that would be likely to make the site unavailable or unsuitable for the provision of the new facility will not be supported.

Applications for new waste management facilities will be assessed against the criteria set out below and against SPP2014, the Zero Waste Plan, Planning Advice Note 63: Waste Management Planning with the overall aim being to help deliver infrastructure at appropriate locations and prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal sites. Considered generally suitable for waste management facilities include existing or allocated industrial land, specifically Classes 5: General Industrial and Class 6: Storage or distribution, provided they meet the specified criteria below; and the re-use /extension of existing waste management sites.

a. the visual and landscape impact of the development including the screening capability from existing and proposed features;

b. the proximity of adjacent sensitive premises or land uses. In general terms distances should be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant; and*
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and*
- greater than 250m between sensitive receptors and landfill sites.*

c. the hours of operation and the length of the period for which planning permission is

sought;

d. the implications for haulage, including road safety, road cleanliness and the need to minimise nuisance to communities around the site and on the preferred haul routes;

e. the environmental impact of traffic and any cumulative impact from sites on other road users and communities;

f. the impact on ground and surface water, the adequacy of site drainage and the treatment of site water to avoid pollution of water courses or ground water;

g. the protection of infrastructure such as roads, pipelines, cables and drains;

h. the protection of landscape features;

i. the steps to be taken to prevent nuisance or environmental deterioration generally, including an assessment of existing and introduced noise, air quality, odour, visual impact, litter, vermin, dust deposition and ground vibration;

j. the adequacy of the proposed working method to enable the progressive restoration of the site to take place at the earliest opportunity, where appropriate;

k. compatibility of surrounding land uses;

l. airport safeguarding;

m. the opportunity to remediate derelict or contaminated land or abandoned or disused waste management facilities;

n. the opportunity to recover energy from waste, i.e. sites designed to enable links to be made to potential users of the heat and/or power generated at the site. Proposals will be assessed against Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2013 and addendum that sets out policy on thermal treatment plants;

o. after-care and restoration where necessary; and

p. there has been an appropriate level of pre-application consultation undertaken with local communities to the satisfaction of the council in accordance with SPP2014 and the Zero Waste Plan for Scotland.

Occasionally, and depending on the particular circumstances of the operations, the council may require an operator to finance the appointment (by the council) of a compliance officer to monitor the site during the currency of the planning permission. The developer or landowner of a landfill site may also be required to lodge a bond to cover performance, restoration and aftercare.

In such circumstances, the council will have regard to and be guided by the Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites Produced by Heads of Planning Scotland.

The developer must appoint an independent assessor, agreed by the council, to advise

the council at set stages during the lifetime of the development of the estimate of outstanding liabilities at the site, and the amount of finance to be secured for the sole use of the council. The developer will be required to provide the necessary financial security to address the outstanding liabilities.

The Scottish Government (0236) – seek changes to MRW 9 policy text as below.

MRW 9 Landfill Sites

Proposals for new landfill sites for the final disposal of general waste will not ordinarily be supported. An exception would only be supported in specific circumstances where:

a. there is a requirement to meet the need for a 10 year rolling landfill capacity identified within the Zero Waste Plan Regional Capacity Table;

b. it is clearly demonstrated that the proposed operation results in significant environmental benefits to the site or its area;

c. where there are no alternative measures for dealing with the waste;

d. where the waste has been pre-treated; and

e. where the proposal conforms to all other policies of this Local Development Plan and the objectives of the Zero Waste Plan for Scotland and Scottish Planning Policy 2014.

~~*The council may require the operators of a site for waste management to finance the appointment, by the council, of a compliance officer to monitor the site during the currency of the planning permission and*~~ *The council will require either the developer or landowner of a waste management site, and in particular a landfill site, to lodge a bond to cover performance, restoration and after-care.*

The developer must appoint an independent assessor, agreed by the council, to advise the council at set stages during the lifetime of the development of the estimate of outstanding liabilities at the site, and the amount of finance to be secured for the sole use of the council. The developer will be required to provide the necessary financial security to address the outstanding liabilities.

Scottish Natural Heritage (0238) - seek a change to clause (f) of Policy MRW 3.
(Proposed deleted text shown as strike through text, new text shown in highlighted box.)

Policy MRW 3 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;

b. where there is conflict with any requirement of Scottish Planning Policy 2014, Planning Advice Note 50 and its annexes in relation to such sites or other mineral working sites;

c. where there would be an unacceptable environmental impact on individual properties;

d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;

e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;

f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development Planning permission will only be granted if it can be demonstrated that there would be no adverse effect on the integrity of European site(s), either alone or in combination with other plans or projects. Developers will be required to submit information to support the council in carrying out appropriate assessment;

g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;

h. for peat extraction, or where there would be irreversible damage to a peat habitat;

i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the Local Development Plan.

Ineos Upstream Limited (0242 and 21861031) - seek insertion of text in the Local Development Plan in relation onshore hydro carbons and reference on the proposals map as follows:

Supporting text: "The Department of Energy and Climate Change has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Council's area.

Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart."

Exploration and development rights granted through Petroleum, Exploration and Development Licence (PEDL) create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

The Petroleum, Exploration and Development Licence (PEDL) licence does not create automatic development rights and the effects may not apply equally across the Petroleum, Exploration and Development Licence (PEDL) area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the Petroleum, Exploration and Development Licence (PEDL) is identified in the Plan and its consequences explained.

Proposed policy to replace existing policy MRW 5 and MRW 3 is given below. (New policy highlighted in grey text box)

Policy MRW5 – Onshore Hydrocarbons

Proposals for the extraction of onshore hydrocarbons – coal bed methane, shale gas and other forms of onshore oil and gas exploration are in the national interest and will be favourably considered in the Safeguarded Areas indicated on the proposals map.

Applications for individual wells or groups of wells as part of the process of exploration and production for onshore unconventional hydrocarbon exploration, the associated interconnecting pipelines and other essential processing or distribution infrastructure to serve more than one development area will be permitted provided significant adverse environmental impacts do not arise.

Applications should be presented with sufficient information to adequately assess the environmental implications of the proposals including field development plans, where possible. Cumulative environmental impacts should be considered and assessed if necessary. Impacts on Natura 2000 sites or European Protected Species will be considered in accord with existing Policies.

Conditions and agreements should be attached to planning permissions to ensure the exploration and production operations have an acceptable impact on the local environment or residents. Permissions for wells will be conditioned for the life of the well.

Ineos Upstream Limited (0242 and 21861031) – seek insertion of text into the Glossary as follows:

“Onshore oil and gas extraction includes the following type of development:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.”

Hargreaves Surface Mining Limited (0249 and 21867235) – seek change to policy MRW 3 at clause (d) and relaxation of wording of clause (h) although they do not provide wording whilst seek a relaxation to allow for extraction in and around areas of peat that

would benefit from environmental improvement.

(Deleted text shown as strikethrough text)

Policy MRW 3 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;

b. where there is conflict with any requirement of Scottish Planning Policy 2014, Planning Advice Note 50 and its annexes in relation to such sites or other mineral working sites;

c. where there would be an unacceptable environmental impact on individual properties;

d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity ~~or where available rail transport facilities are not utilised;~~

e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;

f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;

g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;

h. for peat extraction, or where there would be irreversible damage to a peat habitat;

i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the Local Development Plan.

Scottish Environment Protection Agency (0243) – seek change to policy MRW 8 and advise that when considering the potential for new waste management facilities Scottish Environment Protection Agency (SEPA) require that Local Development Plans do not

restrict the movement of waste to/from respective Plan areas whilst there remains a national shortage in waste infrastructure.

British Solar Renewables (0214 and 21116167) - the respondents seek to have the Heartland's site removed from the search area for open casting and for Proposals Map 4 to be amended to reflect this.

Roger Laird (21858467) – no modification proposed.

Summary of responses (including reasons) by planning authority:

The Coal Authority (0167) - in relation to policy MRW2 the council would not object to the name change should the reporter deem it necessary to introduce 'surface coal mining' to replace the words 'open cast coal mining'.

In relation to policy MRW3 the council would not object to the name change should the reporter deem it necessary to introduce 'surface coal mining' to replace the words 'open cast coal mining'.

The Scottish Government (0236)

MRW 1 Minerals Resourcing and Safeguarding

The proposed amendment to policy MRW 1 to be more consistent with Scottish Planning Policy paragraph 237 (CD068) is acceptable to the council should the Reporter be minded to amend the policy to reflect the change requested by Scottish Government.

