

10 October 2014

Development Planning
West Lothian Council
County Buildings,
High Street
Linlithgow,
West Lothian
EH49 7EZ

West Lothian Council Development Management
13 OCT 2014
Date.....
Ref No. <u>MIRQ0234</u>
Ref To.....
Ack'd.....
Replied.....

Dear Sir / Madam

**RE: WEST Lothian Local Development Plan – Main Issues Report
Consultation**

**Representations on behalf of Facilities Engineering and Design
Solutions Ltd**

**Local Plan Allocation HLv119: James Young House, Drumshoreland
Road, Pumpherston EH53 0LQ**

The adopted West Lothian Local Plan 2009 identifies housing land allocation HLv119 as a site area of 4.19 hectares with an indicative capacity of 130 units. The allocation includes the property named James Young House which is located on Drumshoreland Road, Pumpherston. James Young House (JYH) is the subject of this consultation response. A red line plan indicating the site is attached.

Within the Main Issues Report and supporting documents, with reference to the adopted Local Plan allocation HLv119, West Lothian Council has indicated it prefers the option of de-allocating HLv119 from the future Local Development Plan (LDP). The contributor objects to this option. Through our answers to questions 15 and 19 on housing strategy and land supply and questions 20, 21 and 22 relating to the Council's options for addressing some allocated housing sites in the West Lothian Local Plan and identified in the Housing Land Audit 2012, we are seeking to persuade the Council that it should retain site HLv119, in whole or part, to help meet the shortfall in housing land required in the short to medium term of the new LDP. Site HLv119 should be retained in the new LDP.

To supplement our responses on the attached questionnaire, we outline reasons to disagree with West Lothian Council's preferred option that housing site **HLv119** allocated in the adopted West Lothian Local Plan and identified in the Housing Land Audit 2012 is removed from and not included in the LDP. We would support the Alternative Option that all housing sites allocated in the adopted West Lothian Local Plan and identified in the Housing Land Audit 2012, including **HLv119** should remain included in the LDP.

The reasons for this are explained and expanded below in terms of:

- The amount and distribution of the housing land requirement in West Lothian to be delivered during the life of the new LDP, in terms of meeting strategic planning policy contained in SESplan;
- Demonstrating the effectiveness of the Local Plan allocated site **HLv119** in terms of SPP and Planning Advice Note 2/2010 on Affordable Housing and Housing Land Audits – **HLv119** is an effective site and deliverable before adoption of the new LDP.
- Demonstrating the real prospect of delivery of site **HLv119** in physical land and infrastructure terms which is in current dialogue with West Lothian Council's development management team pre-application.

The Housing Land Requirement in West Lothian

The Strategic Development Plan for Edinburgh and Lothians (SESplan) requires West Lothian Council to allocate sufficient land for housing in its Local Development Plan. In the Council's Housing Background Paper (August 2014) which is used to justify the Council's future housing strategy, the context here, in planning policy terms, refers to Scottish Planning Policy (2014). It identifies a specific commitment to increasing the supply of new homes and raising the rate of new house building and gives repeated emphasis to the fact that there should be a 'generous' supply of appropriate and effective land for the provision of a range of housing. If the Council prefers to remove site **HLv119** this would reduce the available housing land supply by 130 units – decreasing the supply. Notwithstanding the actual calculation of housing demand (or need) the primary focus for the housing strategy must be on delivery of the right homes in the right locations and, where there is evidence to demonstrate, these criteria should be met at Pumpherston which has the required infrastructure to cope with the modest housing capacity proposed. The contributor argues site **HLv119** can deliver housing of the need required (affordable and lower cost) and in the right location (already identified as suitable in principle and is brownfield making best use of previously developed land). It is material that site **HLv119** was identified and is allocated in the existing adopted Local Plan, so the Council (and also the independently appointed Local Plan Inquiry Reporter acting for Scottish Ministers) would have been content at the time of the current plan's adoption, of the merits of this site's location and scale for the proposed housing and that it would be delivered on the ground.

