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Your ref: C/LP/1
Our ref: IQD/2/400/1

March 2008

Dear Sir

FINALISED WEST LOTHIAN LOCAL PLAN

We were appointed, on 23 January 2006, to conduct the public local inquiry into objections made and not withdrawn to the above local plan. A business meeting was held on 8 February 2006, and further business meetings were held on 30 March 2006, 24 May 2006, and 21 June 2006. A pre-inquiry procedure meeting was held on 27 April 2006. The purpose of these meetings was to discuss the administrative and procedural arrangements for the inquiry. The inquiry sat between 8 August 2006 and 9 February 2007. For much of the inquiry, we conducted separate sessions run in parallel. The inquiry was held at West Lothian College, Livingston. Where appropriate, we have carried out site visits and a number have been accompanied. These visits occurred before, during and after the inquiry.

We now enclose our report on the inquiry. The report contains 4 parts and 4 appendices. Part 1 of the report concerns the objections made to the general strategic issues considered at the inquiry of housing land and the preferred core development area strategy (including matters of transportation and education), developer contributions, affordable housing, and economic development. Part 2 deals with objections relating to the 3 core development areas identified in West Lothian. Part 3 covers both the objections made to allocated housing sites in the finalised local plan in other parts of West Lothian, and those which seek to promote alternative sites. Part 4 concerns all other matters, including countryside, employment, transportation, retailing, and minerals. Appearances for the inquiry are set out in appendix 1, and appendix 2 provides details of the relevant documents. Appendices 3 and 4 provide the notes of the pre-inquiry meeting and the business meetings. We have also provided a summary of our recommendations.

In the report, the chapters follow similar structures. First, the background to the objection is set out, including where appropriate a description of the site and its location. This is

generally followed by details of the policies which are the subject of the objection. Summaries of case for the objectors and the council are then outlined. We then draw conclusions on the objections made and make recommendations. Although in our report we have only set out in brief the main points of the evidence, we would emphasise that we have taken into account all of the evidence submitted to the inquiry, all of the written submissions made, and all of the documents lodged. We have highlighted whether the objection was heard through oral evidence or proceeded by way of written submissions, or a combination of both. Since the inquiry closed, new national guidance and advice has been published, and matters have evolved. As none of this was before the inquiry, we have not taken it into account in preparing our report.

We note that on 25 November 2005 Scottish Ministers granted the Finalised West Lothian Local Plan an exemption from the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. We draw to your attention the requirement for the local plan to comply with the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007.

We wish to record our appreciation of the arrangements the council put in place for the inquiry and the hard work of officials. This enabled the inquiry to proceed as efficiently as possible, and to take into account the interests of all parties concerned. We would particularly like to thank Mrs Amanda Finlayson, the Programme Officer, for her excellent administration of all procedures, for her co-operation, and for the support she has given us before, during and after the inquiry.

Yours faithfully

This was the version of the Report that was issued to parties on 20 March 2008

E D K Thomas
Inquiry Reporter

W I Hastie
Inquiry Reporter

Abbreviations

| | |
|------------|--|
| AGLV | Area of Great Landscape Value |
| AOD | Above Ordnance Datum |
| CDA | Core Development Area |
| CEC | City of Edinburgh Council |
| CML | CALA Management Limited |
| CS | Communities Scotland |
| DETR | Department of Environment, Transport and the Regions |
| E&LSP | Edinburgh and Lothians Structure Plan |
| GROforS | General Registrars Office for Scotland |
| Ha | Hectares |
| HAG | Housing Association Grant |
| HforS | Homes for Scotland |
| HMA | Housing Market Area |
| HNA | Housing Needs Assessment |
| Km | Kilometres |
| M | Metres |
| NPPG | National Planning Policy Guideline |
| PAN | Planning Advice Note |
| RSL | Registered Social Landlord |
| SE | Scottish Executive |
| SEIRU | Scottish Executive Inquiry Reporters Unit |
| SEPA | Scottish Environment Protection Agency |
| SG | Scottish Government |
| SMs | Scottish Ministers |
| SNH | Scottish Natural Heritage |
| SofSS | Secretary of State for Scotland |
| SPG | Supplementary Planning Guidance |
| SPP | Scottish Planning Policy |
| 1997 T&CPA | Town and Country Planning (Scotland) Act 1997 |
| WG | The Walker Group |
| WLC | West Lothian Council |
| WLLP | Finalised West Lothian Local Plan |
| WDI | The Winchburgh Development Initiative |

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Summary of Reporters' Recommendations

Recommendations

1. Part 1 – Strategic Matters

| | | |
|-----|---|-------------------|
| 1.1 | Strategic housing land supply, etc | Changes to plan |
| 1.2 | Developer contributions | |
| | Developer contribution principles | Changes to plan |
| | Denominational secondary school | No change to plan |
| | Armadale Academy | No change to plan |
| | Transportation Corridor Studies (A71 and A89) | Changes to plan |
| | Livingston Fastlink | Changes to plan |
| | Professional services | Changes to plan |
| | Travel Plan Co-ordinator | Changes to plan |
| | Start up costs for schools | – |
| | Library facilities, etc | Changes to plan |
| | Safer routes to schools | Changes to plan |
| | Third party payments | Changes to plan |
| | Community swimming pools | No change to plan |
| | Cemetery provision | No change to plan |
| 1.3 | Affordable housing | Changes to plan |
| 1.4 | Economic development strategy | – |

2. Part 2 – CDA Matters

| | | |
|-----|---|-------------------|
| 2.1 | Winchburgh etc CDA (WLLP allocations) | |
| | CDA allocations | Changes to plan |
| | Castle Road, Winchburgh (HWh3) | No change to plan |
| 2.2 | Livingston etc CDA (WLLP allocations) | |
| | CDA allocations | Changes to plan |
| | Broompark, East Calder (HEc6) | No change to plan |
| | Langton Gardens, East Calder (HEc3) | No change to plan |
| | Meadowhead Avenue North, Addiewell (HAd7) | Changes to plan |
| 2.3 | Armadale CDA (WLLP allocations) | |
| | CDA allocations | Changes to plan |
| | Drove Road Park, Armadale (HAM15) | Changes to plan |

| | | Recommendations |
|-----|--|------------------------|
| | Nelson Park, Armadale (part of HAm12a) | No change to plan |
| 2.4 | Winchburgh etc CDA (proposed sites) | |
| | Site 1: Forkneuk, Uphall | No change to plan |
| | Site 2: Uphall Depot, Uphall | No change to plan |
| | Site 3: Omission of land | No change to plan |
| | Site 4: Reallocation of land at East Mains, East Broxburn | No change to plan |
| 2.5 | Livingston etc CDA (proposed sites) | |
| | Site 1: Overton and south of Station Road, Kirknewton | No change to plan |
| | Site 2: South of Station Road, Kirknewton | Changes to plan |
| | Site 3: Land to the north of railway line, Kirknewton | No change to plan |
| | Site 4: Broompark (Stephen Dalton) | No change to plan |
| | Site 5: Land to the south and west of East Calder | No change to plan |
| | Site 6: Hoghill | No change to plan |
| | Site 7: Land at Wilkieston | Changes to plan |
| | Site 8: Land at Pumpherston/Clapperton | No change to plan |
| | Site 9: Land at Uphall Station | No change to plan |
| | Site 10: Hartwood Road, West Calder | No change to plan |
| | Site 11: Hartwood Road, West Calder | No change to plan |
| | Site 12: Cleugh Brae/Mossend (non-CDA), West Calder | No change to plan |
| | Site 13: Cleugh Brae/Mossend (non-CDA), West Calder | No change to plan |
| | Site 14: Freeport Retail Village, by West Calder | Changes to plan |
| | Site 15: Allandale Fishery, by Polbeth | No change to plan |
| | Site 16: Brucefield Industrial Park, Limefield, Livingston | Changes to plan |
| | Site 17: Omission of land from CDA (West Livingston) | No change to plan |
| | Site 18: Station Road, Addiewell | No change to plan |
| | Site 19: Station Road, Addiewell | No change to plan |
| | Site 20: Muirhousedykes Mains, Addiewell | No change to plan |
| | Site 21: Murieston, Livingston | No change to plan |
| | Site 22: Murieston, Livingston | No change to plan |
| 2.6 | Armadale CDA (proposed sites) | |
| | Site 1: Bridgecastle Golf Club, Armadale | No change to plan |
| | Site 2: Omission of land at Colinshiel and Standhill | No change to plan |
| | Site 3: Land north of Colinshiel | No change to plan |
| 2.7 | Other CDA issues | |
| | WLLP policy IMP3b | Changes to plan |
| | WLLP policy COM7 – Health centre sites | Changes to plan |
| | Countryside designations | No change to plan |
| | Self build plots | Changes to plan |
| | Design guides and design principles | Changes to plan |
| | Parkway Station, East Calder | No change to plan |
| | Closure of Limefield Road, West Calder | No change to plan |
| | Widening of A801, Armadale | No change to plan |
| | Airdrie/Bathgate railway line, Armadale | No change to plan |
| | Philpstoun Bings | No change to plan |
| | Retail facilities in the southern part of Armadale | No change to plan |
| | Provision for primary schools in Armadale | No change to plan |
| | 20mph speed limits in residential areas | Changes to plan |
| | WLLP policy EM9 | Changes to plan |
| | Ethylene pipeline west of Livingston | No change to plan |

| | | Recommendations |
|-----------------------|---|------------------------|
| Costs at Armadale CDA | | No change to plan |
| 3. | Part 3 – Housing Sites In Other Areas | |
| 3.1 | Bathgate (WLLP allocations) | |
| | Site 1: Windyknowe/Glasgow Road (HBg47) | No change to plan |
| | Site 2: Boghall playing fields (HBg49) | Changes to plan |
| 3.2 | Blackridge (WLLP allocations) | |
| | Craiginn Terrace (HBr8) | Changes to plan |
| 3.3 | Breich (WLLP allocations) | |
| | Woodmuir Road (HBC6) | No change to plan |
| 3.4 | Dechmont (WLLP allocations) | |
| | Bangour Village Hospital (+ Expansion)(HBn1) | No change to plan |
| 3.5 | Fauldhouse (WLLP allocations) | |
| | Shotts Road (HFh11) | Changes to plan |
| 3.6 | Livingston (WLLP allocations) | |
| | Site 1: Eliburn [east part] (HLv115) | Changes to plan |
| | Site 2: Cedarbank Special Education Centre (HLv124) | Changes to plan |
| | Site 3: Inveralmond Community High School (HLv128) | Changes to plan |
| | Site 4: Almondvale (HLv126; and HLv131-133) | Changes to plan |
| | Site 5: Almondvale (HLv126; and HLv131-133) | Changes to plan |
| | Site 6: Almondvale (HLv126; and HLv131-133) | Changes to plan |
| | Site 7: Almondvale (HLv126; and HLv131-133) | Changes to plan |
| | Site 8: St Andrews Primary School [East] (HLv127) | Changes to plan |
| | Site 9: New Calder Paper Mill (HLv134) | No change to plan |
| | Site 10: Beatlie School former playing field (HLv120) | Changes to plan |
| | Site 11: Craigshill East Road (HLv117) | No change to plan |
| | Site 12: Former Laboratory Craigshill East Road (HLv68) | No change to plan |
| | Site 13: Land at Calder Road, Bellsquarry (HLv73) | Changes to plan |
| | Site 14: Former Kirkton North 10B site (HLv111) | No change to plan |
| | Site 15: Inglewood Street/Cousland Interchange (HLv109) | Changes to plan |
| 3.7 | Westfield (WLLP allocations) | |
| | Site 1: North Logie Brae (HWf1) | Changes to plan |
| | Site 2: South Logie Brae & Paper Mill (HWf2) | Changes to plan |
| 3.8 | Whitburn (WLLP allocations) | |
| | St Joseph's Primary (South)(HWb13) | Changes to plan |
| 3.9 | Bathgate (proposed sites) | |
| | Site 1: Whiteside Farm | No change to plan |
| | Site 2: ABP Limited land, Whitburn Road | Changes to plan |
| | Site 3: Land at Inchcross | No change to plan |
| | Site 4: Land south of Woodthorpe Garden Centre | No change to plan |
| | Site 5: Inchcross (Pond) Industrial Estate | No change to plan |
| | Site 6: Land at Eastoun Farm | No change to plan |
| | Site 7: Moore House School | No change to plan |
| | Site 8: Land at Bughtknowes Farm | No change to plan |
| 3.10 | Blackburn (proposed sites) | |
| | Site 1: Mosshall | Changes to plan |
| | Site 2: Redhouse | No change to plan |

| | | Recommendations |
|------|---|---|
| 3.11 | Bridgehouse (proposed sites) Site 1: South Bridgecastle Cottage Site 2 – Former coal yard | Changes to plan Changes to plan |
| 3.12 | Bridgend (proposed sites) Site 1: North East Bridgend Site 2: North West Bridgend | No change to plan No change to plan |
| 3.13 | Dechmont (proposed site) Burnhouse Farm | No change to plan |
| 3.14 | East Whitburn (proposed sites) Site 1: Hens Nest Road Site 2: Redmill Park Site 3: Redmill Cottages North | No change to plan Changes to plan No change to plan |
| 3.15 | Ecclesmachan (proposed sites) Site 1: Binny Park Site 2: Oatridge Farm Steading | No change to plan No change to plan |
| 3.16 | Fauldhouse (proposed sites) Site 1: Lanrigg Road (East) (HFh7 part and HFh18) Site 2: Cemetery Road Site 3: Sheephousehill and Crofthead Site 4: Sheephousehill and Crofthead Site 5: Benthead | Changes to plan No change to plan No change to plan No change to plan No change to plan |
| 3.17 | Linlithgow (proposed sites) Site 1: Bonnytoun House Site 2: Clarendon Farm Site 3: Land at Friars Brae/Preston Road Site 4: Land at Burghmuir Site 5: Land at Preston Farm | No change to plan Changes to plan No change to plan Changes to plan No change to plan |
| 3.18 | Livingston (proposed sites) Site 1: Bervie Drive & Lyon Drive Murieston Site 2: Mill Roundabout, Eliburn Campus Site 3: Alba Campus Site 4: Kirkton Lane Business Centre Site 5: Deer Park Golf Course | Changes to plan No change to plan No change to plan No change to plan No change to plan |
| 3.19 | Longridge (proposed sites) Site 1: Fauldhouse Road South, etc Site 2: Northfield Crescent South | No change to plan No change to plan |
| 3.20 | Philpstoun (proposed sites) Site 1: Pardovan Crescent/Pardovan Burn Site 2: East Philpstoun Site 3: Pardovan Farm | Changes to plan No change to plan No change to plan |

4. Part 4 – Miscellaneous Matters

| | | |
|-----|--|--|
| 4.1 | Countryside matters Non-compliance with SPP15 Redevelopment of farm buildings Lowland crofting Craigton Quarry | No change to plan No change to plan No change to plan No change to plan |
|-----|--|--|

| | | Recommendations |
|-----|---|------------------------|
| | Paintballing | No change to plan |
| | Soil sustainability plans | No change to plan |
| | Sustainable urban drainage systems | No change to plan |
| | WLLP policy ENV21 | No change to plan |
| | WLLP policy ENV5 | Changes to plan |
| | Canal corridor | Changes to plan |
| 4.2 | Employment matters | |
| | Beughburn (ELv64), Livingston | No change to plan |
| | Land west of Polbeth Industrial Estate | No change to plan |
| | Boghall East (EL12), Linlithgow | Changes to plan |
| | Motorola, Newton North, South Queensferry | No change to plan |
| | Uphall West, Uphall | No change to plan |
| | Loaninghill South, Uphall | No change to plan |
| | Drum Industrial Site (EWb3), Whitburn | No change to plan |
| | Stankards South (EUB14), Uphall | No change to plan |
| | Rosebank Employment site (ELv39), Kirkton Campus | No change to plan |
| | Whitrigg Industrial Estate (EEw2), East Whitburn | No change to plan |
| | Whitequarries Industrial Estate, by Newton | No change to plan |
| | Blackridge and Fauldhouse Employment Land | No change to plan |
| | Policy EM7 | Changes to plan |
| 4.3 | Transportation matters | |
| | M9 (junction 3) and park and ride scheme | No change to plan |
| | Cycle path on the A71 corridor | Changes to plan |
| | Parking standards | Changes to plan |
| | Various railway matters | No change to plan |
| | Support for existing railway stations | No change to plan |
| | Kilpunt park and ride | No change to plan |
| | Fauldhouse park and ride | No change to plan |
| | Request for future public consultation | No change to plan |
| | Use of developer funding | No change to plan |
| | Location of public utility service routes | No change to plan |
| 4.4 | Retailing matters | |
| | Extension to Livingston town centre boundary | Changes to plan |
| | Klondyke Garden Centre, Meikle Road, Livingston | Changes to plan |
| | Tesco Store, Blackburn Road, Bathgate | No change to plan |
| | Protection of town centres | Changes to plan |
| | Various retailing matters | No change to plan |
| | Other retailing and town centre matters | No change to plan |
| 4.5 | Minerals etc matters | |
| | Chapter 11 general | Changes to plan |
| | Chapter 11 issues around Fauldhouse | No change to plan |
| | Opencast search areas | No change to plan |
| | Derelict and contaminated land and policy NWR22 | No change to plan |
| 4.6 | Miscellaneous matters | |
| | Proposed Conservation Area at Hopetoun and Abercorn | Changes to plan |
| | Linlithgow | Changes to plan |
| | Gypsy Travellers Policy and Sites | Changes to plan |
| | Energy Efficiency | Changes to plan |
| | Private Water Systems | Changes to plan |

Recommendations

| | |
|---|-------------------|
| Policy IMP13 | Changes to plan |
| Core path planning, etc | No change to plan |
| Windfarms | No change to plan |
| Additions to small settlements with infrastructure capacity | No change to plan |
| Newton Settlement Boundary | No change to plan |

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

West Lothian Council

**Report of Public Local Inquiry into Objections to the
Finalised West Lothian Local Plan
Part 1: Strategic Matters**

Reporters: E D K Thomas BSc(Hons) MBA MRTPI
W I Hastie DipTP MRTPI

Dates of Inquiry: 8 August 2006 – 9 February 2007
File Reference: IQD/2/400/1

1.1 Strategic housing land supply, CDA preferred strategy, education, and transportation

Representation nos:

7165/4, 7165/7, 7202/1, 7202/7, 7233/1, 7362/6, 7362/8, 7362/9, 7362/10, 7362/11, 7412/1, 7412/3, 7412/4, 7412/5, 7412/6, 7412/7, 7417/1, 7417/3, 7417/4, 7417/5, 7417/6, 7417/7, 7418/2, 7440/6, 7441/5, 7443/1, 7443/5, 7479/2, 7479/6, 7480/1, 7495/1, 7495/2, 7495/3, 7554/1, 7555/1, 7564/4, 7589/6, 7589/7, 7694/1, 7698/3, 7848/2, 8351/1, 8352/1, 8365/1, 8365/5, 8365/7, 8365/8, 8368/1, 8479/4, 8533/4, 8533/5, 8533/6, 8549/1, 8561/1, 8572/1, 8574/2, 8574/3, 9878/2, 9881/1

Objectors appearing at Inquiry:

Scotia Homes
Schroder Exempt Property Unit Trust
Stephen Dalton
Mr and Mrs Dalglish
Mr and Mrs Rigby
Mr and Mrs Slattery
Mrs Boddie
Mr Wilson
(+ written submissions)

Inquiry references:

STRAT1b: Strategic housing land supply and CDA Preferred Strategy

STRAT1d: Transportation

STRAT1e: Education

1. BACKGROUND

1.1 SPP3 sets out 4 key considerations for planning authorities to consider in drawing up long term sustainable settlement strategies. These are as follows:

- efficient use of land and existing buildings, energy and infrastructure;
- co-ordination of housing land provision with improvements in infrastructure, including transport and educational investment, and with other major proposals such as business or industrial development;
- the need to ensure that all sections of the community have good access to jobs and services; and
- the protection and enhancement of the environment.

In relation to delivering housing land, SPP3 highlights that local plans must conform to the structure plan and provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. It states that local plans should also identify further sites to meet requirements in the medium term, and explains that the effectiveness and programming of sites will be monitored through the annual housing land audit, to maintain sufficient effective land for at least the following 5 years at all times. SPP1 indicates that the aim of the planning system is to ensure that development and changes in the use of land occur in suitable locations and are sustainable. It also states that the planning system must provide protection from inappropriate development. SPP17 and PAN75 support the integration of land use, economic development, environmental issues and transport planning, and indicate that the planning system is a key mechanism by which this is achieved. SPP15 explains that prime quality agricultural land should continue to be protected and should not be eroded

in a piecemeal way but only used to meet strategic development objectives, eg, as part of a long term settlement strategy set out in the development plan.

- 1.2 The Consultation Draft E&LSP was published in 2001. Its overarching aim was to provide for the development needs of Edinburgh and the Lothians in accordance with the principle of sustainable development, whilst maintaining and enhancing the environmental heritage that underpins the area's quality of life. The draft E&LSP gave priority to the reuse of urban brownfield land. Its strategy was to focus most new development in 7 CDAs, including one in Central West Lothian where 7000 houses were to be allocated. Allowing for effective housing sites from the 2000 Housing Land Audit, the requirement was to identify sufficient land to accommodate 50600 houses by 2015. The total housing land supply identified over the draft E&LSP period was 75200 houses (19500 houses in West Lothian).
- 1.3 In 2001, at the same time as the draft E&LSP was published, WLC produced the 2020 Vision for West Lothian, which identified, for public consultation, 15 options, including 2 new settlements, for meeting the proposed allocation being brought forward in West Lothian. In total, the sites examined could have accommodated 23000 houses. WLC explained that they may seek to identify sites for 10-12000 houses, both to achieve the yield of 7000 and to allow larger scale options to be pursued which could deliver to 2020 and beyond.
- 1.4 The 2020 Vision indicated that WLC were looking towards the traditional towns of West Lothian to accommodate a large share of the continuing growth. It identified 2 large projects at Wester Inch and Polkemmet (largely brownfield sites) which should be given a "head start" before extra allocations were made. It also explained that Armadale, Broxburn/Uphall and West Calder could benefit from well planned new development. The response stated that, in practical terms, a sensible spread of growth over a carefully chosen number of sizeable sites was the best way forward. The options examined were at Livingston (Bangour Village, Murieston Castle, Balgreen, Linhouse, Gavieside and Coulsland), Bathgate/Whitburn/Armadale/Blackburn (Colinshiel, Standhill and Cappers), West Calder/Breich Valley (Mossend), and Broxburn/Uphall (Greendykes, Forkneuk and Dovehill/Wyndford). The possible new settlements considered were East Calder/Kirknewton/Wilkieston and Winchburgh/East Broxburn. To arrive at these options, the 2020 Vision indicates that a thorough search was conducted, and that broad policy criteria were applied. Additionally, WLC allowed for the possibility of communities, landowners or developers bringing forward their own alternative proposals.
- 1.5 WLC's intention was to assess the options against over 20 factors, including accessibility and sustainability (existing and potential), infrastructure (including fundability of schools and drainage, etc), environmental implications (including traffic impacts), physical constraints (eg pipelines, noise, ground instability), housing market (demand/social housing need), and developability (practicality and financial viability). The approach to be adopted was to identify development packages which brought real benefits to host communities, and which protected their existing quality of life.

- 1.6 Between February and March 2002, WLC carried out a public consultation exercise on the draft E&LSP and the 2020 Vision for West Lothian. WLC saw the process as a large scale community planning exercise, engaging all partners and stakeholders. Developers made submissions and undertook presentations on their various proposals in June 2002. The Finalised E&LSP was published in March 2003 and submitted to SMs in June 2003. It identified 15 CDAs including 3 in West Lothian at Armadale, Livingston and the Almond Valley, Winchburgh, East Broxburn and Uphall. Over the 3 CDAs, the Finalised E&LSP was to identify land for up to 12000 houses, with a maximum of 7000 to be delivered over the E&LSP period. In each of the latter 2 CDAs, land was to be identified for up to 5000 houses with a maximum of 3000 to be delivered and, in the former CDA, the figures are 2000 and 1000 houses respectively. A further round of developer submissions and presentations took place in September 2003. This allowed WLC to concentrate on making further comparisons between the relative merits of the competing CDA proposals.
- 1.7 In January 2004, SMs issued their draft modifications to the Finalised E&LSP. Amongst other changes proposed, they indicated that a minimum of 3000 and 1000 houses should be delivered in the 3 CDAs. In April 2004, WLC reported on their assessment of the various proposals which came through the 2020 Vision process, and they identified a preferred development strategy for inclusion in WLLP. They indicated that a total of 23 submissions had been made, totalling 31450 houses (4 submissions in the Armadale CDA [2300 houses], 5 in the Winchburgh, East Broxburn and Uphall CDA [7800 houses], and 14 in the Livingston and the Almond Valley CDA [21000 houses]). WLC indicated in their report on the preferred strategy that they had assessed proposals against a number of broad strategic factors, including regeneration, development containment, coalescence, town/community integration, transport network impact, public transport, transport gains, and other factors (eg other key environmental or planning policy matters). On the basis of the comparative assessment undertaken, and subject to public consultation, the preferred strategy identified was: in the Winchburgh, East Broxburn and Uphall CDA, to release sites at Broxburn East (Albyn/Greendykes)(2000 houses) and Winchburgh (3000 houses); in the Armadale CDA, to release sites at Standhill (200 houses), Colinshiel (600 houses), and Cappers and the Brickworks, Bathville (1200 houses); and, in the Livingston and the Almond Valley CDA, to release sites at West Livingston and East Calder (Calderwood)(5000 houses in total).
- 1.8 E&LSP was approved, with modifications, by SMs in June 2004. It continues the underlying thrust of the Finalised E&LSP. Its settlement strategy is based on the need to give priority to brownfield land, whilst it also recognises the need for some new greenfield development if demand is to be met in full. The strategy is to focus most new development in CDAs, where infrastructure capacity exists or where new infrastructure would be cost effective. It is explained that the locations chosen should particularly conform with the following aims and objectives:
- be outwith the green belt as far as possible and where this is impossible, minimise impact on green belt objectives;
 - be on existing or proposed rail/tram corridors and/or have the potential for a good level of access by bus-based public transport;

- make efficient use of existing or proposed infrastructure; and
- avoid areas where development would result in unacceptable environmental impact.

E&LSP indicates that it is for councils in preparing local plans to take the decision on how the specific allocations for each CDA should be met.

- 1.9 In West Lothian, the E&LSP strategy is to continue building on the success of Livingston, to take advantage of some spare capacity on the M9, and to promote development in the west to encourage equity of opportunity and provide support for these communities. The 3 CDAs identified in the Finalised E&LSP are continued into the approved version. The Livingston and the Almond Valley CDA lies immediately to the east, south and west of Livingston. The Winchburgh, East Broxburn and Uphall CDA lies to the north east of Livingston and is separated from it by the M8. The Armadale CDA lies in the western part of the district to the north of the M8 and west of Bathgate. It is envisaged that the development in each CDA would comprise business and housing, and it is indicated that major new infrastructure would be required to accommodate the growth proposed, including stronger linkages with Edinburgh, either through tram or busway extension, enhancement of services on the Bathgate and Shotts railway lines, and new school provision. A full list of all the items of infrastructure required for CDAs is set out in the Action Plan prepared to support E&LSP. The approved E&LSP still requires that land be identified in Livingston and the Almond Valley, and Winchburgh, East Broxburn and Uphall CDAs for up to 5000 houses and, in the Armadale CDA, for up to 2000 houses. However, it no longer requires that a maximum of 3000 and 1000 houses be delivered over the E&LSP period, only that these numbers of houses be allocated as a minimum.
- 1.10 E&LSP explains that successful implementation of the strategy depends on new development being restrained outwith CDAs, and within environmentally sensitive locations or settlements. In particular, it identifies Linlithgow and north west West Lothian as an area of restraint. E&LSP highlights that major expansions of existing settlements in West Lothian would be likely to yield completions beyond 2015, and that further expansion of Bathgate/Blackburn may be considered when existing large developments are well progressed.
- 1.11 The allocation and distribution of housing land is seen as the main challenge for E&LSP. It is pointed out that the demand for new housing has resulted in a housing requirement higher than ever before, and that significant demands will be placed on planning authorities in allocating land in sustainable locations whilst minimising impacts on the natural and built environment. To achieve a more sustainable pattern of development, E&LSP aims:
- to maintain, within a long term settlement strategy, an effective 5 year supply of land for housing at all times consistent with local infrastructure, environmental and amenity considerations;
 - to give priority to the reuse of brownfield land for housing;
 - to ensure that new housing development maintains or enhances the quality of the built environment;
 - to ensure that new housing development is located so as to conserve energy, reduce the need to travel and be easily served by public transport; and

- to create the opportunities for satisfying the full range of housing needs including enabling, where justified, the provision of affordable housing.

1.12 E&LSP’s total plan requirement is for 70200 houses, and it is stated that to plan for additional housing is not considered appropriate. The requirement will be met from 5 sources – the effective base land supply (as in the 2001 Housing Land Audit), constrained non-effective sites (as in the same Audit), emerging local plan sites, windfall sites, and new allocations. It is expected that the first 4 sources could give rise to a combined output of 57800 houses (11300 in West Lothian), and the development of these sites is supported by E&LSP policies HOU1 and HOU2. The new allocations are to be in CDAs as identified in the schedule attached to E&LSP policy HOU3. In total, the new allocations could accommodate an additional 18200 houses, which includes an element of flexibility (5800 houses [8%]). For West Lothian, the schedule identifies the minimum level of allocations (7000 houses), but permits this level to be increased, as outlined above. Policy HOU3 states that:

“Policy HOU3

In addition to existing housing sites (Policy HOU1), land shall be allocated in local plans to accommodate the approximate number of dwellings identified in Schedule 3.1. In the circumstances outlined in paragraph 3.18, additional land may be allocated in some locations (in which case a minimum figure is shown in Schedule 3.1) or safeguarded for development beyond the plan period.

Relevant local plans should be finalised within eighteen months of E&LSP approval. The capacity of sites granted planning permission in advance of future local plan adoption can be set against the requirement for new allocations.”

The circumstances referred to at paragraph 3.18 recognise that developments may need to be of a certain size in order to justify the provision of infrastructure, eg education, and to create sustainable communities.

1.13 E&LSP policy HOU4 sets out criteria for assessing the new allocations. The policy explains that:

“Policy HOU4

In identifying sites to meet policy HOU3, local plans should:

- a. identify any steps required to enable the site to become effective;
- b. in conjunction with the Action Plan, specify the sequence in which sites should be released for development;
- c. where Green Belt sites are necessary, choose sites which minimise the impact on Green Belt objectives and where new long term and defensible Green Belt boundaries can be established;
- d. ensure that development can be integrated into effective networks for walking, cycling and public transport consistent with policies TRAN2 and TRAN5;
- e. provide for a range of sites to meet all sectors of the market.”

E&LSP stresses that implementation of the development strategy is wholly conditional on the necessary infrastructure being provided. It also indicates that housing proposals should only be permitted if the planning authority is satisfied that the infrastructure will be delivered in phase with the development. If deficiencies are likely to arise in local facilities or amenities as a result of new development, contributions will be required from developers, and they would be additional to those required for infrastructure. The relationship between proposals coming forward and the provision of infrastructure and community facilities and amenities is set out in E&LSP policies HOU5 and HOU6.

- 1.14 E&LSP restrains housing development outwith urban areas and the allocations within CDAs. Policy HOU8 sets out the exceptions. It states that:

“Policy HOU8

There will be a presumption against new housing development on greenfield sites other than to meet Policy HOU1 and HOU3 requirements. Exceptions will be restricted to proposals identified through local plans and must satisfy all the following criteria:

- a. development is small scale and in keeping with the character of the settlement or the local area;
- b. the site is not in the Green Belt;
- c. any additional infrastructure required as a result of the development is either committed or to be funded by the developer.”

E&LSP explains that in the west of West Lothian, there are a number of settlements containing brownfield sites which should provide a supply of land to the end of the E&LSP period, and that WLC support their regeneration. It was therefore not intended to prohibit the longer term growth of these settlements, provided development can be accommodated without adverse environmental impacts. A local plan review would identify any new required allocations. E&LSP policy HOU9 deals with this matter, and it states that:

“Policy HOU9

In the towns of Bathgate/Blackburn and Whitburn and in the smaller settlements west of Livingston new land allocations will be brought forward during the structure plan period where:

- a. the land supply (including constrained sites) in the towns is likely to be exhausted within five years as a result of increased completion rates; and
- b. the need to support local facilities has been identified and it can be demonstrated that development will provide the necessary support.

In all cases land allocations will be subject to the criteria identified in Policy HOU8.”

- 1.15 E&LSP indicates that councils will aim to maintain a 5 year housing land supply. However, development inconsistent with the strategy would not be supported solely to maintain this supply. E&LSP also explains that maintenance of the 5 year supply is conditional on the funding of infrastructure improvements. Where there is a significant shortfall in the overall land supply, E&LSP expects this to be remedied in the council area where it occurs. Out of the 70200 housing completions expected over the E&LSP period, 16100 (23%) would be within

West Lothian, giving an average 5 year land supply of 5800 houses. E&LSP policy HOU10 outlines the position on the 5 year housing land supply, as follows:

“Policy HOU10

The Lothian Councils will maintain an effective five-year land supply for Edinburgh and the Lothians as a whole by supporting the development of housing land consistent with the strategy, including its requirements for essential infrastructure.

The adequacy of the effective land supply will be assessed against annual monitoring reports prepared by the Councils, which shall take account of the annual Lothian Housing Land Audit and assumptions for future windfall development. The first monitoring report will be published 18 months after structure plan approval.

Where a Council’s contribution to the effective five year supply falls below 90% of its expected contribution...and the shortfall in the Lothian wide housing land supply is also more than 10%, that Council will bring forward additional land. This land will be found in the CDAs and/or in the locations specified in HOU9. The land will be brought forward by a local plan alteration or, where this is not possible, by granting planning permission in advance of local plan adoption, provided that the proposals comply with other policies of the structure plan. The infrastructure required to bring forward such sites must either be available or committed.”

- 1.16 Regarding transportation, E&LSP sets out a list of key transport investment proposals which should be safeguarded. The list includes 7 tram, rail, bus and road schemes in West Lothian and others which affect the area. E&LSP explains that its development strategy is dependent on the proposals in the list to create a rapid and efficient transport system. They are seen as boosting the public transport accessibility of CDAs and helping ensure more sustainable travel patterns to them.
- 1.17 In November 2004, WLC approved the CDA chapter to be included in WLLP and considered the responses to the public consultation exercise undertaken earlier in the year. Amendments were made to the preferred strategy, including greater precision on housing numbers. Alterations were made to the boundaries of the proposed allocations in all 3 CDAs, including at Winchburgh, Broxburn East, and Calderwood, and indicative masterplan boundaries were identified. WLLP was approved by WLC in April 2005. The approved CDA allocations were largely the same as those brought forward in November 2004, with only small changes being made at Broxburn East and West Livingston. In October 2005, WLC brought forward their open space and sports facilities strategies, and these formed the basis for incorporating further housing releases in WLLP throughout the district. In November 2005, WLC made further changes to the proposed CDA allocations, most notably at Armadale, Broxburn East, Winchburgh, and Calderwood. Alterations were also made to the masterplan boundaries identified, particularly at Armadale and Winchburgh.

1.18 The consolidated version of WLLP, incorporating the pre-inquiry changes up to June 2006, outlines the strategic context for bringing forward the CDA proposals, and it identifies a number of new housing opportunities outwith CDAs. It states that the supply of sites established in WLLP, including the CDA allocations, can accommodate up to 24488 houses (although Appendix 6.1 lists sites with a total notional capacity of 26056 houses). WLLP explains that it is not possible to identify significant additional opportunities for brownfield development and that, consequently, proportional greenfield allocations have been made. It notes that no significant additional land allocations, other than those committed in previous local plans, are promoted in Bathgate and Whitburn. This is because substantial housing allocations have already been identified in the 2 towns, and further allocations would not increase the yield of housing in the short to medium term.

1.19 WLLP lists a number of key objectives which were used in identifying the CDA development areas. These are as follows:

- protecting areas of special environmental, landscape, biodiversity, visual or heritage value;
- promoting the redevelopment of the remaining tracts of brownfield, derelict and contaminated land in West Lothian, and thereby securing their physical and environmental improvement;
- identifying major allocations in more than one area within a CDA to better achieve the required rates of housing completions;
- spreading and minimising the environmental and transport impacts;
- linking physically major developments to existing public transport networks and infrastructure, or promoting areas which relate to, or help secure, new strategic transport proposals – including the proposed Airdrie-Bathgate rail line, Fastlink (bus), new or expanded rail and bus park and ride sites, new rail stations, and longer term tram proposals extending from the west Edinburgh initiatives;
- linking development to the strategic road network, in order to minimise the increase of traffic through local communities and offer opportunities to introduce and enhance express bus service provision;
- selecting areas that offer opportunities to introduce new and local distributor roads, which will serve both existing and new communities, help spread the impact on the road network and lessen impact on local communities;
- capitalising on the major employment areas emerging in west Edinburgh (Newbridge, South Gyle, Edinburgh Airport, Gogarbank);
- capitalising on the growth of Livingston, and building on the success of Kirkton Campus by promoting its further expansion to meet longer term employment requirements;
- spreading employment opportunities, or accessibility to jobs, to areas that have so far not benefited as much as other areas from the growing local economy; and
- integrating and securing community benefits from housing, employment and other mixed uses.

It is stated that each of the CDAs achieves these objectives to varying degrees.

1.20 WLLP identifies housing sites from a number of sources: the established supply (Housing Land Audit 2004); other sites with planning support (including post Audit 2004 sites); new allocations brought forward in WLLP; and CDA allocations. Against Appendix 6.1, the first 3 sources provide land with a notional capacity for 14056 houses (12488 using the WLLP figure). WLLP explains that the main objectives in identifying these housing sites have been:

- to make best use of brownfield and redevelopment sites in urban areas, where these do not impinge on other planning or environmental objectives;
- to conform to the other protective policies of WLLP applying to the natural and built environment;
- to identify sites that are accessible by public transport (or most capable of becoming so);
- to identify sites close to other compatible uses and facilities to encourage walking and cycling;
- to use available education and water and sewerage capacity, or by ensuring that the housing could be served by expansion to such infrastructure; and
- to support the regeneration of settlements in the west of West Lothian.

WLLP policy HOU1 states:

“Policy HOU1

The sites listed in Appendix 6.1, and shown on the proposals map, are identified as housing sites which contribute to meeting the housing requirements over the local plan period, and the longer term.”

In relation to Linlithgow, WLLP indicates that although there is no moratorium on new housing development, housing opportunities within the settlement boundary will be assessed against their impact on local infrastructure and services – especially on traffic and on school capacity.

1.21 The 4th source of housing land – the CDAs – provides the remaining capacity of 12000 houses. WLLP explains that WLC’s strategy is to link the new housing closely with jobs, facilities and public transport, and it indicates that the new and expanded communities will be balanced communities. WLLP requires a clear framework for the development of each area, and it sets out that the vision for an area should be illustrated in a masterplan. WLLP policy CDA6 states that:

“Policy CDA6

Indicative masterplan boundaries for the major CDA schemes are shown in Appendix 7.2. The council will require masterplans to be prepared for these areas (or other areas subsequently agreed with the council). The masterplans shall address the strategic aims of the local plan, show the proposed land use pattern and the proposed transport/movement network. Each masterplan shall be supported by an implementation programme showing how the development will be phased.

Piecemeal development within the masterplan boundaries which would prejudice the successful implementation of the wide CDA proposals will be resisted.”

An urban design strategy is also required for each new and expanded community, and WLLP outlines 22 design principles that masterplans and design guides should address.

- 1.22 WLLP points out that successful communities require a full range of local services and facilities, including education, community leisure, retail, recreation, open space, health, employment and civic uses, and that this must be the basis of the masterplans for the 3 CDAs. WLLP details the scale of the proposed allocations in each CDA in policies CDA8-CDA10, as follows:

“Policy CDA8 – Armadale

The following sites in Armadale are allocated as mixed use areas which will primarily be for residential development. The combined sites shall accommodate up to 2070 residential units...The boundaries of the mixed use areas are shown on the proposals maps.

Policy CDA9 – Winchburgh and East Broxburn

The following sites in Winchburgh are allocated as mixed use areas which will primarily be for residential development. The combined sites shall accommodate approximately 3450 residential units...The following sites in East Broxburn are allocated as mixed use areas which will primarily be for residential development. The combined sites shall accommodate approximately 2050 residential units...The boundaries of the mixed use areas are shown on the Proposals Maps...The number of residential units on the combined sites at Winchburgh and East Broxburn shall not exceed 5500. The distribution of residential units between the Winchburgh and East Broxburn schemes is indicative and may be varied slightly from that stated above at the discretion of the council.

Policy CDA10 – West Livingston/Mossend and Calderwood

The following sites at West Livingston/Mossend are allocated as mixed use areas which will primarily be for residential development. The combined sites shall accommodate approximately 2200 residential units...The following sites in Calderwood are allocated as mixed use areas which will primarily be for residential development. The combined sites shall accommodate approximately 2800 residential units...The boundaries of the mixed use areas are shown on the proposals maps. The number of residential units on the combined sites at West Livingston/Mossend and Calderwood shall not exceed 5000. The distribution of residential units between the West Livingston /Mossend and Calderwood may vary slightly from that stated above at the discretion of WLC.”

WLLP indicates that policy CDA9 refers to 5500 houses at Winchburgh and East Broxburn rather than 5000 houses because the former figure includes an allowance for sites already allocated for housing development at East Broxburn (Albyn, Candleworks, and Greendykes Road). Similarly, policy CDA8 refers to 2070 houses rather than 2000 houses because it takes account of a previous allocation at Armadale (part of Colinshiel). The allocations proposed under policy CDA8 for Armadale are at Colinshiel (CS), Lower Bathville/Tarrareoch

(LT), Netherhouse (NH), Standhill North (SN), Standhill South (SS), and Trees Farm (TF). Those proposed under policy CDA9 for Winchburgh are at Claypit (CP), Glendevon North (GN), Glendevon South (GS), Myreside (MS), Niddry Mains North (NN) and Niddry Mains South (NS), and those for East Broxburn are at Albyn (AL), Candleworks (CW), Greendykes Industrial Estate (GI), Greendykes Road East (GE), Greendykes Road West (GW) and Westwood (WW). The allocations proposed under policy CDA10 for West Livingston/Mossend are at Cleugh Brae (CB), Gavieside Farm (GF) and Mossend (MO), and those for Calderwood are at Almondell (AD) and Raw Holdings West (RW).

- 1.23 In total, WLLP proposes to allocate 155ha of employment land in the 3 CDAs (Armadale - 50ha; Winchburgh - 40ha; East Broxburn - 5ha; West Livingston /Mossend - 40ha; and Calderwood - 20ha). These sites are covered by WLLP policy EM3 which states that:

“Policy EM3

In addition to the sites listed in Appendix 5.1, sites for employment uses have been allocated within the 3 CDAs in West Lothian. The exact areas of development will be shown in masterplans to be approved by WLC...”

In relation to existing business within the CDA allocations, WLLP indicates that they may have to be accommodated in situ and that this should be reflected in masterplans. In addition, WLLP makes provision for additional secondary and primary education facilities, including a denominational secondary school which is proposed at Winchburgh. Other key infrastructure proposed in WLLP is related to transport matters, and include a new motorway junction on the M9 and railway station at Winchburgh to support the allocations within the Winchburgh/East Broxburn/Uphall CDA.

- 1.24 In May 2006, an E&LSP review 2020 consultation paper was published, and it set out a number of issues to be considered. It was envisaged that the review would take the form of an E&LSP alteration covering the supply of housing land, the availability of infrastructure, the provision of affordable housing, and policies on shopping and town centres. Later on in 2006, the E&LSP Joint Liaison Committee decided to seek the approval of SMs to abandon the review.

- 1.25 In relation to transportation, WLLP indicates that, in keeping with policies and guidance in SPP17 and PAN75, it seeks to promote alternative transport modes and encourage sustainable development. The Regional Transport Strategy (2003) and the Local Transport Strategy (2000) are both in the process of being replaced. Four key transport corridors, which pass through and service West Lothian, can be identified – M9 corridor, M8 corridor, A71 corridor, and A899 corridor. WLLP promotes improvements to bus services. In particular, it indicates that a key initiative is the development of the Fastlink service between Livingston and Edinburgh. WLLP supports the reopening of the Airdrie-Bathgate rail line. It also supports other proposals to improve railway links, including development of the Edinburgh-Glasgow (Central) rail route via Shotts. WLLP identifies the extension of Light Rapid Transit (Edinburgh Tramline 2) from Newbridge to Broxburn, Uphall and Livingston as a long term objective which WLC strongly

support. WLLP highlights the importance of 5 strategic road links – M8, M9, A801, A71 and A8000 (which lies in the administrative area of the City of Edinburgh Council). The development strategy brought forward in West Lothian was informed and influenced by PARAMICS traffic modelling.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, some objectors believed that too much housing land had been allocated and others believed that too little housing land had been allocated. Some considered that WLLP's development strategy should be reduced in scale and others that WLLP should bring forward alternative sites, including in CDAs, to take better account of national, strategic and local guidance and to secure the delivery of the required housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Housing land supply

- 3.1 Schroder Exempt Property Unit Trust agreed that in principal WLLP was consistent with E&LSP in terms of the overall scale of land allocated for development. However, they were not satisfied with the distribution of land for development, and they did not believe that WLC had fully considered land currently allocated for alternative uses, such as employment, that could be used for housing development. Guidance on this was set out in SPP3.
- 3.2 It was clear that WLC had not considered the effectiveness of the CDA sites before allocating them. While E&LSP and national policy did not require the effectiveness of sites in the established housing land supply to be proven, there was a need to ensure that the sites were capable of becoming effective and could be delivered in the WLLP period. Given the scale of housing to be brought forward within CDAs, it was not clear that the minimum level of houses identified in E&LSP (7000 houses), could be delivered. No housing sites within CDAs had yet been identified, and it was therefore difficult to establish their effectiveness. At this stage, it was not known whether the sites allocated in CDAs could be brought forward in the WLLP period, neither could it be fully appreciated what measures were required to make them effective. The development of the allocated sites was heavily dependent on developer contributions. All this could make it difficult to maintain a 5 year housing land supply. WLLP did not provide guidance on what would happen if there was a delay in sites coming forward. To ensure that WLLP complied with the targets set out in E&LSP, alternative housing sites, whose effectiveness and deliverability over the WLLP period could be demonstrated, should be allocated. This would include allocating sites outwith CDAs, where this could be justified in terms of sustainable transport and educational capacity. Some sites in the housing land supply required further examination.
- 3.3 Stephen Dalton also did not consider that adequate provision had been made for an effective 5 year housing land supply. In addition, he did not accept that the

non-strategic open space land identified in WLLP for housing (as a result of the strategic open space and sports facilities review) could be viewed as windfall sites. This approach did not accord with the definition of windfall sites in E&LSP. As the sites had been included in WLLP, they were clearly planned and not windfall. WLC's position appeared to be that these sites were coming forward to assist in maintaining the 5 year land supply. If that was correct, then there was no reason in principle why other sites, more suitable in planning terms, should not be identified to achieve the same purpose. Sites in WLC control could take longer to yield completions than sites in private control.

3.4 Mr Rigby, Mrs Dalglish, Mr Wilson and Ms Boddie had concerns about whether WLC would be able to manage either the long term delivery of CDAs or the 5 year housing land supply. There was no justification for increasing the scale of the allocations in WLLP. In CDAs, it was clear from the review of E&LSP that the supply of housing land would be more than adequate even if WLC had only allocated the minimum number of houses allowed by E&LSP rather than the maximum. The E&LSP review expected many more homes to be delivered than originally envisaged. Windfall sites should not be accepted for development without a reduction in the number of houses permitted in CDAs, as this would lead to overdevelopment of the area.

3.5 Bridgecastle Golf Club wished it clarified why WLC had allocated 2070 houses in the Armadale CDA. Other objectors indicated that there was no reference in E&LSP to an upper limit on the number of houses allowed in CDAs, and that additional allocations could therefore be made in WLLP.

Allocation selection process

3.6 Schroder Exempt Property Unit Trust accepted that greenfield land would need to be released for housing if E&LSP targets were to be achieved. However, WLLP placed too much emphasis on allocating greenfield sites for housing, particularly in CDAs. SPP3 warned against the release of greenfield land for housing development unless absolutely necessary. The analysis undertaken through the Urban Capacity Study had not properly considered the potential of redundant and brownfield land for reuse and reallocation to housing. Such sites should be preferred to greenfield sites if good land management was to be promoted, as required by WLLP. In line with guidance, a sequential approach should be adopted, which gave primacy to brownfield land for housing development, followed by reuse of land allocated for a different use. While there had been a year on year increase of development on brownfield land, that was before the introduction of CDAs. There was no maximum quota or percentage which indicated that once a certain level of brownfield development had been reached, greenfield land could be considered. WLC had not demonstrated that the greenfield housing allocations in CDAs could not be accommodated on brownfield land. Given this, WLLP placed undue emphasis on developing greenfield land for housing, contrary to E&LSP and national guidance.

3.7 Regarding education, WLC's approach to planning additional school capacity was of concern. Delays with the CDA developments could have a significant impact on the provision of new facilities. The apparent safeguarding of existing

educational capacity in schools for the CDA proposals could also thwart the development potential of other suitable sites. Contributions to educational provision could be raised from alternative sites equally as well as they could from the CDA allocations. Additionally, further consideration could be given to extending existing primary and secondary schools to help meet the requirements of new housing.

3.8 Scotia Homes' concerns related to the site selection criteria used in the allocation of the CDA sites. Of particular concern was the absence of any coherent statement of the objective planning criteria applied by WLC to the process of site selection. Such an approach lacked transparency. WLC appeared to have been driven within CDAs, and in particular the Livingston and Almond Valley CDA, by the need to have a new non-denominational secondary school which they would like to see funded by one developer. They then tried to tailor their selected sites to the criteria – “retro-fitting”. There were no documents before the inquiry which supported the assertions made by WLC at the time of the 2020 Vision, that they had conducted a thorough search around all settlements for major growth options, and that they had systematically examined the scope for the expansion of settlements, the planned integration of settlements, and new settlements. There were also no documents which showed that options, other than a new settlement, had been considered within the East Calder/Kirknewton area. In other locations, WLC had considered a range of options. In addition, there was no assessment before the inquiry of the options against the guidance in E&LSP, whose strategy in CDAs aimed to facilitate a wide range of sites in a variety of accessible and sustainable locations which would allow an adequate level of choice for the housebuilding industry. Scotia Homes did not consider that WLC's approach satisfied the terms of E&LSP, including policy HOU4. Furthermore, the assessment of options and developer bids carried out in WLC's April 2004 report, did not relate to the strategic factors that they had identified for that stage of the process. There were also concerns that WLC's approach was inconsistent with SPP3.

3.9 WLC's preferred strategy in the Livingston and Almond Valley CDA was to enable the proposed new non-denominational school to be built up front of housing proceeding. However, there had been no financial appraisal provided to the inquiry to show that the preferred developer could bear the huge up front costs of building a secondary school. An alternative strategy of dispersed housing would have involved looking at the infrastructure available in each settlement which received an allocation and then determining what contributions, if any, were required. Under such a strategy, developers and landowners could not escape a contribution towards a secondary school if WLC could show that the catchment area of the secondary school serving their site was at capacity. WLC were taking contributions towards the proposed denominational school at Winchburgh from all sites across their area so the principle of collecting from a number of developers was already in operation. Neither the strategic factors referred to above nor the key objectives contained in WLLP identified the provision of a new secondary school by one developer on one site as a factor which should be taken into account in identifying land to meet the CDA allocations. WLC's whole approach to the CDA allocations had been driven by a hidden education agenda, and this had resulted in them dismissing the dispersal

- strategy without appropriate consideration of its merits and the sites being put forward in accordance with that strategy.
- 3.10 Stephen Dalton believed that WLC's approach to site selection within CDAs was inappropriate and paid insufficient regard to the principles of sustainability and brownfield development. Furthermore, their initial sieving process had been flawed insofar as it appeared to have sieved out at an initial stage all AGLVs without considering whether development could be accommodated within them in accordance with E&LSP policy ENV1d. There appeared to have been no in depth environmental examination. While WLC suggested that the factors they took into account in selecting their preferred strategy were subject to a process of refinement following the publication of E&LSP and SPP3, there was nothing before the inquiry which showed how the process had worked. WLC's methodology should therefore be treated with great caution.
- 3.11 Existing land use seemed not to have been a factor taken into account by WLC in deciding on the development areas in CDAs. In addition, WLC made no reference to the relevant sub-division of prime agricultural land. This was contrary to the principle of sustainability which underpinned E&LSP. WLC's approach to the selection of development areas within CDAs appeared to have been based on the principle of large scale standalone development rather than incremental growth of a number of settlements. They did not clarify their reasoning behind this decision, which appeared to be driven by developer interests. There were preferable sites to those chosen by WLC, which had not been appraised as part of the site selection process. These alternatives provided a better fit with national and strategic policy. Educational provision and its funding through developer contributions appeared to have been the determining factor in WLC's decision to pursue the strategy adopted. However, there was no reason why WLC could not have pursued a series of separate developments rather than one overall scheme. Such an approach would also provide a choice of locations for development.
- 3.12 Mr Rigby, Mrs Dalgleish, Mr Wilson and Ms Boddie indicated that there was no evidence to show that WLC had gone through a formal and rigorous process in selecting sites in CDAs. In particular, they had concerns about the treatment of agricultural land. There was no difference between the prime agricultural land at Winchburgh and the bordering rich lowlands along the River Forth which had been excluded from WLC's search area. Scotland had very little good agricultural land – less than 6% of it was classified as prime – and WLC should have given more weight to this factor. WLC had not complied with E&LSP's requirements in defining the extent of prime agricultural land and providing for its protection. The guidance contained in NPPG15 and SODD Circular 18/1987 should not be ignored. WLC's response in late 2001 to SE's consultation paper on protecting prime quality agricultural land from development, showed that they had already made the decision to pursue the development at Winchburgh on over 180ha of prime agricultural land. Furthermore, WLC had not justified their selection of Winchburgh under the terms of the 2004 West Lothian Soil Sustainability Plan. The prime agricultural land at Winchburgh should be designated as part of the Area of Special Agricultural Importance in WLLP. Under WLC's proposals, prime agricultural land had been needlessly targeted

and would be lost for no strategic gain.

- 3.13 There would be problems in gaining the necessary permissions for the railway station and M9 motorway junction proposed as part of the development at Winchburgh. WLC had no fall back plan if the infrastructure was not delivered. In addition, as other housing sites in West Lothian were dependent on the delivery of the denominational secondary school at Winchburgh, it would be difficult for WLC to prevent the Winchburgh development from proceeding.
- 3.14 There was an opportunity to direct the CDA development proposed at Winchburgh to the lower grade agricultural land at Broxburn and Uphall. That would be in line with E&LSP. Uphall also had an existing railway station which would help satisfy sustainable transport objectives. Furthermore, it had access to a motorway junction, and a new northern distributor road would provide huge benefits by reducing the amount of traffic passing through the settlement. Landscape and visual impact concerns had been overstated. WLC's concerns about the school bussing costs associated with development at this location were not sufficiently substantive to prevent development. Alternatively, Livingston could absorb the level of development proposed, and it would still be well below its target population. It had an existing infrastructure (water supply, sewage and electricity) with considerable spare capacity, whereas Winchburgh was already close to its infrastructure capacity, and major costs would be involved in undertaking the required upgrades. WLC could not justify the large scale proposal at Winchburgh on the grounds that it was required to fund further secondary school provision. There were other sites available in the area through other developers. Development at Winchburgh would be contrary to a number of E&LSP and WLLP policies, including E&LSP policy ENV1d and WLLP policy ENV7. WLC did not clarify why some sites were accepted for development and others rejected. There was an overriding feeling in all communities that large scale developments should not be allowed.
- 3.15 Mr Kirkwood was concerned about the suburbanisation of the countryside. He was also concerned that there was no obligation, only an intention, to provide a new non-denominational secondary school at Winchburgh, as well as a denominational secondary school.
- 3.16 Other objectors believed that further guidance was required in WLLP on the term environmental carrying capacity. It also needed to be made clear that the greening of brownfield sites together with the development of greenfield sites could be an appropriate approach. Some objectors believed that further releases were required in other locations eg Philpstoun and Blackburn, particularly in the early years of the WLLP period, and they recommended the deletion of further sites from the housing land supply. One objector indicated that the importance of Livingston should not be diminished, and that it should retain its role as the focus of West Lothian. Additional sites could be identified outwith CDAs through E&LSP policy HOU8. WLLP Appendix 6.1 did not provide any details of the phasing and timing of the housing sites listed. While such information could be found in the housing land audit, its inclusion within WLLP would be of significant benefit to the monitoring process. Another objector believed that the

distribution of houses in CDAs should be established in WLLP and not left to a later stage, while another contended that the distribution should not be restricted to that stated in WLLP. It was also indicated that a maximum number of houses for each CDA should not be set in WLLP, that should be left to the masterplanning exercise required.

- 3.17 On transportation matters, a number of objectors did not consider that the road system would be able to cope with the traffic generated by the proposals in WLLP, including within CDAs and, more generally, into Edinburgh.

4. SUMMARY OF CASE FOR WLC

- 4.1 Sections 11, 15 and 17 of the 1997 T&CPA set out the obligations imposed on WLC in considering the objections to WLLP. The Structure and Local Plans (Scotland) Regulations were also relevant. The test of whether a local plan conformed to the structure plan was one of planning judgement (*Commission for the New Towns v Horsham District Council [2000] PLCR (Part 1) 70*; *R v Derbyshire County Council ex parte Woods [1998] Env LR277*; and *Freeport Leisure plc v West Lothian Council [1999] SLT452*). The correct approach in interpreting a structure plan was to look at the policy, the relevant text supporting the policy, and the policy and text in the context of the relevant chapter. An example of the correct approach was contained in the *City of Edinburgh Council v SMs [2001] SC957*.

- 4.2 The objections to WLLP must be considered within the context that WLLP was required to conform to E&LSP (as approved). There was no statutory requirement for WLLP to conform generally to an E&LSP consultation paper which set out the options for reviewing E&LSP and which suggested only a limited alteration so that it remained relevant until 2020. In addition, while there was no statutory requirement for WLLP to be in accordance with relevant SPPs, Circulars and NPPGs, WLC considered that WLLP accorded with these policies and they wished it to be assessed having regard to them.

Housing land supply

- 4.3 It was not the function of the inquiry to reassess the relevant E&LSP requirement for housing land. E&LSP assessed demand, need, supply and all other relevant factors. It was modified and approved by SMs and, accordingly, set out the centrally approved position on the housing land requirement.
- 4.4 SPP1, SPP3 and PAN 38 clearly set out the respective roles of E&LSP and WLLP in relation to housing land. The E&LSP requirement was for 70200 houses to be built by 2015. E&LSP recognised that more than this number could be built. It identified the sources of housing land, and made provision for new strategic housing allocations under E&LSP policy HOU3. The maximum number of houses allowed by E&LSP in the strategic allocations proposed in West Lothian was 12000. In addition, further housing land could come forward in WLLP through E&LSP policies HOU8 and HOU9.

- 4.5 Clearly, E&LSP policy HOU3 was of considerable importance. It required WLLP to allocate land in the 3 CDAs and, if insufficient land was allocated, WLLP could not comply with E&LSP and it could not be adopted. The allocated land should not include land previously identified for housing. Policy HOU3 also recognised that not all houses would be built during the E&LSP period. Provided a site was capable of becoming effective by 2014/15, it could be identified in WLLP to meet the strategic housing allocations. Indeed, E&LSP's Action Plan recognised that some of the infrastructure required for development to take place on strategic housing allocation sites would not be in place until towards the end of the E&LSP period. Given the terms of E&LSP policy HOU4, it was unnecessary to have the effectiveness of the allocations as an objective. When identifying the allocations, WLC had regard to their ability to achieve the required rates of housing completions.
- 4.6 WLLP had identified the maximum number of houses for the 3 CDAs in order both to deliver E&LSP's sustainability objectives and to provide the greatest opportunity to address the infrastructure constraints identified in E&LSP, its Action Plan, and WLLP. It was no coincidence that the maximum number of houses allowed fitted well with the number of houses required to optimise the educational infrastructure. In addition, E&LSP's Action Plan showed that education was not the only infrastructure required in CDAs. Put bluntly, unless the number of houses stated were allocated, the prospect of the strategic housing allocations becoming effective or capable of becoming effective over the E&LSP period reduced considerably, particularly given the terms of E&LSP policy HOU5. There were 2 reasons why WLLP allocated a greater number of houses in CDAs than the maximum allowed – the figures included sites in the base supply (2001 Housing Land Audit) and a small number arising from WLC's assessment of open space and sports facilities. These latter sites were within settlement boundaries and arose through the process required by NPPG11.
- 4.7 Regarding the assessment of the supply, the most recent E&LSP Monitoring Report showed that to date West Lothian had on average actual annual completions of 1,163 houses during the first 4 years of E&LSP. It also showed that the effective housing land supply at March 2005 (in terms of the agreed housing land audit) was 4,770 houses for the five years from 2005. In addition, housing land had been brought forward into the effective supply since the audit, and account had to be taken of expected completions on sites identified in WLLP. Taking these figures together, the total number of houses for the 5 year period from 2005 was 6,284, which was above the average 5 year land supply for West Lothian of 5,800 houses. This position was updated in WLC's housing model. It estimated the expected completions to 2010 at 6,752 houses. For the period from 2007 to 2012 (5 years from the likely date of adoption), the expected level of completions would be 8,040 houses.
- 4.8 WLC considered that without the sites identified in the WLLP, the West Lothian area would not have a 5 year land supply in terms of E&LSP for the next 5 years or for the 5 year period from the likely date of adoption of WLLP. The CDA allocations were not at present expected to contribute towards the E&LSP requirement and the 5 year land supply until post 2010. The other sites in WLLP were required to meet the average 5 year land supply. By providing a choice of

sites and a long term settlement strategy, the risk of not meeting the E&LSP requirement due to delays in sites coming forward had been reduced. Having allocated land to the maximum permitted, care had to be taken with releasing further land because this could dilute the market and have an impact on the viability of proposals within CDAs and elsewhere. There would be too much detail in WLLP if Appendix 6.1 included information on phasing/timing of sites.

- 4.9 The E&LSP review was currently only a consultation paper. It relied on an output from CDAs in West Lothian of 12000 houses by 2020. While it also indicated that the likely number of households in the E&LSP area in 2015 would be less than that predicted under the 1998 based projections (396100 households [2002 projection] and 406100 households [1998 projection]), it showed that the difference between the 2 projections would be likely to be insignificant in West Lothian (80400 households [2002 projection] and 80600 households [1998 projection]). The use of the 2002 based projections did not therefore justify a review of the allocations in CDAs. The review suggested that there was no requirement to identify additional land for housing development before 2020.

Allocation selection process

- 4.10 The process of selecting CDA allocations started with WLC carrying out an initial search of the whole West Lothian area. The 2020 Vision document set out details of the search and how WLC arrived at its menu of options. At that stage, it was also possible for communities, land owners or developers to propose alternative allocations. There were further important stages in the process, particularly the stage at which the preferred strategy had been established. WLLP set out the key objectives finally used to select the CDA allocations. Throughout the process, WLC encouraged public participation and they consulted with local communities, the development industry, and other relevant parties. No overwhelming reasons were presented by objectors to alter WLC's preferred strategy. While WLC did not favour a dispersal approach, a degree of choice had been provided in CDAs in order to conform to E&LSP. A more dispersed approach had been adopted outwith CDAs. It was impossible to be more precise about the distribution of houses in CDAs at this stage because of the scale of the allocations proposed and uncertainty about ground conditions.
- 4.11 It had not been suggested that the key objectives set out in WLLP for selecting the CDA allocations were irrelevant or inappropriate. They mirrored the objectives of E&LSP. The loss of prime agricultural land was an environmental impact, and this was covered by the objectives and E&LSP, and was dealt with in WLC's assessment. Greenfield land had been allocated, but this was inevitable given the boundaries of CDAs. WLC believed that they had avoided allocations where development would lead to unacceptable environmental impacts. In addition, they considered that a letter from them to SE, dated 20 October 2005, demonstrated that environmental factors had been taken into account at all stages of the WLLP process. The allocations had been established through a process which had sustainability at its core. Efficiency in education and biodiversity were other key factors. If the allocations were reduced in scale, there would be difficulties in educational provision, developer contributions, and putting into place a long term settlement strategy. There was no provision for allocating

strategic housing land outwith the areas identified in E&LSP. If this had been done, WLLP would not conform to E&LSP. There was no specific requirement to allocate land at Uphall in WLLP. If more land was allocated at Livingston, WLLP would not conform to E&LSP.

- 4.12 On other matters, WLLP focussed on brownfield sites within settlement boundaries, and it did not automatically support brownfield development outwith settlements. In addition, the term environmental carrying capacity was relevant to larger sites. Such sites would be more likely to be subject to an Environmental Impact Assessment, which would indicate how the proposed development would be absorbed or “carried.”
- 4.13 On transportation matters, WLC indicated that in choosing the preferred strategy, account had been taken of the broad impact of the new allocations brought forward and the infrastructure requirements. These allocations were located where there was capacity on the existing network or where there were major medium and long term strategic transport proposals as identified in E&LSP and the Regional Transport Strategy.
- 4.14 Regarding education, the strategy allowed for the efficient use of educational infrastructure and properly addressed the educational constraints. Under E&LSP’s Action Plan, the onus for securing educational facilities would fall on developers. Catchment area reviews would help ensure sufficient pupils for the new schools. A new non-denominational secondary school would be required at Winchburgh.
- 4.15 WLLP conformed to the policies in E&LSP and it met the requirements of national guidance. In these circumstances, the objections put forward in relation to the housing land supply and the site selection process provided no basis for recommending changes to WLLP.
- 4.16 In support of WLC’s position, other parties indicated that the strategic concept behind E&LSP relied very heavily on the successful implementation of CDAs in West Lothian. WLC had been given the task of providing 23% of the overall housing needs of the region and a minimum of 40% of the new allocations. Winchburgh was the preferred location for the denominational secondary school without which there could be no new development in West Lothian or the west of Edinburgh.

5. CONCLUSIONS

- 5.1 In essence, the issues before the inquiry focussed on whether the preferred strategy for housing land, transportation and education conformed to E&LSP and whether any other considerations justified further changes to WLLP.

Housing land supply issues

- 5.2 SPP3 and PAN38 provide the national context for considering the housing land supply in West Lothian, and E&LSP provides the strategic context. E&LSP

refers to the existence of a wider Edinburgh HMA, which covers most of Edinburgh and the Lothians, but also extends into the Scottish Borders and South Fife. E&LSP sets out a total plan requirement of 70200 houses in Edinburgh and the Lothians for the period 2001-15. In order to achieve this figure, sources of land are identified – the effective base supply (29000 houses [2001 Housing Land Audit]), the constrained (non-effective) supply (2100 houses [2001 Audit]), emerging local plan sites (12600 houses), windfall sites (14000 houses) and new strategic housing allocations (18200 houses, predominantly in CDAs identified in E&LSP). In total, these sources would provide more houses than the E&LSP requirement (at least 76000 houses), which means that there is some flexibility in the supply. The contribution from West Lothian to the first 4 sources is expected to be 9400, 900, 0 and 1000 houses respectively. In addition, the contribution to the final source is expected to come from a minimum strategic allocation of 7000 houses spread across the 3 CDAs identified in West Lothian (1000 houses at Armadale; 3000 at Livingston and the Almond Valley; and 3000 at Winchburgh, East Broxburn and Uphall) up to an allocation of 12000 houses (2000 at Armadale; 5000 at Livingston and the Almond Valley; and 5000 at Winchburgh, East Broxburn and Uphall). Given the wording in E&LSP, we believe that the strategic allocations in each CDA can be properly made anywhere between the minimum figures and around the general cap imposed by the higher figures.

- 5.3 WLLP has a different time frame to E&LSP. It seeks to provide development guidance over a period of 10 years (2005-15), although some allocations are expected to be built out over a period of 15 years or more. WLC claim that the WLLP housing land supply figures have been updated to a March 2005 base. WLLP indicates that the supply of sites established, including the CDA allocations, can accommodate up to 24488 houses. However, WLLP Appendix 6.1 lists sites with a total notional capacity of 26056 houses. For the purposes of this report, we have used the former figure as this was the one used by WLC during the course of the inquiry, and it was not disputed by any party.
- 5.4 Local plans must provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. Local plans should also identify further sites to meet requirements in the medium term. Furthermore, the effectiveness and programming of sites require to be monitored through the annual housing land audit, to maintain sufficient effective land for at least the following 5 years at all times. No planning authority is excused from achieving these requirements, which are set out in SPP3. E&LSP states in policy HOU10 that the Lothian Councils will maintain an effective 5 year land supply and describes the way in which a shortfall in the supply should be dealt with (paragraph 1.15 above) SPP3 and E&LSP define the effective housing land supply as that part of the established supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing. PAN38 identifies 7 types of constraint: ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use.
- 5.5 E&LSP explains that to meet its requirement (70200 houses), the average 5 year land supply should be 25100 houses (5020 houses per annum) across Edinburgh and the Lothians. West Lothian's contribution to the requirement over the

E&LSP period is expected to be 16100 houses, with an average 5 year land supply of 5800 houses (1160 houses per annum).

- 5.6 The 2005 E&LSP Monitoring Report shows that the level of completions in Edinburgh and the Lothians between 2001/02 and 2004/05 was 17070 houses, an annual average of 4368 houses, which is below the E&LSP requirement. However, West Lothian's contribution over this period amounted to 4652 houses, an annual average of 1163 houses, which matches the contribution expected by E&LSP. The Monitoring Report recalculates the land supply targets for each council for the period 2005-10. The new 5 year land supply target for Edinburgh and the Lothians is 26565 houses (5313 houses per annum) and for West Lothian 5724 houses (1145 houses per annum). The 2005 Housing Land Audit for West Lothian, which is the most recent audit before the inquiry, shows that the effective land supply for this period would be 4770 houses (954 houses per annum). While this suggests that the land supply target for West Lothian is not being met, the Monitoring Report indicates that the effective supply for West Lothian has increased to 6284 houses for this period (1257 houses per annum) and for Edinburgh and the Lothians, to 27575 houses (5515 houses per annum). Within the context of both the Audit and the Monitoring Report, we accept that the current housing land supply is likely to be of sufficient size to meet the target requirement. This remains the case even though the Audit on its own indicates a tightening of, and shortfall in, the supply. We note that the Audit only provides details of programmed completions up to 2011/12, and therefore does not fully cover the 5 year period from the likely date of adoption of WLLP (mid/late 2008).
- 5.7 We are aware that WLC have prepared a Housing Model for West Lothian which updates the above figures and shows expected completions up to 2024/25. The model shows that for the periods 2005-10 and 2010-15, the land supply is expected to provide 6752 and 8179 houses respectively (1350 and 1636 houses per annum). On the basis of the figures provided, the 5 year land supply from the likely date of adoption (2008/9-12/13) is expected to be 8111 houses (1622 houses per annum). Although a different strategic context will be in place post 2015, the model suggests that the land supply would be maintained at an average of over 1000 houses per annum for the 5 years following the E&LSP period. We note that the figures up to 2015 all comfortably exceed the E&LSP target. While we believe that these figures have to be treated with caution given that the sites listed are not contained in an agreed Audit, we consider them to be a useful estimate of the timescales in which WLC currently believe that their proposed housing sites could be delivered.
- 5.8 On the basis that all of the housing sites in the Model were to come forward in their programmed timescales, it would be inappropriate to increase the number or size of the housing allocations in WLLP. We also do not consider that the scale of the supply should be regarded as excessive, particularly when account is taken of the need to provide an effective housing land supply for at least 5 years from the date of adoption. We believe that there is flexibility in the proposed supply, and that it would be inappropriate to reduce the scale of allocations proposed in WLLP. We acknowledge that there could be small variations in the level of allocations either way, but these should not be significant. If additional new

allocations are made, they would be constrained by the requirements of E&LSP policy HOU5 (chapter 1.2, paragraph 1.6), in the same way as sites already allocated in WLLP.

5.9 The housing allocations in WLLP include the 12000 houses proposed in the 3 CDAs. WLC do not expect any output from CDAs until post 2010. Nonetheless, they form a significant part of the housing land supply, particularly for the period 2010-15. Without their contribution during this period, the supply would reduce to 4785 houses (957 houses per annum) which would be significantly below the E&LSP target. While the 5 year land supply figure (2008/09-12/13) would reduce to 6776 houses (1355 houses per annum), which would mean that the target would still be met, the supply from 2012/13 onwards would fall sharply. We found no compelling reasons to reduce the scale of these strategic allocations towards the minimum levels required by E&LSP. As the allocations proposed also comply with the general cap imposed by E&LSP, we find that they are consistent with its terms. It is clear to us that the allocations require to be of the scale proposed to allow the provision of the necessary infrastructure, particularly in the Livingston and the Almond Valley and Winchburgh, East Broxburn and Uphall CDAs. We note that one of the building blocks used to establish the scale of the strategic CDA allocations in E&LSP was the provision of educational facilities.

5.10 Given the likely complexity involved in bringing forward allocations of this size, we accept that development in CDAs may not commence within the timescales envisaged and this causes us concern. However, we do not believe that additional compensatory strategic allocations through WLLP can be justified at this time. The scale of additional allocations required would result potentially in an excessive supply, and could have a potentially undermining effect on the strategy. Instead, we consider that efforts must remain focussed on bringing forward the CDA allocations as recommended in this report, thus providing a reasonable opportunity for WLC to progress WLLP's strategy. At the inquiry, an alternative strategy was presented for only one CDA (Livingston and the Almond Valley), and this is considered in detail in the site specific CDA chapters along with the various sites brought forward by objectors (eg at Uphall, Kirknewton and East Calder). While we believe that some alterations are required to WLLP's strategy, there is little to suggest that the alternatives promoted would improve the likelihood of the CDAs being delivered within the timescales set out or result in a demonstrably better alternative strategy. Indeed, we see little benefit to be gained in allocating a variety of sites on a piecemeal basis under the guise of a reasonable, properly formulated alternative approach to the strategy in WLLP. As the distribution of houses between CDAs has been determined by E&LSP and the strategic allocations in each CDA are at the upper end allowed, there is no scope to vary the strategy by reducing the number of houses in one CDA and increasing them in another (eg by moving part of the allocation from the Winchburgh, Broxburn and Uphall CDA to the Livingston and Almond Valley CDA). Given their size and their importance to the implementation of WLLP, if significant problems arise with the delivery of CDAs, then it would be necessary for WLC to reconsider WLLP's entire strategy. However that is, in the main, beyond the scope of the objections considered at this inquiry.

- 5.11 Reference was made to a number of housing sites which have been brought forward through the open space and sports facilities strategies. WLC indicated that these were included in WLLP as new allocations which would help ensure that the 5 year land supply could be achieved. They clearly do not fulfil the definition of windfall sites contained in PAN38. A number of these sites were the subject of objections. We acknowledge that WLC's ownership of sites can be helpful in removing constraints to development. In principle, we would have no objection to these sites being brought forward provided their loss as open space or sports facilities is considered acceptable and they are found to be suitable for housing. For the reasons outlined below, this would include open space and sports facilities in CDAs.
- 5.12 We have considered the relevance of the E&LSP 2020 Review. It sets out the options for reviewing the current E&LSP. It calculates that the overall housing land requirement for the period 2005-2020 is 73740 houses across Edinburgh and the Lothians based on the 2002 GROforS household projections. It indicates that the land supply for the period 2005-20 would provide 94530 houses, 20790 houses more than the land requirement. This may suggest some scope for reducing the scale of allocations proposed in WLLP in CDAs. However, we note that the Review assumes that the CDA allocations in West Lothian will be developed in full, that there is no suggestion that these should be reduced in any way, and that there is little difference shown in West Lothian at 2015 between the 1998 and 2002 GROforS household projections (200 households), with the former projection being that on which the current E&LSP is based. In addition, we note that this is a consultation paper, that the process is at early stage, and that the E&LSP Joint Committee have applied to SMs to abandon the Review. In all of these circumstances, and although of relevance, we do not consider that the Review, as it stands, needs to be given great weight, or that its terms have an undermining effect on the requirements of E&LSP as they apply to West Lothian.
- 5.13 Overall, in terms of the scale of the housing land allocations, we are satisfied that WLLP broadly conforms to E&LSP and national guidance and advice. Notwithstanding our concerns about the delivery of the CDA allocations, we are also satisfied that WLLP contains sufficient housing sites to provide a 5 year land supply and we are of the view that it would be unwise to make large scale compensatory provision. We consider that new allocations can be brought forward through the open space and sports facilities strategies review undertaken, including in CDAs. We do not believe that the E&LSP 2020 Review attracts significant weight.

Allocation selection process

- 5.14 E&LSP determines the general location of the 3 CDA search areas in West Lothian in which WLLP should bring forward its CDA allocations. E&LSP's strategy was to continue building on the success of Livingston, to take advantage of some spare capacity on the M9, and to promote development in the west. In broad terms, we are satisfied that the CDA allocations identified in WLLP would not be inconsistent with the thrust of this strategy, even though the provision of a further motorway junction is not a straightforward matter. The process of identifying allocations in WLLP involved assessments carried out at different

stages. In 2001, at the stage of the 2020 Vision, WLC indicated that they intended to use over 20 factors to assess the options set out and other proposals. By April 2004, when the preferred strategy was identified, it was indicated that the allocations considered had been assessed against a number of broad strategic factors. WLLP then went on to identify further key objectives which had been used in identifying the CDA allocations. It is accepted that the factors used to judge submissions evolved during the selection process. However, the full extent of the evolution and the way in which the factors were applied at various stages in the process was not fully explained by WLC at the inquiry. There was also nothing before the inquiry which satisfactorily demonstrated that WLC had conducted a thorough search of all growth options in coming forward with the 2020 Vision. This all has the unfortunate effect of making the process followed by WLC look less than transparent. While the objectors did not demonstrate that any “retrofitting” took place, for the above reasons, this possibility cannot be completely excluded. For the purposes of this report, we are satisfied that it would be appropriate to consider the objectives stated in WLLP. In addition, it is clear to us that other factors, such as the ability to deliver the required level of development and the associated infrastructure, would clearly be relevant in assessing whether proposals should come forward. This was recognised by WLC in the 2001 report.

5.15 Concerns were raised that the selection process was influenced too much by the need to provide substantial infrastructure, particularly in relation to education. There is no doubt that the delivery of infrastructure, particularly the provision of secondary schools, was highlighted in E&LSP, and by WLC in mid 2002 and again in September 2003 (chapter 1.2, paragraph 1.5 below). The delivery of the CDA allocations hinges on the successful provision of this infrastructure, and we believe that it is a key factor to which WLC were entitled to give weight in deciding on the strategy to be pursued. It is important not to underestimate the challenge that the provision of this scale of infrastructure represents. However, we recognise that it should not be the sole driving factor behind the location of housing, and that it should not result in the general planning principles underlying national and strategic guidance being set aside, including those in SPP3 relating to guiding development to the right places. While objectors provided an outline of other ways in which the provision of infrastructure could be approached, they did not show that these had any advantages over WLC’s chosen method or that they were feasible, or that they should be preferred. The importance of any “retrofitting” in this context is the extent to which it may have resulted in an inappropriate strategy being chosen by WLC. Subject to the changes we propose, we have generally found this not to be the case.

5.16 Further concerns were raised about the way in which WLC undertook their assessment at the different stages. It was indicated that more emphasis should have been given to brownfield land. The 2005 Audit shows that 60% of the effective land supply in West Lothian is on brownfield land, and we accept that such land in settlements should be the first preference for development in line with national guidance and E&LSP. However, the indications are that the brownfield land supply in West Lothian is now starting to reduce, and neither national guidance nor E&LSP prohibit the release of greenfield land. Indeed, E&LSP recognises that “it is clear that new greenfield land will still be needed to

meet the demand for housing and business development.” It is at the stage of preparing a development plan and devising a long term settlement strategy that it is appropriate to consider the balance between brownfield and greenfield opportunities. Although we acknowledge that greenfield releases require to be strictly controlled and brownfield development emphasised, the former are now often an established part of strategic housing land releases. While one or 2 possible additional brownfield opportunities have been assessed at the inquiry, we note that the CDA allocations, taken as a whole, already incorporate areas of brownfield land and nothing has been drawn to our attention which persuades us that there is great scope to increase the level of brownfield allocations without starting to undermine WLLP’s strategy.

5.17 In addition to the above, it was claimed that WLC failed to take adequate account of prime agricultural land. We note that this is not referred to explicitly by WLC at any stage in the selection process. The latest national guidance on this matter (SPP15) and E&LSP both indicate that prime quality agricultural land should be protected. However, both allow its release under certain circumstances, with the former highlighting that it should only be used to meet strategic development objectives, eg, as part of a long term settlement strategy in the development plan. We therefore do not accept that the designation of a greenfield site as prime agricultural land would necessarily be sufficient, in itself, to prevent it from being allocated for development. In coming to this view, we have taken account of the terms of SODD Circular 18/1987.

5.18 There were further criticisms of the environmental examination undertaken by WLC of sites and of the failure to take account of existing uses. Nonetheless, we acknowledge that WLC had to carry out a balancing act between the various factors in assessing the allocations and identifying a strategy. While the strategy selected has weaknesses, and we have particular concerns that it is high risk, no realistic, fully thought out, coherent alternative, which demonstrates less risk, has come forward. We believe it helpful that WLC sought to engage with a wide range of parties in bringing forward their proposals.

5.19 Other matters were raised. In relation to E&LSP policy HOU8, it is clear that it introduces a presumption against development on greenfield sites, subject to the exceptions stated in the policy and the further qualifications referred to in the supporting text. It cannot be seen as a policy which is generally supportive of greenfield development. E&LSP policy HOU9 provides development opportunities for settlements in the west of the WLLP area but only in defined circumstances. On the term environmental carrying capacity, we note that it is included in that part of WLLP which sets out the strategic objectives. Given the context within which it is used, we consider the term to be self explanatory, and we are not persuaded that any further clarification is required. We see little advantage in providing details in WLLP Appendix 6.1 on the phasing and timing of housing sites. This information is better contained in the housing land audit given that it frequently changes.

Allocation selection

5.20 Regarding the selection of allocations, it is important to ensure that all of the sites

we have considered at this inquiry are treated on a level playing field. In order to achieve this we believe that it is appropriate to remove those allocations before us and in WLLP from the 2005 Audit and the Housing Model. The differences between the adjusted Audit and the adjusted Model are set out below:

| | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | Total |
|------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-----------|-------|-------|-------|-------|-------|-------|-------|
| 05 Audit | 972 | 1155 | 1145 | 811 | 687 | 587 | 489 | 2395 | post 2012 | | | | | | | 8241 |
| Adjusted | | | | | | | | | | | | | | | | |
| 05 Audit | 962 | 1135 | 1045 | 716 | 607 | 507 | 419 | 2295 | post 2012 | | | | | | | 7686 |
| | | | | | | | | | | | | | | | | |
| | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | Total |
| Housing Model | 945 | 1187 | 1412 | 1430 | 1778 | 1804 | 1616 | 1483 | 1599 | 1677 | 1591 | 1516 | 1275 | 1115 | 1026 | 21454 |
| Adjusted | | | | | | | | | | | | | | | | |
| Housing Model | 935 | 1187 | 1242 | 1125 | 1293 | 1124 | 918 | 758 | 715 | 636 | 550 | 526 | 355 | 315 | 215 | 11894 |
| | | | | | | | | | | | | | | | | |
| Housing model figs 2020+: | | | | | | | | | | | | | | | | 3919 |
| Housing Model figs 2020+ adjusted: | | | | | | | | | | | | | | | | 625 |

The adjusted 2005 Audit shows that there would a substantial shortfall in the 5 year housing land supply and beyond. The Adjusted Housing Model also shows that there would be a shortfall in the land supply, albeit not as marked, with an average of 1043 houses per annum being delivered over the 5 year period from the likely date of adoption. Both point to the need for further allocations.

5.21 The need for further allocations is reinforced by the requirement to make strategic allocations in CDAs. We consider that it is logical to focus a significant amount of development in the eastern part of West Lothian, which is the area closest to Edinburgh. Following our assessment of the sites before the inquiry, we have supported the CDA allocations proposed in WLLP. We believe that the Winchburgh allocations are the key to the delivery of WLLP’s strategy because they are to contain the proposed denominational secondary school, which would help remove a significant educational constraint which affects development throughout West Lothian. The proposed motorway junction is an area of uncertainty and concern, which casts doubt over the delivery of CDA, but no realistic alternative to the allocations at Winchburgh came before the inquiry, and we do not find any failing with them so great that their rejection could be justified. If the motorway junction cannot be delivered, we believe that it would be necessary for WLC to examine alternative locations for development in CDA. At East Calder, a number of alternative strategic sites came forward. Some of these had merit, most notably one at Kirknewton (Scotia Homes) and another at East Calder (Broompark), and we believe that both should be considered further if the CDA allocations at East Calder fail. However, we do not consider that they should replace the allocations made in WLLP because of our doubts about the alternative strategy put forward. At Gavieside, the allocations appropriately build on the role of Livingston as the major town in the WLLP area. At East Broxburn, the allocations include brownfield sites, and those at Armadale provide further significant opportunities in the western part of West Lothian, and relate well to the new railway line. The CDA allocations are of a significant scale and, to all intents and purposes, involve the creation of 2 new settlements at Winchburgh and East Calder.

- 5.22 A number of smaller sites came forward in CDAs which are clearly not viable alternatives to the main allocations in WLLP, and they can be regarded as non-strategic. Bringing forward these sites would result in the general cap on the numbers of houses given for CDAs in E&LSP being exceeded. However, we believe that the cap is more aimed at seeking to limit the scale of strategic allocations under E&LSP policy HOU3. Where in CDAs an allocation would not result in the loss of focus on delivering the strategic allocations and the associated infrastructure, the overall levels of allocations would not be excessive, and there is good reason to allocate a site, we are satisfied that further non-strategic allocations can be made and that WLLP could still be regarded as conforming to E&SLP. On this basis, we consider that there is some flexibility and that non-strategic sites in CDAs, such as those proposed by WLC through the open space and sports facilities strategies (and others), can be considered for allocation. In such cases, E&LSP policy HOU8 can reasonably be considered relevant, and we have applied it to a number of sites.
- 5.23 We note the expansion proposed in Bathgate and Whitburn, and have found the growth proposed in both settlements in WLLP to be appropriate. A wide range of opportunities is to be expected and supported in a town such as Livingston, which is a focus for facilities and services. Other appropriate opportunities are identified in smaller settlements, including at Fauldhouse and in CDAs. The area to the north west of West Lothian, including Linlithgow, is identified as an area of restraint in E&SLP, and that limits the prospects for bringing forward opportunities for development. While some parties have questioned the suitability and deliverability of sites at Bathgate, Blackridge, Dechmont, Westfield, and elsewhere, we have found nothing to indicate that the sites concerned should not proceed as development opportunities in WLLP, that they could not be delivered within a reasonable timeframe, or that other sites should be preferred.
- 5.24 Out of all the sites allocated for housing in WLLP which were considered at the inquiry, we have recommended that 6 sites be deleted (Calder Road, Bellsquarry [HLv73]; Almondvale Centre, Livingston [HLv131]; Almondvale East, Livingston [HLv132]; Howden Bridge West, Livingston [HLv133]; Howden Bridge East, Livingston [HLv126]; and Drove Road Park, Armadale [HAM15]), and that an adjustment be made to a site at Meadowhead Avenue North, Addiewell (HAD7). The sites recommended for deletion all form important parts of key areas of open space. Additionally, out of those sites proposed by objectors, we have recommended that 4 non-strategic sites be released for housing (South of Station Road, Kirknewton [site 2]; Wilkieston; Freeport Retail Village, by West Calder; and Brucefield Industrial Park, Limefield, Livingston), and that 2 non-strategic sites be included in the settlement boundary (ABP Ltd, Bathgate; and Mosshall, Blackburn). The sites all benefit from site specific circumstances which make them suitable either for allocation for housing or for inclusion in a settlement. The detailed reasons for the deletion and addition of the sites are given in later chapters in this report. These recommendations are largely neutral in terms of their effect on the housing land supply, to the extent that they result in a loss of 260 houses over the period 2008/09-2010/11, and a gain of 280 houses over the period 2009/10-2014/15. In terms of the 4 non-strategic sites recommended for allocation, we have assumed that development

would commence at Kirknewton [site 2] and Brucefield Industrial Park in 2009/10, and at Wilkieston and Freeport Retail Village in 2011/12. With these adjustments to the land supply, we consider that a reasonable and balanced range of development opportunities would be offered across West Lothian.

5.25 The timing of development is critical to maintaining the land supply. We have found that no strategic CDA allocation is effective at present because the required infrastructure is not yet available. However, this does not give those sites seeking to replace the CDA allocations proposed in WLLP any advantage because they are similarly constrained. Given the time that is likely to be required to bring these strategic allocations forward, we have concluded that the likely dates for delivery are over optimistic and have put them all back by 2 years. We have also concluded that the estimated dates for delivering some other sites are over optimistic and have therefore made appropriate adjustments. The sites are at Windyknowe, Bathgate, and Woodmuir Road East, Breich (both adjusted to 2008/09), Craiginn Terrace, Blackridge (adjusted to 2009/10), and Bangour Village Hospital and Expansion, Dechmont (adjusted to 2009/10 and 2010/11 respectively). We have not considered the effect of the changes against the 2005 Housing Land Audit because it includes few of the sites before the inquiry. The effect of all the changes on the Housing Land Model is as set out below:

| | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | Total |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Final Housing Model figures (including additions, deletions and prog adjustments) | 935 | 1135 | 1267 | 1265 | 1618 | 1609 | 1361 | 1258 | 1340 | 1362 | 1379 | 1526 | 1396 | 1285 | 1115 | 19551 |

2020+ figures: 4830

For the 5 year land supply, the changes mean that the annual average delivery of housing falls from 1622 houses per annum to a more realistic 1422 houses per annum. The revised figure still comfortably exceeds West Lothian's target contribution to the Lothians land supply of 1160 houses per annum in E&LSP and 1145 houses per annum in the Monitoring Report. With such leeway, we do not consider that any compensatory allocations are required or can be justified at this stage. It is now necessary to allow the strategic allocations the opportunity to come forward with the required infrastructure.

5.26 In relation to transportation, if the infrastructure envisaged to serve the new developments can be delivered, the initial modelling work undertaken suggests that it is likely that the road system would be able to adequately absorb the additional traffic that would be generated by the proposals in WLLP, including in CDAs and on the roads into Edinburgh. Turning to education, projecting school rolls, although useful, is not a precise science. The calculations undertaken by WLC take account of sites allocated in WLLP, but it is by no means certain that all such sites will proceed as planned. Some sites may prove to be constrained, and some may be subject to slippage. Others could potentially be phased. Additionally, substantial new educational provision is proposed in WLLP, including new secondary schools and primary schools. A number of catchment

area reviews will also be undertaken. Within this overall context, while we acknowledge that WLC are seeking the efficient use of infrastructure and that educational capacity is an issue which has to be addressed (in particular in Linlithgow), we believe it likely that there would be some flexibility, and that the additional allocations recommended as a result of the inquiry could be accommodated without undermining WLC's strategy or their approach to educational provision.

5.27 We have concern that the extent of CDAs has not been fully defined. This has meant that it has not always been clear whether a site lies within or outwith CDA, which caused some confusion at the inquiry. The E&LSP Key Diagram is the only plan where the CDA boundaries are shown, but it is no more than a diagrammatic representation of E&LSP's policies and proposals. While it seems clear that some sites fall within the intended boundaries of CDAs, towards their edges it is often far from clear. This is compounded by the fact that the descriptions of CDAs in E&LSP's text are not always accurately reflected in the general locations shown of CDAs on the key diagram. In order to avoid continuing confusion and to provide clear guidance, we believe that it is necessary to fully define the boundaries of CDAs on the WLLP Proposals Map. We believe this to be particularly important given the terms of E&LSP policy HOU10 which indicates that, in the event of a shortfall in the housing land supply, one of the areas for searching for additional land would be CDAs. In the absence of a plan which accurately shows the boundaries, we have treated all of the strategic sites competing with the CDA allocations, and the CDA allocations themselves, as falling within CDAs even when they appear to be very close to their edge. We believe that similar confusion is likely to arise over the area of restraint identified at Linlithgow and north west West Lothian. For the same reasons, we believe that the extent of the area affected should also be shown on the WLLP Proposals Map.

5.28 Drawing all these matters together, we consider that WLLP, together with the changes recommended in this report, can be regarded as conforming to E&LSP, and that other considerations do not justify any further changes.

5.29 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

(i) that the housing allocations at Calder Road, Bellsquarry (HLv73), Almondvale Central, Livingston (HLv131), Almondvale East, Livingston (HLv132), Howden Bridge West, Livingston (HLv133), Howden Bridge East, Livingston (HLv126), and Drove Road Park, Armadale (HAM15) as dealt with in chapters 2.3 and 3.6 of this report, be deleted from WLLP;

(ii) that the housing allocation at Meadowhead Avenue North, Addiewell (HAD7) be adjusted as set out in chapter 2.2 of this report;

(iii) that the sites at South of Station Road, Kirknewton [site 2], Wilkieston, Freeport Retail Village, by West Calder, and Brucefield Industrial Park, Limefield, Livingston, as dealt with in chapter 2.5 of this report be allocated for housing in WLLP;

(iv) that the sites at ABP Ltd, Bathgate, and Mosshall, Blackburn as dealt with in chapters 3.9 and 3.10 of this report be included in their respective settlement boundaries as shown on the WLLP Proposals Map;

(v) that the WLLP Proposals Map be modified to show the boundaries of the 3 CDAs outlined in the E&LSP Key Diagram in West Lothian, and that the text of WLLP be modified at an appropriate point to briefly explain and justify the choices made;

(vi) that the WLLP Proposals Map be modified to show the extent of the area of restraint identified at Linlithgow and north west West Lothian in E&LSP, and that the text of WLLP be modified at an appropriate point to briefly explain and justify the choice made; and

(vii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

1.2 Developer Contributions

Representation nos:

7362/2, 7362/20 (in part), 7362/21, 7362/24, 7362/25,
7409/1, 7415/1, 7419/1, 7419/16, 7420/3, 7420/4,
7420/8, 7423/5, 7435/3, 7436/2, 7436/3, 7436/5,
7436/6, 7440/1, 7453/3, 7457/1, 7497/1, 7497/2,
7497/3, 7498/1, 7498/2, 7498/3, 7502/1, 7502/2,
7564/8, 7564/10, 7580/1, 7689/1, 7690/1, 7690/2,
7690/3, 7691/1, 7692/1, 7699/1, 7699/2, 7699/4,
7699/5, 7699/6, 7699/8, 7700/2, 7700/5, 7700/6,
7700/7, 7701/1, 7701/2, 7701/3, 7701/5, 7702/1,
7702/5, 7702/6, 7704/3, 7704/5, 7711/4, 7712/2,
7712/4, 7713/1, 7713/2, 7713/3, 7848/3, 8350/1,
8355/1, 8368/1, 8370/1, 8371/1, 8373/1, 8479/1,
8533/2, 9878/1, 9882/1, 9882/2, 9882/4, 9893/1,
9915/2,

Objectors appearing at Inquiry:

Achadonn Properties Ltd
WG
CML&WDI
Mr Crosby
Mr and Mrs Dagleish
Mr and Mrs Rigby
(+ written submissions)

Inquiry references:

STRAT1c: Developer Contribution Principles
STRAT2a: Denominational Secondary School
STRAT2b: Armadale Academy
STRAT2c: Transportation Corridor Studies
STRAT2d: Professional Services
STRAT2f: Start Up Costs for Schools
STRAT2h: Travel Plan Co-ordinator
STRAT2i: Library Facilities
STRAT2j: Improvements to Town and Village Centres
STRAT2k: Public Art
STRAT2l: Cemetery Provision
STRAT2n: Livingston Fastlink
TRAN2d: Costs of A71 Study
TRAN3a: Safer Routes to Schools
TRAN13: Third Party Payments
COM1b: Community Swimming Pools
BUILT3: Enabling development
& WS16

1. BACKGROUND

1.1 SPP3 indicates that creating a new settlement or major extension will generally require partnership between the public sector, private developers and other interests. It explains that development plans should be clear about the likely scale of developer contributions, which for some sites may include provision of all or most new infrastructure, road improvements and similar requirements. It goes on to state that such provisions should be drawn up in consultation with the relevant parties, and that the cost of providing the necessary infrastructure should be commensurate with the scale of development proposed. SPP1 indicates that planning authorities have the power to enter into an agreement with persons having an interest in land in their area for the purpose of restricting or regulating the use of that land (section 75 1997 Planning Act), and that such agreements may contain incidental or consequential provisions, including financial ones.

- 1.2 SODD Circular 12/1996, on Planning Agreements, indicates that agreements can be used to overcome obstacles to the grant of planning permission and that, in this way, development can be allowed to proceed, the quality of development can be enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for. However, it continues that a planning authority should not treat an applicant's need for planning permission as an opportunity to obtain a benefit, financial or environmental, which is unrelated in nature, scale or kind to the development and that planning authorities should only require planning agreements to be entered into if, in land use planning terms, it would be wrong to grant planning permission without them. Both the circular and SPP1 recognise that the presence or absence of unrelated inducements or benefits should not influence a planning authority's decision.
- 1.3 The Circular states that it is not possible to indicate all the circumstances in which planning agreements can be appropriately used. It explains that, as a general rule, planning applications should be refused only where a clear planning purpose is served and that the use of a condition or agreement should arise only where it would not be appropriate to grant permission without some restriction or limitation. The circular identifies 4 criteria which an agreement should meet: a planning purpose, a relationship to the proposed development, related in scale and kind, and reasonableness. It continues that agreements can relate to land, roads or buildings provided there is a direct relationship between the two. In addition, the circular indicates that contributions towards public transport or community facilities may be acceptable provided the requirements are directly related to the development and the need for them arises from its implementation. However, it explains that agreements should not be sought where this connection does not exist or is too remote to be considered reasonable.
- 1.4 The circular highlights that development plans should give guidance on the particular circumstances in which planning authorities will seek to use agreements. It indicates that it is important that the policies in structure and local plans are as precise as possible because general statements of intent to use planning or other forms of agreement are unhelpful. The circular explains that this approach could allow, amongst other things, developers to anticipate the financial implications of agreements for development projects, for example in relation to land values. It continues that it is clearly preferable, in order to avoid abortive costs, for the funding base of projects to be identified at the outset of the development process rather than at the planning application stage. However, it recognises that structure and local plans cannot anticipate every situation where the need for a planning agreement will arise.
- 1.5 In mid 2002, following the identification in the Draft Consultation E&LSP (2001) of major housing allocations in a CDA in West Lothian, and the publication of the 2020 Vision, WLC published a paper on "Delivering the Next Round of Major Housing Development in West Lothian – A Guide to Developers." This sought to establish a common base for developers in preparing their proposals for submission. WLC identified 2 key requirements – delivering quality and a strategy. In relation to the latter, provision was made, amongst other things, for addressing the requirements for new schools, transportation infrastructure,

community facilities and affordable housing. It stated that “developers should bare the brunt of funding facilities and services required to support their development”, and it explained that “it is in the developers’ interest to identify and quantify major costs, if for no other reason than in negotiating a land value with a landowner.” The guide was updated in September 2003 following the submission of E&LSP to SE. The updated guide points out that “great efforts must be made to ensure that the facilities needed to serve the growing population are provided and paid for by the developer, as there remains little likelihood of the public sector resourcing such additional capital expenditure.” It indicated that the key relevant elements of the guide would be applied to any major proposal in West Lothian, and that this would include, for example, the requirements relating to design. In addition, the guide explained that WLC were lobbying for a wider debate on funding mechanisms for public service provision associated with large scale development.

- 1.6 The approved E&LSP (2004) provides for 3 CDAs in West Lothian, and indicates that the housing policies and allocations put forward seek to make the most efficient use of infrastructure. However, it recognises that in many parts of the E&LSP area there is currently insufficient capacity to accommodate the housing proposed. The Action Plan which accompanies E&LSP, identifies the major items of infrastructure that are required to support the development strategy. E&LSP states that the development industry will be expected to fund a significant proportion of this investment. In addition, it continues that, once sites are identified, local plans may identify additional items of infrastructure, which should be wholly developer funded. E&LSP expects that planning conditions and/or legal agreements will be used to secure the appropriate developer contributions. It stresses that implementation of the development strategy is wholly conditional on the necessary infrastructure being provided, and highlights that housing and economic development proposals should only be permitted if the planning authority is satisfied that the infrastructure will be delivered in phase with the development. Policy HOU5 states that:

“Policy HOU5

The development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required improvements are provided or committed. The infrastructure requirements in the Action Plan may be supplemented by site specific requirements identified in local plans.

Planning permission should not be granted for housing development until all relevant infrastructure in the Action Plan and/or local plan is provided or committed.”

- 1.7 In addition to these provisions, E&LSP indicates that if deficiencies are likely to arise in local facilities or amenities as a result of new development, contributions towards these will also be required from developers. It explains that these might include, for example, leisure facilities, open space and town centre improvements. Policy HOU6 states that:

“Policy HOU6

...contributions will be required from the housing developers to remedy any deficiencies in local facilities and amenities, which result from the additional housing. Local plans should set out the potential deficiencies pertaining to particular sites/communities.”

- 1.8 E&LSP indicates that the Action Plan will be subject to review, and the most recent review is the Interim Update of the second formal Action Plan which was published in January 2007. It points out that successful implementation of the strategy depends crucially on the provision of infrastructure such as public transport facilities, road improvements, drainage, and school capacity. E&LSP explains that there is a limit to how detailed and definite the identification of the requirements of the plan can be, since funding may not yet be committed, whilst there may be other means and sources of funding as the allocations are specified through the preparation of local plans. However, E&LSP indicates that in the absence of alternative sources of funds, the responsibility will be borne in most part by the development. It recognises that the additional demands on services, infrastructure and community facilities will be considerable, particularly to serve the sizeable new communities, and that the need to secure healthcare services is a newly emerging issue. E&LSP explains that the list of key infrastructure, services and planning requirements contained in schedule 3 of the Action Plan is not definitive and further requirements may be added, or altered, through the preparation of local plans. Policies IMP3 and IMP4 state that:

“Policy IMP3

WLC will work with all the key agencies and partners to bring forward the key infrastructure projects, as shown in schedule 2 of the Action Plan. Progress will be monitored as part of the biennial Action Plan review.

Policy IMP4

Agreements between developers and local planning authorities must be in place to secure the key items included in schedule 3 of the Action Plan prior to the granting of planning consent. In promoting proposals, developers must either:

- a. conform to the requirements incorporated into the relevant local plan; and/or
- b. enter into planning or other legal agreements with the planning authority where the planning authority is willing to promote development in advance of an adopted local plan....

The Lothian councils should identify, through local plans, the essential infrastructure and services and, where relevant, its phased provision, to serve the major strategic development allocations. This should include identifying the key parties responsible for provision and funding, and the mechanisms of funding. Further requirements may be added to those included in the schedule, as part of that process. The schedule 3 requirements may be varied at the discretion of the planning authority.”

- 1.9 The consolidated version of WLLP, which incorporates the pre-inquiry changes up to June 2006, indicates that where infrastructure improvements are required as a direct result of servicing development, these costs will be borne by the

developer. Within this context, it suggests that substantial developer contributions will be necessary to implement the CDA strategy in West Lothian, and this is reflected in the requirements set out in the CDA Action Plan. WLLP explains that in all cases, contributions from CDA developers will be sought in accordance with SG guidance. It also indicates that the level of contribution will reflect the scale and kind of development and the likely impacts it will generate. It points out that where financial contributions are agreed with WLC in lieu of direct provision, indexation of the sums payable will be required to make them inflation proof.

- 1.10 The WLLP CDA Action Plan (Appendix 7.1) is more detailed than the Action Plan of E&LSP. It has been drawn up to address the specific allocations that are being brought forward, and it sets out generic requirements for all CDAs, and then specific requirements for each one. WLLP explains that the Action Plan can only be a guide because circumstances change, and it is not realistic to anticipate all impacts that a development will have at the local plan stage, prior to masterplans and detailed assessments being prepared. It highlights that WLC reserve the right to alter developer requirements where there are sound planning reasons for doing so. WLLP explains that planning permission will not be granted for development within CDAs until the infrastructure which is required to serve the proposed development is provided or committed. The definition given of committed is “expenditure which has been agreed as part of a funding programme or secured by the planning authority from developers through a legally binding agreement.” WLLP indicates that the triggers for the timing of infrastructure provision will be determined at the planning application stage once transport and other infrastructure assessments are available and agreed.
- 1.11 WLLP highlights that the greatest infrastructure costs associated with the housing developments in CDAs relate to school provision (2 non-denominational secondary schools [Winchburgh and Calderwood] and one denominational secondary school [Winchburgh] which will also support new housing in the Newbridge/Kirkliston/Ratho CDA in the City of Edinburgh Council area). It anticipates that developers will need to fund new schools, including reasonable start up costs. WLLP explains that the new secondary schools will contain community swimming pools where practical, and provides details of new primary schools and extensions required to some existing schools. It also indicates that significant investment in roads, public transport, and pedestrian and cycle networks will be needed to support the CDA strategy. In addition, it makes provision for the production and monitoring of travel plans for the new and expanded communities, and proposes the appointment of a travel co-ordinator.
- 1.12 Further to the above requirements, WLLP states that planning permission will not be granted until agreement is reached with applicants on the level and timing of contributions necessary to provide the appropriate range of local facilities and amenities to serve the proposed housing. WLLP also explains that economic development will only be permitted in CDAs where WLC are satisfied that infrastructure will be delivered in phase with development. Moreover, WLLP highlights that the scale of CDA proposals is such that an extraordinary burden will be placed on WLC services, which could make delivery of the proposals problematic. It thereby proposes a partnership approach whereby developers will

be encouraged to make funds available to WLC so that services directly attributable to the CDA proposals can be provided. It envisages that funds will be made available to cover costs associated with:

- preparing legal agreements and transferring land;
- promoting compulsory purchase orders, road closure orders, etc;
- promoting educational catchment area reviews;
- preparing accommodation schedules and briefs for schools;
- the provision of professional services to carry out feasibility studies for school extensions;
- the provision of professional services to manage and monitor the procurement of facilities on behalf of WLC;
- undertaking independent assessment of development appraisals;
- the appointment of a compliance officer for monitoring compliance with legal agreements and planning conditions; and
- obtaining expert technical advice to assess development proposals.

WLLP points out that this list is only a guide to potential areas where funds may be required rather than being exhaustive.

1.13 The relevant policies in WLLP state that:

“Policy CDA1

Planning permission will not be granted for the development of sites listed in policies CDA8-CDA10 for housing and other uses until all relevant infrastructure is provided or committed. Planning conditions and legal agreements will be used to secure the funding and proper phasing of development.

Policy CDA2

In addition, to the infrastructure requirements in policy CDA1, contributions will be required from the developers of the sites listed in policies CDA8-CDA10 to remedy deficiencies in local facilities and amenities which result from their proposed developments....

Policy CDA3

Planning permission for the development of the CDA employment sites referred to in policy EM3 will not be granted until developers can demonstrate that infrastructure is to be delivered in phase with the development.

Policy CDA4

WLC will work in partnership with developers to implement the CDA strategy. Developers will be encouraged to contribute towards the funding of professional services provided or procured by WLC which support the implementation of CDA proposals. Contributions will be sought where they are related to the development proposed, are reasonable and are related in scale and kind to the proposed development.”

1.14 In WLLP Appendix 7.1, the list of expected generic requirements for CDAs makes reference, amongst other things, to:

- contributions for sustainable transport initiatives, including towards public transport corridor studies and their implementation; and
- contributions for local facilities and amenities, including land for community facilities, funds for town centre improvements in adjacent/host communities (ie Armadale, Winchburgh, Broxburn, West Calder, Polbeth and East Calder), and provision of public art and commuted sums for future maintenance.

In addition, for the expected settlement requirements in each CDA, reference is made, amongst other things, to:

- schools, including joint funding of the non-denominational secondary school at Calderwood between the Calderwood and West Livingston/Mossend developers, and extensions to 2 primary schools at Polbeth and West Calder;
- transport, including a new railway station and associated park and ride and public transport interchange to be provided at Winchburgh, improvements at West Calder Railway Station and the partial closure of the existing substandard access on to Limefield Road, and a contribution to phase 2 of Livingston Fastlink at West Livingston/Mossend; and
- local facilities and amenities, including land for cemeteries at Armadale and Calderwood, an extension of the cemetery at Winchburgh, and contributions to library improvements and provision at Armadale, Winchburgh, West Livingston/Mossend and Calderwood;

1.15 Furthermore, WLLP indicates that, throughout the WLC area, there will be a requirement for developers to provide or contribute to necessary infrastructure and, where appropriate, local facilities and amenities. In particular, WLLP requires, amongst other things: contributions to a new non-denominational secondary school to replace Armadale Academy, from developers of housing sites within the catchment area; and contributions to the new denominational secondary school from developers of housing sites throughout the WLLP area and the Newbridge/Kirkliston/Ratho CDA part of the City of Edinburgh Council area. More generally, contributions will be required towards primary schools at various locations; towards improving public transport services and introducing new services; and towards the provision of new water and sewerage infrastructure.

1.16 In addition to the above matters, WLLP makes provision for: the possibility of developing integrated health and community centres and a “one stop” approach to providing services; continuing support for the “Percent for Art” scheme; appropriate traffic and environment management measures and road network improvements; a programme of initiatives for “safer routes to schools”; the continuing development of Livingston Fastlink; a study of sustainable transport initiatives along the A89/A899 corridor (Newbridge to Livingston Town Centre); a study of sustainable transport options along the A71 corridor between Livingston and the Calders and Edinburgh, and the safeguarding of public transport and road improvements; and the dualling of the A801.

1.17 Other WLLP policies relevant to the consideration of the objections include:

“Policy IMP1

All developers of housing sites within the catchment area of Armadale Academy will be required to contribute to the cost of providing a new non-denominational secondary school to replace Armadale Academy.

Policy IMP2

All developers of housing sites will be required to contribute to the cost of providing a new denominational secondary school in West Lothian. Where appropriate, phasing conditions will be imposed to control the annual rate of house completions on housing sites. Housing developments which exacerbate capacity problems at existing schools will be resisted.

Policy IMP3

Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:

- (a) secure the provision of new schools or extensions, and associated community facilities, from developers where this is directly attributable to serving their proposed housing development; and/or
- (b) phase development or restrict the type of housing permitted to manage demand on school places...

Policy COM7

Depending on the outcome of studies by West Lothian Healthcare NHS Trust, the following sites are safeguarded in WLLP for community/health service uses:

- Murieston West at Bankton, Livingston;
- East Calder related to the Calderwood CDA proposal;
- Winchburgh as part of the Winchburgh CDA proposal;
- Gavieside as part of the West Livingston/Mossend CDA proposal;

In addition, a new health centre site will be allocated at:

- Blackridge...

Policy COM8

Land will require to be safeguarded through masterplans and planning permissions for the necessary primary school facilities and associated community facilities to serve the following major housing developments...

Policy COM9

The following sites are safeguarded for cemeteries as shown on the Proposals Map:

- Armadale, Woodbank – eastern extension
- Bathgate, Boghead – southern extension
- Broxburn – Uphall, Loaninghill – eastern extension
- Livingston, Adambrae – north eastern extension
- Whitburn, Blaeberryhill Road – southern extension
- Winchburgh – southern extension.

Policy COM9a

WLC will require financial contributions to the provision of new cemeteries. An SPG paper on the level of developer contributions towards cemetery provision will be prepared by WLC.

Policy COM11

In accordance with the requirements of paragraphs 10.29-10.31, and as other opportunities arise, developers will be required to fund, or contribute to the cost of, works of art appropriate to the setting and scale of major developments and their surrounding area. Artists will be invited to contribute to environmental designs at an early stage.

Policy TRAN3

Developers will be required to provide, or contribute towards, the provision of travel improvements including traffic and environmental management measures, road network improvements and measures to promote trips by public transport where these would be justified as a result of new development or redevelopment.

Policy TRAN4

Where, through transport modelling, a package of transportation measures for the improvement of an area is identified by WLC, and where major new development is proposed, developers seeking planning permission in that area will be:

- (i) required to contribute towards a fund managed by WLC for the provision of these measures, or
- (ii) implement an appropriate part of these measures, in proportion to the potential impact of the development on the surrounding transport network.

Policy TRAN6

Where travel plans are required, developers will be required to contribute towards the appointment of a travel co-ordinator.

Policy TRAN16

WLC will work with, and require contributions from, developers to protect, or provide, safer walking and cycling routes to schools and other local facilities.

Policy TRAN18

WLC will require financial contributions to further phases of Fastlink from developers where future residents or employees are expected to use the facility. The extent of each contribution will be assessed on merit having regard to the location of the site and the scale of the development.

Policy TRAN21

WLC will bring forward initiatives to enhance sustainable transport options for travelling along the A89/A899 corridor between Livingston Town Centre and the WLC/City of Edinburgh boundary. A study will be carried out to identify the specific initiatives and land will be safeguarded adjacent to the route for these initiatives and confirmed in detail upon

completion of the study.

Contributions to the costs of the study, and initiatives arising from it, will be required from developers seeking planning permission within the Winchburgh/East Broxburn/Uphall CDA and around Almondvale Town Centre...

Policy TRAN22

WLC will bring forward initiatives to enhance sustainable transport options for travelling between Livingston and Edinburgh along the A71 corridor. Further detailed studies will be carried out to identify specific initiatives. Land will be safeguarded adjacent to the route for these initiatives once the requirements are identified. Contributions to the costs of initiatives arising from the study will be required from developers seeking planning permission within the Livingston and Almond Valley CDA.

Policy IMP17

Where appropriate, legal agreements between developers/landowners and WLC must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is granted. The agreement may be drawn up by a third party nominated by WLC and, in all circumstances, the cost of establishing the legal agreements will be met by the developer.”

- 1.18 WLC have produced SPG on the following matters relating to developer contributions: a denominational secondary school at Winchburgh; denominational primary schools at Broxburn, East Calder and Winchburgh; a replacement for Armadale Academy; town and village centre improvements; the dualling of the A801; improvements to the A71; a travel co-ordinator; cemetery provision; affordable housing; co-location principles; public art; and school start up costs.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, some objectors seek to reduce the level of developer contributions and others seek to ensure greater certainty over the delivery of certain items of infrastructure.

3. SUMMARY OF CASE FOR THE OBJECTORS

Developer contribution principles

- 3.1 It was clear that the scope and extent of the contributions required by WLLP to implement its strategy was one of legitimate concern to the development industry. CML&WDI accepted that WLC recognised the need to respect SG guidance on the matter. They also accepted that, due to funding constraints, implementation of the development strategy was dependent upon very substantial financial

- contributions from the development industry. However, that did not mean unquestioning acceptance by CML&WDI that every single cost, of whatever nature, incurred by WLC which was in some way associated with their proposal, could be laid at their door. Funding needed to be properly related to the development.
- 3.2 They believed that there was a distinction to be drawn between capital and revenue expenditure – with the former being a legitimate area for contribution and the latter not. SODD Circular 12/1996 did not explicitly recognise the distinction. However, E&LSP policy HOU3 and the 2003 Action Plan were clearly concerned with infrastructure, and the normal usage of that term in a land-use planning context generally entailed physical development, eg roads and mains services. Although it was accepted that the term extended beyond this (see E&LSP’s glossary), it was hard to see how it could sensibly be taken as covering the revenue expenditure capacity of each site. This was particularly so when account was taken of the terms of E&LSP policy HOU5 and the supporting text. In addition, none of the items in E&LSP’s Action Plan sat comfortably with the notion of revenue expenditure, and there was nothing to suggest that contributions to affordable housing were to include revenue costs.
- 3.3 It was acknowledged that SODD Circular 12/1996 did not expressly legitimise the use of the term revenue expenditure. However, the general principle behind the circular, that planning conditions should be used rather than legal agreements, sat more comfortably with the provision of infrastructure than with revenue expenditure. CML&WDI accepted that there might be elements of expenditure associated with the provision of services and infrastructure which were not directly incurred in the provision of “physical structures” but which were necessary for their delivery and could therefore be justified, eg the fees of architects and surveyors.
- 3.4 CML&WDI believed that no further SPG was necessary beyond WLLP’s Action Plan, which would be the basis for all legal agreements. The issues for the development industry generally, were clarity and certainty. At Winchburgh, the contributions required for education provision and site servicing would amount to tens of millions of pounds. It was hardly consistent with the “realistic approach” advocated by E&LSP’s Action Plan to expect developers to take on that level of commitment, much of it up front, without confidence that they had under their control sufficient land and potential for development to justify the expenditure.
- 3.5 WG indicated that as WLLP’s Action Plan only gave examples of what may be required from the CDA developers, it would be helpful if the 4 tests in SODD Circular 12/1996 were set out in greater detail. Additional wording in the Action Plan to indicate that further assessment of the items identified was required, would provide the flexibility to allow alterations without formally amending the wording of WLLP. WG did not consider that it was clear from WLLP that these items would be subject to further assessment and confirmation. Indeed, the general tenor was that they should be treated as anticipated requirements. WLLP should also require any SPG on developer contributions to be based on the circular and the findings of detailed assessment work, which should be undertaken in full consultation with the CDA developers.

- 3.6 Masterplans should facilitate the equalisation of common costs, which would overcome the potential for ransoms. Any future reduction in public sector funding should have no bearing on developer contributions because they should be in scale and kind and aimed at mitigating the impact of a development. WLC should not have the right to vary the requirements of the Action Plan. In addition, requirements should not be open ended because this could impact on viability. The last sentence of WLLP policy CDA1 (the 2005 version) should be deleted and replaced with a statement indicating that the matters in the WLLP Action Plan were examples of what might be required, that all contributions would be subject to the tests in SODD Circular 12/1996, and that they would be confirmed or amended following detailed assessments. Any SPG should be prepared on the same basis. It was noted that some SPG had ignored the findings of assessments which had been lodged with WLC some time ago.
- 3.7 Achadonn Properties Ltd believed that WLC had not sufficiently considered their own ability to make a financial contribution. Developers and housebuilders had to reconsider their financial models to fund infrastructure previously provided by the public sector. While WLC might be unable to use council tax revenues to contribute to infrastructure, that was only the current position, and this could change over time. It was also possible that the financial rules governing local authority contributions to development projects might change over the period that CDAs would be developed. The relevant policy, supporting text and appendix in WLLP should be amended to make it clear that WLC would be expected to explore all financial mechanisms available to them, and to make a financial contribution from council tax revenues or against the security of future council tax income should the local government finance rules permit. It was also necessary to clearly identify those items which WLC considered to be capital expenditure and those that were revenue expenditure.
- 3.8 Mr Rigby, Mrs Dalgleish and Mr Crosby believed that WLC should not be able to change the items of infrastructure detailed in WLLP. E&LSP policy HOU5 did not allow for such variations. As a less desirable alternative, WLC should be prevented from removing or decreasing any of the stated requirements. This group of objectors were particularly concerned about the delivery of the proposed motorway junction and railway station proposed as part of the Winchburgh CDA because these items of infrastructure were dependent on the approval of third parties. If the necessary approvals were not forthcoming, the location of the development proposed in the CDA should be changed because the sustainable transport requirements of E&LSP and SPP17 would not be met. Given the problems in delivering this “pledged” infrastructure, WLC should revisit the Winchburgh proposal as their initial strategy had intended. In addition, the number of houses constructed in CDA prior to the provision of each of these major elements of infrastructure should be capped at an appropriate level.
- 3.9 Other objectors pointed out that the number of planning agreements WLC were now seeking went beyond the limits of SODD Circular 12/1996. In addition, WLC were not negotiating with all interested parties in CDAs, only the chosen developers. WLC should be taking a lead in securing the delivery of the infrastructure required to implement CDAs. They had a responsibility to ensure that the necessary facilities were provided for existing and new residents, in the

appropriate place and at the right time. The Action Plan in WLLP should tie in with that of E&LSP, and it should provide proper guidance to those interested in the planning of CDAs. There was concern that the contributions requested would be excessive and that this would make projects unviable. WLLP should set out in more detail the contributions required from developers. Not all of the generic requirements listed in the Action Plan for local facilities and amenities reasonably related to the proposed development. The term “or committed” should be removed from WLLP policy CDA1 and replaced with “or has been agreed and approved by the relevant authority...”

Denominational secondary school

3.10 WG considered that it was unreasonable to restrict the delivery of CDA sites until a new denominational secondary school had been provided while, at the same time, allowing other development to proceed outwith CDAs. Where there was a proven spare capacity, development should be allowed whether it was in CDAs or not. It was accepted that the denominational secondary school constituted necessary infrastructure for CDAs. However, it would not directly serve the proposed Livingston and Almond Valley CDA development at Gavieside, which would send pupils to St Kentigern’s Academy. Capacity at St Kentigern’s Academy would be made available through a catchment area review, which would seek to accommodate the new denominational school at Winchburgh. Consequently, Gavieside would be at the end of a chain of events which would remain outwith the control of WG. In particular, WLC would be responsible for both the delivery of the new school and the consequential catchment area reviews, which could be challenged.

3.11 WG were concerned that E&LSP policy HOU5 would prevent development proceeding at Gavieside even though they were committed to the funding of the denominational secondary school. They acknowledged WLC’s confirmation that planning permission would not be withheld, or development at Gavieside prevented, once funds had been provided. WLC had also confirmed that they could not envisage a situation where development would be allowed to commence at Winchburgh (the proposed location of the new school) and not at Gavieside. In these circumstances, WG believed that WLLP should be amended to allow for the early delivery of housing where infrastructure capacity was available. They therefore suggested that the following should be inserted at the end of WLLP paragraph 7.72:

“WLC will require to secure a commitment from developers towards the provision of a new denominational secondary school at Winchburgh before planning permission will be issued for housing development in the CDAs. For the avoidance of doubt, the commitment by the developers at Gavieside towards the new denominational secondary school will meet the infrastructure requirements of Gavieside in respect of denominational secondary schooling. To the extent that it can be shown that capacity for denominational secondary schooling exists to serve Gavieside, planning permission could be granted in advance of the delivery of the new denominational secondary school at Winchburgh.”

3.12 Other objectors were concerned that the new school would not serve developments which would have to make a contribution towards it, including developments in the Armadale CDA and at East Calder (Livingston and the Almond Valley CDA), Murieston, and Bangour Village Hospital. The level of contribution for each developer required to be specified, based on an appropriate formula. It would be better if WLC funded the school through the Public Private Partnership process. Alternatively, WLC should fund the new school and then recover the costs. The requirement for contributions would be a burden and could result in an unacceptably low residual development value, once account was taken of all the contributions that had to be made. Ultimately, this could have a bearing on whether E&LSP's housing requirement was met (which was a higher priority). An exception from contributions should be allowed where enabling developments were proposed which would ensure the protection of historic buildings through cross subsidy, and this should be stated in WLLP. Contributions should also be unnecessary where planning applications were submitted prior to the publication of WLLP because the school could not have been anticipated before that time. There was concern about policy IMP2 (and policy IMP3). Most notably, there was a lack of detail available about the school in WLLP, and there was unease about the timing of the contributions, the apparent uncertainty over costs, the lack of a construction timetable, an accommodation schedule and design details, the standard of workmanship, and the impact of the proposed arrangements on the housing market in West Lothian.

Armadale Academy

3.13 WLLP had been appropriately modified to indicate that only developers of housing sites within the catchment area for Armadale Academy would be expected to contribute to the cost of its replacement. However, further clarification was still required on the level of contribution and the extent of the new build. It was also necessary for WLC to make clear the catchment area for Armadale Academy. There was a lack of information about whether the cost of the new school could be offset by the disposal of land at the school or elsewhere. There was a lack of detail about further educational infrastructure required in Armadale and other items contained in WLLP Appendix 7.1.

Transportation Corridor Studies (A71 and A89)

3.14 WG objected to the requirement to contribute to public transport corridor studies and funds to assist with implementing proposals as outlined in WLLP Appendix 7.1, under generic requirements. In particular, WG challenged the requirement for the Gavieside development to contribute towards public transport measures on the A71, which would not serve it. The development would have a negligible impact on the road between Lizzie Brice's Roundabout and Wilkieston. In addition, the bus lane proposed would be unnecessary and would not represent value for money. WG also expressed concern at the late publication of SPG. Neither the public nor developers had been involved in its preparation.

3.15 The Transport Assessment for Gavieside showed that the level of traffic on the A71 which could be apportioned to the development would only be 4%. This was consistent with the work undertaken by WLC. In the circumstances, under

the guidelines of the Institute of Highways and Transport, there would be no need to assess the related junctions. WLC had failed to demonstrate any link between the increase in traffic volumes attributable to the Gavieside development and the improvements to be made to the eastern section of the A71. It was not accepted that contributions could be justified under E&LSP policy HOU5 because Gavieside would be unlikely to have a material effect on travel on the A71. To require a contribution was contrary to the terms of SODD Circular 12/1996. Neither E&LSP nor its supporting Action Plan mentioned the A71 as a strategic or development related requirement. Furthermore, WG did not consider that the proposed bus priority measures would solve the problems identified in the A71 corridor study. As the main bus movements were in a north-south direction rather than an east-west one, a bus lane between Ormiston Mains and Wilkieston would be unlikely to improve journey times for the majority of buses. In addition, delays on the route generally occurred at Wilkieston where queues built up at the signalised junction. Although WLC suggested that additional bus services would be required at Gavieside, the settlement requirements identified in WLLP Appendix 7.1 made it clear that the emphasis for public transport at Gavieside was focussed upon West Calder railway station and improvements to bus services to Livingston town centre, which would not impact on the A71. Overall, the requirement for Gavieside to contribute to the corridor studies and their implementation should be deleted from WLLP.

- 3.16 Other objectors were concerned about the requirement to contribute to the costs of public transport measures on the A89 because they would not arise from the proposed CDA allocation at Winchburgh. Indeed, to impose such costs would be unreasonable. The Winchburgh developers should be excluded from this requirement.

Livingston Fastlink

- 3.17 WG were concerned about the requirement to make contributions to phase 2 of the Livingston Fastlink, as indicated in WLLP Appendix 7.1, under transport infrastructure for West Livingston and Mossend. Two separate contributions were not required towards the Fastlink and the park and ride at Gavieside.

Professional services

- 3.18 These objections related to WLLP policy CDA4 and paragraph 7.38, and they concerned the requirement to contribute towards the funding of WLC's professional services. CML&WDI recognised that WLC faced certain financial constraints and challenges, and they were not unsympathetic to their predicament. Instead of the contribution proposed in WLLP, CML&WDI were prepared to contribute to the funding of an external appointment to help WLC, subject to confirmation that no existing member of staff was able or available to undertake the work. Nonetheless, there remained an unresolved issue about the nature and extent of such a post. CML&WDI required it to be analogous to a capital (short term) cost and not an ongoing running cost (long term). It was inappropriate of WLC to look towards the development industry as a starting point, in order to plug their funding shortfall. Less appropriate still was the inherent threat that unless the development industry co-operated, it would be unable to implement the

land allocations in WLLP. A degree of clarity and certainty was required on the level of financial commitment. Policy CDA4 and its supporting paragraph failed to provide that. CML&WDI suggested that the following be added to the end of policy CDA4:

“WLC will consider the secondment of a member of staff. The post will be paid for by the developers of CDAs.”

- 3.19 WG objected to being required to contribute to the funding of council services as proposed in WLLP policy CDA4. Such a requirement was contrary to the terms of SODD Circular 12/1996, which clearly limited contributions to the provision or financing of infrastructure and facilities. It was unacceptable in principle for developers to be made to pay for the professional staff required to implement WLLP. This type of contribution could not be properly included in a section 75 Agreement. Planning authorities already received fees towards the processing and consideration of planning applications. Contrary to WLC’s claims, the relationship between them and developers in the delivery of CDAs would be no different from that of any other housing site. The scale of CDA proposals did not alter the fact that, ultimately, they would be the subject of planning applications. Policy CDA4 could not be justified just because WLC did not believe that they had the financial resources. Linking the requirement of E&LSP policy HOU5 to paying for WLC staff was tenuous at best. WLC’s attempt to draw support from SODD Circular 12/1996 by relating the contributions in scale and kind to the proposal, was contrived. Policy CDA4 and paragraph 7.38 should be deleted from WLLP.
- 3.20 Other objectors supported the above. They also expressed specific concern about the proposed extensive use of legal agreements, the requirement to fund their preparation, and the change made by WLC to WLLP policy IMP17. Each party to an agreement should be responsible for meeting their own legal expenses. If necessary, developers should be able to prepare their own agreement for approval by WLC. The financial liabilities of developers should be restricted to what was necessary to make a proposal acceptable in land use planning terms. They should not have to pay WLC to perform their statutory functions under the Planning Act. It was of concern that the list of services in WLLP for which contributions were required, was not exhaustive. The focus in SODD Circular 12/1996 was entirely on the provision of physical facilities and infrastructure, and mitigation measures. WLC should adopt the approach of Highland Council who are meeting the costs of preparing the A96 Corridor Masterplan. Furthermore, costs such as those covered by policy CDA4, could adversely affect the bringing forward of marginal brownfield land and greenfield land, in areas where demand was not strong.

Travel Plan Co-ordinator

- 3.21 The objections concerned the contributions required towards the appointment of a travel plan co-ordinator under WLLP policy TRAN6 and paragraph 8.28. CML&WDI believed that, in addition to this policy and paragraph, E&LSP policy TRAN5 (on the transport implications of new development) and WLLP paragraph 8.27 and WLLP policy TRAN5 (on travel plans) were relevant. In particular, the E&LSP policy provided a degree of discretion in whether a travel

plan was to be produced, whereas WLLP required one for major developments. Similarly, WLLP policy TRAN6 required developers of major schemes to contribute towards a travel plan co-ordinator. CML&WDI would be prepared to contribute to funding if this could be regarded as a “one off, up front cost” as opposed to an ongoing WLC “running cost”, e.g. they might be convinced that one was required at the outset of the development process, to assess and put in place any travel plan regarded as necessary. However, they would not be prepared to fund a long term enforcement function. CML&WDI were concerned that WLC envisaged the role as a long term one in SPG, with the co-ordinator being treated as a permanent member of staff.

3.22 SPG did not clarify the situation as it indicated that if circumstances changed, a different set of rules might be applied. In addition, the estimated costs were not all covered, eg office and information technology, for which further contributions would be sought. Not much comfort could therefore be taken from the suggestion that the level of contribution would be £20 per dwelling. There was nothing in SODD Circular 12/1996, E&LSP policy IMP4 or the Action Plan which justified WLC’s approach. CML&WDI required that either WLLP policy TRAN6 was deleted, or that WLLP paragraph 8.28 was modified to state that developers “*may*” be required to contribute towards the appointment of a travel plan co-ordinator.

3.23 WG believed that WLC’s position was based on a tenuous link between the travel plan and the travel plan co-ordinator. They had no issue with the need to maximise the use of sustainable forms of transport. In appropriate cases, they accepted the need for travel plans (including monitoring) and transport assessments. However, they felt that it was important to differentiate between residential and non-residential development in the same way as PAN75. WG supported the provision of information packs for new residents, but they did not consider that any requirement to up date these could justify contributions from residential developers towards a co-ordinator. Indeed, the up dating could be undertaken by the developers themselves. The travel plan for non-residential CDA developments would identify a travel plan co-ordinator who would implement and monitor the measures set out in the plan. PAN75 did not require the monitors to be monitored. To expect developers to contribute to additional monitoring by a WLC employee was unreasonable. Contributions of the nature proposed here were not allowed for in SODD Circular 12/1996. The circular highlighted the distinction to be made between agreements under different Acts. WG considered that WLLP policy TRAN6 and WLLP paragraph 8.28 should be deleted.

3.24 Other objectors expressed concern that the terms of WLLP policy TRAN6 were too vague and that this made it difficult for developers to know what might be required of them. In addition, WLC should confirm the cost and length of the appointment of the proposed co-ordinator.

Start up costs for schools

3.25 The objections to developers having to fund “other reasonable start up costs associated with delivering the new schools and school extensions” were

withdrawn following proposed changes to WLLP by WLC (paragraph 4.12 below).

Library facilities, improvements to town and village centres, and public art

3.26 The objections concerned the contributions required towards library facilities, improvements to town and village centres, and public art, all as listed in WLLP Appendix 7.1 and referred to elsewhere in WLLP. Negotiations for all development contributions should be controlled by the provisions of SODD Circular 12/1996. Issues such as contributions towards these items were awkward because they fell between deficiencies serious enough to justify the refusal of planning permission and less serious deficiencies which public spirited and enlightened developers and land owners would seek to address. As such, contributions could be sought, but should not be required. Other councils had differentiated between required essential infrastructure and contributions sought towards facility deficiencies. Furthermore, the use of the word “anticipated” in WLLP policy CDA2 denoted an undue degree of expectation in delivering the list of facilities and amenities identified in WLLP Appendix 7.1.

3.27 More specifically, on town centre improvements, WG did not consider that the CDA developments would generate any significant additional demand in adjacent town centres which would warrant contributions being required. At Gavieside, it could be predicted that residents would use Livingston town centre rather than the centres at Polbeth or West Calder. CDAs would also incorporate significant new community facilities themselves. Additionally, public art should be considered as an integral part of the masterplanning of developments. Dealt with as a separate contribution, it could easily be regarded as an afterthought in the design process. The 1st sentence of WLLP policy COM11 should be changed by replacing the words “*will be required*” by “*should be encouraged*”. The final sentence of the policy should also be deleted and replaced by:

“The potential for public art will be identified through the development frameworks, site briefs or design statements.”

The meaning of the term library provision in WLLP should be clarified.

Safer routes to schools

3.28 The objections concerned the contributions required to safer routes to schools under WLLP policy TRAN16 and paragraph 8.38. CML&WDI indicated that safer routes would be built into the design of the CDA proposals through the masterplanning process. They were concerned that developers might be expected to fully fund the safer routes to school requirements associated with their developments, which could involve meeting each and every cost, whether capital or revenue. In particular, Sustrans web page made clear that there was more to the initiative than the provision of infrastructure, and it recognised that, to succeed, there must be a process of education and behavioural change, which would continue long after the infrastructure was in place. These concerns would be largely addressed by the following change proposed at the inquiry to WLLP policy TRAN16:

“WLC will work with, and require contributions from, developers towards the capital costs of the infrastructure necessary to protect, or provide, safer walking routes to schools and other local facilities.”

- 3.29 WG wanted to be assured that the requirements of WLLP policy TRAN16 would not mean that developers would have to contribute towards meeting existing deficiencies. WG did not believe that it was clear that the requirement of the policy would only apply to that part of the route to school leading from the new development to the existing route. It was of concern that WLC expected deficiencies on existing routes to be made good. This would have to be addressed through a Transport Assessment. WG considered that the policy was open to abuse. They suggested that the end of WLLP paragraph 8.38 be changed, as follows:

“WLC will require developers to provide additional, safer walking and cycling routes to schools serving new housing developments where these are necessary and reasonable. For the avoidance of doubt, developers will only be required to remedy infrastructure deficiencies which result from additional housing as identified in a detailed Transport Assessment which would address the movement of people whether by foot, cycle, public transport or private car.”

Other objectors supported these objections.

Third party payments

- 3.30 These objections related to the contributions that could be required under WLLP policies TRAN3 and TRAN4. In particular, there was concern that contributions would be sought to pay for transport modelling undertaken by WLC. This was a matter for WLC to resource. Any request for contributions would not meet the terms of SODD Circular 12/1996. WLLP policy TRAN4 and paragraphs 8.25 and 8.26 should be adjusted to reflect this concern. Further concern was expressed about WLC’s failure to quantify any contributions which may be required under these 2 transport policies.

Community swimming pools

- 3.31 The swimming pools proposed for the new secondary schools should not be funded in full by the CDA developers because WLC also had a responsibility to fund such community facilities. Swimming pools were to be expected in medium to large towns, and they had a wide catchment area. They were not an essential requirement of secondary schools. No deficiency of swimming pools had been demonstrated by WLC. In particular, Gavieside would be well served by the swimming pools at Whitburn, Bathgate, Armadale and Livingston. Regarding the Livingston and Almond Valley CDA, WLC had not shown that a swimming pool at East Calder would be necessary infrastructure under SODD Circular 12/1996. In the Stirling Council area, 4 new secondary schools were being developed without swimming pools. Swimming pools were not required to comply with the national curriculum, and they could not be justified under E&LSP policy HOU5. The reference within WLLP paragraph 10.9 to swimming pools should be deleted, and it should be confirmed that there was no subsequent

requirement for related SPG.

Cemetery provision

- 3.32 There was an objection to WLLP pre-inquiry change 371 which indicated, amongst other things, that the expanding population of West Lothian would place pressure on short and long term cemetery provision, and that developers would be expected to fund new cemeteries. The requirement for contributions towards these facilities was contained in WLLP policy COM9a. In the view of objectors, such contributions did not relate directly to specific developments, and they would therefore not accord with SODD Circular 12/1996.

4. SUMMARY OF CASE FOR WLC

Developer contribution principles

- 4.1 WLC believed that there were relatively few areas of dispute between them and many of the objectors on developer contribution principles.

- 4.2 The key points they made were as follows:

- in the absence of increased funding from SG, it would be unrealistic to expect WLC to be able to provide or commit additional funding for the key infrastructure required for the development of CDAs. At this stage, WLC's financial plan for capital investment was unknown beyond 2007/08. WLC were preparing a long term financial model which would outline the capital and revenue consequences of implementing WLLP. This would be used to lobby SG for additional funds. WLC expected future capital programmes to be constrained as capital receipts from the sale of WLC land were expected to fall significantly in the future;
- E&LSP envisaged the funding for the key infrastructure requirements for CDAs coming principally from developers;
- E&LSP prohibited development of housing land beyond the existing infrastructure capacity of each site until the required infrastructure was provided or committed;
- E&LSP required contributions from developers to remedy any deficiencies in local facilities and amenities which resulted from the additional housing;
- WLLP set out that in "all cases, contributions from CDA developers would be sought in accordance with SG guidance (ie. where they relate to a planning purpose, bear a relationship to the proposed development, and are reasonable in all other respects). The level of contribution would reflect the scale and kind of development and the likely impacts it would generate". This statement was in essence a summary of the key principles of SODD Circular 12/1996. In order to alleviate the concerns of some objectors, the addition of a specific reference to the circular in the first sentence of WLLP paragraph 7.10 was proposed. It was WLC's position that developer contributions would be sought in accordance with the circular's terms. WLLP made this clear;
- SODD Circular 12/1996 and E&LSP did not distinguish between revenue

and capital expenditure. Both documents referred to developers being expected to pay for, or contribute to, the cost of infrastructure which would not have been necessary but for the development. The circular set out the criteria that a planning agreement should meet. The criteria involved the making of planning judgements rather than a distinction between capital and revenue costs;

- WLLP was unable to be more specific about the anticipated infrastructure requirements for CDAs. To attempt this would be contrary to the circular. Neither could WLLP set the requirements “in stone”. Again, this would be contrary to the circular. Flexibility was required in order to comply with the circular because contributions had to relate in scale and kind to each proposal. Until the details of the proposals were established, the final contribution could not be quantified. In accordance with SPP3, WLLP set out the likely scale of developer contributions at the date of its publication. In all cases, contributions would be based on the most up to date information available at the time of considering the planning application. Any sums due would be index linked to make them inflation proof. The anticipated requirements for CDAs, as listed in WLLP’s Action Plan, were based on the preliminary work which had been undertaken to date;
- E&LSP and the associated Action Plan allowed for the infrastructure requirements to be added to, deleted or changed by the planning authority. This was necessary because the full impact of the CDA proposals would not be known until detailed transportation and environmental assessments and masterplans had been prepared, and agreed. It might be demonstrated that some anticipated requirements in WLLP’s Action Plan were unnecessary and, if so, they would not be pursued. It was accepted that E&LSP’s Action Plan had not been approved by SMs, but it was a material consideration and had helped shape the approach to developer contributions in WLLP;
- WLC recognised the relationship between the amount paid in developer contributions and land values. Where contributions were necessary, they expected them to be deducted from the price paid by a developer for the land. WLC had highlighted the need for major infrastructure investment at an early stage (2002) so that developers could take this into account in their negotiations with landowners. At that time, developers had accepted the need to make contributions towards such infrastructure, and some contributions had now been secured;
- where a landowner/developer was unco-operative, 2 options would be explored – the exclusion of land from masterplans and/or masterplan boundary adjustments, and the possibility of using compulsory purchase powers as a last resort if the land was critical to the success of WLLP’s strategy. However, WLC were aware that developers and landowners regularly reached agreement based on “equalisation principles”, and they felt that such an approach was practical and feasible; and
- WLC’s role would be to provide guidance on the level of developer contributions (through the publication of SPGs). They would also be party to section 75 agreements and impose planning conditions, which secured the contributions. Additionally, they would prevent land being developed beyond its existing infrastructure capacity without the required

improvements being provided or committed.

4.3 In conclusion, WLC believed that WLLP's policies on developer contributions conformed to E&LSP and were in accordance with national policy and guidance, including SODD Circular 12/1996 and SPP3. WLC were lobbying for a wider debate on funding mechanisms for infrastructure provision associated with larger scale developments. Without a special purpose vehicle to deliver infrastructure in West Lothian, developers would often be required to make significant up front contributions to ensure that key infrastructure was in place to serve their development. Front loading of developer contributions had already taken place in West Lothian, e.g. in relation to the Wester Inch development at Bathgate. WLC would also investigate ways of delaying capital expenditure. WLC proposed a further change to WLLP paragraph 7.13 during the course of the inquiry.

Denominational secondary school

4.4 The key points made by WLC were as follows:

- E&LSP's Action Plan identified a new denominational secondary school as a district wide educational infrastructure requirement related to its policy HOU3. It was therefore a key requirement upon which WLLP's strategy was dependent. In the absence of increased funding from SG, the primary source of funds would be developers and the method would be by pro-rata contributions. It was clear that WLC could not on their own support the scale of educational provision required;
- E&LSP policy HOU5 was relevant to these objections. Existing denominational secondary schools in the area could only accommodate the additional pupils which would be generated by sites which had been granted planning permission before May 2005. Development in CDAs could not progress until a new denominational secondary school had been provided or committed. Around 20000 new houses would support a new denominational secondary school. Its final location and catchment area could not be determined until a formal statutory consultation had been undertaken. WLC intended that the new school would release capacity in other denominational secondary schools through a catchment area review. For WLLP to conform to E&LSP, there required to be policies which restricted development until the necessary infrastructure was in place or committed.
- WLLP policy IMP2 was the only realistic mechanism which would be likely to provide the new denominational school in a timescale that would allow development to start in CDAs by 2010/11. No objector had come forward with a realistic alternative mechanism for the school's provision. Contributions towards the school had already been received by WLC; further funds had been committed, and it was expected that substantial sums would be received and committed prior to 2010, by which time the 1st phase should be completed.

4.5 In conclusion, WLLP's policies on developer contributions for a denominational secondary school conformed to E&LSP and were in accordance with national policy and guidance. SPG had been produced to provide further detail. The

objections provided no basis for making further changes to WLLP.

Armadale Academy

4.6 It was reasonable, under SODD Circular 12/1996, to require developers within the catchment area to contribute to the new Armadale Academy. WLC would ensure that contributions were sought in an equitable manner. In December 2005, WLC had proposed that a new school be built as part of the 3rd Public Private Partnership. In April 2006, a site for the new school had been approved by the Policy Partnership and Resources Committee and outline planning permission granted. The contributions required from developers had been set out at an early stage in order that they could be taken account of in negotiations between developers and landowners. It was essential that the additional capacity that would be created by the new school, was in place in time to support the new housing. WLC would provide more details on the school as they became available, but they had clarified its size.

Transportation Corridor Studies (A71 and A89)

4.7 The key points made by WLC were as follows:

- E&LSP policy TRAN5 was relevant. As funding was now in place for the remaining studies on the A71 corridor, no contribution was required towards these from developers. This should be made clear in WLLP Appendix 7.1;
- the developer contributions sought to implement the A71 corridor study scheme would be in proportion to the impact of the development on the surrounding road network. If a development had no impact on the A71 corridor then the developer would not be required to make a contribution; and
- the A71 Corridor Study indicated that there would be a further increase in traffic between Lizzie Brice's Roundabout and Hermiston/Calder of between 4% and 6% with the addition of the Livingston and Almond Valley CDA. The Transport Assessment carried out by WG found that 7% of estimated trips generated by the Gavieside development, between 7am and 10am, would head east from Lizzie Brice's Roundabout. The study identified congestion on the A71, and that would increase with the CDA proposals. It also identified the key current problems for buses. The proposed package of measures identified in the study and in WLLP encouraged travel by public transport in accordance with E&LSP policy TRAN5. The measures would make bus journey times more competitive in comparison to the car, they would reduce the delays for bus services crossing and joining the A71 corridor, and they would also reduce the hold ups for buses on the A71 during peak periods.

4.8 In conclusion, WLC recommended that no further changes be made to WLLP on the A71 transport corridor requirements, other than that identified above. In relation to the A89 transport corridor, any contributions required would reflect the scale of the impact arising from the proposed CDA allocation at Winchburgh. If there was found to be no impact, there would be no contribution required by

the Winchburgh developers. However, the Winchburgh proposals would be linked to the A89 by a link road, and traffic travelling south to Livingston and the west side of Edinburgh would be likely to use the road. It would therefore be inappropriate to exclude Winchburgh from these contributions at this stage.

Livingston Fastlink

4.9 WLC confirmed that the contribution sought from the Gavieside development towards Livingston Fastlink would be the provision of the park and ride at Gavieside and the associated bus priority measures to the town centre along Charlesfield Road. WG's Transport Assessment identified this as a requirement of the allocation. WLC considered that WLLP Appendix 7.1 should be amended by combining bullet points 3 and 4 under transport infrastructure for West Livingston and Mossend, and changing them to read:

“Provision of park and ride at Gavieside and associated bus priority to town centre along Charlesfield Road being the required contribution to phase 2 of Livingston Fastlink.”

Professional services

4.10 The key points made by WLC were as follows:

- WLC would be unlikely to be in a position to fund fully all the professional services required to support the delivery of the infrastructure necessary to allow the housing allocations in WLLP to proceed in the proposed timescale. If additional funding could not be secured, development proposals would be delayed. The scale of growth planned was comparable with the planned extension of Milton Keynes, where there was support from the Community Infrastructure Fund and English Partnership. An extraordinary burden would be placed on WLC's services by the scale of development proposed;
- E&LSP promoted a partnership approach to achieving the commitment to the provision of the necessary infrastructure and services to allow the development of CDAs. Such an approach was supported by K Barker in her national review of the housing supply;
- this partnership approach was also reflected in WLLP policy CDA4. The policy was in two parts. The 1st encouraged developers to contribute towards the funding of professional services provided or procured by WLC, which supported the implementation of CDA proposals. The 2nd part sought contributions which were related to the development proposed, including in scale and kind, and were reasonable. Developer contributions would only be sought where these tests were met. If no provision was made for contributions towards appropriate professional services, WLC were concerned that failures of co-ordination and a lack of information about the details of infrastructure requirements could hold back the implementation of WLLP's strategy. In recognition of their important role, WLC had put in place funding arrangements to “kick start” the delivery process and they had received funds from the Cities Growth Fund. However, there was no guarantee that additional funds

would be made available;

- SPG had been prepared on the partnership approach. Consultation had taken place, and only 3 responses had been received raising concerns. While WLC proposed to reduce the financial burden on developers by co-locating facilities, this could only be achieved if there were sufficient resources available for preparation and implementation;
- SODD Circular 12/1996 and E&LSP did not distinguish between short term developer contributions (capital expenditure) and long term developer contributions (revenue expenditure). They also did not exclude ongoing costs from being part of an agreement. Such ongoing costs were not an unusual feature in section 75 agreements, eg in making provision for the upkeep of landscape features; and
- it appeared that CML&WDI did not object to the principle of this contribution, and WG had in the past contributed to such services, as had other developers (eg Persimmon and Taylor Woodrow). Other councils sought to recover the costs of preparing section 75 agreements, eg the City of Edinburgh Council, and most proposals would be likely to require some form of agreement because of the contribution policies in place.

In conclusion, there was no basis for making any further changes to WLLP.

Travel Plan Co-ordinator

4.11 The key points made by WLC were as follows:

- WLC referred to E&LSP policies HOU5 and IMP4, and the supporting Action Plan. The latter did not provide a definitive list of requirements, and they could be added to or altered by WLC. E&LSP policy TRAN5 and the supporting text referred to travel plans being part of the package of measures that may be required for new development. E&LSP Policy IMP4 and the supporting text referred to developers funding the infrastructure and services to support major development allocations. The Action Plan indicated that local planning authorities would need to support the major transport initiatives by ensuring that developers made appropriate contributions to strategic transport projects, and that they funded or provided other transport infrastructure and services needed to support their development;
- PAN75 dealt specifically with travel plans. It recognised: (i) that travel plans could be used for residential developments; (ii) that all planning applications that met the threshold for a Transport Assessment should require a travel plan; (iii) that travel plans would require ongoing commitment from developers and would also require to be monitored; and (iv) that section 75 agreements could set out the means of monitoring. In addition, the PAN set out examples where ongoing financial commitment to travel plans was required;
- through WLLP policy TRAN6, WLC were seeking contributions towards the payment of a travel plan co-ordinator who would manage and monitor travel plans and sustainable travel information packs, and who would ensure consistency throughout the WLC area; and
- WLC considered that it was essential that the post was created.

Contributions sought would be of a scale and kind appropriate to the development. They would be required for the duration of WLLP. The likely costs of the co-ordinator and the contributions towards the post were set out in SPG. WLLP policy TRAN5 required travel plans for all major developments. WLC would require a travel plan as well as an information pack for all housing developments of more than 10 dwellings;

In conclusion, there was no basis for making any further change to WLLP.

Start up costs for schools

4.12 WLC now proposed that WLLP paragraph 7.17 be altered to read as follows:

“As a result of constraints on public sector spending, it is anticipated that developers will need to fund new schools and extensions. This will include funds to cover construction costs, professional fees, furnishing, fitting out and other reasonable commissioning costs associated with delivering the new schools and school extensions. For the avoidance of doubt, commissioning costs will be those necessary to deliver a turn key project and make the school building/campus operational.”

Library facilities, improvements to town and village centres, and public art

4.13 WLC believed that there was a need to ensure the provision of sustainable communities with access to a range of local facilities and amenities. Contributions would only be sought in accordance with the terms of SODD Circular 12/1996. They would be based on the most up to date information available at the time planning applications were being considered. Such contributions would conform to E&LSP policy HOU6, which indicated that developers would need to remedy any deficiencies in facilities and amenities which resulted directly from the additional housing. In the supporting text, E&LSP referred, as an example, to town centre improvements. A substantial contribution (£50000) towards town and village centre improvements at Whitburn and Fauldhouse had already been received through a section 75 agreement relating to the proposed Heartlands development. WLC also believed that contributions towards these facilities and amenities would be consistent with national guidance. In terms of library provision, the model to be used for the Gavieside development would potentially be a satellite facility co-located with a primary school. The library at West Calder would remain. SPG had been prepared in relation to town and village centre improvements and public art.

Safer routes to schools

4.14 The key points made by WLC were as follows:

- it was agreed that within CDAs, safer routes to schools and facilities would have to be incorporated within proposals, and that this was a matter of good quality design and masterplanning. Objectors were primarily concerned with the contributions required towards the provision of facilities outwith the development sites;

- SODD Circular 12/1996 and E&LSP both referred to developers being expected to pay for or contribute towards the cost of infrastructure which would not have been necessary but for the development. E&LSP also required contributions from housing developers to remedy any deficiencies in local facilities and amenities which resulted from additional housing. WLLP paragraph 7.10 was a summary of the key principles of the circular;
- WLC already had a school travel plan co-ordinator in place and a very well developed Safer Routes to School Charter. WLLP policy TRAN16 applied to other developments, not just to the CDA allocations. The policy requirement was to provide physical infrastructure on routes to schools and facilities to ensure the safe passage of school children and pedestrians. In order to alleviate some concern, WLC accepted the change to policy TRAN 16 as set out at paragraph 3.28 above; and
- with regard to the remaining concerns, WLLP was unable to be more specific about the safer routes to school infrastructure requirements for the CDA allocations as this would need to be assessed on a case by case basis. However, to help clarify what was required, it was intended to add at the end of WLLP paragraph 8.38, the following sentence.

“For the avoidance of doubt, developers will only be required to remedy infrastructure deficiencies which result from additional housing. Requirements will be assessed through a transportation assessment.”

In conclusion, subject to the changes proposed, there was no basis for making further changes to WLLP.

Third party payments

- 4.15 WLLP policies TRAN3 and TRAN4 conformed to E&LSP policies TRAN5 and HOU5. E&LSP policy TRAN5 made clear that WLLP should include policies to ensure that new developments contributed to the cost of related transport improvements. Development would only be permitted where transport impacts were acceptable. WLLP policies TRAN3 and TRAN4 were designed to secure improvements where development traffic would have an impact outwith a development site. The necessary improvements would be secured either through section 75 agreements or appropriate planning conditions. Contributions would only be sought where they were necessary to allow a development to proceed.

Community swimming pools

- 4.16 Swimming pools would be an integral part of the facilities for the new and expanded CDA communities. They were currently provided at each secondary school in West Lothian as an essential element of the sports curriculum, and all of them had either associated sports club or community use. There was a need for additional pools in West Lothian to meet the needs of the growing population. Developers would only be expected to contribute to such facilities where they were necessary to serve their development. The provision of swimming pools in secondary schools would help create sustainable new and expanded communities. It would reduce the need to travel, and would conform to E&LSP and national

guidance. Other councils had followed a different approach from that of WLC by providing separate leisure centres to which pupils were bussed to and from school. In the case of the Livingston and Almond Valley CDA, the provision of a swimming pool in the new secondary school would accord with WLC's approach to the provision of such facilities. Based on the West Lothian Sports and Recreation Facilities Strategy, WLC believed that there was a need for a swimming pool in East Calder. Such facilities should be easily accessible. The nearest swimming pool to East Calder was 5/6km away, and this was not a reasonable travel time. Bussing pupils would disrupt the school timetable.

Cemetery provision

- 4.17 Given the level of residential allocations in WLLP, including those required to meet E&LSP's CDA strategy, WLC believed that there was a need to expand existing cemetery provision at various locations throughout West Lothian. WLC would endeavour to meet some of the capital and revenue costs, but there was a need to secure additional funding. Such funding would overcome an obstacle to the grant of planning permission, and it would be obtained through planning agreements. The contributions would be related to the development proposed, would be in scale and kind, and would be reasonable. SPG proposed a modest levy of £35 per house.

5. CONCLUSIONS

Developer contribution principles

- 5.1 There is no dispute between parties about the need for developer contributions to be made towards the infrastructure and facilities required to support the strategic development allocations proposed in WLLP, particularly those in CDAs. In essence, the issues before the inquiry focussed on the extent to which WLLP takes account of SODD Circular 12/1996, the potential for other funding sources to be identified, the distinction to be made between capital and revenue expenditure, and the weight to be given to the requirements for infrastructure, and facilities and amenities, all as identified in E&LSP, including its Action Plan, and WLLP appendix 7.1. In broad terms, contributions are sought in WLLP towards the provision of schools (primary and secondary), transport, local facilities and amenities, the funding of council services, and affordable housing (see chapter 1.3). Concern was expressed about the acceptability of some specific contributions, and we deal with these in the sections below.
- 5.2 It was generally accepted that the most relevant national guidance was contained in SODD Circular 12/1996, which recognises the possibility of section 75 planning agreements being concluded in order to secure contributions and overcome obstacles to the grant of planning permission. The circular explains that, in this way, development can be allowed to proceed, the quality of development can be enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for. It recognises that as section 75 planning agreements are enforceable by the planning authority against successors in title, they offer advantages over other statutory

agreements. The circular, as an example, indicates that planning agreements can be used to ensure that developers pay for, or contribute to the cost of infrastructure, which would not have been necessary but for the development. It recognises that the effect of such infrastructure may be to confer a wider benefit, but indicates that payments should be consistent with the scale of the proposal. SPP3 indicates that development plans should be clear about the likely scale of such contributions.

- 5.3 At the inquiry, WLC indicated that they intend to request contributions in line with the 4 criteria which SODD Circular 12/1996 indicates that planning agreements should meet, i.e. that they serve a planning purpose, have a relationship to the proposed development, are related in scale and kind, and are reasonable. To make the position clear, WLC put forward a modification which would mean that the 1st sentence in WLLP paragraph 7.10 would read “in all cases, contributions...would be sought in accordance with *SODD Circular 12/1996*...” While we support this amendment, we believe that WLC’s position would be clearer to all if the paragraph properly highlighted the heading of each of the 4 criteria referred to in the circular at paragraphs 9-13. There would be no need to set out the criteria in full as this would only add unnecessary detail to WLLP. We also consider that it would be helpful if WLLP policy CDA1 reinforced WLC’s approach to obtaining developer contributions by explicitly referring to the circular. This should also be reflected in WLLP policy IMP17 (see paragraphs 5.7, 5.9, and 5.25 for further changes to this policy and the supporting paragraph [12.76]). The modification proposed is detailed at paragraph 6.1(ii), (iii) and (iv) below.
- 5.4 In addition, we believe that it would be helpful if WLC indicate in WLLP that they intend to explore other sources of funding because this would recognise the existence of possible alternative sources and any potential that there may be for future changes in the way in which infrastructure and facilities are funded in major development projects. We do not believe that WLLP requires to be any more specific on this matter by referring to the possibility of a greater financial contribution being made by council tax revenues. Indeed, unless significantly more revenues were to become available, we are not persuaded that any change in the rules to facilitate the use of them for providing infrastructure etc, would necessarily reduce the current requirement for developers to contribute. In addition, we consider it appropriate that WLLP continues to make reference to the fact that substantial developer contributions would be necessary to implement WLLP’s strategy because this accurately reflects the current position and E&LSP (which refers to planning agreements being the main means of securing services and infrastructure, while indicating that councils will explore other potential funding mechanisms). We note that WLC have made it known from the outset that contributions would be required and that these should be taken account of by developers in their negotiations with landowners. The modification proposed to the wording of WLLP paragraph 7.9 is detailed below at paragraph 6.1(i).
- 5.5 In addition, we are not persuaded that the distinction made by certain objectors between capital and revenue expenditure is particularly helpful. While there may be some truth in the assertion that contributions are more likely to be broadly directed at items traditionally covered by capital expenditure, this is not a

distinction used in either national or strategic guidance. If this distinction was to be used as a basis for assessing whether particular contributions would be required, we are concerned that it would be more likely to confuse matters rather than clarify them. In order to assess whether a contribution would be justified, it is necessary to use the relevant part of the 1997 Planning Act and the terms of Circular 12/1996, including the 4 criteria referred to above. Notwithstanding this, we acknowledge that the circular and E&LSP are primarily aimed at the provision of infrastructure, services and facilities which enable development to proceed.

5.6 The items identified in WLLP Appendix 7.1 (The CDA Action Plan) are the “anticipated requirements” in CDAs for infrastructure, local facilities and amenities. The Action Plan was based on WLC’s understanding of the position at the time WLLP was prepared. In our view, WLLP’s Action Plan, taken as a whole, clearly amounts to more than just examples of what items of infrastructure, facilities and amenities would be required in CDAs. However, we are not persuaded that it should be treated as lists of absolute requirements. While certain items of infrastructure, facilities and amenities may appear to be very desirable (eg the railway station at Winchburgh), in the event of difficulties arising with their implementation, it is reasonable for there to be an opportunity to explore possible suitable alternative solutions in order to allow the CDA proposals to proceed in the intended location. E&LSP adopts a flexible approach (eg at policy IMP4 and the supporting text), and this is appropriately reflected in WLLP which indicates that it would be unrealistic to anticipate all the impacts that a development would have prior to masterplans and detailed assessments being prepared, and allows WLC to reserve the right to alter developer requirements where there are sound planning reasons. Although E&LSP table 5.1 safeguards key transport investment proposals and includes a number of schemes in the WLC area, this is done pending decisions to be taken by stakeholders on implementation. We accept that E&LSP’s Action Plan indicates that the items in schedule 3 (key development-related actions and investments) are requirements that must be met as a minimum provision, but it also states that through discussions with partners and developers, requirements might change or be differently met. We therefore believe that it allows for the items listed to be reconsidered at a later stage. This all reasonably allows for uncertainty, changing circumstances, and the possibility of further approvals being required. If WLC had no opportunity to reconsider the requirements of a proposal and another location for a development had to be sought whenever a difficulty arose with implementing key items of infrastructure, we believe that significant difficulties with the delivery of WLLP’s strategy could arise for no good reason. We recognise that it may be possible to identify some items of infrastructure as being essential at this stage (eg the motorway junction at Winchburgh), and the way we propose that these items are dealt with is set out in the relevant site specific chapters. We see no requirement at this stage for WLC to “revisit” the Winchburgh proposals.

5.7 In light of these factors, we are satisfied that, in broad terms, WLLP is sufficiently precise on the matter of contributions and planning agreements, and that it is appropriate for it to allow the requirements identified to be deleted or added to, following further more detailed assessments being undertaken for

masterplan preparation and the submission of planning applications. We do not believe that WLLP policy CDA1, which is a general policy, requires to show any greater degree of commitment to the items listed in WLLP's Action Plan. We also do not believe that any further wording requires to be added to WLLP Appendix 7.1 or that the list of generic requirements is unacceptable in itself. We are content that the approach proposed is consistent with the thrust of national and strategic guidance. We are also satisfied that it is appropriate for the more detailed guidance required on individual contributions to be provided in SPG as support to WLLP. SPP1 indicates that supplementary guidance can be useful where the level of detail is inappropriate for a development plan. SPG should be subject to a proper consultation exercise with interested parties. We believe that reference should be made to SPG in revised WLLP paragraphs 7.10 and 12.76 (paragraph 6.1(ii) and (xi) gives the wording of the proposed modifications).

- 5.8 Taking the possibility for changes to the lists of infrastructure, facilities and amenities in the Action Plan together with the need for such exercises to be carried out in a transparent manner, we believe that WLC should prepare and publish an annual monitoring report. This report should include the lists of items required, the reasons for any additions or deletions to the lists, the current position for each item, the total contribution required, current funding sources, the amount raised to date, and the expected date of implementation. The proposed modification to WLLP at paragraph 7.13 is outlined below at paragraph 6.1(v).
- 5.9 Turning to other matters, we note that contributions in some cases will be left to accumulate until such time as sufficient funds are available to allow works to progress. In such circumstances and in the interests of greater certainty, we believe that as a general rule there should be a time limit for using the contributions for the intended purpose, and if the contribution is not used within the time limit that it should be returned to the developer. Otherwise, it would be likely that the contribution would become too remote from the infrastructure, facilities or amenities being provided. A reasonable limit would be 5 years. However, we accept that there may be exceptional circumstances where a longer timescale may be required because the infrastructure is very desirable and cannot be delivered within such a period, eg, the railway station at Winchburgh. The proposed modification to WLLP at paragraphs 7.10 and 12.76 are outlined below at paragraph 6.1(ii) and (xi).
- 5.10 We see no reason to provide a precise cap on the number of houses to be constructed in CDAs prior to the provision of each of the major elements of infrastructure. WLLP is clear that the development of new housing should not proceed beyond the infrastructure capacity of each area until the required improvements are provided or funding is committed. This reflects the position in E&LSP (policy HOU5), and is sufficient.
- 5.11 Subject to the changes recommended, we believe that the overall approach adopted to the principles of developer contributions is both reasonable and flexible. This is not to say that we agree with each contribution proposed in WLLP to which objections have been received.

Denominational secondary school

- 5.12 There is no doubt that the denominational secondary school constitutes necessary infrastructure. Contributions towards it could therefore potentially be justified under SODD Circular 12/1996. In essence, the issues before the inquiry focussed on the extent to which contributions should be a district wide requirement, and the uncertainty over the delivery of the project which could affect the programming of housing sites.
- 5.13 In relation to the district wide requirement for contributions, there are 2 existing denominational secondary schools in West Lothian – St Kentigern’s and St Margaret’s. Both are near to their notional capacity. With an extension to St Kentigern’s, WLC have shown that there would be sufficient capacity to accommodate housing sites in the housing land audit with planning permission. Significant numbers of additional pupils would be generated by the scale of the housing development proposed in WLLP, including that in CDAs. The proposed denominational secondary school is referred to in E&LSP’s Action Plan as a “*district wide requirement..., funded by pro-rata developer contributions and WLC.*” WLC believe that the denominational secondary school roll would exceed the capacity of the 2 existing schools (as extended) in 2008/09. While such projections are by their very nature imprecise, we note that there was no evidence placed before us to contradict WLC’s view that, in a short period of time from that date, the combined school roll would be significantly in excess of capacity. It is intended that the provision of the new school would result in a review of denominational secondary school catchment areas throughout West Lothian. This should allow capacity to be released in the existing schools, and remove a constraint on further housing development throughout the WLC area. If the school did not proceed and the housing developments proposed in WLLP did, there would be a risk that the terms of E&LSP policy HOU5 would be contravened. In the circumstances, we are satisfied that the denominational secondary school is a requirement which affects the whole district and that all housing sites, as proposed by WLC in WLLP policy IMP2, should contribute. We are also satisfied that WLC’s approach meets the requirements of SODD Circular 12/1996.
- 5.14 Given the above, we consider that the proposed school is one of the key pieces of infrastructure which would allow WLLP’s strategy to be implemented. While there is uncertainty about its delivery, it is as much in WLC’s interest as that of the developers for the school to be provided timeously (the expected date is August 2010). There are current issues over the lack of detail available, including the precise location of the school. However, details of the expected cost (£26m) and likely contributions are available (£1767 per house and £1015 per flat), and these can form the basis for further discussion. Further details, on design guidelines for schools, have also now emerged. It would be impractical to expect all details of the school to be available at this early stage. We acknowledge that some developers who contribute will be reliant on capacity being created in another denominational secondary school through the catchment area reviews, and that they could be at the end of a process which is outwith their control. However, we believe that some uncertainty is an inevitable part of planning a co-ordinated approach to the provision of new development and schools. We are not

persuaded that the modification proposed by WG is appropriate as the provision of the new school and the creation of capacity in the existing schools are all part of the same exercise and cannot be properly or easily separated. We note that WLC intend that the completion of the 1st phase of the school will more or less coincide with the expected start of development in CDAs (2010/11). For reasons given elsewhere in this report, we have doubts about whether development could start in CDAs at that date. The exact timing of both development in CDAs and the payments to be made are matters more appropriately dealt with through the planning application process. We believe it unlikely that there would be sufficient capacity to allow CDA development to proceed in advance of the new school, and are concerned that to make provision for this could have an undermining effect on WLC's approach. If the school is significantly delayed, development in CDAs could be held up, but it is also the case that delays in bringing forward large scale housing developments could hold up the school. It would be inappropriate to allow development of the scale proposed without sufficient secondary school capacity being in place. We are not persuaded that the presence of uncertainty requires developers to be given greater comfort through modification to WLLP.

- 5.15 A number of other issues were raised by objectors. In general terms, we do not support the proposal to have an exception from WLLP policy IMP2 based on extraordinary development costs, eg those arising from cross subsidising the preservation of valued historic buildings or dealing with the extensive remediation of a site. We acknowledge that the requirement to contribute towards the denominational school could have implications for the viability of a development and, on the face of it, such an exception may appear to be an attractive proposition. However, all proposed housing developments would benefit from the provision of the school. To formally exclude developments through WLLP from a contribution on these grounds would likely mean that the burden on the remaining developments would be increased in order to make up any shortfall in funds. Should the level of contributions have an impact on viability in a particular case, this would be a material consideration to be balanced against other factors by WLC when assessing the planning application. Ultimately, once the level of contributions required in a case was clarified, it would be a commercial judgement as to whether or not a particular development proceeded. There was no evidence before the inquiry which demonstrated that a significantly greater number of allocations (or significantly larger allocations) were required to support the level of infrastructure proposed. We also do not believe that WLC's decision to require contributions from planning applications lodged but undetermined, to be inappropriate, particularly as the requirement for the school has already been well publicised. While passing references were made by some objectors to alternative methods of funding the school, we are not persuaded that such references would be sufficient in themselves to justify setting aside WLC's proposed arrangements.
- 5.16 Overall, we are satisfied that the manner in which WLLP proposes that the denominational secondary school be delivered is reasonable. We are therefore satisfied that no further modification is required to WLLP as a result of these objections.

Armadale Academy

- 5.17 WLC's decision to pursue a new replacement Armadale Academy, rather than an extension, has not been challenged. Neither has the principle of developer contributions towards it. In essence, the issue before the inquiry focussed on the level of information currently available. On this, we note that the latest SPG clarifies the size of the school (1210 pupils), its cost (£26m), and the level of contributions required from developers (£4.73m), and the contribution per house (£1653) and per flat (£620). It is expected that the school would be in place in 2010/11 (although this date may be affected by possible delays in bringing forward the CDA development). At this early stage, we believe that WLC have provided a reasonable level of detail about the proposal. We are content that these matters have been covered in SPG, rather than included in WLLP, as these are details which could be the subject of review as the scheme progresses. We consider that WLC's approach conforms to E&LSP, and believe that WLLP, as altered through pre-inquiry changes, contains sufficient clarity. We are not persuaded that there would be any need to show the school's catchment area in WLLP. We have also noted the terms of the Joint Statement on education produced by WLC and Coalition Development Company, which includes reference to Armadale Academy. Overall, in the circumstances, we are satisfied that no further modification is required to WLLP on the basis of these objections.

Transportation Corridor Studies (A71 and A89)

- 5.18 The necessary funding for undertaking the transportation corridor studies into the A71 and A89 has now been obtained from SESTRANS. There is therefore no dispute that developer contributions towards their preparation are not required. Parties agreed that WLLP Appendix 7.1 (generic requirements) should be amended to reflect this position. In essence, the issue before the inquiry focussed on the need for contributions to the implementation of the measures proposed by these studies.
- 5.19 In relation to the A71, the 2003 Action Plan for E&LSP, and its 1st update, identify an upgrade for the road under Schedule 2 – Strategic Investment Transport Proposals, with the purpose being “road safety” and the stage, “proposal under review.” The latest update of the Action Plan continues to identify an upgrade. However, its purpose is now given as both road safety and “strategic sustainable transport accessibility”, and its stage as “A71 Study complete.” The changes represent a shift in emphasis from upgrading the road itself to public transport improvement measures, and reflect a decision taken by WLC in November 2005. SPG prepared by WLC in June 2006 indicates that the developers at Gavieside would have to contribute to the upgrade through the provision of bus lanes on the A71 by East Calder and Calderwood. The measures proposed are in line with the thrust of the approach adopted in E&LSP and SPP17, in that they would promote sustainability and seek to facilitate movement by public transport. The updates indicate that there would be development strategy benefits for the Livingston and Almond Valley CDA, and we accept that this would be the case given that the A71 is an important link from the CDA into Edinburgh. We note that the CDA allocations, including Gavieside, would have an impact on the road, and we are therefore satisfied that they can be regarded as

directly related to the measures proposed and that their implementation would make the measures more urgent. In coming to this view, we have taken into account the fact that Gavieside would be to the west of Livingston and the measures to the east.

5.20 We consider that WLC's intention to seek a contribution based on impact would be reasonable, and related in scale and kind. We acknowledge that no final figure on the level of impact has yet been agreed, although the matter is covered in both the A71 Corridor Study and the traffic assessment for the Gavieside development. If some of the allocations in CDA were to be excluded from making a contribution, it could threaten the implementation of an important strategic piece of infrastructure. We do not consider that the guidelines produced by the Institution of Highways and Transportation on the threshold approach to the traffic impact of a development, to be particularly helpful in this case, or an overriding factor which would prevent WLC from seeking a contribution from Gavieside. Overall, we have found little to support the contention that the measures proposed would be either unnecessary or superfluous. Drawing all these factors together, we believe that this contribution satisfies the intentions underlying SODD Circular 12/1996, and that it should remain as one of the generic requirements in WLLP Appendix 7.1.

5.21 Similarly, regarding the A89 improvements, we believe WLC's proposal to base the level of contribution on the scale of the impact arising from the proposed CDA allocations at Winchburgh to be appropriate.

5.22 Subject to the change recommended, we believe that WLC have adopted a suitable approach to the requirement for developer contributions in implementing the Transportation Corridor Studies for the A71 and A89. The proposed modification to WLLP is set out at paragraph 6.1(vi).

Livingston Fastlink

5.23 There is no requirement for Gavieside to contribute to phase 2 of the Livingston Fastlink separately from the park and ride and bus priority measures proposed. WLC's proposed change clarifies this position. In the circumstances, we recommend that WLLP be modified in the manner outlined at paragraph 6.1(vii) and (viii).

Professional services

5.24 It is recognised by parties that problems have arisen in the past with the implementation of large scale settlement expansions. There is therefore no dispute that good co-ordination would be required to ensure the successful implementation of CDAs, and that WLC's role would be pivotal. There is also no dispute that a number of the services listed in WLLP would be required to ensure the success of WLLP's strategy. In essence, the issue before the inquiry focussed on the extent to which developers should be contributing to these services.

- 5.25 In relation to this, WLC's position on contributions to professional services is set out in WLLP policy CDA4. The policy encourages contributions and sets out the way in which they would be sought. While neither SODD Circular 12/1996 nor E&LSP exclude such contributions, they do not explicitly endorse them. Although there is a reference to services in E&LSP and the associated Action Plan, there is little to support the contention that this applies to contributions to funding council services such as those listed at WLLP paragraph 7.38. SODD Circular 12/1996 draws the distinction between planning agreements and agreements under section 69 of the Local Government (Scotland) Act. The latter are not limited to restricting or regulating the development or use of land, and they can include the payment of money or transfer of assets to a local authority where this would facilitate the discharge of their functions. It is not clear to us that planning agreements are intended to cover every conceivable cost incurred in providing infrastructure and facilities, including those relating to expenses incurred by WLC in delivering their services. We are concerned that requests for such contributions would be to seek a financial benefit which is unrelated in nature, scale or kind to the developments proposed, and we are not persuaded that it can be reasonably justified in land use planning terms. It appears to us that the relationship between these contributions and the provision of necessary infrastructure and facilities would be more indirect than direct, and that the effect would be merely to pass on WLC's costs of delivering services to developers. Given these factors, we do not consider that this contribution is required for the purpose of restricting or regulating the development or use of land, or that it amounts to an incidental and consequential provision under section 75(2) of the 1997 Act. To this extent, we are also concerned that WLLP policy IMP17 and the supporting text at paragraph 12.76 require developers to meet WLC's costs in establishing legal agreements. Additionally, it seems to us that the policy and paragraph are primarily concerned with planning agreements, and this should be made clear (see paragraphs 5.3, 5.7 and 5.9 for further changes). We find it difficult to accept WLC's view that their approach represents a partnership with developers.
- 5.26 In addition, as WLLP policy CDA4 only "encourages" contributions, we consider that it fails to provide clear guidance to developers, and that its terms are ambiguous. The fact that the policy refers to the tests set out in SODD Circular 12/1996 does not overcome its shortcomings. We do not consider that the policy can be properly justified on the basis that some developers have already agreed to contribute to the cost of WLC's services. The terms of E&LSP policy HOU5 do not help the case for including an unsatisfactory and inappropriate policy. We are also aware that planning applications would be accompanied by fees, and that these would make a contribution to the assessment of, and decision on, individual proposals.
- 5.27 Notwithstanding the above, WLC have made it clear that they are concerned about the impact WLLP's proposals would have on their own services, and that a lack of resources could delay the delivery of major projects. We accept that this could be a significant and difficult issue, along with the co-ordination of the proposals. While we do not believe that the approach outlined by WLC should be maintained, we consider that it is appropriate for the issue to be highlighted in the text of WLLP. As already outlined, WLC could explore the potential for

using more general powers to seek contributions from developers. There may also be innovative ways to explore in delivering services, and we note that CML&WDI raise the possibility of staff secondment. In addition, funds could become available from other sources, and priorities could be rearranged. WLC have indicated that they have been successful in securing funds to date, and that these have helped establish a Development Plan Implementation Team. Although WLC received only 3 responses to their SPG, we are not persuaded that full and open consultation took place prior to WLC's approval of it. Bearing all this in mind, we believe that WLC and developers should together consider the ways in which the delivery of services could be best achieved to ensure proper co-ordination, and the timely delivery of WLLP's strategy. We consider that the existing SPG should be replaced by further guidance in due course.

- 5.28 Overall, we have significant doubts regarding WLLP's approach to this proposed contribution. In all the circumstances, we believe that policy CDA4 and the supporting text at paragraph 7.38 should be deleted, and that a new paragraph be inserted at 7.10a as set out at paragraph 6.1(x). In addition, we consider that the last sentence of policy IMP17 should be deleted. Amongst other things, it should also be made clear that paragraph 12.76 and policy IMP17 are primarily concerned with planning agreements, as indicated at paragraph 6.1(iv) and (xi) below. We suggest that paragraph 12.77 be adjusted to reflect paragraph 7.10a, but do not make a recommendation to this effect.