MRW 2 Supporting Principles for Mineral Extraction and MRW 3 Impediments to Mineral Extraction

The proposed amendment to policy MRW 2 is not accepted by the council as Scottish Government has quoted the wrong policy for change. The change is more appropriate for policy MRW 3 to comply with paragraph 241 of Scottish Planning Policy (CD068) and is acceptable to the council should the Reporter be minded to amend the policy to reflect the change requested by Scottish Government.

MRW 8 Waste Management Facilities

The text which Scottish Government has asked to be deleted from the policy does not fully appear in the policy as set out on page 77 of the Local Development Plan, although there is similar text which is underlined in the extract of the policy (see underlined below):

“Occasionally, and depending on the particular circumstances of the operations, the council may require an operator to finance the appointment (by the council) of a compliance officer to monitor the site during the currency of the planning permission. The developer or landowner of a landfill site may also be required to lodge a bond to cover performance, restoration and aftercare.”

It is assumed that the underlined text is that which the Scottish Government seeks to amend. The policy as currently worded advises that it 'may' require an operator to finance the appointment of a compliance officer, in recognition that it cannot compel the operator and insist on this. The policy is also drafted in recognition that it may be mutually

beneficial for both the council and the waste operator to have such an independent party to verify the conditions of a planning permission. The council does not propose to modify the Local Development Plan in relation to this submission.

Policy MRW 9 Landfill Sites

The council agrees that it cannot insist on the appointment of a compliance officer, however, the council has only stated that it **may** require this and would not necessarily be able to insist on this. However it may be mutually beneficial for both the council and the waste operator to have such an independent party verifying the conditions of a planning permission. The council does not propose to modify the Local Development Plan in relation to this submission.

Scottish Natural Heritage (0238) – regarding policy MRW 3 Impediments to Mineral Extraction, the proposed amendment to provide clarity in the policy, is acceptable to the council should the Reporter be minded to amend the policy to reflect the change requested by Scottish Natural Heritage.

Ineos Upstream Limited (0242 and 21861031) - MRW 3 Impediments to Mineral Extraction and MRW 5 Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)).

In drafting policies MRW3 and MRW 5 the council has been consistent with the requirements of Scottish Planning Policy 2014 particularly in relation to policy MRW 5 (CD068, paragraph 240). The council does not propose to amend the Local Development Plan in relation to these matters. The proposed amendment to the Glossary is acceptable to the council should the Reporter be minded to amend the Glossary to reflect the change requested in relation to this submission.

Hargreaves Surface Mining Limited (0249 and 21867235)

MRW 3 Impediments to Mineral Extraction

The council does not accept the proposed changes to policy MRW 3 relating to rail use and peat extraction. In relation to rail transport Scottish Planning Policy 2014 (CD068) requires that planning authorities address the transport impacts of development. Paragraph 237 makes specific reference to transport impacts arising from minerals developments. Policy principles set out on page 61 of Scottish Planning Policy seek to promote the use of rail. Removal of reference to rail transport would be inconsistent with the requirements of Scottish Planning Policy.

In relation to areas of peat extraction, paragraph 241 of Scottish Planning Policy 2014 (CD068) advises that Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. The council is satisfied that the terms of clause (h) of the policy are consistent with the requirements of Scottish Planning Policy.

The council does not propose to amend the policy in relation to this submission.

Supplementary Guidance for Minerals

The supplementary guidance for Minerals was not the subject of consultation. As advised in the Local Development Plan the council intends to prepare supplementary guidance in support of the Local Development Plan. Draft Supplementary Guidance on Minerals was approved by the council in October 2015 for consultation (CD125). It is intended to carry out this consultation over coming months as the Local Development Plan goes through the Examination process. All comments would be considered by the council and the supplementary guidance reported to the council's Council Executive for approval in support of the Local Development Plan. The council does not propose to amend the Local Development Plan in relation to this part of the submission.

Scottish Environment Protection Agency (0243) – comments noted in relation to policies MRW 2, MRW3, MRW 7 and MRW 9. In relation to MRW 8 the council does not propose to amend the policy as it considered that these matters are addressed in the policy as currently worded.

British Solar Renewables (0214 and 21116167) - The council recognises the inconsistency of having a strategic development location which benefits from planning permission also identified as an open cast search area. The council would therefore not take issue if the Reporter was minded to amend the search area to exclude the allocated housing site.

Roger Laird (21858467) – regarding Policy MRW6 - Pipeline Consultation, the representation supports the retention of this policy as written, as this approach complies with the relevant HSE guidance.

Reporter's conclusions:

1. On a preliminary matter, the Scottish Government announced on 3 October 2017 that it will not support the development of unconventional oil and gas in Scotland. The Scottish Government wrote to local authorities to the effect that the Directions which gave effect to the existing moratorium will remain in place.

2. The Scottish Parliament on 24 October 2017 agreed the following motion:

'That the Parliament agrees with the Scottish Government's position of not supporting the development of unconventional oil and gas in Scotland; endorses the government's decision to introduce an immediate and effective ban on onshore unconventional oil and gas developments using its devolved powers in line with the Scottish Ministers' statutory responsibilities; notes that this position will be subject to a strategic environmental assessment before being finalised; agrees that the finalised energy policy on this should be reflected within the next iteration of the National Planning Framework, which is subject to consideration by Parliament prior to its adoption; supports the robust further development of renewables; commits to actively exploring and supporting public, municipal co-operative and community models of ownership in this sector; agrees that the Scottish Government's position should be included in the Energy Strategy, in addition to its incorporation in the next National Planning Framework; further agrees that licensing powers for onshore oil and gas should be transferred immediately to the Scottish Parliament from the UK Government and utilised in a way that is compatible with the Parliament's view on unconventional oil and gas development; considers that the focus for the future must be on renewables, establishing sustainable energy supplies and

creating green jobs, and believes that opening up a whole new front of carbon-based fuels would be a distraction and divert investment and research away from green technologies.'

3. As recognised in that motion, that announcement remains subject to the completion of a Strategic Environmental Assessment. While acknowledging the clear relevance of these recent developments, I require, in completing the current examination of the Local Development Plan, to recognise the conditional nature of that motion and therefore return to unconventional oil and gas below.

4. I agree that the modification proposed by the Scottish Government to Policy MRW 1 Minerals Resources and Safeguarding, to replace 'provided' with 'unless' makes more sense and would better reflect SPP paragraph 237. I include this in the recommendations below.

5. The modifications in the terminology sought by the Coal Authority, substituting 'surface coal mining' for 'open cast coal mining' in Policies MRW 2 Supporting Principles for Mineral Extraction and MRW 3 Impediments to Mineral Extraction would introduce more consistency with that used in SPP. I therefore accept the need for these modifications.

6. Hargreaves Surface Mining Ltd seeks to delete the reference to rail transportation from Policy MRW 3 d. The council considers that this would be inconsistent with the promotion of the use of rail as outlined on page 61 of SPP. I agree that deletion of the reference to the use of rail would fail to recognise the aspirations of SPP in relation to sustainable transportation and traffic impact. However I do accept that the policy as presently worded may prove overly onerous and could result in developers being held to ransom by owners of rail facilities. I therefore recommend a minor modification to this policy to require the use of such rail facilities where feasible.

7. Scottish Natural Heritage's suggested modification to Policy MRW 3 f. seeks to clarify the requirements where this policy may relate to sites of international importance under European Directives. The protection of such sites of nature conservation importance is addressed in detail by Policy ENV 17 Protection of International Nature Conservation Sites. I consider that there is no need to also incorporate these into Policy MRW 3.

8. I acknowledge that the comments made by the Scottish Government in relation to Policy MRW 2 should correctly relate to criterion h. of Policy MRW 3 in terms of the protection of peatlands. The council agrees to the modification of this policy to comply with paragraph 241 of SPP. I agree that the policy wording should be altered to more closely reflect that used in SPP. This modification would enable a degree of flexibility and would therefore also address the comments from Hargreaves Surface Mining Ltd that the policy limits extraction on areas of severely degraded peat. This is included in my recommendations below.

9. I agree with Historic Environment Scotland that reference to some but not all designation types in Policy MRW 3 g. is misleading and implies a lesser level of protection for those not included. I accept their request that individual designation types be omitted. This is included in my recommendations below.

10. The council indicates above that Ineos Upstream Ltd seeks amendments to Policy MRW 2. I note that the representation expresses concern about the wording of Policy

MRW 2 but does not go on to include any changes to that policy in the suggested amendments. It is clear that Ineos Upstream Ltd seeks amendments to give more support for extraction of onshore hydrocarbons and that this is treated differently to other forms of minerals extraction; reflecting what they consider to be the national significance of this resource. I address these matters in relation to policies MRW 3 and MRW 5 Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)).