Through SPP, Scottish Government is also keen that planning authorities are encouraged to promote the efficient use of land, buildings, infrastructure and previously developed land before sanctioning development on greenfield sites. Retention of all or part of site **HLv119**, an under-utilised office building with previously used land, meets the requirement in this context.

The Council's Housing Background Paper (August 2014) also explains in these words: *"Somewhat uniquely, West Lothian is identified as a single SDA (Strategic Development Area), which helpfully, provides greater flexibility for the emerging LDP to identify future development locations to accommodate West Lothian's share of the housing land shortfall."* – Firstly it confirms there is a housing land shortfall, but secondly it affirms the Council should be flexible in its identification of future development locations. Therefore the emphasis ought to be placed on meeting the shortfall with known, previously used or brownfield sites in areas being established as housing locations. Site **HLv119** is one such case.

SESplan, the Strategic Development Plan indicates that the new allocations required for the area could be directed towards existing committed developments if it can be demonstrated that they can contribute towards the housing requirement within the specified time periods. Site **HLv119** is located immediately towards existing committed development at Pumpherston (site **HLv98**, a large local authority housing site allocation for up to 960 houses, lying north of Drumshoreland Road). Site **HLv119** is one such case which meets the SESplan requirement of directing development towards existing committed developments. Indeed, the recently completed delivery of a new Pumpherston Primary School on land adjacent to this allocation is a significant step forward for infrastructure delivery and a matter which is further examined by this contributor below. The Council's Local Plan Monitoring Statement (2014) provides further comment on this matter stating: *"As a consequence of the long delay in progressing the proposal for housing at Drumshoreland [the contributor assumes this attributed to Site **HLv98**], and because a new school was urgently required to serve the existing communities of Pumpherston and Uphall Station, the council was compelled to independently pursue the implementation of a new primary school. The school was opened in February 2012. The school has been designed so that it can be easily extended to support housing development in the area.* The contributor's interpretation of this statement is the implementation of local plan allocated site **HLv119** has already been calculated in the school estate plans and in any case, the Supplementary Planning Guidance on Developer Contributions would ensure this matter is addressed at the time of assessing any planning application for the site allocation **HLv119**. Indeed, West Lothian Council's Monitoring Statement (2014) goes further to clarify *"Provided developer contributions are secured, this school [Pumpherston Primary] will be extended to support planned housing development within the catchment area."* The site promoter is aware of and can meet the developer requirements for this matter.

The Housing Background Paper (August 2014) explains the rationale for the Main Issues Report housing options based on housing need and demand. It is clear that there is an acute need for affordable housing described by the Council at paragraph 3.18 as *"tight and growing tighter"*. The proposals for site **HLv119**, currently being progressed in discussion with the Council's development management officers, reflect this need. The proposed scheme will deliver more than the policy requirement of 25% affordable housing.

Demonstrating the Effectiveness of Local Plan Allocated Site **HLv119**

Paragraph 2.60 of the Housing Background Paper (August 2014) sets the context for the contributor's case for retention of all or part of site **HLv119**:

"The West Lothian Local Plan was adopted in 2009, shortly after the economic recession set in, and there is, as a consequence, a significant supply of undeveloped housing sites still contained in that plan. The reduced supply of commercial finance and mortgages, and the lack of consumer confidence and economic uncertainty, has resulted in sites stalling or being developed at a much reduced rate and new sites starting being greatly reduced. In better economic circumstances these same sites would have delivered much greater output. Assuming market conditions begin to recover, it is not unreasonable to expect a significant number of these sites to once again start to be built out and yield output over the course of the new local development plan".

Site **HLv119** has largely been stalled or not been developed in this period due to these economic uncertainties. It is very true for the Council to comment as above, and to expect a

significant number of such sites to once again start to be built out. A planning application is currently being prepared for the start of implementation of **Site HLv119** for land and building occupied by James Young House as a first phase of the housing allocation development. As all impediments to its delivery can now be addressed, and evidence will be presented in a forthcoming planning application before end 2014, to demonstrate unfettered delivery in the short term, the contributor is confident site HLv119 will begin to be constructed probably before formal adoption of the replacement LDP sometime in 2016.