Travel Plan Co-ordinator

- 5.29 In essence, the issue before the inquiry focussed on the extent to which developers should be contributing to this WLC post.
- 5.30 In relation to this, SPG states that a staff resource is required to assess the sustainable travel issues for new developments. Residential developments of more than 10 dwellings would be required to produce a sustainable travel information pack for each new home and a travel plan and, for employment developments, a staff travel plan. We have no doubt that information packs and travel plans are a necessary requirement of the large scale development proposed in WLLP. We also believe that travel plans for residential developments would be likely to be tempered by the advice in PAN75 that setting targets for such a land use would generally not be practicable and that sustainability should come through design in relation to walking, cycling and public transport networks. We accept that co-ordination, monitoring compliance and enforcement would be required, and that WLC would have an "overseeing" role. However, it appears to us that this role constitutes a professional service and function of WLC. We are therefore concerned that WLC are merely seeking to pass on their own cost of delivering a service to developers. While WLC claim that the post would only be for the duration of WLLP, we note that their intention would be to make it a permanent one. While E&LSP and PAN75 together cover the need to prepare travel plans, we are not persuaded that either provides justification for seeking developer contributions towards a staff resource as part of a planning agreement, or to the additional unspecified costs of "office" and "information technology." This remains the case even taking into account the terms of E&LSP policy IMP4. We are also concerned that some of the work of the proposed co-ordinator

appears to relate to supporting the assessment of a planning application for which a fee has already been submitted. In addition, we have concerns about requiring a travel plan for every residential development of more than 10 houses. On the face of it, this seems an excessive requirement, particularly when account is taken of WLLP policy TRAN5 which only requires travel plans for major developments.

- 5.31 Nonetheless, we acknowledge that the successful promotion of sustainable travel through travel plans and information packs is an issue for WLC, and we believe that it should be highlighted in the text of WLLP. It is open to WLC to explore the possibility of using more general powers to seek contributions, and they could also search for a more innovative way to deliver the service. Account should be taken of the need to avoid duplicating the “overseeing” role of WLC with the arrangements set out for co-ordination, monitoring compliance and enforcement in individual travel plans. It could be that the role of any co-ordinator could become more focussed by requiring developers to give more detailed consideration to these processes in their submissions to WLC. We therefore suggest that the terms of SPG should be reconsidered and that further guidance be issued in due course.
- 5.32 Overall, as with professional services, we are not satisfied with WLC’s approach to this contribution. In the circumstances, we consider that WLLP policy TRAN6 and paragraph 8.28 should be deleted, and that a new paragraph 8.28 be inserted before WLLP policy TRAN5, all as set out at paragraph 6.1(xii) below.

Start up costs for schools

- 5.33 We note that WLC’s proposed change to WLLP in relation to this contribution means that the term “start up costs” has been replaced by that of “commissioning costs”, and that an attempt has been made to clarify what constitutes the latter. Our initial view is that that the changes seek to more closely align the proposed contribution with SODD Circular 12/1996. We are encouraged that the contributions that developers would make to the categories of costs (resources, staff and building) would now be more limited in scope. However, it is not clear to us from SPG what is included in the various sub-categories of costs identified in the schedule at paragraph 6.2, and whether they could all be properly justified against the circular. Given this lack of information, we are not in a position to endorse the change proposed to WLLP by WLC or provide further comment. We therefore make no recommendation on WLC’s proposed change.

Library facilities, improvements to town and village centres, and public art

- 5.34 On this matter, as these facilities and amenities are some of the elements which ensure that the CDA developments would meet an acceptable standard, we are satisfied that WLLP’s treatment of them in Appendix 7.1 as anticipated requirements, is consistent with SODD Circular 12/1996. It is also in line with E&LSP, including its policy HOU6. We note that WLLP makes provision for WLC to vary the developer requirements in CDAs where there are sound planning reasons, and we believe that this allows the flexibility for such contributions to be further justified against the criteria in the circular, at a later

stage, when individual planning applications are lodged. Given these factors, we are not persuaded that WLLP policy CDA2 requires to be changed to reflect the concerns about the use of the word “anticipated”. However, the required infrastructure, facilities and amenities to support the CDA developments are becoming clearer as the proposals evolve and, prior to the adoption of WLLP, we see merit in updating the anticipated requirements in WLLP Appendix 7.1, being as precise as possible.

5.35 Particular reference was made by objectors to the West Livingston part of the Livingston and Almond Valley CDA. In relation to library provision, it appears that a satellite library co-located with a primary school is proposed. As this is an important community facility which would directly serve the new housing development, we believe that this contribution can be justified. In relation to town and village improvements, we note that the CDA proposal at West Livingston would be of a large scale and that it would be, at least in part, directly adjacent to the villages of West Calder and Polbeth. The proposals would be likely to introduce significant change into the area, and we believe that there would be potential for these 2 village centres to be significantly affected. We therefore consider that at this stage improvements to these village centres should remain as an anticipated requirement in WLLP Appendix 7.1.

5.36 Turning to public art, we see no reason why WLLP’s approach should result in it being treated as an afterthought in the design process. We note that WLLP policy COM11 promotes the involvement of artists at an early stage. It does not seem to us that the changes proposed by objectors to policy COM11 are necessary or particularly helpful. Regarding SPG on public art, we have some concern about the reference to the use of contributions for long term maintenance, and we suggest that WLC may wish to reconsider their approach.

5.37 Overall, other than the updating of WLLP Appendix 7.1 (paragraph 6.1[xiii] below), we believe that no further modifications are required to WLLP as a result of these objections.

Safer routes to school

5.38 Parties are agreed that no contributions should be required beyond the provision of the infrastructure necessary to support safer walking routes to school. SODD Circular 12/1996 would allow contributions to be sought to improve existing safer routes when such improvements are required because of the additional housing proposed. Such a contribution would not amount to an extraneous benefit, and it would be consistent with the requirements of E&LSP policy HOU6. We consider that the modifications accepted and proposed by WLC to WLLP policy TRAN16 and paragraph 8.38 would be helpful in making clearer the circumstances in which contributions towards safer routes to school would be sought. Overall, subject to these modifications (paragraph 6.1[xiv] and [xv] below), we are satisfied with the approach adopted in WLLP.

Third party payments

5.39 The contributions sought by WLLP policies TRAN3 and TRAN4, insofar as they

relate to transportation measures and travel improvements, are satisfactory and consistent with SODD Circular 12/1996 and E&LSP. Regarding contributions being required towards traffic modelling undertaken by WLC, we note that SPG on the partnership approach to delivering infrastructure refers to this possibility. Given our conclusions at paragraphs 5.24-5.28 above, we could not support such a contribution being required as part of a planning agreement. In order to clarify this part of WLLP's transportation chapter, we believe that the heading of the section containing policy TRAN4 (transport models) should be deleted and replaced by a reference to the transport fund and the associated measures to be implemented. In addition, the reference to transportation modelling in policy TRAN4 itself should be deleted, and additional minor changes made to its wording to ensure that the transportation measures proposed by WLC are justified. We accept that it would be difficult for WLLP, under these 2 general, district wide policies, to be more precise about the level of contributions that would be sought in individual cases. The detailed modifications recommended are set out below at paragraph 6.1(xvi) and (xvii).

Community swimming pools

- 5.40 WLLP indicates that the new secondary schools in CDAs will contain community facilities where practical which the local community can access (eg swimming pools). Easy access to a swimming pool is important for all schools in order to satisfy the needs of the curriculum, and WLC indicated that their approach has been to provide swimming pools as an integral part of secondary schools. The Design Guidelines for Building New Schools in West Lothian states that a large secondary school could have a 25m swimming pool. While the community, including existing residents, may have access to such a facility, there would be no need for secondary schools and their associated facilities in CDAs without the large number of houses it is proposed to build. Although other councils have different approaches to the provision of swimming pools for schools, we believe WLC's approach to be reasonable. The provision of swimming pools in schools would help provide developments of an acceptable standard in CDAs in West Lothian, and would also help create a focus for the new, expanded communities. In the circumstances, we are satisfied that developer contributions towards the swimming pools would be consistent with SODD Circular 12/1996 and E&LSP. In light of these factors, we see no good reason to make an exception of the secondary school proposed at East Calder as a part of the Livingston and Almond Valley CDA. We therefore do not believe that any further modifications are required to WLLP as a result of these objections.

Cemetery provision

- 5.41 There is pressure on existing burial provision in West Lothian, with 5 cemeteries likely to reach capacity by 2008, and there is a need to secure adequate future provision. WLLP proposes substantial growth in the district, and we are satisfied that this increases the urgency of making adequate provision, particularly in CDAs. It would help ensure that facilities could cope with both existing and proposed need. WLC have considered 2 options for future burial provision – strategic or local – and they have opted for the latter. While this is the more expensive option, there is little to support the contention that it would be

unreasonable and, given the sensitivities involved, we believe it important to ensure that appropriate provision is made and local need properly met. There is no specific size specified for a cemetery. However, WLC have exercised their judgement and, on the basis of their experience, have used a guideline figure of 4ha which, given the need to provide appropriate infrastructure and burial space on a site, does not seem unrealistic. It is clear from the evidence that further provision is required to replace existing facilities at Mid and East Calder, in order to ensure that both proposed and existing communities are adequately served. Provided any contributions raised are in scale and kind to the developments proposed, we believe that they would be consistent with SODD Circular 12/1996 and E&LSP. We therefore do not consider that any further modifications are required to WLLP as a result of these objections. Regarding SPG, we have some concerns about the reference to retaining surplus funds for ongoing maintenance, and we suggest that WLC may wish to reconsider their approach.

Other matters

- 5.42 Overall, drawing all these matters together, we consider that WLLP, subject to the changes recommended below, including the deletion of inappropriate developer contributions, can be regarded as conforming to E&LSP, and that other considerations do not justify further changes.
- 5.43 We have taken account of all the other matters, including the view that masterplans should seek to facilitate the equalisation of common costs, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

Developer contribution principles

- (i) that the 2nd sentence of WLLP paragraph 7.9 be modified, as follows:

“While WLC will explore other sources of finance, it is expected that substantial developer contributions will be necessary to implement the CDA strategy in West Lothian...”;

- (ii) that WLLP paragraph 7.10 be modified, as follows:

“Planning agreements are one of the main mechanisms of securing developer contributions. In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996. The circular requires that all planning agreements should serve a planning purpose, have a relationship to the proposed development, are related in scale and kind, and are reasonable. The scale of contributions will therefore reflect the likely impact of development. In all cases, developer contributions for the CDA developments will be based on the most up to date information available at the time planning applications are being

considered. *Contributions which have not been used for their identified purpose within 5 years of the date they are made, shall be returned to the developer, except in exceptional circumstances where it can be demonstrated that the infrastructure, facilities or amenities cannot be delivered within such a period. Further guidance on the level of developer contributions and other details will be provided in SPG which are being prepared to support WLLP. Where financial contributions are agreed with WLC in lieu of direct provision, indexation of the sums payable will be required to make them inflation proof.*”;

(iii) that WLLP policy CDA1 be modified, as follows:

“Policy CDA 1

Planning permission will not be granted for the development of the sites listed in policies CDA8-CDA10 for housing and other uses until all relevant infrastructure is provided or committed. Planning conditions and agreements will be used to secure the funding and proper phasing of development.

In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996 on Planning Agreements...”;

(iv) that the last sentence of WLLP policy IMP17 be deleted and that the policy be modified, as follows (see also recommendation 6.1[xi]):

“Policy IMP17

Where appropriate, *planning* agreements between developers/landowners and WLC must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is granted.

In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996 on Planning Agreements.”; and

(v) that WLLP paragraph 7.13 be modified, as follows:

“...WLC therefore reserves the right to alter developer requirements where there are sound planning reasons for doing so. The CDA Action Plan identifies infrastructure which it is anticipated will be required to make sites effective. Alternative proposals not identified in the CDA Action Plan may also make sites (or parts of sites) effective. Alternative solutions will be considered on a case by case basis. *Given this approach, WLC intend to prepare and publish an annual monitoring report on items of infrastructure, local facilities and amenities required and developer contributions.* In some cases, interim solutions could be brought forward in advance of the main infrastructure identified in the CDA Action Plan. For example, the implementation of local junction improvements at Winchburgh could delay the need to implement the motorway junction on the M9. A flexible approach will be necessary to ensure that development is not unduly delayed.”

Transportation Corridor Studies

(vi) that WLLP Appendix 7.1, generic requirements, number 2, bullet point 4 be modified, as follows:

“contributions to funds to assist with the implementation of proposals arising from public transport corridor studies...”.

Livingston Fastlink

(vii) that WLLP Appendix 7.1, settlement requirements, West Livingston/Mossend infrastructure, transport, bullet point 4 (Contribution to phase 2 of Livingston Fastlink), be deleted; and

(viii) that WLLP Appendix 7.1, settlement requirements, West Livingston/Mossend infrastructure, transport, bullet point 3, be modified, as follows:

“Provision of park and ride at Gavieside and associated bus priority to town centre along Charlesfield Road being the required contribution to phase 2 of Livingston Fastlink...”.

Contributions towards professional services

(ix) that WLLP policy CDA4 and the supporting text at paragraph 7.38 be deleted;

(x) that a new paragraph be inserted immediately after WLLP paragraph 7.10, as follows:

“7.10a The scale of CDA proposals is such that it is expected that an extraordinary burden will be placed on WLC services. It is acknowledged that it would be inappropriate to request contributions to the funding of services through planning agreements. However, in order to ensure the timeous delivery and proper co-ordination of CDA proposals, WLC wish to explore ways in which developers can assist in the delivery of council services, but only where these can be directly attributed to their proposal. In connection with this, WLC may need to explore the potential for contributions to be made under more general powers. WLC also wish to consider, along with developers, other more innovative ways in which WLC services, directly attributable to their development, can be delivered and proper co-ordination achieved. To this end, WLC intend to consult developers before preparing new guidance. WLC will explore all other sources of potential funds to assist in service delivery.”; and

(xi) that the last sentence of WLLP paragraph 12.76 be deleted, that the heading of this section be changed from legal agreements to *“planning agreements”*, and that the paragraph be modified, as follows (see also recommendation 6.1[iv]):

“12.76 It is becoming increasingly necessary for developers to provide or fund the infrastructure, facilities and amenities which are required to facilitate their developments. It is anticipated that the use of planning agreements will be the

main means of securing these. In all cases, contributions from developers will be sought in accordance with *SODD Circular 12/1996*. Further guidance on the level of developer contributions will be provided in *SPG* where appropriate. Contributions which have not been used for their identified purpose within 5 years of the date they are made, shall be returned to the developer, except in exceptional circumstances where it can be demonstrated that the infrastructure, facilities or amenities cannot be delivered within such a period. Planning agreements will also be used to regulate the use of land or buildings where it is considered that this cannot be dealt with satisfactorily through planning conditions.

Travel Plan Co-ordinator

(xii) that WLLP policy TRAN6 and the supporting text at paragraph 8.28 be deleted, and that a new paragraph 8.28 be inserted between paragraph 8.27 and WLLP policy TRAN5, as follows

“8.28 WLC intend to give further consideration to the issues of co-ordinating, managing and monitoring travel plans. In connection with this, WLC wish to explore ways in which developers can assist in these processes, but only where they can be directly attributed to their proposal. While it is acknowledged that it would be inappropriate to request contributions to the funding of a WLC staff resource through planning agreements, WLC may need to explore the potential for contributions to be made under more general powers. WLC also wish to consider, along with developers, other more innovative ways in which this service could be delivered. WLC intend to consult developers before preparing new guidance. WLC will explore all other sources of potential funds to assist in providing the service.”

Library facilities, improvements to town and village centres, and public art

(xiii) that all the anticipated requirements set out in WLLP Appendix 7.1 (CDA Action Plan) be updated prior to the adoption of WLLP.

Safer routes to school

(xiv) that the final sentence of WLLP paragraph 8.38 be modified and a further 2 sentences added, all as follows:

“WLC will require developers to provide additional, safer walking and cycling routes to schools serving new housing developments where these are necessary and reasonable. For the avoidance of doubt, developers will only be required to remedy infrastructure deficiencies which result from additional housing. Requirements will be assessed through a transportation assessment.”; and

(xv) that WLLP policy TRAN16 be modified, as follows:

“Policy TRAN16

WLC will work with, and require contributions from, developers *towards the*

capital costs of the infrastructure necessary to protect, or provide, safer walking and cycling routes to schools and other local facilities.”

Third party payments

(xvi) that the heading above WLLP paragraph 8.25 – “transport models” – be deleted and replaced by “*transport fund and associated measures*”; and

(xvii) that the phrase “through transportation modelling” be deleted from the 1st line of WLLP policy TRAN4, and that further modifications be made to the wording , so that it reads:

“Where a package of transportation measures for the improvement of an area *can be justified* by WLC, and where major new development is proposed, developers seeking planning permission in that area will be:

- (i) required to contribute towards a fund managed by WLC for the provision of these measures, or
- (ii) implement an appropriate part of these measures, in proportion to the potential impact of the development on the surrounding transport network.”

Other matters

(xviii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions unless they are necessary in order to ensure consistency with the above recommendations.

1.3 Affordable Housing

Representation nos:

7161/3, 7308/1, 7366, 7367, 7419/3, 7434, 7487/1-/2,
7488/4, 7489, 7499, 7501/1-/2, 7558/4, 7564/7, 7582/4,
7589/8, 7680/4, 7688/1-/4, 7698/1, 7698/5, 7704/2,
7711/1-/2, 8365/2, 8374/1-/6, 8474/5, 8548, 8549,
9873/2, 9878/4, 9879/4, 9881/2, 9882/6, 9893/4, 9909,
9919/1-/5, 9923/1-/5.

Objectors appearing at Inquiry:

HforS
CML&WDI
Achadonn Properties Ltd
(+written submissions)

Inquiry references:

STRAT3a: Policy HOU10
STRAT3b: Policy HOU10
HOU5a: Policy HOU10
BUILT3: Enabling Development

1. BACKGROUND

- 1.1 SPP3 sets out Government policy on 3 key themes, the 3rd of which, ‘delivering housing land’, includes the delivery of affordable housing. It confirms that a shortfall of affordable housing is a material planning consideration where it is identified by HNA within a local housing strategy. SPP3 requires the need for affordable housing to be justified within HMA where the need has been identified, but the provision of land for affordable housing in a particular local plan area need not relate to the specific requirements of households resident in that area. The aim is to help address the shortage of land for affordable housing in the HMA as a whole. SPP3 identifies that development plans should give clarity on the expected scale and location of the provision being sought, and that planning authorities should keep the requirement for affordable housing under review.
- 1.2 PAN74 sets out a summary of steps (9) to support the delivery of affordable housing and create a climate of certainty and confidence through planning policy. It proposes a benchmark for the provision of such housing based on each site contributing 25% of the total number of houses as affordable housing. It also advises that for sites in urban areas, local authorities should seek, as a guide, to achieve on site provision for developments of 20 or more houses, but on smaller sites to allow for off site provision or commuted sums. PAN74 makes clear that the contribution from the developer should normally be the provision of serviced land which should be transferred either at a value relating to its end use for affordable housing or by agreement between the developer and RSL, at a lower value. It also confirms that it would not be appropriate to introduce a policy which requires a developer to construct new houses to be handed over free to a local authority or RSL. However, this does not preclude a developer electing to provide complete units without subsidy rather than plots required by a policy in agreement with the planning authority. Whichever scenario is chosen, it would be expected that the developer should make the same effective level of contribution, but potentially in different forms, as long as the proposed alternative would help to meet an identified need in the same HMA. Where the provision of a subsidy is not agreed or available, alternative means of providing affordable housing should be

agreed with the local authority. The advice recommends that procedures for monitoring and review of the need for affordable housing should be put in place.

- 1.3 E&LSP, unlike its predecessor, makes no distinction between rented and owner occupied housing requirements. However, it recognises that Government policy requires structure plans and local plans to address any shortfall in affordable housing and supports the provision of affordable housing where it is justified in accordance with Government policy. It goes on to note that the need for affordable housing will vary from location to location and, for this reason, would be dealt with through local plans and/or SPG.
- 1.4 Affordable housing is dealt with specifically in E&LSP policy HOU7 and follows on from the more strategic housing policies. Policy HOU7 directs that local plans should include policies requiring appropriate provision of affordable housing and setting out the planning mechanisms by which this will be achieved, where this is justified through a local needs assessment. It goes on to recognise that these policies may take the form of SPG in advance of local plan adoption.
- 1.5 In 2000, DETR published a Guide to Good Practice on local HNAs. Its purpose, amongst other things, is to promote greater consistency in their conduct, and to ensure that the information underpinning the local housing strategy is sound. It outlines a basic needs assessment model for establishing the net shortfall or surplus of affordable houses. The model contains 18 steps which calculate the backlog of existing need, newly arising need and the supply of affordable houses, and it identifies data sources which can be used to feed in relevant information. The guide also sets out 4 broad tests for HNAs which may be summarised as follows: they should look forward over a medium term and should be developed in the context of longer term plans for the use of land; they should make use of all available data and should apply sound judgements and technical procedures in the analysis of the data; they should recognise the inevitable areas of uncertainty and should build in sensitivity checks to see how much their single forecasts would be affected by different assumptions or eventualities; and they should be sensitive to the changing context and newly emerging needs/problems. At this session of the inquiry, reference was made to some further guidance commissioned to replace the DETR Guide but this was still in preparation.
- 1.6 In 2000, WLC commissioned a housing needs study by David Adamson & Partners Ltd and the final report was issued in August 2001. It was based upon representative sample households of all tenures in the WLC area. It was conducted as part of a broader housing survey programme incorporating a review of housing conditions and housing investment needs in both the public and private housing sectors. The survey took the form of a 6% sample survey and 95% of these were returned giving an overall 5% survey of West Lothian households. The results were aggregated up to give an overall estimate of housing need over the period 2000-2005 and concluded a new housing demand of 8,115 houses over this period. The results indicated that 3.8% of the 64,500 households needed less expensive housing which suggested that 2,450 households had affordability issues. In addition, 3,437 hidden households were identified at the base date and of these 2,361 would seek to have their housing needs met in West Lothian.

- 1.7 A specific study to 'Estimate Affordable Housing Requirements' was commissioned by WLC and produced in July 2003, by Glasgow University/Newhaven Research Limited. The specific aims of the Glasgow Study were: to estimate affordable housing needs for the WLLHS; provide an indication of where such housing may be most needed in the future; and to make recommendations for improving/updating affordable housing need estimates over time. This study utilised a variety of data sources and updated them, including the David Adamson's housing needs study. It estimates the backlog need to equate to 6,835 households and makes assumptions about newly emerging need of 5,520 households over the period of the local housing strategy. It estimates that between 26% and 43% of these households will seek to rent from a social landlord. These figures translate into a total gross annual need figure of between 1,633 and 1,850 houses which, when compared with the calculated average annual supply figure of 1,442 houses, gives a net annual need of between 221 and 408 houses. This translates into a total need over the local housing strategy period (2003-2008) of between 1,105 and 2,040 houses. The study was not commissioned to carry out new survey work. It made use of the basic needs assessment model, as promoted by the DETR Guide, but also recognised the limitations in the methodology and the data available. The study provides WLC and their partners with a "best estimate" but recommends that, if adopted for the initial purposes of the local housing strategy, steps be taken to refine the estimate over time.
- 1.8 In 2003, WLC issued a local housing strategy (WLLHS) which covers the 5 year period to 2008 and outlines the policy context and requirements for affordable housing in West Lothian. It identifies a requirement for 1300 social rented houses over the period 2003/04-2007/08, and identifies the need for additional provision in the period 2008/09-2012/13, but acknowledges that this longer term requirement may change. The resources plan, within WLLHS, identifies that 678 affordable houses for rent could be provided from development supported by CS and WLC's own capital contribution. This would leave a balance of 622 houses for rent for which funding would be by developer contributions and private finance. In Livingston, Broxburn, Linlithgow and the Calders, where agreed social rented obligations have been met, house developers will be encouraged to include an element of the provision of 160 low cost homes for households which have difficulty in purchasing housing at market levels.
- 1.9 The Lothians Authorities jointly commissioned a housing needs and market study from Tribal which was produced in October 2005. Its aim was to provide a greater understanding of the wider Edinburgh HMA and to inform the further development of the Lothian Authorities' local housing strategies and the development of affordable housing and local planning policies. The Tribal Study drew on a wide range of data sources, included consultations with various stakeholders and involved a survey of 3200 residents across the Lothians, 2,400 of which were face to face interviews and 800 by telephone. While survey work was restricted to the Lothians, the secondary data analysis and consultations covered the geography of the Edinburgh housing market. The assessment identified a total shortfall of 3,298 or 3,410 affordable housing units in West Lothian over the 5 year period (depending on which set of assumptions is used). This would require completions of 660 or 682 houses per year over the period 2006-2011. If the potential contribution of Homestake to meeting these needs is applied (1744 or 1110), then

the balance of need to be met by social renting over the 5 year period is 1554 or 2300 (again depending on which set of assumptions is used). It should be noted that Homestake did not exist as a public policy at the time of this study and was not included in the survey questionnaire.

- 1.10 In September 2005, CS commissioned an update of an existing Local Housing Need and Affordability Model for Scotland, prepared by Professor Bramley and colleagues (The Bramley Study), which builds on the 2 previous studies. This new report was published in November 2006 and gives a snapshot of affordability and need in 2005 but includes a set of forward projections to 2021. The update found that, of the 32 local authorities in Scotland, most (25) have a positive net need, compared with just half (16) in the previous estimates. West Lothian is identified as one of 7 areas moving into shortage, having the 10th equal highest net need figure of 345. The forward projection for West Lothian estimated 565 in 2006 and 405 in 2011. The authorities with positive need were found to be those with higher house prices, more household growth, and more limited supply of existing social rented housing. Across Scotland the proportion of new households able to afford to buy in the market ranged from 26% to 66%. Affordability related needs had risen in the last few years with rising house prices (22% since 2003); and the model indicated that there could be an enhanced role for low cost home ownership.

2. POLICY SUBJECT OF THE OBJECTIONS

- 2.1 The consolidated version of WLLP incorporates the pre-inquiry changes to June 2006. In essence, the objections relate to the terms of WLLP Affordable Housing Policy (policy HOU10) and, in particular, to the percentage target and thresholds proposed for the CDAs.

- 2.2 WLLP policy HOU10 states that:

“Policy HOU10

Developers of residential development sites will be required to transfer fully serviced land capable of delivering 15% of the total site capacity as affordable housing to the local authority, RSL, or social housing provider, to be nominated, or otherwise agreed, by WLC.

The land will be transferred at a value which minimises any impact on the availability of funding for the provision of affordable housing.

All land transferred should benefit from an appropriate planning permission and should be free of any infrastructure burdens which would apply to dwellings subsequently constructed on the site. The developer will be required, where necessary, to work with RSL, or social housing provider, to minimise any funding gap in the provision of the affordable housing element of the development.

For sites where there are sound reasons for not transferring part of the development site, at the discretion of WLC, one of the following alternative forms of affordable housing contribution may be agreed:

Off Site Provision within the Same Settlement

- The transfer to RSL, or a social housing provider, to be nominated or otherwise agreed with WLC, of an equivalent sized area of land within the same settlement at a value which does not increase the funding deficit for the provision of affordable housing. Any funding deficit will be identified in an annual update of the affordable housing resource plan. All land transferred should be fully serviced and benefit from an appropriate planning permission. Any off site provision will be in addition to any affordable requirement which would occur on the alternative site in its own right.

Off Site Provision Elsewhere in West Lothian

- The transfer of fully serviced land elsewhere in West Lothian. In these circumstances, the land transferred should be of an equivalent value to land on the development site. For the purposes of calculating equivalent value, the RICS Appraisal and Valuation Manual 5th Edition will apply. Irrespective of the value of the land, the land should be transferred at a value which does not increase the funding deficit for the provision of affordable housing. Any funding deficit will be identified in an annual update of the affordable housing resource plan. All land transferred should be fully serviced and benefit from an appropriate planning permission. Any off site provision will be in addition to any affordable requirement which would occur on the alternative site in its own right.

Commuted Sums

- A financial contribution equivalent to the value of the difference between open market value and the value for affordable housing of an equivalent area of fully serviced residential development land, within the same settlement, as the original housing application. For the purposes of determining the value for affordable housing, the principle of not increasing the funding deficit for affordable housing will apply. This provision will automatically apply on all sites with a capacity of less than 20 units.

In addition to the 15% contribution for socially rented housing, developments within E&LSP CDAs will be expected to make an additional affordable housing contribution equating to a minimum of 10% fully complete affordable houses.

These units can be entry level houses for sale by the developer (housing without subsidy), shared equity houses or any other form of provision conforming to the categories of affordable housing identified in PAN74.

The contributions detailed above are benchmarks. The only exceptions to the benchmark will be:

- Sites where planning permission has been granted prior to the date of committee approval of the policy.
- Sites covered by an approved development brief or an adopted local plan designation which does not require the provision of affordable housing or details an alternative higher rate of provision.
- Sites being developed for less than five units. Sites being developed for less than five units which are clearly part of a larger development area will not be exempt.
- Sites where meeting the requirements of the affordable housing policy will result in an unacceptably low residual development value as a result of ground conditions or the provision of essential infrastructure associated with developing the site, but only where these abnormal development costs could not have been anticipated at the time of land purchase. The developer will be required to exhibit details of land purchase price and the costs of essential development work and values, and convince the council that the low return is not a result of an unrealistic purchase price for the land. Where a dispute about reasonableness of the development costs arise, the matter can be referred to an independent arbitrator at the developers expense. In these circumstances, any financial information shall be treated on a confidential basis.

Developers should indicate as part of their planning application how they will deliver the affordable housing element of the development.

All affordable housing contributions shall be secured by Section 75 Agreements prepared by a solicitor nominated by WLC and funded by the developer. The Section 75 will also detail the mechanism for ensuring that any shared equity, low cost home ownership or other forms of assisted purchase units remains affordable in perpetuity through burdens placed on the title.”

2.3 During the Inquiry some concessions were made by WLC in relation to certain wording of the policy. As regards the reference to 15% of total site capacity, while WLC considered that to be their preference, they acknowledged that it could relate to the total number of houses authorised by the planning permission granted. In relation to the reference to a “minimum” of 10% contribution in CDAs, WLC were happy to look at that wording to ensure that it did not require more than 10% but still allow the prospect of a developer offering more than 10% contribution.

3. SUMMARY OF CASE FOR THE OBJECTORS

Alternative wording for the policy

- 3.1 An alternative form of wording for WLLP policy HOU10 was proposed (see Annexe 1 to this chapter) which would be acceptable to the objectors. The revisions to the wording of the policy were explained in these annotated notes.
- 3.2 [1] The reference to ‘total number of units’ (rather than ‘total site capacity’) made clear that the quota referred to land with capacity to deliver 15% of the total number of units for which planning permission had been granted rather than 15% of the total application site or its net developable area. It also made clear that the land required to be serviced land which ensured that it was immediately effective in terms of delivering affordable housing at the point it was transferred, in compliance with best practice advice in PAN74.
- 3.3 [2] If public subsidy from CS was not available to contribute towards the purchase of the serviced land when a planning application was registered then the applicant should be entitled to deliver the contribution from that site in one of the other categories of affordable housing tenure listed in PAN74. In such circumstances, it was more likely that the contribution would be delivered in the form of built out affordable housing units rather than the transfer of serviced land to RSL for the construction of social rented accommodation. The benefit would be that the delivery of main stream housing was not held up by phasing issues. Low cost owner occupied housing was built without public or private subsidy and was affordable housing delivered by design, most likely in the form of one bedroom studio flats. No occupancy or price restriction would be attached to the initial sale or to future sales. If no subsidy was to be provided, these low cost owner occupied houses would be sold on the open market. If discount was applied then the tenure offered would fall into the discounted sale category. Without a subsidy it would be impossible to restrict the sale prices to be achieved on successive sales, unless the future sales prices were to be indexed against increases in the median income within West Lothian, which would provide the ultimate marketing disincentive. WLC had misdirected themselves on this point. Low cost owner occupied housing was a recognised category of affordable housing but unlike the other categories in PAN74 there was no control over the future sales price. The reference to “in perpetuity” in the last sentence of the policy was erroneous.
- 3.4 [3] If the contribution was to be delivered in the form of built out units on the site, PAN74 confirmed that the overall value of the built out contribution should not exceed the value of the policy’s standard contribution delivered in the form of serviced land. Consequently, the value of the serviced land should take into account the category of the affordable housing tenure proposed for the site.
- 3.5 [4] It was unrealistic to expect the developer to deliver the contribution offsite within the same settlement envelope. It should be sufficient that an offsite contribution of land, or land and built units, was provided within the same HMA. Also, the developer should be given the flexibility of deciding whether to provide the contribution in the form of an off site contribution of land, land and built units, or a commuted sum. Irrespective, PAN74 made it clear that the value of the

contribution should not exceed the value of the benchmark on site contribution of serviced land. WLC's explanation of how the commuted sum should be calculated did not accord with the provisions of PAN74 and conflicted with its advice as regards the calculation of the value of the contribution if it was provided in the form of serviced land off site. PAN74 paragraphs 38 and 39 made clear that, if the contribution was to be provided in the form of either off site serviced land or as a commuted sum, then its value should be equivalent to the residual land value of the on site provision of serviced land with the category of tenure restriction attached. WLC's approach was that they were looking to the developer to bridge the funding gap that arose whenever a housing association grant was unavailable. There was neither legal nor policy justification for this approach.

- 3.6 [5] The word "quota" was used to make it clear that this was a required contribution.
- 3.7 [6] The use of the word "exemptions" made it clear that if any of the 3 listed sets of circumstances applied then no contribution would be required. Unless the applicant could demonstrate that its proposal fell into one of the listed categories of exemptions, no exceptions to the policy requirement would be permitted.
- 3.8 [7] By the use of the date 22 June 2006, the applicable cut off date was clear to developers and members of the public.
- 3.9 [8] A threshold of 20 units was more appropriate.
- 3.10 [9] The policy should make it clear that the high cost of site preparation due to abnormal ground conditions could justify either a reduction in or an exemption (if the costs were so high as to render the site potentially unviable if any affordable housing contribution was to be provided).

The Housing Needs Assessment (HNA) and the relevance/application of the Tribal Study

- 3.11 No objection was made to HNA prepared by David Adamson Limited and the Glasgow Study and, given that the 15% quota was accepted subject to the provisions of HforS's revised policy, it followed that the level of need was accepted in terms of numbers, despite the acknowledged shortcomings of HNA. The lack of information in the HNA concerning local "income" levels precluded WLC from concluding with any degree of certainty that only the application of a social rented tenure restriction on the title would ensure that the units were rendered sufficiently "affordable" within its own HMA. Accordingly, the category of affordable housing selected should depend on the availability of HAG at the point when an application came forward. If no public subsidy was available then it should be left to the discretion of the developer which category of tenure was provided.
- 3.12 The text in WLLP made no reference to the Tribal Study nor did SPG on affordable housing. The Tribal Study was HNA which covered too large an area and interviewed too few people in West Lothian to allow any valid conclusions to be drawn from it. The number of face to face interviews from sample households in

West Lothian was only 455 (607 x 75%) compared to the position in South Ayrshire where, with a far smaller number of households to sample, the much criticised Fordham HNA conducted 502 personal interviews. The Reporters in South Ayrshire relied on the DETR Guide to recommend that a minimum of 1000 sample households should be interviewed in a local authority area. The reliance on postal questionnaires at South Ayrshire was irrelevant for the purposes of this specific point, as was the issue of mathematical statistics. As regards the standardisation of good practice in survey work, SEIRU had made it clear, following the South Ayrshire Local Plan Inquiry, that their Reporters would expect all HNAs in Scotland to be seen to have conducted at least 1000 face to face interviews across a single local authority area.

- 3.13 West Lothian was recognised in WLLHS as a single HMA and the existing HNA regarded it as a single HMA, with its scope restricted to WLC's area of jurisdiction. However, while the Tribal Study assumed it to be part of the wider Lothians HMA, time and again the differences between West Lothian and the other 3 Lothian regions were highlighted. For those reasons, no validity should be attached to the Tribal Study as far as the provision of support for the 10% additional requirement of affordable housing in CDAs was concerned.

Compliance with E&LSP, SPP3 and PAN74

- 3.14 SPP3 made clear that it was the identification of a shortage of affordable housing "within a current LHS" which was the relevant material consideration in the planning process. PAN74 advised that it was essential that there was consistency between LHS and the development plan. LHS was to "inform the overall assessment of housing land requirements in the development plan". PAN74 noted that there was a statutory duty for local authorities to undertake an assessment of the needs of the persons in the authority's area for housing accommodation (see Housing [Scotland] Act 2001). This made it clear that HNA required to be specific to the local authority area. However, the Tribal Study covered four local authority areas as a single HMA and then attempted to disaggregate the survey's findings down into what was described as "sub-areas." Whilst PAN74 acknowledged that local authorities should take account of what was happening in a wider HMA, this did not mean that local authorities should combine to produce single HNAs which broke down need into the individual areas of jurisdiction. Tax payers, developers and landowners were entitled to know that any shortage of affordable housing need identified in the local HMA was based on a survey that had been carried out within their local authority area, in accordance with best practice guidance.
- 3.15 The current WLLHS 2003-2008 supported the imposition of a 15% quota across HMA but it did not support the imposition of the 10% uplift within CDAs. It followed, therefore, that the 10% requirement in WLLP policy HOU10 was contrary to SPP3 and PAN74. The variances between HNA and the Tribal Study were so significant that matters could only be rectified through the carrying out of a fresh HNA which treated West Lothian as a single HMA and applied a minimum sampling survey of 1000 interviews. The findings of this HNA should then be used to inform the next local housing strategy. If at that point an uplift in the 15% quota was required, it could be addressed through SPG.

Calculating the % contribution requirement and the justification for the 10% uplift requirement in CDAs

- 3.16 The conclusions drawn by WLLHS as regards the level of additional affordable housing need in the area over the relevant period and the rationale provided in the written statement for raising the figure from 11% to 15% were accepted. However, there was no support for the additional 10% affordable housing requirement in E&LSP. CDAs had been identified through an examination of infrastructure and economics. They were not identified by a need for affordable housing or an examination of the local demand for open market housing. WLC's assertion that the 10% uplift in CDAs was justified in order to deliver "mixed communities" was rejected. PAN74 did not support the assertion. The mix of communities could be designed through a development brief (requiring a range of house types) and the 15% quota of serviced land for one of the recognized categories of affordable housing. It was inappropriate to impose a 25% affordable housing requirement in areas of West Lothian where the level of existing social rented housing stock already exceeded the Scottish average. In those areas a better mix of community would flow from a reduction in the 15% quota.
- 3.17 Significant weight should be given by WLC to the level of up front funding that developers would be required to make in CDAs on physical infrastructure. While developer contributions and abnormal costs could be put forward as a reason for a reduction or an exemption at the point when an application comes forward, given that the level of developer contributions remained fairly open ended, the private sector would be far more willing to "kick start" the regeneration of the areas surrounding CDAs if the requirement for an additional uplift in affordable housing subsidy was dropped.
- 3.18 WLLP policy HOU10 required the additional 10% to be fully complete affordable houses. This was far more onerous than providing serviced land and was not in line with PAN74. Requiring complete houses was only appropriate in the case of delivering unsubsidised entry level housing for sale. It would be unreasonable to expect the developer to give away completed houses to become socially rented accommodation or shared equity properties. A contribution of serviced land would be the only appropriate requirement. If the additional 10% was not removed, it should be altered to give this option. In any event, it was highly unlikely that funding would be available to deliver any of the 10% requirement as subsidised affordable housing. It was likely that most developers would elect to deliver unsubsidised entry level housing as this would allow some return on their land and ensure that parts of the development were not left undeveloped due to lack of subsidy.

The relevance of the 'One Market Area' approach for affordable housing

- 3.19 WLC drew support from SPP3 for the imposition of a uniform quota across the local authority area. SPP3 made it clear that it was sufficient for a local authority's HNA to identify a shortage for affordable housing within HMA as a whole. It was one thing to identify a need across the entire local authority area, however, it was another thing entirely to say that national guidance precluded a local authority from addressing that need by applying different quotas or targets across that area. It was

perfectly legitimate for a local planning authority to take account of the fact that there might be more than sufficient affordable housing in any particular part of its area when it came to the application of targets or quotas. PAN74 (Step 5 in Box 1) made it absolutely clear that this was the case. It was absolutely essential that, if retained, the 10% uplift was only applied to those parts of CDAs where the level of social rented housing stock in the nearest settlement fell 10% below the Scottish average.

Validity of 20 house threshold

- 3.20 It was accepted that the 20 house threshold for on site provision in PAN74 suggested that commuted sums or off site provision should be required from developments involving 19 houses or less. However, this requirement was opposed as being unrealistic for the reason that it was likely to delay the delivery of mainstream houses, while the level of contribution was assessed on sites involving landowners and developers who had never previously been required to address such issues.

The mechanism for meeting identified need (including commuted payments, value of land and the concept of deficit funding)

- 3.21 It was noted that WLC had elected to remove all reference to the concept of “deficit funding” from WLLP, and that was welcomed. SPP3 and PAN74 expected local authorities to monitor the delivery of affordable housing in their areas. This meant that the shortage identified in the local housing strategy was monitored for delivery through the annual housing land audit. If the target was met before the 5 year period expired then no further affordable housing should be required to be delivered until a fresh HNA identified a further shortfall. If this shortfall was identified ahead of the review of the development plan, SPG could be used to notify developers of the new requirement.
- 3.22 As far as the mechanism for meeting identified need was concerned, the value of the contribution should be assessed by reference to the residual value of the serviced land with the relevant occupancy condition attached. This should apply whether it be an on site or off site contribution, built out houses or a commuted sum. WLC took no account of this in the application of their 10% quota or as regards the calculation of a commuted sum payment.

Amortisation of the backlog of affordable housing need

- 3.23 The backlog of affordable housing need should be amortised over a 10 year period. The Glasgow Study indicated a level of need that could be realistically amortised over 5 years but the new Tribal Study indicated that the backlog need was twice that identified in the Glasgow Study. Amortising the backlog over 10 years would not lead to people having to wait 10 years for social rented accommodation. The current backlog could represent a 10 year waiting list. One tenth of those waiting could be housed each year by relets. If the backlog/waiting list was amortised over 10 years, one tenth of the waiting list would be addressed by delivery of new affordable housing each year. Therefore, two tenths of the original waiting list would be housed each year which meant that the last of those waiting at the start of

the period would be housed in 5 years, not the 10 years suggested by WLC. Those housed in years 6 to 10 would be those whose need emerged during the 10 year period not those waiting at the start.

Issues in funding the affordable housing

- 3.24 Examination of WLC's projected build rates made clear that sustained high levels of investment in affordable housing would be required to meet their aspirations to deliver 15% of the land supply as socially rented houses. Even if it was assumed that there would be no increase in the investment per house over the period to 2020, there would still be construction cost inflation which meant that the subsidy required per house was likely to increase, leading to a higher funding requirement than anticipated. This level of funding would not be achieved. Historic funding information presented to the inquiry showed an average investment in affordable housing subsidy of around £5 million per annum. WLC's evidence was that CS's funding in West Lothian for the current financial year was far higher than the historic average and would be augmented by WLC's own spending. It was unlikely that this level would be maintained consistently for 13 years or more.
- 3.25 The 2nd paragraph of WLLP policy HOU10 appeared to acknowledge that funding would be an issue. The 2nd sentence of the 3rd paragraph was open to a variety of interpretations, including that the developer should fully fund the affordable housing provision. The meanings of these were ambiguous and not in line with PAN74. As it stood, the policy was open to interpretation as a revenue raising mechanism. Both sentences should be removed and the sentence in the 2nd paragraph should be replaced with an explicit acknowledgement that land for affordable housing had a value, and that payment must be made to the developer for their land in accord with PAN74.
- 3.26 The funding required to deliver WLC's affordable housing aspirations would not be achieved, and it was not the role of the developer to make up any funding shortfall. WLC had already acknowledged that the aim of the policy was not to generate revenue but to secure land. Given this, the lack of funding represented a genuine risk of affordable housing land being left undeveloped in an otherwise completed development. For this reason, the affordable housing policy should contain a mechanism to address the issue of funding shortfall. The payment of a commuted sum would be a solution, although allowing the developer to deliver alternative forms of affordable housing might give better results on the ground.

Other Issues

- 3.27 Other points raised by objectors were, as follows:
- that insufficient funding would be available to RSLs to provide the level of affordable housing envisaged. (This was based on the delivery of 3,569 affordable houses in West Lothian over the E&LSP period);
 - that CDAs had been identified for economic growth rather than to meet housing need;
 - that the additional CDA requirement of 10% would produce 1,200 extra affordable houses at a further cost of £60 million;

- that account should be taken of the Housing Background Paper prepared to support the 2020 E&LSP Review Consultation Paper which suggested that the backlog of household need identified in the Tribal Study should be considered when assessing overall need;
- that there was no basis for WLC addressing backlog of need over a 5 year period;
- that WLC's policy was too onerous on developers and could affect the viability of some sites;
- that the policy applied across the WLC area and no more detailed assessment of need was carried out;
- that there should be a new policy commitment to release WLC owned land for affordable housing; and
- that the introduction of WLLP paragraph 6.61 as a pre-inquiry change did not address the fundamental deficiencies of the policy and rendered it and the supporting text less precise.

4. SUMMARY OF CASE FOR WLC

Preliminary matters

- 4.1 There were many similarities between the alternative policy proposed and WLC's position as set out in their affordable housing policy. Neither HforS nor the other objectors challenged the Glasgow Study.

The alternative policy

- 4.2 The alternative policy accepted the 15% contribution sought by WLC. The objectors therefore accepted the principle of a developer contribution of fully serviced land capable of delivering 15% of the total number of houses in the relevant planning permission. By accepting the Glasgow Study, they also accepted that there was justification through HNA and WLLHS for such a contribution. The objectors rejected the requirement of WLC's policy that the affordable housing must be social rented housing. The alternative policy required the category of tenure of the affordable housing to be constructed on the transferred land to fall within one of the categories of affordable housing identified in PAN74 and the choice of that category to be at the discretion of the developer.
- 4.3 The accepted basis for the 15% requirement was the Glasgow Study and WLLHS. Both justified a requirement for social rented housing. Strategic Objective 1 of WLLHS required the provision by April 2008 of around 1300 affordable houses for rent, including 100 for particular needs. This was justified through the Glasgow Study which concluded that it was reasonable to take 26% as a lower estimate and 43% as an upper estimate for the proportion of newly forming households in West Lothian between 2003-2008 that may require social renting as a solution to their housing requirements. HforS accepted that the Glasgow Study was considering the requirement for social rented housing. Accordingly, the basis for the alternative policy - WLLHS and the Glasgow Study - justified social rented housing, not simply any form of affordable housing.

- 4.4 The alternative policy provided for the transfer of fully serviced land at a value relating to its end use as affordable housing to any third party who WLC agreed was demonstrably capable of delivering the requisite number of affordable houses on the land. However, the developer had the discretion as to the choice of affordable housing. No explanation was given as to why the developer should be the judge of the need for particular types of affordable housing when the basis for the policy and the type of need required was set out in WLLHS and the Glasgow Study. While one possible reason for the objectors wanting the developer to determine the category might be that this could alter the value to be paid for the land, the 2nd sentence of the alternative policy explained that the value of the land was determined by the value relating to its end use as affordable housing to any 3rd party who WLC agreed was capable of delivering the units. The value was not assessed at market value but by reference to the value to the 3rd party. This part of the alternative policy was at odds with SPP3, PAN74 and E&LSP, was poorly drafted, and ill thought out. Most importantly, it would not ensure that the purpose of the policy – to meet the identified need for social rented houses - was met. It left the final control over the type of affordable housing to be provided to a party who might have no interest in ensuring that the need for social rented housing was met and whose prime interest might be to ensure the maximum return for the land transferred.
- 4.5 The alternative policy provided that where WLC accepted there were sound reasons for not delivering the affordable housing contribution on the development site, the developer should be entitled to deliver the requirement by off site provision or commuted sums. WLC should determine which alternative provision would be acceptable rather than the developer. The wording of the alternative policy did not ensure that the objective of the policy would be met. The purpose of the policy was to obtain appropriate land for RSL in order to provide social rented housing to meet identified need. This could best be achieved through the wording of WLC’s affordable housing policy.
- 4.6 The exemptions proposed in the alternative policy for sites being developed for less than 20 houses were at odds with PAN74 without reasoned justification. The alternative policy’s provision in relation to exemptions or reductions in the quota to a large extent followed the provision in WLC’s version of the affordable housing policy. However, it did not include 2 critical passages - “but only where these abnormal development costs could not have been anticipated at the time of land purchase” - and - “convince the council that the low return was not a result of an unrealistic purchase price for the land.” These two passages were essential in order to ensure that unrealistic prices for land were not used to avoid or reduce the requirement of the policy. The policy was approved as SPG and sites benefiting from planning permission before that date were exempt. However, the exemption of sites which obtain planning permission before the approval of WLLP would undermine the viability of the policy.
- 4.7 The alternative policy did not have any provision for developments within CDAs making an additional affordable housing contribution. Such a provision was justified in terms of the Tribal Study and WLC believed that they were giving the developers and landowners fair notice of the requirement before planning applications for CDAs were determined.

E&LSP and national policy and advice

- 4.8 E&LSP policy HOU7 required that where a need for affordable housing was identified and justified by a local needs assessment, local plans should include policies requiring the appropriate provision of affordable housing and the mechanism by which this would be achieved. A need had been identified in West Lothian and justified in a local needs assessment, and WLLP included an appropriate policy. The text supporting E&LSP policy HOU7 recognised that individual Lothian councils had carried out HNAs (eg the Glasgow Study). Contrary to HforS's suggestion, the text and policy did not preclude further assessments being carried out because the E&LSP period was to 2015 and the Glasgow Study considered the period to 2008.
- 4.9 E&LSP identified the Lothians as the relevant strategic HMA for assessing the E&LSP requirement. It also identified a wider Edinburgh HMA. E&LSP policy HOU10 and the supporting text identified West Lothian both as an area which was required to contribute a specific number of housing completions over the E&LSP period and as one which had a specific 5 year land supply figure. This was consistent with the CS Housing Market Context Statements (2002 and 2003) which identified a number of functional HMAs in the Lothians. West Lothian was part of the Lothian wide and Edinburgh HMAs as identified in E&LSP. It was also HMA or a sub-market area. The supporting statement to E&LSP set out in detail the considerations in relation to HMAs, and it recognised that in areas such as Edinburgh and the Lothians, there might be overlapping areas combining smaller local market areas with larger strategic market areas. The housing needs requirement identified in E&LSP was for all types of housing.
- 4.10 SPP3 was particularly relevant, and WLC's policy fully complied with its terms. WLC had allocated sufficient land to meet the requirements, including those of affordable housing. Identifying targets for individual settlements would be contrary to SPP3. WLLP policy HOU10 ensured that the affordable housing requirement was met in the West Lothian HMA. HNA within the current WLLHS had identified a shortage of affordable housing, and it was being addressed through WLC's proposed policy, all as required by SPP3.
- 4.11 In relation to the requirements for CDAs, WLC were signalling in WLLP what would be expected from prospective developers in order to meet an identified need and create developments with a diversity of housing types and tenures. The planning authority would keep under review the requirement for affordable housing. The evidence from the Tribal Study was that there would be an increased need for affordable housing.
- 4.12 PAN74 aimed to create a climate of certainty and confidence in the requirement for affordable housing through introducing a benchmark figure of 25%. It advised that for urban areas local authorities should seek to achieve on site provision for development of 20 or more houses, but on smaller sites allow for off site provision or commuted sums. It set out that the contribution which should be required by local authorities should normally be "the provision of serviced land ie. a proportion of the site which could be developed by or for RSL". In any event, it should be transferred at less than the value for mainstream housing for sale. PAN74 gave

consideration to alternative provision on another site or a commuted sum, but it was based on the normal provision of serviced land, and was subject to the proviso that the proposed alternative would help to meet an identified need in the same HMA. This was consistent with SPP3 and the thrust of PAN, which indicated that the purpose of affordable housing policies was to provide land to meet the affordable housing need.

4.13 PAN74 indicated that where a commuted payment was agreed, it would be of a value equivalent to the cost of providing the percentage of serviced land required by the policy. The passage must be interpreted as meaning the cost to the developer of providing the land. To interpret it in the way suggested by HforS would be at odds with Government policy contained in SPP3 and PAN74. This was best illustrated through an example: if the value of land for market housing was £100/ha and the value for affordable housing land was £20/ha, and the developer provided £20 as a commuted sum, RSL would not be able to buy land on the open market to build the appropriate number of houses. If RSL could buy land at £20 then there would be no need for the affordable housing policy. In order to put RSL in the same position as the “normal” situation envisaged in PAN74, RSL would need to be provided with £80 which would be the cost to the developer in the “normal” situation.

4.14 Accordingly, when PAN74 referred to “the cost of providing the percentage of serviced land required by the policy” it was referring to the cost to the developer - not the cost of affordable housing land. PAN74 stated, “Advice on valuation is included in paragraph 38.” HforS suggested that must mean that the amount of the commuted sum was calculated on the basis that it should be the value of affordable housing land. That interpretation was wrong because it was at odds with the rest of the advice in PAN and Government policy. The sentence could be interpreted as meaning that the advice in paragraph 38 set out (i) the mechanism for calculating the cost of the land to RSL, which in turn could be used to calculate the cost to the developer and (ii) the process to be followed where parties could not agree. This interpretation was consistent SPP3 and the aim of affordable housing policies.

The Glasgow Study, the WLLHS, the Tribal Study, and the Bramley Study

The Glasgow Study

4.15 The criticism by HforS of the Glasgow Study’s over-reliance on waiting list information was effectively abandoned at the inquiry. The study took a cautious approach in its consideration of the use of waiting list figures. Accordingly, there was no basis for any argument that the appropriate approach had not been taken to waiting lists. The overall conclusions of the study were that on a low estimate there was a net annual housing need of 221 dwellings and on a high estimate 408 dwellings annually over the period 2003-2008, or between 1100 and 2050 houses over the 5 years.

4.16 E&LSP set out the required average 5 year land supply for West Lothian of 5,800 which equated to an annual figure of 1,160. The Housing Land Audit 2005 and the Housing Model 2006-2025 set out the anticipated number of completions in the WLC area. From these figures, it was apparent that the Glasgow Study justified a

higher requirement than 15%. On the high estimate, the requirement justified would be 35%. WLLHS sought the provision of 1,300 affordable houses for rent for the period to April 2008. The objectors accepted in their alternative policy a requirement of 15% and the Glasgow Study which fed into WLLHS justified the 15% requirement.

WLLHS

- 4.17 The need for social rented housing had been identified by WLLHS, in accord with Government policy, and that need was justified by the Glasgow Study. WLLP was addressing that need through policy HOU10.

The Tribal Study

- 4.18 The objectors had attempted to use the criticisms advanced by the relevant Reporters against the study referred to at the South Ayrshire Local Plan Inquiry but these criticisms did not apply to the Tribal Study. In the South Ayrshire case, it was claimed that the Reporters were critical of:

- the low response rate to the survey (25%) and the possibility of bias in the results – the response rate in the Tribal Study was over 60% which was considered to be acceptable.
- the procedure of assessing the housing need of concealed households using only a survey response from a third party and without reference to other evidence – the Tribal Study discussed other evidence (ie. past trends) and considered its relevance.
- the calculations of need from newly forming households, households falling into need and in-migrant households, specifically the complete reliance on the survey data – the Tribal Study took account of other relevant data and evidence.
- the lack of analysis of the wider housing market - the Tribal Study included a detailed analysis of all sectors of the market.
- the survey questions and analysis relating to household savings - the Tribal Study sought information on all assets including equity in the respondent's home.
- the production of a single figure for need with no discussion of the sensitivity of the results to variation in key assumptions – the Tribal Study included a range of results showing sensitivity to key assumptions and variables.

- 4.19 The Tribal Study related to West Lothian and set out the need for affordable housing. Projection 1 was based on housing need in the Lothians and Projection 2 was based on housing need in the local authority area. Projection 2 showed a 5 year requirement of 3,410 houses. If the E&LSP figure of 5,800 for West Lothian was used, the percentage requirement justified by the Tribal Study was 58%. The number of households in West Lothian that could potentially have their needs met through Homestake was 1,110 over 5 years for Projection 2 and 1,744 for Projection 1. The 1,110 figure represented 19% of the 5 year supply in E&LSP. The confidence interval for West Lothian was + or – 4%. Where income data was missing the study assumed the property was affordable. Accordingly, the affordability calculation was likely to be conservative. The Tribal Study justified a

requirement in excess of 15% for social rented housing and in excess of 10% for affordable housing in CDAs, over and above the 15% for social rented housing.

The Bramley Study

- 4.20 The figures in the updated Bramley Study (November 2006) were similar to those in the Tribal Study in a number of respects but, importantly, they justified the levels of requirement identified in WLLP policy HOU10.

WLC's Policy

- 4.21 The requirement for 15% social rented housing contained in WLLP was justified through WLLHS, the Glasgow Study, the Tribal Study and the Bramley Study. It was in accordance with E&LSP policy HOU7, SPP3 and PAN74. In relation to the additional 10% requirement for affordable housing in CDAs, development there was unlikely to start before 2010/11. In accordance with government policy and advice, it was desirable to give CDA developers fair notice as to the affordable housing requirement. The policy allowed for consents to be granted for CDAs in advance of any new affordable housing requirements. This approach ensured that any developer signing up to a Section 75 Agreement in relation to affordable housing would not be disadvantaged. The policy gave fair notice to developers and provided them with a means of capping their affordable housing contribution.
- 4.22 The 10% contribution could come from any form of affordable housing. This could be shared ownership, shared equity, discounted low cost sale and housing without subsidy. The policy was not prescriptive in this respect. It was for the developer to propose a solution to meeting the 10% requirement as part of their planning application. This approach was consistent with the terms of PAN74.

Other Issues

- 4.23 WLC's response to various other issues raised by objectors were as follows:
- WLC's Housing Model (2006-2025) envisaged 14,931 completions over the period to 2015. The affordable housing policy could not apply to all of these houses as many of them already benefited from planning consent or would be exempt through other provisions of the policy.
 - The figure of 3569 affordable houses was incorrect and did not represent the level of affordable housing likely to be delivered through WLC's policies during E&LSP plan period. Sufficient funds would be available to build the affordable housing anticipated coming through the policy. There were a number of sources of funding. In addition to the funds from CS, WLC would also provide funding for affordable housing, and RSLs could borrow against their assets. Further funding would also come forward from WLC's policy by way of commuted sums. Sufficient funds would therefore be available to realise the level of affordable housing envisaged.
 - The housing identified in WLLP was required in order to meet housing need in West Lothian, including CDAs.
 - The 10% CDA requirement could be met by any form of affordable housing identified in PAN74. The number of CDA units coming forward in E&LSP period would not be 12,000. In terms of the Housing Model, the likely

output from CDAs was in the region of 2,015 to 2,550 and 10% of that figure was 255.

- The 2020 E&LSP Review Consultation and the Housing Background Paper must be seen in context. The paper did not recommend any further new allocations, neither did it recommend a change in approach when addressing the requirements for affordable housing. Its overall conclusion was that there was no requirement to identify additional land for housing before 2020.
- The Glasgow Study had addressed backlog need over a 5 year period. It would be unacceptable for WLC to address this pressing and distressing requirement over a longer 10 year period. The Tribal Study had concluded that 5 years was a reasonable planning period which fitted with the WLLP cycle and was more closely aligned with the expectations of people in housing need. The DETR Guide indicated that the standard assumption for the times quota to progressively reduce backlog was 20% ie. that backlog need was removed over a 5 year period.
- WLLP policy provided for a reduction in the percentage contribution where it was shown that the requirements of the policy would result in an unacceptably low residual development value as a result of ground conditions or the provision of essential infrastructure associated with developing the site, but only where these abnormal development costs could not have been anticipated at the time of land purchase. In many respects, the earlier versions of the affordable housing policy were more onerous than the present policy. The policy provided for situations unforeseen by a developer which affected the viability of the site.
- The WLC area represented the appropriate market area for the purposes of the policy. E&LSP provided information on addressing its requirements at that level. No information was provided in E&LSP to assess the level of need at a more local level. SPP3 provided that the requirement for affordable housing should be met where possible within HMA where the need had been identified (ie West Lothian).
- WLC owned land would be assessed against the relevant affordable housing policy in place and in the future some WLC owned sites might be developed entirely for affordable housing. However, no commitment could be given to this in WLLP.
- WLLP paragraph 6.61 had always been part of the preamble to the policy as approved in SPG and its introduction added clarity to the basis of the requirement, particularly in CDAs.

4.24 Other than the deletion of the words “a minimum of” in the section of the policy addressing the CDA requirement, the objections considered provided no basis for making further changes to the affordable housing policy of WLLP.

5. CONCLUSIONS

Preliminary matter

5.1 SPP3 indicates that the planning system has a role to play in the provision of affordable housing through the development plan, and PAN74 provides advice on

how the planning system can support the Government's commitment to increase the supply of affordable housing in Scotland. E&LSP also promotes the provision of affordable housing through its policy HOU7, and requires local plans to include policies seeking the provision of affordable housing and the mechanism by which it will be achieved. We do not consider that E&LSP policy HOU7, or the supporting text, restricts the way in which provision can be made. We are satisfied that it is reasonable for WLLP to address affordable housing issues and to include a policy of appropriate form seeking that provision, subject to that policy being clear and properly justified. We note that there are other adopted local plans in Scotland with policies which seek the provision of affordable housing through this form of policy.

The Glasgow Study, WLLHS, the Tribal Study, and the Bramley Study

- 5.2 At the inquiry, it was generally agreed that the DETR Guide is authoritative. In light of the evidence presented, we have accepted parties' views that this Guide is the best advice currently available on how HNA in Scotland should be carried out, supplemented by the Bramley Study in 2006. From that starting point, we have judged the Glasgow Study and the Tribal Study against its content and paid attention to the 4 broad tests identified.
- 5.3 No objection is now being made to HNA prepared by David Adamson Ltd or the Glasgow Study and consequently, given that the 15% quota was accepted by parties at the inquiry, we find that the level of need is also accepted in terms of numbers. Objections still remain mainly to the "income" levels basis for the conclusions on the required level of social rented tenure and the additional 10% requirement in CDAs. We find that the Glasgow Study recognises the need for a cautious approach in its considerations of the use of some of the data associated with waiting list figures and income survey information. Consequently, we are satisfied that it complied in broad terms with the DETR needs assessment framework and adopted a conservative approach when there was doubt. We find no evidence to dispute its conclusions that there is a net annual affordable housing need of 221 dwellings on the low estimate and 408 dwellings on the high estimate. As a result of this cautious approach, we are satisfied that the Glasgow Study justifies this stated level of need for provision in the social rented category.
- 5.4 We also find that when the high (408) and low (221) estimates of the Glasgow Study are applied to E&LSP's 5 year annual average housing requirement of 1160 houses, the calculations indicate a high and low affordable housing level requirement of 35% and 19% respectively. Consequently, we consider that the Glasgow Study has fed into WLLHS and justifies the overall level of 1300 social needs houses proposed in that strategy for the period to 2008. We consider that the acceptability of this level of need is further ratified by CS in their acceptance of the 2003 WLLHS. Given that the 1300 social needs houses proposed over the 5 year period of E&LSP equates to some 22% of the annual average housing requirement (1160), we find that the 15% affordable housing figure is a cautious and realistic proposal.
- 5.5 We note that the Glasgow Study acknowledged that data limitations at that time made it impractical to develop specific assessments at more localised scales.

However, its analysis of pressure signals (price change, waiting list and letting data) suggested an uneven distribution of affordable housing requirements in West Lothian, with a greater need in the eastern districts, Linlithgow and Livingston, and pressure on social housing in Bathgate. While it recommended further investigation of the affordable housing situation in this area, it identified a lower need for affordable housing in the remaining western areas.

5.6 In terms of the DETR Guide, it is significant that its advice was based on local authority areas. However, we note that the Tribal Study covered the very large geographic area of the wider Edinburgh HMA, while it also considered the individual Lothian authorities as sub-areas in its calculations. The DETR Guide advises that “a typical housing needs survey should involve some 1000 to 2000 face to face interviews drawn from all tenures across the local authority”. It also advises that the larger the sample size the more reliable the results, though it cautions that the increase in reliability for every extra case sampled decreases quite sharply after 1000 or so responses. Consequently, it considers that a sample of around 1000 is regarded as sufficient for reasonable results. In terms of the survey in the Tribal Study, only some 2,400 face to face interviews were conducted over the survey of the whole Lothian area. WLC’s evidence was that some 607 interviews were conducted in the defined West Lothian sub-area, and HforS indicated that 455 of those would have been face to face. Notwithstanding the initial decision to undertake 3200 interviews based on the extent of proposed subdivision in terms of compliance with the DETR Guide, we agree that insufficient interviews have been conducted by the Tribal Study to enable us to say that it complies with that guide. Overall, we have some concern about the level of interviews undertaken. In coming to this view, we have taken into account the confidence interval indicated by WLC.

5.7 In other respects, we have found the Tribal Study adequate. In particular, we are satisfied with the sensitivity checks and triangulation of data, which involved assessing other data, surveys and pieces of work, including economic and demographic drivers. The study also appears to have been conservative in its approach to certain areas (eg income data). While for the above reason, we consider that some caution is required in using the Tribal Study, we believe that it would be inappropriate to completely disregard it when considering the terms of WLLP’s policy. The study is an indicator that the overall need for affordable housing has increased since the Glasgow Study was published. It is also supported by the later Bramley Study which points to an increased need for affordable housing becoming an issue in West Lothian.

Calculating % contribution and justification for additional 10% in CDAs

5.8 The figures of need for affordable housing, based on the Tribal Study’s projection for the sub-area of West Lothian and on E&LSP’s 5 year land supply figure, give a 58% requirement. It is also estimated that Homestake would only meet some 19% of the requirement. These factors suggest a figure in excess of 15% would now be required to meet overall affordable housing need in West Lothian over the 5 year period. Accordingly, we consider that the 25% now sought by WLC in CDAs would be likely to be reasonably realistic. However, we consider that this figure should be subject to review, and we suggest that WLC follow the DETR Guide for

the next WLLHS, and ensure that the figures are re-examined, particularly at the West Lothian level. Although there is a prospect that any future housing needs study may indicate a higher level of provision, the 25% figure would be consistent with the benchmark level of provision identified in PAN74, which narrates the Government's aim to create a climate of certainty and confidence in the requirement of affordable housing. We note that CDAs would be unlikely to come on stream for some years, by which time we recognise that the proposed figure should have been reviewed and adjusted. Accordingly, we view the 25% figure as an appropriate requirement at this stage. WLLP would be giving plenty of advance notice of this interim level of affordable housing. In any event, there is also provision to allow exceptions to the requirement for affordable housing provision where the necessary evidence of excessive costs because of ground conditions or provision of necessary infrastructure can be satisfactorily demonstrated. We also consider that some comfort can be taken from the provisions made for land valuation being assessed independently (if necessary).

- 5.9 We agree that the provision for the additional 10% affordable housing in CDAs should be in accordance with PAN74, in that it would be inappropriate for a developer to construct new houses to be handed over free to a local authority or RSL. We are satisfied that this is not the intention of the policy. In accord with PAN74, the policy contains the option of providing completed units without subsidy as well as shared equity or discounted sale units. While the choice would be for the developer and would relate to the circumstances of the site, whichever scenario is adopted, it would be declared in the planning application lodged and would amount to the same effective contribution (albeit in a different form). We consider that this makes this part of the policy flexible, and therefore more likely to be helpful to developers.

One Market Area

- 5.10 While SPP3 allows planning authorities to meet the need for affordable housing within HMA as a whole, there is no restriction which requires the application of a single blanket target across HMA or sub-area. Also, it does not prevent councils from seeking to meet need where it arises. We consider that it is for WLC to decide whether the target is to be met from all sites or by site specific targets which reflect variations in need across West Lothian. To achieve a social mix, WLC should be free to decide the proportion of social rented affordable housing in areas of less provision, up to the level they have identified through WLLHS. We are convinced that WLC must be the body to determine that and not the market. PAN74 makes clear that local plan policies should be sensitive to different levels of need in different parts of the local authority area. We believe that such an approach could have some merit in West Lothian. However, such policies would have to be evidence based and result from an appropriate, up to date study. We are not persuaded that it would be appropriate to delay the adoption of WLLP to allow such policies to be developed, or that they could be entirely justified with affordable housing provision in West Lothian set generally at 15%. Although WLLP's policy seeks an additional 10% in CDAs, we are satisfied that a higher level of provision in these areas would be likely to help WLC in achieving their aim of establishing mixed communities.

Funding of affordable housing

- 5.11 We consider that estimating funding beyond the 5 year period is inevitably uncertain, but the historic evidence of the 2006 Review of WLLHS confirms that the funding contribution from both CS and WLC has increased significantly over the original resource plan estimates. In particular, the evidence shows that the CS contribution has significantly exceeded funding estimates during the period of the WLLHS (2003-2006). We acknowledge that the funding source from developers' contributions has not yet reached the levels anticipated from commuted sums but we note that this may be partly due to awaited completion of legal agreements. WLC may be in a position to allocate sites for affordable housing when these commuted sums are available. While we believe that a funding gap is less likely to occur in an area where the requirements for affordable housing have been set at appropriately realistic levels, the possibility of one occurring still exists. Although the district wide policy is aimed at the provision of social rented housing, in the event of a funding gap persisting on a site over a reasonable period of time, we consider that there should be sufficient flexibility to allow other options to be considered (eg commuted sums and alternative forms of affordable housing). There may also be other possibilities. Otherwise, there is a risk that housing land may be left undeveloped. We believe that this matter can best be dealt with in SPG.

Validity of 20 house threshold

- 5.12 We note that the objectors, while acknowledging that PAN74 advises that local authorities should seek an on-site provision for developments of 20 or more houses, maintain an objection to that threshold. We consider that no overriding evidence has been submitted to justify setting aside the threshold guidance provided by PAN74. Accordingly, we find that 20 houses should be included as the normal threshold of development below which off-site provision or commuted sums should be applied. Notwithstanding, we also consider that this would not preclude a very few exceptional cases where WLC agreed with the developer that there were exceptional circumstances which justified off-site provision or commuted sums in the case of a larger threshold development.

Amortisation of backlog of affordable housing need

- 5.13 While we have noted the objectors' submission that backlog of affordable housing need should be amortised over a 10 year period, we agree with WLC that such an initial timescale could be considered as unacceptably ambitious by those in distressing and pressing circumstances. We are satisfied that the 5 year amortisation period is based on the assessment of need in the Glasgow Study which was then embodied into WLLHS and, as we have already recorded, was accepted by the objectors. We note that the amortisation timescale was also considered in the Tribal Study but its conclusion accorded with the DETR Guide that 5 years was a reasonable period. We concur with the Tribal Study's conclusion that 5 years provides a realistic planning period as it relates to the local plan cycle and, more importantly, we consider that it recognises the reasonable expectations of people in acute housing need.

Other issues

- 5.14 In terms of the commuted sum, we are in no doubt that the calculation for that should be based on the cost to the developer and not the cost of affordable housing land. The simple example used at the inquiry demonstrated the disadvantage accruing to the local authority or RSL if the value of affordable housing land alone was to be used to calculate the commuted sum. We are satisfied that PAN74 paragraph 39 makes clear that it would be expected that the developer would make the same effective level of contribution whichever scenario is chosen. We do not consider commuted sums to be excluded from this requirement and we consider that this should be made clear in SPG.

Conclusions

- 5.15 Overall, we find that we can endorse the conclusions of the Glasgow Study in terms of the affordable housing requirement figure of 15% and the need identified in the social rented category. The Tribal Study is an indicator that overall need for affordable housing has increased, and this is supported by the more recent Bramley Study. While we find the general level set for affordable housing of 15% in WLLP appropriate, we consider that the benchmark level of 25% promoted by PAN74 is not unreasonable for CDAs at this stage. However, we do consider it necessary that the affordable housing needs figures should be reviewed closely in terms of West Lothian, taking account of the DETR Guide, to inform the next WLLHS. This would ensure that any adjustment of the figures is notified as soon as possible in advance of the development of CDAs.
- 5.16 Having regard to the advice in PAN49, in particular to that regarding the framing of policies, we consider that a better balance should be struck between the composition and extent of the policy in WLLP and the further guidance provided in SPG associated with the policy. In essence, we find the policy too complex and lacking in clarity in its current form. We also consider that this applies to the alternative policy proposed. Accordingly, we consider that the wording of WLLP policy HOU10 should be revised to be more concise with any explanations as to interpretation being included in the relevant SPG.
- 5.17 We have taken account of all the other matters, including the 2006 Bramley Study and the Report of the Public Local Inquiry into objections to the Finalised South Ayrshire Local Plan, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

(i) that the text in WLLP associated with policy HOU10 be modified to reflect the terms and brevity of the policy recommended below:

“Developers of residential development sites will be required to transfer fully serviced land capable of delivering 15% of the total site capacity (in terms of the number of units authorised by a planning permission) as affordable housing to: the

local authority; a Registered Social Landlord (RSL); or a social housing provider, to be nominated or otherwise agreed by WLC.

For sites where there are sound reasons for not transferring part of the development site, at the discretion of WLC, one of the alternative forms of affordable housing contribution as explained in SPG may be agreed. The provision of Commuted Sums will automatically apply on all sites with a capacity of less than 20 houses.

In addition to the 15% contribution for socially rented housing, developments within E&LSP CDAs will be expected to make an additional affordable housing contribution equating to 10% fully complete affordable houses (in accordance with PAN74 – Affordable Housing, the developer would make the same effective level of contribution had it been provided in the form of serviced land - but the developer is not precluded from offering a higher percentage in any individual development). These units can be entry level houses for sale by the developer (housing without subsidy), shared equity houses or any other form of provision conforming to the categories of affordable housing identified in PAN74 – Affordable Housing.

The exemptions to the above required levels of contribution are detailed in the relevant SPG.

All affordable housing contributions shall be secured by Section 75 agreements”;

(ii) that the texts of: the various options for the provision of affordable housing land or units; the explanation of the method of calculation of commuted sums in accordance with PAN74; the details of the exemptions to the application of the policy; reference to the options for independent arbitration for valuations and development cost disputes; and reference to the various mechanisms to be included in Section 75 Agreements, all be incorporated into and explained in more detail in SPG. In addition, SPG should define the circumstances in which a funding gap on a site would allow other options (eg commuted sums and alternative forms of affordable housing) to be considered. SPG should also make clear that the basis for calculating commuted sums is the cost to the developer and not the cost of the affordable housing land (as set out at paragraph 5.15 above). All SPG should be listed in WLLP Appendix 12.2; and

(iii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

ANNEXE 1

Homes for Scotland's alternative form of wording for Affordable Housing Policy HOU10

Developers of residential development sites will be required to transfer fully serviced land capable of delivering 15% of the total number of units authorised for construction on that site in the relevant planning permission. [1] The land will be transferred at a value relating to its end use as affordable housing to any third party who WLC agree is demonstrably capable of delivering the requisite number of affordable units on that land. If HAG funding is available to purchase the serviced land at the point when the planning application comes forward for registration the transferee will require to be a registered social landlord with the tenure of the houses that are to be built on the serviced land restricted to social rented only. In the event that no HAG funding is available for such purchase at the point when the application comes forward for registration, the tenure of the houses to be constructed on the serviced land shall be one of the other acceptable categories of affordable housing tenure identified in PAN74: Affordable Housing. [2]

In accordance with the provisions of PAN74, in the event that the developer elects to deliver the affordable housing contribution in the form of fully constructed units within the application site, the total value of the units to be constructed shall not exceed the value of the subsidy that would otherwise have been forthcoming had it been provided in the form of serviced land. In assessing that value account will be taken of the proposed category of tenure. [3]

For sites where WLC accept that there are sound reasons for not delivering the affordable housing contribution on the development site, the developer shall be entitled to deliver the requirement by means of either of the following alternative forms of affordable housing contribution:

Off Site Provision within the same Settlement or Elsewhere in West Lothian [4]

The transfer of fully serviced land with an appropriate planning permission of a value equivalent to the value of the serviced land on the development site that would otherwise have been required to be transferred had the affordable housing contribution been delivered on the site. Any off site provision will require to be in addition to any affordable housing contribution that would otherwise require to be provided on the alternative site by application of this policy. For the purposes of calculating such equivalent value, in the absence of agreement between the developer and the relevant third party, the RICS Appraisal and Valuation Manual 5th edition will apply.

Commuted Sums

A financial contribution of a value equivalent to the value of the serviced land on the development site that would otherwise have been required to have been transferred had the affordable housing contribution been delivered on site. For the

purposes of calculating such equivalent value, in the absence of agreement between the developer and the relevant third party, the RICS Appraisal and Valuation Manual 5th edition will apply.

The 15% contribution detailed above is a quota. [5] Exemptions from the quota requirement [6] will be permitted in relation to :

- sites where planning permission has been granted prior to 22 June 2006 [7] being the date of approval by WLC of the policy as set out in SPG;
- sites covered by an approved development brief or an adopted WLLP designation which does not require the provision of affordable housing or details an alternative higher rate of provision; and
- sites being developed for less than 20 units [8] provided always that the exemption shall not apply to sites that are initially being developed for less than 20 units on land that clearly forms part of a larger development area.

Exemptions from, or reductions in, quota requirement [9] will be permitted in relation to:

- sites where meeting the quota would result in an unacceptably low residual development value as a result of ground conditions or the provision of essential infrastructure associated with developing the site. The developer will be required to exhibit details of land purchase price and the costs of essential development works and values as evidence of such residual value to WLC. In the event that the WLC are not persuaded to accept such evidence, the matter shall be referred to an independent expert for full and final determination. The cost of the determination shall be met by the developer unless it can be demonstrated that WLC have acted unreasonably. Any financial information shall be treated on a confidential basis.

Developers should indicate as part of their planning application how they will deliver the affordable housing contribution required in terms of this policy. All affordable housing contributions shall be secured by a planning agreement under Section 75 of the 1997 T&CPA. Save in relation to unsubsidised low cost owner occupied affordable housing, the section 75 Agreement will detail the legal mechanisms needed to ensure that the units constructed on the land remain affordable in perpetuity or for such period as the council accepts is reasonable.

1.4 Economic Development Strategy

Representation nos:

7167/1, 7494/1, 7554, 7555/1, 7695/1, 7697/1-3
7699/11, 8560, 8561.

Objectors appearing at Inquiry:

Schroder Exempt Property Unit Trust
BDD
(+written submissions)

Inquiry references:

STRAT1f: Economic Development Strategy
& WS49

1. BACKGROUND

1.1 SPP2 sets out Government policy on how planning can support Scotland's economic development aspirations whilst taking account of its social and environmental agendas. In terms of marketing, it requires marketable land to be provided in sufficient quantity and quality to meet the diverse range of industrial, business and commercial requirements, including the expansion and growth of indigenous firms. It focuses on 4 themes where planning can contribute to economic development by: providing a range of development opportunities; securing new development in sustainable locations; safeguarding and enhancing the environment; and promoting a dialogue between councils and business. Also, SPP2 identifies that development plans should: maintain a supply of sites offering a choice of size, location and environmental amenity, and which allow flexibility to provide for market uncertainty; safeguard national and other significant sites; regularly review allocated sites taking account of their marketability; identify supporting action, for example on infrastructure provision, environmental improvement or town centre management that can assist the delivery of economic development; have linked action plans which set out the activities to be undertaken to implement development, eg using compulsory purchase orders, and to co-ordinate and deliver the necessary infrastructure; and present clear policies for rural areas, including rural diversification.

1.2 E&LSP 2015 identifies the Lothian economy as a key asset within the national economic framework and seeks to maintain that position. It identifies the rapid expansion of the local economy during the previous structure plan period and now forecasts net growth of 43,000 jobs to over 448,000 by 2015. Against that background and to achieve a more sustainable pattern of development, its economic development policies aim to, *inter alia*: facilitate and accommodate continued sustainable economic growth; ensure that adequate land is available to meet changed economic circumstances and the high employment growth expected to 2015; and build on the locational advantages of West Lothian in supporting economic growth. E&LSP advises that audit results demonstrate emerging shortages of the supply of land for business and industry in the

Lothians. The audit shows that the total land supply is about 1,200ha of which 1,000ha are marketable and of which two thirds are in West Lothian. However, it advises that much of this is allocated for expansion of existing businesses or to accommodate single users and that a more flexible approach may be considered in a local plan context in accord with SPP2.

- 1.3 The review of the economic land supply is dealt with specifically in E&LSP policy ECON1 which requires local plans to include policies and proposals to support development of the established land supply but also to review the established supply of business and industrial land. The review should consider the reallocation of sites no longer suitable for industrial or business use to other uses and consider the need to replace some or all sites lost from the established supply, which would be in addition to any new allocations under E&LSP policies ECON2 and ECON3.
- 1.4 E&LSP advises that new development opportunities will be identified in local plans to meet the demand resulting from the continued growth of Edinburgh and the Lothian's economy, and that not all forms of economic development will require similar locations or sites. E&LSP policy ECON2 deals with new land for economic development as well as maintaining the established land supply and sets out criteria for new proposals. These criteria include locations within CDAs, integration into transport networks, maximising the reuse of redundant buildings and brownfield land, and provision or commitment of additional infrastructure.
- 1.5 E&LSP's Supporting Statement identifies the economic land supply in West Lothian as totalling some 738ha (as at March 2002). This comprises: some 137ha within Category 1 (land with planning consent or allocated in an adopted local plan; readily available and serviced; and marketable); and some 601ha within Category 2 (land with planning consent or allocated in an adopted local plan and considered suitable for development, but restricted or requires full servicing/completion of servicing). There is no land in West Lothian in Category 3 (potential land allocated in draft or finalised local plans with planning issues still to be resolved).
- 1.6 In 2004, SE published the National Planning Framework to guide the spatial development of Scotland to 2025. It is not an economic development strategy but complements SE's *'Framework for Economic Development in Scotland'*. The National Planning Framework describes Scotland as it was in 2004, identifies key issues and drivers of change, sets out a vision to 2025, and identifies priorities and opportunities for different parts of the country in spatial perspectives. It identifies the trends in locational preferences of business and industry, to include the M8 corridor and West Lothian as one of the 3 areas with the largest increases of employment.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 The objections relate primarily to the economic development land supply and the policies of WLLP which focus on maintaining that supply, namely: policy EM1: sites of national importance; policy EM2: the supply of employment land; and

policy EM3: the medium to long term CDA allocations.

2.2 WLLP policy EM1 states that:

“Policy EM1

The ‘proven’ sites at Linhouse (ELv54) and Eliburn (ELv25) are safeguarded as large, single-user, high-amenity sites, in accordance with the requirements of SPP 2 Economic Development (2002). All proposals will be guided by an approved development brief which will be subject to review as required.

The allocation at Linhouse (ELv54) will be the subject of reassessment, linked to the next review of E&LSP. This will be undertaken in consultation with the SG/SDI and Scottish Enterprise Edinburgh and Lothians.”

2.3 WLLP policy EM2 states that:

“Policy EM2

The employment sites shown on the proposals map are allocated for business, general industry, storage or distribution uses (Use Classes 4, 5 and 6). Planning permission will only be granted where a proposal conforms to the further site specific uses and requirements detailed in Appendix 5.1.

Two major new development opportunities have been identified, at Beughburn (ELv64) and the former NEC site at Deans (ELv12-13), which are supported as multiple use allocations, suitable for Use Classes 4, 5 and 6. WLC will require the developers to submit masterplans for their approval prior to development taking place. Proposals must incorporate a variety of plot sizes and tenures to provide choice and flexibility. Masterplans must be prepared as a matter of priority in bringing forward the sites, as essential guidance to be used in marketing the sites.”

2.4 WLLP policy EM3 states that:

“Policy EM3

In addition to the sites included in Appendix 5.1 sites for employment uses have been allocated within the 3 CDA allocations in West Lothian. The exact areas of development will be shown in masterplans to be approved by the council, though the sites referred to in paragraphs 5.45-5.52 should be considered as minimum requirements.

The masterplans must include a phasing strategy to release the employment allocations at the earliest possible time. Further guidance is provided in Chapter 7 - CDAs.”

3. SUMMARY OF CASE FOR THE OBJECTORS

- 3.1 WLLP was not consistent with the terms of E&LSP and national guidance as it failed to consider properly the reallocation of employment land for other uses such as housing. The concerns were firstly, the process by which WLC considered the employment land sites and their associated assessment of these sites and secondly, the amount of employment land which already provided more than sufficient flexibility to meet SPP2 and E&LSP requirements.

The review process

- 3.2 WLC's review of the established supply of business and industrial land (as required under E&LSP policy ECON1) was not a "thorough analysis" as suggested in their Topic Paper. SPP1 required the planning service to be fair, open, transparent and efficient. WLC confirmed that the process of review, including the detail of their assessment of sites, was not reported to their Planning Committee and there were no public documents that could be viewed to show the criteria against which they determined the sites to be taken out of the established supply. Accordingly, it was difficult to assess why they decided to remove certain sites from the established supply and retain others. SPP1 also required the views of the development industry to be sought. WLC advised that focus groups had been held with Edinburgh property agents and the business community but that major landowners and owners of industrial estates had not been consulted. Accordingly, the process of review undertaken by WLC to remove sites from the established land supply for business and industrial land was unclear, was not transparent, and did not incorporate full and proper consideration of the views of the development industry.
- 3.3 The marketability of long standing employment sites was not fully considered in their decision to remove only 159ha from the 738ha established base supply. WLC were unable to provide a definitive answer as to what proportion of the established base supply was marketable. They mentioned that a significant proportion of sites (around 80% as stated in their Topic Paper) were constrained, thus inhibiting their ability to meet demand. They gave the specific example of a landowner who had aspirations for an alternative use on a site making the site unavailable for employment use. Land ownership was a relevant consideration when considering marketability of employment land and was as important as, e.g. infrastructure constraints. One of the key factors in determining effectiveness of land was that of land ownership. Ownership of employment land was a constraint that must be taken into consideration, if the owner of that land had aspirations for its development for an alternative use. Such land should not be included in the established land supply

Overprovision of employment land

- 3.4 E&LSP set out no requirement for additional employment land in West Lothian beyond considering the appropriateness of the established supply. WLC were overproviding employment land, taking into account past, present and projected demand and take up rates. The need for WLC to maintain and review the established land supply (as required under E&LSP policies ECON1 and ECON2)

was not questioned, but issue was taken with the amount of land that they were safeguarding for employment land use. The terms of E&LSP policy ECON1 criterion (b), enabled the established land supply to be reduced as the requirement was only to consider the need to replace some or all of the sites lost from the supply. The established supply of 738ha represented almost a 50 year supply of employment land for the West Lothian area, based on the average take up rate of 15ha per annum. WLC had increased the supply to 793ha for which there was no justification.

- 3.5 WLC's Topic Paper referred to annual take up rates recorded in E&LSP of around 11ha between March 1993 and March 2002 for all categories of development. This was a medium to long term trend over a 9 year period. Analysing take up rates over a shorter timeframe, from March 2002 to March 2004, showed the take up rate increasing to 15.2ha per annum. The Topic Paper referred to a take up rate of 15.5ha per annum for the core categories A to D. It was accepted that historic take up rates were only an indicator and should be used as a guide to assist in ensuring an adequate supply of employment land. However, while WLC did not wish to rely on the average take up of employment land of 15ha per annum, in the absence of more reliable indicators this level of take up remained valid to give an indication of future requirements.
- 3.6 In terms of the need to respond to SPP2 requirements with regard to flexibility, WLC advised that they needed to have a variety of land in order to be able to respond to changing circumstances and events and to be able to respond to the changing nature of demand. They confirmed that they needed to look at demand across specific categories (as set out in WLLP) and had to try to ensure that there was an adequate supply across the range of categories A to I. In the period 1996-2004, requirements had moved from including some large scale inward investments to indigenous demand. In these circumstances, a 50 year supply was excessive and indicated that further sites could be removed from the established land supply if they were appropriate for alternative use. WLC offered no logical reasons for increasing the supply beyond the established supply and therefore additional sites could be removed without prejudicing the requirement for a marketable supply of employment land set out in SPP2.
- 3.7 WLC advised that categories A to D represented the core supply and that these sites were capable of accommodating the broadest range of employment and industrial uses. They also advised that they had looked more closely at categories A to D and that there was a specific need for a more detailed appraisal of these sites. In the absence of any documentary evidence of the detailed appraisal of the sites in categories A to D, it was questioned whether or not this had been properly undertaken by WLC. There were some 337ha of employment land supply in categories A to D, which represented a 22 year supply. WLC confirmed that the categorisation in the WLLP was a tool to look at the employment land rather than being prescriptive. They advised that there was probably greater flexibility in the core categories than the others and within these the greatest demand for sites was in category A, and that they had responded accordingly with allocations. It was noted that there were some 148ha of land in category A (WLLP) equating to almost a 10 year supply and a further 20ha in CDAs. Only a small proportion of the 15ha per annum take up rate would be for such sites, therefore there remained

- particular scope in this category for land which had limited potential for employment use to be considered for alternative use.
- 3.8 WLC advised that the necessary timescale for provision of employment land was the WLLP period and beyond. It was noted that WLLP stated that it sought to provide guidance for around 10 years, although some of the land allocations were expected to have a development timeframe of 15 years and more. WLC further advised that the employment land supply should probably be around the same timeframe as the housing land supply, i.e. projecting forward to 2025. While the requirement in SPP2 was for marketable land to meet business requirements, it also should have a secure planning status and be serviced or serviceable within 5 years. WLC's supply of employment land went above and beyond that which was required by SPP2 or even that required by WLLP's timeframe. The fact that all the sites in WLC's established land supply were allocated in WLLP provided them to some degree with a secure planning status, however, there was no mention as to the sites marketability or whether or not they were deemed serviceable within 5 years. The provision of employment land, even if specifically considering categories A to D, was an overprovision of employment land for the West Lothian area. It provided more than sufficient flexibility to meet E&LSP and SPP2 requirements.
- 3.9 Over and above the established supply, WLC had the ability to allocate new land for economic development, under the terms of E&LSP policy ECON2. The need to maintain the established land supply was not questioned and it was noted that E&LSP allowed for the allocation of new employment land within CDAs, which it required to be developed for a mix of uses. The inclusion of 155ha of land from CDAs complied with E&LSP policy ECON2 and the principle of allocating additional land for economic development was clearly provided for in E&LSP. However, issue was taken with the overall amount (quantum) of land that WLC were holding for employment land use, notwithstanding the fact that there was a need for flexibility to ensure an adequate supply of sites across the range of categories A to I - categories that WLC had devised themselves to aid consideration of employment land issues. There remained a 50 year supply of employment land when looking across all categories and even when considering the core categories A to D, there remained a 22 year supply.
- 3.10 WLC also confirmed that the position of employment land presented this year was simply a snap shot in time and no more, and that there was a need for continuous review. If they undertook the requisite review of their employment land supply (as required by SPP2 and E&LSP policy ECON1) it was unnecessary to keep such a vast amount of land designated for economic development within the West Lothian area. While E&LSP policies ECON1 and ECON2 allowed WLC to replace some or all sites lost from the established land supply and to allocate suitable replacement sites and new land for economic development within CDAs, this policy provision provided considerable scope for them to respond to changing market conditions and changes in the supply and demand for employment land across all categories. This review must be compliant with SPP2 and E&LSP, which both required considerations of marketability to be taken into account.

Other Issues

- 3.11 Other issues raised by objectors were as follows:
- It was unclear whether ‘mixed use’ areas were to include employment land or not. For the avoidance of doubt and to allow greater flexibility in the masterplan process, the employment designation for new employment land, WLLP policy EM3, should be removed from the Proposals Map and the mixed use designation expanded to include all uses associated with each CDA.
 - Given that WLC acknowledged CDAs as ‘mixed use’ proposals, it was difficult to justify the need to identify the employment land allocations associated with CDAs under a different designation.
 - The strategy in WLLP identified a key underlying provision of a range of sites. However, missing from the statement in WLLP paragraph 2.21 was any reference to deliverability and necessity. The outline development guidance given in WLLP Appendix 5.1 created inflexibility. WLC’s figures contained in WLLP suggested that there was a significant pool of land in and around the area.

4. SUMMARY OF CASE FOR WLC

Preliminary matters

- 4.1 The relevant E&LSP policies were policies ECON1 and ECON2, the supporting text to those policies, and relevant Government policy on economic development. WLC’s key points were as follows:

The review process

- 4.2
- E&LSP required strategic business and housing development in the 3 West Lothian CDAs.
 - The sites at Linhouse and Eliburn were to be safeguarded as large, single-user, high amenity sites as required by SPP2.
 - WLLP had fully complied with E&LSP. A review of the established economic land supply was carried out and 159ha of sites were removed. The review of the land supply considered as a first principle whether sites had the capacity to meet demand for business and industry. Of the land removed, approximately 40ha were deemed to be no longer suitable for industrial or business use. (It should be noted that the 80ha site at Starlaw Farm was initially considered to be removed but renewed developer interest resulted in the site being retained). The established economic land supply identified in the WLLP through the policy ECON1 process was 638ha. In terms of E&LSP policy ECON2, WLLP had allocated 155ha.
 - All the land identified in WLLP was marketable (met business requirements, had a secure planning status, was serviced or serviceable within 5 years and was consistent with policy in SPP17).

Overprovision of employment land

- 4.3
- It was an over simplification of matters to look only at past take ups of economic land supply to assess demand. Past constraints on development of land had restricted the take up of economic land.
 - Recent take ups of the economic land supply were set out in the E&LSP Monitoring Report March 2005, which showed take up of employment land in West Lothian of 34ha in 2003/4 and 25.4ha in 2004/5.
 - The take up for core categories A-D land in 2004/5 was 15.5ha.
 - An increase in the labour supply in West Lothian was predicted.
 - West Lothian was increasingly becoming more of a self contained economy (see conclusion of CD240a).
 - WLLP Employment Chapter reflected WLC's overall economic development strategy of focussing on the locational advantages of the M8 corridor, looking to long term growth and supporting a sustainable approach to economic development
 - WLC would continue to review the economic land supply during the WLLP period.
- 4.4
- Accordingly, WLLP had complied with E&LSP policies ECON1 and ECON2 and accorded with SPP2. The objections considered provided no basis for making further changes to WLLP.

Other Issues

- 4.5
- WLC's responses to various other issues raised by objectors were as follows:
- WLLP policies CDA8, CDA9 and CDA10 in mixed use areas support non-residential developments which were compatible with residential use and did not conflict with other policies in WLLP. This could include certain types of employment use (e.g. class 4 business use). Opportunities for such uses would be identified through the masterplan process. As some employment uses would not be suitable for primarily residential areas, there was a need to specifically identify opportunities for such uses in WLLP.
 - The need to identify the employment land allocations associated with CDAs under a different designation was explained in WLLP.
 - The proposed use of employment land for residential purposes would be incompatible with existing and future employment generating uses and would also reduce the strategic employment land supply.

5. CONCLUSIONS

Preliminary matter

- 5.1
- We are satisfied that: WLC are required under SPP2 and E&LSP policy ECON1 to maintain and undertake a review of their employment land supply; and that E&LSP policy ECON2 also allows for the allocation of new employment land within CDAs (which are required to be developed for a mix of uses). We note

that these requirements are not questioned by the objectors.

The review process

- 5.2 From the evidence presented to us, we are satisfied that WLC have conducted a review of their employment land supply in accordance with the general requirement of SPP2 and E&LSP. However, WLC admitted that the details of their assessment of sites were not reported to their relevant committee, and that there was no public documentation to view the criteria on which they had based their decision to remove sites from the established supply. While WLC held focus groups with Edinburgh property agents and the business community, they conceded that major landowners and industrial estate owners were not included. In these respects, we consider that the process was not as completely open and transparent as it should have been. Also, while WLC maintain that all the land identified in the WLLP was marketable, the evidence from their Topic Paper confirms something different. Its analysis of sites in the core categories A –D suggests that some 80% of allocated sites may be constrained in some way, which inhibited their ability to meet demand. However, we consider that some of these constraints would not preclude development of the site for employment purposes and, if it did, then its inclusion in the allocation of employment land supply sites should be seriously questioned by WLC and considered for removal from the established supply.
- 5.3 WLC recognise that marketability is an issue, particularly where land ownership is a constraint which makes the site unavailable for employment use. While we recognise that ownership of employment land and the owner's aspirations for that land is a constraint which must be taken into consideration, we do not consider that such circumstances alone should exclude such land from the employment land supply. WLC have other powers at their disposal which could be employed during the WLLP period to achieve the provision of the land in question, if deemed of such importance. Consequently, we do not find the review process undertaken, as detailed in the Topic Paper and related documents, to be so flawed as to warrant being disregarded.

Overprovision of employment land

- 5.4 We are satisfied that E&LSP sets out no requirement for additional employment land in West Lothian, but WLC are required to review the 2002 established base supply figure of 738ha. While we accept that historical take up rates have to be treated with caution, in the absence of more reliable indicators, we consider that these give a reasonable indication of future requirements. However, we consider that the unexpected take up of employment land in West Lothian experienced in the 2003-2005 periods of 34ha and 25.4ha respectively, to be so unprecedented and exceptional that it would be inappropriate to rely on such inflated take up rates for future allocations to the established supply. On that basis and on the evidence from WLC's Topic Paper of annual take up over all categories of 15.2ha over the period between March 2002 and August 2004, we find that the supply of some 48.5 years is not an unreasonable assumption. Following WLC's review of the supply, including both removals and additions, we note that it produced an overall employment land supply of 793ha, which we calculate would equate to

some 52 years using the same annual take up rate.

- 5.5 The specific employment land allocations for CDAs would be brought forward in the medium to long term to replace land as it is developed in the short to medium term and, therefore, would essentially augment the existing supply. We have found no evidence which casts doubt on the total allocation of 155ha of employment land for CDAs, particularly bearing in mind that the strategy for these areas is to link new housing closely with jobs, facilities and public transport, the details of which would emerge from the masterplanning exercise. To determine whether the obvious increase in the established base supply is warranted, we consider that it is necessary to set aside that specific allocation for CDAs.
- 5.6 We note that when the CDA allocation of 155ha of employment land is removed from the total allocation, some 638ha remain. Of this, some 338ha comprise the core categories A-D, which WLC advise in their Topic Paper equates to a 20 year supply based on the slightly increased take up rate of 15.5ha per annum, although our arithmetic produces a figure of 21.8 years based on that same rate. Notwithstanding, other than CDAs, all the new and reviewed allocations of some 84ha of employment land are specifically allocated to category A - General Needs Industrial to give a total of some 148ha. We calculate that this equates to some 9.5 years supply in this category alone, although we consider that only a portion of the 15.5ha annual take up rate would apply to sites in this category.
- 5.7 While we are aware that WLC rely on WLLP timescale of around 10 years, we are also conscious that SPP2 requires marketable land to meet business requirements, have a secure planning status and be serviced or serviceable within 5 years. Consequently, we consider that WLC's employment land supply exceeds both the relevant timescales of SPP2 and their own WLLP. While we note that WLC seek to respond to the SPP2 requirements as regards flexibility, we are satisfied that the figures referred to above enable WLC to review their provision of employment land supply without prejudicing the requirements of SPP2 in that regard. WLC appear to recognise the need for continuous review in terms of SPP2 and E&LSP. As such, they would be able to respond to changing market conditions and changes in supply and demand for employment land across all categories without the necessity for the scale of employment land supply they seeks in WLLP.

Other issues

- 5.8 We note that mixed use areas are identified in CDAs as primarily for residential development and as such we consider it would be inappropriate to include explicitly employment land. As WLLP advises that non-conforming uses would not be allowed within primarily residential areas, we consider that the masterplan process would require to ensure that uses are compatible to minimise conflict. The approach adopted by WLC to identify large scale employment uses on the edge of the main housing areas appears to us to be eminently sensible in terms of the strategy for implementation of CDAs to link new housing closely with jobs, facilities and public transport and at the same time ensure compatibility. We are satisfied that WLLP Appendix 5.1 recognises the need to cater for a range of

activities within Use Classes 4, 5 and 6, and correspondingly to accommodate a range of locations for these activities. As a result, we consider that any question of a restriction in the deliverability of that supply would be compensated for by the level of over supply currently proposed in WLLP.

Conclusions

- 5.9 While we conclude that the review process undertaken by WLC has certain shortcomings, we consider that it is of sufficient substance to warrant due consideration in the assessment of this chapter of WLLP. We also conclude that there is not a shortage in the employment land supply which requires the allocation of additional land to the extent proposed in WLLP. Consequently, we are satisfied that no problems would accrue to the overall employment land supply if certain sites were subsequently to be released. However, we consider that the prospect of the release of such sites would be dependent on their individual suitability for the alternative uses proposed and the relevance of the other policy considerations. We find no requirement to remove WLLP policy EM3 or to change its context. Given the scale of the employment land supply, we suggest that WLC undertake a further review to assess whether any sites would be more appropriately used for other purposes. Any such review should address the shortcomings of the earlier process.
- 5.10 In the main, we have regarded this chapter as setting a context for the consideration of objections affecting sites which are dealt with elsewhere in this report. We make no recommendations concerning these sites in this chapter. We do not believe that any remaining objections warrant further changes to WLLP.

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

West Lothian Council

**Report of Public Local Inquiry into Objections to the
Finalised West Lothian Local Plan
Part 2: Core Development Area Matters**

Reporters: E D K Thomas BSc(Hons) MBA MRTPI
W I Hastie DipTP MRTPI

Dates of Inquiry: 8 August 2006 – 9 February 2007
File Reference: IQD/2/400/1

2.1 Winchburgh, East Broxburn, Uphall CDA (WLLP allocations)

Representation nos:

7141/2, 7141/1, 7154/2, 7178/1-5, 7188/1, 7233/2,
7233/4, 7240/1-4, 7311/1, 7353/1, 7392/1-4, 7393/1-
/3, 7394/1-3, 7395/1, 7396/1, 7397/1-2, 7398/1,
7399/1, 7400/1, 7401/1-2, 7406/1-7408/1, 7410/1,
7411/1-11, 7412/2, 7413/1, 7414/1-2, 7416/1-9,
7417/2, 7418/2, 7419/6, 7419/8, 7419/12-13, 7419/17,
7419/19, 7420/1-2, 7420/13, 7431/3-5, 7435/9-10,
7435/15-16, 7435/19-20, 7437/1-2, 7440/2-5,
7441/1-4, 7441/6-7, 7455/1-3, 7663/1, 7464/1,
7465/1, 7570/1, 7574/4-5, 7595/1-5, 7598/1-5,
7600/1-5, 7601/1-5, 7602/1-5, 7670/1-5, 7674/1-2,
7674/5, 7848/1, 7848/4-5, 7849/1-7900/1, 7901/1-
8000/1, 8001/1-8100/1, 8101/1-8172/1, 8185/1-8200/1,
8201/1-8300/1, 8301/1-8350/1, 8353/1-2, 8354/1,
8356/1, 8359/1, 8366/1, 8368/2, 8375/1-8400/1,
8401/1-8473/1, 8479/2-3, 8479/5, 8483/1, 8484/2,
8505/2, 8533/7-8, 9891/2-3, 9891/5, 9891/8, 9892/1,
9908/3, 9910/1, 9917/1, 9918/1-3.

Objectors appearing at Inquiry:

CML&WDI
Winchburgh Community Council
Forkneuk Consortium
Hillend Residents Group
Mr and Mrs Dalglish
Mr and Mrs Rigby
Mrs Boddie
Mr Wilson
Mr Crosby
Mr Kirkwood
(+ written submissions)

Inquiry references:

BUILT1b: Winchburgh allocation
CDA10a: Winchburgh allocation
CDA10e: Winchburgh allocation
CDA7b: Winchburgh allocation
CDA7c: Winchburgh allocation
CDA7d: Winchburgh allocation
CDA7e: Winchburgh allocation
CDA7g: Winchburgh allocation
CDA8b: East Broxburn allocation
CDA6a: East Broxburn allocation
CDA8c: Winchburgh and East Broxburn allocations
CDA9: Winchburgh allocation
STRAT1f: Winchburgh allocation
WS6, WS7, WS14, WS18, WS19, WS20, WS24,
WS39, WS62, WS79, WS126, WS147, WS177.

1. BACKGROUND

- 1.1 Objections were lodged by 92 parties to proposals linked to the allocations in WLLP covering the Winchburgh, East Broxburn and Uphall CDA. This is one of 3 CDAs being promoted by WLC in WLLP. The evolution of the allocations in CDAs is outlined in chapter 1.1.
- 1.2 The 2020 Vision for West Lothian identified Winchburgh/East Broxburn as one of the options (a new settlement) to be assessed for development. It highlighted a notional capacity of 5000 houses. While it referred to a new railway station at Winchburgh, it indicated that there could be capacity constraints on the railway

line. It also referred amongst other things to a new motorway junction on the M9. It indicated that there were a number of constraints on developing at these locations, including the Greendykes bing complex, the Union Canal, Niddry Castle heritage area, Auldathie tip, and the Newbridge Roundabout. Subsequently, in selecting the preferred development strategy for the Winchburgh, East Broxburn and Uphall CDA, WLC indicated that they considered that the Winchburgh and East Broxburn proposals brought forward better satisfied key planning and environmental factors, with both proposals offering substantial environmental and regenerative gains, and sustainable transport initiatives. It was also indicated that there were no other substantial non-greenfield options proposed within CDA. WLC recognised that there were uncertainties over the transport solutions proposed, including the motorway junction and railway station.

1.3 E&LSP confirms the Winchburgh, East Broxburn and Uphall CDA for up to 5000 houses with a minimum of 3000 allocated over the E&LSP period. It highlights: the capacity problems on the railway line, the capacity available on the M9, and the potential for taking advantage of the park and ride facilities at Ingliston and any extension to the West Edinburgh Tram route along the A89 corridor. It identifies the need for improvements to secondary school provision, including one additional secondary school and associated primary schools to be located within CDA, together with a package of additional infrastructure improvements (detailed in E&LSP's Action Plan). Both business and housing development is seen as suitable for CDA. E&LSP indicates that a station at Winchburgh and a new motorway junction are key transport proposals to be safeguarded pending decisions by stakeholders on implementation. The Action Plan indicates that the station requires a full transport study and that the motorway junction requires agreement from SG. The latest interim update explains that the station would only progress if the Edinburgh Airport Rail Link project goes ahead. The Action Plan also refers to the district wide requirement to provide a new denominational secondary school. The interim updates indicate that the timing for both this and the motorway junction has slipped from short term (to 2008) to medium term (to 2015).

1.4 In light of the above, WLLP allocates areas of mixed use development at Winchburgh and East Broxburn, with 3450 houses proposed at the former location and 2050 at the latter as set out in chapter 1.1. WLLP proposes that denominational and non-denominational secondary schools be provided at Winchburgh. The latter school would also serve the new housing at East Broxburn. Additional primary school capacity is also required in both settlements. Improved road connections between Winchburgh and East Broxburn are envisaged. WLLP recognises that part of the Winchburgh CDA proposal could proceed before the M9 motorway junction is constructed. While the preferred location for this junction is south of Duntarvie Castle, it is indicated that this is a matter for the masterplan process. WLLP explains that transport assessments will determine the final road network and junction improvements necessary to support the CDA proposals. The potential for road closures, including at Faucheldean will be considered if there is community support. WLLP regards the provision of a new railway station with park and ride facilities as important in ensuring that sustainability aspirations are met. It is expected that

the phasing plan for the implementation of the Winchburgh masterplan will conform to the provisions and programme of the Private Bill for the Edinburgh Airport Rail Link. Park and ride facilities are to be provided at Kilpunt (Broxburn) and at the new motorway junction.

1.5 WLLP indicates that Faucheldean and most of Greendykes Bings are Scheduled Ancient Monuments, and the developers are required to prepare a management plan for them and their immediate surroundings, and put in place arrangements to implement it. The unscheduled part of Greendykes Bing requires to be rehabilitated by the developers, and a strategy for rehabilitating Niddry Bing requires to be prepared by the Winchburgh developer. The area between the expanded Winchburgh and Broxburn is identified as countryside belt in order to avoid coalescence, and the developers are required to prepare a single management plan for this area. While the formation of a heritage park also requires to be explored here, it is expected that much of the green corridor would remain in agricultural use. WLLP states that the Auldathie landfill site requires to be restored, and it indicates that various options will be explored, including the remediation of the site within the context of the CDA proposals. If the issue is not resolved before the Winchburgh CDA proposals come forward, the CDA developer will be required to produce a restoration strategy. The CDA proposals are seen as presenting an opportunity to create new nodes of activity along the Union Canal, and they are required to have regard to the Edinburgh-West Lothian Union Canal moorings study prepared by British Waterways. WLLP envisages that a new town centre would be created at Winchburgh and provision made for a new health centre. The developers at both settlements are required to prepare a strategic implementation plan to illustrate how both developments would fit together.

1.6 Both Winchburgh and Broxburn lie in the north eastern part of the WLLP area, to the north of Livingston and the M8, and close to the administrative boundary with the City of Edinburgh Council. The M9 passes to the north east of Winchburgh, and the M9 motorway junction at Newbridge lies to the east of Broxburn. The main railway line and the Union Canal (a Scheduled Ancient Monument) pass (north to south) through Winchburgh, with the latter also passing through Broxburn and the former skirting its eastern edge. Kirkliston lies a short distance to the east of both settlements, on the opposite side of the M9, by junction 1a. Winchburgh and Broxburn are both old mining communities. For 2005/06, it was estimated that Winchburgh had a population of around 2500 in around 1200 houses and that Broxburn, which lies just to the south, had a population of 9300 in around 4300 houses. The nearest railway station to both settlements is Uphall Station, which lies immediately to the south of the M8. The railway station at Winchburgh closed in 1930.

1.7 The descriptions of the areas affected at the 2 settlements, and any proposals for them placed before the inquiry, are as follows:

Winchburgh: the area to the north, east and west of Winchburgh comprises in the main attractive, gently undulating farmland with small clumps of woodland dotted throughout. However, it also contains other uses, including the Auldathie landfill site and a petrol filling station (to the west) and the Claypit (to the north).

The area further to the west, beyond Ecclesmachan and the B8046 has been designated AGLV. To the south, there is an area of countryside, including farmland and 3 bings (Faucheldean Bing, Niddry Bing and Greendykes Bing). There are also small groups of houses around Winchburgh, including at Faucheldean and Glendevon. Nature conservation interests in the area include badgers, bats and Glendevon Pond. Farmland in the vicinity is predominantly designated as classes 2 and 3.1 on the Soil Survey map showing the Land Capability for Agriculture. The current edges of Winchburgh are not well defined with the exception of the planting strip to the edge of the housing on the western side of the village. Winchburgh contains a limited range of facilities, such as a small supermarket, a post office and a primary school. The mixed use and employment allocations proposed in WLLP would wrap around the west, north and east of the village. They would cover the group of houses at Glendevon, but would not wash over the group at Faucheldean. The employment land allocation would lie to the north of Winchburgh between the northernmost railway line at Winchburgh Junction and the M9. The area immediately south of Winchburgh would be designated countryside belt. The proposed boundaries to the east would be formed by the M9 motorway; those to the north by the motorway, railway line and woodland by the Union Canal; those to the west by fencelines, boundaries, minor roads, tracks and areas where there are no defined boundary lines; and those to the south by bings, minor roads, and another area where there is no defined boundary line. In August 2005, a planning application was submitted for the Winchburgh development, along with a draft final masterplan and Environmental Statement with technical appendices. The masterplan, the Environmental Statement, and other documents were lodged with the inquiry. The application site extended to around 410ha, and the mixed use allocations in WLLP to around 257ha.

East Broxburn: the main link from Winchburgh to Broxburn is a minor road (B8020). The settlements are separated by a strip of countryside as described above. There is a group of houses at Greendykes, with a row of cottages immediately to the south (Albyn Cottages). Farmland is designated as class 3.1. The northern edge of Broxburn is not particularly well defined, but it includes a railway line, the Union Canal, and the edges of industrial and housing sites. Broxburn contains a range of facilities, including a supermarket, a reasonable choice of shops, primary schools, and a non-denominational secondary school. The mixed use and employment allocations would be on the northern edge of Broxburn and would stretch from East Mains Industrial Estate to Pyothall. The allocations would extend to 120ha (the new allocations to 86ha). They would cover the properties at Greendykes, Albyn Cottages and a number of industrial sites. The employment land allocation would lie in the triangle formed between the unmarked minor road on the easternmost edge of East Mains Industrial, the A89 and the railway line. The proposed boundaries to the east would be formed by the railway line; those to the north by the Union Canal, the edge of a Bing and areas where there are no defined boundary lines; and those to the west by tracks.

- 1.8 There is one additional site allocated in WLLP to be considered in this chapter, which appears to fall within the area identified as being CDA in E&LSP. It is at **Castle Road, Winchburgh (HWh3)**. The site is small (around 0.6ha), of an irregular shape and is, in part, in an untidy condition. It includes a group of trees

and sits at the eastern side of Winchburgh, between Main Street and Hawk Hill Wood.

- 1.9 At the inquiry, WLC recommended that 3 changes be made to WLLP chapter 7, in the form of additions to paragraphs 7.13 (one) and 7.73 (2). The proposed changes concerned: the possibility of alternative solutions to those set out in the WLLP Action Plan; the possibility of interim solutions, which could be brought forward in advance of the main infrastructure identified in the Action Plan; and clarification on the provision of the railway station at Winchburgh.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, a number of objectors seek at least a reduction in the size of the CDA allocations. Others seek changes in the text of WLLP, safeguards, or clarification.

3. SUMMARY OF CASE FOR THE OBJECTORS

Winchburgh - Scale of development (including environmental impact)

- 3.1 Mr Rigby stated that Winchburgh was an unsuitable site for a development of the scale suggested. WLC had failed to justify the choice of Winchburgh over alternative large sites that had been put forward. While WLC might have sought to avoid the joining together of Winchburgh and East Broxburn by expanding the proposals to the west, they had allowed the coalescence of Winchburgh and Glendevon (a settlement of some 16 houses), which would conflict with SPP3. Furthermore, the western expansion could no longer be justified on the grounds that it would maximise the walk in population of the secondary schools because the locations of the schools were no longer shown in WLLP. The regeneration of the Claypit, Niddry Bing and Auldathie landfill site could not justify the proposals. The former was insignificant when considered against the scale of the Winchburgh proposals, and the regeneration of the latter 2 sites either was being, or should be, carried out independently of them. WLC had failed to put into place a fall back plan to provide the secondary schools proposed in CDA should the necessary transport infrastructure not be delivered. The scale of the proposals meant that Winchburgh would lose its distinctive identity and way of life.
- 3.2 The loss of prime agricultural land had been largely covered at another session of the inquiry. In response to the SE consultation paper, a large number of councils and professional organisations had expressed concern at the proposal to no longer protect such land. There were growing concerns over the impact of climate change, and there would be likely to be significant pressure on Scotland to increase agricultural production. Officers in WLC had concerns about developing on prime agricultural land. Additional land was also required for biofuel crop. The CDA boundaries at Winchburgh, and the lifting of protection on areas previously designated as being of special agricultural importance, meant that WLLP did not comply with E&LSP policy ENV1d. The focus in E&LSP was on the use of greenfield land (excluding prime agricultural land), only where

insufficient brownfield land existed. WLLP had not taken the strategic value of prime agricultural land into proper consideration. Overall, the Winchburgh proposals did not satisfy the strategic aim of E&LSP.

3.3 Mrs Dalgleish and Mr Wilson indicated that the whole area around Faucheldean was rich in wildlife, and that many groups monitored the flora and fauna present. There was also significant historical and archaeological interest in the area. These elements would be disrupted by the proposed allocations in WLLP, which had been considerably extended in the time leading up to the inquiry. Building should be discouraged to the west of Glendevon Farm track in order to preserve the visual amenity of the countryside, which constituted prime agricultural land. Building on such land was contrary to E&LSP. Originally, development had only been proposed to the east of the track. WLC should reduce the scale of development at Winchburgh and, instead, should promote development at Forkneuk. The agricultural land in CDA should be designated as an Area of Special Agricultural Importance. Mr Kirkwood considered that the proposals would change a rural village into a commuter town, and indicated that it would become the 6th largest town in West Lothian. The countryside around Winchburgh would be eroded contrary to policy. It was suggested that the existing AGLV or the countryside belt be extended eastwards.

3.4 Mrs Boddie indicated that WLLP did not explain how the proposals would be delivered in a manner which enhanced the built and natural environment. Other objectors highlighted that Winchburgh would be a large scale development, which would result in a 3-4 fold increase in the village's population. The proposals would spoil the natural countryside and landmarks in the surrounding area, and would damage the community. In addition, it was considered that the depletion of Niddry Bing should be given priority so that this area could be developed for housing instead of the area proposed at Glendevon South, which could be reduced in size. The proposals were too close to Faucheldean Bing.

Winchburgh - Transportation infrastructure

3.5 Forkneuk Consortium did not object to development at Winchburgh. However, if the proposal could not be developed to its full potential, the Forkneuk site should be considered as both suitable and available for development to ensure that the E&LSP targets for CDA were met. E&LSP's Action Plan was clear that the M9 motorway junction had to be provided at the commencement of development and a new railway station phased along with it. The station would be vital in creating a modal shift from the car to the railway, and it was essential to ensure that the requirements of SPP17 were met. Without it, the Winchburgh proposal would be indistinguishable from other locations in West Lothian. There could be insuperable problems, given the timetabling implications of introducing a new station, and the closure of another station in another local authority area could be required (or a reduction in service) to compensate for the lost capacity. Additionally, there were many interests to be satisfied. A bus based arrangement would be a poor substitute for a new railway station.

3.6 WLC considered a new motorway junction to be essential. Their transportation scheme had assumed a new junction, and if this was not delivered, more vehicles

would use the existing road system. While Transport Scotland had not objected to WLLP, there was a significant process to be completed before the junction could be approved. No transport analysis had been carried out by WLC beyond the strategic modelling undertaken. Instead, they had relied on the work of CML&WDI. WLC were unaware what level of development could be supported without the new junction being in place. In the Consortium's view, the word "committed" (used in E&LSP policy HOU5) could only apply to items of infrastructure which were deliverable. The Consortium did not consider that any of the development proposed at Winchburgh could proceed prior to the junction's construction.

- 3.7 The Forkneuk site had advantages. The CDA strategy was essentially fixed in a report prepared by WLC in April 2004 and, while expressing concerns, the report made clear that the strategy was based on the delivery of a motorway junction and railway station. WLC had envisaged that the allocations would be revisited if either of these facilities could not be provided. SPP3 indicated that settlement extensions should not be dependent solely or mainly on car access, and that proposals for new housing, which could involve a new or altered access to a trunk road, required careful consideration. In addition, SPP17 had at its heart that land use planning and transportation had to be linked to achieve sustainable development. The provision of the 2 items of infrastructure was relevant in considering the effectiveness of the allocations. The site did not satisfy the effectiveness factors set out in PAN38, most notably, those relating to ownership, physical constraints, and infrastructure. It was unclear whether the existing infrastructure could support any development at Winchburgh. E&LSP's Action Plan should not be varied to reduce the accessibility or sustainability of an allocation. Only a small amount of development would be likely before 2015. If the junction and station could not be delivered then WLLP should contain contingency arrangements, including provision for a reappraisal of other sites within CDA, most notably Forkneuk. Reference was made to development proposals in South Ayrshire.
- 3.8 Mr Rigby indicated that he was a professional engineer, and had access to a wide range of specialist knowledge, including on rail transportation. E&LSP recognised that for the strategy to proceed, it was essential that key transport proposals be delivered. The selection of Winchburgh for development could not be justified without the motorway junction and railway station. Network Rail had concerns. If the items of infrastructure were not delivered, there would be pressure on WLC to proceed with Winchburgh because they had included 2 secondary schools in the proposals on which developments elsewhere were dependent. WLC's traffic modelling had shown that the junction was essential.
- 3.9 The spare capacity indicated on the M9 could be used by developments in other local authority areas. Transport Scotland had expressed concerns about the Transport Assessment and STAG undertaken. The withdrawal by Transport Scotland of their objection did not commit them to approving the proposed junction. The issue was complicated by the possibility of a second bridge over the River Forth.

- 3.10 A railway station could not be delivered at Winchburgh without the Edinburgh Airport Rail Link being in place. There were doubts over this scheme. Transport Scotland had indicated that there were strong aspirations to reduce the service time of the Glasgow to Edinburgh train. The current work to improve capacity at Edinburgh Waverley would allow an additional 4 trains per hour with current turnaround times. This is to be utilised by other services. While electrification of the line could help timetabling, it was unclear whether such a scheme could be accommodated in the Winchburgh tunnel. No mention was made of a station at Winchburgh in the Scotland Route Utilisation Study (Network Rail) or the Scotland Planning Assessment (Transport Scotland).
- 3.11 The proposed Section 75 Agreements gave no certainty that these items of infrastructure would be delivered. It was of concern that the area's infrastructure capacity would be defined by the developers. It would be better defined by WLC. WLLP should be altered at paragraph 7.14 to ensure that the word 'committed' included agreement and support from all relevant third parties. At policy CDA1, it should be indicated that these items of infrastructure were essential and could not be abandoned or varied without significant scaling down of the proposals. Furthermore, the Section 75 Agreements required must not allow for "fall back alternatives."
- 3.12 Mrs Dalglish and Mr Wilson were concerned that this rural area would be unable to cope with the proposed number of houses without adequate road infrastructure. No development should therefore be permitted until SG had given permission for the motorway junction. The number of houses should be limited prior to the provision of the junction, and the timing of the junction should be made clear. The number of houses should also be limited until a commitment was in place for the railway station, and development should be phased accordingly. Mr Crosby and Mrs Boddie also believed that the number of houses should be stated. It was obvious that the delivery of transport infrastructure was critical to the success of the proposals. There were concerns that if controls were not put in place, the maximum number of houses would be built regardless of the delivery of the transport infrastructure. There was no evidence to show that the proposals would reduce car use and provide sustainable transport solutions within the lifetime of WLLP. Mr Kirkwood indicated that the timescales for the provision of the items of infrastructure should be set out, and that improvements to existing motorway junctions should be considered.
- 3.13 Other objectors (including Ms Mulligan MSP) expressed concern about the delivery of infrastructure. One objector was apprehensive that the proposed motorway junction would increase traffic levels on the B8020, particularly at its junction with the A904, and through the village of Newton. Alterations should be considered to existing motorway junctions to make them "4-way" rather than "2-way."
- 3.14 CML&WDI indicated that their position was one of general support for WLLP and specific objection. On transportation infrastructure, CML&WDI believed that the developer contributions towards the motorway junction and railway station should be devised so that they reflected the strategic role and importance of these items of major infrastructure to the wider CDA. E&LSP provided the

context for CDAs, and it was clear that these 2 key items were deemed to be strategic infrastructure, under schedule 3 of the Action Plan, which would help to justify and confer benefits upon the wider CDA. This was confirmed in the STAG work for the Winchburgh proposal and WLC's report on the detailed testing of the revised CDA proposals. There was nothing which suggested that it was the intention of the E&LSP Joint Committee that these 2 items were solely for the benefit of the Winchburgh allocations.

3.15 WLLP was incorrect when it indicated that there would be no benefit to the wider CDA area. The junction and station would provide a step change in benefit for CDA as a whole. It was clear that it was too early in the process to determine precisely the full transportation impacts of the CDA development. WLC's insistence that each component of development in CDA would be assessed in isolation could give rise to serious anomaly, potentially resulting in major infrastructure not being realised at the expense of developers. It could also mean that the minimum E&LSP requirement (3000 houses) could proceed without it, which would be at odds with E&LSP's terms. If it transpired at a later date that the level of development at East Broxburn required a motorway junction, WLC would have no basis for recovering contributions. In addition, if development at East Broxburn used up existing capacity at Winchburgh, there could be a serious knock-on effect across CDA. There would be no difficulties in relation to SODD Circular 12/1996 because E&LSP allowed local plans to recover contributions on a CDA wide basis for strategic infrastructure. Both the motorway junction and the railway were necessary on a CDA wide basis. CML&WDI accepted that their case meant that they would have to contribute towards the cost of other strategic infrastructure, e.g. the Kilpunt Park and Ride. They sought an alteration to WLLP which would show that the junction and station would be jointly funded by the CDA developers.

3.16 One objector sought confirmation that the phasing and timing of development in CDA would take account of the temporary construction requirements of the Edinburgh Airport Rail Link.

Winchburgh – Other transportation matters

3.17 In relation to the proposed road link between Winchburgh and Broxburn, Mrs Dalglish indicated that a road just to the west of Faucheldean would be visually intrusive and impair the appearance of the countryside; it would be contrary to policy. It would also be unsatisfactory because it would pass close to housing and schools and would result in the coalescence of the 2 settlements. The road would link to the M9, and it should not be built until the proposed motorway junction had been approved. A by-pass to the south and east of Winchburgh would be a better solution. Mrs Boddie did not consider that roads such as that proposed could be brought forward in WLLP prior to fully understanding the traffic impact of the proposal through a Transport Assessment and fully detailed masterplan. Without this information, WLC could not show that the proposal met the requirements of either E&LSP or SPP17. There was concern that the new road would be heavily used, and its route was not in the best location to gain access to the motorway junction or station. Other objectors believed that the proposal would cause increased traffic congestion.

- 3.18 Turning to the existing road at Faucheldean, Winchburgh Community Council were concerned that WLLP indicated that it could be closed. It was an “ancient” road which provided a valuable alternative route (including for emergency vehicles) when other roads were closed. The majority of people who completed the community council’s questionnaire on WLLP also objected to its closure (88%). The road should be upgraded, with passing places, proper drainage, further speed limits, and a pavement. The findings of a survey carried out by a “pressure group” were felt to be unreliable and had been rejected. It was hoped that this issue could be dealt with in a fair minded and even handed manner.
- 3.19 Some objectors indicated that it would be inappropriate for the distributor road linking to the new motorway junction to pass through the centre of Winchburgh and also unsafe to take access to the new secondary schools from such a busy road. Other objectors were concerned that the traffic arising from the CDA proposals would adversely affect Niddry Cottages.

Winchburgh - Auldcathie landfill site

- 3.20 Mr Rigby indicated that decisions on the proposals at Winchburgh had been unduly influenced by WLC’s desire to seek an easy solution to the restoration of the Auldcathie landfill site. This facility had been the source of a number of environmental, planning and enforcement problems. SEPA had served a closure notice, and the site had been in breach of planning conditions for the last 5 years. Restoration costs were expected to amount to millions of £s. Previously, the landfill site had been some distance to the west of CDA but, in late 2004, the CDA masterplan area had been extended to include the facility. WLC had deliberately attempted to conceal the role the landfill site had played in doubling the area of land in the masterplan area. The CDA proposals were unrelated to the landfill site. Proposals to improve it under the CDA scheme should be treated as an unrelated inducement, contrary to SODD Circular 12/1996. It was WLC’s responsibility to ensure the restoration of the landfill site through standard enforcement procedures. The enlarged CDA masterplan boundary merely increased the loss of prime agricultural land and put at risk Glendevon Pond. The selection process should be revisited without the inducement of restoring the landfill site.
- 3.21 Other objectors believed that the landfill site required immediate attention, and they were concerned that there was no obligation in WLLP to restore it. One objector indicated that WLLP should indicate that restoration was the responsibility of the operators. In addition, WLLP should refer to a “consultation zone” within which no development should be allowed prior to restoration.

Winchburgh - Biodiversity (including Glendevon Pond)

- 3.22 Mr Rigby explained that the number of ponds in Britain had declined dramatically due to urban development. Glendevon Pond was a former mill pond. It had become a significant habitat for wildlife and was home to many of West Lothian’s key species. It was frequently visited by local people and others. The development at Winchburgh would completely change its setting, and would fragment existing wildlife corridors. The pond had been surveyed regularly by

- the Scottish Wildlife Trust and SNH. European protected species and other protected species could be found at the site, including Pippistrelle and Daubenton's bats, and a variety of bird species (e.g. Merlin, Pochard, Greylag Goose, Mute Swans, Yellowhammers, and Skylarks). The important wildlife corridor to the west of the pond, on the line of the former mineral railway, was particularly under threat. If disrupted, ground nesting waterfowl and badgers would be affected. The number of domestic cats would increase as a result of the development, and they were one of the most significant threats to wildlife. There were several badger setts within the boundary of the CDA allocations.
- 3.23 For around 50 years, the source of water for Glendevon Pond had been the original field drains in the vicinity, supplemented by water pumped from a borehole. Since 1997, pumping from the borehole had significantly increased to help smooth out the seasonal flows and to offset evaporation. There was considerable leakage of water from the pond. Its catchment area comprised around 8ha of land, lying to the north, west and east. The conditions in the pond were critical when the supply only slightly exceeded the loss of water. Development would mean that the pond would lose its primary water supply, with consequent devastating effects. The draft masterplan showed that 50% of the catchment area to the west and east would be developed. The pond would dry up. The Winchburgh developers had not made public their hydrological model of the pond. As it was dug as a mill pond, it was reasonable to assume that all surface water in the vicinity was directed into it.
- 3.24 Pre-inquiry change no. 350 was insufficient. Council officers did not have the necessary skills or resources to properly assess developer funded Environmental Impact Assessments. SNH had expressed their concern about the one completed by the developer. WLC's processes for dealing with wildlife sites were inadequate. The only independent assessment of the proposals did not cover the pond in detail because, at that earlier stage, the pond was only in a buffer zone. It would not be possible to assess the pond against the criteria for a wildlife site until a survey of fauna had been completed. This process was being frustrated by WLC who were not making sufficient funds available. The Scottish Wildlife Trust had considered the pond promising and a major issue for the expansion of the CDA proposals. WLLP should be altered. The CDA masterplan boundary should be changed back to the April 2004 position or WLLP should require a supply of water for the pond, which should be secured through a Section 75 Agreement. Building heights should be restricted in WLLP to protect the flight path of swans (which required long and clear flight paths), and the adjacent wildlife corridor should be protected. In addition, changes should be made: to ensure that all outstanding site survey work was completed; to allow all Environmental Statements to be properly assessed; and to require WLLP to be informed by an updated biodiversity assessment to cover the enlarged CDA allocations. Furthermore, SMs should reconsider their decision to grant WLC an exemption from the Strategic Environmental Assessment process.
- 3.25 Mrs Dalgleish and Mr Wilson confirmed that Glendevon Pond was of great interest locally and believed that it should be given greater protection in WLLP. This could take the form of an exclusion zone.

3.26 Other objectors supported these concerns about the potential effects of the proposal on the pond. One objector highlighted the nature conservation value of the “Faucheldean Woodland Strip.” Another objector was concerned about the reference in WLLP to wildlife at Glendevon Pond. The objector also sought the introduction of triggers and criteria in WLLP policy ENV15, and suggested additional wording to the effect that contributions would not be sought if a required flood risk assessment showed no net detriment.

Winchburgh – Other matters

3.27 Mr Rigby believed that there had been inadequate dialogue with the community on the proposal. The consultation workshop with the community held by WLC had taken place at the time the initial CDA boundary was in place (April 2004). While further workshops had been held by developers, WLC had not been represented. The developer’s Community Consultation Document was biased, did not represent the community’s true feelings, had many negative comments edited out, and consisted predominantly (75%) of drawings by children. WLC were unable to explain how the proposals would enhance the quality of life of the existing community. Many residents had chosen to live in Winchburgh because it was a rural area. The area met the definition of an accessible rural area. Concerns had been expressed about communities within such areas because planning policies were primarily addressed to urban and remote rural areas. Winchburgh would suffer through the urban planning policies proposed in WLLP. These would remove the protection provided by E&LSP policy ENV3.

3.28 Mrs Boddie was concerned that there was no process for guaranteeing the implementation of all provisions of the masterplan to ensure that the community’s aspirations (e.g. schools and employment) were satisfied. WLLP needed to explain how this would be achieved and should contain safeguards. WLLP required to provide a clear framework for each area to ensure that development did not take place in an ad hoc fashion. The revised text proposed in WLLP was unacceptable.

3.29 Other objectors sought changes to WLLP. These were as follows:

- the Strategic Integration Plan proposed for the CDA proposals should only be required prior to the Section 75 Agreements being concluded;
- the strategy required to rehabilitate Niddry Bing should not be prepared only by the Winchburgh CDA developer;
- WLLP should clarify what was meant by the restoration of Greendykes Bing, and this should not involve its depletion;
- the primary school provision stated in WLLP for Winchburgh was unreasonable and the text should be amended;
- pre-inquiry change 96 to WLLP policy TC11 did not accord with E&LSP because it was inappropriate for WLC to restrict the growth of the proposed town centre, which should be the subject of an impact assessment;
- the WLLP masterplan boundary should include locations for the town centre and secondary schools in order to assist the masterplanning process and provide greater certainty and a more robust policy position;
- the Faucheldean area should be designated a conservation area;

- the employment allocation proposed at Duntarvie in WLLP should be deleted because the land was attractive countryside which should remain in agricultural use, and because other sites should be preferred (Niddry Bing and the Motorola site by South Queensferry); and
- WLLP policy IMP12 should reflect pre-inquiry change 359 to paragraph 7.97, and include reference to the Planning Advice for Developments near Hazardous Installations devised by the Health and Safety Executive.

3.30 In addition, a few objectors expressed concern about detailed design matters, such as the possibility of an elevated walkway being constructed as a part of the proposal.

Winchburgh/East Broxburn – Union Canal

3.31 One objector pointed out that the Union Canal within the WLLP area and CDA formed part of an interconnected waterway corridor across Scotland. Additional investment was required to provide canal side facilities which would support local communities. National policy (principally Scotland’s Canals – An Asset for the Future [SE]) was supportive. Local plans had a significant role to play in ensuring delivery through the planning system of essential linked physical and community infrastructure projects, such as mooring basins and associated facilities. The 2005 Moorings Study had identified a target mooring provision in West Lothian/Edinburgh of 1170. It also named 2 potential sites for basins at Broxburn and Winchburgh. Discussions had taken place with developers at Broxburn, but no firm proposals taking account of the Mooring Study had been produced. The planning application for Winchburgh included canal related facilities, but these fell short of the requirements identified. A policy should be included in WLLP which required developers to identify and provide the land required to implement the Moorings Study, to construct the required basins and associated facilities, and to pass them over to British Waterways. This new policy should be reflected in the WLLP’s text and Appendix 7.1.

3.32 Another objector believed that the Moorings Study should not be regarded as a material planning consideration or SPG. There were several reasons, as follows: that the study was only to provide guidance to British Waterways and planning authorities; that there was a lack of consultation (e.g. with Historic Scotland); that the study was based on development options which had been superseded; that the marketing analysis on which the study was based was open to debate and challenge; that a very large marina would be inappropriate as the central focus and identity for the new settlement, particularly as it would be likely to be little more than a storage facility; and that the land requirement of 4ha was excessive and would jeopardise the overall vision for, and delivery of, the town centre. However, the CDA proposals would seek to maximise the potential of the canal in creating a vibrant, distinctive and attractive town centre, by bringing forward a smaller marina at the heart of the settlement, commensurate with the vision to regenerate the canal. WLLP should delete the words “shall have regard to” (the Moorings Study) and replace them with “to take account of the British Waterways Strategy in those locations where it is appropriate to do so”.

East Broxburn proposals

- 3.33 Some objectors highlighted concerns about the proposed allocations in WLLP at East Broxburn, in particular the effects on the area and the houses at Albyn Cottages, Gerson Park and Greendykes Steading. The concerns were as follows:
- the unwarranted adjustments to the settlement boundary of Broxburn;
 - a possible adverse impact on the area's amenity and character;
 - a possible adverse impact on Greendykes Bing (a Scheduled Ancient Monument), which along with Albyn Cottages, Gerson Park and Greendykes Steading, were important to the area's cultural heritage;
 - the potential for development close to Albyn Cottages, Gerson Park and Greendykes Steading, and possible implications for natural light, recreational space, trees and overlooking;
 - a failure to recognise Albyn Cottages and Gerson Park as areas of built heritage and townscape value (due to their historical connection to the area's oil shale mining industry); and
 - the possible introduction of taller buildings, which would be out of place.
- 3.34 Development should not proceed at Greendykes Road East (GE), Greendykes Road West (GW), Albyn (AL), and Greendykes Industrial Estate (GI) until all necessary infrastructure, including the new road network, had been put in place and local community facilities and amenities had been addressed. Development should take account of the link between Greendykes Bing and Albyn Cottages and Gerson Park. It should be of a high standard of design, avoid flood risk, include sustainable urban drainage systems, integrate with the existing built-up area, and make provision for a wide range of uses. A road closure at North Greendykes Road would be supported if it meant that through traffic was removed from the road serving Albyn Cottages, Gerson Park and Greendykes Steading. A Heritage Park highlighting the area's past would also be supported. Given previous mining activity, written confirmation should be provided that the allocations would be safe to develop, with no adverse effects on existing properties.
- 3.35 Other objectors were concerned about the development of West Wood (WW), as shown on WLLP Proposals Map 2, particularly the northern tip. It raised issues of coalescence (Winchburgh /Broxburn), adverse impact on the settings of the Union Canal and Niddry Castle (a category A listed building), an increase in traffic (West Wood and Winchburgh), and a loss of countryside and habitats. Any development should be well screened from the castle, the canal and Niddry Bing, and should ensure that the existing woodland was retained. Consideration should also be given to low density development and substantial landscaping in this area.

East Broxburn – Other matters

- 3.36 One objector indicated that any site currently allocated for housing, or with planning permission for such use, should not count towards the allocations identified in E&LSP. For East Broxburn, the sites at Albyn Industrial Estate, the Candle Works and Greendykes Road should therefore be excluded from the expected output of 2050 houses, and WLLP policy CDA9 amended accordingly.

On this basis, the total capacity of the sites in policy CDA9 would be 5500 houses, which would allow the contribution from Winchburgh to remain at the 3450 houses specified in WLLP. In addition, whilst pre-inquiry change no. 62 was welcomed, it failed to provide a sufficient level of certainty and security for the Winchburgh and East Broxburn developers. Accordingly, WLLP policy CDA9 should be altered to indicate that a significant change to the distribution of houses between Winchburgh and East Broxburn, or to the masterplan boundaries, would require to be brought forward through a formal amendment to WLLP. WLLP policy CDA10 should be amended in similar terms.

Castle Road, Winchburgh (HWh3)

- 3.37 The 2001 version of WLLP stated that there was a requirement for the trees on site to be protected. The requirement was not included in the current WLLP, and it should have been because this area of natural woodland was a distinctive and long standing feature of Winchburgh, which contributed to the environment. Consideration should either be given to protecting the trees in WLLP or to excluding this area of woodland from the housing allocation. Alternatively, as the site did not have planning permission for housing and it was not a part of the CDA proposal, it should be deleted from WLLP altogether because of the adverse effect that development would have on the residential amenity of existing properties.

4. SUMMARY OF CASE FOR WLC AND SUPPORTERS

Winchburgh - Scale of development (including environmental impact)

- 4.1 E&LSP policy HOU3 required WLLP to allocate land for a minimum of 3000 houses in CDA. The supporting text recognised that such developments needed to be of a minimum size in order to justify the provision of infrastructure. E&LSP also set out that the maximum allocation for CDA was 5000 houses. WLLP had allocated the maximum number of dwellings, and it explained why the actual number allocated was 5500 houses (the houses at the Albyn, Candleworks and Greendykes Road sites were already recognised in the E&LSP base land supply and could not therefore count as new strategic housing allocations under policy HOU3). Furthermore, E&LSP required the allocation of strategic business and housing development in CDA. It was clear from the text of both E&LSP and its Action Plans that the benefits of allocating housing around Winchburgh were recognised. The allocations satisfied E&LSP's objectives.
- 4.2 For developers to fund the required infrastructure, the CDA proposals must have an appropriate relationship with that infrastructure and the development must be of a scale and kind that could justify the contributions. In light of this, E&LSP had recognised that development would require to be substantial. E&LSP also required through policy TRAN2 that local plans selected locations for major travel generating developments that were highly accessible by public transport, and preferably also by foot, or would be made so by transport investment which would be delivered in phase with the relevant development. WLC wished the Winchburgh proposals to come forward at the earliest opportunity because this

was where 2 secondary schools would be located, including a denominational one. None of the CDA schemes would be allowed to proceed until the denominational school had been provided or committed.

- 4.3 E&LSP recognised that new greenfield land would be needed to meet the demand for housing and business development. It set out that development should avoid the green belt and areas where development would result in unacceptable environmental impact. E&LSP defined the urban area as “the built-up area, that area defined as being within the settlement envelope as identified in the relevant plan.” Neither Faucheldean nor Glendevon were recognised as settlements in the adopted local plan or WLLP. Sites identified for allocation earlier in the WLLP process between East Broxburn and Winchburgh were removed in order to avoid coalescence and to protect the setting of Niddry Castle and the Union Canal. Throughout the WLLP process regard had been had to the effect that development would have on the landscape. SNH had not objected to the CDA allocations at Winchburgh. Further detailed environmental work would be required before planning permission could be granted. WLC had set out a statement of the various steps in the WLLP process where environmental factors were considered. This statement demonstrated that WLLP’s policies and proposals had taken account of such factors. WLLP had subsequently been granted an exemption from the 2004 Strategic Environmental Assessment Regulations.
- 4.4 The number of houses identified for Winchburgh had not materially altered from WLC’s April 2004 development strategy. Following consultations, the strategy had been changed, but it had been made clear that the earlier version had contained indicative development layouts and areas, and that further refinement would take place. The extension of the allocations at Glendevon South had been approved by WLC in November 2004. The masterplan boundary did not represent the limit of development in CDA. The mixed use allocations in WLLP were the areas recognised for development. It was not expected that the whole of each mixed use allocation would be developed. Assuming an average density of 25 dwellings per ha, WLC estimated that only 54% of the allocated area would need to be developed for housing to achieve the housing target. WLC would put appropriate controls in place through planning conditions and legal agreements, to ensure that development took place in accordance with the masterplan. The extension made to the masterplan boundary in the pre-inquiry changes was to ensure that the developers considered their proposals in the wider context.
- 4.5 West Lothian had 10064ha of prime quality agricultural land (2762ha of class 2 land and 7302ha of class 3.1). In identifying CDA, E&LSP implicitly recognised that such land would be needed to accommodate the allocations identified. E&LSP policy ENV1d set out the protection to be offered to prime agricultural land. It indicated that local plans should define the extent of the prime agricultural land and include policies on it. It set out 2 criteria that should be met when developing such land. The Winchburgh proposals satisfied both criteria. SPP15 outlined SG’s current position on the development of agricultural land. While it indicated that prime quality land should continue to be protected and should not be eroded in a piecemeal way, it allowed its use to meet strategic development objectives. The CDA development was required for a strategic

purpose. The objectives and overall integrity of the designated area would not be compromised by the allocations in WLLP at Winchburgh. There was limited opportunity for the allocation of land on brownfield sites in CDA.

Winchburgh - Transportation infrastructure

- 4.6 E&LSP identified a requirement for a new motorway junction at Winchburgh and indicated that the M9 had spare capacity. The new junction would be of benefit both to public transport and car users. The need for such a junction was confirmed in the developers' STAG1 report and the Transport Assessment, and it would provide an easy and accessible link to the strategic road network. The car/public transport share analysis for the proposals identified a "Do Minimum" package (enhanced local bus service) which provided a car/public transport share of 64/36%. The "Do Minimum plus motorway junction" package provided car/public transport shares of 54/46%. While WLC recognised that the methodology should be treated with caution, the figures highlighted the benefit that a junction would have to public transport. Without the junction, severe congestion would occur at the Newbridge Interchange and Kirkliston crossroads, and the road network between Winchburgh and the interchange would be gridlocked at peak hours, with severe queuing in Kirkliston. Until detailed transport analysis was available, it was not possible for WLC to identify the extent of the development which could proceed before the junction was constructed and the interim transport solutions required. The fact that Winchburgh was surrounded by rural roads which were largely unlit did not preclude the possibility of some development taking place prior to the construction of the junction.
- 4.7 WLC were confident that Transport Scotland would approve the new junction. If the conclusions of the Development Appraisal Report were accepted by Transport Scotland, the policy presumption against the motorway junction would be set aside. Transport Scotland had recently approved another motorway junction (at Whitburn) identified in E&LSP. The Development Appraisal Report estimated that the overall impact of the proposals would be the creation of 5600 jobs at Winchburgh. The modelling carried out by SIAS Ltd indicated that with the new highway infrastructure in the Winchburgh area, including the junction, there would be very little traffic congestion arising from the proposals. There would be a reduction of through traffic in Winchburgh and the proposals could relieve the A8000 approach at South Queensferry and the B800 approach to the A89. The new A8000 spur would considerably reduce the volume of traffic travelling through Kirkliston. The impact on the B8020 and the A904, and any mitigation required, were detailed matters to be considered through the planning application process. The possibility of another crossing over the River Forth offered a further opportunity for a transport hub at Winchburgh. Given the terms of E&LSP policy HOU5, it was possible for part of the CDA proposal to proceed before the junction was constructed.
- 4.8 The CDA proposals were on an existing rail corridor and had the potential for a good level of access by bus based public transport. The requirement for a railway station at Winchburgh was recognised in E&LSP, and it was a realistic proposition. Progress was being made on a business case. The station's

provision would maximise accessibility to the development area. The Transport Assessment recognised that it would offer a sustainable alternative to the private car for travel to Edinburgh or Glasgow. Its provision was important in ensuring that sustainable transport aspirations were met. WLLP and E&LSP's Action Plan both recognised that a full transport study was required to determine the station's phasing and the extent to which development could proceed before it was constructed. The timing of the station was dependent on the implementation of the Edinburgh Airport Rail Link and/or future retimetabling of services through the central belt. The works for the Edinburgh Airport Rail Link would be completed by 2011 and it would be operational by then. Network Rail had no objection to the Winchburgh allocations, and had no objection in principle to a new railway station, subject to additional rail infrastructure being provided elsewhere on the network. They believed that the implementation date of around 2012 for the construction of the station was a realistic timescale given the airport proposals. This would allow further planning and timetable development to be carried out in the interim. Ultimately, it would be a decision for Transport Scotland on which trains would stop at the station. Transport Scotland could direct Network Rail and the train operators to stop services at stations. The proposed reduction of services on the Winchburgh line to 2 per hour in each direction gave the potential for trains to stop without causing significant timing problems. While First Scotrail believed that there was no prospect of a station at Winchburgh with the current line occupancy (6 trains per hour in each direction), they had not objected to the proposed allocations. WLC acknowledged that the Edinburgh Airport Rail Link could be dropped.

4.9 There would be no technical difficulty in constructing a station. The proposal at Winchburgh had little in common with that in South Ayrshire because there was no requirement to finance a new railway service. The car/public transport share analysis recognised that the station had the potential to make a substantial change to the car/public transport share, with the "Do Minimum plus Rail Station" showing a car/public transport share of 56/44%, and the "Do Minimum plus Rail Station and Motorway Junction" showing one of 45/55%. WLC recognised that if the provision of the railway station proved problematic other sustainable transport solutions would require to be provided pending the resolution of the problems with the provision of the station. Any outline planning permission for the Winchburgh CDA proposal would be granted subject to a legal agreement which secured the station as soon as practically possible. The legal agreement would require the developers to increase alternative public transport provision for the interim period and also to provide an alternative public transport strategy if it was confirmed that a new station was not possible. The mixed use allocated areas at Winchburgh could all be within either 400m of a regular bus service or within 800m of the station. The proposals were supported by SPP17. The proposed employment areas were ideally situated for railway and motorway access.

4.10 As WLC considered that the M9 junction and railway station were necessary for the development of the CDA allocations at Winchburgh, CML&WDI would be required to pay for them. The evidence before WLC was that they were unnecessary for the development of the CDA allocations at East Broxburn. Accordingly, the developers of those allocations would not be required to

contribute towards their costs. Nonetheless, they would be required to fund (jointly with CML&WDI) the new distributor road network linking the 2 parts of CDA and also fund improvements to the B8020. The suggestion that the junction would be required to be in place before any development in the whole CDA took place was inconsistent with E&LSP and its Action Plans.

- 4.11 In response to the requirements of the Edinburgh Airport Rail Link, WLC proposed a further change to WLLP in June 2006.

Winchburgh - Other transportation matters

- 4.12 The proposed road link between Winchburgh and Broxburn would serve a strategic purpose because it would support all the allocations in CDA. Prime quality agricultural land would be lost whether or not the new road was located to the east or west of Greendykes Bing. The masterplan showed an indicative route to the west of Faucheldean. The road would not be a residential road. Its primary purpose would be to link public transport to the motorway and station. It would also provide access from residential areas to the town centre. Where schools were located adjacent to it, 20mph speed limits would be introduced. This was consistent with what happened elsewhere in West Lothian. The secondary schools would have to be accessible to the main road infrastructure (where appropriate crossing facilities would be provided). There would be scope to improve pedestrian links between Faucheldean and the new schools at Winchburgh. Commuters in Uphall and the west of Broxburn would be more likely to use Uphall Station than the proposed road and new station. The road would not be a main commuter route for new residents in CDA as the main centres of employment would be Livingston and Edinburgh. Improved public transport would reduce the commuter traffic demand on the new distributor road. WLLP sought to minimise commuting out of Winchburgh by including a large employment allocation at Duntarvie. Residents in Uphall would be more likely to use Ecclesmachan Road to gain access to the M9 rather than the new road. WLC would have regard to the policies of E&LSP and WLLP when considering the road, including those relating to noise. This would ensure that account was taken of the impacts on residential amenity and natural heritage interests. WLC had recognised the need for flexibility by not showing a route between Winchburgh and Broxburn in WLLP. The road's route would be determined at the planning application stage, and the road hierarchy for CDAs would be set out in the masterplans. Any requirement for mitigation (e.g. to protect existing houses) would be identified through the planning application process.

- 4.13 There was no specific proposal to close Faucheldean Road in WLLP or the masterplan. WLC recognised that there would be road safety and traffic impact issues to be addressed at Faucheldean as a result of the allocations. They would consult the residents of Faucheldean, the wider Winchburgh community and the emergency services on options, and all views would be taken into account. No decision on the road's closure would be taken until the masterplan had been finalised and the Transport Assessment fully considered. While the survey carried out by Winchburgh Community Council showed support for Faucheldean Road being kept open, the one carried out by Mr Wilson showed that the majority of householders in Faucheldean wanted the road to become a cul-de-sac. WLC

would consider what improvements were required to the road and would seek developer funding where such improvements were necessary and reasonable.

- 4.14 With the provision of the necessary education infrastructure, the allocations at Winchburgh would maximise the number of children able to walk to school and minimise the number who would require to be bussed. Winchburgh offered the best location for the new denominational secondary school. There would be a substantial walk in population for the community and retail facilities, and the employment areas. In case difficulties arose with the implementation of the proposal, there had been discussions at officer level on possible options for a “fallback” location for the denominational school, but no detailed assessment had been undertaken.

Winchburgh - Auldcathie landfill site

- 4.15 WLLP outlined WLC’s position on the Auldcathie landfill site. Changes to WLLP (pre-inquiry changes 49 and 349) clarified that no housing or other buildings would be allowed close to the landfill site until it was properly restored. There was no need to refer to a consultation zone in WLLP because the required distance from any development would be determined in consultation with SEPA and other relevant parties. The risks associated with the landfill site were being identified, and discussions were taking place to overcome them. The site had a long and complex planning history stretching back to 1987, and there were outstanding enforcement notices. Current legal advice indicated that the resolution of the site’s condition should be reached through negotiation as a part of the CDA proposal. The responsibility for restoration of the site could ultimately be decided by the courts. Any planning permission for CDA before completion of the required remediation, would include appropriate suspensive conditions or legal agreements.

Winchburgh - Biodiversity (including Glendevon Pond)

- 4.16 The draft masterplan lodged by the developers did not propose development around Glendevon Pond. It also did not propose any development that would have a direct impact on the pond or its surrounding habitat. If the pond relied predominantly on water runoff and drainage from the surrounding agricultural land, there would be a far higher level of pollution in it. The developers had stated that the potential for indirect impacts on the water quality of Glendevon Pond had been assessed as not significant. WLLP policies ENV1-ENV6 protected the pond. WLC would require the proposed development to comply with WLLP, and they had requested detailed assessments on the potential impact of the proposal on the pond. The pond did not merit Scottish Wildlife site status. It had a limited habitat diversity when compared with other ponds in West Lothian. The Scottish Wildlife Trust had surveyed the pond on a number of occasions. The letter of 22 December 2000 and the attached report set out the extent of the Scottish Wildlife Trust survey and the process they had followed. There was no evidence before the inquiry to suggest that there would be unacceptable ecological effects caused by the development of CDA. WLLP sought to protect the pond’s biodiversity, including its wildlife. WLC would require further work from the developers on the ecology of Winchburgh CDA.

4.17 WLC accepted that the wildlife value of the “Faucheldean Woodland Strip” had been enhanced by the community. While it was recognised as a community woodland, it also did not merit Scottish Wildlife site status. On WLLP policy ENV15, the changes sought by the objector would be detrimental to the conservation of protected species, the West Lothian Local Biodiversity Action Plan 2005, and the need to consider the protection and restoration of watercourses in the context of the Water Environment and Water Services (Scotland) Act 2003.

Winchburgh – Other matters

4.18 On the implementation of masterplans, WLC would put in place planning conditions and legal agreements to ensure that development took place in accordance with the approved version. A change to WLLP (pre-inquiry change 39) meant that consultation would now be required on any material change proposed to an approved masterplan.

4.19 In relation to Niddry Bing, the word “restoration” had been changed to “rehabilitate” in WLLP (pre-inquiry change 55). It would also be unlikely to be possible to make this site suitable for housing within the timeframe of the current proposals. In addition, there was an issue over viability, given the costs of bringing forward the Winchburgh proposal. Furthermore, planning permission was in place to “work” the bing beyond the time period of E&LSP (up to 2051). The bing’s rehabilitation was necessary because development land (likely housing) was to be allocated immediately adjacent. The rehabilitation strategy was limited to the Winchburgh CDA because the East Broxburn allocations were further away. In addition, one of the landowners involved in the masterplan proposals for Winchburgh owned the bing. The masterplan identified the bing as a possible future phase of development post 2019. Similarly, for Greendykes Bing, the word “restore” in WLLP had been changed to “rehabilitate” (pre-inquiry changes 54, 257 and 258).

4.20 Regarding other matters, WLC responded as follows:

- WLLP made clear that developers would require to identify measures to be taken to minimise the impact of construction work and traffic, and that development would only be permitted where transport impacts were acceptable (WLLP policy TRAN2);
- WLLP had been changed to reflect the concerns expressed regarding the submission of the Strategic Integration Plan (it was now required at the earliest opportunity and before the determination of any planning application)(pre-inquiry change 358);
- E&LSP recognised the potential for new local shopping facilities at Winchburgh but was silent on the potential for a town centre, and pre-inquiry change 96 in WLLP merely acknowledged that the scale of retail development needed to be appropriate for the expanded community otherwise it would be unsustainable;
- the WLLP should not indicate locations for the town centre and secondary schools in Winchburgh in order that it remained flexible, that relevant information could be gathered (e.g. on ground conditions), and that consultation could take place (including statutory consultation on the location of the new schools);

- the Faucheldean area should not become a conservation area because there was insufficient special architectural or historic interest to justify such a designation, even taking into account the 2 nearby Scheduled Ancient Monuments (Faucheldean and Greendykes Bings);
- the Duntarvie employment allocations in WLLP should be retained because they formed a part of the CDA proposals, they were required by E&LSP, they were close to the motorway junction and railway station, and the other sites mentioned would be inappropriate; and
- detailed design matters, such as a possible elevated walkway, were not (and should not be) referred to in WLLP.

4.21 Supporters submitted a full written statement in support of their proposal, and a further statement which commented on various objections lodged.

Winchburgh/East Broxburn – Union Canal

4.22 WLC believed that it was appropriate to require contributions to help the provision of improved canal related facilities, and that this would conform to E&LSP (policy HOU6). Nonetheless, it would be inappropriate to require developers to fully fund the implementation of the Moorings Study. The extent of contributions should be established during the processing of the planning application in line with the requirements of SODD Circular 12/1996. WLC supported the provision of improved canal facilities in appropriate locations in West Lothian, including at Winchburgh and Broxburn. They believed that the additional housing proposed would exacerbate the deficiencies in provision because of greater demand from an increasing population. The facilities identified in the study appeared to go further by seeking to meet the needs of a wider population, and the developers could not be expected to fully fund such proposals. WLC had yet to be convinced that the study's proposals were realistic. To secure full implementation, grant funding might be necessary. Given the scale of developer contributions required in CDA, there was an issue over contributions for other community benefits. In the circumstances, WLC's recognition of the study as a material consideration in the changes made to WLLP (pre-inquiry change nos. 357, 408 and 409) was appropriate.

East Broxburn proposals

4.23 In relation to the effects of the East Broxburn allocations on the area and nearby housing, WLC indicated that:

- they would seek to protect the integrity of Greendykes Bing where appropriate;
- the adjustment of the settlement boundary arose from the E&LSP requirement to make strategic housing allocations;
- the existing cottages were of insufficient architectural or historic interest or character to merit special controls;
- WLLP required the formation of a heritage park to be explored in the area between Winchburgh and Broxburn, and WLC recognised the importance of linking existing communities to such a facility;
- the protection of residential amenity and the issues of ground conditions and design would be dealt with through the masterplan and/or planning

application processes;

- where infrastructure was considered critical (e.g. schools and roads), development would not be allowed to proceed until it was in place or committed through a Section 75 Agreement, and appropriate phasing arrangements had been put in place;
- developers would be required to remedy deficiencies in local facilities and amenities where these arose from the additional housing (as set out in WLLP Appendix 7.1); and
- the future of existing roads and the alignment of new roads would be considered through the Transport Assessment.

WLLP contained policies which would address many of the concerns raised by objectors.

- 4.24 On the proposed WLLP allocation at West Wood, WLC had made significant changes to the allocations for CDA in order to address concerns raised about coalescence and the setting of Niddry Castle. The countryside belt designation between Winchburgh and Broxburn would help in this regard. WLC believed that the separation distance of 500m between the northern boundary of West Wood and Niddry Castle would be sufficient to ensure that the castle's setting was not affected. While the changes to the allocations would also lessen the impact of the proposals on the Union Canal's setting, the relationship between development and the canal would have to be carefully considered, and this would best be done through the masterplan and Environmental Impact Assessment processes. The importance of the canal and buildings (such as the castle) was recognised in WLLP. Historic Scotland had not objected to development on this allocation, and part of it already had planning permission for employment related development. WLC were unaware of any of the allocated land at East Broxburn being of significant wildlife interest, but this matter would be further considered at a later stage. In addition, they would seek to minimise the effect of any development on woodland on site.

East Broxburn – Other matters

- 4.25 It would be contrary to E&LSP to change WLLP policy CDA9 by reducing the number of sites contributing to the figure of 2050 houses. E&LSP allowed a maximum allocation of 5000 houses in the overall CDA. Allowing a total of 2050 houses from a reduced number of sites in policy CDA9 in the manner proposed above, and 3450 houses at Winchburgh, would result in the maximum figure being breached. WLLP already made clear that sites which were included in the established land supply did not contribute towards the E&LSP strategic allocations. WLC did not accept the proposed changes to policies CDA9 and CDA10 because WLLP already indicated that monitoring would be undertaken to consider if a review was necessary.

Castle Road, Winchburgh (HWh3)

- 4.26 The site was a brownfield one and a long standing housing allocation. It fell within the settlement boundary of Winchburgh. WLC accepted that there would be a need to protect the trees on site, subject to the creation of a suitable access. WLLP contained adequate policies to protect trees worthy of retention,

e.g. WLLP policies ENV11 and ENV14. In dealing with any planning application, WLC would attach conditions to ensure that, where appropriate, trees would be retained. Where trees were removed to provide an access, WLC would require replacement planting. Moreover, an application would be assessed against the need to protect the residential amenity of existing occupants. WLC believed that the allocation conformed to strategic and national guidance.

5. CONCLUSIONS

- 5.1 On a **preliminary matter**, we note that a planning application seeking outline planning permission has been submitted for the Winchburgh development, along with a draft final masterplan and Environmental Statement with technical appendices. We wish to emphasise that the planning application is not before the inquiry, and that our focus is on the objections made to WLLP.
- 5.2 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.3 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level possible (a general cap of 5000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to contribute to a particular need for affordable housing, to help stimulate regeneration, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.
- 5.4 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). The proposed allocations in the Winchburgh, East Broxburn and Uphall CDA are linked to significant infrastructure provision, including new schools and a new motorway junction. As set out below, the process of delivering the infrastructure is at an early stage, and we have no doubt that the allocations are constrained and are not yet effective. In addition, while the steps required to enable the allocations to become effective are indicated in WLLP and are clear, it is by no means certain that they can be met. For the reasons set out below, this is particularly so in relation to the Winchburgh portion of CDA. Indeed, at this stage, we are not satisfied that the Winchburgh allocations are capable of becoming effective over the E&LSP period, or that they would deliver houses as early as 2010/11 or 844

houses by 2015. While this is of concern, it does not result in a difficulty in WLLP conforming to E&LSP because the steps identified in WLLP for these allocations to become effective follow on directly from E&LSP's terms. We have insufficient information to draw full conclusions on whether the allocations at Broxburn would be capable of becoming effective over the E&LSP period. However, given that development is linked to the provision of a denominational secondary school at Winchburgh, we have doubts about whether the allocations could be relied upon to deliver 1050 houses expected by 2015. Combining our concerns about the allocations with our experience that large, complex developments normally take many years to bring forward, we consider that no output should be allowed for at Winchburgh prior to 2012/13, and at Broxburn prior to 2013/14, at the earliest. If the Winchburgh allocations cannot proceed, there would inevitably be further delays in output.

5.5 The CDA allocations at Winchburgh lie predominantly in attractive rolling countryside in agricultural use. Those at East Broxburn cover more of a mix of brownfield, developed areas, and rolling countryside. In the **Lothians Landscape Character Assessment**, the CDA allocations are identified as being in the Coastal Margins, Linlithgow/Queensferry Farmlands, (Winchburgh) and Lowland Plains, Lower Almond Farmlands, (East Broxburn) Landscape Character Types. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the allocations which are countryside contribute to these 3 elements.

5.6 We have no doubt that developments of the scale proposed would have a significant effect on character, amenity (including views), and landscape setting, possibly to a greater extent than that predicted by the Winchburgh developers in their Environmental Statement. Both developments would represent very significant extensions of the existing settlements, and it would be more appropriate to regard the expanded village of Winchburgh as a new settlement, given that the original village would be bound on 3 sides by extensive development and infrastructure of greater scale. The identity of both settlements would be entirely altered, particularly that of Winchburgh, but we accept that a planned approach is proposed. It would be unlikely that developments of this scale would be able to find a ready made landscape framework to support the proposals. We therefore accept that such a framework would, at least in part, have to be created. We are satisfied that the allocations would be well contained to the east by the M9 (Winchburgh) and the railway (East Broxburn). We believe that to the north of both settlements the Union Canal, a Scheduled Ancient Monument, would help provide containment in part. There is little containment to the western and remaining northern sections of both allocations and the south western section at Winchburgh, with field boundaries, tracks and lines in fields forming boundaries which cannot, in themselves, be regarded as defensible. However, we acknowledge that there is a landscape framework in these areas which could be used as a basis for containing the development, and for providing an appropriate landscape structure and defensible edges. We consider it particularly important that appropriate boundary treatments are created to the west and south of Winchburgh and north and west of Broxburn in order to prevent "development creepage." We note that the proposed masterplan

boundaries extend beyond the allocations and believe that this represents an opportunity to allow integration with the immediate surrounding area, including structure planting where appropriate outwith allocations. We consider that the extent of the effects of development would be likely to be limited to certain mainly local locations, rather than being widespread. While these locations contain sensitive receptors, this would apply to differing degrees to alternative sites as well. Views of the eastern part of the allocations at Winchburgh could be achieved from the M9 and they would be important, but we note that they would be from passing traffic and that planting could help provide a screen, albeit over time. We believe that Winchburgh and East Broxburn are located in landscapes which can accommodate some new development and, with mitigation, the scale of development proposed.

5.7 We believe that the green gap proposed between Winchburgh and Broxburn would have an important role in helping to separate the 2 settlements and prevent coalescence. It would also contribute to the setting of the Union Canal at this location. We therefore believe that the changes between April 2004 and November 2004, which resulted in the allocations in this area being removed and those to the west of Winchburgh being extended, to be appropriate. We can see little advantage in pulling back the western boundary at Winchburgh to the line of the Glendevon track. Compensatory allocations would have to be made elsewhere, and nothing has been drawn to our attention which would indicate that there would be a better location in CDA for the level of allocations required. In particular, we have not been made aware of any brownfield opportunities which would be able to provide the required level of allocations, or more appropriate greenfield opportunities. We are not persuaded that the Niddry Bing site could be regarded as an opportunity at this stage given that it would be unlikely that it could be made suitable for development within the timeframe of the current proposals. As neither Faucheldean nor Glendevon are recognised as settlements in the adopted local plan or WLLP, we do not consider that the issue of coalescence with them has an undermining effect on the allocations. However, there is no doubt that there would be visual coalescence with the former and that the latter would be subsumed in the development.

5.8 The allocations at Winchburgh closest to Duntarvie are proposed for employment/ business purposes (Myreside). We accept that such sites have to be provided as part of creating a balanced community with local job opportunities. While development here would be prominent, we believe it to be acceptable because of its accessibility, adjacent to the proposed motorway junction. It would also be close to the railway station. The Motorola site at Queensferry would not be an appropriate alternative employment site because it appears to fall outwith the CDA boundaries identified in E&LSP. It is not clear to us that there would be any great benefits to be gained from scattering employment allocations throughout the area, and such an approach could make Winchburgh less attractive to potential occupiers. Within this context, and having taking into account the landscape and visual impact, we are not persuaded that this employment/business allocation should be deleted from WLLP.

5.9 We acknowledge that the development of the allocations would result in the loss of a significant area of prime agricultural land – mainly class 3.1 but also some

class 2. This is a disadvantage of the allocations proposed, particularly at Winchburgh. However, we note that across all CDAs a much smaller proportion of prime quality land would be lost, and we believe that the Winchburgh allocation offers major advantages as outlined below. Although we acknowledge that there may appear to have been some increase in the scale of allocations since April 2004, the number of houses proposed in CDA has remained constant at 5000. While E&LSP presumes against the development of prime agricultural land (policy ENV1d) and countryside (policy ENV3), this has to be seen in the context of E&LSP's policy framework as a whole, particularly policies HOU3 and ECON2, which require strategic housing and business development allocations. Moreover, SPP15 does not preclude the possibility of using such land provided it is only used to meet strategic development objectives, e.g. as part of a long term settlement strategy set out in the development plan. We consider that this would be the case here.

5.10 The Bathgate Hills and River Avon AGLV extends up to the western edge of the B8046 in both the adopted local plan and in WLLP. It was claimed that there was little difference between the landscapes on both sides of the road. However, AGLV covers an extensive area and the B8046 forms its eastern extremity. Only a portion of the land immediately to the west of the road is designated AGLV, and the area to the east, up to the allocated sites at Winchburgh and beyond, will benefit from a Countryside Belt designation in WLLP. The reasoning behind the boundaries chosen for AGLV at this location is not clear to us. Nonetheless, WLC have indicated that they intend to undertake a review of AGLVs in consultation with SNH, and that would be the appropriate time for considering any possible changes to the boundaries at this location. If the allocated sites at Winchburgh had been covered by an AGLV designation, this would have been a factor to take into account in site selection but, given the characteristics of the allocated sites, we doubt whether it would have been sufficient, in itself, to prevent this strategic proposal coming forward.

5.11 At East Broxburn, we believe that the changes to the settlement boundaries can be justified against the strategic allocation requirements of E&LSP and because the greenfield allocations proposed would bind on to existing brownfield sites in Broxburn, which are already allocated for housing in the adopted local plan. As such, we consider that there is a logic behind the mixed use allocations proposed, that they integrate well with the existing built-up area, and that this would be an appropriate location at which to extend Broxburn. The allocations proposed in WLLP are immediately adjacent to Greendykes Bing (a Scheduled Ancient Monument), Albyn Cottages, Gerson Park and Greendykes Steading. There would be potential for development close to them. However, WLC do not expect the full extent of all the allocations to be developed and, in formulating detailed proposals, account would have to be taken of their presence and the effect that development could have on them, including on the setting of the bing. WLLP requires that the amenity of existing properties be respected. The stage of formulating detailed proposals would also be the time to consider other matters raised, such as the contribution the properties at Albyn Cottages and Gerson Park make to the built heritage and townscape, sustainable urban drainage systems, the range of uses, and a Heritage Park. The previous mining activity in the area is acknowledged, but nothing was drawn to our attention which indicated that the

allocations proposed would be inappropriate for this reason.

- 5.12 West Wood (WW in WLLP) forms part of the East Broxburn mixed use allocations. It wraps around the eastern and north eastern boundaries of the town. It would have reasonably defensible boundaries, being contained by the canal and railway, and it complements the other mixed use allocations at Broxburn. The development concept plan shows that WW would be predominantly low and medium density housing. While Winchburgh and Broxburn would draw closer together following development at this location, a gap between the 2 would be maintained. The allocation follows the line of the Union Canal and is close to Niddry Castle (a category A listed building). These features and their settings would have to be taken into account in formulating detailed proposals, and this is required by WLLP. Given this, we find little to support the contention that their presence requires the allocation to be further adjusted or reduced. Similarly, WLLP would require the woodland on site to be given further consideration. We are satisfied that the allocation proposed at West Wood would be likely to be satisfactory.
- 5.13 Linked to the above, SPP3 also indicates that plans and proposals for residential development should seek to minimise adverse effects on biodiversity. In relation to Glendevon Pond (a eutrophic pond), WLLP recognises the pond's potential and the need for protection. The evidence suggests that the pond and its immediate environs host a range of species and that it is a habitat of some local interest. In the absence of a survey of fauna, it cannot be listed as a wildlife site. It was clear from the site inspection that the pond is a distinctive and attractive feature which could make a substantial contribution to the local area after development. We understand the concern felt by local residents and others about the impact of the proposals on it. There was considerable debate at the inquiry on the catchment area for the pond, and we accept that ill-considered development could threaten the pond's sources of water. While we believe that the effects of the proposals on the pond are more a matter for consideration at the planning application stage, we acknowledge that WLLP establishes a framework for the assessment of the proposals. Given this and as we are not satisfied, on the basis of the evidence before us, that the catchment area has yet been properly established, we believe that WLLP should be adjusted to provide some protection to the pond's sources of water, as outlined below. We do not consider that WLLP can go further than this, or that it is necessary for WLLP to require further surveys to be undertaken. We would expect the developers to undertake the necessary surveys associated with their proposals, and for WLC to assess them taking into account the views of consultees and other parties, and seeking outside expert advice as necessary. With regard to the protection of the adjacent wildlife corridor, it seems to us that such corridors require to be recognised more generally for CDAs and that they should be referred to in the design principles. With these provisions, we do not consider that WLLP breaches NPPG14.
- 5.14 We note that the woodland strip at Faucheldean falls largely outwith the allocations at Winchburgh. Nothing was drawn to our attention which would indicate that this strip would be lost as a result of these allocations. There was also little before us which could justify the inclusion of the strip as a wildlife site in WLLP.

- 5.15 Regarding the suggested change to WLLP policy ENV15, we agree with the objector that a trigger should be placed in the policy outlining the basis on which developer contributions would be sought. However, we see no reason why it should be on the grounds of “no net detriment.” In our view, it would be better if it was related to the terms of SODD Circular 12/1996.
- 5.16 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the allocations are outwith the area covered by this designation. Regarding the 5th matter (range of sites), while the CDA allocations here are limited to only 2 settlements, we see no reason why across CDAs a range of sites cannot be provided to meet all sectors of the market. On the 2nd matter (sequence for release), we note that WLC wish the Winchburgh allocations to come forward at the earliest opportunity in order to accommodate 2 secondary schools, including the denominational school. In relation to the 4th matter (transportation), there is no evidence to indicate that adequate integration for walking and cycling cannot be achieved. In terms of integrating into effective networks for public transport, we refer to the railway station and motorway junction proposed at Winchburgh.
- 5.17 There is no dispute between parties that the railway station and motorway junction are required elements of the Winchburgh proposals. While both are referred to and supported in E&LSP and its Action Plan, there is no certainty that either will be delivered. Both fall outwith the control of WLC and the developer and are dependent on decisions by other organisations. The processes for seeking approval appear to have commenced in both cases, but they are at an early stage. While both proposals enhance the development and provide a good transport solution, they are faced with difficulties. The successful implementation of the station requires existing timetabling difficulties to be resolved and, at present, this can best be achieved by the Edinburgh Airport Rail Link proceeding. The motorway junction is clearly contrary to the general presumption in SPP17 against such junctions, and it can only be considered where there are nationally significant economic growth or regeneration benefits.
- 5.18 The station is important because it would provide travel choice, and it would be a part of a public transport interchange. Without a station, the hub would be less attractive and effective, particularly as the benefits of quick journey times to the centres of Edinburgh and Glasgow would be lost. We note that a station at Winchburgh is not included in the Rail Utilisation Study and, if it can be provided, we believe that it is more likely to be delivered in the longer term. Possible alternative ways of achieving a station at Winchburgh, e.g. not stopping at another station/reducing the number of occasions when trains stop at other stations, have not been fully investigated or tested. It was not shown that possible electrification would help the case for a station. While a station is clearly a very desirable facility, we do not consider that the failure to provide it would require the allocations at Winchburgh to be reconsidered provided an alternative public transport strategy was put into place which could realistically deliver a similar switch to public transport. We note the emphasis on bus services and facilities in the wider area serving a range of destinations, and we believe that a motorway junction with an associated park and ride would help accessibility, including links

to the West Edinburgh area. While any station would ideally be delivered before travel patterns become established, we accept that it could be phased because the growth in its use would be spread out over the whole development period (for both Winchburgh and East Broxburn) and it could be an attractive alternative for travellers (particularly commuters) using the motorway. Although WLC's proposed modification to WLLP refers to an interim public transport strategy until the station is provided, we believe that in order to be realistic, it needs to indicate what happens if a station cannot be delivered. For the avoidance of doubt, this should not be seen as diluting the commitment to the provision of a station. Reference was made to a site in South Ayrshire where a station was proposed, but we consider the circumstances in that case to be different.

5.19 We believe that the motorway junction is essential. Without it, we consider that the road network would be unlikely to be able to cope with the scale of development proposed at Winchburgh because of heavy congestion, including gridlock on parts of the network at peak times. The junction is also intended to provide access to the express bus park and ride site, and the railway station and its associated facilities, all of which significantly contribute towards making Winchburgh a sustainable development. We do not consider that this location could be regarded as being highly accessible by public transport under E&LSP policy TRAN2 if a junction is not provided and, in these circumstances, we do not believe that the 4th matter in E&LSP policy HOU4 would have been satisfactorily addressed. We acknowledge that E&LSP policy HOU5 would allow some development to proceed before the construction of the junction. We have no difficulty therefore with it being phased, and we accept that the level of development to be permitted is a matter which could reasonably be determined at the planning application stage following further study. The 1000 houses referred to is not a figure which has been agreed with WLC. Notwithstanding this, we do not believe that any development should be allowed until the junction has been formally approved. This is in order to ensure that if such a critical piece of infrastructure cannot be provided that the merits of the Winchburgh proposals are properly reviewed and then reassessed against alternative locations. It would be undesirable to allow any development prior to the need for a review being established as this would be to pre-judge the best location for development. While we accept that development at Winchburgh would deliver benefits, some of these could be delivered potentially from other locations. We do not consider that the formal approval of a new junction on the M8 sets a precedent for approving a junction on the M9 because each one has to be considered on its own merits. We recognise that the Winchburgh CDA proposals are particularly important because they would accommodate the proposed denominational secondary school, which is a WLC wide requirement. However, in our view, the school on its own would not justify allowing development at this location to proceed. Although we acknowledge that WLLP now indicates that the junction requires approval (pre-inquiry change no. 355), we believe that it requires to more fully recognise the extent to which the junction represents a constraint.

5.20 Linked to the consideration of these items of infrastructure is the developer contributions to be used to fund their provision. The junction and station are not included in Schedule 2 (Strategic Transport Investment Proposals) of E&LSP's Action Plan but are in Schedule 3 (New Development Related Actions and

Investment). However, E&LSP's Action Plan also recognises motorway junctions as one of the key elements in delivering E&LSP's requirements, and we consider that both the junction proposed here, and the station, would promote sustainability and facilitate movement by public transport in a wider area than Winchburgh. There is no dispute that the Winchburgh developers would be required to contribute to both items. While we accept that the East Broxburn allocations could be developed without the junction or the station, we have found that this also applies to the Winchburgh allocations in so far as the station is concerned. The 2 sets of allocations are close to each and the CDA proposals involve an improvement in access between Broxburn and Winchburgh. We believe it likely that the East Broxburn allocations would benefit from and have an impact on these proposed facilities. To this extent, the 2 items of infrastructure would serve a strategic purpose. If this is demonstrated through approved Transport Assessments and associated studies, then we believe it reasonable for the East Broxburn developers to make a contribution. Any contribution made should be in scale and kind to ensure that the criteria in SODD Circular 12/1996 are met. We therefore recommend that WLLP be changed to recognise the possibility of contributions from this source.