11. Ineos Upstream Ltd requests deletion of the reference to onshore hydrocarbons in Policy MRW 3 and separation of this resource into a revised Policy MRW 5 so that such proposals are not assessed against a generic set of criteria that, they consider, may not be relevant. Paragraph 237 of SPP refers to all workable mineral resources and indicates that local development plans should set out the factors that specific proposals will need to address. I see no justification for separating onshore hydrocarbons from other workable mineral resources. I consider that the criteria set out in Policy MRW 3 are also relevant to onshore hydrocarbons, notwithstanding recent developments concerning the moratorium on unconventional oil and gas (for the reasons explained above). No modification is required in response to this aspect of the representation.

12. Ineos Upstream Ltd looks for more positive support to be contained within Policy MRW 5 for onshore hydrocarbons. I find that the suggested modifications go significantly beyond and do not reflect the policy position contained at paragraph 240 of SPP and which are reflected in Policy MRW 5. The one exception to this is the preference in clause c. of the policy that minerals remain in the area within which they were extracted. This is imprecise, would be unduly restrictive and to my mind would be something the council would find very difficult to monitor and control

13. In addition to those representations noted by the council above, The Royal Society for the Protection of Birds (0209) comments that Policy MRW 5 is not consistent with the requirement in SPP for risk assessments and the identification of buffer zones to protect sensitive receptors. West Lothian Health & Health Inequalities Alliance (21798318) also seeks a modification to Policy MRW 5 to always require an environmental and health impact assessment. I consider that Policy MRW 2 adequately provides for assessment of impacts and provision of buffer zones and that this need not be replicated in Policy MRW 5. The Scottish Wildlife Trust (21892215) seeks that Policies MRW 5 and MRW 8 Waste Management Facilities contain a reference to the need to safeguard the natural environment. Both Policy MRW 3, which applies to all mineral extraction, and Policy MRW 8 already require impacts on certain specific environmental and other receptors to be considered. Other policies of the plan, in particular those with an 'ENV' prefix may also be relevant in some cases. In this context, I do not consider that adding a generic reference to the need to safeguard the natural environment would add value. No modifications are required in response to these representations.

14. The Scottish Government has indicated that the council has no legal basis for requiring developers to fund a compliance officer as monitoring of planning conditions is a statutory function of local authorities. I acknowledge that the use of 'may require' in relation to this matter in Policies MRW 8 and MRW 9 Landfill Sites is not intended by the council to mean that this is compelled. However, in the interests of clarity I consider that the wording should be modified to reflect that the appointment of a compliance officer may be sought by mutual agreement of the council and the developer. This is included in my recommendations below. SEPA has now confirmed that it does not seek any modifications to policy MRW 8. I agree that no further modifications are required in respect of their original representation to this policy.

15. I note British Solar Renewables' opposition to the designated search area for surface coal extraction on Proposals Map 4. The inclusion of land at Heartlands within the search area does not affect the developers' ability to implement any extant consents for development. Neither would it preclude future development from taking place, any new development proposals would be considered against policy MRW 1. I do not find that the identified search area is at odds with the strategic development designation at Heartlands. No modifications are required in response to this representation.

16. Transition Linlithgow (0363) requests a moratorium on any form of coal, shale oils and underground gas extraction, including fracking or underground coal gasification. Paragraph 5.259 of the proposed plan recognises the Scottish Government's moratorium on unconventional oil and gas extraction, including fracking. The moratorium does not extend to coal extraction. Paragraph 235 of SPP recognises the national benefit of indigenous coal. I am content that there is no justification for the modification of the plan to include a moratorium on coal extraction.

17. Ian Findlay (21863501) comments on the need to mitigate the impacts of mineral development. I consider that Policies MRW 2, MRW 3 and MRW 4 Restoration of Mineral Extraction Sites suitably address these matters. The modifications sought relating to betterment and payment for all types of damage does not reflect the policy position contained in SPP. I do not consider that any modification to incorporate such matters can be justified.

18. Ineos Upstream Ltd seeks that the Proposals Map be modified to identify licence areas for petroleum exploration and development. Following the submission of a plan showing these areas (in response to my request (FIR10) for further evidence) the council now agrees to incorporate this within the Proposals Map. This is included in my recommendations below.

19. Ineos Upstream Ltd also seeks that the supporting text to the minerals and waste policies relating to onshore hydrocarbons, paragraph 5.259, is extended. I consider that their suggested modifications seek to give support for onshore hydrocarbons beyond the policy position contained in SPP. They may also down play the potential environmental impacts of such mineral extraction, and take no account of the moratorium on unconventional oil and gas extraction which subsequent to their representation was made permanent on 3 October 2017 and given Parliamentary approval on 24 October 2017, subject to an SEA. While only relevant if not so assessed, I nevertheless agree that the text should be expanded to include reference to the incorporation of the Petroleum Exploration and Development Licence (PEDL) areas in the Proposals Map and to clarify the position in relation to Policy MRW 5.

20. Ineos Upstream Ltd also seeks insertion of a definition of Onshore oil and gas extraction in the Glossary to the proposed plan. I agree that this would be useful and reflect this in the modifications below.

21. There is a minor error in Policy MRW 8 - in the sixth line of the fourth paragraph the full stop should come after 'disposal'. The council may address this as a non-notifiable modification.

22. I note the comments on the council's supplementary guidance for minerals. The contents of the proposed supplementary guidance are not subject to our examination.

Reporter's recommendations:

1. In the Proposals Maps, identify the licence areas for petroleum exploration and development as shown in the map provided on 13 April 2017 by Ineos Upstream Limited in response to FIR10.
2. In Policy MRW 1 Minerals Resources and Safeguarding, in the first paragraph, replace 'provided' with 'unless'.
3. In Policy MRW 2 Supporting Principles for Mineral Extraction, in the first line, replace 'open cast coal' with 'surface coal'.
4. In Policy MRW 3 Impediments to Mineral Extraction:
 - 4.1 Replace all instances of 'open cast coal' with 'surface coal'.
 - 4.2 In clause d., after 'available' insert 'and feasible'.
 - 4.3 In clause g., delete all the text after 'significance'.
 - 4.4 In clause h., delete 'where there would be irreversible damage to a peat habitat' and insert 'or affecting areas of peatland, unless the peatland areas have suffered historic, significant damage through human activity and where conservation value is low and restoration is impossible'.
5. In Policy MRW 5 Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)), delete 'retention of the end product within the area in which it is extracted; where this is not possible,'.
6. In Policy MRW 8 Waste Management Facilities, in the first sentence of the fifth paragraph beginning 'Occasionally...', replace 'require' with 'request'.
7. In Policy MRW 9 Landfill Sites, in the first sentence of the final paragraph, replace 'require' with 'request'.
8. In paragraph 5.259:
 - 8.1 Include the following additional sentence at the start:
 'As required by SPP the Proposals Map identifies areas covered by a Petroleum Exploration and Development Licence (PEDL)'.
 - 8.2 Replace the final sentence of the paragraph with the following sentence:
 'In light of the confirmation by the Scottish Government on 3 October 2017 (approved by the Scottish Parliament on 24 October 2017) that the moratorium on unconventional oil and gas extraction in Scotland is to remain in place (subject to a Strategic Environmental Assessment), Policy MRW 5 would apply only in the event that the moratorium ended in the future.'

9. In the Glossary, insert the following new entry for Onshore oil and gas extraction:

‘Onshore oil and gas extraction includes the following type of development:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.’

