

A801: Dualling:
M8 junction 4 to Pottishaw Roundabout

Developer Contributions
Supplementary Planning Guidance

24 June 2010

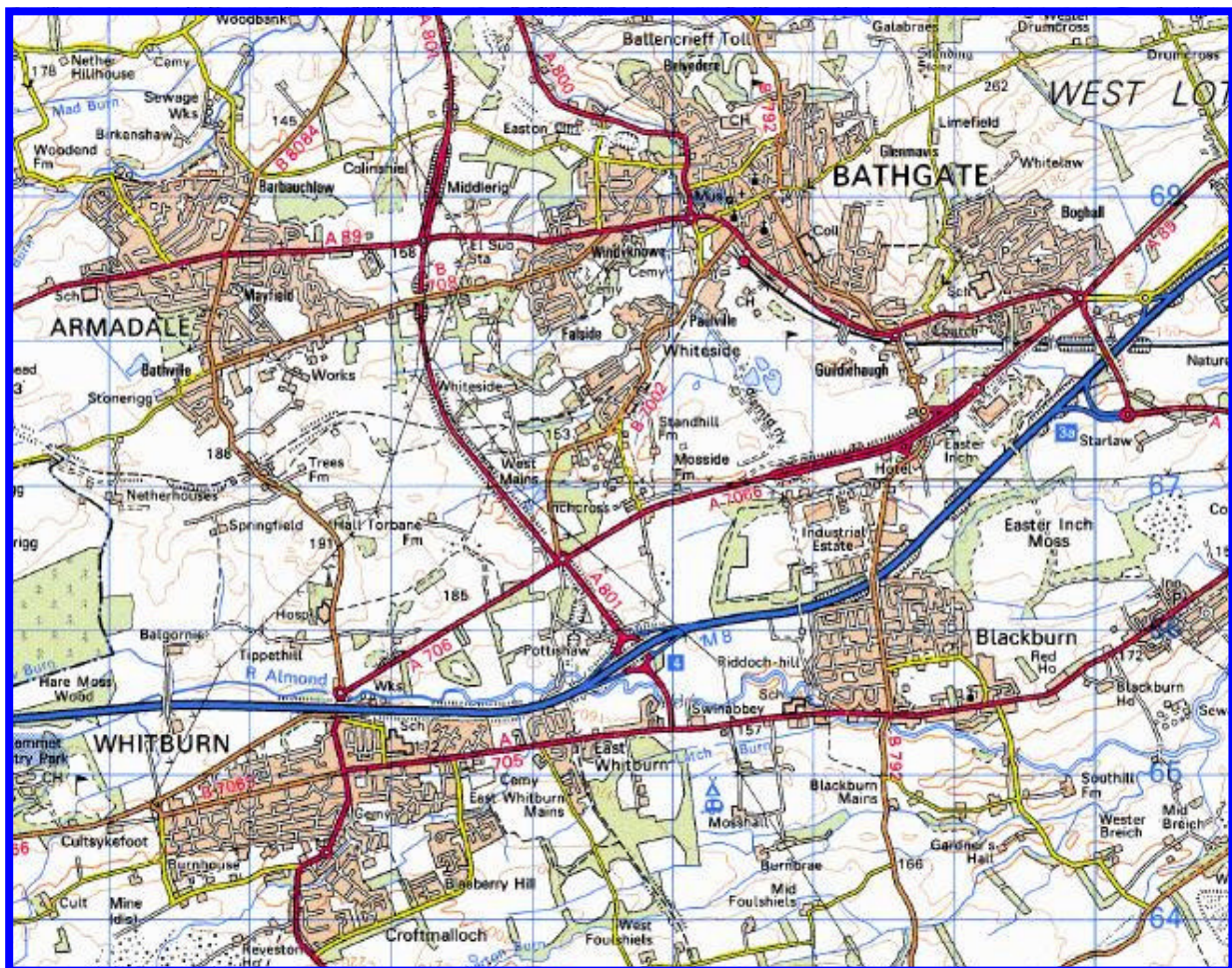


Figure 1: Location Plan

1. The Edinburgh and Lothians Structure Plan policies TRAN 5c and 5d state that local plans should ensure that new development contributes to the cost of related transport improvements (5c), and, addresses highway capacity issues (5d). The Finalised West Lothian Local Plan 2005 (FWLLP05), policy TRAN 30 provides a reservation for land to allow for future upgrading of the A801 to dual carriageway standard between the M8, Junction 4 and Pottishaw roundabout. This section of the A801 is currently single carriageway and includes the access roundabout at the J4M8 Scottish Brewers distribution centre. The M8 is a Trunk Road managed and maintained by Transport Scotland whilst this section of the A801 is a local road which is managed and maintained by West Lothian Council.
2. Through traffic modelling work carried out by SIAS on behalf of West Lothian Council, it has been identified that there is a need to upgrade this section of the A801 to dual carriageway standard in order to provide safe and appropriate road infrastructure to facilitate the FWLLP proposals.
3. Upgrading of this section of some 800 metres of the A801 indicated in Figure 2 would require:
 - Modifications to M8 junction 4 roundabout
 - Dualling of the south section (M8 junction 4 to J4M8)
 - Modifications to J4M8
 - Dualling of the north section (J4M8 to Pottishaw roundabout)
 - Modifications to Pottishaw Roundabout