5.21 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocation should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the Winchburgh development would be on a rail corridor, and both the allocations at Winchburgh and East Broxburn have the potential for a good level of access by bus based public transport. On the 3rd aim, E&LSP indicates that there is some capacity on the M9, and the allocations as they stand would therefore be making efficient use of existing infrastructure. The provision of a station would result in a better fit with this aim. Without the proposed motorway junction, it would no longer be the case that efficient use was being made of existing infrastructure. We accept that these factors relate mainly to the Winchburgh proposals. There is no evidence before us to indicate that the East Broxburn allocations would be unlikely to make efficient use of existing or proposed infrastructure. Regarding the 4th aim, as the allocations, particularly those at Winchburgh, involve the loss of greenfield land, we consider that it is almost inevitable that there would be some adverse environmental impact. However, with mitigation measures derived from a properly based masterplanned approach, we do not consider that the impact would be likely to be unacceptable.

5.22 Connected to the consideration of the 4th aim is the Auldathie landfill site, which WLC seek to restore. There is a long and complex planning history at the site. The Winchburgh allocations are in close proximity and would clearly benefit from its restoration. We are therefore not persuaded that such a scheme should be regarded as unrelated to the Winchburgh proposals. It is clear that the presence of the landfill has had some bearing on the selection of Winchburgh. This can be seen from 2004 Committee report on the preferred development strategy. Nonetheless, we can see little to support the notions that the presence of the site had an undue influence on either the original selection or the subsequent changes proposed. It seems to us that other factors were involved in both processes. In our view, while the prospect of improvement at the landfill site is helpful to the case for the Winchburgh proposals, it is not a key factor. WLLP indicates that the landfill must be restored and it would use enforcement powers and explore

other various options, including the use of the Winchburgh proposals. We do not believe that it can reasonably go further than this. Furthermore, we consider it unnecessary for WLLP to establish a “consultation zone” in which no development would be allowed prior to restoration because the required separation distance can be established through consultation with SEPA and others.

5.23 In addition to the above, **other matters** were raised by objectors, as dealt with in the following bullet points.

- Regarding the road link proposed between Winchburgh and Broxburn in WLLP, this is necessary because of the scale of development proposed and the unsatisfactory nature of the existing link. The line of the road between the 2 settlements and through Winchburgh would be determined through the planning application and masterplanning processes and would be informed by the Transport Assessment. Given the distribution of the proposed allocations in Winchburgh, we believe that it would be logical to take the distributor road to the west of the settlement and on to the motorway junction. The road line indicated to the east of the settlement is the one shown on an earlier plan when the allocations were distributed differently. With careful design, we do not consider that a road line to the west need be unacceptable, and we have assumed that appropriate road safety measures would be put in place. As the road is coming forward as a part of the strategic housing releases proposed in E&LSP and WLLP, we do not consider that it would be contrary to the restrictive policy operating in that location. We are not persuaded that the proposed road would be contrary to SPP17 or that it would result in increased traffic congestion. With changes proposed to the road network, there is also no evidence to indicate that the increased traffic arising from the CDA proposals would be likely to adversely affect existing properties and villages, e.g. Niddry Cottages and Newton, or roads, e.g. A89, B8020 and A904, provided the road proposals in WLLP can be implemented in full. Impacts of the proposals, including that of construction work, would have to be assessed as a part of the processing of the planning application. No change to WLLP is required.
- In relation to Faucheldean Road, WLLP recognises the potential for its closure. We note the results of the survey carried out by Winchburgh Community Council, and the view that the road is a valuable alternative route. It appears that parts of the community wish the road to remain open and others wish it made into a cul-de-sac. WLLP does not require the road either to be closed or remain open. Substantial changes to the road network are proposed in the area as a part of the Winchburgh proposals. Whether Faucheldean Road remains open or is closed needs to be considered within this broader context. We believe that this is a matter of detail which can be best determined through the planning application, and we see no reason to change WLLP. No change to WLLP is required.
- On the concerns expressed about safeguarding the interests of the Edinburgh Airport Rail Link, we note that WLC proposed a change to

WLLP in June 2006 which, when taken with earlier changes elsewhere in WLLP, seems to us to satisfy the terms of the objection by setting out in detail the safeguarding arrangements as they affect the Winchburgh proposals. No change to WLLP is required.

- In relation to the Union Canal, the Moorings Study sets out a vision for the canal and has a valuable part to play in its enhancement. While it is clearly of relevance in the bringing forward of the CDA proposals at both Winchburgh and East Broxburn, we can see no basis for enshrining compliance with its terms in WLLP. This would be to give it too much weight. Instead, we consider it to be a factor to be taken into account and balanced against others when planning applications are being processed, and we can see no difficulty therefore with it being treated in WLLP as the equivalent of a material consideration, or within the context of WLLP policy ENV17, which seeks to maximise the benefits the canal can offer. The extent to which contributions could be raised from developers to implement the study's recommendations depends on whether such contributions would satisfy the criteria set out in SODD Circular 12/1996. We consider that the debate on the extent to which the study's findings should be taken into account in relation to the 2 sets of CDA allocations is best conducted through the planning application and masterplanning processes. No change to WLLP is required.
- Regarding the implementation of the masterplan, WLLP cannot ensure this, it can only provide the framework within which proposals can be taken forward. Should planning permission be granted, implementation of the masterplan could only be secured through conditions and formal agreements. We accept that as the planning application process is taken forward, masterplans can be changed. We note that WLC have changed WLLP to reflect a need to consult with affected communities should material changes be proposed. That should allow local views to be taken into account in assessing the merits of any such proposed changes. We consider that WLLP can go no further. No change to WLLP is required.
- On the submission of the Strategic Integration Plan, WLLP now requires it to be submitted at the earliest opportunity and before the determination of any planning application. We agree with WLC that these changes adequately reflect the underlying concerns expressed in the objection. No change to WLLP is required.
- In relation to Greendykes and Niddry Bings, WLLP no longer requires the restoration of Greendykes Bing, but its rehabilitation. We believe that this change is a practical and reasonable way of addressing WLC's objective of enhancing and managing the bings, and it goes a long way towards meeting the terms of the objection. Regarding Niddry Bing, it seems to us that this clearly relates to the Winchburgh proposals. Its improvement would help to significantly enhance the amenity and appearance of any development. It has not been demonstrated that there is any relationship with the East Broxburn proposals. We are content therefore that the strategy should remain the responsibility of the

Winchburgh developers. No change to WLLP is required.

- Regarding primary school provision, while WLLP chapter 7 still provides a figure for the equivalent number of new primary schools required in Winchburgh (7), it now indicates that there are a number of options of how this scale of provision could be configured. This does not entirely accord with the WLLP's Action Plan which refers to the equivalent of 5-7 single stream primary schools. There is nothing in the evidence which suggests to us that the number of primary schools required in Winchburgh is less than the level referred to in the Action Plan. We consider that the change made to WLLP has introduced flexibility, and would allow further detailed consideration of the matter at a later stage. We believe this to be an appropriate approach. The text in WLLP should be adjusted to reflect that in the Action Plan (which was the later change [June 2006]).
- In relation to the proposed town centre at Winchburgh, we consider that WLC are correct in seeking to define the scale of new retail development allowed at Winchburgh through WLLP policy TC11. While a town centre is clearly required as a part of the Winchburgh development, it is not contained in Schedule 6.1 of E&LSP, which lists the locations that function as town centres in the Lothians. E&LSP seeks to focus development opportunities in identified town centres, and it is important that its approach to retailing is not undermined. It requires that adequate provision be made for new local shopping facilities in areas of planned housing growth, and the proposed town centre at Winchburgh should seek to do no more. We believe that reference should be made in WLLP policy TC11 to a requirement to justify any proposal against the guidance in SPP8, Town Centres and Retailing. A change to WLLP is required.
- Regarding the inclusion of town centre and secondary school locations on the masterplan boundary maps, we believe that it would be best if such locations were only determined once all the relevant information had been gathered and consultations undertaken. To give locations for these facilities on the masterplan boundary maps would be to pre-empt the outcome of the masterplanning process. While locations were shown on earlier plans, they were prior to WLLP and only indicative in nature. No change to WLLP is required.
- On the possible designation of a conservation area at Faucheldean, in general terms, we note the wider area's historic connection to the oil shale mining industry and the presence of 2 Scheduled Ancient Monuments. However, we note that no appraisal of the area has been carried out. Furthermore, nothing has been drawn to our attention which would suggest that Faucheldean itself is of such special architectural or historic interest that it would warrant designation as a conservation area, or that it would be likely to meet the principles for selecting such an area (as outlined in the 1998 Memorandum of Guidance on Listed Buildings and Conservation Areas). The mixed use allocations proposed at Winchburgh could not justify bringing forward such a designation. In the circumstances, we could not recommend that WLLP seeks the designation

of a conservation area at Faucheldean. No change to WLLP is required.

- On the proposed change to WLLP policy IMP12, it seems to us that that the text of the policy has been changed appropriately to include reference to the Planning Advice for Developments near Hazardous Installations devised by the Health and Safety Executive. No further change to WLLP is required.
- In relation to detailed design matters (e.g. the height and layout of buildings at East Broxburn and the possible construction of an elevated walkway at Winchburgh), these are best resolved through the planning application and masterplanning processes rather than through WLLP. No change to WLLP is required.
- Regarding the proposed adjustments to WLLP policies CDA9 and CDA10, the proposal to reduce the number of sites contributing to the 2050 houses in East Broxburn cannot be justified against the terms of E&LSP, because it would result in the maximum number of new allocations allowed in the overall CDA (5000) being breached. The breakdown of new allocations between Winchburgh and East Broxburn is 3450 and 1550 houses respectively. While at present the level of allocations at East Broxburn and Winchburgh combined exceeds this upper limit by 500, this is because an allowance is made for existing housing sites (E&LSP policy HOU1) at East Broxburn. WLLP, as changed, would allow the distribution proposed between Winchburgh and East Broxburn to be varied slightly. Further adjustments to WLLP to indicate that a significant change in the distribution of allocations or masterplan boundaries would require a formal amendment are unnecessary. WLLP does not have to cover every eventuality that may lead to a formal amendment, only key ones. No further change to WLLP is required.

5.24 **WLLP** identifies 11 objectives for CDA development areas at paragraph 2.17. We acknowledge that not all the objectives are met, e.g. protecting areas of special environmental value (prime agricultural land). However, we consider that the proposals to bring forward a railway station, a motorway junction, park and rides, a public transport interchange, and distributor roads mean that those objectives relating to transportation are met. Given the benefits that we believe that these facilities would bring to the area and to the developments themselves, most notably, the junction and station, we consider that in this case, these objectives carry substantial weight. While other elements of the proposals, e.g. the proposed secondary schools, would mean that additional objectives, e.g. community benefits, would be satisfied, we do not consider that they carry such weight because it is possible that they could be satisfactorily located elsewhere. Overall, we are satisfied that this is an appropriate location for the proposal. There are concerns about the delivery of some items of infrastructure as described above but, given that they are supported in E&LSP, we believe that an opportunity should be given to establish whether they can be progressed. We do not consider that there is a need to provide an entire alternative scenario for the Winchburgh allocations in WLLP, as we fear that this would serve merely as

- a distraction. In the circumstances, we consider the allocations to be appropriate, including in relation to the earlier objectives applied by WLC on development containment and town/community integration.
- 5.25 We have considered the merits of the **Forkneuk site** elsewhere in this report (see chapter 2.4). Both that site and the Winchburgh allocations are in the main on greenfield land. We acknowledge that Winchburgh would offer some environmental improvements, but Forkneuk would result in the loss of a smaller proportion of prime agricultural land. We have found that the Forkneuk site has potential and that it could accommodate some development. We believe that WLC's criticisms of this site are overstated, particularly those relating to coalescence, landscape, and traffic. We consider that it would be possible for an acceptable scheme to be devised either on the Forkneuk site as proposed or something resembling that site. However, it does not have the capacity of the proposed Winchburgh allocations, and it falls considerably short of the potential transportation infrastructure associated with these proposals. Forkneuk also does not appear to include an employment element as a part of the proposals. Overall, we are satisfied that, at this stage, the Winchburgh allocation would be preferable.
- 5.26 There is one other allocated housing site to be dealt with at **Castle Road, Winchburgh (HWh3)**. The site is a small one, and we are not persuaded that it is entirely brownfield, given the presence of an attractive group of trees. In the adopted local plan and the 1999 and 2001 versions of WLLP, the site is included in the settlement boundary and is allocated for housing. In land use terms, we consider that the site remains suitable for housing. The trees on site appear of varying condition and quality. The 2001 version of WLLP requires the group of trees on site to be protected. This requirement is dropped from the later version of WLLP because of a change in format which means that site requirements such as this are no longer so easily accommodated. While we believe that preserving the trees on site would be a worthwhile aim, we consider that this is a matter of detail which need not be covered in WLLP. We note that there are already adequate policies in WLLP which seek to protect trees (e.g. policies ENV11 and ENV14), and we believe that these offer sufficient protection in the event of a planning application for housing being submitted. We do not consider that it is necessary to reduce the size of the allocation. We are satisfied that the allocation of the site for housing in WLLP would be consistent with strategic guidance. No change is therefore required to WLLP.
- 5.27 Drawing all these matters together, subject to the changes recommended below and notwithstanding our concerns about effectiveness, we consider that the allocations proposed at Winchburgh and East Broxburn can be regarded as conforming to E&LSP, and that other considerations do not justify further changes.
- 5.28 We have taken account of all the other matters, including the Consultation Report prepared for the Winchburgh proposals which we found to be of little assistance in considering the matters before the inquiry, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend (*changes in italics*):

(i) that bullet point no. 17 at WLLP paragraph 7.49 be modified, as follows:

“existing mature trees/woodlands/water courses which contribute to the quality of an area should be retained and enhanced, and *established wildlife corridors taken into account and respected where appropriate;...*”;

(ii) that the final sentence of WLLP paragraph 7.62 be modified, as follows:

“...In preparing the CDA masterplan for Winchburgh and in working up detailed proposals for the Glendevon area, the amenity, setting and biodiversity of Glendevon Pond must be protected, *and its water sources not disrupted.*”;

(iii) that the first sentence of WLLP paragraph 7.69 be modified, as follows:

“To serve the existing village of Winchburgh and the urban expansion proposed to the village, additional primary school capacity will require to be provided so that the equivalent of *5-7 single stream primary schools will be available in Winchburgh, with actual requirements depending on the number of children coming forward from the planned new housing development...*”;

(iv) that the first sentence of WLLP paragraph 7.71 be modified, as follows:

“The CDA Action Plan links the need for the M9 junction only with the Winchburgh CDA proposal, *although it is recognised that the East Broxburn developer may be requested to contribute depending on the outcome of Transport Assessments*”;

(v) that the following modification be made at the end of WLLP paragraph 7.71:

“...The proposed access strategy will be supported by appraisals and STAG reports. *No development will be permitted until the motorway junction is formally approved. In the event that it is not approved, WLC will require to review the Winchburgh allocations and then reassess them against the merits of alternative locations*”;

(vi) that the final sentence of WLLP paragraph 7.73 be deleted and the following modification made:

“...It will be a requirement of any permission for the Winchburgh CDA that the rail station at Winchburgh is provided as soon as practically possible after EARL is complete and/or timetabling constraints are removed. *If it is demonstrated that a station cannot be provided then an alternative public transport strategy providing similar benefits will require to be put into place. Until a station is provided or it is satisfactorily demonstrated that it cannot be provided, an interim public transport strategy will require to operate. Both the interim and alternative strategies will require to be approved as a part of the planning application*

process”;

(vii) that the final sentence of WLLP policy ENV15 be modified, as follows:

“...Developers will be required to contribute to the protection and restoration of watercourses, *subject to such contributions meeting the criteria in SODD Circular 12/1996 on Planning Agreements*”;

(viii) that the following modification be made at the end of WLLP policy TC11:

“...The scale of any new retail development at Winchburgh shall be commensurate with serving its expanded population arising from the planned major housing development identified in WLLP. *Any proposal will require to be justified against the guidance contained in SPP8 on Town Centres and Retailing.*” and

(ix) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

2.2 Livingston and Almond Valley CDA (WLLP allocations)

Representation nos:

7151/1, 7160/1, 7161/4, 7170/1-/3, 7171/1, 7177/1-/3,
7194/1, 7200/1, 7203/1-/2, 7208/1, 7239/1-/2, 7242/1-
/6, 7352/1-/3, 7352/5-/6, 7356/1-/2, 7362/1, 7362/3,
7362/12-/17, 7362/26-/27, 7456/1-/2, 7462/1, 7463/1-
/2, 7479/1, 7479/3-/5, 7479/7, 7480/2-/3, 7510/1,
7509/1-/3, 7511/1, 7512/1, 7513/1, 7536/2, 7657/1-/2,
7660/1, 7679/2, 7679/4, 7700/2, 7700/7, 7702/5,
8365/6, 8481/1, 8482/1-/2, 8490/1, 8491/1-8493/1,
8494/1-/8499/1, 8504/1, 8506/1, 8507/1-8509/1,
8496/3, 8500/1, 8502/1, 8572/2, 8572/4, 8572/12,
8572/12-/14, 8572/17, 8574/2, 9905/5-/8, 9873/1,
9894/3.

Objectors appearing at Inquiry:

Scotia Homes
Mr Dalton
WG
Mr Barker
Mr Robertson
Mr Smith
Mr and Mrs Wilson
(+ written submissions)

Inquiry references:

CDA3d: West Livingston allocations
CDA4a: Calderwood allocations
CDA4b: Calderwood allocations
CDA4c: Calderwood allocations
CDA4e: Calderwood allocations
CDA4f: Calderwood allocations
CDA5a: West Livingston allocations
TRAN2b: Calderwood allocations
P+CR, WS5, WS15, WS16, WS22, WS58, WS64,
WS82, WS179, WS181

1. BACKGROUND

1.1 Objections were lodged by 38 parties to proposals linked to the allocations in WLLP covering the Livingston and Almond Valley CDA. This is one of 3 CDAs being promoted by WLC in WLLP. The evolution of the allocations in CDAs is outlined in chapter 1.1.

1.2 The 2020 Vision for West Lothian identified Gavieside, Mossend and East Calder (along with Kirknewton/Wilkieston) as options to be assessed for accommodating development. The option for East Calder/Kirknewton/Wilkieston was described as a new settlement. The vision highlighted a notional capacity of 3000 houses at Gavieside, 1600 houses at Mossend, and 5000 houses at East Calder/Kirknewton/Wilkieston. For Gavieside, it indicated that the residential area would in effect be a new urban village for Livingston, with its own school and local centre. It referred to the site being remote from railway stations, but explained that there would be a “SIT Rapid Transit” service. For Mossend, the vision suggested that it could integrate well with Gavieside. It also highlighted the presence of West Calder railway station and the predominantly low grade countryside. For East Calder/ Kirknewton/Wilkieston, the vision indicated that the concept revolved around, amongst other things, a new Parkway station south

of East Calder, a new western bypass of Kirknewton, and a new secondary school. The main constraints identified were the Almondell/Calder Wood green buffer to Livingston, the Kirknewton House policies, the pig and poultry farms at Camps Industrial Estate, the fragmented pattern of ownership, and the possible requirement for a boundary alteration with the City of Edinburgh Council at Wilkieston.

- 1.3 Subsequently, in selecting the preferred development strategy for the Livingston and Almond Valley CDA, WLC proposed a “dumb bell” approach of development at West Livingston (Gavieside and Mossend) and East Calder (Calderwood). They believed that these proposals would raise least environmental and coalescence issues, would result in a greater spread of traffic, would provide a more balanced spread of development, and would promote a choice of marketable areas. It was felt that Gavieside could be developed as an integrated extension to West Livingston, and that Calderwood would be capable of securing key public transport gains, e.g. improved links to Kirknewton railway station. The possibility of developing towards Kirknewton was considered but rejected because development could straddle the A71, there were concerns about coalescence, and Calderwood would allow a better opportunity to integrate with East Calder.
- 1.4 E&LSP confirms the Livingston and Almond Valley CDA for up to 5000 houses with a minimum of 3000 allocated over the E&LSP period. It highlights, amongst other things: the traffic congestion between Livingston and Edinburgh; the potential of Fastlink express buses; and the scope for capacity improvements on the Edinburgh to Glasgow Central rail route (Shotts railway line). It identifies the need for improvements to secondary school provision, including one additional secondary school and associated primary schools to be located within CDA, together with a package of additional infrastructure improvements detailed in E&LSP’s Action Plan. Both business and housing development is seen as suitable for CDA. E&LSP indicates that the A71 Upgrade scheme and enhanced services on the Shotts railway line are key transport proposals to be safeguarded pending decisions by stakeholders on implementation. The Action Plan indicates that the A71 Upgrade, the Fastlink Express buses, and enhancements on the Shotts railway line are all strategic transport investment proposals (Schedule 2). The interim update indicates that Fastlink phase 1 opened in spring 2005 and that the Shotts railway line study is complete. The latest update indicates that the A71 Upgrade study is also complete and that the Fastlink phase 2 study is underway. The Action Plan also refers to the district wide requirement to provide a new denominational secondary school.
- 1.5 In light of the above, WLLP allocates areas of mixed use development at West Livingston and Calderwood, with 2200 houses proposed at the former and 2800 houses at the latter, as set out in chapter 1.1. WLLP proposes one non-denominational secondary school at East Calder. This would allow an adjustment to be made to the existing catchment area for West Calder High School, which could then serve West Livingston. New distributor road networks are proposed in both development areas, access to West Calder and Kirknewton railway stations is to be improved, and a northern relief road is to be provided at Wilkieston. Park and ride facilities are proposed at both railway stations.

Villages centres are envisaged at both Gavieside and Calderwood, and the existing village centre at East Calder would be expanded. Employment land is allocated at Gavieside (Almond South and Almond North), and it is proposed to extend Camps Industrial Estate at East Calder. WLLP identifies Raw Holdings West as a key area which requires careful consideration to ensure that there is proper integration between the new community at Calderwood and the existing community at East Calder. While it indicates that the masterplan process would determine the land use pattern for the area, key objectives for the Raw Holdings West site are listed at WLLP paragraph 7.89.

1.6 Both the allocations at West Livingston and Calderwood lie towards the southern part of the WLLP area. West Livingston (including Mossend and Cleugh Brae) is towards the south western corner of Livingston, and includes 2 extensions of West Calder, which project towards the north east. Calderwood lies to the east of East Calder. The main road in this part of the WLLP area is the A71, which passes to the south of East Calder, and through West Calder and the southern part of south Livingston. The main Shotts railway line follows a similar route. While Livingston is a new settlement which was designated in 1962, West Calder and East Calder are both old mining communities. For 2005/06, it was estimated that Livingston had a population of around 52300 in around 21200 houses, that West Calder had a population of around 2900 in around 1300 houses, and that East Calder had a population of around 4800 in around 2000 houses. The most convenient railway station for West Livingston would be West Calder, and for Calderwood, Kirknewton.

1.7 The descriptions of the allocated CDA areas, and any proposals for them placed before the inquiry, are as follows:

Calderwood: the allocations comprise in the main gently undulating, lower lying, open, attractive farmland. They also contain Camps Industrial Estate, and a number of individual properties. Additionally, there is a dismantled railway line which passes through the site. Closer to East Calder, there are sports pitches and recreational facilities. To the west, the site is contained by East Calder. To the north, it is enclosed by Almondell and Calder Wood Country Park. To the east and south, there is countryside, including Bonnington House (which is being developed as a sculpture park), the A71, Wilkieston, and Kirknewton. Along these boundaries, the allocations are defined by features, such as field boundaries, a minor road, and a line of pylons. Farmland at this point is designated as class 2 on the Soil Survey map showing the Land Capability for Agriculture. The current edges of East Calder are not well defined. East Calder contains a range of facilities, including a small supermarket, a post office, a chemist, a library and community centre, a health centre, 2 churches, and 2 local centres (Oakbank Road and Redcraig Road). The allocations extend to more than 200ha. In WLLP, the country park is allocated AGLV. The area to the west and south is a mix of countryside belt and area of special agricultural importance, and part of the area to the east falls within the boundaries of the City of Edinburgh Council. In support of the allocations, 2 documents were placed before the inquiry, Calderwood - Principles and Vision, and Calderwood - Effectiveness and Deliverability. They included a draft masterplan.

West Livingston: the allocations comprise in the main gently undulating, lower lying, attractive farmland. Gavieside includes a poultry farm and some land which is class 3.1 on the Soil Survey map showing the Land Capability for Agriculture. The remainder is class 4.2 and below. The site is contained to the north by the River Almond, to the west by the Breich Water, and to the south by tree planting and the West Calder Burn. Between the site and Livingston (Kirkton Industrial Estate), lies the Wilton and Grangemouth Ethylene Pipeline. Beyond the River Almond, there is a further smaller area which forms part of the CDA allocations (employment uses). Mossend and Cleugh Brae also comprise lower lying attractive farmland. Mossend lies between the Breich Water and West Calder Burn, and Cleugh Brae lies to the south. They are separated by a narrow wedge of land which is designated countryside belt in WLLP. This designation spreads further east separating the allocations from each other and from Polbeth. The eastern boundaries of the 2 sites are lines across fields. The remaining boundaries are contained, with the exception of the western boundary of Mossend, which is part field boundary and part open. West Calder contains a range of facilities, including a community centre, a doctor's surgery, a library, a primary school, a post office, and local shops. The allocations extend to around 150ha. The area to the north, west and east of Gavieside would be designated countryside belt; additionally, that to the north and west would be an area of special landscape control. In support of the allocations and changes proposed, Traffic Impact Assessments and a Landscape and Visual Appraisal were lodged. In relation to objection no. 7697/3 (employment land at Gavieside), WLC and WG issued a joint statement. Having considered the terms of the statement, we are of the view that it is unnecessary to consider the objection further.

- 1.8 There are 3 additional sites allocated in WLLP to be considered in this chapter, which fall within the areas identified as being CDA in E&LSP. They can be described, as follows:

Broompark, East Calder (HEc6): the site lies between Mid Calder and East Calder, on the northern side of the B7015. It comprises part of a former plant nursery and contains a number of vacant buildings. In December 2004, a Certificate of Lawful Use or Development was issued for a storage use on site (class 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997). In June 2006, WLC granted outline planning permission for a residential development on site.

Langton Gardens, East Calder (HEc3): this small, sloping, essentially square site is situated in a suburban residential area, in the south western part of East Calder. It comprises an area of open space, which is grassed and poorly maintained. Overgrown ditches run along the southern and western boundaries. The site is contained by fencing and crossed by desire lines.

Meadowhead Avenue North, Addiewell (Addiebrowhill)(HAd7): this village of Addiewell lies to the west of West Calder, and the site is situated on the eastern edge of the Meadowhead residential area. The site is small and irregularly shaped, and to the east is a grazed field and community woodland. It is at a lower level than Livingston Street and generally rises up towards the south. The north western section comprises an area of well maintained open space. The

balance is overgrown. Along the eastern boundary of the site is a cutting and a line of trees. Other boundaries are contained mainly by fencing. The site is crossed by a path along its western edge.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, a number of objectors seek the removal of, or a reduction in, the CDA allocations. Others seek changes in the text of WLLP, safeguards, or clarification of the proposals.

3. SUMMARY OF CASE FOR THE OBJECTORS

Calderwood – Environmental impact of development

- 3.1 Scotia Homes were concerned about the effects of the proposed allocations on AGLV. Relevant policies were E&LSP policy ENV1d, adopted Calders Area Local Plan policy EV19, WLLP policies ENV19 and ENV20. Further guidance was contained in PAN44 and SPP3. The allocations had been drawn to exclude AGLV and the Country Park (including its car park). However, it was now clear that a road (some 7.3m wide with 2m footpaths on each side) would require to be taken through AGLV in order to achieve an appropriate connection between the “upper reaches” of the allocations and East Calder. This was not shown in the supporting documentation, and WLC had done no work on how it could be accommodated, including in relation to SNH’s requirements. The sensitivity of receptors within AGLV was high, and the impact of the allocations on them would be moderate to substantial and adverse.
- 3.2 WLC had not carried out any Landscape and Visual Impact Assessments despite the terms of national guidance and advice. SNH’s letters on the proposals did not indicate a wholesale approval of the development on all of the allocated areas, and their position could not be taken as a “rubber stamping” of WLLP’s zoning. The development of the allocations in the manner illustrated in the draft masterplan would have a significant adverse effect on the area’s landscape and on views from locations to the south of the River Almond at distances of up to 2.5km, including on roads and settlements. In providing a landscape framework for development, planting would be introduced which was alien to the existing landscape. Additional landscaping would not mitigate views from higher ground, e.g. at Kirknewton. There was also concern about the openness of the southern and eastern boundaries of the allocations. The complex topography or wooded areas which were required to provide the capacity to accommodate development were not present as they were at Kirknewton.
- 3.3 The allocations would use prime agricultural land and, in the adopted Calders Area Local Plan, the area had been identified as one of special agricultural importance. Additionally, SDD Circular 18/1987 indicated that there was a continuing need to restrict development on such land. WLLP also sought to protect prime quality land, within the context provided by E&LSP policy ENV1d. WLC had not demonstrated that the allocations could be justified against this

- overall policy framework, including in terms of social and economic benefits. This was particularly important given that there were other sites, such as Kirknewton, which were of a lesser quality and which were just as, if not more, suitable for development. The allocations would result in the overall integrity of the Calderwood area being compromised. WLC could not back up their claim that Nethershiel and Overshiel Farms had struggled to maintain viability. They had also not demonstrated that the proposed Calderwood allocations would satisfy the objective set of spreading and minimising the environmental impact.
- 3.4 WLC had placed nothing before the inquiry which analysed the growth of East Calder, the landscape character of the area, or the settlement pattern. While there was nothing in WLLP which referred to Calderwood as a new settlement, it was clear that this would be the end result. SNH took the view that this was the proposal. The developers specialised in new settlements, and continually made reference to a new community. They also referred to “no mass bolt on” of housing to East Calder. A new settlement would be contrary to national guidance. Furthermore, the allocations would effectively double the width and length of East Calder from 1.2km to 2.8km and 1.4km to 2.2km respectively. Their extent gave rise to concerns about urban sprawl and the fragmentation of the agricultural landscape. The loosely formed assembly of the allocations was demonstrated by the proposed separation of the Almondell allocation from East Calder by a broad belt of open space, an existing park, a proposed cemetery, and proposed low density housing at Raw Holdings West.
- 3.5 The only part of the zoning which constituted brownfield land related to Raw Holdings West, which could be developed without the Almondell allocation. It also did not appear certain that the proposals would result in remediation measures for flooded mine workings. Without this, the secondary school might have to be moved from its proposed position, further away from the Almondell allocation and closer to Kirknewton and East Calder.
- 3.6 Stephen Dalton indicated that no formal landscape capacity assessment seemed to have been undertaken by WLC. The description of the allocations as a relatively flat landscape with limited topographical features and virtually no tree cover constituted a definition of low capacity. The site comprised good quality agricultural land and would remove 2 entire working farms. The development of the allocations and the loss of such a significant agricultural resource could compromise the ability of future generations to meet their own needs. While parts of the Broompark site were also prime agricultural land, it was not a viable working unit and its development could have the beneficial effect of removing heavy agricultural plant and machinery from the local road network. The allocations represented a wholly inappropriate form of development, which would not provide the necessary integration with the community of East Calder and would be an inefficient use of land. It would result in rural sprawl. Broompark would be far more suitable in relation to both visual attractiveness and the openness of the landscape.
- 3.7 Mr and Mrs Wilson believed that the easternmost boundary of the CDA allocations had been drawn inappropriately to follow the line of the electricity pylons rather than the minor road from Camps Industrial Estate to West Clifton.

Moving the boundary would recognise the importance of the woodland covered quartz dolerite sill to the landscape. Similarly, the proposed employment allocation should be pulled back towards the eastern edge of Camps Industrial Estate and the countryside belt pushed westwards. The countryside belt should be managed in conjunction with the country park. Mr Smith and others were concerned about the scale of the development and the implications of the proposals for the country park.

Calderwood – Transportation matters

- 3.8 Scotia Homes indicated that the potential impact of traffic from Calderwood had yet to be assessed. Furthermore, only a small proportion of the Raw Holdings West allocation was within 800m of Kirknewton Railway Station. The remainder of that allocation and the lower part of the Almondell allocation were within 1600m (as the crow flies), with the balance of Almondell being up to 2400m away, and some still further, all contrary to PAN75. There was no indication that the developers controlled the land between the allocations and the station to enable improvements to be undertaken to the road network so that “shuttle buses” could be accommodated. The provision of general bus services was also not straight forward. Even changing the indicative road layout in the area of the country park in the possible manner suggested by WLC would mean that there were still large parts of the Almondell allocation which were outwith 400m of a bus service. To satisfy this requirement would necessitate a considerable diversion of the existing bus service along the B7015 or a new service. The X27 service would also require a considerable diversion to the detriment of existing East Calder residents. The Calderwood allocations did not fit well with the concept of accessible locations. With the Kirknewton proposals, no such diversion would be required. Most of that site was also within 800m of the station, which helped rank it above the allocations proposed in WLLP.
- 3.9 Additionally, a large part of the Almondell allocation was physically separated from East Calder High Street by around 200m of woodland in the county park. The developers did not own any of the land fronting on to the northern side of the B7015 until Camps Industrial Estate. This meant that the route from parts of the Almondell allocation to East Calder would be very circuitous without the change suggested to the road layout. In particular, without this change, while the north western corner of the allocations appeared to be within 800m of East Calder High Street facilities, the actual distance which would require to be travelled would be considerably greater. Such an arrangement merely exacerbated the lack of integration. Furthermore, there were significant areas outwith 1600m of important facilities (such as the Post Office and Health Centre) as the crow flies, which could be contrasted to the situation at Kirknewton.
- 3.10 Most of the allocations were between 800m and 1600m from the centre of Camps Industrial Estate, but the proposed extension to the south would be further away. People would not be encouraged to walk to the new industrial area through the existing one. WLC’s proposal to provide 2 access points into the allocated industrial land (one at the south western corner and one in the far eastern part) would make the walking distance considerably longer than 1600m. National Cycle Route 75 passed along the edge of Raw Holdings West, and it was some

distance from the eastern and north eastern parts of the Almondell allocation.

- 3.11 Stephen Dalton was also concerned about WLC's approach. He indicated that the nature of the employment at Camps Industrial Estate was not such that it would attract many residents from the Calderwood allocations. The proximity of such a facility could not be seen therefore as a significant benefit. Any development reasonably close, and with a direct public transport link, could claim such a benefit. The fundamental difficulty for the allocations was their lack of "upfront" facilities and the difficult relationship with the heart of East Calder. Residents of the allocations would be unlikely to walk to the facilities in East Calder, particularly given the length of time that the area would be a substantial construction site. If they used them, they would likely be car borne, contrary to policy. Residents at Broompark would be much closer to the facilities. The information provided on bus services contained errors. The allocations offered limited prospects for real access and public transport gains.
- 3.12 Mr and Mrs Wilson believed that the road line shown on the Proposals Map to the east of the Calderwood allocations by an entrance to Bonnington House, should be moved closer to Wilkieston.

Calderwood – Effectiveness

- 3.13 Scotia Homes explained that the site was not effective in terms of PAN38. There were geotechnical and environmental concerns in relation to the quarrying and mining which used to take place on the allocated land. A bore hole site investigation would be required, and no indication was given of programming/phasing, timescale, costs or viability of any grouting required. The main distributor road could require to be relocated. Flooded quarries could also give rise potentially to contamination. Additionally, there were issues over service diversions and possible wayleave requirements.
- 3.14 Deficit funding was an issue because of the potential costs of the infrastructure required, which included contributions towards road improvements, potential extensions to bus services, drainage infrastructure, a new secondary school (over 50%), and 2 new primary schools. Indeed, the developers themselves were concerned about viability, particularly in relation to the provision of new schooling. No financial information had been lodged to show that deficit funding would not be required. Additionally, the location of the equivalent of 3 single stream primary schools in Calderwood was contrary to WLC's preferred strategy on education provision, was not the most efficient use of resources (because of overprovision [including the spare capacity at East Calder Primary School]), and had implications for the integration of the new housing into East Calder.
- 3.15 In terms of land ownership, not all of the Calderwood allocations were subject to legal agreements with the landowners. In addition, some landowners were not happy with the proposals of Stirling Developments for their land. There was concern about the deliverability of the proposed development within the timescales suggested by WLC.

- 3.16 Stephen Dalton suggested that there were potential servicing difficulties. In particular, a 24 hour pumping station would be required to take untreated sewage a significant distance to the main gravity sewer, which would eventually have to be linked to the existing sewage treatment facility.

Calderwood – Raw Holdings West (RW)

- 3.17 WG were concerned at the level of prescriptive detail provided for Raw Holdings West in WLLP (paragraph 7.89) and, in particular, the failure of WLC to ensure the integration of the allocations with East Calder. The effect of WLLP was to constrain development opportunities in the area. The key objectives for Raw Holdings West made no mention of main stream housing, and the latest pre-inquiry change appeared to imply that the only housing in Raw Holdings West was to be “very low density.” The draft masterplan prepared by the developer showed that out of 2800 houses, 100 were proposed for Raw Holdings West. While the provision of educational infrastructure was a critical feature of the preferred development strategy, the school roll at East Calder Primary School was declining, and there was no reason why Raw Holdings West should not accommodate a suitable proportion of the houses proposed for the allocations. In any event, the Almondell allocation could not accommodate 2700 houses and deliver the range of housing required. The split of land uses between the Almondell allocation and the Raw Holdings West allocation has served only to divide the landowners involved, rather than secure the integration sought in WLLP. It would be inappropriate to remove WG’s land interest at Raw Holdings West as a response to this difficulty. WLLP should make clear that a suitable proportion of houses should be provided at Raw Holdings West.
- 3.18 WG were apprehensive that their land at Raw Holdings West had been identified as the location of a proposed cemetery. While WLLP did not show the location of key facilities, WLC had recently confirmed that their preferred option for a cemetery was WG’s site. The public consultation carried out by WLC had not shown any support for a cemetery at Raw Holdings West. The additional land required for a cemetery had not been properly justified by WLC, and their evidence was contradictory. Experience showed that the preferred location for the cemetery would only create difficulties given a possible need to extend it in future. WLC’s most recent new cemetery (near Linlithgow) was over 1.5km outside the town’s boundary. References to a cemetery at East Calder should be removed from WLLP (Appendix 7.1 and paragraph 10.27). There were also issues about requiring developer contributions towards their provision. Reference was made to the 1855 Burial Grounds (Scotland) Act to suggest that the level of provision sought was inappropriate, and that developer contributions should not be required.
- 3.19 Other objectors also expressed concern about the objectives in WLLP for Raw Holdings West. It was accepted that some land in the allocated areas would have to be safeguarded for community facilities, including schools, but the requirements for Raw Holdings West were excessive and flawed. This part of the Calderwood allocations should be used for mainstream residential development because it would be a logical and natural extension of the built-up area, would provide community integration, would support sustainability objectives

(including easy walking distances), and could be well integrated with the existing public transport network. One objector believed that another site with development potential could accommodate the cemetery as part of an alternative development.

Calderwood – Other matters

- 3.20 Scotia Homes believed that the requirement for local facilities in Calderwood was a difficulty recognised in WLLP policy TC10. A local centre was required to provide the proximity to facilities under the guidelines in SPP17 and PAN75. The community centre proposed in the draft masterplan clearly envisaged more than a small scale neighbourhood centre. However, there was a risk of establishing a rival centre to East Calder.
- 3.21 In addition, WLC had not demonstrated that the social benefits arising from the proposals, e.g. additional employment land and community facilities, affordable housing, and a secondary school, could not arise from Kirknewton and the alternative strategy put forward (see chapter 2.5). It appeared that the additional employment land could proceed without the housing proposed on the Almondell allocation. Overall, WLC had failed to justify the Calderwood allocations against national and strategic guidance, and the key objectives of WLLP and those applied at an earlier stage. Their preference for these allocations was based on the delivery of a new secondary school, which could be delivered equally well by a consortium of developers. Requiring the educational infrastructure “up front” cast doubt on the viability of the proposals.
- 3.22 Stephen Dalton also raised concerns about the significant centre proposed by the developers. Such a facility would likely impact on the centre at East Calder, which could result in the closure of facilities and a downturn in trade. Given its location, residents from East Calder would also be unlikely to walk. The objectors believed that the infrastructure required in association with the allocations could be secured as easily through a number of sites as through a large site controlled by a single party. All that was required was an appropriate WLLP policy and an understanding that development would be constrained until funding was put in place. Overall, the objectors’ view was that the allocations were driven by developer bids and submissions and the needs of the WLC’s Education Department. WLC’s approach was seriously flawed.
- 3.23 Mr Barker was concerned about the types of uses to be allocated by Mansefield adjacent to the eastern edge of East Calder, and the possible impact of additional traffic on the area, including construction traffic. Mr Robertson, Mr Smith, and others were concerned about the potential for significantly greater volumes of traffic on Clifton Road/West Clifton Road arising from this large scale proposal. They believed that Clifton Road, which was narrow and without footpaths, should be closed to vehicles. Some objectors requested more information about the proposals, and wanted sensitive integration between East Calder and the new settlement. A few were concerned about the possible distribution of uses, including the location of a proposed community facility.

- 3.24 Other objectors sought changes to WLLP. These were as follows:
- A number of references in WLLP Appendix 7.1 should be deleted – a public car park at East Calder, screen planting for Camps Industrial Estate, and the transport requirements outlined.
 - The site at Burnhouse (which lies on the southern edge of the Calderwood allocations at the south western corner of Camps Industrial Estate) should be promoted for residential rather than employment purposes. The site was in a sustainable location, was effective, and would offer a more balanced approach to developing CDA. In contrast, it was also contended that the employment allocation should be removed, with the site remaining as countryside, in order to protect the residential amenity of nearby housing.

West Livingston proposals

- 3.25 Objectors highlighted concerns about the proposed allocations in WLLP at West Livingston, in particular the effects on the general area around Oakbank Cottages. The concerns were as follows:

- The Gavieside allocations extended up to the Breich Water, and they should be pulled back to the line of the B7015, which would represent a defensible boundary. At the very least, a larger protected area should be introduced around the water. The Breich Water supported a wide range of wildlife, which could not co-exist easily with urban development. Additionally, there could be adverse impacts on the Central Scotland Forest Trust woodland and land ownership interests in the area. The River Almond also supported wildlife and required protection. The corridors of both the Breich Water and the River Almond should be enhanced. The area included countryside belt and area of special landscape control designations. These should be increased in size (i.e. put back to their position in earlier plans) and respected.
- Existing properties, in a quiet rural setting, would be engulfed by the mixed use allocations to their detriment. There would also be the prospect of coalescence with very small communities, such as Oakbank. The areas proposed for development should be clarified.
- The details provided in WLLP about the proposals were too vague. In particular, no route was provided for the new distributor road, and confusion existed over the different boundaries shown for the masterplan area and the allocations on the Proposals Map. The masterplan boundary was also larger than the boundary indicated at earlier stages. An Environmental Impact Assessment should be sought, and WLLP should give greater assurance that local concerns would be addressed.
- The B7015 was a minor road and would not be able to accommodate the increased levels of traffic. It was used as a route to get to the M8 from Kirkton and Gavieside. Measures should be introduced to control the volume and speeds of traffic on the road. New transport infrastructure should be put in at an early stage. WLLP policy TRAN2 did not specify who was responsible for deeming whether the traffic impacts would be acceptable.
- The Mossend and Cleugh Brae allocations would destroy green areas and result in environmental damage which would adversely affect the quality

of life. The Mossend allocation had also required the boundary of an area of special landscape control to be altered.

- Infrastructure, including education and health services, were already overstretched and would be unable to cope with the expansion, and insufficient family housing was proposed to meet the needs of the local community. A flood risk assessment was required for Breich Water.

Broompark, East Calder (HEc6)

- 3.26 Reference was made to the adopted local plan and WLLP. The proposed housing allocation would result in East Calder starting to merge with Mid Calder. The site was elevated and was immediately adjacent to an area designated as AGLV and the country park. The visual qualities which led to the area being designated were undermined by the allocation. WLC should have recognised that it was desirable to resist housing in the countryside. The allocation did not meet policy requirements or demonstrate any sensitivity towards this important area of open space. There could also be ecological and road safety issues. The objectors were opposed to the granting of planning permission for residential development on the site and had lodged objections to the planning application. The decision by WLC had set an unfortunate precedent for further development. There had been no evidence of detailed scrutiny of the documents supporting the application lodged for the Certificate of Lawful Development on site.

Langton Gardens, East Calder (HEc3)

- 3.27 The objector considered that the reallocation of this site for residential purposes was premature until a location for a new primary school had been confirmed within CDA.

Meadowhead Avenue North, Addiewell (HAD7)

- 3.28 The objector considered that the proposed residential allocation of this site was contrary to E&LSP. It was not identified in the 2001 Housing Land Audit; neither was it in WLLP as a strategic housing allocation. The site was greenfield.

4. SUMMARY OF CASE FOR WLC

Calderwood – Environmental impact of development

- 4.1 Throughout the site selection process for the CDA allocations, WLC had regard to the effect that development at Calderwood would have on the landscape. This could be seen in the 2020 Vision for West Lothian and in the report on the preferred development strategy. This latter report indicated that landscape, impact and containment favoured Calderwood, and that the preferred option raised the least environmental and coalescence issues. SNH were consulted on WLLP in May 2005, and they did not object to the Calderwood allocations. At an earlier stage (June 2004), they had set out mitigation measures for a larger site than that now proposed. Scotia Homes had concluded in their landscape and visual report that a strong landscape framework and sensitive building layouts

could significantly reduce the extent of adverse impacts, particularly from views located within the Almond Valley floor.

- 4.2 Five key visual receptors were identified which could be significantly affected – views from the A71 to the north, views from minor roads within the development site, views from local dwellings and the eastern edge of East Calder, views from the neighbouring AGLV and country park, and views from the northern edge of Kirknewton.
- 4.3 Regarding the views from the A71 to the north, development would not affect views to the east of Coxydene. There was also considerable scope to improve the views from the A71 between Coxydene and the junction with the B7031. These views took in the Camps Industrial Estate, and WLLP sought improvements through the allocation of additional employment land and the planting of native woodland adjacent to the A71. In addition, these views would not be affected by the Almondell allocation, which was to the north of the industrial estate and the allocation at Raw Holdings West. On views from minor roads within the allocated area, these roads were not heavily trafficked and some would disappear as a result of the development. Change here would be inevitable. Similarly, views from the eastern edge of East Calder would change. However, development of the Almondell allocation would not adversely affect the views of houses within the existing East Calder settlement boundary as they would be screened. Turning to views from AGLV and the country park, these would be limited by the dense trees which characterised the area. Such views could be further restricted either by the planting of hedges or bushes or the planting of the 100m tree buffer suggested by SNH. On views from Kirknewton, those of the Almondell allocation were distant and would have to be seen in the context of existing development (e.g. Camps Industrial Estate) and proposed development (e.g. Raw Holdings West). The zone of theoretical visibility showed that there would be other views (e.g. from the east), but it took no account of landscape planting or proposed mitigation. Some of these views were also distant. Furthermore, the eastern allocations would probably be developed last (possibly in 10-15 years time), and WLC would be likely to require that this boundary be planted at the outset of development.
- 4.4 Meeting the E&LSP policy HOU3 strategic allocations in CDA would inevitably result in the loss of prime agricultural land. The Calderwood allocations would satisfy both criteria for the release of such land set out in E&LSP policy ENV1d, and they could therefore be justified. SPP15 also allowed the release of prime agricultural land, subject to it not being eroded in a piecemeal way and only being used to meet strategic development objectives.
- 4.5 The development of the Calderwood allocations would not cause visual or physical coalescence with any other settlements. There would be no urban sprawl because the allocations would be integrated with the existing community, would be contained by existing and proposed landscaping, and would be properly planned. The Calderwood allocations did not involve the creation of a new settlement, but were an extension of East Calder. WLLP showed that the Calderwood allocations would be within the one settlement boundary. It did not refer to them as a new settlement, and they should not be considered as such.

WLLP proposed that they be fully integrated with the village. The scale of allocations had to be considered against the requirements of E&LSP. The alternative strategy put forward had shortcomings.

- 4.6 There was no evidence before the inquiry to suggest that there would be an unacceptable ecological effect caused by any development. Detailed assessments clearly showed that there would be no unacceptable environmental impacts. There was also no need to adjust the eastern boundary of the allocations away from the electricity pylons because the land was suitable for development.

Calderwood – Transportation matters

- 4.7 WLLP sought integration and connection between new development and existing communities. Furthermore, housing neighbourhoods should be mixed use areas based on the distance that most people would walk to daily facilities located within a local centre, and the aim was to avoid the creation of large areas of housing of similar characteristics. High density development was to be provided around town centres, village centres and local centres. Houses should generally be within 400m of a bus stop in line with PAN75. Raw Holdings West would ensure proper integration between Calderwood and East Calder. The development of the proposed secondary school and its facilities (including a swimming pool) would provide a focus for integration; and so would the provision of an extended or new health centre, library or partnership centre. The secondary school would be well sited for both the existing and new communities. The development of Calderwood would bring Camps Industrial Estate and the proposed extension within the settlement. Furthermore, integration would be helped by a local town bus (which could link to the railway station and the park and ride required by WLLP), public car parking at East Calder, and a road link from the Almondell allocation through the country park's car park (which would not affect any mature trees).

- 4.8 There would be more than one principal access to Calderwood and, with appropriate mitigation measures, the allocations would not have an adverse impact on the transport network. Indeed, easy access could be provided onto the A71. Almost all of the Calderwood allocations would be within 1600m walking distance from key local facilities in East Calder, the new secondary school, the denominational primary school, and Camps Industrial Estate and its proposed expansion. Calderwood would also be readily served by public transport. Currently, the 27 and X27 passed through the allocations, and the 28 and X28 went along their boundary. A road network could be designed through the allocations which allowed the 27 and X27 (an express service travelling outside of West Lothian) to have maximum penetration, without affecting the route's attractiveness to operators and passengers. Similarly, the 28 and X28 service could be allowed to penetrate Raw Holdings West. The vast bulk of the Calderwood allocations would be likely to be within 400m walking distance of either service. The increase in size of East Calder to a population of over 10000 provided the opportunity for a local bus service. There was no requirement for the Calderwood allocations to pay the cost of removing the level crossing at Kirknewton. The impact of construction on existing communities would be taken into account as required by WLLP.

4.9 The road network to serve the allocations would be established through the masterplanning process, after consideration of detailed Transport Assessments. WLC would only support proposals which had an acceptable transport impact and which did not adversely affect road safety.

4.10 The road line shown on the Proposals Map between the allocations and Wilkieston was not the line of the by-pass identified to the north of Wilkieston in the June 2005 A71 Corridor Study (WLLP paragraph 8.51). Instead, it was the A71 off line upgrade proposed between Hermiston and Wilkieston at an earlier stage. This line was being safeguarded pending a commitment and funding from developers and stakeholders to implement the findings of the June 2005 study. It was therefore not the preferred position but a fallback one. The eventual location of the by-pass would be based on a full assessment of the environmental impact.

Calderwood – Effectiveness

4.11 WLC considered that there were no insurmountable infrastructure constraints affecting the Calderwood allocations, including the pumping of sewage. Pumping stations had been accepted elsewhere in West Lothian.

Calderwood – Raw Holdings West (RW)

4.12 WLC considered the Raw Holdings West allocation to be a critical element in CDA. This could be seen from the text in WLLP at paragraph 7.89. It was best placed to provide the joint facilities for both existing and new residents. The allocation was centrally placed and would be easily accessible. The masterplan process would determine the final land use pattern for Raw Holdings West taking into account the key objectives. The importance of the allocation to CDA was the reason why the key objectives were identified in detail. The draft masterplan suggested a total development of 100 houses on Raw Holdings West, but this had not yet been approved by WLC. WLLP did not set a specific allocation for Raw Holdings West. While the key objectives referred to land for very low density and affordable housing, no restriction was imposed on the number of houses. Additionally, the types of houses were not restricted to very low density and affordable. WLLP required the allocation to accommodate all the objectives. If there was land left over and, if it was appropriate to develop it, then WLLP supported mixed use development. WLC's own projection showed 300 houses being developed on Raw Holdings West. WLC were confident that, with mixed use allocations of 213ha at Calderwood, it would be possible to accommodate 2800 houses because only 53% of the allocations would need to be developed for housing. The Almondell allocation extended to 144ha, and the draft masterplan suggested that 90ha would be developed at an average density of 30 houses/ha. As a comparison, at Wester Inch, the number of houses approved to date was 827 over a site area of 25.92ha, which gave an average net density of 32 houses/ha.

4.13 There was no basis for objecting to the requirement for a new cemetery at Raw Holdings West. At East Calder, the cemetery would reach capacity in 2008 and could not be expanded. Mid Calder cemetery had capacity to 2006, also with no expansion potential. The provision of a new cemetery would require to be in place prior to 2010, and this remained the case whether it was a local or strategic

facility. The optimum size for a cemetery was 4ha. The new cemetery provision was necessary for the development of Calderwood. Although WLC had not yet taken a decision on the location of the cemetery, they considered Raw Holdings West to be the most appropriate location because of its central location, good public transport links, and easy accessibility from the A71. The cemetery would serve East Calder, Uphall Station, Pumpherston, Wilkieston, Mid Calder, and eventually Kirknewton. The concern expressed about land values was not a planning issue.

Calderwood – Other matters

4.14 The masterplan before the inquiry of the Calderwood allocations was a draft which had not yet been formally submitted to WLC. WLLP set out design principles for CDAs which would underpin the approach taken to urban design and assist integration. With regard to the proposed neighbourhood centre at Calderwood, WLLP indicated that all the major development areas should incorporate local shops in neighbourhood centres to provide a focus for the new communities. East Calder already had local centres, and any proposal would require to comply with WLLP policy TC10. Turning to education, the allocations would optimise the use of existing and proposed infrastructure, including in terms of a large walk in population. St Paul's Primary School in East Calder would be extended, and the spare capacity at East Calder Primary School would be used up. There would be opportunities to co-locate community facilities to serve both the new and existing communities. Overall, the proposals complied with strategic guidance and the key objectives set out in WLLP. Indeed, they performed well when measured against these objectives.

4.15 Regarding other matters, WLC responded as follows:

- The requirements in WLLP Appendix 7.1 for a car park at East Calder and screen planting to the south of Camps Industrial Estate adjacent to the A71, were linked to the CDA development proposed and were necessary, and could be reasonably subject to developer contributions.
- Details of the CDA proposals, including the location of proposed community facilities, were not available at this stage. In any event, such details would be inappropriate in WLLP. National advice indicated that local plans should be succinct and concise.
- Regarding the site at Burnhouse, there was a need to provide employment land in association with CDA. Other sites were more suitable for residential use. Additionally, the site should not revert to countryside. The site was immediately adjacent to Camps Industrial Estate, and its allocation allowed the possibility for improving access to the estate through the masterplan.

West Livingston proposals

4.16 In response to the concerns raised about the West Livingston allocations, WLC indicated that:

- It was not possible to establish detailed land use patterns, road networks, and landscaping requirements at this time because the necessary information was not available. Such matters would be considered at the

masterplanning stage. WLC would seek to ensure that the effects of the proposals were acceptable. Transport and Environmental Assessments would inform both the land use pattern and road network proposed. The former would also assess the implications of the proposals for the B7015 and identify any mitigation measures required. It would be inappropriate to alter the boundaries of the allocated areas. In particular, the area to the west of the B7015 had development potential.

- The developers would be expected to consult with affected parties when preparing the masterplan. This would include the Central Scotland Forest Trust. WLLP text had now been changed to require consultation with communities on any material changes to proposed or approved masterplans. The masterplan boundary covered a larger area than the allocations themselves in order to ensure that the proposals were considered in a wider context. Account would be taken of existing woodland, and river corridors would be protected. The corridors and their associated habitats were of high biodiversity value. The River Almond was part of an integrated Catchment Management Plan.
- Details of the timing of works were not yet known. However, WLLP required implementation programmes to be prepared by developers. These would contain such details as when structure planting would be carried out. WLC were committed to the early implementation of advance landscaping. The landscape framework for the CDA development would be based on the principle of Forest Habitats Networks. A habitat survey would be required as part of the planning application process.

Broompark, East Calder (HEc6)

- 4.17 The site was included in WLLP in recognition of WLC's support for granting planning permission for residential development. The application had been approved on 12 June 2006, and the decision had not been challenged. It would be inappropriate for WLLP not to recognise the grant of permission. There was no basis in the evidence to justify removing that recognition from WLLP. The site included modern buildings with an industrial appearance, and the Certificate of Lawful Use allowed for storage use. WLC believed that housing would improve the site's appearance without compromising the integrity of the countryside belt designation in WLLP.

Langton Gardens, East Calder (HEc3)

- 4.18 The site was allocated for residential purposes in the 2001 version of WLLP and it was included in the 2001 Housing Land Audit. It was a brownfield site and its development for housing would be in accord with E&LSP policies HOU1 and HOU2. The site would be remote from most of the new housing proposed at Calderwood and could not be considered a suitable site for a school.

Meadowhead Avenue North, Addiewell (HAD7)

- 4.19 This site was allocated for housing following completion of WLC's Open Space and Sports Facilities Strategies. It fell within the settlement boundary of

Addiewell in both WLLP and its 1999 version. In the adopted local plan, the eastern part of the site fell outwith the boundary, and was allocated as an area of special landscape control. In all the earlier versions of WLLP, this part of the site was covered by an open space designation. The site's development would result in the loss of open space, but it suffered from problems of wetness, slope and drainage, and the play area had been removed some time ago. Furthermore, substantial open space was available in the community woodland and at Meadowhead Crescent, both nearby. WLC proposed to invest in upgrading the open space at Meadowhead Crescent, which would provide improved facilities.

5. CONCLUSIONS

- 5.1 On a **preliminary matter**, 2 documents were placed before the inquiry on the Calderwood allocations (Calderwood - Principles and Vision, and Calderwood - Effectiveness and Deliverability). They were prepared by the developers, but they were included in documents lodged by WLC. However, they have not been approved by WLC, and they were intended to assist the inquiry. Within this context, we have treated them as no more than a starting point.
- 5.2 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.3 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level (a general cap of 5000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to contribute to a particular need for affordable housing, to help stimulate regeneration, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.
- 5.4 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). The proposed CDA allocations at Calderwood and West Livingston are linked to significant infrastructure provision, including a new secondary school, primary schools, road improvements, and drainage infrastructure. The process of bringing these allocations forward for development is at a very early stage and, at this time, we have no doubt that they are constrained and are not yet effective. While there are some uncertainties of varying degrees about the constraints relating to ownership,

physical factors, contamination and deficit funding at Calderwood, there was nothing drawn to our attention which was of sufficient significance to prevent these allocations proceeding. We do not have enough information to draw full conclusions on the potential effectiveness of the allocations at West Livingston. In both cases, we do not consider that there is a difficulty in WLLP conforming to E&LSP because the steps required to enable the allocations to become effective are identified in WLLP and follow on directly from E&LSP's terms. Subject to E&LSP policy HOU5, we note that development in the 3 CDAs is linked by the requirement in West Lothian for a new denominational secondary school. Delays in the Winchburgh, East Broxburn, Uphall CDA, where the school is to be located, could therefore have a knock-on effect elsewhere. In chapter 2.1, we have concluded that output in that CDA should be put back 2 years. Taking this together with our experience that large, complex developments normally take many years to bring forward, we believe that this should be applied to the Calderwood and Gavieside allocations as well, and that therefore no output should be allowed for prior to 2012/13. We have no information on the effectiveness of Langton Gardens (HEc3) or Meadow Avenue North (HAd7), and therefore do not dispute the timescales for development of 2010/11-/12 for the former and 2009/10 for the latter. We are satisfied that Broompark does not appear to be constrained (based on the evidence heard at another session of the inquiry), and consider the estimated timescale for development of 2007/08-/09 to be reasonable.

5.5 The CDA allocations at both Calderwood and Gavieside are in attractive, gently undulating countryside. In the case of Calderwood, the countryside is also open in nature. In the **Lothians Landscape Character Assessment**, the CDA allocations are identified as being in the Lowland Plains, Lower Almond Farmlands (Calderwood) and Lowland Plateaux, West Lothian Plateau, (West Livingston) Landscape Character Types. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the greatest part of the CDA allocations contributes to these 3 elements. The sites at Broompark, Langton Gardens and Meadow Avenue North are dealt with separately below.

5.6 We have no doubt that developments of the scale proposed would have a significant effect on character, amenity (including views) and landscape setting. They represent very significant extensions of existing settlements, in particular that of the village of East Calder. Given the extensive scale of development and infrastructure proposed here, it would be more appropriate to regard the extended village as a new settlement. The identity of East Calder, West Calder and the south western part of Livingston would be entirely altered by development of the allocations, but we accept that a planned approach is proposed in all cases. It would be unlikely that developments of this scale would be able to find a ready made landscape framework to support the proposals. We therefore accept that in part a landscape framework and structure would have to be created, including at the open boundaries to the east and south of the Calderwood allocations (a line of pylons and field boundaries respectively) and at Mossend and Cleugh Brae (lines across fields). The boundaries to the north and west of the Calderwood allocations would be well contained by AGLV and the country park. We also consider that the boundaries at the Gavieside allocations would be relatively well

contained, in broad terms, by natural features, including the Breich Water to the west and the River Almond to the north. At Calderwood, we do not support drawing back the eastern boundary to the line of the minor road and Camps Industrial Estate because of possible changes to the road network and the likelihood that development would not take place up to the edge of the allocations. Similarly, at Gavieside, we are not persuaded that it would be necessary to pull the boundaries of the allocations away from the river corridors. We place great importance on appropriate boundary treatments which provide containment and prevent “development creepage” and, in this regard, we consider that strong and substantial landscaping would be required at the eastern and southern boundaries of Calderwood, which should be recognised in the text of WLLP. There would be no significant physical or visual coalescence as a result of the proposals. As Oakbank, to the west of Gavieside, is not a recognised settlement in the adopted local plan or WLLP, we do not consider that the issue of coalescence with the houses there has an undermining effect on the allocation.

- 5.7 We accept that WLC’s approach would have been more robust if they had undertaken landscape and visual impact assessments and capacity studies as part of the process of assessing the allocations. Additionally, the weight they gave to landscape matters in the site selection process is unclear. However, we find, on the basis of the evidence before the inquiry, the landscape and ecological quality of the allocations themselves to be generally unremarkable, including at Mossend and Cleugh Brae, and the impact of development likely to be localised rather than widespread. While Calderwood would be visible from higher ground, such as at Kirknewton, it would be seen within the context of existing development in the area, including development in the foreground. It would also be visible from parts of AGLV and the country park, but these views are more glimpsed, given the woodland and valley setting and the routes of the paths. Taking these factors together with the potential for a significant set back from the edge of the allocations, we do not consider the change in the setting of AGLV, which would take place through development, to be so critical, even if additional planting is introduced. Care has to be taken in using the zone of theoretical visibility produced for Calderwood by one objector because it does not take account of existing planting or proposed mitigation. A benefit of Calderwood would be that the unattractive Camps Industrial Estate would be incorporated into the built-up area. WLC raised the prospect at the inquiry of taking a road through the car park for the country park. Although the car park is within AGLV, we note that it is a peripheral facility and that it is separated from the mature woodland. The road could help link the western and northern parts of the Almondell allocation with the road network and the town centre. We therefore believe that this would be an option to explore further, provided an appropriate location can be found for a replacement car park. The mixed use allocation should be extended to accommodate this possibility. At Gavieside, the river corridors are sensitive and of high value. The protection of such corridors, including their settings, is recognised in the design principles set out in WLLP for masterplans and design guides. We consider that this, along with the reference to a landscape framework, offers sufficient protection at this stage, and that no specific mention of these matters at Gavieside is required in WLLP. WLLP also requires that existing uses and features (e.g. woodland) be taken into account in devising proposals. We note that the proposed masterplan boundaries extend beyond the allocations and

believe that this represents an opportunity to allow integration with the immediate surrounding area, including structure planting where appropriate outwith allocations. We note the presence of protected species, but there is nothing to suggest that they undermine the allocations. While SNH still require further work and investigation to be done and have expressed some concerns, we note that they have not objected to any of the allocations.

5.8 We acknowledge that the development of the allocations would result in the loss of areas of prime agricultural land – most significantly at Calderwood (class 2). This is a disadvantage of the allocations proposed. While E&LSP presumes against the development of prime agricultural land (policy ENV1d), this has to be seen in the context of E&LSP’s policy framework as a whole, particularly policies HOU3 and ECON2, which require strategic housing and business development allocations. Moreover, SPP15 does not preclude the possibility of developing such land provided it is only used to meet strategic development objectives, e.g. as part of a long term settlement strategy set out in the development plan. We consider that this would be the case here. In our view, other protective policies, such as those in the adopted local plan, and guidance referred to would have to be looked at in this broader context. The loss of areas of special landscape control at Gavieside and Mossend would also have to be approached on a similar basis.

5.9 Turning to the Raw Holdings West (RW) allocation at Calderwood, this is a critical link between East Calder and the larger allocation at Almondell, as it would be centrally sited, in an accessible location. We are concerned that the requirements set out in WLLP paragraph 7.89 promote a generally low density form of development in this area, and that the effect would be to encourage higher densities further away from the town centre than is necessary or desirable. Although it has not been approved by WLC, we find our misgivings are reflected in the draft masterplan which shows only a “loosely formed assembly” of uses. Our views are reinforced by the fact that there is existing housing in the central part of the allocations which appears to be excluded from the proposals. We consider that, with such an approach, there is a significant risk that the expanded East Calder would emerge as 2 settlements (Almondell and East Calder) in all but name. There is also the potential for the allocations to appear as extended urban sprawl.

5.10 In our view, the masterplanning process for the Calderwood allocations should seek to maximise the development potential of Raw Holdings West, based on the design principles set out in WLLP (as changed). In particular, we believe that there is greater scope for locating more higher density housing in this centrally sited allocation, with other uses being located elsewhere. This would help achieve the necessary integration, and would provide good accessibility to local facilities, including those in and around the town centre of the expanded settlement. Specifically, we consider that significantly more houses could be accommodated at Raw Holdings West than the 300 projected in the Housing Model for West Lothian. Uses, such as the cemetery and very low density housing, would be inappropriately sited in Raw Holdings West, and we believe that they would be better sited in an accessible location on or near the edges of the Almondell allocation. With the improvements proposed to the road network

and enhanced public transport, we do not share WLC's concern about access to a cemetery in such a location, including for people travelling from the west. It would be unlikely that such a revised approach would reduce the scale of the allocations because the aim is to achieve, via the masterplanning process, an improved distribution of the elements (including schools) making up the proposals. The bullet points in paragraph 7.89 should be replaced by one key objective promoting integration through higher density, well designed development. Requirements raised in bullet points which are not already adequately covered elsewhere in WLLP, should be referred to at appropriate points in the text. Such a revised approach to Raw Holdings West would be more in line with E&LSP policy TRAN4 and national guidance. While it may have some implications for the administrative and negotiating process involved in providing infrastructure in CDA, we believe that a more acceptable urban form would be likely to result. In light of these factors, we consider that WLLP paragraphs 7.89, 7.91, 7.92, 7.93 and 7.96 should be changed as set out below.

- 5.11 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the allocations are outwith the area covered by this designation. Regarding the 5th matter (range of sites), while the CDA allocations here are limited to 3 settlements, we see no reason why across CDAs a range of sites cannot be provided to meet all sectors of the market. We find little to support the contention that the allocations at West Livingston would not provide a suitable range of house types. On the 2nd matter (sequence for release), we note that WLC wish the Raw Holdings West allocation at Calderwood to come forward early in order to facilitate the provision of the secondary school. We accept that the secondary school is important for CDA, including the allocations at West Livingston. However, given the above conclusions, and our concerns about the approach to Raw Holdings West, we believe that the school's location should not be pre-determined and restricted to a particular area, but that it should come forward through the masterplanning process.
- 5.12 In relation to the 4th matter (transportation), there are no firm details available regarding the integration of the allocations into effective networks for walking, cycling and public transport, and the information lodged to date does not demonstrate that this would be achieved. However, matters are at an early stage and we believe that there would be a reasonable prospect of attaining an appropriate level of integration and connection at all the allocations in CDA, consistent with E&LSP policy TRAN2.
- 5.13 At Calderwood, the allocations are served by bus at present, including the 27, X27, 28 and X28, which are regular services. It seems to us that the scale of development proposed would be likely to result in enhanced provision. The general distance set out in PAN75 for access from housing to a bus service is 400m. This is clearly not met at present, but we do not consider the achievement of a satisfactory level of penetration into the new housing areas, whilst maintaining the attractiveness of services, to be so improbable an outcome that the allocations would be undermined. The general distance given for access to a railway station is 800m. Although we acknowledge that there are other sites

which could take greater advantage of Kirknewton Railway Station and the A71 has to be crossed, we have no doubt that the Calderwood allocations would obtain some benefit from its presence, particularly Raw Holdings West. We also believe that the proposed park and ride and the local or shuttle bus would be helpful. The extent of road improvements required on the route to the station would depend on the nature of the bus service introduced. Regarding local facilities, the general distance given is 1600m. We believe it unlikely that this could be achieved in the case of each and every key facility once account is taken of the extent of development, and we do not consider that such a failure would necessarily be sufficient to prevent the allocations proceeding. They have the benefit of being in the same, albeit very significantly extended, settlement. While the council emphasised the benefits of a large walk-in population for the secondary school from an educational and budgetary perspective, we note that it is only one factor to be assessed amongst others. The allocations offer good access on to the A71.

5.14 At Gavieside, Mossend and Cleugh Brae, the allocations would benefit from the presence nearby of West Calder Railway Station, and the indications are that they would have the potential to relate well to phase 2 of Livingston Fastlink. The proposed distributor road would provide a strategic gain on the western side of Livingston by providing a further option for the movement of traffic to and from the area. We see no overriding requirement in this case to show the route of the road, indicative or otherwise, in WLLP. We believe that WLLP policy TRAN2 could be made clearer by indicating that the acceptability of transport impacts should be established through Transport Assessments approved by WLC. An amendment to this policy is therefore outlined below.

5.15 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the allocations at Mossend, Cleugh Brae and Calderwood would be on or close to a rail corridor. All the allocations have the potential for a good level of access by bus based public transport. On the 3rd aim, the allocations would appear to be capable of complying with the requirements contained in E&LSP's Action Plan and, to this extent, they could be regarded as making efficient use of infrastructure. However, at Calderwood, we are concerned that there would be a significant risk of creating a new community separate from the existing one, which we are not satisfied would result in such efficient use. We believe that the greatest prospect of an overall efficient use of infrastructure would arise with higher densities of development on the Raw Holdings West allocation, closer to East Calder. While WLC claimed that the approach being brought forward was the most beneficial for educational infrastructure, we see no reason why a revised approach to Raw Holdings West could not be equally beneficial for education. Regarding the 4th aim, as the allocations involve the loss of greenfield land, we consider that it is almost inevitable that there would be some adverse environmental impacts. However, with mitigation measures derived from a properly based masterplanned approach, we do not consider that the impacts would be likely to be unacceptable.

5.16 In addition to the above, **other matters** were raised by objectors, as dealt with in the following bullet points:

- In relation to the local centre proposed for the Calderwood allocations, this would have to accord with the terms of WLLP. WLC explained that what was intended was a neighbourhood centre. While this would provide the proximity required to certain facilities, we see such a centre as no more than good planning. Other examples of such centres can be seen in East Calder. Although the draft masterplan may show a larger centre, this may no longer be the scale (or the location) once the masterplanning process is complete. We consider that WLLP could be clearer in referring to the type of centre required by deleting the reference to “village centre” at WLLP paragraph 7.96, insofar as it applies to Calderwood, and replacing it with “local neighbourhood centre”. WLLP policy TC10 seeks to control such centres, and we believe that it would also be clearer if it referred to “local neighbourhood centres” rather “local centres”. Furthermore, we believe that bullet point 1 in the policy should be deleted, given that it could prevent the provision of a “local neighbourhood centre” in a desirable location. Additionally, a “local neighbourhood centre” should be defined in WLLP’s glossary. Changes are required to WLLP.
- The road line shown on the WLLP Proposals Map to the east of the Calderwood allocations is the A71 off line upgrade proposed between Hermiston and Wilkieston. While it is not the favoured option referred to in the June 2005 A71 Corridor Study, it is a fallback position and reflects the safeguarding identified in E&LSP. We therefore consider that it should continue to be identified in WLLP, as it is in the Rural West Edinburgh Local Plan. WLC should also ensure that the road lines shown in the 2 local plans match. They propose a number of changes to the text of WLLP (paragraphs 8.51 and 8.68) and policy TRAN30 to clarify the latest position concerning the safeguarding, and we support these changes. A change is required to WLLP.
- On the information available about the impacts that development may have on particular localities and properties, the full environmental and transport impacts of the proposals are unknown, so is the distribution of uses (including community facilities) throughout the allocations, and so are the possible mitigation measures to offset the impacts. These matters are best considered through the masterplanning process and through detailed assessments at the planning application stage, which will need to take full account of the effects that the proposals would have on existing communities, groups and residents, e.g. at East Calder, including Mansefield, Clifton Road and Main Street and, at Gavieside, including Oakbank Cottages, Easter Breich and Guns Green. Nothing has been drawn to our attention which suggests to us that the allocations should be set aside or adjusted because of a lack of critical information. Consultation with affected communities on the preparation of draft masterplans is required in WLLP, as is consultation on any material change proposed in an approved masterplan. WLLP indicates at paragraph 7.4 that, during the development control process, proposals will be rigorously examined, and that measures will be required to mitigate impacts. We believe that this should be expanded by explaining that

proposals will be rejected by WLC when the impacts cannot be acceptably mitigated. This will give local communities, groups and residents more confidence in the rigour of the process. A change to WLLP is required. We believe that the impact of construction work and traffic is reasonably dealt with at WLLP paragraph 7.45, as is the requirement for masterplan implementation programmes.

- Regarding the possible closure of Clifton Road/West Clifton Road, the levels of traffic on this road at peak times are clearly of concern to the local community, and it appears to be part of an obvious shortcut for those travelling from this general area to Newbridge. WLC have referred to a number of potential road closures in WLLP which they have indicated could be promoted. We recognise that the situation here is more complicated because of the proximity of the administrative boundary of the City of Edinburgh Council, which could limit the prospect for taking action. However, we see no reason why the possibility for closing this road should not be investigated as a part of the Calderwood Transport Assessment and masterplanning processes (which would include consultation with the local community), nor why this should not be referred to in WLLP in the manner set out below. This would allow the potential for a road closure to be investigated within the context of the detailed traffic measures emerging for the proposed allocations, including changes to the road network. Given WLC's position at the inquiry, we have assumed that the potential for such a closure would not be covered by the reference in WLLP to possible road closures at Raw Holdings. A change to WLLP is required.
- Turning to the site at Burnhouse (Calderwood), a business allocation is required as part of CDA by E&LSP. The need for such an allocation reflects the increasing focus on providing employment opportunities alongside major housing developments. We believe it appropriate to divide such an allocation between Calderwood and West Livingston. The Burnhouse site is immediately adjacent to Camps Industrial Estate and, along with the further employment allocations to the east, provides a logical extension to it, and an opportunity to help stimulate its rejuvenation, possibly by facilitating an improved connection to the road network. We therefore consider that there are advantages in allocating the site for employment purposes, and no better location for industrial development has been drawn to our attention. In the circumstances, we do not support its allocation as a mixed use (housing) area or its reversion to countryside by pulling the employment allocation boundary back towards the east. The exact extent of industrial development on site would be determined through the masterplanning process, and would need to take account of existing and proposed housing (which would be protected through the policy framework in WLLP). No change to WLLP is required.

5.17 **WLLP** identifies 11 objectives for CDA development areas at paragraph 2.17. We acknowledge that not all the objectives are met, e.g. protecting areas of special environmental value (prime agricultural land, area of special agricultural

importance, AGLV, and area of special landscape control) at Calderwood, Gavieside and Mossend, and securing physical and environmental improvement and minimising environmental impact (both for the greater part) at all allocations. By dividing the allocations to the west and east of Livingston, we are satisfied that efforts have been made to achieve the required rates of house completions. Through the transport measures proposed with the allocations, e.g. likely enhanced bus services (at all allocations), park and rides (at Kirknewton and West Calder Railway Stations), and a new road network (at all allocations), we accept that those objectives relating to transport would be broadly met. Similarly, as the allocations would be well sited in relation to the west of Edinburgh area and Livingston, and as they would incorporate the provision of industrial land (all allocations), those objectives dealing with economic matters would also be satisfied. By including such matters as land for community facilities, the facilities themselves or improvements to existing ones, and the prospect of town centre improvements, we consider that community benefits would be secured. However, we consider that integration between the existing and proposed developments at Calderwood could be improved as outlined above. Subject to this proviso, we consider the allocations to be appropriate, including in relation to the earlier objectives applied by WLC on development containment and town/community integration.

5.18 We have considered the merits of other sites in CDA elsewhere in this report (see chapter 2.5). There is no doubt that a number of them also offer benefits. This applies most notably to the strategic sites seeking to be allocated instead of the Calderwood allocations. However, none of these sites are of a scale where they can provide the necessary infrastructure required unless they are combined in the alternative strategies put forward by objectors at East Calder (or various permutations) or with the allocations proposed in WLLP reduced in size. We have doubts about the alternative strategies put forward. In particular, it is not clear to us that there has been any great co-ordination between those involved, that any party is fully committed to them, or that they represent, as yet, coherent visions with the potential to come to fruition, along with the required infrastructure. As such, we find the alternatives to be speculative in nature. We are clear in our own minds that the Calderwood allocations would have some adverse impacts; this would be inevitable with development of this scale. However, we do not believe that the effects would be such that they undermine the allocations or mean that other sites should be preferred and a reduction made in the scale of the allocations proposed. Equivalent impacts would also occur with the alternative strategies because they seek to provide allocations of a similar scale (if not greater). The alternative strategies contain some interesting ideas, most notably that put forward in relation to the Stephen Dalton site at Broompark, but they are not in a form at present where they provide a realistic alternative to the strategy proposed in WLLP. If the Calderwood allocations fail then other sites will have to be considered (e.g. the site of Scotia Homes at Kirknewton or the Stephen Dalton site) along with alternative strategies (possibly including more developed versions of those before the inquiry).

5.19 There are 3 other allocated housing sites dealt with below:

- **Broompark, East Calder (HEc6):** the site is part of a former plant

nursery and contains a number of vacant buildings. In the adopted local plan and in the 1999 and 2001 versions of WLLP, the site is designated AGLV. In the 2005 WLLP, the site is designated countryside belt and was changed to housing through a pre-inquiry change in November 2005 (pre-inquiry change no. 297). The allocated site is in a sensitive location, close to the country park and in an elevated position in the narrow gap between Mid Calder and East Calder. However, it already contains vacant buildings, some of which are industrial in appearance. While the site spreads beyond the existing buildings, the ground is in a poor condition. A Certificate of Lawful Use or Development has been issued for a storage use on the site. Taking the nature of the site together with the approval of the certificate, we can understand the logic behind WLC's granting of outline planning permission for a residential development, and accept that the aim to improve the site's appearance is reasonable. There was nothing which demonstrated that WLC had not dealt properly with the application for the certificate. Given the nature of the site, we are satisfied that the allocation would be in line with the thrust of E&LSP's underlying objectives and its broad policy framework. We note the tension with the 1st part of E&LSP policy ENV3, which allows only limited development in the countryside, but do not consider that this has an undermining effect because the preparation of a local plan is the time to review allocations and assess whether they remain appropriate. The site lies in CDA. Within the CDA boundary, there is a general cap of 5000 allocations. However, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation provided the proposal can be soundly justified and does not remove the focus from developing the CDA allocations. For the above reasons, and to recognise that outline planning permission has been granted for a residential development on site, we are of the view that the housing allocation should be retained in WLLP.

- **Langton Gardens, East Calder (HEc3):** this is a small area of untidy open space situated in a residential area within the settlement boundary. It is adjacent to a much larger area of open space, which lies to the south east. The site was not intended for use as open space. In the adopted local plan (1995), it is shown as a site reserved for community purposes (an indoor community facility). It has been allocated as a housing site in the various versions of WLLP since 1999. The allocation is consistent with strategic guidance. Given that there has been a long term intention to develop the site (including for housing) and, as there is nothing before us which supports retaining the site as a possible location for a primary school, we consider the proposed housing allocation to be acceptable. We believe that no change should be made to WLLP.
- **Meadowhead Avenue North, Addiewell (HAd7):** this is an irregularly shaped area of open space which is made up of 2 distinct elements. The north western section has always been within the settlement boundary of Addiewell. Not only does it provide a pedestrian link from Meadowhead Crescent to Livingston Street, it is an attractive area of open space which is well maintained, pleasant and welcoming, and contributes significantly

to the visual amenity of the area. While it may not be a strategic area of open space and the play equipment has been removed, it has an important function as a significant area of local amenity greenspace, and we do not agree with WLC's assessment that it is of low value. As such, we believe that it should be retained as open space and not allocated for housing, even taking into account the open space strategy prepared by WLC. The balance of the site to the north east and east is overgrown and fenced. In the adopted local plan, it falls outwith the settlement boundary on the edge of an area of special landscape control. It has been included in the settlement boundary and allocated as open space since 1999 in earlier versions of WLLP. Given its current condition and poor access, we do not consider that it makes a significant contribution to open space provision. Taking this together with the presence of the community woodland immediately to the south east, we do not consider that this part of the site requires to be retained as open space. While we have treated Addiewell as lying within the CDA boundary, the situation is not entirely clear based on E&LSP's key diagram and supporting text. Within the CDA boundary, there is a general cap of 5000 allocations. However, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation. In this case, as we do not consider that this part of the site has an important open space function and, as it is being brought forward as a result of a completed open space strategy, we believe that it can be allocated for housing in WLLP. We believe such an allocation to be consistent with the underlying thrust of strategic guidance. Nonetheless, in light of the above, a change is still required to WLLP. In terms of the housing land supply, we have assumed a reduction in the capacity of the site of 10 houses.

5.20 Drawing all these matters together, subject to the changes recommended below and notwithstanding our concerns about the effectiveness of some sites, we consider that the proposed allocations can be regarded as conforming to E&LSP, and that other considerations do not justify further changes.

5.21 We have taken account of all the other matters, including the points raised in relation to cemeteries (which are also dealt with in chapter 1.2), but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend (*changes in italics*):

(i) that WLLP paragraph 7.4 be modified by adding on a further sentence at the end, as follows:

"...Proposals will be rejected by WLC when their impacts cannot be acceptably mitigated...";

(ii) that WLLP paragraph 7.89 be deleted and replaced by the following:

“The Calderwood allocations comprise the Almondell mixed use allocation to the north of the B7015 and the Raw Holdings West mixed use allocations closer to East Calder. The Raw Holdings West allocation is a key area which will require careful consideration. The masterplan process will determine the land use pattern for the area. The key objective for the Raw Holdings West allocation is to ensure that the existing community at East Calder and the Almondell allocation are fully integrated through higher density, well designed development, with good footpath, cycleway, public transport, and road links. Strong and substantial landscaping treatments are required at the eastern and southern boundaries of the Calderwood allocations in order to provide containment and prevent development creepage. The existing quarry within the allocations should be assessed and infilled if necessary...”;

(iii) that the penultimate sentence of WLLP policy CDA10 be modified by deleting the words “for the Raw Holdings West site” and referring to the word “objectives” in the singular rather than the plural so that it reads, as follows:

“...The masterplan for the Calderwood allocations shall take account of the key objective identified in paragraph 7.89...”;

(iv) that the 1st sentence of WLLP paragraph 7.91 be modified, as follows:

“The location for the new non-denominational secondary school within the Calderwood allocations will be determined through the masterplanning process taking into account the key objective for Raw Holdings West...”;

(v) that the 1st sentence of WLLP paragraph 7.92 be modified, as follows:

“The equivalent of 3 single stream primary schools and an extension to St Paul’s RC Primary School (including the land and an improved access) will be required to support the Calderwood proposals...”;

(vi) that the 1st sentence of WLLP paragraph 7.93 be modified, as follows:

“The key road proposals in the Livingston and Almond Valley CDA include a new distributor road network to the west of Livingston to serve the community at Gavieside and to by-pass Polbeth, improved access to West Calder and Kirknewton Railway stations, and a new distributor road network to serve the Calderwood allocations...”;

(vii) that WLLP paragraph 7.94 be modified by adding a sentence at the end, as follows:

“...Additionally, the potential for a road closure at Clifton Road/West Clifton Road will be investigated as a part of the masterplanning and Transport Assessment processes for the Calderwood allocations...”;

(viii) that WLLP paragraph 7.96 be modified, as follows:

“Local neighbourhood centres are envisaged at Gavieside and the Almondell allocation at Calderwood to provide a focus for communities. The CDA proposals also present an opportunity to improve and potentially expand the existing village centre at East Calder. Land for community facilities will be required at Gavieside and Calderwood but, at this stage, the precise details are not yet known. Consultation with West Lothian Healthcare NHS Trust will be required on health centre provision (see also chapter 10, paragraph 10.23). At Calderwood, land should be safeguarded either for the extension of the existing health centre or for the construction of a new health centre to serve both East Calder and the allocations. Additional requirements at Calderwood are: land for an extension to Mansefield Park; land for additional public parking for the proposed centre of East Calder; and land for a new cemetery (in the Almondell allocation)”;

(ix) that the WLLP Proposals Map be modified by extending the mixed use allocation over the area of the car park and vehicular access serving the country park and deleting AGLV allocation, and that WLLP Appendix 7.1, e) Calderwood Infrastructure, Local Facilities and Amenities, bullet point 5, be modified as follows:

“contribution towards improvements at Almondell and Calderwood Country Park, including provision of a replacement for the car park at the B7015 entrance...”;

(x) that WLLP policy TRAN2 be modified, as follows:

“Development will only be permitted where transport impacts are acceptable. This will be established through a Transport Assessment which covers all modes of transport and has been approved by WLC...”;

(xi) that WLLP policy TC10 be modified by deleting:

- (a) the reference to *“new local centres”* and replacing it by *“new local neighbourhood centres”*;
- (b) the 1st bullet point; and
- (c) the reference to *“local centre”* in the 3rd bullet point and replacing it with *“town or village centre”*;

(xii) that the glossary of WLLP be modified by defining what comprises a local neighbourhood centre;

(xiii) that WLLP paragraphs 8.51 and 8.68, and policy TRAN30 all be modified as proposed by WLC, and that WLC ensure that the safeguardings shown in WLLP and Rural West Edinburgh Local Plan for the A71 off line upgrade (between Hermiston and Wilkieston) match;

(xiv) that WLLP Proposals Map be modified at Addiewell by removing the housing allocation from the north western part of the site (the maintained area of

open space) at Meadowhead Avenue North (HAD7) and replacing it with an open space allocation, and that the actual capacity shown for the site in WLLP Appendix 6.1 be modified accordingly; and

(xv) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

2.3 Armadale CDA (WLLP allocations)

Representation nos:

7142/1, 7147/1, 7155/1-/11, 7201/1-/4, 7202/2-/6,
7202/9, 7497/5, 7691/1, 7709/1, 7711/3, 7711/9,
7712/3, 8526/1, 7558/3, 9867/1, 9868/1, 9879/3,
9882/5, 9893/2, 9896/1, 9899/10.

Objectors appearing at Inquiry:

Caradale Traditional Brick Ltd
Mr and Mrs Gibb
Mr and Mrs Slattery
(+ written submissions)

Inquiry references:

CDA1c: Armadale allocations
CDA2a: Armadale allocations
CDA2c: Armadale allocations
EMP1q: Armadale allocations
COM1i: Drove Road Park
P+CR:

1. BACKGROUND

- 1.1 Objections were lodged by 19 parties to proposals linked to the allocations in WLLP covering the Armadale CDA. This is one of 3 CDAs being promoted by WLC in WLLP. The evolution of the allocations in CDAs is outlined in chapter 1.1.
- 1.2 The 2020 Vision for West Lothian identified Armadale as one of the options to be assessed for accommodating development. It highlights the town as having the potential to benefit from well-planned new development which would breathe life into the centre, provided traffic conditions are improved. The vision identified 3 possible sites at Colinshiel, Standhill and Cappers, each with notional capacity of 600 houses. It referred to a new railway station at Armadale (adjacent to the Cappers site), the prospect of an improved road network, and the need for a new primary school. It indicated that Armadale was seen as a local housing market at present, and that might limit the requirement to one site over the WLLP period. Subsequently, in selecting the preferred development strategy for the Armadale CDA, WLC indicated that they believed that all 3 sites at Armadale should be brought forward, plus a site at the Etna Brickworks, Bathville. The development at Standhill was seen as being relatively modest at 200 houses. While Colinshiel was greenfield, it offered a distributor link, which would provide some relief to the town centre. Cappers and the brickworks (1200 houses in the medium to longer term) would serve south Armadale, and offered integration with existing development areas, links to brownfield sites, and the potential to support and take advantage of the Bathgate – Airdrie railway line (a railway station and park and ride). A new employment allocation was proposed in the southern part of Cappers.
- 1.3 E&LSP confirms the Armadale CDA for up to 2000 houses with a minimum of 1000 allocated over the E&LSP period. It highlights: the town's increasing marketability, the reasonable access to the M8 and the proposed express bus park and ride at Whitburn, and the benefits of development for the Bathgate – Airdrie railway line. It identifies the need for modest extensions to secondary education

capacity, and for new primary provision, together with a package of additional infrastructural improvements detailed in E&LSP's Action Plan. Both business and housing development is seen as suitable for CDA. E&LSP indicates that the upgrading and reopening of the Bathgate – Airdrie railway line is a key transport proposal to be safeguarded pending decisions by stakeholders on implementation. The Action Plan indicates that the Bathgate – Airdrie railway line is a strategic transport investment proposal (Schedule 2). The interim update indicates that the study for the railway line is complete, and the latest update indicates that a Bill for it had been submitted to Parliament and that it has now gone through the approval process. The Action Plan also refers to distributor links to the strategic road network (A89/A801) and to the district wide requirement to provide a new denominational secondary school. The timing of the distributor links has been changed from short term (at development start) to medium term (phased with development, subject to findings of Transport Assessment).

1.4 In light of the above, WLLP allocates areas of mixed use development at Armadale, with 2070 houses proposed, as set out in chapter 1.1. The allocations cover 6 sites – Colinshiel, Lower Bathville/Tarrareoch (including Cappers), Netherhouse (Cappers), Trees Farm (Cappers), Standhill North and Standhill South, and an employment allocation to the south of Trees Farm at Northrigg. WLLP identifies a need for additional non-denominational secondary school capacity, and makes provision for the replacement of Armadale Academy. New distributor roads are proposed linking Lower Bathville, the A801, and the B8084, and East Main Street and the B8084. It is intended that part of the A801 be dualled (between Boghead Roundabout and M8 junction 4). Land requires to be safeguarded for a new railway station and park and ride at Tarrareoch/Trees Farm. Provision is made for woodland planting at various locations on the edge of Armadale, and the Armadale Round Town Walk is to be extended. It is envisaged that funds for town centre improvements would be made available.

1.5 Armadale lies in the western part of the WLLP area, to the west of Bathgate and to the north of the M8. The CDA allocations at Armadale are distributed around the town, with Colinshiel being to the north east, Lower Bathville/Tarrareoch, Netherhouse, Trees Farm and the employment allocation being to the south, and Standhill North and Standhill South being to the west. The A801, which links the M8 with Falkirk, runs in a north/south direction through the area of countryside separating Armadale from Bathgate. The A89 runs in an east/west direction and goes through both Armadale and Bathgate. Junction 4 of the M8 is nearby. The Bathgate – Airdrie railway line would pass through the CDA allocations to the south of Armadale. Armadale is an old coal mining community, which also incorporated brickworks and steel foundries. The centre of Armadale contains a number of facilities and Armadale Academy lies to the west of the town, adjacent to Standhill South. For 2005/06, it was estimated that the town had a population of 9650 in around 4350 houses. The nearest railway station to Armadale at present is at Bathgate.

1.6 The descriptions of the allocated CDA areas are as follows:

Lower Bathville/Tarrareoch, Netherhouse, Trees Farm and the employment allocation: these form a linked group of allocations stretching from the A89 in

the north to a track at Hall Torbane Farm in the south, and from a field boundary to the east of Netherhouse Cottage in the west to a point roughly in line with the easternmost edge of Armadale in the east. The allocations comprise industrial uses in the north (Lower Bathville/Tarrareoch), including the Etna Brickworks, and attractive undulating countryside and farmland in the south (the remainder), including a bed and breakfast business in an old farmhouse on the edge of Armadale. Immediately to the south of the brickworks, there is an associated quarry (which has previously been a source of raw material). However, it is currently fenced off. The farmland is designated predominantly as a mix of classes 3.1, 4.2 and 5.3 on the Soil Survey map showing the Land Capability for Agriculture. The current edge of this part of Armadale is not well defined and fuses into the allocations. There is an increasing amount of new housing on this edge of Armadale, on sites which were previously occupied by industrial uses. Lower Bathville/Tarrareoch, Netherhouse, and Trees Farm extend to 87ha. In WLLP, the area to the east and south of the allocations would be designated as countryside belt and, to the west, as land lying outwith the settlement and a search area for opencasting.

Colinshiel: the allocation predominantly comprises an area of attractive, rising countryside. To the south is the A89, and to the north, a minor road. To the west, the allocation stretches up to the B8084 and, to the east, it stops in line with the easternmost edge of development in Armadale. There is a high pressure gas pipeline passing through the eastern part of the site. The allocation is designated as a mix of classes 3.1, 3.2, and 5.3 on the Soil Survey map showing the Land Capability for Agriculture. The current edge of this part of Armadale is not well defined. The allocation extends to 31ha. In WLLP, the area to the east of the allocation would be designated as countryside belt and, to the north, as land lying outwith the settlement boundary.

Standhill North and Standhill South: the allocations comprise attractive farmland, straddling either side of the A89, and stretching up to Woodhead. They are designated predominantly as class 4.2 on the Soil Survey map showing the Land Capability for Agriculture. The current edge of this part of Armadale is largely open and not particularly well defined. The allocations extend to 19ha. In WLLP, the area to the north of the allocations would be designated as AGLV (Blackridge Heights) and, to the west and south, as land lying outwith the settlement.

- 1.7 The owners of the largest part of Lower Bathville (Achadonn Properties Ltd) submitted a position statement to the inquiry. They believed that their substantial land ownership interests should be included in CDA. They indicated that it was a matter of regret that the restoration obligations on a 1993 planning permission to work minerals on the site had not been implemented. There were legal proceedings against their tenants, Caradale Traditional Brick Ltd, and Achadonn Properties were seeking damages and taking further legal steps to terminate the lease. They believed that good planning required Etna Brickworks and the associated quarry to be included in CDA. Given the manner in which the brickworks are currently managed, Achadonn Properties do not consider it to be an appropriate use of the site. When they are able to do so, they intend to make the brickworks available for development. Meantime, the masterplan will be

designed to allow for the continued operation of the brickworks. Achadonn Properties submitted a planning application for the infilling of the quarry with material from the site in October 2006.

- 1.8 A letter from Mr R Henderson QC indicated that there were legal proceedings pending concerning Cappers, which could seriously affect its deliverability. The precise area affected was not defined on a plan before the inquiry.
- 1.9 There are 2 additional sites allocated in WLLP to be considered in this chapter, which fall within the area identified as being CDA in E&LSP. They can be described, as follows:

Drove Road Park (HAm15): the site lies on the northern edge of Armadale, to the north of Drove Road and to the west of Baird Road. It currently forms the easternmost part of a larger area of open space which stretches along the northern edge of Armadale. To the south, there is housing facing Drove Road; to the east, there is housing facing Baird Road; to the west, there is open space; and to the north, there is Barbauchlaw Glen. At the time of our site inspection, the site contained one football pitch in good condition and a large container type facility, which appeared to provide changing facilities. There is a deep drainage culvert running through the eastern part of the site. Along with the larger area of open space, the site is well maintained and in good condition, and is included in the Armadale Round Town Walk.

Nelson Park (part of HAm12a): the site is in the eastern part of Armadale, to the rear of the properties on the southern side of the A89 (Bathgate Road), and to the west and north of St Paul's Drive. The area is predominantly residential, and the ground to the east is currently being developed for housing. The site contains one pitch and no changing facilities. It is not well maintained, is in a very poor condition, is unattractive, and appears to be little used.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek at least the removal of part of the CDA allocations, or other alterations to them in order to protect their interests.

3. SUMMARY OF CASE FOR THE OBJECTORS

Armadale – Lower Bathville (the brickworks site and associated quarry, and other businesses)

- 3.1 Caradale Traditional Brick Ltd indicated that they occupied the Etna Brickworks, and that they were a responsible operator and a significant local employer, with a workforce of around 65. The clay at the quarry was a vital component of 2 of Caradale Brick's products. It provided a unique natural colour and, without it, the products, which had been manufactured for over 50 years, would no longer be able to be produced free of artificial colouring. The company's products satisfied niche markets. Their operations were carried out on the basis of 2 leases (for the

brickworks and mineral), which endure until September 2022. Any proposals for the site should be viewed on the basis that the current operations would continue until that date.

- 3.2 The quarry was integral to the brickwork's operation. The adopted local plan recognised that the fireclay reserve was of importance to the local economy, and that economic deposits of brick making clays were protected from sterilisation. This existing protection should be continued. E&LSP policy ENV7 required that economically important mineral resources should be safeguarded in WLLP from development which would sterilise them or be a serious hindrance to their extraction. WLLP did not adequately set out proposals for the development and use of the site, nor did it set out the existing character, pattern, and function of existing development, as required by Regulation 25 of the 1983 Town and Country Planning (Structure and Local Plans)(Scotland) Regulations.
- 3.3 Reference was made to SPP1, SPP3, SPP4, PAN49, and WLLP. The mixed use allocation for the site was misleading because the existing uses could not be regarded as compatible with a primarily residential area. Additionally, there was no prospect of the creation of a satisfactory residential environment, and the brickworks and quarry would not be an ideal neighbour for housing. The site could not be regarded as brownfield land because it did not meet the definition (it was neither vacant nor derelict, redundant nor unused). Moreover, the quarry had commercial potential, and housing should be avoided on such areas. National guidance required that WLLP should safeguard the fireclay deposit for future working. There was no prospect of other development taking place on site within the WLLP period or until 2022, including housing. If the WLLP allocation on the Proposals Map was maintained, the objectors had a legitimate concern that any future proposals for the working of fireclay in the quarry might be regarded as contrary to policy CDA8.
- 3.4 The current planning application by Achadonn Properties to infill the quarry did not recognise the significant value of the fireclay deposits yet to be recovered, and would effectively sterilise them. Restoration of the quarry was not required to accord with the 1993 permission. The underlying effect of the approach adopted by both Achadonn Properties and WLC would be to establish a planning policy context which would be adverse to the continuing extraction from the quarry of clay, which was an economically important resource. WLLP should protect both the brickworks and the fireclay deposit. The most satisfactory way of achieving this would be to remove the site from the mixed use area and identify it for employment purposes. Alternatively, the site could appear as white land on the Proposals Map, which would have the disadvantage that it would not accord with E&LSP policy ENV7. A less satisfactory alternative would be to adjust the text of WLLP in the manner set out in the 7 bullet points in the company's letter of 3 October 2005. The future prospects of the brickworks and quarry should not be compromised by placing them in a mixed use CDA allocation in WLLP. Other established businesses in the area would also be affected by the CDA proposals.

Armadale – Other matters

3.5 Mr and Mrs Gibb and another objector were concerned that development would have an adverse effect on their farmhouse and bed and breakfast business at Tarrareoch. A large area of countryside would be lost around their property, and traffic movements would increase significantly. Open space would be required in the development and town cramming should be avoided, all to protect the area's character and amenity. A further concern was the possible effect on wildlife and habitats, which included newts and moss. Developers of a new housing estate to the north had completely disregarded an old duck pond, which was lost. The proposals would put a strain on existing local facilities, e.g. GPs' surgeries. The community consultation process could not be relied upon to secure changes because the proposals would have a momentum of their own, which it would be difficult to stop. One objector referred to the possibility of historical and archaeological interest in buildings and sites. Additionally, a number of detailed matters relating to privacy, boundary treatments and access were raised.

3.6 Other objectors raised concerns, as follows:

- The inability of the CDA allocations to the south of Armadale, as extended, to deliver the required houses and associated community facilities within the WLLP period, particularly given the multiple ownerships involved and the ground conditions. This was similar to the situation which had arisen with the South East Wedge in Edinburgh, where development had also been delayed. There were clear implications for the effectiveness of the sites. It should not be assumed that brownfield development took precedence over greenfield development in all circumstances. On occasion, it might be more beneficial to use brownfield land as greenfield land by "greening" it.
- The failure to show properly the distinction between brownfield and greenfield land was at odds with national guidance. Lower Bathville was primarily brownfield land, within the existing urban area, and the sequential approach required that priority be given to its development. This area was the key to the opening up and developing of the remainder of CDA, and should be considered a gateway.
- The absence of a total sum for contributions from developers in Armadale created too much uncertainty. WLLP should not be adopted until this information had been provided. Cost certainty was also required in relation to the CDA employment allocations. Full consultation should be carried out with relevant stakeholders before any SPG was introduced. WLLP policy IMP14 should be adjusted so that it required developers to have due regard to SPG rather than conform to it. WLC had adjusted other parts of WLLP to this effect, e.g. policy CDA7.

Drove Road Park (HAm15)

3.7 Mr and Mrs Slattery indicated that the Open Space and Sports Facilities Strategies were fundamentally flawed because of a lack of consultation with

appropriate bodies and inconsistencies with national guidance and advice, including a failure to consider privately owned land, including golf courses. The driving force behind WLC's decision to release this area of open space was capital receipts. In the adopted local plan, the site had been identified as part of the Barbauchlaw Glen Area of Special Landscape Control, which was described as an attractive, heavily wooded meandering glen linking the residential areas to the north of Armadale with the western approach to Armadale from Blackridge. There was no guarantee that monies raised from releasing the non-strategic sites in the strategies would be used to improve open space and sports facilities. All changes made to WLLP as a result of the strategies should be removed until they reflected the interests of all parties, including private owners of open space. It was inappropriate that WLC should be able to improve their facilities through releasing land for housing, when Bridgecastle Castle Golf Club were not permitted to release some of their land for the same purpose.

- 3.8 Other objectors were not opposed in principle to the redevelopment of Drove Road Park. However, in the context of very significant population growth and a very strong local community football club, for whom the current level of pitch provision appeared inadequate, the site should not be redeveloped until positive proposals were made to increase the provision of quality sports pitches in Armadale to an appropriate level.

Nelson Park (part of HAm12a)

- 3.9 Until such time as it was clear that pitch provision would be increased in Armadale, this site should not be released for housing. Furthermore, there may be a role for the site (or part of it) as a kickabout facility or other form of recreational open space. If the site was to be released, it should only be with reference to an appropriate strategy.

4. SUMMARY OF CASE FOR WLC

Armadale – Lower Bathville (the brickworks site and associated quarry, and other businesses)

- 4.1 E&LSP identified the Armadale CDA, and recognised the town's increasing marketability, its reasonable access to the M8, and the proposed railway line. The site was within the settlement boundary in the adopted local plan. WLC believed that the site had development potential for a mixed use, and the site's owner supported the allocation. The allocation of brownfield land at Lower Bathville for mixed use development conformed to E&LSP policy HOU2. WLLP accommodated existing businesses in mixed use allocations, and this would include the brickworks and the quarrying of clay (subject to planning permission). A mixed use allocation did not mean that a site would be developed for housing. If a business was operating in the masterplan area, it would be consulted on proposals for development. WLLP gave specific protection to continuing industrial use in the Armadale CDA both in policy CDA8 and the supporting text, and in chapter 5 on employment (paragraph 5.46). Nothing in WLLP required the site to be redeveloped, and any planning application to

continue extracting clay from the quarry would have to be assessed against relevant development plan policies and other material considerations. Specifically, WLC would wish to be satisfied about matters of restoration and after use, and about the impact on residential amenity. WLC believed that there could be scope for further mineral working.

- 4.2 WLLP policy NWR1 conformed to E&LSP policy ENV7, and E&LSP policy ENV9 was irrelevant. The Lower Bathville area had been transformed in recent years by redevelopment (HAM13 and HAM6). E&LSP policy ENV7 and WLLP policy NWR1 protected economically important mineral deposits. There was a difference between economic deposits and economically important deposits. If a development was likely to sterilise an economically important deposit, it would potentially be contrary to policy NWR1. It was neither necessary nor desirable for policies in other chapters of WLLP to be cross referenced to chapter 7 on CDAs. Any Transport Assessment in support of development of the mixed use areas would require to take account of existing and future traffic movements, including those of the brickworks. The objections, including those relating to businesses other than the brickworks and the associated quarry, provided no basis for changing WLLP.

Armadale – Other matters

- 4.3 In relation to the CDA proposals and the points raised by objectors, WLC responded as follows:

- The largest allocation was focussed in the southern part of Armadale around the proposed railway station, and included the potential redevelopment of brownfield land. The other allocations also had benefits, including ones relating to transportation and structural landscaping. The allocations were very generous for 2070 houses because of both the difficult ground conditions and the fact that development may not always be economically viable. The increase in the scale of the allocations had been to provide greater flexibility. The development of the various sites in CDA was interlinked because of the infrastructure implications of the CDA strategy. It would therefore be inappropriate to distinguish between greenfield and brownfield sites. There was no reason to suspect that the allocations would prejudice the delivery of the wider infrastructure, and nothing to suggest that they could not deliver the strategic housing requirement.
- Environmental Impact and Transport Assessments would be undertaken, and the community consulted on the proposals. The strategic traffic modelling indicated that the road network could accommodate the proposals in broad terms. The cycleway on the line of the former railway would be resited. The Armadale Round Town Walk would be extended in the southern part of Armadale. Appropriate provision would be made for footpaths on the B8084. The allocations in this part of Armadale sought to take advantage of the station proposed on the Bathgate – Airdrie railway line, and would help secure the facility. Development could be integrated into effective routes for walking, cycling and public transport.

- The greenfield allocations to the south of Armadale were not of high landscape value, and they allowed for green gaps between settlements (Armadale/Whitburn, Armadale/Bathgate). No areas of biodiversity or heritage value would be adversely affected by the allocations, and efforts would be made to protect wildlife. No existing buildings or sites had been identified as being of historical or archaeological interest. Detailed matters such as privacy, boundary treatments and access would be covered by a design guide and could be pursued through the masterplanning process. Some brownfield land would be greened through development as open space. While an area of currently designated countryside belt would be lost, a substantial countryside belt would remain in WLLP. The environmental and transport impact of the allocations would be minimised by adopting the current proposed distribution of sites. The housing density proposed in WLLP (at least 25 houses per ha) was not excessive. The bed and breakfast business at Tarrareoch would be able to continue to operate. The allocations performed well when considered against national guidance.
- There could be no certainty about the cost of the CDA strategy at this stage. Information on costs would be shared as it became available. It would be overly simplistic to give priority to brownfield sites over greenfield sites because that would take no account of the infrastructure implications of the proposals. The change proposed to WLLP policy IMP14 would weaken it. Appropriate consultation would be carried out with appropriate stakeholders on SPG.

Drove Road Park (HAM15)

4.4 WLC proposed that WLLP be changed at Appendix 6.1 by indicating that the site should not be released for residential development until playing field provision and new primary school sites had been clarified. They had commissioned related strategies concerning indoor sports facilities, outdoor recreational facilities and open space. In the outdoor facilities strategy, the site had been classified as “poor”, and it was recommended that the use of the pitch should cease. The proposals for Armadale (3 soccer 7s pitches and 5 youth/adult pitches) would meet the need identified for the town. There would be additional pitches provided at the new primary schools and informal play areas in the mixed use CDA areas. The site had therefore been identified as surplus to requirements. It was also not needed as open space because the qualitative and quantitative requirements for Armadale were met. Additionally, substantial areas of open space around the site would remain to the north and west. WLC had complied with national guidance and advice. The revenue raised from the disposal of such sites would be used to upgrade existing open space and recreational facilities, and the contribution from the release of this site would be critical. The strategies would be reviewed to include other types of facilities and open space. The site should be allocated for housing. It could accommodate around 80 houses. It was within easy walking distances of public transport and local facilities. While it had formed part of the area of special landscape control, it did not form a part of Barbauchlaw Glen, and its development would not affect the designated area. It could also be regarded as effective.

Nelson Park (part of HAm12a)

- 4.5 WLC indicated that the site was considered when the strategies on indoor sports facilities, outdoor recreational facilities and open space were being prepared. The site was allocated for housing in the adopted local plan and the earlier versions of WLLP. The site was suitable for housing, and was close to local facilities. The housing development to the east was going to provide a large, central, informal kickabout space, which would serve this part of Armadale. Additional pitch provision was proposed in the town. The site would not be released until such time as the exact number of pitches to be provided in Armadale was confirmed as being acceptable to SportsScotland. The revenue raised from the disposal of such sites would be used to upgrade existing open space and recreational facilities.

5. CONCLUSIONS

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level possible (a general cap of 2000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to contribute to a particular need for affordable housing, to help stimulate regeneration, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.
- 5.3 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). The proposed allocations in the Armadale CDA are linked to significant infrastructure provision, including new schools. The process of bringing these allocations forward for development is at an early stage, and we have no doubt that the allocations are constrained and are not yet effective. We do not consider that there is a difficulty in WLLP conforming to E&LSP because the steps required to enable the allocations to become effective are identified in WLLP and follow on from E&LSP's terms. We are not fully familiar with all the details of the ownership disputes in the allocations in the southern part of Armadale. While we inevitably have some concerns about them and the effect that they may have on deliverability, there was nothing drawn to our attention which was of sufficient significance to

prevent the allocations proceeding in WLLP. Subject to E&LSP policy HOU5, we note that development in the 3 CDAs is linked by the requirement in West Lothian for a new denominational secondary school. Delays in the Winchburgh, East Broxburn, Uphall CDA, where the school is to be located, could therefore have a knock-on effect elsewhere. In chapter 2.1, we have concluded that output in that CDA should be put back 2 years. Taking this together with our experience that large, complex developments normally take many years to bring forward, we believe that this should be applied to the Armadale allocations as well, and that therefore no output should be allowed for prior to 2012/13.

5.4 The CDA allocations at Armadale cover a mix of brownfield sites, industrial sites, and undulating countryside. In the **Lothians Landscape Character Assessment**, the CDA allocations are identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the allocations which are countryside contribute to these 3 elements. There would be a change in the character of those areas of countryside which would be lost, including to the south of Armadale at Tarrareoch. However, while attractive, we consider the landscape to be generally unremarkable, and we have concluded in chapter 1.1 that the use of greenfield land can be justified. Although reference was made to the effect of development on wildlife and habitats, there is nothing which suggests that this requires the allocations to be deleted. Further consideration would require to be given to these matters at a later, more detailed stage. Similarly matters such as boundary treatments, privacy and access could be covered at a later stage and do not require any adjustments to WLLP. The loss of areas of prime agricultural land is a disadvantage of the proposals, but we do not see this as an insurmountable obstacle for the same reasons we have set out in other chapters in this report (particularly chapters 2.1 and 2.2). We are not persuaded on the basis of the evidence before us that it is necessary to consider any building or site within the allocations either for inclusion in the statutory list or for archaeological investigation.

5.5 The **Lothians Landscape Character Assessment** is irrelevant to the consideration of the brownfield and industrial sites in the Lower Bathville area. This area includes the Etna Brickworks, which is an important contributor to the local economy, including in terms of employment. There is a quarry adjacent to, and associated with, the brickworks. Over recent years, the nature of the Lower Bathville area has changed with housing replacing industrial uses. Redevelopment of the area is likely to continue and we believe that, in the longer term, the area of the brickworks and the quarry has the potential to contribute to the process, even if it is only after their leases have been completed. The scale of development proposed in CDA is in line with E&LSP. Development of CDA is also expected to be long term (up to 2024/25), and we consider it reasonable that WLLP shows the full extent of the area that could eventually be affected. Given this, we consider it unnecessary to remove the brickworks and quarry from the CDA allocation and to designate them either as employment land or white land within the settlement boundary.

- 5.6 We do not consider that WLLP's approach to existing businesses/industries in CDAs conflicts with national or strategic guidance, or the 1983 Town and Country Planning (Structure and Local Plans)(Scotland) Regulations. WLLP already seeks to provide some protection to existing businesses/industrial uses covered by CDA allocations, e.g. at paragraphs 5.46, 7.52 and 7.55, and at its policy CDA8. Development proposals, including those for CDA, would be assessed against the range of policies in E&LSP and WLLP. It has not been satisfactorily demonstrated that the mineral deposits in the quarry associated with the brickworks are economically important under E&LSP policy ENV7 and WLLP policy NWR1, and that they require specific safeguarding through WLLP. We acknowledge that potentially they could be economically important, and WLC outlined the process that would be followed to assess this for development proposals. Economically important mineral deposits can be distinguished from economic deposits, which are those that it is viable to remove. WLC have not ruled out the possibility of mineral deposits being extracted from the quarry, subject to appropriate restoration and after use proposals being lodged, and there being no adverse impact on residential amenity. The dispute between the owners of the brickworks and quarry (Achadonn Properties Ltd) and their tenants (Caradale Brick) is a separate matter which will be dealt with in another forum.
- 5.7 The possibility of changing the wording of WLLP was also raised, and we accept that its wording in places could be strengthened, as outlined below, to give greater certainty to existing businesses/industrial uses. Nonetheless, we do not accept all the changes proposed. We are not persuaded that it is necessary to refer separately to mineral extraction when referring to existing business/industrial users in CDA chapter in WLLP, as the brickworks would likely be linked to any further extraction from the quarry. No change is required to policy CDA1 or the supporting text because these parts of WLLP relate only to infrastructure relevant to the CDA strategy, e.g. educational infrastructure. Other changes proposed are unnecessary, as the existing wording in WLLP together with the proposed modifications seem to us likely to provide an appropriate level of protection to existing business/industrial occupiers. The modification proposed to the last sentence of paragraph 7.50 reflects the change already made to the 1st sentence (pre-inquiry change 40).
- 5.8 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the allocations are outwith the area covered by this designation. Regarding the 5th matter (range of sites), while the CDA allocations here are limited to one settlement, we note that those proposed would be in different locations around the town and, when this is taken together with the allocations in other CDAs, we see no reason why a range of sites cannot be provided to meet all sectors of the market. On the 2nd matter (sequence for release), we note that WLC wish these allocations to come forward in a co-ordinated manner in order to ensure the appropriate provision of infrastructure. In relation to the 4th matter (transportation), there is no evidence to indicate that adequate integration for walking, cycling and public transport cannot be achieved. Provision would also be made for new distributor roads, and we see no reason why appropriate provision would not be made for footpaths alongside roads where required. The

allocations to the south of Armadale are also reasonably sited for the town centre and the local facilities it provides, and they have the advantage of incorporating the proposed railway station into the extended settlement. Taking this together with the presence of brownfield and industrial sites in the area, we accept WLC's position that it was appropriate to extend the allocations in this area rather than elsewhere in Armadale. We are not persuaded that there is any proper basis to justify further extending the scale of the allocations in Armadale to compensate for potential difficulties that may affect the progress of development.

5.9 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the allocations would be on a rail corridor, and we have no reason to doubt that there would be potential for a good level of access by bus based public transport. On the 3rd aim, the allocations would appear to be capable of complying with the requirements contained in E&LSP's Action Plan and, to this extent, they could be regarded as making efficient use of infrastructure. Regarding the 4th aim, as the allocations involve the loss of greenfield land, we consider that it is almost inevitable that there would be some adverse environmental impacts. However, with mitigation measures derived from a properly based masterplanned approach, we do not consider that the impacts would be likely to be unacceptable.

5.10 In addition to the above, **other matters** were raised by objectors, as dealt with in the following bullet points.

- As a general principle, we acknowledge that brownfield development requires to be emphasised. However, given that the development of the Armadale CDA allocations has to be linked to, and co-ordinated with, the provision of infrastructure, we can see no benefit in explicitly encouraging, or giving priority to, brownfield sites over greenfield sites. While it was contended that it might be more beneficial to use brownfield land as greenfield land (by "greening" it), it was not demonstrated that such an approach could justify additional greenfield allocations in Armadale at the expense of "greened" brownfield land.
- We do not believe that it would be realistic to expect the total sum of all contributions from developers in Armadale to be known at this stage, and we believe that it would be unreasonable to delay the adoption of WLLP until cost certainty had been achieved. While concern was expressed about WLLP's approach to SPG, we believe that it can be useful (see chapter 1.2). We accept the need for proper consultation on its terms, but see no need to weaken WLLP policy IMP14 by deleting the requirement to conform to the guidance. If there are reasons not to conform, they can be taken into account as material considerations in the determination of any planning application.

5.11 **WLLP** identifies 11 objectives for CDA development areas at paragraph 2.17. We acknowledge that not all the objectives are met, e.g. protecting areas of special environmental value (prime agricultural land) and capitalising on employment opportunities to the west of Edinburgh and the growth of Livingston

(Armadale is in the westernmost part of the WLLP area). However, by promoting development in an area which would help secure the Bathgate – Airdrie railway line and providing for various transport measures, e.g. land for the proposed railway station and park and ride, and a new road network (including links to the A801, part dualling of A801, and a distributor road at Colinshiel), we are satisfied that those objectives relating to transport would be broadly met. There is no dispute that the allocations would give rise to community benefits, and we are also satisfied that they would be reasonably well integrated into the existing settlement. Overall, we consider that the allocations, including those to the south of Armadale, are appropriate, and that no better alternatives have been placed before the inquiry which would require any alterations to be made. We also believe the allocations to be appropriate in relation to the earlier objectives applied by WLC on development containment and town/community integration. No good reason has been put forward (including the suggestion of woodland planting) to justify further extending the allocations to the south of Armadale into the countryside, closer to the A801 and Bathgate.

5.12 There are 2 other allocated housing sites dealt with below:

- **Drove Road Park (HAm15):** WLC have strategies concerning indoor sports facilities, outdoor recreational facilities and open space. While the strategies should cover both public and private facilities, they focus on those owned by WLC. We do not believe that the failure to provide complete coverage invalidates the work that has been undertaken to date. WLC have reasonably concentrated on those facilities which required to be given priority. They intend to expand the scope of the strategies, and we believe that this should be done at the earliest opportunity in order that there is an accurate understanding of all resources. In preparing the strategies, WLC have undertaken consultation with the public and appropriate bodies, e.g. community councils, SNH and SportsScotland. Further consultation has been undertaken through the WLLP process. The evidence also suggests that the capital receipts raised from the disposal of sites would go largely towards implementing the strategies and securing the improvement of facilities. We do not believe that strategies seeking to meet the needs of the whole community can be reasonably compared with any requirement to secure improvements at an individual facility, such as a golf club. Overall, we do not consider that the approach adopted by WLC provides a good basis, in itself, for removing all 30 sites recommended for release in the strategies from WLLP, and starting the process anew. This does not mean that we accept the conclusions of the strategies on all sites. Quite clearly, each site put forward must be suitable for release in its own right.

Regarding the site itself, it is situated to the rear of existing housing, which lies to the south and east. It forms part of a larger, significant area of open space stretching along the northern edge of this part of Armadale. Based on our site inspection, the site contains a football pitch in good condition, and changing facilities also appear to be present. We disagree with the score (“poor”) given to the pitch in the Outdoor Facilities

Strategy. Moreover, we believe that the site forms an important part of the wider area of open space at this location. Reducing the scale of this area of open space in the manner proposed would have a materially adverse effect. We find the site to be fit for purpose, easily accessible, and connected to and well located for the housing around about. We also find the wider area of open space to be well maintained, pleasant, welcoming and safe. The area also contributes to the setting of Barbauchlaw Glen, and this is reflected in its designation as an Area of Special Landscape Control in the adopted local plan, and as open space in earlier versions of WLLP. For the reasons set out in chapter 1.1, we do not necessarily see the general cap of 2000 allocations within CDA as being a barrier to a housing allocation. However, we consider that the open space taken as a whole is of a high quality, and that the site is unsuitable for release. In the circumstances, we do not believe that the site should be allocated for housing in WLLP, but as open space. A change to WLLP is therefore required.

- **Nelson Park (part of HAm12a):** When account is taken of the Outdoor Facilities Strategy and WLC’s proposals for schools, there is no indication that there would be a shortage of pitches in Armadale. The site itself is situated in a residential area. However, the pitch is poorly maintained and in a very poor condition. The space itself is also neither pleasant nor welcoming and, based on our site inspection, we have concerns about its safety. While the site is accessible and well located for the housing around about, we do not find it particularly well connected, with only one access through a garage court to the south. Overall, we do not find it to be fit for purpose, and we agree with the score (“poor”) given to it in the Outdoor Facilities Strategy. Provision is being made for a large, central, informal kickabout space in the housing development to the east. The site has been allocated for housing since the 1998 adopted local plan, and it is reasonably close to local facilities. Within the CDA boundary, there is a general cap of 2000 allocations. However, for the reasons set out in chapter 1.1, we do not see this as a barrier to a housing allocation on this site. In this case, as we are satisfied with WLC’s approach and, as the site is being brought forward as a result of a completed strategy, we believe that it can be allocated for housing in WLLP. We believe such an allocation to be consistent with the underlying thrust of strategic guidance. In the circumstances, no change should be made to WLLP.

5.13 Drawing all these matters together, the CDA allocations and the allocation of Nelson Park for housing can be regarded as conforming to E&LSP, and as being supported by other considerations. However, the allocation of the site at Drove Road Park for housing would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.14 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend (*changes in italics*):

(i) that the last sentence of paragraph 7.50 be modified, as follows:

“Consultation with affected communities *and businesses* will be undertaken on any material changes proposed to approved masterplans.”;

(ii) that the last sentence of paragraph 7.52 be modified, as follows:

“Existing businesses within mixed use allocations may have to be accommodated in situ and, in such cases, this *must be* reflected in masterplans.”;

(iii) that the last sentence of WLLP policy CDA8 be modified, as follows:

“Where existing non-residential development is likely to remain in situ, the layout *and design* of new residential uses *must* take account of the need to achieve compatibility between adjoining uses.”;

(iv) that WLLP Proposals Map be modified at Armadale by removing the housing allocation at Drove Road Park (HAM15) and replacing it with an open space allocation, and that the references to the site in WLLP paragraph 10.21 and Appendix 6.1 be deleted; and

(v) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

2.5 Livingston and Almond Valley CDA (proposed sites)

Representation nos:

7149/1, 7175/1, 7187/1-2, 7193/1-5, 7241/1, 7245/1,
7246/1, 7301/1, 7362/4-5, 7362/18-19, 7362/22,
7402/1, 7404/1, 7443/3-5, 7554/1, 7555/1, 7556/1,
7562/1, 7592/1, 7676/1-4, 7687/1, 7700/3, 8364/1,
8365/4, 8503/1, 8572/1, 8572/5-6, 8572/8-10,
8572/16, 8572/18-19, 8553/1, 8574/3.

Objectors appearing at Inquiry:

Scotia Homes
Network Rail
Stephen Dalton
John Swan & Sons
Scottish National Institution for the War Blinded
Grampian Country Food Group Ltd
Pumpherston Estates Ltd
Scottish Capital Group
Mr & Mrs Allan and Miss Allan
Schroder Exempt Property Unit Trust
WG
(+ written submissions)

Inquiry references:

CDA3b: Alternative sites and strategy for CDA
CDA3c: Omission of land at West Livingston
HOU3: Land at Wilkieston
HOU4a Land at Pumpherston/Clapperton
HOU22: Allandale Fishery
EMP1d: Freeport Retail Village, by West Calder
EMP1n: Brucefield Industrial Park
STRAT5: Murieston Castle Farm, Livingston
WS26: Station Road, Addiewell
WS29: Muirhousedykes Mains, Addiewell
WS44: Station Road, Addiewell
WS32: Land at Uphall Station
WS125: Kirknewton level crossing
WS141: Murieston Road, Livingston
WS150: Hartwood Road (east), West Calder
WS175: Hartwood Road (west), West Calder
WS187: Land to west and south of East Calder

1. BACKGROUND

1.1 Objections were lodged to WLLP by 32 parties covering 22 sites in Livingston, and the villages of Kirknewton, Wilkieston, Pumpherston and Uphall Station, Polbeth, and Addiewell and Loganlea, all in the Livingston and Almond Valley CDA. This chapter concerns the proposals (mainly housing) put forward for these sites. In addition, we deal with the objections relating to the Kirknewton railway crossing. The background to the emergence of CDA is outlined in chapters 1.1 and 2.2. The details of Livingston and the villages of East Calder and West Calder are provided in chapter 2.2. The remaining villages are dealt with below.

1.2 Kirknewton lies in the south eastern part of the WLLP area, close to Livingston and to the south of East Calder (from which it is separated by the main Shotts railway line and the A71). It sits on higher ground overlooking the area to the

north. In broad terms, its development was linked to the rural economy, the mining and industrial activity previously in the area, and to a nearby airfield. Today, a railway station, church and primary school lie to the west of the settlement and, in the centre, there is a small range of facilities commensurate with its size, including a supermarket and post office. At 2005/06, it was estimated that the village had a population of around 1800 in around 700 houses. Kirknewton House (a category B listed building) and its grounds (a designed landscape) lie to the south of the village. WLLP designates the area between Kirknewton and the A71 largely as an area of special agricultural importance, and the area between the A71 and East Calder as countryside belt and the mixed use CDA allocations.

- 1.3 Wilkieston lies in the eastern part of the WLC area, to the east of East Calder, and close to the administrative boundary with the City of Edinburgh Council. It is a small village which straddles the A71, and is centred on the junction between that road and the B7030 to Ratho and Newbridge. The village is very much based on the estate of the Scottish National Institution for the War Blinded at Linburn, which covers extensive grounds (34ha) and lies to the south of the A71. It contains one post office/shop which is now closed, and a private nursery school. At 2005/06, it was estimated that Wilkieston had a population of 160 in 62 houses. The area around Wilkieston is largely designated as an area of special agricultural importance in WLLP.
- 1.4 Pumpherston and Uphall Station are adjacent villages which lie on the eastern edge of Livingston to the south of the M8 and the Bathgate railway line, straddling the B8046. Historically, they are linked to the oil shale industry. Today, both villages are more or less subsumed into Livingston. They contain a range of facilities, including a railway station with park and ride, a primary school, and local shops. At 2005/06, it was estimated that Pumpherston had a population of around 1250 in around 550 houses, and that Uphall Station had a population of around 950 in around 400 houses. In WLLP, there are extensive allocations for housing at Drumshoreland (HLv98, HLv113, and HLv119), immediately to the east of Uphall Station. In the wider area, there are countryside belt and AGLV designations and, further east, areas of special agricultural importance.
- 1.5 Polbeth is sandwiched in between Livingston and West Calder and, as with other villages in West Lothian, is linked to the oil shale industry. It contains a range of facilities, including an industrial estate, a primary school, and West Calder High School. The A71 runs through the village and Limefield House, a category B listed building, is on its eastern edge. At 2005/06, it was estimated that Polbeth had a population of around 2400 in around 1100 houses. WLLP seeks to retain Polbeth as a self contained village by designating the area around it as countryside belt.
- 1.6 Addiewell and Loganlea lie to the west of West Calder and to the south of Stoneyburn and Bents. They are based on the former oil shale and chemical works at South Addiewell Bing, which is immediately to the east of Addiewell. To the south, between the railway line and the A71, there is an estate of large bonded warehouses. The overall village contains a number of facilities, including

a railway station, a primary school, a post office, and a small number of other shops. It is predominantly made up of inter-war council housing estates. At 2005/06, it was estimated that the village had a population of around 1400 in around 600 houses. WLLP recognises that there are 4 elements to the village – Old Addiewell, Addiebrowhill, Loganlea, and an area covered by an employment allocation. The area to the north of the village and in between Addiebrowhill and Loganlea is designated as an area of special landscape control.

1.7 The descriptions of the objection sites are, as follows:

Sites 1 and 2: Overton and south of Station Road, Kirknewton

The sites lie in countryside, to the west of Kirknewton, outwith the settlement boundary, as defined in WLLP. Site 1 comprises fields and gorse scrub, is of an irregular shape, and sits at a higher level than the land to the north. The hillock at Hallcraigs forms a prominent local landmark in the northern part of the site. The land comprises predominantly class 3.1 on the Soil Survey map showing the Land Capability for Agriculture (along with some class 4.2 and class 5.1). The eastern boundary is contained by Station Road, apart from at 2 points – the railway station and Kirknewton Park. The western boundary is contained by Ormiston (a designed landscape) and its trees which follow the line of Gogar Burn. The other boundaries follow field fence lines and tree belts (which characterise the area to the south). The site includes a narrow elongated section of land section in the far west which crosses the railway line and extends down towards the A71. A high voltage electricity line crosses the site in a north eastern to south western direction. There are 3 groups of buildings in or on the edge of the site – Overton Farm, Ormiston Farm and Ormiston. Adjacent to the site, by the station, there is a level crossing over which there is much concern about vehicle driver abuse.

Scotia Homes have submitted a draft masterplan which shows provision being made on site for 1050 houses. In addition, they put forward: 50 small business units; a spine road through the development going westwards from Station Road with a new bridge over the railway and a roundabout on the A71; the potential of the road to serve further development to the west; the closing of the railway crossing; a park and ride at the railway station; the upgrading of Kirknewton Park and the provision of a village hall; and an extension to the primary school.

Site 2 is a much smaller site. It relates to the northern part of site 1, and stretches from Hallcraigs towards Station Road and the properties which front it, including the primary school, church, and the housing site allocated in WLLP (HKn9). Master Homes submitted 2 options for the land within their control. The 1st option was to build 90 houses on a site of around 6ha, which extended from the allocated site westwards towards the level crossing, behind the properties on Station Road. The 2nd option was a more limited proposal for 30 houses on a site of around 2ha situated

at the rear of the allocated site and the primary school.

Site 3 – land to the north of railway line, Kirknewton

The site lies in countryside and stretches from the railway line at Kirknewton, across the A71, to just south of Camps Industrial Estate by Gogar Burn. It extends to 46ha, is an open site of an irregular shape, and contains some farm buildings. It comprises a number of fields, and generally slopes up from the A71 towards Kirknewton and the south. It is bound by the B7031, in part, to the west, and further fields to the east. The land is predominantly class 2 on the Soil Survey map showing the Land Capability for Agriculture, and is designated as an area of special agricultural importance in WLLP. The line of a dismantled railway passes through the site. The proposals for the site comprise: 1000 houses, a park and ride facility, railway station improvements, a primary school and other local facilities, employment land, open space and landscaping, and associated infrastructure.

Site 4 – Broompark (Stephen Dalton)

The site lies in a narrow belt of countryside, on the northern and north western edges of East Calder, as defined in WLLP. It extends to around 45ha, and comprises a nursery (abandoned some time ago) and fields. The site is relatively flat, but has a slight fall from north to south. There are several areas of trees on (or by) the site, and some buildings remain. The land comprises predominantly class 2 on the Soil Survey map showing the Land Capability for Agriculture. To the north and west is the wooded valley of the River Almond, with its public footpaths which link into the Almondell and Calderwood Country Park. The Linhouse Water also passes to the west of the site. There is also a sewage works located on the valley floor which is accessed by a road running through the site. Beyond the valley lies Mid Calder. To the east of the site is a wooded entrance to the country park and, beyond this, lies countryside, which is allocated for development in WLLP. To the south is East Calder. The main link between East Calder and Mid Calder (B7015) passes through the site and, just off it, close to East Calder, there is a telephone exchange. The field and edges of the site are covered by AGLV allocation in WLLP, and the balance by a countryside belt allocation, with the exception of 2 housing allocations (HEc4 and HEc6).

Stephen Dalton has submitted a masterplan proposal. It shows the site being divided into 5 development parcels, with existing planting being retained around the edges of the site and additional planting proposed. Provision would be made for around 750 houses. A distributor road would be provided through the northern part of the site, and this would allow East Calder Main Street, with all its facilities, to be traffic calmed. The distributor road would run from the B7015 to the west of East Calder to a proposed junction just to the east of Almond Grove at the eastern end of the village. An alternative eastern access was put forward (at the car park to the country park) which would allow a “park village gateway” to

be formed.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill

The sites lie in countryside on the western and southern edges of East Calder. Site 5 extends to around 65ha and is in agricultural use. It is gently undulating. The site comprises fields and is predominantly class 3.1 on the Soil Survey map showing the Land Capability for Agriculture. The western edge of the site is contained by the Linhouse Water, the Murieston Water, and the Almondell and Calderwood Country Park, which is designated AGLV. The southern edge is contained by a railway line. The A71 road passes through the southern part of the site, and Oakbank Road, a minor road, passes through the northern part. Within the vicinity of Oakbank Road, there is a bowling green and football pitch. Kirknewton Railway Station lies to the east, around 2km from the centre of the site. The part of the site to the north of Oakbank Road is designated AGLV in WLLP; the part between Oakbank Road and the A71 is designated countryside belt; and the part to the south of the A71, up to the railway line, is defined as lying outwith the settlement boundary.

Site 6 forms a small part of site 3. It extends to around 7ha, and is located immediately to the south of Oakbank Road. It is of an irregular shape and comprises fields, which are used for grazing purposes. The site includes a farmhouse and associated buildings. Immediately to the west of the site, there is a former poultry farm, which is included in site 3.

Site 7 – land at Wilkieston

The site is on the southern and south eastern edges of Wilkieston. It extends to around 12ha and is bound to the north by the A71, to the south by Spittalton Wood and Gogar Burn and, to the west and east, by agricultural land which is controlled by the objectors and is designated as an area of special agricultural importance in WLLP. Beyond this land lie 2 minor roads. The site contains housing, a former hostel, South Lodge, workshops (including some no longer used), a walled garden, canteen, offices, showroom and a hall, a sewage facility, and associated grassed open space (including a disused bowling green). The north western part of the site, which contains the housing and site entrance, is within the settlement boundary of Wilkieston in WLLP. The balance of the site is excluded and is designated as land lying outwith the settlement boundary, but it is not included in the area of special agricultural importance. The site appears to be part of a former designed landscape developed around the now demolished Linburn House.

The objectors propose a housing led redevelopment of the site. They consider that up to 100 houses could be accommodated within the existing landscape framework. An existing access to the site from the A71 (“the mansion house entrance”) would be used, and the village green and existing landscape framework would be enhanced. The walled garden would be retained as a remnant feature of the original estate landscape,

and would accommodate housing.

Site 8 – land at Pumpherston/Clapperton

The site is to the south east of Pumpherston, opposite the Craigshill area of Livingston. It extends to over 180ha, and the western section comprises Pumpherston Farm and, the eastern section, Clapperton Poultry Farm. To the north of the site, there is a golf course, a bing (controlled by the objectors), a concrete works, and a minor road (Drumshoreland Road), to the east, a shelter belt, a minor road and fields, to the south, the Almondell and Calderwood Country Park (beyond which are the Calderwood CDA allocations in WLLP), an associated car park and picnic area at the site's south eastern corner, and Old Clapperton Hall and, to the west, the B8046. The western section of the site contains fields and Pumpherston Farm Steading and, the eastern section, 7 separate sets of poultry sheds, groups of houses, fields, and a large block of woodland. The site is a mix of classes 2 and 3.1 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, Pumpherston Farm is designated mostly as countryside belt with the southern section being AGLV, and Clapperton Poultry Farm is identified as land lying outwith the settlement boundary.

The objectors have submitted a strategy plan showing a mixed use development. The proposals comprise: 15 separate housing development areas (average size: 19ha); an area for local retailing immediately to the south of Pumpherston, community facilities and services, sheltered and affordable housing, and some mainstream housing; a primary school centrally positioned on site; and extensive landscaping, including large areas of open space and planting to the south west, and a north/south open space corridor through the site based on an existing footpath. Vehicular access would be taken to the site from 2 roundabouts, which would be constructed on the minor road to the north and the B8046. As part of the development, it is proposed to improve and enlarge the existing car park serving the country park.

Site 9 – land at Uphall Station

The objection site is to the east of Uphall Station and the B8046, and immediately to the south of the M8 and railway line. It extends to around 3ha, is grassed, is essentially level, and there is some mature landscaping on boundaries. To the west, there is existing housing and, to the east and south, a raised footpath and countryside. The site is part unclassified and part class 2 on the Soil Survey map showing the Land Capability for Agriculture. To the south west, WLLP has allocated an extensive area for housing (Drumshoreland), and this has been the subject of a planning brief. WLLP allocates the site as countryside belt.

Sites 10 and 11 – Hartwood Road, West Calder

The objection sites are situated on the southern edge of West Calder, on

either side of Hartwood Road. They are class 3.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the sites lie outwith the settlement boundary, and within an area considered suitable for very low density rural housing and woodland development. Site 10 is on the western side of the road. It extends to around 1.5ha, is grassed, and is used for rough grazing. To the west, there is a new housing development, to the north, a playing field and housing, to the south, Bank Park and, to the east, Hartwood Road (a minor road), beyond which, there are fields. Site 11 is on the eastern side of Hartwood Road, immediately opposite site 10. It extends to 1.05ha, and is also used for rough grazing. To the south, there is a further field, to the east, there is a tree belt and fields and, to the west, Hartwood Road.

Sites 12 and 13 - Cleugh Brae/Mossend (non-CDA allocations), West Calder

The sites are situated in countryside on the northern edge of West Calder, to the north of the B792 (Cleugh Brae). They are class 4.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the sites lie outwith the settlement boundary, and within an area of special landscape control. Site 12 extends to around 5ha, and lies within an area which is defined to the east by a track which runs along the westernmost edge of the housing development at Westwood View, to the south and west by a row of cottages and the B792 and, to the north, by a dismantled railway, woodland, a path, and Breich Water. Beyond Breich Water, there is Westwood Industrial Estate, the 5 Sisters Bing (a Scheduled Ancient Monument), and Freeport (a vacant retail village). On the opposite, southern side of the B792, there is an open area, which is included in the settlement boundary, and through which passes a footpath leading from the road to the village centre. The site comprises fields, which are used for grazing and which slope gently downwards from south to north.

Site 13 is a smaller site than site 12, extending to around 3.2ha. It sits to the west of Westwood View, and wraps around the cottages facing on to the B792, stretching into the field to the west. The objectors lodged a plan showing a mixed development of 20 bungalows and 1.5 storey houses on either side of a cul-de-sac. Access would be taken from the B792 at a point to the west of the cottages. A public footpath would be maintained through the site and the northern and western boundaries would be contained by a tree belt.

Site 14, Freeport Retail Village, by West Calder

The site is situated in countryside between the B7015 to the north and Breich Water to the south, to the north west of West Calder. It extends to around 55ha in total, of which 8.5ha contain the now vacant retail village. To the west of the site is farmland and, to the east, a footpath and the 5 Sisters Bing (a Scheduled Ancient Monument), beyond which lies, Westwood Industrial Estate. The retail village is centrally positioned on

the northern boundary, with the balance of the site comprising rough grassland. The retail village opened in 1996. It is low rise, comprises 8750sqm of floorspace set around pedestrianised streets and squares, and is spread out in around 40 retail units, including restaurants. Immediately adjacent, there are large areas of car parking and service roads. The Macarthur Glen Factory Outlet Centre opened in Livingston town centre in 2000 and, by the end of 2004, the retail village had closed. The village is visible from a number of vantage points in the surrounding area, including the B792, and the minor road to the east of the site, which runs northwards out of West Calder.

In WLLP, the site is shown on the Proposals Map as being both within an area of special landscape control and an area considered suitable for very low density rural housing and woodland development. WLLP also identifies the site as having exceptional development circumstances, and it is covered by policy ENV38, which states that:

“Policy ENV38

The redevelopment, or reuse, of Westwood, near West Calder, previously operating as a factory outlet centre, is supported by WLC. Leisure and tourist uses, specialised employment, starter units (class 4) or institutional uses appropriate to a rural location will be supported. Whilst some element of new or extended building would be considered, where this is proven to be essential in terms of financial viability, the guiding principles that will apply are...”

Site 15, Allandale Fishery, by Polbeth

The objection site is situated in countryside to the north of Polbeth, at Briestonhill Moss, on the northern side of a minor road (Polbeth Road) running out of Polbeth. In total, it extends to more than 10ha, and is currently occupied by a commercial trout fishery, with an existing dwelling on site (Allandale Hall). To the north, the site is contained by Briestonhill House and a belt of trees, beyond which, is farmland; to the east, is another belt of trees, and a small zoo; and to the south and west, countryside. Gavieside Village had previously spread along the southern boundary of the site, but all that now remained was foundations. The site is classes 4.3 and 5.3 on the Soil Survey map showing the Land Capability for Agriculture. It is relatively flat, but includes a shale bing in the south eastern corner, and an embankment. In WLLP, the site is shown as being in the countryside belt sandwiched in between the CDA allocations at Gavieside to the north and Mossend to the south west.

Site 16, Brucefield Industrial Park, Limefield, Livingston

The site is situated on the south western edge of Livingston and eastern edge of Polbeth, adjacent to Brucefield Industrial Park. It extends to about 10ha of open, overgrown land, which slopes gently downwards to the north. To the east, Brucefield Industrial Park is a modern industrial

estate, built between 1978 and 1990, from which access can be taken to the objection site at 2 points; to the west of the site, lies West Calder High School, Limefield House and the facilities of the village of Polbeth; to the north, is the A71 and, beyond this, countryside; and to the south, is the Edinburgh to Glasgow railway line, again, with countryside beyond. The site is contained by tree belts along its western, eastern and northern boundaries. The southern boundary is more open, with the railway being in cutting at this point. A further tree belt, which divided the site into 2 has been largely felled and replaced by further tree planting by the Woodland Trust.

In WLLP, the objection site is shown as containing 2 employment sites (Limefield South [ELv1] and North [ELv53]). Additionally, WLLP places the objection site in the countryside belt. For ELv1, WLLP Appendix 5.1 highlights the protection of the tree belts on its northern (recently planted) and eastern (mature) boundaries. For ELv53, Appendix 5.1 indicates that the existing mature shelter belts should be retained and enhanced, and it proposes a Tree Preservation Order. Both sites are identified in WLLP as category B, high amenity class 4, 5 and 6 sites. As such, development is expected to be of a higher quality design, with greater control over ancillary areas and landscaping. Access to both sites is to be taken from the industrial estate, with executive access to ELv53 being allowed from the A71. On Brucefield Industrial Estate, 5 sites remain undeveloped, 2 of which are ELv1 and ELv53.

Schroder Exempt Property Unit Trust have submitted a draft masterplan which shows provision being made on site for 170 houses. In addition, the plan showed a full size, multi-use, sports pitch, changing and parking facilities, an attenuation pond, a play area, and the retention of existing trees on boundaries and across the mid point of the site. Vehicular access would be taken from the A71.

Site 17, Omission of land at Livingston and Almond Valley CDA (West Livingston)

The allocations which comprise part of the Livingston and Almond Valley CDA (West Livingston – Gavieside Mossend, and Cleugh Brae) are described in chapter 2.2, and they apply here as well. The objection proposes 3 extensions of CDA. To the south of Stepend Farm and the poultry farm, it is proposed that the Gavieside allocation be extended towards the Breich Water (3.7ha). To the east of Allandale Fishery, it is proposed that the same allocation be extended up to the West Calder Burn (3.1ha). It is also proposed that the north eastern edge of the Cleugh Brae allocation be extended towards Polbeth (2.6ha). The former 2 sites are class 4.2 on the Soil Survey map showing the Land Capability for Agriculture, and the latter site is unclassified. All sites are currently parts of fields, and the southern part of the westwards extension of the Gavieside allocation contains an area of woodland. In WLLP, the sites are covered by a countryside belt designation. Also, the westwards extension is covered by an area of special landscape control designation.

Sites 18 and 19, Station Road, Addiewell

The objection sites are situated to the west and south of Old Addiewell on either side of Station Road, immediately to the north of the railway station and line. Both sites are essentially rectangular, with the one on the western side of the road being elongated and stretching from Livingston Street to the railway line. This site (site 18) extends to around 4.3ha, is a former pre-cast concrete works (Tarmac Buildings Products Ltd), and contains large sheds at the northern end and open storage areas at the southern end. To the west, there is community woodland and a grazed field. The other site (site 19), on the eastern side of the road, is smaller, and is now used for the storage of plant and equipment. There is an area of landscaping along the southern boundary. The land to the east and north of the site is to be developed as a prison, for which outline planning permission and approval of reserved matters have been granted. Further to the north, on the eastern side of Station Road, is a small housing development and some industrial development. In WLLP, the sites are contained within an employment area boundary.

Site 20, Muirhousedykes Mains, Addiewell

The objection site is situated at the western edge of the Loganlea part of Addiewell, on the northern side of Loganlea Road, a minor road passing through the village. It extends to around 0.3ha, is triangular in shape and grassed, and slopes down towards the north. To the north and west, there is farmland. The site is not classified on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the site is outwith the settlement boundary, and in the Breich Water Area of Special Landscape Control.

Sites 21 and 22, Murieston, Livingston

The objection sites are situated on the southern edge of Livingston, adjacent to the residential area of Murieston, to the south of the Edinburgh to Glasgow railway line, and to the north of the Edinburgh to Carstairs railway line. Both sites are predominantly farmland and benefit from the mature tree cover in the area. Site 21 is extensive and stretches from Oakbank Park in the east to Murieston Castle Farm in the west. Site 22 forms a small part of site 21, and comprises a field immediately to the south of Murieston Road and to the east of Wellhead Farm. The sites are predominantly class 4.2 on the Soil Survey map showing the Land Capability for Agriculture, with some areas being classes 3.1, 3.2, and 5.3. In WLLP, both sites are designated as countryside belt and, beyond this, to the south and east, lies an AGLV. They are also affected by the requirement to protect the eastern part of the site as a high amenity Proven Employment Site of National Importance (WLLP policy EM1).

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, a number of the objectors seek the inclusion of their sites within the settlement boundaries of Livingston or the appropriate village, and their designation either for housing or mixed use. In addition, a few objectors seek the safeguarding of their site for future development.

3. SUMMARY OF CASE FOR THE OBJECTORS

Sites 1 and 2: Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

- 3.1 For site 1, Scotia Homes indicated that the alternative strategy put forward for Kirknewton and East Calder would achieve all of the key objectives set out in WLLP. More specifically, it would: allow the natural expansion of existing communities to facilitate social and physical integration and more environmentally sustainable development; provide a realistic range of major, experienced developers leading implementation; provide more effective planning for schools and traffic relief for East Calder Main Street; and remove one of the most dangerous level crossings in Scotland.
- 3.2 WLC had never considered the organic growth and expansion of existing settlements with a variety of sites, each containing a smaller number of houses than that proposed in WLLP at Calderwood. The alternative strategy identified some sites (6 possibilities were put forward totalling 3600 houses) which could yield the critical mass required by E&LSP to provide new infrastructure. There could be a variety of combinations. The Raw Holdings West part of the Calderwood allocations in WLLP was included in the alternative strategy, and an area to the north of this could also be suitable for development. The site under consideration here could come forward with any combination of sites. While no in-depth assessment of sites which could be in the alternative strategy had been carried out, they had been considered and promoted individually at the inquiry. The number of houses required (2800) could be accommodated in traffic terms whether they were to the north or south of the A71, and the traffic impact at Wilkieston would be the same. The key objectives for Raw Holdings West could still be provided.
- 3.3 WLC would be looking for the same requirements in terms of developer contributions from an alternative scenario so residents would not lose out on any perceived community benefits. Indeed, there would be benefits to the residents of Kirknewton, and the concerns expressed about the prospects of the partnership health centre, the level of support for existing businesses, the local or shuttle bus service, and the neighbourhood centre, were unjustified. Each site would have to work with WLC in terms of developer contributions and with each other in order to share the infrastructure burden. The critical mass of housing proposed would be sufficient to allow Camps to be reinvigorated. The alternative strategy would utilise the capacity at East Calder Primary School to take primary children from 750 new houses at 2010, and would provide for the erection of another school. It had been agreed that 3 new streams of non-denominational primary school would

- be funded, and that a range of educationally related community facilities could be incorporated. A more suitable and sustainable distribution of education facilities would result.
- 3.4 Regarding environmental impact, WLC gave no evidence to demonstrate that the impact would be detrimental. In the view of the objectors, it would not be unacceptable. The topography and mature tree belt framework provided the potential to expand Kirknewton while achieving a good fit with both the landscape and the village. Indeed, only minor additional planting would be required on 2 short boundaries. Scrub at Hallcraigs Hillock would be retained and enhanced. There would be no impact on AGLV, and WLC did not object to the use of prime agricultural land. The adverse effects on visibility would be limited to within 500m of the site and short sections of the A71. The allocation of the site would be consistent with a long term sustainable settlement strategy. There would be integration with the existing settlement both through landscaping and the proximity of new housing, which would also be close to the station and school. Additionally, the site would reconnect these latter 2 facilities to the main settlement. While on biodiversity Ormiston, Kirknewton, ranked highest in terms of risk, there were no specified targets within the objection site. The current proposals were very different from those submitted previously. The site had the capacity to accommodate more than 1050 houses, but this figure was selected for reasons of design and deliverability. There was also the prospect of adding further land to the west. The hill top location of parts of Kirknewton had resulted in a poor relationship with the surrounding landscape.
- 3.5 In relation to transportation matters, the site was within walking distance of the railway station, and would meet the required distances for regular and frequent bus services and local facilities. The site met the requirements of E&LSP policy TRAN2. Bus services and the station would be within 400m and 800m of the site, and National Cycle Route 75 would be close. Internally, there would be a comprehensive cycle and pedestrian network. Additionally, the proposed CDA employment allocation at Camps was within 1600m of a large part of the site, and such a distance could be walked. There would still be access from East Calder to the proposed park and ride on the north side of the station, even if the level crossing closed. A park and ride was also proposed on the south side. The facilities in Kirknewton would be within 1600m of the site, and there were good links to the area west of Edinburgh and Livingston. There was nothing in national advice which indicated that no impact was required on existing bus journey times when assessing developments. In any event, this had to be considered in the context of the impact of the level crossing. Furthermore, a new bus route could be provided, given that a new commercially viable service could be justified. The proposals could be accommodated satisfactorily on the road network. Alternative access arrangements (further east than proposed) could be considered on to the A71.
- 3.6 The objection site could become effective, and could be easily serviced. Development of it would allow an additional stream to be added to Kirknewton Primary School, taking it to optimum size and making best use of facilities. It would also enable a playing field or fields to be provided for the benefit of both new and existing pupils. It had been agreed that a new non-denominational

secondary school would be built in CDA, and that contributions would be on a pro-rata basis. Contributions had also been agreed towards the denominational secondary school and primary school, and transport costs where appropriate. It was accepted that any redesignation of catchment areas would require the agreement of the City of Edinburgh Council. There was no reason to believe that such an option would be unacceptable. The objectors believed that the new non-denominational secondary school would be very attractive to Kirknewton residents. With co-operation from WLC, journey times to the school did not need to be so long as predicted. The school would be within 1600m of half of the objection site and 2400m of all of it. On this basis, no requirement for bussing would be triggered. Pupils would have to cross the A71, but WLC proposed to look at the junctions on that road, with a view to signalling and providing crossings.

3.7 Ownership and control of the site were only relevant to the extent that there was a suggestion that any one of the owners involved had indicated that they would not allow their site to come forward. It also had to be remembered that the positions of people changed once a site was firmly allocated or received planning permission. The objectors had been liaising with George Wimpey Ltd. They had also had discussions with all the landowners involved, and believed that they were happy to have their land put forward as part of the objection site. Formal agreements would be entered into if the site was allocated. No landowner had indicated that they would not allow their land to come forward. The objectors had not misrepresented anybody. While Dickie & Moore had possibly indicated an unwillingness to co-operate, their position might change or the land could be acquired through compulsory purchase order proceedings. WLC's tactics were nothing more than a smokescreen designed to distract from the merits of the site.

3.8 Turning to the level crossing at Kirknewton, the proposal by the objectors (a bridge) would be included by Network Rail in their report to the Office of the Rail Regulator as another solution. There was no operational reason why this scheme could not be implemented. The additional funding required to implement option 3a would be difficult to obtain. The work undertaken by WLC in partnership with Network Rail could not be used to confirm the deliverability of option 3a. It did not amount to a full STAG assessment and had shortcomings. Transport Scotland had a critical role in deciding whether matters could proceed to a funding request. Option 3a did not meet the required standard, and SG would need to approve a departure. While concerns could be met by an alternative layout, none had been placed before the inquiry by WLC. To meet the appropriate standard, a new road would need to follow a route similar to that proposed by the objectors. The objectors' alternative required land affected by ownership constraints. However, this could be a possibility with the support of WLC and Network Rail. The claim for funding was now being held in abeyance. The possible timescale for option 3a would be something in the region of 3 years, which would be similar to the timescale for the housing proposals. The objectors' proposal for crossing the railway (a bridge costing £2.5m) could be in place within 2.25 years, and they would co-fund it. This solution would remove all through traffic from in front of the primary school and would allow another level crossing available for a farmer to be closed. Network Rail had no operational objection to the proposal of Scotia Homes. Additionally, the proposal

- would satisfy WLLP. Even if option 3a did proceed, there was no reason why the bridge could not be built.
- 3.9 Regarding other matters, there would be improvements to the streetscape of Station Road, reinstatement of the hall, regeneration of the village centre, the introduction of small employment uses, an additional local centre, and an extension to the town focussed on a parkland corridor linked to the existing public park. The scale of development proposed was based on the need for certain infrastructure improvements which were required to meet WLC's aspirations. The site and Kirknewton had been subjected to a proper urban design appraisal process, and a potential vision for the site had been prepared. Overall, the proposals for the site complied with national guidance and advice, E&LSP, and the objective of WLLP. The site should be included in WLLP for housing, and it should be preferred to Calderwood.
- 3.10 For site 2, Master Homes indicated that they supported the evidence of Scotia Homes but, if that was unsuccessful, they sought to extend the allocated site (HKn9 [5 houses]) at Kirknewton as a replacement for all or part of another allocated site at HKn7 (90 houses), which was a new site in WLLP and not a previously allocated site. HKn7 (along with HKn2) was owned by Drummond Homes who had a slow rate of historical completions (around 2 houses per annum over a period of 12 years). If this rate of progress continued, it would be unlikely that HKn7 would be started in the WLLP period. WLC's projected threefold increase in the completion rate of Drummond Homes had no foundation. A good demand for new housing existed in the village, with average annual completions of around 18-21 houses. WLC were obliged to provide an adequate housing land supply at the settlement level, and they had not achieved that at Kirknewton. Neither had they encouraged choice as Drummond Homes controlled 95% of the remaining housing allocations.
- 3.11 HKn7 was an unattractive site and had problems relating to pylons and overhead cabling, site levels and slope, access, townscape setting, and noise. These would affect the number of houses that could be achieved and their quality, as well as deliverability. At an extended HKn9, access and a good landscape fit could be achieved, the various road options to allow the closure of the level crossing could be accommodated, and high quality housing could be built and delivered immediately. Master Homes did not accept that their proposal would threaten the CDA allocations in any way. WLC's position on educational capacity at the local primary school was confused, particularly as they had recently given permission for further housing at Kirknewton. While they claimed that the local primary school was operating above capacity, it was only over their preferred capacity. The position was the same at Balerno High School. The projected housing completion rate at Kirknewton suggested that the site could be accommodated. There was concern about the impact of the CDA proposals on the vitality of Kirknewton.
- 3.12 Network Rail were concerned about the level crossing. The Office of the Rail Regulator had given them until the end of February 2007 to address safety concerns. Without funding for an alternative solution, the scheme would be an automated full barrier system controlled by CCTV which was a viable option.

Network Rail had started to look at options to deal with the problem in 2001/02 as part of the West Coast Route Modernisation, and they commissioned an options study, which was completed in 2004. Eight options were considered, and 3 were considered to be viable. It was accepted that the study had limitations. Through more detailed assessment, the options were eventually narrowed down to option 3a. However, it could not be implemented without equal funding from other sources. Network Rail indicated that the final solution required to be in accordance with all relevant guidance, and that the current budget would be £5m-£6m (including land acquisition). While Network Rail had been involved in discussions with WLC, they had now run out of time. The introduction of a full barrier would mean that the road would be closed roughly for 20-30 minutes every hour and for 45 minutes in every hour at peak times. Until the barrier scheme was implemented, they would welcome alternative schemes. WLC, in partnership with Network Rail, had commissioned a STAG assessment to support option 3a in a submission to SE made in March 2007. Network Rail believed that the last sentence in WLLP paragraph 8.55 should be changed so that it did not refer to 2 access points to the village being retained but to no significant detriment to accessibility.

- 3.13 Another objector indicated that the level crossing was important for access to the village, and that there should be a new full length barrier with apron crossing or an overbridge at Highfield.

Site 3 – land to the north of railway line, Kirknewton

- 3.14 The allocation of the objection site for mixed use development would not conflict with E&LSP or the thrust of relevant national guidance. It would maximise the potential for the existing railway station and park and ride facility, and would provide an opportunity to closely integrate public transport and residential development. If a greenfield site had to be released, it was preferable that it was associated with an improved railway station, rather than without such an opportunity. The proximity of the railway station represented a real advantage of this location. The proposed park and ride facility would mean that the requirement in E&LSP for a parkway station at East Calder was redundant.
- 3.15 The proposal would not adversely affect areas of landscape quality. It could be satisfactorily screened, and the landscape and visual impact successfully mitigated. No coalescence between settlements would arise. The heart of the new community could offer opportunities and facilities for residents of existing settlements. The development would be linked to Kirknewton but would have its own identity. There were significant environmental gains to be had from the reduction in private car use which would stem from the provision of the park and ride facility. The employment land could be controlled to encourage businesses employing local residents. The development would not have a severe impact on the A71, neither would it generate traffic through communities. There would be good cycling and pedestrian links. The objectors could assist Network Rail in achieving the closure of the level crossing as a part of a wider package of transportation improvements.

Site 4 – Broompark (Stephen Dalton)

- 3.16 Stephen Dalton indicated that the objection site could form part of the alternative strategy put forward. There were clearly a number of significant developers who had participated in the inquiry process who would be interested in developing the sites in which they had an interest while making appropriate developer contributions. The objector's position was no different to those developers. If the objection site was allocated, a developer would take on the opportunity without hesitation. The proposals coming forward through the alternative strategy were supported by the robust 1966 Lothians Regional Survey and Plan, in which the growth intended at Mid/East Calder was shown as a stub finger stretching south east of Livingston, up to the A71. Additionally, a replacement Kirknewton Station should have set the agenda for, and been the driving force behind, the strategy chosen in this part of CDA. WLC's concern about linked development between East Calder, Raw Holdings West and Kirknewton was misplaced.
- 3.17 The key element of the alternative strategy was a new core distributor road and public transport route which linked Livingston/Mid Calder around the north of East Calder, southwards across the A71, towards Kirknewton. It would provide access to strategic housing and community development opportunities at East Calder and west of Kirknewton, and would include a local business node. The urban framework would be relatively compact. The alternative strategy embraced most areas where known builders had shown an interest in delivering the E&LSP strategic requirements. It offered far more than the Calderwood allocations in terms of integration, regeneration and access to public transport. The objector's proposals for Broompark were an integral part of the strategy. However, the benefits they would bring to East Calder were such that they merited support on their own. Calderwood would tend towards the creation of a new, almost exclusive community, where many community elements would be excluded and located in a low density "cordon sanitaire."
- 3.18 On environmental impact, the site was well enclosed and had been developed in the past. Although some views were more extensive, eg southwards from the B7015, others were more restricted, e.g. from the housing on Queens Gardens. An area within the site had the benefit of planning permission for around 50 houses (HEc6), and WLC had allocated their own site for housing (HEc4) on the access road to the sewage works. The site (with the exception of the fields) had a degraded character, which was not apparent from the public road. This part of the site could be reasonably described as brownfield. It had not been farmed for 30+ years and would benefit from redevelopment. A detailed appraisal (by the Macauley Institute [2004]) had concluded that only 58% of this area could be regarded as prime agricultural land. The fields (9ha) were difficult to maintain because of their limited size and isolation from the rest of the agricultural holding (over 400ha). They formed only around 20% of the site and 2% of the agricultural holding.
- 3.19 The designations affecting the site should not rule it out from consideration for essential development. The WLLP process was the appropriate time to revisit designations to take into account the new strategic context. Development of the

site would not undermine the principle aims of E&LSP policy ENV1d, insofar as they related to AGLV, countryside belt, and prime agricultural land. Any decision to allocate land for a new use, such as housing, should be based on a robust methodology and thorough analysis. This approach had not been followed by WLC, only by the objector. The proposed masterplan reflected an assessment of the site's capability of delivering a sustainable development which respected the amenity and context of the wider area, utilised existing infrastructure efficiently, and enhanced the local environment. Open space would be provided between the existing village and the proposed development.

- 3.20 There would be no extensive visual impact beyond the site's immediate boundaries. The site would not be visible from the car park within Mid Calder. The development proposed in the masterplan would go no further west than the planning permission already granted by WLC (HEc6). The proposals for further structural landscaping to the west demonstrated that concerns of potential coalescence were unfounded, particularly when account was taken of the definition of coalescence in E&LSP. Substantial additional planting was proposed. The development would avoid rural sprawl. The landscape integrity of the River Almond would be maintained. There was no ecological reason why the site should not be developed.
- 3.21 On transportation matters, the site was well located and within easy walking distance of existing facilities, including those in the town centre. The 1600m threshold would be met, and many parts of the site would be less than 800m away. A development of this scale would help the vitality and viability of the town centre. A full network of safe pedestrian routes would be provided linking the site to the village. National Cycle Route 75 would be close by. Appropriate public transport links existed at present and would be enhanced through additional housing. There was the potential for all parts of the site to be within 400m of a bus stop if services were rerouted through it. While Camps Industrial Estate and Kirknewton Railway Station were more distant, they were not inaccessible. Both would be served by public transport, and would not be outwith cycling distance. Moreover, these matters would not outweigh the significant sustainability benefits which accrue to the site because of its proximity to existing local facilities. The new distributor road would result in further benefits because it would allow the high street to become a safer and less congested place, potentially enhancing its attractiveness. It might also help enhance links with the station. The site of new facilities planned, eg schools, was not yet fixed.
- 3.22 Regarding effectiveness, the site was in the ownership of 3 parties, who were all keen to have their land developed for housing. There were no significant issues which made it unviable to develop. Appropriate measures were required for containment and remediation of existing contamination arising from previous uses. Ground instability could potentially arise from unrecorded mine workings. There could be a requirement for a pumping station and rising main to serve parts of the site. The objector considered the site to be effective. The site could be built out over a minimum period of 5 years.

3.23 Turning to other matters, the site had a long planning history, which supported its development. The presence of the sewage works had not been a significant factor in the recent appeal decision relating to a part of the site (P/PPA/400/210). The proposal would provide a natural and logical extension to the village, and would comply with national and strategic guidance. The objector sought a mixed use allocation over the site.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill (John Swan & Sons)

3.24 The objectors for site 5 referred to national, strategic and local guidance and advice. They claimed that the site could accommodate a range of uses including residential, commercial and business, and related infrastructure, eg schools. The site had been identified previously for development (industrial) but had been “dezoned” in the adopted local plan. The objectors considered that WLC’s approach to site selection was inconsistent and lacked transparency because of the reliance on different criteria, not all of which were policy based.

3.25 The objection site had several advantages, specifically: it wrapped around East Calder; it provided a high degree of physical integration; and it was well contained. The proposal would help regeneration by supporting the local economy and securing environmental enhancement. It would provide additional facilities, improvements to existing services, and a strong defensible landscaped boundary to the A71. It adjoined existing development and would be able to “plug into” and utilise the spare capacity in existing facilities in East Calder. Development would not result in coalescence or urban sprawl, and would form a natural extension of the village. The site was within walking distance of major facilities, and could be readily linked into the public transport system, including the railway station at Kirknewton, and walking and cycling routes. Access could be readily gained to the strategic road network. The proposal would not have an adverse impact on the wider landscape or the setting of the village. New open space and woodland planting would build on the existing landscape framework. The objectors would work closely with WLC to ensure delivery of the necessary services. The site was effective and would be able to deliver housing at an early stage.

3.26 John Swan & Sons indicated that site 6 would be able to accommodate around 130 houses. Hoghill was outwith the CDA boundary at Calderwood as defined in WLLP, but it would have the same locational benefits. It posed no threat to the CDA allocations. There would always be difficulties in bringing forward large sites, such as Calderwood. It would be unlikely that they would deliver any housing until the end of the E&LSP period. In contrast, site 6 at Hoghill could come forward early. It could provide a land supply in East Calder when no other sites were available, and it would add variety and choice. The site could produce housing within 2 years. Coalescence was not an issue at Hoghill because it was well separated from Mid Calder and the principle of development had been accepted in the past. Indeed, the site to the west, which was even closer to Mid Calder, was likely to be developed for low density housing. If this was the case, site 6 would represent an infill site. A landscape treatment (tree planting) was required on the southern edge of the site but development could start on the

northern edge. The proposal would allow a softer edge to be formed for East Calder, more fully linked to the footpath network and countryside, including the country park. It would have limited visual impact from major roads or other vantage points.

- 3.27 The site was effective and was not associated with the alternative strategy. There was non-denominational and denominational capacity in the primary schools in East Calder. For secondary education, the pupil product of the site amounted to only 5 pupils per school year for the non-denominational sector and one pupil per school year in the denominational sector. The denominational sector was constrained throughout West Lothian until the new school was provided. All sites were therefore affected. For the non-denominational sector, there could be provision at Deans or Whitburn. WLC's approach to education seemed more influenced by expenditure than its obligations to educate pupils strictly in accordance with statutory requirements.
- 3.28 The site would be accessed from Oakbank Road, and the traffic generated by the proposal could be accommodated on the local road network. Local facilities and bus stops were all within walking distance of the site, and would satisfy the advice in PAN75. Camps Industrial Estate and its proposed extension would be within cycling distance. The differences in distances from Calderwood and Hoghill to local facilities were so insignificant that no reasonable distinction could be made between the sites, particularly when account was taken of the size of Calderwood. Moreover, many parts of East Calder were already further from facilities than the objection site. The Calderwood development would be likely to result in enhancements in public transport which would benefit Hoghill. It was a sustainable location, and the site's release would be in line with national and strategic guidance.

Site 7 – land at Wilkieston

- 3.29 The objectors sought to justify the site as a sustainable housing development opportunity, which should be recognised in WLLP and included in the settlement boundary for Wilkieston. They welcomed the acceptance by WLC that the site was suitable for development. The character was of a developed site, interspersed with areas of grassed open space. WLLP inappropriately only included a part of it in the settlement boundary. Given its brownfield nature, sites such as Linburn should have been given priority ahead of the Calderwood allocations. The objectors favoured an alternative strategy of extending smaller settlements as put forward by Scotia Homes, but there had been no detailed discussions on this. The growth of Wilkieston had been very much linked with Linburn, and the objectors controlled a number of properties in the village, some of which had now been sold. It had been not indicated what alternative uses WLC would find acceptable on site. If the site was in CDA, the objectors believed that it must merit consideration as part of the strategic housing allocation. The site represented a unique opportunity, and it was an ideal housing location, given its position on the A71 between Edinburgh and Livingston/East Calder, its good transport connections, and its landscape setting. With Linburn closing in the near future, Wilkieston required support. If it was inappropriate to reallocate the site for housing, it should be identified as a longer term

- opportunity. Additionally, a significant reduction should be made in the number of houses allocated at Calderwood.
- 3.30 The site was effective, and would become available in 2010/11. An annual completion rate of 30-35 houses could be reasonably expected, which would allow its inclusion within the housing land audit. The objectors accepted that developer contributions would be required, but indicated that the appropriate sum should be based on the specific circumstances of the site. The objectors did not accept that the site's allocation would compromise the delivery of the CDA infrastructure. It would be incorrect to dismiss a site because of the timing of contributions. However, if this was an issue, the objectors would be prepared to provide funds, or the assurance of funds, in advance of land sale proceeds from a developer. The proposal would provide an opportunity to consolidate custom for local facilities and to include additional facilities for community use. The type of facilities could be established through a design brief. The site had the benefit of a mature landscape setting, which would allow "development rooms" to be created. The site was not constrained by a policy designation, and shared many similarities to the Bangour Village Hospital site where WLC were encouraging housing.
- 3.31 Public transport accessibility was acceptable, with the site being well related to railway stations, park and ride facilities, and existing bus services passing along the A71. The construction of the Wilkieston relief road would not divert bus services further away from the village. Use of public transport facilities would be supported and maximised by the site's residential development. The development was not constrained by educational capacity. The bus services along the A71 would provide appropriate public transport access to schools, and the number of services could be increased given the Calderwood proposals. A shuttle bus funded by the developer would be unlikely to be necessary, but this could be the subject of later discussions. The proposed new non-denominational secondary school at Calderwood would mean that the journey times of pupils would be reduced. The new denominational secondary school at Winchburgh would also serve the development, and it would not require an additional school bus service to be introduced. The objectors did not accept that the bussing of children placed them at an educational disadvantage compared to those who walked.

Site 8 – land at Pumpherston/Clapperton

- 3.32 The site could provide land for in excess of 2500 houses, a new primary school, and community facilities. It was an excellent location for development, being within the greater Livingston area and part of CDA. The proposals were still at an early stage, with the masterplan being in an embryonic form, and the supporting infrastructure was still under consideration. However, the site would be capable, at least in part, of becoming effective within the E&LSP period. While a start to development could be made in areas adjacent to Pumpherston village, it would be preferable if the whole site formed part of a wider vision informed by a masterplan. In transport terms, the site had good links to the principal road network, including the M8 corridor, and these would be improved by the new by-pass to be built around Pumpherston village centre by other

- developers. It would be capable of attracting bus services which already passed along the B8046. Crucially, the site was within 2-3km of the park and ride at the railway station at Uphall Station. The site could therefore be regarded as sustainable. The minor road to the north would require to be upgraded and the traffic entering Pumpherston from the south would have to be carefully managed.
- 3.33 The site had many advantages. It could provide additional land to augment the country park. There was also the potential to improve and extend the park's car park as this facility was unattractive and not user friendly. There was no insurmountable protective landscape or other designation. The area by the river corridor would remain free of development, and it could add to the network of paths and provide an area for sustainable urban drainage systems. An extensive green wedge could be provided in the area affected by oil shale workings, which would add to the open space provision. The future of the complex of poultry sheds on site was uncertain because of difficult market conditions. While residential development would appear to be an appropriate alternative, the number of houses would have to be sufficient to achieve a viable development. In this respect, some flexibility in the application of WLC's policy on the redevelopment of redundant poultry sheds was required.
- 3.34 The site met the requirements set out for settlement extensions in SPP3. The objectors acknowledged that schooling was an issue, and they would be prepared to fund the necessary requirements for both primary education (on site) and secondary education. Joint working with WLC would be necessary. WLC's concerns about the revenue implications of adding land to the country park could be overcome by developer contributions. All the matters raised were capable of resolution and should not be considered impediments to the site's residential development. The site should be safeguarded, which would signal its potential for future development in WLLP. Safeguarding was a legitimate approach because it previewed future development, provided greater certainty through allowing a longer term land supply, alerted communities to the future direction of growth, and allowed engagement with utility providers to assist site development. E&LSP did not rule out safeguarding. The site would be a logical longer term extension of Pumpherston. It should therefore be identified as suitable for longer term development, in part within E&LSP period, and given a safeguarding designation in WLLP. It should not be viewed as a competitor to the CDA allocations.

Site 9 – land at Uphall Station

- 3.35 The adopted local plan allocated the northernmost part of the site for housing. Development of the site could be justified on a number of grounds. It would not impact on WLC's preferred strategy, and it would help facilitate the neighbouring development. It would be close to an established residential area, a railway station, and a main bus corridor, and was therefore sustainable. Greenfield sites were required to meet the E&LSP housing requirement, and there would be no significant threat of coalescence or impact on the landscape and environment. There was an opportunity to provide a softer edge to the settlement, and a logical, clear and defensible boundary. Development would form an integral part of Uphall Station, and it could widen the choice of housing available, particularly by

providing affordable housing in accordance with WLC's policy. It would make best use of existing and committed infrastructure, including that associated with the Drumshoreland allocation. There were no known infrastructure constraints, and the allocation of the site could help deliver the planning gain package for Drumshoreland.

- 3.36 The site's release was supported by SPP3, SPP17, and E&LSP. It was small scale (in relation to Uphall Station combined with Drumshoreland), and was not in the green belt. The developers would provide any additional infrastructure required, and they would co-ordinate their proposals with those of the neighbouring developers. Good links could be secured to the adjacent path and the countryside beyond, and there was already a landscape framework in place which could be built upon. The site was unlikely to be significant in terms of its biodiversity. Requirements for cyclists could be accommodated within the proposals, and no additional vehicular traffic needed to pass through Uphall Station or Muirfield. The site was well placed to contribute to the housing requirement.

Sites 10 and 11 – Hartwood Road, West Calder

- 3.37 Site 10 would be bound by development on 3 sides (to the west, north and south), and it was not a part of the countryside. The local primary and secondary schools had sufficient capacity to accommodate the proposal. Development would be supported by SPP3 and E&LSP. In E&LSP, the site was within CDA, and not in an area of restraint. E&LSP also recognised the potential contribution which settlements to the west of West Lothian could make to housing provision. Both the adopted local plan and WLLP included the site in an area considered suitable for very low density rural housing. The site made a limited contribution to landscape quality and had negligible agricultural land value. The ground conditions on site were poor. There had been a long held view, including in the 1995 structure plan, that the Calders could accommodate substantial new development.
- 3.38 WLC had offered no evidence to support their rejection of the objection site, and they were promoting a variety of new allocations in the general area including within West Calder (HWc14). The site was suitable for housing and was exceptionally well related to the village. It benefited from strong and defensible boundaries, and the land fell towards the settlement. Its inclusion within the settlement would represent a more logical boundary for the built up area and could help improve the surface water drainage system for the ground to the south. Suitable access arrangements could be provided, and the 30mph speed restriction could be relocated. Allocation of the site would not compromise other policies in WLLP, and it would support the regeneration of West Calder. The site was within walking distance of the railway station, bus routes and local facilities. There were no sewerage or water constraints. The land supply within West Calder was likely to be exhausted within 5 years, and there was a real danger that the land supply in the area could dwindle to alarmingly low levels if the CDA allocations were delayed. This site could make a small but valuable contribution to the housing land supply.

3.39 Much of the above applied to site 11, including concerns over the 5 year land supply. In addition, for this site, the mature tree belt to the east formed a very strong defensible boundary, and its continuation along the southern boundary would create a strong and enhanced physical boundary for the village. Development would be contained comfortably in this landscape, and would balance the recently completed development to the west. The site was fully effective, had a capacity of around 12 houses, and its allocation would be in keeping with the village's scale and character. The site would add to the variety and choice available. There was a strong requirement and justification for further housing releases at West Calder. The CDA allocations should be considered as suitable for release over a much longer timescale. Allocation would be consistent with national guidance, including SPP3 and SPP15.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

3.40 Site 12 should be allocated for housing. There was no justification for allocating the CDA site in WLLP at Mossend and not the objection site. The site was effective with no physical or infrastructure constraints and, if allocated, would be developed for 32 houses initially. The objector believed that WLC had previously agreed to the development of the site. There would be a bus service passing the site. Developer contributions would be made as required.

3.41 The release of site 13 for housing could be justified. It would be a natural extension to the village. The accommodation proposed was in short supply and in great demand. The area of special landscape control designation covering the site was not an insurmountable barrier to development. The development would be similar to the neighbouring Westwood View, and it would greatly improve the main approach to West Calder along the B792. There would be an opportunity to reroute the footpath from the existing footbridge over the Breich Water eastwards towards the site. This would improve pedestrian safety and encourage the use of the local countryside's network of paths. There was a railway station nearby. The site was fully effective, with all the required services being present. This was a small scale development which could be readily included in WLLP. The site would provide homes built by a local company, with a local workforce, for local people. Development would be completed on site within 12-18 months of commencement.

Site 14 – Freeport Retail Village, by West Calder

3.42 Scottish Capital Group indicated that the site was not a viable retail opportunity, and that the uses being promoted in WLLP were also not viable. The policy and text in WLLP required to be changed to allow some residential development as part of a wider redevelopment scheme, which could include WLC's preferred uses. It was not the case that a large scale residential development was proposed. Such development would be limited to the footprint of the existing development and would form part of a mixed use scheme. The scale of housing would be determined through the development control process. The aim was to achieve a policy framework which could secure a mix of economically viable uses.

