

WLC REF: MIR0171

**West Lothian Main Issues Report
Consultation Response – September 2014**

Name	Oliver Munden
Organisation	Persimmon Homes (East Scotland)
Postal address	Unit 1 Wester Inch Business Park Old Well Court Bathgate
Postcode	EH48 2TQ
E-mail	oliver.munden@persimmonhomes.com
Telephone	01506 638300

LDP Vision, Aims and Spatial Strategy

Question 1

Do you agree with the Vision for the LDP or are there other aspects that should be considered?

Yes

Question 2

Do you have an alternative Vision?

No

Question 3

Do you agree with the proposed aims of the LDP?

Although the majority of the aims covered in this section are considered in greater detail further on within the MIR, there are a number of questions which the specific aims raise.

We welcome the realisation by WLC that there is a requirement to allocate both sufficient Housing and sufficient Economic land throughout the region, however question if there is a significant oversupply of economic land. The recession hit the employment sector hard and although we are supportive of economic growth, it has to be questioned if the supply of economic land is over generous. There have been other examples of Change of Use appeals throughout Scotland, a number of which that have been successful, due to there being a significant over supply of economic land within the Local Authority area.

Paragraph 2.4 relating to developer contributions is of some concern. There are a significant developer contributions required for the majority of all developments within WL and we are keen that this does not negatively impact upon the deliverability and viability of development schemes. All developer contributions need to be carefully considered as being directly relevant to the proposed development, and if a viability argument proves otherwise, there needs to be a realisation from WLC that certain developer contributions may be required to be removed or decreased. This should be carried out on a case by case basis. This same principle should be applied to affordable housing. Whilst we agree there is a requirement it cannot be at the detriment to deliverability and viability of individual development opportunities. The delivery mechanism and alternative affordable housing delivery methods should also be considered, or there is a danger that otherwise effective sites may not come forward.

We do not support the third aim of supporting the current council housing programme as this aim emphasis a means of delivering affordable housing, rather than the outcome of increasing the

supply of affordable housing. The aim should be reworded so it does not imply the exclusion of other provides from the affordable housing supply chain.

Further to the adoption of SPP earlier this year, and its requirement to consider Brownfield sites before Greenfield release, we accept the intentions of WLC in their preference for appropriate development of brownfield land. However we have concerns that some of the preferred sites have not been indicated as available by the landowner. Therefore, it is recommended that the plan provides assurances whereby if brownfield sites do not come forward, there may be alternative Greenfield sites that should be released to help meet the shortfall in deliveries. Similarly, Main Issue 3 discusses providing a generous supply of housing land and, as per SPP, there needs to be provision to allow alternative sites to come forward in areas where sites fail to deliver within a reasonable length of time. To this end, we would suggest that if sites do not come forward or can demonstrate significant progress within 2 years from adoption of the LDP, these sites can be challenged and provision for removal of such sites should be included into the principles of the LDP.

The wording of paragraph 2.12 is too vague. Given the comments in the above paragraph, if there is a proven housing need in an area with an allocation that is not delivering, an alternative site much be allowed to come forward to allow housing deliveries to take place.

Question 4

Do you have any alternative Aims?

No

Main Issue 1: Economic Development and Growth

Question 5

Do you agree with the preferred approach to employment land which would introduce an opportunity for a broader range of land use to be supported within existing employment land allocations and industrial estates?

Yes, providing flexibility is viewed as important across all types of sites and land uses. However, as per housing sites that have failed to be delivered, economic sites which are failing to deliver should also be removed or reallocated. This is as per the requirement within SPP Paragraphs 102 and 103 which state:-

102. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

Question 6

Do you agree with the alternative approach to employment land?

No as it does not allow for flexibility

Question 7

Do you have any other alternative approaches?

No

Question 8

Has the council identified enough employment land to meet requirement and are the larger employment sites in the right location?

There has not been enough evidence provided to fully and properly answer this question, but there is a distinct concern that the MIR is promoting an oversupply of economic land. The MIR should state the uptake of economic land over the past ten years to justify the correct amount has been provided.

As it currently stands, the Economy Background paper which was prepared as a background document to the WLC MIR does not indicate an exact requirement for economic land.

The spread of economic land is within those areas which already have a high concentration, and is spread throughout the region; therefore they are in the right place, with exception of site at Linhouse (ELv54) which is deemed not to be suitable as per answer to Question 9.

Question 9

Do you agree that the single user employment site at Linhouse, Livingston (ELv54) should be sub-divided for employment and mixed uses, including residential use of up to 250 houses?