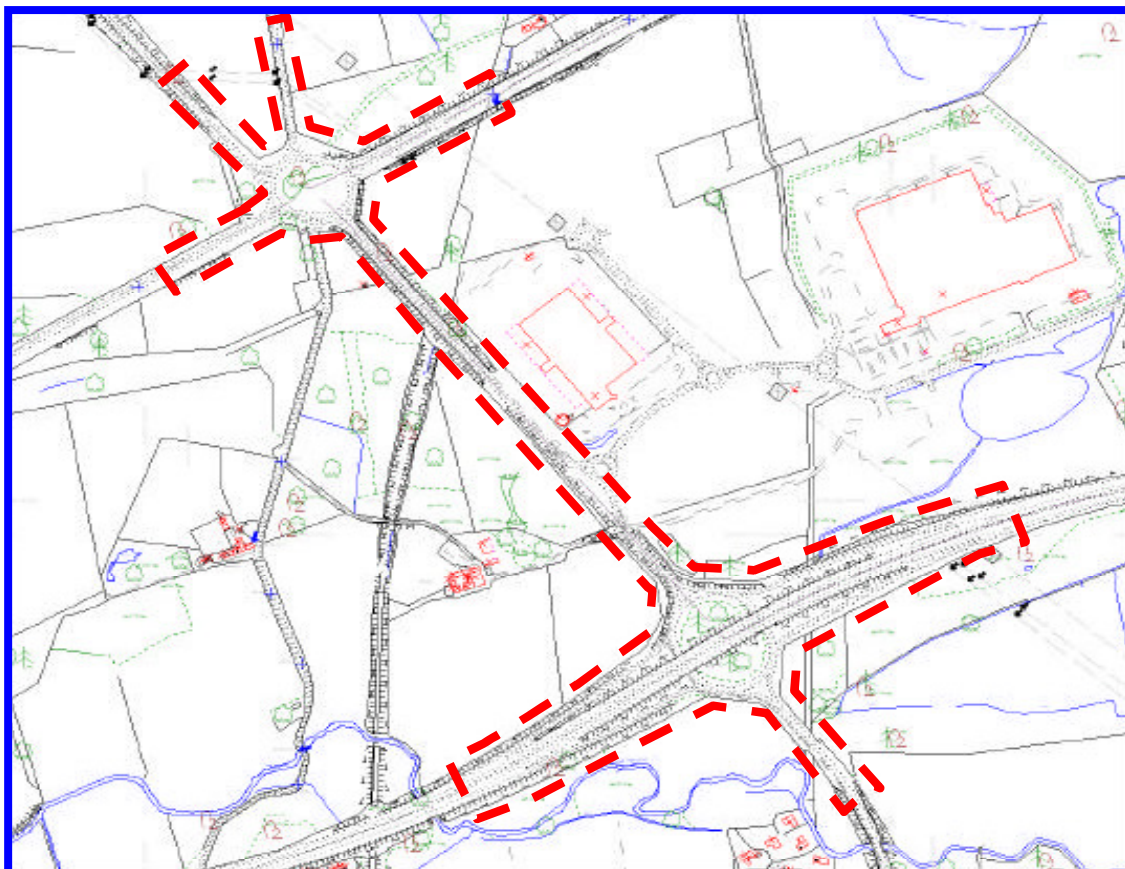


Figure 2: A801 – M8 Junction 4 to Pottishaw Roundabout

4. The cost of the project has been estimated at £4.01 million at 2009. The appendix gives an indication of costs and how the cost per trip has been estimated for developments within the SPG area that accord with the development plan.
5. The above cost estimate assumes that all developments accord with the finalised West Lothian Local Plan and in particular that development at J4M8 is class 6 (storage and distribution). However, in 2007 the developers of J4M8 came forward with a proposal to increase the development area and in particular include significant class 4 (office/ business use) not in accordance with the finalised West Lothian Local Plan. Discussions with the developer made it clear that an assessment of the impact on the A801 of this proposed use class change would be needed and that the developer would be responsible for fully funding all works identified as necessary as part of this proposed change of use to class 4.
6. The assessment work shows junction modifications are required at Pottishaw Roundabout, the existing site access roundabout on the A801 and also the need for the south section from the site access roundabout to junction 4 of the M8.
7. There is a minded to grant decision for the J4M8 office development. This is subject to a section 75 legal agreement which is currently being negotiated with the developer to secure the A801 works at the appropriate time, or else a payment equivalent to the value of the works to contribute to the cost of the A801 upgrade.
8. It is recommended that the SPG for contributions for the A801 dualling should assume that the office development at J4M8 does not proceed and that only class 6 use is developed as currently approved. An appropriate claw back clause should be included in all other development legal agreements for A801 contributions to refund costs associated with works required as part of J4M8 class 4 uses. Once the legal agreement for J4M8 is concluded then a reduced contribution for remaining works could be evaluated and applied as appropriate to further development proposals.
9. This project will require the approval of the Transport Scotland as trunk road authority in so far as it affects the slip road to and from the M8. Transport Scotland may require developers to pay for modifications to the slip roads at M8 junction 4 as part of their development proposals. The costs of any such required works to the M8 slip roads would be additional to developer contribution to West Lothian Council for A801 dualling and would be secured through planning conditions or agreements as a result of a Transport Assessment.
10. The land required for dualling is protected in the FWLLP05. This supplementary planning guidance supplements the local plan and specifies the method for calculating developer contributions. The full cost of the dualling project is to be met by developer contributions secured through a Section 75 (or Section 69) agreement. The key principles are consistent with the *Town and Country Planning (Scotland) Act 1997*, *The Local Government Act 1973* and *Scottish Government Circular 1/2010 Planning Agreements* which sets out the Scottish Executive's current guidance on developer contributions.
11. Certain types of development within the defined catchment area specified in Figure 3 would be required to pay a developer contribution towards the upgrading of this section of the A801. Contributions will not be sought where there is an extant planning permission provided the developer does not exceed the capacity specified in the terms of the planning permission.