Issue 26Am	Air Quality in Linlithgow	
Development plan reference:	Policy EMG 4 (Air Quality) and housing site H-LL 11	Reporter: Lorna McCallum
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Tom Brown (21829599) Eileen McGhee (21543061) West Lothian Health Improvement and Health Inequalities Alliance (21798318) Scottish Environmental Protection Agency (SEPA) (0243)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (<i>including Policy Framework</i>) Air Quality and Noise (page 70 / 71) Policy EMG 4 (page 71)	
Planning authority's summary of the representation(s):		
<p>Tom Brown (21829599) - Observes that with a further 200 plus new houses there will be an increase in short car journeys (to shops/schools etc.) and that this is likely to have an adverse effect on air quality in the town. Specifically opposes the development of housing allocation H-LL 11 (Wilcoxholm Farm / Pilgrims Hill, Linlithgow) for this reason.</p> <p>Eileen McGhee (21543061) - Considers that air quality in Linlithgow is a significant concern and objects to the development of the proposed sites in Linlithgow as they will have a cumulative and detrimental impact upon air quality.</p> <p>West Lothian Health Improvement and Health Inequalities Alliance (21798318) - Seeks clarification as to what is meant by 'mitigate the adverse effects of development on air quality 'effectively'. Queries whether this means that mitigation measures will ensure air quality meets European Union standards.</p> <p>Scottish Environmental Protection Agency (SEPA) (0243) - Scottish Environmental Protection Agency recognises that Local Development Plans have an important role to play in protecting and improving air quality in Scotland - they provide an important opportunity to address this issue through supporting sustainable transport infrastructure, the location of new development, promoting sustainable places and green infrastructure.</p> <p>Scottish Environmental Protection Agency (SEPA) support the inclusion of this policy which states that development will not be supported where it is not possible to mitigate against the adverse effects of development on air quality effectively. Scottish Environmental Protection Agency also note and agree that development proposals which cause unacceptable air quality or dust impacts, or would result in sensitive uses being located within or close to uses with the potential to generate such pollution will not be supported.</p> <p>The Scottish Environmental Protection Agency welcomes the recognition within this policy of the air quality issues within Linlithgow and Broxburn / Uphall and the promotion of behavioural changes to facilitate a shift to shorter journeys and walking/cycling.</p>		

Modifications sought by those submitting representations:

Tom Brown (21829599) - Seeks a modification of the Proposed Plan to remove site H-LL 11,

Eileen McGhee (21543061) - No specific modification is proposed but it is assumed that the respondent opposes the allocation of sites for housing in Linlithgow.

West Lothian Health Improvement and Health Inequalities Alliance (21798318)
Scottish Environmental Protection Agency (SEPA) (0243) - No specific modification of policy EMG 4 has been sought.

Summary of responses (including reasons) by planning authority:

Tom Brown (21829599), Eileen McGhee (21543061), West Lothian Health Improvement and Health Inequalities Alliance (21798318), Scottish Environmental Protection Agency (SEPA) (0243)

Poor air quality in Linlithgow is largely due to traffic congestion and the council recognises that it has a role to play in the protection of air quality by ensuring that new development does not have an adverse effect. Air quality is also a factor which is integral to the Strategic Environmental Assessment (SEA) process and which has been carried out in tandem with the Proposed Plan.

With regard to new house building in Linlithgow, the council has had regard to the likely impacts of development on air quality. From the outset, when appraising the candidate development sites, the council intentionally favoured those sites which were most sustainable in terms of location and access to public transport facilities in order to try and mitigate the use of the private car. Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP Strategy. It was subsequently concluded that the sites which have been allocated in the Proposed Plan should not give rise to a significant diminution of air quality but there are in any event measures in place to deal with this.

The council's responses to individual housing allocations in Linlithgow are set out in a separate Schedule 4 (15A).

The council is required to regularly review and assess air quality. Where exceedances of any air quality objectives are considered likely, it must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

A detailed Assessment of Air Quality in Linlithgow has been carried out. The report has been finalised and encompasses modelling of both fine particulates (PM₁₀) and Nitrogen dioxide (NO₂). The key purpose of the report is to assess the magnitude of any exceedances of fine particulates (PM₁₀) and Nitrogen Dioxide annual mean objectives at locations relevant human exposure may occur.

In light of the Assessment of Air Quality in Linlithgow using the available monitoring data from 2014, the council concluded that it should declare an Air Quality Management Area for the exceedances of the Scottish (fine particulates) PM₁₀ annual mean and Nitrogen dioxide annual mean objectives. A consultation on the proposed AQMA for Linlithgow ran

from the 7 March 2016 to 7 April 2016. The views gathered during this period were considered. An Air Quality Management Order was drafted and finalised on the 25 April 2016 declaring an Air Quality Management Area (AQMA) for Linlithgow due to exceedances of both Nitrogen dioxide (NO₂) and fine particulates (PM₁₀). Air quality monitoring stations will continue to monitor air quality in Linlithgow. More information can be found in the [AQMA Order for Linlithgow. \(CD219\)](#)

The next stage is to carry out an assessment to provide the technical justification for any proposed measures to include in an Air Quality Action Plan (AQAP). This will allow the council to:

- calculate more accurately how much of an improvement in air quality will be needed;
- refine its knowledge of the sources of pollution so that the Air Quality Action Plan can be targeted; and,
- take into account, as far as possible, local developments which are likely to affect air quality that were not fully factored into earlier assessments.

The action plan will focus on effective, feasible, proportionate, and quantifiable measures to reduce air pollution in Linlithgow.

Amongst other environmental factors, air quality is thoroughly considered when assessing applications for planning permission. Policy EMG 4 of the Proposed Plan deals specifically with air quality and states that *'Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively.* Policy EMG 4 also states that *"Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality. Development promoting behaviour change programmes in Linlithgow (and Broxburn / Uphall) to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.*

The council is of the view that it has the necessary tools at its disposal to corporately address the issue of air quality in Linlithgow and elsewhere and it does not therefore propose to modify the Plan to remove allocated sites.

Reporter's conclusions:

1. I deal here with all the representations concerning air quality in Linlithgow. A number of the representations captured by council at Issue 15A are not referred to above but raise matters relating to air quality. I consider that it is appropriate to address those representations here in so far as they relate to air quality.

2. The representation from Tom Brown opposes site H-LL 11 Wilcoxholm Farm/Pilgrims Hill in relation to a number of issues, including air quality. He considers that such a large scale development would be challenging in terms of Policy EMG 4 Air Quality. The proposed allocation of that site is considered under Issue 15A. I give consideration below to Policy EMG 4.

3. I accept that additional housing at Linlithgow will inevitably increase car use within and around the town centre and have some impact on air quality. This was one of the factors incorporated in the assessment framework taken into consideration in the allocation of sites. The plan seeks to guide development to locations that are less car

reliant. The selection of sites closest to the town centre facilities will go some way towards seeking to minimise deterioration in air quality. However, I acknowledge that this will only go part of the way towards addressing this problem. The council recognises that addressing air quality will require a number of approaches and engagement of relevant stakeholders. As indicated in our conclusions under Issue 26V the remit of the plan in relation to air quality has limitations. I therefore now turn to Policy EMG 4 as a means of addressing the concern raised in the representations regarding air quality.

4. Policy EMG 4 and the supporting text indicates that the council will actively promote strategies that seek to address air quality management issues in Linlithgow including promotion of behaviour change programmes which facilitate modal shift to sustainable modes of travel. As indicated above, the proposed Air Quality Action Plan for Linlithgow will set out measures to reduce air pollution in Linlithgow. Transportation Issues in Linlithgow are dealt with in detail in Issue 11; however, I am aware that the council has prepared an Active Travel Plan aimed at improving sustainable transport options.

5. While Policy EMG 4 requires developers to provide information on the impact of their proposals, I note that there is no requirement for them to submit details of potential mitigation measures in relation to such impacts. I consider that, in order to effectively secure mitigation, Policy EMG 4 should be modified to include that requirement.

6. Given the factors contributing to and with potential to exacerbate air quality problems in Linlithgow it is reasonable to conclude that such mitigation may also require off site measures. It is reasonable to expect that developers should contribute to the cost of such measures. I consider that the plan should give a clear policy position that reflects the shared responsibility for addressing this matter. Policy EMG 4 should therefore indicate that, where a development is likely to affect air quality, developers should identify potential mitigation measures and should also make provision for developer contributions or planning obligations where appropriate. I consider that these modifications to Policy EMG 4 are required to address the representations raised in relation to the issue of air quality in Linlithgow.

7. West Lothian Health Improvement and Health Inequalities Alliance seeks clarification as to whether mitigating the adverse effects of development on air quality 'effectively' means that mitigation measures will ensure air quality meets European Union standards. The council has not responded on that point. The Environmental Report indicates that legislation sets out objectives for target pollutants and the council indicates above that measurements of air quality refer to Scottish Annual Mean Objectives. While air quality is measured against these objectives it is for the development management process to establish if a proposal is acceptable or not depending on any impacts on air quality. I do not consider it to be appropriate to modify Policy EMG 4 to require that specific air quality standards shall be met.

8. In addition to opposition to the greenfield housing sites proposed, the representation from Eileen McGhee indicates that she wishes the 'area of restraint' status to remain in place for Linlithgow until air pollution has been addressed. The 'area of restraint' status is considered in general terms under Issue 15A. In terms of air quality, new developments, even on allocated sites, would still require to be assessed against Policy EMG 4. This would allow mitigation measures to be put in place to address impacts on air quality and rejection of proposals which would have unacceptable impacts. I consider that it would therefore be unreasonable to maintain the 'area of restraint' status based on air quality reasons.

