

WLC REF: MIRQ0060

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
Ogilvie Homes**

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.

To this end, it is considered that if the Council is to maintain an effective and generous five year supply of housing land at all times, it will be necessary for the Council to allocate additional development land beyond the boundaries of the present CDA sites, this additional land being in a variety of different locations and scales, thus ensuring that an appropriate choice of housing land is available to meet the needs of the whole of the Council area.

In identifying such additional sites, the Council should take due cognisance of the clear benefits of allocating land that is actually owned by developers, given that one of the biggest and ongoing constraints to the delivery of housing on the ground relates to difficulties which exist when developers hold land under options or other forms of contract, the terms of which do not allow them, in the face of current economic conditions and land values, to bring forward developments which are economically viable.

To this end, I would commend my client's site at Hens Nest Road, East Whitburn (site reference EOI-0135) for inclusion within the Proposed Plan as a site capable of accommodating both housing and significant areas of public open space.

This land is owned outright by my client and meets all of the established effectiveness criteria and as such, would be capable of being developed within the first five years of the plan period.

Aim 3: It is considered that the first bullet point 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.”

This changes is 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.

The level of contributions, which the Council has indicated is required to support future housing development across the Council area, 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 ay such contributions does not threaten the viability of the developments in question.”

It should also be noted that sites which are in the ownership of developers have a greater potential to address their own infrastructure requirements in terms that do not threaten the actual delivery of development on the ground and as such, due consideration should be given to site ownership when allocating sites for development within the Proposed Plan.

Q4

No comment required.

Q5

No comment required.

Q6

No comment required.

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 be redirected to more appropriate housing locations elsewhere within the Council area, with it being submitted that my client's site at Hens Nest Road, East Whitburn is ideally placed to accommodate some if not all of this housing requirement.

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

It is noted that the settlement of Whitburn is included within the list of locations, which the Council have targeted as the focus for future regeneration activities, with it being assumed that the village of East Whitburn is included within the area referred to.

As the Council is aware, my client owns an area of land to the east side of Hens Nest Road, East Whitburn (site reference EOI-0135), with it being submitted that this land is ideally suited to provide not only main stream housing but also a significant proportion of affordable housing, which is clearly much needed within the Council area, the delivery of which could be included within the initial phase of the overall development.

This land is also capable of accommodating a significant area of public open space, which could be designed in a way that best meets the needs of the local community.

These various factors point clearly to the fact that the development of this land could deliver major benefits to the local community, in the form of much needed affordable housing and well designed public open space, both of which it is submitted would fit exactly with the Council's wider regeneration objectives for the area.

Accordingly, and in support of the Council's Preferred Approach, it is submitted that the land in question should be allocated for development within the Proposed Plan.

Q13-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.

To this end, I would commend my client's site at Hens Nest Road, East Whitburn for inclusion as an allocation within the Proposed Plan.

Q20-Q22

No comments required.

Q23

Whilst it is considered appropriate for the Council to continue to its established approach to the delivery of the CDA's, it is considered that in pursuit of this approach, sight should not be lost of the fact that in the short term, these sites will struggle to meet the Council's five year effective land requirement and that as such, additional housing land will require to be allocated beyond the boundaries of the identified CDA's, if the Council is to maintain an effective five year land supply at all times.

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

The Preferred Strategy is not supported, with it being submitted that for the reasons set out in response to Question 12, my client's site at Hens Nest Road, East Whitburn is better suited to accommodate the allocation of the 250 units given the significant community benefits that will accrue as a direct result of the form of development which my client proposes for this site.

Q27

For the reasons stated in response to Question 26, the Alternative Approach to Heartlands is supported.

Q28

As previously stated, it is proposed that a further Alternative which would see that allocation of my client's site at Hens Nest Road, East Whitburn allocated for a mix of uses comprising both housing and public open space, which would assist the Council in realising its regeneration aspirations for the wider Whitburn area, is both reasonable and most importantly deliverable in the short term and as such should be reflected and supported within the terms of the Proposed Plan.

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 allocations 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 both the currently allocated sites and all emerging allocations be significantly reduced in order to support the viability and delivery of these much needed 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.

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 various housing allocations within the current plan 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

No comment required.

Q44

No comment required.

Q45-Q47

No comments required.

Q48

Insofar as it make potential provision for the potential allocation of new housing sites on the edge of existing settlements, support is given to the terms of the Preferred Strategy, with it being further submitted that scope exists to develop that land owned by my client at Hens Nest Road, East Whitburn in such a way that it would not threaten or undermine the integrity of the current "Countryside Belt" designation which presently relates to the site.

Accordingly, in reviewing the scope and terms of the landscape designations within the emerging plan, the opportunity should be taken to remove my client's land from any such designation and to allocate the same for development purposes.

Q49-Q50

No comments required.

Q51

For the reasons set out in relation to Q48, support is given to the Preferred Approach.

Q52-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.