No. The allocation is believed to be located too distant to existing business uses and to the town centre. The existing access would not suit the traffic patterns to which economic development would bring. As such, it is believed this site would be more appropriately allocated for residential use. It is recommended more than 250 houses should be allowed upon the site, and the site should be reallocated as a residential led mixed use site. (To include at least 500 houses but likely to be significantly more).

Question 10

Do you agree that the former strategic employment allocation at Eliburn (ELv25) should continue to be promoted for employment uses but not as a single user site?

No. The site is highly visible from all directions and breaches the urban boundary of Whitburn/Heartlands. Should it is determined there is a shortfall in economic land within WL, and then an allocation here would be acceptable.

Question 11

Do you agree that a site at Balgornie Farm, North Whitburn should be allocated for strategic employment purposes?

No comment.

Main Issue 2: Community Regeneration

Question 12

Do you agree with the preferred approach to community regeneration in West Lothian?

Paragraph 3.34 states '*achieving a different housing mix by allocating sites for private sector investment*'. Whilst we agree with this approach, the site locations need to be carefully considered to ensure they are within locations considered to be marketable, and that land owners are willing and able to sell for development purposes. If sites are allocated in this way but fail to be delivered, there needs to be a suitable provision for sites to be removed if no interest from developers, within the agreed timescale as set out within the answer to Question 3.

The council's alternative to community regeneration is to not pursue regeneration objectives through the development plan and to rely solely on other council led regeneration initiatives.

Question 13

Do you agree with the alternative approach to community regeneration?

No, as public funding is currently limited and this trend is likely to remain for the foreseeable future, there will be limitations to council development.

Question 14

Do you have any alternative approaches? What are they and how would you make them work?

No Comment

Main Issue 3: Housing Growth, Delivery and Sustainable Housing Locations

Question 15

Do you agree with the preferred strategy for housing growth in West Lothian?

The requirement from SESplan is for WLC to allocate 20,140 units between 2009 and 2024. The SPP requires an increase by a margin of 20% to allow a generous supply, which gives a new requirement of 24,168 units. As it currently stands, there are 27,155 units proposed within the MIR, which equates to a 112% above the 20% level as per SPP. As such scenario 3, and hence the preferred strategy, is supported as it allows a significant housing land supply to be produced, which is much more likely to yield an effective 5 year land supply. We are however pleased to see a number of sites which have been identified as not delivering or unlikely to deliver, have been removed from the development strategy.

Although SESplan policy 5 indicated that Local Authorities may indicate the phasing and mix of uses to be permitted on any site that is allocated, if this technique is employed by WLC, it needs to be consulted upon with developers to ensure the mix is developable, and phasing does not negatively impact on deliverability.

Paragraph 3.43 discusses the poor delivery rates within WL over the past number of years due to the economic climate; however it is important to consider that the WLLP had a limited number of smaller sites, with the large CDA's accounting for a significant number of units. Given the CDA's are now starting to come forward and deliver housing, in order to improve deliverability a number of smaller sites are required, which is what WLC has tried to do with its current housing strategy. Other CDA's which have come forward and are now delivering (e.g. Calderwood) showing that even sites with large issues can be overcome. Given Gavieside Farm has no planning permission pending or approved, consideration needs to be given to either its removal, or delaying its deliveries it not be the second part of the plan. Bringing forward other smaller sites within the area would help to combat this potential loss of units.

We also have concern over the contents of Paragraph 3.44 which talks about accelerating CDA development by addressing infrastructure. Given that the MIR in Paragraph 3.112 indicates a lack of central funding and a requirement for Developer Contributions to fund the infrastructure, there is no methodology included to indicate how WLC can therefore assist with the infrastructure deliverability, and hence speed up CDA delivery. Linked with 3.53, a requirement for the developer to address any infrastructure constraint, especially if large, is likely to stop any development upon a specific site from taking place. It would therefore be prudent of WLC to assist in deliverability by front funding or making other concessions when it comes to other developer contributions. To allow developers to complete the required infrastructure works.

Furthermore, 3.44 says that the delivery of the new school at Winchburgh holds the key to implementing the development strategy; this raises great concerns that should this new school not proceed, then the education solution for WL fails and that there is no contingency plan in place to consider such an eventuality. The reliance on a single piece of infrastructure provision by a third party cannot form the basis for the majority of development framework and a significant proportion of growth within not only the extent of WL, but within specific settlements such as Linlithgow.

Paragraph 3.57 indicates the need to provide future proofing of the plan beyond the period to 2024. This has already been taken care of by the CDA's, as they are likely to have significant build periods, with development running considerably past 2032.