In the recent past it is conceded Site **HLv119** has not contributed to the overall housing land supply, as recorded by the Council in the Housing Land Audit up to 2012. Whilst an allocated site, the landowner has been unable to demonstrate effectiveness of the site due to a lack of commercial confidence, during the economic recession. This contributor therefore welcomes the Council's sympathies, stated in paragraph 4.40 in the Housing Background Paper which explains reasons for the slow down or hold back of such allocated sites historically (since 2009): *"This was attributed mainly to the programming of some sites being pushed back as developers indicated that they did not intend to commence development in the next five years, which was a graphic reflection of the lack of demand and lack of availability of development finance."*

Paragraphs 4.41 and 4.42 of the Housing Background Paper explain the relevance, and hence the appropriateness of this new refreshment of future housing land sites that will feature in the replacement LDP and why it is fair and reasonable not to completely dismiss (i.e. remove) stalled or constrained housing land sites. In defence of site **HLv119**, this would appear to be something the Council has decided to retract its position on, to the dissatisfaction of this contributor. The Housing Background Paper at paragraph 4.42 supports this claim: *"As the SDP looks at land requirements into the longer term, it was, therefore, appropriate to include this source of housing land as potentially contributing to the housing land requirement within the plan period"* yet there is no such evidence to back up the Council's decision to show why it prefers the option to remove allocated sites from the new LDP.

Effectiveness of Site HLv119

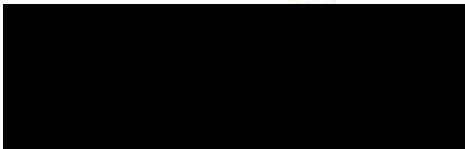
The objector has recently started detailed pre-application consultation with West Lothian Council's development management team with regard to progressing with a planning application for a first phase of the allocated site HLv119. This would propose a residential development at James Young House comprising demolition and new build on the vacant property and surrounding land. As this site lies closest to Drumshoreland Road and lies opposite Pumpherston Primary School and looks across to the other committee housing site to come forward at this location, it is considered a positive start to implementation of the allocation. A planning application is programmed for submission before end 2014. Subject to securing planning permission, construction may commence in 2015 and this would be within the life of the current adopted local plan, prior to the new LDP coming into force to replace it sometime in 2016.

Planning Advice Note 2/2010 – Affordable Housing and Housing Land Audits sets out a definition of constrained or non-effective sites at paragraph 59. *"Where sites which form part of the established housing land supply are identified as non-effective, the audit should identify the nature of the constraint and the necessary action and time required for resolution of the constraint to allow house building. Planning authorities, housing and infrastructure providers should work together to ensure constraints inhibiting the development of sites are removed,*