12. The contribution would only be sought from the following types of development within the catchment area:
- residential;
 - business (Use Class 4);
 - industrial (Use Class 5); and
 - storage and distribution (Use Class 6).
13. The council will consider whether developer contributions will be required for the dualling of the A801 through appraisal of Transport Statements (TS) or Transport Assessments (TA) submitted in support of planning applications. Small scale developments which do not require a TS or TA will be exempt from contributing to the scheme. In circumstances where the council is satisfied that a contribution to the scheme is appropriate, the council will have regard to *Circular 1/2010 "Planning Agreements"* and will only seek contributions which are reasonable and relate to the scale and kind of development proposal. Contributions will be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided. The council will have regard to the following principles in considering development proposals:
- (i) Where an applicant owns the land required to implement part of the dualling proposal, the council will require the land to be transferred to the council. This will form part of the applicants contribution to the scheme. If the council needs to acquire land through compulsory purchase to implement all or part of the scheme, the cost of doing so will be met through developer contributions.
 - (ii) The council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. Agreements will make provision for returning funds after an agreed period of time if not used. Beyond capacity, developments may be delayed until sufficient funds have been accumulated to implement part or all of the dualling scheme. The need for suspensive conditions will be assessed on a case by case basis.
 - (iii) Where agreement cannot be reached on the impact of a proposed development and the amount of contribution, planning permission will be refused
14. Whilst it is acknowledged that traffic generating from new developments outside the defined catchment area would use Junction 4 to access the M8 motorway, for practical reasons the scope of the catchment area is limited to the area where the traffic impact will be greatest.
15. The north and south boundaries of the catchment area have been set where it is considered likely that where an east-west journey is made, traffic inside the boundary would be more likely to use the M8 rather than the alternative M9 or A71 corridors. The east and west boundaries have been set where it is considered likely that, that traffic accessing the M8 is more likely to use Junction 4 to access the motorway rather than either Junction 3A to the east or the proposed junction 4A to the west. The catchment area boundaries are set on either existing roads or Ordnance Survey gridlines, as shown in Figure 3.

16. The A801 dual carriageway could be constructed in two phases with completion of the south link together with M8 junction 4 and J4M8 roundabouts with the north link and Pottishaw roundabouts constructed later or as a single project completion of both links and all three junctions.

