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Steve Lovell  
West Lothian Council  
Sent By E-mail

Our ref: LDP-400-1

08 January 2018

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 OF ISSUE 4U**

Following submission on 11 December 2017 of our report on this examination, Barton Wilmore wrote to advise that a representation submitted on behalf of Hallam Land Management Ltd, relating to land at Sibbald's Brae, Bathgate, appeared to be missing from the examination report.

It was subsequently confirmed for the council that this representation had been inadvertently excluded from the council's submission to DPEA. You explained, however, that the relevant Schedule 4 form had been considered by the Council Executive on 29 June 2016 and submitted that to me for the reporter's consideration.

As advised on 20 December 2017, the reporters appointed to examine the proposed West Lothian Local Development Plan would proceed to examine Issue 4U. I now attach the completed Schedule 4 form for Issue 4U, containing the reporter's conclusions and recommendation. This will be published to the DPEA website.

*David Liddell*

**REPORTER**

**REPORT TO WEST LOTHIAN COUNCIL**

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN  
EXAMINATION**

**ISSUE 4U**

Reporters: David Liddell BA (Hons) MRTPI

Date of Report: 08 January 2018

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<b>Issue 4U</b>	Promotion of site for housing on land at Sibbalds Brae, Bathgate	
<b>Development plan reference:</b>	EOI-0127	<b>Reporter:</b> David Liddell
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Hallam Land Management Ltd (21861632)		
<b>Provision of the development Plan to which the issue relates:</b>	Non-allocation of land for residential development in Bathgate Chapter 6 - Development Proposals by Settlement Statement, Bathgate (page 81) Proposals Map 4, Bathgate Area	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Representations to Non Allocated Sites</u></p> <p><u>EOI-0127 – Land at Sibbalds Brae, Bathgate</u></p> <p>Hallam Land Management Ltd (21861632)</p> <p>The respondents point to 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, and conclude that the council is failing to comply with Scottish Government Planning Policy 2014 (SPP).</p> <p>The respondents 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>There are particular concerns about the council's reliance on sites from the previous Local Plan (2009) which have failed to deliver new housing thus far and the council is urged to revisit the proposed allocation of sites and to replace or augment these with further sites that will contribute effectively to the housing land supply and particularly those that have a realistic opportunity of coming forward within the early part of the plan period up to 2019.</p> <p>Specifically, it is proposed that a site, which comprises an area of land (70 ha) on the western side of Bathgate at Sibbalds Brae, should be allocated for housing, suggesting it could accommodate up to 750 houses (in phases). It is described as being appropriate for a mixed use housing led development delivering a sustainable new neighbourhood including a range of house types and tenures, a new double stream primary school, local retail provision to service the new neighbourhood (with potential for medical centre / community building) as well as open space and green networks linking with the wider area.</p>		

The respondents own the land and consider that the site offers the opportunity to provide a logical extension to the existing settlement, providing much needed new housing in the short term as part of a phased approach. It is argued that the proposed development also has potential to help deliver a new primary school which can service the needs of the existing and new community. Local retail provision (including potential for medical centre/community building) would also be provided as part of the proposed development, delivering a sustainable new neighbourhood. A strong landscape framework also forms part of the proposed development and would ensure appropriate separation (visual and physical) between the western edge of Bathgate and Armadale to the west.

It is stated that there are a number of urbanising influences in this area including the recent Manor Wood housing to the north, the development of new homes at Whiteside Farm in the southern part of the site and the residential and employment uses that occur along the southern edge of the site extending the settlement boundary further west. This string of developments/uses effectively incorporate development into an area of countryside. The respondents argue that there is an opportunity to integrate these developments with the wider proposals at Sibbalds Brae which will achieve a robust settlement edge whilst providing much needed new housing.

A masterplan has been prepared in support of the proposed allocation which includes a landscape framework as to protect the settlement edge and to secure a permanent separation/ green corridor to safeguard against coalescence with Armadale to the west.