- 3.43 National guidance supported the approach of the objectors. WLC had ignored the terms of E&LSP policy HOU3 which stated that housing numbers for CDAs were “approximate.” They had also ignored a pragmatic response to a site affected by exceptional circumstances, and had contradicted their own approach at Bangour Hospital, where limited housing had been allowed to cross fund tourism and heritage related development. A small scale residential development would generate few pupils and would be insignificant in terms of educational capacities at local schools. Nonetheless, the objectors would be prepared to contribute to any additional educational infrastructure which might be required.
- 3.44 The site had been vacant for a number of years and a comprehensive marketing exercise had failed to produce any serious interest. The interest which had been expressed by a residential school had not been followed up, and there were no details available about another interest which WLC claimed was being pursued. The objectors’ expert opinion was that the mix of uses currently proposed was unlikely to be commercially viable. Without serious interest which allowed the objector to receive a return on their investment, the site would remain redundant. The 2 options put forward were examples of the types of mixed used development that could be achieved on site. The 1st option was for a larger scale of development (50 live/work units, 25 sheltered homes, 45 family homes, 30 affordable homes, a visitor centre [for the 5 Sisters Bing], business units, stabling for disabled horse riding, and a golf driving range), but allowed for a significant amount of conversion and use of existing buildings. The 2nd option was for less development (30 homes, a visitor centre, business units, stabling for disabled horse riding, and a golf driving range), but did not involve the reuse of existing buildings. While there might be alternative scenarios, they all would require a residential component. A satisfactory residential environment could be created.
- 3.45 The site was close to an existing community, an employment site, public transport and amenities. There was no reason why a bus service could not be re-established with the range of visitor attractions/employment uses envisaged. Additionally, further development at Westwood Industrial Estate was conditional upon a bus service linking it with Livingston Bus Terminal and a railway halt (on the Edinburgh/Bathgate railway line), and there was no reason not to extend it to serve the objection site. The site could also be linked by a cycle and footpath network to the industrial estate and West Calder. Overall, it was illogical for WLC to propose redevelopment of the site for a range of travel generating uses, and then conclude that housing was unsustainable. The proposals would contribute to a long term sustainable settlement strategy for the West Calder area. The last sentence of WLLP paragraph 3.103 should be deleted and replaced by text which permitted some limited residential development as part of a wider redevelopment, including WLC’s preferred uses, and required the objectors to demonstrate that such development was necessary to enable the other uses. This revised wording should be reflected in WLLP policy ENV38.
- 3.46 Another objector indicated that the local community were keen not to see the site abused again and were concerned about WLC’s relaxed approach to it in WLLP.

Site 15 – Allandale Fishery, by Polbeth

3.47 Mrs Allan indicated that the objection site had been omitted unreasonably from the CDA allocations in WLLP. A significant part of the site was brownfield, having been occupied by Gavieside Village, a settlement of more than 100 houses. It should be given preference over greenfield land, and should be allowed to benefit from regeneration. It could accommodate around 50 houses. The CDA allocations in WLLP, as they stood, would result in the closure of the fishery business operating from the site. The business served Central Scotland, not just the local community. It was illogical to promote the CDA allocation at Mossend, and ignore the opportunity on the objection site. If it was excluded, the fishery could be subject to flooding because the proposed works for CDA would interfere with drainage. When the fishery closed, there would be a need to find an appropriate alternative use, and housing would be an obvious choice. It would have been more appropriate if the boundaries of the countryside belt had been based on physical features rather than ownership. There was concern that the CDA proposals would result in access restrictions and road closures which would make it impossible to service the fishery. It was unacceptable that the family business should simply be allowed to collapse. The inclusion of the site within the CDA allocation would accord with established planning policies and practice, including national guidance. West Lothian District Council, when they were planning authority, had granted planning permission for a substantial housing development on site, but their decision had been overturned by Lothian Regional Council.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

3.48 Schroder Exempt Property Unit Trust considered that the site's realistic capacity was restricted to 170 houses. Additionally, they believed that the precise boundaries of CDA were for WLC to determine. While it was possible to view the western half of the site as falling within CDA, the objectors' preference was to regard the whole site as falling outwith CDA. As such, it would come forward under policy HOU1. They believed that the site was effective and could contribute towards the housing land supply in the period 2007-12, and that it should not be constrained by the CDA policies. The objectors had concerns about the effectiveness and delivery of the CDA sites, and believed that sites such as the objection site should be allocated for housing. WLLP needed to ensure that there was an adequate supply of housing land. The site was owned by the objectors. The Woodland Trust had not objected in principle to access being taken from the A71. There was no known contamination; no public funding would be required to facilitate development; and the site was marketable.

3.49 The objection site was in a predominantly built up area, between Polbeth and Brucefield Industrial Park. It offered an opportunity to create a high quality residential environment, which was highly sustainable and connected to the community. It could provide consolidated areas of amenity and public open space, which would exceed the National Playing Field Standards. The proposals would build on the existing landscape framework on site. The proposed sports pitch would improve Polbeth's recreational infrastructure. The site's countryside belt designation in WLLP was ineffectual because it could be developed for

- employment purposes. As such, there was no issue of coalescence to be considered. It would be sensible to include the site within the settlement boundary of Polbeth, given the mature tree belt along the eastern boundary.
- 3.50 The site was not suitable for employment purposes. Vacancy of units in Brucefield Industrial Park was currently 30%-40%. Accommodation within the industrial estate, including the objection site, had been extensively marketed for a considerable period of time (14 years). The site had first been allocated for housing in the adopted local plan. The majority of industrial/business occupiers still preferred to lease premises, and the emerging demand for owner occupation represented a relatively small part of the market. The objectors were prepared to entertain various “deal structures” for industrial use or forms of tenure, including joint venture deals. Units in Brucefield had in the past been sold. However, the private sector lacked interest in taking a relatively large allocated employment site and allowing the development of one or 2 small owner occupied units, which could sterilise the site. No evidence was presented supporting the existence of interest in a site the size of the objection site. There was an abundance of existing units and sites available in a range of sizes throughout the area, and the objection site did not have good transportation links to the M8. The new site being brought forward by Scottish Enterprise at Oakbank would satisfy any demand for owner occupation. There was no basis for retaining the objection site in the employment land supply on the basis of the take up of such land.
- 3.51 The site could be properly accessed by a new junction on to the A71. The traffic generated by residential development would in many respects be less than that for the current employment allocations. Looked at in the round, the site could be characterised as accessible, including to local facilities. It was well linked by bus to Livingston town centre and to West Calder, and there was an express service to Edinburgh. The 2 railway stations (West Calder and South Livingston) were beyond walking distance, but were in close proximity and were accessible by public transport. Any problems the site had with accessibility applied equally to the CDA and other housing allocations in WLLP. They would also apply to any employment uses on site. On accessibility, a housing allocation would comply with the general thrust of national and strategic policy guidance, and there was scope for enhancement as a condition of development being brought forward.
- 3.52 The objectors recognised the challenges facing WLC in relation to educational infrastructure, but believed that the difficulties had been substantially overemphasised. WLC had mistakenly assumed that 250 executive houses equated to 500 average houses, which significantly overestimated the number of pupils likely to be generated. WLC could control the number and phasing of house completions, and could secure a reasonable contribution towards any infrastructure costs. The non-denominational primary school (Parkhead) would be more than 1.5km distance and would require a bus service from the site, but such was already provided, and this reflected the size of the supporting catchment area and the nature of the route to the school along the A71. While access to the denominational primary school (St Mary’s) would also be along the A71, manned crossings were in place and the journey from the objection site would be no different from that experienced by other pupils from Polbeth and beyond. The non-denominational secondary school (West Calder High) was directly

accessible. The denominational secondary school (St Kentigern's) was on the edge of Bathgate, and buses already served its extensive catchment. Contributions to the financial costs of bus services could be sought.

3.53 In relation to school capacity, the accommodation of children from the objection site was likely to be a matter of the timing of the development. There were no capacity issues at the denominational primary school, and the very small number of denominational secondary school pupils generated (4 or 5) would not impose an insuperable burden. Possible capacity problems would arise at the non-denominational primary school only when the CDA allocations at Mossend and Cleugh Brae came on stream, which would not be before 2012, when there would be a need to extend the school anyway, and full account could then be taken of the objectors' development. Surplus capacity would be available at the non-denominational secondary school between 2010 and 2025. There was also the prospect of extending the school into the grounds of the objection site in order to provide the additional accommodation that could be required to reduce class sizes. While there was an ethylene pipeline nearby, the proposed extension would fall outwith the area where consultation would be required with the Health and Safety Executive. The objectors believed that there was likely to be sufficient capacity to accommodate the development at all 4 schools through to 2012, prior to the comprehensive review of existing provision being implemented as a part of the CDA proposals.

3.54 There was a limited choice of housing in Polbeth, and the proposal would help to improve the housing mix. Overall, the objectors believed that the site should be allocated for housing development. It would meet national, strategic and local guidance and advice.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

3.55 There was a requirement to adjust the boundaries of the West Livingston CDA. The mixed use CDA allocation proposed initially had followed well defined and established boundaries, but they had been changed. WG were not in a position to confirm the extent of the developable area within this part of CDA, but were firmly of the view that the allocation was not generous when account was taken of all requirements. In the Calderwood allocations (to the east of Livingston), a comparable allocation of 144ha at Almondell could achieve only some 90ha of developable land. Extending the allocations in the manner proposed would provide additional flexibility, and would increase the size of the allocations by only 6%. WLC had increased the CDA allocations elsewhere on the basis sought. The allocations made had not been based on any masterplan assessment and, with such small extensions as those proposed, there would be no need to reduce the CDA allocations elsewhere. No increase in housing numbers was being proposed. The CDA boundaries as changed would simply provide an opportunity to follow and strengthen the existing landscape edge. There would be no adverse impact on natural heritage interests.

3.56 The area to the west of Gavieside was well contained and offered considerable potential. The area to the east of Allandale Fishery was an obvious candidate for

inclusion because it was farmed as a part of the allocated area. The boundary proposed for the allocation was a line in a field, and it was illogical to plant a new edge when limited and selective strengthening of the existing one would represent a far better use of resources. Neither of these 2 extensions would be remote once account was taken of the masterplanning proposed, which would allow transport routes to be created throughout the allocations to WLC's satisfaction. Regarding the extension to the Cleugh Brae allocation, the current gap between West Calder and Polbeth was minimal and the allocation resulted in it being reduced by almost 50%. In the proposed gap, there was a requirement to create a road link between CDA and the A71. WG believed that the only location for the road link was on an embankment and that it would be a significant visual structure. If this location was accepted, it would be illogical to restrict the allocation to its current location, particularly as the area of countryside belt would have to be crossed by a further road from the new road link into Cleugh Brae itself. The allocations were only a guide to where development would be permitted, but they could include strategic landscaping and other non-development land uses. The release of these 3 areas would not undermine WLC's preferred strategy.

Sites 18 and 19 – Station Road, Addiewell

- 3.57 Site 18 should be reallocated to its original use – housing. It benefited from easy vehicular access to the A71, M8 and M9, and it was well served by public transport, including rail. The site was included in a proposal for a mixed use development on 150ha of land at Addiewell at the time WLC were preparing their strategy. While the proposal was not included in the final strategy, WLC had concluded that it had merit, and that they would look further at it, with the possibility being that it could be brought forward in the longer term. The retention of the site in its existing use had been fully explored, as had the impact of housing on nearby employment uses, traffic, the environment, and amenity. Phasing could address any capacity problems at secondary school level.
- 3.58 The objection site was not included in WLLP's employment land supply. All potential purchasers of it had been housing developers, despite continuing active promotion. The site was brownfield, vacant and derelict. Housing on it would complement the existing housing in the area, would assist in the regeneration of Addiewell, and would provide housing for those working in the proposed prison. The site could contribute towards the strategic requirements, and it would also benefit from E&LSP policy HOU9. Development would result in the decontamination and remediation of the site.
- 3.59 The objectors for site 19 had originally intended to use the site for the overflow storage of damaged cars. However, they now sought to change the allocation to industrial and/or residential. This would allow some housing to be built for prison wardens, along with other housing, all of which would reflect the changing nature of the land uses in the area.

Site 20, Muirhousedykes Mains, Addiewell

- 3.60 The site should be included within the settlement boundary and allocated for

housing. It could not be used as a viable agricultural unit, and was incapable therefore of reasonably beneficial use. It would make a small but important contribution to community services in Loganlea, including schools and shops. The site was adjacent to a bus route, and was located opposite a residential development under construction (HAd6). Footpaths, public lighting and other services extended across the site frontage. The site was effective and capable of immediate development without any form of public investment. Outline planning permission had been previously granted for a residential development on site. While the permission had now expired, it indicated that the site was suitable for development. The site made little contribution to the character or appearance of the area of special landscape control. Unless it was developed for housing, its condition would only deteriorate with an adverse effect.

Sites 21 and 22, Murieston, Livingston

- 3.61 Site 21 should be specifically allocated as strategic reserve land to address shortfalls that might arise in the 5 year effective land supply. This would give greater certainty over the future delivery of housing land. The site was undefined, but was being promoted for a range of uses. The Edinburgh to Carstairs railway line would provide a logical, long term defensible boundary to Livingston. In the 2020 Vision for West Lothian, it was acknowledged that there was physical scope to expand Murieston to the railway line and to the ethylene pipeline. The need for substantial investment in infrastructure was recognised. With Linhouse (the Proven Employment Site of National Importance [ELv54]), there was real scope to consider an extended South Livingston as a focal point for future longer term mixed growth. In the event of a shortfall in the allocated employment sites in CDAs, Linhouse should be brought forward at the earliest opportunity, and this should be reflected in an appropriately worded change to WLLP policy EM3.
- 3.62 The site had locational benefits, and its development would be consistent with national and strategic guidance, including SPP1, SPP3, and SPP17. The site had the potential to be effective, as physical constraints could be successfully addressed and infrastructure issues satisfactorily resolved. The range and quality of open space and recreational facilities could be significantly improved for the existing community. With careful site planning, a logical and sensitive extension to Livingston could be created, which would not affect the wider landscape setting of the town. WLC had recognised the potential of this site since the 1980s. Accessibility would be improved through the development of a fully integrated transportation strategy, including possible provision for additional rail halts. A masterplan would be devised to take the development forward. The area was not constrained by the AGLV designation to the south. The proposal would consolidate the settlement form and reinforce the interface between town and country.
- 3.63 Site 22 was no longer suitable for agricultural use and should be allocated for housing, because of the proximity of development on either side (Murieston South 6A [HLv59] and Linhouse).

4. SUMMARY OF CASE FOR WLC AND SUPPORTERS

Sites 1 and 2 – Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

- 4.1 On site 1, the alternative strategy had to be considered in the context of E&LSP's requirements, including a maximum possible allocation of 5,000 houses in CDA (which was the number of allocations WLC proposed). The objectors had not carried out a detailed assessment of the sites in the alternative strategy. The total number of houses proposed by the objectors would result in an excess of houses in CDA over the maximum allowed. The reference in E&LSP to major expansions continuing to yield completions beyond 2015 did not justify allocations over the maximum. E&LSP recognised that many of the houses in the strategic allocations would not be developed until post 2015. There was no agreement between the developers and owners of the sites set out in the alternative strategy and at least one developer (George Wimpey Ltd) appeared to want to have very little to do with it. WLC were concerned that any masterplanning process for the alternative strategy, had the potential to run into difficulties, which could undermine the delivery of the relevant infrastructure. There was no evidence presented on the cumulative effect of developing the alternative strategy.
- 4.2 Regarding environmental impact, the development of the site would result in a loss of the existing landscape character. The proposals would have a potential impact on 3 distinctive landscape areas (Kirknewton House, Ormiston, and Hallcraigs Hillock). Development would be on a hill top location. It would be exposed to prevailing south westerly and cold northerly winds and would be visible from the lower landscape to the north. The views from the houses located on the southern side of Station Road and Roosevelt Avenue would be significantly altered with the development, and the magnitude of change would be high and the impact on view would be substantial, adverse and significant. The new access road would also result in substantial, adverse and significant impacts on some views from the A71. Development of the land to the north west of Hallcraigs Hillock and south of the railway line would be unacceptable in landscape terms, and this made it difficult to move the access road to the east. The objectors had not discussed the site with SNH. It was difficult to see how the proposals would constitute the organic growth of the village.
- 4.3 The development would involve building houses on a north facing hillside, which had in the past constrained development. The design process for the site had involved considerable challenges given the complexities of the topography and the range of issues to be addressed. The edges of the development would be likely to be a considerable distance from the village centre, which provided few facilities for the community. The altering of the western access to Kirknewton as proposed would further separate Kirknewton from the villages and towns to the north.
- 4.4 In relation to transportation matters, the access proposed would result in increased travel times from East Calder (and beyond) to Kirknewton. The new access was selected on the basis of cost, land ownership, and landscape evidence.

The existing distance from the railway station to the Main Street/Langton Road junction in East Calder was 2.3km. The proposed new route would add an extra 2.8km. Taking account of bus routes, would add a further 0.8km to the journey. The increase in bus journey times between the 2 settlements would make the route less attractive to passengers and operators. The proposed new roundabout on the A71 would not fit well with proposals to encourage bus priority on that road. It could be difficult to incorporate bus priority measures into the design of the roundabout. An alternative western access closer to the one existing could lead to large parts of Kirknewton being more than 400m from a regular bus route. The development would result in an increase in the number of children being bussed from Kirknewton to the secondary school and the denominational primary school. There could be over 200 children being bussed on a daily basis. It would not be desirable to encourage children to walk to East Calder from Kirknewton because the route was not a safe route to school.

- 4.5 The development would require a park and ride site on both the north and south side of the station. Pedestrian access, suitable for the disabled, would also be required. As things stand, the proposed Caledonian express service would not stop at Kirknewton. Currently, only one half hourly, subsidised bus service goes through the village, and there was nothing presented which indicated the prospects of an improved bus service. Kirknewton would be highly unlikely to be able to sustain its own local bus service, and it would be unlikely that any local or shuttle bus for East Calder would include Kirknewton in its intended route. Residents would have to travel outside the village for their employment, most shopping, health care, library, sports facilities, non-denominational secondary schooling and denominational schooling. The new access would create an additional maintenance burden for WLC. The proposals would not be consistent with E&LSP policy TRAN2 and Schedule 5.2A.
- 4.6 Turning to the site's effectiveness, there was at present some considerable doubt over the agreement of landowners in relation to the land required to develop the site. Furthermore, the primary school at Kirknewton was at capacity and the proposal would require it to be extended. Denominational primary school children would have to attend St Paul's (East Calder). There was no certainty that any catchment review would result in the village being in the catchment area for the proposed new secondary school at East Calder. Balerno High School currently attracted an exceptionally high proportion of children from Kirknewton. WLC believed that there would be likely to be resistance to Kirknewton being taken out of the Balerno High School catchment area. This had implications for the potential effectiveness of the site. Balerno High School could not accommodate all the secondary pupils from the proposal, even if it was to be extended. A successful catchment review would still require the children to be bussed to the new secondary school. The development of the site would be an inefficient use of educational resources, and could undermine WLC's educational strategy for CDA. In particular, the development could reduce the number of pupils available for the new secondary school.
- 4.7 The development of the site was restricted by the overhead power lines, and there was no proposal to remove them. The area around the lines could not therefore be developed. Additionally, if the foul sewer serving Kirknewton required to be

reinforced to accommodate the proposal, it could involve works from Kirknewton to the East Calder Waste Water Treatment Works. The foul sewer passed under both the railway line and the A71.

- 4.8 Regarding the level crossing at Kirknewton, WLC preferred option 3a. The closure of the crossing was unacceptable to WLC, who were confident that an acceptable solution could be found and funding obtained from SG. It was essential, including for the emergency services, that 2 accesses were maintained to Kirknewton. Option 3a would improve the road link to Kirknewton and, at this stage, it was too early to say whether a roundabout would be required. With funding, the scheme could be in place in 2.5-3 years. WLC were also seeking funding from SESTRAN. The objectors' proposals were not a reason to allocate the site because a solution was sought in a shorter timescale. The development of Calderwood would be likely to have a minimal effect on the level of road traffic on Station Road. Option 3a would result in an overall improvement in Station Road. The option was at an early stage of design. WLC had not considered it appropriate to include the objectors' proposal as an option in the STAG assessment. The STAG considered 9 options and 4 packages, and option 8 (equivalent to option 3a) performed significantly better than the others in terms of safety, economy, integration, and accessibility. The net present cost of this option was set at £6.6m. If this option was implemented, there would be little prospect of a regular and frequent bus service through the objection site. Most of the site would then be more than 400m from such a service, and one of the primary reasons for allocating it would have disappeared. WLC did not support Network Rail's proposed change to the text of WLLP.
- 4.9 On other matters, no industrial estate existed at Kirknewton, and there was no evidence of a need for small business units and flexible home/work units in the village. The building of a community hall as proposed would be inconsistent with the WLC's up to date policies on community facilities, and no viability assessment had been carried out. It would be unlikely that the proposals would result in a health centre being provided in Kirknewton. No adequate consultation had taken place with Kirknewton Community Council or the existing residents of Kirknewton. The objectors could not rely on E&LSP policy HOU8 to justify an allocation, and the proposals would not be consistent with strategic guidance.
- 4.10 Regarding site 2, HKn7 was identified in the 2001 housing land audit as a site with a capacity of 90 houses. The development of such sites was supported by E&LSP, and their substitution by other sites, whether in whole or part, was not. WLC considered HKn7 to be an effective site. The problems affecting the site would not necessarily mean that 90 houses could not be accommodated. Such problems could all be addressed, including noise (acoustic fence), slope (garden ground), access (adjacent to the pylon or via the narrow road to the west of the site). HKn7 would not be completed in early course because of educational constraints.
- 4.11 The objection site was in CDA, although Kirknewton was excluded. In terms of WLLP, any allocation would be a strategic one under E&LSP. There would be insufficient educational capacity at the local primary school to accommodate the 6 pupils generated by 30 houses or the 19 pupils by 90 houses. Denominational

primary schooling would be in East Calder, non-denominational secondary schooling in Balerno (which requires a temporary unit), and denominational secondary schooling at St Margaret's Academy. Development of the objection site would not make efficient use of existing or proposed educational infrastructure. No satisfactory solution to the educational issues had been proposed. Indeed, development could undermine the possible future extension of the local primary school. Moreover, the increase in traffic arising would be unacceptable without the closure of the level crossing. The westernmost access point proposed for the 90 houses would also be unacceptable. Completions in Kirknewton had averaged 18 houses over the last 5 years, and 21 houses over the last 10 years. There had been 248 completions since 1993, which represented a 50% growth rate, and WLLP allowed for growth of 20%. There was no self contained housing market area for Kirknewton. The indications were that completions on the Drummond Home sites would improve in future years. If E&LSP policy HOU8 applied, criterion C (additional infrastructure) was not met.

Site 3 – land to the north of railway line, Kirknewton

- 4.12 There was no requirement to allocate the site for housing as part of CDA. Indeed, it could only be allocated, if CDA was scaled back at other locations, which would result in an inferior development strategy. The proposal was contrary to national and strategic guidance and advice. In educational terms, there were issues concerning the capacity of the local primary school serving the site. While the objection site was within walking distance of the railway station, the Calderwood allocations would create a more sustainable travel pattern because of the sizeable walk in population for the proposed secondary school. The secondary school arrangements for the proposal were unclear because Balerno High School currently served the site. If the pupils generated by the development were to attend the proposed non-denominational secondary school at East Calder, a catchment area review would be required. The proposal would result in the inefficient use of educational infrastructure. East Calder was a better location for the allocations because it was larger and had a much wider range of community facilities than Kirknewton, and because of the presence of Camps Industrial Estate. The site was poorly integrated with Kirknewton.
- 4.13 The objection site was outwith the settlement boundary, and development would be highly visible from the A71 and detrimental to the area's open and rural character. The effects would be compounded by the rising topography, which offered long views up to Kirknewton. There was little prospect of mitigation through landscaping. The site was located in a local area which was clearly defined by the main road and the railway line, and it had not been blighted by urban sprawl. The proposal would represent a significant intrusion into the area. The site was identified in the adopted local plan as an area of special agricultural importance. If the site was allocated at the expense of any of the West Livingston allocations, the environmental and transport impacts would be even more focussed on the eastern part of the CDA area to its detriment, and the employment objectives for Kirkton Campus would be threatened. In terms of traffic, the proposals would require a new access on to the A71, and WLC were keen to minimise their number. Additionally, the road network proposed would not have a strategic function, and there would be no benefits accruing to

Kirknewton. WLC were of the view that Network Rail should implement a scheme to close the level crossing without developer contributions.

Site 4 – Broompark (Stephen Dalton)

- 4.14 The alternative strategy put forward had to be considered in the context of E&LSP's requirements, and in the context of WLC's desire to allocate the maximum number of houses, which the objector supported. The allocation of the objection site on its own would only provide a maximum of 750 houses. The strategy was at odds with that promoted in WLLP and E&LSP. It was also contrary to the views of the Community Council and local residents. The strategy suffered from the same weakness as the one promoted by the objectors in relation to site 1 (paragraph 4.1 above).
- 4.15 In relation to environmental impact, allocating the objection site would result in the gap between East Calder and Mid Calder/Livingston being reduced. Physically, the distance between the settlements would be cut back considerably, to under a few hundred metres. Visually, the sense of coalescence would be increased from the main visual receptors – the existing housing in the settlements, the B7015, and AGLV and the country park. The adopted local plan recognised the concern of residents in relation to coalescence. The concerns were also recognised in the recent appeal decision. The reason set out in WLLP for having a countryside belt around Livingston was to prevent coalescence with other settlements. The countryside belt designation contributed towards preventing coalescence.
- 4.16 The proposal would have an urbanising effect on the area's rural character and would be likely to have an adverse effect on AGLV and the country park, particularly the possible road connection through the mature woodland at the entrance to the country park. No detailed assessment had been carried out by the objector of the likely effect of the proposal on the main local visual receptors. The eastern part of the objection site, which was proposed for housing and a distributor road, was an important element of AGLV, and this was recognised in the masterplan document. Development of this area would have a detrimental effect. The value of AGLV designation for the Almond and Linhouse Valleys was recognised in WLLP. The AGLV designation had been reduced from that shown in the adopted local plan to remove those parts of the site no longer making a contribution. While SNH had not had an opportunity to comment on the proposal, they had suggested for Calderwood, that at least 100m of woodland be included between any housing and the Almond Valley woodland. If that was applied to the objection site, the area available for development would be considerably reduced. The site was predominantly greenfield. Its planning history did not suggest that it was mainly brownfield. A large part of the site had until relatively recently been part of a nursery, and the eastern part was currently used for agricultural purposes. The majority of the site was prime quality agricultural land. The site had largely retained its rural character, and it formed an important landscape buffer.
- 4.17 Regarding transportation matters, the proposed access arrangement suggested in the masterplan at the eastern end of the site was of concern to WLC, and further

work was required. The access arrangement proposed to the west was unacceptable because of the adverse effect on AGLV. The distributor road proposed through the site would provide little if any benefit to the road network in East Calder because its purpose would be to provide access to the development. Additionally, Main Street would remain an attractive route because of the facilities present. The proposal would inevitably result in increased levels of traffic going through East and Mid Calder. Much of the proposed development area would not be well located for the existing bus service, and the distributor road would be likely only to be used by local buses. The site was not within easy walking distance of any major employment areas or the station at Kirknewton.

4.18 Turning to the site's effectiveness, the extent of the ground constraints affecting the site were unclear. WLC would not make the land available for the road mooted at the entrance to the country park. If the site was allocated, it would be in a similar position to those already allocated in WLLP.

4.19 On other matters, the allocation of the site would require the reduction of the equivalent number of houses elsewhere in CDA. The proposal does not involve the provision of employment land. No adequate consultation had taken place with the local community council or the existing residents of Mid Calder and East Calder. On education, the proposal would not be an efficient use of existing educational infrastructure because of insufficient spare capacity at East Calder Primary School. Access routes to schools could also be of concern. SEPA had indicated in the appeal that the issue of odours from the sewage works should be considered. Overall, the proposal would be inconsistent with national and strategic guidance. No detailed assessment had been carried out of the proposals against the key objectives set out in WLLP.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill (John Swan & Sons)

4.20 Part of site 5 had been allocated for employment in the past but this had been removed with the adoption of the current local plan (1995). There was no requirement to allocate the site for housing as part of CDA. Indeed, it could only be allocated, if CDA was scaled back at other locations, which would result in an inferior development strategy. The proposal was contrary to national and strategic guidance and advice. In general terms, the site suffered from the same remoteness from facilities, such as the village centre and public transport, as site 4, and it was less favourably placed than Calderwood. The existing employment area at Oakbank would be separated from the proposed housing by the A71, and it would be likely that any new employment area associated with the objectors' proposal would be on the same (south) side of the main road. The proposals would not be well integrated with East Calder. A new access on to the A71 would be required, and WLC were keen to minimise such accesses. There would also be increased traffic levels on local residential roads. The proposals would be detrimental to the area's open and semi-rural character, and would have a significant visual impact and urbanising effect when viewed from the A71. There were concerns about the reduction in the "green gap" between East Calder and Livingston. WLC's site selection process was comprehensive and thorough.

- 4.21 Site 5 was within CDA, and it would be a strategic housing allocation. The adopted local plan had identified the West Langton area as unsuitable for housing because it was remote from the village centre. Indeed, the site itself was further away from the centre than all of the Raw Holdings West allocation in WLLP, and 50% of the Almondell allocation. The site was not within 400m of a regular bus service, and there were no proposals to extend a service any closer than Langton Road. It was also not within easy walking distance of facilities, such as St Paul's Primary School, Camps Industrial Estate or the railway station. The site could not be easily integrated into an effective network for walking and cycling. Additionally, there was insufficient educational infrastructure to accommodate the likely denominational secondary school pupil product generated (likely to be 5-7 pupils). Development would be dependent on a new denominational secondary school being provided or committed at Winchburgh. Any development on site would therefore be unlikely before 2010/11. No employment opportunities were associated with the proposals.
- 4.22 The "dezoning" of employment land in the West Langton area had been undertaken in order to prevent coalescence with Livingston. The area had also been identified at an earlier stage as being highly visible from the A71. As with site 3, development would reduce the gap between settlements both physically and visually. The southern edge of the site was also not well contained and, in the short to medium term, there would be a significant impact on views from the A71. The proposal would be inconsistent with strategic guidance, and the site should not be allocated for housing.

Site 7 – land at Wilkieston

- 4.23 WLC changed their position during the course of the inquiry, and indicated that the site was in CDA, where they had made allocations to the maximum levels allowed. Allocation of the site would require an equivalent reduction elsewhere in CDA, and this could threaten the delivery of infrastructure. The site was still occupied, and substantial "up front" developer contributions would be required by 2010. WLC were concerned whether a future developer would be able to commit funds at the appropriate time.
- 4.24 Wilkieston had very few existing facilities, and the proposal was unlikely to result in any increase. Residents would therefore have to travel to other centres for shopping and employment. While all of the site was currently within 400m of a regular bus service, the proposed by-pass of Wilkieston might reduce the number of buses stopping at existing bus stops, particularly express buses. Pupils (119 in total for 100 houses) would require to be bussed to schools, which would be an on-going revenue cost to WLC and had several educational disadvantages. The site was not currently a vacant brownfield one, and much of it was in use as open space. It was only the allocation of the site in WLLP which might bring forward closure of the facility. The allocation of the site for mixed use purposes would be contrary to WLC's preferred strategy and WLLP's key objectives.
- 4.25 WLC recognised that in due course the site would become surplus to requirements, and they were happy to explore possible alternative uses. This could best be done through the preparation of a design brief. The site was not

sited for the type and scale of development proposed by the objectors. The site and surrounding land retained many of the features of the designed landscape that had developed around the former Linburn House e.g. perimeter and internal woodland, managed green space, a walled garden, and remnants of greenhouses. WLC supported the retention of designed landscapes which were not included in the inventory, and the remnants of this 19th century one would not be protected by the proposals. WLC considered that the site was best suited for an institutional or single use, which would re-employ the landscape focus, which had been maintained and was worth retaining. There had been no detailed analysis of the effects of development on key visual receptors, and more work was required. No evidence had been produced to show that the viability of the post office/shop or nursery was threatened. The objectors could increase the village's vitality if they sold or redeveloped some of the houses within it. WLC did not consider the objector's offer of a village hall attractive because of the additional revenue costs. Given their scale, the proposals were not in keeping with the character of the settlement or the site, neither were they comparable to the circumstances at the Bangour Village Hospital site. There was no basis for making further changes to WLLP.

Site 8 – land at Pumpherston/Clapperton

- 4.26 E&LSP did not require WLLP to safeguard land for the longer term (post 2015) because development of CDA and other strategic allocations was expected to continue into that period. The safeguarding of the site was not required to justify the provision of infrastructure and to create sustainable communities. WLLP had allocated the maximum number of houses allowed by E&LSP. Sufficient land for housing was identified for the long term. E&LSP policy HOU10 set out a mechanism for maintaining any shortfall in the housing land supply. It would be undesirable to restrict where future local plans could look for development. It was for structure plans to give broad indications where development would be met in the longer term. E&LSP identified the west of West Lothian as an area which could benefit from regeneration. Overall, there was no basis for identifying the site for either longer term release or safeguarding.
- 4.27 WLLP already identified substantial development on 4 sites at Pumpherston. WLC's 2020 Vision had indicated that growth east of Craigshill would put unacceptable pressure on the B8046. No transport modelling had been carried out for the site, and there were issues to be considered, including the effect on: the capacity of the road network, the junction with the A899, roads and junctions through Houston Industrial Estate, and the southern part of the B8046 and Mid Calder. The site was not within easy walking distance of the nearest railway station, and there was no indication that buses, other than local buses, would serve the site. The site did not benefit from convenient access by public transport services, or on foot, to the main centres of employment and retailing. Substantial bussing of school pupils would be required. No solution had been offered to the lack of educational infrastructure (2.5 single stream non-denominational primary schools, 0.5 single stream denominational primary school, and secondary schooling requirements).

4.28 The development of the site could result in both the physical and visual coalescence of Pumpherston, Livingston (at Craigshill), and Mid Calder. It would be difficult to integrate the site with Pumpherston because of the golf course on the northern boundary, which would mean that large parts of the site would be remote from existing village facilities. The scale of development proposed would not be supported by WLC's SPG on the redevelopment of redundant poultry sheds. WLC were unaware of any environmental blight arising from the poultry sheds because of smell. WLC did not consider that there was a need to extend the country park, and were concerned that it would be a maintenance burden. The development of the site would be detrimental to its open and rural character. The site should not be allocated for residential development. WLLP should not be changed.

Site 9 – land at Uphall Station

4.29 The site allocation's for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. The housing allocation at Drumshoreland related to a predominantly brownfield site that was previously allocated for employment purposes. It would bring forward around 1000 houses and a new primary school. There was an issue over the educational capacity of the denominational secondary school serving the site. The site was in CDA, where allocations had been made to the maximum level allowed. It had been estimated that only 55% of the mixed use allocations in CDA would be needed to achieve the target of 5000 houses. The site could only proceed if allocations elsewhere were scaled back, which would result in an inferior strategy.

4.30 There was no support for the site's release in E&LSP. While it was close to the railway station and shops at Uphall Station, the range of shops was very limited, and there was little opportunity to enhance shopping provision. The site was also relatively remote from Livingston town centre, and did not have the potential to contribute to new transport infrastructure. A wide enough range of sites had been provided in CDA. The site was not small scale, it had not been demonstrated that it was required to support local facilities, and there was no indication how the additional school provision required would be provided. Development would be detrimental to the area's open and rural character, and to the landscape setting of Uphall Station. Any reduction in the countryside belt would detract from its overall function. It had also not been shown that the economic or social benefits of development would outweigh the conservation or other interests on the site.

Sites 10 and 11 – Hartwood Road, West Calder

4.31 The allocation of the sites for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. There was an issue over the educational capacity of the primary and secondary schools serving the sites. Any spare capacity in places, or additional capacity planned, was allocated to housing sites proposed in WLLP, including the CDA allocations. The sites were not in close proximity to bus routes or railway stations, and the roads between the sites and village did not have footpaths. Planning permission had been refused in 1991 for 21 houses on the sites because such development

would constitute an unacceptable form of ribbon development and would amount to unjustified residential development in the countryside.

- 4.32 There was no support for the release of the sites in E&LSP or national guidance. The sites could not be allocated because WLLP already allocated land in CDA up to the maximum level allowed. The sites were not small scale (each being able to accommodate up to 50 houses), and the objectors had not indicated how they would overcome the shortfall in educational capacity. The sites were visually prominent. The proposals would be detrimental to the area's rural character given the environmentally sensitive nature of the location, which provided an "attractive rural backdrop and entrance" to West Calder. The sites were not highly accessible by public transport to the main employment and shopping areas. There were no overriding benefits which could warrant the sites' allocation.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

- 4.33 The allocation of the sites for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. WLLP identified opportunities for an additional 251 houses in West Calder. There was an issue over the educational capacity of the primary and secondary schools serving the sites. Any spare capacity in places, or additional capacity planned, was allocated to housing sites proposed in WLLP, including the CDA allocations. The sites were in CDA, where allocations had been made to the maximum level allowed. It had been estimated that only 55% of the mixed use allocations in CDA would be needed to achieve the target of 5000 houses. The sites could only proceed if allocations elsewhere were scaled back, which would result in an inferior strategy.
- 4.34 There was no support for the release of the sites in E&LSP or national guidance and advice. There was no bus service serving the sites. The nearest bus route was more than 800m away, and the station was around 0.5km away. The sites were visually prominent. The area of special landscape control was protected from development, and building houses would detract from its environmental quality and the open rural character of the area which was characterised by farmland. Development would also have an adverse impact on landscape character. There were no overriding benefits which could warrant the sites' allocation.

Site 14 – Freeport Retail Village, by West Calder

- 4.35 There was no support for the release of the site for housing in national guidance. The site was in CDA, where allocations had been made to the maximum level allowed. E&LSP's strategy required housing development to be restrained in areas, such as the objection site. If WLLP recognised the site's potential for housing, it would have to be included as a part of the CDA allocations. A proposal including housing on site would also use educational infrastructure necessary for development identified in WLLP, and pupils would have to be bussed to school. The site was not suitable for residential development and it was not an urban brownfield site. When originally approved, it had been envisaged that the retail village would bring economic benefits to the area without

significant adverse effects. WLC acknowledged that the circumstances of the site were unusual, and that there could be a number of different solutions. However, the necessary details could all be addressed in a planning brief on which the local community, including the residents of Oakbank Cottages, and other interested parties would be consulted.

4.36 WLLP policy ENV38 and the supporting text applied to the retail village (the area covered by existing buildings and car parks), but not to the rest of the objection site. Any proposal for housing on the objection site would require to be assessed against WLLP policy 31 (development in the countryside). WLLP policy ENV35 (very low density rural housing and woodland development) would not apply. The site was not suitable for housing because it was not on a proposed rail or tram corridor and did not have the potential for a good level of access by bus based public transport, including to the main centres of employment and retailing. It would be wrong to assume that the objection site could be serviced by a regular and frequent bus service. The entrance to the industrial estate was around 1km from the site. The bus and rail links at West Calder would be outwith 400m or 800m of the site, and the pedestrian link proposed would be rural and isolated, and not a safe route to school. The site would be 2.5km from Addiewell Railway Station, over 4.5km from West Calder Railway Station, and over 5km from Livingston town centre.

4.37 WLLP allowed for a wide range of alternative uses on the site through policy ENV38, and it had not been demonstrated that they were unviable. The objectors' case was based wholly on what was an acceptable return for investment, and there was no evidence on whether demolition and redevelopment would be viable in financial terms. An institutional use (a residential school) had expressed an interest in the site, and that would be acceptable under policy ENV38. Recognising the potential for residential development would have the effect of reducing the likelihood of other forms of more appropriate development. Acceptance of the options put forward by the objectors would inevitably result in predominantly residential proposals coming forward. In the past, SMs had been reluctant to allow any intensification or extension of development. Overall, WLC believed that policy ENV38 adequately recognised the exceptional development circumstances of the Freeport Retail Village.

Site 15 – Allandale Fishery, by Polbeth

4.38 The site was in CDA, where allocations had been made to the maximum level allowed. The objector could not rely on E&LSP policy HOU8. A housing proposal on site would use educational infrastructure necessary for development identified in WLLP in CDA, and pupils would probably have to be bussed to school. The objectors had not objected to the CDA allocations. A planning appeal for 50 houses on a part of the objection site had been dismissed in 1992, and a planning application for 250 houses had been refused in 1990. While in the early stages of WLLP the area had been included in one of the options considered for development by WLC, it had been concluded that a reduced area should be allocated to avoid coalescence and visual intrusion. SNH had supported this approach.

4.39 Housing along the northern edge of Polbeth Road would constitute ribbon development. WLC did not consider that the fishery business would be likely to have to close as a result of the CDA proposals. WLLP included provisions which sought to ensure that this was not the case, including requirements for CDA developers: to take account of neighbouring uses and achieve compatibility; to provide an appropriate landscape framework; to adopt a holistic approach to drainage; to carry out woodland planting in line with the Forests Habitats Network objective; and to prepare and implement a management plan for Bristonhill Moss and funds to implement it. Development at this part of the CDA allocations would be likely to take place towards the end of the construction period (2025). It was also unlikely that Polbeth Road would be used for construction traffic, and developers would be required to identify measures to minimise the impact of construction work and traffic on existing communities.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

4.40 WLLP provided an adequate supply of housing land, and no proper case was made out for preferring the objection site to others allocated for housing. WLC considered that development of the western half of the site, which fell within Polbeth and outwith Livingston in the adopted local plans, was within CDA, and would count towards the CDA allocations, which had been made at the maximum level in WLLP. Around 70 houses on the objection site would be affected. The proposal would also use infrastructure required for CDA, and could have potential implications for the delivery of key requirements because it would be necessary to reduce the scale of the CDA allocations. The types of infrastructure that could be affected included the improvements to West Calder Railway Station, the proposed distributor road, and Livingston Fastlink.

4.41 E&LSP policy HOU8 applied to the part of the site outwith CDA, and it presumed against new housing development on greenfield sites. The proposals were not for small scale development, and it had not been shown that any additional infrastructure required was either committed or to be funded by the developers. There was no justification for the proposals on the basis that a more appropriate mix of housing was required or that there was a local need. The proposals would lead to physical and visual coalescence between settlements, and policy at all levels recognised that was undesirable. The adopted local plan indicated that the green gap between Livingston and Polbeth was particularly vulnerable. WLLP sought to protect against the possibility of coalescence. A tree belt of the size proposed along the eastern boundary of the site would not prevent it. If the site was developed for housing, local people would be aware of the closing of the gap between Livingston and Polbeth. However, economic development of the site would not reduce the gap between the residential areas of Polbeth and Livingston.

4.42 E&LSP required a review of employment sites based on whether they were no longer suitable for such a use. It was inappropriate to release a site on the basis of a lack of demand consistent with the owner's preferred tenure and financial objectives. Such an approach could result in the loss of a large part of the economic land supply. Employment use was the most appropriate use for the site. The site was next to Brucefield Industrial Park and could be easily linked to

it. It was also next to the A71 and was of a similar journey time to Edinburgh as Easter Inch and Whitehill Industrial Estate which had both been successfully marketed. Access would be improved with the proposed distributor road associated with the CDA proposals. The site could contribute beneficially to the satisfaction of current and future demand for employment land. The evidence highlighted that the site was not marketed as employment land for sale. While it was up to the owners of the site how they marketed their land, they could not use that as a basis to alter the designation. It had also not been demonstrated that it had been marketed for a sufficiently lengthy period.

- 4.43 WLLP took a more flexible approach to the 2 employment sites than earlier versions or the adopted local plan. The uptake of economic development sites was encouraging, and there was a particular demand for small employment sites for sale in West Lothian. There were examples of the successful development of several sites of a not dissimilar size to the objection site, which had been subdivided and marketed for sale (eg Bathgate [EBb6], Williamston North and Oakbank Park). When the evidence was carefully examined, it showed that there was: an uptake of employment sites in Livingston and Polbeth; a particular demand for the purchase of sites of a certain size; and healthy sales of large sites which had been subdivided and marketed (eg the former Daks Simpson building at West Calder Industrial Estate, Polbeth). There was also a limited supply of serviced sites. WLC believed that the 2 sites provided valuable business and general needs industrial land.
- 4.44 On accessibility, it would be unlikely that all houses would be within 400m of a bus stop. There was one direct bus service a day to Edinburgh, where a large percentage (41%) of residents would probably work. This was not a frequent service. The retail centres of West Calder and Livingston would not be within walking distance of the site. Neither would the local health centre and primary school. The site could be accessed potentially off the A71.
- 4.45 Housing on the site would take up school places currently planned for CDA developments, and would therefore require the scaling down of CDAs or the bussing of pupils from CDAs to schools outwith their likely catchment area. Pupils from the objection site would also have to be bussed to the primary school and denominational secondary school. Bellsquarry Primary School had no capacity. The capacity at Parkhead Primary School would be taken up by the CDA allocations at Mossend and Cleugh Brae, which were both within walking distance. A reduction in the capacity at St Mary's School would reduce the options available to WLC for denominational primary school education in CDA. At West Calder High School, there would be no capacity once account was taken of CDA requirements and, at St Kentigern's, there would be unlikely to be any capacity until the new denominational school at Winchburgh came on stream.
- 4.46 WLC did not accept the objections, and believed that the sites should remain designated for employment purposes.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

- 4.47 WLC believed that there was no need to extend the sites allocated in WLLP in this part of CDA. The westwards extension of Gavieside would affect the area of special landscape control. SNH recognised the importance of the area. It formed part of the existing river valley and corridor, and it contained woodland. It was an important area to protect against development. The whole area should be included in the masterplan boundary in order to ensure that the requirements set out in WLLP Appendix 7.1 for the enhancement of river corridors and the provision of new greenways associated with the Breich Water would be met. WLLP should be altered to reflect this. The site to the east of Allandale Fishery served to avoid coalescence between Livingston and Polbeth. SNH had supported limiting the extent of CDA allocation. The site could accommodate an extension to the existing woodland. The inclusion of the site in the CDA allocation would result in a gap between Livingston and Polbeth of 250m. The extension of the Cleugh Brae site would result in physical and visual coalescence between West Calder and Polbeth. It could not result in Polbeth being better connected to the facilities of West Calder. The location of the new road and roundabout on the A71 had not been agreed with WLC, and it might be that a roundabout was not the best solution. No relevant planning consideration had been advanced which justified coalescence. There were also concerns about the capacity of the non-denominational primary school at West Calder if this site was extended, and the implications this could have for the Gavieside allocation and its proposed primary school facility.

Sites 18 and 19 – Station Road, Addiewell

- 4.48 WLC did not accept the objections to either site. The allocation of both for housing would not accord with the preferred development strategy. WLLP also sought to maintain a supply of employment land, including for open storage use. The village was on the edge of CDA, where significant provision had been made for housing. The educational infrastructure was only sufficient to cater for sites which were a part of the preferred strategy, not sites such as these. The village was served by local bus services. In 2004, WLC noted in their assessment of the sites bidding to be a part of the preferred strategy that the Addiewell area might have longer term prospects in helping the further economic regeneration of the Breich Valley.
- 4.49 In the adopted local plan, the sites were within the settlement boundary of Addiewell. WLLP regarded the sites as suitable for industrial and storage and distribution uses. There was a need for such sites in West Lothian, particularly for open storage as there was only 28ha of land currently available. It had not been demonstrated that the sites had been marketed for employment purposes. The sites could help in providing accommodation for lower grade uses. WLLP allocated sufficient housing land to meet all the requirements of E&LSP, and there was therefore no need to allocate either site, including as part of CDA. If the sites were allocated for housing, it would be necessary to scale back the CDA allocations. There were questions about the marketability of the Addiewell area for housing. The sites were within walking distance of the railway station, but

could not be regarded as highly accessible to the main centres of employment and retailing at Livingston, Bathgate and Whitburn. The southern part of site 18 was safeguarded for a bus interchange and parking associated with the railway station, but the extent of land required was unknown. It was important that this project was not jeopardised. There were also proposals to improve the level of service on the railway line. When measured against national, strategic and local guidance, the CDA allocations were to be preferred to the objection sites.

Site 20, Muirhousedykes Mains, Addiewell

- 4.50 The allocation of the site for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. The site was close to the CDA allocations and the large Heartlands mixed use development at Whitburn. The educational infrastructure was only sufficient to cater for sites which were a part of the preferred strategy, not a site such as this. There were local bus services linking to West Calder, Bathgate, Livingston and other surrounding villages. The nearest railway station was around 1.5km away. There was sufficient housing land allocated in the area in WLLP. The tests for allowing housing development under E&LSP policy HOU9 and HOU8 would not be met in this case. In particular, the site had not been identified through WLLP, and it had not been demonstrated that development was required to support local facilities. The site could not be regarded as highly accessible to the main centres of employment and retailing. Development would be detrimental to the area's open and rural character, and would detract from the area of special landscape control and the setting of Addiewell. The area of countryside between Loganlea/Addiewell and Stoneyburn was narrow and sensitive. If the site's condition deteriorated, WLC could take action.

Sites 21 and 22, Murieston, Livingston

- 4.51 The allocation of the sites for housing (Murieston Road [site 22]) or as a reserve site (Murieston Castle Farm [site 21]) was neither necessary nor appropriate. It would not accord with WLC's preferred strategy. Further sites could be allocated for housing only if the allocations proposed in WLLP were reduced, which would be undesirable. There was no requirement in E&LSP to identify reserve sites to take account of a possible failure in the 5 year land supply. E&LSP policy HOU10 set out how shortfalls in the land supply were to be dealt with. The sites were considered as one of a number of options to meet the housing requirements in CDA, but were rejected in favour of more suitable proposals. The nationally important employment site at Linhouse required to be safeguarded, and it encroached on to both proposed allocations. The strategic allocations proposed in WLLP would continue to meet housing needs beyond 2015.
- 4.52 The Murieston area of Livingston had a range of local facilities and was well integrated with the town, including the town centre. A number of schools served the sites, and there were issues about their capacity which had not been fully addressed by the objectors. The educational infrastructure proposed was only sufficient to cater for sites which were a part of the preferred strategy. There were local bus services and a railway station (Livingston South) nearby. However, the sites did not have the potential to contribute to the provision of new

strategic transport infrastructure in the same way as the proposed allocations, and the main employment and shopping centres (Livingston) would not be reasonably accessible on foot. E&LSP supported the designation of the sites as countryside belt. The development of the sites would have an adverse impact on the setting of Livingston. Additionally, the development of site 22 would result in coalescence with the Linhouse site.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether the alternative sites put forward conformed to E&LSP and whether any could be included justifiably in WLLP once all considerations had been taken into account.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level (a general cap of 5000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations in CDAs should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business. We now deal with each alternative site put forward in CDA.

Sites 1 and 2 – Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

5.3 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If objection site 1 is to be allocated, it would be reliant on this infrastructure in the same way as CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. In this case, there are additional matters to be assessed in considering effectiveness, which would be the satisfactory resolution of the safety issue at Kirknewton level crossing, and the completion of a successful catchment area review so that pupils from Kirknewton

Primary School could go to the new secondary school at East Calder rather than Balerno High School. Even though the constraints create uncertainty, we see no reason why they should prevent the site from being allocated. We note that the catchment area review required would not take place in isolation, but would be one of many being undertaken by WLC in relation to the developments proposed in WLLP. While WLC raised concerns about various ownership interests related to the development site, we are not satisfied with the method used to gather the information presented to the inquiry, and have therefore given it little weight. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The overall capacity would be around 1050 houses. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. There is no information on the annual output.

- 5.4 The site is in highly attractive countryside and is well contained. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.5 Development of the scale proposed would have a significant effect on the area and would constitute a very large extension of Kirknewton. Indeed, it would be possible to take the view that the extended village amounted to a new small settlement. Nonetheless, within the context that a large scale strategic allocation is required in CDA (see paragraph 5.2), nothing was drawn to our attention which would exclude the site from consideration for landscape or ecological reasons. The topography and the tree belts in place, along with additional planting, would reasonably contain the development. While there would be effects on visibility, these would be mainly localised and would not undermine the proposal. Although the site comprises prime agricultural land of predominantly class 3.1, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation. The landscape of the site and its immediate environs is of a high quality but, based on the evidence presented to the inquiry, we are satisfied that it has been demonstrated that the site has the landscape capacity to accommodate the proposals. Nonetheless, this in itself would not justify allocation in WLLP as a part of the mixed use area. If the site is not required, its current allocation in WLLP (land outwith the settlement boundary) is perfectly acceptable given the contribution it makes to the setting of Kirknewton.
- 5.6 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), there is no doubt that, if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is

likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.

- 5.7 In relation to the 4th matter (transportation), the site would be served by bus. Although the scale of development proposed could well result in enhanced provision, it appears to us unlikely that there would be the same range and frequency of services as at East Calder. The general distance set out in PAN75 for access from housing to a bus service is 400m. Whatever the final road layout proposed, it does not appear to us that the achievement of a satisfactory level of penetration into the site, whilst maintaining the attractiveness of the service, would be so improbable an outcome that the proposal would be undermined. The general distance given for access to a railway station in PAN75 is 800m, and this would be largely achieved, and would allow good access to the centre of Edinburgh, amongst other destinations. This is a significant benefit of the site. The proposed park and ride would be helpful. We see no good reason why a local or shuttle bus for East Calder could not be expanded to take in Kirknewton as well.
- 5.8 Regarding local facilities, the general distance given in PAN75 is 1600m. For those facilities in the expanded Kirknewton, this could be achieved but not, in the main, for those facilities in East Calder. We note that the proposals would result in an improvement to the facilities in Kirknewton. However, East Calder is larger than Kirknewton and has substantially more facilities, and this would be likely to remain the case, even if this site was allocated. In our view, this is undoubtedly a factor in favour of focussing development at East Calder. Quite clearly, walking routes would be required between the 2 settlements, and we accept that a failure to achieve the 1600m distance would not necessarily prevent the site being allocated. Nonetheless, such routes have the disadvantage of having to cross the A71. In planning for the additional development proposed here, we believe that more satisfactory walking routes could be probably better achieved for the greatest number of facilities within the one expanded settlement at East Calder. In addition to this matter, we are concerned about the proposed road through and to the west of the objection site and down to the proposed roundabout on the A71. While there was debate at the inquiry about the extent to which this route could lengthen bus and car journey times, we are in no doubt that it is a circuitous one if travelling from Kirknewton to East Calder, and that it is better suited to the alternative strategy than to a mix of this site and the allocations in WLLP. The roundabout would also not fit well with encouraging bus priority on the A71. The alternative suggested at the inquiry by the objectors would be preferable, but it too would be circuitous and there were difficulties with land ownership. Moreover, both routes open up the prospect of development pressures further to the west, in an area which would be separated from the facilities in both villages. We do not consider that the proposal fails E&LSP policy HOU4 for these reasons, but they do count against the site's allocation. In coming to this conclusion, we have taken account of WLC's emphasis on the disadvantages of bussing pupils to schools for educational and budgetary reasons, but consider that this is only one factor to be assessed amongst others.

- 5.9 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. Given the concerns we have expressed above about the links between Kirknewton and East Calder, it is not clear to us that the proposal could be regarded as making efficient use of such infrastructure. In particular, a route across the railway as close to the line of the existing road (Station Road) as possible would seem preferable to the circuitous one proposed. Regarding the 4th aim, as the allocations involve the loss of greenfield land in a high quality landscape, we consider that it is almost inevitable that there would be some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.10 Turning to the **level crossing** at Kirknewton, there are safety concerns and, if no additional funding comes forward to secure an alternative, a full barrier will be introduced. This would result in the road being closed for lengthy periods, particularly at peak times. There are currently 3 possible funding sources for an alternative – the objectors’ proposed development, SG and SESTRAN. The objectors are required to provide an alternative crossing of the railway as a part of their development and propose a bridge some distance to the west of the existing crossing. The prospect of a contribution from this source towards such a scheme would be a benefit of the proposed development. However, while this is one option, it is not a solution that we favour for the reasons outlined above (see paragraphs 5.8 and 5.9). The option being promoted by WLC (an underbridge just to the west of the existing crossing and road) would be more desirable, but the design requires more investigation. WLC and Network Rail are seeking funding from SG, but the outcome of this bid is unknown, and there is no certainty of success. SESTRAN have also been approached for funding. Without the development, and funding from one of these sources, the underbridge would not be constructed. We note WLC’s concerns that without access points to both west and east, Kirknewton would become isolated. This concern is clearly expressed in WLLP. However, no funding from other sources has as yet been secured to ensure access from the west, and we believe that WLLP should be changed to reflect the current position, i.e. that if additional funding does not become available, a full barrier will be introduced at the crossing. We are not persuaded that a contribution from the objection site would be sufficient to justify its allocation. We note that Network Rail have proposed a change to the text of WLLP, but it does not fully address WLC’s concerns.
- 5.11 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), and spreading the environmental impact (introducing development into another area). Others would not be met, e.g. protecting areas of special environmental value (prime agricultural land) and securing physical and environmental improvement (greenfield site). We have broad concerns over other objectives, e.g. community benefits which would be secured for Kirknewton to a certain degree, but without satisfactory integration with East Calder, where the majority of facilities would

be located. On the transport objectives, the station at Kirknewton is of significant benefit, but we have concerns over the road network put forward at this stage, and doubt whether it is entirely consistent with the underlying intention behind those transport objectives relating to minimising transport impacts and linking to the strategic road network. We accept that the case for allocating the objection site is helped by the objectives identified at an earlier stage relating to development containment. Overall, we do not consider that the site could be clearly rejected because of failures against the objectives. However, it does not alter our view that the Calderwood allocations (with the proposed change) are to be preferred because, in our view, they would be better related potentially to East Calder than Kirknewton and also offer benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (1050 houses) has to be treated with considerable caution because of their different sizes.

5.12 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The strategy outlined by this objector is based on 5/6 possible sites and is similar to the one promoted by Stephen Dalton. While the strategy may have some potential, it seems to us that it is not sufficiently advanced to provide a satisfactory basis for allocating the objection site as one of a number of other sites. The strategy also potentially includes significantly more houses than is required for this part of CDA. Turning to a reduction in the size of the current allocations, we accept that the objection site, as modified by our recommendation for site 2, would merit further consideration if the strategic allocations proposed at Calderwood fail in some way. However, given our views as set above, we see no compelling reason to reduce the allocations in WLLP at this stage to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.

5.13 Site 2 forms a small part of the above site (a maximum of 6.5ha). The objectors put forward 2 options – one of 90 houses on 6.5ha (gross) and another of 30 houses on 1.95ha. Much of the above applies to this site but there are a number of specific points to consider. Although we have treated this much smaller site as lying within the CDA boundary, the situation is not entirely clear based on E&LSP’s key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP’s text on whether Kirknewton should be placed within or outwith CDA. While acknowledging the general cap on the number of allocations in CDA, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. While this is a greenfield site with weak boundaries, we are satisfied, taking into account the characteristics of the wider area, that it has the landscape capacity to accommodate some development. It is also close to the facilities in Kirknewton, including the railway station.

- 5.14 WLLP allocates 4 sites at Kirknewton. WLC's housing model and the 2005 audit suggests that by 2007/08 only 2 sites (HKn2 and HKn7) will be producing houses. Both sites are within the control of one developer. No permission has yet been granted on HKn7, and the historic rate of completions on HKn2 has been low at an average of 2 houses per annum. WLC suggest that this may increase to 6 houses per annum. In the recent past, completion rates in Kirknewton have averaged out at 18 houses per annum. While Kirknewton is clearly not a self contained housing market area, we are concerned about the prospect of stagnation due to low completion rates, and about a lack of choice. Although HKn7 is a disputed site in the housing land audit, we are not satisfied that it is constrained to the extent indicated and believe that it should remain allocated for housing in WLLP. However, in the interests of providing a little choice and variety, and an opportunity for some growth and additional support for local facilities in Kirknewton, we believe that a further small allocation can be justified. We believe that 90 houses would be an excessively large allocation, and consider the smaller option of 30 houses to be more appropriate. We note that there are issues of educational capacity at the local primary school and the high school, but believe it likely that pupils generated from a smaller development (around 6 from 30 houses) could be accommodated. If necessary phasing could be considered. We do not consider that the increase in traffic would be such that development could only be allowed if the level crossing was closed. We do not accept that the proposals would result in an inefficient use of infrastructure any more than other sites allocated in Kirknewton. Such development would extend site HKn9 and would not detract from the village's character. We consider the site effective, and we believe that the allocation of the site for housing would not be undermined by the terms of E&LSP policy HOU8. We have taken into account the possibility that planning permission may be granted for housing on a site of 0.77ha at Highfield House, Station Road, and no other opportunities in Kirknewton have been drawn to our attention. In the circumstances, while the site is not ideal, we believe that it should be allocated subject to a satisfactory defensible boundary treatment being provided.
- 5.15 Drawing all these matters together, the allocation of objection site 1 would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP. However, we consider that the allocation of site 2 and the option for 30 houses can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.16 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 3 – land to the north of railway line, Kirknewton

- 5.17 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that

the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. In this case, there is a likely additional matter to be assessed in considering effectiveness, which is the completion of a successful catchment area review so that pupils from the local primary school could go to the new secondary school rather than Balerno High School. Even though this constraint creates uncertainty, we see no reason why it should prevent the site from being allocated. We note that the catchment area review required would not take place in isolation, but would be one of many being undertaken by WLC in relation to the developments proposed in WLLP. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. The overall capacity would be around 1000 houses. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. There is no information on the annual output.

- 5.18 The site is in attractive countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.19 Development of the scale proposed would have a significant effect on the area and would constitute a very large extension of Kirknewton. Indeed, it would be possible to take the view that the extended village amounted to a new small settlement. While the site is greenfield and open in character, within the context that a large scale strategic allocation is required in CDA (see paragraph 5.2), nothing was drawn to our attention which would exclude the site from consideration for landscape reasons. Development would be visible from the A71 on the rising ground, but we believe that appropriate structure planting to that boundary could potentially have a satisfactory mitigating effect, and that the impacts would be mainly localised. Although it would be unlikely that development of the scale proposed could be completely screened, we do not consider that any remaining views from this road would be likely to undermine the site's suitability for development. We do not share WLC's concerns about this. Although the site comprises prime agricultural land of predominantly class 2, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation. Nonetheless, these landscape factors in themselves are insufficient to justify allocation in WLLP as a part of the mixed use area, and the lack of well defined site boundaries to both the west and east (with the exception of the B7031) is a disadvantage of the proposals. If the site is not required, its current allocations in WLLP (outwith the settlement boundary and area of special agricultural importance) are perfectly acceptable, particularly when account is taken of the contribution it makes to the setting of Kirknewton.

- 5.20 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.21 In relation to the 4th matter (transportation), there is the potential for the site to be served by bus and for achieving the 400m set out in PAN75 for access from housing to a bus service. The general distance given for access to a railway station in PAN75 is 800m, and this would be largely achieved, and would allow good access to the centre of Edinburgh, amongst other destinations. This is a significant benefit of the site. The proposed park and ride would be helpful. We see no good reason why a local or shuttle bus for East Calder could not be expanded to take in Kirknewton as well. Regarding local facilities, the general distance given in PAN75 is 1600m. It is not clear to us how easily this could be met. While a failure to achieve it would not necessarily prevent an allocation being made, we are concerned that the site is a standalone one separated from the facilities in Kirknewton by the railway line, as well as from those in East Calder by the A71. We do not consider the site to be well integrated with either settlement. The fact that East Calder is a larger settlement with substantially more facilities is a factor in favour of focussing development on that village. We note that the road network for the proposal would be unlikely to benefit Kirknewton. However, the fact that it lacked a strategic function would not be a disadvantage because there is no proposal for the road network in this part of CDA (the Calderwood allocations) to have such a function.
- 5.22 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. However, given that it would not be well integrated with existing settlements, we are not persuaded that the use of such infrastructure could be regarded as efficient. Regarding the 4th aim, we consider that the loss of such a site would almost inevitably result in some adverse environmental impact. Nonetheless, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.23 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development into another area), and transport (adjacent to railway station and A71). Others would not be met, e.g. protecting areas of special environmental value (prime agricultural land) and securing physical and environmental improvement (greenfield site). We have concerns

over other objectives, e.g. community benefits which would be secured but without satisfactory integration with either Kirknewton or East Calder. The objective identified at an earlier stage relating to coalescence would not undermine the site's allocation, but the one concerning development containment would count against it. Overall, while we do not consider that the site could be clearly rejected because of failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (around 1000 houses) has to be treated with considerable caution because of their different sizes.

- 5.24 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The objectors in this case do not refer to the possibility of an alternative strategy in their submissions to the inquiry. While in their 2002 submissions to WLC, they refer to a "co-joined" approach with other developers at Raw Holdings and to the south and west of East Calder, this does not appear to have been taken forward and could not provide a basis for allocating the site in WLLP. Turning to a reduction in the size of the current allocations, we see no great advantage or compelling reason to break them up as they are proposed at this stage in WLLP, to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.
- 5.25 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.26 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 4 – Broompark (Stephen Dalton)

- 5.27 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the objection site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. Other concerns were raised relating to ground stability and contamination, but it does not appear to us that these are likely to be major constraints. It was also indicated that the ground for the easternmost access point (the entrance to the country park) was not

in the control of the objectors. However, if it was concluded that the objection site should be allocated for other reasons, then we do not see this as an insurmountable obstacle as an alternative access is available and, if the access point was regarded as necessary, the land is in the ownership of WLC who could be expected to co-operate. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. The overall capacity would be around 750 houses. The expected development period of a minimum of 5 years is in our view ambitious.

5.28 The site is in a narrow strip of countryside separating East Calder from Mid Calder. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

5.29 Development of the scale proposed would have a significant effect on the area and would constitute a large extension of East Calder. With the exception of the fields to the east, which are in separate ownership, the site has a complex planning history, including uses of storage and a relatively small garden centre/nursery. While parts of the site have clearly been subject to development and tipping, this area is restricted in size and is covered in the main by the housing site allocated in WLLP (HEc6) for which planning permission has been granted. Another part of the site is covered by a further housing allocation (HEc4). I find that the remainder of the site is predominantly of a greenfield character, rather than brownfield or degraded. We therefore do not consider that the site's current character would provide a strong justification for its allocation in WLLP as a part of the mixed use area.

5.30 There would be the potential for greater coalescence between Mid Calder and East Calder as a result of the development of the site. The gap between the 2 villages is currently narrow and they are separated by the valleys of the River Almond and Linhouse Water. We accept that this proposal can be differentiated from the proposal in the planning appeal in that it concerns a planned extension of East Calder which could be justified through the requirement for a strategic housing release. Within this context, we believe that it would be possible to design a scheme which maintained a reasonable level of physical and visual separation. While the site is well contained, it is visible from parts of Mid Calder, and to achieve the necessary separation, it seems to us that it would be necessary to pull the western boundary of areas 1 and 2 shown in the masterplan (excluding the allocated area) considerably further back towards East Calder. Additionally, to maintain a reasonable separation distance from the River Almond Valley and the country park, the boundaries of areas 4 and 5 would have to be pulled further back. On landscape grounds, and notwithstanding the site's current character, we believe therefore that it could potentially be considered as a

suitable contributor towards the strategic housing requirement, albeit on a reduced scale from that proposed. Should the site not be required for the strategic housing requirement, we believe the countryside belt and AGLV designations to be appropriate, given the greenfield character of the designated areas, the narrow strip of countryside in which they sit, and the contribution the fields make to AGLV and the setting of East Calder. Although a significant part of the site comprises class 2 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation.

- 5.31 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.32 In relation to the 4th matter (transportation), the site is close to existing bus routes and, given the scale of development proposed, there could be enhanced provision and penetration into the site, particularly from a local or shuttle bus. The general distance set out in PAN75 for access from housing to a bus service is 400m. Given the location of the site, close to the village centre and on the main road through it, it seems to us that this requirement could potentially be met. The general distance given for access to a railway station in PAN75 is 800m. This would not be achieved. However, we consider the objection site to be little different from the Calderwood allocations in this respect and, as a part of the CDA measures, we consider that accessibility to the station would be likely to be improved. We have no doubt that the objection site would benefit from the station's presence.
- 5.33 Regarding local facilities, the general distance given in PAN75 is 1600m. This would be largely achieved in the case of the objection site for all those facilities in or near the village centre, and this is a benefit of the proposal. Given the proximity of these facilities, we do not consider the greater distance to Camps Industrial Estate to be an obstacle to allocation, particularly as the main employment sources for the area are likely to lie elsewhere. The success of the proposed road through the site as a by-pass for the village centre would depend largely on the design of this part of the road network should the allocation proceed. However, the eastern end of the road as proposed, at its junction with the B7015, is not yet entirely satisfactory. Two alternatives have been put forward, the T-junction, which has limitations, and the roundabout, which would affect the entrance to the country park. The proposal would result in additional traffic on the local road network, in and around the village, but there is no indication that, with mitigation, this could not be absorbed.
- 5.34 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding

the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. While concerns were raised about the lack of capacity at East Calder Primary School, we note that the site would be coming forward in an area where new educational provision would be made. We see no reason why the proposed provision could not be adjusted to take account of this site if it proceeded. The site is adjacent to a sewage works and this is of some concern as we have insufficient information to establish the extent of any problem that may arise for the development of the site from odours. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.

5.35 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location), and integration and community benefits (immediately adjacent to East Calder and the village centre). Others would not be met, e.g. protecting areas of special environmental and landscape value (prime agricultural land and AGLV) and securing physical and environmental improvement (greenfield site). On the transport objectives, we have broad concerns over the road network put forward at this stage and the link to the strategic road network, but believe that these matters would probably be capable of resolution. Adequate links could be achieved to public transport networks and infrastructure. We note that the case for allocating the objection site is helped by the objectives identified at an earlier stage relating to development containment, but it does not measure so well against those concerning coalescence. However, overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made in WLLP offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (likely to be less than 750 houses) has to be treated with considerable caution because of their different sizes.

5.36 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The strategy outlined by this objector is based on sites around East Calder and Kirknewton and is similar to the one promoted by Scotia Homes. It makes provision for a new north/south distributor road linking Livingston, East Calder and Kirknewton, a grade separated junction at the A71, and a new inter-city railway station. While the strategy may have some potential, it seems to us that it is not sufficiently

advanced to provide a satisfactory basis for allocating the objection site as one of a number of other sites. It also potentially includes significantly more houses than is required for this part of CDA. Turning to a reduction in the size of the current allocations, we accept that the objection site would merit further consideration if the strategic allocations proposed at Calderwood fail in some way. However, in the absence of any great advantage, there is no compelling reason to break up the allocations as they are proposed at this stage, to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.

5.37 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.38 We have taken account of all the other matters, including safer routes to schools, but find none that outweigh the considerations on which our conclusions are based.

Sites 5 and 6 – Land to the south and west of East Calder and Hoghill (John Swan & Sons)

5.39 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If objection site 4 is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. We do not have sufficient information to judge whether the site is effective against other factors identified. We also do not have information from the objectors or WLC on the likely capacity of the site. The timescale for development would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, the earliest that any output from the site could be expected would be 2012/13.

5.40 The site is in an area of countryside separating East Calder from Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type, close to the boundary with the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

5.41 Development of a site of the size now proposed by the objectors (around 65ha) would have a significant effect on the area and would constitute a large extension of East Calder. The site is greenfield, and we believe that it is relatively well contained to the west (the country park) and the south (the railway line). The western edge of East Calder is currently open, and development would provide an

opportunity to put in place an appropriate boundary treatment for this part of East Calder. This would include to the A71, and means that we do not share WLC's concerns about the effects of development on views from this road. While the gap between East Calder and Livingston would narrow, given the nature of the area that would remain between them (country park, including the Linhouse Water and the Murieston Water), we do not consider coalescence, either physical or visual, to be a particularly significant issue. Although an attractive site, with the possible exception of the northernmost part, we do not consider that there are good landscape reasons which would exclude it from meeting a part of the strategic requirement. However, if it is not required, its current allocations in WLLP (countryside belt, AGLV, and land outwith the settlement boundary) are perfectly acceptable given the contribution it makes to the setting of East Calder. Although a significant part of the site comprises class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation.

- 5.42 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.43 In relation to the 4th matter (transportation), the site is not so far from existing bus routes and, given the scale of development proposed, there could be enhanced provision and penetration into the site, particularly from a local or shuttle bus. The general distance set out in PAN75 for access from housing to a bus service is 400m. Given the location of the site, close to the village centre and on the main road through it, it seems to us that this requirement could potentially be met. The general distance given for access to a railway station in PAN75 is 800m. This would not be achieved. However, we consider the objection site to be little different from the Calderwood allocations in this respect and, as a part of the CDA measures, we consider that accessibility to the station would be likely to be improved. We have no doubt that the site would benefit from the station's presence.
- 5.44 Regarding local facilities, the general distance given in PAN75 is 1600m. While there is a local neighbourhood centre on Oakbank Road and scope for a further centre on the site itself, the site is further away from the facilities in the village centre than other options. We also note that the adopted local plan describes this area (the West Langton area) as remote from the village centre. Camps Industrial Estate is also on the opposite (eastern) side of the village, but we acknowledge that the main employment sources for the area are likely to lie elsewhere. We accept that the road network would not have a strategic function, but neither would the road network put forward for the allocations in this part of CDA (Calderwood). The proposal would result in additional traffic on the local road

- network, in and around this part of East Calder, but there is no indication that, with mitigation, this could not be absorbed satisfactorily.
- 5.45 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. While concerns were expressed at the inquiry by WLC about the lack of educational capacity and the difficulties in accommodating other sites, we note that substantial new educational provision is proposed, and we see no reason why it could not be adjusted to take account of this site if it was selected in preference to others. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.46 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location), and integration (with the built-up area of East Calder) and community benefits. Others would not be met or not completely, e.g. protecting areas of special environmental and landscape value (prime agricultural land and AGLV) and securing physical and environmental improvement (mainly greenfield site but area of former poultry sheds would be improved). On the transport objectives, we have little information on the road network proposed, but note that the site is immediately adjacent to the A71. Adequate links could be achieved to public transport networks and infrastructure. The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the allocation of the site. However, overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (213ha) and the objection site (around 65ha) has to be treated with considerable caution because of their different sizes.
- 5.47 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The objectors in this case do not refer to the possibility of an alternative strategy in their submissions to the inquiry. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). Turning to a reduction in the size of the current allocations in WLLP, we see no great advantage or compelling reason to break them up as they are proposed at this stage, to accommodate this site. We are unaware of any other reason for bringing a site of this scale forward.

- 5.48 Site 5 forms a small part of the above site (around 8ha). The proposal is therefore of a much smaller scale (around 130 houses). Much of the above applies to this site but there are a number of specific points to consider. While acknowledging the general cap on the number of allocations in CDA, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a relatively smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, given that developments of this scale would generate much smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.49 Notwithstanding the above, we see no great advantage in bringing this site forward for housing. It is a greenfield site, is relatively narrow and elongated, has a weak southern boundary, and its development would represent a significant protrusion from the existing line of the built-up area of East Calder into the countryside, which would likely appear as piecemeal development. Given the distance from the edge of the built-up area to the former poultry sheds, we do not support the contention that the site could be regarded as infill. The proposal may provide a softer edge for this side of East Calder, but only for a small part of it. Parts of the western edge of the built-up area would remain exposed and would not benefit from the treatment proposed. While we acknowledge that the site is close to a local neighbourhood centre where everyday needs could be met, it does not meet the recommended distance given in PAN75 for accessibility to bus services (400m), particularly in the western part of the site, and it would be unlikely that this could be improved through enhancements arising from the proposal. Given that the site's development would be out of keeping with the settlement's character, we do not consider that the proposal would be consistent with E&LSP policy HOU8. We therefore do not consider that the release of this site can be justified at this time, including on the grounds that it is required to support the delivery of the 5 year housing land supply.
- 5.50 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.51 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 7 – Land at Wilkieston

- 5.52 On a **preliminary matter**, WLC changed their position during the course of the inquiry on whether the site was in CDA. We have accepted WLC's change of position, and have treated this small site as lying within the CDA boundary, which is consistent with WLC's 2020 Vision for West Lothian, where Wilkieston, along with East Calder and Kirknewton, are referred to as a possible location for a new settlement. However, the situation is not entirely clear based

on E&LSP's key diagram, and we believe that it is possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations, but acknowledge that, in general, the level of such allocations cannot be excessive.

- 5.53 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). There is an ownership constraint as the site would not be available until 2010/11. There are also infrastructure constraints to be overcome, and WLC would be looking for significant developer contributions, including for education and the Wilkieston by-pass. In relation to education, given that developments of a lesser scale would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site. It also helps that development here is likely to be delayed to nearer the time that improvements may occur in capacity. In the circumstances, while we find that the site is constrained at present, we consider that it has the potential to become effective over the plan period. We deal with the issue of the capacity of the site below. Given the date for the availability of the site, we consider it unlikely that any development would occur prior to 2011/12.
- 5.54 The site is in a single institutional use, and sits on the southern boundary of Wilkieston in an area of countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.55 The objectors propose that up to 100 houses be accommodated on site. This represents a very large extension of Wilkieston. The site's existing institutional use is low key and comprises a number of well spaced buildings separated by significant areas of open space. While considerable change has occurred, it has had a benign effect, and the layout still broadly respects the remnants of the original 19th century designed landscape, including the walled garden. However, the site is not included in the Inventory of Gardens and Designed Landscapes, the buildings in the north western part are in the settlement boundary, and the use itself is an integral part of the village and is well related to it. The site is well contained by the landscape framework in place, and we believe that it has the landscape capacity to accommodate some housing. Given the large areas of green open space and the fact that the site is in use, we do not consider that it can be described accurately as brownfield. While the objectors have indicated that the capacity of the site is 100 houses, the development area proposed extends to around 12ha and could accommodate significantly more. We are concerned that development of the southern and eastern parts of the site as proposed by the

objectors would have a compromising effect on its open character. Any development area should therefore be pulled back to a southern line of the walled garden and the workshops, and to an eastern line of the bowling green and the easternmost part of the existing settlement (Orchardfield Terrace). The walled garden should be retained, and we believe that a design brief should be prepared to provide a context for any development and that it should cover the full objection site. We estimate the capacity of the reduced site to be no more than 50 houses. We do not consider that a development of this scale would detract from the settlement's character.

5.56 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the site to be a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, the site would be reasonably well served by bus and, with the CDA allocations nearby, there would be a reasonable prospect that services would be enhanced along the A71. There was nothing to demonstrate that, once the by-pass for the village was built, bus services would cease to pass through it. Indeed, with the form of by-pass currently proposed, which would stop at the B7030, it seems to us unlikely that the village would suffer any disadvantage. We find the proposed eastern vehicular access point to the site unacceptable as it would only serve to open up other parts of the site to development pressures. While the existing access point to the west suffers from the congestion at the junction between the A71 and B7030, we believe this to be a preferable access and note that there are options which could be explored to overcome any difficulties in gaining access to the A71 from the site at peak times. We accept that Wilkieston is a small settlement which is dependent on shopping, employment, educational, and cultural facilities elsewhere. Its facilities are very limited, amounting to a post office/shop and a private nursery school, and the former appears to have recently closed. However, Wilkieston is a recognised settlement in WLLP and our concern is that it will continue to decline as the objection site is run down and closed. As such, while an allocation, as outlined above, would represent a significant increase on the size of the existing settlement, we believe that it would be a modest development in itself, and would provide some necessary support for the settlement once the existing use on site has ceased. We do not consider that the inclusion of the allocation in WLLP would be undermined by the terms of E&LSP policy HOU8. Although there is a prospect that children may have to be transported to schools, we note that this would always be the case for children residing in the village and do not consider that it outweighs other factors.

5.57 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, we are satisfied that the use that would be made of both existing and proposed infrastructure would not undermine a residential allocation on this site. Regarding the 4th aim, we believe that the loss of this site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, and an approach based on a design brief, we do not consider that the

impact would be likely to be unacceptable.

- 5.58 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of Wilkieston). Others would not be met so easily e.g. securing physical and environmental improvement (mainly greenfield site in nature). However, we do not consider that the site could be clearly rejected because of any failures against the objectives, and we believe that a residential allocation is justified for the reasons outlined above.
- 5.59 Drawing all these matters together, we consider that a residential allocation for 50 houses on a part of the objection site along the lines outlined below can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.60 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 8 – Land at Pumpherston/Clapperton

- 5.61 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the objection site was to come forward, it would be reliant on new infrastructure in much the same way as the CDA sites allocated in **WLLP**. We note that the process of establishing the infrastructure required for this site is still at a very early stage, and we are in no doubt that it is constrained, and not yet effective. Most notably, there are issues over transportation and education. We have particular concerns about secondary education provision. We accept that this would be a strategic site, and that it is possible that the issues could be resolved over time. However, it is not clear to us what steps are required to enable the site to become effective. In the circumstances, we cannot find that it would be capable of becoming effective over the E&LSP period, or that it would deliver any houses by the end of the period. While the objectors indicated that a part of the site could come forward within the required period, we have no indication of the size of this area, the issues that may arise, or how it would relate to the vision outlined at the inquiry for the larger site.
- 5.62 The site is in an area of countryside stretching out to the east of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

- 5.63 Development of a site of the size now proposed by the objectors (over 2500 houses) would have a significant effect on this area and would constitute a very large extension of Pumpherston. Notwithstanding the presence of a number of poultry sheds, the site is greenfield. It is well contained to the south (the country park) and the east (a shelter belt). While an attractive site, the landscape appears unremarkable, and the most sensitive area (the AGLV at the southern end of Pumpherston Farm) is not proposed for development in the embryonic masterplan. We accept that the proposals would amount to a planned extension of Pumpherston and, within this context, we believe that it should be possible to design a scheme which maintains a reasonable level of physical and visual separation between Livingston, Mid Calder and Pumpherston, bearing in mind that Pumpherston and Livingston are already joined. We see no reason why the rural character of the southern end of the B8046 could not be maintained by ensuring that development is well set back. Nonetheless, if not required for strategic purposes, the site's current allocations in WLLP (countryside belt, AGLV and land outwith the settlement boundary) are acceptable, given the contribution it makes to the setting of Pumpherston, the eastern edge of Livingston and the country park. Although the site comprises a mix of class 2 and class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to the site coming forward.
- 5.64 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), it is not clear whether the site could be accommodated within an appropriate sequence of releases. Regarding the 4th matter (transportation), we accept that the site is not too far away (2-3km) from the station park and ride at Uphall Station. It is also likely that bus services would be enhanced and links to Fastlink explored. However, there are issues over walking routes from the eastern parts of the site to community facilities, particularly given that the golf course lies in between. Additionally, there are issues over the impact of traffic on the road network. We do not consider that Pumpherston or Uphall Station would be at any disadvantage if the site did not come forward because substantial areas for housing are already allocated in WLLP (over 1000 houses) at the latter settlement, immediately to the north of the proposed site. The proposal by the objectors appears to be reliant on a new road around Pumpherston which forms part of the adjacent scheme.
- 5.65 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, at this stage, we cannot conclude that this would be efficient or that adequate provision could be made. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse

- environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.66 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location). Others would not be met or not completely, e.g. protecting areas of special environmental and landscape value (prime agricultural land), securing physical and environmental improvement (mainly greenfield site but sites of poultry sheds would be improved), and integration (with the built-up area of Pumpherston). On the transport objectives, there are issues which require to be addressed. The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the site coming forward. However, we do not consider that it has yet been demonstrated that the site is suitable for release.
- 5.67 The objectors see the site as a longer term option, which could provide some housing at the latter end of the E&LSP period. We accept that it is appropriate to look at the longer term. However, we note that the strategic allocations made in WLLP are restricted by a general cap, and that they are projected to deliver significant numbers of houses post 2015, up to the mid 2020s. We are therefore satisfied that sufficient consideration has been given to the longer term in WLLP. It would be for future development plans to consider the most appropriate locations for growth. We are not persuaded that the site could help safeguard against failures in the housing land supply because it does not appear to us that it would be any more likely to deliver the required development than the strategic allocations made in WLLP. It has also not been shown that there would be any advantage in encouraging this site to come forward in place of the allocated sites. In fact, as things stand, this would be more likely to delay output further. Additionally, no provision has been made within the proposal for business development as required by E&LSP. In the circumstances, we can see no proper basis for including this site as a current or possible future mixed use opportunity in WLLP.
- 5.68 Drawing all these matters together, the safeguarding or allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.69 We have taken account of all the other matters, including the proposal to extend the country park, the potential odour problems associated with the poultry sheds, and SPG on the use of the sheds, but find none that outweigh the considerations on which our conclusions are based.

Site 9 – Land at Uphall Station

- 5.70 On a **preliminary matter**, we have treated this site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram, and we believe that it is possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the

reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, for developments of a relatively smaller scale, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb the pupils generated in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to development, but acknowledge that, in general, the level of such allocations cannot be excessive.

5.71 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We were not presented with any specific evidence on the site's effectiveness, and are therefore unable to draw full conclusions on this matter. While the objectors claimed that there were no infrastructure constraints, we have some doubts about this because they have linked their proposals for the site to the infrastructure being provided for the large scale Drumshoreland proposal to the south. Given the site's size (around 3ha), we have taken its capacity as being in the region of 75 houses. We have no information on estimated timescales for development or possible annual output.

5.72 The site is adjacent to Uphall Station in an area of countryside to the east of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements. Although it could probably accommodate some housing, we see no great advantage in landscape terms in allocating the site in WLLP. In particular, the site is greenfield and this part of the built-up area of Uphall Station already has a reasonable and well defined edge, which would not be obviously enhanced by moving it eastwards. There would also be no other obvious benefits to the identity or form of the settlement in allocating the site, including when it is considered as an extension to the proposed Drumshoreland development. The absence of coalescence and the limited visual impact arising from any housing do not significantly help the case for allocation. While the northernmost tip of the site is allocated for housing development in the adopted local plan, this appears to be linked to a much larger site immediately to the west which has now been developed. It would not warrant bringing the site forward. Although part of the site is class 2 agricultural land, it is not clear that it is in full productive use and, given that it is isolated from other good quality land, we do not believe that it would be sufficient in itself to undermine a housing allocation.

5.73 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the site to be a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, this site is close to a railway station and to bus services, but it has not been explained to us how it would link into the proposed road network for the adjacent

Drumshoreland development. Access to local facilities would be reasonable. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and would have access to bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact would be likely to be unacceptable.

5.74 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of Uphall Station). Others would not be met so easily e.g. securing physical and environmental improvement (a greenfield site). While we do not consider that the site could be clearly rejected because of any failures against the objectives, and its allocation would not be out of keeping with the settlement's character, we see little need to allocate a further site for housing at this location when WLLP already allocates areas for up to 1000 houses immediately adjacent and there are no overriding compensating advantages. Although the objectors indicated that allocation would aid the delivery of the planning gain package for Drumshoreland, it was not demonstrated that such assistance was necessary. Similarly, it was not demonstrated that allocation would add anything of particular note to the Drumshoreland proposal. We believe that development of that scale would be sufficient in itself to support the existing settlement without additional allocations. In these circumstances, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8.

5.75 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.76 We have taken account of all the other matters, including the proposal to provide an element of affordable housing in line with WLLP's policy, but find none that outweigh the considerations on which our conclusions are based.

Sites 10 and 11 – Hartwood Road, West Calder

5.77 On a **preliminary matter**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP's text on whether West Calder (as one of the Calder villages) should be placed within or outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic sites such as this. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA

- allocations. In particular, as developments of this scale, even taken together, would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.78 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We were not presented with any specific evidence on the effectiveness of site 10, and it was claimed that site 11 was effective. We accept that educational capacity would be unlikely to represent a constraint on the sites. However, we did not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters, including access. Given the size of the sites, we have taken the capacity of site 10 (around 1.5ha) as being in the region of 35-40 houses and site 11 (around 1.05ha) as being approximately 25 houses, rather than the 50 houses estimated by WLC in both cases and the 12 houses estimated by the objectors for site 11. We have no information on estimated timescales for development or possible annual output, but we accept that such small developments could be delivered, in general terms, relatively quickly.
- 5.79 The sites are in countryside, on the edge of West Calder. In the **Lothians Landscape Character Assessment**, they are identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The sites at present contribute to these 3 elements. Although they could possibly accommodate some housing, we see no great advantage in landscape terms in allocating the sites in WLLP. We accept that the sites are not in an E&LSP Area of Restraint and that they are in a wider area covered by WLLP policy ENV35 (very low density rural housing and woodland development). However, they are greenfield sites, there would be no significant benefits to the identity, form or edges of West Calder from allocating them, and the sites do not constitute a “poorer quality landscape” in themselves. Although not an overriding factor, the sites also add to the approach to West Calder travelling along Hartwood Road. We acknowledge that housing has recently been completed immediately to the west, but do not regard the objection sites as obvious residential allocations. This remains the case even though the sites are class 3.2 agricultural land and therefore not of prime quality.
- 5.80 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the sites to be strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are close to a railway station and bus services, and to the A71. Local facilities would also be reasonably close. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim,

the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, given our views on effectiveness, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the southern boundaries to both sites.

5.81 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of West Calder). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield sites). While we do not consider that the sites could be clearly rejected because of any failures against the objectives, and their allocation would not be out of keeping with the settlement's character, we see little need to allocate further sites for housing at this location when WLLP makes provision for CDA allocations at Mossend and Cleugh Brae on the northern side of West Calder. When these are taken into account, we consider that the need to allocate additional land in West Calder under E&LSP policy HOU9(a) reduces. As we believe that development of the scale proposed in CDA would be sufficient in itself to support the existing settlement without additional allocations, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. We accept that larger allocations can be delayed in coming forward and that development is planned over many years but, at this stage, we are not persuaded that further compensating allocations should be made in this settlement.

5.82 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.83 We have taken account of all the other matters, including the limited number of housing sites, other than CDA allocations, coming forward in West Calder, the possibility of improvements to the surface water drainage system to the south of site 10, and the prospect of an enhanced southern boundary treatment for site 11, but find none that outweigh the considerations on which our conclusions are based.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

5.84 On a **preliminary matter**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP's text on whether West Calder (as one of the Calder villages) should be placed within or outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-

strategic sites such as this. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.

- 5.85 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). It was claimed that both sites were effective. We accept that educational capacity would be unlikely to represent a constraint on the sites. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters. Given the size of site 12 (around 5ha), we have taken its capacity as being in the region of 100-125 houses. For site 13 (around 3.2ha), the indicative plan lodged indicates a capacity of 20 houses but, with an alternative layout and house types, we have little doubt that the site could accommodate a greater number of houses. We have no information on estimated timescales for development on either site. We also have no information on possible annual output from site 12, but on site 13 it was estimated that development could be completed within 12-18 months of commencement.
- 5.86 The sites are in countryside, on the edge of West Calder. In the **Lothians Landscape Character Assessment**, they are identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The sites at present contribute to these 3 elements. Although they could possibly accommodate some housing, we see no great advantage in landscape terms in allocating the sites in WLLP. The position is similar to that at Hartwood Road, in that the sites are greenfield, and there would be no significant benefits to the identity, form or edges of West Calder from allocating them. Although not an overriding factor, the sites also add to the approach to West Calder travelling along Cleugh Brae (B792). We accept that this is the time to review the area of special landscape control designation covering the sites and that Westwood View is a successful and popular housing development, but do not regard the objection sites as obvious residential allocations. This remains the case even though the sites are class 4.2 agricultural land and therefore not of prime quality.
- 5.87 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the sites to be strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are close to a railway station and bus services, and to the A71. Local facilities would also be reasonably close. **E&LSP** paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim,

the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport, despite the fact that there is no bus route at present on the B792. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, given our views on effectiveness, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the current western boundaries to both sites.

5.88 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the northern part of the built-up area of West Calder). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield sites). While we do not consider that the sites could be clearly rejected because of any failures against the objectives, and their allocation would not be out of keeping with the settlement's character, we see little need to allocate further sites for housing at this location when WLLP makes provision for CDA allocations at Mossend and Cleugh Brae, which are immediately to the east of the objection sites. When these are taken into account, we consider that the need to allocate additional land in West Calder under E&LSP policy HOU9(a) reduces. As we believe that development of the scale proposed in CDA would be sufficient in itself to support the existing settlement without additional allocations, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. We accept that larger allocations can be delayed in coming forward and that development is planned over many years but, at this stage, we are not persuaded that further compensating allocations should be made in this settlement.

5.89 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.90 We have taken account of all the other matters, including the limited number of housing sites, other than CDA allocations, coming forward in West Calder, and the prospect of enhanced western and northern boundary treatments for site 13, but find none that outweigh the considerations on which our conclusions are based.

Site 14 – Freeport Retail Village, by West Calder

5.91 On **preliminary matters**, while the objection site extends to 54ha, the developer has not put forward proposals for the development of the full site. Such a size of site would have capacity for a considerable number of houses and would have to be viewed as a possible alternative to the CDA allocations. Given that the site is in a rural area, separated from any settlement, we do not consider that it performs well as a housing site when assessed against E&LSP and national guidance, and

we would not support its full allocation for housing in preference to the CDA allocations. However, the 2 options put forward by the objectors as examples of what could be achieved on site were based on the existing complex of buildings and were far more modest in scale (150 houses or 30 houses plus visitor centre, business units, stabling for disabled horse riding and golf driving range), and we have considered the objections and adjustment sought to WLLP on the basis of these more limited proposals.

- 5.92 While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic proposals such as the objectors put forward in this case. Additionally, we do not see such proposals as being constrained in the same way as those for large scale development which seek to replace the CDA allocations. In particular, given that developments of this scale would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.93 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We accept that educational capacity would be unlikely to represent a constraint on the site. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters e.g. drainage, ground conditions, and contamination (given the historic uses). Subject to the resolution of these constraints, we believe that a development based on the smaller scale proposal could come forward within 2/3 years. We have less confidence in the larger scale proposal coming forward within this timescale.
- 5.94 The site is in countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the larger part of the site contributes to 2 of these elements – the character and amenity of the countryside. The balance of the site is brownfield and is occupied by vacant retail buildings and extensive car parking. WLLP recognises it as one of 2 sites in West Lothian with exceptional development circumstances, and refers to the possibility of pursuing opportunities for “leisure or tourist related uses, specialised employment uses, including starter class 4 units, art and craft related activities, or institutional uses appropriate to a rural setting.” In landscape terms, we believe that the inclusion of a limited element of housing in any development on site would be unlikely to have a significantly greater effect on the area than the existing buildings. The housing proposed in the larger of the proposals put forward by the objectors extends outwith the existing development envelope and would be a cause for greater concern. The housing in the smaller scheme could potentially have a lesser impact than the buildings already on site. The existing buildings on site are

modern, and there is little in their design or layout to suggest that it would be necessary to retain them as part of any new development. While the site is in an area of special landscape control and any development would have to respect this designation, we do not consider that this in itself would make a scheme incorporating housing unacceptable or prevent a small amount of ancillary building outwith the building envelope as part of a mixed use proposal.

5.95 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposals put forward by the objectors constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness above. In relation to transportation, the site does not have good links to public transport at present. The nearest regular bus services would be in West Calder (around 2km distance but further by road), where there is also a railway station and local facilities such as schools, shops, library and health centre. There is a further railway station at the smaller village of Addiewell which is about the same distance away from the site as West Calder. There is a pedestrian link from the site to West Calder but it is not of a particularly high standard. The site cannot be regarded as accessible but, to a certain extent, this is to be expected given its rural location, and any use of the site, including those encouraged in WLLP, would suffer from the same disadvantage. Additionally, there are other options to be explored, including the extension of the bus service required in connection with Westwood Industrial Estate, and the establishment of proper footpath and cycle links between the site and West Calder and the industrial estate. While WLC focussed on the negative aspects of such a pedestrian link with West Calder (unlit and isolated), we noted at the various site inspections carried out in this area that it has the potential to become a pleasant countryside walk.

5.96 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor and, while there is not good access to bus based public transport at present, there is the potential for making some improvements. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, taking into account our views on effectiveness and the need for improved transport links, we cannot conclude at this stage that this would be efficient. In considering the efficient use of infrastructure in this case, it is necessary to take into account the nature of the site and the desirability of achieving reuse or redevelopment. Regarding the 4th aim, we do not consider that a proposal based on a limited element of housing, and incorporating a plan for the appropriate treatment of the site, would have an unacceptable environmental impact. Indeed, when viewed from vantage points in the surrounding area, including local roads, we consider that the environmental impact of such a scheme could potentially be less than that of the existing development.

5.97 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDAs allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. securing physical

and environmental improvement (part brownfield site) and spreading employment opportunities (the development of business units). Others would not be met so easily, e.g. integration (separated from a settlement) and linking developments to existing public transport networks and infrastructure, and to the strategic road network (rural location). However, irrespective of this, we consider that the range of uses to be allowed on site merits further consideration. While the issue of viability and what could realistically be achieved on site do not appear to have been fully explored by either the objectors or WLC, it is clear that the buildings have been vacant for some time, that a marketing exercise has been carried out, and that little interest has been generated. An institutional use (a school) had come forward but, for whatever reason, they have not pursued this opportunity. Although another meeting has taken place between WLC and a potentially interested party, no details of this were available and it cannot be given any weight. There are concerns over the design and configuration of the units in the retail village, most notably their “deep floor plate”, and the site’s rural location, which separates it from the main built up area and the strategic links. We acknowledge that this is likely to make the site unattractive to those users seeking prime sites and locations. We agree that the uses identified in WLLP for the retail village are appropriate and that, all other matters being equal, this would not be a good location for housing. Nonetheless, taking into account the limitations of this location, we consider that the most likely way to achieve a beneficial use of the site would be through the types of uses proposed by the objectors, enabled by a small element of housing. The numbers of houses requires to be set in WLLP and not left to negotiations at the planning application stage. They should also be of a type which merits a rural location. While we accept that the circumstances at the site are not unique, we believe them to be sufficiently different to justify such an exceptional approach. No more than 30 very low density houses should be allowed (as proposed by the objectors in option 2), and all development should be achieved within the footprint of the existing retail village, unless it can be demonstrated that development outwith this area is justified. We consider that a greater number of houses would be excessive for this location, and we are not persuaded that WLC’s difficulties with bussing pupils to schools outweighs other considerations. Such housing should require to demonstrate that it is necessary to enable an appropriate mixed use development to proceed. It should also be linked to accessibility (as referred to in bullet point 4 in WLLP policy ENV38) and environmental improvements. We therefore believe that WLLP should be changed to accommodate a revised approach.

5.98 We understand that a planning brief for the site is to be prepared and consider that this should be referred to in WLLP, along with the consultation to be undertaken, which should include the local community. We do not consider that the low key approach outlined would result in the inappropriate development of this site or that an allocation would be undermined by E&LSP policy HOU8. The site should be included in WLLP Appendix 6.1 given that it would make a small contribution to the housing supply.

5.99 Drawing all these matters together, we consider that identifying the retail village as suitable for an enabling very low density housing development as part of a small mixed use scheme in the manner outlined can be regarded as conforming to

E&LSP, and that this is supported by other considerations.

- 5.100 We have taken account of all the other matters, including the references made to WLLP policies ENV31 and ENV35, but find none that outweigh the considerations on which our conclusions are based.

Site 15 – Allandale Fishery, by Polbeth

- 5.101 On **preliminary matters**, the objection site covers an area of more than 10ha. Within that area, there is the site of the old Gavieside village. Specific reference was made at the inquiry to the possible development of the former village. We have therefore considered the options of allocating the entire site or one based on the village.
- 5.102 While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic proposals such as the ones put forward in this case. We have considered the larger site to be non-strategic as well as the smaller one, because of both the overall scale of the allocations sought in CDA and the possible on site limitations which could limit the development area. We do not see non-strategic proposals as being constrained in the same way as those for large scale development which seek to replace the CDA allocations. In particular, as developments of a smaller scale would be likely to generate relatively few pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of either site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.103 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We believe that educational capacity would be unlikely to represent a constraint on either site. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters e.g. ground conditions (including Bristonhill Moss), and contamination (given the historic uses). We accept that the capacity of the smaller site may be in the region of around 50 houses. We are uncertain about the capacity of the larger site. We have no information on the timescale within which either site could be developed.
- 5.104 The site is in countryside, and is separated from the village of Polbeth. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the site contributes to 2 of these elements – the character and amenity of the countryside. That part of the site occupied by the former Gavieside village meets the definition of brownfield land. However, nothing of the old village remains other than the lines of some foundations, and the whole site now has the appearance of being greenfield. Development of the whole site would, to all

intents and purposes, be an extension of the Gavieside CDA allocations, and we share WLC's concerns in this case about the substantial reduction in the countryside gap that would occur between the allocations and Polbeth and the extended village of West Calder. Restricting development to the site of the old village would not make the proposals any more acceptable because that would constitute ribbon development, and it would relate poorly to both the Gavieside and the Mossend CDA allocations. It would also amount to sporadic development, and would not be in keeping with the character of the local area (as existing or proposed). In the circumstances, we believe that the countryside belt designation proposed for the objection site in WLLP is appropriate, and that it has an important role to play at this location.

5.105 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposals put forward by the objectors constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness above. In relation to transportation, the sites are close to the railway station at West Calder. We have no information relating to bus services, but assume that both sites would be able to take advantage of the enhanced services proposed as part of the CDA allocations. The sites would also be able to benefit from the new roads infrastructure associated with the WLLP proposals. We are less certain about pedestrian and cycling links to existing local centres and facilities, and this detracts from the proposals. Most notably, the links along Polbeth Road at present are unsatisfactory. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and we assume that they would be likely to have reasonable access to bus based public transport under the CDA proposals. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, we are not in a position to conclude at this stage, that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. While mitigation measures could potentially help, we remain concerned about the possible effects of the erosion of the countryside at this location. Given that, in our view, development would be out of keeping with the local area's character, we do not consider that the proposal would be consistent with E&LSP policy HOU8

5.106 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration for the larger site (well related to the Gavieside CDA allocations). Others would not be met so easily e.g. integration for the smaller site (separated from settlements and CDA allocations) securing physical and environmental improvement (overall appearance of sites is greenfield) and spreading employment opportunities (no employment proposals). However, irrespective of this, we consider that the sites are unsuitable for allocation because of their important countryside role. The larger site could conceivably proceed as part of the Gavieside allocations but nothing was drawn to our attention which suggested

that this could be achieved satisfactorily, and appropriate separation between allocations, and allocations and settlements, maintained. We recognise that there is a successful rural business (a fishery) currently operating from the site but the concern of the objectors that the CDA proposals could result in possible closure is, in itself, insufficient justification for allocating the site, or a part of it, for housing or mixed use development. While the concerns expressed about the CDA proposals are understandable, we consider that WLLP recognises the possible effects and goes as far as it can in seeking to ameliorate them.

- 5.107 Drawing all these matters together, the allocation of the objection sites for housing or mixed use development could not be regarded as conforming to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.108 We have taken account of all the other matters, including the reference by the objectors to possible drainage problems, but find none that outweigh the considerations on which our conclusions are based.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

- 5.109 On a **preliminary matter**, we have considered this objection on the basis of the objectors' position that the site would be suitable for a development of 170 houses. Additionally, notwithstanding the arrangement of the settlement boundaries in the adopted Livingston and Calders Area Local Plans, we see little to support an approach which places the site half in and half out of CDA. The E&LSP key diagram is not entirely clear on whether the site should fall within or outwith the CDA boundary (and neither can it be). Given that the objectors seek the residential allocation as an extension of the village of Polbeth, we have decided to treat the site as lying within the boundary of CDA. However, we fully accept that an equally compelling case can be made for placing the site outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a non-strategic proposal such as put forward in this case. In coming to this view, we believe that it is relevant to take into account that the site is relatively small when compared to both the extensive development in the surrounding area and the large scale strategic allocations proposed in E&LSP. We also do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. However, we acknowledge that the level of non-strategic allocations in CDA cannot be excessive.
- 5.110 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). As well as the objectors interest in the site, the Woodlands Trust have an interest in 3 tree belts, but the indications are that this is not an impediment to the proposals. Regarding infrastructure, we note WLC's concerns about the capacity of schools throughout West Lothian. However, in terms of the schools that would serve the objection site, there are options that could be considered, if necessary, to allow the proposal to be accommodated. Additionally, we are aware that significant further school provision is proposed as a result of the CDA developments in the wider area and

that circumstances could well change over the considerable length of time that development is proposed. Furthermore, it is probable that not all allocated housing sites in WLLP would be developed, and there is also a possibility of phasing. The proposals would not generate a large number of pupils at any school, and it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available without undue disruption, even when account is taken of the other small housing releases recommended. We do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable. We also do not consider that the strategic allocations would have to be cut back to accommodate the site, or that an allocation would have an undermining effect on WLLP's strategy. In this case, we therefore do not regard educational infrastructure as being a barrier to the development of the objection site for housing. Subject to E&LSP policy HOU5, we believe that the site would be likely to come forward for development prior to 2012.

- 5.111 The site is an area of greenfield, open ground, situated between the village of Polbeth and Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in or on the edge of the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site contributes to the space between Livingston and Polbeth. However, it is separated from the countryside to the north and south by the A71 and railway line respectively. We therefore consider that its contribution to the character and amenity of the countryside at this location is limited. WLC have accepted the principle of development on the site by allocating it for employment purposes in both the adopted local plan and WLLP. We believe that this allocation renders the countryside belt allocation that they have also applied to the site, ineffectual. In the adopted local plans, the settlement boundaries of Livingston and Polbeth are joined together. The drawing back of the boundaries in WLLP to exclude the objection site would not alter the fact that its development for either industry or housing would draw the 2 settlements close together. The tree belt to the east of the site, while a valuable feature, is not in itself an effective gap and could not be regarded as properly separating the 2 settlements. It appears to us that in allocating the site for employment purposes, the intention was to maintain the impression of space between Livingston and Polbeth through a combination of the tree belts in the area, the spacious grounds around the adjacent West Calder High School, and setting any development well back from the A71. We see no reason why the same principles could not be applied to a housing development on the site. In the circumstances of this case, we therefore do not consider that the allocation of the site for housing should be resisted on the grounds of landscape or coalescence.
- 5.112 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposal put forward by the objectors constitutes a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness

above. In relation to transportation, we accept that the site is not within walking distance of a railway station, but we believe that it has reasonable road and bus links to 2 (West Calder and South Livingston). The proposals to increase the number and frequency of trains on this line could make the use of the train for residents more attractive. The southernmost part of the site would be more than 400m from a bus stop, but we consider that it would be possible to consider an adjustment to the stop's location. In any event, we do not believe the walking distance to the bus stop to be unreasonable. Any development would benefit from a good bus service, albeit that the express service to Edinburgh is limited. As a part of CDA, there are proposals to extend the Fastlink out to West Calder and improve the park and ride at West Calder Railway Station, and this would be beneficial to residents. We accept that Polbeth is dependent to a large extent on shopping, employment, cultural, and some educational facilities elsewhere, but it is reasonably well located for both West Calder and Livingston, the latter of which contains a wide range of facilities. Polbeth is a recognised settlement in WLLP, and we believe that the objection site represents an appropriate opportunity for housing development. Many of WLC's concerns about the site's accessibility would also apply if it was to be developed for employment purposes. We do not consider that the inclusion of a housing allocation for the site in WLLP would be undermined by the terms of E&LSP policy HOU8. Although there is a prospect that children may have to be transported to some of the schools, we note that this already applies to the village and to other villages in the catchment areas of the schools involved, and do not consider that it outweighs other factors. We also note that there is likely to be some bussing of children from the CDA allocations to local schools.

- 5.113 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, we are satisfied that the use that would be made of both existing and proposed infrastructure would not undermine a residential allocation on this site. Regarding the 4th aim, we believe that the loss of this site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, and an approach based on the objectors' indicative masterplan, we do not consider that the impact would be likely to be unacceptable.
- 5.114 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston (well sited) and transportation (reasonably accessible to good bus services, 2 railway stations, 2 park and rides, and the proposed extension to Fastlink). Others would not be met so easily e.g. securing physical and environmental improvement (open ground). However, we do not consider that the site could be clearly rejected because of any failures against the objectives, and we believe that a residential allocation can be justified for the reasons outlined above.
- 5.115 Turning to the loss of **employment land**, we note that there is a substantial supply of employment land in West Lothian (see chapter 1.4). There is also no

shortage of units available in the local area, including at Brucefield Industrial Park, where the vacancy rate is currently running at 30-40%. Even if there was a significant upturn in demand, it would be unlikely that there would be a shortfall, and that includes taking account of WLC's view that current availability is restricted. WLC highlighted an increasing demand for owner occupation of smaller sites, but there was no indication of a shortfall in this more limited market either, which appears to be predominantly catered for by the public sector. We accept that the site has been marketed for several years, albeit not particularly vigorously, and that there has been a lack of interest. It has also been allocated for employment purposes since 1995/96. We also note that the site is poorly located in relation to the strategic road network, being outwith the M8 corridor. Although it is on the A71, the site is on the west side of Livingston rather than the Edinburgh side, which makes it less attractive. Moreover, the site is constrained by the need to retain the tree belt to the A71 and the requirement for buildings to be well set back (which affects visibility). Improvements to the accessibility of this area by road are proposed, but other sites (both existing and proposed) would be better connected, and the improvement for this site would not be so significant. WLC expressed their concern that the site was only available on a leasehold/joint venture basis. While this was undoubtedly the preference, the objectors explained that opportunities for the development of the site would be considered on any basis. Our concern is that WLC's expectations for the site, as explained at the inquiry, are unrealistic. We do not accept that the level of inquiries taken by WLC is a true indicator of the level of market demand. In all the circumstances, we do not consider that the objection site could justifiably be retained in WLLP on the basis that it is required for employment purposes. In this event, WLC would prefer to see the site allocated as countryside belt. However, we do not consider this to be appropriate given that it is very much urban fringe in nature and separated from the more extensive areas of countryside around about.

- 5.116 The proposed indicative masterplan showed a sports pitch, changing facilities and car parking in the north western corner of the site. The objectors also raised the possibility of West Calder High School extending on to the objection site. While WLC's initial reaction was to reject both proposals, it appears to us that both would warrant, at the very least, further discussion and exploration. The north western corner of the site is also within the notifiable zone of the ethylene pipeline running to the west of West Calder High School. Although there was nothing in the evidence which indicated that this would prevent a housing development on site, it is clearly a factor to be taken into account. WLLP Appendix 5.1 indicates that the northern part of the site should be the subject of a flood risk assessment, and this should be a requirement of any housing allocation. There was nothing to suggest that the adjacent industrial estate would limit the potential of the site to be developed for housing.
- 5.117 Drawing all these matters together, we consider that a residential allocation for 170 houses on the objection site along the lines outlined below can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.118 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

- 5.119 We have considered the objections made to the Livingston and Almond Valley CDA (West Livingston allocations) in chapter 2.2. Many of our conclusions in relation to effectiveness, landscaping matters, E&LSP, and the key objectives of WLLP apply to the additions proposed here. In relation to the specific points made at this session of the inquiry, we note that the 3 sites fall within the CDA masterplan boundary, with the exception of a small area to the west of Gavieside, which WLC now propose to include. This means that the sites can be used to help the CDA development integrate into its surroundings, through e.g. landscaping, as well as contributing to the creation of an appropriate edge. Indeed, these possibilities are envisaged in WLLP Appendix 7.1, where it sets out requirements for the enhancement of river corridors and new greenways for West Calder Burn and the Breich Water. In light of this, there would be no need to include the 3 sites within the CDA allocations in order to secure an appropriate landscape treatment. Additionally, we would be particularly concerned at extending the Gavieside allocation to the south east because it would narrow the countryside gap with Polbeth, which has an important role in linking the wedge of countryside to the east with the more extensive areas of countryside to the west. It would also be inappropriate to extend the Cleugh Brae allocation up to the line of the proposed road, when that line has not yet been fixed. Furthermore, and more importantly, it has not been properly demonstrated that the allocations in this part of CDA are constrained and that their extension would be necessary to provide the flexibility to accommodate the level of development proposed in WLLP. We do not consider the comparisons drawn with the Calderwood allocations in the eastern part of CDA to be particularly helpful in this regard. In the circumstances, we do not consider it appropriate to include the 3 sites within the CDA mixed used allocations in WLLP. Our view is not altered by the fact that the extensions are small in scale, and that their allocation would not challenge the strategy being followed.
- 5.120 Drawing these matters together, in the absence of justification, the 3 extensions proposed to the West Livingston CDA could not be regarded as conforming to E&LSP, and we do not believe that other considerations point towards their reasonable addition to the CDA allocations in WLLP. However, we accept that it would be appropriate to include all of the proposed western extension of the Gavieside CDA allocation in the masterplan boundary as proposed by WLC.
- 5.121 We have taken account of all the other matters, including the original proposals for this part of CDA which we note were only indicative and “broad brush”, but find none that outweigh the considerations on which our conclusions are based.

Sites 18 and 19 – Station Road, Addiewell

- 5.122 On **preliminary matters**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP’s key diagram and supporting text, and it would be possible to make a reasonable case either way. We note that the sites are included within a much larger proposal, covering 110ha and 1000 houses, lodged with WLC at the time they were selecting the

CDA allocations. WLC did not select this larger site but indicated that they would look further at Addiewell in co-operation with the promoters, with the possibility of bringing Addiewell forward as a longer term proposal. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic sites such as these. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.

5.123 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We have no doubts that site 18 is not effective, given the full investigations that have yet to be undertaken into the physical and contamination constraints affecting it. We have no specific evidence on the effectiveness of site 19, but are concerned that it could be similarly constrained. We also have concerns about the marketability of sites in this area, although we are encouraged that a number of housebuilders have expressed an interest in site 18. The accessibility report for site 18 indicates that the development would comprise around 100 to 120 houses, and we believe this to be a realistic estimate. We have no evidence on the capacity of site 19, but believe that the number of houses that it could accommodate would likely be smaller. Given our doubts about the effectiveness of the sites, we consider that they could only be developed in the longer term.

5.124 Given that both sites form part of a larger employment designation, have been in industrial use, and are part brownfield, we do not consider the **Lothians Landscape Character Assessment** to be relevant in this case. We also believe it unnecessary to consider the effect of the loss of the sites on the character and amenity of the countryside, and the landscape setting of Addiewell. We note that **SPP3** encourages the development of brownfield sites. While the allocation of the sites for housing would result in a loss of **employment land**, we note that there is a substantial supply of such land in West Lothian. We note WLC's concern about the limited amount of land available for open storage but, in the absence of any great demand for such sites being drawn to our attention, we cannot conclude that the supply of this type of land is insufficient. Within the context of the overall supply available, we suspect that WLC are likely to have a sufficient supply to amply cover any requirements that may arise, even if these 2 sites are lost to the supply. We also note that site 18 has been marketed, and that no interest has been shown from any potential employment users, including those requiring open storage space. In the circumstances, we do not consider that the sites could justifiably be retained in WLLP on the basis that they are required for employment purposes.

5.125 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the proposals put forward constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are adjacent to a railway station, and close to bus services and the A71. We therefore believe that links to the main centres of employment and retailing would be satisfactory. Local facilities in the village would also be reasonably close, including the primary school. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the sites are outwith the green belt. Regarding the 2nd aim, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, the sites would make use of both existing and proposed infrastructure, and we believe that there is a prospect that this would be an efficient use of infrastructure. Regarding the 4th aim, the impact of the proposals would not be environmentally unacceptable. Indeed, the proposals involve the development of unattractive brownfield land, and would be likely to result in an environmental improvement.

5.126 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. protecting areas of special heritage value (brownfield sites), promoting redevelopment of brownfield and contaminated land, and integration (with Addiewell). Others would not be met so easily e.g. capitalising on major employment areas in west Edinburgh (poorly sited), and capitalising on the growth of Livingston (poorly sited). The sites are ones which national and strategic guidance would encourage for development, and we are satisfied that their development would be in keeping with the character of the settlement and local area. However, we do not consider that they should be allocated for housing in WLLP at this stage given our concerns about their effectiveness, and whether they represent a reasonably realistic development opportunity. We also note (based on the 2004 report on the preferred development strategy and the objectors' submissions) that WLC appear to be considering the possibility of bringing forward a longer term development opportunity at Addiewell. We have little evidence about this proposal and its progress, and we are therefore uncertain about the accurate position, including how it relates to the prison which is to be developed (WLLP policy COM15). If this wider longer term proposal is being progressed, we believe it best if the 2 objections sites were to be incorporated into it, rather than proceeding independently on a piecemeal basis. This would allow the opportunity to consider the sites within the context of the overall development of the village and for further assessments to be undertaken of the constraints affecting them. Failing this, we believe that the sites should be considered further for housing at a future review of WLLP once more detailed information on the likely timescales within which they could be developed is available. While we have considered the possibility of recommending that the sites be highlighted in WLLP as part of a longer term development opportunity being considered by WLC, we have decided against this course of action given our lack of information. For the time being, and in the absence of a better alternative, we believe it best if the sites remain covered by an employment designation.

- 5.127 Drawing all these matters together, at this point in time, we do not consider that the allocation of the objection sites for housing could be regarded as conforming to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.128 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 20 – Muirhousedykes Mains, Addiewell

- 5.129 On a **preliminary matter**, we have treated the site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram, and it would be possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a much smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate only a very small number of pupils, it seems to us that there must be sufficient educational capacity to absorb them in the infrastructure available. We therefore do not regard educational provision as an obstacle to the effectiveness of this site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.130 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We accept that educational capacity would be unlikely to represent a constraint on the site. However, while the objectors claimed that the site was effective and immediately capable of development, we did not have all the information required to allow us to draw full conclusions. The capacity of the site would be limited and, as such, we accept that it could probably be delivered relatively quickly.
- 5.131 The site is in countryside, on the edge of Addiewell. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. In a small way, the site at present contributes to these 3 elements. Although it could possibly accommodate some housing without having a significant adverse impact on the area of special landscape control, we see no great advantage in landscape terms in allocating the site in WLLP, including no significant benefits to the identity, form or edge of Addiewell. We acknowledge that housing has been built on the opposite side of Loganlea Road from the appeal site, but do not regard the objection site as an obvious residential allocation. This remains the case even though the site is not classified on the Soil Survey map showing the Land Capability for Agriculture. While planning permission has previously been granted for housing on site, it is time expired and amounts to no more than a factor to be taken into account.

- 5.132 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although the site is clearly not a strategic release, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, the site is adjacent to a bus route, and close to a railway station and to the A71. Local facilities would also be reasonably close. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, the site would make use of both existing and proposed infrastructure and, given that any impact would be very small scale, we do not consider that any noticeable inefficiencies would arise. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the western and northern boundaries of the site.
- 5.133 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. integration (with Addiewell). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield site). While we do not consider that the site could be clearly rejected because of any failures against the objectives, and its allocation would not be out of keeping with the settlement's character, we are not persuaded that there is a sufficient basis to justify the release of this greenfield site. It has also not been demonstrated that there is a need to consider allocating additional land in Addiewell under E&LSP policy HOU9(a). An allocation of this small scale could not be justified on the basis that it was necessary to support the existing settlement, and we do not therefore consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. Overall, we are not persuaded that further allocations require to be made in this settlement at this stage.
- 5.134 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.135 We have taken account of all the other matters, including the objectors' contention that the site could not be used as a viable agricultural unit and was incapable therefore of reasonably beneficial use, but find none that outweigh the considerations on which our conclusions are based.

Sites 21 and 22 – Murieston, Livingston

- 5.136 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new

secondary schools, primary schools, road improvements, and drainage infrastructure. If site 21 was to be allocated as a reserve site and was required, it would be reliant on new infrastructure in much the same way as the CDA sites allocated in WLLP. Given that the infrastructure required to bring the site forward is unknown at this very early stage, we are in no doubt that it is constrained, and not yet effective. Most notably, there are issues over transportation and education. We accept that this would be a strategic site, and that it is possible that the issues could be resolved over time. However, it is not clear to us from the evidence what steps are required to enable the site to become effective. In the circumstances, we cannot find that it would be capable of becoming effective over the E&LSP period, or that it would be able to deliver any houses by the end of the period.

- 5.137 The site is in an area of countryside stretching out to the south and south west of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements. Development of an undefined, large site in an area stretching from Oakbank Park in the east to the ethylene gas pipeline in the west would have a material effect on the area and would constitute a significant extension of Livingston. The site is greenfield. It is well contained to the east (Oakbank Park and trees by the Almond and Linhouse Valleys AGLV) and to the south (a railway line). Although the ethylene pipeline is an undefined feature in the landscape, we accept that it would form a reasonable boundary to the west if supplemented by structure planting. While attractive, the landscape appears unremarkable, and the most sensitive area (the AGLV) falls outwith the proposed allocation. We accept that the proposals would amount to a planned extension of Livingston and, within this context, we believe that it should be possible to design a scheme which integrated well with the built-up area and continued to respect the town's landscape setting. Nonetheless, if not required for strategic purposes, the site's current allocations in WLLP of countryside belt and nationally important safeguarded employment land are appropriate, given the contribution it makes to the setting of Livingston and its part identification in SSP2 as a high amenity employment site. While a small area of the site comprises class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to it coming forward.
- 5.138 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), the site would add to the range provided. However, we are satisfied that, even without this site being allocated, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), it is not clear if the site could be accommodated within an appropriate sequence of releases. Regarding the 4th matter (transportation), we accept that the site is not too far away (2-3km) from South Livingston Railway Station. It is also likely

- that bus services would be enhanced. While it is proposed that a transportation strategy be prepared, we note that there are issues over pedestrian accessibility to facilities and the impact of traffic on the road network.
- 5.139 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, at this stage, we cannot conclude that this would be efficient or that adequate provision could be made. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.140 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), and spreading the environmental impact (introducing development at another location). Others would not be met or not completely, e.g. securing physical and environmental improvement (greenfield site) and transportation (issues to be resolved). The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the site coming forward. However, we do not consider that it has been demonstrated that the site is suitable either for identification as a strategic reserve or as a possible mixed use opportunity. The objectors see the site as coming forward in the event of a failure in the 5 year effective housing land supply. While we accept that it is appropriate to look at future options, E&LSP sets out the measures to be taken in the event of a shortfall in housing land and makes no provision requiring the allocation of strategic reserves. Additionally, we note that the strategic allocations made in WLLP are restricted by a general cap, and that they are projected to deliver significant numbers of houses post 2015, up to the mid 2020s. Overall, we are satisfied therefore that sufficient consideration has been given to future options and the longer term, and that it is unnecessary to make further provision through allocating strategic reserves. In any event, even if the allocation of a strategic reserve was desirable, it has not been shown in this case that the site would be able to deliver the required level of development within appropriate timescales. Furthermore, we can see no advantage in encouraging this site to come forward in place of the allocated CDA sites, and it would be for future development plans to consider the most appropriate locations for growth. In the circumstances, we can see no proper basis for including this site as either a strategic mixed use reserve or possible mixed use opportunity in WLLP. We also see no reason to amend WLLP policy EM3 to require the safeguarded employment land to be brought forward to satisfy strategic demand in the event of a shortfall in CDAs.
- 5.141 Site 22 forms a small part of the above site. The proposal for housing is therefore also of a much smaller scale. Much of the above applies to this site, but there are a number of specific points to consider. While acknowledging the general cap on the number of allocations in CDA (5000), for the reasons set out in chapter 1.1,

we do not necessarily see this as a barrier to a housing allocation for a relatively smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, given that developments of this scale would likely generate much smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge, in general, the level of such allocations cannot be excessive.

5.142 Notwithstanding our views on educational infrastructure, in the absence of further information, we are unable to draw conclusions on the full effectiveness of the site, its possible capacity, and the timescale within which it could be developed. While allocating the site for housing would represent a continuation of the eastward direction of development along the southern side of Murieston Road and would not result in any coalescence, we note that the southern part of the site is safeguarded as a high amenity Proven Employment Site of National Importance, which is recognised in SPP2. Although this safeguarding could be (and in our view is likely to be) reviewed, this is not proposed at the current time. In the absence of a proper justification, we consider it inappropriate to adjust the boundaries of the safeguarded site to accommodate this proposed allocation. Additionally, we see no great advantage in bringing this site forward for housing. It is greenfield, and the southern edge is a field boundary which, in itself, is not well contained. It would also not be a rounding off of the settlement. An allocation could not be justified on the basis that it was necessary to support the existing settlement, and we do not therefore consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. In the circumstances, we do not consider that the release of this site can be justified at this time.

5.143 Drawing all these matters together, allocating objection site 21 as a strategic mixed use reserve or possible mixed use opportunity and objection site 22 for housing would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.144 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend (*changes in italics*):

Site 2 – South of Station Road, Kirknewton

(i) that site 2 be allocated for housing on the WLLP Proposals Map as an extension to HKn9, with a gross site area of 2ha, subject to satisfactory provision being made for defensible boundary treatments. The full extent of the site should be that shown on figure 4 of the objectors' submissions to the inquiry. WLLP Appendix 6.1 requires to be modified to accommodate the site, with the capacity

being indicated as 30 houses.

Site 7 – Land at Wilkieston

(ii) that a site be allocated for housing in the grounds of Linburn, Wilkieston (site 7), subject to satisfactory provision being made for vehicular access from the existing western access point. The site should be defined as follows: the western boundary should follow the westernmost line of the existing houses immediately to the south of the A71 at Linburn Park; the southern boundary should follow the southernmost line of the walled garden and the workshops; and the eastern boundary should follow the easternmost line of the bowling green and the existing houses on the north side of the A71 at Orchardfield Terrace. WLLP Appendix 6.1 should be adjusted to accommodate the site, with the capacity being indicated as 50 houses and a requirement being stated under “strategic planning” for the preparation of a design/planning brief, which should also cover those areas to the south and east of the allocated site which are not to be developed.

Site 14 – Freeport Retail Village, by West Calder

(iii) that at site 14, WLLP be adjusted to recognise the possibility of a small enabling housing development on the following basis:

(a) that the final sentence of WLLP paragraph 3.103 be deleted and a new paragraph inserted after paragraph 3.105, as follows:

“3.105a A very low density housing development of no more than 30 houses, meriting a rural location and confined to the development envelope of the factory outlet centre, will be considered if it enables an appropriate mixed use scheme to be put in place. The developer would be required to demonstrate that housing was required to enable the other uses. A planning brief will be prepared for the site, and consultation on its terms will be undertaken with the local community.”

(b) that the 3rd sentence of paragraph 3.104 be modified, as follows:

“...Key to any reuse or redevelopment will be: to respect the setting provided by the 5 Sisters Bing, a scheduled ancient monument; to maintain the site’s setting within an area of special landscape control; and to address the site’s relative inaccessibility and the need for an appropriate landscape treatment.”

(c) that WLLP policy ENV38 be modified, as follows:

“The redevelopment, or re-use, of Westwood, near West Calder, previously operating as a factory outlet centre, is supported by WLC. Leisure and tourist use, specialised employment, starter units (class 4), or institutional uses appropriate to a rural location will be supported. Some element of new or extended building outwith the development envelope on site and/or housing (very low density and a maximum of 30 houses

meriting a rural location, all confined to the development envelope) will be considered, where this is shown to be necessary in terms of the financial viability of an appropriate scheme. The guiding principles that will apply to the site are:...

the setting and scale of any development must respect the location of the site within an area of special landscape control;

any redevelopment, new buildings or extensions must not be higher...

...development, redevelopment or reuse must specifically promote both the principles of sustainable transportation, by including proposals that support the use of public transport, walking and cycling, and the appropriate landscape treatment of the site.

(d) that WLLP Appendix 6.1 be modified to accommodate the site, with the capacity being indicated as 30 houses and requirements being stated under “strategic planning” for the preparation of a planning brief for the site and for any housing development to comply with policy ENV38.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

(iv) that site 16 be allocated for housing on the WLLP Proposals Map, and that the employment and countryside belt allocations be deleted. WLLP Appendix 6.1 requires to be modified to accommodate the site, with the capacity being indicated as 170 houses and requirements being stated under “strategic planning”, for the retention of the tree belts on site and the setting back of any buildings from the A71 and, under “flood risk”, for a flood risk assessment to be carried out in regard to development associated with the site.

Other matters

(v) that in relation to the level crossing at Kirknewton, the last sentence of WLLP paragraph 8.55 be modified, as follows:

“...While WLC supports this only on the basis that Kirknewton retains 2 fully operational access points, they acknowledge that there is a safety issue at the level crossing and that urgent action requires to be taken. If a more suitably funded solution cannot be brought forward, it will be necessary to introduce a full barrier system.”; and

(vi) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

2.4 Winchburgh, East Broxburn, Uphall CDA (proposed sites)

Representation nos:

7418/1, 7419/18, 7435/7, 8367/1, 8550/1, 9881/1

Objectors appearing at Inquiry:

Fyffes Group Ltd
(+ written submissions)

Inquiry references:

WS11: Forkneuk, Uphall

WS45: Uphall Depot, Uphall

CDA6b: Omission of land at Winchburgh

EMP1r Reallocation of land at East Broxburn

1. BACKGROUND

1.1 Objections were lodged to WLLP by 6 parties covering 4 sites in the Winchburgh, East Broxburn and Uphall CDA. This chapter concerns the proposals (mainly housing) put forward for the sites. The background to the emergence of CDA is outlined in chapters 1.1 and 2.1. The details of Winchburgh and East Broxburn are also provided in chapter 2.1. The village of Uphall is dealt with below.

1.2 Uphall lies to the north east of Livingston, to the north of the M8 and Bathgate railway line, and adjacent to Broxburn. As with other settlements in the area, Uphall has been linked historically to the oil shale industry. It contains a range of facilities, including a primary school and local shops (concentrated around East Main Street and West Main Street). At 2005/06, it was estimated that Uphall had a population of around 4700 in around 2100 houses. In WLLP, opportunities for housing are identified in the settlement envelope. In the wider area, there is Countryside Belt and, further north and west, AGLV.

1.3 The descriptions of the objection sites are, as follows:

Site 1: Forkneuk, Uphall

The site lies in rolling countryside and wraps around the northern and western edges of Uphall. It is large and of an irregular shape. The land rises generally towards the north west. To the south, the site is contained by the A899 and the A89 and, to the east, by the B8046. To the north and west, the boundaries are less clear. A gas line corridor passes through the western part of the site. The land is predominantly classes 3.1 and 3.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the site is designated Countryside Belt, with the westernmost part being on the edge of the Bathgate Hills AGLV. The concept masterplan lodged by the objectors shows the site being developed mainly for

housing, with provision for a primary school. The main access points would be from the A899 and the B8046, which would allow a by-pass to be formed around Uphall. A Country Park would be formed, and it is proposed that a golf course be retained on site. The land required for the Country Park is controlled by WLC.

Site 2: Uphall Depot, Uphall

The site is situated to the south of Uphall, between the A89 and the M8. It extends to 26ha, and is irregular in shape. It has been in industrial use at the northern and southern ends. Historically, part of the site was used by the Uphall Oil Works. The central area of the site has not been developed to any great extent, is grassed, and is crossed by Beugh Burn. There are a variety of buildings present on those parts of the site which have used. A gas main passes through the northern part of the site. There is Green Bing to the east of the site, and Stankards Bing to the west, both of which have now been restored. The Edinburgh – Bathgate railway line lies to the south of the M8. In WLLP, the northern and southern parts of the site are identified as employment sites, and the central part is promoted as an employment opportunity (EUB14). Although there has been built development on the land on either side of the site, much of this area is designated as Countryside Belt.

Site 3: Omission of land at Winchburgh, Broxburn, Uphall CDA (Winchburgh)

The allocations which comprise part of the Winchburgh, Broxburn, Uphall CDA (Winchburgh) are described in chapter 2.1, and they apply here as well. The objection proposes 3 extensions of CDA – at Glendevon South (2 locations) and a new mixed use allocation (at the south east point of Winchburgh and towards Broxburn). The extensions comprise farmland, and the westernmost extension to Glendevon South contains a small woodland. The sites are predominantly class 3.1 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the extensions would be covered by a Countryside Belt designation.

Site 4: Reallocation of land in Winchburgh, Broxburn, Uphall CDA (East Mains, East Broxburn)

The site is located on the eastern edge of Broxburn, to the east of the large East Mains Industrial Estate, and is bound on its southern side by the A89 and, on its western side, by a minor road, which runs north from its junction with the A89 to Winchburgh. The high embankment of the Edinburgh/Glasgow railway line forms the site's dominant eastern boundary, and becomes part of the Newbridge Viaduct as the railway passes south over the A89 and the River Almond. This stretch of railway embankment abutting the eastern side of the site also forms the administrative boundary between WLC and City of Edinburgh Council. The site comprises a relatively flat, triangular, vacant, overgrown field, which was partly used by a horticultural nursery toward its southern end.

The railway embankment and the minor road come together to form the apex of the triangular area at its northern end. To the east, on the other side of the railway embankment, agricultural land stretches to Newbridge. To the south, on the opposite side of the A89, high quality agricultural land extends to the River Almond, to the M8, and beyond. To the north, arable and rough grazing land extend to Winchburgh.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the inclusion of the various sites within settlement boundaries, and their designation either for housing or mixed use.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1: Forkneuk, Uphall

- 3.1 If the Winchburgh CDA allocation was deleted, reduced or could not deliver within the required timescale, the objection site would be an appropriate replacement. The objection had received only cursory consideration from WLC, and the response offered no reasoning. Forkneuk would comply with WLLP's strategy if it met housing targets which could not be met elsewhere in CDA. The masterplan had been developed over a period since 2001. The objectors controlled sufficient land to deliver 2000 houses and a package of community benefits. The site was effective. The houses would be built out at a rate of around 200 houses per annum, which would allow the greater part of the site to be built out before 2015.
- 3.2 The principles behind the masterplan were: maintaining the separation of Uphall from Dechmont; forming a by-pass; and providing a "green lung through the centre of the development area. The approach would be to create "development cells" based on a clear landscape framework of existing and new planting. AGLV focuses on the Bathgate Hills rather than the area of the site. Only at the western end of the site would development be seen against rising land, and this would be a very small proportion of the site. Given the landform, the site is visually discreet from surrounding public roads. A network of paths would be provided. The Country Park reflected policy in WLLP. The primary school could be either 3 stream (to accommodate the development and existing demand) or 2 stream (to accommodate the development). Appropriate contributions would be made to educational infrastructure.
- 3.3 The site would be well located for employment opportunities in existing and proposed employment areas. The site would integrate well with Uphall, and the proposals would help revitalise the centre, which was in long term decline. There was an existing extensive path network which would link the site to Uphall Railway Station, and a shuttle bus would be provided. The park and ride at the station is to be extended (by 500 spaces). Bus services in the area were frequent and accessible, and there were good connections to the strategic road network (A89 and M8). Overall, the development would positively contribute to the

existing community, its services and facilities, and the site should be included in WLLP as a mixed use area.

Site 2: Uphall Depot, Uphall

- 3.4 The site was located in CDA, and could contribute to the strategic housing allocation. It was adjacent to Uphall and within walking distance of local facilities. The site was brownfield, and development would result in the remediation of a contaminated site. It was well contained, being enclosed on 3 sides (bings, A89, and M8). Development of the site offered the potential both to enhance pedestrian connections between Uphall and Uphall Railway Station, and to calm traffic and improve safety on the A89. It would also offer the opportunity to make improvements to the landscape treatment of Beugh Burn.

Site 3: Omission of land at Winchburgh, Broxburn, Uphall CDA (Winchburgh)

- 3.5 It was essential that there was sufficient flexibility in WLLP and the CDA mixed use areas identified. The allocations must extend far enough to allow the layout and design of proposals to account for geotechnical, environmental, transport, landscape, design and development constraints in securing a successful and sustainable community. There must be scope to properly integrate the proposals with their surroundings. The allocations should be extended in the manner indicated.

Site 4: Reallocation of land in Winchburgh, Broxburn, Uphall CDA (East Mains, East Broxburn)

- 3.6 The objection sought the reallocation of the East Mains site from employment (class 4 uses) to mixed use. The identification of East Mains for employment purposes was inconsistent with the aims of WLLP paragraph 7.43 and policy CDA6, which both sought to avoid ad-hoc, piecemeal development within CDAs in general and the Winchburgh, Broxburn, Uphall CDA in particular. Significantly, the indicative masterplan boundary for CDA included the East Mains site.
- 3.7 There was no requirement in E&LSP for sites in Broxburn to be allocated for office uses. E&LSP policy ECON6 identified the locations where office developments would be supported, e.g. Livingston. A major new employment site (including class 4 uses), was proposed as a part of CDA at Myreside, north of Winchburgh. There was very limited foreseeable demand for offices in Broxburn, and it was estimated that the site would provide a supply for some 100 years based on past take up rates in the town. There was no need to look at a longer term supply because there were also large quantities of land available for offices closer to the airport. WLC had no clear strategy for prospective occupiers of the site and the proposed allocation for employment use was driven by the mistaken assumption that residential development on the site was unacceptable for amenity reasons. Industrial and transportation noise would not rule out residential development on site.

- 3.8 The allocation of the site for class 4 uses would likely sterilise it for the foreseeable future. If the site was not required for any other use, then perhaps no significant harm would result from that approach. However, the site was a gateway into a major residential development forming part of CDA. The residential development was dependent on the availability of the objection site for the construction of the main distributor road. Constructing some 400m of road to link the housing to the main road, without any associated development along its length, would not be sensible. The site should be reallocated as a part of the larger mixed use area at East Broxburn. To this end, WLLP should be modified at paragraphs 5.48 and 7.86 to make it clear that if there was no demand for business development on site then other uses might be acceptable (eg housing) if an appropriate level of amenity could be achieved.

4. SUMMARY OF CASE FOR WLC AND SUPPORTERS

Site 1: Forkneuk, Uphall

- 4.1 The allocation of the site for mixed use was neither necessary nor appropriate. It would be contrary to WLC's preferred strategy. As WLC had allocated the maximum number of houses allowed in CDA by E&LSP, there was no requirement to allocate the objection site. It could only be allocated if allocations elsewhere were scaled back. The allocated sites performed better than the objection site, and provided a sufficient range of opportunities.
- 4.2 The site was over 2km from the nearest railway station, and was not well integrated with existing and proposed public transport, walking and cycle networks. The land identified for the expanded park and ride at the station was not controlled by the objectors. There was no spare school capacity to accommodate the development. There was no employment use proposed. The proposal only involved greenfield land and would have an unacceptable environmental impact. In particular, it would have an adverse impact on the setting of AGLV. It would result in perceived coalescence with Dechmont. WLC shared SNH's concerns about developing the site. The allocation of the site would have an adverse impact on the rate of completions in Winchburgh, Broxburn and Livingston. It would also exacerbate existing problems of congestion on the road network on the A89 approach to Newbridge and the M8. The proposed by-pass would have no strategic function. A reduction in the CDA allocations in WLLP could throw into doubt the delivery of community facilities, such as the secondary schools, and increase WLC's costs, e.g. through more pupils being bussed to school. There was no room to expand the centre of Uphall to provide facilities for the substantial expansion proposed. There was no need for an additional country park in West Lothian. Overall, it would not be desirable to allocate the objection site for mixed use purposes.

Site 2: Uphall Depot, Uphall

- 4.3 The allocation of the site for mixed use was neither necessary nor appropriate, and it would not accord with WLC's preferred strategy. WLLP identified the potential for an additional 789 houses in Uphall. There would be no spare

capacity in schools to accommodate the number of pupils generated by the proposal. The A89 represented a defensible boundary for Uphall. The site was part greenfield and visually prominent, and development of it would have an adverse impact on the character and landscape setting of Uphall. Development would result in the “virtual coalescence” of Uphall and Uphall Station/Pumpherston and would set an undesirable precedent. The allocation did not meet the terms of E&LSP policy HOU8. The main employment and retail centres could not be regarded as highly accessible from the site. The nearest railway station was 500m away. The site was remote from the services in Uphall, which would increase the number of car borne journeys. Additionally, the site was a long established employment site. WLLP set out a number of requirements for this site, including the submission of a Flood Risk Assessment. Development of the site would be contrary to national and strategic guidance.

Site 3: Omission of land at Winchburgh, Broxburn, Uphall CDA (Winchburgh)

- 4.4 No further extension of the CDA allocations at Winchburgh was desirable or necessary. The extensions proposed would be contrary to WLLP’s preferred strategy. There was already a wide enough range of sites available in CDA. The extensions would not help integrate the proposals with the settlement. The green gap between Winchburgh and Broxburn would be reduced. The extensions would have an unacceptable impact on the setting of the Union Canal and Niddry Castle.

Site 4: Reallocation of land in Winchburgh, Broxburn, Uphall CDA (East Mains, East Broxburn)

- 4.5 The site's location, adjacent to East Mains Industrial Estate, the A89, the railway, and its awkward shape meant that it was not well suited to mixed use or residential development. It would also be required to accommodate the main distributor link road from CDA. The masterplan would determine the details of the road and the class 4 development proposed in WLLP. The mixed use scheme proposed by the objectors (Potential Development Option 2, dated October 2006) was predominantly for housing, with only a small element of commercial use in the south east corner of the site. Regarding noise impacts, WLC were concerned that there would be significant constraints on the design and layout of any housing due to significant nearby industrial and transportation noise sources. The potential alignment of the distributor road would isolate any housing on the site from the remainder of CDA. The site would be remote from the proposed new primary school and community facilities, which would likely be on the north side of the canal at Albyn.
- 4.6 E&LSP made clear that additional employment allocations were to be made within CDAs. The employment allocation at East Broxburn was not particularly large compared to that at Winchburgh and Armadale. The location of the site adjacent to the existing East Mains Industrial Estate, and the potential for it to benefit from the proposed park and ride at Kilpunt, were important factors supporting the allocation. Class 4 business uses could include light industrial uses as well as office uses. Any demand for class 4 floorspace could only be

satisfied if the supply was available initially. WLC were aware of a significant demand for small scale offices, and had received enquiries for owner occupation of plots between 0.2ha and 1ha for a range of class 4 uses. There were limited opportunities remaining at East Mains Industrial Estate and all the allocated employment sites were either under development or the subject of proposals. These sites were not suitable for office use.

- 4.7 WLLP policy CDA9 indicated that the overall capacity of the East Broxburn CDA allocations was 2050 houses. Allocating the objection site for mixed use purposes would increase this figure, and would require a reduction in the mixed use allocations elsewhere in CDA. While it was acknowledged that exact house numbers could only be determined by a planning application, incrementally adding housing sites to WLLP would breach the housing allocation limits set in E&LSP.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether the alternative sites put forward conformed to E&LSP and whether any could be included justifiably in WLLP once all considerations had been taken into account.

- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level possible (a general cap of 5000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations in CDAs should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business. We now deal with each alternative site put forward in CDA.

Site 1: Forkneuk, Uphall

- 5.3 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, and road improvements. If the site is to be

allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward. The overall capacity of the site has been estimated by the objectors at 2000 houses. This is the same as the capacity figure contained in the 2020 Vision for West Lothian for the options at Uphall (options 12a and 12b). In line with our conclusions on the allocations at Winchburgh in chapter 2.1, we would not expect any output from this site prior to 2012/13. The annual output from the site is estimated by the objectors at 200 houses per annum, and this has not been disputed by WLC.

5.4 The site is large and predominantly lies in attractive countryside in agricultural use, on the northern and western edges of Uphall. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmlands, Landscape Character Type, close to the edge with the Lowland Hills and Ridges, Bathgate Hills, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the site contributes to these 3 elements. Development of the scale proposed would have a significant effect, and would constitute a large extension of Uphall which would alter its identity. Nonetheless, within the context that a large scale strategic allocation is required in CDA, nothing was drawn to our attention which would exclude the site from consideration for landscape reasons. SNH expressed concern about an allocation at this location, and we note that the site is not particularly well contained. However, the proposals represent a planned extension of Uphall and, within this context, we believe that it would be possible to build on the existing landscape features and create a framework which properly contained the site, prevented any perceived coalescence with Dechmont, protected the setting of AGLV, and adequately mitigated the visual impact. We are therefore satisfied that there are no overriding landscape reasons which would prevent the allocation of the site. However, if the site is not required as a strategic housing allocation, we believe the Countryside Belt and AGLV designations to be appropriate, given the greenfield character of the area and the contribution the site makes to the setting of Uphall. Although a significant part of the site comprises class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.1), this would not be a barrier to an allocation.

5.5 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by this designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of

choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence if it was allocated. In relation to the 4th matter (transportation), the site is close to existing bus routes, and we acknowledge that there could be enhanced provision and penetration into the site. The railway station would be reasonably accessible (particularly if a shuttle bus is provided), and local facilities would be close by. We believe that the proposed distributor road, which would act as a bypass for Uphall, would be a benefit. The indications are that the wider road network would be able to absorb the traffic generated by the proposals. It was not demonstrated by WLC that there would be significant problems on the A89 approach to Newbridge or the M8. It also seems to us likely that adequate integration could be achieved with existing footpath and cycling networks.

5.6 E&LSP paragraph 2.27 sets out 4 aims and objectives with which developments should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and would have access to bus based public transport. On the 3rd aim, the site would make use of both existing and proposed infrastructure. While concerns were expressed about the lack of school capacity, we note that the site would be coming forward in an area where new educational provision would be made. We see no reason why the proposed provision could not be adjusted to take account of this site if it proceeded. The disadvantages of bussing pupils to schools for educational and budgetary reasons were emphasised. However, we consider that this is only one factor to be assessed amongst others. Regarding the 4th aim, we believe that the loss of such a site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we consider that the impact could probably be made acceptable.

5.7 **WLLP** identifies 11 key objectives for CDA development areas at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location), and integration (immediately adjacent to Uphall). Others would not be met, e.g. protecting areas of special environmental and landscape value (prime agricultural land and AGLV) and securing physical and environmental improvement (greenfield site). The objectives identified at an earlier stage relating to coalescence and development containment would not undermine the site's allocation. Overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Winchburgh. The allocations made in WLLP offer their own benefits (see chapter 2.1). Additionally, we have borne in mind that a straight forward comparison between the Winchburgh allocations (3450 houses) and the objection site (2000 houses) has to be treated with considerable caution because of their different sizes. As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA. Instead, the site would have to come forward as part of a reduction in the allocations made and, in the absence of any great advantage, we see no compelling reason to break them up as they are proposed in WLLP. However, we accept that the objection site, or something resembling it, would merit further consideration if the strategic

allocations proposed at Winchburgh fail in some way. We are unaware of any other reasons for bringing a site of this scale forward.

5.8 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.9 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 2: Uphall Depot, Uphall

5.10 On a **preliminary matter**, the objectors and WLC disagree on whether the objection site falls in or outwith CDA. We have treated the site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram, and it would be possible to make a reasonable case either way.

5.11 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, and road improvements. If the site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. Of greater concern is that the site is further constrained by the ground conditions present (including possible contamination), which require further investigation. In the circumstances, we are uncertain about the capability of the site to become effective. We have no information on the site's capacity, but note that it is large. Similarly, we have no information on the programming of any proposed development.

5.12 Given that the site is identified in WLLP for employment purposes (in part an existing employment site with the balance being an employment opportunity), we do not consider the **Lothians Landscape Character Assessment** to be relevant in this case. We also believe it unnecessary to consider the effect of the loss of the site on the character and amenity of the countryside, and the landscape setting of Uphall. We note that the site is situated outwith the settlement boundary of Uphall, and that it is not well related to the settlement, being on the opposite side of the A89, and stretching from that road (where the site is at its narrowest), further south, to the M8 (where it is at its widest). While the allocation of the site for housing would result in a loss of **employment land**, there is a substantial supply of such land in West Lothian, and we suspect that WLC are likely to have a sufficient supply to amply cover any requirements that may arise, even if this site was to be lost to the supply.

5.13 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) above. In relation to the 3rd matter (green belt), the site is outwith the area covered by this designation. Regarding the 5th matter (range of sites), if

allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence if it was allocated. In relation to the 4th matter (transportation), the site is close to existing bus routes. The railway station would be accessible. We have no details on the potential traffic impact of the proposals, or how integration might be achieved with existing footpath and cycling networks. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the site is on a rail corridor, and would appear to have potential for good access to bus based public transport. On the 3rd aim, while the site would make use of both existing and proposed infrastructure, we are not in a position to conclude that this could be efficient. Regarding the 4th aim, we consider it possible that an environmentally acceptable scheme could be devised.

- 5.14 **WLLP** identifies 11 key objectives for CDA development areas at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and spreading the environmental impact (introducing development at another location), and protecting areas of special environmental and landscape value (employment site). Others would not be met, e.g. those relating to transportation (lack of traffic and transport proposals) and integration and community benefits. The objectives identified at an earlier stage relating to coalescence and development containment would not undermine the site's allocation, even bearing in mind WLC's concern about "virtual coalescence" with Uphall Station/Pumpherston. Overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, given the poor relationship with Uphall and the lack of information provided, we do not believe that it could reasonably replace the allocations proposed in WLLP at Winchburgh and Broxburn. The allocations made in WLLP offer a number of benefits (see chapter 2.1). Additionally, we have borne in mind that a straight forward comparison between the WLLP allocations and the objection site has to be treated with considerable caution because of their different sizes. As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA. Instead, the site would have to come forward as part of a reduction in the allocations made, and we can see no great advantage to be gained from breaking them up as they are proposed in WLLP. We are unaware of any other reasons for bringing a site of this scale forward.
- 5.15 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.16 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 3: Omission of land at Winchburgh, Broxburn, Uphall CDA (Winchburgh)

- 5.17 We have considered the objections made to the Winchburgh, Broxburn, Uphall CDA (Winchburgh) allocations in chapter 2.1. Many of our conclusions in relation to effectiveness, landscaping matters, E&LSP, and the key objectives of WLLP apply to the additions proposed here. In relation to the specific points made in this objection, it has not been demonstrated that there is scope for further allocations at the 3 locations to the west, south and south east of Winchburgh, or that additional flexibility is required to help integrate the proposals with their surroundings. We note that WLC had already agreed to extend the allocation in WLLP at Glendevon North, and this provides some of the flexibility sought by the objectors. The draft masterplan does not support the case for any further extension. Indeed, the indications are that the CDA development can be accommodated on the allocations outlined in the WLLP Proposals Map.
- 5.18 Drawing these matters together, in the absence of a proper justification, the 3 extensions proposed to the CDA allocations at Winchburgh could not be regarded as conforming to E&LSP, and we do not believe that other considerations point towards their reasonable addition to the CDA allocations in WLLP.
- 5.19 We have taken account of all the other matters, including the original proposals for this part of CDA, but find none that outweigh the considerations on which our conclusions are based.

Site 4: Reallocation of land in Winchburgh, Broxburn, Uphall CDA (East Mains, East Broxburn)

- 5.20 We have considered the objections made to the Winchburgh, Broxburn, Uphall CDA (East Broxburn) allocations in chapter 2.1. Many of our conclusions in relation to effectiveness, landscaping matters, E&LSP, and the key objectives of WLLP apply to the reallocation of the land proposed here. In relation to the specific points made in this objection, if the site is allocated as a mixed use area in CDA, it is likely that housing would be the main use of the site. Provision would also have to be made for the proposed distributor road, which leaves in doubt the exact extent of the remaining developable area. Noise would be assessed in greater detail at a later stage. However, even taking into account the prospect of mitigation measures, we consider that there must still remain significant doubt as to the effects that noise would have on any housing developed on site. We believe that the collective environment that would be created by the new distributor road, the railway line and its embankment, the A89, and the existing East Mains Industrial Estate would be unlikely to be conducive to a pleasant setting or an acceptable level of amenity. Furthermore, we also consider that any housing would be isolated, and detached and remote from the nearest community facilities and school. We are not persuaded that an additional mixed use allocation can be justified on the grounds of flexibility. Neither are we persuaded that this site should be given preference over other areas allocated for mixed use in CDA.

2.5 Livingston and Almond Valley CDA (proposed sites)

Representation nos:

7149/1, 7175/1, 7187/1-2, 7193/1-5, 7241/1, 7245/1,
7246/1, 7301/1, 7362/4-5, 7362/18-19, 7362/22,
7402/1, 7404/1, 7443/3-5, 7554/1, 7555/1, 7556/1,
7562/1, 7592/1, 7676/1-4, 7687/1, 7700/3, 8364/1,
8365/4, 8503/1, 8572/1, 8572/5-6, 8572/8-10,
8572/16, 8572/18-19, 8553/1, 8574/3.

Objectors appearing at Inquiry:

Scotia Homes
Network Rail
Stephen Dalton
John Swan & Sons
Scottish National Institution for the War Blinded
Grampian Country Food Group Ltd
Pumpherston Estates Ltd
Scottish Capital Group
Mr & Mrs Allan and Miss Allan
Schroder Exempt Property Unit Trust
WG
(+ written submissions)

Inquiry references:

CDA3b: Alternative sites and strategy for CDA
CDA3c: Omission of land at West Livingston
HOU3: Land at Wilkieston
HOU4a Land at Pumpherston/Clapperton
HOU22: Allandale Fishery
EMP1d: Freeport Retail Village, by West Calder
EMP1n: Brucefield Industrial Park
STRAT5: Murieston Castle Farm, Livingston
WS26: Station Road, Addiewell
WS29: Muirhousedykes Mains, Addiewell
WS44: Station Road, Addiewell
WS32: Land at Uphall Station
WS125: Kirknewton level crossing
WS141: Murieston Road, Livingston
WS150: Hartwood Road (east), West Calder
WS175: Hartwood Road (west), West Calder
WS187: Land to west and south of East Calder

1. BACKGROUND

1.1 Objections were lodged to WLLP by 32 parties covering 22 sites in Livingston, and the villages of Kirknewton, Wilkieston, Pumpherston and Uphall Station, Polbeth, and Addiewell and Loganlea, all in the Livingston and Almond Valley CDA. This chapter concerns the proposals (mainly housing) put forward for these sites. In addition, we deal with the objections relating to the Kirknewton railway crossing. The background to the emergence of CDA is outlined in chapters 1.1 and 2.2. The details of Livingston and the villages of East Calder and West Calder are provided in chapter 2.2. The remaining villages are dealt with below.

1.2 Kirknewton lies in the south eastern part of the WLLP area, close to Livingston and to the south of East Calder (from which it is separated by the main Shotts railway line and the A71). It sits on higher ground overlooking the area to the

north. In broad terms, its development was linked to the rural economy, the mining and industrial activity previously in the area, and to a nearby airfield. Today, a railway station, church and primary school lie to the west of the settlement and, in the centre, there is a small range of facilities commensurate with its size, including a supermarket and post office. At 2005/06, it was estimated that the village had a population of around 1800 in around 700 houses. Kirknewton House (a category B listed building) and its grounds (a designed landscape) lie to the south of the village. WLLP designates the area between Kirknewton and the A71 largely as an area of special agricultural importance, and the area between the A71 and East Calder as countryside belt and the mixed use CDA allocations.

- 1.3 Wilkieston lies in the eastern part of the WLC area, to the east of East Calder, and close to the administrative boundary with the City of Edinburgh Council. It is a small village which straddles the A71, and is centred on the junction between that road and the B7030 to Ratho and Newbridge. The village is very much based on the estate of the Scottish National Institution for the War Blinded at Linburn, which covers extensive grounds (34ha) and lies to the south of the A71. It contains one post office/shop which is now closed, and a private nursery school. At 2005/06, it was estimated that Wilkieston had a population of 160 in 62 houses. The area around Wilkieston is largely designated as an area of special agricultural importance in WLLP.
- 1.4 Pumpherston and Uphall Station are adjacent villages which lie on the eastern edge of Livingston to the south of the M8 and the Bathgate railway line, straddling the B8046. Historically, they are linked to the oil shale industry. Today, both villages are more or less subsumed into Livingston. They contain a range of facilities, including a railway station with park and ride, a primary school, and local shops. At 2005/06, it was estimated that Pumpherston had a population of around 1250 in around 550 houses, and that Uphall Station had a population of around 950 in around 400 houses. In WLLP, there are extensive allocations for housing at Drumshoreland (HLv98, HLv113, and HLv119), immediately to the east of Uphall Station. In the wider area, there are countryside belt and AGLV designations and, further east, areas of special agricultural importance.
- 1.5 Polbeth is sandwiched in between Livingston and West Calder and, as with other villages in West Lothian, is linked to the oil shale industry. It contains a range of facilities, including an industrial estate, a primary school, and West Calder High School. The A71 runs through the village and Limefield House, a category B listed building, is on its eastern edge. At 2005/06, it was estimated that Polbeth had a population of around 2400 in around 1100 houses. WLLP seeks to retain Polbeth as a self contained village by designating the area around it as countryside belt.
- 1.6 Addiewell and Loganlea lie to the west of West Calder and to the south of Stoneyburn and Bents. They are based on the former oil shale and chemical works at South Addiewell Bing, which is immediately to the east of Addiewell. To the south, between the railway line and the A71, there is an estate of large bonded warehouses. The overall village contains a number of facilities, including

a railway station, a primary school, a post office, and a small number of other shops. It is predominantly made up of inter-war council housing estates. At 2005/06, it was estimated that the village had a population of around 1400 in around 600 houses. WLLP recognises that there are 4 elements to the village – Old Addiewell, Addiebrowhill, Loganlea, and an area covered by an employment allocation. The area to the north of the village and in between Addiebrowhill and Loganlea is designated as an area of special landscape control.

1.7 The descriptions of the objection sites are, as follows:

Sites 1 and 2: Overton and south of Station Road, Kirknewton

The sites lie in countryside, to the west of Kirknewton, outwith the settlement boundary, as defined in WLLP. Site 1 comprises fields and gorse scrub, is of an irregular shape, and sits at a higher level than the land to the north. The hillock at Hallcraigs forms a prominent local landmark in the northern part of the site. The land comprises predominantly class 3.1 on the Soil Survey map showing the Land Capability for Agriculture (along with some class 4.2 and class 5.1). The eastern boundary is contained by Station Road, apart from at 2 points – the railway station and Kirknewton Park. The western boundary is contained by Ormiston (a designed landscape) and its trees which follow the line of Gogar Burn. The other boundaries follow field fence lines and tree belts (which characterise the area to the south). The site includes a narrow elongated section of land section in the far west which crosses the railway line and extends down towards the A71. A high voltage electricity line crosses the site in a north eastern to south western direction. There are 3 groups of buildings in or on the edge of the site – Overton Farm, Ormiston Farm and Ormiston. Adjacent to the site, by the station, there is a level crossing over which there is much concern about vehicle driver abuse.

Scotia Homes have submitted a draft masterplan which shows provision being made on site for 1050 houses. In addition, they put forward: 50 small business units; a spine road through the development going westwards from Station Road with a new bridge over the railway and a roundabout on the A71; the potential of the road to serve further development to the west; the closing of the railway crossing; a park and ride at the railway station; the upgrading of Kirknewton Park and the provision of a village hall; and an extension to the primary school.

Site 2 is a much smaller site. It relates to the northern part of site 1, and stretches from Hallcraigs towards Station Road and the properties which front it, including the primary school, church, and the housing site allocated in WLLP (HKn9). Master Homes submitted 2 options for the land within their control. The 1st option was to build 90 houses on a site of around 6ha, which extended from the allocated site westwards towards the level crossing, behind the properties on Station Road. The 2nd option was a more limited proposal for 30 houses on a site of around 2ha situated

at the rear of the allocated site and the primary school.

Site 3 – land to the north of railway line, Kirknewton

The site lies in countryside and stretches from the railway line at Kirknewton, across the A71, to just south of Camps Industrial Estate by Gogar Burn. It extends to 46ha, is an open site of an irregular shape, and contains some farm buildings. It comprises a number of fields, and generally slopes up from the A71 towards Kirknewton and the south. It is bound by the B7031, in part, to the west, and further fields to the east. The land is predominantly class 2 on the Soil Survey map showing the Land Capability for Agriculture, and is designated as an area of special agricultural importance in WLLP. The line of a dismantled railway passes through the site. The proposals for the site comprise: 1000 houses, a park and ride facility, railway station improvements, a primary school and other local facilities, employment land, open space and landscaping, and associated infrastructure.

Site 4 – Broompark (Stephen Dalton)

The site lies in a narrow belt of countryside, on the northern and north western edges of East Calder, as defined in WLLP. It extends to around 45ha, and comprises a nursery (abandoned some time ago) and fields. The site is relatively flat, but has a slight fall from north to south. There are several areas of trees on (or by) the site, and some buildings remain. The land comprises predominantly class 2 on the Soil Survey map showing the Land Capability for Agriculture. To the north and west is the wooded valley of the River Almond, with its public footpaths which link into the Almondell and Calderwood Country Park. The Linhouse Water also passes to the west of the site. There is also a sewage works located on the valley floor which is accessed by a road running through the site. Beyond the valley lies Mid Calder. To the east of the site is a wooded entrance to the country park and, beyond this, lies countryside, which is allocated for development in WLLP. To the south is East Calder. The main link between East Calder and Mid Calder (B7015) passes through the site and, just off it, close to East Calder, there is a telephone exchange. The field and edges of the site are covered by AGLV allocation in WLLP, and the balance by a countryside belt allocation, with the exception of 2 housing allocations (HEc4 and HEc6).

Stephen Dalton has submitted a masterplan proposal. It shows the site being divided into 5 development parcels, with existing planting being retained around the edges of the site and additional planting proposed. Provision would be made for around 750 houses. A distributor road would be provided through the northern part of the site, and this would allow East Calder Main Street, with all its facilities, to be traffic calmed. The distributor road would run from the B7015 to the west of East Calder to a proposed junction just to the east of Almond Grove at the eastern end of the village. An alternative eastern access was put forward (at the car park to the country park) which would allow a “park village gateway” to

be formed.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill

The sites lie in countryside on the western and southern edges of East Calder. Site 5 extends to around 65ha and is in agricultural use. It is gently undulating. The site comprises fields and is predominantly class 3.1 on the Soil Survey map showing the Land Capability for Agriculture. The western edge of the site is contained by the Linhouse Water, the Murieston Water, and the Almondell and Calderwood Country Park, which is designated AGLV. The southern edge is contained by a railway line. The A71 road passes through the southern part of the site, and Oakbank Road, a minor road, passes through the northern part. Within the vicinity of Oakbank Road, there is a bowling green and football pitch. Kirknewton Railway Station lies to the east, around 2km from the centre of the site. The part of the site to the north of Oakbank Road is designated AGLV in WLLP; the part between Oakbank Road and the A71 is designated countryside belt; and the part to the south of the A71, up to the railway line, is defined as lying outwith the settlement boundary.

Site 6 forms a small part of site 3. It extends to around 7ha, and is located immediately to the south of Oakbank Road. It is of an irregular shape and comprises fields, which are used for grazing purposes. The site includes a farmhouse and associated buildings. Immediately to the west of the site, there is a former poultry farm, which is included in site 3.

Site 7 – land at Wilkieston

The site is on the southern and south eastern edges of Wilkieston. It extends to around 12ha and is bound to the north by the A71, to the south by Spittalton Wood and Gogar Burn and, to the west and east, by agricultural land which is controlled by the objectors and is designated as an area of special agricultural importance in WLLP. Beyond this land lie 2 minor roads. The site contains housing, a former hostel, South Lodge, workshops (including some no longer used), a walled garden, canteen, offices, showroom and a hall, a sewage facility, and associated grassed open space (including a disused bowling green). The north western part of the site, which contains the housing and site entrance, is within the settlement boundary of Wilkieston in WLLP. The balance of the site is excluded and is designated as land lying outwith the settlement boundary, but it is not included in the area of special agricultural importance. The site appears to be part of a former designed landscape developed around the now demolished Linburn House.

The objectors propose a housing led redevelopment of the site. They consider that up to 100 houses could be accommodated within the existing landscape framework. An existing access to the site from the A71 (“the mansion house entrance”) would be used, and the village green and existing landscape framework would be enhanced. The walled garden would be retained as a remnant feature of the original estate landscape,

and would accommodate housing.

Site 8 – land at Pumpherston/Clapperton

The site is to the south east of Pumpherston, opposite the Craigshill area of Livingston. It extends to over 180ha, and the western section comprises Pumpherston Farm and, the eastern section, Clapperton Poultry Farm. To the north of the site, there is a golf course, a bing (controlled by the objectors), a concrete works, and a minor road (Drumshoreland Road), to the east, a shelter belt, a minor road and fields, to the south, the Almondell and Calderwood Country Park (beyond which are the Calderwood CDA allocations in WLLP), an associated car park and picnic area at the site's south eastern corner, and Old Clapperton Hall and, to the west, the B8046. The western section of the site contains fields and Pumpherston Farm Steading and, the eastern section, 7 separate sets of poultry sheds, groups of houses, fields, and a large block of woodland. The site is a mix of classes 2 and 3.1 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, Pumpherston Farm is designated mostly as countryside belt with the southern section being AGLV, and Clapperton Poultry Farm is identified as land lying outwith the settlement boundary.

The objectors have submitted a strategy plan showing a mixed use development. The proposals comprise: 15 separate housing development areas (average size: 19ha); an area for local retailing immediately to the south of Pumpherston, community facilities and services, sheltered and affordable housing, and some mainstream housing; a primary school centrally positioned on site; and extensive landscaping, including large areas of open space and planting to the south west, and a north/south open space corridor through the site based on an existing footpath. Vehicular access would be taken to the site from 2 roundabouts, which would be constructed on the minor road to the north and the B8046. As part of the development, it is proposed to improve and enlarge the existing car park serving the country park.

Site 9 – land at Uphall Station

The objection site is to the east of Uphall Station and the B8046, and immediately to the south of the M8 and railway line. It extends to around 3ha, is grassed, is essentially level, and there is some mature landscaping on boundaries. To the west, there is existing housing and, to the east and south, a raised footpath and countryside. The site is part unclassified and part class 2 on the Soil Survey map showing the Land Capability for Agriculture. To the south west, WLLP has allocated an extensive area for housing (Drumshoreland), and this has been the subject of a planning brief. WLLP allocates the site as countryside belt.

Sites 10 and 11 – Hartwood Road, West Calder

The objection sites are situated on the southern edge of West Calder, on

either side of Hartwood Road. They are class 3.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the sites lie outwith the settlement boundary, and within an area considered suitable for very low density rural housing and woodland development. Site 10 is on the western side of the road. It extends to around 1.5ha, is grassed, and is used for rough grazing. To the west, there is a new housing development, to the north, a playing field and housing, to the south, Bank Park and, to the east, Hartwood Road (a minor road), beyond which, there are fields. Site 11 is on the eastern side of Hartwood Road, immediately opposite site 10. It extends to 1.05ha, and is also used for rough grazing. To the south, there is a further field, to the east, there is a tree belt and fields and, to the west, Hartwood Road.

Sites 12 and 13 - Cleugh Brae/Mossend (non-CDA allocations), West Calder

The sites are situated in countryside on the northern edge of West Calder, to the north of the B792 (Cleugh Brae). They are class 4.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the sites lie outwith the settlement boundary, and within an area of special landscape control. Site 12 extends to around 5ha, and lies within an area which is defined to the east by a track which runs along the westernmost edge of the housing development at Westwood View, to the south and west by a row of cottages and the B792 and, to the north, by a dismantled railway, woodland, a path, and Breich Water. Beyond Breich Water, there is Westwood Industrial Estate, the 5 Sisters Bing (a Scheduled Ancient Monument), and Freeport (a vacant retail village). On the opposite, southern side of the B792, there is an open area, which is included in the settlement boundary, and through which passes a footpath leading from the road to the village centre. The site comprises fields, which are used for grazing and which slope gently downwards from south to north.

Site 13 is a smaller site than site 12, extending to around 3.2ha. It sits to the west of Westwood View, and wraps around the cottages facing on to the B792, stretching into the field to the west. The objectors lodged a plan showing a mixed development of 20 bungalows and 1.5 storey houses on either side of a cul-de-sac. Access would be taken from the B792 at a point to the west of the cottages. A public footpath would be maintained through the site and the northern and western boundaries would be contained by a tree belt.

Site 14, Freeport Retail Village, by West Calder

The site is situated in countryside between the B7015 to the north and Breich Water to the south, to the north west of West Calder. It extends to around 55ha in total, of which 8.5ha contain the now vacant retail village. To the west of the site is farmland and, to the east, a footpath and the 5 Sisters Bing (a Scheduled Ancient Monument), beyond which lies, Westwood Industrial Estate. The retail village is centrally positioned on

the northern boundary, with the balance of the site comprising rough grassland. The retail village opened in 1996. It is low rise, comprises 8750sqm of floorspace set around pedestrianised streets and squares, and is spread out in around 40 retail units, including restaurants. Immediately adjacent, there are large areas of car parking and service roads. The Macarthur Glen Factory Outlet Centre opened in Livingston town centre in 2000 and, by the end of 2004, the retail village had closed. The village is visible from a number of vantage points in the surrounding area, including the B792, and the minor road to the east of the site, which runs northwards out of West Calder.

In WLLP, the site is shown on the Proposals Map as being both within an area of special landscape control and an area considered suitable for very low density rural housing and woodland development. WLLP also identifies the site as having exceptional development circumstances, and it is covered by policy ENV38, which states that:

“Policy ENV38

The redevelopment, or reuse, of Westwood, near West Calder, previously operating as a factory outlet centre, is supported by WLC. Leisure and tourist uses, specialised employment, starter units (class 4) or institutional uses appropriate to a rural location will be supported. Whilst some element of new or extended building would be considered, where this is proven to be essential in terms of financial viability, the guiding principles that will apply are...”

Site 15, Allandale Fishery, by Polbeth

The objection site is situated in countryside to the north of Polbeth, at Briestonhill Moss, on the northern side of a minor road (Polbeth Road) running out of Polbeth. In total, it extends to more than 10ha, and is currently occupied by a commercial trout fishery, with an existing dwelling on site (Allandale Hall). To the north, the site is contained by Briestonhill House and a belt of trees, beyond which, is farmland; to the east, is another belt of trees, and a small zoo; and to the south and west, countryside. Gavieside Village had previously spread along the southern boundary of the site, but all that now remained was foundations. The site is classes 4.3 and 5.3 on the Soil Survey map showing the Land Capability for Agriculture. It is relatively flat, but includes a shale bing in the south eastern corner, and an embankment. In WLLP, the site is shown as being in the countryside belt sandwiched in between the CDA allocations at Gavieside to the north and Mossend to the south west.

Site 16, Brucefield Industrial Park, Limefield, Livingston

The site is situated on the south western edge of Livingston and eastern edge of Polbeth, adjacent to Brucefield Industrial Park. It extends to about 10ha of open, overgrown land, which slopes gently downwards to the north. To the east, Brucefield Industrial Park is a modern industrial

estate, built between 1978 and 1990, from which access can be taken to the objection site at 2 points; to the west of the site, lies West Calder High School, Limefield House and the facilities of the village of Polbeth; to the north, is the A71 and, beyond this, countryside; and to the south, is the Edinburgh to Glasgow railway line, again, with countryside beyond. The site is contained by tree belts along its western, eastern and northern boundaries. The southern boundary is more open, with the railway being in cutting at this point. A further tree belt, which divided the site into 2 has been largely felled and replaced by further tree planting by the Woodland Trust.

In WLLP, the objection site is shown as containing 2 employment sites (Limefield South [ELv1] and North [ELv53]). Additionally, WLLP places the objection site in the countryside belt. For ELv1, WLLP Appendix 5.1 highlights the protection of the tree belts on its northern (recently planted) and eastern (mature) boundaries. For ELv53, Appendix 5.1 indicates that the existing mature shelter belts should be retained and enhanced, and it proposes a Tree Preservation Order. Both sites are identified in WLLP as category B, high amenity class 4, 5 and 6 sites. As such, development is expected to be of a higher quality design, with greater control over ancillary areas and landscaping. Access to both sites is to be taken from the industrial estate, with executive access to ELv53 being allowed from the A71. On Brucefield Industrial Estate, 5 sites remain undeveloped, 2 of which are ELv1 and ELv53.

Schroder Exempt Property Unit Trust have submitted a draft masterplan which shows provision being made on site for 170 houses. In addition, the plan showed a full size, multi-use, sports pitch, changing and parking facilities, an attenuation pond, a play area, and the retention of existing trees on boundaries and across the mid point of the site. Vehicular access would be taken from the A71.

Site 17, Omission of land at Livingston and Almond Valley CDA (West Livingston)

The allocations which comprise part of the Livingston and Almond Valley CDA (West Livingston – Gavieside Mossend, and Cleugh Brae) are described in chapter 2.2, and they apply here as well. The objection proposes 3 extensions of CDA. To the south of Stepend Farm and the poultry farm, it is proposed that the Gavieside allocation be extended towards the Breich Water (3.7ha). To the east of Allandale Fishery, it is proposed that the same allocation be extended up to the West Calder Burn (3.1ha). It is also proposed that the north eastern edge of the Cleugh Brae allocation be extended towards Polbeth (2.6ha). The former 2 sites are class 4.2 on the Soil Survey map showing the Land Capability for Agriculture, and the latter site is unclassified. All sites are currently parts of fields, and the southern part of the westwards extension of the Gavieside allocation contains an area of woodland. In WLLP, the sites are covered by a countryside belt designation. Also, the westwards extension is covered by an area of special landscape control designation.

Sites 18 and 19, Station Road, Addiewell

The objection sites are situated to the west and south of Old Addiewell on either side of Station Road, immediately to the north of the railway station and line. Both sites are essentially rectangular, with the one on the western side of the road being elongated and stretching from Livingston Street to the railway line. This site (site 18) extends to around 4.3ha, is a former pre-cast concrete works (Tarmac Buildings Products Ltd), and contains large sheds at the northern end and open storage areas at the southern end. To the west, there is community woodland and a grazed field. The other site (site 19), on the eastern side of the road, is smaller, and is now used for the storage of plant and equipment. There is an area of landscaping along the southern boundary. The land to the east and north of the site is to be developed as a prison, for which outline planning permission and approval of reserved matters have been granted. Further to the north, on the eastern side of Station Road, is a small housing development and some industrial development. In WLLP, the sites are contained within an employment area boundary.

Site 20, Muirhousedykes Mains, Addiewell

The objection site is situated at the western edge of the Loganlea part of Addiewell, on the northern side of Loganlea Road, a minor road passing through the village. It extends to around 0.3ha, is triangular in shape and grassed, and slopes down towards the north. To the north and west, there is farmland. The site is not classified on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the site is outwith the settlement boundary, and in the Breich Water Area of Special Landscape Control.

Sites 21 and 22, Murieston, Livingston

The objection sites are situated on the southern edge of Livingston, adjacent to the residential area of Murieston, to the south of the Edinburgh to Glasgow railway line, and to the north of the Edinburgh to Carstairs railway line. Both sites are predominantly farmland and benefit from the mature tree cover in the area. Site 21 is extensive and stretches from Oakbank Park in the east to Murieston Castle Farm in the west. Site 22 forms a small part of site 21, and comprises a field immediately to the south of Murieston Road and to the east of Wellhead Farm. The sites are predominantly class 4.2 on the Soil Survey map showing the Land Capability for Agriculture, with some areas being classes 3.1, 3.2, and 5.3. In WLLP, both sites are designated as countryside belt and, beyond this, to the south and east, lies an AGLV. They are also affected by the requirement to protect the eastern part of the site as a high amenity Proven Employment Site of National Importance (WLLP policy EM1).

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, a number of the objectors seek the inclusion of their sites within the settlement boundaries of Livingston or the appropriate village, and their designation either for housing or mixed use. In addition, a few objectors seek the safeguarding of their site for future development.

3. SUMMARY OF CASE FOR THE OBJECTORS

Sites 1 and 2: Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

- 3.1 For site 1, Scotia Homes indicated that the alternative strategy put forward for Kirknewton and East Calder would achieve all of the key objectives set out in WLLP. More specifically, it would: allow the natural expansion of existing communities to facilitate social and physical integration and more environmentally sustainable development; provide a realistic range of major, experienced developers leading implementation; provide more effective planning for schools and traffic relief for East Calder Main Street; and remove one of the most dangerous level crossings in Scotland.
- 3.2 WLC had never considered the organic growth and expansion of existing settlements with a variety of sites, each containing a smaller number of houses than that proposed in WLLP at Calderwood. The alternative strategy identified some sites (6 possibilities were put forward totalling 3600 houses) which could yield the critical mass required by E&LSP to provide new infrastructure. There could be a variety of combinations. The Raw Holdings West part of the Calderwood allocations in WLLP was included in the alternative strategy, and an area to the north of this could also be suitable for development. The site under consideration here could come forward with any combination of sites. While no in-depth assessment of sites which could be in the alternative strategy had been carried out, they had been considered and promoted individually at the inquiry. The number of houses required (2800) could be accommodated in traffic terms whether they were to the north or south of the A71, and the traffic impact at Wilkieston would be the same. The key objectives for Raw Holdings West could still be provided.
- 3.3 WLC would be looking for the same requirements in terms of developer contributions from an alternative scenario so residents would not lose out on any perceived community benefits. Indeed, there would be benefits to the residents of Kirknewton, and the concerns expressed about the prospects of the partnership health centre, the level of support for existing businesses, the local or shuttle bus service, and the neighbourhood centre, were unjustified. Each site would have to work with WLC in terms of developer contributions and with each other in order to share the infrastructure burden. The critical mass of housing proposed would be sufficient to allow Camps to be reinvigorated. The alternative strategy would utilise the capacity at East Calder Primary School to take primary children from 750 new houses at 2010, and would provide for the erection of another school. It had been agreed that 3 new streams of non-denominational primary school would

- be funded, and that a range of educationally related community facilities could be incorporated. A more suitable and sustainable distribution of education facilities would result.
- 3.4 Regarding environmental impact, WLC gave no evidence to demonstrate that the impact would be detrimental. In the view of the objectors, it would not be unacceptable. The topography and mature tree belt framework provided the potential to expand Kirknewton while achieving a good fit with both the landscape and the village. Indeed, only minor additional planting would be required on 2 short boundaries. Scrub at Hallcraigs Hillock would be retained and enhanced. There would be no impact on AGLV, and WLC did not object to the use of prime agricultural land. The adverse effects on visibility would be limited to within 500m of the site and short sections of the A71. The allocation of the site would be consistent with a long term sustainable settlement strategy. There would be integration with the existing settlement both through landscaping and the proximity of new housing, which would also be close to the station and school. Additionally, the site would reconnect these latter 2 facilities to the main settlement. While on biodiversity Ormiston, Kirknewton, ranked highest in terms of risk, there were no specified targets within the objection site. The current proposals were very different from those submitted previously. The site had the capacity to accommodate more than 1050 houses, but this figure was selected for reasons of design and deliverability. There was also the prospect of adding further land to the west. The hill top location of parts of Kirknewton had resulted in a poor relationship with the surrounding landscape.
- 3.5 In relation to transportation matters, the site was within walking distance of the railway station, and would meet the required distances for regular and frequent bus services and local facilities. The site met the requirements of E&LSP policy TRAN2. Bus services and the station would be within 400m and 800m of the site, and National Cycle Route 75 would be close. Internally, there would be a comprehensive cycle and pedestrian network. Additionally, the proposed CDA employment allocation at Camps was within 1600m of a large part of the site, and such a distance could be walked. There would still be access from East Calder to the proposed park and ride on the north side of the station, even if the level crossing closed. A park and ride was also proposed on the south side. The facilities in Kirknewton would be within 1600m of the site, and there were good links to the area west of Edinburgh and Livingston. There was nothing in national advice which indicated that no impact was required on existing bus journey times when assessing developments. In any event, this had to be considered in the context of the impact of the level crossing. Furthermore, a new bus route could be provided, given that a new commercially viable service could be justified. The proposals could be accommodated satisfactorily on the road network. Alternative access arrangements (further east than proposed) could be considered on to the A71.
- 3.6 The objection site could become effective, and could be easily serviced. Development of it would allow an additional stream to be added to Kirknewton Primary School, taking it to optimum size and making best use of facilities. It would also enable a playing field or fields to be provided for the benefit of both new and existing pupils. It had been agreed that a new non-denominational

secondary school would be built in CDA, and that contributions would be on a pro-rata basis. Contributions had also been agreed towards the denominational secondary school and primary school, and transport costs where appropriate. It was accepted that any redesignation of catchment areas would require the agreement of the City of Edinburgh Council. There was no reason to believe that such an option would be unacceptable. The objectors believed that the new non-denominational secondary school would be very attractive to Kirknewton residents. With co-operation from WLC, journey times to the school did not need to be so long as predicted. The school would be within 1600m of half of the objection site and 2400m of all of it. On this basis, no requirement for bussing would be triggered. Pupils would have to cross the A71, but WLC proposed to look at the junctions on that road, with a view to signalling and providing crossings.