9. In relation to air quality Linlithgow and Linlithgow Bridge Community Council (0428) specifically requests a modification to paragraph 5.241 to state that a study is proposed to investigate a new High Street relief road to give an alternative east-west route. Transportation in Linlithgow is considered under Issue 15I. I note here that the council does not propose such a route and has supplied no evidence relating to any such study. I do not consider that it is appropriate to modify paragraph 5.241 as requested.

10. Paragraphs 5.240 to 5.242 of the plan relate to air quality and I note that there is an error as there are two paragraphs numbered 242. The council may wish to correct that as a non-notifiable modification.

Reporter's recommendations:

1. In Policy EMG 4 Air Quality insert the following text after the first paragraph:

'Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures and, where appropriate, should make provision for developer contributions or planning obligations to mitigate the development's individual or cumulative impacts upon air quality.'

Issue 26Ap	Other environmental policies	
Development plan reference:	Policies ENV 5 - ENV 20	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Craig Holden (21859513)		
Provision of the development Plan to which the issue relates:	Environmental Policies ENV 5 through to ENV 20	
Planning authority's summary of the representation(s):		
Craig Holden (21859513) - supports the environmental policies of the LDP, especially those that aim to conserve habitats and biodiversity (policies ENV 5-20); advises that from the maps provided, the proposed developments have conserved landscape value and protected high biodiversity habitats such as peatlands and woodlands as set out in the plan.		
Modifications sought by those submitting representations:		
Craig Holden (21859513) – no modifications are sought.		
Summary of responses (including reasons) by planning authority:		
Craig Holden (21859513) - support for the various environmental policies set out in the Proposed Plan is acknowledged.		
Reporter's conclusions:		
1. There are no unresolved issues arising from this representation.		
Reporter's recommendations:		
No modifications.		

Issue 27A	Housing sites at Polbeth	
Development plan reference:	H-PB 1 West Calder High School, Limefield H-PB 2 Polbeth Farm	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (0243) Sportscotland (21118219)		
Provision of the development Plan to which the issue relates:	Settlement Statements and Appendix 2: Schedule of Housing Sites relating to Polbeth (page 222). Map 3: Livingston Area	
Planning authority's summary of representation(s):		
<p><u>Representations to allocated sites</u></p> <p><u>H-PB 1</u></p> <p>Sportscotland (21118219) - Do not object to the allocation of the site but highlight that consideration should be given to paragraph 226 of Scottish Planning Policy (CD065).</p> <p><u>H-PB 2</u></p> <p>Scottish Environmental Protection Agency (0243) - Does not object to the allocation but observes that the site is shown on Map 3 but does not appear in Appendix 2 - Schedule of Housing Sites/Site Delivery Requirements. If this site is to be taken forward in the proposed plan SEPA expressly require a Flood Risk Assessment to be submitted to assess risk to site from West Calder Burn (site layout and topographical information may be sufficient).</p>		
Modifications sought by those submitting representations:		
<p><u>H-PB 2</u></p> <p>Scottish Environmental Protection Agency (0243) - Seeking clarification of the sites status as it only appears on Map 3 and not in the Local Development Plan text. Request that if the site is to be included, site requirements within Appendix two of the LDP should include reference to flood risk (page 222).</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Representations to allocated sites</u></p> <p><u>H-PB 2</u></p> <p>The proposed development at H-PB 2 has not progressed, planning permission for this site has now lapsed (3/9/2013) and the site is not considered effective. Site allocations in</p>		

Polbeth were reassessed as part of the proposed plan and as a result this site was removed. Reference to site H-PB 2 is not shown in Appendix 2 - Schedule of Housing Sites/Site Delivery Requirements however, the allocation is shown on Map 3 in error. The Council propose to update Map 3 removing the site allocation.

Reporter's conclusions:H-PB 1 West Calder High School

1. I note that SportsScotland does not object to this allocation and does not seek a specific modification in respect of it. Whilst the site boundary cuts through sports pitches at the existing high school, the school and associated facilities are to be replaced by a new school and associated facilities which are currently being developed. This is on a site on the edge of the existing settlement of West Calder which is more conveniently located between the communities of West Calder and Polbeth for serving users of the school and its associated facilities. I am therefore satisfied that the allocation does not undermine paragraph 226 of Scottish Planning Policy.

H-PB 2 Polbeth Farm

2. I note that the council states above that this site has been identified in the proposals map in error (it is not referred to elsewhere within the plan) and proposes to correct this, presumably on the basis that, in the council's view, this would be a non-notifiable modification.

Reporter's recommendations:

No modifications.

Issue 28A	Philpstoun Bowling Club, Philpstoun	
Development Plan Reference:	H-PH 1	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Kirstie Constable (21908028) Sportscotland (21118219)		
Provision of the development Plan to which the issue relates:	Land for housing in Philpstoun. Appendix 2: Schedule of Housing Sites / Site Delivery Requirements (page 221) Map 2: Linlithgow & Broxburn Area	
Planning authority's summary of representation(s):		
<p><u>Representations to allocated site</u></p> <p><u>H-PH 1</u></p> <p>Kirstie Constable (21908028) – raised concern that The Avenue and Pardovan Crescent already suffer from intense on street parking issues; events at the Bowling Green and Community Centre increase congestion which impacts on access and egress to Main Street for vehicle and pedestrians; increased number of properties at this location will present a serious risk to highway safety. The proposed development will alter the fabric of the area and impact on the environment of surrounding houses resulting in loss of privacy, overlooking and loss of daylight.</p> <p>Sportscotland (21118219) - Potential loss of outdoor sports facilities is an issue for sportscotland. They note a number of land use allocations which appear to contain outdoor sports facilities. They do not object to these allocations since they recognise that the outdoor sports element(s) may be unaffected, or that there may be plans to provide for their replacement, but stress that SPP paragraph 226 applies. Whilst they have highlighted a number of land allocations; if there are any other allocations which may prejudice the use of, or lead to the loss of outdoor sports facilities; then SPP similarly applies.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to allocated site</u></p> <p><u>H-PH 1</u></p> <p>Kirstie Constable (21908028) - Suggest a better use of the proposed area would be to utilise this for parking facilities to support the Community Centre and Bowling Green.</p> <p>Sportscotland (21118219) - sportscotland do not object to the allocation of the site but highlight that consideration should be given to paragraph 226 of Scottish Planning Policy (CD078).</p>		

Summary of responses (including reasons) by planning authority:Representations to allocated siteH-PH 1

The site is the vacant car park area of the Philpstoun Bowling Club which was identified as part of the Council's 1,000 houses programme and the site is considered a good use for social housing that is required in the village. The site has planning approval for 4 flats and 1 house (CD320b). The Bowling Green will remain and the level of development is not considered excessive that would lead to major traffic issues while events at the Club and Community Centre are again not excessive, temporary and benefit the village.

Reporter's conclusions:

1. The site has planning permission for 4 flats and 1 house granted in November 2015 (ref: 0443/FUL/15). Concerns regarding privacy, overshadowing and increased traffic were considered in the determination of the above application and the proposals were considered to meet the relevant standards in terms of privacy and overshadowing and no objections were raised by the council's transportation service in respect of parking provision or traffic generation. In light of this, there is insufficient justification provided for me to recommend the removal of the allocation, with an identified capacity of 5 units, from the plan.

2. The allocation concerns the site of the former bowling clubhouse and carpark whilst the existing bowling green and associated pavilion are to remain. I am therefore satisfied that, in accordance with Scottish Planning Policy which seeks to protect outdoor sports facilities from development, the allocation will not affect the continued use of the bowling green. In fact, I observed at my site inspection that the site has already been developed for residential use.