The respondents advise that there is strong housebuilder interest in the site and are confident that the site can deliver new homes in the short term in order to meet housing land requirements pre 2019. It is argued that the site meets the tests of 'effectiveness'.

It is also argued that the site should at the same time be excluded from the Countryside Belt and included in the settlement boundary, suggesting that 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 western side of the site, between Armadale and Bathgate.

#### **Modifications sought by those submitting representations:**

##### Representations to Non-Allocated Sites

##### EOI-0127 – Land at Sibbalds Brae, Bathgate

Hallam Land Management Ltd (21861632)

To accord with Scottish Government Policy, the second paragraph in Policy HOU 1 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....'

Requests that the site is allocated for housing in the LDP. Also requests that the site is removed from the countryside belt and that the settlement boundary is revised to embrace it with appropriate adjustments being made to Proposals Map 4 and the Schedule of Housing Sites in Appendix Two of the LDP.

**Summary of responses (including reasons) by planning authority:**Representations to Non Allocated SitesEOI-0127 – Land at Sibbalds Brae, Bathgate

Hallam Land Management Ltd (21861632)

Housing Land Supply

No change to approach or wording of policy HOU 1 is considered necessary. The council's justification for its approach to housing land requirements and housing land supply is set out in 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 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. 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 consequently no strategic need to bring forward additional land for housing in Bathgate at this time.

The council does not in any event consider this site at Sibbalds Brae to be an appropriate housing allocation for physical and practical reasons. The site comprises an attractive rural landscape, adjoining but situated outwith the western 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 countryside. 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.

Significantly, the site is an integral part of the countryside belt intended to prevent the coalescence of Bathgate and Armadale, 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 justification for its approach to defining the countryside belt is set out in Schedule 4 number 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 be contrary to LDP Policy ENV 7 *Countryside Belts and settlement settings*.

Development at this location would constitute a physical and intrusive expansion of the existing settlement and would also be visually and environmentally intrusive.

There are current education capacity constraints affecting Bathgate and Armadale schools 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 (CD201a-l).

The site has been the subject of a recent appeal decision which comprehensively addressed all of the same pertinent issues relative to this representation and which it will be noted served to uphold the council's position (PPA-400-2044) (CD354d).

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. 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 plan's housing supply target. I therefore give serious consideration to the case for allocating this site for housing.
2. I note the criticisms from Hallam about the amount of sites in Bathgate carried forward from the current local plan, despite some of these thus far having failed to deliver housing or seemingly being likely to in the near future. Albeit I can understand why the council would want to continue to support development on already established sites, I agree there is little point in doing so for sites with poor prospects of development going forward. But I do not have sufficiently detailed evidence which would allow me to confidently recommend that any of the existing sites in Bathgate, some of which we address elsewhere in our report, should be omitted from the plan. In any event, in reaching our conclusions at Issue 1A, we take account of the evidence as to the likely rates of housing delivery on these and the other existing allocations. Our findings in respect of housing land supply are based on West Lothian as a whole, not individual settlements. There is in general terms no need, given the likely shortfall in meeting the housing supply target, to remove any of the sites in Bathgate before considering, as I do here, the case for adding additional sites in the town.
3. The site lies south of Sibbalds Brae at the western edge of Bathgate, extending as far west as the A801. There is housing at Falside and Little Bogside, to the east of the site. The Airdrie-Bathgate railway line forms the southern boundary. A watercourse bisects the site in a roughly east-west direction.
4. Hallam proposes a development of up to 750 houses. In the 'Vision Document' submitted in support of the representations, the illustrative masterplan shows housing

extending across most of the site in between the areas of existing (and some proposed new) woodland and leaving an undeveloped belt of open space (varying between around 150m-250m wide) along the western boundary. The site is part of the area of countryside belt in the proposed plan (and in the current local plan) between Bathgate and Armadale, which lies further to the west, beyond the A801.