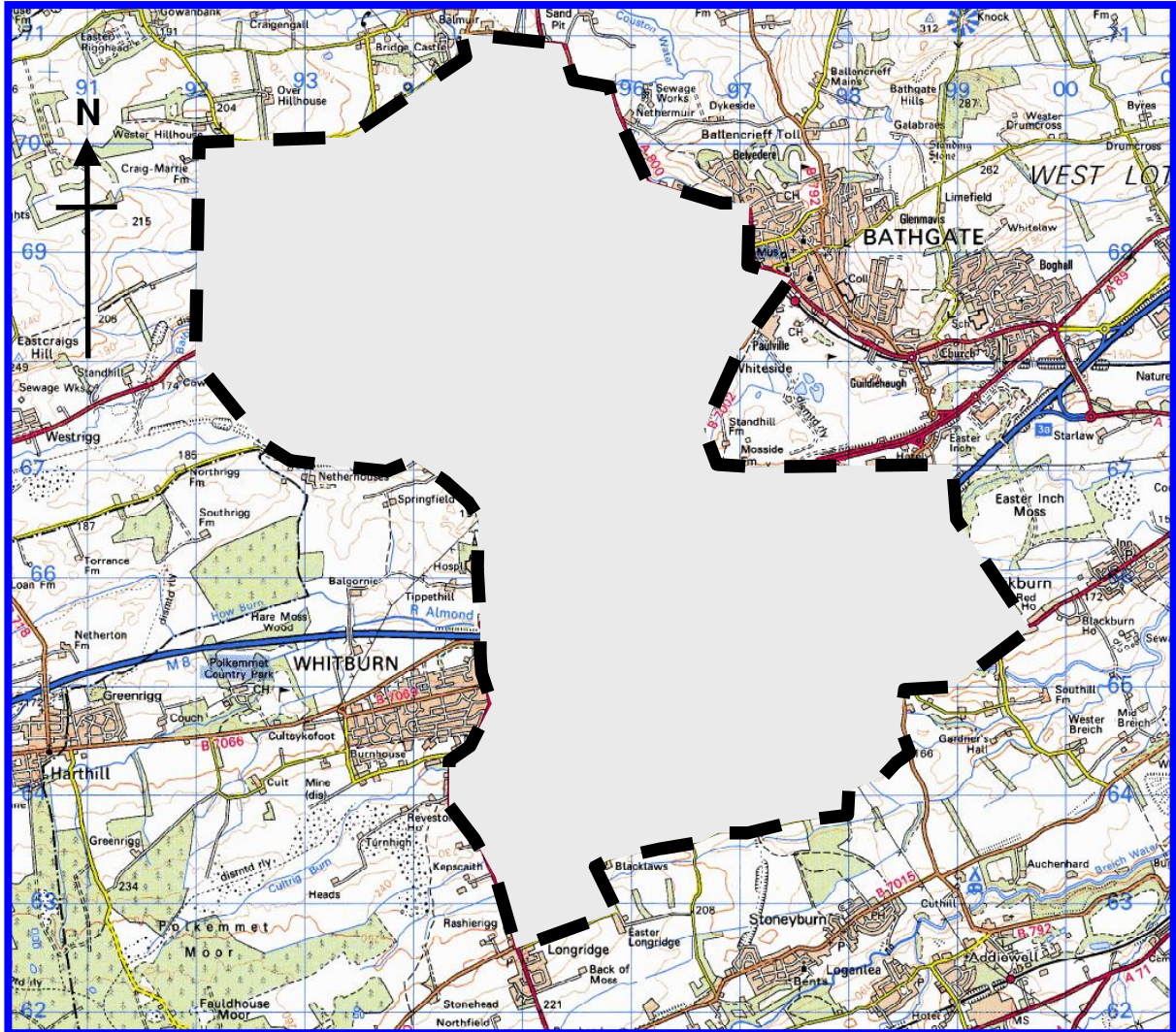


Figure 3: Catchment Area for developer Contributions for Dualling A801 – M8 Junction 4 to Pottishaw Roundabout

17. The council will review this supplementary planning guidance if circumstances change.

19. For further information on developer contributions towards the cost of preparing legal agreements, see separate supplementary planning guidance: "A partnership approach to deliver the infrastructure required to support the development strategy contained in the West Lothian Local Plan". A copy of this can be obtained from Colin Miller, Development Plan Manager.

DEVELOPER CONTRIBUTIONS FOR A801 UPGRADE TO DUAL 2 FROM M8 TO BOGHEAD ROUNDABOUT

Cost Estimate for road upgrade	£2,695,000
Land Purchase (assumed 1ha)	£24,710
Design Time	£100,000
Topographical surveys	£4,000
Ground Investigations	£15,000
Wildlife, habitat and ecological survey	£3,500
SUDS drainage design	£60,000
Assume Public Utility costs of	<u>£742,000</u>
Sub Total	£3,644,210
Contingencies 10%	<u>£ 364,421</u>
Scheme Cost	£4,008,631

A SPG was prepared in 2006, which set out key principles which would be used to assess development proposals within the Armadale / Bathgate / Blackburn / East Whitburn / Whitburn catchment area to secure developer contributions to fund the cost of dualling a section of the A801. The Council approved this policy in May 2006.

Developments included in Assessment for Contributions:-

Armadale CDA 2070 Housing units;
Whitrigg 55 Housing units; and
Area HBg30 Bathgate 150 Housing units.