Reporter's recommendations

1. No modifications.

Issue 30A	Land North of Cathlaw Lane, Torphichen.	
Development plan reference:	N/a	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
J Johnson (21845111)		
Provision of the development Plan to which the issue relates:	Land for housing in Torphichen and Map 5: Villages.	
Planning authority's summary of the representation(s):		
<p><u>Representations to non-allocated sites</u></p> <p><u>North of Cathlaw Lane, Torphichen</u></p> <p>J Johnson (21845111) - Promotes a site for residential development at the west end of Cathlaw Lane, Torphichen. A small amount of new housing would support local services and help to provide opportunities for local people to remain in the village as their families expand. Proposes 10-20 houses, subject to clarification of flood risk, housing mix and the detailed consideration of design and layout. The site extends to approximately 1.5 hectares/3.8 acres. It forms a natural organic extension to the village and rounds off an unusually shaped and fragmented settlement boundary.</p> <p>The LDP proposes a primary school extension at Torphichen. This would accommodate pupils living in new homes in the village. The proposed site can be developed for housing without significant impacts upon either the Conservation Area or the Special Landscape Area.</p> <p>The site is low lying, well screened and physically separated from the Geodiversity and Local Biodiversity sites to the north. Two new houses have been built recently to the east of the site, extending the established pattern of housing at Cathlaw Lane. There is an unsightly derelict garage at the south of the site which can be incorporated into a new housing development, achieving a significant environmental improvement within the Conservation Area. This site has previously been granted planning permission for three houses.</p> <p>Access is available from Cathlaw Lane at the south east of the site. Services and drainage are available locally. The SEPA flood map indicates a risk of flooding from a burn which follows the northern boundary of the site. However, this should be manageable through a flood risk assessment and appropriate flood control and SUDS measures.</p> <p><u>Map 5 Issue</u></p> <p>J Johnson (21845111) - The Torphichen settlement boundary shown on the LDP map for the village excludes the two recently constructed houses at the west end of Cathlaw</p>		

Lane, despite that fact that these were granted planning permission by the Council. This appears to be either an oversight or an artificial construct to protect against further extension of the settlement envelope. The settlement envelope should be extended to include these properties.

Modifications sought by those submitting representations:

Representations to non-allocated sites

North of Cathlaw Lane

J Johnson (21845111) Representation proposes a new housing site (10-20 houses) at the west end of Cathlaw Lane, Torphichen, which should be included within the village settlement boundary.

Map 5 Issue

J Johnson (21845111) Amendment to the settlement boundary on Map 5 to include two recently constructed houses at Cathlaw Lane.

Summary of responses (including reasons) by planning authority:

Representations to Non-Allocated Sites

North of Cathlaw Lane

Representation proposes a new housing site (10-20 houses) at the west end of Cathlaw Lane, Torphichen, which should be included within the village settlement boundary.

The frontage/former garage site has a history of planning applications and was originally granted consent in 2002 with consent most recently renewed in 2015 (committee report and site plan 0109 P 15 CD332a, CD332b and CD332c). The Council do not propose to make any modification in relation to this consent as the site is already within the settlement envelope of Torphichen and has planning consent for 2 houses.

In relation to the proposal to extend the settlement boundary onto land to the north of the frontage site consented for 2 houses (see submission Mrs J Johnson (21845111) the Council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development as set out below.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the Torphichen settlement in terms of meeting housing requirements. In addition, there are education capacity constraints within the area as detailed in Education Position Statement (CD201).

Significantly, the site is designated as a special landscape area and sits within the Torphichen conservation area, and the maintenance of these designations in the LDP is considered entirely justifiable. The findings of the West Lothian Local Landscape Designation Review (CD212, LLDR) have largely been taken forward in the West Lothian LDP. In particular it should be noted that the findings did not identify any alterations around Torphichen. The landscape designation has established a robust and defensible boundary at this location and the council is anxious to retain this boundary.

Development at this location would constitute a physical and intrusive expansion of the existing settlement pattern and would also be visually and environmentally intrusive.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for housing. For these reasons, the Council does not agree to modify the plan in response to these representations.

Map 5 Issue

The Council agrees to the suggestion made in the representation to amend the Torphichen settlement boundary to include the site to the west of The Beeches on Cathlaw Lane which has recently been developed for 2 houses (see planning consent and site plan 1157/FUL/08 CD331b and CD331c). For this reason, the Council agrees to modify the Plan and considers this to be a non-notifiable modification.

Reporter's conclusions:

North of Cathlaw Lane

1. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore, I give serious consideration to the case for allocating this site for housing development.
2. I noted during my site inspection that the site is lower lying than the B792 road to the west and south west and the derelict garage which forms the site's southern boundary. The site is also screened, in part, by mature trees that parallel the B792 along the edge of the site. The site's eastern boundary, formed by a recently constructed house on Cathlaw Lane, provides a rather stark and unnatural settlement boundary in this part of the village, particularly when viewed on approach from the B792 to the west. Whilst this edge will no doubt soften over time as boundary planting becomes established, I have some sympathy with Mrs Johnson in seeking to round off the settlement boundary in this location.
3. However, I consider that this site in combination with the land to the west and north contributes to the landscape setting of the eastern part of the village. This is consistent with this land being designated currently as part of an Area of Great Landscape Value. Importantly, I note that, following a review of the West Lothian Landscape Designations, the site continues to form an integral part of this landscape designation (now a proposed 'Special Landscape Area'). Similarly, I consider that the site contributes to the character of the Torphichen Conservation Area, a feature of which is the inclusion of large areas of undeveloped land adjacent to the built up edges.
4. I also consider, given the size of the existing settlement, that the development of the

site for housing (10-20 houses) would represent a relatively significant expansion of the built up area. It would also represent a sizeable incursion into an area recognised for its landscape quality adjacent to the settlement boundary. This would, I believe, place the remaining undeveloped land to the west under increasing pressure to be developed.

5. Therefore, despite our conclusions at Issue 1A, I do not recommend that this site be allocated for housing.

Map 5 Issue

6. The site to the west of 'The Beeches' on Cathlaw Lane, Torphichen has been developed for two houses (ref: 1157/FUL/08) although the site is shown outwith the settlement boundary on proposals map 5: Villages. Clarification was sought from the council via a further information request (FIR27) as to what the settlement boundary should be if this site was included within it.

7. The council confirms the need to amend the proposals map to reflect the grant of planning permission for these two houses. I recommend that the proposals map is amended to reflect the site boundary subject of the above planning permission.

Reporter's recommendations:

1. In the proposals map, amend the Torphichen settlement boundary to include the site to the west of 'The Beeches' on Cathlaw Lane, Torphichen as set out in the map extract produced by the council in its response, dated 19 April 2017, to FIR27.

Issue 31A	Promotion of site for housing on land west of Seafield	
Development plan reference:	EOI-0009	Reporter: David Liddell
Body or person(s) submitting a representation raising the issue (including reference number):		
Frank Kennedy (21858962)		
Provision of the development Plan to which the issue relates:	Non-allocation of land for residential development in Seafield	
Planning authority's summary of representation(s):		
<p><u>Representations to non-allocated site</u></p> <p><u>EOI-0009</u></p> <p>Frank Kennedy (21858962) – notes that the land is ‘Brownfield’ and as Scottish Government encourages the regeneration such land uses, this site presents a patently viable proposal with excellent Eco friendly sustainability credentials and advantages to meet the obvious housing demand in the Seafield area.</p> <p>The planning system in Scotland is to encourage, not discourage, the most appropriate beneficial use of land. In this case there is a readily available site of reasonable extent, suited for economic and practical development, well situated in a village environment, with excellent transport facilities and well able to provide an expansion of local trade in nearby communities to the benefit of the immediate community and surrounding area.</p> <p>There will still be a clear minimum 700 metres of Countryside Belt ‘gap’ between Seafield and Blackburn to prevent coalescence.</p> <p>The site is substantially “Brownfield”. On that basis alone the site merits particular attention and consideration. There is a very real demand for housing in the immediate area, as evidenced by the current housing development immediately to the east of this site and by significant developments over recent years within Seafield and in nearby communities such as Blackburn, Whitburn, Breich, Fauldhouse, etc.</p> <p>Technical issues such as site investigation (Coal-mining), wastewater capacity, flood risk and biodiversity are reasons for the non-inclusion of this site at the MIR stage. That is not accepted as there are technical issues with any development site. In the present case the technical issues are, taken collectively, no more than would be identified for many other development sites anywhere in West Lothian and, considered individually, clearly would seem to be capable of a resolution prior to developing the site.</p> <p>It is also pointed out that at present the site is not in any productive use. It lies vacant, derelict and completely unused. Leaving other considerations aside, the site simply is too small to compromise a viable agricultural unit. The owner has never been approached by any party interested in such a use. Unless there is a positive and attainable development</p>		

proposal and programme, and a housing development would seem entirely appropriate in that respect, the land will remain unused, unattractive and non-productive and an opportunity to bring such a well located site into meaningful and beneficial use will be lost- and for no good reason.

The respondent therefore, requests the allocation of this site for residential development in the LDP.

Modifications sought by those submitting representations:

Representations to non-allocated site

EOI-0009

Frank Kennedy (21858962) - requests that the site is identified as a residential allocation in the LDP.

Summary of responses (including reasons) by planning authority:

Representations to non-allocated site

EOI-0009

Frank Kennedy (21858962) – notes that substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements and there is therefore no need to allocate this extension of the urban area into the countryside in terms of meeting housing requirements.

