

WLC REF: MIRQ0059

Dear Sirs

FAO Steve Lovell

As discussed this afternoon with Steve Lovell, I am pleased to attach for your attention, a short statement which sets out my response to those questions posed within the Main Issues Report, which are of relevance to my client's interests within the Council area.

It is understood that this statement will be accepted as a valid response on this Consultation and I should be grateful if you could confirm that this is the case.

I thank you in advance for your attention in this regard and I look forward to hearing from you further in due course.

With best wishes.

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**ANDREW BENNIE**  
**PLANNING LIMITED** WEST LoTHIAN COUNCIL

**LOCAL DEVELOPMENT PLAN  
RESPONSE ON MAIN ISSUES REPORT  
ASHDALE LAND AND PROPERTY CO. LTD**

Q1

Whilst the terms of The Vision is both reasonable and appropriate, it is considered that in order for it to make any real sense, it must contain some form of mechanism which will allow for it stated objectives to be assessed against actual key milestones.

Without such measures, it will simply not be possible to assess, at the end of the plan period, whether or not The Vision has been realised.

Such measures should follow the established SMART protocol whereby the stated outcomes should be **S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime framed.

It is considered that these SMART objectives could be added as bullet points at the end of the Vision itself.

Q2

No comment required.

Q3

The following comments are raised in respect of those of the stated Aims, which are of relevance to my client's interests within West Lothian.

Aim 1: Whilst support is given to the continued promotion of development within the allocated Core Development Areas, it must be recognised that each of the Core Development Areas will continue to pose significant issues for those parties who have responsibility for the delivery thereof.

It is noted that in respect of some of the identified CDA's, that the Council have proposed additional land allocations to support the delivery thereof, and support is given to the Council in this regard.

This having been said, it is considered that each of the identified CDA's would benefit significantly from a similar approach on the part of the Council, when suitable land exists to accommodate additional residential expansion beyond the currently allocated limits.

Accordingly, it is considered that the forth bullet point under Aim 1 should be expanded to read as follows:

"Continue to promote development within core development areas (CDA's), with additional land allocation being directed to these areas to support their long term delivery/viability."

Aim 3: It is considered that the first and second bullet points should be expanded to read as follows:

"Provide a generous supply of housing land and provide for a minimum five year effective supply of housing land at all times."

"Continue to promote development within core development areas (CDA's), with additional land allocation being directed to these areas to support their long term delivery/viability."

These changes are considered to be essential in order to ensure that the Council meets the housing land commitments conferred on it under the terms of SPP.

Aim 4: The current Local Plan places significant burdens on developers in the form of those developer contributions which the Council have indicated are required in order to support the delivery of those sites which are allocated for development, this being especially so in relation to the various CDA allocations.

The level of contributions, which the Council has indicated is required in respect of the CDA sites, is such that it has the potential to threaten the ability of the sponsors of each of these sites to deliver the full scale of development set down for these sites within the adopted Local Plan.

Accordingly it is of vital importance that the Council should adopt a more reasonable and pragmatic view as to the level of developer contributions, which it will seek and as such, it is considered that the wording of the bullet point should be amended to read as follows:

“Ensure that infrastructure and facilities are provided to support population and economic growth and where appropriate, secure developer contributions towards such provision, ensuring at all times that the level of any such contributions does not threaten the viability of the developments in question.”

Q4

No comment required.

Q5

With regards to the Preferred Approach, it is not accepted that the former Vion site should be reallocated for residential development purposes, with it being considered that for the time being, this site should be retained for industrial/business purposes in the hope that a suitable employment generating use for the site can be identified during the plan period.

Significant land allocations already exist within the East Broxburn portion of the wider Winchburgh/East Broxburn CDA and it is submitted that any additional land allocations within Broxburn should, in the first instance, be directed towards the existing CDA allocation as a

means of supporting the long terms delivery of this existing allocation, rather than directing development to a competing site elsewhere within the town.

Q6

Support is given for that aspect of the Alternative Approach, which seeks to retain the existing employment allocation that relates to the Vion site in Broxburn.

Q7-Q8

No comment required.

Q9

The inclusion of housing within the site at Linhouse, Livingston is not considered to be appropriate, with it being submitted that the potential allocation of 250 units thereto should either be divided across the existing range of CDA allocations or alternatively, redirected to more appropriate housing locations elsewhere within the Council area.

For the time being, whilst it is accepted that the single user status of the Linhouse site is no longer appropriate, it is considered that it should be retained for employment/business purposes, with it being submitted that the inclusion of a residential element within any mixed use proposals for the site could prejudice the ability of the site to secure employment generating uses.

Q10

For the reasons stated in relation to Q9, it is considered that the Linhouse site should be retained and promoted solely for employment related purposes.

Q11

No comment required.

Q12-Q14

No comments required.

Q15

Whilst support is given for the Preferred Approach, it is considered that the Council should aim to allocate further housing land over and above the 26,347 units indicated. By increasing the extent of the overall allocation, the Council will create the circumstances which will best ensure that the delivery of completed units on the ground meets the actual level of demand, thus taking more fully into account the Council's acknowledgment that not all allocated sites will come forward within the specified periods and also the fact that where sites do come forward, they may not always be able to deliver their full allocation.

Given the above, it is submitted that the Plan should seek to allocate land at a level that exceeds the base supply by at least 20%, this being in line with the upper extent of the generosity level outlined within SPP.

Q16

Alternative Strategy 1 is considered to be wholly inappropriate in so far as it will not create the circumstances required in order to ensure that the future housing needs within the Council area can be met in full.