5. Both the council and Hallam refer to the previous appeal on this site – reference PPA-400-2044. This related to an application for planning permission in principle for residential development on the northeast corner of the site – land parcel 1 in Figure 21: Masterplan in Context of the Vision Document.

6. The appeal reporter's description of that site as having a landscape character which is 'attractive, albeit not exceptional' is I think an appropriate one. It could be applied to much of the site, in particular those parts which lie within the framework of woodland, shelterbelts and smaller stands of trees which extends across some of the site.

7. In the appeal decision, the reporter says that, at this location, the countryside belt has an important role in providing separation between Bathgate and Armadale, that the belt is narrow and sensitive, and that its designation is well merited. He found that that proposal would have an unacceptable impact in respect of both landscape character and the setting of this part of Bathgate. He also noted that the development would, having a separate access from Sibbalds Brae, be generally unconnected with the town, despite the potential for pedestrian and cycle links. He did not, given these concerns and impacts on education infrastructure, consider that the proposal would contribute to sustainable development.

8. I take note of these findings, although it must be remembered that they relate to an application for planning permission in principle, on only part of the site, determined more than three years ago. Notwithstanding the appeal decision, it seems to me that there may be potential, in the context of a continuing shortfall in the supply of effective housing land, for considering housing development on part of the wider site before me. The eastern parts of the site are closest to existing housing and to the rest of the town. There are existing footpath links to this housing and through the nature reserve at Little Boghead. There is a path connecting all of these and which runs along the eastern boundary of the site and connects to the track (a core path) to Whiteside Farm and to National Cycle Route 75 which runs parallel to the railway line along the southern boundary of the site. Albeit this is an attractive area of countryside, the woodland framework I refer to above would serve to help contain the wider landscape and visual impacts of development on some of the site, although some of the woodland areas are more robust and substantial than others. Although there would be other considerations (for example the means of vehicular access) I do not think that the prospect of development on part of the site can be entirely dismissed.

9. That said, I do not support the allocation of the site as proposed by Hallam. In my view this would have a severe and detrimental impact on the effectiveness of the countryside belt at this location. Parts of the site are elevated and/or exposed to views from the A801 and should remain free from development in order to preserve the integrity and appearance of the countryside belt. Even with the belt of open space proposed in the illustrative masterplan (and noting the proposals for new tree planting which it shows), development to the extent sought would significantly extend westwards the visual envelope of the built-up area of Bathgate. The town would become much more readily apparent from the A801 which runs through the countryside belt. The western



countryside setting of the town, as seen from the A801, would be significantly eroded and the new western boundary of the countryside belt would be a weak one.

10. I accept that there are pockets of isolated development within this part of the countryside belt, including the small groups of housing at Sandilands Gardens and at Whiteside Farm. However these are very limited in extent and do not in my view set a strong precedent for the very extensive development which is proposed. The housing at Whiteside Farm (accepting that this is a conversion of, or on the site of, former farm buildings) actually serves to illustrate the potential prominence of housing development at this rural location.

11. On this basis I cannot support the allocation of such an extensive site which would bring Bathgate so much closer to the edge of the A801 and significantly reduce the gap, currently defined by the countryside belt, between Bathgate and Armadale. Given the function and value of the countryside belt at this location and the large size of the site, it should remain part of that belt. I reach this view despite our conclusions at Issue 1A

12. The council refers to education capacity issues affecting Bathgate and Armadale schools. Hallam suggests that a new primary school could be provided in association with the site, either within it or just to the north of it, on the former travelling people's site.

13. Albeit that I do not, for the reasons given above, support the allocation of the site, it may be worth noting that we address education capacity at Issues 1F and IJ, 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. In this context, I am not persuaded that education capacity constraints would be an insurmountable barrier which would preclude the allocation of this site for housing development.

**Reporter's recommendations:**

No modification.