The site lies within the catchment of Seafield Primary, Deans Community High, Our Lady of Lourdes and St Kentigern's Academy and there are known education capacity constraints which would prevent development of this site in the short and medium term.

For those sites which have been allocated for housing in the LDP there is an assumption that either education capacity is available or that an education solution would be in place over the LDP plan period, this solution is likely to involve developer contributions to increase capacity in the school estate. The council's position on education is set out in the Education Position Statement (CD201).

The site lies within countryside belt contributing to the separation of Seafield from Blackburn. The council's position in relation to countryside belts is set out in the countryside belt position statement (CD184). The site is also subject to a grant funded forestry planting scheme (CSFT) in the area contributing to the setting of the village and wider area.

Should it be determined that the LDP has failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development in the countryside on the periphery of Seafield would be considered to be contrary to the terms

of this policy and out of keeping with the character of the settlement and local area. Development would also be contrary to the terms of policy 1B of the SDP (CD099), page 14.

The council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for housing. For these reasons, the council does not agree to modify the plan in response to this representation.

Reporter's conclusions:

1. Our conclusions in respect of housing land are at Issue 1A. We find that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. I therefore give serious consideration to whether this site should be allocated for housing.
2. Mr Kennedy seeks allocation of a substantial area of land to the northwest of Seafield. This would extend the village westwards towards Blackburn.
3. There is little in the way of detailed supporting information for what would be, for a village the size of Seafield, a very significant development proposal for housing. It would represent a large extension of the village. It would be a significant intrusion into the countryside on land which slopes down to the north. The site appears to have been formerly worked for minerals. There is a watercourse running through it and paths and tracks adjacent to and within it. On the face of it, it may be difficult to ensure that development here can integrate well with the rest of the village, which is generally on higher land and orientated along the ridge, along which runs Redhouse Road.
4. I appreciate that, as Mr Kennedy, states, detailed appraisal of technical and other constraints on the site would fall to be undertaken through the development management process. However, I would still expect to see, even at this stage, some level of supporting evidence indicating, for example, how the site might be developed, how it could integrate with the village, how it would be accessed and what environmental and infrastructure issues might be raised (and how these could be overcome). I have no such information before me.
5. In the context of the very limited evidence provided in support of this site, and despite our conclusions at Issue 1A, I do not recommend a modification which would allocate this land for housing/mixed use development.

Reporter's recommendations

No modifications.

Issue 32A	Threemiletown	
Development plan reference:	Proposal P-72 (page94)(CD078) EOI-0075 in part	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Aithrie Estates and Hopetoun Estate Trust (21900249)		
Provision of the development Plan to which the issue relates:	Chapter 6 - Development Proposals by Settlement, Threemiletown (page 94) Proposals Map 2, Linlithgow & Broxburn Area	
Planning authority's summary of the representation(s):		
<p><u>Representations to Allocated Sites</u></p> <p><u>P-72</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249) - supports the relocation of the existing play / football facility in accordance with P-72 of the Plan (page 94) (CD093). This would be linked to the proposal for land for housing in Threemiletown on land north of Redhouse Cottages.</p> <p><u>Representations to Non-Allocated Sites</u></p> <p><u>Land North of Redhouse Cottages - EOI-0075 in part</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249) - objects to the lack of new housing allocation at Threemiletown. Proposes a reduced scale development of up to 85 houses over a phased period together with a relocated play facility and football kick pitch, improved footpath and cycling links, pedestrian crossings and bus stops. Generally seeks to create a central focal area for local activities, to enhance the community.</p> <p>Notes that the layout has been prepared following discussions with West Lothian Council (NETs, Land and Countryside Services) in relation to the alternative location for the existing play/football facility.</p>		
Modifications sought by those submitting representations:		
<p><u>Representations to Allocated Sites</u></p> <p><u>P-72</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249) – seeks the relocation of the existing play/football facility in accordance with P-72 of the Plan (page 94 CD078).</p>		

Representations to Non-Allocated SitesLand North of Redhouse Cottages - EOI-0075 in part

Aithrie Estates and Hopetoun Estate Trust (21900249) - seeks a modification of the Proposed Plan to allocate site EOI-0075 to the north of Redhouse Cottages for housing (85 houses).

Summary of responses (including reasons) by planning authority:Representations to Allocated SitesP-72

Aithrie Estates and Hopetoun Estate Trust (21900249) supports Proposal P-72 and no modification to the LDP is proposed. However, it should be noted that the council currently has no firm programme to relocate the park from its existing location.

Representations to Non-Allocated SitesLand North of Redhouse Cottages - EOI-0075 in part

Aithrie Estates and Hopetoun Estate Trust (21900249) - the Council has carefully considered the reasons put forward in support of the modification but remains of the view that there is insufficient justification to allocate this land for development as set out below.

The site is remote from existing development and there are insufficient facilities and services locally to support an expanded community. It is not considered as a sustainable location for new residential development. Generally, there are other more suitable sites available for development that can be brought forward to support development requirements. The Strategic Development Plan gives priority to redeveloping brownfield land in advance of greenfield sites such as this that is also of prime agricultural quality.

The site is at risk of flooding and development of this site could also lead to an increase in flood risk out with the site if not satisfactorily mitigated. SEPA has advised that it would require a Flood Risk Assessment. There are further difficulties presented by the fact that a watercourse flows through the middle of the site and is also culverted, potentially restricting the extent of the developable area.

Substantial provision of housing land has been made in West Lothian, with new greenfield and brownfield sites augmenting the existing land supply. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas such as nearby Winchburgh that will benefit from a new rail station, and other strategic locations.

For these reasons, the Council does not agree to modify the plan in response to this representation.

Reporter's conclusions:P-72 Relocation of play facilities

1. The play facilities are currently in an isolated location away from the nearest housing at Redhouse cottages with no passive surveillance. Those living nearest the play facilities are currently required to cross the B8046 road in order to access them. I therefore see the logic in respect of Proposal P-72 which seeks the relocation of the existing facilities to the east side of the B8046 and closer to the existing housing. Aithrie Estates and Hopetoun Estate Trust seek the relocation of the play park/football facility in accordance with P-72. The plan continues to identify the existing park as safeguarded open space due to the uncertainty about a potential alternative location for the play facilities. Given that P-72 is a proposal only and its location is to be confirmed over the plan period, pending identification of an alternative site, I do not recommend that the plan is modified.

Land North of Redhouse Cottages - EOI-0075 in part

2. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore, I give serious consideration to the case for allocating this site for housing development.

3. I accept that the site provides an opportunity to join the current sporadic groups of buildings into a larger settlement/village. The indicative proposals provide for a more logical location for a play park and kick about area which is more closely integrated with the existing Redhouse cottages and potential new residential development. However, whilst Aithrie Estates and Hopetoun Estate Trust advise that the proposals present an opportunity to create a rural scale settlement and provide a sense of place, I consider that the area's current sense of place is closely linked to the sporadic nature of the development located on and at the junctions of the B9080 and B8046 roads. The proposal for 85 new homes, albeit in a phased manner, would change the character of the area quite considerably.

5. I do not consider that the site represents a logical sustainable location for new residential development of the scale proposed. This greenfield site is identified as prime agricultural land and forms part of the countryside belt. It is remote from existing development with limited facilities and services available locally to support an increase in population. Importantly, other than expanded play facilities, the proposals do not propose provision of facilities or services which could benefit local residents.

6. Therefore, despite our conclusions at Issue 1A, I do not recommend that this site be allocated for housing.

Reporter's recommendations:

No modifications.

Issue 33A	Newton and Whitequarries & Craighton	
Development plan reference:	MIRQ0157 and MIRQ0158	Reporter: Andrew Fleming
Body or person(s) submitting a representation raising the issue (including reference number):		
Aithrie Estates and Hopetoun Estate Trust (21900249)		
Provision of the development Plan to which the issue relates:	Newton, Whitequarries and Craighton	
Planning authority's summary of the representation(s):		
<p>Aithrie Estates and Hopetoun Estate Trust (21900249)</p> <p>Object to no new housing being allocated at Newton and seeks allocation of land at Newton for housing development providing for 225 - 250 houses; object to land at Craightoun and Whitequarries not being allocated for potential leisure and employment uses.</p>		
Modifications sought by those submitting representations:		
<p><u>Newton</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249)</p> <p>None specifically stated but infer that sites to the east and west of Newton be included in the LDP for housing development and countryside belt designation removed.</p> <p><u>Craightoun and Whitequarries</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249)</p> <p>None specifically stated but infer that land at Craightoun and Whitequarries be identified for future tourist related development and a broader range of uses be allowed for than at present.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Newton</u></p> <p>Aithrie Estates and Hopetoun Estate Trust (21900249)</p> <p>This is a matter which was previously considered at the West Lothian Local Plan Public Local Inquiry (CD188 chapter 4.6 Miscellaneous Matters, paragraphs 2.10 – 2.11, pages 4.77 – 4.78)</p>		

Development in Newton does not accord with the development strategy set out in the LDP which seeks to promote development within the core development areas, strategic allocations and brownfield sites (LDP Proposed Plan page 10, paragraph 5.4). Sufficient land to meet the housing land requirement is identified elsewhere across West Lothian. Large scale housing development would be detrimental to the open and rural character of the area and occur on prime agricultural quality land.

