

WLC REF: MIRQ0169

In relation to the West Lothian Council New Local Development Plan (LDP), I would like to place the following comments regarding submission reference EOI-0038 and EOI-0040.

1. As a resident at [REDACTED], I am keen to see the preservation of countryside and object to the sporadic development of it. Paragraph 3.180 within the Main Issues Report would appear to support this.
2. The Central Scotland Forest Trust, para 3.186 has done a huge amount of work in the adjoining fields over the last two decades and the benefits of this are now being seen with the permanent migration of many new species of animal/bird and insect into these areas. To place several hundred new homes adjacent to this would jeopardise this newly created haven for wildlife.
3. Infrastructure of road/water/waste and energy is not prevalent in this area and would see a far wider development than that outlined in the proposed submission.
4. Do the proposals in the previous development plan still stand? If so, the building of these properties would potentially see a continuous link of housing from Livingston, West Calder and Seafield. This would go against the Council's strategy of trying to maintain the individuality of smaller villages/communities.

Regards

[REDACTED]

Sent from [REDACTED]

West Lothian Local Development Plan Main Issues Report

On behalf of

**Taylor Wimpey
Westmuir Farm, West Calder**

HOUSING SUPPLY AND DEMAND

16th October 2014

HolderPlanning

5 South Charlotte Street, Edinburgh, EH2 4AN.

Tel: 0131 225 6349

www.holderplanning.co.uk

Contents	Page
1. Introduction	1
2. SESplan and Supplementary Guidance (SG)	1
3. West Lothian Local Development Plan: Main Issues Report (August 2014)	3
4. Conclusion	8

1. Introduction

- 1.1 This report considers issues relating to housing supply and demand and the adequacy of the West Lothian LDP Main Issues Report in addressing the requirements of SESplan, its related Supplementary Guidance and Scottish Planning Policy.
- 1.2 As described below, the content of the MIR is not consistent with any of these, and therefore should not be progressed in its current form.

2. SESplan and Supplementary Guidance (SG)

- 2.1 SESplan is the Strategic Development Plan (SDP), which was approved in 2013. Policy 5 (Housing Land) explains that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built in the SESplan area. Moreover, it indicates that the requirement for the period 2009 to 2019 is for 74,835 houses. It then goes on to say that:

“Supplementary Guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 – 2019 and in the period 2019 to 2024”

- 2.2 In contradiction of this, analysis of MIR and supporting background paper on Housing indicates that West Lothian Council has effectively brought together the requirements for 2009 – 2019 and 2019 – 2024 into a single requirement of 18,010 for 2009 – 2024. A similar approach has recently also been adopted by City of Edinburgh Council within Proposed LDP2.
 - 2.3 There is no basis to combine the two periods in this manner and, on this basis alone, the MIR is not consistent with SESplan Policy 5, the text of which was introduced by way of a modification by the Scottish Ministers to ensure that housing need and demand was met within the appropriate timescales.
 - 2.4 The MIR and Housing Background Paper misinterpret SESplan Policy 5. The two partitions identified in SESplan Policy 5 relate to meeting the housing requirement in those two periods, as identified in the Housing Need and Demand Assessment.
 - 2.5 Moreover, as explained below, the bringing together of these requirements has the effect of constraining the delivery of housing by not providing enough land in the first period to allow the housing requirement to be met.
 - 2.6 Table 3.1 of the Supplementary Guidance identifies West Lothian’s housing requirement as 11,420 for 2009 – 2019 and 6,590 for 2019 – 2024. In accordance with SESplan Policy 5, sufficient housing land needs to be allocated within the West Lothian LDP to enable these numbers of houses to be built in each period. As explained in detail below, the MIR is deficient in this regard.
 - 2.7 It is notable that the Scottish Government and an Appeal Reporter have recently addressed this matter of interpretation.
-

2.8 Firstly, the Scottish Government involved themselves in the context of the Supplementary Guidance. In this regard it was notable that the SESplan Authority's Proposed SG contained the following sentence in paragraph 3.13.

“Member authorities will base their calculation of the five year land supply on the period 2009 – 2024, taking into consideration housing completions”

2.9 On the 18 June, the Scottish Ministers issued a direction requiring this sentence to be deleted the final sentence of their letter stating:

“While it may be considered to provide useful further information or detail, the inclusion of this also gives rise to a potential inconsistency between SESplan itself and the supplementary guidance. Ministers therefore consider that to avoid such inconsistency, to ensure compliance with the legislation and to avoid potential further delays in the process, that the relevant sentence be removed.”

2.10 The SG has now been approved with this modification.

2.11 Secondly, a recent appeal decision (PPA-230-2124) on a proposal for housing in Ratho reached the following conclusion in respect to interpretation of SESplan Policy 5:

“Paragraph 24 -I agree with the appellant about the basis for calculating the annual average and thus the 5 year requirement. Policy 5 of SESplan clearly states in the last sentence of the first paragraph that the requirement for each council area should be met for each of the two periods. To roll them together, resulting in a much lower average requirement for the first period, would be contrary to this intention.”