Question 16

Do you agree with Alternative Strategy 1 for housing growth within West Lothian?

No as it does not provide a significant enough generous housing supply as required by SPP.

Question 17

Do you agree with Alternative Strategy 2 for housing growth within West Lothian?

No as it does not provide a significant enough generous housing supply as required by SPP.

Question 18

Do you have an Alternative Strategy?

No

Question 19

How can the council maintain an effective five year housing land supply given the current economic climate?

Sites should be reconsidered every two years via SPG. We feel that two years is a sufficient period to allow sites to move forward. After two years, evidence needs to be presented that a developer is making significant progress with regards to delivery of the site, whether that be through submission of a planning application etc, evidence should be provided for any site to allow it to remain allocated. Should this evidence not be provided, it should be de-allocated and new sites promoted to take their place. The process should be carried out in a fixed time period (we suggest no longer than 6 months) to allow for an effective five year land supply to be maintained.

Question 20

Do you agree with the preferred option for the removal of existing housing allocations from the development plan?

Yes. Please see the answer to Questions 15 and 19 for further details.

Question 21

Do you agree with the alternative option for the removal of existing housing allocations from the development plan?

No, as it does not allow for a flexible or effective 5 year land supply

Question 22

Do you have any other alternative options? What are they and how would you make them work?

No Comment

Core Development Areas

Question 23

Do you agree with the preferred approach to the CDA's?

Yes, the CDA's should be allowed to deliver as many units as they are able to providing they meet with any Masterplan or development aims in terms of design. That being said, we have some concerns over some of the text which backs up the preferred approach which raises some questions.

It is obvious from the MIR that the large CDA's are required in order to deliver the housing targets, however there are concerns that if these developments do not progress beyond a certain stage, then the deliverability fails. Given the council have acknowledged this, there is no evidence or solution to resolve should this happen. There needs to be significant consideration of developer contributions and timings for payments as this may cause viability problems. As per the answer to Questions 3 and 15, the ability for WLC to front fund or assist with funding of the infrastructure is the only way to ensure that the larger sites constrained by infrastructure or with large costs associated with it can be delivered, in order to assist housing completions as required by SESplan

Question 24.

Do you agree with the Alternative approach to the CDA's? (*To not allow any further development beyond the Masterplan*)

No. sites should be allowed to deliver whatever they are capable of delivering on the ground, and not be constrained by a figure in a Masterplan

Question 25

Do you have any alternative options?

No Comment

Heartlands, Whitburn

Question 26

Do you agree with the preferred approach to heartlands? (*To allow additional housing*)

Yes, as per the answer to Questions 23 and 24, sites should be allowed to deliver whatever they are capable of delivering on the ground, and not be constrained by a figure in a Masterplan

Question 27

Do you agree with the alternative approach to heartlands? (*To allow NO additional housing*)

No, please see answer to Questions 23, 24 and 26

Question 28

Do you have any alternative options?

No Comment

Linlithgow

Question 29

Should the definition of Linlithgow as an 'area of restraint' be removed, and if so, how should the town be developed in the future? Should a sequential approach be applied to the release of land in and around Linlithgow to accommodate any new development?

In order to deliver the number of units site in SESplan is, every settlement will need to take some of these units in order to a) allocate sufficient sites and b) enable developers the opportunities for locations across the region, and therefore to allow the required housing deliveries. Therefore the area of restraint needs to be removed, along with the acceptance of limited development until the Secondary School at Winchburgh is delivered. Although there is a planned release of sites, the opportunity for many sites to come forward at once needs to be considered, given the substantial demand for units and developer interest within Linlithgow.

It is appreciated there are education issues, but there needs to be consideration taken into when sites will be delivered, and what the school rolls are likely to be at that time. As it currently stands, with very limited new house building within Linlithgow, there will be a gradual decline in school rolls due to families reaching the largest size (average of 2.4 children). As such there is a strong likelihood that there will be capacity for some house building within the next 2-3 years, before the completion of the new school at Winchburgh.

It is also noted that within Paragraph 3.88, there has been significant improvements to community facilities. It is therefore assumed that this which means that there will be no developer contributions required towards this for any future development within Linlithgow. As such, Paragraph 3.88 should read that there will not be additional S75 payments required towards community infrastructure.

Affordable housing appears to be a recurrent issue within the MIR, despite the large council building project that is currently being undertaken. SPP indicates that 25% affordable housing should be delivered across each Local Authority, and we would be keen to see this replicated within Linlithgow. The viability impact of an increase in AH above 25% across a site must also be considered, as this may be to the determined of other requirements i.e. infrastructure improvements. It is likely that too high a percentage requirement may limit developer interests due to the increased costs this brings.