3.7 Ownership and control of the site were only relevant to the extent that there was a suggestion that any one of the owners involved had indicated that they would not allow their site to come forward. It also had to be remembered that the positions of people changed once a site was firmly allocated or received planning permission. The objectors had been liaising with George Wimpey Ltd. They had also had discussions with all the landowners involved, and believed that they were happy to have their land put forward as part of the objection site. Formal agreements would be entered into if the site was allocated. No landowner had indicated that they would not allow their land to come forward. The objectors had not misrepresented anybody. While Dickie & Moore had possibly indicated an unwillingness to co-operate, their position might change or the land could be acquired through compulsory purchase order proceedings. WLC's tactics were nothing more than a smokescreen designed to distract from the merits of the site.

3.8 Turning to the level crossing at Kirknewton, the proposal by the objectors (a bridge) would be included by Network Rail in their report to the Office of the Rail Regulator as another solution. There was no operational reason why this scheme could not be implemented. The additional funding required to implement option 3a would be difficult to obtain. The work undertaken by WLC in partnership with Network Rail could not be used to confirm the deliverability of option 3a. It did not amount to a full STAG assessment and had shortcomings. Transport Scotland had a critical role in deciding whether matters could proceed to a funding request. Option 3a did not meet the required standard, and SG would need to approve a departure. While concerns could be met by an alternative layout, none had been placed before the inquiry by WLC. To meet the appropriate standard, a new road would need to follow a route similar to that proposed by the objectors. The objectors' alternative required land affected by ownership constraints. However, this could be a possibility with the support of WLC and Network Rail. The claim for funding was now being held in abeyance. The possible timescale for option 3a would be something in the region of 3 years, which would be similar to the timescale for the housing proposals. The objectors' proposal for crossing the railway (a bridge costing £2.5m) could be in place within 2.25 years, and they would co-fund it. This solution would remove all through traffic from in front of the primary school and would allow another level crossing available for a farmer to be closed. Network Rail had no operational objection to the proposal of Scotia Homes. Additionally, the proposal

- would satisfy WLLP. Even if option 3a did proceed, there was no reason why the bridge could not be built.
- 3.9 Regarding other matters, there would be improvements to the streetscape of Station Road, reinstatement of the hall, regeneration of the village centre, the introduction of small employment uses, an additional local centre, and an extension to the town focussed on a parkland corridor linked to the existing public park. The scale of development proposed was based on the need for certain infrastructure improvements which were required to meet WLC's aspirations. The site and Kirknewton had been subjected to a proper urban design appraisal process, and a potential vision for the site had been prepared. Overall, the proposals for the site complied with national guidance and advice, E&LSP, and the objective of WLLP. The site should be included in WLLP for housing, and it should be preferred to Calderwood.
- 3.10 For site 2, Master Homes indicated that they supported the evidence of Scotia Homes but, if that was unsuccessful, they sought to extend the allocated site (HKn9 [5 houses]) at Kirknewton as a replacement for all or part of another allocated site at HKn7 (90 houses), which was a new site in WLLP and not a previously allocated site. HKn7 (along with HKn2) was owned by Drummond Homes who had a slow rate of historical completions (around 2 houses per annum over a period of 12 years). If this rate of progress continued, it would be unlikely that HKn7 would be started in the WLLP period. WLC's projected threefold increase in the completion rate of Drummond Homes had no foundation. A good demand for new housing existed in the village, with average annual completions of around 18-21 houses. WLC were obliged to provide an adequate housing land supply at the settlement level, and they had not achieved that at Kirknewton. Neither had they encouraged choice as Drummond Homes controlled 95% of the remaining housing allocations.
- 3.11 HKn7 was an unattractive site and had problems relating to pylons and overhead cabling, site levels and slope, access, townscape setting, and noise. These would affect the number of houses that could be achieved and their quality, as well as deliverability. At an extended HKn9, access and a good landscape fit could be achieved, the various road options to allow the closure of the level crossing could be accommodated, and high quality housing could be built and delivered immediately. Master Homes did not accept that their proposal would threaten the CDA allocations in any way. WLC's position on educational capacity at the local primary school was confused, particularly as they had recently given permission for further housing at Kirknewton. While they claimed that the local primary school was operating above capacity, it was only over their preferred capacity. The position was the same at Balerno High School. The projected housing completion rate at Kirknewton suggested that the site could be accommodated. There was concern about the impact of the CDA proposals on the vitality of Kirknewton.
- 3.12 Network Rail were concerned about the level crossing. The Office of the Rail Regulator had given them until the end of February 2007 to address safety concerns. Without funding for an alternative solution, the scheme would be an automated full barrier system controlled by CCTV which was a viable option.

Network Rail had started to look at options to deal with the problem in 2001/02 as part of the West Coast Route Modernisation, and they commissioned an options study, which was completed in 2004. Eight options were considered, and 3 were considered to be viable. It was accepted that the study had limitations. Through more detailed assessment, the options were eventually narrowed down to option 3a. However, it could not be implemented without equal funding from other sources. Network Rail indicated that the final solution required to be in accordance with all relevant guidance, and that the current budget would be £5m-£6m (including land acquisition). While Network Rail had been involved in discussions with WLC, they had now run out of time. The introduction of a full barrier would mean that the road would be closed roughly for 20-30 minutes every hour and for 45 minutes in every hour at peak times. Until the barrier scheme was implemented, they would welcome alternative schemes. WLC, in partnership with Network Rail, had commissioned a STAG assessment to support option 3a in a submission to SE made in March 2007. Network Rail believed that the last sentence in WLLP paragraph 8.55 should be changed so that it did not refer to 2 access points to the village being retained but to no significant detriment to accessibility.

- 3.13 Another objector indicated that the level crossing was important for access to the village, and that there should be a new full length barrier with apron crossing or an overbridge at Highfield.

Site 3 – land to the north of railway line, Kirknewton

- 3.14 The allocation of the objection site for mixed use development would not conflict with E&LSP or the thrust of relevant national guidance. It would maximise the potential for the existing railway station and park and ride facility, and would provide an opportunity to closely integrate public transport and residential development. If a greenfield site had to be released, it was preferable that it was associated with an improved railway station, rather than without such an opportunity. The proximity of the railway station represented a real advantage of this location. The proposed park and ride facility would mean that the requirement in E&LSP for a parkway station at East Calder was redundant.
- 3.15 The proposal would not adversely affect areas of landscape quality. It could be satisfactorily screened, and the landscape and visual impact successfully mitigated. No coalescence between settlements would arise. The heart of the new community could offer opportunities and facilities for residents of existing settlements. The development would be linked to Kirknewton but would have its own identity. There were significant environmental gains to be had from the reduction in private car use which would stem from the provision of the park and ride facility. The employment land could be controlled to encourage businesses employing local residents. The development would not have a severe impact on the A71, neither would it generate traffic through communities. There would be good cycling and pedestrian links. The objectors could assist Network Rail in achieving the closure of the level crossing as a part of a wider package of transportation improvements.

Site 4 – Broompark (Stephen Dalton)

- 3.16 Stephen Dalton indicated that the objection site could form part of the alternative strategy put forward. There were clearly a number of significant developers who had participated in the inquiry process who would be interested in developing the sites in which they had an interest while making appropriate developer contributions. The objector's position was no different to those developers. If the objection site was allocated, a developer would take on the opportunity without hesitation. The proposals coming forward through the alternative strategy were supported by the robust 1966 Lothians Regional Survey and Plan, in which the growth intended at Mid/East Calder was shown as a stub finger stretching south east of Livingston, up to the A71. Additionally, a replacement Kirknewton Station should have set the agenda for, and been the driving force behind, the strategy chosen in this part of CDA. WLC's concern about linked development between East Calder, Raw Holdings West and Kirknewton was misplaced.
- 3.17 The key element of the alternative strategy was a new core distributor road and public transport route which linked Livingston/Mid Calder around the north of East Calder, southwards across the A71, towards Kirknewton. It would provide access to strategic housing and community development opportunities at East Calder and west of Kirknewton, and would include a local business node. The urban framework would be relatively compact. The alternative strategy embraced most areas where known builders had shown an interest in delivering the E&LSP strategic requirements. It offered far more than the Calderwood allocations in terms of integration, regeneration and access to public transport. The objector's proposals for Broompark were an integral part of the strategy. However, the benefits they would bring to East Calder were such that they merited support on their own. Calderwood would tend towards the creation of a new, almost exclusive community, where many community elements would be excluded and located in a low density "cordon sanitaire."
- 3.18 On environmental impact, the site was well enclosed and had been developed in the past. Although some views were more extensive, eg southwards from the B7015, others were more restricted, e.g. from the housing on Queens Gardens. An area within the site had the benefit of planning permission for around 50 houses (HEc6), and WLC had allocated their own site for housing (HEc4) on the access road to the sewage works. The site (with the exception of the fields) had a degraded character, which was not apparent from the public road. This part of the site could be reasonably described as brownfield. It had not been farmed for 30+ years and would benefit from redevelopment. A detailed appraisal (by the Macauley Institute [2004]) had concluded that only 58% of this area could be regarded as prime agricultural land. The fields (9ha) were difficult to maintain because of their limited size and isolation from the rest of the agricultural holding (over 400ha). They formed only around 20% of the site and 2% of the agricultural holding.
- 3.19 The designations affecting the site should not rule it out from consideration for essential development. The WLLP process was the appropriate time to revisit designations to take into account the new strategic context. Development of the

site would not undermine the principle aims of E&LSP policy ENV1d, insofar as they related to AGLV, countryside belt, and prime agricultural land. Any decision to allocate land for a new use, such as housing, should be based on a robust methodology and thorough analysis. This approach had not been followed by WLC, only by the objector. The proposed masterplan reflected an assessment of the site's capability of delivering a sustainable development which respected the amenity and context of the wider area, utilised existing infrastructure efficiently, and enhanced the local environment. Open space would be provided between the existing village and the proposed development.

- 3.20 There would be no extensive visual impact beyond the site's immediate boundaries. The site would not be visible from the car park within Mid Calder. The development proposed in the masterplan would go no further west than the planning permission already granted by WLC (HEc6). The proposals for further structural landscaping to the west demonstrated that concerns of potential coalescence were unfounded, particularly when account was taken of the definition of coalescence in E&LSP. Substantial additional planting was proposed. The development would avoid rural sprawl. The landscape integrity of the River Almond would be maintained. There was no ecological reason why the site should not be developed.
- 3.21 On transportation matters, the site was well located and within easy walking distance of existing facilities, including those in the town centre. The 1600m threshold would be met, and many parts of the site would be less than 800m away. A development of this scale would help the vitality and viability of the town centre. A full network of safe pedestrian routes would be provided linking the site to the village. National Cycle Route 75 would be close by. Appropriate public transport links existed at present and would be enhanced through additional housing. There was the potential for all parts of the site to be within 400m of a bus stop if services were rerouted through it. While Camps Industrial Estate and Kirknewton Railway Station were more distant, they were not inaccessible. Both would be served by public transport, and would not be outwith cycling distance. Moreover, these matters would not outweigh the significant sustainability benefits which accrue to the site because of its proximity to existing local facilities. The new distributor road would result in further benefits because it would allow the high street to become a safer and less congested place, potentially enhancing its attractiveness. It might also help enhance links with the station. The site of new facilities planned, eg schools, was not yet fixed.
- 3.22 Regarding effectiveness, the site was in the ownership of 3 parties, who were all keen to have their land developed for housing. There were no significant issues which made it unviable to develop. Appropriate measures were required for containment and remediation of existing contamination arising from previous uses. Ground instability could potentially arise from unrecorded mine workings. There could be a requirement for a pumping station and rising main to serve parts of the site. The objector considered the site to be effective. The site could be built out over a minimum period of 5 years.

3.23 Turning to other matters, the site had a long planning history, which supported its development. The presence of the sewage works had not been a significant factor in the recent appeal decision relating to a part of the site (P/PPA/400/210). The proposal would provide a natural and logical extension to the village, and would comply with national and strategic guidance. The objector sought a mixed use allocation over the site.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill (John Swan & Sons)

3.24 The objectors for site 5 referred to national, strategic and local guidance and advice. They claimed that the site could accommodate a range of uses including residential, commercial and business, and related infrastructure, eg schools. The site had been identified previously for development (industrial) but had been “dezoned” in the adopted local plan. The objectors considered that WLC’s approach to site selection was inconsistent and lacked transparency because of the reliance on different criteria, not all of which were policy based.

3.25 The objection site had several advantages, specifically: it wrapped around East Calder; it provided a high degree of physical integration; and it was well contained. The proposal would help regeneration by supporting the local economy and securing environmental enhancement. It would provide additional facilities, improvements to existing services, and a strong defensible landscaped boundary to the A71. It adjoined existing development and would be able to “plug into” and utilise the spare capacity in existing facilities in East Calder. Development would not result in coalescence or urban sprawl, and would form a natural extension of the village. The site was within walking distance of major facilities, and could be readily linked into the public transport system, including the railway station at Kirknewton, and walking and cycling routes. Access could be readily gained to the strategic road network. The proposal would not have an adverse impact on the wider landscape or the setting of the village. New open space and woodland planting would build on the existing landscape framework. The objectors would work closely with WLC to ensure delivery of the necessary services. The site was effective and would be able to deliver housing at an early stage.

3.26 John Swan & Sons indicated that site 6 would be able to accommodate around 130 houses. Hoghill was outwith the CDA boundary at Calderwood as defined in WLLP, but it would have the same locational benefits. It posed no threat to the CDA allocations. There would always be difficulties in bringing forward large sites, such as Calderwood. It would be unlikely that they would deliver any housing until the end of the E&LSP period. In contrast, site 6 at Hoghill could come forward early. It could provide a land supply in East Calder when no other sites were available, and it would add variety and choice. The site could produce housing within 2 years. Coalescence was not an issue at Hoghill because it was well separated from Mid Calder and the principle of development had been accepted in the past. Indeed, the site to the west, which was even closer to Mid Calder, was likely to be developed for low density housing. If this was the case, site 6 would represent an infill site. A landscape treatment (tree planting) was required on the southern edge of the site but development could start on the

northern edge. The proposal would allow a softer edge to be formed for East Calder, more fully linked to the footpath network and countryside, including the country park. It would have limited visual impact from major roads or other vantage points.

- 3.27 The site was effective and was not associated with the alternative strategy. There was non-denominational and denominational capacity in the primary schools in East Calder. For secondary education, the pupil product of the site amounted to only 5 pupils per school year for the non-denominational sector and one pupil per school year in the denominational sector. The denominational sector was constrained throughout West Lothian until the new school was provided. All sites were therefore affected. For the non-denominational sector, there could be provision at Deans or Whitburn. WLC's approach to education seemed more influenced by expenditure than its obligations to educate pupils strictly in accordance with statutory requirements.
- 3.28 The site would be accessed from Oakbank Road, and the traffic generated by the proposal could be accommodated on the local road network. Local facilities and bus stops were all within walking distance of the site, and would satisfy the advice in PAN75. Camps Industrial Estate and its proposed extension would be within cycling distance. The differences in distances from Calderwood and Hoghill to local facilities were so insignificant that no reasonable distinction could be made between the sites, particularly when account was taken of the size of Calderwood. Moreover, many parts of East Calder were already further from facilities than the objection site. The Calderwood development would be likely to result in enhancements in public transport which would benefit Hoghill. It was a sustainable location, and the site's release would be in line with national and strategic guidance.

Site 7 – land at Wilkieston

- 3.29 The objectors sought to justify the site as a sustainable housing development opportunity, which should be recognised in WLLP and included in the settlement boundary for Wilkieston. They welcomed the acceptance by WLC that the site was suitable for development. The character was of a developed site, interspersed with areas of grassed open space. WLLP inappropriately only included a part of it in the settlement boundary. Given its brownfield nature, sites such as Linburn should have been given priority ahead of the Calderwood allocations. The objectors favoured an alternative strategy of extending smaller settlements as put forward by Scotia Homes, but there had been no detailed discussions on this. The growth of Wilkieston had been very much linked with Linburn, and the objectors controlled a number of properties in the village, some of which had now been sold. It had been not indicated what alternative uses WLC would find acceptable on site. If the site was in CDA, the objectors believed that it must merit consideration as part of the strategic housing allocation. The site represented a unique opportunity, and it was an ideal housing location, given its position on the A71 between Edinburgh and Livingston/East Calder, its good transport connections, and its landscape setting. With Linburn closing in the near future, Wilkieston required support. If it was inappropriate to reallocate the site for housing, it should be identified as a longer term

- opportunity. Additionally, a significant reduction should be made in the number of houses allocated at Calderwood.
- 3.30 The site was effective, and would become available in 2010/11. An annual completion rate of 30-35 houses could be reasonably expected, which would allow its inclusion within the housing land audit. The objectors accepted that developer contributions would be required, but indicated that the appropriate sum should be based on the specific circumstances of the site. The objectors did not accept that the site's allocation would compromise the delivery of the CDA infrastructure. It would be incorrect to dismiss a site because of the timing of contributions. However, if this was an issue, the objectors would be prepared to provide funds, or the assurance of funds, in advance of land sale proceeds from a developer. The proposal would provide an opportunity to consolidate custom for local facilities and to include additional facilities for community use. The type of facilities could be established through a design brief. The site had the benefit of a mature landscape setting, which would allow "development rooms" to be created. The site was not constrained by a policy designation, and shared many similarities to the Bangour Village Hospital site where WLC were encouraging housing.
- 3.31 Public transport accessibility was acceptable, with the site being well related to railway stations, park and ride facilities, and existing bus services passing along the A71. The construction of the Wilkieston relief road would not divert bus services further away from the village. Use of public transport facilities would be supported and maximised by the site's residential development. The development was not constrained by educational capacity. The bus services along the A71 would provide appropriate public transport access to schools, and the number of services could be increased given the Calderwood proposals. A shuttle bus funded by the developer would be unlikely to be necessary, but this could be the subject of later discussions. The proposed new non-denominational secondary school at Calderwood would mean that the journey times of pupils would be reduced. The new denominational secondary school at Winchburgh would also serve the development, and it would not require an additional school bus service to be introduced. The objectors did not accept that the bussing of children placed them at an educational disadvantage compared to those who walked.

Site 8 – land at Pumpherston/Clapperton

- 3.32 The site could provide land for in excess of 2500 houses, a new primary school, and community facilities. It was an excellent location for development, being within the greater Livingston area and part of CDA. The proposals were still at an early stage, with the masterplan being in an embryonic form, and the supporting infrastructure was still under consideration. However, the site would be capable, at least in part, of becoming effective within the E&LSP period. While a start to development could be made in areas adjacent to Pumpherston village, it would be preferable if the whole site formed part of a wider vision informed by a masterplan. In transport terms, the site had good links to the principal road network, including the M8 corridor, and these would be improved by the new by-pass to be built around Pumpherston village centre by other

- developers. It would be capable of attracting bus services which already passed along the B8046. Crucially, the site was within 2-3km of the park and ride at the railway station at Uphall Station. The site could therefore be regarded as sustainable. The minor road to the north would require to be upgraded and the traffic entering Pumpherston from the south would have to be carefully managed.
- 3.33 The site had many advantages. It could provide additional land to augment the country park. There was also the potential to improve and extend the park's car park as this facility was unattractive and not user friendly. There was no insurmountable protective landscape or other designation. The area by the river corridor would remain free of development, and it could add to the network of paths and provide an area for sustainable urban drainage systems. An extensive green wedge could be provided in the area affected by oil shale workings, which would add to the open space provision. The future of the complex of poultry sheds on site was uncertain because of difficult market conditions. While residential development would appear to be an appropriate alternative, the number of houses would have to be sufficient to achieve a viable development. In this respect, some flexibility in the application of WLC's policy on the redevelopment of redundant poultry sheds was required.
- 3.34 The site met the requirements set out for settlement extensions in SPP3. The objectors acknowledged that schooling was an issue, and they would be prepared to fund the necessary requirements for both primary education (on site) and secondary education. Joint working with WLC would be necessary. WLC's concerns about the revenue implications of adding land to the country park could be overcome by developer contributions. All the matters raised were capable of resolution and should not be considered impediments to the site's residential development. The site should be safeguarded, which would signal its potential for future development in WLLP. Safeguarding was a legitimate approach because it previewed future development, provided greater certainty through allowing a longer term land supply, alerted communities to the future direction of growth, and allowed engagement with utility providers to assist site development. E&LSP did not rule out safeguarding. The site would be a logical longer term extension of Pumpherston. It should therefore be identified as suitable for longer term development, in part within E&LSP period, and given a safeguarding designation in WLLP. It should not be viewed as a competitor to the CDA allocations.

Site 9 – land at Uphall Station

- 3.35 The adopted local plan allocated the northernmost part of the site for housing. Development of the site could be justified on a number of grounds. It would not impact on WLC's preferred strategy, and it would help facilitate the neighbouring development. It would be close to an established residential area, a railway station, and a main bus corridor, and was therefore sustainable. Greenfield sites were required to meet the E&LSP housing requirement, and there would be no significant threat of coalescence or impact on the landscape and environment. There was an opportunity to provide a softer edge to the settlement, and a logical, clear and defensible boundary. Development would form an integral part of Uphall Station, and it could widen the choice of housing available, particularly by

providing affordable housing in accordance with WLC's policy. It would make best use of existing and committed infrastructure, including that associated with the Drumshoreland allocation. There were no known infrastructure constraints, and the allocation of the site could help deliver the planning gain package for Drumshoreland.

- 3.36 The site's release was supported by SPP3, SPP17, and E&LSP. It was small scale (in relation to Uphall Station combined with Drumshoreland), and was not in the green belt. The developers would provide any additional infrastructure required, and they would co-ordinate their proposals with those of the neighbouring developers. Good links could be secured to the adjacent path and the countryside beyond, and there was already a landscape framework in place which could be built upon. The site was unlikely to be significant in terms of its biodiversity. Requirements for cyclists could be accommodated within the proposals, and no additional vehicular traffic needed to pass through Uphall Station or Muirfield. The site was well placed to contribute to the housing requirement.

Sites 10 and 11 – Hartwood Road, West Calder

- 3.37 Site 10 would be bound by development on 3 sides (to the west, north and south), and it was not a part of the countryside. The local primary and secondary schools had sufficient capacity to accommodate the proposal. Development would be supported by SPP3 and E&LSP. In E&LSP, the site was within CDA, and not in an area of restraint. E&LSP also recognised the potential contribution which settlements to the west of West Lothian could make to housing provision. Both the adopted local plan and WLLP included the site in an area considered suitable for very low density rural housing. The site made a limited contribution to landscape quality and had negligible agricultural land value. The ground conditions on site were poor. There had been a long held view, including in the 1995 structure plan, that the Calders could accommodate substantial new development.
- 3.38 WLC had offered no evidence to support their rejection of the objection site, and they were promoting a variety of new allocations in the general area including within West Calder (HWc14). The site was suitable for housing and was exceptionally well related to the village. It benefited from strong and defensible boundaries, and the land fell towards the settlement. Its inclusion within the settlement would represent a more logical boundary for the built up area and could help improve the surface water drainage system for the ground to the south. Suitable access arrangements could be provided, and the 30mph speed restriction could be relocated. Allocation of the site would not compromise other policies in WLLP, and it would support the regeneration of West Calder. The site was within walking distance of the railway station, bus routes and local facilities. There were no sewerage or water constraints. The land supply within West Calder was likely to be exhausted within 5 years, and there was a real danger that the land supply in the area could dwindle to alarmingly low levels if the CDA allocations were delayed. This site could make a small but valuable contribution to the housing land supply.

3.39 Much of the above applied to site 11, including concerns over the 5 year land supply. In addition, for this site, the mature tree belt to the east formed a very strong defensible boundary, and its continuation along the southern boundary would create a strong and enhanced physical boundary for the village. Development would be contained comfortably in this landscape, and would balance the recently completed development to the west. The site was fully effective, had a capacity of around 12 houses, and its allocation would be in keeping with the village's scale and character. The site would add to the variety and choice available. There was a strong requirement and justification for further housing releases at West Calder. The CDA allocations should be considered as suitable for release over a much longer timescale. Allocation would be consistent with national guidance, including SPP3 and SPP15.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

3.40 Site 12 should be allocated for housing. There was no justification for allocating the CDA site in WLLP at Mossend and not the objection site. The site was effective with no physical or infrastructure constraints and, if allocated, would be developed for 32 houses initially. The objector believed that WLC had previously agreed to the development of the site. There would be a bus service passing the site. Developer contributions would be made as required.

3.41 The release of site 13 for housing could be justified. It would be a natural extension to the village. The accommodation proposed was in short supply and in great demand. The area of special landscape control designation covering the site was not an insurmountable barrier to development. The development would be similar to the neighbouring Westwood View, and it would greatly improve the main approach to West Calder along the B792. There would be an opportunity to reroute the footpath from the existing footbridge over the Breich Water eastwards towards the site. This would improve pedestrian safety and encourage the use of the local countryside's network of paths. There was a railway station nearby. The site was fully effective, with all the required services being present. This was a small scale development which could be readily included in WLLP. The site would provide homes built by a local company, with a local workforce, for local people. Development would be completed on site within 12-18 months of commencement.

Site 14 – Freeport Retail Village, by West Calder

3.42 Scottish Capital Group indicated that the site was not a viable retail opportunity, and that the uses being promoted in WLLP were also not viable. The policy and text in WLLP required to be changed to allow some residential development as part of a wider redevelopment scheme, which could include WLC's preferred uses. It was not the case that a large scale residential development was proposed. Such development would be limited to the footprint of the existing development and would form part of a mixed use scheme. The scale of housing would be determined through the development control process. The aim was to achieve a policy framework which could secure a mix of economically viable uses.

- 3.43 National guidance supported the approach of the objectors. WLC had ignored the terms of E&LSP policy HOU3 which stated that housing numbers for CDAs were “approximate.” They had also ignored a pragmatic response to a site affected by exceptional circumstances, and had contradicted their own approach at Bangour Hospital, where limited housing had been allowed to cross fund tourism and heritage related development. A small scale residential development would generate few pupils and would be insignificant in terms of educational capacities at local schools. Nonetheless, the objectors would be prepared to contribute to any additional educational infrastructure which might be required.
- 3.44 The site had been vacant for a number of years and a comprehensive marketing exercise had failed to produce any serious interest. The interest which had been expressed by a residential school had not been followed up, and there were no details available about another interest which WLC claimed was being pursued. The objectors’ expert opinion was that the mix of uses currently proposed was unlikely to be commercially viable. Without serious interest which allowed the objector to receive a return on their investment, the site would remain redundant. The 2 options put forward were examples of the types of mixed used development that could be achieved on site. The 1st option was for a larger scale of development (50 live/work units, 25 sheltered homes, 45 family homes, 30 affordable homes, a visitor centre [for the 5 Sisters Bing], business units, stabling for disabled horse riding, and a golf driving range), but allowed for a significant amount of conversion and use of existing buildings. The 2nd option was for less development (30 homes, a visitor centre, business units, stabling for disabled horse riding, and a golf driving range), but did not involve the reuse of existing buildings. While there might be alternative scenarios, they all would require a residential component. A satisfactory residential environment could be created.
- 3.45 The site was close to an existing community, an employment site, public transport and amenities. There was no reason why a bus service could not be re-established with the range of visitor attractions/employment uses envisaged. Additionally, further development at Westwood Industrial Estate was conditional upon a bus service linking it with Livingston Bus Terminal and a railway halt (on the Edinburgh/Bathgate railway line), and there was no reason not to extend it to serve the objection site. The site could also be linked by a cycle and footpath network to the industrial estate and West Calder. Overall, it was illogical for WLC to propose redevelopment of the site for a range of travel generating uses, and then conclude that housing was unsustainable. The proposals would contribute to a long term sustainable settlement strategy for the West Calder area. The last sentence of WLLP paragraph 3.103 should be deleted and replaced by text which permitted some limited residential development as part of a wider redevelopment, including WLC’s preferred uses, and required the objectors to demonstrate that such development was necessary to enable the other uses. This revised wording should be reflected in WLLP policy ENV38.
- 3.46 Another objector indicated that the local community were keen not to see the site abused again and were concerned about WLC’s relaxed approach to it in WLLP.

Site 15 – Allandale Fishery, by Polbeth

3.47 Mrs Allan indicated that the objection site had been omitted unreasonably from the CDA allocations in WLLP. A significant part of the site was brownfield, having been occupied by Gavieside Village, a settlement of more than 100 houses. It should be given preference over greenfield land, and should be allowed to benefit from regeneration. It could accommodate around 50 houses. The CDA allocations in WLLP, as they stood, would result in the closure of the fishery business operating from the site. The business served Central Scotland, not just the local community. It was illogical to promote the CDA allocation at Mossend, and ignore the opportunity on the objection site. If it was excluded, the fishery could be subject to flooding because the proposed works for CDA would interfere with drainage. When the fishery closed, there would be a need to find an appropriate alternative use, and housing would be an obvious choice. It would have been more appropriate if the boundaries of the countryside belt had been based on physical features rather than ownership. There was concern that the CDA proposals would result in access restrictions and road closures which would make it impossible to service the fishery. It was unacceptable that the family business should simply be allowed to collapse. The inclusion of the site within the CDA allocation would accord with established planning policies and practice, including national guidance. West Lothian District Council, when they were planning authority, had granted planning permission for a substantial housing development on site, but their decision had been overturned by Lothian Regional Council.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

3.48 Schroder Exempt Property Unit Trust considered that the site's realistic capacity was restricted to 170 houses. Additionally, they believed that the precise boundaries of CDA were for WLC to determine. While it was possible to view the western half of the site as falling within CDA, the objectors' preference was to regard the whole site as falling outwith CDA. As such, it would come forward under policy HOU1. They believed that the site was effective and could contribute towards the housing land supply in the period 2007-12, and that it should not be constrained by the CDA policies. The objectors had concerns about the effectiveness and delivery of the CDA sites, and believed that sites such as the objection site should be allocated for housing. WLLP needed to ensure that there was an adequate supply of housing land. The site was owned by the objectors. The Woodland Trust had not objected in principle to access being taken from the A71. There was no known contamination; no public funding would be required to facilitate development; and the site was marketable.

3.49 The objection site was in a predominantly built up area, between Polbeth and Brucefield Industrial Park. It offered an opportunity to create a high quality residential environment, which was highly sustainable and connected to the community. It could provide consolidated areas of amenity and public open space, which would exceed the National Playing Field Standards. The proposals would build on the existing landscape framework on site. The proposed sports pitch would improve Polbeth's recreational infrastructure. The site's countryside belt designation in WLLP was ineffectual because it could be developed for

- employment purposes. As such, there was no issue of coalescence to be considered. It would be sensible to include the site within the settlement boundary of Polbeth, given the mature tree belt along the eastern boundary.
- 3.50 The site was not suitable for employment purposes. Vacancy of units in Brucefield Industrial Park was currently 30%-40%. Accommodation within the industrial estate, including the objection site, had been extensively marketed for a considerable period of time (14 years). The site had first been allocated for housing in the adopted local plan. The majority of industrial/business occupiers still preferred to lease premises, and the emerging demand for owner occupation represented a relatively small part of the market. The objectors were prepared to entertain various “deal structures” for industrial use or forms of tenure, including joint venture deals. Units in Brucefield had in the past been sold. However, the private sector lacked interest in taking a relatively large allocated employment site and allowing the development of one or 2 small owner occupied units, which could sterilise the site. No evidence was presented supporting the existence of interest in a site the size of the objection site. There was an abundance of existing units and sites available in a range of sizes throughout the area, and the objection site did not have good transportation links to the M8. The new site being brought forward by Scottish Enterprise at Oakbank would satisfy any demand for owner occupation. There was no basis for retaining the objection site in the employment land supply on the basis of the take up of such land.
- 3.51 The site could be properly accessed by a new junction on to the A71. The traffic generated by residential development would in many respects be less than that for the current employment allocations. Looked at in the round, the site could be characterised as accessible, including to local facilities. It was well linked by bus to Livingston town centre and to West Calder, and there was an express service to Edinburgh. The 2 railway stations (West Calder and South Livingston) were beyond walking distance, but were in close proximity and were accessible by public transport. Any problems the site had with accessibility applied equally to the CDA and other housing allocations in WLLP. They would also apply to any employment uses on site. On accessibility, a housing allocation would comply with the general thrust of national and strategic policy guidance, and there was scope for enhancement as a condition of development being brought forward.
- 3.52 The objectors recognised the challenges facing WLC in relation to educational infrastructure, but believed that the difficulties had been substantially overemphasised. WLC had mistakenly assumed that 250 executive houses equated to 500 average houses, which significantly overestimated the number of pupils likely to be generated. WLC could control the number and phasing of house completions, and could secure a reasonable contribution towards any infrastructure costs. The non-denominational primary school (Parkhead) would be more than 1.5km distance and would require a bus service from the site, but such was already provided, and this reflected the size of the supporting catchment area and the nature of the route to the school along the A71. While access to the denominational primary school (St Mary’s) would also be along the A71, manned crossings were in place and the journey from the objection site would be no different from that experienced by other pupils from Polbeth and beyond. The non-denominational secondary school (West Calder High) was directly

accessible. The denominational secondary school (St Kentigern's) was on the edge of Bathgate, and buses already served its extensive catchment. Contributions to the financial costs of bus services could be sought.

3.53 In relation to school capacity, the accommodation of children from the objection site was likely to be a matter of the timing of the development. There were no capacity issues at the denominational primary school, and the very small number of denominational secondary school pupils generated (4 or 5) would not impose an insuperable burden. Possible capacity problems would arise at the non-denominational primary school only when the CDA allocations at Mossend and Cleugh Brae came on stream, which would not be before 2012, when there would be a need to extend the school anyway, and full account could then be taken of the objectors' development. Surplus capacity would be available at the non-denominational secondary school between 2010 and 2025. There was also the prospect of extending the school into the grounds of the objection site in order to provide the additional accommodation that could be required to reduce class sizes. While there was an ethylene pipeline nearby, the proposed extension would fall outwith the area where consultation would be required with the Health and Safety Executive. The objectors believed that there was likely to be sufficient capacity to accommodate the development at all 4 schools through to 2012, prior to the comprehensive review of existing provision being implemented as a part of the CDA proposals.

3.54 There was a limited choice of housing in Polbeth, and the proposal would help to improve the housing mix. Overall, the objectors believed that the site should be allocated for housing development. It would meet national, strategic and local guidance and advice.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

3.55 There was a requirement to adjust the boundaries of the West Livingston CDA. The mixed use CDA allocation proposed initially had followed well defined and established boundaries, but they had been changed. WG were not in a position to confirm the extent of the developable area within this part of CDA, but were firmly of the view that the allocation was not generous when account was taken of all requirements. In the Calderwood allocations (to the east of Livingston), a comparable allocation of 144ha at Almondell could achieve only some 90ha of developable land. Extending the allocations in the manner proposed would provide additional flexibility, and would increase the size of the allocations by only 6%. WLC had increased the CDA allocations elsewhere on the basis sought. The allocations made had not been based on any masterplan assessment and, with such small extensions as those proposed, there would be no need to reduce the CDA allocations elsewhere. No increase in housing numbers was being proposed. The CDA boundaries as changed would simply provide an opportunity to follow and strengthen the existing landscape edge. There would be no adverse impact on natural heritage interests.

3.56 The area to the west of Gavieside was well contained and offered considerable potential. The area to the east of Allandale Fishery was an obvious candidate for

inclusion because it was farmed as a part of the allocated area. The boundary proposed for the allocation was a line in a field, and it was illogical to plant a new edge when limited and selective strengthening of the existing one would represent a far better use of resources. Neither of these 2 extensions would be remote once account was taken of the masterplanning proposed, which would allow transport routes to be created throughout the allocations to WLC's satisfaction. Regarding the extension to the Cleugh Brae allocation, the current gap between West Calder and Polbeth was minimal and the allocation resulted in it being reduced by almost 50%. In the proposed gap, there was a requirement to create a road link between CDA and the A71. WG believed that the only location for the road link was on an embankment and that it would be a significant visual structure. If this location was accepted, it would be illogical to restrict the allocation to its current location, particularly as the area of countryside belt would have to be crossed by a further road from the new road link into Cleugh Brae itself. The allocations were only a guide to where development would be permitted, but they could include strategic landscaping and other non-development land uses. The release of these 3 areas would not undermine WLC's preferred strategy.

Sites 18 and 19 – Station Road, Addiewell

- 3.57 Site 18 should be reallocated to its original use – housing. It benefited from easy vehicular access to the A71, M8 and M9, and it was well served by public transport, including rail. The site was included in a proposal for a mixed use development on 150ha of land at Addiewell at the time WLC were preparing their strategy. While the proposal was not included in the final strategy, WLC had concluded that it had merit, and that they would look further at it, with the possibility being that it could be brought forward in the longer term. The retention of the site in its existing use had been fully explored, as had the impact of housing on nearby employment uses, traffic, the environment, and amenity. Phasing could address any capacity problems at secondary school level.
- 3.58 The objection site was not included in WLLP's employment land supply. All potential purchasers of it had been housing developers, despite continuing active promotion. The site was brownfield, vacant and derelict. Housing on it would complement the existing housing in the area, would assist in the regeneration of Addiewell, and would provide housing for those working in the proposed prison. The site could contribute towards the strategic requirements, and it would also benefit from E&LSP policy HOU9. Development would result in the decontamination and remediation of the site.
- 3.59 The objectors for site 19 had originally intended to use the site for the overflow storage of damaged cars. However, they now sought to change the allocation to industrial and/or residential. This would allow some housing to be built for prison wardens, along with other housing, all of which would reflect the changing nature of the land uses in the area.

Site 20, Muirhousedykes Mains, Addiewell

- 3.60 The site should be included within the settlement boundary and allocated for

housing. It could not be used as a viable agricultural unit, and was incapable therefore of reasonably beneficial use. It would make a small but important contribution to community services in Loganlea, including schools and shops. The site was adjacent to a bus route, and was located opposite a residential development under construction (HAd6). Footpaths, public lighting and other services extended across the site frontage. The site was effective and capable of immediate development without any form of public investment. Outline planning permission had been previously granted for a residential development on site. While the permission had now expired, it indicated that the site was suitable for development. The site made little contribution to the character or appearance of the area of special landscape control. Unless it was developed for housing, its condition would only deteriorate with an adverse effect.

Sites 21 and 22, Murieston, Livingston

- 3.61 Site 21 should be specifically allocated as strategic reserve land to address shortfalls that might arise in the 5 year effective land supply. This would give greater certainty over the future delivery of housing land. The site was undefined, but was being promoted for a range of uses. The Edinburgh to Carstairs railway line would provide a logical, long term defensible boundary to Livingston. In the 2020 Vision for West Lothian, it was acknowledged that there was physical scope to expand Murieston to the railway line and to the ethylene pipeline. The need for substantial investment in infrastructure was recognised. With Linhouse (the Proven Employment Site of National Importance [ELv54]), there was real scope to consider an extended South Livingston as a focal point for future longer term mixed growth. In the event of a shortfall in the allocated employment sites in CDAs, Linhouse should be brought forward at the earliest opportunity, and this should be reflected in an appropriately worded change to WLLP policy EM3.
- 3.62 The site had locational benefits, and its development would be consistent with national and strategic guidance, including SPP1, SPP3, and SPP17. The site had the potential to be effective, as physical constraints could be successfully addressed and infrastructure issues satisfactorily resolved. The range and quality of open space and recreational facilities could be significantly improved for the existing community. With careful site planning, a logical and sensitive extension to Livingston could be created, which would not affect the wider landscape setting of the town. WLC had recognised the potential of this site since the 1980s. Accessibility would be improved through the development of a fully integrated transportation strategy, including possible provision for additional rail halts. A masterplan would be devised to take the development forward. The area was not constrained by the AGLV designation to the south. The proposal would consolidate the settlement form and reinforce the interface between town and country.
- 3.63 Site 22 was no longer suitable for agricultural use and should be allocated for housing, because of the proximity of development on either side (Murieston South 6A [HLv59] and Linhouse).

4. SUMMARY OF CASE FOR WLC AND SUPPORTERS

Sites 1 and 2 – Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

- 4.1 On site 1, the alternative strategy had to be considered in the context of E&LSP's requirements, including a maximum possible allocation of 5,000 houses in CDA (which was the number of allocations WLC proposed). The objectors had not carried out a detailed assessment of the sites in the alternative strategy. The total number of houses proposed by the objectors would result in an excess of houses in CDA over the maximum allowed. The reference in E&LSP to major expansions continuing to yield completions beyond 2015 did not justify allocations over the maximum. E&LSP recognised that many of the houses in the strategic allocations would not be developed until post 2015. There was no agreement between the developers and owners of the sites set out in the alternative strategy and at least one developer (George Wimpey Ltd) appeared to want to have very little to do with it. WLC were concerned that any masterplanning process for the alternative strategy, had the potential to run into difficulties, which could undermine the delivery of the relevant infrastructure. There was no evidence presented on the cumulative effect of developing the alternative strategy.
- 4.2 Regarding environmental impact, the development of the site would result in a loss of the existing landscape character. The proposals would have a potential impact on 3 distinctive landscape areas (Kirknewton House, Ormiston, and Hallcraigs Hillock). Development would be on a hill top location. It would be exposed to prevailing south westerly and cold northerly winds and would be visible from the lower landscape to the north. The views from the houses located on the southern side of Station Road and Roosevelt Avenue would be significantly altered with the development, and the magnitude of change would be high and the impact on view would be substantial, adverse and significant. The new access road would also result in substantial, adverse and significant impacts on some views from the A71. Development of the land to the north west of Hallcraigs Hillock and south of the railway line would be unacceptable in landscape terms, and this made it difficult to move the access road to the east. The objectors had not discussed the site with SNH. It was difficult to see how the proposals would constitute the organic growth of the village.
- 4.3 The development would involve building houses on a north facing hillside, which had in the past constrained development. The design process for the site had involved considerable challenges given the complexities of the topography and the range of issues to be addressed. The edges of the development would be likely to be a considerable distance from the village centre, which provided few facilities for the community. The altering of the western access to Kirknewton as proposed would further separate Kirknewton from the villages and towns to the north.
- 4.4 In relation to transportation matters, the access proposed would result in increased travel times from East Calder (and beyond) to Kirknewton. The new access was selected on the basis of cost, land ownership, and landscape evidence.

The existing distance from the railway station to the Main Street/Langton Road junction in East Calder was 2.3km. The proposed new route would add an extra 2.8km. Taking account of bus routes, would add a further 0.8km to the journey. The increase in bus journey times between the 2 settlements would make the route less attractive to passengers and operators. The proposed new roundabout on the A71 would not fit well with proposals to encourage bus priority on that road. It could be difficult to incorporate bus priority measures into the design of the roundabout. An alternative western access closer to the one existing could lead to large parts of Kirknewton being more than 400m from a regular bus route. The development would result in an increase in the number of children being bussed from Kirknewton to the secondary school and the denominational primary school. There could be over 200 children being bussed on a daily basis. It would not be desirable to encourage children to walk to East Calder from Kirknewton because the route was not a safe route to school.

- 4.5 The development would require a park and ride site on both the north and south side of the station. Pedestrian access, suitable for the disabled, would also be required. As things stand, the proposed Caledonian express service would not stop at Kirknewton. Currently, only one half hourly, subsidised bus service goes through the village, and there was nothing presented which indicated the prospects of an improved bus service. Kirknewton would be highly unlikely to be able to sustain its own local bus service, and it would be unlikely that any local or shuttle bus for East Calder would include Kirknewton in its intended route. Residents would have to travel outside the village for their employment, most shopping, health care, library, sports facilities, non-denominational secondary schooling and denominational schooling. The new access would create an additional maintenance burden for WLC. The proposals would not be consistent with E&LSP policy TRAN2 and Schedule 5.2A.
- 4.6 Turning to the site's effectiveness, there was at present some considerable doubt over the agreement of landowners in relation to the land required to develop the site. Furthermore, the primary school at Kirknewton was at capacity and the proposal would require it to be extended. Denominational primary school children would have to attend St Paul's (East Calder). There was no certainty that any catchment review would result in the village being in the catchment area for the proposed new secondary school at East Calder. Balerno High School currently attracted an exceptionally high proportion of children from Kirknewton. WLC believed that there would be likely to be resistance to Kirknewton being taken out of the Balerno High School catchment area. This had implications for the potential effectiveness of the site. Balerno High School could not accommodate all the secondary pupils from the proposal, even if it was to be extended. A successful catchment review would still require the children to be bussed to the new secondary school. The development of the site would be an inefficient use of educational resources, and could undermine WLC's educational strategy for CDA. In particular, the development could reduce the number of pupils available for the new secondary school.
- 4.7 The development of the site was restricted by the overhead power lines, and there was no proposal to remove them. The area around the lines could not therefore be developed. Additionally, if the foul sewer serving Kirknewton required to be

reinforced to accommodate the proposal, it could involve works from Kirknewton to the East Calder Waste Water Treatment Works. The foul sewer passed under both the railway line and the A71.

- 4.8 Regarding the level crossing at Kirknewton, WLC preferred option 3a. The closure of the crossing was unacceptable to WLC, who were confident that an acceptable solution could be found and funding obtained from SG. It was essential, including for the emergency services, that 2 accesses were maintained to Kirknewton. Option 3a would improve the road link to Kirknewton and, at this stage, it was too early to say whether a roundabout would be required. With funding, the scheme could be in place in 2.5-3 years. WLC were also seeking funding from SESTRAN. The objectors' proposals were not a reason to allocate the site because a solution was sought in a shorter timescale. The development of Calderwood would be likely to have a minimal effect on the level of road traffic on Station Road. Option 3a would result in an overall improvement in Station Road. The option was at an early stage of design. WLC had not considered it appropriate to include the objectors' proposal as an option in the STAG assessment. The STAG considered 9 options and 4 packages, and option 8 (equivalent to option 3a) performed significantly better than the others in terms of safety, economy, integration, and accessibility. The net present cost of this option was set at £6.6m. If this option was implemented, there would be little prospect of a regular and frequent bus service through the objection site. Most of the site would then be more than 400m from such a service, and one of the primary reasons for allocating it would have disappeared. WLC did not support Network Rail's proposed change to the text of WLLP.
- 4.9 On other matters, no industrial estate existed at Kirknewton, and there was no evidence of a need for small business units and flexible home/work units in the village. The building of a community hall as proposed would be inconsistent with the WLC's up to date policies on community facilities, and no viability assessment had been carried out. It would be unlikely that the proposals would result in a health centre being provided in Kirknewton. No adequate consultation had taken place with Kirknewton Community Council or the existing residents of Kirknewton. The objectors could not rely on E&LSP policy HOU8 to justify an allocation, and the proposals would not be consistent with strategic guidance.
- 4.10 Regarding site 2, HKn7 was identified in the 2001 housing land audit as a site with a capacity of 90 houses. The development of such sites was supported by E&LSP, and their substitution by other sites, whether in whole or part, was not. WLC considered HKn7 to be an effective site. The problems affecting the site would not necessarily mean that 90 houses could not be accommodated. Such problems could all be addressed, including noise (acoustic fence), slope (garden ground), access (adjacent to the pylon or via the narrow road to the west of the site). HKn7 would not be completed in early course because of educational constraints.
- 4.11 The objection site was in CDA, although Kirknewton was excluded. In terms of WLLP, any allocation would be a strategic one under E&LSP. There would be insufficient educational capacity at the local primary school to accommodate the 6 pupils generated by 30 houses or the 19 pupils by 90 houses. Denominational

primary schooling would be in East Calder, non-denominational secondary schooling in Balerno (which requires a temporary unit), and denominational secondary schooling at St Margaret's Academy. Development of the objection site would not make efficient use of existing or proposed educational infrastructure. No satisfactory solution to the educational issues had been proposed. Indeed, development could undermine the possible future extension of the local primary school. Moreover, the increase in traffic arising would be unacceptable without the closure of the level crossing. The westernmost access point proposed for the 90 houses would also be unacceptable. Completions in Kirknewton had averaged 18 houses over the last 5 years, and 21 houses over the last 10 years. There had been 248 completions since 1993, which represented a 50% growth rate, and WLLP allowed for growth of 20%. There was no self contained housing market area for Kirknewton. The indications were that completions on the Drummond Home sites would improve in future years. If E&LSP policy HOU8 applied, criterion C (additional infrastructure) was not met.

Site 3 – land to the north of railway line, Kirknewton

- 4.12 There was no requirement to allocate the site for housing as part of CDA. Indeed, it could only be allocated, if CDA was scaled back at other locations, which would result in an inferior development strategy. The proposal was contrary to national and strategic guidance and advice. In educational terms, there were issues concerning the capacity of the local primary school serving the site. While the objection site was within walking distance of the railway station, the Calderwood allocations would create a more sustainable travel pattern because of the sizeable walk in population for the proposed secondary school. The secondary school arrangements for the proposal were unclear because Balerno High School currently served the site. If the pupils generated by the development were to attend the proposed non-denominational secondary school at East Calder, a catchment area review would be required. The proposal would result in the inefficient use of educational infrastructure. East Calder was a better location for the allocations because it was larger and had a much wider range of community facilities than Kirknewton, and because of the presence of Camps Industrial Estate. The site was poorly integrated with Kirknewton.
- 4.13 The objection site was outwith the settlement boundary, and development would be highly visible from the A71 and detrimental to the area's open and rural character. The effects would be compounded by the rising topography, which offered long views up to Kirknewton. There was little prospect of mitigation through landscaping. The site was located in a local area which was clearly defined by the main road and the railway line, and it had not been blighted by urban sprawl. The proposal would represent a significant intrusion into the area. The site was identified in the adopted local plan as an area of special agricultural importance. If the site was allocated at the expense of any of the West Livingston allocations, the environmental and transport impacts would be even more focussed on the eastern part of the CDA area to its detriment, and the employment objectives for Kirkton Campus would be threatened. In terms of traffic, the proposals would require a new access on to the A71, and WLC were keen to minimise their number. Additionally, the road network proposed would not have a strategic function, and there would be no benefits accruing to

Kirknewton. WLC were of the view that Network Rail should implement a scheme to close the level crossing without developer contributions.

Site 4 – Broompark (Stephen Dalton)

- 4.14 The alternative strategy put forward had to be considered in the context of E&LSP's requirements, and in the context of WLC's desire to allocate the maximum number of houses, which the objector supported. The allocation of the objection site on its own would only provide a maximum of 750 houses. The strategy was at odds with that promoted in WLLP and E&LSP. It was also contrary to the views of the Community Council and local residents. The strategy suffered from the same weakness as the one promoted by the objectors in relation to site 1 (paragraph 4.1 above).
- 4.15 In relation to environmental impact, allocating the objection site would result in the gap between East Calder and Mid Calder/Livingston being reduced. Physically, the distance between the settlements would be cut back considerably, to under a few hundred metres. Visually, the sense of coalescence would be increased from the main visual receptors – the existing housing in the settlements, the B7015, and AGLV and the country park. The adopted local plan recognised the concern of residents in relation to coalescence. The concerns were also recognised in the recent appeal decision. The reason set out in WLLP for having a countryside belt around Livingston was to prevent coalescence with other settlements. The countryside belt designation contributed towards preventing coalescence.
- 4.16 The proposal would have an urbanising effect on the area's rural character and would be likely to have an adverse effect on AGLV and the country park, particularly the possible road connection through the mature woodland at the entrance to the country park. No detailed assessment had been carried out by the objector of the likely effect of the proposal on the main local visual receptors. The eastern part of the objection site, which was proposed for housing and a distributor road, was an important element of AGLV, and this was recognised in the masterplan document. Development of this area would have a detrimental effect. The value of AGLV designation for the Almond and Linhouse Valleys was recognised in WLLP. The AGLV designation had been reduced from that shown in the adopted local plan to remove those parts of the site no longer making a contribution. While SNH had not had an opportunity to comment on the proposal, they had suggested for Calderwood, that at least 100m of woodland be included between any housing and the Almond Valley woodland. If that was applied to the objection site, the area available for development would be considerably reduced. The site was predominantly greenfield. Its planning history did not suggest that it was mainly brownfield. A large part of the site had until relatively recently been part of a nursery, and the eastern part was currently used for agricultural purposes. The majority of the site was prime quality agricultural land. The site had largely retained its rural character, and it formed an important landscape buffer.
- 4.17 Regarding transportation matters, the proposed access arrangement suggested in the masterplan at the eastern end of the site was of concern to WLC, and further

work was required. The access arrangement proposed to the west was unacceptable because of the adverse effect on AGLV. The distributor road proposed through the site would provide little if any benefit to the road network in East Calder because its purpose would be to provide access to the development. Additionally, Main Street would remain an attractive route because of the facilities present. The proposal would inevitably result in increased levels of traffic going through East and Mid Calder. Much of the proposed development area would not be well located for the existing bus service, and the distributor road would be likely only to be used by local buses. The site was not within easy walking distance of any major employment areas or the station at Kirknewton.

- 4.18 Turning to the site's effectiveness, the extent of the ground constraints affecting the site were unclear. WLC would not make the land available for the road mooted at the entrance to the country park. If the site was allocated, it would be in a similar position to those already allocated in WLLP.
- 4.19 On other matters, the allocation of the site would require the reduction of the equivalent number of houses elsewhere in CDA. The proposal does not involve the provision of employment land. No adequate consultation had taken place with the local community council or the existing residents of Mid Calder and East Calder. On education, the proposal would not be an efficient use of existing educational infrastructure because of insufficient spare capacity at East Calder Primary School. Access routes to schools could also be of concern. SEPA had indicated in the appeal that the issue of odours from the sewage works should be considered. Overall, the proposal would be inconsistent with national and strategic guidance. No detailed assessment had been carried out of the proposals against the key objectives set out in WLLP.

Sites 5 and 6 – land to the south and west of East Calder and Hoghill (John Swan & Sons)

- 4.20 Part of site 5 had been allocated for employment in the past but this had been removed with the adoption of the current local plan (1995). There was no requirement to allocate the site for housing as part of CDA. Indeed, it could only be allocated, if CDA was scaled back at other locations, which would result in an inferior development strategy. The proposal was contrary to national and strategic guidance and advice. In general terms, the site suffered from the same remoteness from facilities, such as the village centre and public transport, as site 4, and it was less favourably placed than Calderwood. The existing employment area at Oakbank would be separated from the proposed housing by the A71, and it would be likely that any new employment area associated with the objectors' proposal would be on the same (south) side of the main road. The proposals would not be well integrated with East Calder. A new access on to the A71 would be required, and WLC were keen to minimise such accesses. There would also be increased traffic levels on local residential roads. The proposals would be detrimental to the area's open and semi-rural character, and would have a significant visual impact and urbanising effect when viewed from the A71. There were concerns about the reduction in the "green gap" between East Calder and Livingston. WLC's site selection process was comprehensive and thorough.

- 4.21 Site 5 was within CDA, and it would be a strategic housing allocation. The adopted local plan had identified the West Langton area as unsuitable for housing because it was remote from the village centre. Indeed, the site itself was further away from the centre than all of the Raw Holdings West allocation in WLLP, and 50% of the Almondell allocation. The site was not within 400m of a regular bus service, and there were no proposals to extend a service any closer than Langton Road. It was also not within easy walking distance of facilities, such as St Paul's Primary School, Camps Industrial Estate or the railway station. The site could not be easily integrated into an effective network for walking and cycling. Additionally, there was insufficient educational infrastructure to accommodate the likely denominational secondary school pupil product generated (likely to be 5-7 pupils). Development would be dependent on a new denominational secondary school being provided or committed at Winchburgh. Any development on site would therefore be unlikely before 2010/11. No employment opportunities were associated with the proposals.
- 4.22 The "dezoning" of employment land in the West Langton area had been undertaken in order to prevent coalescence with Livingston. The area had also been identified at an earlier stage as being highly visible from the A71. As with site 3, development would reduce the gap between settlements both physically and visually. The southern edge of the site was also not well contained and, in the short to medium term, there would be a significant impact on views from the A71. The proposal would be inconsistent with strategic guidance, and the site should not be allocated for housing.

Site 7 – land at Wilkieston

- 4.23 WLC changed their position during the course of the inquiry, and indicated that the site was in CDA, where they had made allocations to the maximum levels allowed. Allocation of the site would require an equivalent reduction elsewhere in CDA, and this could threaten the delivery of infrastructure. The site was still occupied, and substantial "up front" developer contributions would be required by 2010. WLC were concerned whether a future developer would be able to commit funds at the appropriate time.
- 4.24 Wilkieston had very few existing facilities, and the proposal was unlikely to result in any increase. Residents would therefore have to travel to other centres for shopping and employment. While all of the site was currently within 400m of a regular bus service, the proposed by-pass of Wilkieston might reduce the number of buses stopping at existing bus stops, particularly express buses. Pupils (119 in total for 100 houses) would require to be bussed to schools, which would be an on-going revenue cost to WLC and had several educational disadvantages. The site was not currently a vacant brownfield one, and much of it was in use as open space. It was only the allocation of the site in WLLP which might bring forward closure of the facility. The allocation of the site for mixed use purposes would be contrary to WLC's preferred strategy and WLLP's key objectives.
- 4.25 WLC recognised that in due course the site would become surplus to requirements, and they were happy to explore possible alternative uses. This could best be done through the preparation of a design brief. The site was not

suiting for the type and scale of development proposed by the objectors. The site and surrounding land retained many of the features of the designed landscape that had developed around the former Linburn House e.g. perimeter and internal woodland, managed green space, a walled garden, and remnants of greenhouses. WLC supported the retention of designed landscapes which were not included in the inventory, and the remnants of this 19th century one would not be protected by the proposals. WLC considered that the site was best suited for an institutional or single use, which would re-employ the landscape focus, which had been maintained and was worth retaining. There had been no detailed analysis of the effects of development on key visual receptors, and more work was required. No evidence had been produced to show that the viability of the post office/shop or nursery was threatened. The objectors could increase the village's vitality if they sold or redeveloped some of the houses within it. WLC did not consider the objector's offer of a village hall attractive because of the additional revenue costs. Given their scale, the proposals were not in keeping with the character of the settlement or the site, neither were they comparable to the circumstances at the Bangour Village Hospital site. There was no basis for making further changes to WLLP.

Site 8 – land at Pumpherston/Clapperton

- 4.26 E&LSP did not require WLLP to safeguard land for the longer term (post 2015) because development of CDA and other strategic allocations was expected to continue into that period. The safeguarding of the site was not required to justify the provision of infrastructure and to create sustainable communities. WLLP had allocated the maximum number of houses allowed by E&LSP. Sufficient land for housing was identified for the long term. E&LSP policy HOU10 set out a mechanism for maintaining any shortfall in the housing land supply. It would be undesirable to restrict where future local plans could look for development. It was for structure plans to give broad indications where development would be met in the longer term. E&LSP identified the west of West Lothian as an area which could benefit from regeneration. Overall, there was no basis for identifying the site for either longer term release or safeguarding.
- 4.27 WLLP already identified substantial development on 4 sites at Pumpherston. WLC's 2020 Vision had indicated that growth east of Craigshill would put unacceptable pressure on the B8046. No transport modelling had been carried out for the site, and there were issues to be considered, including the effect on: the capacity of the road network, the junction with the A899, roads and junctions through Houston Industrial Estate, and the southern part of the B8046 and Mid Calder. The site was not within easy walking distance of the nearest railway station, and there was no indication that buses, other than local buses, would serve the site. The site did not benefit from convenient access by public transport services, or on foot, to the main centres of employment and retailing. Substantial bussing of school pupils would be required. No solution had been offered to the lack of educational infrastructure (2.5 single stream non-denominational primary schools, 0.5 single stream denominational primary school, and secondary schooling requirements).

4.28 The development of the site could result in both the physical and visual coalescence of Pumpherston, Livingston (at Craigshill), and Mid Calder. It would be difficult to integrate the site with Pumpherston because of the golf course on the northern boundary, which would mean that large parts of the site would be remote from existing village facilities. The scale of development proposed would not be supported by WLC's SPG on the redevelopment of redundant poultry sheds. WLC were unaware of any environmental blight arising from the poultry sheds because of smell. WLC did not consider that there was a need to extend the country park, and were concerned that it would be a maintenance burden. The development of the site would be detrimental to its open and rural character. The site should not be allocated for residential development. WLLP should not be changed.

Site 9 – land at Uphall Station

4.29 The site allocation's for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. The housing allocation at Drumshoreland related to a predominantly brownfield site that was previously allocated for employment purposes. It would bring forward around 1000 houses and a new primary school. There was an issue over the educational capacity of the denominational secondary school serving the site. The site was in CDA, where allocations had been made to the maximum level allowed. It had been estimated that only 55% of the mixed use allocations in CDA would be needed to achieve the target of 5000 houses. The site could only proceed if allocations elsewhere were scaled back, which would result in an inferior strategy.

4.30 There was no support for the site's release in E&LSP. While it was close to the railway station and shops at Uphall Station, the range of shops was very limited, and there was little opportunity to enhance shopping provision. The site was also relatively remote from Livingston town centre, and did not have the potential to contribute to new transport infrastructure. A wide enough range of sites had been provided in CDA. The site was not small scale, it had not been demonstrated that it was required to support local facilities, and there was no indication how the additional school provision required would be provided. Development would be detrimental to the area's open and rural character, and to the landscape setting of Uphall Station. Any reduction in the countryside belt would detract from its overall function. It had also not been shown that the economic or social benefits of development would outweigh the conservation or other interests on the site.

Sites 10 and 11 – Hartwood Road, West Calder

4.31 The allocation of the sites for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. There was an issue over the educational capacity of the primary and secondary schools serving the sites. Any spare capacity in places, or additional capacity planned, was allocated to housing sites proposed in WLLP, including the CDA allocations. The sites were not in close proximity to bus routes or railway stations, and the roads between the sites and village did not have footpaths. Planning permission had been refused in 1991 for 21 houses on the sites because such development

would constitute an unacceptable form of ribbon development and would amount to unjustified residential development in the countryside.

- 4.32 There was no support for the release of the sites in E&LSP or national guidance. The sites could not be allocated because WLLP already allocated land in CDA up to the maximum level allowed. The sites were not small scale (each being able to accommodate up to 50 houses), and the objectors had not indicated how they would overcome the shortfall in educational capacity. The sites were visually prominent. The proposals would be detrimental to the area's rural character given the environmentally sensitive nature of the location, which provided an "attractive rural backdrop and entrance" to West Calder. The sites were not highly accessible by public transport to the main employment and shopping areas. There were no overriding benefits which could warrant the sites' allocation.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

- 4.33 The allocation of the sites for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. WLLP identified opportunities for an additional 251 houses in West Calder. There was an issue over the educational capacity of the primary and secondary schools serving the sites. Any spare capacity in places, or additional capacity planned, was allocated to housing sites proposed in WLLP, including the CDA allocations. The sites were in CDA, where allocations had been made to the maximum level allowed. It had been estimated that only 55% of the mixed use allocations in CDA would be needed to achieve the target of 5000 houses. The sites could only proceed if allocations elsewhere were scaled back, which would result in an inferior strategy.
- 4.34 There was no support for the release of the sites in E&LSP or national guidance and advice. There was no bus service serving the sites. The nearest bus route was more than 800m away, and the station was around 0.5km away. The sites were visually prominent. The area of special landscape control was protected from development, and building houses would detract from its environmental quality and the open rural character of the area which was characterised by farmland. Development would also have an adverse impact on landscape character. There were no overriding benefits which could warrant the sites' allocation.

Site 14 – Freeport Retail Village, by West Calder

- 4.35 There was no support for the release of the site for housing in national guidance. The site was in CDA, where allocations had been made to the maximum level allowed. E&LSP's strategy required housing development to be restrained in areas, such as the objection site. If WLLP recognised the site's potential for housing, it would have to be included as a part of the CDA allocations. A proposal including housing on site would also use educational infrastructure necessary for development identified in WLLP, and pupils would have to be bussed to school. The site was not suitable for residential development and it was not an urban brownfield site. When originally approved, it had been envisaged that the retail village would bring economic benefits to the area without

significant adverse effects. WLC acknowledged that the circumstances of the site were unusual, and that there could be a number of different solutions. However, the necessary details could all be addressed in a planning brief on which the local community, including the residents of Oakbank Cottages, and other interested parties would be consulted.

4.36 WLLP policy ENV38 and the supporting text applied to the retail village (the area covered by existing buildings and car parks), but not to the rest of the objection site. Any proposal for housing on the objection site would require to be assessed against WLLP policy 31 (development in the countryside). WLLP policy ENV35 (very low density rural housing and woodland development) would not apply. The site was not suitable for housing because it was not on a proposed rail or tram corridor and did not have the potential for a good level of access by bus based public transport, including to the main centres of employment and retailing. It would be wrong to assume that the objection site could be serviced by a regular and frequent bus service. The entrance to the industrial estate was around 1km from the site. The bus and rail links at West Calder would be outwith 400m or 800m of the site, and the pedestrian link proposed would be rural and isolated, and not a safe route to school. The site would be 2.5km from Addiewell Railway Station, over 4.5km from West Calder Railway Station, and over 5km from Livingston town centre.

4.37 WLLP allowed for a wide range of alternative uses on the site through policy ENV38, and it had not been demonstrated that they were unviable. The objectors' case was based wholly on what was an acceptable return for investment, and there was no evidence on whether demolition and redevelopment would be viable in financial terms. An institutional use (a residential school) had expressed an interest in the site, and that would be acceptable under policy ENV38. Recognising the potential for residential development would have the effect of reducing the likelihood of other forms of more appropriate development. Acceptance of the options put forward by the objectors would inevitably result in predominantly residential proposals coming forward. In the past, SMs had been reluctant to allow any intensification or extension of development. Overall, WLC believed that policy ENV38 adequately recognised the exceptional development circumstances of the Freeport Retail Village.

Site 15 – Allandale Fishery, by Polbeth

4.38 The site was in CDA, where allocations had been made to the maximum level allowed. The objector could not rely on E&LSP policy HOU8. A housing proposal on site would use educational infrastructure necessary for development identified in WLLP in CDA, and pupils would probably have to be bussed to school. The objectors had not objected to the CDA allocations. A planning appeal for 50 houses on a part of the objection site had been dismissed in 1992, and a planning application for 250 houses had been refused in 1990. While in the early stages of WLLP the area had been included in one of the options considered for development by WLC, it had been concluded that a reduced area should be allocated to avoid coalescence and visual intrusion. SNH had supported this approach.

4.39 Housing along the northern edge of Polbeth Road would constitute ribbon development. WLC did not consider that the fishery business would be likely to have to close as a result of the CDA proposals. WLLP included provisions which sought to ensure that this was not the case, including requirements for CDA developers: to take account of neighbouring uses and achieve compatibility; to provide an appropriate landscape framework; to adopt a holistic approach to drainage; to carry out woodland planting in line with the Forests Habitats Network objective; and to prepare and implement a management plan for Bristonhill Moss and funds to implement it. Development at this part of the CDA allocations would be likely to take place towards the end of the construction period (2025). It was also unlikely that Polbeth Road would be used for construction traffic, and developers would be required to identify measures to minimise the impact of construction work and traffic on existing communities.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

4.40 WLLP provided an adequate supply of housing land, and no proper case was made out for preferring the objection site to others allocated for housing. WLC considered that development of the western half of the site, which fell within Polbeth and outwith Livingston in the adopted local plans, was within CDA, and would count towards the CDA allocations, which had been made at the maximum level in WLLP. Around 70 houses on the objection site would be affected. The proposal would also use infrastructure required for CDA, and could have potential implications for the delivery of key requirements because it would be necessary to reduce the scale of the CDA allocations. The types of infrastructure that could be affected included the improvements to West Calder Railway Station, the proposed distributor road, and Livingston Fastlink.

4.41 E&LSP policy HOU8 applied to the part of the site outwith CDA, and it presumed against new housing development on greenfield sites. The proposals were not for small scale development, and it had not been shown that any additional infrastructure required was either committed or to be funded by the developers. There was no justification for the proposals on the basis that a more appropriate mix of housing was required or that there was a local need. The proposals would lead to physical and visual coalescence between settlements, and policy at all levels recognised that was undesirable. The adopted local plan indicated that the green gap between Livingston and Polbeth was particularly vulnerable. WLLP sought to protect against the possibility of coalescence. A tree belt of the size proposed along the eastern boundary of the site would not prevent it. If the site was developed for housing, local people would be aware of the closing of the gap between Livingston and Polbeth. However, economic development of the site would not reduce the gap between the residential areas of Polbeth and Livingston.

4.42 E&LSP required a review of employment sites based on whether they were no longer suitable for such a use. It was inappropriate to release a site on the basis of a lack of demand consistent with the owner's preferred tenure and financial objectives. Such an approach could result in the loss of a large part of the economic land supply. Employment use was the most appropriate use for the site. The site was next to Brucefield Industrial Park and could be easily linked to

it. It was also next to the A71 and was of a similar journey time to Edinburgh as Easter Inch and Whitehill Industrial Estate which had both been successfully marketed. Access would be improved with the proposed distributor road associated with the CDA proposals. The site could contribute beneficially to the satisfaction of current and future demand for employment land. The evidence highlighted that the site was not marketed as employment land for sale. While it was up to the owners of the site how they marketed their land, they could not use that as a basis to alter the designation. It had also not been demonstrated that it had been marketed for a sufficiently lengthy period.

- 4.43 WLLP took a more flexible approach to the 2 employment sites than earlier versions or the adopted local plan. The uptake of economic development sites was encouraging, and there was a particular demand for small employment sites for sale in West Lothian. There were examples of the successful development of several sites of a not dissimilar size to the objection site, which had been subdivided and marketed for sale (eg Bathgate [EBb6], Williamston North and Oakbank Park). When the evidence was carefully examined, it showed that there was: an uptake of employment sites in Livingston and Polbeth; a particular demand for the purchase of sites of a certain size; and healthy sales of large sites which had been subdivided and marketed (eg the former Daks Simpson building at West Calder Industrial Estate, Polbeth). There was also a limited supply of serviced sites. WLC believed that the 2 sites provided valuable business and general needs industrial land.
- 4.44 On accessibility, it would be unlikely that all houses would be within 400m of a bus stop. There was one direct bus service a day to Edinburgh, where a large percentage (41%) of residents would probably work. This was not a frequent service. The retail centres of West Calder and Livingston would not be within walking distance of the site. Neither would the local health centre and primary school. The site could be accessed potentially off the A71.
- 4.45 Housing on the site would take up school places currently planned for CDA developments, and would therefore require the scaling down of CDAs or the bussing of pupils from CDAs to schools outwith their likely catchment area. Pupils from the objection site would also have to be bussed to the primary school and denominational secondary school. Bellsquarry Primary School had no capacity. The capacity at Parkhead Primary School would be taken up by the CDA allocations at Mossend and Cleugh Brae, which were both within walking distance. A reduction in the capacity at St Mary's School would reduce the options available to WLC for denominational primary school education in CDA. At West Calder High School, there would be no capacity once account was taken of CDA requirements and, at St Kentigern's, there would be unlikely to be any capacity until the new denominational school at Winchburgh came on stream.
- 4.46 WLC did not accept the objections, and believed that the sites should remain designated for employment purposes.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

- 4.47 WLC believed that there was no need to extend the sites allocated in WLLP in this part of CDA. The westwards extension of Gavieside would affect the area of special landscape control. SNH recognised the importance of the area. It formed part of the existing river valley and corridor, and it contained woodland. It was an important area to protect against development. The whole area should be included in the masterplan boundary in order to ensure that the requirements set out in WLLP Appendix 7.1 for the enhancement of river corridors and the provision of new greenways associated with the Breich Water would be met. WLLP should be altered to reflect this. The site to the east of Allandale Fishery served to avoid coalescence between Livingston and Polbeth. SNH had supported limiting the extent of CDA allocation. The site could accommodate an extension to the existing woodland. The inclusion of the site in the CDA allocation would result in a gap between Livingston and Polbeth of 250m. The extension of the Cleugh Brae site would result in physical and visual coalescence between West Calder and Polbeth. It could not result in Polbeth being better connected to the facilities of West Calder. The location of the new road and roundabout on the A71 had not been agreed with WLC, and it might be that a roundabout was not the best solution. No relevant planning consideration had been advanced which justified coalescence. There were also concerns about the capacity of the non-denominational primary school at West Calder if this site was extended, and the implications this could have for the Gavieside allocation and its proposed primary school facility.

Sites 18 and 19 – Station Road, Addiewell

- 4.48 WLC did not accept the objections to either site. The allocation of both for housing would not accord with the preferred development strategy. WLLP also sought to maintain a supply of employment land, including for open storage use. The village was on the edge of CDA, where significant provision had been made for housing. The educational infrastructure was only sufficient to cater for sites which were a part of the preferred strategy, not sites such as these. The village was served by local bus services. In 2004, WLC noted in their assessment of the sites bidding to be a part of the preferred strategy that the Addiewell area might have longer term prospects in helping the further economic regeneration of the Breich Valley.
- 4.49 In the adopted local plan, the sites were within the settlement boundary of Addiewell. WLLP regarded the sites as suitable for industrial and storage and distribution uses. There was a need for such sites in West Lothian, particularly for open storage as there was only 28ha of land currently available. It had not been demonstrated that the sites had been marketed for employment purposes. The sites could help in providing accommodation for lower grade uses. WLLP allocated sufficient housing land to meet all the requirements of E&LSP, and there was therefore no need to allocate either site, including as part of CDA. If the sites were allocated for housing, it would be necessary to scale back the CDA allocations. There were questions about the marketability of the Addiewell area for housing. The sites were within walking distance of the railway station, but

could not be regarded as highly accessible to the main centres of employment and retailing at Livingston, Bathgate and Whitburn. The southern part of site 18 was safeguarded for a bus interchange and parking associated with the railway station, but the extent of land required was unknown. It was important that this project was not jeopardised. There were also proposals to improve the level of service on the railway line. When measured against national, strategic and local guidance, the CDA allocations were to be preferred to the objection sites.

Site 20, Muirhousedykes Mains, Addiewell

- 4.50 The allocation of the site for housing was neither necessary nor appropriate, and it would not accord with WLC's preferred development strategy. The site was close to the CDA allocations and the large Heartlands mixed use development at Whitburn. The educational infrastructure was only sufficient to cater for sites which were a part of the preferred strategy, not a site such as this. There were local bus services linking to West Calder, Bathgate, Livingston and other surrounding villages. The nearest railway station was around 1.5km away. There was sufficient housing land allocated in the area in WLLP. The tests for allowing housing development under E&LSP policy HOU9 and HOU8 would not be met in this case. In particular, the site had not been identified through WLLP, and it had not been demonstrated that development was required to support local facilities. The site could not be regarded as highly accessible to the main centres of employment and retailing. Development would be detrimental to the area's open and rural character, and would detract from the area of special landscape control and the setting of Addiewell. The area of countryside between Loganlea/Addiewell and Stoneyburn was narrow and sensitive. If the site's condition deteriorated, WLC could take action.

Sites 21 and 22, Murieston, Livingston

- 4.51 The allocation of the sites for housing (Murieston Road [site 22]) or as a reserve site (Murieston Castle Farm [site 21]) was neither necessary nor appropriate. It would not accord with WLC's preferred strategy. Further sites could be allocated for housing only if the allocations proposed in WLLP were reduced, which would be undesirable. There was no requirement in E&LSP to identify reserve sites to take account of a possible failure in the 5 year land supply. E&LSP policy HOU10 set out how shortfalls in the land supply were to be dealt with. The sites were considered as one of a number of options to meet the housing requirements in CDA, but were rejected in favour of more suitable proposals. The nationally important employment site at Linhouse required to be safeguarded, and it encroached on to both proposed allocations. The strategic allocations proposed in WLLP would continue to meet housing needs beyond 2015.
- 4.52 The Murieston area of Livingston had a range of local facilities and was well integrated with the town, including the town centre. A number of schools served the sites, and there were issues about their capacity which had not been fully addressed by the objectors. The educational infrastructure proposed was only sufficient to cater for sites which were a part of the preferred strategy. There were local bus services and a railway station (Livingston South) nearby. However, the sites did not have the potential to contribute to the provision of new

strategic transport infrastructure in the same way as the proposed allocations, and the main employment and shopping centres (Livingston) would not be reasonably accessible on foot. E&LSP supported the designation of the sites as countryside belt. The development of the sites would have an adverse impact on the setting of Livingston. Additionally, the development of site 22 would result in coalescence with the Linhouse site.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether the alternative sites put forward conformed to E&LSP and whether any could be included justifiably in WLLP once all considerations had been taken into account.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level (a general cap of 5000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations in CDAs should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business. We now deal with each alternative site put forward in CDA.

Sites 1 and 2 – Overton and south of Station Road, Kirknewton (Scotia Homes and Master Homes)

5.3 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If objection site 1 is to be allocated, it would be reliant on this infrastructure in the same way as CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. In this case, there are additional matters to be assessed in considering effectiveness, which would be the satisfactory resolution of the safety issue at Kirknewton level crossing, and the completion of a successful catchment area review so that pupils from Kirknewton

Primary School could go to the new secondary school at East Calder rather than Balerno High School. Even though the constraints create uncertainty, we see no reason why they should prevent the site from being allocated. We note that the catchment area review required would not take place in isolation, but would be one of many being undertaken by WLC in relation to the developments proposed in WLLP. While WLC raised concerns about various ownership interests related to the development site, we are not satisfied with the method used to gather the information presented to the inquiry, and have therefore given it little weight. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The overall capacity would be around 1050 houses. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. There is no information on the annual output.

- 5.4 The site is in highly attractive countryside and is well contained. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.5 Development of the scale proposed would have a significant effect on the area and would constitute a very large extension of Kirknewton. Indeed, it would be possible to take the view that the extended village amounted to a new small settlement. Nonetheless, within the context that a large scale strategic allocation is required in CDA (see paragraph 5.2), nothing was drawn to our attention which would exclude the site from consideration for landscape or ecological reasons. The topography and the tree belts in place, along with additional planting, would reasonably contain the development. While there would be effects on visibility, these would be mainly localised and would not undermine the proposal. Although the site comprises prime agricultural land of predominantly class 3.1, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation. The landscape of the site and its immediate environs is of a high quality but, based on the evidence presented to the inquiry, we are satisfied that it has been demonstrated that the site has the landscape capacity to accommodate the proposals. Nonetheless, this in itself would not justify allocation in WLLP as a part of the mixed use area. If the site is not required, its current allocation in WLLP (land outwith the settlement boundary) is perfectly acceptable given the contribution it makes to the setting of Kirknewton.
- 5.6 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), there is no doubt that, if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is

likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.

- 5.7 In relation to the 4th matter (transportation), the site would be served by bus. Although the scale of development proposed could well result in enhanced provision, it appears to us unlikely that there would be the same range and frequency of services as at East Calder. The general distance set out in PAN75 for access from housing to a bus service is 400m. Whatever the final road layout proposed, it does not appear to us that the achievement of a satisfactory level of penetration into the site, whilst maintaining the attractiveness of the service, would be so improbable an outcome that the proposal would be undermined. The general distance given for access to a railway station in PAN75 is 800m, and this would be largely achieved, and would allow good access to the centre of Edinburgh, amongst other destinations. This is a significant benefit of the site. The proposed park and ride would be helpful. We see no good reason why a local or shuttle bus for East Calder could not be expanded to take in Kirknewton as well.
- 5.8 Regarding local facilities, the general distance given in PAN75 is 1600m. For those facilities in the expanded Kirknewton, this could be achieved but not, in the main, for those facilities in East Calder. We note that the proposals would result in an improvement to the facilities in Kirknewton. However, East Calder is larger than Kirknewton and has substantially more facilities, and this would be likely to remain the case, even if this site was allocated. In our view, this is undoubtedly a factor in favour of focussing development at East Calder. Quite clearly, walking routes would be required between the 2 settlements, and we accept that a failure to achieve the 1600m distance would not necessarily prevent the site being allocated. Nonetheless, such routes have the disadvantage of having to cross the A71. In planning for the additional development proposed here, we believe that more satisfactory walking routes could be probably better achieved for the greatest number of facilities within the one expanded settlement at East Calder. In addition to this matter, we are concerned about the proposed road through and to the west of the objection site and down to the proposed roundabout on the A71. While there was debate at the inquiry about the extent to which this route could lengthen bus and car journey times, we are in no doubt that it is a circuitous one if travelling from Kirknewton to East Calder, and that it is better suited to the alternative strategy than to a mix of this site and the allocations in WLLP. The roundabout would also not fit well with encouraging bus priority on the A71. The alternative suggested at the inquiry by the objectors would be preferable, but it too would be circuitous and there were difficulties with land ownership. Moreover, both routes open up the prospect of development pressures further to the west, in an area which would be separated from the facilities in both villages. We do not consider that the proposal fails E&LSP policy HOU4 for these reasons, but they do count against the site's allocation. In coming to this conclusion, we have taken account of WLC's emphasis on the disadvantages of bussing pupils to schools for educational and budgetary reasons, but consider that this is only one factor to be assessed amongst others.

- 5.9 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. Given the concerns we have expressed above about the links between Kirknewton and East Calder, it is not clear to us that the proposal could be regarded as making efficient use of such infrastructure. In particular, a route across the railway as close to the line of the existing road (Station Road) as possible would seem preferable to the circuitous one proposed. Regarding the 4th aim, as the allocations involve the loss of greenfield land in a high quality landscape, we consider that it is almost inevitable that there would be some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.10 Turning to the **level crossing** at Kirknewton, there are safety concerns and, if no additional funding comes forward to secure an alternative, a full barrier will be introduced. This would result in the road being closed for lengthy periods, particularly at peak times. There are currently 3 possible funding sources for an alternative – the objectors’ proposed development, SG and SESTRAN. The objectors are required to provide an alternative crossing of the railway as a part of their development and propose a bridge some distance to the west of the existing crossing. The prospect of a contribution from this source towards such a scheme would be a benefit of the proposed development. However, while this is one option, it is not a solution that we favour for the reasons outlined above (see paragraphs 5.8 and 5.9). The option being promoted by WLC (an underbridge just to the west of the existing crossing and road) would be more desirable, but the design requires more investigation. WLC and Network Rail are seeking funding from SG, but the outcome of this bid is unknown, and there is no certainty of success. SESTRAN have also been approached for funding. Without the development, and funding from one of these sources, the underbridge would not be constructed. We note WLC’s concerns that without access points to both west and east, Kirknewton would become isolated. This concern is clearly expressed in WLLP. However, no funding from other sources has as yet been secured to ensure access from the west, and we believe that WLLP should be changed to reflect the current position, i.e. that if additional funding does not become available, a full barrier will be introduced at the crossing. We are not persuaded that a contribution from the objection site would be sufficient to justify its allocation. We note that Network Rail have proposed a change to the text of WLLP, but it does not fully address WLC’s concerns.
- 5.11 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), and spreading the environmental impact (introducing development into another area). Others would not be met, e.g. protecting areas of special environmental value (prime agricultural land) and securing physical and environmental improvement (greenfield site). We have broad concerns over other objectives, e.g. community benefits which would be secured for Kirknewton to a certain degree, but without satisfactory integration with East Calder, where the majority of facilities would

be located. On the transport objectives, the station at Kirknewton is of significant benefit, but we have concerns over the road network put forward at this stage, and doubt whether it is entirely consistent with the underlying intention behind those transport objectives relating to minimising transport impacts and linking to the strategic road network. We accept that the case for allocating the objection site is helped by the objectives identified at an earlier stage relating to development containment. Overall, we do not consider that the site could be clearly rejected because of failures against the objectives. However, it does not alter our view that the Calderwood allocations (with the proposed change) are to be preferred because, in our view, they would be better related potentially to East Calder than Kirknewton and also offer benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (1050 houses) has to be treated with considerable caution because of their different sizes.

5.12 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The strategy outlined by this objector is based on 5/6 possible sites and is similar to the one promoted by Stephen Dalton. While the strategy may have some potential, it seems to us that it is not sufficiently advanced to provide a satisfactory basis for allocating the objection site as one of a number of other sites. The strategy also potentially includes significantly more houses than is required for this part of CDA. Turning to a reduction in the size of the current allocations, we accept that the objection site, as modified by our recommendation for site 2, would merit further consideration if the strategic allocations proposed at Calderwood fail in some way. However, given our views as set above, we see no compelling reason to reduce the allocations in WLLP at this stage to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.

5.13 Site 2 forms a small part of the above site (a maximum of 6.5ha). The objectors put forward 2 options – one of 90 houses on 6.5ha (gross) and another of 30 houses on 1.95ha. Much of the above applies to this site but there are a number of specific points to consider. Although we have treated this much smaller site as lying within the CDA boundary, the situation is not entirely clear based on E&LSP’s key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP’s text on whether Kirknewton should be placed within or outwith CDA. While acknowledging the general cap on the number of allocations in CDA, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. While this is a greenfield site with weak boundaries, we are satisfied, taking into account the characteristics of the wider area, that it has the landscape capacity to accommodate some development. It is also close to the facilities in Kirknewton, including the railway station.

- 5.14 WLLP allocates 4 sites at Kirknewton. WLC's housing model and the 2005 audit suggests that by 2007/08 only 2 sites (HKn2 and HKn7) will be producing houses. Both sites are within the control of one developer. No permission has yet been granted on HKn7, and the historic rate of completions on HKn2 has been low at an average of 2 houses per annum. WLC suggest that this may increase to 6 houses per annum. In the recent past, completion rates in Kirknewton have averaged out at 18 houses per annum. While Kirknewton is clearly not a self contained housing market area, we are concerned about the prospect of stagnation due to low completion rates, and about a lack of choice. Although HKn7 is a disputed site in the housing land audit, we are not satisfied that it is constrained to the extent indicated and believe that it should remain allocated for housing in WLLP. However, in the interests of providing a little choice and variety, and an opportunity for some growth and additional support for local facilities in Kirknewton, we believe that a further small allocation can be justified. We believe that 90 houses would be an excessively large allocation, and consider the smaller option of 30 houses to be more appropriate. We note that there are issues of educational capacity at the local primary school and the high school, but believe it likely that pupils generated from a smaller development (around 6 from 30 houses) could be accommodated. If necessary phasing could be considered. We do not consider that the increase in traffic would be such that development could only be allowed if the level crossing was closed. We do not accept that the proposals would result in an inefficient use of infrastructure any more than other sites allocated in Kirknewton. Such development would extend site HKn9 and would not detract from the village's character. We consider the site effective, and we believe that the allocation of the site for housing would not be undermined by the terms of E&LSP policy HOU8. We have taken into account the possibility that planning permission may be granted for housing on a site of 0.77ha at Highfield House, Station Road, and no other opportunities in Kirknewton have been drawn to our attention. In the circumstances, while the site is not ideal, we believe that it should be allocated subject to a satisfactory defensible boundary treatment being provided.
- 5.15 Drawing all these matters together, the allocation of objection site 1 would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP. However, we consider that the allocation of site 2 and the option for 30 houses can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.16 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 3 – land to the north of railway line, Kirknewton

- 5.17 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that

the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. In this case, there is a likely additional matter to be assessed in considering effectiveness, which is the completion of a successful catchment area review so that pupils from the local primary school could go to the new secondary school rather than Balerno High School. Even though this constraint creates uncertainty, we see no reason why it should prevent the site from being allocated. We note that the catchment area review required would not take place in isolation, but would be one of many being undertaken by WLC in relation to the developments proposed in WLLP. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. The overall capacity would be around 1000 houses. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. There is no information on the annual output.

- 5.18 The site is in attractive countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.19 Development of the scale proposed would have a significant effect on the area and would constitute a very large extension of Kirknewton. Indeed, it would be possible to take the view that the extended village amounted to a new small settlement. While the site is greenfield and open in character, within the context that a large scale strategic allocation is required in CDA (see paragraph 5.2), nothing was drawn to our attention which would exclude the site from consideration for landscape reasons. Development would be visible from the A71 on the rising ground, but we believe that appropriate structure planting to that boundary could potentially have a satisfactory mitigating effect, and that the impacts would be mainly localised. Although it would be unlikely that development of the scale proposed could be completely screened, we do not consider that any remaining views from this road would be likely to undermine the site's suitability for development. We do not share WLC's concerns about this. Although the site comprises prime agricultural land of predominantly class 2, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation. Nonetheless, these landscape factors in themselves are insufficient to justify allocation in WLLP as a part of the mixed use area, and the lack of well defined site boundaries to both the west and east (with the exception of the B7031) is a disadvantage of the proposals. If the site is not required, its current allocations in WLLP (outwith the settlement boundary and area of special agricultural importance) are perfectly acceptable, particularly when account is taken of the contribution it makes to the setting of Kirknewton.

- 5.20 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.21 In relation to the 4th matter (transportation), there is the potential for the site to be served by bus and for achieving the 400m set out in PAN75 for access from housing to a bus service. The general distance given for access to a railway station in PAN75 is 800m, and this would be largely achieved, and would allow good access to the centre of Edinburgh, amongst other destinations. This is a significant benefit of the site. The proposed park and ride would be helpful. We see no good reason why a local or shuttle bus for East Calder could not be expanded to take in Kirknewton as well. Regarding local facilities, the general distance given in PAN75 is 1600m. It is not clear to us how easily this could be met. While a failure to achieve it would not necessarily prevent an allocation being made, we are concerned that the site is a standalone one separated from the facilities in Kirknewton by the railway line, as well as from those in East Calder by the A71. We do not consider the site to be well integrated with either settlement. The fact that East Calder is a larger settlement with substantially more facilities is a factor in favour of focussing development on that village. We note that the road network for the proposal would be unlikely to benefit Kirknewton. However, the fact that it lacked a strategic function would not be a disadvantage because there is no proposal for the road network in this part of CDA (the Calderwood allocations) to have such a function.
- 5.22 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. However, given that it would not be well integrated with existing settlements, we are not persuaded that the use of such infrastructure could be regarded as efficient. Regarding the 4th aim, we consider that the loss of such a site would almost inevitably result in some adverse environmental impact. Nonetheless, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.23 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development into another area), and transport (adjacent to railway station and A71). Others would not be met, e.g. protecting areas of special environmental value (prime agricultural land) and securing physical and environmental improvement (greenfield site). We have concerns

over other objectives, e.g. community benefits which would be secured but without satisfactory integration with either Kirknewton or East Calder. The objective identified at an earlier stage relating to coalescence would not undermine the site's allocation, but the one concerning development containment would count against it. Overall, while we do not consider that the site could be clearly rejected because of failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (around 1000 houses) has to be treated with considerable caution because of their different sizes.

- 5.24 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The objectors in this case do not refer to the possibility of an alternative strategy in their submissions to the inquiry. While in their 2002 submissions to WLC, they refer to a "co-joined" approach with other developers at Raw Holdings and to the south and west of East Calder, this does not appear to have been taken forward and could not provide a basis for allocating the site in WLLP. Turning to a reduction in the size of the current allocations, we see no great advantage or compelling reason to break them up as they are proposed at this stage in WLLP, to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.
- 5.25 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.26 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 4 – Broompark (Stephen Dalton)

- 5.27 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the objection site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. Other concerns were raised relating to ground stability and contamination, but it does not appear to us that these are likely to be major constraints. It was also indicated that the ground for the easternmost access point (the entrance to the country park) was not

in the control of the objectors. However, if it was concluded that the objection site should be allocated for other reasons, then we do not see this as an insurmountable obstacle as an alternative access is available and, if the access point was regarded as necessary, the land is in the ownership of WLC who could be expected to co-operate. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, we would not expect any output from this site prior to 2012/13. The overall capacity would be around 750 houses. The expected development period of a minimum of 5 years is in our view ambitious.

5.28 The site is in a narrow strip of countryside separating East Calder from Mid Calder. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

5.29 Development of the scale proposed would have a significant effect on the area and would constitute a large extension of East Calder. With the exception of the fields to the east, which are in separate ownership, the site has a complex planning history, including uses of storage and a relatively small garden centre/nursery. While parts of the site have clearly been subject to development and tipping, this area is restricted in size and is covered in the main by the housing site allocated in WLLP (HEc6) for which planning permission has been granted. Another part of the site is covered by a further housing allocation (HEc4). I find that the remainder of the site is predominantly of a greenfield character, rather than brownfield or degraded. We therefore do not consider that the site's current character would provide a strong justification for its allocation in WLLP as a part of the mixed use area.

5.30 There would be the potential for greater coalescence between Mid Calder and East Calder as a result of the development of the site. The gap between the 2 villages is currently narrow and they are separated by the valleys of the River Almond and Linhouse Water. We accept that this proposal can be differentiated from the proposal in the planning appeal in that it concerns a planned extension of East Calder which could be justified through the requirement for a strategic housing release. Within this context, we believe that it would be possible to design a scheme which maintained a reasonable level of physical and visual separation. While the site is well contained, it is visible from parts of Mid Calder, and to achieve the necessary separation, it seems to us that it would be necessary to pull the western boundary of areas 1 and 2 shown in the masterplan (excluding the allocated area) considerably further back towards East Calder. Additionally, to maintain a reasonable separation distance from the River Almond Valley and the country park, the boundaries of areas 4 and 5 would have to be pulled further back. On landscape grounds, and notwithstanding the site's current character, we believe therefore that it could potentially be considered as a

suitable contributor towards the strategic housing requirement, albeit on a reduced scale from that proposed. Should the site not be required for the strategic housing requirement, we believe the countryside belt and AGLV designations to be appropriate, given the greenfield character of the designated areas, the narrow strip of countryside in which they sit, and the contribution the fields make to AGLV and the setting of East Calder. Although a significant part of the site comprises class 2 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation.

- 5.31 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.32 In relation to the 4th matter (transportation), the site is close to existing bus routes and, given the scale of development proposed, there could be enhanced provision and penetration into the site, particularly from a local or shuttle bus. The general distance set out in PAN75 for access from housing to a bus service is 400m. Given the location of the site, close to the village centre and on the main road through it, it seems to us that this requirement could potentially be met. The general distance given for access to a railway station in PAN75 is 800m. This would not be achieved. However, we consider the objection site to be little different from the Calderwood allocations in this respect and, as a part of the CDA measures, we consider that accessibility to the station would be likely to be improved. We have no doubt that the objection site would benefit from the station's presence.
- 5.33 Regarding local facilities, the general distance given in PAN75 is 1600m. This would be largely achieved in the case of the objection site for all those facilities in or near the village centre, and this is a benefit of the proposal. Given the proximity of these facilities, we do not consider the greater distance to Camps Industrial Estate to be an obstacle to allocation, particularly as the main employment sources for the area are likely to lie elsewhere. The success of the proposed road through the site as a by-pass for the village centre would depend largely on the design of this part of the road network should the allocation proceed. However, the eastern end of the road as proposed, at its junction with the B7015, is not yet entirely satisfactory. Two alternatives have been put forward, the T-junction, which has limitations, and the roundabout, which would affect the entrance to the country park. The proposal would result in additional traffic on the local road network, in and around the village, but there is no indication that, with mitigation, this could not be absorbed.
- 5.34 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding

the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. While concerns were raised about the lack of capacity at East Calder Primary School, we note that the site would be coming forward in an area where new educational provision would be made. We see no reason why the proposed provision could not be adjusted to take account of this site if it proceeded. The site is adjacent to a sewage works and this is of some concern as we have insufficient information to establish the extent of any problem that may arise for the development of the site from odours. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.

5.35 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location), and integration and community benefits (immediately adjacent to East Calder and the village centre). Others would not be met, e.g. protecting areas of special environmental and landscape value (prime agricultural land and AGLV) and securing physical and environmental improvement (greenfield site). On the transport objectives, we have broad concerns over the road network put forward at this stage and the link to the strategic road network, but believe that these matters would probably be capable of resolution. Adequate links could be achieved to public transport networks and infrastructure. We note that the case for allocating the objection site is helped by the objectives identified at an earlier stage relating to development containment, but it does not measure so well against those concerning coalescence. However, overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made in WLLP offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (2800 houses) and the objection site (likely to be less than 750 houses) has to be treated with considerable caution because of their different sizes.

5.36 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). The strategy outlined by this objector is based on sites around East Calder and Kirknewton and is similar to the one promoted by Scotia Homes. It makes provision for a new north/south distributor road linking Livingston, East Calder and Kirknewton, a grade separated junction at the A71, and a new inter-city railway station. While the strategy may have some potential, it seems to us that it is not sufficiently

advanced to provide a satisfactory basis for allocating the objection site as one of a number of other sites. It also potentially includes significantly more houses than is required for this part of CDA. Turning to a reduction in the size of the current allocations, we accept that the objection site would merit further consideration if the strategic allocations proposed at Calderwood fail in some way. However, in the absence of any great advantage, there is no compelling reason to break up the allocations as they are proposed at this stage, to accommodate this site. We are unaware of any other reasons for bringing a site of this scale forward.

5.37 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.38 We have taken account of all the other matters, including safer routes to schools, but find none that outweigh the considerations on which our conclusions are based.

Sites 5 and 6 – Land to the south and west of East Calder and Hoghill (John Swan & Sons)

5.39 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If objection site 4 is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. We do not have sufficient information to judge whether the site is effective against other factors identified. We also do not have information from the objectors or WLC on the likely capacity of the site. The timescale for development would be constrained by the speed with which CDA developments come forward as a whole. In line with our conclusions on the Calderwood allocations in chapter 2.2, the earliest that any output from the site could be expected would be 2012/13.

5.40 The site is in an area of countryside separating East Calder from Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type, close to the boundary with the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

5.41 Development of a site of the size now proposed by the objectors (around 65ha) would have a significant effect on the area and would constitute a large extension of East Calder. The site is greenfield, and we believe that it is relatively well contained to the west (the country park) and the south (the railway line). The western edge of East Calder is currently open, and development would provide an

opportunity to put in place an appropriate boundary treatment for this part of East Calder. This would include to the A71, and means that we do not share WLC's concerns about the effects of development on views from this road. While the gap between East Calder and Livingston would narrow, given the nature of the area that would remain between them (country park, including the Linhouse Water and the Murieston Water), we do not consider coalescence, either physical or visual, to be a particularly significant issue. Although an attractive site, with the possible exception of the northernmost part, we do not consider that there are good landscape reasons which would exclude it from meeting a part of the strategic requirement. However, if it is not required, its current allocations in WLLP (countryside belt, AGLV, and land outwith the settlement boundary) are perfectly acceptable given the contribution it makes to the setting of East Calder. Although a significant part of the site comprises class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to allocation.

- 5.42 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence.
- 5.43 In relation to the 4th matter (transportation), the site is not so far from existing bus routes and, given the scale of development proposed, there could be enhanced provision and penetration into the site, particularly from a local or shuttle bus. The general distance set out in PAN75 for access from housing to a bus service is 400m. Given the location of the site, close to the village centre and on the main road through it, it seems to us that this requirement could potentially be met. The general distance given for access to a railway station in PAN75 is 800m. This would not be achieved. However, we consider the objection site to be little different from the Calderwood allocations in this respect and, as a part of the CDA measures, we consider that accessibility to the station would be likely to be improved. We have no doubt that the site would benefit from the station's presence.
- 5.44 Regarding local facilities, the general distance given in PAN75 is 1600m. While there is a local neighbourhood centre on Oakbank Road and scope for a further centre on the site itself, the site is further away from the facilities in the village centre than other options. We also note that the adopted local plan describes this area (the West Langton area) as remote from the village centre. Camps Industrial Estate is also on the opposite (eastern) side of the village, but we acknowledge that the main employment sources for the area are likely to lie elsewhere. We accept that the road network would not have a strategic function, but neither would the road network put forward for the allocations in this part of CDA (Calderwood). The proposal would result in additional traffic on the local road

- network, in and around this part of East Calder, but there is no indication that, with mitigation, this could not be absorbed satisfactorily.
- 5.45 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim the site, if allocated, would make use of both existing and proposed infrastructure. While concerns were expressed at the inquiry by WLC about the lack of educational capacity and the difficulties in accommodating other sites, we note that substantial new educational provision is proposed, and we see no reason why it could not be adjusted to take account of this site if it was selected in preference to others. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.46 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location), and integration (with the built-up area of East Calder) and community benefits. Others would not be met or not completely, e.g. protecting areas of special environmental and landscape value (prime agricultural land and AGLV) and securing physical and environmental improvement (mainly greenfield site but area of former poultry sheds would be improved). On the transport objectives, we have little information on the road network proposed, but note that the site is immediately adjacent to the A71. Adequate links could be achieved to public transport networks and infrastructure. The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the allocation of the site. However, overall, while we do not consider that the site could be clearly rejected because of any failures against the objectives, we do not believe that the benefits it offers are such that it requires to replace the allocations proposed in WLLP at Calderwood (with the proposed change). The allocations made offer their own benefits (see chapter 2.2). Additionally, we have borne in mind that a straight forward comparison between the Calderwood allocations (213ha) and the objection site (around 65ha) has to be treated with considerable caution because of their different sizes.
- 5.47 As strategic allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA in WLLP. Instead, it has to come forward as a part of the alternative strategies promoted, which have been designed to replace the WLLP allocations at Calderwood, or as a part of a reduction in the allocations made. The objectors in this case do not refer to the possibility of an alternative strategy in their submissions to the inquiry. The concerns we have about the strategies are outlined elsewhere in the report (see chapter 2.2). Turning to a reduction in the size of the current allocations in WLLP, we see no great advantage or compelling reason to break them up as they are proposed at this stage, to accommodate this site. We are unaware of any other reason for bringing a site of this scale forward.

- 5.48 Site 5 forms a small part of the above site (around 8ha). The proposal is therefore of a much smaller scale (around 130 houses). Much of the above applies to this site but there are a number of specific points to consider. While acknowledging the general cap on the number of allocations in CDA, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a relatively smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, given that developments of this scale would generate much smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.49 Notwithstanding the above, we see no great advantage in bringing this site forward for housing. It is a greenfield site, is relatively narrow and elongated, has a weak southern boundary, and its development would represent a significant protrusion from the existing line of the built-up area of East Calder into the countryside, which would likely appear as piecemeal development. Given the distance from the edge of the built-up area to the former poultry sheds, we do not support the contention that the site could be regarded as infill. The proposal may provide a softer edge for this side of East Calder, but only for a small part of it. Parts of the western edge of the built-up area would remain exposed and would not benefit from the treatment proposed. While we acknowledge that the site is close to a local neighbourhood centre where everyday needs could be met, it does not meet the recommended distance given in PAN75 for accessibility to bus services (400m), particularly in the western part of the site, and it would be unlikely that this could be improved through enhancements arising from the proposal. Given that the site's development would be out of keeping with the settlement's character, we do not consider that the proposal would be consistent with E&LSP policy HOU8. We therefore do not consider that the release of this site can be justified at this time, including on the grounds that it is required to support the delivery of the 5 year housing land supply.
- 5.50 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.51 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 7 – Land at Wilkieston

- 5.52 On a **preliminary matter**, WLC changed their position during the course of the inquiry on whether the site was in CDA. We have accepted WLC's change of position, and have treated this small site as lying within the CDA boundary, which is consistent with WLC's 2020 Vision for West Lothian, where Wilkieston, along with East Calder and Kirknewton, are referred to as a possible location for a new settlement. However, the situation is not entirely clear based

on E&LSP's key diagram, and we believe that it is possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations, but acknowledge that, in general, the level of such allocations cannot be excessive.

- 5.53 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). There is an ownership constraint as the site would not be available until 2010/11. There are also infrastructure constraints to be overcome, and WLC would be looking for significant developer contributions, including for education and the Wilkieston by-pass. In relation to education, given that developments of a lesser scale would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site. It also helps that development here is likely to be delayed to nearer the time that improvements may occur in capacity. In the circumstances, while we find that the site is constrained at present, we consider that it has the potential to become effective over the plan period. We deal with the issue of the capacity of the site below. Given the date for the availability of the site, we consider it unlikely that any development would occur prior to 2011/12.
- 5.54 The site is in a single institutional use, and sits on the southern boundary of Wilkieston in an area of countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.
- 5.55 The objectors propose that up to 100 houses be accommodated on site. This represents a very large extension of Wilkieston. The site's existing institutional use is low key and comprises a number of well spaced buildings separated by significant areas of open space. While considerable change has occurred, it has had a benign effect, and the layout still broadly respects the remnants of the original 19th century designed landscape, including the walled garden. However, the site is not included in the Inventory of Gardens and Designed Landscapes, the buildings in the north western part are in the settlement boundary, and the use itself is an integral part of the village and is well related to it. The site is well contained by the landscape framework in place, and we believe that it has the landscape capacity to accommodate some housing. Given the large areas of green open space and the fact that the site is in use, we do not consider that it can be described accurately as brownfield. While the objectors have indicated that the capacity of the site is 100 houses, the development area proposed extends to around 12ha and could accommodate significantly more. We are concerned that development of the southern and eastern parts of the site as proposed by the

objectors would have a compromising effect on its open character. Any development area should therefore be pulled back to a southern line of the walled garden and the workshops, and to an eastern line of the bowling green and the easternmost part of the existing settlement (Orchardfield Terrace). The walled garden should be retained, and we believe that a design brief should be prepared to provide a context for any development and that it should cover the full objection site. We estimate the capacity of the reduced site to be no more than 50 houses. We do not consider that a development of this scale would detract from the settlement's character.

5.56 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the site to be a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, the site would be reasonably well served by bus and, with the CDA allocations nearby, there would be a reasonable prospect that services would be enhanced along the A71. There was nothing to demonstrate that, once the by-pass for the village was built, bus services would cease to pass through it. Indeed, with the form of by-pass currently proposed, which would stop at the B7030, it seems to us unlikely that the village would suffer any disadvantage. We find the proposed eastern vehicular access point to the site unacceptable as it would only serve to open up other parts of the site to development pressures. While the existing access point to the west suffers from the congestion at the junction between the A71 and B7030, we believe this to be a preferable access and note that there are options which could be explored to overcome any difficulties in gaining access to the A71 from the site at peak times. We accept that Wilkieston is a small settlement which is dependent on shopping, employment, educational, and cultural facilities elsewhere. Its facilities are very limited, amounting to a post office/shop and a private nursery school, and the former appears to have recently closed. However, Wilkieston is a recognised settlement in WLLP and our concern is that it will continue to decline as the objection site is run down and closed. As such, while an allocation, as outlined above, would represent a significant increase on the size of the existing settlement, we believe that it would be a modest development in itself, and would provide some necessary support for the settlement once the existing use on site has ceased. We do not consider that the inclusion of the allocation in WLLP would be undermined by the terms of E&LSP policy HOU8. Although there is a prospect that children may have to be transported to schools, we note that this would always be the case for children residing in the village and do not consider that it outweighs other factors.

5.57 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, we are satisfied that the use that would be made of both existing and proposed infrastructure would not undermine a residential allocation on this site. Regarding the 4th aim, we believe that the loss of this site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, and an approach based on a design brief, we do not consider that the

impact would be likely to be unacceptable.

- 5.58 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of Wilkieston). Others would not be met so easily e.g. securing physical and environmental improvement (mainly greenfield site in nature). However, we do not consider that the site could be clearly rejected because of any failures against the objectives, and we believe that a residential allocation is justified for the reasons outlined above.
- 5.59 Drawing all these matters together, we consider that a residential allocation for 50 houses on a part of the objection site along the lines outlined below can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.60 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 8 – Land at Pumpherston/Clapperton

- 5.61 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the objection site was to come forward, it would be reliant on new infrastructure in much the same way as the CDA sites allocated in **WLLP**. We note that the process of establishing the infrastructure required for this site is still at a very early stage, and we are in no doubt that it is constrained, and not yet effective. Most notably, there are issues over transportation and education. We have particular concerns about secondary education provision. We accept that this would be a strategic site, and that it is possible that the issues could be resolved over time. However, it is not clear to us what steps are required to enable the site to become effective. In the circumstances, we cannot find that it would be capable of becoming effective over the E&LSP period, or that it would deliver any houses by the end of the period. While the objectors indicated that a part of the site could come forward within the required period, we have no indication of the size of this area, the issues that may arise, or how it would relate to the vision outlined at the inquiry for the larger site.
- 5.62 The site is in an area of countryside stretching out to the east of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements.

- 5.63 Development of a site of the size now proposed by the objectors (over 2500 houses) would have a significant effect on this area and would constitute a very large extension of Pumpherston. Notwithstanding the presence of a number of poultry sheds, the site is greenfield. It is well contained to the south (the country park) and the east (a shelter belt). While an attractive site, the landscape appears unremarkable, and the most sensitive area (the AGLV at the southern end of Pumpherston Farm) is not proposed for development in the embryonic masterplan. We accept that the proposals would amount to a planned extension of Pumpherston and, within this context, we believe that it should be possible to design a scheme which maintains a reasonable level of physical and visual separation between Livingston, Mid Calder and Pumpherston, bearing in mind that Pumpherston and Livingston are already joined. We see no reason why the rural character of the southern end of the B8046 could not be maintained by ensuring that development is well set back. Nonetheless, if not required for strategic purposes, the site's current allocations in WLLP (countryside belt, AGLV and land outwith the settlement boundary) are acceptable, given the contribution it makes to the setting of Pumpherston, the eastern edge of Livingston and the country park. Although the site comprises a mix of class 2 and class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to the site coming forward.
- 5.64 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), it is not clear whether the site could be accommodated within an appropriate sequence of releases. Regarding the 4th matter (transportation), we accept that the site is not too far away (2-3km) from the station park and ride at Uphall Station. It is also likely that bus services would be enhanced and links to Fastlink explored. However, there are issues over walking routes from the eastern parts of the site to community facilities, particularly given that the golf course lies in between. Additionally, there are issues over the impact of traffic on the road network. We do not consider that Pumpherston or Uphall Station would be at any disadvantage if the site did not come forward because substantial areas for housing are already allocated in WLLP (over 1000 houses) at the latter settlement, immediately to the north of the proposed site. The proposal by the objectors appears to be reliant on a new road around Pumpherston which forms part of the adjacent scheme.
- 5.65 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, at this stage, we cannot conclude that this would be efficient or that adequate provision could be made. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse

- environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.66 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), spreading the environmental impact (introducing development at another location). Others would not be met or not completely, e.g. protecting areas of special environmental and landscape value (prime agricultural land), securing physical and environmental improvement (mainly greenfield site but sites of poultry sheds would be improved), and integration (with the built-up area of Pumpherston). On the transport objectives, there are issues which require to be addressed. The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the site coming forward. However, we do not consider that it has yet been demonstrated that the site is suitable for release.
- 5.67 The objectors see the site as a longer term option, which could provide some housing at the latter end of the E&LSP period. We accept that it is appropriate to look at the longer term. However, we note that the strategic allocations made in WLLP are restricted by a general cap, and that they are projected to deliver significant numbers of houses post 2015, up to the mid 2020s. We are therefore satisfied that sufficient consideration has been given to the longer term in WLLP. It would be for future development plans to consider the most appropriate locations for growth. We are not persuaded that the site could help safeguard against failures in the housing land supply because it does not appear to us that it would be any more likely to deliver the required development than the strategic allocations made in WLLP. It has also not been shown that there would be any advantage in encouraging this site to come forward in place of the allocated sites. In fact, as things stand, this would be more likely to delay output further. Additionally, no provision has been made within the proposal for business development as required by E&LSP. In the circumstances, we can see no proper basis for including this site as a current or possible future mixed use opportunity in WLLP.
- 5.68 Drawing all these matters together, the safeguarding or allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.69 We have taken account of all the other matters, including the proposal to extend the country park, the potential odour problems associated with the poultry sheds, and SPG on the use of the sheds, but find none that outweigh the considerations on which our conclusions are based.

Site 9 – Land at Uphall Station

- 5.70 On a **preliminary matter**, we have treated this site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram, and we believe that it is possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the

reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, for developments of a relatively smaller scale, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb the pupils generated in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to development, but acknowledge that, in general, the level of such allocations cannot be excessive.

5.71 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We were not presented with any specific evidence on the site's effectiveness, and are therefore unable to draw full conclusions on this matter. While the objectors claimed that there were no infrastructure constraints, we have some doubts about this because they have linked their proposals for the site to the infrastructure being provided for the large scale Drumshoreland proposal to the south. Given the site's size (around 3ha), we have taken its capacity as being in the region of 75 houses. We have no information on estimated timescales for development or possible annual output.

5.72 The site is adjacent to Uphall Station in an area of countryside to the east of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plains, Lower Almond Farmland, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements. Although it could probably accommodate some housing, we see no great advantage in landscape terms in allocating the site in WLLP. In particular, the site is greenfield and this part of the built-up area of Uphall Station already has a reasonable and well defined edge, which would not be obviously enhanced by moving it eastwards. There would also be no other obvious benefits to the identity or form of the settlement in allocating the site, including when it is considered as an extension to the proposed Drumshoreland development. The absence of coalescence and the limited visual impact arising from any housing do not significantly help the case for allocation. While the northernmost tip of the site is allocated for housing development in the adopted local plan, this appears to be linked to a much larger site immediately to the west which has now been developed. It would not warrant bringing the site forward. Although part of the site is class 2 agricultural land, it is not clear that it is in full productive use and, given that it is isolated from other good quality land, we do not believe that it would be sufficient in itself to undermine a housing allocation.

5.73 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the site to be a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, this site is close to a railway station and to bus services, but it has not been explained to us how it would link into the proposed road network for the adjacent

Drumshoreland development. Access to local facilities would be reasonable. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and would have access to bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact would be likely to be unacceptable.

5.74 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of Uphall Station). Others would not be met so easily e.g. securing physical and environmental improvement (a greenfield site). While we do not consider that the site could be clearly rejected because of any failures against the objectives, and its allocation would not be out of keeping with the settlement's character, we see little need to allocate a further site for housing at this location when WLLP already allocates areas for up to 1000 houses immediately adjacent and there are no overriding compensating advantages. Although the objectors indicated that allocation would aid the delivery of the planning gain package for Drumshoreland, it was not demonstrated that such assistance was necessary. Similarly, it was not demonstrated that allocation would add anything of particular note to the Drumshoreland proposal. We believe that development of that scale would be sufficient in itself to support the existing settlement without additional allocations. In these circumstances, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8.

5.75 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.

5.76 We have taken account of all the other matters, including the proposal to provide an element of affordable housing in line with WLLP's policy, but find none that outweigh the considerations on which our conclusions are based.

Sites 10 and 11 – Hartwood Road, West Calder

5.77 On a **preliminary matter**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP's text on whether West Calder (as one of the Calder villages) should be placed within or outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic sites such as this. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA

- allocations. In particular, as developments of this scale, even taken together, would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.78 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We were not presented with any specific evidence on the effectiveness of site 10, and it was claimed that site 11 was effective. We accept that educational capacity would be unlikely to represent a constraint on the sites. However, we did not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters, including access. Given the size of the sites, we have taken the capacity of site 10 (around 1.5ha) as being in the region of 35-40 houses and site 11 (around 1.05ha) as being approximately 25 houses, rather than the 50 houses estimated by WLC in both cases and the 12 houses estimated by the objectors for site 11. We have no information on estimated timescales for development or possible annual output, but we accept that such small developments could be delivered, in general terms, relatively quickly.
- 5.79 The sites are in countryside, on the edge of West Calder. In the **Lothians Landscape Character Assessment**, they are identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The sites at present contribute to these 3 elements. Although they could possibly accommodate some housing, we see no great advantage in landscape terms in allocating the sites in WLLP. We accept that the sites are not in an E&LSP Area of Restraint and that they are in a wider area covered by WLLP policy ENV35 (very low density rural housing and woodland development). However, they are greenfield sites, there would be no significant benefits to the identity, form or edges of West Calder from allocating them, and the sites do not constitute a “poorer quality landscape” in themselves. Although not an overriding factor, the sites also add to the approach to West Calder travelling along Hartwood Road. We acknowledge that housing has recently been completed immediately to the west, but do not regard the objection sites as obvious residential allocations. This remains the case even though the sites are class 3.2 agricultural land and therefore not of prime quality.
- 5.80 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the sites to be strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are close to a railway station and bus services, and to the A71. Local facilities would also be reasonably close. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim,

the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, given our views on effectiveness, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the southern boundaries to both sites.

5.81 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the built-up area of West Calder). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield sites). While we do not consider that the sites could be clearly rejected because of any failures against the objectives, and their allocation would not be out of keeping with the settlement's character, we see little need to allocate further sites for housing at this location when WLLP makes provision for CDA allocations at Mossend and Cleugh Brae on the northern side of West Calder. When these are taken into account, we consider that the need to allocate additional land in West Calder under E&LSP policy HOU9(a) reduces. As we believe that development of the scale proposed in CDA would be sufficient in itself to support the existing settlement without additional allocations, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. We accept that larger allocations can be delayed in coming forward and that development is planned over many years but, at this stage, we are not persuaded that further compensating allocations should be made in this settlement.

5.82 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.83 We have taken account of all the other matters, including the limited number of housing sites, other than CDA allocations, coming forward in West Calder, the possibility of improvements to the surface water drainage system to the south of site 10, and the prospect of an enhanced southern boundary treatment for site 11, but find none that outweigh the considerations on which our conclusions are based.

Sites 12 and 13 – Cleugh Brae/Mossend (non-CDA allocations), West Calder

5.84 On a **preliminary matter**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram. The matter is made more complicated by the fact that the key diagram directly contradicts E&LSP's text on whether West Calder (as one of the Calder villages) should be placed within or outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-

strategic sites such as this. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.

- 5.85 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). It was claimed that both sites were effective. We accept that educational capacity would be unlikely to represent a constraint on the sites. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters. Given the size of site 12 (around 5ha), we have taken its capacity as being in the region of 100-125 houses. For site 13 (around 3.2ha), the indicative plan lodged indicates a capacity of 20 houses but, with an alternative layout and house types, we have little doubt that the site could accommodate a greater number of houses. We have no information on estimated timescales for development on either site. We also have no information on possible annual output from site 12, but on site 13 it was estimated that development could be completed within 12-18 months of commencement.
- 5.86 The sites are in countryside, on the edge of West Calder. In the **Lothians Landscape Character Assessment**, they are identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The sites at present contribute to these 3 elements. Although they could possibly accommodate some housing, we see no great advantage in landscape terms in allocating the sites in WLLP. The position is similar to that at Hartwood Road, in that the sites are greenfield, and there would be no significant benefits to the identity, form or edges of West Calder from allocating them. Although not an overriding factor, the sites also add to the approach to West Calder travelling along Cleugh Brae (B792). We accept that this is the time to review the area of special landscape control designation covering the sites and that Westwood View is a successful and popular housing development, but do not regard the objection sites as obvious residential allocations. This remains the case even though the sites are class 4.2 agricultural land and therefore not of prime quality.
- 5.87 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the sites to be strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are close to a railway station and bus services, and to the A71. Local facilities would also be reasonably close. **E&LSP** paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim,

the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport, despite the fact that there is no bus route at present on the B792. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, given our views on effectiveness, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the current western boundaries to both sites.

5.88 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration (with the northern part of the built-up area of West Calder). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield sites). While we do not consider that the sites could be clearly rejected because of any failures against the objectives, and their allocation would not be out of keeping with the settlement's character, we see little need to allocate further sites for housing at this location when WLLP makes provision for CDA allocations at Mossend and Cleugh Brae, which are immediately to the east of the objection sites. When these are taken into account, we consider that the need to allocate additional land in West Calder under E&LSP policy HOU9(a) reduces. As we believe that development of the scale proposed in CDA would be sufficient in itself to support the existing settlement without additional allocations, we do not consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. We accept that larger allocations can be delayed in coming forward and that development is planned over many years but, at this stage, we are not persuaded that further compensating allocations should be made in this settlement.

5.89 Drawing all these matters together, the allocation of the objection sites would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.90 We have taken account of all the other matters, including the limited number of housing sites, other than CDA allocations, coming forward in West Calder, and the prospect of enhanced western and northern boundary treatments for site 13, but find none that outweigh the considerations on which our conclusions are based.

Site 14 – Freeport Retail Village, by West Calder

5.91 On **preliminary matters**, while the objection site extends to 54ha, the developer has not put forward proposals for the development of the full site. Such a size of site would have capacity for a considerable number of houses and would have to be viewed as a possible alternative to the CDA allocations. Given that the site is in a rural area, separated from any settlement, we do not consider that it performs well as a housing site when assessed against E&LSP and national guidance, and

we would not support its full allocation for housing in preference to the CDA allocations. However, the 2 options put forward by the objectors as examples of what could be achieved on site were based on the existing complex of buildings and were far more modest in scale (150 houses or 30 houses plus visitor centre, business units, stabling for disabled horse riding and golf driving range), and we have considered the objections and adjustment sought to WLLP on the basis of these more limited proposals.

- 5.92 While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic proposals such as the objectors put forward in this case. Additionally, we do not see such proposals as being constrained in the same way as those for large scale development which seek to replace the CDA allocations. In particular, given that developments of this scale would generate only small numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.93 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We accept that educational capacity would be unlikely to represent a constraint on the site. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters e.g. drainage, ground conditions, and contamination (given the historic uses). Subject to the resolution of these constraints, we believe that a development based on the smaller scale proposal could come forward within 2/3 years. We have less confidence in the larger scale proposal coming forward within this timescale.
- 5.94 The site is in countryside. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the larger part of the site contributes to 2 of these elements – the character and amenity of the countryside. The balance of the site is brownfield and is occupied by vacant retail buildings and extensive car parking. WLLP recognises it as one of 2 sites in West Lothian with exceptional development circumstances, and refers to the possibility of pursuing opportunities for “leisure or tourist related uses, specialised employment uses, including starter class 4 units, art and craft related activities, or institutional uses appropriate to a rural setting.” In landscape terms, we believe that the inclusion of a limited element of housing in any development on site would be unlikely to have a significantly greater effect on the area than the existing buildings. The housing proposed in the larger of the proposals put forward by the objectors extends outwith the existing development envelope and would be a cause for greater concern. The housing in the smaller scheme could potentially have a lesser impact than the buildings already on site. The existing buildings on site are

modern, and there is little in their design or layout to suggest that it would be necessary to retain them as part of any new development. While the site is in an area of special landscape control and any development would have to respect this designation, we do not consider that this in itself would make a scheme incorporating housing unacceptable or prevent a small amount of ancillary building outwith the building envelope as part of a mixed use proposal.

5.95 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposals put forward by the objectors constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness above. In relation to transportation, the site does not have good links to public transport at present. The nearest regular bus services would be in West Calder (around 2km distance but further by road), where there is also a railway station and local facilities such as schools, shops, library and health centre. There is a further railway station at the smaller village of Addiewell which is about the same distance away from the site as West Calder. There is a pedestrian link from the site to West Calder but it is not of a particularly high standard. The site cannot be regarded as accessible but, to a certain extent, this is to be expected given its rural location, and any use of the site, including those encouraged in WLLP, would suffer from the same disadvantage. Additionally, there are other options to be explored, including the extension of the bus service required in connection with Westwood Industrial Estate, and the establishment of proper footpath and cycle links between the site and West Calder and the industrial estate. While WLC focussed on the negative aspects of such a pedestrian link with West Calder (unlit and isolated), we noted at the various site inspections carried out in this area that it has the potential to become a pleasant countryside walk.

5.96 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor and, while there is not good access to bus based public transport at present, there is the potential for making some improvements. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, taking into account our views on effectiveness and the need for improved transport links, we cannot conclude at this stage that this would be efficient. In considering the efficient use of infrastructure in this case, it is necessary to take into account the nature of the site and the desirability of achieving reuse or redevelopment. Regarding the 4th aim, we do not consider that a proposal based on a limited element of housing, and incorporating a plan for the appropriate treatment of the site, would have an unacceptable environmental impact. Indeed, when viewed from vantage points in the surrounding area, including local roads, we consider that the environmental impact of such a scheme could potentially be less than that of the existing development.

5.97 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDAs allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. securing physical

and environmental improvement (part brownfield site) and spreading employment opportunities (the development of business units). Others would not be met so easily, e.g. integration (separated from a settlement) and linking developments to existing public transport networks and infrastructure, and to the strategic road network (rural location). However, irrespective of this, we consider that the range of uses to be allowed on site merits further consideration. While the issue of viability and what could realistically be achieved on site do not appear to have been fully explored by either the objectors or WLC, it is clear that the buildings have been vacant for some time, that a marketing exercise has been carried out, and that little interest has been generated. An institutional use (a school) had come forward but, for whatever reason, they have not pursued this opportunity. Although another meeting has taken place between WLC and a potentially interested party, no details of this were available and it cannot be given any weight. There are concerns over the design and configuration of the units in the retail village, most notably their “deep floor plate”, and the site’s rural location, which separates it from the main built up area and the strategic links. We acknowledge that this is likely to make the site unattractive to those users seeking prime sites and locations. We agree that the uses identified in WLLP for the retail village are appropriate and that, all other matters being equal, this would not be a good location for housing. Nonetheless, taking into account the limitations of this location, we consider that the most likely way to achieve a beneficial use of the site would be through the types of uses proposed by the objectors, enabled by a small element of housing. The numbers of houses requires to be set in WLLP and not left to negotiations at the planning application stage. They should also be of a type which merits a rural location. While we accept that the circumstances at the site are not unique, we believe them to be sufficiently different to justify such an exceptional approach. No more than 30 very low density houses should be allowed (as proposed by the objectors in option 2), and all development should be achieved within the footprint of the existing retail village, unless it can be demonstrated that development outwith this area is justified. We consider that a greater number of houses would be excessive for this location, and we are not persuaded that WLC’s difficulties with bussing pupils to schools outweighs other considerations. Such housing should require to demonstrate that it is necessary to enable an appropriate mixed use development to proceed. It should also be linked to accessibility (as referred to in bullet point 4 in WLLP policy ENV38) and environmental improvements. We therefore believe that WLLP should be changed to accommodate a revised approach.

5.98 We understand that a planning brief for the site is to be prepared and consider that this should be referred to in WLLP, along with the consultation to be undertaken, which should include the local community. We do not consider that the low key approach outlined would result in the inappropriate development of this site or that an allocation would be undermined by E&LSP policy HOU8. The site should be included in WLLP Appendix 6.1 given that it would make a small contribution to the housing supply.

5.99 Drawing all these matters together, we consider that identifying the retail village as suitable for an enabling very low density housing development as part of a small mixed use scheme in the manner outlined can be regarded as conforming to

E&LSP, and that this is supported by other considerations.

- 5.100 We have taken account of all the other matters, including the references made to WLLP policies ENV31 and ENV35, but find none that outweigh the considerations on which our conclusions are based.

Site 15 – Allandale Fishery, by Polbeth

- 5.101 On **preliminary matters**, the objection site covers an area of more than 10ha. Within that area, there is the site of the old Gavieside village. Specific reference was made at the inquiry to the possible development of the former village. We have therefore considered the options of allocating the entire site or one based on the village.
- 5.102 While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic proposals such as the ones put forward in this case. We have considered the larger site to be non-strategic as well as the smaller one, because of both the overall scale of the allocations sought in CDA and the possible on site limitations which could limit the development area. We do not see non-strategic proposals as being constrained in the same way as those for large scale development which seek to replace the CDA allocations. In particular, as developments of a smaller scale would be likely to generate relatively few pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of either site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.103 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We believe that educational capacity would be unlikely to represent a constraint on either site. However, we do not have all the information required to draw full conclusions on effectiveness, and we are less certain about other matters e.g. ground conditions (including Bristonhill Moss), and contamination (given the historic uses). We accept that the capacity of the smaller site may be in the region of around 50 houses. We are uncertain about the capacity of the larger site. We have no information on the timescale within which either site could be developed.
- 5.104 The site is in countryside, and is separated from the village of Polbeth. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the site contributes to 2 of these elements – the character and amenity of the countryside. That part of the site occupied by the former Gavieside village meets the definition of brownfield land. However, nothing of the old village remains other than the lines of some foundations, and the whole site now has the appearance of being greenfield. Development of the whole site would, to all

intents and purposes, be an extension of the Gavieside CDA allocations, and we share WLC's concerns in this case about the substantial reduction in the countryside gap that would occur between the allocations and Polbeth and the extended village of West Calder. Restricting development to the site of the old village would not make the proposals any more acceptable because that would constitute ribbon development, and it would relate poorly to both the Gavieside and the Mossend CDA allocations. It would also amount to sporadic development, and would not be in keeping with the character of the local area (as existing or proposed). In the circumstances, we believe that the countryside belt designation proposed for the objection site in WLLP is appropriate, and that it has an important role to play at this location.

5.105 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposals put forward by the objectors constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness above. In relation to transportation, the sites are close to the railway station at West Calder. We have no information relating to bus services, but assume that both sites would be able to take advantage of the enhanced services proposed as part of the CDA allocations. The sites would also be able to benefit from the new roads infrastructure associated with the WLLP proposals. We are less certain about pedestrian and cycling links to existing local centres and facilities, and this detracts from the proposals. Most notably, the links along Polbeth Road at present are unsatisfactory. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the sites are outwith the green belt. Regarding the 2nd aim, in broad terms, the sites are on a rail corridor, and we assume that they would be likely to have reasonable access to bus based public transport under the CDA proposals. On the 3rd aim, although the sites would make use of both existing and proposed infrastructure, we are not in a position to conclude at this stage, that this would be efficient. Regarding the 4th aim, we believe that the loss of sites such as this would almost inevitably result in some adverse environmental impact. While mitigation measures could potentially help, we remain concerned about the possible effects of the erosion of the countryside at this location. Given that, in our view, development would be out of keeping with the local area's character, we do not consider that the proposal would be consistent with E&LSP policy HOU8

5.106 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited) and integration for the larger site (well related to the Gavieside CDA allocations). Others would not be met so easily e.g. integration for the smaller site (separated from settlements and CDA allocations) securing physical and environmental improvement (overall appearance of sites is greenfield) and spreading employment opportunities (no employment proposals). However, irrespective of this, we consider that the sites are unsuitable for allocation because of their important countryside role. The larger site could conceivably proceed as part of the Gavieside allocations but nothing was drawn to our attention which suggested

that this could be achieved satisfactorily, and appropriate separation between allocations, and allocations and settlements, maintained. We recognise that there is a successful rural business (a fishery) currently operating from the site but the concern of the objectors that the CDA proposals could result in possible closure is, in itself, insufficient justification for allocating the site, or a part of it, for housing or mixed use development. While the concerns expressed about the CDA proposals are understandable, we consider that WLLP recognises the possible effects and goes as far as it can in seeking to ameliorate them.

- 5.107 Drawing all these matters together, the allocation of the objection sites for housing or mixed use development could not be regarded as conforming to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.108 We have taken account of all the other matters, including the reference by the objectors to possible drainage problems, but find none that outweigh the considerations on which our conclusions are based.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

- 5.109 On a **preliminary matter**, we have considered this objection on the basis of the objectors' position that the site would be suitable for a development of 170 houses. Additionally, notwithstanding the arrangement of the settlement boundaries in the adopted Livingston and Calders Area Local Plans, we see little to support an approach which places the site half in and half out of CDA. The E&LSP key diagram is not entirely clear on whether the site should fall within or outwith the CDA boundary (and neither can it be). Given that the objectors seek the residential allocation as an extension of the village of Polbeth, we have decided to treat the site as lying within the boundary of CDA. However, we fully accept that an equally compelling case can be made for placing the site outwith CDA. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a non-strategic proposal such as put forward in this case. In coming to this view, we believe that it is relevant to take into account that the site is relatively small when compared to both the extensive development in the surrounding area and the large scale strategic allocations proposed in E&LSP. We also do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. However, we acknowledge that the level of non-strategic allocations in CDA cannot be excessive.
- 5.110 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). As well as the objectors interest in the site, the Woodlands Trust have an interest in 3 tree belts, but the indications are that this is not an impediment to the proposals. Regarding infrastructure, we note WLC's concerns about the capacity of schools throughout West Lothian. However, in terms of the schools that would serve the objection site, there are options that could be considered, if necessary, to allow the proposal to be accommodated. Additionally, we are aware that significant further school provision is proposed as a result of the CDA developments in the wider area and

that circumstances could well change over the considerable length of time that development is proposed. Furthermore, it is probable that not all allocated housing sites in WLLP would be developed, and there is also a possibility of phasing. The proposals would not generate a large number of pupils at any school, and it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available without undue disruption, even when account is taken of the other small housing releases recommended. We do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable. We also do not consider that the strategic allocations would have to be cut back to accommodate the site, or that an allocation would have an undermining effect on WLLP's strategy. In this case, we therefore do not regard educational infrastructure as being a barrier to the development of the objection site for housing. Subject to E&LSP policy HOU5, we believe that the site would be likely to come forward for development prior to 2012.

- 5.111 The site is an area of greenfield, open ground, situated between the village of Polbeth and Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in or on the edge of the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site contributes to the space between Livingston and Polbeth. However, it is separated from the countryside to the north and south by the A71 and railway line respectively. We therefore consider that its contribution to the character and amenity of the countryside at this location is limited. WLC have accepted the principle of development on the site by allocating it for employment purposes in both the adopted local plan and WLLP. We believe that this allocation renders the countryside belt allocation that they have also applied to the site, ineffectual. In the adopted local plans, the settlement boundaries of Livingston and Polbeth are joined together. The drawing back of the boundaries in WLLP to exclude the objection site would not alter the fact that its development for either industry or housing would draw the 2 settlements close together. The tree belt to the east of the site, while a valuable feature, is not in itself an effective gap and could not be regarded as properly separating the 2 settlements. It appears to us that in allocating the site for employment purposes, the intention was to maintain the impression of space between Livingston and Polbeth through a combination of the tree belts in the area, the spacious grounds around the adjacent West Calder High School, and setting any development well back from the A71. We see no reason why the same principles could not be applied to a housing development on the site. In the circumstances of this case, we therefore do not consider that the allocation of the site for housing should be resisted on the grounds of landscape or coalescence.
- 5.112 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider that the types of proposal put forward by the objectors constitutes a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness

above. In relation to transportation, we accept that the site is not within walking distance of a railway station, but we believe that it has reasonable road and bus links to 2 (West Calder and South Livingston). The proposals to increase the number and frequency of trains on this line could make the use of the train for residents more attractive. The southernmost part of the site would be more than 400m from a bus stop, but we consider that it would be possible to consider an adjustment to the stop's location. In any event, we do not believe the walking distance to the bus stop to be unreasonable. Any development would benefit from a good bus service, albeit that the express service to Edinburgh is limited. As a part of CDA, there are proposals to extend the Fastlink out to West Calder and improve the park and ride at West Calder Railway Station, and this would be beneficial to residents. We accept that Polbeth is dependent to a large extent on shopping, employment, cultural, and some educational facilities elsewhere, but it is reasonably well located for both West Calder and Livingston, the latter of which contains a wide range of facilities. Polbeth is a recognised settlement in WLLP, and we believe that the objection site represents an appropriate opportunity for housing development. Many of WLC's concerns about the site's accessibility would also apply if it was to be developed for employment purposes. We do not consider that the inclusion of a housing allocation for the site in WLLP would be undermined by the terms of E&LSP policy HOU8. Although there is a prospect that children may have to be transported to some of the schools, we note that this already applies to the village and to other villages in the catchment areas of the schools involved, and do not consider that it outweighs other factors. We also note that there is likely to be some bussing of children from the CDA allocations to local schools.

- 5.113 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, we are satisfied that the use that would be made of both existing and proposed infrastructure would not undermine a residential allocation on this site. Regarding the 4th aim, we believe that the loss of this site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, and an approach based on the objectors' indicative masterplan, we do not consider that the impact would be likely to be unacceptable.
- 5.114 Although not strictly relevant, for completeness, we have considered the proposal against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston (well sited) and transportation (reasonably accessible to good bus services, 2 railway stations, 2 park and rides, and the proposed extension to Fastlink). Others would not be met so easily e.g. securing physical and environmental improvement (open ground). However, we do not consider that the site could be clearly rejected because of any failures against the objectives, and we believe that a residential allocation can be justified for the reasons outlined above.
- 5.115 Turning to the loss of **employment land**, we note that there is a substantial supply of employment land in West Lothian (see chapter 1.4). There is also no

shortage of units available in the local area, including at Brucefield Industrial Park, where the vacancy rate is currently running at 30-40%. Even if there was a significant upturn in demand, it would be unlikely that there would be a shortfall, and that includes taking account of WLC's view that current availability is restricted. WLC highlighted an increasing demand for owner occupation of smaller sites, but there was no indication of a shortfall in this more limited market either, which appears to be predominantly catered for by the public sector. We accept that the site has been marketed for several years, albeit not particularly vigorously, and that there has been a lack of interest. It has also been allocated for employment purposes since 1995/96. We also note that the site is poorly located in relation to the strategic road network, being outwith the M8 corridor. Although it is on the A71, the site is on the west side of Livingston rather than the Edinburgh side, which makes it less attractive. Moreover, the site is constrained by the need to retain the tree belt to the A71 and the requirement for buildings to be well set back (which affects visibility). Improvements to the accessibility of this area by road are proposed, but other sites (both existing and proposed) would be better connected, and the improvement for this site would not be so significant. WLC expressed their concern that the site was only available on a leasehold/joint venture basis. While this was undoubtedly the preference, the objectors explained that opportunities for the development of the site would be considered on any basis. Our concern is that WLC's expectations for the site, as explained at the inquiry, are unrealistic. We do not accept that the level of inquiries taken by WLC is a true indicator of the level of market demand. In all the circumstances, we do not consider that the objection site could justifiably be retained in WLLP on the basis that it is required for employment purposes. In this event, WLC would prefer to see the site allocated as countryside belt. However, we do not consider this to be appropriate given that it is very much urban fringe in nature and separated from the more extensive areas of countryside around about.

- 5.116 The proposed indicative masterplan showed a sports pitch, changing facilities and car parking in the north western corner of the site. The objectors also raised the possibility of West Calder High School extending on to the objection site. While WLC's initial reaction was to reject both proposals, it appears to us that both would warrant, at the very least, further discussion and exploration. The north western corner of the site is also within the notifiable zone of the ethylene pipeline running to the west of West Calder High School. Although there was nothing in the evidence which indicated that this would prevent a housing development on site, it is clearly a factor to be taken into account. WLLP Appendix 5.1 indicates that the northern part of the site should be the subject of a flood risk assessment, and this should be a requirement of any housing allocation. There was nothing to suggest that the adjacent industrial estate would limit the potential of the site to be developed for housing.
- 5.117 Drawing all these matters together, we consider that a residential allocation for 170 houses on the objection site along the lines outlined below can be regarded as conforming to E&LSP and that this is supported by other considerations.
- 5.118 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 17 – Omission of land at Livingston and Almond Valley CDA (West Livingston)

- 5.119 We have considered the objections made to the Livingston and Almond Valley CDA (West Livingston allocations) in chapter 2.2. Many of our conclusions in relation to effectiveness, landscaping matters, E&LSP, and the key objectives of WLLP apply to the additions proposed here. In relation to the specific points made at this session of the inquiry, we note that the 3 sites fall within the CDA masterplan boundary, with the exception of a small area to the west of Gavieside, which WLC now propose to include. This means that the sites can be used to help the CDA development integrate into its surroundings, through e.g. landscaping, as well as contributing to the creation of an appropriate edge. Indeed, these possibilities are envisaged in WLLP Appendix 7.1, where it sets out requirements for the enhancement of river corridors and new greenways for West Calder Burn and the Breich Water. In light of this, there would be no need to include the 3 sites within the CDA allocations in order to secure an appropriate landscape treatment. Additionally, we would be particularly concerned at extending the Gavieside allocation to the south east because it would narrow the countryside gap with Polbeth, which has an important role in linking the wedge of countryside to the east with the more extensive areas of countryside to the west. It would also be inappropriate to extend the Cleugh Brae allocation up to the line of the proposed road, when that line has not yet been fixed. Furthermore, and more importantly, it has not been properly demonstrated that the allocations in this part of CDA are constrained and that their extension would be necessary to provide the flexibility to accommodate the level of development proposed in WLLP. We do not consider the comparisons drawn with the Calderwood allocations in the eastern part of CDA to be particularly helpful in this regard. In the circumstances, we do not consider it appropriate to include the 3 sites within the CDA mixed used allocations in WLLP. Our view is not altered by the fact that the extensions are small in scale, and that their allocation would not challenge the strategy being followed.
- 5.120 Drawing these matters together, in the absence of justification, the 3 extensions proposed to the West Livingston CDA could not be regarded as conforming to E&LSP, and we do not believe that other considerations point towards their reasonable addition to the CDA allocations in WLLP. However, we accept that it would be appropriate to include all of the proposed western extension of the Gavieside CDA allocation in the masterplan boundary as proposed by WLC.
- 5.121 We have taken account of all the other matters, including the original proposals for this part of CDA which we note were only indicative and “broad brush”, but find none that outweigh the considerations on which our conclusions are based.

Sites 18 and 19 – Station Road, Addiewell

- 5.122 On **preliminary matters**, we have treated the sites as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP’s key diagram and supporting text, and it would be possible to make a reasonable case either way. We note that the sites are included within a much larger proposal, covering 110ha and 1000 houses, lodged with WLC at the time they were selecting the

CDA allocations. WLC did not select this larger site but indicated that they would look further at Addiewell in co-operation with the promoters, with the possibility of bringing Addiewell forward as a longer term proposal. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for smaller, non-strategic sites such as these. Additionally, we do not see the sites as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the sites, but acknowledge that, in general, the level of such allocations cannot be excessive.

5.123 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We have no doubts that site 18 is not effective, given the full investigations that have yet to be undertaken into the physical and contamination constraints affecting it. We have no specific evidence on the effectiveness of site 19, but are concerned that it could be similarly constrained. We also have concerns about the marketability of sites in this area, although we are encouraged that a number of housebuilders have expressed an interest in site 18. The accessibility report for site 18 indicates that the development would comprise around 100 to 120 houses, and we believe this to be a realistic estimate. We have no evidence on the capacity of site 19, but believe that the number of houses that it could accommodate would likely be smaller. Given our doubts about the effectiveness of the sites, we consider that they could only be developed in the longer term.

5.124 Given that both sites form part of a larger employment designation, have been in industrial use, and are part brownfield, we do not consider the **Lothians Landscape Character Assessment** to be relevant in this case. We also believe it unnecessary to consider the effect of the loss of the sites on the character and amenity of the countryside, and the landscape setting of Addiewell. We note that **SPP3** encourages the development of brownfield sites. While the allocation of the sites for housing would result in a loss of **employment land**, we note that there is a substantial supply of such land in West Lothian. We note WLC's concern about the limited amount of land available for open storage but, in the absence of any great demand for such sites being drawn to our attention, we cannot conclude that the supply of this type of land is insufficient. Within the context of the overall supply available, we suspect that WLC are likely to have a sufficient supply to amply cover any requirements that may arise, even if these 2 sites are lost to the supply. We also note that site 18 has been marketed, and that no interest has been shown from any potential employment users, including those requiring open storage space. In the circumstances, we do not consider that the sites could justifiably be retained in WLLP on the basis that they are required for employment purposes.

5.125 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we do not consider the proposals put forward constitute strategic releases as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in these cases. We have dealt with effectiveness above. In relation to transportation, the sites are adjacent to a railway station, and close to bus services and the A71. We therefore believe that links to the main centres of employment and retailing would be satisfactory. Local facilities in the village would also be reasonably close, including the primary school. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the sites are outwith the green belt. Regarding the 2nd aim, the sites are on a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, the sites would make use of both existing and proposed infrastructure, and we believe that there is a prospect that this would be an efficient use of infrastructure. Regarding the 4th aim, the impact of the proposals would not be environmentally unacceptable. Indeed, the proposals involve the development of unattractive brownfield land, and would be likely to result in an environmental improvement.

5.126 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. protecting areas of special heritage value (brownfield sites), promoting redevelopment of brownfield and contaminated land, and integration (with Addiewell). Others would not be met so easily e.g. capitalising on major employment areas in west Edinburgh (poorly sited), and capitalising on the growth of Livingston (poorly sited). The sites are ones which national and strategic guidance would encourage for development, and we are satisfied that their development would be in keeping with the character of the settlement and local area. However, we do not consider that they should be allocated for housing in WLLP at this stage given our concerns about their effectiveness, and whether they represent a reasonably realistic development opportunity. We also note (based on the 2004 report on the preferred development strategy and the objectors' submissions) that WLC appear to be considering the possibility of bringing forward a longer term development opportunity at Addiewell. We have little evidence about this proposal and its progress, and we are therefore uncertain about the accurate position, including how it relates to the prison which is to be developed (WLLP policy COM15). If this wider longer term proposal is being progressed, we believe it best if the 2 objections sites were to be incorporated into it, rather than proceeding independently on a piecemeal basis. This would allow the opportunity to consider the sites within the context of the overall development of the village and for further assessments to be undertaken of the constraints affecting them. Failing this, we believe that the sites should be considered further for housing at a future review of WLLP once more detailed information on the likely timescales within which they could be developed is available. While we have considered the possibility of recommending that the sites be highlighted in WLLP as part of a longer term development opportunity being considered by WLC, we have decided against this course of action given our lack of information. For the time being, and in the absence of a better alternative, we believe it best if the sites remain covered by an employment designation.

- 5.127 Drawing all these matters together, at this point in time, we do not consider that the allocation of the objection sites for housing could be regarded as conforming to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.
- 5.128 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 20 – Muirhousedykes Mains, Addiewell

- 5.129 On a **preliminary matter**, we have treated the site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram, and it would be possible to make a reasonable case either way. While within the CDA boundary there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a much smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, as developments of this scale, even taken together, would generate only a very small number of pupils, it seems to us that there must be sufficient educational capacity to absorb them in the infrastructure available. We therefore do not regard educational provision as an obstacle to the effectiveness of this site, but acknowledge that, in general, the level of such allocations cannot be excessive.
- 5.130 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We accept that educational capacity would be unlikely to represent a constraint on the site. However, while the objectors claimed that the site was effective and immediately capable of development, we did not have all the information required to allow us to draw full conclusions. The capacity of the site would be limited and, as such, we accept that it could probably be delivered relatively quickly.
- 5.131 The site is in countryside, on the edge of Addiewell. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. In a small way, the site at present contributes to these 3 elements. Although it could possibly accommodate some housing without having a significant adverse impact on the area of special landscape control, we see no great advantage in landscape terms in allocating the site in WLLP, including no significant benefits to the identity, form or edge of Addiewell. We acknowledge that housing has been built on the opposite side of Loganlea Road from the appeal site, but do not regard the objection site as an obvious residential allocation. This remains the case even though the site is not classified on the Soil Survey map showing the Land Capability for Agriculture. While planning permission has previously been granted for housing on site, it is time expired and amounts to no more than a factor to be taken into account.

- 5.132 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although the site is clearly not a strategic release, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance in this case. We have dealt with effectiveness above. In relation to transportation, the site is adjacent to a bus route, and close to a railway station and to the A71. Local facilities would also be reasonably close. E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and would appear to have reasonable access to bus based public transport. On the 3rd aim, the site would make use of both existing and proposed infrastructure and, given that any impact would be very small scale, we do not consider that any noticeable inefficiencies would arise. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, we do not consider that the impact need necessarily be unacceptable, although we are concerned about the weak nature of the western and northern boundaries of the site.
- 5.133 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. integration (with Addiewell). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield site). While we do not consider that the site could be clearly rejected because of any failures against the objectives, and its allocation would not be out of keeping with the settlement's character, we are not persuaded that there is a sufficient basis to justify the release of this greenfield site. It has also not been demonstrated that there is a need to consider allocating additional land in Addiewell under E&LSP policy HOU9(a). An allocation of this small scale could not be justified on the basis that it was necessary to support the existing settlement, and we do not therefore consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. Overall, we are not persuaded that further allocations require to be made in this settlement at this stage.
- 5.134 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.135 We have taken account of all the other matters, including the objectors' contention that the site could not be used as a viable agricultural unit and was incapable therefore of reasonably beneficial use, but find none that outweigh the considerations on which our conclusions are based.

Sites 21 and 22 – Murieston, Livingston

- 5.136 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new

secondary schools, primary schools, road improvements, and drainage infrastructure. If site 21 was to be allocated as a reserve site and was required, it would be reliant on new infrastructure in much the same way as the CDA sites allocated in WLLP. Given that the infrastructure required to bring the site forward is unknown at this very early stage, we are in no doubt that it is constrained, and not yet effective. Most notably, there are issues over transportation and education. We accept that this would be a strategic site, and that it is possible that the issues could be resolved over time. However, it is not clear to us from the evidence what steps are required to enable the site to become effective. In the circumstances, we cannot find that it would be capable of becoming effective over the E&LSP period, or that it would be able to deliver any houses by the end of the period.

5.137 The site is in an area of countryside stretching out to the south and south west of Livingston. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. The site at present contributes to these 3 elements. Development of an undefined, large site in an area stretching from Oakbank Park in the east to the ethylene gas pipeline in the west would have a material effect on the area and would constitute a significant extension of Livingston. The site is greenfield. It is well contained to the east (Oakbank Park and trees by the Almond and Linhouse Valleys AGLV) and to the south (a railway line). Although the ethylene pipeline is an undefined feature in the landscape, we accept that it would form a reasonable boundary to the west if supplemented by structure planting. While attractive, the landscape appears unremarkable, and the most sensitive area (the AGLV) falls outwith the proposed allocation. We accept that the proposals would amount to a planned extension of Livingston and, within this context, we believe that it should be possible to design a scheme which integrated well with the built-up area and continued to respect the town's landscape setting. Nonetheless, if not required for strategic purposes, the site's current allocations in WLLP of countryside belt and nationally important safeguarded employment land are appropriate, given the contribution it makes to the setting of Livingston and its part identification in SSP2 as a high amenity employment site. While a small area of the site comprises class 3.1 prime agricultural land, given our conclusions elsewhere in this report (see chapter 2.2), this would not be a barrier to it coming forward.

5.138 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is outwith the area covered by the designation. Regarding the 5th matter (range of sites), the site would add to the range provided. However, we are satisfied that, even without this site being allocated, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), it is not clear if the site could be accommodated within an appropriate sequence of releases. Regarding the 4th matter (transportation), we accept that the site is not too far away (2-3km) from South Livingston Railway Station. It is also likely

- that bus services would be enhanced. While it is proposed that a transportation strategy be prepared, we note that there are issues over pedestrian accessibility to facilities and the impact of traffic on the road network.
- 5.139 E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, at this stage, we cannot conclude that this would be efficient or that adequate provision could be made. Regarding the 4th aim, we believe that the loss of a site such as this would almost inevitably result in some adverse environmental impact. However, with mitigation measures, based on a masterplan approach, we do not consider that the impact would be likely to be unacceptable.
- 5.140 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to capitalising on the growth of Livingston and major employment areas (well sited), and spreading the environmental impact (introducing development at another location). Others would not be met or not completely, e.g. securing physical and environmental improvement (greenfield site) and transportation (issues to be resolved). The objectives identified at an earlier stage relating to development containment and coalescence would not undermine the site coming forward. However, we do not consider that it has been demonstrated that the site is suitable either for identification as a strategic reserve or as a possible mixed use opportunity. The objectors see the site as coming forward in the event of a failure in the 5 year effective housing land supply. While we accept that it is appropriate to look at future options, E&LSP sets out the measures to be taken in the event of a shortfall in housing land and makes no provision requiring the allocation of strategic reserves. Additionally, we note that the strategic allocations made in WLLP are restricted by a general cap, and that they are projected to deliver significant numbers of houses post 2015, up to the mid 2020s. Overall, we are satisfied therefore that sufficient consideration has been given to future options and the longer term, and that it is unnecessary to make further provision through allocating strategic reserves. In any event, even if the allocation of a strategic reserve was desirable, it has not been shown in this case that the site would be able to deliver the required level of development within appropriate timescales. Furthermore, we can see no advantage in encouraging this site to come forward in place of the allocated CDA sites, and it would be for future development plans to consider the most appropriate locations for growth. In the circumstances, we can see no proper basis for including this site as either a strategic mixed use reserve or possible mixed use opportunity in WLLP. We also see no reason to amend WLLP policy EM3 to require the safeguarded employment land to be brought forward to satisfy strategic demand in the event of a shortfall in CDAs.
- 5.141 Site 22 forms a small part of the above site. The proposal for housing is therefore also of a much smaller scale. Much of the above applies to this site, but there are a number of specific points to consider. While acknowledging the general cap on the number of allocations in CDA (5000), for the reasons set out in chapter 1.1,

we do not necessarily see this as a barrier to a housing allocation for a relatively smaller, non-strategic site such as this. Additionally, we do not see the site as being constrained in the same way as the larger sites seeking to replace the CDA allocations. In particular, given that developments of this scale would likely generate much smaller numbers of pupils, it seems to us that there must be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available. If necessary, phasing could be considered. We therefore do not regard educational provision as an obstacle to the effectiveness of the site, but acknowledge, in general, the level of such allocations cannot be excessive.

5.142 Notwithstanding our views on educational infrastructure, in the absence of further information, we are unable to draw conclusions on the full effectiveness of the site, its possible capacity, and the timescale within which it could be developed. While allocating the site for housing would represent a continuation of the eastward direction of development along the southern side of Murieston Road and would not result in any coalescence, we note that the southern part of the site is safeguarded as a high amenity Proven Employment Site of National Importance, which is recognised in SPP2. Although this safeguarding could be (and in our view is likely to be) reviewed, this is not proposed at the current time. In the absence of a proper justification, we consider it inappropriate to adjust the boundaries of the safeguarded site to accommodate this proposed allocation. Additionally, we see no great advantage in bringing this site forward for housing. It is greenfield, and the southern edge is a field boundary which, in itself, is not well contained. It would also not be a rounding off of the settlement. An allocation could not be justified on the basis that it was necessary to support the existing settlement, and we do not therefore consider that the proposals would be consistent with the intentions underlying E&LSP policy HOU8. In the circumstances, we do not consider that the release of this site can be justified at this time.

5.143 Drawing all these matters together, allocating objection site 21 as a strategic mixed use reserve or possible mixed use opportunity and objection site 22 for housing would not conform to E&LSP and we do not believe that other considerations point towards their justifiable inclusion within WLLP.

5.144 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend (*changes in italics*):

Site 2 – South of Station Road, Kirknewton

(i) that site 2 be allocated for housing on the WLLP Proposals Map as an extension to HKn9, with a gross site area of 2ha, subject to satisfactory provision being made for defensible boundary treatments. The full extent of the site should be that shown on figure 4 of the objectors' submissions to the inquiry. WLLP Appendix 6.1 requires to be modified to accommodate the site, with the capacity

being indicated as 30 houses.

Site 7 – Land at Wilkieston

(ii) that a site be allocated for housing in the grounds of Linburn, Wilkieston (site 7), subject to satisfactory provision being made for vehicular access from the existing western access point. The site should be defined as follows: the western boundary should follow the westernmost line of the existing houses immediately to the south of the A71 at Linburn Park; the southern boundary should follow the southernmost line of the walled garden and the workshops; and the eastern boundary should follow the easternmost line of the bowling green and the existing houses on the north side of the A71 at Orchardfield Terrace. WLLP Appendix 6.1 should be adjusted to accommodate the site, with the capacity being indicated as 50 houses and a requirement being stated under “strategic planning” for the preparation of a design/planning brief, which should also cover those areas to the south and east of the allocated site which are not to be developed.

Site 14 – Freeport Retail Village, by West Calder

(iii) that at site 14, WLLP be adjusted to recognise the possibility of a small enabling housing development on the following basis:

(a) that the final sentence of WLLP paragraph 3.103 be deleted and a new paragraph inserted after paragraph 3.105, as follows:

“3.105a A very low density housing development of no more than 30 houses, meriting a rural location and confined to the development envelope of the factory outlet centre, will be considered if it enables an appropriate mixed use scheme to be put in place. The developer would be required to demonstrate that housing was required to enable the other uses. A planning brief will be prepared for the site, and consultation on its terms will be undertaken with the local community.”

(b) that the 3rd sentence of paragraph 3.104 be modified, as follows:

“...Key to any reuse or redevelopment will be: to respect the setting provided by the 5 Sisters Bing, a scheduled ancient monument; to maintain the site’s setting within an area of special landscape control; and to address the site’s relative inaccessibility and the need for an appropriate landscape treatment.”

(c) that WLLP policy ENV38 be modified, as follows:

“The redevelopment, or re-use, of Westwood, near West Calder, previously operating as a factory outlet centre, is supported by WLC. Leisure and tourist use, specialised employment, starter units (class 4), or institutional uses appropriate to a rural location will be supported. Some element of new or extended building outwith the development envelope on site and/or housing (very low density and a maximum of 30 houses

meriting a rural location, all confined to the development envelope) will be considered, where this is shown to be necessary in terms of the financial viability of an appropriate scheme. The guiding principles that will apply to the site are:...

the setting and scale of any development must respect the location of the site within an area of special landscape control;

any redevelopment, new buildings or extensions must not be higher...

...development, redevelopment or reuse must specifically promote both the principles of sustainable transportation, by including proposals that support the use of public transport, walking and cycling, and the appropriate landscape treatment of the site.

(d) that WLLP Appendix 6.1 be modified to accommodate the site, with the capacity being indicated as 30 houses and requirements being stated under “strategic planning” for the preparation of a planning brief for the site and for any housing development to comply with policy ENV38.

Site 16 – Brucefield Industrial Park, Limefield, Livingston

(iv) that site 16 be allocated for housing on the WLLP Proposals Map, and that the employment and countryside belt allocations be deleted. WLLP Appendix 6.1 requires to be modified to accommodate the site, with the capacity being indicated as 170 houses and requirements being stated under “strategic planning”, for the retention of the tree belts on site and the setting back of any buildings from the A71 and, under “flood risk”, for a flood risk assessment to be carried out in regard to development associated with the site.

Other matters

(v) that in relation to the level crossing at Kirknewton, the last sentence of WLLP paragraph 8.55 be modified, as follows:

“...While WLC supports this only on the basis that Kirknewton retains 2 fully operational access points, they acknowledge that there is a safety issue at the level crossing and that urgent action requires to be taken. If a more suitably funded solution cannot be brought forward, it will be necessary to introduce a full barrier system.”; and

(vi) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

2.6 Armadale CDA (proposed sites)

Representation nos:

7164/1-/5, 7165/1-/3, 7165/5-/6, 7165/8, 7207/1, 7298/1, 7357/1, 7498/4, 7498/5, 7558/1, 9879/1, 9880/1.

Objectors appearing at Inquiry:

Mr and Mrs Slattery
W Jones (Glasgow) Ltd
Woodhead Development Ltd
(+ written submissions)

Inquiry references:

CDA1a: Bridgecastle Golf Course
CDA1b/c: Omission of land at Colinshiel
CDA1b/c: Omission of land at Standhill
WS188: Land north of Colinshiel

1. BACKGROUND

- 1.1 Objections were lodged to WLLP by 9 parties covering 3 sites in the Armadale CDA. This chapter concerns the proposals (mainly housing) put forward for the sites. The background to the emergence of CDA is outlined in chapters 1.1 and 2.3. The details of Armadale are also provided in chapter 2.3.
- 1.2 The descriptions of the objection sites are, as follows:

Site 1: Bridgecastle Golf Club, Armadale

The objection site is situated on the northern edge of Armadale in between the B8084 and Bridgecastle Road, a minor road. It comprises part of a 9/10 hole golf course, which recently closed. The site is of an irregular shape, overgrown, and extends to around 3ha. It contains a house at its southern tip. There is also housing on the opposite (western) side of Bridgecastle Road, and countryside and farmland along the other boundaries, including a lowland crofting area. Another golf course had existed to the north east of the site between the 1st World War and 1927. The eastern part of the site is a mix of class 3.1 and class 4.1 on the Soil Survey map showing the Land Capability for Agriculture, and the western part of the site is unclassified. In WLLP, the site is shown as being outwith the settlement boundary, and the area to the north is designated as part of the Barbauchlaw Glen Area of Special Landscape Control.

Site 2: Omission of land at Colinshiel and Standhill (Armadale CDA)

The allocations which comprise the Armadale CDA, including Colinshiel and Standhill are described in chapter 2.3, and they apply here as well. The objections proposed extensions to both Colinshiel and Standhill. At Colinshiel, the area to the east of the allocations comprises woodland and farmland extending up to the A801. The land rises upwards towards the north. To the south of the proposed extension is the A89 and, on its western boundary, is a residential home and a modern housing estate. The

extension is a mix of class 3.1, class 3.2, and class 5.3 on the Soil Survey map showing the Land Capability for Agriculture. There is a woodland adjacent to the western boundary and pylons running north/south through the eastern part of the site. A constraints plan lodged by the objectors showed that development would be concentrated on the southern part of the site and in a narrow area immediately to the east of the woodland. In WLLP, the extension is designated as countryside belt. At Standhill, the area to the west of the allocations comprises gently undulating farmland, and includes a small woodland on the northern side of the A89. The extension is predominantly a mix of class 4.2 and class 5.3 on the Soil Survey map showing the Land Capability for Agriculture. Armadale Academy lies to the east of Standhill South. In WLLP, the extension is shown as being outwith the settlement.

Site 3: Land north of Colinshiel

The objection site lies between the northern edge of the CDA mixed use allocation at Colinshiel and the B8084. On the opposite side of the B8084, and to the west, lies Bridgecastle Golf Course and housing (the northernmost tip of Armadale). Beyond the mixed use allocations, to the south, lies the eastern part of Armadale and the A89. On the southern edge of the site is a minor road. To the east and north, there is countryside and the A801. The site is large and comprises gently undulating, open countryside. It is class 3.2 on the Soil Survey map showing the Land Capability for Agriculture. In WLLP, the site is shown as being outwith the settlement boundary.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the inclusion of the sites within the settlement boundary of Armadale, and their designation either for housing or mixed use.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1: Bridgecastle Golf Club, Armadale

- 3.1 Mr and Mrs Slattery believed that the settlement boundary for Armadale at Bridgecastle Golf Club should be retained in the same position as that in the adopted local plan, which was a line through the western part of the site running parallel to Bridgecastle Road. It should not be pulled back to omit a part of the golf course. The land had been included in the settlement boundary to allow WLC to promote it for housing. The 1992 Draft Bathgate Area Local Plan had identified the site as suitable for 20 houses. The site could reasonably accommodate housing, or it could potentially be developed for other purposes. There was a house already present on site, and there was nothing which tied it to the management of the golf course.

- 3.2 The site was within 10 minutes walking distance of the town centre, it could be

readily serviced, and it was close to public transport. Structure planting could be placed along the site's eastern boundary. Moving the settlement boundary in the manner proposed would result in the loss of a valuable business asset, which would affect the viability of the golf course. The course was reliant on investment by the owners to achieve any necessary changes. National guidance indicated that housing should be within or adjacent to existing settlements, and strategic guidance explained that greenfield sites were required to meet the demand for housing. Developments in East Lothian demonstrated that housing could be successfully incorporated into golf courses. The layout of this golf course could be easily adjusted to accommodate a housing development. The aspirations WLC had previously held for the site were similar to those now held by the objectors. In other locations, WLC had carried over sites regarded as suitable for development in adopted local plans into WLLP. WLC's processes had not been transparent and could not be properly scrutinised.

Site 2: Omission of land at Colinshiel (Armadale CDA)

- 3.3 The undisputed maximum capacity of Colinshiel and Standhill was 650 houses, a shortfall of 350 houses on the minimum target of 1000 houses for CDA by 2017. The CDA allocations in the south of Armadale would not be able to make up the shortfall because they were difficult sites where industries still operated and legal difficulties had to be resolved. Additionally, a primary school had to be secured before development could commence, and a railway station, associated parking, and other significant infrastructure provided. From a WLC report in 2004, the division of houses between Colinshiel(600) and Standhill(200) was clear. Subsequently, the number of houses to be accommodated at Standhill had been increased to 400 and, at Colinshiel, the number had decreased to 250. There was therefore a minimum shortfall of 150 houses.
- 3.4 In order to achieve the E&LSP targets for development in Armadale and provide the educational infrastructure, additional flexibility was required in the allocations at Colinshiel and Standhill, beyond the additions already made. The masterplanning of the allocations in the southern part of CDA was much further behind and more complex. The shortfall (between 150 and 350 houses) should be made up at Colinshiel. The full housing supply at Armadale was required to fund the new Armadale Academy and the 3 new primary schools. Extensive ground investigations had revealed areas of constraint at Colinshiel. An appropriate development envelope which would be screened and would provide a landscape setting to Armadale could be provided. The pylons, woodland and restricted northern boundary would secure Armadale's long term urban edge. Access could be provided either at the roundabout on the A801 or further west. The extension sought at Colinshiel was effective in terms of PAN38, and its capacity was about 140 houses. If Colinshiel could not provide the required number of houses, Standhill could be extended, with a new urban edge created further to the west. The site was effective. There was no doubt that additional effective and deliverable development land was required to augment the land supply.

Site 3: Land north of Colinshiel

- 3.5 The objectors wished to see the CDA mixed use allocation at the northern edge of

Armadale expanded. A Landscape and Visual Appraisal and Transportation Statement had been prepared to support the proposal. The former concluded that the site had the landscape capacity to accommodate housing development. The latter found that the site could be effectively linked into the existing road and pedestrian network without any significant traffic problems. The objectors believed that the allocations to the south of Armadale were constrained by ground conditions and ownership difficulties.

4. SUMMARY OF CASE FOR WLC AND SUPPORTERS

Site 1: Bridgecastle Golf Club, Armadale

4.1 Substantial areas of land had been allocated for mixed use purposes in Armadale, and no more could be allocated under E&LSP. There was also no basis for allocating further “reserve land.” WLLP allocated sites which could accommodate around 2850 houses. There was no basis for retaining part of the golf course within the settlement boundary. The natural and rational settlement boundary was Bridgecastle Road as identified in WLLP. There were 11 golf courses in West Lothian. Of these, 3 were in settlement boundaries for reasons which did not apply to the objection site. There would be no guarantee that any financial benefit gained from the development of the site would be spent, in whole or part, on the golf course. The financial security of individuals and golf courses was not a relevant planning consideration in defining a settlement boundary. The objection site was a part of the golf course, and it had consistently been identified as lying outwith the settlement boundary in earlier versions of WLLP. The development of the objection site for housing had been dismissed at appeal and held to be contrary to the adopted local plan. The objectors were not being disadvantaged because of WLC’s decision to remove the site from the settlement.

4.2 The site was not suitable for housing. It was remote from the proposed railway station, and did not have potential for good access by bus based public transport. It was not within easy walking distance of the proposed employment area, and its development would be detrimental to the area’s open character. Additionally, the site contributed to the setting and visual amenity of this part of Armadale. If the site was allocated for development, it would be difficult to resist pressures to develop other parts of the golf course. There was no support for development of it in national guidance or advice. WLC’s strategies on indoor sports facilities, outdoor recreational facilities and open space considered golf courses. Two new courses were proposed in West Lothian and an extension to one at Pumpherston. There was no basis for changing WLLP.

Site 2: Omission of land at Colinshiel (Armadale CDA)

4.3 There was no requirement in E&LSP or WLLP to allocate 600 houses at Colinshiel. E&LSP set out the levels of allocations to be made in CDA, and WLLP identified 6 sites to meet the requirement. The total CDA mixed use allocations extended to 137ha, and only 60% of these were required to achieve the target of 2070 houses (at a density of 25 houses per ha). WLC had already

increased the size of the allocations at Colinshiel by 8ha because it had been discovered that ground conditions were worse than expected. This also allowed woodland to form the eastern boundary of the allocations. Allocations were also increased at Standhill and the southern part of Armadale in order to ensure that sufficient land was provided to deliver 2000 houses.

4.4 WLC expected Colinshiel to deliver 320 houses (including 70 on the HAm10 site). If the entire allocation was built out at 25 houses per ha, it would produce 775 houses. To achieve 320 houses, a little over 40% of the site was required. The principal problem at Colinshiel was peat. However, WLC were confident that the allocation was sufficiently large to provide 320 houses. This figure could be achieved even taking account of the objectors' estimate of the viable development area. Schools would be provided at Colinshiel and their playing fields could be placed on land unsuitable for building. The need to achieve the maximum number of houses in Armadale was not as great as in other CDAs because there was already the critical mass to support a secondary school. Additional allocations could cause problems with non-denominational secondary schools. WLC had concerns about vehicular access being taken from the roundabout and walking distances from parts of the proposed allocation to bus services. There were additional concerns about the reduction in the green gap between Armadale and Bathgate.

4.5 There was no need to allocate further land at Standhill because WLC had decided to develop the new Armadale Academy on the site of the existing Armadale Academy and playing fields. Outline planning permission had been granted for the new build secondary school in April 2006. Both Colinshiel and Standhill sites suffered from infrastructure constraints at this time.

Site 3: Land north of Colinshiel

4.6 The allocation of the site for mixed use was neither necessary nor appropriate. WLC had accepted a part of the objection by incorporating an additional area into Colinshiel on the south side of the minor road running along the southern boundary of the site. The site was in CDA, where allocations had been made to the maximum level allowed. The largest allocation was around the railway station to the south of Armadale. The allocations in that part of Armadale also secured the redevelopment of brownfield land. The site was in part included in WLC's preferred development strategy in April 2004, but was removed for the following reasons: an objection from SNH; it was unnecessary in securing a distributor road around the north eastern edge of Armadale; a decision to focus the allocations to the south of Armadale; and a decision to identify an additional mixed use area at Standhill. The allocations in WLLP had also been expanded to recognise the problems relating to ground conditions.

4.7 There was no support for the site's release in E&LSP. The site could only be allocated, if CDA was scaled back at other locations, which would result in an inferior development strategy. It would be more remote from the railway station than the CDA allocations, and it might not be possible to achieve a good level of bus based public transport. While the town centre would be reasonably accessible to pedestrians walking from the site, the proposed employment area to

the south of Armadale would not. Development of the site would be detrimental to the open and rural character of the area, and it would not be well contained. Provision had been made for a range of sites in CDA. There would be no spare school capacity to accommodate the development. The proposal would not deliver any additional community benefits.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether the alternative sites put forward conformed to E&LSP and whether any could be included justifiably in WLLP once all considerations had been taken into account.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level (a general cap of 2000 houses applies in this case). Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations in CDAs should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business. We now deal with each alternative site put forward in CDA.

Site 1: Bridgecastle Golf Club, Armadale

5.3 On **preliminary matters**, in line with the objectors' comments at the start of this session of the inquiry, we have focussed on their proposal to move the settlement boundary at the objection site back to the position shown in the adopted local plan. Within this context, we have also considered the potential for development of the area that would then be incorporated into the settlement, including the possibility of housing (the most likely development proposal). The site appears to be within CDA. If a housing allocation had been sought, for the reasons set out in chapter 1.1, we would not necessarily have seen the general cap of 2000 allocations as being a barrier for a smaller site such as this. Additionally, we would not have seen the site as being constrained in the same way as larger sites, but acknowledge that, in general, the level of such allocations could not be excessive.

- 5.4 There are 7 factors to be taken into account in deciding whether a housing site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). We note what the objectors say about the availability of services and infrastructure. However, we do not have all of the information required to draw full conclusions on effectiveness, and we are less certain about other matters, e.g. ground conditions. We are also uncertain about the number of houses that the site could accommodate, and we have no information on when (or if) it might become available.
- 5.5 The site has been used as a golf course, and lies in countryside on the edge of Armadale. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. At present, the site contributes to these 3 elements. We believe it likely that when WLC extended the settlement boundary at the objection site in the adopted local plan, they intended to promote the area included in the settlement boundary (the land to the east of Bridgecastle Road) for housing. This did not occur because of the development of the golf course which included the area taken into the settlement. As things stand, the objectors' proposal would mean a continuation of the settlement boundary being an undefined line across an open golf course. We find this to be unsatisfactory. We believe that Bridgecastle Road, a physical feature, represents a sensible and rational position for the settlement boundary, and would be far more acceptable. As can be seen from the 2005 appeal decision, an extended settlement boundary would not necessarily result in planning permission being granted for development. Any development of the affected part of the golf course would result in not only the loss of open space and countryside, but in its redesign. Based on the further submissions lodged, it appears to us that a reduction in its size would be likely to make the course rather cramped and less satisfactory. The area proposed for inclusion in the settlement is an important part of the golf course, and amounts to more than residual land. Extending the settlement to incorporate the entire golf course would also not provide a better or more logical boundary. While other courses may have been included in settlements in their entirety, we are not fully familiar with all of their circumstances, and we are satisfied that this would not be appropriate here. Indeed, we consider that WLLP correctly places the settlement boundary on Bridgecastle Road.
- 5.6 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. Although we would not consider the site to be a strategic release as such, we consider the 1st and 4th matters raised in the policy (effectiveness and transportation respectively) to be of relevance. We have dealt with effectiveness above. In relation to transportation, this site would be close to the proposed railway station on the southern side of Armadale, to bus services, and to local facilities, including schools. E&LSP paragraph 2.27 sets out 4 aims and objectives with which developments should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and would have access to bus based public transport. On the 3rd aim, although the site would make use of both existing and

proposed infrastructure, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that if the additional area incorporated into the settlement was to be lost to development at some stage, it would almost inevitably result in some adverse environmental impact. However, with mitigation measures, e.g. structure planting, we consider that the impact could probably be made acceptable.

- 5.7 Although not strictly relevant, for completeness, we have considered the proposals against the 11 key objectives identified for CDA allocations at **WLLP** paragraph 2.17. Some of these objectives would be met, e.g. those relating to transportation (close to public transport). Others would not be met so easily e.g. securing physical and environmental improvement (greenfield site and open space). While we do not consider that the site could be clearly rejected because of any failures against the objectives, we see no basis for preferring it to the CDA allocations. We accept that larger allocations can be delayed in coming forward and that development is planned over many years but, at this stage, we are not persuaded that further compensatory measures should be put in place in this settlement. We do not consider that the settlement boundary proposed by the objectors is an obvious one, and we are not persuaded that it could be justified on the grounds that the golf course would lose a valuable asset which could affect its viability. We see no good planning reason to unnecessarily extend the settlement boundary over an attractive area of open space and countryside.
- 5.8 Drawing all these matters together, the proposal to move the settlement boundary in order to accommodate part of an area of open space would not conform to the thrust of E&LSP and we also do not believe that other considerations justify the inclusion of such a change in WLLP.
- 5.9 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 2: Omission of land at Colinshiel (Armadale CDA)

- 5.10 We have considered the Armadale CDA allocations in chapter 2.3. Many of our conclusions in relation to effectiveness, landscaping matters, E&LSP, and the key objectives of WLLP apply to the additions proposed here. In relation to the specific points made at this session of the inquiry, we note that there is no requirement in either E&LSP or WLLP to achieve allocations of 600 houses at Colinshiel, 800 houses between Colinshiel and Standhill, or 1000 allocations in the north of Armadale. The requirement is to allocate a minimum of 1000 houses, and up to 2000, in CDA. At around 137ha, we consider the allocations large enough to accommodate the number of houses sought. At Colinshiel, there are problems with ground conditions (peat), but WLC are aware of that difficulty and have allocated additional land to compensate. We do not therefore consider that this warrants extending the allocation further east. Neither do we consider the presence of the high pressure gas pipeline warrants an extension. This all has to be placed in the context that WLC have been cautious in estimating the output from Colinshiel, and currently put it at 250 houses (320 houses including the HAM10 site). We accept that there are issues to be resolved in the allocations in the southern part of Armadale, but they have their own advantages (most notably

incorporating the railway station into the settlement), and it was not demonstrated that any difficulties would be such that they would justify extending the scale of allocations elsewhere. There was also little to support the contention that further flexibility was required in order to secure the necessary infrastructure. In the circumstances, we are not persuaded that the CDA mixed use allocations at either Colinshiel or Standhill should be extended to incorporate the objection sites. If further land is required in the future, we consider that the proposed extensions would justify closer examination, although we have some concerns about taking Armadale right up to the A801, and narrowing the green gap with Bathgate. Other issues, e.g. vehicular access at Colinshiel, would probably be capable of resolution.