Q17

Alternative Strategy 2 is considered to be wholly inappropriate in so far as it will not create the circumstances required in order to ensure that the future housing needs within the Council area can be met in full.

Q18

No comment required.

Q19

It is considered that the Council can best meet its obligation to maintain, at all times, an effective and generous five year supply of housing land by allocating sufficient land to exceed the base housing supply target by at least 20%. The additional sites, which are brought forward in this regard, should be of a range of different scales and locations, thus reducing

the level of dependency, which presently exists in respect of the delivery of the CDA allocations in the short term.

It is fully acknowledged that in the longer term, the output from the CDAs will meet a significant proportion of the Council's overall housing land requirement but this does not address the fact that in the short term, the Council has a real issue in terms of its effective housing land supply, which can only reasonably be addressed by the allocation of further effective housing land to combat the short to medium term short fall in the effective supply.

Q20-Q22

No comments required.

Q23

Whilst support is given to the Council's intention to continue to support development within the allocated CDA sites, it is considered that on the same basis that the Council has sought to justify the additional housing land allocation within Winchburgh, further allocations should also be directed towards the East Broxburn portion of the wider CDA.

It is submitted that scope exists to extend the East Broxburn portion of the wider CDA onto land that lies to the immediate west side of the CDA-GW site. It is not accepted that extending the development into this area of land would be either visually or environmentally intrusive, as has been suggested by the Council, with it being considered first of all that development within this area would be both physically and visually contained by existing natural features and secondly, that any development of this land would link both logically and naturally with the land that has already been allocated for development.

Notwithstanding the above noted comments, it is further submitted that the additional areas of land which the Council proposes to include within the boundary of the East Broxburn portion of the CDA should be accompanied by an increase in the overall capacity of the site, this increase being linked directly to the justification that the Council has used to support the increased in the capacity of the Winchburgh allocation.

Q24

The Alternative Approach is not supported with it being considered that the Council should do all that it can, including allocating additional capacity thereto, to support the delivery of all of the allocated CDA sites.

Q25

No comment required.

Q26-Q28

No comments required.

Q29-Q31

No comments required.

Q32-Q34

No comments required.

Q35

Support is given to the Preferred Approach, with it being noted specifically that in reviewing the current approach to the provision of affordable housing, the basis of which must be set out within the Local Development Plan in order to inform the proposed SPG, the Council must recognise as a matter of absolute necessity, that due to the significant cost associated with their development, the target of 25% affordable housing provision within the identified CDAs is unreasonable and has the potential to threaten the financial viability of all of these allocations.

Accordingly, it is submitted that within the review of the current requirements for the provision of affordable housing, the target figure of 25% affordable housing within the CDAs be significantly reduced in order to support the viability and delivery of these allocated developments.

Q36-Q37

No comments required.

Q38

Given to nature of the Alternative Approach, which it is submitted is both unrealistic and unjustifiable, support must, by default, be given to the Preferred Approach. This support is however conditional upon the Council adopting a realistic approach to the level of developer contributions that can reasonably be carried by allocated sites and in particular the CDA allocations.

To this end, it is submitted that the Council's current "wish list" of developer contributions has the real potential to threaten the viability and hence deliverability of the full capacity of all of the CDA sites and that accordingly, the Council must fully reassess, with the assistance of the developers/land owners concerned, the actual level of contributions that each of these sites is able to carry, this being especially so in relation to the Council's expectations as regards educational contributions.

Q39-Q40

No comments required.

Q41

The required level of infrastructure provision which is necessary to support the delivery of the scale of growth envisaged by the Council can only be delivered if the Council is willing to first of all engage in a meaningful way with the development/housing building industry to establish the real constraints that are imposed by these upfront cost requirements and secondly if the Council is willing to explore means by which it can forward fund investments in its educational estate, which is the only practicable means by which the Council can ensure that sufficient school capacity exists as and when it is needed, rather than by expecting the housing building industry to meet these costs at the outset.

Q42

No comment required.

Q43



It is submitted that the Council should continue to support the development of a new rail station at Winchburgh as the delivery of the same is considered to be essential if the full allocated capacity of the Winchburgh site is to be realised without detriment to the promotion of more sustainable patterns of transport.

Q44

No comment required.

Q45-Q47

No comments required.

Q48-Q50

No comments required.

Q51-Q53

No comments required.

Q54-Q56

No comments required.

Q57-Q59

No comments required.

Q60-Q65

No comments required.

Q66-Q69

No comments required.

Q70

No comment required.

Q71-Q73

No comments required.

Q74-Q76

No comments required.

Q77-Q79

No comments required.

Q80-Q82

No comments required.

Q83

The requirement for developer contributions towards the provision of "Public Art", is considered to represent an out dated and unnecessary burden upon the residential development sector and accordingly, the Preferred Approach is not supported.

Should the Council be of a mind that, in any given location, there is a demonstrable need for the installation of pieces of public art, it is respectfully suggested that such items should be funded by the Council themselves.

Q84

Full support is given to the Alternative Approach on the basis of the financial burden that it will remove from an already stressed development sector.

Q85

No comment required.

Q86-Q88

No comments required.

Q89-Q91

No comments required.

Q92

Whilst the Preferred Approach is generally supported, it is considered that its terms should be extended so as to make clear the statutory responsibilities that fall upon the Council themselves to address and deal with matters of air quality rather than, by implication, appearing to suggest that this responsibility rests with the development industry.

Q93

No comment required.

Q94-Q96

No comments required.

Q97-Q98

No comments required.