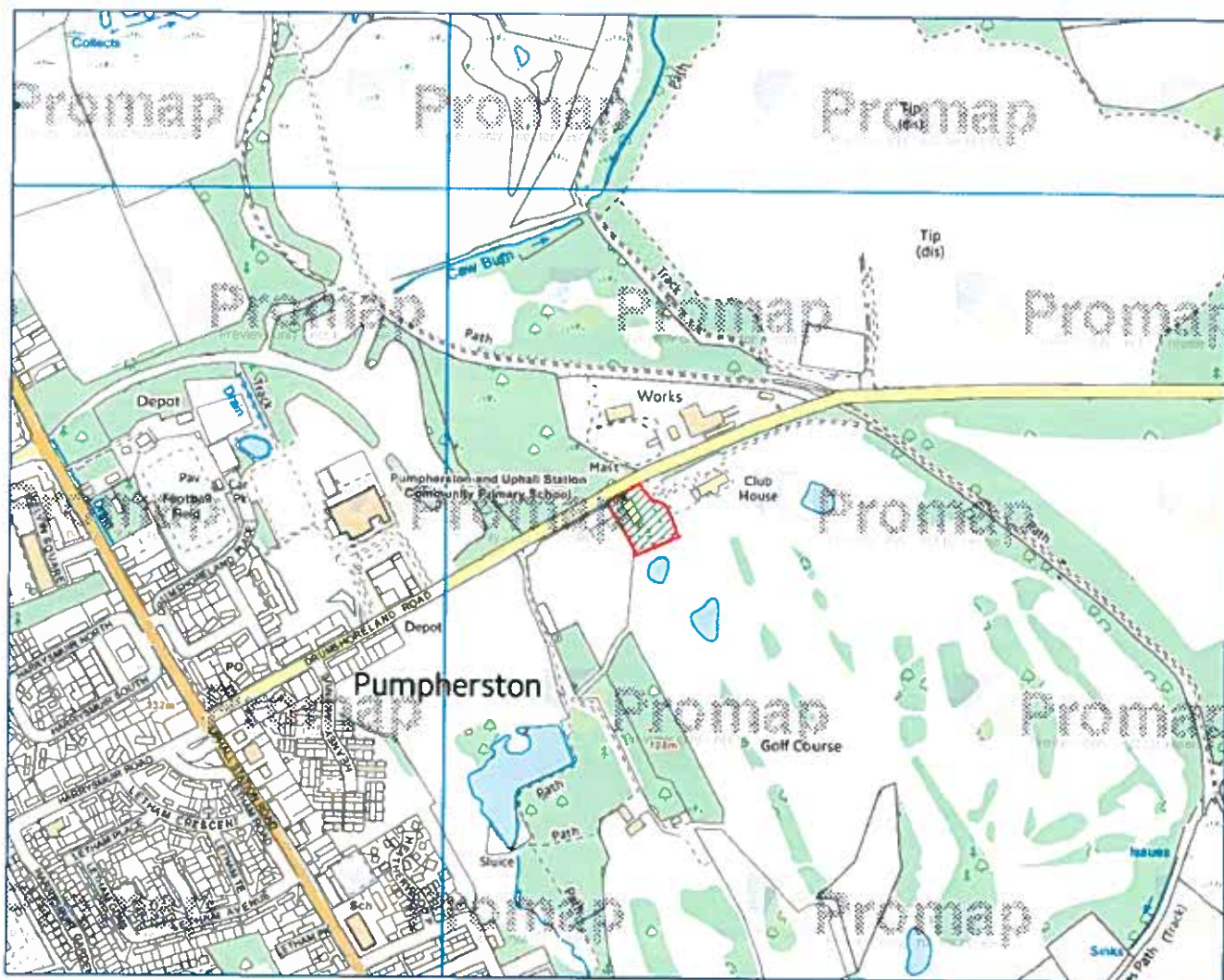
particularly where the site is needed or expected to contribute to the housing land requirement during the life of the development plan. In a small minority of cases it may prove impossible to remove development constraints. Where this occurs, the site should be removed from the audit of housing land supply." The objector contends the constraints on **Site HLv119** are not impossible to remove – therefore in line with this advice, the planning application will be seen as a means to work closely with West Lothian Council, (as housing and infrastructure (education) provider) to ensure constraints are removed. The necessary action and time required has been discussed with development management officers. This includes making a planning application by the end of 2014. As part of pre application discussions, the education constraint has been raised as a key priority for resolution with Education Service. Their response is currently awaited. All other matters can be addressed satisfactorily as part of the planning application and decision making process. It is anticipated part of the site shall be ready for construction in 2015. The rest of site HLv119 is not likely to come forward quickly, hence the reason why the objector wishes the site be retained in the new LDP and in line with Paragraph 59 we work with the Council to agree the necessary action and time required for resolution of the constraint to allow house building within the life of the new LDP.

Should you wish to discuss the questionnaire response, please contact me in the first instance.