However, we do not agree with the sequential approach as the LDP would require developers of Greenfield sites to demonstrate that development of their site would not prohibit development of a brownfield site. This is considered inflexible as essentially still acts as a restraint and may place risk on significant housing units being delivered on Greenfield sites for the sake of a small brownfield site which will not provide a significant number of units.

Finally, there needs to be an alternative plan should the proposed Secondary school at Winchburgh not be delivered. Should this happen, how will growth be achieved at Linlithgow given the need for all settlements to contribute to the deliverability of housing across the region.

Question 30

What alternatives are available in order to meet demand for housing (including affordable housing) and employment land opportunities in Linlithgow?

No Comment

Question 31

Should land continue to be safeguarded for west facing slip roads on the M9 at Junction 3, Linlithgow? If so, should new development be promoted in Linlithgow to ensure that funding for these can be secured?

Yes land should be continued to be safeguarded, but developer contributions for this need to be realistic to ensure the cumulative impact with any other developer contributions does not compromise the viability of a site. It is our opinion that only a very significant Greenfield release would be able to provide contributions to the provision of such a major piece of infrastructure.

Deans South

The council's 'Preferred' approach to the Deans South estate, Livingston, is that the area be identified for comprehensive redevelopment for approximately 300 new houses.

Question 32

Do you agree with the preferred approach for addressing the Deans South estate?

No

Question 33

Do you agree with the alternative approach for addressing the Deans South estate? (*To not identify the area for redevelopment*)

No

Question 34

Do you have any other alternative approaches? What were these and how would you make it work?

The principal of redevelopment is agreed upon the site, given its history and current state. However there needs to be further consideration as to the type of housing that is preferred. 300 units on the site would give a very high density, and it is not clear if this is what is required on the site or within Livingston. It is also not clear how will deliver the housing which will impact on the number of units that can be achieved.

Affordable Housing

Question 35

Do you agree with the preferred approach to Affordable Housing?

No. Whilst we are aware of the requirement for affordable housing within West Lothian, increasing affordable housing across the region, most likely to the 25% requirement set out within SPP, will have a detrimental impact on the viability of residential development sites. It also needs to be considered alongside the other significant financial contributions that WLC are requesting on many sites, including education and road infrastructure payments. Keeping the affordable housing requirement at 15% (and 25% in CDA's) will allow sites to be delivered in a financially viable way, rather than prejudicing development viability with ever increasing developer contributions.

Question 36

Do you agree with the alternative approach to Affordable Housing? (*Remain as is*)

No. Although the current policy of 15 % affordable housing, increasing to 25% in CDA's remains to be supported, the delivery of the AH needs to be reconsidered as per the answer to Question 37.

There is no merit in excluding supply of affordable housing from other willing and able providers, including commercial home builders. The council should focus on delivering as many units as possible from the most efficient and appropriate sources.

Question 37

Do you have any other alternative approaches? What are these and how would you make it work?

The deliverability of the additional 10% affordable housing required in CDA's should be chosen by the developer. As it currently stands there is a requirement for the developer to give WLC 15% of fully serviced land for their own AH programme. This creates a number of issues and results in missed opportunities for WLC. If the developer delivers all the affordable, this can often be integrated with the other private development housing and assists in providing 'tenure blind' affordable housing. This also ensures that the AH is delivered at the same time as the private which limits the time that development is being undertaken on site. This is especially true if WLC do not deliver the AH at the same time the developer is delivering their private housing.

There also needs to be a consideration of the costs. Given a developer is already on site and is setup for construction, they are in a much better place to deliver the housing than another party coming in and carrying out the same, which will also incur additional costs which Local Authorities are keen to reduce given the limitations on government funding given the current financial situation.

Main issue 4: Infrastructure requirements and delivery

Funding

Question 38

Do you agree with the preferred approach to infrastructure provision?

Yes. However a balance needs to be achieved between allowing development and ensuring that such contributions do not render developments completely unviable. There is a danger that if levels of developer contributions are not limited in their total, and taking into account costs of provision of affordable housing will have a detrimental effect on development viability. It also needs to be ensured that developer contributions are only required for specific additional facilities, rather than unjustified improvements to existing facilities. However we resist the implementation of further supplementary guidance as this should realistically be dealt with within the LDP to create greater clarity.

Question 39

Do you agree with the alternative approach to infrastructure provision? ()

No

Question 40

Do you have any other alternative approaches? What were these and how would you make it work?

No comment

Question 41

How can the level of infrastructure required to support the scale of development be delivered.