- 5.11 The expansion of Standhill could no longer be justified on the grounds that the new Armadale Academy would intrude into the allocated area. The school is to be built on the site of the existing Armadale Academy and playing fields.
- 5.12 Drawing these matters together, extending the CDA allocations at Colinshiel and Standhill in the manner proposed could not be regarded as conforming to E&LSP, and we do not believe that other considerations point towards the justifiable inclusion of the 2 areas within WLLP in CDA.
- 5.13 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

Site 3: Land north of Colinshiel

- 5.14 There are 7 factors to be taken into account in deciding whether a site is **effective** or capable of becoming effective (ownership, physical, contamination, deficit funding, marketability, infrastructure, and land use). Development in this CDA is linked to the provision of significant items of infrastructure, including new secondary schools, primary schools, road improvements, and drainage infrastructure. If the site is to be allocated, it would be reliant on this infrastructure in the same way as the CDA sites allocated in WLLP. Given that the process of delivering the infrastructure is at a very early stage, we are in no doubt that the site is constrained at present, and not yet effective. The steps required to enable the site to become effective are readily identifiable and, if allocated, it would be in no different a position to the CDA allocations already made. In the circumstances, we do not consider that effectiveness is a barrier to the site's allocation. The timescale for development of the site would be constrained by the speed with which CDA developments come forward. We have no information on the overall capacity of the site, but we expect that it would be able to accommodate a large number of houses. In line with our conclusions on the Armadale allocations in chapter 2.3, we would not expect any output from this site prior to 2012/13. There is no information on the annual output.
- 5.15 The site is large and lies in attractive countryside on the edge of Armadale. In the **Lothians Landscape Character Assessment**, it is identified as being in the Lowland Plateaux, West Lothian Plateau, Landscape Character Type. **SPP3** looks to planning authorities to safeguard the character and amenity of the

countryside, and to respect the landscape settings of existing towns and villages. At present, the site contributes to these 3 elements. Development of the scale proposed would have a significant effect on this open greenfield area. Nonetheless, within the context that a large scale strategic allocation is required in CDA, nothing was drawn to our attention which would completely exclude the site from consideration for landscape reasons. While SNH expressed concern about an allocation here, we consider that the B8084 would represent a satisfactory boundary for the site and Armadale, and that a reasonable landscape framework could probably be put in place and allowed to develop prior to building works commencing. We have taken into account the fact that Armadale can already be seen in views from the north, and that a gateway entrance to the town could be formed. However, we find it equally acceptable for the northern edge of Armadale to run along the minor road as proposed in WLLP, and for this boundary to be supported by structural planting. We are satisfied that this would not leave the objection site as an isolated area of grassland because it links directly to the wider countryside. In the circumstances, we see no imperative landscape reasons which would require the settlement boundary proposed in WLLP to be moved northwards, and the mixed use allocation extended up to the B8084.

5.16 **E&LSP** policy HOU4 sets out 5 matters that local plans should address when identifying strategic housing allocations. We have dealt with the 1st matter (effectiveness) elsewhere in these conclusions. In relation to the 3rd matter (green belt), the site is not covered by the designation. Regarding the 5th matter (range of sites), if allocated, the site would add to the range provided. However, we are satisfied that, even without this site, there is likely to be a sufficient range of opportunities coming forward to allow an adequate level of choice within CDA as a whole. On the 2nd matter (sequence for release), we see no reason why the site could not be accommodated within an appropriate sequence. Indeed, at an earlier stage, WLC had included the site as a possible allocation. In relation to the 4th matter (transportation), this site would be close to the proposed railway station on the southern side of Armadale, to bus services, and to local facilities. In particular, we believe it could benefit from the distributor road proposed around the eastern side of Armadale. E&LSP paragraph 2.27 sets out 4 aims and objectives with which developments should conform. The 1st aim relating to the green belt is not relevant. Regarding the 2nd aim, in broad terms, the site is on a rail corridor, and would have access to bus based public transport. On the 3rd aim, although the site would make use of both existing and proposed infrastructure, given the lack of evidence, we cannot conclude at this stage that this would be efficient. Regarding the 4th aim, we believe that the loss of such a site would almost inevitably result in some adverse environmental impact. However, with mitigation measures, e.g. the implementation of a landscape framework, we consider that the impact could probably be made acceptable.

5.17 **WLLP** identifies 11 key objectives for CDA allocations at paragraph 2.17. Some of these objectives would be met, e.g. those relating to transportation (close to public transport) and integration (with the allocated mix use area at Colinshiel). Others would not be met or not completely, e.g. securing physical and environmental improvement (greenfield site), and capitalising on employment opportunities to the west of Edinburgh and the growth of Livingston (Armadale is

in the western most part of the WLLP area). The objectives identified at an earlier stage relating to coalescence and development containment would not undermine the site's allocation. Overall, while we do not consider that the site could be clearly rejected because of failures against the objectives, we do not believe that the benefits it offers are such that it requires to be allocated. The allocations made in WLLP offer their own benefits (see chapter 2.3). As allocations in CDA are restricted by a general cap, the objection site could not be an additional allocation in CDA. Instead, the site would have to come forward as part of a reduction in the allocations made, and we see no compelling reason to break them up as they are proposed in WLLP. We are unaware of any other reasons for bringing a site of this scale forward.

- 5.18 Drawing all these matters together, the allocation of the objection site would not conform to E&LSP and we do not believe that other considerations point towards its justifiable inclusion within WLLP.
- 5.19 We have taken account of all the other matters, including the contention that there is no spare school capacity, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

- (i) that no modifications be made to WLLP in relation to the above objections.

2.7 Other CDA issues

Representation nos:

7149/2, 7311/1, 7362/23, 7403/1, 7419/4, 7419/30,
7419/32-/33, 7420/1, 7420/5, 7434/3-/4, 7435/18,
7436/4, 7437/1, 7497/4, 7564/6, 7700/6, 7702/3,
7704/4, 7711/6-/7, 7712/5-/8, 7713/5-/6, 7715/1,
8372/1, 8515/1, 8576/3, 9882/3, 9917/1.

Objectors appearing at Inquiry:

WG
Mr Crosby
(+ written submissions)

Inquiry references:

IMP7: Policy IMP3b
COM1a: Policy COM7 – Health centre sites
COUNTRY3a: Countryside designations
CDA10b: Self-build plots
CDA10f: Design guides & design principles
TRAN2a: Parkway Station East Calder
TRAN6: Widening of A801, Armadale
CDA5b: Closure of Limefield Road
WS54: Airdrie/Bathgate railway line, Armadale
CDA7b: Philpstoun Bings
WS105: Philpstoun Bings
RET4: Retail uses in southern part of Armadale
STRAT1f: Retail uses in southern part of Armadale
WS137: Provision for primary schools in Armadale
WS127: 20mph speed limits in residential areas
WS115: Ethylene Pipeline west of Livingston
WS144: Policy EM9
WS1: Costs at Armadale

1. BACKGROUND

1.1 Objections were lodged by 24 parties to a number of other matters relating principally to CDA development. Each of these matters is dealt with below.

2. OTHER CDA ISSUES

2.1 WLLP policy IMP3b

2.1.1 Policy IMP3b states that where appropriate, in considering proposals for housing development, planning conditions and/or legal agreements will be required to phase development or restrict the type of housing permitted, to manage demand on school places. The policy continues that where educational constraints cannot be overcome due to a lack of funding, there will be a presumption against housing development. WG indicated that WLC had sought to control housing types in Linlithgow since 1994. However, it was a crude and blunt tool, which had not been applied consistently. It could also have significant and unplanned consequences during the “life of a development” by undermining the ability of developers to proceed with a planned development. WG had no concern about that part of the policy relating to the phasing of development. WLC believed that without control over house types, it would be impossible to ensure that there was

sufficient educational infrastructure to accommodate the number of children coming forward from new development. The policy was not designed to “change the rules” during the planning process. It was a mechanism to achieve, in partnership with developers, the most efficient use of educational infrastructure. WLC had a statutory duty to ensure that the scale of educational provision was adequate and efficient.

2.1.2 In conclusion, we accept that a choice of housing is desirable, and that in large mixed developments, a range of housing types is needed. These principles are well set out in WLLP. However, our concern is that to seek to limit the type of housing permitted specifically to manage demand on school places would be to emphasise one factor to be taken into account at the expense of others and would be overly restrictive. In any event, the provision of a certain type of housing may not result in the occupants required to allow the efficient use of schools. Such a policy as that proposed could also have unintended consequences. At worst, it could have a distorting effect on the nature of the development itself and the market. WLC have operated a similar policy at Linlithgow but in the different circumstances of a restriction on the capacity of the local academy. The context here is that WLC are intending that substantial new educational infrastructure be provided in order to accommodate the new development proposed. In these circumstances, we consider that there should be no need to control development beyond its phasing, as already allowed for in the policy. While WLC explained at the inquiry how the policy might be applied, this relies on a particular interpretation of its terms. We note that there is no justification in the supporting text in WLLP for the inclusion of this element of the policy. In its current form, we consider that the policy would exercise excessive and unnecessary control over development. As such, we believe that the reference in the policy to restricting the type of housing should be deleted. A change to WLLP is required.

2.2 **WLLP policy COM7 – Health centre sites**

2.2.1 Policy COM7 indicates that depending on the outcome of studies by West Lothian Healthcare NHS Trust, sites would be safeguarded in WLLP for community/health service uses, including at Gavieside, West Lothian. WG indicated that WLC had not demonstrated a requirement for the provision of Community Health Centres in CDAs. They were also concerned about the terms of the associated SPG (on co-location principles), and the requirements to safeguard sites of an unspecified size for an indefinite period and to service them. The policy made no mention of releasing the safeguarded sites for development if they were not required. If clear guidance could not be given, the policy should be deleted. WLC explained that the NHS Trust was reviewing its need for health centres in West Lothian, and was currently carrying out a study of options. Once published, the study would be subject to consultation. The size of site required would be around 1ha, and it should be located centrally. It was necessary to safeguard or reserve sites until the intentions of the Trust were known. The safeguarding could be accommodated in the masterplanning process. The concept had been used successfully before in the Livingston Local Plan, and it was a proven method of maintaining flexibility and ensuring the proper planning of an area. WG had not objected to SPG when consulted.

2.2.2 In conclusion, WLLP policy COM7 safeguards sites for community/health service uses at 4 locations, including in 2 CDAs. Given the expansion proposed in population, it seems to us entirely sensible to make appropriate provision for such facilities in WLLP. It also seems appropriate to consider locations in CDAs as such facilities would serve, at least in part, the expanded areas. There is E&LSP support, including its recognition of healthcare services as a newly emerging issue. Combining community and healthcare facilities on one site has merit in terms of establishing a “one stop” approach, and would help to create developments of an acceptable standard. Options are still being explored, and detailed requirements are therefore not known. At such an early stage, we do not consider that this makes the masterplanning process noticeably more difficult, and that remains the case even if different options for provision have to be taken into account. Given that safeguarding introduces a degree of uncertainty, we believe that the status of safeguarded land should be reviewed on a regular basis in order to make sure that this designation remains appropriate. While some provision is made for this in SPG, we believe it necessary to commit to it through WLLP as well, and this could be done through an addition to the text supporting policy COM7 (at paragraph 10.23). We find that a process of regular reviews would be likely to offer more flexibility than a one off review at the end of a specified period. WLC should seek to confirm the locations and the requirements for these facilities at the earliest opportunity. Although WG commented on SPG produced on co-location principles at the inquiry, they made no comments when formally consulted on its terms in 2006. Overall, we do not consider that WLLP policy COM7 requires to be deleted or changed, but believe that an addition to the text is appropriate, as set out above. A change to WLLP is required.

2.3 **Countryside designations**

2.3.1 WLLP includes a number of countryside designations in chapter 3, The Countryside of West Lothian, e.g. AGLVs (policies ENV19 and ENV20), areas of special landscape control (policy ENV21), and countryside belts (policies ENV22 and ENV23). Some objectors, including WG, were concerned about these designations. The areas of special landscape control had been inherited from earlier local plans, and, as they were not supported by any survey or review, it was doubted whether they should have full WLLP support. This was particularly the case given that this designation was likely to fall in due course. Alternatively, the designation should be more restricted in scope, e.g. to very local areas and habitats such as the river valleys of the River Almond and Breich Water. The countryside belt designation and the associated policies were too similar to those of the green belt, and there was no strategic basis for such an approach. WLLP had extended this designation unnecessarily, and objectors were concerned about the inclusion of areas to the west of the Gavieside CDA allocations and the area to the south and west of the Winchburgh CDA allocations. Mr Crosby was concerned that the “green corridor” and Heritage Park proposed between Broxburn and Winchburgh was properly secured at this stage. He believed it inappropriate that developers carried out their own Environmental Impact Assessment and Transport Assessments, and considered that the proposed road between Winchburgh and Broxburn should be relocated to the east. Other objectors sought more information about the Heritage Park.

2.3.2 WLC considered that the suite of countryside designations contained in WLLP reflected strategic and local landscapes of importance that needed to be protected. The area of special landscape control at the Gavieside CDA allocations had a landscape of character, and was of local importance. This designation was currently being reviewed, along with that of AGLVs, and it would be inappropriate to introduce piecemeal changes. While in due course the designation might be removed, protection of such landscapes could continue through a raft of policies instead. The area covered by the designation was a continuous landscape corridor associated with a water course, and its extent reflected the valley edges. The countryside belt identified in the adopted local plan had been substantially reduced to accommodate the Gavieside allocations, but it had also been extended westwards to protect against coalescence between various settlements, and urban sprawl. The objectors gave no reason why the countryside belt designation should be drawn differently at this location. Such designations had an important role. The countryside belt between Broxburn and Winchburgh protected against further development in that area. The Heritage Park was promoted in WLLP and would reflect the area's rural nature, the fact that it would remain predominantly in agricultural use, and the need to actively manage and develop recreation and the landscape.

2.3.3 In conclusion, we are satisfied that the local landscape designations used in WLLP can be justified through NPPG14 and E&LSP (policy ENV1d). We regard the countryside belt designation to be the equivalent of a "countryside around towns" policy as referred to in SPP3, and not an attempt to imitate the green belt policy outlined in SPP21. A review of local landscape designations is ongoing. While alterations are likely to occur, we are not persuaded that it would be appropriate to pre-judge the review's outcome and make changes to the status of any designation in WLLP at this stage, including the areas of special landscape control. Although some changes have been made, the extent of AGLVs and areas of special landscape control in WLLP are based on the areas identified in the adopted local plans, and we consider this to be a reasonable approach by WLC in light of the review. The area of special landscape control to the west and north of the Gavieside CDA allocations seeks to follow the river valleys and associated areas, and no better boundaries were advanced. We therefore consider that no change to the designated area has been justified as a result of this session of the inquiry. The countryside belt designation has an important role in safeguarding the character and amenity of the countryside and protecting the setting of towns, including the prevention of coalescence and urban sprawl. These are legitimate functions for such a policy, and we have no difficulty with the use of a countryside belt designation in the areas affected by major growth in West Lothian, including at Gavieside and Winchburgh. No change to the designated countryside belt area has therefore been justified as a result of these objections.

2.3.4 WLC explained the role of the Heritage Park. It is promoted in WLLP (paragraph 7.80), and is seen as a way of managing the pressures expected in the countryside area between Winchburgh and Broxburn following large scale development. We accept that no more can be done in WLLP at this stage, and the Heritage Park will now require to be advanced as a part of the detailed proposals coming forward for the area. The green corridor, which would include the Heritage Park, would be covered by a countryside belt designation. On other

matters raised, it is the responsibility of developers to complete Environmental Impact Assessments and Transport Assessments, but they are assessed by the planning authority (in this case WLC), who draw on necessary expertise. The proposed road between Broxburn and Winchburgh is dealt with in chapter 2.1. Overall, no change is required to WLLP.

2.4 Self build plots

2.4.1 WLLP paragraph 7.39 states that opportunities for self build plots will be required in each CDA. The objectors believed that this requirement was excessive, that there was no guarantee that plots would be developed, that it did not follow on from national guidance, and that it should be deleted. WLC wished to ensure that the widest possible range of housing was provided in CDAs. As such, the requirement for self build plots conformed to E&LSP and national guidance. WLC explained that there was a demand for self build plots within West Lothian, that a number of developments had been completed, and that the requirement would only apply to “some locations within CDAs.” In conclusion, it has not been demonstrated that there would be a lack of interest in self build plots in CDAs. Indeed, the indications from WLC are that the reverse would be the case. E&LSP refers to creating opportunities for satisfying the full range of housing needs, and national guidance refers to opportunities for self build plots. In the circumstances, we are satisfied with the requirement in WLLP that such plots should be provided. However, WLC have made it clear that this requirement would apply only in some locations in each CDA, and we believe that WLLP paragraph 7.39 should be altered to reflect this, as outlined below. A change to WLLP is required.

2.5 Design guides and design principles

2.5.1 WLLP policy CDA7 states that masterplans shall have due regard to the design principles in paragraph 7.49. One objector considered that WLLP would be improved by adopting the terminology of PAN68 on Design Statements, and applying its advice at paragraphs 7.48 and 7.49. Another objector regarded the principles outlined in paragraph 7.49 as being too detailed. WLC noted the objection relating to the consistent use of terminology. Regarding the other objection, they considered that the design principles at paragraph 7.49 were appropriate. In conclusion, we consider that the principles set out at paragraph 7.49 are general in nature, helpful, relevant, and apply across the CDA allocations. We consider that including them in WLLP reflects the emphasis placed on good design in E&LSP, and national guidance and advice. We therefore consider that they should be retained in WLLP. However, we believe that there is some confusion in the design terminology used in paragraphs 7.48 and 7.49, and it is not entirely clear how it relates to the design terminology used in PAN68. In the interests of clarity and to avoid misunderstandings, we believe that WLC should satisfy themselves that the design terminology they are using in WLLP is consistent with that used in PAN68 and, if any inconsistency remains, that the relevant term should be defined in WLLP’s glossary. A change to WLLP is required.

2.6 Parkway Station, East Calder

2.6.1 There were objections to the siting of the proposed East Calder Parkway station, but WLC wished to maintain reference to it in WLLP. In conclusion, the latest position appears to be that funding has been secured for a study into a parkway station at Musselburgh, East Lothian, and that a parkway station at the suggested location shown in WLLP would not be a priority because of the limited resources available. Notwithstanding this, the location highlighted to the west of Kirknewton is well positioned in the Central Belt, and it is identified in E&LSP as a proposal to be safeguarded pending decisions by stakeholders on implementation. As far as we are aware no final decisions have yet been taken. Given this, we believe that the safeguarding in WLLP (policy TRAN26) should be maintained. No change to WLLP is required.

2.7 Closure of Limefield Road, West Calder

2.7.1 One of the anticipated requirements for the West Livingston CDA in WLLP Appendix 7.1 is the partial closure of the existing substandard access on to Limefield Road. The objectors claimed that they had no powers to deliver this. WLC indicated that the promotion of road closure orders funded by developers was a normal part of the development process. It was accepted that any closure would have to be justified by the CDA proposals. In conclusion, in order to allow a development to proceed, it is sometimes necessary to require a road to be stopped up. The procedure is undertaken by the planning authority at the request of the developer, and there is statutory provision allowing the authority to claim back the costs that they have incurred. In this case, it is envisaged that the partial stopping up of Limefield Road would be required to allow wider improvements at West Calder Railway Station to come forward as part of the CDA development. While the need for a closure still requires to be confirmed through a Transport Assessment, it seems to us that this would be a likely requirement, given the awkward nature of the existing vehicular access from the railway station on to Limefield Road. We therefore consider that it is acceptable to refer to the closure in appendix 7.1. No change to WLLP is required.

2.8 Widening of A801, Armadale

2.8.1 WLLP policy TRAN30 indicates that land is safeguarded for a number of strategic road schemes, including the widening of the A801. The objectors had no objection to the policy in principle, but were concerned that the extent of the safeguarded land had not been defined. This was unhelpful in determining the viability of the Armadale CDA development. In response to the objection, WLC had changed WLLP to indicate that SPG would be provided setting out the requirements for developer contributions to the road widening. SPG was published in June 2006. In conclusion, SPG indicates that the intention of this part of WLLP policy TRAN30 is to provide a reservation for land to allow the upgrading of the A801 to dual carriageway standard between the junction (junction 4) on the M8 and the Pottishaw Roundabout. It includes a plan which shows the extent of the land affected by the upgrading. SPG also explains the approach that would be adopted towards developer contributions, and defines a “catchment area” within which contributions would be sought from certain types

of development. We consider that WLC have sought to address the objection and that they have provided sufficient information to allow the impact of the upgrading on the viability of the Armadale CDA development to be established. No further changes to WLLP are therefore required.

2.9 **Airdrie/Bathgate railway line, Armadale**

2.9.1 WLLP policy TRAN23 supports the opening of the Bathgate/Airdrie railway line and safeguards land for a new station, an associated park and ride and new road links at Armadale, and for the replacement of sections of National Cycle Route 75 where appropriate. The objectors had no objection to the policy in principle, but were concerned that the extent of the safeguarded land had not been defined. This was unhelpful in determining the viability of the Armadale CDA development. WLC indicated that the alignment of the railway and the provision of a station had been broadly identified as part of the technical feasibility work already carried out. Provision was to be made within the masterplan for the station and associated park and ride at Armadale. However, the final details would not be determined until SG had confirmed that the scheme could go ahead and the necessary railway bill had been promoted. In conclusion, nothing has been placed before the inquiry showing the extent of the work that has been carried out regarding the requirement for a station and associated facilities and for the replacement of sections of National Cycle Route 75. We accept that the work is linked to other procedures, e.g. the railway bill, and that it is not entirely within WLC's control. While we recognise that the requirements set out in WLLP are necessary, it is not clear to us that there is any scope, at this stage, to provide the type of information sought by the objectors. As matters progress, we have no doubt that more information will become available which could inform the decisions to be made in relation to the Armadale CDA development. Nonetheless, we have not been informed of any timescale for this, and we are not persuaded that there would be any significant benefit in altering WLLP to encourage its provision. No change to WLLP is required.

2.10 **Philpstoun Bings**

2.10.1 WLLP paragraphs 11.18 and 11.63 refer to the dereliction that exists at Philpstoun South Bing which gives scope for it to receive inert waste as part of a wider recycling operation, but gives priority to the restoration of the Auldcathie landfill site. One of the objectors objected to WLLP encouraging the extraction of shale from, and the disposal of waste at, the Philpstoun Bings because it could jeopardise the restoration of Auldcathie and it would increase traffic levels. Work should be allowed only when the restoration of Auldcathie was completed, and it should be restricted to landscaping. Another objector wanted the Philpstoun North Bing identified as a location where the removal of minerals would be permitted prior to the site being restored through waste management. This would form part of a phased programme which would begin with works at Niddry Bing before they progressed on to the Philpstoun Bings. Other objectors indicated that WLLP policy NWR1 required a caveat in terms of the CDA proposals. They suggested that it be altered to indicate that special consideration be given to the CDA developments when assessing minerals. Additionally, one objector was uncertain about what was proposed exactly for Philpstoun South

Bing, and pointed out the proximity of the canal. WLC accepted that WLLP paragraph 11.18 should be amended to highlight the importance of the rehabilitation of Auldcathie compared with proposals for Philpstoun South Bing. Philpstoun North Bing was already covered substantially by vegetation, and there was adequate waste management capacity in the south bing. Policy NWR1 did not need to be adjusted to give special consideration to CDA development. All applications would be treated and assessed against the relevant policy framework and other material considerations.

2.10.2 In conclusion, we are satisfied that WLLP now gives appropriate weight to the rehabilitation of the Auldcathie landfill site. We do not consider that there is any need to further restrict the works that take place on Philpstoun South Bing. WLLP already makes reference to the disposal of waste being subject, amongst other things, to community, environmental (including the protection of the adjacent canal) and transportation safeguards, and we believe that the approach adopted is both reasonable and appropriate. No proper justification has been put forward for including Philpstoun North Bing as a longer term waste management site. We note that it is already well covered with vegetation and that, although visible from the M9 motorway, it is relatively unobtrusive. Its status in WLLP does not therefore require to be altered. No explanation was given why policy NWR1 (the protection of economically important minerals) should be adjusted to give special consideration to CDA developments. Given this, there is no sound basis to alter the policy in the way sought. We are also concerned that giving special consideration to particular developments would significantly weaken the policy and could lead to economically important deposits of minerals being inappropriately sterilised. No further change to WLLP is required.

2.11 **Retail facilities in the southern part of Armadale**

2.11.1 The objectors indicated that the scale of CDA allocations were such that improved retail facilities would be required. Land should be safeguarded in WLLP in the southern part of the Armadale CDA for this purpose. At Bathgate, WLC had accepted a convenience store outwith any defined centre because it was well placed to serve nearby major housing development. WLLP should adopt a similar approach at Armadale. In particular, an expansion of the use classes to accommodate a retail use in the employment allocations would be appropriate. WLC did not accept the objection. They acknowledged that additional retail facilities would be required to serve the expanded town, but indicated that any proposal would be assessed against the policy framework in WLLP. In conclusion, WLLP policy TC9 supports further retail provision in the town centre of Armadale commensurate with serving the expanded town. It has not been demonstrated by the objectors that there is a requirement to make additional provision beyond the terms of the policy. In the circumstances, we consider there is no basis for either safeguarding land to the south of Armadale for retail purposes or for extending the use classes allowed in the employment allocations. No change to WLLP is required.

2.12 **Provision for primary schools in Armadale**

2.12.1 The objectors were concerned about the requirement for developers to provide

3 single stream primary schools in Armadale. There was uncertainty and a lack of clarity about the level of developer contributions. WLLP should clearly set out what was required. WLC indicated that, if necessary, they would produce SPG, and that they would have regard to SODD Circular 12/1996 in considering the level of contributions to be made. In conclusion, we are satisfied that, based on current information, the primary school provision required to support the CDA development in Armadale is properly set out in WLLP, along with WLC's approach to ensuring its delivery. The objectors' belief that there should be greater certainty and clarity at this early stage seems unrealistic. No change to WLLP is required.

2.13 **20mph speed limits in residential areas**

2.13.1 WLLP policy HOU8 requires new housing development to incorporate road design and layout measures that help to reduce vehicle speeds in residential areas to 20mph (amongst other things). WLLP policy TRAN14 refers to mandatory 20mph zones serving new housing being provided by developers. The objectors were concerned about the imposition of a mandatory speed limit in all housing developments. A mix of speed limits could be appropriate. Amendments were suggested to the text of WLLP (paragraph 6.47, policy HOU8, and policy TRAN14). WLC indicated that WLLP policy TRAN14 was intended to ensure that a "purely" residential development in CDA was designed in a way which allowed a mandatory speed limit of 20mph to be introduced. In CDAs, roads not "purely" residential in character would have an appropriate speed limit in keeping with their function. Appropriate speed limits would be determined through the masterplan process. The aim of reducing speed limits was to create a safer environment, which would encourage walking and cycling. In conclusion, we support the objective of WLLP policies HOU8 and TRAN14, which seek to create a safer environment and emphasise walking and cycling. The approach conforms to the thrust of national, strategic and local guidance. Within this context, we are not persuaded that there is a good reason to weaken or qualify WLLP policies HOU8 or TRAN14 or their supporting text in the manner proposed by the objectors. Nonetheless, bearing in mind that the policy seems to be aimed at local residential streets in housing developments, we believe that this could be made clearer in policies HOU8 and TRAN14 in the manner set out below. A change to WLLP is required.

2.14 **WLLP policy EM9**

2.14.1 WLLP policy EM9 indicates that, when submitting a planning application, developers should demonstrate they have considered the following: promoting sustainable building construction and layout and design principles; minimising waste generation; and maximising recycling opportunities. The objectors accepted the policy in principle, but did not consider it appropriate at the outline application stage. They sought a caveat which would recognise that in CDAs only a level of detail appropriate to each stage was required. WLC referred to E&LSP and national guidance, which they believed supported the policy. They were keen to support sustainable development principles, and the policy would help reinforce this when employment proposals were being prepared. WLC accepted that the details required by the policy would more likely be considered

at the detailed stage. They were concerned that the proposed amendment would weaken the policy. In conclusion, there is no dispute that the policy is desirable in principle, and that it is more likely that the matters raised will be considered at the detailed stage. However, we acknowledge that, on occasion, it may be necessary to consider the matters raised at an earlier stage in the process. We consider that this can be reflected in the policy without weakening it, as outlined below. A change to WLLP is required.

2.15 **Ethylene pipeline west of Livingston**

2.15.1 WLLP Proposals Map shows an ethylene pipeline (Grangemouth/Wilton) passing to the west of Livingston through the eastern part of 2 sites allocated for employment purposes as part of the Livingston and Almond Valley CDA. The objectors indicated that WLLP should clarify the application of the pipelines policy to development within the consultation zone; should include the pipeline and consultation zone on the Proposals Map; and should not extend the CDA mixed use allocated areas any further eastwards. WLC indicated that they had made changes to WLLP in March 2006 (pre-inquiry changes 359 and 417) and June 2006 (pre-inquiry change 430), and that these were sufficient. In conclusion, it seems to us that the concerns of the objectors have been met, to a large extent, by the changes proposed by WLC to WLLP. The pipeline is being annotated on the WLLP Proposals Map (albeit not on Map 3 of the Livingston Area, but a separate map). WLLP now refers to the need to consult the Health and Safety Executive and the pipeline operator about any development within the consultation zone (at both paragraph 7.97 and policy IMP12). Additionally it refers, in the employment chapter (paragraph 5.50), to the pipeline being a major constraint. We are not persuaded that there is a specific need for WLLP to give further specification about the types of development proposed in CDAs. The possible extension of the CDA mixed use allocated areas eastwards at West Livingston was not a matter pursued at the inquiry. No change to WLLP is required.

2.16 **Costs at Armadale CDA**

2.16.1 The objectors were concerned: that many costs were undefined; that the extent of developer contributions would make the Armadale CDA unviable; and that agreement between landowners might be difficult to achieve. Additionally, they believed that the scale of the allocations should be increased. WLC indicated: that at this stage costs could not be defined; that the land should be purchased at a price which reflected the planning gain package; that the level of contributions would relate fairly to the development; and that the CDA should be extended, but by a smaller amount than that sought by the objectors. In conclusion, the CDA allocations have been extended, and no good reason for further extending them has been put forward. We are satisfied that greater definition cannot be given to costs. It has not been demonstrated that the contributions required would make CDA (as changed in WLLP) unviable. Agreement between landowners may be difficult to achieve, but we do not believe that WLC can do any more to deal with this prospective problem at this time. No change to WLLP is required.

3. RECOMMENDATIONS

3.1 Accordingly, we recommend (*changes in italics*):

WLLP policy IMP3b

(i) that policy IMP3 be modified by deleting the reference in (b) to “restricting the type of housing permitted”, so that it reads, as follows:

“Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:....

b) phase development to manage demand on school places...”

WLLP policy COM7 – Health centre sites

(ii) that WLLP paragraph 10.23 be modified by adding the following sentence at the end:

“...The status of sites safeguarded for community/health care services will be reviewed on an annual basis to ensure that safeguarding remains appropriate.”

Self build plots

(iii) that the last sentence of WLLP paragraph 7.39 be modified, as follows:

“Opportunities for self build house plots will be required *in some locations* in each CDA.”

Design guides and design principles

(iv) that WLC satisfy themselves that the design terminology they use in WLLP paragraphs 7.48 and 7.49 is consistent with the design terminology used in PAN68, Design Statements; if any inconsistency remains, then the relevant term should be defined in WLLP’s glossary.

20mph speed limits in residential areas

(v) that WLLP policy HOU8 be modified, as follows:

“New housing developments *must be designed and laid out to help reduce vehicle speeds on local residential streets (up to and including general access roads) to 20mph* and include safe and direct footpath and cyclepath routes to the existing footpath network...”; and

(vi) that WLLP policy TRAN14 be modified, as follows:

“Mandatory 20mph zones serving *local residential streets (up to and including general access roads)* in new housing developments will

require to be provided by developers”.

WLLP policy EM9

(v) that WLLP policy EM9 be modified, as follows:

“When submitting a planning application for employment uses, developers should be able to demonstrate that they have given appropriate consideration to the following factors:...”

Other matters

(vi) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

West Lothian Council

**Report of Public Local Inquiry into Objections to the
Finalised West Lothian Local Plan
Part 3: Housing Sites In Other Areas**

Reporters: E D K Thomas BSc(Hons) MBA MRTPI
W I Hastie DipTP MRTPI

Dates of Inquiry: 8 August 2006 – 9 February 2007
File Reference: IQD/2/400/1

3.1 Bathgate (WLLP allocations)

Representation nos:

7564/3, 7582/2, 7589/2, 9899/11.

Objectors appearing at Inquiry:

Written submissions only

Inquiry references:

HOU9g: Windyknowe/Glasgow Road (HBg47)

WS152: Windyknowe/Glasgow Road (HBg47)

WS189: Windyknowe/Glasgow Road (HBg47)

WS100: Boghall playing fields, North West (HBg49)

1. BACKGROUND

1.1 Objections were lodged by 3 parties to WLLP covering 2 allocated housing sites in Bathgate, one on part of a field and a former public house/restaurant site and one on part of former school playing fields. This chapter concerns those housing proposals. We found the references to the Boghall playing fields site as HBg48 in WLC's statement of evidence to be somewhat confusing. Nonetheless, following WLC's acknowledgement, we are satisfied that the site as appears in the WLLP Proposals Map 4 (Bathgate) as HBg49 to be the relevant site, it is the one that we are considering here, and we shall refer to it under that reference. The other objections are dealt with elsewhere in the report. The site descriptions are as follows:

Site 1 – Windyknowe/Glasgow Road (HBg47)

1.2 The site is located on the western side of Bathgate, on the south side of Glasgow Road (A89) entering Bathgate from the west. The eastern part of the site comprises a former public house/restaurant and associated car park, while the western part comprises an awkward shaped, undulating, overgrown field. Beyond that, to the west, and to the north, on the other side of Glasgow Road, are agricultural fields. To the east, are commercial premises and to the south, it is bounded by Windyknowe Primary School

Site 2 – Boghall playing fields (HBg49)

1.3 The area of Boghall is on the extreme eastern side of Bathgate and the site is located in the north eastern corner of Boghall. It comprises a flat playing field in the north west corner of a large open space/playing field area and the site of a demolished social club forms the western part of the site. To the north, it is bounded by open agricultural land and to the east, at a lower level, is a former blaes pitch, beyond which is further agricultural land. To the south, a shelter belt separates it from an area of new housing development at both Alexandra Avenue and Alexandra Drive. To the west, the site is separated from a further area of housing by a rocky outcrop and Marine Road.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the housing designations covering the sites and replacement with their allocations as part countryside belt and open space/playing field.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Windyknowe/Glasgow Road (HBg47)

- 3.1 The scale of the proposed residential allocation at Windyknowe/Glasgow Road was unsustainable. It could not be fully and reasonably supported within the context of a comparative analysis of all potentially available sites within the plan area, based upon those matters set out under WLLP paragraph 6.27. Given the limited scale of the proposed allocation, compared with the significant level of ongoing residential development within Bathgate, the development of this site could not be justified on the basis of the contribution that it would make to the provision of the full range of housing choice within Bathgate.
- 3.2 The limited size of the site suggested that the delivery of some 74 units was only likely to be achieved through high density flatted housing, which would be out of character with the nature of the low to medium density family housing adjacent. The flatted housing was more commonly associated with more centrally located sites rather than this edge of settlement location. If the allocation of this site was to be maintained, then the density should be reduced to accord with that of the housing adjacent.

Site 2 – Boghall playing fields (HBg49)

- 3.3 This site formed part of playing fields formerly used by Bathgate Academy. The proposed site contained one football pitch and space for another. The blaes pitch to the east, was overgrown and while there did not seem scope for a full sized pitch, there was space for smaller 7s size pitches. The southern part of the playing fields contained play and wheeled sports facilities and a kick-about pitch. Hence, formal sports use was not currently possible in this part of the area. However, overall the Boghall playing fields had potential for a significant playing field resource and physical improvement and amendments to the layout could provide a valuable site for formal pitch sports.
- 3.4 The outdoor sports facility strategy recommended meeting anticipated levels of demand in Bathgate for pitches (and in addition to the 2 pitches at the new Simpson Primary School for community use), changing facilities be provided at Balbardie Park to allow all four pitches to be used, and a full sized pitch and soccer 7s pitch be retained at Boghall playing fields, with future provision of a changing pavilion. The programme of investment linked to the strategy and approved by WLC did not include proposed investment in changing pavilions at Balbardie Park. Neither this programme nor WLLP made provision for the proposed pitches to be retained at Boghall. Without these or alternative proposals, Sportscotland would object to this allocation of part of Boghall playing fields. Sportscotland would be prepared to

reconsider its objection if agreement was reached on positive proposals for an appropriate level of new or improved pitch provision at Balbardie and Boghall to ensure that the loss of any playing field land was offset by a meaningful contribution towards meeting the acknowledged requirement for useable sports pitches within the town. WLC undertook to prepare detailed drawings demonstrating that this level of provision at Boghall would be feasible on site in addition to the proposed allocation.

4. SUMMARY OF CASE FOR WLC

Site 1 – Windyknowe/Glasgow Road (HBg47)

- 4.1 Part of the site was brownfield and was included in the settlement envelope as defined by the Bathgate Area Local Plan. The extension of the settlement envelope further to the west represented a ‘rounding off’ of the settlement and, as such, did not compromise the integrity of the countryside belt between Bathgate and Armadale. The site was adjacent to a bus route and it was expected that there would be sufficient education capacity to accommodate housing on the site (subject to phasing and housing mix being agreed). The allocation of the site for housing would contribute to the regeneration of Bathgate by providing an opportunity to redevelop a brownfield site, widen housing choice and enhance the entrance to Bathgate from the A89. The proposal supported the regeneration of a west of West Lothian settlement in accordance with E&LSP policy HOU9 and the allocation of the site was consistent with the objectives identified in WLLP paragraph 6.27.
- 4.2 There were several examples of flatted development elsewhere on the approaches to Bathgate and the woodland shelter belt along the west boundary would define the new town boundary. The securing of a new access to Windyknowe Primary school was the primary driver and a specific locational justification for the release of this minor site on the edge of the town and minor amendment to the countryside belt and adjacent settlement boundary.

Site 2 – Boghall playing fields (HBg49)

- 4.3 The use and function of this site was considered in WLC’s Open Space and Sports Facilities Strategies in accordance with Government policy in NPPG11. These strategies focussed on existing parks and open spaces over 0.2 ha within settlement boundaries defined in the WLLP. Both strategies considered sites for investment along with sites that were ‘non-strategic’ in relation to the overall aims of the strategies and were approved by WLC in October 2005. The reuse of these non-strategic urban sites, which were predominantly within or adjacent to existing residential areas, were proposed for residential use in the WLLP. This would provide resources which would enable WLC to make better and improved facilities for sport and recreation in this area.
- 4.4 Bathgate Academy no longer used these playing fields following the PPP2 improvements to the sports facilities at the Academy. As part of the investment from WLC's recently approved sports facilities strategy, there would be investment in the blaes pitch to the east to form a full sized playing field for community use.

The investment in changing facilities at Balbardie Park would be considered in the second phase of investment in the sports facilities strategy. There was ample scope on the retained area on the east side of Boghall playing fields for a full sized pitch and soccer 7s and this was proposed in the first tranche of investment. In terms of the SportsScotland proviso on withdrawal of its objection, WLC had supplied it with the necessary drawings and the lottery bid was still under consideration regarding the Balbardie Park changing accommodation.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each CDA should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Windyknowe/Glasgow Road (HBg47)

5.3 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 1.26 ha, we also accept that, at a high density of 50 dwellings per hectare, the site might accommodate some 65 houses, to be built out within 2.5 to 3 years of detailed planning permission being granted. However, given that no progress on the development has yet been made on the site and the need for resolution of the access arrangements to the school, the date for commencement in the WLC Housing Model appears particularly optimistic and is now overtaken. Consequently, we consider it appropriate to adjust the timescales

for this development as follows: Windyknowe/Glasgow Road (HBg47) was programmed 2007/8 and should be adjusted to 2008/9.

5.4 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While part of the site can be described as brownfield and part cannot, we are satisfied that: it is not in a greenbelt; development of this site is supported by aspects of E&LSP policies HOU8 and HOU9; and in its allocation of the site WLC has had regard to E&LSP. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice.

5.5 The claim by the objector that this site could not be fully and reasonably supported within the context of a comparative analysis of all potentially available residential sites within the plan area, in terms of WLLP paragraph 6.27, is not supported by any evidence to that effect. Consequently, we are unable to come to a conclusion which supports that claim. Conversely, we consider that the allocation of the site is generally consistent with the objectives identified in WLLP paragraph 6.27 and we believe it would widen housing choice in Bathgate. We are satisfied, therefore, that there is sufficient housing policy justification for the release of the site. However, we have to say that, in the absence of support from the associated potential resolution of the long standing requirement to secure a new access to Windyknowe Primary School, we do not consider that there would be the same level of justification for the release of this site and amendment to the countryside belt and adjacent settlement boundary.

5.6 Also, we consider that particular care requires to be taken with the new access arrangements, given that it will be formed onto a busy traffic route into and out of Bathgate and bearing in mind WLC's promotion of safer routes to schools. As regards the issue of a flatted form of development on this site, particular care also will require to be taken with the scale and form of development and its associated landscaping given its gateway to Bathgate location. However, we do not believe that aspect alone warrants the non-allocation of the site but it may have a bearing on the site's capacity and WLC should have regard to that matter.

Site 2 – Boghall playing fields, North West (HBg49)

5.7 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLC's Housing Model 2006-2025 regarding the site with a net developable area of 2.38 ha, we also accept that, at a medium density of 25-30 dwellings per hectare, the site might accommodate some 70 houses, to be built out within 2 to 3 years of detailed planning permission being granted.

- 5.8 We note that the proposed development of this site emerged from WLC's Open Space and Sports Facilities Strategies. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the proposed housing site at Boghall accords with the Open Space Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.
- 5.9 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While site HBg49 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.10 We note that the site has been used by Bathgate Academy and informally for football by locals and that there is concern over the potential loss of a facility which appears to be currently used by the community. Our site inspection of the area showed that the existing site provided an open, relatively flat, grassed pitch and 7s area suitable for play. From our assessment on the site, we are satisfied that currently there are no equivalent areas nearby. We have also had regard to Sportscotland's indication that its objection would be reconsidered on the submission by WLC of indicative proposals showing how one full size pitch and one 7s pitch would be achieved on the remaining land.
- 5.11 Consequently, given that it is WLC's intention to ensure the provision of replacement pitches on the retained section at Boghall, we are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of this site for housing in the WLLP, which would be contained and well related to the existing housing on its west and south sides. However, we consider that the site should not be released until the provision of both a full size and a 7s pitch is provided at Boghall and investment in changing accommodation at Balbardie has been confirmed.

Overall Conclusions

- 5.12 Drawing all these matters together, we find that these sites are suitable housing sites and should be retained for such purposes in WLLP. The allocation of these sites for housing would not be inconsistent with E&LSP or relevant national guidance and advice.
- 5.13 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

(i) that an appropriate additional reference be made in WLLP Appendix 6.1.1 to site 2 Boghall playing fields, North West (HBg49) which highlights the requirement for the provision of both a full size and a 7s pitch at Boghall and confirmation of investment in changing accommodation at Balbardie, before the site is released; and

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.2 Blackridge (WLLP allocations)

Representation nos:

7518/64, 7564/3, 7582/2, 7589/1, 8519, 9869, 9898.

Objectors appearing at Inquiry:

Written submissions only

Inquiry references:

HOU14: Craiginn Terrace (HBr8)

IMP6: Craiginn Terrace (HBr8)

WS114: Craiginn Terrace (HBr8)

WS152: Craiginn Terrace (HBr8)

1. BACKGROUND

1.1 Objections were lodged by 4 parties to WLLP covering one allocated housing site in Blackridge and this chapter concerns that housing proposal. The other objections are dealt with elsewhere in the report.

1.2 Blackridge is located in the west of West Lothian, some 2.5km to the west of Armadale on the A89, which runs east/west through the village. The settlement comprises mainly a mix of housing developments on the north and south sides of the A89. Westcraigs Road (B718), which runs north from Harthill, forms a junction at its northern end with the A89 in the middle of the village. Small scale new development is also taking place at the west end of the village. The village is served by a couple of shops. The site description is as follows:

1.3 The site is situated on the east side of Westcraigs Road and on the south east side of its junction with the A89, which forms the north boundary of the site. It is separated from that junction by a small group of houses accessed off Westcraigs Road. It comprises some 13.9ha of a relatively flat, grassland field, which slopes down gently to the treed line of the Barbauchlaw Burn, which flows east/west through the southern part of the site. On the other side of the burn, the site then rises up more steeply to the embankment of a former railway line, which forms its southern boundary and is also safeguarded in WLLP for the new extended Bathgate/Airdrie railway line. The railway embankment, which also runs east/west, separates it from a similar field beyond, through which runs National Cycle Route 75. To the west, on the other side of Westcraigs Road, a short row of dwellings front that road and behind those a substantial new housing development is taking place. To the north, on the other side of the A89, is a community centre, frontage housing, a health centre and a recreation ground. To the east, is agricultural land, part of which is also safeguarded in WLLP for a new station and park and ride facility.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors: seek the provision of shops in the settlement; prefer the removal of the housing designation covering the site and its retention outwith the settlement boundary or if developed, to be only with housing; wish the location of a local centre away from property; and seek an acceptable solution to the potential flood risk on the site.

3. SUMMARY OF CASE FOR THE OBJECTORS

- 3.1 The village had some 2000 inhabitants and this would increase by some 800 houses in the next 2 years. There was only one shop and residents complained of the need for more. WLC should build a small shopping complex with fair rents and subsidies to entice new occupants. The developer could provide a piece of the site at Craiginn Terrace for this facility.
- 3.2 It was understood that the area was green belt and as such would not be developed. If the site was to be developed, the preferred option was for housing rather than retail/health centre because it would: result in loss of privacy; create a gathering place for youths in the evening; remove views of the countryside; make property more vulnerable to break-ins; create potential for vandalism and associated disturbance, particularly at unsociable hours; and devalue the adjoining properties. If the site was developed for housing then: it should include appropriate robust buffer planting to screen and secure existing properties and provide privacy; a wall should be built around adjoining properties to a height to maintain existing privacy levels; and the existing retaining wall adjacent to the main road should be heightened and appropriately topped to prevent children and youths climbing on the wall and avoiding potential accidents and injury.
- 3.3 The site was at a medium to high risk of flooding in accordance with the flood risk maps held by SEPA, as part of the site constituted a flood plain for the Barbauchlaw Burn. To allow development of the whole site would require significant land raising that would lead to a significant attenuation requirement downstream from the site, contrary to advice in SPP7.
- 3.4 The scale of the proposed residential allocation was unsustainable and could not be fully and reasonably supported within the context of a comparative analysis of all potentially available sites within the WLLP area, based upon those matters set out under WLLP paragraph 6.27. In particular, the allocation was predicated on the potential provision of a park and ride facility adjacent to the site, in association with the opening of the Bathgate/Airdrie railway line. In the absence of this facility Blackridge was not well served by public transport and therefore not well suited to accommodate any significant level of new housing. The park and ride facility could not be guaranteed and as such the proposed allocation should not be supported.

4. SUMMARY OF CASE FOR WLC

- 4.1 A further 240 houses were proposed within Blackridge during the WLLP period and present local shopping facilities would be inadequate to support this number of houses. WLLP had recognised the deficiency by proposing the small local centre, in accord with E&LSP policy RET 5. The proposal would provide existing and new residents with a much needed local centre which would benefit the whole community and reduce the need to travel to larger towns nearby.
- 4.2 Pre-inquiry change no. 95 was made originally to resolve the objection that there was a lack of shopping facilities within the village to cater for the proposed growth created through new housing allocations. WLLP Proposals Map 5 was altered to show a hatched area within the west end of the site for local retail units. Also, WLLP policy TC13 was altered to show support for small scale local shops to serve local needs in existing and proposed local centres. Under subsequent pre-inquiry change no. 405, further alterations were made to the Proposals Map and the fixed hatched area at the west end of the site was removed and replaced with an indicative symbol to allow greater flexibility in the final choice of location for the proposed local centre. It was expected that this final location would be chosen through a planning application or a planning brief for the site and the local community council and neighbours would be given the opportunity to comment. It was understood that the objectors were accepting the need for additional retail units in Blackridge and were disputing only the location.
- 4.3 As regards the objection by SEPA, a pre-inquiry change was made to include a requirement for a Flood Risk Assessment to be carried out as part of any planning application on the site and this was now identified within WLLP Appendix 6.1.1. Also, as a result of pre-inquiry change no. 406, WLLP Appendix 6.1 stated that the capacity of each site could only be established through the detailed consideration of a planning application. This essentially meant that not every part of a site allocated for residential development on the WLLP Proposals Map might be suitable for development. In this case, WLC considered that a cautionary approach was necessary in recognition of SEPA's advice and the guidance set out in SPP7.
- 4.4 Allocation of the site supported the successful implementation of E&LSP's strategy and subsequently the strategy within WLLP. The allocation supported the regeneration of the settlement and in particular the site was of strategic importance with a view to the reopening of the Bathgate/Airdrie railway line and the anticipated opening of a rail station and Park and Ride facilities.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have

accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg, to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Craiginn Terrace (HBr8)

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the site. We note that SEPA has maintained an objection to development of the site because part of it constitutes a flood plain for the Barbauchlaw Burn and it is at medium to high risk of flooding. It is of concern to us, therefore, that development of the site by land raising on a functional flood plain would be contrary to SPP7 and PAN69.
- 5.4 However, we also note that SEPA has agreed a joint statement with WLC regarding the issue of flooding. From that joint statement, we note that they both recognise that there is an engineering solution to developing the site but that there is a need to seek a more environmentally sustainable solution in order to accord with the provisions of national planning policy and advice. Consequently, unless and until that engineering solution is found, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. Also, because of the uncertainty of the resolution of the flooding issue, we consider that it should be well qualified in WLLP that the prospect of any development of the site will be dependent on the provision of an acceptable engineering solution to that flooding issue, in consultation with SEPA.
- 5.5 Notwithstanding, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a developable area of 13.91ha we also accept that, everything being equal and at a low density of 15 dwellings per hectare, the site might accommodate some 210 houses, to be built out within 6 to 7 years of detailed planning permission being granted. However, everything is not equal because of the flooding issue referred to above and we recognise that the actual number of houses the site might accommodate would be dependent on the satisfactory resolution of that flooding issue. Also, given that no progress on the development has yet been made on the site, the need for resolution of the flooding issue, and the link with the provision of park and ride facilities, the dates for

commencement in the WLC Housing Model appear particularly optimistic. Consequently, we consider it appropriate to adjust the timescales for this development as follows: Craigninn Terrace (HBr8) was programmed 2008/9 and should be adjusted to 2009/10.

5.6 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. We are satisfied that: the site is not in a greenbelt; development of this site is supported by aspects of E&LSP policies HOU8 and HOU9; and in its allocation of the site WLC has had regard to E&LSP. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice, given the prospect of resolution of the flooding issue. We are satisfied that there is sufficient housing policy justification for the release of the site.

5.7 We recognise that the allocation of this site is predicated to a large part on the prospect of the opening of the Bathgate/Airdrie railway line and the provision of an associated park and ride facility adjacent to the site. However, we have had no indication during the inquiry that the rail project is unlikely to proceed and, before the inquiry closed, it became more certain that the new railway line appears to be going ahead. On that basis we find no reason that the site should not be brought forward. We are also satisfied that there appears to be general consensus that the present local shopping facilities would be inadequate to support the number of houses proposed in Blackridge and that a local centre is required which would benefit the whole community. No alternative locations for such a facility have been promoted by parties and we found none during our site visit. We note that the exact location of the proposed local centre is not specified in WLLP but we agree that the indicative symbol allows greater flexibility in the final choice of its location. Consequently, we are content that it is appropriate to combine the provision of such a centre with the scale of development proposed and that its location will be determined at the stage when all the details are available.

5.8 We are also content that WLC has recognised the need to safeguard the provision of health facilities for the village and has encompassed the principle of those also within the proposed development of the site. We are satisfied that: WLC has only earmarked the principle of a local centre in WLLP and that its precise location would be arrived at through a planning brief or planning application; and that would provide the opportunity to consult the local community council and neighbours and design in the necessary means of protecting the amenity of both existing and proposed residents nearby, including appropriate means of screening and landscaping. We agree with that approach and consider that the matter of the raising of the existing boundary wall on the north side of the site is a detailed matter that could be resolved through that procedure, all of which would accord with E&LSP policy RET5 and WLLP policies TC13 and COM7.

Overall Conclusions

5.9 Drawing all these matters together, we find that the site HBr8 is a suitable housing

site and should be retained for such purposes in WLLP, subject to the proviso regarding the resolution of the flooding issue. If resolved, the allocation of this site for housing would not be inconsistent with E&LSP or relevant national guidance and advice.

5.10 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

(i) that an appropriate addition be made to WLLP Appendix 6.1.1 highlighting the need for an environmentally sustainable engineering solution to the flooding issue, in consultation with SEPA, before planning permission would be granted;

(ii) that the appropriate symbol(s) for local centre and health centre safeguarding designations be included in the Key to the WLLP Proposals Maps; and

(iii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.3 Breich (WLLP allocations)

Representation nos:

7608/1, 9894/1-/3, 9895.

Objectors appearing at Inquiry:

Mr & Mrs Tod
(+written submissions)

Inquiry references:

HOU 20: Woodmuir Road (HBc6)

WS 52: Woodmuir Road (HBc6)

1. BACKGROUND

- 1.1 Objections were lodged by 4 parties to WLLP covering one allocated housing site in Breich on agricultural land and this chapter concerns that housing proposal. Two of the parties' (Mr & Mrs Tod) objection sought the inclusion of this site (HBc6) for residential development within WLLP. The site was subsequently incorporated within WLLP by WLC through pre-inquiry change no. 327. At the end of the inquiry session these 2 parties indicated an intention to withdraw their objection but that has not materialised, therefore we must proceed to deal with that matter. The other objections are dealt with elsewhere in the report.
- 1.2 The small, linear village of Breich is located about 1km to the west of Livingston, mostly on the south side of the A71, some 700m east of its crossroads junction with the north/south A706 and Breich Railway Station on the Edinburgh/Glasgow line, which runs parallel and to the north of the A71. The village has some 70 houses mostly comprised of 2 storey terraced former WLC owned housing fronting the south side of the A71, also behind and parallel to that in Woodmuir Place, and some very recent modern detached dwellings at its western end. A single shop/post office is located on the north side of the A71. The site description is as follows:
- 1.3 The site is situated on the east side of **Woodmuir Road**, some 200m to the south of its junction with the A71 towards the western end of the village. It comprises some 4.08ha of relatively flat field laid to grass, bounded on its south side by the Woodmuir Burn, which runs east/west and separates it from an area of rough grassland. Beyond that is Woodmuir Farm, with the extensive Woodmuir Plantation to the south of that. To the west, fronting the other side of Woodmuir Road, is a new 30 plot housing development still under construction with large, detached, single, 1½ and 2 storey dwellings. To the north, it is bounded by the rear gardens of 2 storey terraced houses in Woodmuir Place and to the east, is a large, open, playing field with goal posts, which is accessed from Woodmuir Place.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, 2 objectors seek the removal of the housing designation covering the site and replacement with its allocation as countryside/landscape protection, while

the other 2 objectors seek the inclusion of the site for housing but have not withdrawn their original objection.

3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 The proposed housing site was in the countryside, was a greenfield site which did not form part of CDAs, was not identified in the 2001 housing land audit, and was not identified in a local plan to satisfy any strategic housing allocation. Therefore, the proposal was contrary to E&LSP policies ENV3, HOU1-3, ENV21-23 and SPP3.

3.2 As indicated above, 2 parties seek the inclusion of the site for housing development in WLLP and argue that: the site related well to the existing village and the new development opposite; it would share the extended adopted access road and site services installed for that development, including a new electrical sub-station and sustainable urban drainage scheme; the school could be safely reached by road and footpath; the existing village play area and playing field could be readily linked to the site by footpaths; there were numerous opportunities for countryside access to the community forest to the south; extensive new native woodland was proposed to the south of the site; a development mix of low cost/affordable housing, main stream housing and lower density plots were envisaged; and contributions to community facilities and schools levy could be negotiated. Smaller villages in the west of West Lothian still had a significant role to play in terms of housing land supply.

4. SUMMARY OF CASE FOR WLC

4.1 The identification of the site for residential development was in accordance with WLC's preferred development strategy which identified where sites would be suitable for development. The necessity to release greenfield land next to built up areas where brownfield and infill sites could not meet the full range of housing requirements was accepted in SPP3 paragraph 44. The strategy, as detailed in WLLP, conformed to that approved in E&LSP, in which it was recognised at its paragraph 2.27 that new greenfield land would be needed to meet the demand for housing development. The proposed site would meet the criteria defined in that paragraph. In addition, the allocation of this site was supported by E&LSP policy HOU9 which permitted the allocation of sites in the west of West Lothian where the need to support local facilities had been identified and it could be demonstrated that development would provide the necessary support. In this case, development of the site would support primary education provision in Breich and would meet the criteria in E&LSP policy HOU8. The additional infrastructure required as a result of the development proposed would be factored into a development brief for the site, as outlined in WLLP Appendix 6.1.1.

4.2 While there was capacity at Woodmuir Primary School, the education provision at the infant school was in need of replacement because it could not be made compliant with the Disability Discrimination Act. The allocation was made primarily to support local services such as the roll at the primary school. The

continued presence of a primary school would also be an important factor and focus for the community. It was important, therefore, that it be retained in the village. No development could proceed until funding was committed for a new non-denominational primary school. The village was served by local bus services which provided links to Whitburn and Livingston, and a number of surrounding villages. Thus the proposal would satisfy the terms of E&LSP policy TRAN2 and in particular Schedule 5.2A as regards the promotion of housing development in areas highly accessible by public transport. WLC agreed to the allocation of the site for housing development subject to appropriate educational provision.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg, to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Woodmuir Road (HBc6)

5.3 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 4.08ha, we also accept that, at a medium density of some 30 dwellings per hectare, the site might accommodate some 120 houses, to be built out within 5 to 6 years of detailed planning permission being granted. However, given that no progress on the development has yet been made on the site and the development is required to support primary education

provision in Breich in the form of a new non-denominational primary school, the dates for commencement in the WLC Housing Model appear particularly optimistic. Consequently, we consider it appropriate to adjust the timescales for this development as follows: Woodmuir Road (HBc6) was programmed 2007/8 and should be adjusted to 2008/9.

5.4 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. We are satisfied that: in its allocation of the site WLC has had regard to E&LSP; it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27; and development of this site is supported by aspects of E&LSP policies HOU8, HOU9 and TRAN2. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We note that the education provision at the village primary school requires to be upgraded and we are satisfied that the proposed development would support that upgrading. We are satisfied that there is sufficient housing policy justification for the release of the site.

5.5 Given that we are endorsing the proposed allocation of the site for housing in WLLP, as amended in the pre-inquiry change no. 327, there remains nothing for us to address in respect of the objections by the other two parties' (Mr & Mrs Tod), who sought the inclusion of this site for housing.

Overall Conclusion

5.6 Drawing these matters together, we find that the site is a suitable housing site and should be retained for such purposes in WLLP. The allocation of this site for housing would not be inconsistent with E&LSP or relevant national guidance and advice.

5.7 We have taken account of all other matters but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

(i) that no modifications be made to WLLP in relation to the above objections.

3.4 Dechmont (WLLP allocations)

Representation nos:

7206, 7210, 7212-7214, 7217, 7221, 7222, 7225, 7226, 7229-7232, 7235-7238, 7247, 7249-7255, 7260-7263, 7265, 7266, 7268-7271, 7273, 7274, 7276-7284, 7286-7288, 7290, 7292-7294, 7296, 7297, 7315, 7316, 7320-7322, 7324-7326, 7329, 7330, 7332, 7335, 7338-7345, 7370, 7371, 7373-7384/3, 7386-7391, 7451, 7488/1, 7488/2, 7489, 7493/1, 7493/2, 7499, 7502/2, 7582/2, 7589/3, 7610, 7614-7617, 7619-7621, 7632, 7634-7637, 7639-7646, 7648, 7649, 7651, 7652, 7662, 7702/4, 7705/1-7705/5, 8543, 8558, 8562-8564, 8575.

Objectors appearing at Inquiry:

Mr Hilditch
(+written submissions)

Inquiry references:

BUILT3: Bangour Hospital sites (HBn1)
STRAT2a: Bangour Hospital sites (HBn1)
HOU5a: Bangour Hospital sites (HBn1)
HOU5b: Bangour Hospital sites (HBn1)
WS168: Bangour Hospital sites (HBn1)
WS174: Bangour Hospital sites (HBn1)

1. BACKGROUND

- 1.1 Objections were lodged by 131 parties to WLLP covering one allocated housing site in Dechmont on the site of the expansive, treed grounds of the former Bangour Village Hospital and this chapter concerns that housing proposal. The other objections are dealt with elsewhere in the report.
- 1.2 The small village of Dechmont is located some 1.5km to the west of Uphall, on the declassified stretch of the former A899, which runs east/west through the village. It is separated from the northern boundary of Livingston by the M8 corridor and its associated Junction 3, about 1km to the south east. The settlement comprises mostly areas of more recent housing developments to the rear of the more traditional housing fronting both sides of Main Street. It has somewhat limited facilities such as a 3 class primary school, village hall, post office and recreation ground. The site description is as follows:
- 1.3 The former Bangour Village Hospital site is situated on the west side of Dechmont. Its treed southern boundary and main entrance fronts the north side of the A89, which bounds and by passes the southern side of Dechmont. The site comprises some 89ha of well wooded, mature parkland, with large pockets of open space. The southern part of the site, adjacent to the A89 and through which a tributary of Brox Burn runs east/west, is relatively flat and then it rises northwards towards Bangour Knowes. The grounds contain a number of key buildings such as a former nurses' residence, various dispersed wards, a significant church, a village hall and a cricket pavilion, most of which are category 'A' Listed Buildings. The whole site is also designated as a Conservation Area and is subject to a Tree Preservation Order. To the south, on the other side of the A89, some woodland and rising ground separates the site from the M8 motorway, from where it is partly visible

through a distinct break in the woodland. To the west, north and north east of the site, it is bounded by countryside/farmland.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek: the reduction in the scale of development on the site; the acceptance of only a detailed planning application for development of the site; an alternative siting for the proposed primary school; recognition of the special and historic circumstances of the site; and an accurate reflection in WLLP of the total number of units proposed.

3. SUMMARY OF CASE FOR THE OBJECTORS

- 3.1 There was no basis for the Bangour Village Hospital site (HBn1) having the status of an “established site”. The site was identified for limited and sensitive redevelopment in the extant Broxburn Local Plan while in the WLLP the site was identified as a “new allocation” with an estimated capacity of 250 units. There was no basis for elevating that status beyond that of a new allocation. The position which prevailed in the 2001 WLLP demonstrated that the Bangour Village housing site, estimated to have a 250 capacity in 2001, was now smaller in the 2005 WLLP. Taking the changes in total it was apparent that, although the site boundaries were different, the total areas were much the same, yet WLC assumed that a similar site area could deliver twice the number of houses. The scale of the proposed residential allocation at Bangour Village Hospital, Dechmont (Expansion) (HBn1) was unsustainable. It could not be fully and reasonably supported within the context of a comparative analysis of all potentially available sites within the WLLP area, based upon those matters set out under WLLP paragraph 6.27.
- 3.2 There could be no question of attributing a capacity of circa 500 units to the Bangour Village site without consideration of detailed planning proposals. WLC did not have these at this time and all reference to an "extension" to the site and an additional capacity of 250 should be removed from WLLP and its appendix. The references throughout WLLP to the Bangour Village Hospital ignored completely the fact that the area was a designated conservation area and that many of the buildings were listed. Current guidance contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas stated that proposals for outline planning permission for new development within a conservation area would not normally be considered. WLC was currently entertaining an outline planning application on the site, contrary to national guidance and WLLP policy HER19.
- 3.3 The reference in WLLP policy COM8 to the location of a new primary school associated with the new Bangour Village development need not necessarily be required on the former hospital site itself. Alternative options had been suggested on a site to the north of Dechmont. The 3rd bullet point in WLLP policy COM8 should be amended to read “Bangour Village Hospital / Dechmont Village.”
- 3.4 While Persimmon Homes (East Scotland) Limited supported WLLP Policy HOU1 in terms of the identification of the established housing site at Bangour Village

Hospital, WLLP policy HOU1 should recognise the importance of the redevelopment of the site, which was included within the “Buildings at Risk” register, in terms of ensuring long term protection and enhancement of a significant example of West Lothian's historic heritage. Acknowledgement should be given to the significant costs associated with the redevelopment of the site and that a consistent and reasonable approach to the requirements for affordable housing and planning gain within the WLLP should take cognisance of the special circumstances at Bangour Village Hospital. This would ensure that a reasonable return could be expected from the development and that a high quality design would be achieved.

3.5 WLLP policy HOU1 related to new housing development opportunities and in WLLP Appendix 6.1 specific reference was made to the Bangour Village hospital site. As drafted, it was not clear from WLLP Appendix 6.1 that the total proposed allocation was for 500 units, and this matter should be clarified. WLLP should more specifically recognise that the overall number of units to be developed at Bangour Village Hospital would emerge as part of the ongoing master planning exercise currently being carried out by the nominated housebuilder/developer. Therefore, it was requested that WLLP policy HOU1/Appendix 6.1 more accurately reflected this process, with the total number of units clearly identified as an initial estimate at this stage.

3.6 The altered position had never been signalled to Dechmont Community Council or the community in any way. The community council felt that this was an inordinate rise in the allocation which flew in the face of any previous statements made by the planning department regarding this site. The site Development Brief 1999 paragraph 8.4.1 indicated that WLC considered no more than 300 units was acceptable on the site and exceeding that number would:- have implications for the site as part of an AGLV and Livingston Countryside Belt; begin to detract from the special character and ambience of the site; and begin to dominate the existing village of Dechmont to an unacceptable extent. The Community Council suggested at least a significantly reduced allocation of 300 new units in total, while the objector who appeared at the relevant inquiry session (Mr Hilditch) considered an acceptable outcome to be development restricted to 450 units and the location of the primary school located in the south east field, nearest to Dechmont.

4. SUMMARY OF CASE FOR WLC

4.1 There was no objection to the principle of residential development on the site. The site was identified in the adopted Broxburn Area Local Plan as a development site and this approach was continued in the revised WLLP 2001, although with the additional reference to 250 units. This site had also been included in all finalised Housing Land Audits since 2001 as contributing to the base supply 250 units and was identified as a local plan site. The allocation in the WLLP was based on a study of the capacity of the site for development undertaken as part of the Conservation Area Appraisal, which was a necessary part of the planning application process in this instance and accorded with guidance in PAN71. The Capacity Study was based on both the need to conserve the character of the conservation area and setting of the listed buildings and the availability of land for

development. The study indicated that the site had capacity for around 484 units. This was the first such study undertaken for this site.

- 4.2 It was acknowledged that it was an expectation in normal circumstances to deal with new development in conservation areas as outline applications where the full visual impact of the new works could not be fully appraised in advance. However, in the case of Bangour Village site, the circumstances were not normal due to the scale of the challenge involved and required strategic decision making at the earliest stage to allow full consideration of the options for the site. The principal of an outline consent, with more than minimum information, had been fully discussed and agreed with Historic Scotland and reflected similar approaches to large sites adopted elsewhere. The supporting information included a master plan, landscape, transport and flood assessments, a detailed feasibility study of the reuse of the church, an urban design statement, studies of each listed building to test their capacity for change of use to housing and other information. The planning approach also involved the generation of a Conservation Area Character Appraisal with a Capacity Study, which helped identify appropriate opportunities for change within the overall conservation framework.
- 4.3 The site of the existing infant primary school in Dechmont was not large enough to accommodate a full stream primary school. The preferred new primary school site remained within the redevelopment of the Bangour Village site where it would be as accessible to the new community and the existing village. Its final location would be determined as part of the planning application process and wherever located it would be subject to safer routes to school provision. The proposed alternative residential expansion to the north of Dechmont did not comply with WLC's preferred development strategy. The importance of the appropriate redevelopment of Bangour Village Hospital as a heritage asset was recognised in WLLP policies HER2, HER3 and HER7 and the site was specifically identified in WLLP Appendix 4.1.
- 4.4 A joint statement between WLC, the owner (Lothian Health Board) and its preferred developer (Persimmon Homes Ltd) agreed that the most appropriate way to determine the capacity of the site was through the consideration of a planning application. A planning application for this site was under consideration and WLC would take account of all material considerations in determining the level of affordable housing contribution required to satisfy WLC's policy. It was clear in WLLP that the total capacity of the Bangour Village Hospital site and the proposed total expansion was 500 units.
- 4.5 The principle of development on the site was longstanding, despite it being formerly part of AGLV and Livingston Countryside belt, as defined in the adopted Broxburn Area Local Plan. The detailed assessment of the impact of development on these designations would be assessed as part of the outline planning application, and if approved, subsequently in a detailed planning application. It had not been demonstrated that the construction of 500 units, including conversions, would have a significant detrimental impact on the amenity of Dechmont and therefore there was no justification to reduce the potential capacity of the site as detailed in WLLP. The status of the 1999 Planning Brief was that of a working document, in draft, with no committee approval. The 1999 Planning Brief was subject to only limited

consultation and prepared without the benefit of a detailed and robust capacity study. Therefore, limited weight should be given to the 1999 Planning Brief when determining proposals for Bangour Village. The '2020 Vision' consultation document indicated that around 450 dwellings could be appropriate for the site. The local community had been given the opportunity to comment on the draft Conservation Area Appraisal for the site but did not respond. The appraisal was in draft form and WLC would still welcome community input to the appraisal, which would be part of a suite of documents that would be considered for approval by WLC as part of the planning application.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg, to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Bangour Village Hospital & Bangour Village Hospital (Expansion)(HBn1)

5.3 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. Notwithstanding, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of the main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in the Conservation Area Character Appraisal Supplement 1 and WLLP Appendix 6.1 regarding the site with a developable area of some 69.1ha, we also accept that at a low density of 7 dwellings per ha, the site might accommodate some 500 units to be built out within 6 to 7 years of detailed planning permission being granted. However, given that no progress on the development has yet been made on the site, the dates for

commencement in the WLC Housing Model and the Housing Land Audit 2005 appear particularly optimistic or are now overtaken. Consequently, we consider it appropriate to adjust the timescales for these developments as follows: Bangour Village Hospital was programmed 2006/7 and should be adjusted to 2009/10; and Bangour Village Hospital (Expansion) was programmed 2007/2008 and should be adjusted to 2010/11.

5.4 We note that part of the objections to the figure in WLLP Appendix 6.1 relate to the alleged deviation from the findings in the 1999 Planning Brief. Having examined this and the Conservation Area Character Appraisal Supplement 1, we are satisfied that the assessment in the latter document is much more recent and is supported by the earlier assessment in the “2020 Vision” in 2002, which indicated then that around 450 dwellings could be appropriate for the site. However, we also acknowledge that the capacity of a site can only be established through the detailed consideration of a planning application as referred to in WLLP Appendix 6.1. In that respect, we also note in WLLP paragraph 6.28 the reference to such figures being “notional.” Consequently, we consider the relevant figure to be an up to date, clear and reasonable estimate of the total number of units for this site, pending the detailed consideration of a planning application and an associated ongoing masterplan exercise. We are also satisfied that the delineation of the extent of the site has already been established in the extant Broxburn Area Local Plan and updated in WLLP through the Conservation Area Character Appraisal Supplement 1 and the “2020 Vision”, which will also be subject to an ongoing masterplan exercise.

5.5 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. E&LSP and SPP3 also recognise the potential output from recycled brownfield land, a category into which a substantial part of the site falls. While part of the site can be described as brownfield and part cannot, we are satisfied that: the site is not in a greenbelt; development of this site is supported by aspects of E&LSP policies HOU2 and HOU8; and in its allocation of the site WLC has had regard to E&LSP. The claim by the objectors that this site could not be fully and reasonably supported within the context of a comparative analysis of all potentially available residential sites within the plan area in terms of WLLP paragraph 6.27, is not supported by any evidence to that effect. Consequently, we are unable to come to a conclusion which supports that claim. Conversely, we consider that the allocation of the site is generally consistent with the objectives identified in WLLP paragraph 6.27. As a result, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied therefore that there is sufficient housing policy justification for the release of the site.

5.6 As regards the issue of the site being in a conservation area and WLC’s consideration of an outline planning application, we would comment that we consider that the circumstances of Bangour Village Hospital site are exceptional and with much potential, but require thorough consideration of the appropriate solution. We find that Bangour Village Hospital is specifically identified as a conservation area in WLLP paragraph 4.43 and part of that detailed consideration of its potential is reflected in the Conservation Area Character Appraisal. Also, we note that considerable detailed supporting information accompanies the outline

planning application and that Historic Scotland have been fully involved. Notwithstanding, we are satisfied that the content of WLLP policy HER19 and its associated chapter contain evidence of sufficient regard and reference to relevant national policy and guidance. Consequently, we consider that thereafter, it is for WLC to justify to others its approach to consideration of an outline planning application in a conservation area. We do not consider that this issue has any basis which prevents the allocation of the site in WLLP for the principle of housing development.

5.7 Regarding the specific objections related to the location of the proposed new primary school, we note that the existing school is only a 3 class primary school and having seen the site we agree that it is incapable of accommodating the scale of a full stream school. We also note that WLLP policy COM8 requires the safeguarding of land for a new school through masterplans and planning permissions. Without prejudice to the outcome of the objections related to the proposed development of housing at Burnhouse Farm, which is dealt with elsewhere in the report, we are satisfied that the principle of development at Bangour Village Hospital site is not in dispute. As such, we recognise that the largest housing development will be liable to take place there. Consequently, we consider that it would be possible through the masterplanning and planning application process to determine the optimum location for a new primary school, which would be accessible to pupils from Dechmont, Bangour Village Hospital site and Burnhouse Farm if appropriate. We note that WLC would still welcome input from the community to the Conservation Area Character Appraisal and we see no reason why that should not include the issue of the location of the new primary school. We find no need therefore to amend the reference in WLLP policy COM8 to include reference to Dechmont village.

5.8 The issues of affordable housing and developer contributions are addressed in the strategic chapters in this report relating to those subjects. We have already concluded that in general terms, we do not support the proposal to have an exception from WLLP policy IMP2 based on extraordinary development costs, eg those arising from cross subsidising the preservation of valued historic buildings or dealing with the extensive remediation of a site. We consider that it is for WLC to have regard to all the material considerations in its assessment of the appropriate contribution required including the provision in WLLP policy HOU10 to allow exceptions to the requirement for affordable housing provision where the necessary evidence of excessive costs because of ground conditions or provision of necessary infrastructure can be satisfactorily demonstrated. We find no requirement for that matter to be addressed specifically in relation to individual sites in WLLP.

Overall Conclusions

5.9 Drawing all these matters together, we find that the site HBn1 is a suitable housing site and should be retained for such purposes in WLLP. The allocation of this site for housing would not be inconsistent with E&LSP or relevant national guidance and advice.

5.10 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that no modifications be made to WLLP in relation to the above objections.

3.5 Fauldhouse (WLLP allocations)

Representation nos:
7146, 7666/1, 8568.

Objectors appearing at Inquiry:
Written submissions only

Inquiry references:
HOU 12b: Shotts Road (HFh11)

1. BACKGROUND

- 1.1 Objections were lodged by 4 parties to WLLP covering one allocated housing site in Fauldhouse on agricultural grazing land and this chapter concerns that housing proposal. The other objections are dealt with elsewhere in the report.
- 1.2 The village of Fauldhouse is located in the south west corner of West Lothian, some 11km to the south west of Livingston. The village is of reasonable size with a population of some 4800 and 2087 houses, with a range of facilities appropriate to its size and location in a former mining area. The site description is as follows:
- 1.3 The site is situated at the south west corner of Fauldhouse, on the north west side of Shotts Road (B7015), which runs south west from Livingston and through the village, between it and the Edinburgh/Shotts/Glasgow railway line and station, which forms its north boundary. It comprises a triangular area of rough grassland used for grazing, which slopes gently from north to its southern point. Beyond the station is a large storage and distribution warehouse. It is bounded on its south east side by some traditional cottages and a semi-mature tree belt which front Shotts Road and on its south west side by an old shelterbelt, which both form the settlement boundary on those sides. Beyond these 2 boundaries is scrubland and woodland, especially the expansive woodlands of the Gladmuir Hills towards the south.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the housing designation covering the site and while they do not indicate their preferred replacement use, they express concerns over loss of privacy, noise, water run off and loss of value.

3. SUMMARY OF CASE FOR THE OBJECTORS

- 3.1 Two objectors had owned their property for the past 38 years and it was bought for its location. Any housing built on this site would infringe on their privacy. Noise levels would rise and the land had a problem with water run off.

- 3.2 The other 2 objectors purchased their property 11 years ago and land searches concluded that no development would take place behind them. They were concerned that development might devalue their property, which adjoins the proposed housing site.

4. SUMMARY OF CASE FOR WLC

- 4.1 The issues of privacy, noise and water would be investigated at the planning application stage and appropriate measures would be put in place to protect the amenity currently enjoyed by existing residents. A planning brief would take into account the protection of existing amenity, infrastructure and neighbourhood issues, with appropriate consultation with the community council and neighbours at the time. Planning proposals by their very nature evolved and therefore, over a period of time, land use proposals for any particular site might change. The issue relating to property values fell outwith the remit of WLLP.

- 4.2 The housing allocation was established previously in the Bathgate Area Local Plan for 75 houses on 3ha of land. The identification of the site for residential development was in accordance with WLC's preferred development strategy which identified where sites would be suitable for development. The necessity to release greenfield land next to built up areas where brownfield and infill sites could not meet the full range of housing requirements was accepted in SPP3 paragraph 44. The strategy, as detailed in WLLP, conformed to that approved in E&LSP, in which it was recognised at its paragraph 2.27 that new greenfield land would be needed to meet the demand for housing development. The proposed site would meet the criteria defined in that paragraph. In addition, the allocation of this site was supported by E&LSP policy HOU9 which permitted the allocation of sites in the west of West Lothian where the need to support local facilities had been identified and it could be demonstrated that development would provide the necessary support. The rail station next to the site was a significant public transport facility and thus the site conformed to the general sustainability strategy of WLLP to promote sites which encouraged trips by sustainable modes of travel.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific

circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Shotts Road (HFh11)

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 3.16ha, we also accept that, at a medium density of some 24 dwellings per ha, the site might accommodate some 75 houses, to be built out within 2.5 to 3 years of detailed planning permission being granted.
- 5.4 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. We are satisfied that: in its allocation of the site WLC has had regard to E&LSP; it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27; and development of this site is supported by aspects of E&LSP policies HOU2, HOU9 and TRAN2. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient housing policy justification for the release of the site.
- 5.5 We note that the site is allocated for residential development in the extant Bathgate Area Local Plan which was adopted by WLC in 1998. We find, therefore, that the prospect of the site being developed for housing has existed since at least that time. Notwithstanding our reasoning above regarding compliance with E&LSP, we consider that WLLP is reflecting continuation of that allocation. The matter of property value is not a relevant matter for us to address.

Overall Conclusions

- 5.6 Drawing these matters together, we find that the site is a suitable housing site and should be retained for such purposes in WLLP. The allocation of this site for housing would not be inconsistent with E&LSP or relevant national guidance and advice.

5.7 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

Accordingly, we recommend:

(i) that an entry be included under WLLP Appendix 6.1.1 that a planning brief will be prepared for the development of this site which includes a requirement for reinstatement of the old shelter belt on the western boundary of the site; and

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.6 Livingston (WLLP allocations)

Representation nos:

7144, 7156, 7181, 7183, 7184, 7209/1&2, 7211/1&2, 7299, 7319, 7358-60, 7369, 7427, 7430, 7439/1, 7439/2, 7439/3, 7448/1, 7448/2, 7449/1, 7449/2, 7449/3, 7481, 7485, 7618, 7653-7656, 7658, 7667, 7677, 7702/2, 7724-36, 7738-40, 7746-51, 7754-65, 7767-69, 7773-94, 7798-99, 7801-19, 7822, 7825-39, 7841-42, 8360, 8557, 8566, 8567, 9849, 9853, 9854/1, 9854/2, 9854/3, 9855, 9865/1, 9865/2, 9865/3, 9876, 9897, 9878/3, 9884, 9885, 9886, 9887, 9888, 9889, 9890, 9891/11, 9899/13, 9902, 9903, 9905/1, 9905/3, 9905/4, 9905/6, 9905/7, 9905/8, 9906, 9907.

Objectors appearing at Inquiry:

Mr Cooper
Cllr. P Johnston
Mr Turner
Mr & Mrs Fergus
(+written submissions)

Inquiry references:

HOU 7g: Eliburn [east part] (HLv115)
COM 1h: Cedarbank & Inveralmond (HLv124 & 128)
HOU1: Almondvale (HLv126 & HLv131-133)
WS103: St Andrews Primary School [East] (HLv127)
HOU7f: New Calder Paper Mill (HLv134)
P&CR: Beatlie School former playing field (HLv120)
P&CR: Craigshill East Road (HLv117)
HOU7c: Laboratory, Craigshill East Road (HLv68)
WS36: Calder Road, Bellsquarry (HLv73)
WS164: Kirkton North 10B, Eliburn (HLv111)
HOU7c: Cousland Interchange (HLv109)

1. BACKGROUND

1.1 Objections were lodged by 158 parties to WLLP covering a number of allocated housing sites in Livingston on formerly open space areas, employment/business and other sites. This chapter concerns the housing proposals on 15 sites. The other objections are dealt with elsewhere in the report. The site descriptions are as follows:

Site 1 – Eliburn [east part] (HLv115)

1.2 The area known as Eliburn is on the western side of Livingston and comprises an area of mostly modern residential development. The site is located at the northern end of Oldwood Place, a long residential cul-de-sac which runs north from its junction with the north side of Eliburn Road and to the east side of Livingston Old Wood and Eliburn Reservoir. To the north it is bounded by a shelter belt of mature trees which runs east/west adjacent to the south side of Houston Road for most of its length and separates the site from that road. Beyond Houston Road, a district distributor and bus route, is another modern housing area known as Deans. The site comprises some 3.4ha of relatively flat, overgrown, uncultivated former field which is separated from a similar former field to the west by Nell Burn. The burn runs southward from the north side of Houston Road and enters Eliburn Reservoir at its northern end. An unmade vehicular track, which accesses off Houston Road, also divides the 2 former fields. Towards its southern side, the site contains an area

of cut grass laid out as a small kick-about pitch. The southern boundary of the site is separated from the northern part of the housing in Oldwood Place by a landscaped bund. To the east the site is bounded by a mature shelter belt known as Kirk Road Strip which separates it from another housing area in the north east corner of Eliburn. To the west, beyond the other former field and part of Livingston Old Wood, is Eliburn Campus, an employment area. Footpaths run through the wooded and open space areas.

Site 2 – Cedarbank Special Education Centre (HLv124)

- 1.3 Cedarbank Special Education Centre is located on the southern side of Ladywell, some 300m to the south of Inveralmond Community High School, from which it is separated by a housing area and the local distributor Ladywell East, the latter of which also forms its northern boundary. The site comprises part of a large, flat, grassed area on the north side of the Centre which also extends round the west side of the immediate curtilage of the building, which is defined by 2m high palisade fencing. The north east and north west corners of the site are contained by trees and shrubs which also extend along its western boundary and separates it from a short link road which joins Ladywell East with Cousland Road (A705) on its south side. The boundaries of the site and the grass area to the west of the centre are separated from the respective roads bounding them by a one metre high mesh fence. To the east is the terraced housing of Cedarbank, beyond which are other groups of similar housing terminating in the play area at Gorsebank, further to the east. To the west, beyond the short link road, is further terraced and flatted housing. To the south, beyond Cousland Road, is further housing and the extensive Howden Park, which adjoins the east side of St John's Hospital.

Site 3 – Inveralmond Community High School (HLv128)

- 1.4 Inveralmond Community High School is located in Ladywell, a residential area which is situated centrally in Livingston, to the west of Livingston Road (A899) dual carriageway, the main north/south spine road through the town. The school's sports facilities include 2 sets of synthetic pitches, which are located on the north and northwest sides of the school. The objection site comprises 3 flat grass pitches which are detached to the north west of the school and separated from it by part of the mature Newyearfield Wood. To the south of that wood and to the west of the school is Ladywell Park (Heatherbank Park). To the north, the site is open to and bounded by Ladywell West Road, beyond which is a relatively recent 4 storey flatted development. To the west, it is bounded by a large swale and 2 storey housing at Redwing Brae.

Sites 4, 5, 6 & 7 – Almondvale (HLv126; and HLv131-133)

- 1.5 The valley of the River Almond runs through the centre of Livingston, on the north side of the town centre. The 4 sites are situated on the north side of the Almond Valley and within the town centre boundary, towards its north east corner. National Cycle Route 75 passes east/west either through or to the south side of the 4 sites, which are also interspersed with footpath links. The west most site (HLv131-Almondvale Central) comprises: on its upper part, a surfaced car park accessed to the north off Howden South Road, which runs east/west and also forms

the north boundary of the town centre; and on its lower southern part, a sloping outdoor amphitheatre. Howden Park and the large housing area of Howden are located to the north of Howden South Road. The site is contained by landscaping and mature trees and the new Civic Centre, which is currently under construction, is located to its west in Almondvale Park. Moving east, the next site (HLv132-Almondvale East) is more elongated in shape and enclosed by mature trees and shrubbery. It comprises a small car park also accessed off Howden South Road, which turns north/south at this point and also forms its eastern boundary. To the east of that site, on the other side of this part of Howden South Road, is a larger site (HLv133-Howden Bridge West) which comprises part of a large grassed and landscaped area which stretches down to the River Almond on its south side. It is open partly on its north boundary to a local distributor (B7015) which also bounds its east side and at its north west corner forms a junction with Howden South Road. It is contained on its east and west sides by semi-mature trees and landscaping. To the east of that site, on the other side of the local distributor (B7015), is the fourth site (HLv126-Howden Bridge East) which comprises part of a much larger grassed open space area and extends eastwards under the Almond Valley Bridge and forms part of Almond Park. It has mature landscaping on its north and south sides. The Almond Valley Bridge bounds both the eastern side of the town centre and the site, which has part of the carriageway of the Almond Interchange on its north side.

Site 8 – St Andrews Primary School [East], Howden (HLv127)

- 1.6 St Andrews Primary School is located on the east side of the residential area of Howden, which is situated centrally in Livingston, to the west of Livingston Road (A899) dual carriageway, the main north/south spine road through the town. The site is situated on the east side of the school, between it and Howden East Road, a district distributor which forms its east and south boundaries. It comprises part of a large, open, relatively flat grass area, which is not formally set out as playing field, on the south and east sides of the school building and within the school grounds. The site is partly enclosed on its south side by a chain link fence some 2.5m high and in poor condition and the remainder of that and the east boundary with a one metre high mesh fence. The school buildings are linked by metal palisade fencing which encloses some tarmac playground areas between the buildings. To the north, the site is bounded by a spine footpath connection which runs east/west and leads to an underpass under the adjacent A899 dual carriageway, parallel to and on the east side of Howden East Road. Beyond the footpath, which is separated from the site by a hedge and mesh fence both some one metre high, are 3 storey flats and terraced dwellings at Fergus Avenue. To the west, beyond the school, is a local centre and an area of further housing. To the south, beyond Howden East Road and at a lower level, is another area of housing at Granby Avenue.

Site 9 – New Calder Paper Mill (HLv134)

- 1.7 The site comprises the grounds of the now redundant former New Calder Paper Mill which contain a variety of buildings, hard standings and open space. It is located immediately on the east side of the Almond Valley Bridge, which carries part of Livingston Road (A899) north/south through the town, and on the south side of the River Almond, which forms its northern boundary. On its south side, it fronts the B7015, which runs west from Mid Calder past the site under the Almond

Valley Bridge and into the town centre. It is separated from that road by a strip of open space. To the south, beyond the B7015, is an area of open space associated with the slip road interchange off the Almond Valley Bridge, which separates the site from a large housing area which forms part of Mid Calder located to the south and south east. Immediately to the east and west of the site, both fronting the B7015, are a row of 4 dwellings and a single dwellinghouse respectively, both with open space behind. To the north, on the other side of the River Almond, is part of Almond Park, with the large residential area of Craigshill beyond.

Site 10 – Beatlie School former playing field (HLv120)

- 1.8 The site comprises the grassed playing field of the former Almondbank Primary School which currently provides a special school facility. It is located in the centre of the large Craigshill housing area, on the south side of the local centre and the new Beatlie School. To the north, is the existing school building, which is separated from the former playing field by a 2m high palisade fence. To the east, on the other side of the road Almond East is 2 storey terraced housing. To the west, the site is unenclosed and a tree lined grassed area extends to a north/south footpath fronted by further terraces of 2 storey housing. To the south, is an open grassed area with footpaths running through it and which is separated from the site by a 2m high mesh fence. Beyond that, and backing onto the open space, are some small, single storey dwellings.

Site 11 – Craigshill East Road (HLv117)

- 1.9 The site fronts the northern side of Craigshill East Road, which is located at the northern end of the large housing area of Craigshill, on the eastern side of Livingston. The site comprises an area of modern 2 storey semi-detached housing. To the north, the site is contained by a strip of mature woodland which separates it from part of Houstoun Industrial Estate. To the east, is a relatively new residential care home. To the west, fronting Craigshill East Road is a Masonic Lodge and a Mosque, to the rear of which is an area of grassed open space. To the south, on the opposite side of Craigshill East Road, is an extensive area of 2 storey terraced housing.

Site 12 – Former Laboratory Craigshill East Road (HLv68)

- 1.10 The site is located at the northern end of the large housing area of Craigshill and forms a corner site fronting the southern side of Craigshill East Road and the eastern side of Craigshill West. It comprises a small business centre of offices, workshops and storage buildings with vehicular accesses to both roads. To the north, on the opposite side of Craigshill East Road, is a local fire station, beyond which are 2 small housing groups on either side of Cousland Road and the Craigswood Sports Centre. To the west, is an area of 2 storey terraced housing and beyond that is the large Cousland interchange on Livingston Road (A899). Immediately to the east is a mature wooded area, beyond which and to the south is further terraced housing.

Site 13 – Land at Calder Road, Bellsquarry (HLv73)

- 1.11 The site is located on the south west side of Livingston, on the south side of Calder Road and at the eastern end of Bellsquarry village. It comprises an area of rough grassland which extends southward into the area to the south of Calder Road. To the north, on the opposite side of Calder Road is a large recreation ground, including a play area. To the east and south, is the large, mature, Bellsquarry Birchwood. To the west, fronting Calder Road is an assortment of detached traditional dwellinghouses, to the rear of which is an extensive area of rough grassland, of which the site forms a continuation both physically and visually.

Site 14 – Former Kirkton North 10B site Eliburn Campus (HLv111)

- 1.12 The site is located on the west side of Livingston, on the south east side of the new Toll Roundabout. It comprises a vacant large overgrown area which slopes down from north to south between the former Cousland Road and Simpson Parkway respectively. Cousland Road was recently stopped up at its west end when the new Simpson Parkway link road was constructed, which itself forms the southern boundary of the site and links into Toll Roundabout at the north west corner of the site. To the north, it is bounded by some mature trees and mature shrubbery which separate the site from Cousland Road. On the north side of Cousland Road, mature trees and an area of extensive shrubbery beyond separate it from the industrial land and buildings of Eliburn Campus beyond, the closest of which is the Shin Etsu site. To the east, a mature woodland strip bounds the site and separates it from a new housing development beyond at West Croft Court. To the south, on the opposite side of Simpson Parkway, semi-mature shelter belt planting separates the link road from a waste water treatment works located at a lower level from the road.

Site 15 – Land at Inglewood Street/Cousland Interchange, Craigshill (HLv109)

- 1.13 The site is located in the north west corner of the large housing area of Craigshill and on the north west side of Inglewood Street. It comprises the south east quadrant of the existing Cousland clover leaf interchange junction on the east side of Livingston Road dual carriageway spine road (A899). The site contains 2 slip roads interspersed with mature landscaping. To the north, it is bounded by Cousland Road (A705) which runs east/west and beyond that the north east quadrant of the interchange. To the west, it is bounded by Livingston Road beyond which is the south west quadrant of the interchange. To the south, it is separated from Inglewood Street by a narrow landscape strip which widens out southward into a mature tree belt, which separates the 2 storey terraced housing on the other side of Inglewood Street from Livingston Road. To the east, is a landscaped strip which extends eastward into part of a mature tree belt and separates the south side of the slip road off Cousland Road from the north side of Inglewood Street.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the housing designations covering the sites and replacement with their allocation as open space, playing fields, landscape

protection or employment/business.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Eliburn [east part] (HLv115)

- 3.1 WLLP did not clearly set out the Eliburn HLv115 site as a development site as it was omitted from WLLP Appendices 6.1. and 6.1.1. Previous public consultation advised that it would remain as parkland and a safe environment for children to play would be created. The problem caused by children in the area was resolved recently by the installation of a kick-about area through council funding and more housing might cause a resurrection of the trouble. The area was very popular with children, dog walkers and nature enthusiasts. The proposed park in the west field was dangerous for children as it allowed no indirect supervision from adjacent properties. Noise levels would increase both during construction and once houses were completed. The screening levels behind the properties in Oldwood Place on the south side of the site were of concern. The HLv115 allocation should be deleted and the area given over to a recreational function.

Site 2 – Cedarbank Special Education Centre (HLv124)

- 3.2 The area had been used as an informal play area by local children for the past 25 years. It was the only local safe grassed area within the locality where children could run about, kick a ball, play rounders and exercise. If the area was developed for housing, local children would be forced to cross the busy Ladywell East local distributor road to find a play area. It was unlikely that children from Cedarbank would travel to Gorsebank to find a kick-about space. Local residents were concerned that the loss of the area would result in children playing in the street with the associated safety problems and increased potential damage to cars and gardens by such activities.

Site 3 – Inveralmond Community High School (HLv128)

- 3.3 The proposed changes in the WLLP would allow the lower playing fields of Inveralmond Community High School and the grassed area adjacent to Cedarbank Special Education Centre to be developed for housing. Ladywell Community Council considered that the local community's interests would be better served if both these areas remained as greenfield sites, which reflected a strong community view. It was of concern that WLC's Open Space Strategy did not acknowledge the work done with the community on the Ladywell Action Plan and had failed to take on board the needs of the community. The inclusion of non-Ladywell areas in its open space calculations demonstrated WLC's failure to conduct an accurate audit of existing open space within Ladywell. Of 123 responses from residents of Ladywell, 74% wished the playing fields site (HLv128) retained and 76% wanted the grassed area at Cedarbank (HLv124) to remain.
- 3.4 In particular, as regards the lower playing fields site (HLv128), the area was used outside of school hours on an informal basis by many members of the community as an area where they could walk, with or without a dog. It and Ladywell Park

(Heatherbank Park) were the only 2 remaining greenfield areas in Ladywell. Under WLC's plans, Ladywell Park would replace the lower playing fields, which meant that both remaining greenfield sites in Ladywell would be significantly affected by the proposed changes. Local residents promoted the view that the area should be developed as a "teen" centre and drop in centre for young people. Significant housing and retail development had already taken place around the lower playing fields, which left this area as the only sizeable green area for community usage in this part of Ladywell. WLC had failed to demonstrate how 2 full-sized football pitches could be accommodated into Ladywell Park. It would not be possible for a "teen" centre and the 2 full-sized pitches to be accommodated there. This concern was echoed by SportsScotland. There was a need to keep the football field for sport and recreation separate from the other play needs of the community.

- 3.5 The Community Council had campaigned for more facilities for the young people and the community and argued strongly against the building of new private housing, which would exacerbate the problems of the area. There were not enough facilities for the children and the community needed all the space it had. After the 2001 census, Ladywell became designated a deprived area. Many of the young people who perpetuated vandalism in the area did so out of boredom or simply out of lack of an ability to play constructively. This pointed to a significant lack of amenities and neglect by WLC to provide them. The development of these sites would create extra population with children which would create further stress in Ladywell, where WLC should be looking to alleviate the problems. WLC's policies and attitudes had a direct bearing on Ladywell.

Sites 4, 5, 6 & 7 – Almondvale (HLv126; and HLv131-133)

- 3.6 The Almond Valley played a critical role as a key strategic feature that especially characterised the centre of Livingston. It provided the natural context for the Almondvale Town Centre and the setting for the Almond Valley Bridge. The north side of the Almond Valley contained within the town centre formed the principle broad public aspect and access to the river. Views and access on the southern side had been restricted by building development in the town centre. In effect, the town centre had turned its back on the river. The green river corridor should be regarded and potentially enhanced as an important public space, as conjoined to Howden Park, in contrast to the south bank which is essentially private. The valuable landscape of the Almond Valley, which is currently protected, would be sunk in places beneath an urban sprawl of high flats. The wide public prospect of the river from the north bank would be closed off. Consolidated planning strategies and policies, that were devised to protect increasingly scarce and valuable green spaces in the urbanising local environment, were not being rationally or robustly applied.
- 3.7 The Livingston Local Plan had preserved and integrated the ancient landscape features and habitats of the River Almond into the development pattern and recognised the public value of the natural asset of the Almond Valley as worthy of special protection to preserve its character. There was a presumption against development which would threaten the Almond Valley as an area of special landscape control. The WLLP continued to recognise the Almond Valley as an area of special landscape control as it provided contrast to the mostly urban landscape through which it flowed. This designation of the Almond Valley also

recognised the considerable importance of its wildlife and amenity value.

3.8 The proposed sites lay entirely within an established zone of protected open space which was to be protected from intrusive development to retain its landscape value. Use of the sites for recreation or education purposes was acceptable but erection of a barrier of highly prominent flatted housing blocks was unacceptable as it would undermine the valuable landscape character of the area. The proposed development sites: lay outwith the defined urban edge of Howden, which was essentially a low-rise housing area; had no locational justification for such development; would cause disturbance and loss of open space for recreation, amenity, trees, woodland, wildlife habitats and green corridors; represented a severe pinching of the area of protected open space where the valley narrowed, which would create an unfortunate river environment; and were likely to raise other adverse environmental, bio-diversity, local transport and road safety issues. The reallocation of these sites for housing contravened WLLP policies ENV21 and COM2.

3.9 It was unacceptable that WLC's Open Space and Sports Facilities Strategies took precedence over considered and long standing planning strategies and policies in such a prominent and sensitive public location where the greenway was regarded as being strategic. Also, it was not accepted that WLLP policy TC2 provided for higher density development in an area that is remote from the town centre and was subject to other highly prescriptive environmental strategies and policies. Whilst it was acknowledged that some enhancement of the landscape would be desirable, it would not be achieved by building flats and large areas of car parking.

Site 8 –St Andrews Primary School [East], Howden (HLv127)

3.10 The proposal would result in a loss of part of the playing field to the east of the school. If the objection was unsuccessful, the school should be compensated for the loss of amenity by: improvements to the playground hard-standing; replacement of the present security fencing and appropriate new fencing erected around the new playground area; assurances on the safety of children during the building work in the school grounds; and levelling of the banking at the perimeter of the grounds.

Site 9 – New Calder Paper Mill (HLv134)

3.11 There was no locational need for housing on the site and it intruded into land defined as safeguarded open space and an area of special landscape control. The site was acutely sensitive to the high demands of the surrounding area of special landscape control and criteria for its re-allocation or redevelopment should be fully cognisant of these demands and the spirit of these demands. The site lay in a significant belt of open land between Livingston and Mid Calder and the development of the site for housing would contribute to the coalescence of Mid Calder and Livingston. Logically and ideally the redundant buildings should be demolished and the countryside properly restored as safeguarded open space within an area of special landscape control. If the site was developed for housing, there was no objection to more limited development around the core of the existing buildings with less dense development and less prominent visually.

Site 10 – Beatlie School former playing field Almond East Road (HLv120)

- 3.12 The site appeared to have been included in WLLP but it was thought that WLC was going to prepare a policy on school playing fields and it was premature to include it. The ground had been used as an informal play park since Almondbank Primary School was closed. It was well used by many locals and mainly caused no problems. Without this green site, there would be a displacement of local children to play in the streets, causing a potential nuisance to residents. Its inclusion for housing in the WLLP would be inappropriate and was objected to without a policy on school playing fields.

Site 11 – Craigshill East Road (HLv117)

- 3.13 This was the only piece of ground left at the northern tip of Craigshill. This had been safeguarded as leisure use, in previous plans. SportsScotland only agreed to Holly Grove being developed on condition that the football pitch was at least restored to a 5 a-side kick pitch. With the number of houses built on this area, there was no play area close at hand. The site should be kept for providing leisure for those residents at the top end of Craigshill. The lack of rented housing within Livingston was appreciated but these sites were not the answer and would lead to the area becoming a concrete jungle.

Site 12 – Former Laboratory Craigshill East Road (HLv68)

- 3.14 This site was currently being used by light industrial units/offices. The proposed allocation for housing was objected to in the absence of knowing what was planned for the businesses within these units. This area had one of the highest unemployment rates in West Lothian and was an area of deprivation. As many local jobs as possible were required and the site should remain as light industrial.

Site 13 – Land at Bellsquarry Calder Road (HLv73)

- 3.15 Development of the site would be detrimental to the whole community as it would seriously impact on the amenity of the village and the adjacent woodland. It would conflict with the following WLLP policies: policy ENV11 - as it would affect the adjacent woodland and there was no locational need for housing there; policy ENV21 - as Bellsquarry was one of 6 areas of special landscape control and development for housing was inconsistent with such designation; and policy HER25 - as the village was recognised as of built heritage value and worthy of protection and any development to the east would erode the existing heritage context. There were infrastructure constraints as there was insufficient capacity at Bellsquarry Primary School and there were persistent problems of electrical power supply in the east of the village.
- 3.16 Five additional dwellings had been approved on a brownfield site at the east end of the village. It was suggested that consideration be given to the available site at the west end of the village which was previously identified in an earlier draft plan but then removed. There was also an additional brownfield site of a derelict cottage which could provide a windfall site. The objection site should be managed in accordance with WLLP policies ENV12 and ENV13 through a programme of tree

planting which would perhaps lead to expansion of Bellsquarry wood to provide additional community woodland to support increasing recreational demand.

Site 14 – Former Kirkton North 10B site Eliburn Campus (HLv111)

3.17 The adopted 1996 Livingston Local Plan allocated the KN10B site for high amenity industrial or business use and there was no justification for its change to housing use. Further encroachment of housing would endanger the Eliburn Campus concept. The site was adjacent to the southern boundary of the Shin Etsu site where a range of hazardous chemicals and gases were used in manufacturing. An adjacent housing use could raise misplaced concerns from future residents, which might inhibit planning permission being granted for future expansion to the south of Shin Etsu site, which was chosen in 1983 due to its open aspect and the absence of housing around it. Future residents of the site might become annoyed by noise from the vehicle movements and industrial equipment at the existing plant, including an external tannoy system. Development of the site for housing might dissuade the company from expanding its Eliburn facility which would be a loss to West Lothian. The site was zoned for high amenity industrial use and allocating it for housing now would be a breach of faith. WLC should delete the site for proposed housing use and retain it as an industrial or business site.

3.18 While it was accepted that the road system around the site had changed considerably over the last decade and since the adoption of the Livingston Local Plan, the distance between the Shin Etsu site and the objection site remained unchanged. As the site was located close to the strategic road system on the west side of Livingston and adjacent to a waste water treatment works, it was too valuable an industrial/business site to be developed for housing. If the site was to be developed for employment use it was accepted that it could not be accessed via the east end of Cousland Road from Mill Roundabout. However, it could be accessed either from a new entry onto Toll Roundabout and the west end of Cousland Road with a short spur road into the site, or a new access off Simpson Parkway. The access option from Toll Roundabout did not need to be affected by any redesign of the roundabout to accommodate a new distributor road to cater for the West Livingston CDA expansion to the south west. Also, the western end of the site was located within the Health and Safety Executive's consultation zone for the ethylene gas pipeline that lay to the west of the site and ran in a north south direction. The proximity of this pipeline could discourage the development of the site for private housing. The site should be deleted from the list of housing sites in WLLP Appendix 6.1.1 and should be allocated in the Proposals Map for high amenity industrial or business use.

Site 15 – Land at Inglewood Street/Cousland Interchange, Craigshill (HLv109)

3.19 It was understood that the area around Inglewood Street was green belt and as such should not be built upon. The development of the site would result in the loss of some 40 years old mature trees and destroy a wildlife habitat. The wooded area currently protected residents from the noise of traffic on the dual carriageway and acted as a safety barrier from that road for children. Its removal would result in noise increase and danger to children who played in the area. The site was also a

popular area for dog walking. Parking in the area was extremely scarce and additional traffic would exacerbate the situation and add to congestion. Development on the site would detract from the aspects of the street. A derelict ash pitch between Victoria Street/Etive Walk should be used for the development.

4. SUMMARY OF CASE FOR WLC

Site 1 – Eliburn [east part] (HLv115)

- 4.1 The original development plan for the wider area, the former Livingston Development Corporation Stage A Plan, allocated a secondary school in this area of Eliburn. However, the school and associated playing fields proposal was abandoned in the early 1990s. Thereafter, the Livingston Local Plan was adopted in 1996 which allocated the southern area, including the present Oldwood Place, for housing and the remaining northern part as Eliburn Park. There had been no budget to implement the park proposal and priorities lay elsewhere with maintaining other parks and greenways. Subsequent public consultation in 2002 showed a number of options for the proposed District Park in Eliburn but it was concluded that the best option was to utilise the west and central part of the previously allocated site to provide playing field facilities, children’s play and picnic area, including a development option for the east site HLv115.
- 4.2 Further public consultation took place under the review of land associated with the preparation of the Open Space and Sports Facilities Strategies in August – September 2005 in accordance with PAN65. It identified the east site as non-strategic and surplus to the strategies’ needs. This outcome was reported to WLC in 2005, when £2.4 million was allocated to implement Eliburn Park and the associated playing fields and changing accommodation. The surplus area, site HLv115, was proposed for housing in WLLP. WLLP policy COM5 also safeguarded a 10ha site at Eliburn East (west side) as a District Park for leisure and recreation uses. In its responses to consultation on WLLP, Sportscotland had not objected to the proposal HLv115. It recognised the benefits which the significant programmed investment at Eliburn Park would bring and understood that the disposal of some sites was required to help deliver the investment. In terms of E&LSP: the site HLv115 was not part of the statutory green belt; it was located within an existing urban residential area; it was reasonably close and within walking distance to the local centres at Eliburn and Carmondean; and there was local school capacity to cater for a small housing development, subject to a catchment review.
- 4.3 The omission of reference to the proposed housing site at Eliburn HLv115 from the WLLP technical Appendices was acknowledged as an oversight. However, the proposal HLv115 was shown on WLLP Proposal Map 3 and referred to in WLLP paragraph 10.18 which dealt specifically with Eliburn Park. The text error was corrected in the first round of pre-inquiry changes in November 2005, which were advertised in the local press, and no further objections were received to that particular text change. Consequently, advertisement had been carried out on the allocation of the site HLv115 and detailed proposals were being advanced to establish Eliburn Park.

4.4 The small kick-about pitch and ‘striker goals’ were set up temporarily to alleviate a ball games problem within the adjacent Oldwood Place housing area. These problems could be overcome by the creation of the more permanent and larger parkland, playing fields and adventure play area facilities at Eliburn Park. The kick-about pitch could be incorporated into the design of the central informal open space and play facilities, which would require further public consultation as part of the Eliburn Park design. An officer’s draft of a planning brief for the site provided guidance on the type and design of development that would be acceptable to WLC. It indicated the retention of the open space in the south west corner of the site to link in with the existing play area, SUDS area and strategic footpath at the north end of Oldwood Place. It also indicated the reinforcement and widening of the existing landscape bund along the north side of Oldwood Place to separate the existing houses from the HLv115 site.

Site 2 – Cedarbank Special Education Centre (HLv124)

4.5 Cedarbank Special Education Centre had no need for the adjacent open space area outwith its boundary fence, as it had an internal, surfaced open area to the rear/west end of the building. It was acknowledged that the grassed area to the north of the school was well used locally for informal kick-about. However, it remained a small and somewhat neglected open space which had been used for bonfires and general dog walking. A draft planning brief required the retention of the open area to the west, outwith the school boundary, for informal use. This would entail the realignment of the space north/south to form an informal pitch and the installation of striker goals and synthetic goalmouths by a developer. In addition, there were other small, informal, open spaces available to the south of Cloverbank adjacent to the local centre and there was a play area to the east at Gorsebank, both of which did not entail crossing the local distributor road Ladywell East. WLC would look at the installation of a kick-about space at Gorsebank as part of the second tranche of investment as part of the open space strategy.

Site 3 – Inveralmond Community High School (HLv128)

4.6 Government guidance in NPPG11 urged councils to carry out a study and analysis of existing open spaces and PAN65 gave authorities further guidance on undertaking this task. PAN65 referred to 9 categories of open space, including public parks and gardens, amenity greenspace, playspace for children and teenagers, sports areas and natural/semi-natural green spaces. The use and function of land to the north west of Inveralmond Community High School and at Cedarbank, Ladywell was considered in the preparation of WLC’s Open Space and Sports Facilities Strategies 2005, which was undertaken to comply with this Government guidance. These strategies focussed on existing parks and open spaces over 0.2ha within settlement boundaries defined in WLLP. Both strategies considered sites for investment along with sites that were non-strategic in relation to the overall aims of the strategies and were approved by WLC in October 2005. The reuse of these non-strategic urban sites, which are predominantly within or adjacent to existing residential areas, were proposed for residential use in the WLLP. This would provide resources which would enable WLC to make better and improved facilities for sport and recreation in this area of Livingston, particularly in the centre of Ladywell at Ladywell Park. The Ladywell Action Plan

went into a level of detail which was inappropriate in the WLLP.

- 4.7 SportsScotland did not object in principle to the loss of these areas, so long as investment occurred in other adjacent areas and in north Livingston. WLC proposed to invest £2.4M in creating a major facility of a District Park centred on Eliburn and £125,000 in Ladywell Park (Heatherbank Park) with improved facilities for playing fields for school and community use and use as informal open space. This investment was committed by WLC in its adoption of the strategies in October 2005 and detailed designs were underway. There would also be investment by New Opportunities Fund in a full size all-weather pitch to the north east of the High School and a tender was ready to be let for construction by the end of 2006, which would be to the benefit of all the Ladywell community. The improvements to provide 2 pitches at Ladywell Park would not be formally incorporated into the school campus with security fencing, which would still allow the community use of a grassed pitch which was previously waterlogged.
- 4.8 WLC's Ladywell Open Space Review calculated the overall open space in the Ladywell ward area as some 50.08ha and the discounted net amount of space that was actually available for use as sport and recreation in Ladywell as 15.05ha. The discounted area excluded the areas that were subject of the proposed changes to open space at Inveralmond Community High School and Cedarbank. WLC required 2.4ha (6 acres) of all categories of open space per 1000 of population. As there were some 4821 people in Ladywell, WLC's guidelines required some 11.8ha (28.9 acres) of open space, which was some 3.25ha less than that available.
- 4.9 A substantial level of consultation was engaged in by WLC with the local community through drop in sessions, advertisement in the local press and leaflets. Also, council officers met with Ladywell Community Council and gave a presentation on the Open Space and Sports Facilities Strategies. The Open Space Strategy did not in itself identify surplus sites but it was a tool kit that assisted identifying sites that contributed to providing facilities to meet public need in the area. The Open Space Strategy Appendix 5 demonstrated that there were sufficient local parks in the Ladywell ward for all residents to have access within the 500m threshold. It also showed that all parts of Ladywell were within the 1km and 4km distance thresholds for Neighbourhood and District Parks respectively. Safe walking routes had been created by WLC to enable pedestrians to access the parks at Craigswood and Eliburn. £2M would be invested at Craigswood Sports Centre playing fields and changing facilities, some 500m-750m from Ladywell. Craigswood Centre was a major sport facility with free informal access to playing fields and open space in Ladywell which was accessed from the main Ladywell housing area, via a footbridge over the Livingston spine road (A899).

Sites 4, 5, 6 & 7 – Almondvale (HLv126; and HLv131-133)

- 4.10 Only the Howden Bridge East site (HLv126) came forward directly through the Open Space and Sports Facility Strategies and was identified as a suitable development site. The Sites HLv131-133 did not come forward directly through these strategies but were first identified for development in 2003 as part of the proposal for the new Civic Centre building in the western part of Almondvale Park, between the River Almond and Howden South Road. A report to WLC at

that time identified how the parkland was not well designed and underused. It also advised that the redesign of the valley offered the opportunity to identify smaller, peripheral development sites which could contribute towards the cost involved in expensive works to redesign the parkland.

- 4.11 Outline planning permission was granted for the Civic Centre and associated works, with remodelling of and environmental improvements to Almondvale Park. While the Sites HLv131-133 did not form part of the planning application, they were referred to and considered in the accompanying Environmental Statement, which considered the cumulative impacts of both developments. It recorded that it was envisaged that the landscape improvements would be partly financed by releasing pockets of land for development and, in terms of cumulative residual impacts, that there would be substantial cumulative loss of open space in Almonvale Park, although this would be partially counterbalanced by the enhancement of some existing recreational facilities and provision of new facilities. It found cumulative impacts on open space would be minor negative.
- 4.12 In relation to landscape character and visual amenity it advised that the proposed housing elements, in addition to the Civic Centre would have a disproportionately more negative effect on the baseline landscape character and on visual amenity than the Civic Centre only development scenario. However, it noted that there were potential benefits from the proposals as they would result in a change in the public use of a developed urban park. On the ecological and nature conservation impact of the construction of housing on the 3 sites (HLv131-133) it concluded that: the site adjacent to the east of the proposed Civic Centre (HLv131) would result in the loss of car parking and an area of low value amenity grassland which would result in a minor negative impact; to the east of that site (HLv132) the habitat, which was currently a mosaic of shrub, amenity grassland and areas of plantation broadleaf woodland, would be lost and the impact would be minor negative; and in the area east of Howden South Road Bridge (HLv133) much, if not all, of the habitat, which comprises shrub, amenity grassland and extensive areas of plantation broadleaf woodland which dominates the area, would be lost and the impact would be minor negative.
- 4.13 A full assessment of the potential effect of developing the 3 sites (HLv131-133) had been carried out. A flood risk assessment had been completed and all new housing developments would be built above the functional flood plain and thus not at risk of flooding or impacting on the flood storage capacity of the flood plain areas. These 3 sites were surplus to requirement and their development for housing would fit well with the Civic Centre proposals and WLLP policy TC2. The Open Space Strategy findings also supported the release of the 3 sites for development which, along with Site HLv126, would result in substantial landscape improvements in this area. Planning Briefs would be prepared for all 4 sites and inserted into WLLP Appendix 6.1.1. The river valley did contribute to green space and would be retained to a degree.
- 4.14 Three relevant policies of WLLP in relation to the development in these areas were: policy COM2 – land safeguarded for open space – which resisted the loss of open space but allowed for development if certain criteria were met; policy ENV21 – areas of special landscape control – under which the River Almond was protected

from intrusive development to retain its landscape character but none of the small sites contributed substantially to the overall landscape character of the river area; and policy TC2 – Livingston town centre boundary – which presumed in favour of mixed use development within the boundary of the town centre, including encouragement of higher density flatted developments. Other key points in favour of the proposals were that: the sites were within easy walking distance of all main services provided in the town centre and were on a regular and frequent bus service; and there were no education infrastructure constraints to the development of the sites, as there was considerable spare capacity at the local primary schools.

- 4.15 Recommended amendments to WLLP were as follows: in paragraph 10.21 delete from the list after “Site location/proposed site reference on proposals map” – Livingston, Almondvale Central (HLv131); Livingston, Almondvale East (HLv132); and Livingston, Howden Bridge West (HLv133). At the end of paragraph 10.21 add the following: “There are 3 sites within the Livingston town centre boundary that are allocated for residential use. These are shown on Proposals Map 3 and are the following sites: Livingston, Almondvale Central (HLv131); Livingston, Almondvale East (HLv132); and Livingston, Howden Bridge West (HLv133).”

Site 8 – St Andrews Primary School [East], Howden (HLv127)

- 4.16 Consideration of the role of open space in Livingston was undertaken in the preparation of WLC’s Open Space and Sports Facilities Strategies 2005. Both strategies considered sites for investment along with sites that were non-strategic in relation to the overall aims of the strategies and, following a public consultation exercise, were approved by WLC in October 2005. The reuse of these non-strategic urban sites, which were predominantly within or adjacent to existing residential areas and one of which included this site, were proposed for residential use in the WLLP. The aspects of Government guidance in NPPG11 and PAN65 had been addressed through WLLP policy COM2 and the preparation of separate strategies for open spaces and sports facilities.
- 4.17 In terms of E&LSP paragraph 2.27, the site was not part of the statutory green belt; it was located within an existing urban residential area and was reasonably close to the town centre, it was adjacent to the ‘Fastlink’ bus initiative and Howden local centre, and there was local school capacity to cater for a small housing development. Whilst the development of the site would remove an open space area, there remained open space within the school and an open space area to the north at Edmonton Avenue. It was proposed to invest in upgrading the pitches and changing accommodation at nearby Craigswood Sports Centre in Craigshill and there would be investment on local play provision at the existing play area at Edmonton Avenue, adjacent to Toronto Primary school in the north part of Howden. Also, nearby Howden Park remained available for local open space use.
- 4.18 WLLP policy COM3, which specifically related to school playing fields and grounds, required 3 criteria to be met. In relation to the objection site: WLC’s Open Space and Sports Facilities Strategies considered that local needs could be met by investment in Edmonton Avenue and Craigswood Sports Centre, and Howden Park remained available; a planning brief could secure the provision of a

soccer 7s pitch to the south of the school and this would retain open space around the school; and, while it was acknowledged that there would be a loss of openness to the east of the school at this junction of Howden East Road, there was sufficient distance between properties to the south on Granby Avenue and the properties to the north at Fergus Avenue presented their rear elevations onto the proposed site and were separated by a walkway.

- 4.19 The existing playing field did not comprise a full sized formal playing pitch and had no supporting changing accommodation. Accordingly, it did not comply with the Sports Facilities Strategy, which was acknowledged by Sportscotland. While Sportscotland objected and were concerned the site's redevelopment might reduce the school's ability to deliver PE, extracurricular activities and play space, it was prepared to withdraw the objection on demonstration of retention of an appropriate level of school pitch/play space provision. Informal space would be retained and there was investment by WLC nearby at Edmonton Avenue.
- 4.20 An officer's draft planning brief had been prepared for the site but the objectors' concerns could be considered in the preparation of a planning brief and in conditions on any planning permission. The needs of the local club, which uses the area at the school for training purposes, would be facilitated by the retention and levelling of the sloping grassed area to the south of the school to form a soccer 7s pitch. The playground hard standing could be reconfigured to still allow a sufficient area of tarmac and grass to meet the size of school roll. Details of fencing between the school playground and any new development site could be agreed. This could be accommodated in a minor addition to WLLP Appendix 6.1.1 and stipulated in any planning brief for the site.
- 4.21 A minor change was recommended to WLLP in response to the objections as follows: that it was confirmed in WLLP Appendix 6.1.1 and in an accompanying planning brief that a new school pitch/play space was provided to the south of the school before any release of the site HLv127 for housing use.

Site 9 – New Calder Paper Mill (HLv134)

- 4.22 The site was located within the settlement boundary of Livingston in the Livingston Local Plan and WLLP. Identification of the site for residential development was in accordance with WLC's preferred development strategy in WLLP, which conformed with E&LSP. It was a predominantly urban brownfield site on which E&LSP policy HOU2 supported development for residential use. The reuse of it for housing was entirely appropriate in terms of making best use of previously developed land. The Livingston Local Plan identified part of the site for residential development under its policy H2 (New Calder Mill 1, 0.63ha, 7 dwellings) and outline planning permission for 7 plots was granted for that site in December 2000 and renewed in February 2004. In July 2006 a planning application for the erection of 52 houses and the conversion of the existing former farm house on the site was approved subject to completion of a Section 75 Agreement.
- 4.23 The development of the site would not cause coalescence between Livingston and Mid Calder and the site was not part of the Livingston Countryside Belt in the

adopted local plan. The site was a predominantly urban brownfield site with an existing planning permission for residential development over part of it and a council resolution to grant planning permission for all of it, subject to a Section 75 Agreement. In identifying the site for residential development, WLLP was recognising that previous decision of WLC. The areas to the east and west of the site still needed to be safeguarded as being of particular landscape value within the valley. The allocation of the site for housing would also be consistent with SPP3 which gave policy on guiding development to the right places, including support for the reuse of brownfield land for housing.

Site 10 – Beatlie School former playing field Almond East Road (HLv120)

- 4.24 WLC's education services declared this part of the former Almondbank Primary School, surplus due to the change in the function of the campus to provide for a new Beatlie Special School on the existing site. The site was subsequently included in a package of sites that WLC realised in late 2004 for the West Lothian Strategic Alliance to provide affordable housing. The Outdoor Facilities Strategy is moving away from single pitches with no changing accommodation. Any planning brief for the site would require the southern part of the site to be combined with the adjacent small open space area, outwith the former playing field, to be retained for local informal kick-about use. The recently approved Open Space Strategy has committed investment in nearby Almond Park and Letham Park along with the provision of this localised recreational space.

Site 11 – Craigshill East Road (HLv117)

- 4.25 The site had already received planning permission for housing development for Castle Rock Housing Association to provide affordable housing. The permission was granted prior to the local plan being finalised and the site allocated. As such the plan was reflecting the current situation rather than specifically promoting a change of use on the site. There was a condition on the application that there would be improvements to the nearby Letham Park area to the south east of Craigshill to replace the loss of this informal kick-about area. This was now combined into the Open Space Strategy investment proposals for Letham Park that were approved in October 2005.

Site 12 – Former Laboratory Craigshill East Road (HLv68)

- 4.26 Planning permission had been granted for a housing development on the site. This permission was granted prior to the local plan allocation. As such the plan was reflecting the current situation rather than specifically promoting a change of use of the site.

Site 13 Land at Bellsquarry Calder Road (HLv73)

- 4.27 Identification of the site for residential development was in accordance with WLC's preferred development strategy as detailed in WLLP and conformed with that approved in E&LSP. The site was shown in the extant Livingston Local Plan as within the settlement boundary of Livingston and allocated for educational use. The site was being safeguarded for the development of a new primary school and

was therefore an established development site. However, the site became surplus to requirements when it was decided to extend the existing Bellsquarry Primary School rather than replace it.

4.28 The allocation of the site accorded with E&LSP policy HOU8 and its policy HOU5 was also relevant. That policy required that development did not proceed beyond existing infrastructure capacity of each site until the required improvements were provided or committed. While there were known capacity constraints affecting admission to Bellsquarry Primary School, these would gradually diminish over the medium to longer term. Also, as the site was within WLC's ownership, it was in a position to control its release for development with the availability of school places. The interruptions experienced to the electricity supply did not in themselves constitute sufficient grounds for withdrawing the allocation of the site for development. Scottish Power had not raised any objection to the allocation of the site in WLLP.

4.29 E&LSP policy ENV1d afforded protection from development to those sites identified in local plans as being of natural heritage and built environmental interest. While Bellsquarry was so identified, the allocation of the site for housing on the edge of the village would have little if any consequence in that regard. The site is quite physically distinct from the adjacent Bellsquarry Plantation and would not be detrimental to the landscape setting of the village, as it would facilitate a very modest number of houses which would be proportionate to the size of the existing community. The Dedridge Burn to the south and Bellsquarry woodland to the east were both features which provided natural and defensible boundaries for a logical extension to the village. The adjoining woodland did represent a development constraint in terms of the treatment of surface water drainage, but this should not preclude development which had been satisfactorily addressed by planning conditions in comparable situations elsewhere. The site was not within a designated area of special landscape control which wrapped around the site on its east, south and west sides. The physical extension of the village of the modest scale proposed could be satisfactorily absorbed and integrated in terms of landscape setting.

Site 14 – Former Kirkton North 10B site Eliburn Campus (HLv111)

4.30 The context for the allocation of the KN10B site had changed considerably from the original allocation a decade ago. In the Livingston Development Corporation's early new town master plans the whole KN10 site was allocated for residential use. The site presently formed part of the West Lothian Housing Audit 2005 and E&LSP policy HOU1 encouraged Lothian councils to support the development of existing housing sites identified in the Housing Land Audit 2001, albeit that the site was not recorded until the 2002 audit. The Simpson Parkway road link was constructed through the site in late 1999/2000 which had considerably reduced the size of the site. While the adjacent land at Kirkton North (HLv39/97) had received planning permission for housing, the land at Eliburn Campus was unaffected and remained available for employment uses. The site was outwith the Health and Safety Executive's Hazardous Substances consultation zone, as the existing hazardous chemicals were stored at the north end of the Shin-Etsu site, a considerable distance away from any housing uses to the south. Future expansion

of the employment facility would be considered on its merits, as was the case with any planning application. There remained a significant separation between both sites, with mature tree belts either side of the now stopped up, west end of Cousland Road.

- 4.31 The design of the new Simpson Parkway road link was considered to be a district distributor road and did not allow for access onto it from the site because of the nature, speed and volume of traffic and associated junction spacing requirements. Access must be from the former Cousland Road which would not suit encouragement of HGV or business related traffic. It was not possible to reopen the west end of Cousland Road and introduce a 5th leg, as it was likely that the roundabout would need to be redesigned to cater for the West Livingston CDA expansion to the south west. As substantial housing development is almost completed to the east, at Kirkton North (HLv39/97), it was not considered appropriate to now encourage industrial/business traffic into Cousland Road, which was in effect a traffic calmed residential cul-de-sac.
- 4.32 The location of the waste water treatment works in relation to housing was in a similar context and separation distance as that to the adjacent housing sites to the east at Kirkton North. The objection site was separated from the waste water treatment works by Simpson Parkway and woodland, in a similar manner as these other housing sites. Also, while the Health and Safety Executive's consultation zone did cover a small part of the west end of the site, it was only the outer part of the consultation zone. The Health and Safety Executive did not advise against residential use in the outer zone, as concerns were only raised over housing uses in the inner and middle zones, which did not cover the site.

Site 15 – Land at Inglewood Street/Cousland Interchange, Craigshill (HLv109)

- 4.33 The site lay within the settlement of Livingston and therefore, in principle, complied with a long established presumption in favour of development. It had no specific planning policy protection or special environmental designations in the Livingston Local Plan and had no major wildlife or woodland issues. The site was proposed for residential development on the completion of the Cousland Interchange reconfiguration to support the Fastlink bus improvement initiative, which would release the north west quadrant for the formation of a park and ride facility to serve Almondvale town centre and would render the south east quadrant vacant. This had enabled WLC to reconsider the use of this land which, being on the edge of the existing Craigshill residential area, was considered suitable for housing. The proposed redevelopment of the site complied with SPP3 and E&LSP policy on reusing brownfield land. WLLP policy HOU6 encouraged high density housing development within or adjacent to public transport facilities and along key transport corridors. Densities for the site would be considered at the time of a planning application having regard to the site's size, adjacent densities and traffic and service considerations.
- 4.34 The existing properties in Inglewood Street presented their blank gable ends towards the site and, therefore, there would be no major adverse effect on residential amenity. A planning brief would be prepared for the site that would

provide guidance on the type and design of development and site specific issues that would be acceptable to WLC. As part of this process, detailed consideration would be given to the protection of existing trees. The mature shelter belt to the west of Inglewood Street, which acted as a buffer to the A899, was outwith the proposed site boundary and would remain. Similarly, the majority of the woodland to the north east of Inglewood Street, adjacent to Carigshill Road, would remain. Parking and visitor parking would be provided within the new development and would not have an impact on Inglewood Street. Furthermore, any planning permission, relating to this site, would include appropriate conditions to protect amenity currently enjoyed by existing nearby residents, during construction and post development.

- 4.35 On 2 similar vacant quadrants of the Houston Interchange and arising from the first phase of the 'Fastlink' project and reconfiguration of that interchange, there had been a planning application for flatted residential development on one and WLC was in the process of selling the other for business use.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Eliburn [east part] (HLv115)

- 5.3 In terms of PAN38, there are 7 criteria (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use) which have to be taken into account in determining whether a site is **effective**. No evidence was brought to the inquiry to contradict WLC's claim that the site at Eliburn is effective. We are satisfied that this site would meet the 7 criteria identified in PAN38. While, in

planning terms, housing is not the sole option use of the objection site, we accept that it is one of 2 possibilities, and ownership is not an impediment to its use for that purpose. On the basis of a net developable area of 3.4ha we also accept that, at a medium density of 25 dwellings per ha, as detailed in the officer's planning brief, the site might accommodate some 85 to 90 houses (as a mix of detached and semi-detached) to be built out within 2 to 3 years of the grant of detailed planning permission.

- 5.4 We note that, in responding to the requirements set out in NPPG11, WLC commissioned a study and analysis of open space in West Lothian which resulted in the production of Open Space and Sports Facilities Strategies. It concluded that a good hierarchy of open space had been provided in West Lothian and that Livingston, along with Bathgate and Linlithgow, had good quantitative provision and was one of the towns with the highest quality of resource. Notwithstanding, the implementation of the Eliburn Park proposal was recommended by the strategy as a priority for a Livingston open space resource. Consequently, we are satisfied that: the identification of the District Park at Eliburn excludes the former field on the east side and accords with the Open Space Strategy; and the safeguarding of this adjoining open space, through WLLP policy COM5, complies with the requirements of E&LSP policy ENV1d.
- 5.5 **E&LSP** gives the highest priority to focussing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the site HLv115 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. We also note that Sportscotland had not objected to the proposal HLv115. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.6 There are 3 **further matters** with which we must deal. First, we note that the existing kick-about area at the southern side of the site was provided by WLC to resolve a problem of ball games in the existing housing area of Oldwood Place. It appears to have been successful in achieving that end and we consider that success should not be jeopardised by its complete removal. Accordingly, we conclude that it should be relocated and incorporated into the central parkland area, in accordance with the draft planning brief and reference of that intent should be included in WLLP paragraph 10.18 as appropriate. We are satisfied that this location is as equally capable of indirect supervision as the existing location. Second, on our site inspection of the area, we saw that the existing landscape bund on the south side of the site provides a reasonable level of screening to the existing houses at the north end of Oldwood Place. The draft Planning Brief indicates that this would be further supplemented with a further new 15m shelter belt planting which we are satisfied would reinforce the existing bund and provide further screening and separation between the existing and proposed houses/gardens.

5.7 Finally, the objectors expressed concern at the omission of the site HLv115 from WLLP Appendices 6.1 and 6.1.1. We note that WLC acknowledges that this was an oversight at the initial stages of publication of the draft local plan. However, we are satisfied that this administrative error was corrected as soon as practical and the omission included in the first round of pre-inquiry changes which were also advertised in November 2005. Accordingly, we find no flaw in the administration of the allocation of this site for housing in WLLP. It would be appropriate, however, for the purpose of clarity to include reference to the site in the list of such sites in WLLP paragraph 10.21.

Site 2 – Cedarbank Special Education Centre (HLv124)

5.8 In terms of the 7 criteria in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**, no evidence was presented to the inquiry regarding the effectiveness of the site at Cedarbank, other than WLC's claim in the affirmative. We are satisfied that this site would meet the 7 criteria identified in PAN38. We accept that housing is not the sole option use of the objection site and ownership is not an impediment to its use for that purpose. On the basis of a net developable area of 0.43ha, we also accept that, at a high density of 45 to 55 dwellings per ha as detailed in the officer's draft planning brief, the site might accommodate some 20 to 25 houses (as a mix of terraced and semi-detached) to be built out within 1 to 2 years of detailed planning permission being granted.

5.9 We note that the proposed development of this site emerged from WLC's Open Space and Sports Facilities Strategies. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the proposed housing site at Cedarbank, accords with the Open Space Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.

5.10 **E&LSP** gives the highest priority to focussing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the site HLv124 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.

5.11 However, there are 2 **further matters** with which we must deal. First, we note in respect of Site 3 below that WLC's calculations allege that the existing open space provision in Ladywell as a whole exceeds its required level. As regards Cedarbank, while this does not appear to allow for the additional requirement arising if part of the site were developed to the extent estimated above, we are equally satisfied that, even if developed to that level, the overall open space provision would still exceed WLC's standard figure regarding open space needs.

5.12 Secondly, we also note that the site has been used for kick-about purposes by local children for some number of years and that residents are concerned that its loss would result in children playing in the streets, with its associated problems. On our site inspection of the area, we saw that the existing site provided an open relatively flat grassed area suitable for play. From our assessment on the site, we are satisfied that there are no equivalent areas nearby and no similar facility presently exists at Gorsebank. WLC's indication of an intention to look at the provision of a facility there as part of a second tranche is at best uncertain. Also, the informal grassed area adjacent to the local centre was remote and appeared not well maintained. Consequently, given the long established nature of the informal use of part of the site, we consider that it is appropriate for a facility for kick-about to be retained at the Cedarbank site. Given that it is WLC's intent to ensure such provision through a Planning Brief for the site, we are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of this site for housing in WLLP, which would be contained and well related to the existing housing on its north, east and west sides.

Site 3 – Inveralmond Community High School (HLv128)

5.13 In terms of the 7 criteria in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**, no evidence was presented to the inquiry regarding the effectiveness of the site at Inveralmond Community High School, other than WLC's claim in the affirmative. We are satisfied that this site would meet the 7 criteria identified in PAN38. We accept that housing is not the sole option use of the objection site and ownership is not an impediment to its use for that purpose. On the basis of a net developable area of 3.25ha, we also accept that, at a high density of 45 dwellings per ha as detailed in the officer's draft planning brief, the site might accommodate some 150 houses (as a mix of semi-detached and flatted) to be built out within 2 to 3 years of detailed planning permission being granted.

5.14 We note that the implementation of the Ladywell Park proposal was recommended by WLC's Open Space and Sports Facilities Strategies as a priority for the open space resource in Ladywell. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the Ladywell Park and exclusion of the former playing fields on the north west side accords with the Open Space Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.

5.15 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the site HLv128 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national

guidance and advice. We are satisfied that there is sufficient policy justification in principle for the release of the site.

- 5.16 However, there are 2 **further matters** with which we must deal. First, we note that Sportscotland has objected to the proposal HLv128 but has indicated that it is not in principle opposed to school use of part of Ladywell Park to allow disposal of the existing playing fields and the resultant investment in new and improved playing field provision. It also indicates that its objection would be satisfied if it can be clearly demonstrated that 2 full sized pitches adequate for school use could be provided at Ladywell Park. We further note that, with regard to community use of the open space at Ladywell Park, Sportscotland also advises that WLC should ensure that local provision of informal open space needs are met.
- 5.17 Second, we are satisfied that WLC's open space assessment accords with the 9 categories defined in PAN65. We note that WLC's calculations allege that the existing open space provision in Ladywell as a whole exceeds its required level. While Craigswood Sports Centre may be removed from Ladywell, on the other side of Livingston Road, we consider that it is appropriate to include it in any calculations of open space facilities, given its intention to serve Ladywell among others. Similarly, we consider that it is appropriate to include some of the other open spaces listed in the Ladywell Open Space Review, eg Newyearfield Farm/Braes area, since these are within the Ladywell community's area contained by Houston Road, Alderstone Road, Cousland Road (A705) and Livingston Road. However, we note that the calculations do not appear to allow for the additional requirement arising if the playing field site were developed to the extent estimated above and we consider that the open space available within Ladywell is not overgenerous. Notwithstanding, we are satisfied that, even if developed to the above estimated level, the overall open space provision would still meet WLC's standard figure regarding open space needs.
- 5.18 We also note that the majority of the community has made clear its preference to retain the playing fields and that the proposed additional use of Ladywell Park would conflict with and possibly compromise the intended community uses there, including its aspirations for a "teen" centre. During our site inspection of the area, we noted that the existing facility at Ladywell Park was not well used. From our assessment at that site inspection, we are satisfied that the Ladywell Park area should be capable of being developed to accommodate the proposed 2 football pitches to the required standard, while still allowing available space for informal and community use, particularly outwith school times. As regards the potential for a "teen" centre, we consider that this would be best located at the southern end of the site nearest the community it would serve. However, that said, we still consider that it is necessary for the production of a planning brief which should include a requirement for a master plan to demonstrate that all the facilities proposed could be accommodated within the confines of Ladywell Park. Thereby, we are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of the objection site for housing which would be contained and well related to the existing housing on its north and west sides.

Sites 4, 5, 6 & 7 – Almondvale (HLv126; and HLv131-133)

- 5.19 In terms of whether the 4 sites (HLv126; and HLv131-133) are **effective**, while we note that some detailed assessments, such as SUDS, are still required on each site, we are satisfied that the sites would meet the 7 criteria on effectiveness identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use). While, in planning terms, we consider that housing is not the sole option use of the objection sites, we accept that it is one of 2 main possibilities, and ownership is not an impediment to its use for that purpose. On the basis of net developable areas of 1.14ha (HLv126), 0.71ha (HLv131), 0.46ha (HLv132), and 0.92ha (HLv133), as detailed in WLC's Housing Model 2006-2025, we note that, at high densities of between 45 and 65 dwellings per ha, WLC consider that the sites might accommodate some 30 to 50 flatted dwellings each (HLv126-50), (HLv131-40), (HLv132-30), (HLv133-50), to be built out within 1 to 2 years of detailed planning permission being granted. However, we agree with the objectors that, in order to safeguard their landscape settings, the higher densities promoted in WLLP Policy TC2 should be more restrained on these sensitive sites. There are other factors regarding the acceptability of these sites which we also need to consider.
- 5.20 We note that only the proposed development of the Howden Bridge East site (HLv126) emerged from WLC's Open Space and Sports Facilities Strategies and we are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of that proposed housing site at Howden Bridge East accords with the Open Space Strategy. However, as confirmed by our site inspection, we found that the Howden Bridge East site plays an important role of providing a landscaped and open space link from the narrow valley on the west side of Almond Valley Bridge through to its east side towards Almond Park. Also, we consider it significant that the other 3 sites (HLv131-133) did not emerge directly through WLC's Open Space and Sports Facilities Strategies but through its intent to develop them to generate finance for landscape improvements in conjunction with the proposed new Civic Centre at Almondvale Park.
- 5.21 We acknowledge that **E&LSP** gives the highest priority to focussing housing development in existing urban areas and that it also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. However, we note that WLC seeks to safeguard and protect the specific open space environment of the Almond Valley through WLLP policies COM2 and ENV21, which comply with the requirements of E&LSP policy ENV1d. WLLP policy COM2 seeks to resist proposals which would result in the loss of formal and informal open space, parks and civic spaces and applies 4 criteria to assessment of proposed development. In this regard, we consider that the development of the 4 sites would conflict with the first 3 criteria of this particular policy. In addition, our concern is further supported by WLLP policy ENV21, which aims to promote opportunities to enhance and protect from intrusive development 6 identified areas of special landscape control, of which the Almond Valley is one, including this particular stretch through Livingston. We consider that the development of the 4 sites for a suggested 4 storey development, and of a density as proposed, can only be described as intrusive and contrary to the

intent of this particular policy of WLLP. The sites are not particularly well related to other residential development, the nearest being detached on the north side of Howden South Road. While we recognise that the 4 sites are identified within the boundary of the town centre and WLLP policy TC2 would apply, we are in no doubt that WLLP environmental policies COM2 and ENV21 should take precedence in this regard.

- 5.22 We note that the Environmental Statement accompanying the planning application for the Civic Centre described sections of the Almond Valley parkland as underused and locally abused but still attractive, green, linear space along the River Almond. We also note that its assessment concluded that the development of the 4 sites for housing would have a disproportionately more negative effect on the baseline landscape character and on visual amenity than the Civic Centre alone. It also concluded that habitats of shrubs, amenity grassland and areas of plantation broadleaf woodland would be lost and the impact would be minor negative. We are convinced that the development of the Civic Centre in the Almond Valley will result in greater pressures and demands from the community on the open spaces remaining in the valley. We particularly noted that some tree removal had already taken place on the south side of Howden South Road and, although detached from it, apparently as a consequence of the development of the Civic Centre. Consequently, while we are satisfied from our site inspections that the remaining area to the east does suffer from abuse, we consider it also suffers from noticeable poor management and maintenance.
- 5.23 We consider that it is particularly significant that WLC's Open Space Strategy in section 2 makes particular reference to PAN65 and highlights that existing spaces are under pressure not just from physical development but also from poor management and continue to be lost in some cases in pursuit of capital receipts. The notable advice in PAN65, also highlighted in the Open Space Strategy, is that spaces should not be allowed to deteriorate through inadequate management, nor should poor maintenance regimes provide justification for the disposal of open space for development. Furthermore, we consider it particularly significant that WLC's Open Space Strategy identifies the quality of the landscape on the north side of the river in the highest category.
- 5.24 While we acknowledge that 2 of the 4 sites (those containing surfaced car parks) can be described as partly brownfield, we consider that they occupy what can only be described as sensitive locations within the Almond Valley, where this part of the river corridor is designated an area of special landscape control. We also believe that this narrow area of open space on the north side of the river will be a particular desire route for pedestrians accessing the Civic Centre once it is completed. Consequently, we consider that the proposed development of these sites would conflict with the aims and intent of WLLP policies COM2 and ENV21. Also, we are not satisfied that in its allocation of these sites WLC has had sufficient regard to E&LSP, nor that the sites comply with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. As a result, we do not consider that the allocation of these 4 sites for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are not convinced that there is sufficient valid policy or environmental justification for the release of these sites for housing. We are of the view that other means should be found of achieving the

environmental improvements required in this part of the Almond Valley, without the intrusion of flatted housing developments in these locations.

Site 8 – St Andrews Primary School [East], Howden (HLv127)

- 5.25 In terms of whether the site at St Andrews Primary School is **effective**, while we note that some detailed assessments, such as vehicular access, are still required, we are satisfied that the site would meet the 7 criteria on effectiveness identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use). While, in planning terms, housing is not the sole option use of the objection site, we accept that it is one of 2 main possibilities, and ownership is not an impediment to its use for that purpose. On the basis of a net developable area of 0.58ha, we also accept that, at a high density of 45 dwellings per ha as detailed in the officer's draft planning brief, the site might accommodate some 25 to 30 houses (as a mix of terraced, semi-detached and flatted) to be built out within 1 to 2 years of detailed planning permission being granted.
- 5.26 We note that the proposed development of this site emerged from WLC's Open Space and Sports Facilities Strategies. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the proposed housing site at St Andrews Primary School accords with the Open Space Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.
- 5.27 **E&LSP** gives the highest priority to focussing housing development in existing urban areas. It also recognises that, in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the site HLv127 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.28 However, we also note that the members of the School Board have made clear its preference to retain the playing fields. In addition, we note that SportsScotland has objected to the proposal HLv127 but has indicated that its objection would be satisfied if it can be clearly demonstrated that a synthetic grass pitch of around 64m x 44m with other hard and soft landscaping within the school grounds is feasible. Following our site inspections, we are satisfied that SportsScotland's specifications could, with appropriate earth works and attention to the hard area on the east side of the school, be achieved within the remaining school grounds. From our assessment on the site, we are satisfied that there are no equivalent areas nearby and no similar facility presently exists at Edmonton Avenue. Consequently, given the apparent established nature of the informal use of part of the site by a local club, we consider that it is appropriate for a pitch facility to be retained at St Andrews Primary School site for both school and community use. Given that it is WLC's intent to ensure such provision through a planning brief for the site, we

are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of this site for housing which would be well related to the existing housing on its north and south sides.

Site 9 – New Calder Paper Mill (HLv134)

5.29 In terms of whether the site at the former New Calder Paper Mill is **effective**, while we note that some detailed assessments are still required, such as site investigation and remediation and SUDS, we are satisfied that the site would meet the 7 criteria on effectiveness identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use). In planning terms, we accept that housing is not the sole option use of the objection site and that continued industrial use is an option. However, we consider the latter option to be an unlikely one to be taken up. On the basis of a net developable area of 2.11ha, as detailed in WLC's Housing Model 2006-2025, we also accept that, at a medium density of 25 dwellings per ha, the site might accommodate some 52 houses to be built out within 1.5 to 2 years of detailed planning permission being granted.

5.30 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise the potential output from recycled brownfield land, a category into which this site clearly falls. We are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site. Notwithstanding, given the history of planning permissions on the site, particularly the July 2006 resolution by WLC to grant planning permission albeit subject to a Section 75 Agreement, we conclude that it is logical to allocate the site for housing in WLLP to accord with that decision.

Site 10 – Beatlie School former playing field Almond East Road (HLv120)

5.31 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 0.83ha, we also accept that, at a medium density of 25 dwellings per ha, the site might accommodate some 20 houses, to be built out within 1 to 1.5 years of detailed planning permission being granted.

5.32 We note that the proposed development of this site emerged from WLC's Open Space and Sports Facilities Strategies. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the proposed housing site at

Cedarbank, accords with the Open Space Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.

5.33 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the Site HLv120 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.

5.34 We note that the site has been used for informal play purposes by locals and has caused no problems and that there is concern that its loss would result in children playing in the streets and causing a potential nuisance to residents. Our site inspection of the area showed that the existing site provided an open, relatively flat, grassed area suitable for play. From our assessment on the site, we are satisfied that there are no equivalent areas nearby. However, we have also had regard to Sportscotland's withdrawal of its original objection to the loss of the site on the basis that the southern part of the site would be combined with the small area of open space adjoining and then retained for kick-about use. Consequently, given the established nature of the informal use of part of the site, we consider that it is appropriate for a facility for kick-about to be retained at the site. Given that it is WLC's intent to ensure such provision through a planning brief for the site, we are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of this site for housing in the WLLP, which would be contained and well related to the existing housing on its east, west and south sides.

Site 11 – Craigshill East Road (HLv117)

5.35 We find that not only did a valid planning permission for housing development exist on the site, which included affordable housing, but our site visit revealed that the planning permission had been implemented and the development had been constructed. In addition, an area of informal open space exists to the west of the site. This led us to wonder as to the logic in why the objection had been pursued to this stage. Notwithstanding, as this site has now been built out, we consider that the objections have been overtaken by events. Accordingly, we conclude that it is logical to allocate the site for housing in WLLP to accord with the authorised situation on the ground and we find no reason to recommend against that allocation.

Site 12 – Former Laboratory Craigshill East Road (HLv68)

5.36 We were not presented with any specific evidence from either party as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination,

deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 0.73ha, we also accept that, at a medium density of 35 dwellings per ha, the site might accommodate some 20 houses, to be built out within 1 to 1.5 years of detailed planning permission being granted.

- 5.37 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise the potential output from recycled brownfield land, a category into which this site clearly falls. We are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site. Notwithstanding, given the existence of planning permissions on the site, we conclude that it is logical to allocate the site for housing in WLLP to accord with that decision. Accordingly, we find no reason to recommend against the allocation of this site for housing in the WLLP, which would be well related to the existing housing on its west and south sides.

Site 13 – Land at Bellsquarry, Calder Road (HLv73)

- 5.38 In terms of whether the site at Bellsquarry Village is **effective**, we are not satisfied that it would meet the 7 criteria on effectiveness identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), in particular that related to infrastructure. We accept that although housing is not the sole option use of this objection site, in planning terms it is one of 2 main possibilities and ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 2.13ha, we also accept that, at a very low density of 5 dwellings per ha, the site could easily accommodate some 10 houses, to be built out within one year of detailed planning permission being granted. Notwithstanding, we believe that the site is capable of accommodating a much higher density of at least 3 times that. However, we note that there is currently an education capacity availability problem at Bellsquarry Primary School. In its evidence, WLC confirms that this problem would only be resolved in the medium to longer term.
- 5.39 Notwithstanding that WLC own the site, E&LSP policy HOU5 is quite explicit in that development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required improvements are provided or committed. We note that WLC has adopted this policy regularly to defend its position at this inquiry into other objections to WLLP. Also, WLLP policy HOU2 adopts a similar line to E&LSP as regards exacerbation of infrastructure problems and WLLP policy IMP2 is quite specific as regards resisting housing developments which would exacerbate capacity problems at existing schools. However, we

recognise that the scale of development anticipated here by WLC is of a lesser scale than some other developments, and would generate only a small number of pupils. Given this, it seems to us that there could be a prospect of there being sufficient educational capacity to absorb them in the infrastructure available or phasing could be considered. While this is an issue which requires to be resolved, we do not regard education provision as an obstacle to the effectiveness of the site in the medium to longer term.

5.40 As regards the **other issues** raised regarding the suitability of this site, we note from our site visit that the site is essentially part of a larger area of similar ground which extends to the rear of the properties fronting Calder Road and up to Newpark Road. The western part of this wider area is used for equine purposes. WLC has allocated all of that land, including the adjacent woodlands, as an area of special landscape control and land safeguarded for open space. We find no reason to exclude the site from that allocation as we consider that it fulfils the same important, informal, open space function as the wider area in terms of the character of the village. We consider that Bellsquarry has retained its village character despite being engulfed as part of Livingston new town. We note that an example of new development exists at the extreme east end of Calder Road. However, unlike the objection site, it is more detached and separated from the traditional village core by the recreation ground and therefore has a reduced impact on the intrinsic character of the village. We consider that a similar development on the objection site would dilute and detract from that intrinsic character and the value of the area of special landscape control.

5.41 We acknowledge that **E&LSP** gives the highest priority to focusing housing development in existing urban areas and that it also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. However, we note that WLC seeks to safeguard and protect the specific open space environment around this part of Bellsquarry village through WLLP policies COM2 and ENV21, which comply with the requirements of E&LSP policy ENV1d. WLLP policy COM2 seeks to resist proposals which would result in the loss of formal and informal open space, parks and civic spaces and applies 4 criteria to assessment of proposed development. In this regard, we consider that the development of the site would conflict with the first 3 criteria of this particular policy. In addition, our concern is further supported by WLLP policy ENV21, which aims to promote opportunities to enhance and protect from intrusive development the 6 identified areas of special landscape control, of which the site in Bellsquarry is one. We consider that the development of the site for housing, even one of a low density as proposed at present, can only be described as intrusive and contrary to the intent of this particular policy of WLLP. We are in no doubt that WLLP environmental policies COM2 and ENV21 should take precedence in this regard.

5.42 Consequently, we are not satisfied that in its allocation of this site WLC has had sufficient regard to E&LSP and nor that the site complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. We consider that the proposed development of the site would conflict also with the aims and intent of WLLP policies COM2 and ENV21. As a result, we are not convinced that there is sufficient valid policy or environmental justification for the allocation of this site

for housing and we do not consider that would be broadly consistent with the thrust of E&LSP and national guidance and advice.

Site 14 – Former Kirkton North 10B site Eliburn Campus (HLv111)

- 5.43 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 3.22ha, we also accept that, at a low density of 14 dwellings per ha, the site might accommodate some 45 houses, to be built out within 2 years of detailed planning permission being granted.
- 5.44 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While the site HLv120 cannot be described as brownfield, we are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.45 As regards the **other issues** raised regarding the suitability of this site, we note that the circumstances have changed since the allocation of the site for high amenity industrial or business use in the extant Livingston Local Plan. In any event, we consider that the purpose of the WLLP is to review such circumstances and establish whether the same circumstances and requirements prevail. No evidence was presented to us that there was any shortage of employment land such that the site had to be retained for such purposes. Whereas, we have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and it would be unlikely that there would be a shortfall. We are uncomfortable about adding to the level of employment allocation in such a location when there is no apparent requirement. We note that land exists to the north, on the opposite side of Cousland Road, to enable expansion of the existing Shin Etsu employment facility and we do not consider that the expansion of that facility would be prejudiced by development of the objection site. While we note that the existing Shin Etsu facility utilises hazardous chemicals, we also note that such chemicals are stored at the north end of the complex, some distance from the proposed site. In addition, we note that it is outwith the required consultation distance for such hazardous substances and that Health and Safety Executive has raised no concerns regarding the location of the site in that regard. We also note that as regards the ethylene gas pipeline, some distance to the west of the site, only the outer consultation zone touches the extreme west corner of the site and the Health and Safety Executive again raises no issues with the proposed use of the site

for housing. In addition, the west corner of the site would be appropriate for landscaping to screen that end of the site from Toll Roundabout.

- 5.46 We note that parties are generally agreed that access to the site for employment purposes from the east via the stopped up Cousland Road would be inappropriate, a conclusion with which we would concur. Notwithstanding, we consider that if employment use were to be proposed for the site it could be accessed from a leg from a redesigned roundabout, albeit land ownership issues may require to be resolved. However, given our conclusions above on the land use issue, we do not require to consider this issue further. We found no other environmental aspects of the nearby employment use, including noise, which would adversely affect residential use of the site. Accordingly, we find no other reason to recommend against the allocation of this site for housing in the WLLP, which would be contained and well related to the existing housing on its east side.

Site 15 – Land at Inglewood Street/Cousland Interchange, Craigshill (HLv109)

- 5.47 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. We accept that although housing is not the sole option use of this objection site in planning terms, it is one of 2 main possibilities and ownership is not an impediment to its use for that purpose. However, for other environmental reasons, which we explain below, we consider that the density should be restricted considerably below the figure of 60 dwellings suggested in WLLP Appendix 6.1, to enable an acceptable residential environment to be created on this difficult site. Subject to further site assessment, on the basis of a net developable area of 1.04ha, we consider that at a low to medium density of between 15 to 30 dwellings per ha, the site might satisfactorily accommodate some 20 to 30 houses, to be built out within 1 to 2 years of detailed planning permission being granted.
- 5.48 **E&LSP** gives the highest priority to focusing housing development in existing urban areas. It and SPP3 also recognise the potential output from recycled brownfield land, a category into which this site clearly falls. We are satisfied that in its allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.49 As regards the **other issues** raised regarding the suitability of this site, however, we are concerned that the site is close to the main spine route of Livingston Road. At present this quadrant of the cloverleaf junction forms a landscaped barrier between the spine road and the housing in Inglewood Street. We note that the existing small area of woodland on the west side of the site would remain to continue its screening role. However, our concern relates to the type of environment that would be created for the potential occupants of the proposed site. It would be bounded on

its west and north sides by the busy Livingston Road and Cousland Road respectively, which we consider would not create a pleasant environment for potential residents. We consider that it is particularly important that any new housing development on the site is protected both visually and acoustically from the potential environmental intrusions from these 2 roads. In that regard, we consider that any housing development on the site should be of a limited scale and density to allow adequate bunding and landscaping to mitigate the worst potential environmental impacts from these 2 roads.

Overall Conclusions

- 5.50 Drawing all these matters together, we find that Sites 1, 2, 3, 8, 9, 10, 11, 12 and 14 are suitable housing sites and should be retained for such purposes as allocated in WLLP and its Proposal Map 3: 'LivingstonArea'. The allocation of these sites for housing would not be inconsistent with E&LSP or relevant national guidance and advice. However, we do not consider that any part of Sites 4, 5, 6, 7 or 13 should be allocated for housing and find that these sites should be retained as appropriately protected landscape and open space and, in the case of sites 4, 5, 6 and 7, enhanced as part of the Almond Valley, all in accordance with WLLP policies COM2 and ENV21.
- 5.51 We have taken account of all other matters, including the Ladywell Action Plan, the Ladywell additional information on open space, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

Site 1 – Eliburn [east part] (HLv115)

(i) that site 1 be included in the list of sites in WLLP paragraph 10.21 and the site area be included in its entry under WLLP Appendix 6.1; and

(ii) that in paragraph 10.18, second last line after the words “new park facilities” add a comma and the words “..., *including the relocation of the existing kick-about pitch and “striker” goals,*”.

Site 2 – Cedarbank Special Education Centre (HLv124)

(iii) that an entry be included under WLLP Appendix 6.1.1 that a new kick-about pitch facility to the west of the centre and associated other improvements be provided before any release of site 2 for housing; and

(iv) that a planning brief be issued for development of site 2 which requires the provision of a kick-about pitch facility and associated other improvements prior to development of the site.

Site 3 – Inveralmond Community High School (HLv128)

(v) that an entry be included under WLLP Appendix 6.1.1 that 2 new football pitches and associated other improvements be provided to the required standard, and reservation of a site for community/“teen” centre be identified at Ladywell Park before any release of site 3 for housing; and

(vi) that a planning brief be issued for the development of site 3 which requires a masterplan demonstrating the feasibility of the provision of 2 new football pitches to the required standard and associated other improvements; the reservation of a site for a community/“teen” centre at Ladywell Park; and that the 2 new football pitches and associated other improvements be provided prior to the development of the site for housing.

Sites 4, 5, 6 & 7 – Almondvale (HLv126; and HLv131-133)

(vii) that Sites 4, 5, 6 & 7 be removed from the allocation as housing on WLLP Proposals Map 3 and identified as within the allocations of area of special Landscape Control and land safeguarded for open space;

(viii) that in paragraph 10.21, delete from the list after “Site location/proposed site reference on proposals map-” – “*Livingston, Howden Bridge East (HLv126); Livingston, Almondvale Central (HLv131); Livingston, Almondvale East (HLv132); and Livingston, Howden Bridge West (HLv133)*”;

(ix) that the entries under WLLP Appendix 6.1:Housing Site – “Livingston: HLv126 Howden Bridge East; HLv131 Almondvale Central; HLv132 Almondvale East; HLv133 Howden Bridge West” be deleted;

(x) that the entries under WLLP Appendix 6.1.1:Housing Site – “Livingston: HLv126 Howden Bridge: East, Livingston; HLv131 Almondvale Central, Livingston; HLv132 Almondvale East, Livingston; HLv133 Howden Bridge West” be deleted; and

(xi) that the Livingston town centre boundary allocation be removed from the area to the north of the River Almond and east of the boundary of the Civic Centre extending to the Almond Valley Bridge.

Site 8 – St Andrews Primary School [East], Howden (HLv127)

(xii) that an entry be included under WLLP Appendix 6.1.1 that a new synthetic grass pitch and associated other improvements be provided to the south of the school for school/community use before any release of site 8 for housing; and

(xiii) that a planning brief be issued for the development of site 8 which requires the provision of a synthetic grass pitch of some 64m by 44m on the south side of the school and improvements to the existing tarmac playground and soft landscaped areas within the school grounds, prior to the development of the site.

Site 10 – Beatlie School former playing field (HLv120)

(xiv) that an entry be included under WLLP Appendix 6.1.1 that the existing southern part of site 10 be retained along with the small area of open space adjoining for kick-about use and any associated works be completed, before any release of the site for housing; and

(xv) that a planning brief be issued for the development of site 10 which requires the retention of the southern part of the site and the small area of open space adjoining for kick-about use and any associated works, prior to the development of the site.

Site 13 – Land at Calder Road, Bellsquarry (HLv73)

(xvi) that site 13 be removed from the allocation HLv73 as housing on WLLP Proposals Map 3 and be identified as within the allocations of area of special landscape control and land safeguarded for open space;

(xvii) that the entry under WLLP Appendix 6.1:Housing Site “Livingston: HLv73 Bellsquarry 16” be deleted; and

(xviii) that the entry under WLLP Appendix 6.1.1:Housing Site – “Livingston: HLv73 Bellsquarry 16” be deleted.

Site 15 – Land at Inglewood Street/Cousland Interchange, Craigshill (HLv109)

(ixx) that the entry of 60 units under WLLP Appendix 6.1:Housing Site “Livingston: HLv109 Cousland Interchange East” be deleted;

(xx) that an entry be included under Appendix 6.1.1:Housing Site – “Livingston: HLv109 Cousland Interchange East” requiring the existing trees and the mature shelter belt to the west of Inglewood Street and the majority of the woodland to the north east of Inglewood Street, adjacent to Craigshill Road, to be retained; and

(xxi) that a planning brief be issued for the development of site 15 which requires: the protection of existing trees and the mature shelter belt to the west of Inglewood Street; the retention of the majority of the woodland to the north east of Inglewood Street, adjacent to Craigshill Road; resident and visitor parking provision within the new development site; and additional landscaping and bunding of the north and west boundaries of the site.

Other matters

(xxii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.7 Westfield (WLLP allocations)

Representation nos:

7185, 7458, 7564/3, 7582/2, 7589/1.

Objectors appearing at Inquiry:

Written submissions only

Inquiry references:

HOU14: North Logie Brae (HWf1)

WS169: North Logie Brae (HWf1)

HOU14: South Logie Brae & Paper Mill (HWf2)

WS169: South Logie Brae & Paper Mill (HWf2)

1. BACKGROUND

1.1 Objections were lodged by 13 parties to WLLP covering 2 allocated housing sites in Westfield on agricultural land used for grazing and on the site of a former paper mill. This chapter concerns those housing proposals. The other objections are dealt with elsewhere in the report.

1.2 Westfield village is located in the rural north west corner of West Lothian, just south of the valley of the River Avon, which forms the administrative boundary with Falkirk District. The area is characterised by smaller rural settlements, woodland areas and farmland. Westfield was the most industrialised of these rural communities until the closure a few years ago of a large paper mill to the east of the village, which has since been demolished. The site descriptions are as follows:

Site 1 – North Logie Brae (HWf1)

1.3 This site is immediately east and south of the existing village and its boundaries on those sides is formed by the rear gardens of houses which front Strathavon Terrace (B8028) to the west and the culs-de-sac of Strathlogie and Kaemuir Court to the north. It primarily comprises 2 fields used for grazing - a smaller rectangular field whose western boundary adjoins the rear gardens of those houses in Strathavon Terrace and a much larger, irregularly shaped eastern field whose eastern boundary is formed by the line of a dismantled railway line and a steep embankment, which separates it from the site of the former paper mill. Its southern boundary follows the irregular field boundary eastward from the rear of Westfield Primary School, which also fronts Strathavon Terrace, to the dismantled railway line. To the south of that boundary, is another field which forms part of the South Logie Brae site.

Site 2 – South Logie Brae & Paper Mill (HWf2)

1.4 Part of the site is composed of the large field immediately to the south of site 1 and shares its irregular north boundary with the southern boundary of that site. It is bounded on its west side by the school playing fields and the rear of South Logie Nursery fronting Strathavon Terrace. Its southern boundary runs eastward from the

south east corner of the nursery site and along the north side of the access road to South Logiebrae Farm, on the other side of which it joins the disused railway line. The other part of the site is the former paper mill site, which runs north west/south east on the east side of the disused railway line and in the valley of the Barbauchlaw Burn, which runs south from the River Avon and meanders roughly through the middle of this part of the site. It is separated from the South Logie Brae part of the site by the steep embankment which also separates it from site 1. It is bounded partly on its north and east sides by the route of the B8047 through Westfield and partly by the wooded area at the top of the east bank of this valley. A wooded area forms the southern boundary of the former paper mill part of the site beyond which is agricultural land. To the east of the former paper mill site, where the B8047 rises up and bends away eastward from the valley and some way outside the site, is a Scheduled Ancient Monument comprising one of the refuge stones associated with Torphichen Kirk and, beyond that, agricultural land.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors are concerned that the proposed developments will overshadow Westfield and seek: the clear separation and reduction of the scale of the 2 allocated housing designations; and that WLLP Proposal Map 5 should be co-terminus with WLLP Proposal Map 4.

3. SUMMARY OF CASE FOR THE OBJECTORS

Sites 1 & 2 – North Logie Brae (HWf1) & South Logie Brae & Paper Mill (HWf2)

- 3.1 WLLP had created the North Logie Brae site (HWf1) from the site Wf1 allocated in the Bathgate Area Local Plan and the greenfield South Logie Brae site. The South Logie Brae site had been included only because there had been a previous planning application to develop this land, which was insufficient justification to allocate it for development. It had not been proven that there was a need to develop the site, particularly given the massive developments proposed in Armadale and Bathgate to where local developments should be directed. The site was outwith any CDA and within part of AGLV. The level of development proposed would overshadow Westfield and place massive strain on its infrastructure. The development of South Logie Brae would contradict various parts of WLLP, particularly its policies ENV19-21 and ENV31 & 32 and it should be removed from the allocation.
- 3.2 There was concern about the way in which the Westfield paper mill development was described in 2 parts, east on the original mill site (HWf2) and west on the original north facing slope together with the more contentious south facing Logie Brae parcel (HWf1). This caused confusion from what was originally approved for housing development on the north slope (formerly Wf1 in Bathgate Area Local Plan) and what had previously been resisted by WLC on the south slope.

- 3.3 While making use of an existing brownfield site, the scale of the proposed residential allocations at Westfield were unsustainable and could not be fully and reasonably supported within the context of a comparative analysis of all potentially available sites within the WLLP area, based upon those matters set out under WLLP paragraph 6.27.
- 3.4 Given the pressure of development in the Westfield area, it was astonishing that the WLLP Proposals Map 5, showing Westfield and Torphichen, was not co-terminus with WLLP Proposal Map 4, Armadale, Bathgate and Whitburn. Their neighbourhood was only visible on the key map, which was at a much smaller scale than WLLP Proposal Maps 4 and 5, which made it impossible to trace the boundaries of AGLV.
- 3.5 There had not been adequate consultation regarding further developments of a nearby lowland crofting application in Westfield (Calgen Crofting development). It had been understood that the Calgen proposal was still to be considered by WLC but now it was asserted by a third party that planning permission had been granted.

4. SUMMARY OF CASE FOR WLC

Sites 1 & 2 – North Logie Brae (HWf1) & South Logie Brae & Paper Mill (HWf2)

- 4.1 These objections had largely been overtaken by events. WLC was minded to approve a planning application (1414/04) for 533 houses on sites HWf1 and HWf2, and a Section 75 Agreement was in the final stages of negotiation.
- 4.2 The objectors were somewhat confused over the site boundaries. Site HWf2 was considered appropriate for housing development to meet WLC's housing land supply targets in E&LSP. In particular, the proposal was consistent with E&LSP policy HOU9. There would also be a requirement that the development did not place a burden on infrastructure constraints and where deficiencies occurred (ie road and education provision) the developer would be required to make up any shortfall in accord with E&LSP policy HOU8.
- 4.3 The presentation of the Westfield housing site in 2 parts was not a material consideration for us. The concern regarding the Westfield sites being described in 2 parts was because their presentation in WLLP was dependent on different factors. Natural and man made boundaries, differing time frames and changes in housing demand determined the presentation of the sites in WLLP. Site HWf2 was a substantial brownfield site which was consistent with WLLP policy HOU3. It was admitted that the scale of development was significant but this stemmed from: the scale of the brownfield land attached to Westfield village, which had recently been reclaimed for development; and the form of the village with a residential arm and an industrial arm which encompassed a green 'V' of land in between. Given the presumption in favour of redevelopment of Site HWf2, it followed that the wedge of land between the 2 arms was vulnerable to residential development and as such suitable in terms of meeting WLC's housing targets.

- 4.4 As regards the Proposals Map, when preparing these for a wide area, it was inevitable that some settlements which were in close proximity to each other would be displayed on different maps. WLLP Proposal Map 5 focuses on the villages in West Lothian and as they were spread across the WLLP area it was inevitable that maps of individual settlements were grouped together. This was a customary practice in local plan presentation. In any event, the housing proposals in WLLP did not encroach into AGLV.
- 4.5 On the matter of lack of consultation, WLC's development control section provided information on detailed issues regarding the current status of planning applications and consents. This had been taken into account in the preparation of WLLP but was not relevant to its process.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to meet a possible shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg, to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Sites 1 & 2 – North Logie Brae (HWf1) & South Logie Brae & Paper Mill (HWf2)

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the sites. Consequently, we are unable to conclude that these sites would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection sites in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the sites with net developable areas of 10ha (HWf1) and 23.5ha (HWf2)

respectively, we also accept that, at low and medium densities of 14 and 22 dwellings per ha, the sites might accommodate some 218 houses (HWf1) and 322 houses (HWf2) respectively, to be built out within 5 to 7 years of detailed planning permission being granted.

- 5.4 We are satisfied that neither site is covered by AGLV or area of special landscape control designations as claimed and, accordingly, we consider that WLLP policies ENV21, 31 and 32 do not apply in this case. **E&LSP** gives the highest priority to focusing housing development in existing urban areas. As regards site HWf1, we recognise that it has both an established allocation for housing in the extant Bathgate Local Plan and an existing planning permission for development of some 218 houses. Consequently, given the existence of planning permissions on site HWf1, we conclude that it is logical to allocate that site for housing in WLLP to accord with that decision.
- 5.5 E&LSP and SPP3 also recognise the potential output from recycled brownfield land, a category into which the substantial former paper mill part of site HWf2 falls. We do not accept WLC's claim that this site is consistent with WLLP policy HOU3, since that policy relates exclusively to Linlithgow and Linlithgow Bridge. We do recognise, however, that development of this part of the site is supported by aspects of E&LSP policies HOU2, 8 and 9. In that regard, we consider that the allocation of this part of site HWf2 for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice.
- 5.6 However, we are not as convinced about the greenfield part known as South Logie Brae, which we consider would result in the loss of existing agricultural fields and we note that WLC recognises that their development would be a loss in terms of amenity to the village. In particular, E&LSP policy HOU8 criterion "a" advises that such development should be small scale and in keeping with the character of the settlement or the area. We consider that the overall scale of development is significant (almost trebling the overall size of the village), a factor which is also admitted by WLC, and that the inclusion of the South Logie Brae part of the site adds to that significance. We find WLC's justification for including the South Logie Brae part within site HWf2, of vulnerability to residential development, to be unconvincing to say the least. We consider that it would be just as logical to leave that green wedge of land out of the housing allocation site HWf2, thereby reducing the overall scale and impact of development within the village. In that regard, we have strong reservations over the development of the South Logie Brae part of site HWf2.
- 5.7 The claim by the objectors that this site could not be fully and reasonably supported within the context of a comparative analysis of all potentially available residential sites within the WLLP area, in terms of WLLP paragraph 6.27, is not supported by any evidence to that effect. Consequently, we are unable to come to a conclusion which supports that claim, other than in respect of the South Logie Brae part of the site, about which we express doubts above. Otherwise, we consider that the allocation of the site is generally consistent with the objectives identified in WLLP paragraph 6.27. Consequently, we are satisfied that there is sufficient housing policy justification for the release of most of the site.

- 5.8 In terms of sustainable transport, we note that WLC describes the existing public transport in terms of bus services as circuitous and infrequent, which does not lead us to conclude that the scale of development proposed would be sustainable as regards transportation. However, we note that it is intended that the greater population would support better public transport links and that WLC intend that developers would contribute to educational, community and public transport improvements, including a new road and bridge. Notwithstanding, we still have concerns as regards the volume of unsustainable vehicular movements which would result from the scale of development proposed.
- 5.9 However, all that said, we cannot ignore the resolution of WLC to grant planning permission for residential development on all of site HWf2, subject to completion of a Section 75 Agreement. As a result, we conclude that it is thereafter logical to allocate the site for housing in WLLP to accord with that decision. We would emphasise, however, that it is only on the basis that a Section 75 Agreement is completed and planning permission granted that we consider it reasonable to release the site as proposed. Accordingly, given all these particular circumstances referred to above, we do not recommend against the allocation of this site for housing in the WLLP, which would be related to the housing proposed on its north and west sides.
- 5.10 As regards the issue of WLLP Proposals Maps 4 and 5, we recognise that Proposals Map 5 covers the villages spread across West Lothian and that it is of a format not dissimilar to the approach adopted in other local plan formats. We find this format acceptable. However, we note that Proposals Map 1 is of a much smaller format and scale, which makes any details on that map but outwith Maps 2-5 much more difficult to discern for users. While it is not fatal, in the interests of clarity for all users, we conclude that WLC should reproduce WLLP Proposals Map 1 to the same plan size format as Proposal Maps 2-5, with adjustment to an appropriate scale to fit that format. As regards the issue of the consultation on the status of the Calgen Crofting development, we find that this is not a matter before us on which we are required to form a view.

Overall Conclusions

- 5.11 Drawing all these matters together; we find the sites suitable for housing and that they should be retained for such purposes in WLLP, notwithstanding our reservation regarding the allocation of the South Logie Brae part of site HWf2 and the issue of sustainable transport. Also, the format and scale of WLLP Proposals Map 1 should be reproduced.
- 5.12 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

(i) that WLLP Proposals Map 1 be reproduced to the same plan size format as WLLP Proposals Maps 2-5, with adjustment to an appropriate scale to fit that plan format; and

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.8 Whitburn (WLLP allocations)

Representation nos:
9899/8.

Objectors appearing at Inquiry:
Written submissions only

Inquiry references:
WS 100: St Joseph's Primary (South) (HWb13)

1. BACKGROUND

1.1 Objections were lodged by one party to WLLP covering one allocated housing site in Whitburn on part of an open space area and this chapter concerns that housing proposal. We found the references to the site as HWb13 in the WLLP Proposals Map 4: 'Bathgate Area' and to HWb12 and HWb13 in WLLP Appendices 6.1 and 6.1.1 to be somewhat confusing. We could find no reference to HWb12 in WLLP Proposals Map 4; St Joseph's Primary (South) was entered under both HWb12 and HWb13 in WLLP Appendix 6.1; and HWb12 was entered under 2 different addresses in WLLP Appendix 6.1.1. Nonetheless, we are satisfied that the site as appears in WLLP Proposals Map 4 as HWb13 to be the relevant site, is the one that we are considering here, and we shall refer to it under that reference. The other objections are dealt with elsewhere in the report. The site description is as follows:

1.2 Whitburn is located in the west of West Lothian, immediately to the south of the M8 motorway, about mid way between Harthill, to the west, and Blackburn, to the east. St Joseph's Primary School is one of 3 adjacent primary schools located together in the south west part of the town, bounded on their south sides by Dixon Terrace, a local distributor road. The site is situated on the south side of St Joseph's Primary School, outwith the boundary fence on that side of the school grounds. It comprises an area of relatively flat, grassed open space. To the east, a large pitch is located between St Joseph's and Polkemmet Primary Schools. To the south, it is bounded by a semi-mature shelter belt which separates it from Dixon Terrace. To the west, is a new housing development at Dixon Court. To the north, is St Joseph's Primary School and its associated grounds.

2. POLICIES SUBJECT OF THE OBJECTIONS

2.1 In essence, the objector seeks the removal of the housing designation covering the site and replacement with its allocation as open space/playing field.

3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 As the site was located at a primary school, it was not well suited to formal sporting use and it was agreed that the Outdoor Sports Facilities Strategy did not

require its retention. However, as a primary school playing field, its redevelopment might impact on the school's ability to deliver PE, extra curricular activities and play space for pupils. While Sportscotland objected to the allocations, it could reconsider should WLC confirm this school was closing or demonstrate an appropriate level of playing field provision would be retained at the school.

- 3.2 WLC claimed that the site was poorly drained and little used but it was found on a site visit to be in reasonable condition and being used informally for football. The eastern pitch was also in reasonable condition, although it was accepted that these pitches might often be unusable due to poor drainage. Sportscotland was not in principle opposed to redevelopment of this site but was concerned about potential loss of a facility which appeared to be currently used by the community. The objection would be reconsidered on the submission by WLC of indicative proposals showing how the playing field provision would be achieved for the 3 primary schools and also a demonstration of how formal and informal community provision would be adequately provided.

4. SUMMARY OF CASE FOR WLC

- 4.1 The use and function of this site was considered in WLC's Open Space and Sports Facilities Strategies in accordance with Government policy in NPPG11. These strategies focussed on existing parks and open spaces over 0.2ha within settlement boundaries defined in WLLP. Both strategies considered sites for investment along with sites that were non-strategic in relation to the overall aims of the strategies and were approved by WLC in October 2005. The reuse of these non-strategic urban sites, which were predominantly within or adjacent to existing residential areas, were proposed for residential use in the WLLP. This would provide resources which would enable WLC to make better and improved facilities for sport and recreation in this area. Education Services considered there was sufficient play area and soccer 7s facilities remaining that the identified non-strategic parts of the large grounds were not required for school extensions or to meet the requirements of the school's operation.

- 4.2 WLC undertook to demonstrate how formal and informal community provision at the 3 schools could be realised and the design work was ongoing. However, there was extensive open space nearby at Hunter Grove Park and the existing pitch between St Joseph's and Polkemmet Primary Schools would be retained and its drainage improved.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have

accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

St Joseph's Primary (South)(HWb13)

- 5.3 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in WLLP Appendix 6.1 regarding the site with a net developable area of 0.88ha, we also accept that, at a high density of 40 dwellings per ha, the site might accommodate some 30 houses, to be built out within 1 to 2 years of detailed planning permission being granted.
- 5.4 We note that the proposed development of this site emerged from WLC's Open Space and Sports Facilities Strategies. We are satisfied that the study and analysis from which this emerged was in response to the requirements of NPPG11. Consequently, we are satisfied that the identification of the proposed housing site at St Joseph's Primary, accords with the Outdoor Sports Facilities Strategy. Also, the safeguarding of the remaining open space through WLLP policy COM2 complies with the requirements of E&LSP policy ENV1d.
- 5.5 **E&LSP** gives the highest priority to focussing housing development in existing urban areas. It also recognises that in addition to the output from recycled brownfield land, new greenfield land will still be needed to meet the demand for housing. While site HWb13 cannot be described as brownfield, we are satisfied that in their allocation of the site WLC has had regard to E&LSP and that it complies with the criteria for the release of such sites as detailed in E&LSP paragraph 2.27. Consequently, we consider that the allocation of this site for housing would be broadly consistent with the thrust of E&LSP and national guidance and advice. We are satisfied that there is sufficient policy justification for the release of the site.
- 5.6 We note that the site has been used informally for football by locals and that there is concern over the potential loss of a facility which appears to be currently used by

the community. Our site inspection of the area showed that the existing site provided an open, relatively flat, grassed area suitable for play. However, we have also had regard to Sportscotland's indication that it was not in principle opposed to redevelopment of this site and that its objection would be reconsidered on the submission by WLC of indicative proposals showing how the playing field provision would be achieved for the 3 primary schools and also a demonstration of how formal and informal community provision would be adequately provided.