Yours Sincerely



Enc. Questionnaire
Enc. Red line plan



West Lothian Local Development Plan Main Issues Questionnaire

FOR OFFICIAL USE ONLY

Unique Ref No: **MIRQ0234**

Date: **13/10/14**

Submit by Email

Print Form



West Lothian
Council

The council has commenced preparation of its first *Local Development Plan* (LDP). The LDP will replace the *West Lothian Local Plan* and will set out a local interpretation of the requirements of the *Strategic Development Plan* (SESplan) and national guidance. The LDP is a land use plan that identifies site specific development opportunities, sets out the council's key development priorities and provides the policy context for the consideration of applications for planning permission.

The current *West Lothian Local Plan* was adopted by the council in January 2009 is available to view on the council's website at <http://www.westlothian.gov.uk/WLLP>

The *Main Issues Report* (MIR) for the West Lothian LDP is the first key stage in the preparation of the LDP and we are seeking your views on this. All documentation for the MIR can be viewed at <http://www.westlothian.gov.uk/MIR>

Full details on the timetable and stages for preparing the LDP are set out in the Development Plan Scheme 6 which is also available online: <http://www.westlothian.gov.uk/article/2725/Development-Plan-Scheme>

A questionnaire to accompany the MIR is set out below and we would be happy if you would complete and return to us.

There are 98 questions that accompany the *Main Issues Report*. You do not have to respond to all of the questions set out only those which you feel are of particular relevance to you. Completed questionnaires should be returned to us by e-mail to wldp@westlothian.gov.uk by no later than **5pm on Friday, 17 October 2014**.

Alternatively, please download a copy of the form and send it to us at: Development Planning, West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ (postal address only).

You can keep up to date on the LDP by subscribing to our LDP e-newsletter. If you have not already subscribed, you can do so by going to the following link and following the relevant instructions:

<https://newsletters.westlothian.gov.uk/eNewsletterPro/optin/optinealert.htm>

Name	Mr Ian Findlay	<input checked="" type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms (please tick as appropriate)
Organisation (where applicable)	Facilities Engineering and Design Solutions Ltd	
Postal address	James Young House Drumshoreland Road Pumpherstoun West Lothian	
Postcode	EH53 0LQ	
E-mail	contact@feds.uk.com	
Telephone	07834 349000	

Please note that any comments you make will be open to public scrutiny, but we will keep your contact details private and confidential and will only use your name or business name.

Main Issue 3: Housing Growth, Delivery and Sustainable Housing Locations (paragraphs 3.35 - 3.63)

How much new housing is required in West Lothian?

Where should new housing development take place, and where should it not be encouraged?

How can the risks associated with the existing development strategy as set out in the *West Lothian Local Plan* be reduced?

How can the rate of house building in West Lothian be increased to ensure that the required five year effective housing land supply is achieved and that the assessed housing need and demand is met in full over the plan period?

Preferred Strategy

The council's preferred strategy is scenario 3 to provide for more housing than the minimum required by the supplementary guidance required to support the SDP and the LDP should allocate housing land for an additional 3,500 houses above existing committed development. This would result in a level of development beyond requirements set out in the housing supplementary guidance to support the SDP. However, this scenario is only preferred if the council can be satisfied that the infrastructure required to support this scale of development can be delivered in full and also in recognition that it is not anticipated that this increased allowance will be delivered by 2024 but is there to allow for the delivery of development into the period 2024-2032.

This recognises that the strategy in the existing adopted local plan is reliant to some extent on a limited number of large, complex sites with high infrastructure costs being brought forward. It is now considered that a range of smaller housing sites, in various locations across West Lothian, is needed in order to provide for greater choice and effectiveness of sites, introduce local flexibility for the LDP and to ensure that a generous housing land supply is available, providing as a minimum, an effective five year housing land supply at all times, as required by SPP.

There is also a need to sustain the momentum built up in some of the existing large housing growth areas and make sure that these developments are viable going forward. Modest additional allocations in some of these areas will provide a degree of future proofing of the plan and help meet part of the need and demand for housing beyond the end of the plan period. Much of the existing housing land supply in core development areas and elsewhere will not be built out within the plan period and allocating additional housing sites in these areas through the LDP will help to maintain investor confidence and inform investment planning.