No comment

Travelling around West Lothian

Questions 42-44 – no comments

Main Issue 5: Town Centres and Retailing

Questions 45-47 – no comments

Main Issue 6: The Natural and Historic Environment

Landscape Designations

Question 48

Do you agree with the preferred approach to the natural environment in West Lothian?

No

Question 49

Do you agree with the alternative approach to the natural environment in West Lothian?

No

Question 50

Do you have any other alternative approaches? What were these and how would you make it work?

A combination of both the preferred and alternative options needs to be considered. It is obvious that WLC have accepted the requirement to release Greenfield sites across the region in order to allocate sufficient sites across the region to meet the requirements of SESplan. It is also accepted that the terms of SPP indicates that the development of brownfield sites needs to be carried out as a priority as well. Persimmon accepts both these situations and would suggest that an approach somewhere down the middle is taken. Brownfield sites often carry significant issues with them in including land assembly issues, contamination alongside restricted capacity to deliver the numbers. In this respect, some sites will have limited developer interest and may never be delivered. Owing to the above facts any Brownfield sites that are preferred for development need to have confirmed developer involvement, or a mechanism for them to be de-allocated if no developer interest is shown within 2 years, as per our answer to Question 3

Question 51

Do you agree with the preferred approach to the natural environment in West Lothian?

Yes

Question 52

Do you agree with the alternative approach to the natural environment in West Lothian?

No

Question 53

Do you have any other alternative approaches? What were these and how would you make it work?

No Comment

Development in Countryside

Question 54

Do you agree with the preferred approach to housing development in the countryside?

No

Question 55

Do you agree with and of the alternative approaches to housing development in the countryside?

The first alternative is preferred as it will allow potentially derelict and vacant Brownfield land to be developed and potentially remove or improve visually intrusive and potentially contaminated sites within the countryside. Any development here would need to be sensitively developed with good boundary planting to minimise its impact on the environment

Question 56

Do you have any other alternative approaches? What were these and how would you make it work?

No Comment

Green Networks, Biodiversity and Geodiversity

Questions 60-70 - No Comments

The Historic Environment, Archaeology, The Union Canal, Public Art, Climate Change Measures, Flood risk and management, Air Quality, Main Issue 8: Minerals and Waste

Questions 82-98 – No Comment

Question 83

Do you agree with the preferred approach to public art? (*Continue to seek developer contributions*)

No

Question 84

Do you agree with the alternative approach to public art? (*Cease requirement for public art*)

Yes as developer contributions are currently excessive and better spent on essential requirements such as education etc.

Questions 85-98 – no comment

Other issues

The **West Lothian Spatial strategy** is largely accepted and we are pleased that WLC are intending to spread new housing sites across the region to allow better deliverability. The

Paragraphs 3.64-3.71 – New housing sites and design

Whilst it is agreed developers should take note of the surrounding area, any such changes to design required by this statement need to take into account viability. A lower density development may not work on some sites, and likewise high density may be unviable/marketable for a developer.

Supplementary guidance

We are agreed that SPG will need to be revisited, however any updates must be ensured that they do not conflict or cause delays in planning applications. Any SPG over ten years old (especially those which are statutory) need to be revisited given their age and changes that will of taken place since their original publication.

However we are very concerned over the number of SPG's that have been produced. All should be reconsidered and merged where necessary, but ideally the policy they include should be included within the LDP, rather than as a separate document.

Planning for education (2008) SPG should also be reviewed given changes to education as set out within the MIR and to take a greater account of the power that catchment reviews will have on determining remaining capacity of schools within WL.

Settlement Statements and preferred/alternative sites

As already discussed under SPG and in our response to Questions 15, 29 and 35 there needs to be serious consideration of catchment reviews and enabling development to increase school capacity across all settlements within WL. This is particularly important in Bathgate where the new drop off facility being created by WLC on their AH site at Windyknowes is to increase the capacity of the school. This should also be considered at other schools where they may be constraints limiting their population as to how capacities can be increased.

Murieston Castle Farm, Livingston (EOI-0110)

We request that the alternative site status is removed upon the site owing to the site failing to meet with a number of the proposed policies as set out with the WLC MIR. The site significantly encroaches onto open countryside and has very poor defensible boundaries. In fact the existing boundary to the East of the site protects the existing development from further expansion, and to develop to its west at Murieston Castle Farm will be likely to give rise to removal of this tree belt. Access is also limited to the site, which does not meet with the sustainability requirements set out within SPP or within the MIR. Although only part of the site is allocated as an alternative its scale is far too large for its surroundings and for the existing infrastructure in the general locality of the site.