- 5.7 Consequently, given the established nature of the informal use of part of the site, we consider that it is appropriate for a facility for kick-about to be retained at the site. Given that it is WLC's intention to ensure such provision through a planning brief for the site, we are satisfied that the community's requirements in that regard would be sufficiently safeguarded. Accordingly, we find no reason to recommend against the allocation of this site for housing in WLLP, which would be contained and well related to the existing housing on its west and north sides. However, we believe that corrections are required to WLLP Appendices 6.1 and 6.1.1 in respect of the site references, and an addition should be made to WLLP Appendix 6.1.1.

Overall Conclusions

- 5.8 Drawing all these matters together, we find that this site is a suitable housing site and should be retained for such purposes in WLLP, subject to the proviso regarding the resolution of the issue of provision of a community playing field and kick-about facility. If resolved, the allocation of this site for housing would not be inconsistent with E&LSP or relevant national guidance and advice.
- 5.9 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

(i) that the references to the site in WLLP Appendices 6.1 and 6.1.1 be corrected as follows: Appendix 6.1 the entry under Whitburn for "HWb12 St Joseph's Primary:South" be deleted; and Appendix 6.1.1 the entry under Whitburn "HWb12 St Joseph's Primary:South, Whitburn" be deleted and replaced with "*HWb13 St Joseph's Primary School:South*";

(ii) that an appropriate addition be made to WLLP Appendix 6.1.1 which highlights the requirement for upgrading of the pitch to the east of the site, before the site is released;

(iii) that an entry be included under WLLP Appendix 6.1.1 indicating that a planning brief will be prepared for the development of this site which will include a requirement for the provision of a kick-about pitch before the site is developed; and

(iv) that no other modifications be made to WLLP in relation to the above

objections, other than those proposed by WLC and supported in the above conclusions.

3.9 Bathgate (proposed sites)

Representation nos:

7166/1-/4, 7494/1, 7533, 7560, 7587/1-/3, 7588/1, 7589/6-/7, 7590/1-/2, 8474/1-/4, 8534, 8535, 8537-8541.

Objectors appearing at Inquiry:

ABP Limited
Mr Cowan
HJ Banks & Co Limited
(+written submissions)

Inquiry references:

HOU9a: Whiteside Farm
HOU9c: ABP Limited land, Whitburn Road
HOU9d: Land at Inchcross
HOU9f: Land south of Woodthorpe Garden Centre
EMP11: Inchcross (Pond) Industrial Estate
WS25: Land at Eastoun Farm
WS148: Moore House School, Edinburgh Road
WS165: Land at Bughtknowes Farm

1. BACKGROUND

1.1 Objections were lodged by 8 parties to WLLP covering a number of sites in or near Bathgate on which they are proposing housing uses and adjustment of the settlement boundary. This chapter concerns the proposals for housing on 8 sites. The other objections are dealt with elsewhere in the report. The site descriptions are as follows:

1.2 Site 1 – Whiteside Farm

The site abuts the western edge of the built up area of Bathgate and stretches westward to the A801, which runs north/south and forms the western boundary of the main part of the site. A small part of the site lies immediately to the west side of the A801. In all, it comprises some 89ha of mainly gently undulating farmland, used for both arable and grazing land, interspersed in its central and southern sections by significant areas of mature, mixed woodland and crossed by a number of footpaths. To the north, it is bounded by Hardhill Road (B708), which runs west from Bathgate past the Hardhill Travelling Persons site, mid-way along the south side of that boundary, and over the A801 to the south east side of Armadale. Beyond that road, agricultural land and countryside stretches northwards. To the east, it is bounded by the existing housing area of Faldside, the proposed allocated housing site at Little Boghead, and to the south east by Whiteside Industrial Estate. To the south, part of a national cycle route/footpath on the line of a former railway line (the now proposed new Bathgate/Airdrie/Glasgow railway line) forms the southern boundary. Beyond that is further agricultural land into which intrudes a recent single user employment site currently under development by SIBCAS. To the west, on the other side of the A801, a narrow strip of countryside includes the small part of the site referred to above and separates the A801 from the eastern settlement boundary of Armadale. Overhead power lines traverse the south west and north west corners of the main site.

Site 2 – ABP Limited land, Whitburn Road

- 1.3 The site is located on the south west side of Bathgate, on the north side of Whitburn Road (B7002), which accesses Bathgate from the roundabout junction of the A801 and A7066, at the south west extremity of Bathgate. The objector's landholding comprises 2 parts described as A and B on the submitted plan. Part A comprises large former abattoir buildings, some adjacent hardstandings for parking and turning space for large vehicles and fields for grazing animals on the north side of the buildings. Part B forms 2 open fields for grazing animals on the west side of the buildings. To the north, the site is bounded by part of a national cycle route/footpath on the line of a former railway line (the now proposed new Bathgate/Airdrie/Glasgow railway line), beyond which is the south west end of Whiteside Industrial Estate and a mix of agricultural land and woodland related to site 1 above. To the east, the site bounds an established housing area at Birniehill. To the south, a tree belt forms its southern boundary with Whitburn Road, beyond which is Birniehill Industrial Estate, with various industrial/employment uses. To the west, it is bounded by a thick wooded area, on the other side of which is the SIBCAS single user employment site also referred to in site 1 description above.

Site 3 – Land at Inchcross

- 1.4 The site is located on the south west outskirts of Bathgate, on the north side of the A7066, some 300m to the east of its roundabout junction with the A801, also referred to in site 2 description above. It comprises some 1.2ha of a narrow strip of open rough grassland which is generally level for most part, but then falls towards its western end where there is a substantial banking and a drop in level from the A7066. Along its north boundary are substantial mature trees covered by a Tree Preservation Order, beyond which is a new housing development at Inchcross Park. To the east, it is bounded by Standhill Road, beyond which is a football park and beyond that, the large area of the former Leyland Factory at Wester Inch which is currently under substantial redevelopment. To the south, it has a post and wire boundary with the A7066, on the other side of which is part of the large Junction 4 M8 Distribution Park. To the west, it is bounded by an area of woodland, which extends westward to the roundabout junction of the A7066 with the A801.

Site 4 – Land south of Woodthorpe Garden Centre

- 1.5 The site is located on the north west side of Bathgate and sits between Balmuir Road (A800) to its north and the embankment of the now dismantled former Bathgate/Falkirk railway line to the south. It comprises an almost square shaped area of some 1.2ha of undulating rough grazing land. To the north, on the other side of Balmuir Road, is the now redundant former Woodthorpe Garden Centre. To the east, it is bounded by a new housing development nearing completion, on the site of the former Ballencrief Works. To the south, on the other side of the former railway embankment, is Eastoun Farm and its associated agricultural land. To the west, further agricultural land also extends on both sides of the former railway line.

Site 5 – Inchcross (Pond) Industrial Estate

- 1.6 This site of some 14.66ha is situated on the south west edge of Bathgate, to the north east of the roundabout junction of the A801, B7002 (Whitburn Road), A7066 and A706 (already referred to in the descriptions of sites 2 & 3 above). It is divided into one third (north) and two thirds (south) sections by Boghead Burn, which flows in a westerly direction and is culverted across the site and under Whitburn Road, on the west side of which it emerges and flows into Half Loaf Pond. An overhead electricity line and the route of a high pressure gas main also follow this east/west line of the burn across the site. The northern third of the site (owned by Messrs W. Graham) comprises a stand of trees at its north boundary, an area of caravan storage and, on the north side of the line of the burn, a large vacant yard area, part of which is let to the Driving Standards Agency for a test centre. The southern two thirds of the site (owned by Messrs S. Melrose - Scotwaste) comprises, in its northern half, an area of scrap storage and associated process buildings, while its southern half accommodates caravan storage, waste storage and a large tarmac skid pan area. An area of thick, coniferous woodland contains the southern and eastern sides of this southern 2 thirds of the site. Two overhead power lines cross diagonally north west/south east over the southern corner of the site. To the north, on the other side of Whitburn Road, is site 2 and its associated fields. To the east, from north to south, lie industrial buildings of Birniehill and Standhill Industrial Estates, a wide woodland belt and recent housing development at Inchcross Park. To the south, on the other side of the roundabout junction is the western corner of the Junction 4 M8 Distribution Park and beyond that agricultural land extending south to the M8 motorway.

Site 6 – Land at Eastoun Farm

- 1.7 The site is located on the north west edge of Bathgate. It sits between the embankment of the now dismantled former Bathgate/Falkirk railway line to the north and Eastoun Road to the south, a minor road which runs west from Bathgate under the A801 to Armadale. It comprises a large, irregularly shaped field in arable use which slopes from west to east. To the north, on the other side of the former railway embankment, is a now largely developed housing site on the former Ballencrief Works site. To the east, it is bounded by a minor road running north/south, on the other side of which is the expansive storage area associated with the SIBCAS works. To the south, on the other side of Eastoun Road, agricultural land extends southward abutting the western boundary of the settlement. To the west, the site gradually narrows and is contained by the complex of buildings forming Eastoun Farm, beyond which agricultural land extends westward to the A801 and continues on its other side until Armadale.

Site 7 – Moore House School

- 1.8 The site is located on the east side of Bathgate, on the south side of Edinburgh Road (A89), some 0.75km west of its roundabout junction with the A7066 and the A709. It comprises a large red sandstone building and associated outbuildings in mature treed grounds. It is surrounded on its east, south and west sides by relatively modern housing developments. To the north, on the other side of the A89, is Bathgate Academy and Kirkton Public Park.

Site 8 – Land at Bughtknowes Farm

- 1.9 The site is located on the north eastern edge of Bathgate, on the north side of Dumcross Road, a minor road which runs north east from Bathgate town centre and from which it is accessed. It comprises some 8ha of relatively flat, improved grassland used for grazing of a total farm holding of some 51ha. The main farm complex of buildings, which include a stone built farmhouse, steading buildings and a more recent agricultural worker's house, are located centrally within the site. There are some trees around the farm buildings and close to the break of slope along part of the western boundary. It is bounded on its west and south sides by existing 50s and 70s housing developments respectively. To the north, it is contained by an existing belt of woodland at Glen Mavis, which lines both sides of Couston Water which flows east/west through it. To the east, it is bounded by Petershill Nature Reserve which forms part of the larger Petershill Site of Special Scientific Interest, formerly a quarry and then a reservoir. The whole surrounding area adjoining the eastern side of Bathgate is included in the Bathgate Hills AGLV, which includes the site and extends up to the settlement boundary.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the non-housing designations covering these sites in WLLP and replacement with their allocations exclusively for or to include housing of some form and adjustment of the settlement boundary.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Whiteside Farm

- 3.1 WLLP Proposals Map 4: Bathgate Area showed that provision had been made for a significant extension of the 'Standhill' industrial area, to the north/northwest into an area of land adjacent to West Mains Farm. This extension to the existing industrial area was not zoned for any specific purpose within WLLP. No explanation or justification for the reallocation of this area of land and its removal from the area of special landscape control designated area was given within WLLP. This area of industrial land 'release' did not enjoy the same high level of visual containment that was enjoyed by the majority of the land at Whiteside Farm. Accordingly, if WLC were satisfied as to the acceptability of the development of this existing industrial site, there could be no sound basis upon which, in visual/landscape impact terms, they could reasonably resist the phased development of the subjects at Whiteside Farm. The provisions of WLLP policy ENV21 should be excluded from the site at Whiteside Farm.
- 3.2 Notwithstanding, the well established woodland framework and gently rolling topography which made up the Whiteside Farm site created the ideal opportunity to sensitively integrate new development into the existing landscape. In terms of PAN44, the site had a high capacity to absorb new development which would neither be seen as intrusive nor damaging to the landscape character of the site or the surrounding area. The proposed development of the site would not compromise

the aims of WLLP policy ENV21, which should not be used as a means of preventing the future development of the site.

3.3 WLLP policy ENV22 advised, *inter alia*, that opportunities to protect and enhance the identified countryside belts would be sought and encouraged as part of the Central Scotland Forest initiative through woodland management and managed access. Developments which could secure the objectives of WLLP policy ENV22 through the physical development of an area of land, such as the phased development of the site, should be viewed favourably within the context of said policy. On this basis, the terms of WLLP policy ENV22 should be amended so as to make clear that the policy would both encourage and permit the physical development of appropriate areas of land in those cases where the developments in question would assist in securing the objectives of the policy. Alternative wording was proposed for WLLP policy ENV22 as follows: “Countryside belts are designated at Livingston, Bathgate/Whitburn and Winchburgh/Broxburn as shown on the proposals maps. Opportunities to protect and enhance the landscape of these countryside belts, including those related to the physical development of sites justified within the context of other policies of the plan, will be encouraged as part of the Central Scotland Forest Initiative through woodland planting and managed access.”

3.4 Whilst it was accepted that the Central Scotland Forest Initiative was not dependent on any form of enabling development, those developments which could be demonstrated to be of assistance should not be discounted on the basis that the assistance that they could provide was not required. The proposed development would provide much needed certainty in terms of how the future needs of the woodland would be addressed. Within the context of those matters set down within PAN44, as the phased development of the site at Whiteside Farm would give rise to no coalescence between the settlements referred to within the body of the policy, in both physical and visual terms, it was inappropriate for the policy to be applied to the land in question. Accordingly, objection was made to the provisions of WLLP policy ENV23 in so far as it related to the site.

Site 2 – ABP Limited land, Whitburn Road

3.5 ABP Ltd objected to the current non-allocation of the existing abattoir site, part A, which should be allocated for residential purposes, reflecting the planning application currently being determined by WLC. There were no constraints to development outwith the education issue, on which ABP Ltd had expressed a willingness to work with WLC to resolve. ABP Ltd also objected to allocation of part B as countryside belt and as an area of special landscape control. The land was used for the grazing of animals associated with the abattoir and its closure had left the land redundant. It represented an opportunity for residential development. Following the allocation of the land to the west for employment purposes, the potential redevelopment of the former abattoir to the east, and the parliamentary certainty of the future reopening of the Bathgate to Airdrie railway line to the north, the site would be cut off from other parts of the areas of special landscape control, and as a stand alone piece of open land the retention of this small wedge of countryside belt would be of limited value. Development on its 3 sides would not assist in the prevention of coalescence between settlements.

- 3.6 The current settlement boundary in the area surrounding parts A & B should be amended to run along the northern and western boundaries of part B and also around the boundary of the employment land allocation (SIBCAS) to the west. There was evidence of the work taking place on the ground at this employment facility such that WLC had sufficient certainty that the development was proceeding and there was no reason that the site should not be included within an amended settlement boundary. The alteration of the settlement boundary as described above, should therefore include all of ABP's landholding under WLLP policies HOU1 and HOU2 and Appendix 6.1. While ABP Ltd would not disagree with WLC's suggested alternative use of industry for the site, it should extend to the whole site. However, whilst the preference was the allocation for residential or employment purposes, if the specific allocation of housing or employment uses were not deemed suitable for the site, then the proposed countryside belt and area of special landscape control allocations should be removed from the western part B of the site and the settlement boundary amended as already referred to above. This would reflect the existing and future built environment in this part of Bathgate and allow WLLP policy HOU2 to apply to the entire site as an alternative.

Site 3 – Land at Inchcross

- 3.7 A modest development of 7 houses is sought, leaving a significant part of the site available for landscaping integral to the scheme, including the entire frontage to the A7066, which would satisfy the objective of WLC and the objector in seeking to establish visual enhancement of the road corridor. The proposal would provide a permanent means of preventing the future creation of an unmanaged and potentially problematic area of land, which would be the inevitable outcome of the application of WLLP policy COM2 without any future land management arrangements in place. The site forms part of a larger site allocated for housing in the Bathgate Area Local Plan. The planning consents issued in 1991, 1994 and 1999 all contained *ultra vires* conditions relating to planting on the objector's land. Following discussions, both parties were agreed that the objector's land was never included within any of these consented areas. As such, WLC's view that the site was built out was fundamentally flawed. Since 2003, WLC had refused planning permission for 4 applications for decreasing numbers of houses on the site, all against planning officials' recommendations for approval.
- 3.8 WLC suggested that the application of WLLP policy COM2 offered a degree of flexibility in that the retention of the site as open space would not necessarily exclude some development on the site in the future. However, that was totally at variance with the most recent refusal of planning permission in October 2006, when WLLP policy COM2 was quoted as the 1st reason for refusal and the second reason was in direct contradiction to the Reporter's decision in the 2004 appeal. Also, WLC suggested that the potential development of 7 houses on the site raised strategic planning issues and was contrary to E&LSP policies HOU8 & HOU9. This was on the basis that it was a new additional housing site which was incorrect. In addition, the structure plan position was examined in the 2004 appeal decision when the Reporter commenting on the equivalent policy H17 of the previous structure plan noted that this was not an overriding consideration. The same conclusion should be found here. WLC relied heavily on the implications of seeking to implement a landscape buffer along the A7066 in accordance with

Bathgate Area Local Plan policy C2. At the time of that local plan adoption no adjustment was made to the boundaries of the allocated housing site to accommodate any landscape buffer at the objection site.

- 3.9 While the site could provide an opportunity for significant landscape enhancement, WLC had acted inconsistently in not seeking such landscaping enhancements on other sites along the same road. The new school site and Wester Inch Village housing site, to the east of the objection site, should be compared in terms of their respective contribution to the creation of landscape enhancement of the road corridor.

Site 4 – Land south of Woodthorpe Garden Centre

- 3.10 McCulloch Properties owned land contiguous with Ballencrief Works (Housing allocation HBg46) and objected to WLC's refusal to allocate it for housing in the Schedule to WLLP Appendix 6.1. The settlement boundary ought to be realigned to include the land as a housing allocation. It would be a non-strategic housing land allocation allowing a defensible boundary to be created around the north west of Bathgate. It was a greenfield site and satisfied the selection criteria in E&LSP policy HOU8, making it appropriate for release. It was small scale, outwith any green belt, and was already serviced in terms of water/sewerage, roads and bus services. It was within walking distance of Bathgate railway station. Its small scale allowed it to deliver a different residential environment from other housing sites currently allocated, as supported in E&LSP policy HOU4. The vast majority of housing sites not yet completed in Bathgate, were large scale developments by volume house-builders. The site would accommodate low density executive housing, appropriate to an urban fringe. There was an identified need for medium term housing allocations in Bathgate, in addition to CDA proposals. This should take the form of small scale greenfield release as an extension to the town. The north west of the town was free from statutory and non-statutory designations.

Site 5 – Inchcross (Pond) Industrial Estate

- 3.11 The site was effective and available for the intended purposes. There were 3 principle reasons for the choice of the site for inclusion in the plan for mixed use development, including residential and employment uses. Firstly the site was underutilised and was prone to robbery and repeated intrusions and was unsuitable for the uses to which it was being put at a main entrance to the town. Waste management had an essential purpose but relocation was required for these reasons. The operator of the southern part of the site (Scotwaste) had secured a new site at Deans Industrial Estate to where the business would be relocated if the site was sold for residential development but would continue to operate from the site until then. Secondly, the site was within the settlement envelope of Bathgate; well located for schools, public and private transportation, retail and infrastructure availability; it could make an early and meaningful contribution to housing land supply targets, without placing at risk WLC's strategy of CDAs; and one of only 2 gateways to the town would receive a visual improvement at no cost to the public purse. Finally, the site was brownfield and in any competition for housing sites SPP1 and SPP3 encourage such use or reuse.

- 3.12 The site was compliant with E&LSP, in so far as it was within brownfield land and met all of the criteria within E&LSP policy HOU9. There were inherent difficulties with redeveloping the site for employment/industrial use. It had mine workings and shafts, and if vacated, it was unlikely to be capable of being developed economically for industrial uses. West Lothian had an adequate supply of economic/employment land of some 638ha, excluding CDAs, as shown in WLLP table 5.1. WLC put the figure much lower at 148ha but the extent of supply was not in question. The question was whether the circumstances of the occupant deserved attention through the local plan. The more suitable site at Deans could not be economically utilised unless development value was realised at Pond Industrial Estate. If the business closed for lack of a safe and secure site jobs would be lost. WLC's proposition was that there were only limited amounts of Category A land available and that the retention of the site was essential for the continued support of employment generating activity in West Lothian. Yet, WLLP allowed for the loss of low grade industrial uses on this land. The figure of 148ha advanced by WLC represented 10 years worth of employment land supply, at current average rate of take up, without taking account of further allocations within CDAs' employment land, windfalls and single user sites.
- 3.13 The proposition that the proposed mixed use development would necessarily result in the displacement of other existing businesses not seen as compatible with housing neighbours, ignored the precedent of successful development of housing to the south east of the site. There was no evidence that those houses did not co-exist quite contentedly with the 25 or so businesses in the wider area, nor that these businesses could not continue to do so if houses and other mixed use development was located on the site. Redevelopment of the site would: remove the potential difficulty caused by larger scale waste handling in an area already partially residential; solve the issue of security of the site; and assist and upgrade the appearance of this entire area. It ignores the unsuitability of the site for continued employment related purposes and takes little account of the longer term sustainability benefit which mixed use and housing development would bring.
- 3.14 WLC suggested that the delivery of the proposed mixed use at Pond would undermine the delivery of CDA at Armadale which proposed 2070 houses, some 10 times that proposed for the objection site. The figure for CDA might be reduced by the apparent removal from CDA of the Etna Brickworks site. Housing at the Pond site would make a positive contribution to the Armadale CDA by providing some small numbers of pupils for the new Armadale Academy. The extent of delivery of CDA without the Etna site may properly be called into question. It was accepted that the delivery of large scale housing sites of the order proposed in Armadale CDA took longer to deliver than effective windfall or opportunity sites of smaller scale. A smaller, contained housing development, with associated works tied to it by means of a Section 75 Agreement or other contractual mechanism, would deliver housing more quickly and contribute to the housing supply more speedily than could any CDA. The site at Pond required certain transport and junction improvements and would require ground grouting and partial decontamination. The Armadale CDA required the construction of a school, railway station, park and ride scheme, distributor roads and detailed planning permissions. While the delivery ambitions for the regeneration of Armadale were greater, there was no prejudice to WLC or the integrity of WLLP.

- 3.15 In terms of sustainability: the site was located within the settlement envelope; it was adjacent to existing housing, which would help this part of the community to grow and foster its own facilities; it was in one of 4 towns in West Lothian served by train; and the former Leyland site to the east of Pond demonstrated that accessibility to public transport was a reality. A longer walk to a railway station should not detract from wiser advantages which the site presents. National policy encouraged the development of settlements which could make use of public transport and the site was already on a bus route, it had excellent access to the M8 motorway and it was highly accessible to employment opportunities in Livingston.
- 3.16 WLC had alleged the lack or shortage of projected available educational provision but its witness conceded the inevitability of catchment reviews for the Bathgate area for both sectors and for both primary and secondary pupils. It was not accepted that both primary and secondary and denominational and non-denominational schools would operate at or close to 100% capacity, such that there was no spare capacity for the pupil product of this small site. While the objector was criticised for not coming forward with education funding proposals, if the principle of development was permitted, such details could easily be regulated by Section 75 Agreement following or as part of the masterplanning process. Although both Windyknowe and Balbardie Primary Schools were expected to reach capacity in the WLLP period, Boghall Primary School was not. WLC's witness did not rule out refusal of school transfer requests on capacity grounds and appeared to recognise that, with work on the access and the Windyknowe Primary School site, the estimated pupil product from the site could be accommodated. The objector was prepared for the required contribution and that would be forthcoming when the education Authority decided what was regarded as appropriate. The inevitability of a catchment review was not a reason for rejection of the objection as that depended on factors other than planning considerations and could not be predicted by WLLP. The same applied to St Mary's Primary School, which would have capacity if improvements were carried out. The pupil product was 11 denominational children, if and when the development was entirely built out. Flexibility of classroom use in primary schools was likely to be much greater than in secondary schools, giving additional latitude in number forecasting.
- 3.17 The existing Armadale Academy would have capacity for the pupil product from the site. The new Armadale Academy depended on a build out rate of 1500 houses within its catchment and if that rate dropped, even by 10% or 150 houses, there would be corresponding additional capacity. The removal of the Etna Brickworks from CDA might have that effect or greater. The pupil product from the Pond site would be expected to be 33 pupils spread over 6 years at the school. The new Armadale Academy was at the Public Private Partnership stage and would yield capacity for the proposed development, if the school was built, which was acknowledged in WLC's evidence. The objector was prepared to make the expected contribution and see it regulated by an agreement. WLC confirmed that capacity would exist at the extended St Kentigern's RC Secondary School for the site's pupil product and that contributions could and were expected to help make it a reality.

Site 6 – Land at Eastoun Farm

- 3.18 The objection was to the settlement boundary of Bathgate in the vicinity of Easton Farm off Easton Road. The settlement boundary was relatively contrived in this area and should embrace a small part of the objector's land to be located along a more defensible town boundary, which would contribute to the requirements of WLLP to provide a continuous supply of housing land to be available at any one time. The suggested allocation in the vicinity of Easton Farm would be essentially an infill site bounded by areas already allocated for development on its north and east sides and by Easton Road to the south.
- 3.19 To the west, the existing Eastoun Farm steading provided a suitable end stop to any potential for further expansion in that direction. The physical enclosure could also be reinforced by the introduction of an area of structural tree planting along the northern and western edges of the site. The site to the north of the former railway line, presently occupied by a very large house and associated commercial yard, had recently been granted planning permission for residential development. To the south of Eastoun Road, the area was allocated in WLLP as countryside belt which was governed by its policies ENV22 & 23. Both policies sought to preclude development in such areas that could lead to coalescence. There was thus little opportunity for any future development in that locality. The site's release for housing would not generate any further expansion in this location.

Site 7 – Moore House School

- 3.20 The Moore House School was an independent organisation which provided a range of child care services, a major component of which was education provision for residential and day pupils who experienced social, emotional and behavioural difficulties. It had been established and operational since 1988. The site should be recognised as a suitable and specific future housing site under the terms of WLLP policy HOU1, notwithstanding the terms of WLLP policy HOU2 which recognised the presumption in favour of developing infill housing sites such as the Moore House School site. WLC should assist Moore House School in identifying a suitable new site in land use planning terms for education provision within WLLP under the terms of its policy COM8.

Site 8 – Land at Bugtknowes Farm

- 3.21 The Bathgate Hills and the River Avon AGLV was an extensive area, afforded special protection by the local plan and it bounded settlements including Bathgate. The site of 8ha at Bugtknowes Farm was not of the special character to merit inclusion in the AGLV and this objection was supported by a preliminary landscape and visual appraisal. Much of the site was enclosed by woodland and former reservoir walls on its north and east boundaries respectively. While there were these good landscape features on the periphery of the site, it did not possess the same visual appearance and landscape characteristics for which the AGLV was designated. WLC had modified the boundary of the AGLV on a number of occasions to reflect changing circumstances and pressures along this boundary. It was therefore recommended that the boundary of AGLV was modified as shown in Figure 4, the revised WLLP Proposal Map 4, to include the site within the

settlement boundary.

- 3.22 The boundary of AGLV was presently defined by the settlement edge comprising the housing to the west and south of the site. There was an existing slope and tree and shrub belt along the western boundary which separated the settlement from the AGLV and was a strong and defensible boundary. However, the boundary of the Drumcross Road housing to the south was not aligned along any identifiable features within the landscape and was formed by the wooden fences enclosing back gardens, which was not an appropriate boundary for AGLV. The existing established tree belt along Glen Mavis to the north and the grass berm of the former reservoir to the east, were more appropriate features to delineate AGLV.
- 3.23 Both Circular 2/1962 and SNH/Historic Scotland Guidance on Local Landscape Designations (2005) suggested that areas may be included where these act to improve protection or management to those areas which do merit designation. The site lay between the existing settlement edge and the Petershill Site of Special Scientific Interest and in locational terms might appear to provide a buffer. However, this did not have regard to either the physical conditions of this area or the objectives for which the Site of Special Scientific Interest and AGLV were designated. Specific policies of WLLP related to development next to a Site of Special Scientific Interest, which ensured that development did not adversely affect the designated area. Further, the boundary of the Site of Special Scientific Interest with the site was comprised of a reservoir wall which formed a strong physical boundary between the two. There was, therefore, no need for the site as an additional buffer area to protect the SSSI.
- 3.24 WLLP required to take account of SPP3 which said that if brownfield and infill sites could not meet housing requirements then it would be necessary to release greenfield land next to built up areas. The policy framework in the local plan did not present a mechanism to comply with E&LSP policy HOU9, which required new allocations to be brought forward in this area where the land supply was likely to be exhausted within 5 years and it could be demonstrated that development was needed to support local facilities. A suggested new policy HOU2a, to address this omission, was provided. A policy to indicate and safeguard areas for future development, beyond the initial period of WLLP, should be included as encouraged in PAN49 and SPP3. The addition of a policy to this effect would produce clarity and flexibility and speed up the planning process. Any areas safeguarded through the proposed new policy HOU2b, should be included within the settlement boundary as clarified by existing WLLP policy HOU2.
- 3.25 Bughtknowes Farm, on the edge of Bathgate, presented an opportunity to include a site for 140 houses to address anticipated shortfalls in housing land supply for Bathgate and West Lothian. Its development would not detract from the quality or aims of AGLV and a redefined edge would strengthen its boundary at this location. Assessed against PAN38 the site was effective. There would be no adverse impact on the delivery of future housing in the WLLP period for Bathgate and West Lothian. The proposal accorded with WLLP policy HOU2. The developer would include a wide range of house types and affordable housing. As regards the dismissal of a planning appeal by Wimpey Homes Holdings Ltd on the site in 1995, the circumstances had changed in the last 10 years.

4. SUMMARY OF CASE FOR WLC

Site 1 – Whiteside Farm

- 4.1 The footprint of Whiteside Farm lay within the area of special landscape control. The objectives of the protection and enhancement of the area were not reliant on the physical development of the site and could be met as part of the Central Scotland Forest Initiative. The objector accepted that the Boghead Policies were in an attractive environment within this part of the area. It was because of this that it had been identified as an area of special landscape control. The achievement of its sustainability and enhancement through integration and absorption of new development was not accepted. Other mechanisms existed through agricultural, forestry and bio-diversity grants to achieve this and, as was now delivered under the Land Reform (Scotland) 2003, public access enabled responsible access to the area subject to the exercising of rights as described in the Scottish Outdoor Access Code.
- 4.2 The planning permission granted elsewhere in the area of special landscape control, as referred to by the objector, was granted on a personal basis to a local business (SIBCAS) for the use of land for storage of ‘portacabins’ and to ensure the retention of that business, which required to relocate from its existing site in the town. The grant of that planning permission was supported by E&LSP policy ENV1d, where the economic benefit outweighed the conservation or other interest in the site, and also E&LSP policy ENV3, which allowed development in the countryside where there was an operational need which could not be met in an urban area. The circumstances of that planning permission did not apply to the proposal on the objection site.
- 4.3 The objection was based not on the designation of countryside belt per se, but that development proposed for Whiteside Farm could secure the objectives of WLLP policy ENV22. The development proposal was based on the claim that development in a landscape created by woodland policies would not lead to coalescence between settlements. Coalescence was as much about the extension of urbanisation in relation to landscape impact, bio-diversity degradation, increased recreational pressure and other environmental consequences as it was to the physical consequences of merged settlements. Development within the Whiteside Policies would erode the countryside buffer and the integrity of the green space between the settlements of Bathgate and Armadale. Also, it would encourage urban sprawl and introduce the risk of coalescence of these settlements.
- 4.4 The objector’s proposed wording change to WLLP policy ENV22 would require development to be justified within the context of the overall WLLP. This would have to include the overall development strategy where additional land was not required. In addition, allocation of the site could not be justified in terms of E&LSP policies HOU8 or HOU9. Consequently, irrespective of any wording change to the policy, it would not introduce sufficient support for residential development at Whiteside Farm as it would still fail the test of delivery within the context of the overall WLLP.

- 4.5 The designation, in association with its countryside belt status, reflected its special landscape character in a zone of countryside that was designated to prevent urban coalescence. WLLP policy ENV24 also resisted development that would impair the appearance of the countryside from strategic roads, including the A801. The erosion of locally important landscapes by development would be resisted while sufficient land to meet housing and industrial needs was identified outwith such areas. The protection of West Lothian's hard pressed countryside was a priority of WLLP in areas of landscape and environmental importance.

Site 2 – ABP Limited land, Whitburn Road

- 4.6 WLC had demonstrated in the round table session on Strategic Land Supply and the CDA Preferred Development Strategy that sufficient land to meet the requirements of E&LSP was identified in WLLP and this position was not challenged by the objector. The land was not and had never formed part of the strategic land supply. The tests of E&LSP policy HOU9 were not met in this case, therefore, the policy was not applicable to this development. There was a sufficient housing land supply in Bathgate and there was no requirement for further housing to support local facilities, including schools.
- 4.7 WLC accepted that there was a case for the redevelopment of part A, given that it was a brownfield site within the settlement envelope. Residential development was a possible future use for the abattoir site, subject to no conflict with WLLP policy HOU2 and provided that the current education provision constraints could be overcome. The scale of current house allocations was taking catchment schools to their capacity and it would not be appropriate to allocate the site for residential use at this time. There was currently an outstanding planning application for residential use on part A but there were difficulties of overcoming the education provision constraints. However, discussions were ongoing between WLC and the applicant to try and overcome these constraints. Nevertheless, it would be inappropriate to allocate it as a housing site in WLLP as that would restrict the site from being redeveloped for any other appropriate use if the education constraint could not be overcome.
- 4.8 It was claimed by ABP that, in part, it was for commercial reasons rather than planning reasons that it wanted the site allocated in WLLP. It was claimed that an allocation would make the site more attractive in the market place. Such commercial considerations were not competent planning matters. The objector agreed that only the buildings in part A were in a state of disrepair and that the land including part B could not be regarded as an eyesore in its current state. The objector sought to make a comparison of part B with the Windyknowe site (HBg47), a new residential site proposed in the countryside belt on the western edge of Bathgate. There were special circumstances for the allocation of the Windyknowe site because the current access to Windyknowe Primary School was through a residential area and there was a health and safety issue due to traffic congestion at the start and end of the school day. In order to achieve a new safe access to the school for children, WLC were promoting the allocation of the new site at Windyknowe. E&LSP policy ENV1d provided for development within countryside belt under such circumstances. In addition, development of the Windyknowe site would not result in the minimum distance between the urban

edges of Bathgate and Armadale being reduced. Unlike the objection site, the site at Windyknowe was not within an area of special landscape control.

- 4.9 Attention was also drawn to the proposed SIBCAS development at West Mains, which had received planning permission. That site was shown as white land within an employment allocation in WLLP, but was not shown within the settlement envelope. The area was formerly part of the countryside belt and in the area of special landscape control in the Bathgate Area Local Plan. SIBCAS was a local employer who needed a larger, flatter, site and demonstrated to WLC that there was no other suitable site available in the Bathgate area. WLC approved a departure from the local plan, for community and economic reasons and such an approach was allowed for through E&LSP policy ENV1D. Development of part B of the objection site did not have the same economic and social reasons which justified allocation of the site in terms of E&LSP policy ENV1d. In addition, SIBCAS was required by a Section 75 agreement to provide public access and to make improvements to the landscape of the countryside belt. The development itself would be landscaped. Enhancement of the countryside belt and improvements to public access were specified in WLLP policy ENV21. The landscaping, along the front of the development, would mean that part B would not, as was suggested by the objector, be physically detached from the rest of the countryside belt or detached in terms of visual amenity or the environment.
- 4.10 Bathgate Area Local Plan adopted in 1998 was the relevant local plan which related to the ABP land. The objector accepted that part B of the site was outside the settlement envelope of Bathgate in both the adopted and emerging local plans. There had been no changes to the status of part B as an area of grazing ground within the Bathgate/Whitburn Countryside Belt and the area of special landscape control since they were designated as such in the Bathgate Area Local Plan. The objector was unable to point to any changes in status of part B, other than that it was not now required by ABP due to the closure of the abattoir. It could, however still be leased or sold for agricultural or rural uses.
- 4.11 It was accepted by the objector that part B was located in an area of special landscape control which was defined in WLLP paragraph 3.63, as a landscape of “character and of local importance” and WLLP also stated that intrusive development within such an area “would be incongruous and inappropriate” and that “there is the potential for environmental enhancement.” In addition, the allocation of part B for residential use would be contrary to E&LSP policy ENV1d which protected local landscape designations identified in local plans. WLLP policy ENV31 also applied and stated *inter alia* “proposals for new build developments in the countryside will not normally be approved.” That policy listed a number of exceptions and the objector did not seek to show that its proposed development fell within any of the exceptions listed in WLLP policy ENV31.
- 4.12 The capacity of the housing sites being promoted by all objectors in and on the edge of Bathgate was substantial and could accommodate in excess of 2000 units. This objection, therefore, ought to be seen in this context. This level of development, in Bathgate, was not part of WLC's preferred development strategy and would cause severe infrastructure provision problems, particularly for education provision.

Site 3 – Land at Inchcross

- 4.13 While there was a willingness on both sides to reach an agreement, it was not possible to do so and this position was confirmed to the objector's agent in December 2006. It was stated that the objector wished to develop the site for a small low density development of 7 units but the objector had not previously made an application to WLC for 7 residential units on the site and such a proposal formed no part of the objection before the Inquiry. The objection was to the identification of the site as open space but no particular recommendation as to how the site should be identified in WLLP was made, nor were there any suggested changes to policy wording in WLLP. The objector stated that this site was in a poor and unmanaged condition. If the site were to fall into a state of dereliction, WLC would have the option of taking action to have the land brought back into an appropriate condition. At present, the site was not regarded as being in such a state as would require intervention by WLC. It was claimed that the site would not be a major visual asset and would be problematic in future. The objector had not put forward any objection to WLLP policy COM2 per se, which was there principally to provide guidance to development control officers and lists 4 criteria against which applications for development within areas of open space required to be assessed.
- 4.14 The 3 refusals of planning permission had consistently determined that the applications in relation to the objection site were contrary to the development plan. If the objection site was to be developed now it would undermine WLC's policy in terms of WLLP policy COM2. At Wester Inch the edge treatment would be significantly greened around the site, including onto the A7066 and as that development progressed, account would be taken of the policies contained in WLLP, including policy COM2. It was clear that while it resisted development, policy COM2 was not a prohibition against development. The first sentence of WLLP policy COM2 was highly relevant and stated "proposals which will result in the loss of urban sports and recreation facilities, or formal and informal open space, will be resisted." This policy was fundamental to the way WLC officers had considered their recommendations when considering applications that are influenced by WLLP. The site provided an important area of visual amenity in a main road corridor and enhanced the setting of Bathgate.
- 4.15 It was acknowledged from 3 previous reports that this site enjoyed support for some residential development, from officers of WLC who had previously recommended applications for approval. However, these reports had not given unfettered support for residential use and had noted that the development proposal could be considered as contrary to the terms of WLLP. The elected Members had chosen to refuse the applications for this site that had come before them. The objector maintained that a key feature of these refusals had been caused by a misunderstanding and inaccurate information having been made available to the elected Members. All of the information that was made available to the elected Members was before the inquiry together with the 2004 Appeal decision. While WLC had acknowledged that inaccurate information had been used in the past, that was in relation to proposed enforcement action and that was acknowledged now as wrong. However, all of the other information put forward to the elected members in connection with the consideration of the planning applications relating to the

objection site had been consistent with the view that the site formed part of a larger local plan site which had now been built out.

4.16 WLC's position on E&LSP policies HOU8 and HOU9 was set out in the Topic Paper on Strategic Land Supply. The objector did not make any representations on that topic paper and did not appear or attend the Inquiry Session dealing with that topic paper. It was claimed that E&LSP policy HOU9 did not apply as the objection site was an allocated site. While there was an allocation in the Bathgate Area Local Plan, there was no numerical contribution of units from the site and therefore it did not count in terms of the requirements of E&LSP policy HOU9. It must, therefore, be considered as a new allocation. The matters referred to in E&LSP policy HOU9 that acted as triggers to bring the policy into force, were not met in Bathgate. The 5 year housing land supply was met and there was no identified need to support local services. The objection site was part of an allocation for housing in the Bathgate Area Local Plan and had been built out. There was no consent for houses that had not been built. The land that remained did not form part of any residential site currently allocated in WLLP but it was allocated as open space. It became clear, while preparing WLLP that many areas required to be protected and the objection site was one of those areas in need of protection. In a separate exercise, the open space assessment of West Lothian also identified this area of land as informal open space.

4.17 The objector had stated that he was seeking to have the WLLP amended so that it reflected the 2004 Appeal decision notice, where the Reporter acknowledged that there was scope for a small low density development that could be accommodated without a detrimental effect on amenity. The Reporter's decision in 2004, concluded (paragraph 51) that the proposed development was unacceptable because it was inconsistent with the general thrust of the provisions of the development plan, and there were no material considerations of sufficient weight to justify approval. Also, the Reporter concluded (paragraph 46) that the proposed development would be substantially detrimental to the visual amenity within this important roads corridor, and would be against the thrust of what WLC were trying to achieve by requiring substantial buffers of open space or landscaping between new development and the road. A key matter for WLC was the protection of the road corridor along the A7066, as was reflected in the Reporter's decision.

Site 4 – Land south of Woodthorpe Garden Centre

4.18 The site was not in accordance with the councils preferred development strategy, which identified alternative, more suitable, sites for development. Development of the site could not be justified in terms of E&LSP policy HOU8, as it was not particularly small scale, was not in keeping with the character of the settlement, and it had infrastructure implications that were not addressed by the proposal. There was no identified need to bring forward additional land in terms of E&LSP policy HOU9 and to do so would result in infrastructure problems, particularly with respect to education. The site formed part of a narrow and sensitive area of countryside belt between Bathgate and the A801, which was protected by associated policies, and that WLC were keen to retain.

Site 5 – Inchcross (Pond) Industrial Estate

- 4.19 The Bathgate Area Local Plan Policy E10 applied to the site and allocated it as an all purpose industrial area, including ‘bad neighbour’ uses. The site did not form part of the employment land supply in West Lothian and was currently in use for purposes consistent with its designation in the Bathgate Area Local Plan. The Inchcross area had at least 25 businesses operating and the site and the surrounding area was one of the key employment land areas in Bathgate. The associated financial circumstances of the owners (Messrs Melrose and Scotwaste) of the southern part of the site were not relevant factors in considering the appropriate land use of the site.
- 4.20 The objector’s desk top preliminary assessment indicated that the potential zone of mining instability covered just over 50% of the site and was mainly located in the southern site. It was confirmed that this was a worst case position but at this stage advice was that this area be used for storage. Most of this area, which was not covered by existing woodland, was currently used for storage. Residential development of the site would also be restricted by the pylon and high voltage electricity lines which crossed the site. WLC received advice that no new residential development should take place 17m of either side of such a line and the high pressure gas mains on the central part of the site had an exclusion zone of 32m. Partial development of the site for residential use could have a detrimental effect on other employment uses in the Inchcross area and could restrict the type of activities carried on there. It was easier to control employment uses coming into residential areas through planning conditions than the other way round.
- 4.21 The objector set out evidence on employment land supply in the area to support the argument that there was sufficient land supply of the category most similar to the site in West Lothian. Category ‘A’, General Needs Industry was referred to but it was also relevant to have regard to category ‘I’ Open Storage only. WLLP Table 5 sets out the employment land supply at September 2004 under various categories. In relation to category ‘I’ Open Storage, 28ha was identified. There were 5 sites which made up the category ‘I’ supply and it was apparent from the evidence that there was little Category ‘I’ land available. The owner of the southern part of the site confirmed that although his company had carried out no other marketing of the site, it had put up a sign on the site for an open storage lease and now had a tenant. The undisputed evidence was that there was a shortage of land for open storage and there was a demand for such land in West Lothian. The site was used and could be used for open storage.
- 4.22 WLLP Table 5.1 identified 148ha of General Needs Industrial land supply of which 51ha was at the former NEC factory (ELv12/13), where a major regional distribution centre was under construction by Tesco. The Beugh Burn site (ELv64) extended to 33ha and was a new allocation which was the subject of separate objections at the Inquiry. Very few of the other sites set out by the objectors now contributed to the employment land supply. There was a shortage of category ‘A’ sites in West Lothian and there was demand for such sites. The site was used and could be used for category ‘A’ uses.

- 4.23 With regard to the housing land supply position, WLC had identified land for just under 24000 houses in WLLP and for the maximum number of allocations allowed by E&LSP. There was no basis for arguing that there was a shortfall in the housing land supply. E&LSP policy HOU9 was the appropriate E&LSP policy against which the site should be assessed and it applied to new land allocations in Bathgate. The objector's interpretation of the policy was unstateable and got no support from the policy or the supporting text. Eventually, he indicated that the policy did not apply to the proposal. E&LSP policy HOU9 applied to brownfield sites and the supporting text specifically referred to brownfield sites. E&LSP policy HOU9 part 'a' was not met. The objector accepted that the land supply (including constrained sites) was not likely to be exhausted within 5 years as a result of increased completions. There were 3345 dwellings identified in WLLP for Bathgate and the agreed Housing Land Audit (2005) had 2425 units identified in Bathgate. In 2005 there were 125 completions. The average completions over the last five years in Bathgate was 144. There was no basis for finding that the land supply in the town was likely to be exhausted within 5 years. Accordingly, there was no justification for allocating the site under E&LSP policy HOU9 part 'a'. As there was an "and" between E&LSP policy HOU9 parts 'a' and 'b', both parts of that policy required to be satisfied. In relation to part 'b', no local facilities that needed support had been identified and it had not been demonstrated that the development would provide this support.
- 4.24 E&LSP policy HOU2 supported the development of "suitable urban brownfield sites for housing through reuse, redevelopment or conversion." The site was not vacant or derelict land, it was not an infill site and it was not land occupied by redundant or unused buildings. The policy also required to be considered in the context of the other policies of the plan and, in the present case, E&LSP policy HOU9. With regard to E&LSP policy HOU3, central to the strategy of the E&LSP was the allocation and development of CDAs. The development of the site would result in the use of education infrastructure that was required for the CDA allocations. If there was a reduction in the number of units that could come forward in CDA, this could affect the provision of other infrastructure there. The objector accepted that E&LSP policy HOU5 applied to the site.
- 4.25 Windyknowe Primary School had a notional capacity of 415 pupils. The number of pupils at the school in 2006 was 389. It was forecast to go over capacity (by 2) in 2007 and throughout the period to 2016. Accordingly there was no capacity for additional children at Windyknowe Primary School from unplanned development. St Mary's Roman Catholic Primary School had a notional capacity of 415 pupils. The number of pupils at the school in 2006 was 320. The catchment area had 5895 dwellings with a further 3183 dwellings proposed in the catchment area. A double stream denominational primary school would usually support a catchment of 8000 houses. Further housing allocations in the catchment area were not recommended.
- 4.26 WLC proposed to rebuild Armadale Academy and the notional capacity of the new build would be 1210. The school was forecast to have a school roll of 1136 in 2016. Over a further 1000 dwellings from CDA at Armadale were programmed to come forward post 2016. The child product of the site would result in education infrastructure required for CDA allocations being used. The inevitable result of

this would be that fewer units could be developed in CDA because there would not be the education infrastructure available. The Topic Paper “Developer Contributions Towards the Provision of a New Non Denominational Secondary School” showed that from 2008/9 St Kentigern’s and St Margaret’s schools would exceed their combined capacity. Until the new denominational secondary school (at Winchburgh) was in place the forecast figures indicated that there would not be capacity for additional unplanned places in the secondary denominational sector in West Lothian. At the present time, admission to St Margaret’s Academy and St Kentigern’s Academy was by a waiting list. E&LSP Policy HOU5 would preclude development of the site until the education infrastructure was committed or provided and this was unlikely to be before 2010.

4.27 The objector suggested that overall in Bathgate there was spare capacity at primary school level and accordingly there was spare capacity for the site. The evidence on this point highlighted the misunderstanding of the education evidence. Therefore, there was no primary school infrastructure capacity available for the site. E&LSP policy HOU5 precluded development of the site until education infrastructure was committed or provided and the children from any development on the site required to be bussed to primary and secondary school. WLC’s preferred development strategy maximised the number of children who could walk safely to school and the development of the site would not result in an efficient use of education infrastructure.

4.28 The site was 2.3km from the town centre and 1.7km from Bathgate Health Centre. It was not within easy walking distance from key community facilities and it was not within easy walking distance of the railway station or the new proposed railway station (2.3km). Whilst a local bus service currently used the stretch of Whitburn Road past the site, the proposed new bus corridor in the area would be through Wester Inch. The frequency of the current bus service was every 30 minutes during the day. With regard to access to the site, the proposals set out in drawing SK1013D would not be acceptable and the site would be likely to be accessed by 2 entrances given the requirement for there to be 210m between junctions. Whitburn Road should not be seen as a gateway to Bathgate and in the future traffic coming from the south west into Bathgate would be directed through the Wester Inch site. The transport evidence did not support changing the WLLP designation of the site to mixed use. It highlighted the isolated nature of the site for residential development.

4.29 The objector considered that the nature of the works undertaken within the southern site created a poor “first impression” of Bathgate on a “key entry” point to the town and considered that the redevelopment of the site for mixed use provided a potential strategic gateway to Bathgate. This view failed to have regard to the fact that the development of the Wester Inch site would create a new key entry point to the town from the A7066. The new road would be signposted from the roundabout as the main entrance to Bathgate from the south west. Whitburn Road would be used predominantly for traffic by the employment uses in that area.

4.30 The existing views of the site from the A7066 were screened by the woodland on the site and along the northern side of the A7066. The objector’s evidence on this woodland was that it fulfilled a function in screening the site from the A7066 and

at one stage appeared to be critical of its value but accepted that the objector's own design proposal retained a substantial part of the woodland. The area designated as open space in the WLLP fulfilled a function of open space recognised in PAN65. The area of special landscape control was designated to protect the former Boghead House policies not to protect the setting of Bathgate as suggested by the objector. With regard to views of the site from the east, it was screened from the residential development by the woodland and the other employment sites to the east. The views from the A801 were restricted and would be further reduced by the new SIBCAS development at West Mains and the landscaping associated with that development. The site must be seen in the context of being in an employment land area with other employment uses to the north, south, east and west. It was well screened by the area identified in the WLLP as open space.

Site 6 – Land at Eastoun Farm

- 4.31 The extension of the settlement boundary on the north western edge of Bathgate as proposed, was not in accordance with WLC's preferred development strategy which identified alternative, more suitable sites for development. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The site constituted a substantial element of green space which contributed significantly to the setting and visual amenity of the town at that point. This would be eroded if the site was to be developed for housing.
- 4.32 The allocation of the site to the north (HBg46) reflected a planning appeal decision to permit residential development at the former Ballencrief Works. That was not a greenfield site but a former mine head which had a long history of development of industrial/commercial uses. This was not as significant a change as would be the case if the objection site were allocated for housing, which would have the undesired effect of extending the town further out into the countryside and its rural character and ambience would be eroded as a consequence. The site was unsuitable for development in any event on account of the lack of education capacity to support such development and because of the negative impact on the landscape character and setting of the town.

Site 7 – Moore House School

- 4.33 The identification of the objection site for housing was not in accordance with WLC's preferred development strategy which identified alternative more suitable sites for development. WLC's development strategy in WLLP conformed with that approved in E&LSP. It was accepted that the site met a number of the criteria of WLLP policy HOU2 but it was not an infill site in the commonly understood sense as it was currently developed. This site would be a windfall site as opposed to an allocation, given the site was partially constrained by existing buildings in place on the site and as the site was still in use. Any application for housing would be assessed on its own merits in regard to development plan policies and other material planning considerations. The change of use of the site could be established through a detailed planning application.

Site 8 – Land at Bughtknowes Farm

- 4.34 WLLP took full account of both SPP3 and PAN49. E&LSP identified land requirements to 2015 but recognised that many of the land allocations would continue to yield completions beyond this. WLLP specifically planned for growth to 2020 and there was no requirement in E&LSP for land to be safeguarded for future development. Long term residential development was already promoted through WLC's CDA strategy within WLLP. There was no strategic need to bring forward further land in Bathgate. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. E&LSP policy HOU8 identified that any greenfield releases should generally be within CDAs and exceptions required to be small scale in keeping with the character of the settlement. Development of the site could not be justified under E&LSP policy HOU8 as it was not small scale, was not in keeping with the character of the settlement and had infrastructure implications which were not addressed.
- 4.35 E&LSP recognised the need for greenfield releases but that these should be avoided in areas where it would result in unacceptable environmental impact. This site raised environmental and planning issues which had been examined through earlier planning and appeal decisions in 1993 and 1995 that resisted development. No changes to the AGLV designation of the site were recommended following consideration at the public inquiry into the Finalised Bathgate Area Local Plan in 1997. While the conclusions of a preliminary landscape and visual appraisal were referred to by the objector, no change in circumstances was identified. There had been no material change in circumstances with respect to impact on AGLV since these previous determinations were made in 1993 and 1997. The proposal could not be justified in terms of E&LSP policy ENV1d.
- 4.36 No shortfall existed in housing land supply for Bathgate and any shortfall would be addressed through E&LSP policy HOU9 and the tests identified to justify additional releases were not met. WLLP specifically allocated sites in Blackridge and Westfield in accordance with the aim of E&LSP policy HOU9 to support the regeneration of settlements in the west of West Lothian. Whilst there was no identified need to bring forward additional land in terms of E&LSP policy HOU9, to do so would result in infrastructure problems, particularly with respect to education capacity.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the

maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Whiteside Farm

- 5.3 While we were presented with some evidence from parties as to the effectiveness of the site, because no conclusive evidence was presented on the resolution of infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that WLC consider that the site could accommodate around 1000 houses and the objector advises that the potential development of the site would ensure continuity of housing supply throughout much of the period to 2015. We believe that, although not all the 89ha of the site would be developed, it has the potential for a substantial scale of development. However, in view of the absence of evidence on the resolution of infrastructure issues, we are unable to form a view on its delivery.
- 5.4 We are satisfied that the site consists of an attractive area of gently undulating farm land, in use for both arable and grazing purposes, interspersed with significant areas of mixed woodland, situated between the towns of Bathgate and Armadale. We note that it is identified as being within the Lowland Plateaux, West Lothian Plateau, Landscape Character Type in the **Lothians Landscape Character Assessment**. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that it is contained by the settlement boundary of Bathgate on its east side, the proposed Bathgate/Airdrie railway line to its south, and the B708 to the north, the landscape type extends to the west on the other side of the A801. Consequently, we consider that the site contributes to the space between Bathgate and Armadale and that development here would significantly adversely affect the area's character.
- 5.5 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and E&LSP policy HOU4 relates to sites

meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through WLLP. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to education infrastructure and as the potential scale of development would substantially extend Bathgate into its rural setting contrary to advice in SPP3.

- 5.6 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in a significant extension of the settlement westwards into the relatively narrow green rural gap between the settlements of Bathgate and Armadale. We are satisfied that such development would result in the erosion of the rural setting of Bathgate on that side, which in turn would also dramatically increase the prospect of coalescence of these 2 communities. We are satisfied that the area of countryside between Bathgate and Armadale is quite correctly and appropriately protected by WLLP countryside policies ENV21, 22, 23 and 24. We are in no doubt, as confirmed by the objector, that the Central Scotland Forest Initiative is not dependent on any form of enabling development and, as such, WLLP policy ENV22 does not encourage development of the nature proposed on the site to secure its environmental objectives. We do not consider, therefore, that the wording of WLLP policy ENV22 requires adjustment in the form proposed. Also, we do not consider that the proposal for housing development on the site is comparable with the employment allocation adjacent to West Mains Farm which was allowed by WLC as an exception under E&LSP policy ENV1d. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would be inconsistent with the thrust of E&LSP and national guidance and should also be resisted on the grounds of adverse impact on landscape setting and potential coalescence.

Site 2 – ABP Limited land, Whitburn Road

- 5.7 While the objector considers that the site could be an **effective** residential development site, we were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that the site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. However, we accept that although housing is not the sole option use of the objection site in

planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We do not have sufficient information on the site to form a view on its capacity and delivery. Regarding infrastructure, we note WLC's concerns about the capacity of schools within the catchment area for this site. While we do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable, we recognise that it would be necessary to resolve that issue before development commences. We also do not consider that the strategic allocations would have to be cut back to accommodate the site, or that an allocation would have an undermining effect on WLLP's strategy.

5.8 We note that WLC accept that there is a case for redevelopment of part A, given that it is a brownfield site within the settlement envelope and that in principle, residential development is a possibility, subject to no conflict with WLLP policy HOU2 and provided the current education provision constraints can be overcome. Given that situation, we note that WLC's decision to allow development of the SIBCAS site to the west leaves a landlocked area comprising part B and the small area of woodland belt between it and the SIBCAS site outwith the settlement boundary and allocated as countryside belt and area of special landscape control. As a result of the decision to allow the intrusion of the large SIBCAS site into the area of countryside belt and area of special landscape control on the south side of the now proposed new Bathgate/Airdrie/Glasgow railway line and allocate it for employment purposes, we consider that the value of the remaining area to the east is significantly devalued. We consider that WLC's previous decision on the SIBCAS site has to be taken into account and as a result we believe that this decision renders the countryside belt and area of special landscape control allocation applied to part B and the small wooded area, ineffectual. We are convinced that this landlocked area would no longer fulfil the requirements of WLLP policies ENV21, 22 and 23, especially the aim of preventing coalescence. Contrary to WLC's view, we are satisfied that the circumstances have significantly changed as a result of the SIBCAS development. There is a presumption in favour of development on part A and we find no justifiable reason to exclude part B from that same presumption, which would be more reflective of the current situation on the ground. We can appreciate that there are other reasons for not specifically allocating part B for housing at this stage and we do not consider that the site should be allocated as a housing site under WLLP policy HOU1 and included in WLLP Appendix 6.1. However, we consider that it should certainly be included within the settlement boundary whereby WLLP policy HOU2 would apply.

5.9 We do not consider that the inclusion of such an allocation in WLLP would be undermined by the terms of E&LSP policy HOU8. Also, E&LSP paragraph 2.27 sets out 4 aims and objectives with which allocations should conform. In relation to the 1st aim, the site is outwith the green belt. Regarding the 2nd aim, in broad terms, the site is close to a rail corridor, and it has the potential for an acceptable level of access by bus based public transport. On the 3rd aim, we are satisfied that the use that would be made of both existing and proposed infrastructure would not undermine an employment or potential residential use on this site. Regarding the 4th aim, we believe that the loss of this site would almost inevitably result in some

adverse environmental impact. However, with mitigation measures, and an approach based on similar environmental criteria as applied to the SIBCAS approval, we do not consider that the impact would be likely to be unacceptable. Accordingly, we consider that part B of the site ought to be allocated as ‘white land’ and the settlement boundary adjusted accordingly to include it, the area of woodland to its west, and the SIBCAS site.

Site 3 – Land at Inchcross

- 5.10 While the objector considers that the site could be an **effective** residential development site, we were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. On the basis of the objector’s submissions regarding the proposal for 7 units on the site, we also accept that the site might accommodate that number of units. However, we do not have sufficient information on the site to form a view on its delivery. While we do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable, we recognise that it would be necessary to resolve that issue before development commences. We also do not consider that the strategic allocations would have to be cut back to accommodate the site, or that an allocation would have an undermining effect on WLLP’s strategy.
- 5.11 However, we have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policies HOU8 and HOU9 can be relied upon for support. We note the chequered history of planning applications on the site but also note that, despite that history, it has always remained as undeveloped open space. We consider that the site provides a substantial element of greenspace within the urban area, which is reinforced by the mature trees on the northern boundary of the site and the existing woodland to the west, and that it contributes to the visual amenity of the area in its existing form. We also note WLC’s aspirations to ensure substantial buffers of open space or landscaping along the A7066 corridor, despite the scale of some of these developments being substantially larger than this site.
- 5.12 Notwithstanding, from our site inspection, we assess that any houses on the site could not be set back from the main road by any more than some 15 m, which would make them particularly prominent within this road corridor and which any new landscaping would not sufficiently mitigate, given the site’s proximity and openness to the A7066. We consider that the objector’s stated aim of establishing visual enhancement of the road corridor can be achieved by means other than building houses on the site. We have had regard to the provisions of **SPP3** and in this respect find that development of the site would be detrimental to the visual

amenity within this important road corridor at the western entrance to Bathgate and would undermine WLC's aspirations for substantial buffers of open space or landscaping between the road and new developments. While WLLP policy COM2 is intended to prevent the loss of open space, we are satisfied that the criteria it contains does allow for the material consideration of development proposals through the detail contained within such planning applications. Also, we find no support for the proposal from the previous appeal decision on the site, which echoes our own views in this regard. Consequently, we find no reason to recommend against the retention of the proposed open space allocation of the objection site within WLLP.

Site 4 – Land south of Woodthorpe Garden Centre

- 5.13 On a **preliminary matter**, we find WLC's written evidence that the site lies within the Bathgate/Whitburn countryside belt in the Bathgate Area Local Plan and that this designation is retained in WLLP to be incorrect. We are satisfied that both the Bathgate Area Local Plan (Plan 3: Bathgate) and WLLP (Proposal Map 4; Bathgate Area) show the site within white land outside the settlement boundary of Bathgate and within countryside. We have considered this objection on that basis.
- 5.14 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. On the basis of the objector's submissions regarding the site with a developable area of some 1.2ha, we also accept that at a medium density of 25 dwellings per ha, the site might accommodate some 30 units. We do not have sufficient information on the site to form a view on its delivery.
- 5.15 We are satisfied that the site consists of an attractive area of gently undulating farm land, in use for rough grazing purposes, adjoining but situated outwith the north west settlement boundary of Bathgate. We note that it is identified as being within the Lowland Plateaux, West Lothian Plateau, Landscape Character Type in the **Lothians Landscape Character Assessment**. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that it is contained by the settlement boundary of Bathgate on its east side, the disused former Bathgate/Falkirk railway line to its south, and the A800 to its north, the landscape type extends to the west on both sides of the dismantled railway line which runs through it north westward. Consequently, we consider that the site contributes to the rural setting of Bathgate on its north west side and that development here would adversely affect the area's character.
- 5.16 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these

policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to education infrastructure and as the potential scale of development would substantially extend Bathgate into its rural setting contrary to guidance in SPP3.

- 5.17 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in an extension of the settlement westwards into the relatively green rural hinterland of Bathgate, with no obvious defensible boundary. We are satisfied that such development would result in the erosion of the rural setting of Bathgate on that side. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance, and should also be resisted on the grounds of adverse impact on landscape setting.

Site 5 – Inchcross (Pond) Industrial Estate

- 5.18 Although the objector considers that the site could be an **effective** residential development site, because no conclusive evidence was presented on the resolution of infrastructure issues, especially mining instability, pylons, high voltage electricity lines and high pressure gas lines crossing the site, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Regarding education infrastructure, we note WLC's concerns about the capacity of schools throughout West Lothian. Nonetheless, we believe that there are options that could be considered, if necessary, to allow the proposal to be accommodated and significant further school provision is proposed as a result of the CDA developments in the wider area. We believe circumstances could well change over the considerable length of time that development is proposed and it is probable that not all allocated housing sites in WLLP would be developed. Also, there is the possibility of phasing. We note that the proposal would not generate a large number of pupils at any school, and it seems to us that there must be a prospect of there being sufficient education capacity to absorb them in the infrastructure available without undue disruption. We do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of

education provision in the area that it would make the proposal unacceptable. Therefore, we do not regard education infrastructure alone as being a barrier to the development of the objection site for housing but we recognise that education capacity is an issue which has to be addressed. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We also believe that, although not all the 14.66ha of the site would be developed, it has the potential for a substantial scale of development. We note that WLC consider that the site could accommodate around 200-300 houses on some 8.9ha. We accept that at a medium density of 25-35 dwellings per ha, the site might accommodate the figure suggested by WLC. However, we do not have sufficient information on the site to form a view on its delivery.

5.19 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where development is necessary, it should be found mainly in CDAs. Development in this area has to meet the terms of E&LSP policy HOU9 and be identified through the local plan. We note the speculation regarding the potential removal of the Etna Brickworks site from the Armadale CDA and the prospect of the objection site making a positive contribution to that CDA. Accordingly, we consider that it would be necessary to seek to locate any allocation to replace the Etna Brickworks site within CDA under E&LSP policy HOU3. However, based on the E&LSP Key Diagram we are satisfied that the objection site appears to fall outwith the Armadale CDA and therefore could not fulfil the claimed replacement role. Also, it was accepted by the objector that the land supply was not likely to be exhausted in Bathgate within 5 years. Consequently, although some of the site may be considered brownfield, we find that the proposals would not accord with the criteria of E&LSP policy HOU9. In that regard, we do not consider that E&LSP policy HOU9 can be relied upon for support. Also, even if it were demonstrated that additional housing land were required in Bathgate, which it has not, we are satisfied that there are other brownfield sites which are more effective and have less limitations to be overcome to enable the prospect of residential development upon them.

5.20 As regards **employment land**, we note that there is a substantial supply of employment land in West Lothian (see chapter 1.4) although WLC confirm that the objection site does not form a part of that supply. We consider that even if there was a significant upturn in demand, it would be unlikely that there would be a shortfall, and that includes taking account of WLC's view that current availability is restricted. In that regard, we are not convinced that the site requires to be retained for category 'A' uses. However, we also note that the supply of category 'I' land – land available for storage use – appears to be more limited, and that the site serves part of that function at present. Apart from the recent housing development at Inchcross Park, we find the Pond Industrial Estate is a well established industrial area founded in the Bathgate Area Local Plan, particularly as the principal area for open storage and bad neighbour industrial uses in Bathgate. Although the objector acknowledged that the site had not been actively marketed, it

was conceded that signage on the site had secured a tenant for open storage purposes. Such a use for the site seems even more appropriate when these factors are combined with the adverse ground conditions and other restrictions on a substantial part of the site which prohibit other uses. In these circumstances, we are satisfied, therefore, that it is appropriate for the site to continue to provide an opportunity for that type of use.

- 5.21 As regards the provision of a new gateway to Bathgate, we acknowledge that the proposals for the site would significantly improve its appearance. However, we do not consider that its appearance is sufficiently degraded as to be the sole reason for allowing its redevelopment for housing and we are satisfied that it is reasonably well screened from views from major road approaches to the town. Also, we note that WLC have already partly implemented plans for a new gateway through the Wester Inch development which would be seen as the principle access to Bathgate from the south west. Accordingly, we find no reason to recommend against the retention of the proposed employment allocation of the objection site in WLLP.

Site 6 – Land at Eastoun Farm

- 5.22 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that WLC consider that the site could accommodate around 50 houses and the objector advises that the potential development of the site would ensure continuity of housing supply. We do not have sufficient information on the site to form a view on its delivery.
- 5.23 We are satisfied that the site consists of an attractive area of farm land, in use for arable purposes, adjoining but situated outwith the north west settlement boundary of Bathgate. We note that it is identified as being within the Lowland Plateaux, West Lothian Plateau, Landscape Character Type in the **Lothians Landscape Character Assessment**. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that it is contained by the settlement boundary of Bathgate on its east side, the disused former Bathgate/Falkirk railway line to its north, and Easton Road to its south, the landscape type extends to the west on both sides of Easton Road. Consequently, we consider that the site contributes to the rural setting of Bathgate on its north west side and that development here would adversely affect the area's character.
- 5.24 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found

mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly as the potential scale of development would substantially extend Bathgate into its rural setting contrary to guidance in SPP3.

- 5.25 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in an extension of the settlement westwards into the relatively green rural hinterland of Bathgate. We are satisfied that such development would contribute to the erosion of the rural setting of Bathgate on that side. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance and advice, and should also be resisted on the grounds of adverse impact on landscape setting.

Site 7 – Moore House School

- 5.26 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We do not have sufficient information on the site to form a view on its capacity or delivery. Regarding infrastructure, we note WLC's concern about the capacity of schools within the catchment area for this site. While we do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable, we recognise that it would be necessary to resolve that issue. We also do not consider that the strategic allocations would have to be cut back to accommodate the site, or that an allocation would have an undermining effect on WLLP's strategy.
- 5.27 While we consider that it is a moot point whether the site can be considered as brownfield owing to it still being in use, we consider that there is a case for its redevelopment given that it is within the settlement envelope and that residential development is a possibility, subject to no conflict with WLLP policy HOU2 and provided the current education provision constraints can be overcome. Also, we do not consider that the redevelopment of the site would be undermined by the terms

of E&LSP policy HOU9. However, we acknowledge that residential may not be the only potential suitable use for the site, particularly given the nature and quality of the existing buildings there. Also, we note that the terms of WLLP policy HOU2 will apply, and that WLC concede a number of the criteria of which are either met or are not applicable. In that regard, therefore, we are satisfied that the site's full redevelopment potential can be realised by retaining the site as white land within the settlement boundary, where there is a general presumption in favour of residential development, in any event.

Site 8 – Land at Bughtknowes Farm

- 5.28 Although the objector considers that the site could be an **effective** residential development site, because no conclusive evidence was presented on the resolution of infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. On the basis of the objector's submissions regarding the site with a developable area of some 8ha, we also accept that at a low density of 17.5 dwellings per ha, the site might accommodate some 140 units. However, we do not have sufficient information on the site to form a view on its delivery.
- 5.29 We consider that the site consists of an attractive area of relatively flat farm land, in use for grazing purposes, with trees dispersed around the main farm complex and woodland bounding its northern side. We note that it is identified as being within the Lowland Hills & Ridges, Bathgate Hills, Landscape Character Type in the **Lothians Landscape Character Assessment**. This area is also defined as AGLV. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that the site is contained by the settlement boundary of Bathgate on its west and south sides, and Glen Mavis to the north, the landscape type extends northward beyond Glen Mavis and eastward, into and beyond Petershill Nature Reserve and Site of Special Scientific Interest, which is also part of AGLV. While we agree that the site cannot be described as outstanding, equally we consider that it cannot be described as of low visual amenity and it contributes to the visual attraction of the wider area.
- 5.30 We do not consider that the development of this site could be successfully integrated into the surrounding area, even with the landscape structures on its north and east sides. We are satisfied that the site contributes to the landscape on the north east side of Bathgate and that development here would significantly adversely affect the area's character. Consequently, we consider that development of this part of AGLV for housing would result in a significant urban intrusion protruding northward and eastward into the surrounding AGLV to its detriment, which would be especially evident from the close sensitive receptor of Petershill Nature Reserve and Site of Special Scientific Interest. In addition, for these same reasons and as the potential scale of development would substantially extend

Bathgate into its rural setting, we consider that the development of the site would be at odds with the specific guidance on safeguarding environmental resources in SPP3, E&LSP policy ENV1d, and WLLP policies ENV19, 20 and 21.

- 5.31 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work could be conducted in consultation with SNH. We note that WLC in response to SNH are committed to a review of AGLVs during the plan period but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.32 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site.
- 5.33 For the reasons above regarding the development of part of an AGLV, we also do not consider that the proposal would accord with the exceptions to E&LSP policy HOU8. In addition, we do not consider that allocation of the site can be justified in terms of E&LSP policy HOU9. Consequently, irrespective of any wording change to WLLP policy HOU2, we consider that it would not introduce sufficient support for residential development at Bughtknowes Farm, as it would still fail the test of delivery within the context of the overall plan. We do not consider that the circumstances have changed significantly since the dismissal of the previous planning appeal in 1995 to convince us that there are sufficiently sound reasons for amending the settlement boundary of Bathgate to include the objection site. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would be inconsistent with the thrust of E&LSP and national guidance and should also be resisted on the grounds of adverse impact on landscape setting.

Overall Conclusions

- 5.34 Drawing all these matters together, we do not consider that any part of sites 1, 3, 4, 5, 6, 7 and 8 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance and advice. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 4: Bathgate Area. However, we consider that part B of site 2 should

be included within the settlement boundary as white land whereby WLLP policy HOU2 would apply.

5.35 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

Site 2 – ABP Ltd land, Whitburn Road

(i) that an appropriate amendment be made in WLLP Proposal Map 4: Bathgate Area by deleting the countryside belt and area of special landscape control allocations from the western part B of site 2 and reallocate that part B of site 2 as white land;

(ii) that an appropriate amendment be made in WLLP Proposal Map 4: Bathgate Area by deleting the countryside belt and area of special landscape control allocations from the wooded area to the west of the western part B of site 2 and reallocate that wooded area as land safeguarded for open space; and

(iii) that an appropriate amendment be made in WLLP Proposal Map 4: Bathgate Area by deleting the part of the settlement boundary which dissects parts A and B of site 2 and redraw the settlement boundary from the north west corner of part A of Site 2 west, along the line of the former railway line and safeguarded cycle route, to the north west corner of the SIBCAS site, south along the western boundary of the SIBCAS site and return it along the south boundary of the SIBCAS site until it meets Whitburn Road (B7002).

Other matters

(iv) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.10 Blackburn (proposed sites)

Representation nos:

7564/2, 7564/4, 7564/5, 7668, 8523/1.

Objectors appearing at Inquiry:

Mr Barras (West Port Properties)

(+written submissions)

Inquiry references:

HOU17a: Mosshall

STRAT1b: Redhouse

WS139: Redhouse

WSXXX:: Redhouse

1. BACKGROUND

1.1 Objections were lodged by 2 parties to WLLP covering sites in or adjacent to Blackburn on which they are proposing housing uses. This chapter concerns the proposals for housing on 2 sites. The other objections are dealt with elsewhere in the report.

1.2 The village of Blackburn is located in the west of West Lothian, some 3.5km to the west of Livingston on the northern side of the junction of the A705 with the B792, the latter of which runs north through the village to Bathgate, some 1.5km away. The M8 motorway running east/west separates the northern end of the village's residential areas from the large industrial area beyond the motorway. The village is of reasonable size with a population of some 5250 and 2450 houses, with a range of facilities appropriate to its size and location. The site descriptions are as follows:

Site 1 – Mosshall

1.3 The site is located on the western edge of Blackburn, on the southern side of the A705, and to the west of Mosshall Industrial Estate. It comprises an area of unused rough grassland, scrub and small trees, with a small area covered in gravel. It is bounded on its north side by the Blackburn to Whitburn road (A705), on the other side of which is St Kentigern's Academy. To the east, are industrial units at Mosshall Industrial Estate. To the south, it is bounded by Latch Burn, beyond which is rough grazing land and open countryside. To the west, it is bounded by an unmade track, on the other side of which and also fronting the A705 is a petrol filling station, beyond which is open countryside between there and East Whitburn.

Site 2 – Redhouse

1.4 This site is located adjacent to the east side of Blackburn and forms 2 parcels of land (totalling some 25ha) situated on the north (13ha) and south (12ha) sides of Seafield Road (A705). It comprises on the north part relatively flat rough grassland and on the south part arable farmland. To the north, rough grassland

extends to include Easter Inch Moss. To the east, on the south side of the A705, are the policies of several small crofts of Riverside Lea Crofts, contained within a small area of countryside which extends eastward some 900m on both sides of the main road to the western settlement boundary of Seafield. To the south, beyond the crofts is extensive agricultural land. To the west, is the settlement boundary of Blackburn and existing housing developments.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the countryside belt and landscape control designations covering these sites and replacement with their allocations exclusively for housing and their inclusion within the settlement envelope.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Mosshall

- 3.1 The site should be re-designated from being protected countryside under WLLP policies to a housing allocation. Emphasis should be placed on the fact that the site was brownfield land having once been occupied by miners' rows. This accorded with both national and local planning policy. This site should be zoned to contribute to the housing land shortfall, or as a long term allocation which would assist in maintaining the steady growth of Blackburn into the next decade.

Site 2 – Redhouse

- 3.2 The settlement boundary of Blackburn should be amended on its east side to include the 2 parts of the site on the north and south sides of the A705 as residential allocations rather than being designated as countryside protected under WLLP policies ENV21, ENV22 and ENV31. They both formed part of Redhouse Farm and were in the same ownership. The site was suitable for residential allocation because: it was justified under SPP3 and within the context of E&LSP policies HOU1, HOU8 and HOU9; the site was available for immediate residential development thus making a contribution to E&LSP housing requirements; while WLLP had identified sufficient housing land to meet the E&LSP requirement, development of the site would meet the shortfall during the early part of the WLLP period; it would provide a range and choice of housing in the village; and development of the site would present an opportunity to create a defensible and sustainable settlement boundary. WLLP Proposals Map 4: Bathgate Area should be amended to include the site within the village boundaries

4. SUMMARY OF CASE FOR WLC

Sites 1 & 2 – Mosshall & Redhouse

- 4.1 The identification of the objection sites for housing was not in accordance with WLC's preferred development strategy which identified alternative more suitable

sites. Also, there was an adequate housing land supply within the settlement. WLC's development strategy in WLLP conformed with that approved in E&LSP. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. There was no support for these proposals in E&LSP policy HOU1 as the sites were neither existing housing sites nor emerged local plan sites as identified in the supporting statement. In terms of E&LSP policy HOU3, there was no requirement to allocate land in Blackburn. The Redhouse sites had a potential to accommodate some 700 houses and a physical extension to the village of that magnitude would be difficult to absorb in terms of landscape setting, infrastructure and community facilities. Also, there were education infrastructure capacity implications for Bathgate and St Kentigern's High Schools. As the proposed sites would not be small scale, or in keeping with the character of the settlement and had infrastructure problems, they could not be justified under E&LSP policy HOU8. In particular, development of site 2 would erode the rural setting of Blackburn and result in a significant risk of its coalescence with Seafield to the detriment of the environmental quality of the area.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Mosshall

5.3 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in

determining whether a site is **effective**. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We do not have sufficient information on the site to form a view on its capacity or delivery.

- 5.4 While we are aware that **E&LSP** policy HOU2 supports redevelopment of brownfield sites, we also note that it specifies urban brownfield sites. With regard to the claim that this site is brownfield, our site inspection demonstrated that while it may have been the site of former miner rows, over the years nature has been at work and no trace of these remained. Consequently, we found that while the site did not have the appearance of a brownfield site, it did not form a particularly attractive entrance to Blackburn on that side of the road. In particular, we note the extent of the settlement boundary on the north side of the main road and the location of the 30mph boundary to the west of that. Given that situation, its limited potential scale of development and the existing settlement boundary at that point on the north side of the A705, we are satisfied that this site could be considered as a development site. Consequently, given the size and nature of the site at the entrance to Blackburn, we consider that it could provide the opportunity for an improved gateway entrance to Blackburn from the west. However, we do not believe that we have enough information on the site before us to recommend its allocation for housing and given our earlier findings in respect of employment provision (see chapter 1.4) we do not recommend it forms an extension to the existing employment area to its east. Notwithstanding, we do believe that the site merits development and that WLC should investigate the inclusion of the site within the settlement boundary, albeit as white land, unless sufficient evidence can be found to include it specifically as a housing allocation.

Site 2 – Redhouse

- 5.5 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we do note the council's estimated potential capacity figure of 700 houses. We agree that on the basis of a net developable area of 25ha and at a medium density of between 25 and 30 dwellings per ha, the site might accommodate between 600 and 700 houses. While the delivery is uncertain, we accept that ownership is not an impediment to its use for residential purposes.
- 5.6 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that

E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to education infrastructure and as the potential scale of development would substantially extend the village into its rural setting contrary to advice in SPP3.

- 5.7 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in a significant extension of the settlement eastwards into the relatively narrow rural gap between Blackburn and Seafield. We believe that such development would result in the erosion of the rural setting of Blackburn on its east side, which in turn would also dramatically increase the prospect of coalescence of these 2 communities. We are satisfied that the area of countryside between Blackburn and Seafield is important and quite correctly and appropriately protected by WLLP countryside policies ENV22 and ENV31. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted.

Overall Conclusions

- 5.8 Drawing all these matters together, we do not consider that any part of site 2 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. However, we concur with the inclusion of site 1 as white land within the settlement boundary, subject to the appropriate amendment to WLLP Proposal Map 4: Bathgate Area as recommended.
- 5.9 We have taken account of all other matters but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend:

Site 1 – Mosshall

(i) that the settlement boundary on the west side of Blackburn and on the south side of the A705 be amended to include site 1 within the settlement boundary in WLLP Proposal Map 4: Bathgate Area.

Other matters

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.11 Bridgehouse (proposed sites)

Representation nos:
7607, 77609/1, 7609/2.

Objectors appearing at Inquiry:
Written submissions only

Inquiry references:
HOU18c: South Bridgecastle Cottage
HOU18c: Former coal yard

1. BACKGROUND

1.1 Objections were lodged by 2 parties to WLLP covering the need for a settlement boundary for Bridgehouse and this chapter concerns that and the proposals for housing on 2 sites. WLC have agreed to the principle of preparation of settlement boundaries for small hamlets and villages, including Bridgehouse, which would have the status of SPG when completed. This would define the boundaries of the settlement and the countryside and allow some very limited development. However, the study was incomplete at the time of the conclusion of the inquiry. Given that WLC are endorsing the objectors' proposal to produce a settlement boundary for Bridgehouse, there remains nothing outstanding for us to address in respect of that part of the objections. However, as the objections have not been withdrawn, we must proceed to deal with the outstanding matters in respect of these objections as regards the principle of housing development proposed on the 2 unallocated sites. The other objections are dealt with elsewhere in the report.

1.2 The small hamlet of Bridgehouse is located in the west of West Lothian, some 1.5km to the north of Armadale and some 0.8km south of Westfield. It is a rural settlement, historically comprising 2 main miners' rows along 2 minor roads, one running north/south and the other east/west, which form a T junction and dissects the main part of the hamlet. The site descriptions are as follows:

Site 1 – South Bridgecastle Cottage

1.3 This site fronts the east side of the north/south minor road from Armadale, on the north side of South Bridgecastle Cottage, some 350m to the south of that T junction in the main part of the hamlet. It comprises a strip of flat, rough grassland and is some 30m deep. Its frontage extends some 110m to the north from South Bridgecastle Cottage and is bounded on its north side by the southmost property of a row of 4 detached dwellinghouses fronting the minor road. To the east, it is bounded by a line of mature trees & shrubs beyond which are 3 scattered houses of Woodbank Lowland Crofting Scheme. To the west, on the other side of Armadale Road, is agricultural grazing land.

Site 2 – Former coal yard

- 1.4 This site is situated on the west side of Armadale Road, some 150m south of the T junction referred to above and some 300m to the north of South Bridgecastle Cottage. It comprises an area of flat, rough ground with various materials deposited on it. To the north, is an area of ground associated with the property adjacent to the south west side of the T junction. To the east, on the other side of Armadale Road is a detached property and its curtilage set back from the road. To the west, are fields used for equine purposes and open farmland to the south of that.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the various non-residential designations covering these sites and replacement with their inclusion within the settlement envelope and the allocation exclusively for housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – South Bridgecastle Cottage

- 3.1 It was welcomed that the principle of a settlement envelope for Bridgehouse was accepted by WLC. The site was well landscaped around its perimeter with maturing trees and shrubs. Infill housing policy was applicable here and the settlement envelope was most likely to include the site within its boundary. A small housing development of 4 houses with access directly from the public road was anticipated. The allocation of this small infill site for housing would prove a constructive way to allow a planned minor expansion of the village of Bridgehouse.

Site 2 – Former coal yard

- 3.2 While the objections were largely met, confirmation was required of the settlement envelope and the position of new housing allocations. There were remnants of a former miners' row along the western side of the Armadale road and also a derelict site which once was a coal yard. The proposal by WLC for a settlement envelope for Bridgehouse was welcomed. In addition to the boundary for Bridgehouse, there should be a small planned housing expansion of the village, on the brownfield site of the former miners' row and the coal yard. This would allow for the development of up to 6 houses on generous plots and the opportunities for peripheral tree planting, which would create a setting for the new development and mark the physical extremities of that part of the village. The Woodbank Lowland Crofting Scheme would remain outwith the settlement envelope to ensure that there was no cross-fertilisation of the policies.

4. SUMMARY OF CASE FOR WLC

Site 1 – South Bridgecastle Cottage

- 4.1 The site was unacceptable ribbon development within a rural area and was not accepted infill development between the two houses shown. Also, the proposed development would not respect the development pattern of the locality. The proposal constituted development in the countryside which was not justified in connection with agriculture or a rural business. The housing proposal did not meet any of the exceptions such as diversification, lowland crofting, redevelopment of redundant buildings or tourism, consequently, it was deemed contrary to E&LSP policy ENV3 and WLLP policy ENV31.

Site 2 – Former coal yard

- 4.2 WLC's case above regarding E&LSP policy ENV3 and development in the countryside in respect of site 1, was applicable to site 2. However, WLC were trying to fulfil the requirements in respect of SPP15 by undertaking a hamlet study that would consider the possibility of defining settlement envelopes around hamlets and small villages such as Bridgehouse. Although WLC were sympathetic to this proposal, the allocation of such sites prior to the conclusion and approval of the study would set an undesirable precedent for development of small housing sites in the countryside and might jeopardise the successful implementation of the development plan strategy. Consequently, the proposal was premature prior to the conclusion of the hamlet study. This conclusion was supported recently by the dismissal decision of an appeal against the refusal of outline planning permission on the site.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg, to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making

a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Sites 1 & 2 – South Bridgecastle Cottage & Former coal yard

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the sites. Consequently, we are unable to conclude that these sites would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. From our site inspections, we formed the view that site 1 could satisfactorily accommodate 4 houses on its frontage and that site 2 could be developed for up to 6 houses. However, while we do not have sufficient information on the sites to form a view on their delivery, we accept that ownership is not an impediment to their use for residential purposes.
- 5.4 We note that planning permission was refused for housing development on both the sites for development plan and other reasons and a subsequent appeal dismissed on site 2. Following our own inspection of the sites and their surroundings, we find no reasons to disagree with those previous decisions in terms of the circumstances of the ribbon development of site 1 and both proposals extending development into the countryside, particularly as the existing development around the T junction forms the present boundary of the substantial part of the settlement on its south side.
- 5.5 Consequently, until the conclusion and approval of the hamlet study defining settlement envelopes around hamlets and small villages such as Bridgehouse, we consider that development of these sites for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying **E&LSP** policy ENV3. That policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. Given that E&LSP gives the highest priority to focussing housing development in existing urban areas, in that regard, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to site 1's proposal for ribbon development substantially outwith the main part of the settlement. Also, neither proposal would meet the exceptions to development in WLLP policy ENV31. Consequently, we consider that the allocation of these sites for housing would not be consistent with the thrust of E&LSP and national guidance. However, we do believe that the situation of site 2 could be reviewed dependent on the outcome of the hamlet study.

Other Matters

- 5.6 We have already found in the Westfield chapter to this report that WLLP Proposals Map 5 covered the larger villages spread across West Lothian and that it was of a format not dissimilar to the approach adopted in other local plan formats and we found that format acceptable. Notwithstanding, we recommended, in the interests of clarity for all users, that WLC should reproduce WLLP Proposals Map 1 to the same plan size format as Maps 2-5, with adjustment to an appropriate scale to fit that format. We consider that the findings of the conclusions of WLC's hamlet

study in respect of hamlets and smaller villages should be notated on this same amended map.

Overall Conclusions

- 5.7 Drawing all these matters together, we do not consider that any part of these 2 sites should be allocated for housing at this time as that would not be consistent with E&LSP or relevant national guidance. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 1: West Lothian. However, we consider that site 2 should be reviewed as a result of the findings of the hamlet study defining settlement envelopes.
- 5.8 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend:

Other matters

- (i) that the settlement envelopes determined following the results of WLC's hamlet study be notated on the revised plan size format of WLLP Proposals Map 1, as referred to in the recommendation to the Westfield chapter of the report; and
- (ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.12 BRIDGEND (proposed sites)

Representation nos:
7686/1, 7686/2.

Objectors appearing at Inquiry:
Written submissions only

Inquiry references:
WS41: North East Bridgend
WS42: North West Bridgend

1. BACKGROUND

1.1 Objections were lodged by one party to WLLP covering the need for an amendment to the settlement boundary for Bridgend and this chapter concerns that and the proposals for housing on 2 sites. The other objections are dealt with elsewhere in the report.

1.2 The village of Bridgend is located in the north west of West Lothian, on the south side of the Linlithgow/Winchburgh road (B9080), some 3.5km to the east of Linlithgow, almost mid-way between there and Winchburgh. Auldhill Road is a minor road which runs north/south through Bridgend and forms a junction with the B9080 at the north end of the village. The site descriptions are as follows:

Site 1 – North East Bridgend

1.3 This elongated site is located on the east and south sides of a small cul-de-sac of recent houses at Auldhill Court, adjacent to the south east side of the junction of the B9080 with Auldhill Road. Its north boundary forms a short frontage onto the B9080 and its longer western boundary forms a frontage onto part of Auldhill Road. It comprises the western part of a large, arable field which rises to a shallow crest in the middle and is bounded on its distant eastern side by a fence and hedge row. To the north, on the opposite side of the B9080, and to the east of the larger site are agricultural fields. To the south, a hedge and fencing separate the site from an area of public open space, including an equipped play area. To the west, fronting the opposite side of Auldhill Road, are detached houses.

Site 2 – North West Bridgend

1.4 This irregularly shaped site is situated on the south west side of the junction of the B9080 with Auldhill Road. It is bounded on its lengthy northern frontage by the B9080 and its equally long western boundary is formed by the now treed embankment of a dismantled railway line. Its irregular southern boundary is composed of a treed fence line and embankment which separates it from part of Bridgend Golf Course and an area of grazing land. Its equally irregular east boundary is also formed by a treed fence line which separates it from a small part

of the field and the grounds of a large house. The site comprises 2 fields presently in arable and grazing use, which are relatively flat at their east ends but slope up towards the former railway embankment to the west. To the north, on the opposite side of the B9080, is the objector's Bridgend Farm complex, with expansive agricultural land beyond. To the west, on the other side of the former railway line, is agricultural land and to the south west is the partly restored Bridgend bing.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objector seeks the removal of the non-residential designation covering these sites and replacement with their inclusion within the settlement envelope and their allocation exclusively for housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Sites 1 & 2 – North East Bridgend & North West Bridgend

- 3.1 The objections were to the non-inclusion of both the sites in Bridgend settlement boundary. Site 1 could provide around 40 units and would 'round off' the existing settlement. Also, by continuing the tree belt on the east side of the village, a substantially stronger and enhanced physical boundary to the village would be created. Site 2 could provide a similar number of units as site 1 and was well contained by the dismantled railway line, which formed a strong defensible boundary to the west, while the B9080 formed a similarly strong boundary to the north. The development of these 2 sites would be in keeping with the scale and character of the village. Although they comprised agricultural land, their development would not lead to a loss of valuable agricultural land.
- 3.2 There were no apparent physical or environmental constraints and the sites could be effectively and readily serviced. There were also no constraints to their immediate development. The proposed developments could be contained comfortably into the landscape, by permitting small but high quality developments in terms of design, layout and landscaping. Safe and convenient access could be provided to both the sites from Auldhouse Road or the B9080. Development of the sites provided a desirable location in which to live but also represented a sustainable approach to development, by using existing and proposed new infrastructure. New housing would help sustain the local community and help extend services and facilities. Development of the sites would help provide for a variety and choice of locations for potential new house buyers in West Lothian. Also, the release of these sites would be compatible with E&LSP and SPP3, and would help to achieve a continuous 5 year effective housing land supply.

4. SUMMARY OF CASE FOR WLC

Sites 1 & 2 – North East Bridgend & North West Bridgend

- 4.1 The identification of the objection sites for housing was not in accordance with

WLC's preferred development strategy which defined alternative more suitable sites. WLC's development strategy in WLLP conformed to that approved in E&LSP. The successful implementation of the strategy within the E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. There was no support for these proposals in E&LSP policy HOU1 as the sites were neither existing housing sites nor emerged local plan sites as identified in the supporting statement. In terms of E&LSP policy HOU3, there was no requirement to allocate land in Bridgend.

- 4.2 The sites at present made an important and valuable contribution to the landscape setting of Bridgend, which would be substantially eroded as a consequence of being developed for housing. An extension of the village of such magnitude as suggested would be impossible to satisfactorily absorb and integrate in terms of landscape setting. It also raised significant concerns relative to site servicing, access, traffic generation, infrastructure and community facilities. Development of the sites would place an unacceptable burden on local schools, as there was already insufficient capacity at Linlithgow Academy. In term of E&LSP policy HOU8, the development of the proposed sites could not be justified, as they were not small scale, not in keeping with the character of the settlement and had infrastructure implications which were not addressed by the proposal.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Sites 1 & 2 – North East Bridgend & North West Bridgend

- 5.3 In terms of the 7 criteria identified in PAN38 (ownership, physical, contamination,

deficit funding, marketability, infrastructure and land use), we note the objector's claim that these sites are **effective**. WLC contend that the position in respect of educational infrastructure is in doubt. While we believe that this matter may well be capable of resolution, it has not been addressed by the objector, and we are therefore unable to draw any firm conclusion on whether the sites are effective. On the basis of the objector's submissions regarding the sites with a notional capacity of some 40 units, although no specific site sizes have been provided, we are satisfied from our site inspections that this notional figure could be accommodated on these sites. Notwithstanding, while we do not have sufficient information on the sites to form a view on their delivery, we accept that ownership is not an impediment to their use for residential purposes.

- 5.4 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and E&LSP policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the sites. In addition, we also have had regard to E&LSP paragraph 2.50 which identifies north west West Lothian as an area constrained by infrastructure, landscape and environmental objectives. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, as the sites would substantially extend the village into its rural setting contrary to advice in SPP3.
- 5.5 On this latter point, we consider that development of these sites for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We are satisfied that the proposed sites are of such a scale that they cannot be considered as rounding-off. Consequently, we find that the allocation of such a scale of land could be considered as a strategic extension to Bridgend, which we find would have a significant adverse impact on the character of the village and the demand on its limited infrastructure. In addition, for these same reasons, we consider that the development of the sites would be contrary to specific advice in SPP3 and SPP15 on safeguarding environmental resources and development in sustainable locations.
- 5.6 The issue of the timescale and prospect for the release of the housing sites within CDAs is a strategic matter which we have already dealt with in an earlier chapter of this report. As regards the related argument on the need to ensure the maintenance of a full and effective 5 year housing land supply in West Lothian, we are satisfied that, in the event of a failure to continue to meet that supply, whether by the failure

of constrained sites or otherwise, there is provision in E&LSP policy HOU10 which requires WLC to bring forward additional land for housing. In particular, we note that in the event of the need for release of such sites under E&LSP policy HOU10, it requires the land to be found within CDAs or in locations specified in E&LSP policy HOU9. Consequently, we are content that sufficient provision exists without the necessity at this time for the release of the objection sites for housing and that no persuasive evidence has been presented to us as to why the sites should or require to be given over to housing in addition to those sites already proposed within WLLP for Bridgend and CDAs. Consequently, we consider that the allocation of the objection sites for housing would not be consistent with the thrust of E&LSP and national guidance.

Overall Conclusions

- 5.7 Drawing all these matters together, we do not consider that any part of these 2 sites should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 2: Linlithgow, Broxburn & Uphall.
- 5.8 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that no modifications be made to WLLP in relation to the above objections.

3.13 Dechmont (proposed site)

Representation nos:
7702/3, 7706/1-7.

Objectors appearing at Inquiry:
Written submissions only

Inquiry references:

COM1a: Burnhouse Farm
HOU1: Burnhouse Farm
WS168: Burnhouse Farm

1. BACKGROUND

- 1.1 Objections were lodged by one party to WLLP covering a site to the north of Dechmont on which they propose a housing use and provision of a new primary school. This chapter concerns that housing/primary school proposal. The other objections are dealt with elsewhere in the report.
- 1.2 The small village of Dechmont is located some 1.5km to the west of Uphall, on the declassified stretch of the former A899, which runs east/west through the village. It is separated from the northern boundary of Livingston by the M8 corridor and its associated Junction 3, about 1km to the south east. The settlement comprises mostly areas of more recent housing developments to the rear of the more traditional housing fronting both sides of Main Street. It has somewhat limited facilities such as a 3 class primary school, village hall, post office and recreation ground. The site description is as follows:
- 1.3 The site is situated on the north side of the village of Dechmont and immediately adjacent to the eastern side of the wooded policies of the former Bangour Village Hospital site. It comprises some 7.7ha of agricultural (arable/grazing) land which gradually rises up northwards, from the line of Brox Burn on the northern edge of Dechmont, some 0.5km to the south side of the complex of buildings which forms **Burnhouse Farm**. It forms part of the wider Bathgate Hills AGLV. The site is bounded on its east side by Burnhouse Road, a C class road which travels northwards from its junction with the north side of Main Street, on the east side of Dechmont, and forms a double bend as it passes Burnhouse Farm towards Linlithgow. To the north, beyond Burnhouse Farm, the agricultural land and scattered woodland extend into the higher parts of the Bathgate Hills. To the east, beyond Burnhouse Road, agricultural land extends about one km eastwards, past East Bangour Farm until it meets the golf course on the west side of the larger settlement of Uphall/Broxburn.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the AGLV designation covering the

site and replacement with its allocation exclusively for housing/primary school site and its inclusion within the settlement envelope.

3. SUMMARY OF CASE FOR THE OBJECTORS

- 3.1 The objection related to the omission of land at Burnhouse Farm, Dechmont from allocation as a local housing opportunity and provision of a new primary school site. The proposal for Burnhouse Farm, Dechmont comprised approximately 7.7ha of land, which would deliver 110-115 low density houses in keeping with the character of the existing village. Access to the proposed site would be upgraded to include the provision of a new bridge crossing of Brox Burn and realignment of the road to remove the 2 dangerous bends. Structure planting would mitigate any impacts on the setting of the village and would reinforce the containment of the proposed site. The location was well contained and set within a defined landscape. Development could be accommodated in a manner which avoided coalescence with Uphall and which lent itself to removal from the Bathgate Hills AGLV. There were no specific service or ground condition constraints to the development of this site.
- 3.2 The proposals for Burnhouse Farm represented high quality development incorporating landscape and design. It was a logical extension to Dechmont, which provided a suitable 1.5ha site for the new primary school and supported the delivery of the school to serve the village. Delivery of the school would be achieved through developer financial contributions from both the development of Bangour Village Hospital and Burnhouse Farm sites. Financial contributions would also be made available towards secondary schooling as required and the provision of affordable housing within the district.
- 3.3 The development of Burnhouse Farm would be complementary to the proposed redevelopment of Bangour Village Hospital. The development of both sites was required to fully support the provision of a new primary school for Dechmont. The location of the school on the site was considered to be central to the area and afforded good links with the village and the former hospital site.

4. SUMMARY OF CASE FOR WLC

- 4.1 Development at Burnhouse Farm was not acceptable as it did not comply with the WLC's preferred development strategy. The successful implementation of the strategy within E&LSP and subsequently the WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. Development of the site could not be justified in terms of E&LSP Policy HOU8 as it was not small scale and not in keeping with the character of the settlement. There would be no overriding benefits to the village from development of the site and there were no other material considerations which supported the allocation of the site for housing development. The preferred site for a new school was within the former Bangour Village Hospital area where it would be accessible to the proposed large new community as well as the village of Dechmont.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Burnhouse Farm

5.3 While it is claimed that the site is **effective**, we were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Notwithstanding, we accept that although housing is not the sole option use of the objection site in planning terms, it is a possibility proposed and that ownership is not an impediment to its use for that purpose. Also, on the basis of the figures in the objector's submissions regarding the site with a developable area of some 6.99ha, we also accept that at a low density of 16 dwellings per ha, the site might accommodate some 110 to 115 units to be built out within 2 to 2.5 years of detailed planning permission being granted.

5.4 We note that the site is identified as being within the Lowland Hills and Ridges, Bathgate Hills, Landscape Character Type in the **Lothians Landscape Character Assessment**. We also note that the description given to this area includes reference to '*the wooded farmland lower down*' and that a requirement from the guidelines from assessment is to '*ensure new built development does not compromise integrity of small scale upland character*'. We consider that the site is part of that description of wooded farmland lower down which rises up from Dechmont to the higher levels of the Bathgate Hills. While we acknowledge that it is contained by woodland on its west side and a ridge to the north, we consider that development here would still adversely affect the character of this area. In particular, we are concerned that given its special identification as AGLV, development of the scale

proposed would result in Dechmont creeping up the hill towards the ridge, and that it would have an adverse visual impact, particularly in views from the eastern approach to Dechmont.

- 5.5 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work could be conducted in consultation with SNH. We note that WLC in response to SNH are committed to a review of AGLVs during the WLLP period but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.6 We find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8. In that regard, we do not consider that policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. For the reasons above regarding the development of part of AGLV, we also do not consider that the proposal would accord with the exceptions to E&LSP policy HOU8. In addition, for these same reasons and as the site would substantially extend the village into its rural setting, we consider that the development of the site would be contrary to specific advice on safeguarding environmental resources in SPP3, E&LSP policy ENV1d, and WLLP policies ENV19, ENV20 and ENV21.
- 5.7 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of the site of the scale proposed would result in a significant extension of the settlement northwards into the rural landscape. We are satisfied that, despite suggested potential structure planting, such development would result in the serious erosion of the rural setting of Dechmont on that side. We consider that the area of countryside involved is unsuited to the scale of development envisaged and the adverse environmental impacts which would result. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted.
- 5.8 Regarding the specific objections related to the location of the proposed new primary school, we note that the existing school is only a 3 class primary school

and having seen the site we agree that it is incapable of accommodating the scale of a full stream school. We also note that WLLP policy COM8 requires the safeguarding of land for a new school through masterplans and planning permissions. Without prejudice to the outcome of the objections related to proposed development of housing at Bangour Village Hospital, which is dealt with elsewhere in the report, we recognise that the largest housing development will be liable to take place there. Consequently, we consider that it would be possible through the masterplanning and planning application processes to determine the optimum location for a new primary school, which would be accessible to pupils from Dechmont, Bangour Village Hospital site and Burnhouse Farm if appropriate. We have insufficient evidence before us to conclude that the development of the objection site is essential to ensure the provision of a new primary school for Dechmont and the proposed development at Bangour Village Hospital site. We find no need, therefore, to amend the reference in WLLP policy COM8 to include reference to Dechmont village.

- 5.9 The issue of affordable housing contributions is addressed in the strategic chapter elsewhere in this report relating to that subject.

Overall Conclusions

- 5.10 Drawing all these matters together, we do not consider that any part of the site should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance.
- 5.11 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

- 6.1 Accordingly, we recommend:

(i) that no modifications be made to WLLP in relation to the above objections.

3.14 East Whitburn (proposed sites)

Representation nos:

7453, 7582/1-/4 & 6, 7603, 7684, 8577/1-/4, 9904.

Objectors appearing at Inquiry:

Robert Wiseman & Sons Ltd

Ogilvie Homes Ltd

(+written submissions)

Inquiry references:

HOU10a: Hens Nest Road

HOU10b: Redmill Park

HOU10c: Dyson site/Redmill Cottages North

WS40: Dyson site/Redmill Cottages North.

1. BACKGROUND

1.1 Objections were lodged by 4 parties to WLLP covering 3 sites in East Whitburn on which they are proposing either housing or countryside uses. This chapter concerns the proposals for housing on 2 sites and countryside belt on the other site. Two of the parties are proposing a housing allocation on more or less the same site. The other objections are dealt with elsewhere in the report.

1.2 The small village of East Whitburn is located in the west of West Lothian, on both the north and south sides of the A705, between Whitburn to its west (some 300m) and Blackburn to its east (about 1km). The village currently has around 1150 residents and 450 houses, with few facilities. The M8 motorway bounds part of the northern side of the village, some 200m to the north of Main Street and part of the River Almond meanders east/west on the south side of the motorway. The site descriptions are as follows:

Site 1 – Hens Nest Road

1.3 The site is located on the south western edges of the village, on the west side of Hens Nest Road, some 400m south of its junction with Main Street (A705). It comprises an equestrian centre, with a dwellinghouse, large stable building, barn, various hard standings and surrounding fields used for grazing horses. The ground slopes gently southwards to a small burn which flows from west to east across the site, where the land rises more steeply from there to the south, and then it rises up to a treed ridge and woodland, beyond which open countryside leads to East Mains lowland crofts. To the west, the site is separated from the eastern boundary of Whitburn by a narrow area of community woodland and open grassland. To the north, the site is bounded by a recent development of large detached dwellinghouses at Hamilton Way. To the east, on the other side of Hens Nest Road, is a relatively recent housing development at Crofters Way and to the south of that a new housing development is still under construction.

Site 2 – Redmill Park

- 1.4 The site is situated on the east and south sides of a nursing home, which fronts the south side of the A705 through East Whitburn, and on the west side of the access road to Whitrigg Industrial Estate, which leads south off the A705 to a large milk distribution depot, a haulage depot and an auto salvage yard. It comprises a generally flat, irregularly shaped, area of unused rough grassland. To the east, on the other side of the industrial estate access road, is an undeveloped industrial site, partly used at present for parking of some haulage vehicles. To the south, it is bounded by Latch Burn, on the other side of which is a reclaimed area of community woodland, open grassland and footpaths, which include the fenced off settling ponds and reed beds of a leachate decontamination facility. The woodland area stretches southward and around the west side of an undeveloped industrial site which also fronts the west side of the access road, on the other side of which is the milk distribution depot. To the west, it is bounded by a cul-de-sac of modern housing at Redmill Court.

Site 3 – Redmill Cottages North

- 1.5 The site is located between the north side of the rear gardens of the terraces of the single storey Redmill Cottages and the existing playground/football pitch, which both front the north side of the A705, and the south side of the River Almond. It comprises predominantly rough scrub land which slopes gently down from its boundary with the football pitch/playground and the rear gardens of Redmill Cottages to the River Almond. To the north, on the other side of the River Almond similar land separates it from the M8 motorway, beyond which is agricultural land and pockets of scattered woodland. To the east, the site is bounded by a modern housing development at Old Mill Court. To the south, on the other side of Redmill Cottages and the A705, are a nursing home, some undeveloped land and the access road which runs south and serves Whitrigg Industrial Estate. On its west side, it is bounded by the embankment of a former railway line, beyond which is the northern part of the main established housing developments in East Whitburn.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors to sites 1 and 3 seek the removal of the countryside belt designations covering these sites and their replacement with their allocations exclusively for housing and their inclusion within the settlement boundary. The objector to site 2 seeks the exclusion of that site from the settlement boundary and its allocation as countryside belt.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Hens Nest Road

- 3.1 WLC failed to respond to those submissions made on behalf of the objector in respect of their proposals for the site during both the formal and informal stages in the preparation of WLLP, which consequently extended the range and complexity

of issues which required to be considered at the inquiry. The principal objections were to the non-allocation of the site for residential development under WLLP policy HOU1 and its associated Appendix 6.1, the exclusion of the site from the settlement boundary, and its inclusion within designated countryside belt, to which the provisions of WLLP policy ENV22 applied.

- 3.2 The allocation of non-CDA sites was provided for under the terms of E&LSP policy HOU9, the requirements of which were met in full by the site. The objection site was ideally suited to accommodate future residential development because that represented a natural and logical extension to the existing settlement of East Whitburn in terms of its relationship to the existing built fabric. Also, its boundaries were readily identifiable and defensible in the long term and its development would not result in any degree of urban sprawl. The continued and careful evolution of the masterplan would determine and control the precise nature of the development of the site.
- 3.3 It would be possible to respond to and address appropriately any specific issues which arose during the process, including how best to respond to the perceived notion of coalescence between East Whitburn and Whitburn. It was estimated that a distance of 320m separated the most westerly point of East Whitburn at Hamilton Way from the eastmost properties in Whitburn. The form of development on the draft concept masterplan would have the effect of reducing the separation distance to 188m over a short section of the resulting western boundary of the proposed development. If the issue of coalescence remained a matter of concern, sufficient land would be omitted from the westmost section of the masterplan to ensure that no point of the proposed development would lie closer to Whitburn than the existing established 320m wide gap between the 2 settlements. The balance of the undeveloped land remaining would offer the potential to provide additional recreational space as an integral part of the proposed development and associated landscape works aimed at improving the quality of the western edge of East Whitburn.
- 3.4 WLC had acknowledged and accepted that the site was well related to both bus and rail transport routes and as such it was highly sustainable in transportation terms. When viewed within the context of the ongoing development on the east side of Hens Nest Road, the site would allow for access to be taken of both sides of that road, thus enabling its maximum sustainable use. The site represented an obvious and logical development site, which would allow the opportunity to implement a significant and meaningful package of community benefits, the nature and extent of which had already been the subject of discussions between the objector and the local interest groups. Despite WLC's assertion to the contrary, the development of the site provided the opportunity to: deliver a range of improvements to enhanced community facilities in line with the requirements of E&LSP policy HOU9; and create a safer route to school, which met the requirements of WLLP policy TRAN16 and its supporting sub-text.
- 3.5 In terms of comparison between the site and the new allocations at Blackridge and Westfield, it was evident that the allocation of the objection site for residential purposes should be preferred to these other 2 sites, given the physical and locational advantages presented by the site and its proximity to the main centres of

Livingston and Bathgate, with all the social and economic advantages presented by these centres. The site represented a suitable development opportunity, the effectiveness of which and deliverability within the short term had not been challenged by WLC. It would provide for a range and choice of housing, both in terms of type and tenure, that would significantly enhance the housing opportunities within East Whitburn, including local affordable housing opportunities. The development of the site as proposed would assist in addressing the anticipated shortfall in the effective housing land supply during the early part of the WLLP period, which related to the period 2009/2010, including any shortfall in that supply arising from CDAs. It would assist WLC to ensure that they were able to meet their obligation to maintain at all times an effective 5 year supply of housing land.

3.6 The allocation of the site as countryside belt, to which the provisions of WLLP policy ENV22 would apply, was made in direct response to a planning application by the objector for residential development on part of the site and not for any related planning or landscape reasons. It was confirmed by WLC that no landscape assessment had been carried out to inform this decision to extend the countryside belt. The objective of preventing unwanted development in the countryside was already addressed by WLLP policy ENV31. Development of the site would not impact adversely upon the landscape setting of either East Whitburn or Whitburn. The development of the proposed site, designed amongst other things to address the significant failure of past residential development on either side of Hens Nest Road to provide a satisfactory landscape setting and edge to the village, represented the only realistic mechanism by which improvements to the landscape setting of East Whitburn could be secured and implemented. As regards the issue of Core Paths, any suggested deviation of the existing footpath was highly questionable but, in any event, allocation of the objection site provided the opportunity to secure significant extensions to the local footpath network.

3.7 There were no insurmountable problems associated with accommodating the anticipated pupil output that would be generated by the proposed phased development of the site. The objector would address any educational capacity issues in accordance with the well established mechanism of securing developer contributions to address development impacts as set out within Circular 12/1996. The Section 50 Agreement which related to the larger lowland crofting site, of which the objection site formed part, provided for either party to enter into a review of its terms where there had been a significant change to the economic or planning conditions affecting the site. The release of the site for residential development would constitute such change and would, at the request of the objector, trigger a review of the agreement. In the event of any dispute arising, it was understood that the agreement made provision for reference of the matter to the Lands Tribunal.

Site 2 – Redmill Park

3.8 The objector's concerns related to the noise and vibration produced by the operation of their milk distribution depot on the proposed noise sensitive residential development on the site. The objections sought the redrawing of the settlement boundary to exclude the site and/or amendment of WLLP paragraph 5.60 to create a presumption against noise sensitive development in close proximity to industrial

premises. If it was decided not to redraw the settlement boundary, then the site should be allocated for Class 4 uses that were not noise sensitive. In recent years, the site had been the focus of repeated attempts to obtain planning permission for residential development. The previous grant of a consent was successfully challenged by way of petition for judicial review to the Court of Session because WLC failed to give adequate consideration to the impact of noise and vibration from the operation of the milk distribution depot on the proposed residential development. Also, an appeal against the non-determination of a subsequent planning application for 2 serviced plots was dismissed due to similar concerns over the impact of noise and vibration on the proposed residential development.

3.9 WLC acknowledged that the site did not have a good track record for residential development planning applications and considered that future ones would be doomed to failure. Despite WLC's views on the unlikelihood of residential development being achieved, the developer of the site was intent on obtaining residential development on the site. Also, WLLP currently contained a general presumption in favour of residential development on the site. In terms of SPP1 and PAN49, one of the primary functions of WLLP was to ensure that prospective developers knew what locations were considered acceptable for development. By its continued inclusion of the site within the settlement boundary, WLC were sending out a signal that they considered the site acceptable for residential development. However, from their evidence, it was clear that WLC had serious reservations about the appropriateness of the site for such development. WLLP policy IMP11 included a general presumption against housing and other noise sensitive uses in close proximity to existing noisy land uses, which was in sharp contrast to policy HOU2 which afforded a general presumption in favour of residential development of the site. This was an unsatisfactory situation for both the objector and any potential developer and contrary to both SPP1 and PAN49.

3.10 WLC's previous approach to planning applications on the site indicated that the policies of WLLP were not sufficient in themselves to provide the necessary plan framework for both the objector and potential developers. Identifying the site as countryside belt would provide the certainty the objector needed to allow it to operate and invest in its depot with confidence. WLC's position seemed to be based upon supporting the historical position, when PAN49 made clear that local plans must reflect current conditions in the area. It was demonstrated that the site and the land which had been designated as countryside belt were very similar. The settlement boundary proposed by the objector in drawing WIS4(b) would comply fully with the requirement of PAN56 to keep a suitable distance between noise sensitive development and established businesses that generated noise, in contrast to the boundary set out in WLLP.

3.11 If the exclusion of the site from the settlement boundary was not accepted, then it should be allocated for a use that was more compatible with its surroundings ie not noise sensitive. WLC accepted that residential development was noise sensitive and confirmed that that response could be considered as supporting non-noise sensitive development of the site. The objector and WLC agreed that the site could make a development contribution if developed as local offices or white industrial land and could act as a buffer or transition zone between the depot and existing noise sensitive uses. The absence of the proposed developer of the site was

irrelevant to consideration of the objections.

Site 3 – Redmill Cottages North

- 3.12 Objections were to the area of land to the north of Redmill Cottages being designated as countryside and to its omission as a new housing allocation. In its current state, the site was an eyesore and a haven for illegal use of motorbikes, quad bikes, fly tipping, under age drinking and drug abuse. This site had been promoted for residential development and was previously accepted by WLC and the Reporter into the Bathgate Area Local Plan that the site would be considered for housing as part of the WLLP Review. East Whitburn had no infill or brownfield development opportunities within its boundaries and there was insufficient housing provision being made for this settlement. The site extended to 10.3ha of which 5.7ha was developable without any adverse impact on the settlement. It was well related to existing housing, being bound by residential uses on 3 sides. An opportunity would arise to enhance the river valley and provide public access as well as the existing recreation areas abutting the site to the south. Accordingly, the site should be redesignated for leisure and residential use and the settlement boundary should be amended.

4. SUMMARY OF CASE FOR WLC

Site 1 – Hens Nest Road

- 4.1 The objector was of the view that 2 comparative sites at Pumpherston could not satisfy the terms of WLLP paragraph 6.27. Given the acceptance that these 2 sites were within CDA and WLLP paragraph 6.27 related to new housing allocations outwith CDAs, therefore this paragraph could not apply to these 2 sites. In any event, the objection site would be able to satisfy very few of the criteria in WLLP paragraph 6.27, against which new housing allocations had been assessed. The number of letters of support from members of the public in favour of WLC not including the objection site as a housing site, was 175 letters and not 75 as stated in the statement of evidence.
- 4.2 The objector contented that there was a clear possibility that a shortfall in the available supply of effective housing land would occur during the early part of the WLLP period as a result of difficulties in delivering the CDA allocations. It was confirmed that the early part of the WLLP period would be to 2010. No evidence was led to support this contention and, therefore, there was no context for the allocation. Notwithstanding, WLC's housing model, which was the basis for their investment strategy, anticipated that there would be no delivery of CDA housing development before 2011. WLC were not planning to rely on CDA allocations delivering any new houses in the early part of the E&LSP period. Therefore, the difficulties anticipated by the objector would have no impact on the land supply over the period suggested. Allocations had been made up to the limit as set out in E&LSP and until such time as a shortfall in that was identified, any further provision of land for housing would result in oversupply or overprovision of housing land. In the event of there being an under supply of housing land, then the solution to the problem was to re-examine WLC's housing land strategy as a whole

rather than the piecemeal allocation of other housing sites outside that strategy. E&LSP policy HOU10 confirmed this position and set out the procedure to be followed by WLC if a shortfall occurred.

- 4.3 Half of the overall housing land supply was outwith CDAs. WLLP Appendix 6.1 figures showed that the indicative total number of units in West Lothian was 23,813. The estimated number of units in CDAs in West Lothian was 12000, which left a balance of 11813 units outside CDAs. The average number of completions in West Lothian was around 1200 per year. A land supply of 11813 units gave a land supply period of just under 10 years. Therefore, sufficient allocation had now been made in terms of the plan to deliver the full housing land supply requirement over the next 5 years and beyond. As sufficient land had been allocated by WLC and there was no anticipated shortfall in the housing land supply, it was not appropriate or sustainable to allocate further sites such as the objection site.
- 4.4 E&LSP Baseline Monitoring Report supported this and indicated that the land supply overall was currently running at 104%, before any allowance was made for CDA allocations. Despite the objector's contention that a real possibility of a shortfall occurring existed, no evidence was put forward to support this contention and WLC's position that the 5 year land supply was running ahead of E&LSP requirements was not challenged. The objector was not represented at the round table sessions at which the strategic land supply issues for the county were discussed. Full details of how policies HOU10 and HOU9 were interpreted was given in the Topic Paper on Strategic Housing Land Supply.
- 4.5 E&LSP policy HOU8 provided that there would be a presumption against new housing development on greenfield sites other than to meet E&LSP policy HOU1 and HOU3 requirements. In the event of a site being an exception, as the objector maintained this site was, then it was required to satisfy all of the 3 criteria, a, b and c set down in policy HOU8, but they failed to do so. The proposal by the objector failed because the development was not small scale. Small scale meant the scale necessary to bring about support for local facilities necessary to meet point b of E&LSP policy HOU9. In East Whitburn there was no local school, which required support, and the objector was unable to point to any particular facilities, which required support. Much of the proposal was based on providing new facilities rather than supporting existing facilities, which was not supported by a large proportion of the villagers, judging by the level of written support for the WLC's position. Some of the improvements, such as the proposed safer route to schools, had been proposed without a full understanding of WLC policy on these matters. Additional infrastructure required had not been fully considered and the objector was unable to confirm that it could be funded by the developer. The objector confirmed that they had not fully assessed the impact of the development on local schools. This was, in part, due to the total scale of development not being confirmed. The objector could not therefore meet the terms of criterion c.
- 4.6 Irrespective of the criteria of E&LSP policy HOU8, the policy was an exceptions policy rather than an automatic provision for all sites which met the criteria. In the first instance there must be a justification for an exemption but the objector identified no such justification. The objector sought to compare the objection site

with the proposed development sites at Westfield (HWf2 and HWf1). The position at Westfield was that the school had a declining roll. There was a previous allocation of housing at Westfield (Wf1) in Bathgate Area Local Plan, which when coupled with the requirement to remediate the contaminated land on the site of the former Westfield Paper Mill, led to the allocation of the additional housing land at Westfield. Accordingly, there was both E&LSP and WLLP support for the Westfield development and it met the requirements of E&LSP policy HOU9.

4.7 WLC supported unviable public transport facilities and there were probably only 4 commercially viable public transport bus services in West Lothian. WLC accepted that Hens Nest Road was better placed to benefit from public transport services but this was the only advantage that the Hens Nest Road site would have over the Westfield site. The Westfield site supported the local school and would remediate a significant derelict and contaminated brownfield site.

4.8 The objector had attempted to show that WLC had acted in some way that was contrary to the objector's interests in the development of this site. By its own admission, the objector took a commercial decision to purchase the site and that inferred risk as to whether or not development was or was not likely. The objector had purchased the site in 2003/04 in the knowledge that: the site lay outwith the settlement boundary; it was subject to the restrictions of a planning agreement; and there was no policy support for housing on the site. The objection site extended in total to some 21ha. The first phase of development proposed by the objector was on 2 to 2.4ha and comprised a proposed development of 50 houses. Accordingly, if the whole site owned by the objector was to be developed, this could give an overall capacity in the order of 480 houses. The objector stated that it was the intention to build 250 to 300 houses as indicated on its masterplan. However, the final paragraph of the objector's statement of evidence sought a residential consent on the whole site.

4.9 The objection site lay outwith the settlement envelope for East Whitburn and its development would lead to issues of coalescence with Whitburn. Coalescence was defined in the glossary attached to E&LSP. The objector's evidence suggested that the minimum distance between Whitburn and East Whitburn would be reduced on only 8% of the western boundary of the objection site. However, it was accepted that the distance would be reduced on over 30% of the site's boundary. The objector confirmed that it would accept an allocation which went no further west than the westernmost part of Hamilton Way. This acceptance confirmed that the impact on the open space between the two settlements had not been fully considered by the objector. The objector criticised WLC for allocating the site as countryside belt (through a pre inquiry change) without first having carried out a landscape assessment. However, it was accepted that there was no policy requirement in the E&LSP, WLLP, Bathgate Area Local Plan or SG policy guidance to do so. Having accepted that there was no policy requirement to do so the objector relied on such an assessment being "good practice", rather than as a policy requirement.

4.10 It was claimed that countryside belts were a local designation for which there was no national support, whereas PAN60 and NPPG14 offered support for local

designations. It was claimed that PAN60 and NPPG14 related to natural heritage which was about animals and plants and that WLC were making a “quantum leap” to include countryside as an element of natural heritage. NPPG14 confirmed that countryside was an element of Scotland’s natural heritage. The area of land between East Whitburn and Whitburn was subject to development pressure as demonstrated by the objector’s planning application and consequently, the designation of the site as countryside belt was appropriate. Landscape enhancement had already taken place on the western boundary of the site in order to enhance the landscape setting of Whitburn. The proposal by the objector would at least double the size of East Whitburn.

- 4.11 The objection site was subject to a Section 50/75 Agreement. No application had been made to the council for the discharge or variation of the planning agreement referred to. Accordingly, the objection site was not available for immediate development. WLC acknowledged that the core path diagram was illustrative only and that the actual location of the paths that were on the periphery of the objection site were unlikely to be changed, although such a possibility existed

Site 2 – Redmill Park

4.12

The area of land at Redmill Park was shown in the adopted Bathgate Area Local Plan, and continued to be so designated in WLLP, as unallocated ‘white land’ within the settlement boundary and the site was not being promoted by WLC as a development site. The site did not form part of the strategic land supply and no assumptions about delivery of housing on the site had been made in any of WLC’s land supply processes. There were no local plan proposals for residential use. The objector agreed that SPG – Planning and Noise – was very clear and precise. The proposal by the objector to take the site out of the settlement envelope would make it more difficult, but not impossible, to promote alternative uses of the site in the future. It was accepted by WLC that the objector had come to a realisation of the importance of noise issues in connection with their business operations since the adoption of the Bathgate Area Local Plan in 1998, rather than any land use that had occurred since that date.

4.13

Whether or not a particular use of the site was or was not appropriate, was a matter to be determined at the time of consideration of a planning application for the site. It was only through the planning application process that the detailed information required to assess whether or not a use was or was not appropriate, could be made. The provisions of WLLP, in particular its policies HOU2, IMP10 and IMP11 together with the aforementioned SPG, were adequate safeguards to ensure that inappropriate development did not take place on the white land at Redmill Park. It was accepted by the objector that the site was on the area of a former fireclay mine and that WLC required to achieve a balance in terms of land allocation and land uses when preparing WLLP. While there was a presumption in favour of development, in that the site at Redmill Park lay within the existing settlement boundary, any application for planning permission for residential development required to meet the tests set out in WLLP policy HOU2 and satisfy the requirements of PAN56 before any consent would be granted. It was appropriate to designate the land as white land and rely on the policies as set out in the current

Bathgate Area Local Plan and WLLP together with PAN56 and other guidance issued by SG to determine an appropriate use for the site.

- 4.14 WLC acknowledged that without some form of intervention, the site was not suitable for noise sensitive development. The potential effects on any business operation at Whitrigg Industrial Estate were adequately protected by the policies of WLLP and SPG. WLC recognised the noise vulnerability of the operator of the businesses at Whitrigg Industrial Estate and also acknowledged that there had, to date, been no noise complaints from this particular site. It was inappropriate for WLC to change the designation of surrounding land in the plan for employment uses, as to do so would not be practical due to the large number of employment sites that are located adjacent or near to residential developments. Consequently, removing the site at Redmill Park from the settlement boundary would introduce an inconsistency to WLLP.
- 4.15 The objector agreed that in relation to the noise evidence, the assessment of the specific noise level of 36dB(A) at Redmill Court was erroneous and that the specific noise level from Wiseman's depot was 30dB(A) and not 36dB(A). This in turn would give an excess of rating over background noise level at Redmill Court of 3dB below background noise. Based on the original erroneous BS4142 assessment at Redmill Court (3dB above background noise) the objector has concluded that the housing at Redmill Court can co-exist with the depot without noise being an issue. If the objector's conclusions were based on a BS4142 assessment at Redmill Court of 3dB(A) above background, when in fact the assessment is actually 3dB(A) below background, housing could be built closer to the depot at a point where a BS4142 assessment would give 3dB(A) above the background noise level. (ie almost half the distance closer to the depot). The objector's conclusion would still hold true at the closer distance. Therefore, the settlement boundary could be closer to the objector's site than Redmill Court.

Site 3 – Redmill Cottages North

- 4.16 The site was contrary to WLC's preferred development strategy for housing which identified alternative, more suitable sites for development. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The site was within countryside and designated as part of the Whitburn/Bathgate Countryside Belt in the Bathgate Area Local Plan, which was to prevent coalescence and urban sprawl, as well as to protect the rural setting of towns and villages. There was therefore a presumption against development in this area. The northern part of the site ran alongside the River Almond, both sides of which were also part of an area of special landscape control in the Bathgate Area Local Plan, which provided an additional level of protection to this sensitive area of the countryside. Both these policies were translated into WLLP.
- 4.17 E&LSP policy HOU8 identified a presumption against the development of greenfield sites outwith CDAs or not already included in the Housing Land Audit 2001 or in emerging local plans. The site failed to satisfy those criteria. While policy HOU8 allowed for the allocation of small scale greenfield sites for

development as exceptions, the proposed allocation did not meet the terms of policy HOU8, given that it was not small scale as it could accommodate around 150 houses. There was no identified need to bring forward additional land in terms of E&LSP policy HOU9 and doing so would result in problems particularly with respect to education capacity at catchment schools.

- 4.18 There were no overriding benefits to the village arising from the site being developed and there were no other material considerations which would support the allocation of the site for residential, development or its inclusion within the settlement boundary. Also, there was an access constraint on the site, as the only access to it was currently through WLC playing fields to the south of the site. The objectors claimed that the opportunity would arise to enhance the river valley and provide public access but it would be possible to achieve these aims without recourse to development of the site for housing. Also, the issue of anti-social behaviour was not considered to be a valid reason to abandon E&LSP and WLLP policies at this location. These matters ought to be reported to the police and tackled through other forums rather than through the proposed development of the site.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Hens Nest Road

- 5.3 **On a preliminary matter**, it is unfortunate that WLC did not appear to have negotiated with the objector prior to the WLLP inquiry, which could have avoided unnecessary matters being considered and saved the additional time which that entailed.

- 5.4 We were presented with some evidence from parties as to the effectiveness of the site, although no conclusive evidence was presented on the resolution of infrastructure issues. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made **effective** in that regard. Accordingly, we have no reason to conclude that the site would not meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. We note that WLC consider that the site could accommodate around 480 houses and the objector indicates that some 250-300 houses would be built. Given that the site extends to some 21ha, we consider that, at a medium density of 25 houses per ha, the site could accommodate some 400-500 houses. We note the objector's claim that the site could be delivered immediately, subject to the council's role, and we accept that ownership would not appear to be an impediment to its use for residential purposes.
- 5.5 We note that the purpose of WLLP Countryside Belt designations, and the Bathgate/Whitburn one in particular, is to protect the individual character of each community by avoiding physical coalescence and enhancing their countryside setting. We also note that WLLP confirms that the boundary of the countryside belt in this location has been adjusted as a result of bringing forward major new housing allocations at Armadale. Consequently, we are convinced that the WLLP countryside belt designations are primarily to serve a planning purpose rather than purely serving a landscape purpose.
- 5.6 As regards the objection site, we consider that there exists a very limited gap between East Whitburn and Whitburn and that development of this site for housing would result in a significant extension of the settlement westwards into this relatively narrow rural gap between East Whitburn and Whitburn outwith the main settlement boundary, which would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. As a result, we consider that such development would result in the erosion of the rural setting of East Whitburn on that side, despite the existence of the community woodland, which in turn would also dramatically increase the prospects of coalescence of these 2 communities. Consequently, we are satisfied that the area of countryside between East Whitburn and Whitburn is quite correctly and appropriately protected by WLLP countryside policies ENV22, 23 and 31.
- 5.7 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that, where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing

urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. We also find that the proposal is not supported by any evidence of need to bring forward additional land in terms of E&LSP policy HOU9. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly as the potential scale of development would substantially extend the village into its rural setting, contrary to guidance in SPP3, and in the absence of more convincing evidence in respect of the resolution of education infrastructure. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted.

- 5.8 The issue of the timescale and prospect for the release of the housing sites within CDAs is a strategic matter which we have already dealt with in an earlier chapter of this report. As regards the related argument on the need to ensure the maintenance of a full and effective 5 year housing land supply in West Lothian, particularly in the early part of the WLLP period, there was no evidence presented of a shortage in housing land supply. In fact, the evidence presented by WLC, and supported by E&LSP Baseline Monitoring Report, demonstrated an excess in the supply at this time. Notwithstanding, we are satisfied that, in the event of a failure to continue to meet that supply, there is provision in E&LSP policy HOU10 which requires WLC to bring forward additional land for housing. In particular, we note that in the event of the need for release of such sites under E&LSP policy HOU10, it requires the land to be found within CDAs or in locations specified in E&LSP policy HOU9. Consequently, we are content that sufficient provision exists without the necessity at this time for the release of the objection site for housing and that no persuasive evidence has been presented to us as to why the site should or requires to be given over to housing in addition to those sites already proposed within WLLP.
- 5.9 As regards the sites referred to in Westfield and Blackridge, we find no substantive evidence of a comparative exercise to substantiate the claims regarding these sites. While we recognise that in sustainable transport terms alone the objection site is to be preferred to the Westfield sites, as detailed in other chapters in this report, we have found these site to be either committed or brownfield developments. Consequently, we do not find the objection site and the reasons for its release, to be comparable with those in Westfield or Blackridge, sufficient to warrant their substitution with this proposed East Whitburn site.
- 5.10 We are satisfied that the development of WLC's core paths in the vicinity of the site would not be a reason for resisting development of the site and could be a useful adjunct to any housing development there. Also, we have insufficient evidence to come to a conclusion on whether the extant Section 50 Agreement on the land would preclude its development for housing, particularly as the legal status which the Lands Tribunal had in the matter was sufficiently unclear to adequately estimate the prospects of success.

Site 2 – Redmill Park

- 5.11 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. Also, we do not have sufficient information on the site to form a view on its potential capacity or delivery. However, we accept that ownership is not an impediment to its use for residential purposes.
- 5.12 We note that, in recent years, the site has been the focus of repeated attempts to obtain planning permission for residential development and that the grant of consent was successfully challenged by way of petition for judicial review to the Court of Session because of WLC’s failure to give adequate consideration to the impact of noise and vibration on the proposed residential development from the operation of the objector’s milk distribution depot. We also note that the allocation of the site as ‘white land’ within the settlement boundary is established under the extant Bathgate Area Local Plan. While we agree that a review of the current circumstances is appropriate under the consideration of WLLP, we consider that we have not been presented with sufficiently convincing evidence of any new circumstances which warrant the exclusion of the site from the settlement boundary and a change in its allocation. We have had regard to the concession as regards the noise levels achieved from the measurements taken at Redmill Court and the implications of that variation.
- 5.13 We agree that it would be inappropriate to specifically allocate the site for residential development but we consider that it would be equally wrong to preclude any development which could satisfy the necessary environmental criteria. We consider that the suggested allocation of the site as countryside belt would not fulfil the physical and environmental planning purposes behind that designation in terms of WLLP policies ENV22 and 23. Also, we find no case of need to justify the specific allocation of the site for class 4 uses, although we would not preclude that form of development on the site, subject to its appropriate assessment under the relevant policies of WLLP referred to below.
- 5.14 Consequently, we are satisfied that the provisions of WLLP policies HOU2 and IMP11 together with SPG – Planning and Noise – and PAN56, when applied appropriately, provide adequate safeguards to ensure that inappropriate noise sensitive development does not take place on the site at Redmill Park. However, while we see no need to amend the settlement boundary, we do consider that it would be appropriate to amend the wording of WLLP paragraph 5.60 to make clear the link between the retention of existing employment uses and the appropriate assessment under WLLP policy IMP11 of noise sensitive uses in close proximity.

Site 3 – Redmill Cottages North

- 5.15 We were not presented with any specific evidence from parties as to the effectiveness of the site, particularly regarding the resolution of infrastructure issues. However, given our findings earlier above regarding the education strategy,

we are unable to draw a conclusion that the site could not be made **effective** in that regard. Notwithstanding, we are unable to conclude that the site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. However, we note that WLC consider that the site could accommodate around 150 houses. Given that one of the objectors confirmed that 5.7 ha would be used for housing, we consider that, at a medium density of 25 houses per ha, the site could accommodate some 150 houses, although we have insufficient information on the site to form a view on its potential delivery. We also accept that ownership would not appear to be an impediment to its use for residential purposes. However, we note from our site inspection that the site is landlocked and the only present access is via a precariously steep single track from the north side of the A705 to the small parking area beside the football field changing facilities. No evidence of any simple resolution of this issue was presented to us which also leaves in question the effectiveness of the site.

5.16 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting its policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. We also find that the proposal is not supported by any evidence of need to bring forward additional land in terms of E&LSP policy HOU9. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly as the potential scale of development would substantially extend the village into its rural setting contrary to guidance in SPP3.

5.17 On this latter point, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in a significant extension of the settlement northwards and we are satisfied that such development would result in the erosion of the rural setting of East Whitburn on that side. We are satisfied that this area is quite correctly and appropriately protected by the WLLP policies ENV21, ENV22 and ENV31. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted.

Overall Conclusions

- 5.18 Drawing all these matters together, we do not consider that any part of sites 1 or 3, should be allocated for housing, as that would not be consistent with E&LSP or relevant national guidance. We concur with the allocation of site 2 as white land within the settlement boundary, subject to amendment to WLLP paragraph 5.60 as recommended. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP Proposal Map 4: Bathgate Area.
- 5.19 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

Site 2 Redmill Park

(i) that WLLP paragraph 5.60 be amended as follows: at the end of the 3rd sentence of this paragraph delete “*areas.*” and insert – “*areas, which shall be supported by the application of Policy IMP11 to housing and other noise sensitive proposals in close proximity to existing noisy employment uses.*”.

Other matters

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.15 Ecclesmachan (proposed sites)

Representation nos:

7526/1, 7696/4, 7698/3, 7707/1-7.

Objectors appearing at Inquiry:

WG

Oatridge Agricultural College
(+written submissions)

Inquiry references:

HOU6: Binny Park

HOU19: Oatridge Farm Steading,

1. BACKGROUND

1.1 Objections were lodged by 2 parties to WLLP covering sites in or adjacent to Ecclesmachan on which they are proposing housing uses and adjustment of the settlement boundary. This chapter concerns the proposals for housing on 2 sites. The other objections are dealt with elsewhere in the report.

1.2 The small village of Ecclesmachan is located in the north east of West Lothian, and is composed of 2 distinct building groups through which the B8046 runs north south, some 1.45km north of its junction with the A899 at Uphall. Oatridge Agricultural College, which owns the sites, and its associated new national equestrian centre is located just to the west of the northern part of the village. The village has about 80 houses and a population of about 200. The site descriptions are as follows:

Site 1 – Binny Park

1.3 The site is located on the south western edge of Binny Park, the southern of the 2 parts of the village of Ecclesmachan, which has a developed frontage along the B8046, and it abuts the rear boundaries of these houses. It comprises some 5.5ha of grassland used for occasional grazing of livestock. A large pond, the remnants of a former quarry on the site, is located at the northern end of the site and contained by some sparse woodland. The site is contained on its west and northern sides by the fairways of part of a golf course, developed by the College some 10 years ago, which extends westward from there. To the north, beyond that part of the golf course is part of the wooded policies of the entrance to Binny House from the B8046 and beyond that is the northern part of Ecclesmachan. To the east, beyond Binny Park and the B8046 is a small woodland and open countryside stretching eastward thereafter. To the south, beyond the row of houses fronting the minor road and another small area of woodland, is agricultural land which stretches south to the built up boundary of Uphall. To the west, beyond the golf course and its wooded edges, open countryside stretches to the prominent heights of Binny Craig and beyond.

Site 2 – Oatridge Farm Steading, Oatridge Agricultural College

- 1.4 The site is located some 1.2km to the west of the northern part of Ecclesmachan, moving west from which it is separated by Oatridge Agricultural College and then its associated recently completed National Equestrian Centre. It comprises an expanse of existing steading buildings and, to their west, a large arable field. The site is surrounded by open countryside in agricultural use.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek: for Binny Park, the removal of AGLV designation covering the site and replacement with its allocation exclusively for housing and its inclusion within the settlement envelope; and for Oatridge Farm Steadings, the removal of AGLV designation covering the site and replacement with its allocation exclusively for housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Binny Park

- 3.1 WG and Oatridge Agricultural College objected to the omission of land at Binny Park from allocation as a local housing opportunity. The location of the site within the Winchburgh/Broxburn/Uphall CDA was not disputed, however, it was not accepted that E&LSP policy HOU8 did not apply when considering locations within CDAs. There was no indication that to comply with this policy the site required to be located outwith CDA. This approach was supported by the interpretation by East Lothian Council which allowed for policy HOU8 sites within CDAs and was agreed by the E&LSP Joint Liaison Committee. The council's reasons for refusal of the planning application at Binny Park included reference to E&LSP policy HOU8 which confirmed that the application had been tested against that policy and that it was applicable. The development of the site at Binny Park would satisfy the criteria of E&LSP policy HOU8 as the new development would be small scale at 20 units, was not in the greenbelt and any infrastructure requirements would be funded by the development. In particular, the development of the site would directly support the redevelopment of Oatridge College. The College facilities were used by local residents and the College was an integral part of the village.
- 3.2 E&LSP policy ENV1d was relevant regarding the designation of the site as an AGLV. The site did not share any key attributes of the Bathgate Hills AGLV, there was limited intervisibility with the rest of AGLV to the west and the site was a naturally contained site. Since designation of the extension to AGLV in the Broxburn Local Plan, the golf course had been developed, which changed the character of the immediate area and the landscape value of the site itself. WLC's evidence that the site formed a valuable buffer between the housing and the golf course only served to confirm that it no longer shared the same attributes of the land to the west which comprises AGLV. Accordingly, E&LSP policy ENV1d could be satisfied.

- 3.3 Uphall was located less than 1.5km away and Uphall station was a further 1.45km from Uphall. A network of existing footpaths and rights of way linked the site with Uphall and the station. Development of the site would include improvements to these footpaths and assistance with the provision of a cycle path link between Uphall and the College. The site at Binny Park satisfied the general principles established by E&LSP policy TRAN2. The allocation of the site for 20 houses could comply with the provisions of E&LSP and also accorded with SPP15.
- 3.4 WLC's explanation that as WLLP allocated land up to the maximum permitted in CDAs, additional allocations would undermine that strategy and housing allocations in these areas required to be offset against overall CDA requirements was not the case. When the E&LSP Joint Committee considered this point no conclusion was reached on whether Policy HOU8 should not apply within CDAs. Also, E&LSP explained that allocations under its policy HOU8 would not require to be offset by deductions to the CDA allocations but would count to the overall housing requirements of E&LSP. The allocation of 20 units in the overall allocation of 5000 was unlikely to jeopardise WLC's strategy.
- 3.5 Allocations under E&LSP policy HOU8 would be treated as exceptions where development was needed to support local services and facilities. While E&LSP did not define local services and facilities, Oatridge Agricultural College made available a range of facilities and services which directly benefited the local community. Although there was no hard and fast method of testing or assessing the level of support which arose from a particular allocation under policy HOU8, the allocation of Binny Park would bring about improvements in local services and facilities which would benefit the surrounding area and the wider West Lothian economy. The land was no longer suitable as part of the Oatridge College operation and its release would support the redevelopment of the college, including the new equestrian centre which was home to the National Training Centre for Scotland. In developing its full potential, the College required funding for capital investment which could only be raised through the sale of assets.
- 3.6 While it was not disputed that development of greenfield land would have an impact upon the site's current AGLV designation, an assessment of the level of impact was required. The land at Binny Park did not share the attributes of the wider Bathgate Hills AGLV. Removal of the site from AGLV would not impact beyond the immediate locale and would not impact on the integrity of the designated area. The existing settlement of Ecclesmachan and the Oatridge Agricultural College had an impact on the setting of the Binny Park site currently within AGLV and development of the site would have little or no impact on the setting or character of AGLV as a whole, since the edge of the settlement existed at present as a boundary to AGLV. WLC's approach focussed almost entirely upon the immediate area and the impacts on adjacent housing and the golf course, which was not consistent with the advice of PAN60.
- 3.7 WLC argued that the terms of E&LSP policy HOU8 did not apply because the site was not small scale and could accommodate 20 or more houses. However, the new allocation of 120 houses at Breich was a site much larger than Binny Park and derived from E&LSP policy HOU9, not as a windfall site. The terms of both E&LSP policies HOU8 & HOU9 required to be met at Breich. Consequently, the

site at Binny Park met any reasonable interpretation of small scale as stated in E&LSP policy HOU8. The proposed residential site at Binny Park provided a logical extension to Ecclesmachan, in keeping with the principles set out in SPP3. The development framework introduced a no-build safety zone to address any potential issues of safety arising from the proximity of the golf course. The development of the proposed Binny Park site for upper market housing would give the opportunity of providing a calibre of housing not readily available in West Lothian.

Site 2 – Oatridge Farm Steading, Oatridge Agricultural College

- 3.8 Oatridge College objected to the omission of Oatridge Farm Steading, which should be allocated for housing, under WLLP policy HOU1 and listed in its Appendix 6.1. Over the next 10 years Oatridge College would require the release of land holdings to enable investment in its educational strategy. WLLP had located the steadings at Oatridge Farm within AGLV (policy ENV19-ENV20). The obsolete farm steadings had potential for residential conversion with associated new build housing on adjacent land. Given the buildings were already in existence their conversion would not prejudice the wider AGLV. The new buildings would be set in a landscape framework to allow appropriate land release. It would also enable, and be complementary to, replacement of the steadings with modern agricultural buildings and provision of suitable access.

4. SUMMARY OF CASE FOR WLC

Site 1 – Binny Park

- 4.1 The identification of the objection site for housing was not in accordance with WLC's preferred development strategy which identified alternative more suitable sites. WLC's development strategy in WLLP conformed with that approved in E&LSP. This position was not challenged by the objectors, who agreed that the site was not and had never formed part of the strategic land supply. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements.
- 4.2 The objectors had sought to rely on E&LSP policy HOU9 as being applicable to this development whereas that policy only applied in the west of West Lothian. The objectors agreed that the objection site was not in the west of West Lothian and that E&LSP policy HOU9 did not apply to the development site. The objectors sought to rely on E&LSP policy HOU8 which related to development on greenfield land, and that policy could not apply in CDAs where the maximum housing allocation had already been taken up. The objectors accepted that the development site was within the Winchburgh/Broxburn/Uphall CDA. As there was a cap on the total number of houses to be constructed in CDA, E&LSP policy HOU8 could only be applied where there was capacity, such as where the maximum allocation had not been made. In the Winchburgh/Broxburn/Uphall CDA, as the maximum allocation permitted in terms of E&LSP had been made, no additional housing could be brought forward in CDA. If the council were to allocate other housing

sites in CDA it would have the effect of either (i) requiring the reduction of the allocation in other parts of CDA, which could make CDA scheme less viable in terms of infrastructure provision, or (ii) would result in an over allocation of housing in CDA contrary to the provisions of E&LSP. No evidence was led or solution provided as to how this over allocation would be dealt with.

4.3 The proposed 20 houses would create a 25% increase in the amount of housing in the village of Ecclesmachan. The objectors refused to accept that this was a significant increase in housing and sought to make a comparison of this site with Breich. WLC led evidence to the effect that the scale of the development at Breich was in conformity with the final bullet point of WLLP paragraph 6.27. The proposed development at Ecclesmachan and the proposed development at Breich were completely different and were not comparable in any way. An increase of 20 houses at Ecclesmachan would be a significant increase and would not bring any of the benefits that the proposed development at Breich would bring. Where it was necessary to support local services, as in the case of the school at Breich, it would not be appropriate to restrict the scale of any growth to a percentage of the existing number of houses in the village. The scale of growth promoted needed to be appropriate to the scale of the facility, or facilities, for which support was needed, particularly where such facilities were promoted by parallel strategies, such as the council's education investment strategy and open space strategy.

4.4 The objectors accepted that the development site was outside the settlement envelope of Ecclesmachan in both the adopted and emerging local plans. There had been no changes to the status of the site as an area of grazing ground within AGLV, since it was designated as such in the Broxburn Area Local Plan. The objectors were unable to point to any changes in status of the site other than that it was less intensively grazed as a result of restricted access to the site. The objectors accepted that the restricted access to the site was as a direct result of their implementation of the planning consent for a golf course adjacent to the objection site. It was accepted by the objectors that the site was located in an AGLV. Attention was drawn to the quality of the immediately surrounding landscape with which the site interfaces and jointly contributes to its designation as AGLV, including the recently improved designed landscape setting of Binny House, the recently landscaped golf course and the landscape running westwards into the Bathgate Hills. The site was important to be retained as part of AGLV setting and maintaining the landscape buffer and character of the locality.

4.5 WLC presented evidence that the allocation of the site for residential use would be contrary to E&LSP policy ENV1d. WLLP paragraphs 3.54 to 3.57 and its policy ENV19 applied to this site. There was a presumption against development which undermined the landscape and visual qualities for which the area was designated. WLLP policy ENV31 stated *inter alia* "proposals for new build developments in the countryside will not normally be approved". The policy went on to list a number of exceptions. The objectors did not seek to show that their proposed development fell within any of the exceptions listed in WLLP policy ENV31. Any alteration of the AGLV was contrary to the provisions of NPPG14. Permitting development on this site would create a precedent of development in AGLV that was not plan-led and which was contrary to NPPG14. In relation to designed landscape considerations, due to the proximity of the site to the listed Binny House

and its designed landscape setting, the proposed development site was not appropriate.

- 4.6 The objectors contended that the development site met the criteria set down in SPP15 paragraph 21. However, the development site failed to meet some of the criteria set down in that paragraph in that (i) children would need to be bussed to school; (ii) there were no shops in Ecclesmachan; and (iii) as the site was part of AGLV it did not fit in the landscape and design of the area. The objectors accepted that there were no facilities such as shops, schools or a post office in Ecclesmachan and contended that it was the College that provided shop and community facilities to the residents. No evidence was led that the future survival of the shop on the college campus would be dependant on the development proceeding. The applicants led evidence as to the financial status of Oatridge Agricultural College, but its financial status was not a material planning consideration.
- 4.7 WLC accepted that the nearest rail station was Uphall rather than Linlithgow as stated in the evidence. However, the issue of convenient access to the railway station remained, as there was no regular bus service to the station and no safe walking and cycling route because of traffic speeds on the road and the lack of pavements on the full route between the objection site and the station.

Site 2 – Oatridge Farm Steading, Oatridge Agricultural College

- 4.8 WLC acknowledged the possible development of the steadings could be considered under the appropriate development in the countryside policies of WLLP, although any conversion/new build would have to be in keeping with the setting and architecture of existing buildings. It was not accepted as proposed that the entire area shown should be allocated for housing in WLLP. The development of the site was not in accordance with WLC's preferred development strategy which identified alternative more suitable sites for development. WLLP allocated sufficient land to meet the housing land requirement identified in E&LSP. The successful implementation of the strategy within E&LSP and WLLP depended upon new development being constrained outwith CDAs and, in particular, more sensitive locations or settlements. The scale of the proposed development did not meet the terms of E&LSP policy HOU8, given that the site was remote from the settlement of Ecclesmachan. E&LSP policy HOU9 would allow for additional land to be released for development in Ecclesmachan and Uphall but identification of the site for development was not supported by any other policies in E&LSP. E&LSP Policy HOU8 identified a presumption against new housing development on greenfield sites other than to meet E&LSP policy HOU1 and HOU3 requirements. Allocations had already been made in other West Lothian towns and villages to satisfy the strategic requirements, in particular CDAs. Allocation of this site was, therefore, contrary to E&LSP.
- 4.9 E&LSP policy ENV3 only supported development in the countryside that could not be met on a site within an urban area or land allocated for that purpose and was compatible with the rural character of that area. The strategic housing requirement could be met elsewhere and development of housing on the site would be detrimental to the open rural character of the area. E&LSP policy ENV1d afforded protection from development to those sites identified as being of natural heritage

and built environmental interest. The site was visually prominent given its elevated location to the west of the B8046 in terms of landscape setting. As the site lay within the designated Bathgate Hills and River Avon AGLV, development would be contrary to this policy and would lead to an unacceptable form of sporadic and isolated development in the countryside. Also, the aims of SPP3 would be undermined and the character and landscape setting of Ecclesmachan would change markedly, as would the area of countryside around the site. Other than the potential conversion of the steadings on the site, any residential development would be contrary to the principles of SPP15. The site was remote from the nearest settlement of Ecclesmachan and had no direct physical relationship to it or the college. It could not be viewed as a natural extension of the settlement. Residents would have to walk some 1.2 km to the east side of Ecclesmachan to gain access to the nearest bus route on the B8046, therefore, public transport could not be classed as highly accessible, especially as it was remote from the nearest shops, schools and other services. This would lead to more car borne journeys and servicing of the site would be all unsustainable. Consequently, the development could not meet the terms of E&LSP policy TRAN2 and the principles of SPP17.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Binny Park

- 5.3 We have treated this site as lying within the CDA boundary, but the situation is not entirely clear based on E&LSP's key diagram. It is possible that a case could be made either way. While within the CDA boundary, there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. In such

cases, E&LSP policy HOU8 could reasonably be considered relevant.

- 5.4 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**, particularly as regards access. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. While we note the objector's proposal for 20 units on the site, we consider that on the basis of a net developable area of 5.5ha, there is potential for a greater scale of development. While the delivery is uncertain, we accept that ownership is not an impediment to its use for residential purposes.
- 5.5 During our site inspection we saw for ourselves that the objection site is part of a green space contained within the surrounding AGLV, which also provides a visual and functional amenity for the residential properties located around this area. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements. We acknowledge that the golf course has been developed since the extension of AGLV in the Broxburn Area Local Plan but again our site inspection demonstrated that the area still had a parkland setting and the site forms the eastern extent of that setting and contributes to the greater part of AGLV. While we agree that the site cannot be described as outstanding, equally, we consider that it cannot be described as of low visual amenity and that it contributes to the visual attraction of the wider AGLV. Consequently, we are in no doubt that the development proposed would have a significant effect on character, amenity (including views), and landscape setting. We consider that development for housing would result in a significant urban intrusion protruding westward into the surrounding AGLV to its detriment, which would be especially evident from the close sensitive receptors of the listed Binny Park and Binny Craig.
- 5.6 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work can be conducted in consultation with SNH. We note that WLC, in response to SNH, are committed to a review of AGLVs during the WLLP period, which would be the more appropriate time for reconsideration of boundaries, but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.7 In addition, we are concerned that development of this site for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in a significant extension of the settlement westwards into its rural

hinterland. We are satisfied that such development would result in the erosion of the rural setting of Ecclesmachan on that side, and that it would detract from the character of the area.

5.8 There are 3 **other matters**. The 1st is concerning East Lothian Council's discussion note to the E&LSP Joint Liaison Committee regarding E&LSP policy HOU8 where it refers to consideration of sites in settlements that are clearly suitable and appropriate for housing. It highlights the proviso that these settlements should "*have the capacity for development and have enough social, community and retail facilities to offer a sustainable location that is not dependent on travel elsewhere for basic facilities*" and that "*such allocations should also respond to and serve a local need, as opposed to contributing to the requirements of the wider Edinburgh and the Lothians housing market area*". However, while we note that the College provides the only limited facilities available in Ecclesmachan, we consider that its role in providing the local services required by the community is particularly limited. This leads us to conclude that the settlement does not have enough social, community and retail facilities to offer a sustainable location that is not dependent on travel elsewhere for basic facilities. We do not believe that the development of the proposed site would achieve the provision of such facilities in this settlement.

5.9 On the 2nd matter, we acknowledge that the ongoing budgetary needs of Oatridge Agricultural College are linked to its sustainable future and we recognise the economic contribution which it makes to the wider area. However, we are not persuaded to give significant weight to the College's particular financial circumstances, sufficient to justify overriding the other considerations above which lead us to our conclusions. As regards the 3rd matter and the alleged comparison with WLC's allocation of a housing site at Breich, we do not find the applicable circumstances and E&LSP and WLLP policies to be comparable with Binny Park particularly as the objectors conceded that E&LSP policy HOU9 is not applicable to Binny Park. Consequently, we consider that the allocation of this site in WLLP for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted. In particular, as the proposal would be out of keeping with the character of the area and in an unsustainable location, it would not be supported by E&LSP policy HOU8.

Site 2 – Oatridge Farm Steading, Oatridge Agricultural College

5.10 We have treated this site as lying within the **CDA** boundary, but the situation is not entirely clear based on E&LSP's key diagram. It is possible that a case could be made either way. While within the CDA boundary, there is a general cap of 5000 allocations, for the reasons set out in chapter 1.1, we do not necessarily see this as a barrier to a housing allocation for a smaller, non-strategic site such as this. In such cases, E&LSP policy HOU8 could reasonably be considered relevant.

5.11 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**, particularly as regards

access. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. While the scale and delivery is uncertain, we accept that ownership is not an impediment to its use for residential purposes.

5.12 From our site inspection, we saw for ourselves that the objection site is part of a wider countryside area contained within the surrounding AGLV. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements and to the greater part of AGLV. Consequently, we are in no doubt that the development proposed would have a significant effect on the character, amenity (including views), and landscape setting. We consider that development for housing would result in a significant urban intrusion protruding westward into the surrounding AGLV to its detriment, which would be especially evident from the close sensitive receptors of the Binny Craig to the west and, to the north, the minor road which runs west from the B8046. On this latter point, as we consider above that development of this site for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, we also consider that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in a westwards intrusion into this attractive rural area, and that it would detract from its character.

5.13 There are 2 other matters. On the 1st, we acknowledge that the ongoing budgetary needs of Oatridge Agricultural College are linked to its sustainable future and we recognise the economic contribution which it makes to the wider area. However, we are not persuaded to give significant weight to the College's particular financial circumstances, sufficient to justify overriding the other considerations above which lead us to our conclusions. Regarding the 2nd matter, we note that WLLP makes provision for conversion of worthy farm buildings and addresses the issue in its paragraphs 3.90-3.91 and its policy ENV34, which sets out the relevant criteria which must be met. We are satisfied, therefore, that WLLP makes provision for assessment of any proposal for conversion of the steadings themselves. Consequently, we consider that the allocation of this site in WLLP for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted. In particular, as the proposal would be out of keeping with the character of the area and in an unsustainable location, it would not be supported by E&LSP policy HOU8.

Overall Conclusions

5.14 Drawing all these matters together, we do not consider that any part of the sites should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance.

5.15 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that no modifications be made to WLLP in relation to the above objections.

3.16 Fauldhouse (proposed sites)

Representation nos:

7191/1, 7191/2, 7192, 7205/1, 7244/1, 7429/1, 7669/1.

Objectors appearing at Inquiry:

Mr Ford
(+written submissions)

Inquiry references:

P&CR: Lanrigg Road
WS30: Cemetery Road
WS153: Sheephousehill
WS161: Benthead
HOU12a: Crofthead

1. BACKGROUND

1.1 Objections were lodged by 5 parties to WLLP covering a number of sites in Fauldhouse on which they are proposing housing uses. This chapter concerns the proposals for housing on 6 sites. One of the parties' (Charlestown Properties Limited) objections sought the inclusion of 2 sites at Lanrigg Road (Site HFh20 and Site 1 HFh7 part & HFh18) for residential development within WLLP. The sites were subsequently incorporated within WLLP by WLC through pre-inquiry changes nos. 230 and 228 respectively. Given that WLC are endorsing the proposed allocation of site HFh20 for housing in WLLP, as amended in the pre-inquiry change no. 230, there remains nothing outstanding for us to address in respect of that objection. However, as the objections have not been withdrawn, we must proceed to deal with the outstanding matters in respect of the objection to site 1 (HFh7 part & HFh18). The other objections are dealt with elsewhere in the report.

1.2 The village of Fauldhouse is located in the south west corner of West Lothian, some 11km to the south west of Livingston. The village is of reasonable size with a population of some 4800 and 2087 houses, with a range of facilities appropriate to its size and location in a former mining area. The site descriptions are as follows:

Site 1 – Lanrigg Road (East) (HFh7 part and HFh18)

1.3 The site is located on the north east side of Fauldhouse, and on the east side of Lanrigg Road (B7010) which runs north east to Longridge. The western part of the site, Eastwood Park, is accessed off Lanrigg Road and has already been partly developed in the recent past with some 37 houses. The remainder comprises a relatively flat area of overgrown scrub with some small mounds of coal waste deposits from its mining legacy. On its north side it is separated from Site HFh20 on the northern outskirts of Fauldhouse by an existing thick coniferous tree belt, which also wraps around its east boundary. Beyond that, to the north and east, further scrub land extends to a boundary with recent coniferous plantations. To the

south, it is bounded by a treed boundary with the grounds of football and sports pitches, with a training centre and its associated car park.

Site 2 – Cemetery Road

- 1.4 The site is situated on the south western side of Fauldhouse, where its north boundary is parallel to and formed by the Edinburgh/Shotts/Glasgow railway line. It comprises a generally flat, irregularly shaped, area of rough grassland used for occasional grazing. To the north, beyond the railway line is a small housing development. To the east, on the same side of the railway line as the site, is Fauldhouse Cemetery, which is accessed via Cemetery Road, a single track road which forms a junction with Main Street some 120m to the north of the site. Beyond the cemetery, on both sides of the railway line, is Greenburn Golf Course. To the south and west, the site is bounded by a large coniferous woodland, which in turn is bounded on its west side by Shotts Road (B7010).

Sites 3 & 4 – Sheephousehill and Crofthead

- 1.5 These sites more or less overlap and their boundaries vary only slightly, so we shall consider them together. They are located on the eastern side of Fauldhouse, with a frontage of some 120m on the north side of Sheephousehill (B7015), just before the entrance to the village. From there they widen out to the rear from a mix of traditional and modern detached and semi-detached dwellings which front the north side of Sheephousehill, and then extend northwards from there for about 0.5km. They mostly comprise an irregular shaped unused area of rough scrubland which is relatively flat and contains some low level spoil heaps, a legacy from former mining in the area, which have grassed over through natural regeneration. The western boundary is formed by existing semi-mature structural planting which forms the eastern boundary of the settlement. The other boundaries north, east and south west are formed by arbitrary lines within the existing scrub land on those sides. The Crofthead site, unlike the Sheephousehill site, includes extensive scrub land to the east which is shown on the submitted plan as a proposed new public park/play area and landscaped buffer to the expanded village, including a proposed new cemetery.

Site 5 – Benthead

- 1.6 The site is located on the north west side of Fauldhouse, on the east side of Harthill Road, a minor road which runs north west from Fauldhouse to Harthill over Fauldhouse Moor. It comprises an irregular shaped unused field of rough grassland which slopes down from north to south. Harthill Road, because of the bend in the road at that point, forms part of its southern boundary; the remainder of that southern boundary adjoins the site of a new low density housing development. To the north and east the site is bounded by large coniferous woodland. To the west and south west, on the other side of Harthill Road, is further woodland and an access to the former Braehead and Fallahill Quarries.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the various non-residential designations covering these sites and their replacement with their allocations exclusively for housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Lanrigg Road (East) (HFh7 part and HFh18)

- 3.1 The objection was to the designation of the land as countryside belt. The boundary between Charlestown Properties land and Eastfield Wood represented the most logical long term defensible boundary for the settlement.
- 3.2 The HFh7 part of the site, as detailed in WLLP Appendix 6.1, was identified as having an area of 3.41ha and a capacity for 20 units. This equated to a density of 5.9 houses per ha (2.4 houses to the acre) which was exceptionally low and unsustainable. At a medium density of approximately 25 units per ha, the site would have a capacity for approximately 90 units which should be identified in WLLP.

Site 2 – Cemetery Road

- 3.3 The objection was to the exclusion of the site from the Fauldhouse settlement envelope and to the land being designated as countryside. The land was previously allocated for housing in the 2001 edition of WLLP and a subsequent planning application for housing was refused and an appeal dismissed on the grounds that there was no access for emergency fire fighting vehicles. Alternative arrangements could be put in place, for example, the introduction of a route for emergency vehicles from Shotts Road or the introduction of fire hydrants within the site to ensure access to water for fire fighting purposes. It was requested that the land be allocated for housing and that an emergency route be identified in WLLP.

Sites 3 & 4 – Sheephousehill and Crofthead

- 3.4 The land at Sheephousehill should be included for housing in WLLP. It was accepted that the 3 CDAs were necessary to ensure the volume of sites to accommodate the housing needs identified in E&LSP. However, the smaller villages in the west of West Lothian still had a role to play in terms of housing land supply because they could deliver through the use of derelict or poor urban fringe land and build on their success to date through the introduction of a varied housing tenure to the previously local authority dominated former mining villages.
- 3.5 Fauldhouse required some new housing to ensure that good quality housing was available for the community without an overdependence on CDAs. The objector (Crofthead) owned some 26ha of land in the area of the proposed sites but only some 10ha were proposed for residential development. The sites were formerly mine workings and bings and were largely brownfield, although some of the land was poor farm land. The proposal would comply with WLLP's objective of

maximising the use of brownfield land. The overall allocation of 385 units for Fauldhouse on 9 sites within and around the village was not disputed, nor was the requirement for that number, and it was not sought to add to that allocation. There would be a failure to deliver all of the allocated sites for housing because of site problems and constraints on some 262 of them, as a result of which there would be a shortage in housing land brought forward. There was no evidence of the extent of the constraints or if there was a solution. The objection site was available and could be brought forward as an alternative to fill that anticipated shortfall.

- 3.6 The submitted plan of the proposed development (Crofthead) incorporated a large area of new tree planting and landscaping to the east which would form a formal edge to the village and a buffer between Fauldhouse and Longridge, preventing any further development and coalescence of the villages. This would effectively round off the Fauldhouse village envelope. In addition, land had been offered to WLC and the community for an extension to the cemetery and a new children's play area, which were much needed facilities.

Site 5 – Benthead

- 3.7 There was a lack of affordable housing provision in Fauldhouse and some of the sites suggested in the local plan had access, drainage and other problems which would prevent suitable development on them. Land at Benthead should be allocated for housing which could provide some affordable housing for the benefit of the whole district.

4. SUMMARY OF CASE FOR WLC

Site 1 – Lanrigg Road (East) (HFh7 part and HFh18)

- 4.1 The boundary of the existing site was amended to allow development up to the woodland to the east of the site. There would require to be protection of the woodland, however, through any subsequent housing development or planning application. WLLP Appendices 6.1 and 6.1.1 were amended to give an indication of the density for the remaining part of Site HFh7.

Site 2 – Cemetery Road

- 4.2 The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The strategic housing requirements could be met elsewhere within the settlement boundary. There was no longer a requirement to allocate the site for housing as other sites had come forward to maintain a steady housing supply in the town. Given the infrastructure constraints with regard to vehicle access to the site, WLC no longer considered the site to be effective in terms of contributing to the housing supply in Fauldhouse. In addition, a planning application to develop the site for 14 plots and an access road had been refused and its subsequent appeal dismissed.

Sites 3 & 4 – Sheephousehill and Crofthead

- 4.3 The sites were contrary to WLC's preferred development strategy for housing. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The strategic housing requirements were met on sites elsewhere within the Fauldhouse settlement boundary, which were more appropriate and sustainable in their location. Allocation of the objection sites would not accord with the terms of the development plan strategy. E&LSP policy HOU8 identified a presumption against the development of greenfield sites outwith CDAs or not already included in the Housing Land Audit 2001 or in emerging local plans. The sites failed to satisfy those criteria.
- 4.4 While WLC agreed that a number of sites designated in Fauldhouse were constrained, no evidence had been presented by the objectors to suggest that the allocated sites could not deliver the housing. The fact that some sites were constrained was not sufficient reason in itself to bring forward the alternative sites proposed. E&LSP policies HOU1, HOU3 and HOU9 required WLC to bring forward constrained sites within its district. To discount constrained land and bring forward unconstrained sites would be contrary to the requirements of E&LSP. There was a need to attempt to remove constraints, such as contamination, before moving onto other more easily developed sites on the periphery of the village.
- 4.5 E&LSP policy HOU10 made provision for the release of additional land for residential development where there was a failure in the 5 year land supply for any reason. The provisions of this policy would apply if there was a failure to make constrained sites effective. E&LSP policy HOU9 allowed for the release of additional land in Fauldhouse but it was clear that the envisaged land supply included constrained sites. If a shortfall in the 5 year housing supply was found, it would not necessarily be required in Fauldhouse. E&LSP policy HOU10 was the means to address any shortfall and it required land to be found within CDAs and/or in terms of E&LSP policy HOU9 locations and through a local plan alteration, subject to other policies of E&LSP.
- 4.6 The extent of “rounding off” of Fauldhouse proposed by the objectors went substantially further than anything ever envisaged by WLC in the correspondence between them and the Crofthead objector. The settlement envelope for Fauldhouse envisaged by this objector included a significant area of land in addition to that in the objector’s control. Inclusion of this land would bring the site within the terms of WLLP policy HOU2 where there was a general presumption in favour of new development, despite that objector’s claim that the inclusion of his site would not take the figure above the 385 units already allocated.
- 4.7 The Crofthead objector was proposing a total area of land of some 26ha, where there would be a presumption in favour of development, which would lead to serious infrastructure challenges unless such development was coming forward as a planned strategic land allocation. If that objection site was allocated as part of the settlement envelope there was no means to restrain development on that site due to the terms of WLLP policy HOU2, which would lead to substantial over

development in Fauldhouse in terms of the current infrastructure capabilities. While E&LSP policy HOU8 allowed for the allocation of small scale greenfield sites for development, the proposed allocations failed to meet the criteria of that policy, particularly as the sites were not small scale and could in theory accommodate in the region of 200 houses, which would create serious infrastructure issues both at primary and secondary school levels.

- 4.8 The education capacity requirements, generated by residential sites which were being promoted through objections to WLLP, had not been factored into the capacity increase and would have to be addressed separately. Given the scale of housing allocations in WLLP and the link with supporting infrastructure, it would not be prudent at this time to allocate sites which would be contrary to E&LSP policy HOU5. There was no identified need to bring forward additional land in terms of E&LSP policy HOU9 and doing so would result in infrastructure problems, particularly in respect to education capacity.

Site 5 Benthead

- 4.9 The suggested allocation at Benthead, was not accepted. The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The strategic housing requirements could be met elsewhere within the settlement boundary and allocation of this site would not accord with the terms of the development plan strategy. E&LSP policy HOU8 identified a presumption against the development of greenfield sites outwith CDAs or those which were not already included in the Housing Land Audit 2001 or in emerging local plans. The site failed to satisfy those criteria.
- 4.10 WLC had approved an affordable housing policy (WLLP policy HOU10) as SPG and the terms of this policy were incorporated in WLLP. WLLP policy HOU10 would assist with the provision of affordable housing in Fauldhouse. There were no other local circumstances or other material considerations which would justify the inclusion of this site for residential development. Site specific details regarding developments of other sites would be investigated at the planning application stage.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be

desirable for other reasons, e.g. to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Lanrigg Road (East) (HFh7 part and HFh18)

- 5.3 On a **preliminary matter**, WLC are endorsing the proposed allocation of this objection site for housing in WLLP, including the part of the site HFh18, as amended in the pre-inquiry change No. 228. Consequently, there remains nothing for us to address in respect of that part of the outstanding objections by Charlestown Properties Limited, who sought the inclusion of this site for housing. However, we require to address the outstanding objection as regards the density of development which should take place on the remaining allocated site.
- 5.4 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. On the basis of the description in WLLP Appendix 6.1 of site HFh7 (net developable area of 3.41ha), we consider that, at a medium density of some 25 houses per ha, the site might accommodate some 85 houses. However, we note that some 37 houses have already been built out in the west part of Site HFh7, which if deducted from the possible figure of 85 houses, would leave some 48 houses to be developed. Accordingly, we consider that for Site HFh7 that the balance of 20 houses is an especially low density, given that the caveat at the end of WLLP Appendix 6.1 advises that the capacity of each site can only be established through the detailed consideration of a planning application. Consequently, we consider that the estimate of capacity for this site should be related to the medium density calculation for the whole site, less that development which has already taken place.
- 5.5 As regards Site HFh18, on the basis of the description of this site in WLLP Appendix 6.1, (net developable area of 0.65ha), we consider that, at a medium density of some 25 houses per ha, the site might accommodate some 16 houses. Accordingly, we find that the figure of 20 quoted in WLLP Appendix 6.1 is not an unreasonable figure, given the caveat at the end of that Appendix to which we have already referred above.

Site 2 – Cemetery Road

- 5.6 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, we note that planning permission was refused for housing development on the site and a subsequent appeal dismissed, both for infrastructure reasons. Following our own inspection of the site and its surroundings, we find no reasons to disagree with those previous decisions in terms of the circumstances of the substandard vehicular access to the site. In our view, to provide a separate access to the site from the west for emergency and refuse collection vehicles would in itself cause an unacceptable intrusion into a rural area outwith the settlement boundary and would not reflect the intention of E&LSP policy ENV3. Consequently, for these reasons, we do not consider the site to be effective.
- 5.7 We note that part of the site was allocated for housing development in the Bathgate Area Local Plan. However, we also note that E&LSP now post dates the extant local plan. In particular, we consider that part of the process of the preparation of a new local plan is to review whether existing allocated but undeveloped sites are still appropriate for their previously allocated purpose. E&LSP policy ENV3 only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We are satisfied that as regards this site WLC have carried out such a review and found the site no longer appropriate for housing purposes. We find no reason to disagree with that conclusion, particularly as the existing railway line forms a logical defensible boundary on that side of the settlement of Fauldhouse. Accordingly, we consider that the proposal would be at odds with the principle underlying E&LSP policy ENV3, and that it would not accord with the criteria of E&LSP policy HOU8.

Sites 3 & 4 – Sheephousehill and Crofthead

- 5.8 We were not presented with any specific evidence from parties as to the effectiveness of these sites, although we note that the objectors consider the land to be brownfield, as part of a former mining area. Given our findings earlier above, regarding the education strategy, we are unable to draw a conclusion that the site could not be made **effective** in that regard. Notwithstanding, we are unable to conclude that the sites would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. However, we note that WLC consider that the sites could accommodate some 200 houses. Given the Crofthead objector's confirmation that 10ha would be used for housing, we consider that, at a medium density of 20-25 houses per ha, the site could accommodate some 200-250 houses, although we have insufficient information on the sites to form a view on their potential delivery. We also accept that ownership would not appear to be an impediment to their use for residential purposes.

- 5.9 We note that the justification for development of the Sheephousehill site is based primarily on the argument that such sites could introduce a varied housing tenure to such local authority housing dominated mining villages. However, we are satisfied that WLC have had regard to that requirement in their allocation of the sites already identified for housing development in Fauldhouse and mostly within its settlement boundary. We consider that no persuasive evidence has been presented to us as to why this site should or requires to be given over to housing in addition to those sites already proposed for Fauldhouse within WLLP.
- 5.10 We also note that the justification for development of the Crofthead site is based primarily on the argument that the majority of the sites proposed in WLLP for housing allocation in Fauldhouse were constrained and as a result there would be a shortage of housing land brought forward. We find this argument of some relevance, but we have insufficient evidence to enable us to discount any of the allocated sites referred to by the objector. We recognise that E&LSP policies HOU1, HOU3 and HOU9 would prefer that WLC bring forward constrained sites within their district. In that regard, we are satisfied that WLC have had regard to that requirement in its allocation of the sites already identified for housing development in Fauldhouse and within its settlement boundary. Also, we are satisfied that, in the event of a failure to continue to meet the 5 year housing land supply, whether by the failure of constrained sites or otherwise, there is provision in E&LSP policy HOU10 which requires WLC to bring forward additional land for housing. We are content that sufficient choice of housing exists without the necessity at this time for the release of the objection sites for housing and that no persuasive evidence has been presented to us as to why the sites should or require to be given over to housing in addition to those sites already proposed for Fauldhouse within WLLP.
- 5.11 As regards the issue of “rounding-off”, we are particularly concerned that the proposed housing sites are detached from both the existing and the proposed settlement boundaries. The Crofthead objector’s drawing submitted to the inquiry shows a large area of land to the west of the proposed site which would also have to be included into the settlement boundary, otherwise the objection sites have to be considered as somewhat detached. Apart from the fact that we have no case before us regarding the inclusion of this other area of land within the proposed settlement boundary, we are convinced that it and the proposed sites are of such a scale that they cannot be considered as rounding off. We find that the allocation of such a scale of land would require to be considered as a strategic extension to Fauldhouse, which we consider would have a significant adverse impact on the character of the village and the demand on its limited infrastructure.
- 5.12 We believe that E&LSP gives the highest priority to focussing housing development in existing urban areas and in that regard, we find that the proposal is not supported by any evidence of need to bring forward additional land in terms of E&LSP policy HOU9 and it would not accord with the criteria of E&LSP policy HOU8. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance.

Site 5 – Benthead

- 5.13 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. Also, we do not have sufficient information on the site to form a view on its potential capacity or delivery. However, we accept that ownership is not an impediment to its use for residential purposes.
- 5.14 We note that the justification for development of this site is based primarily on the need for affordable housing supply issues in the Fauldhouse area, which is an issue we have addressed in general in the strategic chapters earlier in this report. We consider that no persuasive evidence has been presented to us as to why the site should or requires to be given over to affordable housing. Given our findings in the relevant strategic chapter above, we are satisfied that the terms of WLLP policy HOU10 will ensure that the appropriate quota of affordable housing will be provided relative to the level of new development which is proposed to take place in the Fauldhouse area.
- 5.15 In addition, we consider that development of the site for housing would cause an unacceptable intrusion into a rural area outwith the settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We also note that E&LSP gives the highest priority to focussing housing development in existing urban areas and in that regard, we find that the proposal would not accord with the criteria of E&LSP policy HOU8. Consequently, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance.

Other Matters

- 5.16 While considering these sites in Fauldhouse, we noted related aspects to 2 other allocated sites adjacent. Firstly, that the allocated **site HFh19** is bounded on its northern side by 3 detached properties at 105b-105d Sheephousehill. While neither these 3 properties nor site HFh19 is the subject of objections before us, we considered it odd that these 3 properties had been excluded from the settlement boundary for Fauldhouse within WLLP. We would suggest that WLC may wish to reconsider the inclusion of these 3 properties and their associated land within WLLP settlement boundary for Fauldhouse. Secondly, as the allocated **site HFh20** is not before us we cannot recommend against it. However, we are obliged to comment that we found that allocation to be somewhat odd, especially given the reasoning in pre-inquiry change 230 and its location on the north side of an existing tree belt already defining the settlement boundary.

Overall Conclusions

- 5.17 Drawing all these matters together, we do not consider that any part of sites 2, 3, 4 and 5 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. We concur with the allocation of site 1 (HFh7 part and HFh18) for housing, subject to the amendment to WLLP Appendix 6.1 as recommended. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP Proposal Map 5: Villages.
- 5.18 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend (*changes in italics*):

Site 1 Lanrigg Road (East) (HFh7 part and HFh18)

- (i) that the reference in WLLP Appendix 6.1 to “20” in units ‘actual’ column for site 1 be deleted and replaced by “48” in the ‘UNITS estimated’ column.

Other matters

- (ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.17 Linlithgow (proposed sites)

Representation nos:

7190/1-/8, 7190/10-/15, 7363/1-/3, 7490/1-/3 7604,
8527.

Objectors appearing at Inquiry:

Cala Homes (East) Limited
Manor Forest Limited
Mr & Mrs Amos
(+written submissions)

Inquiry references:

HOU13a: Bonnytoun House
HOU13b: Clarendon Farm
HOU13c: Land at Friars Brae/Preston Road
STRAT1f: Land at Burghmuir
WS27: Land at Burghmuir
WS88: Land at Burghmuir
WS48: Land at Preston Farm

1. BACKGROUND

- 1.1 Objections were lodged by 7 parties to WLLP covering a number of sites in or near Linlithgow on which they are proposing housing uses and adjustment of the settlement boundary. This chapter concerns the proposals for housing on 5 sites. The other objections are dealt with elsewhere in the report. The site descriptions are as follows:

Site 1 – Bonnytoun House

- 1.2 The site abuts the north eastern edge of the built up area of Linlithgow, to the east of Linlithgow Loch. It is situated on the north side of Blackness Road (A803), which links the town centre, some 1km to the west, with Burghmuir junction 3 of the M9 motorway, some 1.5km to the east. In all, it comprises some 2.8ha of the north east part of the grassed and mature treed, parkland style grounds and walled garden of Bonnytoun House, a Category B Listed Building, which is located to the centre and southern side of these grounds. To the north, it is bounded by intermittent tree cover and a stone wall that links into the northern edge of the walled garden, beyond which a narrow area of agricultural grazing land forms a buffer between the site and the M9 motorway. On the other side of the motorway agricultural land stretches northward. To the east, it is bounded by a mixed-age woodland belt including some fine mature trees, on the other side of which is a minor road which runs northwards from its junction with the A803. Beyond that minor road are the extensive buildings, car parks and grounds of Sun Microsystems development. To the south and south west, the densely treed southern grounds of Bonnytoun House form a boundary with the A803, on the other side of which is an area of agricultural land and beyond that, is the residential area of Boghall. To the west, is Bonnytoun House and the larger part of its parkland extending to another minor road which also runs north over the motorway from its junction with the A803. Beyond that minor road a triangular area of agricultural land separates Bonnytoun House grounds from the eastern end of Linlithgow Loch, on the southern shore of which is Linlithgow Palace.