The allocation required by the draft supplementary guidance prepared by SESplan of 2,130 new houses beyond existing allocations of 22,847 units provides for a total of 24,977 units over the period 2012-2024.

By contrast, the preferred strategy proposes 26,347 houses which provides 3,500 houses above the base supply houses which is an increase of around 15% above the base supply.

This scale of housing allocation will reduce the risk of the LDP development strategy not being successful and is justified on the basis of:

- the need to maintain a five year supply of effective housing land at all times as required by Scottish Government planning policy;
- the need to ensure that there is a generous supply of housing land to accommodate the needs and demands of those seeking a house in West Lothian;
- the need to maintain West Lothian's attractiveness as an area which provides a range and choice of housing sites for those wishing to invest;
- linking the council's Economic Strategy to that of the housing market by providing a range and choice of house types suitable to indigenous and inward investors and the construction industry;
- providing for future affordable housing build programmes;
- continuing to redevelop appropriate brownfield sites;
- allowing the WLLP core development allocations and the strategic allocation at Heartlands, Whitburn to deliver over the long term whilst achieving the five year effective supply through the allocation of predominantly small to medium sized sites where requirements for infrastructure to assist delivery are less onerous on developers;
- allocating above 3,500 will generate the need for a 4th new secondary school which will be expensive to deliver in addition to existing infrastructure commitments;
- replacing allocations in the adopted *West Lothian Local Plan* which may no longer be supported by the site owners or due to reasons of development viability; and
- recognising that as the LDP progresses some housing sites may be delayed or may no longer come forward for a variety of reasons including unexpected development viability.

The preferred strategy is based around an aspiration for growth aimed at delivering sustainable economic prosperity and quality of life for communities in West Lothian and in particular building on the existing significant core development area allocations and strategic sites and will provide a broader range of housing sites.

Alternative Strategy 1

Alternative Strategy 1 reflects scenario 2 set out above and proposes that the LDP should allocate housing land for an additional 2,600 houses, above existing committed development. This would result in a level of development beyond SDP requirements set out in the draft supplementary guidance.

This proposes allocating land for 25,447 houses i.e. 2,600 houses above existing commitments to provide a housing land supply which is around 1.4% more than SDP requirements. This alternative strategy 1 is a variation on the preferred strategy but with a smaller increase in housing allocations above the minimum requirement in the SDP. Whilst Alternative Strategy 1 will provide more choice than Alternative Strategy 2 (see below) there is a risk that the housing supply will not be regarded as sufficiently generous and that an effective five year housing land supply will not be available at all times because existing large sites are taking longer to get underway and build out. This could mean that other sites not allocated for development could be promoted for development and receive planning permission contrary to the development plan. Where the five year land supply is not maintained this could leave the council open to planning by appeal.

Alternative Strategy 2

Alternative Strategy 2 reflects scenario 1 set out above and proposes that the LDP allocates housing land for an additional 2,130 houses above existing committed development. This would result in the requirement set out in the draft supplementary guidance being met but would not allow for any flexibility. A total of 24,977 houses, i.e. 2,130 houses above existing commitments, as required by the supplementary guidance for the SDP but with no flexibility allowance for additional development. This strategy represents a view that West Lothian should grow more slowly.

Whilst this alternative strategy may have certain attractions in terms of minimising impact on the environment and the need for additional infrastructure, it may mean that an effective five year housing land supply is not maintained at all times and could lead to relative economic decline whereby neighbouring authorities supporting higher growth scenarios, are better placed to take advantage of a potential economic upturn and recovery. Where the five year land supply is not maintained this could leave the council open to planning by appeal.

All of these reasons require to be balanced against the need to secure sustainable well located development, protect important environmental assets and landscapes of West Lothian and to have regard to impacts on existing communities and existing and future infrastructure requirements which are likely to arise. This will allow the LDP to focus on improving the quality of our existing established communities, facilities and environment as opposed to being negative in terms of other authorities benefitting from an upturn and the issue of planning by appeal and review a potential increase in housing numbers in the next LDP if economic recovery has indeed taken place in the first plan period.