Should the LDP have failed to identify sufficient land to meet the housing land requirement, the terms of SDP policy 7 would apply. Development around Newton would be considered to be contrary to the terms of this policy and out of keeping with the rural character of the village. Development would also be contrary to the terms of policy 1B of the SDP (CD099, pages 14 and 44).

The proposal sites are part of a wider area designated as countryside belt in the LDP comprising open countryside. It is considered that development would result in visual intrusion into a rural area outwith the main settlement boundary and adversely affect the character of the rural area.

The proposal is contrary to the terms of SPP2014 which advises of the importance to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land (CD068 paragraphs 40, 76 and 81). The proposal is also contrary to the terms of para 40 of SPP2014 which sets out policy principles to be considered in allocating development sites and requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area.

The council does not propose any change to the LDP in relation to site allocations in Newton.

Craigton and Whitequarries

Aithrie Estates and Hopetoun Estate Trust (21900249)

This is a matter which was also previously considered at the West Lothian Local Plan Public Local Inquiry (CD188 chapter 4.2 Employment Matters, paragraphs 2.11 – 2.11.2, pages 4.26 – 4.27).

The area forms part of wider landscape designations set out in the LDP - a special protection area and a designed landscape related to Hopetoun House. The area's special landscape character and visual appearance is recognised in the West Lothian Landscape Character Assessment (CD087).

Since the West Lothian Local Plan PLI there has been no change in circumstance to support the identification of the site for future tourist related development and a broader range of uses other than a review of landscape designations to replace Areas of Great Landscape Value with Special Protection Areas to accord with Scottish government policy and advocated by Scottish Natural Heritage (SNH). A review of such designations was a requirement of the West Lothian Local Plan. Any reference in the LDP to tourist related development on the site at this stage is premature and aspirational. Any such proposals and/or change to current employment uses can be assessed against the policy framework set out in the LDP, in particular against policies EMP 4 in relation to

employment development outwith settlement boundaries and policy EMP 8 in relation to tourism (LDP Proposed Plan pages 15 and 18).

Landscape designations pertaining to the site and surrounding area have been reviewed through the West Lothian Local Landscape Designation Review (CD087). The designation of the site as part of the “Forth Coast Special Landscape Area” does not in itself predicate against development, policy ENV1 of the LDP Proposed Plan refers. The review of landscape designations was to update such designations to ensure compliance with SNH best practice. The review was carried out by independent consultants.

The designation of the wider area as part of the “Forth Coast Special Landscape Area” provides protection against further development on surrounding greenfield areas. Whilst the former mine buildings at Whitequarries constitute brownfield land and are partly in use for industrial purposes, this does not justify the site’s allocation for tourist uses or a broadening of the range of employment uses on the site. There is a substantial supply of employment land in West Lothian (LDP Proposed Plan page 12, Figure 2) and as such there is no requirement for further employment land allocations.

There are other employment land designations across West Lothian in more sustainable locations, namely Livingston, Broxburn and Bathgate and the scale of the existing employment land supply does not warrant the release of additional employment land. Allocation of land for development is not consistent with the terms of SPP2014 which places emphasis on sustainable development. Notwithstanding, development could occur without removal of the site from the SLA and assessed against relevant policies in the LDP, namely policies TCR2, ENV 1, ENV 7, ENV 30 and EMP 6.

The site also falls within the Hopetoun House Designed Landscape which is identified by Historic Environment Scotland of outstanding scenic value (CD410 extract from HES website re Hopetoun). As such policy ENV 30 of the LDP Proposed Plan applies, page 59. SPP2014 requires that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance. Allocation of the site for development is considered to be contrary to the terms of SPP2014.

The council does not propose any change to the LDP in relation to Whitequarries and Craigton.

Reporter’s conclusions:

Newton

1. We find at Issue 1A that the number of homes to be built during the period of the plan is likely to fall significantly short of the housing supply target for the plan. Therefore, I give serious consideration to the case for allocating this site for housing development.
2. The site is identified as part of the countryside belt in the current local plan and is identified as part of the countryside belt in the proposed plan. I am also conscious that the site is categorised as prime agricultural land.
3. Given the scale of the existing village and the fact that it is surrounded by agricultural land, it clearly has a rural character and setting. That part of the site to the west of the

existing village and south of the A904 is flat and open in nature providing long distance views to the south. That part of the site to the south east and south of the existing settlement, whilst not visible from the A904 and boarded to the east and south west by tree belts, still enjoys a relatively open aspect and also provides long distance views to the south.

4. Whilst the proposal is intended to allow flexible and phased growth of the settlement, I consider that the construction of between 225 – 250 new homes represents a very significant allocation for a village of this size which would dramatically change the character of the village and the surrounding area, even allowing for development to take place in a phased manner. I am also conscious that SPP (paragraph 76) advises of the importance of protecting against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.

5. I acknowledge that careful thought has been given, in the preparation of the masterplan, to the constraints and opportunities presented by the site and I can see some logic in the layout which seeks to contain development within existing tree belts and integrate the existing settlement with new development through the central positioning of potential community facilities. However, I find that this does not outweigh the harm that would be caused to the open and rural character of the area by such a significant residential development. I am therefore not convinced, despite our conclusions at Issue 1A, that the site is appropriate for allocation as a housing site.

Craigton and Whitequarries

6. The Whitequarries site currently forms part of an Area of Great Landscape Value (AGLV) and it also falls within the Inventory of Gardens and Designed Landscapes associated with Hopetoun House. The council has drawn attention to the fact that the industrial site at Whitequarries was considered at the Public Local Inquiry in 2007 into the current local plan and that it was considered then to be premature to recommend the removal of that site from the AGLV in the absence of the assessment of AGLVs by SNH. Importantly, the West Lothian Landscape Designation Review, carried out by independent consultants, identifies the industrial site together with the other areas associated with the Whitequarries proposals as part of a candidate Special Landscape Area (Forth Coast).

7. Whilst I acknowledge the brownfield nature of part of the site containing the former mine buildings, this aspect alone does not justify the allocation of Whitequarries for a range of leisure and tourism uses over a wider area. I consider that the combination of such uses would impact on the landscape and visual qualities of the area and, excepting the presence of an industrial activity in part of it, reduce the general quality of the landscape. My attention has been drawn to Scottish Planning Policy (SPP) and considerations in respect of gardens and designed landscapes and I note paragraph 148 of SPP which advises that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes. Given that the site falls within the Hopetoun House designed landscape which is recognised as being of outstanding scenic value, I consider that the allocation of Whitequarries for development would be contrary to the terms of SPP.

8. In light of the above, I therefore do not recommend that Whitequarries be allocated for the uses proposed.

9. The intention is to refurbish and extend the existing Craigton steading for holiday accommodation and to redevelop the existing site at Craigton quarry for holiday accommodation. I am conscious that the steading and quarry fall within an area of special agricultural importance in the current local plan and that the proposed plan identifies the sites as part of the countryside belt. Whilst I acknowledge the vision and ambitions for the area, I am not presented with any details as to what the proposals would involve and what the impacts of these proposals might be. I appreciate that Craigton quarry is a brownfield site, although I am conscious that it also has some ecological value in that the proposed plan identifies it as a Local Biodiversity Site and a Geodiversity Site.

10. Given the lack of details of the proposals for the steading and former quarry, I do not recommend that these sites be allocated. I consider that proposals, once worked up in more detail, could be considered without the need for specific allocation. The countryside belt acts as an umbrella policy designation for a range of environmental policies including 'other development in the countryside'. This in turn deals with leisure, tourism or other rural business and the restoration of brownfield sites. I consider that any proposals for these sites along the lines set out would be best considered through the development management process. Therefore, I do not recommend that these sites be allocated for holiday accommodation.

Reporter's recommendations:

No modifications.