2.12 SESplan Policy 6 (Housing Land Flexibility) requires West Lothian Council to maintain a five year land supply at all times and that the scale of this supply shall derive from the housing requirement identified through the SG.

2.13 SESplan Policy 7 (Maintaining a Five Year Land Supply) indicates that sites for greenfield housing development proposals either within or outwith the identified SDAs may be allocated in LDPs to maintain a 5-year housing land supply. The SDAs are identified in Policy 1A of SESplan and development principles are identified in Policy 1B. West Lothian is identified as a single SDA.

2.14 Thus, the combination SESplan policies referred to above requires land to be allocated in the West Lothian LDP sufficient to allow enough houses to be built to meet the housing requirements identified in Table 3.1 of the Supplementary Guidance. Below we explain why the MIR does not comply with this requirement.

3. West Lothian Local Development Plan: Main Issues Report (August 2014)

3.1 Paragraphs 3.37 – 3.47 of the MIR identify the above noted SESplan policies and their terms, before presenting the housing requirements of the SESplan Supplementary Guidance within Figure 11. Figure 11 correctly identifies West Lothian’s partitioned housing requirements i.e. 11,420 homes in the period 2009 – 2019 and 6,590 homes in the period 2019 – 2024. Paragraph 3.48 then states

“The housing land requirement set out in Figure 11 will require to be translated into site allocations in the LDP”

3.2 If this were the case, then we would have no objection. However, the information contained within the MIR and associated Appendices is not sufficient to verify this statement and, based upon our own analysis, we conclude that the List of Preferred Housing Site (Appendix 3) would fail to meet this objective.

3.3 The remainder of paragraph 3.48 – 3.50 provides brief commentary on West Lothian’s established housing supply, concluding that *“much of the housing requirements over the LDP plan period will therefore already be met through land allocations made in the West Lothian Local Plan”*. Paragraph 3.51 sets out the intention to allocate a number of new sites to *“augment the supply”* and *“ensure that a wider choice of housing is available, that a generous supply of housing land is provided and an effective five years housing land supply can be made available at all times”*. Appendices 1-4 set out the preferred housing allocations and suggested alternative sites, together with proposed phasing.

3.4 Paragraph 3.52 identifies the requirements of Scottish Planning Policy (SPP) that local authorities provide a generous housing land supply to meet housing needs across all tenures and to maintain at all times a five year effective supply of housing. Also the need to allocate land on a range of sites which are effective or capable of becoming effective 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.

3.5 The MIR notes at paragraph 3.53 that *“to achieve a five year effective supply at all times may result in more sites being required to be identified in the LDP for development”*. Further, at paragraph 3.54 the MIR acknowledges that there may be a need to exceed the allocations currently set out in the SDP in order to achieve a sufficiently generous housing land supply and provide an effective five year supply at all times across the plan period.

3.6 Paragraphs 3.55 – 3.62 set out three scenarios to provide for housing requirements. ‘Scenario 3’ is recommended as the preferred option. Scenario 3 states:

Provide for a total of 26,347 houses which represents 3,500 houses above the base supply

3.7 It is notable that the Council’s base supply figure of 22,847 units contains 8,566 units which are identified as being ‘constrained’ – equating to 37% of base supply.

3.8 As noted, neither the MIR or the Housing Background Paper contain sufficient information to determine how the LDP will allocate sufficient land capable of becoming effective and delivering

the scale of housing requirements for the periods 2009-2019 and 2019-2024 as identified by SESplan Supplementary Guidance.

3.9 Whilst Appendix 3 does contain a List of Preferred Housing Sites and Proposed Phasing this fails to take realistic account of delivery timescales, notably with respect to the 'new' housing sites. Given that the LDP is not scheduled for adoption until 2016, we can reasonably assume that little or no development will take place on these sites until 2017 at the earliest.

3.10 Neither does Appendix 3 appear to take appropriate account of the 'constrained' nature of many of the sites – 70 of which have been included within Appendix 3 and identified as producing outputs during the periods 2009-2019 and 2019-2024. It is crucial that this source of housing supply is underpinned by a robust explanation, supported by those that control the delivery of those sites. Otherwise they should not be counted. At present, therefore, there is significant uncertainty as to what assumption, if any, should be made for housing delivery from constrained sites.