Question 15

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

If not, why not?

YES NO Don't know

Do you have any additional comments?

We agree with the preferred housing strategy to provide more than the minimum required, to support the Strategic Development Plan (SDP). The Local Development Plan (LDP) should thus plan for an additional amount of land above the committed development. Whilst it is noted that the Council believes this strategy is only likely to be effective where infrastructure required can be delivered to support the scale of development, this approach need not put at risk those sites which are already identified as suitable for housing development where the planned infrastructure was already identified and in some cases, such as Pumpherton Primary School, able to be addressed through committed allocations. It would be wrong for the Council to retract its support for committed Local Plan sites, such as HLv119 (Drumshoreland Road Pumpherton) on the assumed basis that infrastructure requirements are not deliverable.

Question 16

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

If so, why?

YES

NO

Don't know

Do you have any additional comments?

Question 17

Do you agree with 'Alternative Strategy 2' for housing growth in West Lothian? If so, why?

Question 18

Do you have another alternative strategy?

What is it and how would you make it work?

Question 19

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

The Council can maintain an effective five year housing land supply given the current economic climate by measures which in this objector's case include re-instatement of committed housing site HLv119. The Council appears to recognise the delay effects of the recent economic recession and the knock on effect that has created for the delivery of some housing sites, such as HLv119, then the Council should provide more time in the early period of the new LDP programme to bring forward these committed existing Local Plan housing sites including HLv119. The objector's response to Questions 21 and 22 provide further detail on its thoughts about alternative options for housing sites proposed for removal from the LDP.

Preferred and alternative options for housing sites, including potential de-allocations from the *West Lothian Local Plan* (paragraphs 3.64 – 3.73)

Preferred Option

The council's preferred option is that some housing sites allocated in the adopted *West Lothian Local Plan* and identified in Housing Land Audit 2012 are not included in the LDP. Details of sites are set out in the Settlement Statements accompanying the MIR.

Alternative Option

The council's alternative option is that all housing sites allocated in the adopted *West Lothian Local Plan* and identified in Housing Land Audit 2012 be included in the LDP.

Question 20

Do you agree with the 'Preferred' option for the removal of existing housing allocations from the development plan?
If not, why not?

YES NO Don't know

Do you have any additional comments?

For the reasons stated in Questions before, removal of sites allocated in the adopted Local Plan and identified in the Housing Land Audit 2012 is not entirely justified. Indeed the Council's proposal may be considered contradictory when it has indicated a development strategy of allocating more housing land over and above that already committed; and that it has also recognised the constraints placed on site effectiveness and delivery due to the economic recession. It is agreed that sites identified in the Housing Land Audit as constrained because of physical factors such as access, drainage or factors which would conspire to make lengthy delay to the delivery of sites should be removed. Therefore a more detailed effectiveness assessment of sites needs to be undertaken for sites allocated in the adopted local plan but not yet being delivered. Whilst the Housing Land Audit is a robust tool, it is only as accurate as the information given to the Council by house-builders or HfS.

Question 21

Do you agree with the 'Alternative' option for the removal of existing housing allocations from the development plan?
If not, why not?

YES NO Don't know

Do you have any additional comments?

Agree in part. For the reasons stated above, there is a case for sites which clearly demonstrate their failure to be delivered due to physical constraints. For sites where market conditions have stalled their progress, a more forensic analysis needs to be undertaken to establish whether the improving market conditions now put a more positive emphasis on delivery. This is true in the case of site HLv119.

Question 22

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

YES NO Don't know

Do you have any additional comments?

For the reasons provided above, a further alternative option may be to review the effectiveness of sites previously constrained by market forces (as opposed to constraint through physical matters) and where these are demonstrated to be free from such constraint, their status should be retained as allocation in the LDP. Site HLv119 should be retained in the LDP under these circumstances.