Class 4,5 and 6 Developments include:-

Armadale CDA 48,700 m² business park and industrial estate;
Area Ewb3 6,200m² class 4; and
Pond Industrial Estate.

From the Transport Assessment (TA) for the Proposed mixed-use development at Armadale by EWP Investments, the amount of trips on the A801 between the Potishaw roundabout and the M8 can be identified. The amount of trips accessing the A801 equates to 70% of development flows.

The generated housing traffic flows are taken from the TRICS distribution used in the EWP Investments TA. This predicts that there will be a two way peak flow for the combined AM and PM period of 1882 trips from Armadale, 56 trips from Bathgate and 26 trips from Whitrigg. The housing element will generate a total of 1964 trips on the A801.

The industrial element of the trip generation equates to the Armadale CDA being split into 26,800m² Business Park and 21,900m² Industrial Estate. With the EWP Investments TA showing there will be 689 trips on the A801. TRICS 2009(b) has been used to calculate trip generation for the remaining industrial elements. Area Ewb3 may have 6,200m² of class 4, this could generate 107 trips on the A801. The TA for Pond Industrial Estate shows 28 trips on the A801. In total, there could be 824 trips on the A801.

This makes a total trip generation on the A801 of 2788 trips.

Dividing the scheme cost of the A801 Dualling by the predicted trip increase, you get a cost per trip for the total development cost.

This works out at **£1,438 per trip on A801**

TRANSPORTATION