3.11 In an attempt to address these key matters, we have undertaken our own assessment of Housing Land Needed to be provided for by the LDP. This is presented in the table on the following page:

Table 1 – Housing Land Needed

Setting the LDP Housing Land Supply Target	2009 – 2019	2019 - 2024	2009 - 2024
(1) Housing Land Requirement	11,420	6,590	18,010
(2) + 15% to ensure a generous supply	1,713	989	2,702
(3) LDP Housing Land Supply Target	13,133	7,579	20,712
Meeting the LDP Housing Land Supply Target			
(4) Effective Supply 2013-2019	4,336	3,227	7,563
(5) Constrained Sites coming forward	0	0	0
(6) Housing Completions 2009-2013	1,825	0	1,825
(7) Windfall	480	400	880
(8) Demolitions	-568	-100	-668
(9) Total Supply from Existing Sources	6,073	3,527	9,600
(10) LDP Housing Land Supply Target	13,133	7,579	20,712
(11) Total Supply from Existing Sources	6,073	3,527	9,600
(12) House building Target to be met through new LDP allocations	7,060	4,052	11,112
New LDP Allocations			
(13) Estimate of Total Houses Built on New LDP Allocations	912	2281	3,193
(14) Shortfall/Surplus	6,148 Shortfall	1,771 Shortfall	7,919 Shortfall

- 3.12 Table 1 disaggregates the Housing Requirement into the two periods specified in SESplan Policy 5 and the Supplementary Guidance i.e. 2009 – 2019 and 2019 – 2024.
- 3.13 Working down the table, it is straight forward to identify the starting point which is the housing requirement +15% for each of the periods (Line 3). Paragraph 116 of Scottish Planning Policy, states:
- “Within the overall housing target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan”.*
- 3.14 We have therefore adopted a generosity margin figure of 15% for current purposes.
- 3.15 The second part of the table deals with the existing potential sources of housing supply. The first component of this is the effective supply. The figure for 2009-2019 has been calculated from Housing Land Audit 2013 and excludes the ‘new’ sites within the MIR. The figure for 2019-2024 reflects the information contained with the SESplan SG Technical Note and MIR Housing Background Paper (Line 4). Clearly, this figure requires to be updated but unfortunately the Council MIR documentation does not do this.
- 3.16 Line 5 contains an estimate for the delivery of constrained sites. Given that the MIR and Housing Background Paper, upon our analysis, does not provide a robust explanation, supported by those that control the delivery of those sites, regarding likely development output we have concluded that constrained sites should not be counted on within Table 1.
- 3.17 Line 6 identifies total completions for the period 2009-2013 sourced directly from the Housing Background Paper which takes account of Housing Land Audit 2013.
- 3.18 Line 7 contains an assumption for the delivery of Windfall sites, but this is not justified by any evidence as required SESplan Policy 5. Notwithstanding this position we have utilised the Council’s figure of 880 homes from windfall sources during the period 2009 to 2024, which is the amount that was identified within the SESplan SG Technical Note)
- 3.19 Line 8 contains details of demolitions. We have taken these figures from the SESplan SG Technical Note and MIR Housing Background Paper.
- 3.20 Line 9 calculates the Total Supply from Existing Sources i.e. Effective Supply + Constrained + Windfall + Completions – Demolitions.
- 3.21 The second part of the table concludes by subtracting the existing housing supply sources from the LDP Housing Supply Targets (Line 12).
- 3.22 The third part of the table addresses the new LDP allocations. As noted, MIR Appendix 3 contains a List of Preferred Housing Sites and Proposed Phasing however this fails to take realistic account of delivery timescales with respect to the ‘new’ housing sites. Appendix 3 appears to be, very optimistically, assuming that new sites will deliver significant housing numbers in the period 2014-2019.

- 3.23 Given that the LDP is not scheduled for adoption until 2016, we can reasonably assume that little development will take place on these 'new' sites until 2017 at the earliest given the associated timescale to secure planning permission, and this assumes that planning applications relating to new sites are granted permission before the LDP is adopted.
- 3.24 Appendix 3 estimates that 3,193 units will be delivered by these new sites by 2024 – which is a 7 year period from 2017. Specifically, Appendix 3 assumes delivery of 2010 units (2014-19) and 1183 units (2019-2024). As an estimate it might therefore be reasonable to assume that 2/7 of 3,193 will be built in the period to 2019 (i.e. 912) which is the figure we have used at Line 13 in the 2009 – 2019 column. The remaining 2,281 units have been programmed across the 2019 – 2024 period. This is a rough calculation, and it is essential that the Council, in preparing the Proposed LDP, make as accurate an assessment as possible of the delivery programme of new sites.
- 3.25 Line 14 subtracts the estimate of total houses built on new LDP allocation (Line 13) from the House Building Target to be met through new LDP allocations (Line 12) to determine whether an overall shortfall or surplus exists.
- 3.26 This demonstrates that within the period 2009 – 2024 there is a significant shortfall in the number of houses that are likely to be delivered as an outcome of the MIR strategy. In the first period there is a shortfall of 6,148 homes to be precise (Line 14). Within the period 2019 – 2024, there is a shortfall of 1,771 houses. It should be noted that this shortfall in the second period is in addition to the shortfall in the first period. Therefore, overall, by the end of 2024 there will be a total deficit of 7,919 houses.

4. Conclusion

- 4.1 The MIR is not consistent with SESplan and its Supplementary Guidance, or Scottish Planning Policy in respect to meeting housing land requirements. A substantial number of additional effective housing sites need to be allocated, and various sections of the MIR need to be rewritten to properly reflect the terms and requirements of SESplan and SPP. Additional analysis is also required to substantiate the basis for assumptions on supply flexibility and housing delivery from constrained sites.