Site 2 – Clarendon Farm

- 1.3 The site is located on the south eastern edge of the settlement boundary of Linlithgow, to the east of Manse Road, a minor road which runs north/south and leads towards the town centre, and to the south of the Union Canal. It comprises some 27.5ha of agricultural grazing land, with field boundaries of mature trees and hedgerows, which rises gently from north to south to a ridge line at its southern end, which in turn separates Linlithgow from the Bathgate Hills AGLV. To the north, the site is bounded by other agricultural land associated with Clarendon Farm and the Union Canal, on the other side of which a narrow strip of housing fronts the old Edinburgh Road (B9080) and beyond that the main Glasgow/Edinburgh railway line. To the west, between the site and Manse Road, are the established housing estates of Clarendon Road and Oatlands Park. To the south and east, extends wider and more open agricultural land and countryside.

Site 3 – Land at Friars Brae/Preston Road

- 1.4 The site is located in the middle of an established housing area towards the southern edge of Linlithgow, between Preston Road and Friars Brae. It comprises some 1.7ha of the broadly triangular shaped, extensive, private, landscaped gardens of Westerlea, a large detached Edwardian villa, which is situated towards the east side of the site bounded by Friars Brae but is accessed off Preston Road via a long driveway. The southern half of the site was formerly a densely wooded block which has been harvested in recent years. Large mature specimen trees remain in the northern part of the site and on its boundaries and are subject of a TPO. To the east, on the other side of Friars Brae, and to the north and south are parts of the housing areas at Waldie Avenue, Priors Road and Riccarton Road respectively. To the west, between it and Preston Road, are 3 detached cottages which share the driveway access to Westerlea.

Site 4 – Land at Burghmuir

- 1.5 The site is located on the extreme eastern edge of Linlithgow and sits between the M9 motorway to its north and extends south, over the A803, the main Edinburgh/Glasgow railway line and the Union Canal, to the old Edinburgh Road (B9080) to its south. It comprises a broad swathe, some 0.5km wide, of some 65ha of agricultural land running north to south. To the north, on the other side of the M9, to the east and south, on the other side of the B9080, is extensive agricultural land and open countryside. To the west, from north to south, are the Sun Microsystems plant, established housing areas at Springfield and Kingsfield, Kingscavil Cemetery, and agricultural land which extends west to the south eastern boundary of Linlithgow.

Site 5 – Land at Preston Farm

- 1.6 The site is located on the southern edge of the settlement boundary of Linlithgow, to the west of Preston Road, a minor road which runs north towards the town centre and serves this southern end of Linlithgow. It comprises: parts of the policies of Preston House, a 19th century, Category A listed, mansion house; an area of agricultural land to the north of Preston House, which slopes down to the Union

Canal and its boundary with an existing housing development; and a group of modern industrial buildings to the east of Preston House, which are occupied as a haulage depot. To the north west, on the other side of the Union Canal, is a recent housing development at Braehead Park and to the north, is an established housing area at Deanburn. To the east, between the main part of the site and Preston Road, is a recently completed new residential school for the deaf and an area of agricultural land separates the haulage depot from Preston Road. To the west, is the former walled garden of Preston House, which has been developed with 6 detached dwellings. Beyond that, Mains Burn runs through the steep sided wooded gorge of Preston Glen. To the south, on the other side of Preston House, agricultural land rises first gently and then more steeply to William Craigs and Cockleroy Hill, adjacent to Beecraigs Country Park.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the non-housing designations covering these sites in WLLP and replacement with their allocations exclusively for or to include housing of some form, employment/business and adjustment of the settlement boundary.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Bonnytoun House

- 3.1 While the area was defined within E&LSP as an area of restraint and it was acknowledged that major new development was not envisaged, this did not prevent WLLP from identifying localised development sites where infrastructure, landscape, built heritage and other environmental objectives could be overcome. The allocations proposed within WLLP demonstrated significant limitations on the availability of land to construct dwellinghouses within Linlithgow. WLC had failed to properly consider or to provide for the upper market residential segment within WLLP allocations despite the requirements of SPP3. WLC considered that such provision would be delivered through CDAs in accordance with E&LSP policy HOU4. It was clear that the market could only provide such development in areas where the environment and nature of the surroundings were of such quality to both attract such development and to provide the developer/purchaser with real and residual value. WLC accepted that the development would be small scale and bearing in mind the means by which education matters could be addressed, this reinforced the fact that the development would accord with E&LSP policy HOU8 and its inclusion within WLLP would be fully justified.
- 3.2 Winchburgh CDA was unlikely to meet the needs/perceptions required to deliver this form of housing, at least in the short to medium term. The allocation of the site would make a small but significant contribution to the delivery of housing by satisfying a sector in the market not presently catered for in West Lothian. The attraction of Linlithgow for upper market development was reinforced by the figures provided by WLC relating to council tax banding. Existing provision did not equate to satisfying demand, particularly for new build properties. Linlithgow

was the place to provide for this type of housing and the site would be an appropriate location for such provision.

- 3.3 Objection was to the continued inclusion of land adjacent to Bonnytoun House within the boundary of the AGLV designation. It was suggested that the AGLV boundary be amended to exclude the site and allocate it for low density housing development. WLLP policy ENV31 was restrictive and provision should be made for release of the greenfield site adjacent to Bonnytoun House, to accommodate long term growth where it could be demonstrated that it would not have an adverse impact on the function of the designated area. Even within designated countryside areas there would be sites which had the capacity to absorb development without detrimental effects on the function or integrity of the designated area. This policy should be amended to support the release of sites in these areas for development where it could be justified in terms of need and the capacity of the landscape to absorb development.
- 3.4 It was acknowledged that the site lay within the curtilage of a listed building, within the boundary of the Linlithgow Palace Conservation Area and within the designated Airngath Hill AGLV. No nature conservation designations affected the site. A development of the nature and density proposed would have no material impact on the setting of Bonnytoun House, or the character or appearance of the conservation area or the AGLV. WLC failed to demonstrate any negative effects or locations from which any material impact could be discerned, which reinforced the case that the development would be sympathetic to its surroundings. Planning permission had been granted for a residential care home on land to the north west of Bonnytoun House and WLC had produced a planning brief to guide the final form and appearance of the development.
- 3.5 Education would appear to be the only infrastructure issue affecting the proposed development. Experience elsewhere had been that houses in this particular market niche often attracted families with older or no children. Given the nature of the development proposed, it was likely that many children would be privately educated and place no burden on the local authority system. There was no capacity constraint at the local primary school which lay some 1km from the southern boundary of the site, although it was accepted that children would have to cross A803 (Blackness Road). Secondary education was less straight forward. The option remained to tie the development of the site to the satisfactory resolution of education matters within West Lothian, including the Winchburgh CDA, which would be achievable within a 5 to 7 year horizon and would not preclude the allocation of this site.
- 3.6 The site was adjacent to the A803 which linked Linlithgow town centre to the M9 motorway and Bo'ness. As agreed with WLC, the south east boundary of the site was some 1.25km from the railway station and about 1km from the supermarket and shops on the east side of the town centre and therefore was within walking distance of these. There were a number of bus services using the A803, with individual stops lying between 200m and 580m from the site. Although the bus stops to the west of the site were outwith the desired 400m distance, that was more than compensated for by the range of bus services available and by accessibility to the station and town centre.

Site 2 – Clarendon Farm

- 3.7 It was agreed that Linlithgow was not in CDA but the level of housing proposed of 100 units over 3 phases and 7 years would not represent a strategic release. As regards WLLP Policy HOU1, a notional provision of 205 units in total for Linlithgow for the next 5-10 years, including a number of brownfield sites, demonstrated a distinct failure to address the future housing land requirements of the town. This indicative 205 unit allocation for Linlithgow was largely met by established sites with planning consent for residential development. Only one new allocation was brought forward with an estimated capacity of 6 units. When the actual remaining supply using the uncontested update (MF4) was analysed, 137 units were completed which left 56 units, including the bus garage site for 34 units. WLLP was abandoning its responsibility not only to address the current issues facing Linlithgow, but also the long term future of the town. The policy did not comply with SPP3 in that it neither provided sustainable settlement growth, nor addressed the issues of housing choice, quality or range or opportunities. The definition of the settlement boundary in WLLP Proposals Map 2 was objected to in that it should include land at Clarendon Farm.
- 3.8 The growth of this settlement was assessed and safeguarded through WLLP. A phased development would allow a planned, sustainable level of growth to meet demand in accordance with the provision of new local facilities and improved transport infrastructure. The release and phased development would overcome localised infrastructure capacity issues. It was recognised that the release of the site might depend upon the opening of the new Winchburgh schools. Given lead in times, the development of the first phase could tie in with the Winchburgh timescale scheduled for 2011. In addition, the requirement for financial contributions towards upgrading the local infrastructure and community facilities was recognised.
- 3.9 WLLP policy HOU3, was objected to in principle and the accompanying text in its paragraphs 6.30-6.32, which detailed the issues currently facing Linlithgow. This policy position further demonstrated the need to have a defined settlement strategy, rather than an outright restriction on growth, plan-led or otherwise. While it was accepted that there was a strategic policy of restraint, WLC appeared to be interpreting it as a prohibition to new development. It was not accepted that WLC had adequately addressed the overall housing needs of Linlithgow, despite the E&LSP position which referred to constraint rather than strategic growth. E&LSP did not advocate total constraint of housing land release in Linlithgow, and as such a degree of flexibility should be employed by WLC in order to plan for the future of this settlement.
- 3.10 The site was non-prime agricultural use and its development would create a change in the landscape but not a change in the setting of the town. Whilst the existing urban boundary was protected by the previous appeal decision. The statements made in that decision did not relate to a local plan review, which was the more appropriate medium for evaluating urban settlement boundary definition. The landscape assessment of the site made clear the limited impact that a housing development would create on the local environment and wider setting of the town. The accessibility of the site and its proximity to all local services complied in all,

but access to a bus stop, with SPP17 distances. The station, school and shops were well within these distances, while the nearest bus stop was over the distance. The site was fully effective under PAN38 criteria.

- 3.11 The education position was that that by 2011 there would be falling primary rolls in Linlithgow and scope to accommodate up to 109 pupils at Linlithgow Academy, rising to 241 spaces by 2016, given that it was very likely that Winchburgh Primary School would be rezoned to the new secondary school arising from the growth at Winchburgh. Against this, the development was likely to generate 38 secondary pupils and 33 primary pupils by 2016. WLC's position that, on the basis of education infrastructure, Linlithgow had no capacity for new housing was undermined by their acknowledgement that capacity might emerge from 2011 when the new secondary school was opened.

Site 3 – Land at Friars Brae/Preston Road

- 3.12 The site at Friarsbrae/Friars Way Linlithgow benefited from full planning permission, so it should be shown as a site for housing in WLLP Proposal Map 2 and its Appendix 6.1. The site also offered an opportunity for small scale quality housing in a woodland and landscape setting. Development had commenced and there was positive support from neighbours. Allocation of the site would secure a degree of certainty and permit works to follow through to completion.

Site 4 – Land at Burghmuir

- 3.13 Objection was to WLLP policy EM2 and Proposal Map 2, to the definition of the urban edge of Linlithgow as it affected the entire masterplan as proposed and the restrictions on employment at Burghmuir, specifically on site EL18, which was also landlocked. The site should enjoy the same access principles onto the A803 as nearby site EL12 (Boghall East), by creating a joint access. This and enlarging site EL18 could be accommodated within the master plan proposed by the objector. WLLP policy EM11 was supported as it would allow employment areas to abut the existing settlement boundaries at Burghmuir as proposed above. It was suggested that industrial and commercial land was identified in Linlithgow in WLLP immediately and that the remaining sites were earmarked as future expansion of Linlithgow, subject to the provision of a new secondary school at Winchburgh, junction improvements and a masterplan approach which addressed additional detailed matters, including community facilities, shops and a new primary school.
- 3.14 Also, the objection related to WLLP policy HOU1 and Proposal Map 2 and the non-allocation of land at Burghmuir to provide a long term strategy for Linlithgow. This was supported by a master plan as submitted, including around 850 houses plus employment uses. This would involve redefining the urban edge to accommodate a mixed use proposal at Burghmuir post 2010. WLLP policy HOU1 did not identify the long term housing potential at Burghmuir and the benefit that could accrue to the town. A 205 unit notional capacity for the next 5-10 years was not a "sustainable community" scenario in terms of SPP3. Nor did it address issues of choice, quality or range of opportunities within communities as per SPP3. It was not accepted that WLC had adequately addressed the overall housing needs of West Lothian and Linlithgow in particular, even acknowledging the strategic

position which refers to constraint rather than growth. E&LSP did not encourage the abstinence of housing land in Linlithgow and some latitude required to be taken on this position in order to plan ahead and to provide for the longer term from a sustainable community perspective.

- 3.15 A mixed use development including approximately 850 residential units to the east of Linlithgow was proposed. An eastern link road and improved motorway junction was also proposed. This would provide a self standing extension to Linlithgow and would significantly reduce the town centre through traffic and in the medium term be within the Winchburgh secondary school catchment area. It was accepted that there was no strategic context for imminent pre-2010 release of housing land in Linlithgow. However, WLLP was abandoning its responsibility not only to address issues relating to Linlithgow but also the long term future of the town, which had excellent transport links. The proposed housing release in Linlithgow of 850 units would rely on the timing of the Winchburgh Schools. A significant pre-development period would be required to establish the site in any case. It was the commercial confidence of a long term growth at this locus that would stimulate the process for addressing the problems for which WLLP or WLC had no financial means of resolving without private sector input through the development process.
- 3.16 WLLP policy HOU3 should be deleted as it summarised and compared the highly unsatisfactory position in relation to Linlithgow and the policy and supporting text was objected to in principle, which further reinforced the need to have a longer term strategy for this settlement. Linlithgow was the only settlement of any size that placed a policy restriction on brownfield sites and windfall sites.

Site 5 – Land at Preston Farm

- 3.17 The objection was to the non-allocation of land at Preston Farm for residential development. The site did not make a significant contribution to the AGLV and the removal of the existing haulage depot and the creation of a new steading development would enhance the setting of Preston House and its context within AGLV. The site lay within easy walking distance of the local primary school and Linlithgow Academy, and the town centre was accessible by foot, bicycle and car. SPP3 encouraged release of greenfield land when brownfield and infill sites could not meet the range of housing requirements. The site would form a logical residential extension to Linlithgow.
- 3.18 In terms of NPPG 17, the site was well placed to link into existing walking and cycle networks and, given its location next to Preston Road, also to link into existing public transport services of the railway station and bus services. There would be considerable benefit in redeveloping the haulage depot to residential use and relocating the depot and its associated HGV traffic. Previous discussions had concluded that WLC would prefer to have the HGV traffic at a more appropriate location.
- 3.19 The proposal would satisfy E&LSP policy HOU8, as it would represent a small scale development in keeping with the character of the local area and the neighbouring properties. It was not located in the green belt, it was unlikely to

require any additional infrastructure, it would not adversely affect the listed Preston House and would improve its setting. Increasing the level of housing within Linlithgow would not only be consistent with the development plan's sustainability objectives, but it would also ensure that the development plan delivered an effective housing land supply, together with an appropriate level of affordable housing. The site should be allocated for residential development for up to 70 units with provision for an additional 20 units within a new steading development on the brownfield haulage depot site.

4. SUMMARY OF CASE FOR WLC

Site 1 – Bonnytoun House

- 4.1 The house and its grounds were an intrinsic and important element of AGLV and the Linlithgow Palace and High Street Outstanding Conservation Area in terms of landscape setting and framework of Linlithgow. WLLP policy ENV31 sought to ensure that there was no unjustified and inappropriate development in the countryside. As well as the landscape designation constraints of AGLV and the Linlithgow Palace and High Street Outstanding Conservation Area, Linlithgow was constrained in terms of infrastructure capacity, in particular in schools. In addition to education, the site was constrained by traffic capacity on Linlithgow High Street and parking at the railway station. There required to be a policy of constraint with regard to development around Linlithgow, including Bonnytoun House and any application would have to be assessed on its own merits.
- 4.2 The objector accepted that there was a restraint on development due to lack of capacity at the local secondary school, Linlithgow Academy, and that WLC could not impose any conditions relating to occupancy of the proposed houses or how the child product was to be educated. Some 16.8 children could come from the proposed development on the site requiring secondary education at Linlithgow Academy. Neither WLC nor the objector could pre-empt or anticipate the outcome of the WLLP inquiry in relation to the delivery of education infrastructure in Winchburgh and WLC did not anticipate any completions in this particular CDA until 2010/11 at the earliest. Also, there could be no assumption that capacity would be freed up at Linlithgow Academy, which would need to be determined as a result of a catchment area review yet to be carried out and subject to particular legal processes.
- 4.3 The objector relied on E&LSP policy HOU4 for support. However, that policy related to E&LSP policy HOU3 and applied only to strategic housing allocations in the 3 CDAs and E&LSP policy HOU4 did not apply to housing allocations outwith CDAs. Accordingly, E&LSP policy HOU4 could not be relied upon for support for the proposed housing allocation. There was no requirement to allocate land for development within Linlithgow, only in CDAs which had been done through E&LSP policy HOU4. The proposed development might not meet criterion b of E&LSP policy HOU8 and did not meet criterion c of that policy. WLC were required by E&LSP policy HOU10 to maintain an effective 5 year housing land supply and they were well on target for delivery of housing land in accordance with E&LSP requirements for the period of 10 years from 2005. The objector accepted

that the 5 year land supply for housing in West Lothian was on target. The objector sought to justify the allocation proposed as a niche market which, if it existed, could be satisfied within the Winchburgh CDA on land in the control of the objector. The information provided by WLC on council tax banding confirmed that there was no pressing or compelling need for additional housing in council tax bands G and H within the Livingston area.

- 4.4 The objection site was part of AGLV and E&LSP policy ENV4 required local plans to take account of landscape designations in accordance with new SNH guidance. It would be premature to try to pre-empt the intended review by WLC and its possible results. The site, with its outstanding mature tree cover in a parkland setting was an important part of AGLV and served as a clear buffer between the town and the countryside. The conservation area was recognised by Historic Scotland as ‘Outstanding’ and the site was a critical component of a varied and complex conservation area, particularly important in approaches to and in the wider setting of the conservation area as a whole. The conservation boundary was revised previously to afford better recognition and protection for Bonnytoun House and its setting. The outstanding mature tree cover in a parkland setting was also an important element in the character and appearance of the conservation area. The objector agreed that there was no overriding need for development on the site related to the condition of Bonnytoun House itself, which was not under threat. The objector agreed that its grounds were a designed landscape and the objection site occupied some 25-30% of the overall parkland setting. Development of the site would adversely affect the setting of Bonnytoun House and the character, appearance and setting of the conservation area. The objector agreed that the proposed development of the site would not enhance the environment, therefore, it failed to meet the strategy in Linlithgow Area Local Plan which required WLC to protect and enhance the environment.

Site 2 – Clarendon Farm

- 4.5 The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. There existed a long standing policy of restraint in Linlithgow and, in this context, the aim of WLLP policy HOU3 was to resist further development within the settlement boundary where it would significantly exacerbate problems of infrastructure or traffic congestion or adversely affect the character of the town. WLLP policy HOU3 required any infill site to be within the settlement boundary and there had been no change in the status of the site from its representation in Linlithgow Area Local Plan and WLLP. The objector agreed that there was no policy requirement in E&LSP or WLLP to allocate land in every settlement and that overall WLC had met the housing land allocation requirements of E&LSP.
- 4.6 Linlithgow was currently subject of a policy of restraint as referred to in Linlithgow Area Local Plan and WLLP, which the objector agreed. There was no actual or anticipated shortfall in housing land supply in west Lothian for the next 10 years and the 5 year land supply was currently at 110% of E&LSP target. The WLC Housing Model showed that the programmed output for Linlithgow was 193 units not the 28 units suggested by the objector over the 5 year period. A key

consideration for WLC at present was the capacity at Linlithgow Academy, which was oversubscribed. The education strategy did not identify new provision of education infrastructure in Linlithgow and there was a tailing off of construction due to the extreme education constraints at Linlithgow Academy. The assumption by the objector that the prospective construction of a new school at Winchburgh would lead to catchment area reviews which would free up capacity at Linlithgow Academy, pre-empted the various legal processes that WLC required to go through and the outcomes of such reviews. WLC did not anticipate any completions in the Winchburgh CDA until 2010/2011. WLC would carry out a comprehensive review of WLLP and land allocations across West Lothian rather than piecemeal allocations of sites within a particular area.

- 4.7 In environmental terms, the objector led no evidence that gave support to the site in structure or WLLP terms. There was a need to minimise environmental impact and the easiest way was not to allocate the site. Development on the site would have an environmental and visual impact, which was accepted and confirmed by the objector's evidence. The site was restrained by traffic, landscape and environmental matters. As Linlithgow was not in CDA there was no requirement for strategic or local land allocations to be made, in accord with paragraph 2.50 of E&LSP.

Site 3 – Land at Friars Brae/Preston Road

- 4.8 The site had planning permission for only 2 single houses, although scope did exist for a further, but a very limited number of additional units, subject to phasing due to education constraints and other policies. The landscape proposals which had been approved had clearly been formulated to allow for this. Only sites with capacity for 5 or more units were specifically identified within WLLP. It had not been demonstrated conclusively that the site had capacity for 5 or more units. It was therefore inappropriate to include this site within WLLP Appendix 6.1 and Proposals Map 2 as an effective housing site.

Site 4 – Land at Burghmuir

- 4.9 Site EL18 was owned by Sun Microsystems and was allocated to allow for expansion needs of this adjacent business use and to maintain the site for single user occupation with access from the existing site. As a consequence, there was no justification for the site requiring direct access to the A803, which would cut across open land and be unnecessarily intrusive. Site EL12 was capable of access in its own right from the A803. WLLP policy EM11 related to promoting smaller scale employment opportunities in more remote rural areas, such as smaller villages in the west of West Lothian.
- 4.10 The successful implementation of the strategy within E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. The aim of WLLP policy HOU3 was to ensure that the cumulative effect of small housing developments did not have a significantly adverse impact on infrastructure, traffic congestion or the character of Linlithgow. This policy was entirely consistent with the strategic aims of E&LSP in so far as Linlithgow and

north west West Lothian were recognised as being constrained by infrastructure, landscape and environmental objectives. There was no requirement in E&LSP to allocate reserve sites in case there was an inability to meet the 5 year land supply requirement. E&LSP policy HOU10 set out the necessary actions in such circumstances. Residential development was not justified by E&LSP policy HOU8 as it was not small scale, was not in keeping with the character of the settlement and had school capacity implications which were not satisfactorily addressed by this objection.

- 4.11 A main part of WLLP strategy was to maintain policies of restraint in Linlithgow and north west West Lothian where there was limited infrastructure and community facilities and where further large scale development would impact on the town centre and high quality landscapes. When preparing WLLP, WLC ensured that policies and proposals contained in WLLP conformed to the requirements of E&LSP. The policies and proposals were in accordance with E&LSP's strategy. There was no moratorium on housing development within the settlement boundary of Linlithgow, and any proposal would be assessed against WLLP policy HOU3.

Site 5 – Land at Preston Farm

- 4.12 WLC did not support the allocation of additional land for housing in Linlithgow in general and Preston Farm in particular. The objector sought the release of land from AGLV for residential purposes but provided no justification for doing so in the context of the overall residential land supply in WLLP. There was no need for additional land release, particularly in an environmentally sensitive location.
- 4.13 Identification of the objection site for residential development was not in accordance with WLC's preferred development strategy which identified sufficient land in alternative, more suitable locations for development. WLC development strategy, as detailed in WLLP, conformed to that approved in E&LSP and the proposed allocation was contrary to that strategy. Development of the site could not be justified in terms of E&LSP policy HOU8 as it was not small scale, was not in keeping with the character of the settlement and it had educational implications which had not been addressed. Residential development of the large scale proposed, would be detrimental to the character and appearance of Linlithgow. The objection to redesignate this site for housing did not provide sufficient justification for allowing development in this environmentally and visually sensitive part of AGLV.

5. CONCLUSIONS

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land

supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Bonnytoun House

- 5.3 Although the objector considers that the site could be an **effective** residential development site, because no conclusive evidence was presented on the resolution of supportive infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Despite our conclusions on education elsewhere in this report, we recognise the particular education difficulty experienced at Linlithgow Academy. We believe that there are no obvious options in education infrastructure for Linlithgow at the moment. It is dependent on progress with CDA. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that the objector presented an indicative layout for 14 detached houses on the site but advised that this represented one of a number of potential options. However, in view of the doubt over the resolution of infrastructure issues, including the traffic problems in Linlithgow town centre, we are unable to form a view on its delivery.
- 5.4 During our site inspection we saw for ourselves that the objection site is part of a semi-open area of parkland interspersed with significant mature tree specimens around Bonnytoun House and is all contained within the surrounding AGLV, which also provides a visual and functional amenity for the eastern end of the conservation area. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements. Although we recognise that existing and proposed planting would substantially mitigate the visual impact that development of the site with large detached houses would make on Bonnytoun House itself, we have no doubt that the development proposed would have an adverse effect on the character, amenity, and landscape setting of Bonnytoun House and this part of the outstanding conservation area. We are not convinced that development as proposed would preserve or enhance the character or appearance of the designated outstanding conservation area. Consequently, we consider that the development of the site for housing would result in an urban intrusion into and erosion of this part of AGLV and conservation area to their detriment.

- 5.5 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of AGLVs until the necessary survey work can be conducted in consultation with SNH. We note that WLC, in response to SNH, are committed to a review of these areas during the WLLP period but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.6 We find that **E&LSP** gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and its policy HOU4 relates to sites meeting its policy HOU3. We are satisfied that provision in CDAs is not envisaged to be a short term provision in the strategy. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to unresolved education infrastructure and as the development would extend Linlithgow into its rural setting contrary to advice in SPP3. In addition, we are satisfied that E&LSP makes clear in paragraph 2.50 that Linlithgow is within its defined areas of restraint and that WLC have addressed that issue under **WLLP** policy HOU3. Notwithstanding, we are also satisfied that WLC have met their obligations in terms of E&LSP policies HOU3 and HOU10.
- 5.7 In terms of SPP3, we consider that development of this site for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in an extension of the settlement eastwards into the relatively narrow green rural gap between the eastern end of the conservation area and the only other development on the north side of A803. We are satisfied that such development would result in the erosion of the rural setting of Linlithgow on that side. We are satisfied that the area of countryside of which the site forms part is quite correctly and appropriately protected by WLLP policy ENV19. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance, and that it should also be resisted on the grounds of adverse impact on the conservation area and the erosion of the landscape setting of Bonnytoun House and Linlithgow.

Site 2 – Clarendon Farm

- 5.8 While the objector considers that the site could be an **effective** residential development site, because no conclusive evidence was presented on the resolution of supportive infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Despite our conclusions on education elsewhere in this report, we recognise the particular education difficulty experienced at Linlithgow Academy. We believe that there are no obvious options in education infrastructure for Linlithgow at the moment. It is dependent on progress with CDA. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that the objector proposes that the site be developed with 100 houses on some 27.5ha and expects delivery of the first units in 2010. We accept that at a low density the site could accommodate that figure comfortably but it has the potential to accommodate a much higher figure. However, in view of the doubt over the resolution of infrastructure issues, including the traffic problems in Linlithgow town centre, we are unable to form a view on its delivery.
- 5.9 We are satisfied that the site consists of an attractive area of gently rising farm land, in use for grazing purposes, adjoining but situated outwith the south east settlement boundary of Linlithgow and important to its landscape setting. We note that it is identified as being within the Coastal Margins, Linlithgow/Queensferry Farmlands, Landscape Character Type in the **Lothians Landscape Character Assessment**. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that it is contained by the settlement boundary of Linlithgow on its north and west sides, the landscape type extends to the east. We note the findings of the objectors' visual assessment of the site but disagree with its findings on the magnitude of impact. While we recognise that mitigation can be achieved by additional landscaping of the site, we consider that the potential impacts have somewhat been understated. Our site inspections confirmed to us that development on the rising slope to the south east of Linlithgow would be clearly discernable and would cause an environmental and visual impact which we consider would fall into the moderate to high category. We consider that the present settlement boundary of Linlithgow at this point represents an appropriate defensible boundary between the built-up area and the countryside. We are satisfied that the land beyond the settlement boundary is correctly defined as countryside. Consequently, we consider that the site contributes to the rural setting of Linlithgow on its south east side and that development here would adversely affect the character of the area.
- 5.10 In terms of SPP3, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying **E&LSP** policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose

and is compatible with the rural character of that area. We consider that development of this site would result in an extension of the settlement eastwards into the relatively green rural hinterland of Linlithgow. We are satisfied that such development would result in the erosion of the rural setting of Linlithgow on that side.

- 5.11 We find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and E&LSP policy HOU4 relates to sites meeting policy HOU3. We are satisfied that provision in CDAs is not envisaged to be a short term provision in the strategy. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site.
- 5.12 Accordingly, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to unresolved education infrastructure and the extension of Linlithgow into its rural setting contrary to advice in SPP3. In addition, we are satisfied that E&LSP makes clear in its paragraph 2.50 that Linlithgow is within its defined areas of restraint and that WLC have addressed that particular strategic issue under **WLLP** policy HOU3. Notwithstanding, we are also satisfied that WLC have met their strategic obligations in terms of E&LSP policies HOU3 and HOU10.
- 5.13 Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance, and that it should also be resisted on the grounds of the erosion of the landscape setting of Linlithgow. We also consider that WLC should reappraise the site and its surrounding area and consider whether it warrants the further protection of other policy restrictions in terms of **WLLP** policies ENV21 or ENV22.

Site 3 – Land at Friars Brae/Preston Road

- 5.14 While the objector considers that the site could be an **effective** residential development site, we note that some detailed assessment such as education provision is still required. While we do not believe that the allocation of the site for the limited scale of housing proposed would generate such difficulty and uncertainty in the planning of educational provision in the area that it would make the proposal unacceptable, we recognise that it would be necessary to first resolve that issue. Subject to that, we are satisfied that the site could meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. While, in planning terms, housing is not

the sole option use of the objection site, we accept that it is one of 2 main possibilities, and ownership is not an impediment to its use for that purpose. We note the objector's submissions regarding the proposal for 6 units on the site and that planning permission has been granted by WLC for 2 units to date. We also note that WLC concede that scope did exist for a further, but a very limited number of additional units, subject to phasing. Consequently, we are satisfied that there is a case for redevelopment of the site, given that it is a site within the settlement envelope and that in principle residential development is a possibility, subject to no conflict with **WLLP** policy HOU2.

- 5.15 WLC have argued that only sites with capacity for 5 or more units were specifically identified within WLLP and that it had not been demonstrated conclusively that the site had capacity for 5 or more units. We find that argument to be inconsistent with WLLP Appendix 6, where we note Sites HBb12 (23 East Main Street, Blackburn) and HBb16 (Beechwood Road, Blackburn) to be included with 3 and 4 units respectively. Consequently, based on WLC's argument, we consider that either it is inappropriate to include these other sites in WLLP Appendix 6 or the objection site in terms of numbers could be included, particularly if its potential output was finally determined.
- 5.16 However, we have already acknowledged that, given the site's status as white land located within the settlement boundary of Linlithgow, there is a presumption in favour of its development. We also note that WLC have control, in any event, regarding the presumption in favour of development within the settlement boundary through WLLP policies HOU2 and HOU3, which would still have to be satisfied, even if the site were allocated. Consequently, we are persuaded that there is no specific requirement or special need to allocate the site for housing and the site would not accrue any more significant degree of certainty from being allocated for residential development.

Site 4 – Land at Burghmuir

- 5.17 The objector considers that the site could be an **effective** residential development site, but because no conclusive evidence was presented on the resolution of supportive infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Despite our conclusions on education elsewhere in this report, we recognise the particular education difficulty experienced at Linlithgow Academy. We believe that there are no obvious options in education infrastructure for Linlithgow at the moment. It is dependent on progress with CDA. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that the objector proposes that the total site, of some 65ha, be developed with 850 houses, and business and employment land on 14.5ha, and anticipates development post 2010. We accept that at a low density the site could accommodate that figure comfortably but it has the potential to accommodate a much higher figure. However, in view of the doubt over the resolution of

infrastructure issues, including the traffic problems in Linlithgow town centre, we are unable to form a view on its delivery.

- 5.18 We are satisfied that the site consists of an attractive area of undulating farm land, in use for arable and grazing purposes, adjoining but situated outwith the eastern settlement boundary of Linlithgow and important to its landscape setting. We note that it is identified as being within the Coastal Margins, Linlithgow/Queensferry Farmlands, Landscape Character Type in the **Lothians Landscape Character Assessment**. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. While we acknowledge that it is contained by the settlement boundary of Linlithgow on its west side, the landscape type extends to the north, east and south. We consider that the present settlement boundary of Linlithgow on its east side represents an appropriate defensible boundary between the built-up area and the countryside. We are satisfied that the land beyond the settlement boundary is correctly defined as countryside. Consequently, we consider that the site contributes to the rural setting of Linlithgow on its east side and that development here would adversely affect the character of the area.
- 5.19 In terms of SPP3, we consider that development of this site for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying **E&LSP** policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in an extension of the settlement eastwards into the relatively green rural hinterland of Linlithgow. We are satisfied that such development would result in the erosion of the rural setting of Linlithgow on that side.
- 5.20 We find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and E&LSP policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the strategic allocation is already provided for in CDAs and it is not envisaged to be a short term provision in the strategy. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site.
- 5.21 Accordingly, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to the scale of development, unresolved education infrastructure to meet this particular scale of additional development, pressure on the town centre and as the development would extend

Linlithgow into its rural setting contrary to advice in SPP3. In addition, we are satisfied that E&LSP makes clear in paragraph 2.50 that Linlithgow is within its defined areas of restraint and that WLC have addressed satisfactorily that particular strategic issue under **WLLP** policy HOU3. Notwithstanding, we are also satisfied that WLC have met their strategic obligations in terms of E&LSP policies HOU3 and HOU10.

- 5.22 As regards the issue of **employment** land, we note that the site EL8 is allocated to meet the potential expansion needs of a particular existing single user. In that regard, we do not consider that direct access from the A803 is either required or necessary. With regard to the need for additional employment land at Burghmuir, we were not presented with any specific evidence of particular unmet demand or a shortage of units available in the area which would persuade us that there was any special need at this location, particularly as we have already found elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4). Also, we note that part of this area is required for upgrading of the Burghmuir junction of the M9 motorway and provision of a park and ride facility adjacent to it, as already allocated in WLLP. Given that WLLP policy EM11 relates specifically to the remoter areas of the district and to smaller villages in the west of West Lothian, we are satisfied that policy cannot be relied upon for support for employment uses as proposed. We are also satisfied that any development associated with a motorway services area could only be promoted in association with the junction and interchange improvements not as a large scale development in its own right outwith the settlement boundary, which would be contrary to the principles in SPP17. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance, and that it should also be resisted on the grounds of the erosion of its countryside setting. We consider that there is no requirement to amend WLLP policy EM2 or change the boundary of Proposal Map 2. We also consider that WLC should re-appraise the whole site and its surrounding area and consider whether it warrants the further protection of other policy restrictions in terms of WLLP policies ENV 21 or ENV22.

Site 5 – Land at Preston Farm

- 5.23 Although the objector considers that the site could be an **effective** residential development site, because no conclusive evidence was presented on the resolution of supportive infrastructure issues, and given our conclusions below on the land use aspect, we are unable to conclude that the site would meet all the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. Despite our conclusions on education elsewhere in this report, we recognise the particular education difficulty experienced at Linlithgow Academy. We believe that there are no obvious options in education infrastructure for Linlithgow at the moment. It is dependent on progress with CDA. However, we accept that although housing is not the sole option use of the objection site in planning terms, it is one of 2 main possibilities and that ownership is not an impediment to its use for that purpose. We note that the objector proposes that the site be developed with 70 houses, on its lower northern part and a steading development of 20 houses be built on the haulage

depot. We accept that at a low density the site could accommodate that figure comfortably but it has the potential to accommodate a much higher figure. However, in view of the doubt over the resolution of infrastructure issues, including the traffic problems in Linlithgow town centre, we are unable to form a view on its delivery.

- 5.24 During our site inspection we saw for ourselves that the objection site is part of the former area of parkland of Preston House, which has a few mature specimen trees dotted across the western edge of the farmland and around the reservoir to the north of the house and is all contained within the surrounding AGLV, which also provides a visual and functional amenity for the southern side of Linlithgow. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements on the south side of Linlithgow. Although we recognise that existing and proposed planting would substantially mitigate the visual impact that development of the site would make, our site inspections confirmed to us that development on the rising north facing slope to the south east of Linlithgow would be clearly discernable from the north and would cause an environmental and visual impact. We are satisfied that the present settlement boundary formed by the Union Canal at this point represents an appropriate defensible boundary between the built-up area and the countryside. We have no doubt that the development of the site for housing would result in an urban intrusion into and erosion of this part of AGLV and would have an adverse effect on the character, amenity, and landscape setting of this part of Linlithgow and this part of AGLV. Consequently, we consider that the development of the site would be contrary to specific advice on safeguarding environmental resources in SPP3, E&LSP policy ENV1d, and WLLP policies ENV19 and ENV20.
- 5.25 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work can be conducted in consultation with SNH. We note that WLC, in response to SNH, are committed to a review of AGLVs during the WLLP period but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.26 We find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and E&LSP policy HOU4 relates to sites meeting policy HOU3. We are satisfied that provision in CDAs is not envisaged to be a short term provision in the strategy. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8 as exceptions identified through the local plan. In that regard, we do not consider that E&LSP policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1

and HOU3, which we have already concluded do not support development of the site.

5.27 Accordingly, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to unresolved education infrastructure and the extension of Linlithgow into its rural setting contrary to advice in SPP3. In addition, we are satisfied that E&LSP makes clear in its paragraph 2.50 that Linlithgow is within its defined areas of restraint and that WLC have addressed that particular strategic issue under **WLLP** policy HOU3. Notwithstanding, we are also satisfied that WLC have met their strategic obligations in terms of E&LSP policies HOU3 and HOU10. Consequently, in the circumstances of this case, we consider that the allocation of this site for housing would not be consistent with the thrust of E&LSP and national guidance, and that it should also be resisted on the grounds of the erosion of the landscape setting of Linlithgow.

Overall Conclusions

5.28 Drawing all these matters together, we do not consider that any part of sites 1, 2, 3, 4, and 5 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 2: Linlithgow Area. In addition, however, we consider that sites 2 and 4 and their surrounding areas should be re-appraised to determine whether they warrant the further protection of other policy restrictions.

5.29 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

Sites 2 & 4 – Clarendon Farm & Land at Burghmuir

(i) that WLC should reappraise sites 2 and 4 and their surrounding areas and consider whether they warrant the protection of other policy restrictions in terms of WLLP policies ENV 21 or ENV22.

Other matters

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.18 Livingston (proposed sites)

Representation nos:

7423/7, 7491, 7561, 8560, 8561, 9856.

Objectors appearing at Inquiry:

Written submissions only

Inquiry references:

HOU7e: Bervie Drive & Lyon Drive Murieston

STRAT1f: Mill Roundabout, Eliburn Campus (ELv28)

WS49: Mill Roundabout, Eliburn Campus (ELv28)

WS92: Alba Campus (ELv41)

WS99: Kirkton Lane Business Centre

WS182: Deer Park Golf Course

1. BACKGROUND

1.1 Objections were lodged by 5 parties to WLLP covering a number of sites in Livingston on which they are proposing housing uses. This chapter concerns the proposals for housing on 5 sites. The other objections are dealt with elsewhere in the report. The sites can be described as follows:

Site 1 – Bervie Drive & Lyon Drive Murieston

1.2 The area known as Murieston is located on the southern extremity of Livingston and comprises an area of mostly modern, low density, residential development. The ‘L’ shaped site is situated between Bervie Drive and Lyon Drive, on the north side of Murieston Valley, a long residential cul-de-sac which runs east from its junction with Murieston Road, some 400m to the west. The site comprises a relatively flat area of overgrown, rough grassland, which slopes down gently northward to its partly treed north boundary with the Edinburgh/Glasgow railway line. Beyond that, on the other side of the railway line, is an area of modern housing known as Bellsquarry. To the east, the site is bounded by the timber fences of the rear gardens of 2 storey detached houses in Lyon Drive and part of the site wraps around the north boundary of this housing to form the ‘L’ shape between there and the railway line. To the west, a semi-mature treed/landscape belt separates the site from the rear gardens of similar 2 storey detached houses in Bervie Drive. To the south, on the opposite side of Murieston Valley, is a further area of modern detached housing, to the east of which is a play area and Livingston cricket ground.

Site 2 – Mill Roundabout, Eliburn Campus

1.3 The site is located on the west side of Livingston, on the north west side of Mill Roundabout. It comprises a large, relatively flat, vacant, overgrown scrub area which slopes gently down to its south east corner at Mill Roundabout. Appleton Parkway runs north and then west from Mill Roundabout and forms unenclosed east and north boundaries of the site respectively, while Cousland Road runs west from Mill Roundabout and forms its unenclosed southern boundary. To the north, on the opposite side of Appleton Parkway, is a similar large undeveloped scrub

area allocated in WLLP for employment use. To the east, on the other side of Appleton Parkway, is an area of new housing and similarly to the south, on the opposite side of Cousland Road, is another area of new housing. To the north west, an access road is formed off the south side of Appleton Parkway and a large industrial unit is located on both its west and east sides. To the west, is a smaller undeveloped area also allocated for employment use, and beyond that a mature tree belt separates those areas from a large single user industrial complex at Wilson Road.

Site 3 – Alba Campus

- 1.4 This site forms part of the Alba Campus, located on the south west side of Livingston, and is accessed from Charlesfield Road, off the west side of Rosebank Roundabout, from where Simpson Parkway runs northward and forms the eastern boundary of the campus. The site comprises a large, square, relatively flat, open, undeveloped area at the entrance to the campus, on the south side of Charlesfield Road. Four 3 to 4 storey office/research buildings and their associated car parking are located centrally within the campus, on the north and south sides of the main access road. The remainder, including this site, is generally flat, vacant, rough grassland. A large single storey building and its associated car parking, occupied by a crèche, are located at the far western end of the existing access road through the campus. The north and west boundaries of the site are specimen tree lined adjacent to the internal access roads and beyond those are 2 of the large existing complex of buildings and their associated expanses of car parking. To the east, the site is bounded by the northern part of the expansive Wilderness Plantation, an area of mature trees. To the south, the site is bounded by a narrow semi-mature tree belt, beyond which an open rough grassed area stretches south and west and forms part of the remaining undeveloped campus.

Site 4 – Kirkton Lane Business Centre

- 1.5 The site is located in Kirkton adjacent to Livingston Village, on the south side of Kirkton North Road and between Kirk Lane and Village Lane. It presently comprises a large complex of 3 storey offices (formerly occupied by Livingston Development Corporation) with a boarded up single storey part on its east side. The site and its expansive car park are accessed from Kirk Lane, on its open west side. It is bounded on its north (Kirkton North Road) and east sides (Village Lane) by a 2m to 3m high mature hedge. To the north and east, on the other sides of Kirkton North Road and Village Lane respectively, are areas of modern housing. To the south, is a landscaped area beyond which are a cemetery and the old Main Street of the original Livingston Village, with the River Almond valley beyond. To the west, on the other side of Kirk Lane, is the new Livingston Village Primary School, which has a dedicated drop-off/pick-up lay-by on the south side of Kirkton North Road.

Site 5 – Deer Park Golf Course

- 1.6 This site is located in the Knightsridge area, on the extreme northern side of Livingston, and forms a finger of Deer Park Golf Course between the north side of Detchmont Law and the south side of Deer Hill. It presently comprises: 2 of the

fairways and holes (14th and 15th) of the golf course, which is mainly located further to the east and south east, and which is safeguarded for open space purposes in WLLP; and to the south of that an area of rough, open grassland and an area of semi-mature trees adjacent to the west side of modern housing at Gallagher Green, which is owned by WLC and is designated as within AGLV in WLLP. To the north, is Deer Hill and mature woodland which separates it from the M8 motorway. To the east, a narrow wooded strip separates it from the northern part of the golf course and the houses at Gallagher Green. To the south, it is bounded by a narrow metalled road which rises west from Gallagher Green up to the covered reservoir adjacent to Dechmont Law, and beyond that there is further housing accessed off Golf Course Road. To the west, is an area of rough grassland and woodland, which is part of Dechmont Law Park and is criss-crossed by footpaths, and beyond that is further housing at Woodlands Park.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the various non-residential designations covering these sites in WLLP and replacement with their allocation exclusively for or to include housing of some form.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Bervie Drive & Lyon Drive Murieston

- 3.1 The site was in WLC ownership and for sale and should be reduced in size to preserve important ecology. Songbirds, including skylark and meadow pipit, voles, birds of prey and a variety of orchids abounded on the site. An environmental assessment was required, particularly as WLLP policy ENV2 presumed against development which would put at risk habitats and key priority species. The reduced site would be perhaps more suited to special needs housing as opposed to a local centre.

Site 2 – Mill Roundabout, Eliburn Campus

- 3.2 Texas Instruments, who owned the site, had restructured its business model and would not be pursuing its previously considered expansion programme. Also, it had recognised the limitations of the site in terms of achieving a suitable business use by 3rd parties and had therefore sought to demonstrate that the site was suitable and appropriate for residential development, in part or in total.
- 3.3 A previous review of employment land supply across West Lothian on behalf of the company looked at both qualitative and quantitative issues relating to the supply. Key qualitative factors relating to the site and which significantly reduced its attractiveness as a possible investment location were availability of: significant subsidies in other locations across Scotland; larger sites with better accessibility and visibility; and a significantly changing global economy that was moving away from requiring larger sites such as Mill Roundabout. Market changes had lessened the demand for this sort of site.

- 3.4 Loss of this site from the employment land supply overall could not be considered significant in any interpretation of the available data. The new sites referred to in WLLP policy EM2 had significant locational advantages over the Mill Roundabout site, primarily because of their proximity to the M8 motorway and their inherent environmental quality in general terms. This also demonstrated the ongoing dynamic within the employment land market and suggested that there was less necessity to depend on smaller individual sites.
- 3.5 WLLP paragraph 2.12 defined the core of the plan in bringing forward new housing allocations and a requirement to support local communities and services and bringing forward allocations where these were acceptable in terms of the environment and infrastructure capacities. The development of this site could achieve these aims and also achieve each of the listed objectives of allocations other than CDAs as set out by WLLP paragraph 6.27.

Site 3 – Alba Campus

- 3.6 The E&LSP Key Diagram indicated the site was included within the Livingston Almond Valley CDA where business and housing of up to 5000 houses would be promoted under E&LSP policy HOU3. WLLP aimed to capitalise on the proximity to the successful major employment areas at Kirkton Campus and Alba Campus and identified 2 major areas of expansion which were close to the west of Alba Campus, within the Livingston and Almond Valley CDA. The site was designated as an employment site in WLLP and therefore WLLP policy EM2 was relevant. The site's status as a 'category D' employment site required that 'office only' use was permitted to protect the site against inappropriate industrial development.
- 3.7 The major growth and change that would arise from the residential and employment uses proposed in CDA to the west of Alba Campus was welcomed. The major distributor road from the A71 in the south to the A705 in the north, might give the potential for access to Livingston through the Alba Campus, which was also supported. It was requested that WLC consider the provision of a new access junction off the distributor road to Alba Campus. Development of the site for student accommodation associated with the existing uses would serve a positive role in the future development of Alba Campus and for the wider CDA. The use would constitute an ancillary use to the existing specialist class 4 use of 4 nationally important universities at Alba Campus, where some 60 microelectronics and engineering students attended the Institute of Systems Level Integration facility. The provision of on-site accommodation for these students would complement and support the existing use of this important educational facility. There was presently no student accommodation provided and campus students had to find their own residences. The same applied to nearby West Lothian College where some 7,000 students studied and potential existed to also provide a facility for those students.
- 3.8 The flexibility sought for student accommodation, ancillary to the existing research, design, development and academic uses on the campus would not undermine the functioning of the campus and result in the loss of employment land. Development of the site as proposed would comply with the 3 criteria of WLLP

policy EM6 because: due to market demand the development of the site would not be achieved at least in the short to medium term; the proposal would not compromise the existing and future uses of Alba Campus but it would enhance its overall functioning in terms of its ability to deliver a technology park that provided a research, design, development and academic function; and it was intended that proposed residential use would be delivered in the spirit of the existing campus in terms of high quality design and the existing infrastructure would support the proposal in traffic terms.

- 3.9 The site should be redesignated from category D ‘office only’ to category E ‘class IV and ancillary uses’, as defined as a specialist category for employment sites in WLLP Appendix 5.1. Such designation would allow student use at the site as the accommodation would cater for those studying and working in the vicinity. The new wording in WLLP Appendix 5.1 to allow this should be – “South East Alba (area 3 has). Owner: Private. Use Class IV and Ancillary uses. Category E”.

Site 4 – Kirkton Lane Business Centre

- 3.10 The proposed pre-inquiry change 293 amended WLLP Proposals Map 3 to remove the employment boundary around the site at Kirkton Lane Business Centre, Livingston Village to acknowledge a redevelopment option for residential use, albeit with an element of class 4 business use retained in the redevelopment scheme. If this site were to be redeveloped for flats there would be a concern about the increase in traffic. The amount of traffic adjacent to Kirkton Business Centre had increased substantially since Livingston Village Primary School opened. More housing in this area would only make the situation worse, causing congestion and the increased risk of an accident involving children being dropped off at the school.

Site 5 – Deer Park Golf Course

- 3.11 The proposal had been advanced to meet an identified market demand for high quality housing in this part of the town and to rationalise land uses at Deer Park to achieve proper planning of the area. A sensitively designed development, including landscaping, could be successfully integrated into the surrounding area, thereby creating an attractive addition to Livingston without prejudicing the overall visual amenity and setting of the settlement and AGLV. In addition, a significant effective contribution could be made to the housing land supply within West Lothian. The 14th and 15th holes of the golf course were physically and visually separated from the main part of the course by a substantial belt of trees and related poorly to the rest of the course. They had proved difficult to play and the proposed relocation of these holes and realignment would allow for a more playable and attractive course. The remaining north westerly part of the golf course could be gifted to WLC for incorporation within Dechmont Law area of public open space.
- 3.12 Development of the site for housing would support the aims of E&LSP policies HOU3 and HOU4 and the thrust of national guidance, on land directly adjacent to the existing urban area. Notwithstanding WLLP policies ENV19, ENV20, ENV22 and ENV23, the AGLV part of the site was of low visual amenity, did not warrant its designation and its loss would be compensated for by the release of land to the north-west for recreational use by WLC. The lost part of the golf

course would be replaced elsewhere in the course and there would be no net detriment to amenity. Coalescence was not an issue.

3.13 When measured against planning considerations across the spectrum of policy hierarchy, the site compared favourably because:

- it was directly adjacent to the existing urban area and would form a logical extension to existing residential development, which was served by an existing access road;
- it would contribute to the E&LSP requirement to designate up to 5000 additional houses in the area;
- it met with all the criteria for judging effectiveness of housing land in terms of PAN38 as it was within the control of a house builder who could develop the site immediately, it was free from infrastructure, physical or contamination constraints, it did not require funding from public bodies to become economically viable, and housing was an acceptable use;
- the site made best use of existing infrastructure and could be adequately serviced, including road access;
- any development proposals would incorporate a strong landscape structure, ensuring integration of the development into the existing settlement and surrounding countryside;
- the proposal would not prejudice AGLV or the recreational status of the site and adjacent land as the site was on the periphery of AGLV and exhibited no significant visual or ecological characteristics; and,
- the site was consistent with transportation objectives in NPPG17, which lent support to issues of sustainability, as it was well located to employment opportunities within West Lothian and Edinburgh and within easy access to nearby leisure and education facilities.

3.14 The site was more effective and sustainable than many of the sites currently allocated in WLLP policy HOU1 and its Appendix 6.1. Accordingly, the AGLV and Countryside designations in WLLP should be removed from the proposed site and it should be included within the settlement limit of the plan as an allocated housing site under WLLP policy HOU1 and Appendix 6.1.

4. SUMMARY OF CASE FOR WLC

Site 1 – Bervie Drive & Lyon Drive Murieston

4.1 The site was identified for a local centre in the Livingston Local Plan and this had been continued in WLLP. The site comprised untreated open space. E&LSP policies ENV 1a, b, c, d & e sought to protect sites which had been recognised as of international, national, regional and local importance and required local plans to define the extent of these interests and where appropriate, to include policies and proposals for their protection and enhancement. WLLP policies ENV2 and ENV6 echoed those of E&LSP and the site did not fall into any of the categories covered by these policies. The site had been checked for knowledge of wild flora and fauna features of local importance as identified for protection and enhancement in the West Lothian Local Biodiversity Action Plan 2005. The site did not contain any such recognised importance, including features of local importance. It was not a

designated natural heritage site, did not contain a protected habitat or species and was not recognised as a non-statutory location requiring environmental or biodiversity assessment.

- 4.2 Should the site come forward for development, applicants or developers could be required, by planning conditions or agreements, to undertake investigations and assessments to establish whether there were any unrecognised important non-statutory environmental or biodiversity features present, as well as mitigation or enhancement measures to reduce adverse impact. The housing land requirement in E&LSP and WLLP did not distinguish between different tenures or house types. Consequently, any special needs housing requirements would be met from the overall land supply identified. WLLP made sufficient new allocations to fully meet the requirement of E&LSP. The precise form of development could be addressed through a planning brief and planning application process and it could define the precise boundary of the site for development.

Site 2 – Mill Roundabout, Eliburn Campus

- 4.3 Residential development of the site was not in accordance with WLC's preferred development strategy, which identified alternative, more suitable, sites for development. The site was within a well established employment area with a high quality environmental setting. The proposed use for residential purposes would be incompatible with existing and future employment generating uses and would also reduce the employment land supply. This site was laid out by the former Livingston Development Corporation as part of the overall Eliburn Campus area. WLC had reviewed the employment land supply in accordance with E&LSP policy ECON1 and concluded that: it provided valuable business and general need industrial land; and it was required as part of the strategic employment land supply. The nearby CDA at West Livingston and Calderwood had been promoted to satisfy strategic housing land requirements of the maximum 5000 residential units. Planning permission for residential development on the site had been refused by WLC in June 2005 as the site was part of the established employment land supply and there was no education provision to support the change to residential use on this site.
- 4.4 The site did not meet several of the criteria listed in WLLP paragraph 6.27 as: it was not brownfield but specifically laid out for employment development as part of Eliburn Campus; it did not have available education infrastructure; and it did not support the regeneration of settlements in West Lothian. In addition, there was sufficient distance between the new housing developments to the south and east to retain their amenity. This separation between employment and residential uses was reinforced by the requirement in WLLP for structural woodland on these south and east boundaries.

Site 3 – Alba Campus

- 4.5 This site was a prominent site at the entrance to the campus and it formed part of the available employment land supply within the campus. The allocation of this site in WLLP for employment use conformed to E&LSP, as the site formed part of the established employment land supply in terms of E&LSP policy ECON1. While

the review required by this policy was undertaken as part of the preparation of WLLP, with new infrastructure for the campus and new developments there over the last few years, there was no indication that there was a need for sites within Alba Campus to be reallocated for other uses, including residential. While an individual planning application on this site, or other sites within the campus, for residential flatted use for students related to the operation of the campus could be considered on its merits, including the demonstration of need, which could be comprised in a section 75 agreement, it was not considered appropriate to specifically allocate this site within the Alba Campus for residential or ancillary uses.

4.6 The type of facility outlined in SPP2 paragraph 23 had been established at Alba Campus and its continued availability to meet those short and medium term needs was a justifiable reason to resist the reallocation of sites within the campus for residential uses related to student flats, unless an overriding need could be demonstrated. While WLC would support an individual planning application on this site or other sites within the campus for residential flatted use for students related to operation of the campus, there would have to be a demonstration of need. Consequently, it was not appropriate to specifically allocate this large site at the entrance to the campus for residential or ancillary uses. While the nearby West Lothian College had a high student population, it was understood that the vast majority of those were on a part-time basis and there was no need for permanent residential accommodation to cater for that student population.

4.7 WLLP paragraph 5.60 recognised that there might be some limited demand for sites and premises for activities that were intended to directly support employees working in these estates. WLLP policy EM6 restricted planning permission to classes 4, 5 or 6 uses, unless there was a clear demonstration of the direct benefits to those working in the area. The first criterion of this policy had not been demonstrated in this case. It was understood that the site was initially considered for development of an advanced business unit in 2004/5 which had since been approved on the west side of the campus. It had not been demonstrated that there was a need for residential student accommodation on the site. The entrance site to the campus should remain as a high quality, serviced site suitable for class 4 office use as part of the wider campus.

Site 4 – Kirkton Lane Business Centre

4.8 The site was situated within an urban area where there was a presumption for redevelopment as long as it met recognised planning criteria and would not affect existing residential amenity. Due to the age and suitability of the existing Kirkton Business Centre units, the owners had proposed some redevelopment options but an initial planning application was withdrawn as it comprised residential use within an employment area. The site would be suitable for a mixed use development of class 4 office space and residential use, which could comprise an element of flats. The details of any potential access onto either Kirk Lane, or Kirkton North Road, or Village Lane that abut the site boundary, could be considered at the planning application stage. Assessment would reflect the existence of the adjacent Livingston Village Primary School and could require traffic calming in Kirk Lane through redevelopment of the centre. There was a recognised drop-off facility at

the front of the school on Kirkton North Road.

Site 5 – Deer Park Golf Course

- 4.9 Residential development of the site was not in accordance with WLC's preferred development strategy, which identified alternative, more suitable, sites for development. WLC's development strategy made sufficient new allocations to fully meet the requirements of E&LSP. The successful implementation of the strategy depended upon new development being restrained outwith CDAs, particularly in environmentally sensitive locations. Consequently, allocation of the site for housing would not accord with the terms of E&LSP paragraphs 2.50 and 3.23.
- 4.10 The proposal would not meet the aims and objectives set out in E&LSP paragraph 2.27 for development of new greenfield land because: while the site was not greenfield, it was designated as AGLV; the site was some 2.5 km from Livingston North railway station; while good bus links existed, there were no bus stops directly next to the site; the site was not next to a tram corridor; there might not be spare school capacity and the site's development would not result in efficient school provision; and the proposal would result in an unacceptable environmental impact. In any event, E&LSP paragraph 2.28 recognised that where greenfield land was required, it ought to be found mainly in CDAs.
- 4.11 The site failed to meet the criteria of E&LSP policy HOU8, which identified a presumption against new development of greenfield sites outwith CDAs, or not already included in the housing land audit or in emerging local plans. The proposal did not meet the exception terms of E&LSP policy HOU8, given that it would be out of keeping with: the semi-rural character of the area; its part designation as an AGLV; and part of the site being safeguarded as open space in WLLP. As required by E&LSP policy HOU8, the increase of the capacities at St John Ogilvie Primary School and St Margaret's Secondary School had not been addressed and the necessary resource commitment had not been considered or agreed. While the main centres of employment and retailing were likely to be Livingston and while these were accessible by public transport, they could not be described as highly accessible. Accordingly, the development of the site would not meet the terms of E&LSP policy TRAN2 Schedule 5.2A. Additionally, there were already a high number of houses served from the one access from Golf Course Road and the development of the site would result in an unacceptable number of residential units being served from this road.
- 4.12 Although within the settlement boundary of Livingston, the site was part of AGLV and land safeguarded for open space by WLLP policy COM2. Development of the site as proposed would be detrimental to the setting of Dechmont Law and the open character of the Knightsridge area, on the urban edge of Livingston. These qualities were also reflected in the SNH Landscape Character Assessment 1998. It had not been demonstrated that any social or economic benefit would be gained from the proposed development of the site and development in this area would be harmful to the overall landscape and visual qualities for which the area was originally designated in the extant local plan.

- 4.13 Accordingly, allocation of the site for housing would not conform to the provisions of E&LSP policy ENV1d in respect of AGLVs. In response to SNH advice, WLC were committed to a review of AGLVs during the plan period and existing designations were to be maintained meantime. Piecemeal alteration of boundaries of individual AGLVs would not be appropriate without the required holistic review of all designated areas. The proposed alteration to the AGLV boundary at Dechmont Law would not comply with NPPG14 which endorsed protection of these areas until the necessary survey work and advice of SNH could be adequately assessed. There should be no alteration to the boundary around Dechmont Law because of its important landscape status.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Bervie Drive & Lyon Drive, Murieston

- 5.3 We note that the site has historically been allocated for a local centre and WLC wish to maintain that intent. No specific evidence has been placed before us of any particular habitat, environmental or biodiversity interest and we did not record any on our inspection of the site. Consequently, we are satisfied that the site does not fall into any of the categories covered by E&LSP policies ENV1a, b, c, d & e or WLLP policies ENV2 and ENV6, which reflect those E&LSP policies. We are aware that WLC are obliged to take account of relevant national guidance in determining when to request that an environmental assessment is carried out but we consider that it is unlikely that a full environmental assessment could be justified given the small size of the site. We are satisfied, however, that it would be appropriate to conduct a habitat survey as part of the site investigation prior to development and we would be content that this requirement, including any

necessary mitigation measures, is incorporated into a planning brief for the site.

- 5.4 As regards the suggestion of the alternative use of the site for special needs housing, no specific evidence was presented to the inquiry regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is effective. We accept that housing is not the sole option use of the objection site or that ownership is not an impediment to its use for that purpose. Also, we do not have sufficient information on the site to form a view on its potential capacity or delivery. However, no persuasive evidence has been presented to us as to why the site should or requires to be given over to housing, particularly special needs housing, rather than a local centre. We note that such a local facility appears to be lacking in the area and the residents would no doubt benefit if one were to be provided here. We are equally sure that there would be issues of residential amenity, particularly for the existing dwellings in Lyon Drive, which would require to be addressed in the planning brief for such development. Accordingly, we find no reason to recommend against the allocation of this site for a local centre in WLLP.

Site 2 – Mill Roundabout, Eliburn Campus

- 5.5 No specific evidence was presented to us regarding the effectiveness of this site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. Also, we do not have sufficient information on the site to form a view on its potential capacity or delivery. However, we accept that employment is not the sole option use of the objection site or that ownership is not an impediment to its use for residential purposes.
- 5.6 We note that the justification for this site is based primarily on economic and housing land supply issues, which we have addressed in the strategic chapters 1.1 and 1.4 earlier in this report. The housing figures in the evidence presented to us by the objector appear to have been overtaken by events, as the most relevant ones are those in the most recent version of WLLP. While we consider that no persuasive evidence has been presented to us as to why the site should or requires to be given over to housing, equally we believe that the loss of the site for that purpose would not adversely affect the employment land supply, given our findings in the relevant strategic chapter 1.4 above.
- 5.7 We find that the undeveloped part of the site to the east and south is relatively flat, which would readily lend itself to housing development and appropriate vehicular access to the site for residential use could be taken on the south side of the site from the cul-de-sac Cousland Road, which already serves 2 medium sized housing developments. While no specific evidence was submitted to us regarding education infrastructure availability, WLC do make the general point as regards its absence. Notwithstanding, we do not believe that the allocation of the site for

housing would generate such difficulty and uncertainty in the planning of education provision in the area that it would make the proposal unacceptable. However, we noted at our site visit that there was no natural separation between the site and the existing modern employment units and vacant employment land in the north western corner of this area. We consider this to be a significant determining factor in the suitability of the site for housing development as the separation would be indistinct. In that regard alone, therefore, we believe that physical relationship of the site with other employment uses does not lend itself to residential development. Also, we are satisfied that the site is relatively well related to and not that far removed from the M8 motorway for employment accessibility purposes.

Site 3 – Alba Campus

- 5.8 We note that the initial part of the case for development of the site is predicated on the assumption that the site is included within the Livingston and Almond Valley CDA. We recognise that the CDA boundaries are not exactly clear and that they cannot be properly identified from the E&LSP Key Diagram. We believe that a case for this site could be made either way. However, as the proposal is for student accommodation attached to an existing use on the Campus it does not appear to be relevant to the CDA strategy, which is based on main stream housing and business allocations.
- 5.9 We note that WLC have acknowledged that they would be prepared to support a planning application for such accommodation if a sufficient case of need were demonstrated. While we recognise a potential ancillary link between the university based facility on the campus and the need to accommodate students, we are not satisfied that a sufficient case of need has been demonstrated in the evidence submitted, particularly as the campus is not devoted exclusively to the university based facility. Equally, we are not satisfied that a case for student residential accommodation is supported by the mere fact alone that 7000 students attend West Lothian College, particularly if the majority of those are part time as claimed by WLC. We see this as an aspiration as opposed to a demonstrated need.
- 5.10 Consequently, we are convinced that we have no evidence before us to demonstrate that the first criterion of WLLP policy EM6 is met and therefore, we are not satisfied that the site would not be developed for its stated use, at least in the short to medium term. In that regard, we do not consider that the site's development for student residential accommodation would comply with the first criterion of WLLP policy EM6. In addition, our site inspection revealed that the site was a prominent site at the main entrance to Alba Campus which leads us to conclude that: it should remain as a high quality, serviced site suitable for class 4 office use in category D 'office only', as part of the wider campus; and that insufficient case has been presented to justify its redesignation to category E 'class IV and ancillary uses', as defined as a specialist category for employment sites in WLLP Appendix 5.1. In coming to this conclusion, we are mindful of WLC's positive support for an individual planning application for flatted residential use for students within the campus subject to a demonstration of need. Accordingly, we find no reason to recommend against the retention of the proposed employment allocation of the objection site in WLLP.

- 5.11 As regards the issue of the potential access junction off the new distributor road between the A71 and A709, we have insufficient evidence before us to form a view on this matter. In any event, we consider that this is a separate matter for WLC to assess as part of the detailed considerations related to the role of that development.

Site 4 – Kirkton Lane Business Centre

- 5.12 We note that there is no specific housing allocation proposed for this site in WLLP Proposals Map 3 and that the intention is to remove the employment area boundary designation around the Business Centre which was shown in the earlier draft. We consider that the consequent implication is that the site would be designated as existing use within the settlement boundary, where a mix of uses could be accommodated subject to other normal considerations. We also note that WLC confirm that a planning application for residential use was withdrawn but that the site would be suitable for a mixed use development of class 4 office space and residential use, which could comprise an element of flats. We are satisfied that a mix of uses in this location could be controlled and thereby could be consistent and compatible with the other uses adjacent to the site. However, we were not presented with any evidence from either party as to the effectiveness of the site and therefore we find that we have insufficient information on which to form a view on that particular aspect in terms of the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use). Also, we do not have sufficient information on the site to form a view on its potential capacity or delivery.

- 5.13 We consider Kirkton Road North to be of a sufficient standard to accommodate the traffic associated with such development. We noted from our site inspection that there is a dedicated drop-off facility at the primary school and we do not consider that any additional danger would result to school children from a mixed use development on the site. We are satisfied that a relevant traffic impact assessment should be conducted as part of the planning applications lodged for any development of the site and the findings should be implemented on the ground prior to the occupation of the development. Accordingly, we find no reason to recommend against the removal of the current employment allocation of the objection site which would allow flexibility in its future development. We also consider that any subsequent development of the site for offices and or housing would be contained and well related to the existing housing on its north and east sides.

Site 5 – Deer Park Golf Course

- 5.14 In terms of the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), we note the objector's claim that the site at Deer Park is **effective**. Regarding education infrastructure, we note WLC's concerns about the capacity of schools throughout West Lothian. Nonetheless, we believe that there are options that could be considered, if necessary, to allow the proposal to be accommodated and significant further school provision is proposed as a result of the CDA developments in the wider area. We believe circumstances could well change over the considerable length of time that development is proposed and it is probable that not all allocated housing sites in

WLLP would be developed. There is also the possibility of phasing. It seems to us that there must be a prospect of there being sufficient education capacity to absorb the pupil generation in the infrastructure available without undue disruption. We do not believe that the allocation of the site for housing would generate such difficulty and uncertainty in the planning of education provision in the area that it would make the proposal unacceptable. Therefore, we do not regard education infrastructure alone as being a barrier to the development of the objection site for housing but we recognise that education capacity is an issue which has to be addressed. However, because the position in respect of educational infrastructure is unresolved and there is also doubt as regards the accessibility of the site, as referred to below, we are unable to draw a conclusion that the site is effective.

- 5.15 During our site inspection we saw for ourselves that the objection site is part of an open area of green space interspersed with footpaths to which the public take access around the prominent Dechmont Law. The part of the site comprising the 2 fairways of the golf course is contained within the surrounding AGLV which also provides a visual and functional amenity for the residential properties located around this area adjacent to Dechmont Law. **SPP3** looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements. We have no doubt that the development proposed would have a significant effect on character, amenity (including views), and landscape setting. While we agree that the AGLV part of the site cannot be described as outstanding, it contributes to the visual attraction of the wider area and cannot be described as of low visual amenity. We recognise that it may be possible to subsume the loss of the 2 fairways (14 and 15) into the larger area of the golf course. However, we consider that their part development for housing along with part of AGLV would result in a significant urban intrusion protruding northward and westward into the surrounding AGLV to its detriment, which would be especially evident from the close sensitive receptor of Dechmont Law. Consequently, we do not consider that the development of this site could be successfully integrated into the surrounding area, even with a strong landscape structure.
- 5.16 Even if we had found the site suitable for development, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work could be conducted in consultation with SNH. We note that WLC, in response to SNH, are committed to a review of AGLVs during the WLLP period but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment.
- 5.17 It appears to us unlikely that the objection site would be within the Livingston and Almond Valley CDA as claimed. Development cannot therefore be justified in terms of supporting the aims of E&LSP policy HOU3. In addition, we do not consider that E&LSP policy HOU8 can be relied upon for support, since it has a presumption against development on greenfield sites such as this. For the reasons above regarding the development of part of AGLV and safeguarded open space, we also do not consider that the proposal would accord with the exceptions to policy

HOU8. Moreover, for these same reasons, we consider that the development of the site would be contrary to specific guidance on safeguarding environmental resources in SPP3, E&LSP policy ENV1d, and WLLP policies ENV19, ENV20 and ENV21. The claim by the objector that this site is more effective and sustainable than many of the sites currently allocated for residential development in WLLP is not supported by any evidence to that effect. Consequently, we are unable to come to a conclusion which supports that claim.

5.18 In addition, we note that WLC have raised the potential problem of capacity at certain educational establishments, but while we have insufficient evidence before us to conclude if that in itself would be a restricting factor on development of the site, we have already found that doubt is cast over the effectiveness of the site. However, we are concerned that from the evidence presented the site would appear to require to be accessed off Gallagher Green, which itself is at the end of the long cul-de-sac, Golf Course Road, which in turn is accessed off Knightsbridge West, the nearest distributor road and bus route. Apart from the number of units served off this long, meandering cul-de-sac, we consider that the site is unacceptably remote in terms of proximity to public transport. Consequently, we consider that it would not fulfil the transportation objectives regarding sustainability required by SPP17. Accordingly, we find no reason overall to recommend against the retention of the proposed part AGLV and part safeguarded open space allocations of the objection site in WLLP.

Overall Conclusions

5.19 Drawing all these matters together, we do not consider that any part of sites 1, 2, 3, and 5 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. Also, we find no reason to recommend against the removal of the current employment allocation of objection site 4. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 3: Livingston Area.

5.20 We have taken account of all other matters, including the SNH Landscape Character Assessment 1998, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

Site 1 Bervie Drive & Lyon Drive, Murieston

(i) that a planning brief be issued for the development of Site 1 Bervie Drive & Lyon Drive, Murieston which requires the undertaking of a habitat survey and any mitigation measures, and means of safeguarding adjoining residents' amenity during the development of the site, all prior to the development of the site.

Other matters

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

3.19 Longridge (proposed sites)

Representation nos:

7429/2, 7606/1, 7669/2, 9901.

Objectors appearing at Inquiry:

AWG Residential Ltd
Mr Ford
R & R Developments
(+written submissions)

Inquiry references:

HOU11a: Fauldhouse Rd S/Longridge west and south
HOU11d: Fauldhouse Rd S/Longridge west and south
WS154: Fauldhouse Rd S/Longridge west and south
HOU11c: Northfield Crescent South

1. BACKGROUND

1.1 Objections were lodged by 4 parties to WLLP covering sites in Longridge on which they are proposing housing uses. This chapter concerns the proposals for housing on 3 sites. The objections under references HOU11a, HOU11d and WS154 relate to all or part of the same objection site and we shall consider those together under Site 1 Fauldhouse Road South/Land West and South. The other objections are dealt with elsewhere in the report.

1.2 The village of Longridge is located in the south west of West Lothian, some 9km to the south west of Livingston and 1.7km north east of Fauldhouse. Part of the A706 (Main Street) runs north/south through the village to Whitburn, just over 1km to the north. The village is of a small size with a population of some 650 and 260 houses, with a small range of local facilities appropriate to its size and location. The site descriptions are as follows:

Site 1 – Fauldhouse Road South/Land West and South of Longridge

1.3 The site is an ‘L’ shaped area of land on the west and south sides of Longridge. It has a northern frontage of some 165m to Fauldhouse Road (B7010) from where its longer leg falls southward and then its shorter leg wraps around the existing southern end of Longridge, where it forms an eastern frontage of some 160m onto the main road (A706). It comprises a combination of various fields of rough grassland used for grazing. To the north, on the opposite side of Fauldhouse Road, is a field of rough grassland with an enclosed water tank beyond. To the east, a young tree belt separates the site from new (still under construction) and recent housing developments at Curling Pond Lane and Northfield Meadows respectively. To the south and west, rough grassland extends to meet young conifer plantations, with further grazing land beyond.

Site 2 – Northfield Crescent South

1.4 The site is an almost rectangular piece of land situated on the south eastern side of Longridge and on the east side of Main Street (A706), from which it is separated

by a 15m wide young tree belt running southward parallel to that road. It comprises a generally flat area of rough grassland used for grazing, which slopes gently from north to south. It is bounded on the north by a track which runs east from Main Street and accesses Back of Moss Farm, which is surrounded by a landscaped/tree planted area. Beyond that track is the older established housing area of Northfield Crescent. To the south, further rough grassland extends to the Fauldhouse/Stoneyburn road (B7015) running east/west. To the west, on the opposite side of Main Street, is a recent housing development at Northfield Meadows (as referred to in site 1 above).

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors seek the removal of the non-residential designations covering these sites and replacement with their allocations exclusively for housing.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 – Fauldhouse Road South/Land West and South

- 3.1 The land at Fauldhouse Road South should be included for housing in WLLP. It was accepted that the 3 CDAs were necessary to ensure the volume of sites to accommodate the housing needs identified in E&LSP. However, Longridge required some new housing to ensure that good quality housing was available for the community without an overdependence on housing supply within CDAs. The smaller villages in the west of West Lothian still had a role to play in terms of housing land supply because they could deliver through the use of derelict or poor urban fringe land and build on their success to date through the introduction of a varied housing tenure to the previously local authority housing dominated former mining villages.
- 3.2 The allocation of the site at Longridge would be consistent with SPP3 in that it had the potential to deliver a high quality residential development sympathetic to the landscape setting of Longridge. In terms of SPP17, requirements in respect of walking and cycling could be satisfactorily accommodated and the existing bus route serving Longridge provided access to all local settlements and to facilities at Livingston town centre, St John's Hospital and Kirkton.
- 3.3 Where exceptions were deemed appropriate, E&LSP policy HOU8 allowed for the allocation of land over and above that identified to meet strategic housing allocations. This included that proposed by the objector at Longridge to support local services. E&LSP policy HOU9 supported development in the western part of West Lothian through regeneration of an area or settlement such as the objector's proposal at Longridge. While it was accepted that the housing land supply was unlikely to be exhausted within the next 5 years, the current allocations for Longridge would deliver little, if any, betterment to the area, other than additional private houses which generated no direct support for services and contributed next to nothing to regeneration of the settlement.

- 3.4 The answer to the challenges was to look to reasonable development to generate the scale of investment necessary to meet those challenges. The objector's site could generate a not insignificant degree of investment potential which could bring solutions to education and other infrastructure issues affecting the area. There remained a challenge faced by the primary school, despite recent investment, although the objector accepted at face value the conclusions of the discussions regarding school roll figures. Accordingly, the objection site ought to be allocated within the WLLP to support local services within Longridge.

Site 2 – Northfield Crescent South

- 3.5 A site at Back Moss should be allocated for a housing development. It would include 45 individual house plots, provision for affordable housing, community hall and public car parking linked to a woodland access. The objector owned some 34ha of land in the area of the proposed site but only some 5ha were proposed for residential development, including the various community facilities and gardens. Longridge required some new housing to ensure that good quality housing was available for the community and to ensure survival of the village without an overdependence on CDAs. The site previously appeared to have gained support from WLC, as evidenced in correspondence to the local MSP in 2004.
- 3.6 The site at the south east corner of the village could be developed within the existing 30mph zone which would round off the village and provide easy access to its facilities. The site would be well screened, partially by the existing mature tree belt adjacent to Main Street to the west and by new planting to the south and east, which would supplement the existing planting.
- 3.7 Some of the sites allocated in WLLP were outwith the village envelope and did not logically fit within the village. The site at Fauldhouse Road North (HLr6) was not included in the Polkemmet approved plan and had only recently been brought forward as a development site. Due to its location and the additional community facilities offered as part of its wider development, the objection site should be allocated instead of the HLr6 site.

4. SUMMARY OF CASE FOR WLC

Site 1 Fauldhouse Road South/Land West and South & Site 2 Northfield Crescent South

- 4.1 The sites which had been identified in the west of West Lothian for residential development had been chosen primarily on the basis that the additional housing would support a specific service which had been identified as requiring additional support. The Longridge site did not meet this key objective.
- 4.2 The proposed sites were contrary to WLC's preferred development strategy for housing development and supply and there were sufficient allocations for new housing development within Longridge to cope with demand over the WLLP period. There was also a capacity constraint in both the local primary school and in terms of a Scottish Water infrastructure constraint. The allocation of the objectors'

land would create developments that were not in accordance with the development strategy set out in WLLP, a strategy which conformed to the terms of E&LSP. There was nothing in E&LSP, nor national guidance, which required every settlement to have an allocation of development land. The specific position with respect to land supply in Longridge was addressed by WLC in the Strategic Housing Land and Core Development Area Preferred Development Strategy topic paper and this position was also unchallenged at the associated round table session. Allocation of housing land across West Lothian was carried out on a strategic basis in terms of the process outlined in that paper. The previous tentative support for the prospect of development of site 2 was prior to the finalisation of the strategic position through E&LSP.

- 4.3 In particular, E&LSP policy HOU9 supported additional land allocations in west West Lothian where, amongst other things, there was a need to support local services. As the objectors accepted that the housing land supply was unlikely to be exhausted within the next 5 years, E&LSP policy HOU9 did not support the objection sites, notwithstanding that no specific evidence was led by the objectors with regards to the need to support local services. An allocation on this site would cause problems with local services rather than support them. There were no other matters covered by E&LSP policy HOU9 to support an allocation on this site. Also, any development brought forward under E&LSP policy HOU9 was subject to the criteria in its corresponding E&LSP policy HOU8. Given the scale of development proposed and the education situation, the objection sites failed the tests of E&LSP policy HOU8.
- 4.4 Longridge Primary School was a single stream, but not a full stream, primary school, where 4 classes covered the 7 academic years. The maximum capacity in the school was for 100 pupils and the current school roll was 98 pupils. Extending the school further would be difficult because of the nature of the accommodation and the site and extending the school was not part of the Education Service investment plan.
- 4.5 Any development in the village of Longridge over and above that allocated in WLLP would result in a need for additional education capacity with the only logical solution being extending the existing school to a full single stream primary which would raise capacity to 198 pupils. This would be at a cost which was unlikely to be fully met through developer contribution as the amount of monetary input that would be required would be excessive in relation to the proposed developments on the objection sites. It would also result in a school with significant capacity over and above that which was required to service the village thereby making the school inefficient and unsustainable. The pupil output from a full stream primary school at Longridge could not be accommodated by the “parent” secondary school Whitburn Academy and no evidence had been led by the objector to counter that. Currently, any spare capacity at Whitburn Academy would be taken up by the Heartlands development, and the relevant denominational secondary school of St Kentigern’s RC Academy had no further capacity. Granting the objectors’ changes would create a significant issue for WLC in terms of infrastructure provision and would create a conflict with E&LSP policy HOU8.

- 4.6 The housing site HLr6 came forward as part of a significant environmental regeneration scheme taking place at Polkemmet/Heartlands and the outline approval granted by WLC for that development included the HLr6 site. No formal objection had been made to the inclusion of this site either through WLLP or the planning application. As regards the inclusion of the 3 sites at Fauldhouse (HFh18, HFh19 and HFh20), these were not new strategic allocations, gap sites or removal of an eyesore in the area, and they were not comparable with the sites at Longridge.
- 4.7 Development of site 1 (Fauldhouse Road South/Land West and South) would extend the current existing and established western boundary of Longridge substantially in a westerly direction, where there was no defensible boundary to prevent further encroachment into the undeveloped area between Longridge and Fauldhouse. The site 2 (Northfield Crescent South) objector had put forward to the inquiry drawing number 11.01 dated 7 July 2006 which showed that site as a substantial area of land coloured yellow which would form the site for development. This was much more than a rounding off of the village and would create an inappropriate and disproportionate change to the village structure.

5. CONCLUSIONS

General

- 5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.
- 5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Sites 1 & 2 Fauldhouse Road South/Land West and South, and Northfield Crescent South

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the sites. Consequently, we are unable to conclude that the sites would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken

into account in determining whether a site is **effective**. Notwithstanding, while we do not have sufficient information on the sites to form a view on their delivery, we accept that ownership is not an impediment to their use for residential purposes. Given our findings earlier above, regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard. Also, we consider that we have insufficient evidence before us as regards the alleged Scottish Water infrastructure constraint to determine that as a constraint to the development of the sites.

- 5.4 We are conscious that in terms of finding sites outwith CDAs, Polkemmet/Heartlands is already the main focus of new development in the area. We note WLC's evidence that the housing site HLR6 in Longridge came forward as part of a significant environmental regeneration scheme taking place at Polkemmet/Heartlands. However, from the plan accompanying the Section 75 Agreement for that development, we found that it was far from clear that the site HLR6 was part of the relevant planning application. Notwithstanding, given that situation and the acceptance that the land supply was unlikely to be exhausted within the next 5 years, we find that the proposals are not supported by any evidence of need to bring forward additional land to expand Longridge in terms of E&LSP policy HOU9.
- 5.5 No persuasive evidence has been presented to us as to why the sites should or require to be given over to housing in addition to or in place of any of those sites already proposed within WLLP for Longridge. We have no justifiable evidence to enable us to conclude that the objection sites would deliver betterment to the area any more than the sites currently allocated in Longridge. We are content that, for the purposes of sustaining the community, sufficient provision exists without the necessity at this time for the release of the objection sites for housing. As regards the sites referred to in Fauldhouse, we find no substantive evidence of a comparative exercise to substantiate the claims regarding these sites. Consequently, we do not find these sites and the reasons for their release, to be comparable with those in Longridge, sufficient to warrant their substitution with one or all of the proposed Longridge sites.
- 5.6 We note WLC's evidence regarding the potential education infrastructure problem but consider that there needs to be an element of flexibility in that regard. We have already found in the education chapter that projecting school roles is not an exact science. Notwithstanding, we recognise that additional school capacity at Longridge would be likely to be required to accommodate the potential pupil output from the developments proposed. While we recognise that some developer funding could accrue from the development of the objection sites in Longridge, we consider that the scale proposed would not produce a level of contribution which would be sufficient to satisfy that required to meet the resulting additional educational requirements from these sites. Consequently, we also consider that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to education infrastructure and the potential scale of development.
- 5.7 As regards site 1, while we acknowledge that there are some young coniferous plantations to the west and south of Longridge, at this moment in time, we do not consider these to provide a sufficient defensible boundary in either physical or

visual terms. Consequently, development of the scale proposed on that side of Longridge would appear as a significant expansion not small scale. As regards the issue of site 2 and 'rounding-off', we are particularly concerned that the objector's drawing submitted to the inquiry shows a large area of land to the east of the proposed housing site which would also have to be included into the settlement boundary. Apart from the fact that we have no substantive case before us regarding the inclusion of this other area of land within the proposed settlement boundary, we consider that it and the proposed site are of such a scale that they cannot be considered as rounding-off but would be a significant expansion of the village to the south east. While we note the intended new tree belt on its south side, we are not convinced that this would provide a sufficient defensible boundary to that side of the village. Consequently, we consider that the allocation of these sites for housing and the associated development would have a significant adverse impact on the character of the village and the demand on its limited infrastructure and would not be consistent with the thrust of E&LSP and national guidance.

Overall Conclusions

- 5.8 Drawing all these matters together, we do not consider that any part of sites 1 & 2 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. Consequently, we find that these sites should be retained for such purposes as currently allocated in WLLP and its Proposal Map 5: Villages.
- 5.9 We have taken account of all other matters but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that no modifications be made to WLLP in relation to the above objections.

3.20 Philpstoun (proposed sites)

Representation nos:

7313/1, 7564/1, 7564/4, 7564/5, 8516, 8523/2.

Objectors appearing at Inquiry:

Written submissions only)

Inquiry references:

STRAT1b: Pardovan Farm
WS35: Pardovan Farm
WSXXX: Pardovan Farm
WS47: Village Envelope
WS176: East Philpstoun

1. BACKGROUND

1.1 Objections were lodged by 3 parties to WLLP covering sites in or adjacent to Philpstoun on which they are proposing either housing uses or exclusion of development. This chapter concerns the proposals for housing on 2 sites and adjustment of the settlement boundary for all the sites. The other objections are dealt with elsewhere in the report.

1.2 The small village of Philpstoun is located in the north of West Lothian, some 5km to the east of Linlithgow, between the Edinburgh/Glasgow railway line (bounding its north side) and the Union Canal (bounding its south side). The M9 motorway runs east/west parallel to and some 0.5km to the north of the railway line. On the north east side of the village is a large green area, through which meanders the Pardovan Burn in a predominantly north/south direction. The northern end of this area separates the main part of the village from the nearest part of the small hamlet or building group of Wyndford, adjacent to the east and here a minor road, Station Road, runs east west through the village and through Wyndford. The village has a population of some 400 people, with limited facilities appropriate to its size and location. The site descriptions are as follows:

Site 1 – Pardovan Crescent/Pardovan Burn

1.3 The site is situated on the north eastern edge of Philpstoun, between Pardovan Crescent (to its west side) and Pardovan Burn (to its east side). On the east side of the burn is a similar small area of undeveloped scrub land which separates the site from 3 recent houses which form the western end of the building group at Wyndford. The site comprises an area of unused rough grassland and trees which slopes gently down from the rear of the properties in Pardovan Crescent to the Pardovan Burn. To the north, it is bounded by the embankment of the Edinburgh/Glasgow railway line, beyond which is open farm land extending to the M9 motorway. To the south, it is bounded by Station Road, on the other side of which is a large attractive area of open and treed valley which straddles the meandering Pardovan Burn and stretches south to the Union Canal.

Site 2 – East Philpstoun

- 1.4 This site is located adjacent to the eastern side of Philpstoun, and forms an expansive area of parkland like countryside (some 6.5ha) on the south side of Station Road, which extends south to the Union Canal and almost to the eastern extremity of Wyndford. The Pardovan Burn flows through the western part of this area, referred to as the open and treed valley in the description of site 1 above. The eastern part comprises a large arable field which rises up south from Station Road to a crest in the middle from where it falls to the Union Canal. It is separated from the western valley part of the site referred to above by a woodland strip on the upper eastern slope of the valley. To the north, on the other side of Station Road, the houses in the Wyndford group front that road. To the east, it is bounded by further extensive woodland which separates it from a large area of disused bing. To the south, on the other side of the Union Canal, is extensive open farmland. To the west, is the eastern settlement boundary of Philpstoun.

Site 3 – Pardovan Farm

- 1.5 The site is situated immediately adjoining the west side of the settlement boundary of Philpstoun, lying between the south side of the minor road running west through the village and on the north side of the Union Canal. It extends westward to a point where the minor road crosses over the Union Canal and it comprises an area of agricultural land which rises up from the minor road to a crest and then falls south to the Union Canal. To the north, on the other side of the minor road, are Pardovan Cottages and agricultural land associated with Pardovan Holdings which extend to the railway embankment and beyond. To the south, on the other side of the Union Canal and to the west is open agricultural land associated with these same holdings.

2. POLICIES SUBJECT OF THE OBJECTIONS

- 2.1 In essence, the objectors to sites 2 and 3 seek the removal of the white land/countryside designations covering these sites and replacement with their allocations exclusively for housing and their inclusion within the settlement envelope. The objector to site 1 seeks the exclusion of that site from the settlement envelope.

3. SUMMARY OF CASE FOR THE OBJECTORS

Site 1 Pardovan Crescent/Pardovan Burn

- 3.1 While the community council welcomed the reinforcement of the physical separation of the 2 distinctive parts of Philpstoun by the redefinition of the settlement envelope, it would like to see the objection site excluded from the settlement envelope or at least identified with specific development constraints. The small area on the east side of Pardovan Burn was subject of an application for development which was refused both by the council and then subsequently on appeal. The role of this area as a landscape break was confirmed by these decisions and the area was vitally important to the identity and character of the

village. The objection site made a contribution towards this goal which should be protected in WLLP.

Site 2 – East Philpstoun

- 3.2 The settlement boundary and WLLP Appendix 6.1 should be amended to include the site which should be allocated for residential purposes rather than designated countryside. The site was suitable for residential purposes because: it was a logical and natural extension to the existing settlement and was contained within well defined mature landscaped boundaries; it could be developed without any adverse impact on the amenity of existing neighbours; it would increase housing choice and reduce reliance on meeting E&LSP housing requirements from larger sites, which were notoriously slow to deliver; it benefited from its strategic location in relation to the motorway network and was sustainable from a transport aspect; it would result in significant benefits to the existing community by helping sustain local schools, shops and other services; and it provided an opportunity to enhance the recreational potential of the woodland in the form of a linear park along the Pardovan Burn. The site was effective and could contribute to the provision and future maintenance of an effective supply of housing land in the area.

Site 3 – Pardovan Farm

- 3.3 The settlement boundary and WLLP Appendix 6.1 should be amended to include the site which should be allocated for residential purposes rather than designated countryside. The site should be allocated for residential purposes because: it was justified within the context of SPP3 and E&LSP policies HOU1 and HOU8; it was available for immediate residential development thus making a contribution to E&LSP's housing requirements; its development would meet a shortfall during the early part of the plan period; it would provide a range and choice of housing in the village; and it presented an opportunity to create a defensible and sustainable settlement boundary.

4. SUMMARY OF CASE FOR WLC

Sites 1, 2 & 3 – Pardovan Crescent/Pardovan Burn, East Philpstoun, & Pardovan Farm

- 4.1 The identification of objection sites 2 and 3 for housing was not in accordance with WLC's preferred development strategy which identified alternative more suitable sites. WLC's development strategy in WLLP conformed with that approved in E&LSP. The successful implementation of the strategy within the E&LSP and subsequently WLC's strategy within WLLP depended upon new development being constrained outwith CDAs and in particular, more environmentally sensitive locations or settlements. E&LSP designated north west West Lothian as an area of restraint and explicit identification of land at Philpstoun would have been contrary to that. Also, this policy of restraint in north west West Lothian was compliant with SPP3 which had no requirement for growth in every community. The allocation of these sites did not meet the terms of E&LSP policy HOU8 as they were not small scale and could accommodate substantial numbers of houses.

4.2 The settlement boundary had already been redrawn to safeguard the undeveloped area abutting the east side of **Site 1** that separated Philpstoun from Wyndford, with the clear intention of creating 2 distinctive settlements. Had there been a specific allocation and promotion of this site for housing it would not have accorded with the terms of the development plan strategy. However, physically the site related well to the existing built development and its surroundings and was well defined with clear defensible boundaries, which avoided sprawl and coalescence. As unallocated white land within the settlement boundary, this site would be a legitimate candidate for infill development. Development proposals outwith settlement boundaries would generally be considered within the context of, and assessed against, policies relating to development in the countryside, namely WLLP policies ENV31, ENV32 and ENV33.

4.3 **Sites 2 and 3** made a distinctive and significant contribution to the landscape setting of the village which would be greatly diminished if the sites were developed. Also, development of these sites represented a substantial increase in the size of the village, effectively doubling it and changing its character. A physical extension to the village of such magnitude would be impossible to satisfactorily absorb and integrate in terms of landscape setting and raised concerns relative to site servicing, access, traffic generation, infrastructure and community facilities. The local roads serving Philpstoun were predominantly rural in character and were not well suited to accommodating any significant increase in traffic or pedestrian movements. In particular, the development of these sites would place an unacceptable burden on local schools as there was already insufficient capacity at Linlithgow Academy and no satisfactory solution had been proposed.

5. CONCLUSIONS

General

5.1 In essence, the issues before the inquiry focussed on whether WLLP conformed to E&LSP and whether any other considerations justify further changes to WLLP.

5.2 It is established in **chapter 1.1** that there is a need for land to be allocated for housing both in the 3 CDAs identified in West Lothian and outwith them. We have accepted that the strategic allocations in each of the CDAs should be made at the maximum level. Furthermore, while we are of the view that sufficient housing sites require to be identified to prevent any shortfall in the 5 year housing land supply, we also recognise that in certain locations, additional allocations could be desirable for other reasons, eg to help stimulate regeneration, to contribute to a particular need for affordable housing, to provide choice, or due to site specific circumstances. An allocation of housing land can only make a contribution to the 5 year land supply if it is effective. If it is reasonable to suppose that it is likely to become effective in the period beyond that, it may make a contribution in the medium term. E&LSP requires that sites to meet the strategic housing allocations should either be effective or capable of becoming effective over the E&LSP period (the medium term). Sites outwith CDAs are more likely to be important in making a contribution to the housing land supply in the short term. In the 3 CDAs, there is a further requirement to allocate land for business.

Site 1 – Pardovan Crescent/Pardovan Burn

- 5.3 We were not presented with any specific evidence from parties as to the effectiveness of the site. Consequently, we are unable to conclude that this site would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**.
- 5.4 We note that the council has re-drawn the settlement boundary at Philpstoun to seek to ensure a separation of Philpstoun from Wyndford as 2 distinct settlements. We also note that this separation would rely on a single small site on the east side of the burn where planning permission for a house development has been refused by WLC and the subsequent appeal dismissed. Our site visit demonstrated that, because of recent development on the western extremity of Wyndford, the separation of the 2 settlements by this single small site is somewhat tenuous. Consequently, we believe that the inclusion of the objection site within the settlement envelope for Philpstoun would dramatically increase the prospect of coalescence of the 2 settlements. Our site visit also convinced us that the site formed the northern and east part of the natural undeveloped valley of the Pardovan Burn, which would not be easily developed and would intrude into this part of the valley. If WLC is serious in its desire to retain a distinction between Philpstoun and the development group at Wyndford, then we believe that a larger natural undeveloped gap at this point is required. We consider that in order to achieve a sufficient natural gap and maintain a meaningful landscaped separation between these 2 parts of the settlements, this site ought to be excluded from the settlement envelope of Philpstoun.

Sites 2 & 3 – East Philpstoun & Pardovan Farm

- 5.5 While we were presented with some evidence from parties as to the effectiveness of these sites, we consider that there remain unresolved infrastructure issues. Consequently, we are unable to conclude that these sites would meet the 7 criteria identified in PAN38 (ownership, physical, contamination, deficit funding, marketability, infrastructure and land use), which have to be taken into account in determining whether a site is **effective**. However, given our findings earlier above regarding the education strategy, we are unable to draw a conclusion that the site could not be made effective in that regard, but we are unable to form a view on their delivery.
- 5.6 We find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Developments in this area have to meet the terms of E&LSP policy HOU8. In that regard, we do not consider that policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1

and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly as the site would substantially extend the village into its rural setting contrary to advice in SPP3.

- 5.7 On this latter point, we consider that development of these sites for housing would cause an unacceptable significant intrusion into a rural area outwith the main settlement boundary, and that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of that area. We consider that development of these sites of the scale proposed would result in a significant extension of the settlement either eastwards or westward or both into the relevant rural gaps between the minor road and the Union Canal. We are satisfied that such developments would result in the serious erosion of the rural setting of Philpstoun on both sides. Despite the unsubstantiated claims that development would present an opportunity to create a defensible and sustainable settlement boundary and an opportunity to enhance the recreational potential of the woodland in the form of a linear park along the Pardovan Burn, we consider that the areas of countryside involved are unsuited to the scale of developments envisaged and the adverse environmental impacts which would result. Consequently, we consider that the allocation of these sites for housing would not be consistent with the thrust of E&LSP and national guidance and should be resisted.

Overall Conclusions

- 5.8 Drawing all these matters together, we do not consider that any part of sites 2 and 3 should be allocated for housing as that would not be consistent with E&LSP or relevant national guidance. We consider that Site 1 should not be included within the settlement boundary, and be subject to the appropriate amendment to WLLP Proposal Map 2: Linlithgow, Broxburn & Uphall as recommended.
- 5.9 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

- 6.1 Accordingly, we recommend:

Site 1 – Pardovan Crescent/Pardovan Burn

(i) that site 1 not be incorporated into the settlement envelope for Philpstoun, and that the settlement boundary in that vicinity be redrawn to run along the rear boundary of the properties at Nos. 19-24 Pardovan Crescent, and WLLP Proposal Map 2: Linlithgow, Broxburn & Uphall be adjusted accordingly.

Other matters

(ii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

West Lothian Council

**Report of Public Local Inquiry into Objections to the
Finalised West Lothian Local Plan
Part 4: Miscellaneous Matters**

Reporters: E D K Thomas BSc(Hons) MBA MRTPI
W I Hastie DipTP MRTPI

Dates of Inquiry: 8 August 2006 – 9 February 2007
File Reference: IQD/2/400/1

4.1 Countryside matters

Representation nos:

7148/1, 7152/2, 7159/1, 7307/1, 7419/22, 7423/9,
7431/2, 7442/1, 7479/8-/9, 7513/1-/4, 7514/1, 7515/1,
7559/1, 7568/1, 7569/1, 7696/2-/3, 8363/1, 8573/1,
9866/1, 9916/1.

Objectors appearing at Inquiry:

MBP Ltd
(+ written submissions)

Inquiry references:

COUNTRY1a: Non-compliance with SPP15
COUNTRY4: Redevelopment of farm buildings
COUNTRY1b: Lowland crafting
WS75: Craigton Quarry
WS76: Paintballing
WS77: Soil sustainability plans
WS78 Sustainable urban drainage systems
WS138: Policy ENV21
WS84: Policy ENV5
WS74: Canal corridor

1. BACKGROUND

1.1 Objections were lodged by 19 parties to a number of countryside matters. Each of these is dealt with below.

2. COUNTRYSIDE MATTERS

2.1 Non-compliance with SPP15

2.1.1 WLLP deals with development in the countryside from paragraph 3.77 onwards. It includes 5 policies relating to new build development (WLLP policies ENV31-ENV33), conversions, sub-divisions and the reuse of existing buildings (WLLP policy ENV34), and very low density housing and woodland development (WLLP policy ENV35).

2.1.2 The objectors indicated that SPP15 represented a step change in policy on new development in countryside areas. The guidance promoted an ambitious planning strategy, including employment, tourism, housing and commercial development. It was backed up by national advice on rural diversification (PAN73). The new approach recognised the important role of rural areas in helping to meet the demand for new development. It changed the traditional approach of constraining development. The changes made to WLLP to meet the new approach did not go far enough. Eg, SPG on the redevelopment of redundant poultry sheds and intensive livestock rearing units was too limiting. In addition, WLLP policy still required new houses in the countryside to normally have a rural business based justification for a full time worker, tied to a Section 75 Agreement. Development was constrained to very particular circumstances. As such, WLC had failed to embrace the more permissive, imaginative and dynamic

approach now advocated.

- 2.1.3 In light of the above, changes should be made to WLLP at paragraphs 3.77 and 3.79 which recognised the development potential of rural areas. In particular, in the former paragraph, the reference to the principles of sustainability should be adjusted so that it was clear that they supported the development of sites in both rural and urban areas, including development on those sites which could be serviced at no cost to the taxpayer. In the latter paragraph, the references to significant development pressures in West Lothian and a general presumption against permitting new development in the countryside should be deleted. The remaining text from paragraph 3.80 onwards should then be reviewed and changed to take full account of SPP15 and PAN73. SPG related to redundant poultry sheds and intensive livestock rearing units should be set aside or substantially changed.
- 2.1.4 WLC indicated that WLLP's approach to development in the countryside conformed to E&LSP, which presumed against housing development on greenfield sites, other than in certain circumstances. While E&LSP was published at an earlier date, it was not out of step with national guidance. National guidance did not presume in favour of development in the countryside. WLLP identified a number of development opportunities throughout the WLLP area, including in the villages around West Lothian. WLLP policies ENV31-ENV35 provided for further appropriate development in the countryside. The 5 policies should be considered together with the sites identified for development. WLC had been consistently supportive of appropriate development in rural areas. Acceptance of the changes proposed by the objectors would mean that WLLP could not be adopted because it would not conform to E&LSP. WLC's SPG on redundant poultry sheds and intensive livestock rearing units was only before the inquiry for information. Their SPG on development of new houses in the countryside was under review.
- 2.1.5 WLC proposed 2 changes to the text of WLLP at paragraph 3.84 to reflect the fact that they had approved SPG on redundant poultry sheds and intensive livestock rearing units.
- 2.1.6 In conclusion, both parties referred to different parts of national guidance in support of their own position. We note that SPP15 encourages a more supportive attitude towards appropriate development, and indicates that the countryside should be able to absorb more people. However, it seems to us to adopt a more balanced approach than that claimed by the objectors. Its aim is not to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the Scottish countryside or to erode the high quality of its environment, but to ensure that planning policy regimes are put in place to accommodate selective, modest growth. It also envisages that in the more accessible and densely populated rural areas most new development will continue to be in, or adjacent to, existing settlements.
- 2.1.7 West Lothian is in the central belt in a very accessible location, close to Edinburgh and within a reasonable distance of Glasgow. As such, the countryside is more likely to be subject to significant pressure from development

than other more remote rural areas. We note that WLLP makes allocations for development throughout West Lothian. WLLP policies ENV31-ENV35 do not prohibit development in the countryside but set out the circumstances in which it can occur. We are satisfied that the policies take into account local circumstances, and we believe that WLC have been correct in their approach to controlling such development. We also consider that it is acceptable for WLC to bring forward detailed guidance on redundant poultry sheds and intensive livestock rearing units in the countryside through SPG, rather than including it in WLLP. SPG on development of new houses in the countryside is currently under review. Overall, we are not persuaded that WLC have been overly restrictive, and we believe that WLLP is broadly consistent with the underlying intention of SPP15. We are concerned that to adopt the changes proposed by the objectors to the text of WLLP at paragraphs 3.77 and 3.79 would be likely to lead to a far more permissive approach, which could result in inappropriate development eroding the countryside in the way SSP15 seeks to avoid. We find that the 5 policies and the supporting text conform to E&LSP. No further change, beyond that proposed by WLC, is required to WLLP.

2.2 **Redevelopment of farm buildings**

2.2.1 WLLP paragraph 3.84 indicates that there has been recent interest in redeveloping a number of former poultry sheds and intensive livestock rearing units. WLC propose to change the paragraph to reflect the fact that SPG has now been approved for dealing with such proposals. WLLP policies ENV31-ENV33 deal with development in the countryside, and are the most relevant. A number of sites were referred to by objectors, all of which are in countryside locations, with the exception of one which is on Camps Industrial Estate to the east of East Calder. Some objectors indicated that a number of poultry rearing sheds in West Lothian might become obsolete in the near future. They referred to 4 sites (Raw Camps Poultry Farm; Stoneheap, Longridge; Hartwood Poultry Farm; and Rusha Poultry Farm), which they indicated should all be identified as development opportunities in WLLP. They also highlighted a vacant poultry rearing site at Oakbank, East Calder as a development opportunity. SPP15 and PAN73 would be supportive of the redevelopment of all these sites. They would be ideal locations for small clusters and groups of houses (including affordable housing), and could also be used for employment purposes. Their reuse could contribute to rural diversification. The sites benefited from having robust landscape frameworks, and they were already serviced. Their redevelopment could realise significant environmental benefits. The Oakbank site was not disadvantaged by being in the countryside belt, and it was close to East Calder. It could be a pilot scheme for the redevelopment of rural brownfield sites. Another objector referred to a site at Inveroe, Balerno, which was no longer in active use and contained buildings in a dilapidated condition. The new SPG was relevant to the site. The site was brownfield and could not be left in its current condition.

2.2.2 WLC indicated that the allocation of these sites for development in WLLP was neither necessary nor appropriate, and would not accord with WLC's preferred development strategy. They rejected the notion that redundant pig and poultry rearing sites should be automatically allocated for housing, and they did not support the allocation of additional land for housing in the countryside outwith

settlement boundaries, particularly if it was in the countryside belt. There was no support for housing development of these sites in E&LSP. WLC had responded to the new SPP15 by preparing SPG on the redevelopment of redundant pig and poultry rearing operations. However, while the sites might warrant further consideration, SPG did not provide unfettered support for such redevelopment and not every redundant site would be able to benefit from its terms.

2.2.3 In conclusion, the sites are all in the countryside with the exception of the poultry rearing shed at Camps Industrial Estate. It is in the settlement boundary proposed in WLLP for the expanded East Calder. The site is included in an employment area in WLLP and may well become a development opportunity in due course. However, we see little need to recognise this possibility in WLLP. We do not believe that the site would be an appropriate housing opportunity because it is important (in terms of size and location) to both the employment area itself and the employment allocations designed to support the CDA mixed use allocations at East Calder.

2.2.4 In relation to the other sites, WLLP policy ENV31 presumes against new build development in the countryside. However, it contains a number of exceptions, including the possible development of visually intrusive brownfield sites. We note that SPP15 encourages a more supportive attitude towards appropriate development in rural areas (but this is not unqualified). It also indicates that an evidence based policy approach is one of the essential elements for guiding and promoting sustainable development. Under both policy ENV31 and SPP15, we accept that these sites could be considered suitable for redevelopment. Nonetheless, they are all separated from settlements, and there is a vagueness about the proposals for them, and a consequent uncertainty about the benefits that may arise from any redevelopment. Given these factors, we are not persuaded that it would be appropriate to allocate any of them as development opportunities in WLLP. SPG on the redevelopment of redundant poultry sheds and intensive livestock rearing units has now been approved by WLC, and it follows on from the policy framework in SPP15 and WLLP. It recognises that there may be limited and very specific circumstances where a modest element of new housing can be allowed in the countryside. It also promotes an evidence based approach. In the circumstances, and as we do not have the necessary evidence to support the allocation of any of these sites in WLLP, we believe that it is an acceptable mechanism for assessing their suitability for redevelopment. Drawing these matters together, we do not consider that there is any reason to change WLLP as a result of these objections.

2.3 **Lowland crofting**

2.3.1 WLLP policy ENV35 deals with lowland crofting, and sets out the criteria against which such proposals should be assessed. One objector indicated opposition to any further lowland crofting schemes because they constituted poor land use and the urbanisation of the countryside. Other objectors believed that there should be scope for sub-dividing plots. Additionally, a site to the north of 1 Stoneheap Crofts, Stoneyburn should be allocated for housing and included in the settlement boundary to support local services. This would be similar to the housing allocation made at Woodmuir Road, Breich (HBc6). WLC referred to

the benefits that arose from lowland crofting schemes. They did not believe that plots on such schemes should be sub-divided, and they had not allowed this to happen. Sufficient housing land had been allocated to support local services.

2.3.2 In conclusion, the possibility of developing lowland crofting schemes is recognised in E&LSP. While a number of schemes have now been implemented, we consider that provision should continue to be made for their development in WLLP because they have the potential to bring environmental and economic benefits to an area. We do not support changing WLLP to make allowance for the sub-division of lowland crofting plots because this could undermine the concept behind them of providing very low density rural housing in restructured landscape settings, and result in the suburbanisation of the countryside. We have no evidence before us which would justify an additional housing allocation at Stoneheap Crofts, Stoneyburn, including on the basis that additional support is required for local services. Drawing these matters together, we do not consider that there is any reason to change WLLP as a result of these objections.

2.4 **Craigton Quarry**

2.4.1 WLLP identifies Craigton Quarry, which lies to the north west of Winchburgh, as being part of an area of special agricultural importance, covered by policy ENV9. The quarry and surrounding area comprise class 2 and class 3.1 on the Soil Survey map showing the Land Capability for Agriculture. The objectors indicated that the boundaries of the area of special agricultural importance were too broadly drawn, and that they should be adjusted to exclude this brownfield site, which had the potential for canal related development, e.g. leisure, recreational, or sustainable economic use. Additionally, it was proposed that a 500m corridor, either side of the canal, be allocated for canal related development. WLC did not accept that a small site such as this should be removed from the area of special agricultural importance. Any development would need to be compatible with the agricultural value of the productive land around it and its rural setting. Any development proposals would be assessed against all the countryside policies in WLLP, including those relating to the canal. WLC did not support the allocation of a development corridor by the canal because of the potential impact on its character, rural setting, and natural heritage. The canal also had physical constraints which prevented such development.

2.4.2 In conclusion, the site is a disused quarry in the countryside. The area of special agricultural importance covers a much wider area than the site, and is worthy of protection when taken as a whole. We note that at various other locations there is also land which is covered by the allocation but not in agricultural use. We believe that it would be inconsistent if the allocation relating to areas of special agricultural importance was not removed from this other land as well. This would lead to the unacceptable fragmentation of the allocation, would break its continuity, and would reduce its effectiveness. In the circumstances, we find it wholly appropriate for the site to be washed over by this broad brush allocation. In addition, its status in WLLP assists in ensuring that any future development proposals are properly assessed against relevant natural heritage considerations. In the absence of any justification, and given that this is a countryside location separated from any settlement, we find little to support the notion that a 500m

corridor, either side of the canal, should be set aside for canal related development. Drawing these matters together, we do not consider that there is any reason to change WLLP as a result of these objections.

2.5 **Paintballing**

2.5.1 WLLP indicates that activities such as paintballing may give rise to issues of disturbance and impact on wildlife, and that they would be rigorously assessed against their impact on the environment and amenity. WLLP policy ENV36 covers this type of activity in rural areas. The objectors were concerned about paintballing and sought to change WLLP so that it limited developments in the Bathgate Hills involving environmentally damaging sports and pastimes. WLC did not accept the objection because all such activities had to be assessed on their merits. They recognised the need to protect and enhance the Bathgate Hills AGLV and to ensure that any development was compatible with its intrinsic character. Several policies in WLLP would apply if paintballing was proposed (WLLP policies ENV1-ENV2, ENV5-ENV6 [West Lothian Local Biodiversity Action Plan], ENV19 [AGLV], and ENV36). In conclusion, WLLP has an acceptable policy framework in place against which to assess proposals for activities, such as paintballing. This would include taking into account the sensitivity of a proposed location in terms of natural heritage and amenity considerations. As such, we are not persuaded that it is necessary to change WLLP and identify sensitive areas, e.g. the Bathgate Hills AGLV, as requiring special protection from such activities. No change is required to WLLP.

2.6 **Soil sustainability plans**

2.6.1 WLLP policy ENV8 deals with the need for soil sustainability plans on all greenfield development sites of over 1ha. It follows on from the findings of the West Lothian Soil Sustainability Report which was published in 2004. The objectors contended that the policy was extremely onerous on new development. WLC indicated that soils were a natural resource which needed to be managed to conserve their inherent qualities for reuse. A national soil plan was being prepared by SG. The conservation of soils was a cross cutting issue which was identified in the 2004 Scottish Biodiversity Strategy. It was also recognised as a European issue. In conclusion, WLLP policy ENV8 promotes good practice in the management of soils during the development of sites. It is based on the West Lothian Soil Sustainability Report. The appropriate management of soils on development sites is important because it helps to avoid possible future problems of poor drainage, flooding and failures of landscaping. In the circumstances, we consider the policy to be both relevant and appropriate. It has also been properly justified, provides clear guidance, and can be readily monitored. We therefore do not regard WLLP policy ENV8 as onerous or as requiring adjustment. No change is required to WLLP.

2.7 **Sustainable urban drainage systems**

2.7.1 WLLP policy ENV16 promotes sustainable urban drainage systems as opportunities for biodiversity habitat and landscape creation. WLLP policy IMP6 requires developments to comply with current best practice on sustainable urban

drainage practices. The objectors believed that WLLP policy ENV16 was overly restrictive, and could result in inappropriate sustainable urban drainage systems. Any requirements for sustainable urban drainage systems should relate solely to drainage. WLC believed that the wildlife potential and landscape impact of sustainable urban drainage systems should be considered when designing a scheme. In conclusion, it is widely recognised that, through good design, sustainable urban drainage systems can make a contribution to biodiversity and a local landscape. This is an added benefit of such schemes, and policy ENV16 reflects best practice by specifically promoting such opportunities. Such an approach is consistent with E&LSP. In the circumstances, we do not consider that policy WLLP ENV16 is overly restrictive or requires adjustment. No change is required to WLLP.

2.8 **WLLP policy ENV21**

2.8.1 WLLP policy ENV21 deals with the protection of areas of special landscape control and their enhancement. The objectors were concerned about the way in which the policy would be applied and whether Levensat, Fauldhouse should be designated as an area of special landscape control. There had been a similar policy in the adopted local plan. However, this had not stopped inappropriate development taking place at Levensat. WLC indicated that in WLLP the Levensat Area of Special Landscape Control had been extended. Strategically important silica sandstone was quarried in the area and a waste management site operated in a former quarry void. The area of special landscape control was extended to ensure that co-ordination was achieved between economic interests and environmental enhancement opportunities, and to protect the area from further intrusive development. In conclusion, WLLP policy ENV21 seeks to prevent intrusive development in areas of special landscape control and to enhance them. The Levensat Area of Special Landscape Control has been extended in WLLP. As such, it provides not only protection for a wider area than before, but allows further opportunities for environmental enhancement. While we are aware from other sessions of the inquiry that a general review of local landscape designations is ongoing, and that alterations are likely, we find that the policy remains relevant for the time being, that it is properly justified and its intention set out, and that it offers reasonably clear guidance. Overall, it provides an acceptable level of control, and an appropriate policy framework in which to seek environmental enhancements (including at Levensat). Further clarification in WLLP about the way in which the policy is to be applied is unnecessary. No change is required to WLLP.

2.9 **WLLP policy ENV5**

2.9.1 WLLP policy ENV5 indicates that there is a presumption against development affecting areas of regional or local importance, or their settings, unless it can be clearly shown that no damage will occur to them and measures are included to safeguard, enhance and sustain the conservation interest. The objectors were concerned about the use of the word “settings” because it was not recognised in this context under national legislation. Such legislation attempted to protect the features themselves, and their integrity and viability. They also sought the deletion of the phrase “no damage will occur to the designated areas” and its

replacement by “the objectives and integrity of the designated areas would not be compromised, taking into account the economic and social benefits to be gained from the development.” This would reflect both national legislation and the terms of E&LSP. WLLP’s policies at present afforded a higher degree of protection to regional and local sites than those covered by international and national designations. Additionally, for CDA proposals, they sought recognition in the policy that mitigation and enhancement measures could be shown in Environmental Impact Assessments. This would reflect E&LSP policy ENV1f.

2.9.2 WLC indicated that WLLP policy ENV5 aimed to secure the protection of designated areas no matter where they were located. The word “settings” was important in safeguarding areas of regional and local importance. It meant that the sustainability of the site could be ensured without the need for increasing the area of designation to take into account the influences that contributed to its special nature. The word “settings” was used in E&LSP policy ENV1d. WLC did not believe that CDA proposals should be treated differently under the policy because it could have an undermining effect on the policy’s general aim.

2.9.3 In conclusion, E&LSP policy ENV1d refers to development affecting regional or local areas of natural heritage interest or their “settings”. While we appreciate that the emphasis should be on protecting the designated area itself, we accept that it is relevant to consider the effect on a setting because of the implications such an effect could have on the integrity of the designated area itself. As such, it means that a designated area does not have to be drawn too widely to ensure that its special nature is appropriately protected. Taking this together with the fact that this part of the policy reflects the terms of E&LSP policy ENV1d, we believe that the use of the word “settings” can be regarded as acceptable. We are also not persuaded that highlighting a particular approach to CDAs adds anything to the policy, and we therefore do not support that particular change. However, we agree with the objectors that the policy could be adjusted to better reflect the terms of E&SLP policy ENV1d by referring to the need to ensure that the objectives and overall integrity of the designated area are not compromised and that the economic or social benefits to be gained from a development are properly taken into account. Otherwise, the policy would, on the face of it, appear to be more severe in its terms than the policies relating to sites covered by international and national designations, which would be inappropriate. A change is required to WLLP.

2.10 **Canal corridor**

2.10.1 WLLP policy ENV26 deals with asserted and vindicated rights of way and other paths to be protected, and policy ENV27 relates to proposed recreational routes. The latter policy refers to promoting access to and from the Union Canal. Some objectors sought the promotion of the Union Canal as a tourist destination. It was also proposed that the canal and related areas be designated as parkland and highlighted as a wildlife corridor. Other objectors wanted WLLP to clarify that the canal towpath was neither a right of way nor suitable for horse riding. These issues had been addressed in the Rural West Edinburgh Local Plan. In particular, WLLP policy ENV27 should be adjusted to allow for access to the canal for pedestrians and cyclists only. Additionally, while adjustments had been made to

WLLP regarding the position about the right of way, that part of the key of the Proposals Map which dealt with paths and recreational routes required to refer to the relevant policies (WLLP policies ENV26 and ENV27).

2.10.2 WLC recognised and supported the development of the canal for tourism and recreation, and its importance as a wildlife corridor. The canal's future development would need to be within the constraints created by its landscape, biodiversity, carrying capacity, and adjoining agricultural uses. WLC were very aware of the balance to be struck between conserving the resource while facilitating development that would not damage the canal's tranquillity nor the very nature of its character. They accepted that the towpath was narrow and unsuitable for horse riding, but regarded this as a management issue rather than one for WLLP. The modification sought to WLLP policy ENV27 was therefore inappropriate. WLC also accepted that the tow path was not an asserted right of way, and WLLP did not identify or promote it as such.

2.10.3 In conclusion, WLLP through policies ENV17 and ENV18 and the supporting text recognises the potential of the canal (a Scheduled Ancient Monument) for tourism and recreation, including development which sustains and enhances the canal's natural and built heritage in its setting. Opportunities for canal related development are recognised in the built-up area, and reference is specifically made to potential opportunities at Broxburn and Winchburgh. As such, we believe that WLLP already adequately promotes the use of the canal for tourism and recreational purposes, and we do not consider that any adjustment is required to its terms. On designating areas related to the canal as parkland, it is not clear to us that this would give rise to any great benefits or that it is necessary. We therefore do not consider that this requires to be incorporated into WLLP. Turning to rights of way and horse riding, we acknowledge that WLC do not consider the tow path to be an asserted right of way, and that they have adjusted the key of WLLP's Proposals Map to reflect this. However, it appears that the policy references in the key (at rights of way and recreational routes) do not reflect the relevant policies in WLLP, and a further adjustment to the key is therefore required. While we acknowledge that horse riding on the canal tow path is more of a management issue, we note that WLLP specifically encourages multi-use paths and, as the canal's tow path is a major route through West Lothian, we believe that a reference in WLLP to its unsuitability for horse riding would be appropriate. We do not consider that this has to be in WLLP policy ENV27 as proposed, but that it can be in the supporting text (WLLP paragraph 3.72), as set out below. A change to WLLP is proposed.

2.11 **Other points raised**

2.11.1 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. RECOMMENDATIONS

3.1 Accordingly, we recommend (*changes in italics*):

WLLP policy ENV5

(i) that WLLP policy ENV5 be modified, as follows:

“Policy ENV5

There is a presumption against development affecting areas of regional or local importance, or their settings, unless it can be clearly shown *that the objectives and integrity of the designated area will not be comprised or that the social or economic benefits to be gained from development outweigh the conservation interest of the site. In addition, measures require to be included with such development to show that the conservation interest of a designated area has been, safeguarded, enhanced and sustained, insofar as is possible.*”

Canal corridor

(ii) that a sentence be added at the end of WLLP paragraph 3.72, as follows:

“...Horse riding may be appropriate on some paths in the path network, but it will not be promoted on paths such as the Union Canal tow path which are unsuitable for riding.”; and

(iii) that the policy references in the key of the WLLP Proposals Map be modified, as follows:

“Asserted & vindicated rights of way and other routes to be protected – policy ENV26;

Proposed recreational routes (indicative) – policy ENV27...”.

Other matters

(iii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions

4.2 Employment Matters

Representation nos:

7189/1, 7197-99, 7204/1, 7346-51, 7354-55, 7405/1-2,
7503/4, 7524-25, 7596, 7612-13, 7623-24, 7628-29,
7664/1, 7711/8, 7717-20, 7723, 8361/1, 8517, 8520/1,
8536.

Objectors appearing at Inquiry:

SQ1 Limited
(+written submissions)

Inquiry references:

EMP1e: Beughburn (ELv64), Livingston
STRAT1f: Beughburn (ELv64), Livingston
WS128: Beughburn (ELv64), Livingston
WS129: Beughburn (ELv64), Livingston
WS1868: Beughburn (ELv64), Livingston
WS1869: Beughburn (ELv64), Livingston
EMP1f: West of Polbeth, Employment Land
EMP1g: Boghall East (EL12), Linlithgow
EMP1h: Motorola, Newton North, South Queensferry
EMP1m: Uphall West, Uphall
EMP1o: Loaninghill South, Uphall
EMP1q: Drum Industrial Estate (EWb3), Whitburn
EMP1s: Stankards South (EUB14), Uphall
WS 86: Stankards South (EUB14), Uphall
WS160: Rosebank (ELv39), Kirkton Campus,
WS170: Whittrigg (EEw2), East Whitburn
WS184: Whitequarries Industrial Estate
STRAT1f: Blackridge and Fauldhouse
STRAT1f: Policy EM7

1. BACKGROUND

1.1 Objections were lodged by 23 parties to a number of employment matters. Each of these is dealt with below.

2. EMPLOYMENT MATTERS

2.1 Beughburn (ELv64), Livingston

2.1.1 This large site, of some 33ha, lies to the north side of the M8 motorway and its associated mature shelter belt and south of the A89, between Junction 3 of the motorway and Dechmont roundabout to the west, and Station Road (B8046) to the east. The northern boundary comprises several small holdings and related paddocks, which are part of the larger Houston Mains Holdings and where many small businesses are operated. The 2001 version of WLLP showed the site as countryside belt. The objectors disagreed with the allocation of the site ELv64 for employment use as the road infrastructure around the development would be unable to cope with the increased traffic volume from the proposals because the A899/A89/B8046/Uphall were struggling to cope with vehicular traffic volumes at present. The proposal would increase traffic (HGVs) along the B8046 and through Uphall, as it was the shortest route to the M9. They believed that it would reduce

the countryside belt and result in coalescence, contrary to WLLP policies ENV22 and ENV23, and its strategies to protect and improve the natural heritage, protect the countryside, and conserve important rural landscapes. Other more established brownfield sites were more suited.

2.1.2 WLC submitted that the review of the employment land supply indicated that there was an emerging shortfall in the short to medium term. The site at Beughburn benefited from proximity to Junction 3 of the M8 motorway and the rail station at Uphall Station. The master plan required any developer to address the capacity of the existing road network and new improvements that would include public transport improvements. It was acknowledged that this is a prominent site but the masterplan would also address structural landscaping details related to reinforcing its position with the surrounding countryside belt. WLC recognised the concerns of residents about the ability of the A89 and the local road network to cope with any additional traffic generated by further new development. A study would be commissioned to examine sustainable transport issues on the A89 corridor. The purpose of the park and ride at Uphall Station was to provide an alternative transport mode and this would result in more sustainable transport patterns reducing the need to travel longer distances by car. Transport Assessments would be carried out to identify any improvement to junctions which might be needed in support of the proposed park and ride.

2.1.3 In conclusion, we note that this area is countryside belt in the Broxburn Area Local Plan but we also note that the site is outwith Uphall and on the south side of the A89, not well related to it. We are satisfied that some 300m of countryside belt would be retained between the site and the A89 which is fronted by some of the existing holdings in the area and significant landscaping could be achieved along its northern boundary. We have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and it would be unlikely that there would be a shortfall. However, we recognise that this employment allocation is of a strategic nature given its proximity to the junction of the M8 motorway. In light of that weighing significantly in favour of the allocation, we consider that is sufficient justification for bringing it forward and also acknowledging the various business uses which already take place on the site. We are satisfied that the proposed park and ride facility is a sustainable aspect of transportation in the area and will contribute significantly to resolution of traffic issues in the area. In addition, we consider that any employment development will be subject to Transport Assessments and to the resolution of any issues or measures that such assessments identify before development proceeds. These are matters of detail which require resolution as part and parcel of the detailed development of the site. In all the circumstances, we do not believe that the employment allocation on this site should be removed. Therefore, no change is required to WLLP.

2.2 **Land west of Polbeth Industrial Estate**

2.2.1 The site is situated to the west of Polbeth, on the north side of the A71. It extends to 0.31ha and is in the countryside. To the east lie Polbeth Industrial Estate and a site occupied by Mulholland Plant Services. To the west, a short distance away, lies West Calder. The site is separated from the industrial estate by a discernible tree and hedge line. In WLLP, the site lies outwith the settlement boundary of

Polbeth and is designated as a part of the countryside belt. The objectors sought the allocation of the site for employment purposes, as an extension to the industrial estate. They were cramped on their present site and required the additional space. The release of the site could be justified against national guidance and E&LSP (including policies ECON2 and ECON7). The site was in the Livingston and Almond Valley CDA, where E&LSP required employment land to be allocated, and recognised that this would include some allocations on greenfield land. The site would be an insignificant addition to the industrial land supply. The new employment allocations made in WLLP did not provide a sufficient choice of sites, particularly for the expansion of small firms in Polbeth. The allocation of the objection site for employment purposes would not erode residential amenity, unlike WLC's proposed allocation of their own land to the north of the industrial estate, which would affect the residents of Ennis Park and Fells Road. The site was close to bus services and West Calder Railway Station, and connected to the National Cycle Network. It was also serviced, and was to be preferred to WLC's speculative allocation of their own land.

2.2.2 WLC had allocated ample employment land in West Lothian. Development of the allocation site would affect a mature tree line and encroach on the narrow countryside gap between Polbeth and West Calder. It could also potentially have an effect on a proposed road linking the A71 and the CDA allocations. WLC had refused a planning application to use the objection site as an extension to an existing yard in 2005. The allocation of the site would not conform to national guidance or E&LSP (including policy ECON2), and would be contrary to WLLP. The residential amenity of the housing area adjacent to the new employment allocation in WLLP could be protected through design, eg the provision of a shelter belt or bund. The allocated site would allow further development for employment purposes in Polbeth ahead of the CDA employment allocations coming forward. It would also "round off" the settlement.

2.2.3 In conclusion, it appears that both the objection site and the allocated employment site in WLLP are in CDA. We note that there is a substantial supply of employment land in West Lothian (see chapter 1.4), including in CDAs, and believe that it is unnecessary to make further employment allocations, however small, unless they can be justified for sound reasons. Substantial change is proposed in this area through the CDA proposals, which will result in a significant loss of countryside. The western edge of Polbeth is at present reasonably well defined by a tree and hedge line. The proposal would involve extending Polbeth Industrial Estate out along the northern side of the A71, beyond the trees and hedge, to the dismantled railway, which would be a less satisfactory defensible boundary. A new road is proposed in the gap between the CDA allocations to the east of West Calder and Polbeth. The line of this road has not yet been fixed, and there is uncertainty about how the objection site would relate to it. We are concerned that an industrial development on the site could be visually intrusive. In the circumstances, we do not believe that an allocation can be supported on environmental or amenity grounds, and we are not persuaded that it would be in keeping with the character of the settlement or area. We therefore find that the proposal is inconsistent with E&LSP policies ECON2 and ECON7, and the thrust of national guidance. WLLP provides for an employment allocation in Polbeth to the north of the industrial estate. We believe that this allocation is to be preferred

because it would consolidate rather than elongate the settlement. Through design, we believe it likely that the amenity of the adjacent residential area could be protected. This site provides a reasonable opportunity for small, local companies to expand. The claim that local firms do not have the resources to relocate to other sites was not convincingly supported and does not outweigh the above considerations. Drawing these matters together, we do not consider that allocating the objection site for employment would conform to E&LSP, and we do not believe that other considerations point towards the inclusion of the site for employment purposes in WLLP. Therefore, no change is required to WLLP.

2.3 **Boghall East (EL12), Linlithgow**

2.3.1 The triangular shaped site has its longest side and frontage onto the south side of Blackness Road (A803), at that road's eastern entrance to the built-up area of Linlithgow, which links the town centre, some 1.5km to the west, with the Burghmuir junction 3 of the M9 motorway, about 1km to the east. In all, it comprises some 3.32ha of an open and flat field currently in agricultural use, which is the remaining part of the former SAI experimental farm at Boghall. It is surrounded on its east, south and west sides by the housing areas of Springfield and Grange Knowes. The objectors disagreed with the alteration of the limits previously applying to WLLP site EL12 Boghall East in Appendix 5.1. The site required particular protection and placed under similar controls as site EL18 Sun – Expansion land. The following was required: single user occupier; no piecemeal development; landscaping around the entire perimeter; 20% building footprint; a dedicated access from a new roundabout at the eastern junction of Springfield Rd/Blackness Rd; the trees along Springfield Grange should also have a Tree Preservation Order applied; and all to be included in WLLP Appendix 5.1. The opportunity should be taken to make Junction 3 of the M8 an all-ways motorway junction, which would lessen traffic through Linlithgow. Development of the site was an opportunity to secure the junction works.

2.3.2 WLC maintained that the development criteria for the site needed to be refined, as listed under WLLP Appendix 5.1, but that a planning brief would look at the requirements in detail. Quality landscaping was necessary along the frontage of the site. However, the site was small and 20% coverage would be unrealistic in development and market terms. The almost triangular nature of the site, with the narrow southern portion further restricted the potential configuration of the site that could either be for a single building or several campus style office buildings. A dedicated access into the site from the A803 would be required from the developer but the type and scale of development would determine if a roundabout was required. However, the presence of surrounding residential properties was recognised and WLC's arborist was to consider the condition and contribution of the mature trees along the west boundary with Springfield Grange and, if suitable, a Tree Preservation Order would be promoted. WLLP safeguarded land for the west facing slip roads on Junction 3 of the M9 along with associated coach park and ride facilities. The scale of development would require to be significant before seeking the planning gain of transport improvements sought by the objectors. This was not the case with the development of the site and an associated development led approach to the funding of the road works at Junction 3 was unlikely, particularly with no major development planned for Linlithgow.

2.3.3 In conclusion, we are satisfied that the circumstances have changed since the original reservation on the site for a single user status in the adopted Linlithgow Area Local Plan. We consider that in economic development terms, it is appropriate to be as flexible as possible in order to attract appropriate investment into the area and to this site in particular. However, at the same time, we are satisfied that WLC has recognised the presence of residential developments around the site by restricting the use to class 4 category D, which in effect restricts it to office only in accord with WLLP Table 5.1, and has identified in WLLP Appendix 5.1 the need for a frontage landscape buffer, including the incorporation of the lone mature tree on its frontage. Notwithstanding, given the close proximity of the residential developments on 3 sides of the site, we consider that it would be appropriate to include in WLLP Appendix 5.1 identification of the need for buffer landscaping on the site's other 2 sides and reinstate a former height restriction of 8m on any buildings on the site. As regards its access to the A803, we are satisfied that this is a matter for detailed consideration at the time of assessment of the nature of development proposed on the site and it is not a detail which can be pre-empted by its inclusion in WLLP. We note that WLC has safeguarded the future upgrading of junction 3 of the M9 motorway along with a park and ride facility but we do not consider that those works can be secured or delivered by the scale of development envisaged on the objection site. Overall, we do not consider that the criteria in WLLP Appendix 5.1 related to site EL12 requires to be deleted or changed, but we believe that an addition to the text is appropriate, as set out above. A change to WLLP is required.

2.4 **Motorola, Newton North, South Queensferry**

2.4.1 The site is located about 1km to the west of South Queensferry, on the north side of the A904, between it and the minor road which runs west from South Queensferry along the south shoreline of the River Forth and provides access to Hopetoun House, some 1.5km to the north west. A dedicated access road (Headrig Road) extends some 400m to the site from its junction with the A904. The site measures some 34.8ha and forms 2 distinct areas. The western part comprises the now disused and partly dismantled former manufacturing facility of Motorola, while the eastern part comprises the now overgrown hardstandings and roadways of a former Ministry of Defence establishment. The eastern part is bounded on all its sides by mature shelter belts and shrubbery, one of which bisects the site and has a connecting roadway through it. To the east, the site is bounded by a small area of isolated detached housing at Linn Mill. To the west and south, are the rolling fields of Duddingston Farm, which also wrap around the east side of Linn Mill and separate it from the western settlement boundary of South Queensferry. The land falls gently northward from the A904 down to the relatively flat plateaux of the site and then falls down again more acutely to East Shore Wood, some 100m in width, which separates the site from the shoreline. The whole site lies within the wider AGLV on the north side of the A904 and the eastern part is identified within the Lothian and Borders part of the Inventory of Gardens and Designed Landscapes of Hopetoun Estate.

2.4.2 While the objector welcomed the application of WLLP policy EM5 to the west part of the site, both the west part and the east part ought to be allocated in WLLP for high amenity uses, Classes 4 or 5. The objector's marketing activity for the

specialist facility had failed as had an attempt to find smaller users for the specialist buildings. The removal of the specialist internal fit out was currently proceeding with a view to rendering the buildings potentially marketable to a wider business market. WLC supported further flexibility on the western part to incorporate potential redevelopment for smaller to medium sized businesses but rejected the use of the eastern part. However, following its waiving of conditions 3 and 4 of the original planning permission in 2003, which enabled the existing buildings to be used for Classes 4 and 5, WLC accepted that the eastern part could be used for ancillary purposes, such as parking of HGVs or cars, provided they related to the currently constructed buildings. Consequently, the allocation in WLLP did not reflect what was currently consented on the ground. While the tree belts surrounding the east part formed part of a historic woodland context for Hopetoun Estate, the flat area within the woodland had been subject to considerable development in the past and had brownfield characteristics. The Scottish Development Agency had been involved in 1984 in clearing the MOD site but there were still large areas of hardstanding, an emergency access crossed it and there was evidence of a helipad. The report on the outline planning application in 1985 confirmed that the most suitable site for development was the east part as it was well screened by way of the established mature tree belts surrounding it. The site did not form part of the key policies of Hopetoun Estate, particularly the parkland, woodland garden and wilderness, the formal garden or walled garden. It did not therefore form part of the formal designed landscape associated with Hopetoun.

- 2.4.3 E&LSP policy ECON1 required a review of the established economic land supply and the existing buildings did not form part of the supply but the east part did. While WLC argued that it had undertaken a review under E&LSP policy ECON1, no evidence was led that the east part would be difficult to develop before it decided to “deallocate” it or remove it from the economic land supply. WLC had failed to properly undertake a review of the eastern part of the site in accordance with E&LSP policy ECON1. There was no justification for deleting any other sites which WLC were promoting, in particular Beughburn which was contained within CDA. WLC had effectively reallocated a number of sites from E&LSP policy ECON1 to CDA when in terms of E&LSP policy ECON1(b) there was no requirement for such sites to be in CDAs and WLC had taken the opportunity to reinforce E&LSP policy ECON2 allocations. The only sites available in north West Lothian were those which might emerge in the medium to long term at Winchburgh, which constrained the land supply in this area. The site was adjacent to South Queensferry and in proximity to other settlements such as Kirkliston and Winchburgh allocation. E&LSP confirmed the importance of providing a range and choice of sites and the objection site fulfilled those by providing a very high quality location which could be developed in the short term. SPP2 re-emphasised the need to provide a range and choice of economic development sites and the site could meet the first 3 of its 4 main themes. E&LSP strongly supported the reuse of brownfield land and the site met that definition in its glossary and failed the greenfield definition. The redevelopment opportunity of both the west and east parts fully accorded with E&LSP and would assist in providing a wider range and choice of immediately effective sites.

- 2.4.4 The site sat between the major transport corridors and the M8 and M9 motorways were in close proximity, including the A8000 upgrade. Rail infrastructure was in place at Dalmeny station some 3km away and the site was just over 4 km from the proposed rail halt at Winchburgh. WLC accepted that development of the site would enhance the potential for subsidising and promoting public transport accessibility to the site. WLC had not had proper regard to SPP17 which recognised it was important to have regard to transport opportunities. The only question to be addressed was how the site linked into the major transport infrastructure and services to which it was close. In addition, the east part would have direct pedestrian and cycle access into the built elements of South Queensferry.
- 2.4.5 WLC provided no evidence that the development of the eastern part of the site would have any adverse impact on the designed landscape or the AGLV, whereas the objector provided a detailed landscape and visual assessment to justify the conclusion reached about the potential impacts on these aspects. The objector's assessment in relation to E&LSP policies ENV1c and ENV1d had concluded that the effect on the designed landscape would be negligible. E&LSP policy ENV1c set out policies which applied whether considering local plan allocations or individual planning applications. WLLP policy HER22 was relevant to designed landscapes but it conceded that the potential for development in designed landscapes was subject to assessment against appropriate criteria. In allocating the west part of the site for employment, WLC must have considered redevelopment of that part of the site would not harm the integrity of the designed landscape. Compared to the current buildings on site, the redevelopment would actually have beneficial effects on the designed landscape and reduce impacts on setting. Any assessment had to be undertaken against the background of the current circumstances.
- 2.4.6 E&LSP policy ENV1d identified 2 tests to be applied in considering development affecting certain designations, including AGLVs. The full assessment of the potential effect on the AGLV found that redevelopment of the site would not harm the integrity or composition of AGLV but would actually improve its quality as seen from the south because of the smaller scale and height of the built form that was proposed. WLC advanced an argument that any consideration of AGLV would be premature because SNH was conducting a review of designated landscapes. The existing position should prevail until any formal alteration was made, which was consistent with practice adopted in relation to any policy or designation. Likewise, WLC also contended nothing should happen pending the review of conservation areas as reflected in WLLP policy HER17. However, in assessing any impact on a potential conservation area it would be necessary to assess whether a development, including the existing development, would have a positive or negative effect. The redevelopment of both the east and west parts of the site for a lower density and massing of development would have positive impacts and a conservation area designation would bring no additional matters to the ones identified under the designed landscape. Far from being negative, the potential redevelopment of the site as a whole had potential for significant beneficial effects.

- 2.4.7 The redevelopment of the west part of the site alone was not attractive in that while the scale of development would be reduced, it was unlikely to provide a viable opportunity for the objector. To be viable, the objector would have to be able to conclude that there would be a greater value from reducing the footprint of the site rather than seeking to reuse the existing buildings. A masterplan approach would involve demolition of the existing buildings and a phased development of the site, which would be the best planning solution for the site. WLLP allocation provided only encouragement for reuse of the existing buildings and the potential use of the east part for ancillary purposes.
- 2.4.8 WLC did not accept that the east part of the site should be developed as there was no need to allocate additional employment land in this part of West Lothian, particularly as the existing facility on the west part remained undeveloped. The various uses by the Crown of the east part, which continued until some time in the 1970s, were not subject to planning controls. The 2 consents granted by the former District Council in 1985 and 1987 were against a background of attracting inward investment and in particular a large single user occupation of the site, which WLC accepted included potential development on its east side. The site would not be considered for development today if it had remained vacant, although WLC was supportive of reuse of the existing facility on the west part when multi-user was permitted in 2003. WLC opposed development on the east part of the site because: it was in the designed landscape; it was within an AGLV; and adequate provision was made elsewhere in West Lothian for employment land supply and there was no anticipated deficiencies in that employment land supply. The proposed development should be resisted as the site is a rural site and it failed any logical sequential test, which suggested that preference would be to locate in a settlement or at the edge of a settlement. No over-riding circumstances were identified by the objector to justify a countryside location.
- 2.4.9 The development was not supported by either E&LSP or WLLP. While there was good reason to allocate the east part of the site in the past, the circumstances had changed and that part should remain as it has for more than 35 years. Natural remediation had occurred on the site, there was no obvious dereliction and it could not be considered visually intrusive. The failure to successfully market the existing facility with the benefit of the change permitted in 2003 indicated that there was no market for further large scale employment development in this area, beyond the existing factory complex. Adequate employment land was already being brought forward in other parts of West Lothian. The objector appeared to agree that the development plan did not support employment uses on the east part of the site. The east part of the site was included in a designed landscape and the area had not changed in character in over 35 years. Any development on it would change the character of the area and should be resisted in terms of E&LSP policy ENV1c. As well as a designed landscape, the east part fell within AGLV and was included in E&LSP policy ENV1d. While the landscape evidence relied on E&LSP policy ENV1d, no evidence was led to support that assertion and it did not have regard to E&LSP policies. Development of the site would require an adjustment to AGLV, which would be inappropriate until a comprehensive review had been completed. No examples were given in West Lothian where an industrial development of this scale existed within AGLV.

- 2.4.10 While the objector's evidence was that the viability of any development on the site was dependent on the ability to develop the east part, no evidence was led as to the costs involved. Services such as roads, water, sewerage bus turning circle and other infrastructure were already on site, which should make the site less expensive to develop. Matters of economics and viability were not over-riding planning considerations. It was conceded by the objector that development of the east part was not necessary to support development on the west part if the current massing remained. It was also conceded by the objector that the proposal was probably not compliant with E&LSP policy ECON6, as it was not a strategic business centre in one of the designated places in the policy.
- 2.4.11 In conclusion, we are satisfied that the circumstances have changed since the original reservation of the site for a large, single user status employment site in the adopted Linlithgow Area Local Plan and that the *raison d'être* for its existence has now long gone. We consider that in economic development terms, it is appropriate to be as flexible as possible in order to attract appropriate investment into the area. However, we are satisfied that WLC has complied with the requirements of E&LSP policies ECON1 & ECON2 and we agree when they confirm that adequate employment land is already being brought forward in other parts of West Lothian. We have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and it would be unlikely that there would be a shortfall. We are uncomfortable about adding to the level of employment allocation in such a location when there is no apparent requirement. While we recognise that the site is reasonably well related to major transport routes, we do not consider that it is as well related as others already allocated in WLLP, particularly in strategic terms. Also, we consider that in terms of sustainability, it is less well related to other settlements. As we found above, the site at Beughburn at Livingston is justifiable and preferable because of its strategic location. It would also appear that, contrary to the objector's claim, the site is not within CDA and is additional to the existing supply. As a result, we are not persuaded that there is support for the site from E&LSP.
- 2.4.12 We consider that the designation of the site within AGLV and its eastern part within a designed landscape are both of significance to the consideration of the suitability of the site. We are satisfied that the removal of the existing plant on the west part of the site would enhance that part of AGLV and the setting of the designed landscape, although care would have to be taken as regards the scale and form of development which replaced it. However, we are not as equally satisfied as regards the effect of redevelopment of the east part of the site. While we recognise that the east part of the site is well screened by existing tree belts, we consider that its present ambience, which contributes to AGLV and the designed landscape and has done so for some 35+ years, would be lost. We have had particular regard to the 'Inventory of Gardens and Designed Landscapes in Scotland' which assess the various elements of Hopetoun's significance as either high or outstanding. We note that a review of AGLVs is to be carried out during the lifetime of WLLP and that the objector advocates that the existing position should prevail until any formal alteration was made. However, we consider that any review should not be pre-empted by a commitment to development on the site through its allocation in WLLP, prior to the assessment taking place. Even if we had found the site suitable for development, we consider that it would not accord

with the requirements of NPPG14 which endorse protection of these areas until the necessary survey work could be conducted in consultation with SNH.

- 2.4.13 We are satisfied that the east part of the site is not in an exceptionally adverse condition which requires its redevelopment to remediate that condition. We consider that there are other ways of tidying up the site, if deemed necessary, rather than developing most of it with employment units. We have been presented with no evidence which convinces us that the east part of the site is required to be developed to make the redevelopment of the west part viable. In light of that, we consider that there are no exceptional circumstances and insufficient justification for bringing it forward for this type of development in this rural location. In all the circumstances, we do not believe that the employment allocation in WLLP should be extended into the east part of the site to enable its development for that purpose. Therefore, no change is required to WLLP.

2.5 Uphall West, Uphall

- 2.5.1 The site abuts the north side of the M8 motorway, some 1.3km east of its Junction 3 at the north end of Livingston. It is separated from the A89 to its north by a large area of grazing land. It is bounded on its west side by Station Road (B8046), which runs south from its junction with the A89, under the M8 and through Uphall Station. To its east, also adjoining the north side of the M8, is a Wimpey depot and on the north side of that, between it and the A89, is the now rehabilitated former Stankard Bing. The site itself comprises the now restored and landscaped former Uphall West Bing with woodland planting on its north, west and south sides. The objector sought the allocation of the site for employment use, including business and industrial activities, under WLLP policy EM2 and listed in its Appendix 5.1. This would provide a sustainable mix together with the proposed park and ride and would be appropriate with the adjacent industrial uses. The park and ride facility on the site was supported, however, given its size, the entire use of the site for park and ride seemed excessive and a mixed business/employment use allocation would be more appropriate. Oatridge College required the release of land to enable investment in education strategy over the next 10 years. The adopted Broxburn Local Plan safeguarded the site for industry, with which the proposal was consistent. WLC maintained that the area required for the proposed park and ride facility had yet to be determined but estimated that half the site was subject of the proposed facility and required ground condition surveys. Previous surveys had indicated that the rehabilitated former bing was unsuitable for built development and consequently the area was removed as an employment allocation. Should further surveys determine there was developable land and it did not impact on the provision of the park and ride facility, then limited small scale development could be considered, dependant on access and the retention of the surrounding woodland planting as screening from Uphall and adjacent to the surrounding Livingston Countryside Belt in this narrow gap between the towns. However, allocating the site for employment uses at this stage would be premature and could only be considered once the extent of any future safeguarding for expansion of the park and ride facility was established.

- 2.5.2 In conclusion, we note that, while the site was safeguarded only in the Broxburn Area Local Plan, it was acknowledged in the text that one option is that a local plan

review may delete the site. We are satisfied that this is the time to review existing allocations. In that regard, therefore, we are satisfied that it is a legitimate option for WLC to rationalise the employment allocations in this area, which is supported by the extant local plan. Also, we note that the Broxburn Area Local Plan recognises the site as a valuable part of the Livingston Countryside Belt and that its release would be dependent upon the establishment of a level of demand for industrial land which outweighed this value. We have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and that it would be unlikely that there would be shortfall. As we have found below, WLLP site EUB14 is a reasonable allocation, given the existing industrial uses on its north and south sides and the site ELv64 allocation, as we found above, is a particularly strategic site in a sustainable location immediately next to a junction of the M8 motorway. Consequently, we are convinced that there is no need and it is not sensible to add to those sites and the already generous supply, particularly when there are the additional unresolved doubts over the site's ground conditions. Enhancement of public transport provision and accessibility is a key strategic requirement of E&LSP and WLLP recognises that in respect of this site through its provision in its paragraphs 8.48 and 8.49 and policy TRAN 20. We consider that this provision should not be prejudiced at this time by competing development for which there is no proven need. We note the future requirements of Oatridge College but we are not persuaded that these circumstances are of sufficient weight to warrant the release of this site for employment use. In all the circumstances, we are not persuaded that the exclusive park and ride allocation on this site should be removed to be included with an employment allocation. Therefore, no change is required to WLLP.

2.6 **Loaninghill South, Uphall**

2.6.1 This site comprises a relatively flat field of agricultural grazing land which lies: to the south side of the A89, opposite housing areas in Uphall; to the north of the former Green Bing (now restored to woodland and grazing land), with the M8 motorway bounding its south side; to the east of a Tarmac depot also fronting the A89; and to the west of some small holdings, with an area designated as of special agricultural importance beyond. The Broxburn Area Local Plan shows the site as safeguarded for industrial use but outwith the period of the plan. The objector sought the allocation of the site for employment use under WLLP policy EM2 and listed in its Appendix 5.1 as Oatridge College required the release of land to enable investment in education strategy over the next 10 years. It was contended that the site had good access to the A89, was closely located to other existing and proposed industrial uses and had been allocated for industrial use in the extant local plan. WLC contended that the site was not allocated for industrial uses in the Broxburn Area Local Plan but was safeguarded from sterilisation and piecemeal development for the immediate future. There had been a recent planning application refused on part of this site for a commercial development and the alignment and proximity of a high pressure gas pipeline through the site remained a development constraint. The site was designated as part of the Livingston Countryside Belt to restrict further development south of and eastward along the A89, as the Beughburn area, to the west, had greater strategic potential and related to a proposed public transport interchange at Uphall Station.

2.6.2 In conclusion, we note that while the site was safeguarded only in the Broxburn Area Local Plan, it was acknowledged in the text that one option is that a local plan review may delete the site. We are satisfied that this is the time to review existing allocations. In that regard, therefore, we are satisfied that it is a legitimate option for WLC to rationalise the employment allocations in this area, which is supported by the extant local plan. We have already noted elsewhere (see chapter 1.4) that there is a substantial supply of employment land in West Lothian and that it would be unlikely that there would be shortfall. Notwithstanding, we found (below) that WLLP site EUB14 is a reasonable allocation, given the existing industrial uses on its north and south sides and we found (above) site ELv64 allocation is a particularly strategic site in a sustainable location immediately next to a junction of the M8 motorway. Consequently, we are convinced that there is no need and it is not sensible to add to those sites and the already generous supply. We consider that the site, along with the now restored former shale bings, form an important rural separation buffer between the existing and proposed employment developments at this point, on the south side of the A89 from Uphall, and the area of special agricultural importance to the east. In that respect, therefore, we consider that it is appropriate to include the site, which has an important role in this area, in the allocation as countryside belt. We note the future requirements of Oatridge College but we are not persuaded that these circumstances are of sufficient weight to warrant the release of this site for employment use. In all the circumstances, we are not persuaded that the countryside belt allocation on this site should be removed and the employment allocation extended. Therefore, no change is required to WLLP.

2.7 **Drum Industrial Site (EWb3), Whitburn**

2.7.1 This is a small industrially allocated site (around 1.5ha) on the southern side of the A706 and the western side of the A801. It is on the old Drum opencast site, and is in an area generally designated as countryside belt in WLLP. The 2001 version of WLLP showed a larger site at this location, which was identified as regionally important for employment, and incorporated the field to the north. The objectors indicated that the site had different characteristics from the CDA employment allocations at Armadale and could attract a high amenity single user. They believed that there would be no advantage in reducing its size from the 2001 allocation. WLC indicated that the reduced site allocation reflected the original brownfield works compound related to the opencast site. It had always been intended that any building would be restricted to the area now allocated in WLLP. In conclusion, we are not persuaded that any difference in characteristics between the CDA employment allocations and the Drum industrial site are such that it would justify returning the allocation to the size shown in the 2001 version of WLLP. There is also nothing to demonstrate that an enlarged site would be potentially more attractive to a high amenity single user. It seems to us that the area is well served by a number of employment sites which have been allocated in WLLP and offer a range of opportunities. In the circumstances, we do not believe that the employment allocation should be extended. Therefore, no change is required to WLLP.

2.8 **Stankards South (EUB14), Uphall**

2.8.1 The site is located on the south side of the A89, some 2km east of its roundabout junction with the A899, at the north end of Livingston adjacent to Junction 3 of the M8 motorway. It comprises some 7ha of flat, vacant land lying between the Tarmac depot, which fronts the south side of the A89, and the Wimpey Depot, which abuts the north side of the M8 motorway. Residential areas on the southern side of Uphall are located on the north side of the A89. The access road from the A89 to the Wimpey depot forms the site's west boundary, on the other side of which is the restored former Stankards bing, while the now rehabilitated former Green bing abuts its east side. The objectors opposed WLLP allocation site EUB14, (Stankards South) as an employment site based on an increased volume of traffic, especially HGVs, using the B8046 and through Uphall, the shortest route to M9. Existing roads would be unable to cope, as at present the A899/B8046 was struggling to cope. Lorries cannot pass each other on Station Road so mount and damage the kerbs. There were other more suited brownfield sites. WLC confirmed that this was a long standing employment allocation that had been reduced in size relating to physical constraints on adjoining land to the east. The majority of HGV traffic would continue to use the A89 westbound to reach M8 Junction 3 and eastbound to Newbridge/M9 rather than use the longer B8046 (Station Road, Uphall) route to reach the M9 Junction 2, which had west bound only slips. WLC recognised the concerns of residents about the ability of the A89 and the local road network to cope with any additional traffic generated by further new development. Transport Assessments would be carried out to identify any improvements to the junctions which may be needed in support of new development. There was a new traffic light controlled junction at South Stankards as part of the recent development of the former Middleton Estate opposite.

2.8.2 In conclusion, while we have already found elsewhere (see chapter 1.4) that there is a substantial supply of employment land in West Lothian and that it would be unlikely that there would be shortfall, we note that the site is part of an area already safeguarded for industry in the Broxburn Area Local Plan. Given those circumstances and that, in particular, the site is sandwiched between the existing industrial uses on its north and south sides, we are satisfied that employment use is a reasonable allocation for the site. We consider that the majority of vehicles generated by development on the site, which would also be dependent on the type of development, would be liable to use the A89 initially and then appropriate access to the M8 for journeys east or west. We assess the distance to access the M9 motorway to be around 6.5km to Newbridge Junction 1 via the A89 or to the access restricted Junction 2 via the B8046. We are convinced that the majority of vehicles movements to the M9 would be via the A89 but we acknowledge that some vehicle movements on the B8046 cannot be ruled out. However, we consider that any employment development on the site will be subject to Transport Assessments as part of its approval and to the resolution of any issues or measures that such assessments identify before development proceeds. These are matters of detail which require resolution as part and parcel of the detailed development of the site. In all the circumstances, we do not believe that the employment allocation on this site should be removed. Therefore, no change is required to WLLP.

2.9 **Rosebank Employment site (ELv39), Kirkton Campus, Livingston**

2.9.1 The site, of some 8.3ha, forms the southern part of Kirkton Campus and is bounded on its south side by the B7015 where it enters the western side of Livingston. It is relatively flat and contains various farm and depot related out buildings and abandoned horticultural nursery plots. Its east and west boundaries are formed by mature shelter belts which separate the site from adjacent business developments. More extensive woodland exists on its northern boundary with Killandean Burn Greenway. The objector requested that a 2.5ha site should be identified for education use by Moore House Residential School, and should include school accommodation, open space, recreation/sports provision and residential facilities for pupils. It should, therefore, be removed from the terms of WLLP policy EM2 for employment use. WLC wished to retain the long established site for business and industrial use as part of Kirkton Campus. While WLC supported the school's desire to find a new site in West Lothian, the Rosebank site formed a highly attractive employment site. WLLP did not specifically allocate sites for individual businesses such as institutional use of a residential school and planning applications for specific uses would be considered on their merits. It would be difficult to integrate such an education use within the context of the business campus.

2.9.2 In conclusion, we note that Rosebank is a long established employment site and that WLC undertook a partnership in 2000 and laid out the west part of the Rosebank area for several small Class 4 business starter units. While the environment of the area is not unpleasant, we are convinced that its varied business and industrial uses would not be an appropriate location for all of the facilities required by the school's use, particularly its residential element. In addition, we concur that it is inappropriate for WLLP to allocate for the school's individual business requirements, which should be met in this case through negotiation with WLC in the first instance. In the circumstances, we do not believe that the employment allocation on this site should be removed. Therefore, no change is required to WLLP.

2.10 **Land east of Whitrigg Industrial Estate (EEw2), East Whitburn**

2.10.1 The site is located on the east side of East Whitburn and on the south side of the A705, just west of its junction with the A801, which is just south of Junction 4 of the M8 motorway. It comprises some 0.98ha of the western part of a field which is bounded on its west and south sides by semi-mature woodland, which in turn encloses parts of Whitrigg Industrial Estate to its west and south, which formed part of the former Whitrigg Colliery. To the north, on the opposite side of the A705, is a housing development at Oldmill Court/Grove and to its east, agricultural land extends about 1km to Blackburn. The objector disagreed with WLLP policies EM2 and EM5 which excluded parts of land previously allocated in the Bathgate Area Local Plan and in the ownership of the objector. The site should continue as an employment allocation as WLLP site EEw4, be included in WLLP Appendix 5.1 and not be restricted to class 6. The term "safeguarded" previously used in the local plan meant continuing to promote existing development plan allocations. If WLC considered part of Whitrigg unsuited to employment, then it was required to allocate it for another use such as housing and not simply delete it.

WLC had not allocated it for an alternative use nor provided a replacement site. WLC had not complied with E&LSP and Government policy advice when proposing deletion of the site from the employment land supply. Removing the site from the existing supply reduced the choice in both West Lothian and East Whitburn and conflicted with SPP2. The deletion of the site would affect the effectiveness of the other Whitrigg allocations as they would be difficult to develop because of access constraints. The Reporter's appeal decision in July 2006 had suggested the incorporation of all of the site might be appropriate, which would provide a sensible rationalisation of the boundaries.

2.10.2 WLC pointed out that the employment boundary in the Bathgate Area Local Plan followed the boundary of land safeguarded for the M6-M8 Fastlink road proposal which was abandoned in 1999. This created an artificial boundary cutting across an open field whereas the mature woodland and bunding to the west around the former Whitrigg Colliery site formed the most appropriate boundary between the urban area and rural areas. The field to the east of that woodland belt had consistently been designated as countryside belt to reinforce the separation of the urban and rural areas and prevent coalescence and urban sprawl. There was a continued local concern to prevent coalescence of East Whitburn and Blackburn. The mature woodland which formed the east edge of the rehabilitated Whitrigg site at the entrance to East Whitburn was identified as the settlement boundary and the mature woodland opposite, on the north side of the A705 and east of Old Mill Court/Grove acted similarly as the logical settlement boundary. The site was clearly undeveloped green field land outwith the former colliery. The details of the boundaries of employment sites within Whitrigg had been further refined rather than taking the blanket zoning approach used in the Bathgate Area Local Plan. Whitrigg Estate remained accessible from the existing access road without an additional or new access and there had been a recent approval of development on WLLP site EEw3 using this access. There was sufficient employment land for the town allocated at Whitrigg and Cowhill, J4M8, Riddochhill, Whitehill Industrial Estate and Armadale CDA. Contrary to the objector's claims, the Cowhill site was progressing. Other sites where WLC had altered previous allocations from employment to housing were brownfield sites.

2.10.3 In conclusion, we consider that there is a slight discrepancy in Bathgate Area Local Plan, Plan 1: Rural Area, between it and Plan 2: Employment and Plan 5: Whitburn & East Whitburn. We note that the former plan shows the site as countryside belt not for main stream employment development as shown in the other 2 plans. Notwithstanding, we are satisfied that the circumstances of the site and the other land in the objector's ownership have changed since the initial allocations in the Bathgate Area Local Plan. In particular we note that the safeguarded route for the M6-M8 Fastlink road proposal was abandoned in 1999 and the site is now bounded on its west and south sides by a substantial semi-mature tree belt. Also, we have regard to the fact that the former 1994 Structure Plan has been long superseded by the current E&LSP whose policy ECON1 requires local plans to review the established supply of business and industrial land and "a) where appropriate, reallocate to other uses sites no longer suitable for industrial or business use;". We note that there is no specific requirement to allocate such sites for housing and no such case has been presented which convinces us otherwise. However, we also note that E&LSP now post dates the extant local plan. In particular, we consider

that part of the process of the preparation of a new local plan is to review whether existing allocated but undeveloped sites are still appropriate for their previously allocated purpose.

2.10.4 We are satisfied that WLC has carried out such a review and found the site no longer appropriate for employment purposes. We find no reason to disagree with that conclusion, particularly as the existing tree belts form a logical defensible boundary on that side of the settlement of East Whitburn and the land to the east of the site has always been designated as countryside belt. We are satisfied that it would be illogical to leave the site as employment land on the east side of the tree belts at the entrance to East Whitburn and have the land to the east of that as countryside belt. In that regard, therefore, we are satisfied that it is a legitimate option for WLC to rationalise the employment allocations in this area. We have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and it would be unlikely that there would be shortfall by the loss of such a small site. Consequently, we are convinced that there is no need and it is not sensible to add to those sites and the already generous supply. We do not consider the site to be the sole solution to access arrangements to Whitriggs Industrial Estate such that would warrant its retention for employment use. Also, we do not believe that any support for the retention of the site for employment use can be sought from the Reporter's 2006 appeal decision, which did not have the benefit of all the evidence considered in relation to this local plan inquiry. In any event, that decision also pointed out that there might be significant implications from any surplus in industrial land supply, which we find to be the case, and the future of the Fastlink route has already been determined. In all the circumstances, we do not believe that the countryside belt designation on this site should be removed and replaced with an employment or other allocation. Therefore, no change is required to WLLP.

2.11 **Whitequarries Industrial Estate, by Newton**

2.11.1 The site is located on the north side of the A904, some 1.5km west of Newton village, abutting the west side of the main part of Hopetoun Wood. It comprises a triangular field, which bounds the north side of a now realigned section of the A904, part of which contains a car park, and its other 2 sides are bounded by the former line of part of the A904. On the north side of the old section of the A904 and to the east side is a garden centre and associated tea room which is separated from a small area of business uses to its west by a small wooded area. The objector wished AGLV to be removed from the area which included, the car parking, the former section of the A904, the garden centre and the industrial area and sought its reallocation for employment under WLLP policy EM2, as it no longer served AGLV function. The area was effectively a car park with some businesses on adjacent land. Discussions had taken place with WLC about developing a farm shop in the wooded area between the 2 other uses. It was recognised that proposals to alter the designated landscape boundaries were not in the gift of WLC. The removal of the AGLV designation would still enable WLC to control that development which could be controlled legislatively. WLC aver that the designation of an AGLV was to secure protection against further erosion of the general quality of the landscape of both strategic and local importance. Development could occur, as exemplified by the recent garden centre, without

removal of the adjacent Whitequarries site from the designations. As such, there were often instances of ‘non-conforming uses’, but the AGLV across all the land to the north of the A904 provided protection against further development on surrounding greenfield areas. Piecemeal changes to the countryside designation boundaries would erode the objectives of the designation. WLC was committed to a review of AGLVs during the WLLP period. Proposals for a farm shop would be assessed against WLLP policies ENV19 and ENV31.

2.11.2 In conclusion, we note that the site is part of a much wider area on the north side of the A904 which is allocated as AGLV and of which Hopetoun House is its centre point. We consider that the area’s special landscape character and visual appearance is recognised in the “Lothians Landscape Character Assessment.” We also note that in addition, WLLP allocates the area, of which Whitequarries and the garden centre are a part, as a “special protection area” to reflect the historic garden and designed landscape designations. While we recognise that the former mine buildings at Whitequarries constitute brownfield land and are partly in use for industrial purposes, we do not consider that justifies the site’s allocation for employment use under WLLP policy EM2. We have already noted elsewhere that there is a substantial supply of employment land in West Lothian (see chapter 1.4) and it would be unlikely that there would be shortfall. Consequently, we are convinced that there is no need and it is not sensible to add to those sites and the already generous supply. Even if we had found the site suitable for an employment allocation, we consider that it would not accord with the requirements of NPPG14 which endorses protection of these areas until the necessary survey work could be conducted in consultation with SNH. We recognise that SNH and Historic Scotland have now produced the awaited guidance to local authorities and that WLC in response to SNH are committed to a review of AGLVs during the WLLP period, but that existing boundaries are to be maintained meantime. Accordingly, we agree with this approach and consider that it would be premature to recommend the removal of the site from the AGLV allocation in the absence of such an assessment. In all the circumstances, we do not believe that the AGLV designation on this site should be removed and replaced with an employment allocation. Therefore, no change is required to WLLP.

2.12 **Blackridge and Fauldhouse Employment Land**

2.12.1 No specific sites are identified in these objections. The objectors sought the promotion of employment opportunities by allocation of sites for industrial units in smaller villages, including Blackridge and Fauldhouse. The 2 existing companies in Blackridge had been there for many years and local people were employed there. Subsidies and cheap rent and a cut in local taxes would help. The Community Council would like local availability and the building of advanced units with generous subsidies to entice new companies to come to the village where there were a lot of people not working. WLC advised that favourable consideration would be given to acceptable uses within acceptable locations as part of a detailed planning application. WLLP policy EM11 supported employment provision and considered the criteria where small rural business developments in the rural, remoter villages of west West Lothian, such as Blackridge and Fauldhouse, would be acceptable. WLC developed small industrial and business units throughout West Lothian in response to known demand, and when resources were available. It

was not WLC policy, however, to subsidise businesses by offering concessionary rentals, and WLC had no discretion over the level of business rates.

2.12.2 In conclusion, we note that no individual locations within these communities are promoted by the objectors. However, we are satisfied that WLLP policy EM11 and the related paragraphs 5.73-5.76 acknowledge the need to encourage employment opportunities in the more remote areas of the district, such as the smaller villages of west West Lothian. In accordance with SPP15, we consider that WLLP policy EM11 sets out the criteria for allowing industrial or business uses on the edge of settlements if no suitable sites are available within the settlement itself. We consider that WLLP can do no more in this regard. The issue of demand and availability of resources are matters outwith WLLP for direct discussion and progression with WLC. In the circumstances, we were not presented with any opportunity for specific employment allocations in these settlements. Therefore, no change is required to WLLP.

2.13 **Policy EM7**

2.13.1 The objectors were concerned that while WLLP policy EM7 had been changed so that Bathgate town centre was no longer a favoured location for major office development, the change did not define what constituted a small to medium sized office development, and it had not been reflected in the supporting text of WLLP. WLLP should make clear that small to medium sized office developments were those of less than 1000sqm in line with E&LSP's approach. WLC did not respond to these comments which were contained in a written submission lodged by the objectors. In conclusion, WLC has accepted the objection to the extent that it has changed WLLP policy EM7. However, the supporting text was not changed and this requires to be done. In addition, it seems to us reasonable to indicate in the text, in broad terms, what constitutes small to medium sized office development. In all the circumstances, we believe that a change is required to WLLP in respect of these objections. The changes are set out below.

2.14 **Overall Conclusions**

2.14.1 Drawing all these matters together, we find that these sites should be retained for such purposes as currently allocated in WLLP. However, we consider that an additional reference should be made in WLLP Appendix 5.1 in relation to site EL12 Boghall East to include reference to the need for landscape buffer planting on the site's other 2 boundaries. Also, we consider that a change is required to the supporting text to WLLP policy EM7.

2.14.2 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. RECOMMENDATIONS

3.1 Accordingly, we recommend (*changes in italics*):

Boghall East (EL12), Linlithgow

(i) that an appropriate addition be made in WLLP Appendix 5.1 Linlithgow EL12 Boghall East by including reference to the need for landscape buffer planting on the 2 non-frontage boundaries of the site and an indication of a restriction of building height to 8 m above finished ground level.

Policy EM7

(ii) that the 4th sentence of WLLP paragraph 5.64 be deleted and replaced by the following:

“...Almondvale Centre, Livingston, as the sub-regional centre, is the favoured location for major office developments and Bathgate town centre, as the district centre, is suitable for small to medium sized office developments (i.e. all those not defined as major)...”.

Other matters

(iii) that no other modifications be made to WLLP in relation to the above objections, other than those changes proposed by WLC.

4.3 Transportation matters

Representation nos:

7154/1, 7154/4, 7159/4, 7159/7, 7159/9-/10, 7159/12-/17, 7243/3, 7420/9, 7436/1, 7442/1, 7674/4, 7701/6, 7716/2, 7846/1 8363/3, 8485/1, 8528/2.

Objectors appearing at Inquiry:

Written submissions

Inquiry references:

TRAN1a: M9 (junction 3) and park and ride scheme

TRAN8: Cycle path on the A71 corridor

TRAN2d: Parking standards

WS60: Parking standards

WS61 Various rail matters

WS67: Support for existing railway stations

WS68: Kilpunt park and ride

WS69: Fauldhouse park and ride

WS121: Request for future public consultation

WS131: Location of public utility service routes

1. BACKGROUND

- 1.1 Objections were lodged by 14 parties to a number of transportation matters. Each of these is dealt with below.

2. TRANSPORTATION MATTERS

2.1 M9 (junction 3) and park and ride scheme

- 2.1.1 WLLP policy TRAN30 and paragraph 8.63 safeguard land for an “all directions” motorway junction at junction 3 of the M9, and for an associated park and ride scheme. The objectors were concerned about the lack of commitment in WLLP to improving junction 3 on the M9. They sought an early date for the implementation of the scheme. Other objectors were concerned that the proposed park and ride associated with the junction would have a detrimental effect on the one proposed at another motorway junction planned in connection with the Winchburgh CDA proposals. Additionally, concern was expressed that the park and ride could attract significant development, e.g. a service station. WLC indicated that an improved junction would remove some traffic from Linlithgow. Work was currently underway to justify expanding the junction and to identify the benefits that could be expected from its improvement. SG had responsibility for M9 and its junctions, and they would decide if this scheme proceeded. In relation to the park and ride, this was seen as a local facility providing a coach link to Linlithgow and its railway station. In conclusion, there is no dispute that an “all directions” junction at junction 3 on the M9 would be desirable. Work is currently underway seeking to justify its provision. However, the proposal to extend the junction has yet to be approved by SG. As such, WLLP can do no more than support an extended junction and safeguard land for it. Turning to the

associated park and ride, WLLP has been adjusted to reflect WLC's view that the facility would be a predominantly local one linking to Linlithgow town centre and railway station. WLLP does not propose any significant development alongside the park and ride. In the circumstances, we do not consider that there is any basis for adjusting WLLP as a result of these objections. No change is required to WLLP.

2.2 **Cycle path on the A71 corridor**

2.2.1 WLLP paragraphs 8.33-8.34 deal with the provision of cycle routes in West Lothian. The objectors believed that WLLP should provide an assurance that a good quality safe route for cycling should be provided along the A71 corridor, and that it should be adjusted to reflect this requirement at both paragraph 8.33 and that part of WLLP covering the A71 corridor studies. WLC indicated there were no proposals to introduce a dedicated cycle route along the A71. They explained that the National Cycle Route provided a key link to Edinburgh. In conclusion, no document has been drawn to our attention which considers the merits of providing a cycle route along the A71, including the West Lothian Sustainable Transport Study and the A71 Corridor Study. Given the increasing emphasis being placed on cycling as a means of transport in national and strategic guidance and the fact that the A71 is an important direct main road into Edinburgh, we believe that the proposal for a cycle route along it merits further consideration and that this should be referred to in WLLP. The route would not duplicate the National Cycle Route, but could link to it. While we are uncertain from the submissions whether it is practical to include the consideration of such a cycle route within the detailed corridor studies proposed under WLLP policy TRAN22, we are satisfied that it can be referred to at WLLP paragraph 8.34, as outlined below. A change is required to WLLP.

2.3 **Parking standards**

2.3.1 WLLP policies TRAN33-TRAN34, amongst others, deal with parking provision. WLC's Residential Development Guide, which is referred to in WLLP policy HOU7, covers parking standards for housing developments. One objector indicated that no house should be permitted without a driveway for a minimum of 2 cars. This would allow "yellow lines" to be provided to prevent parking on roads, pavements and verges. Another objector contended that there was considerable uncertainty about how the parking provisions of WLLP policies TRAN33-TRAN34 would be applied. WLC indicated that they were reviewing parking standards as part of a review of the West Lothian Transport Strategy. There were no specific residential parking standards included in WLLP. WLLP required to be concise and could not contain every detail. In its policies, WLLP reflected national guidance and E&LSP, by adopting maximum parking standards (as outlined in SPP17) and WLC's own standards for other uses.

2.3.2 In conclusion, WLLP does not contain any parking standards for specific types of development, and we agree with WLC that this would be too detailed a matter to set out in WLLP, including for residential developments. Instead, WLLP policy TRAN33 adopts the maximum parking standards set out for various types of development in SPP17. For other types of development, WLLP policy

TRAN34 adopts WLC's current standards, but will encourage lower levels of provision. In seeking to use maximum parking standards, WLLP reflects national guidance and E&LSP. We consider that the review being undertaken by WLC is the appropriate mechanism for devising acceptable parking standards, including whether 2 parking spaces per house should be required. While we believe that the intention of the parking policies in WLLP is sufficiently clear, we consider that the terms of WLLP policies TRAN33 and TRAN34 can be improved as set out below. We consider that with these adjustments, it is reasonably clear how the policies would be applied. A change is required to WLLP.

2.4 **Various railway matters**

2.4.1 The objector referred to a number of existing and proposed railway facilities, including at Armadale, Blackridge, Bathgate/Boghall, Linlithgow, Uphall, West Calder, and Winchburgh. In addition, reference was made to proposed development at Westfield, which was in a distinctly rural area. WLC clarified the current position with regard to existing and proposed facilities at each location. In conclusion, the objector made a number of comments about existing and proposed railway facilities, and development at Westfield, some of which were supportive of WLLP, and none of which raised matters necessitating adjustments to the policies or text of WLLP. No change is required to WLLP.

2.5 **Support for existing railway stations**

2.5.1 WLLP paragraph 8.52 deals with rail travel. The objector proposed that a statement be made in WLLP expressing WLC's desire to see all existing railway stations retained. WLC had responded to the objection by identifying a change to the text of WLLP paragraph 8.52. However, they did not consider that it was an essential addition to WLLP. In conclusion, as WLLP already identifies, in general terms, the importance of maintaining accessibility to public transport, we do not consider that it is necessary to make an explicit reference in WLLP to retaining existing railway stations. No change to WLLP is required.

2.6 **Kilpunt park and ride**

2.6.1 The objector indicated that the proposed Kilpunt park and ride facility to the south of the A89 would increase the volume of traffic in the area and could result in increased pollution. The easternmost CDA allocations at East Broxburn could also be accessed from the existing road system rather than through new roads. WLC indicated that there would be additional traffic as a result of the CDA proposals. They believed that the road proposals for the area would ensure that the road network could cope with the additional traffic. The park and ride facility was being provided to serve existing and new bus services, such as Fastlink. In the longer term, it was hoped that it would tie into the tram extension from Edinburgh. In conclusion, with changes proposed to the road network in the area as a result of the CDA proposals, there is no evidence to indicate that the increased traffic arising from the park and ride would be likely to adversely affect the area, provided the road proposals in WLLP can be implemented in full. We are not persuaded that there would be any benefit in allowing the easternmost CDA allocations to be accessed only from the existing road layout, and do not

consider that such a proposal should be included in WLLP. No change to WLLP is required.

2.7 **Fauldhouse park and ride**

2.7.1 The objector believed that Fauldhouse would benefit from additional park and ride facilities, and indicated that there was ample derelict land around the station on which they could be provided. WLC indicated that the existing car park was adequate for current levels of use. However, it was acknowledged that if the rail service was to improve, demand for car parking at Fauldhouse Station could increase. They therefore proposed to adjust WLLP at paragraph 8.56 to indicate that the need for additional park and ride facilities at the station would be kept under review. In conclusion, we are satisfied that WLC's proposed adjustment to WLLP reasonably reflects the concern expressed in the objection. No further change to WLLP is required.

2.8 **Request for future public consultation**

2.8.1 WLLP policy TRAN1 deals with investment in transport, including traffic management, and WLLP policy TRAN35 covers a proposed parking management scheme for Linlithgow town centre. The objector believes that the supporting text to both policies should refer to the need for public consultation with local communities, landowners and essential service providers as a part of developing any scheme. WLC indicate that they accept the objection, and have changed WLLP to reflect a requirement to consult with the local community and local businesses on proposals. Such consultation would be in addition to any statutory consultation that might be required. In conclusion, we are satisfied that WLLP has been appropriately adjusted to reflect the concerns expressed by the objectors. No further change is required to WLLP.

2.9 **Use of developer funding**

2.9.1 WLLP paragraph 8.25 deals with contributions to a transport fund by developers. The objector welcomes the existence of such a fund, but believes that it would be better if the examples given in the text of WLLP included sustainable transport initiatives rather than just road schemes. WLC indicated that WLLP made clear that the money secured through the transport fund would be used for improvements to all modes of transport (walking, cycling, public transport, and car). In conclusion, we accept that all the examples given in WLLP of schemes supported by the transport fund relate to road improvements. However, the text immediately above the examples in WLLP paragraph 8.28 makes reference to developers having contributed to a package of measures including, amongst others, sustainable transport initiatives. WLLP policy TRAN4 also makes it clear that it is referring to a package of transportation measures, which would cover all modes of transport. In the circumstances, we are satisfied that it is clear that the fund is intended to cover all forms of transport, and that no adjustment is required to WLLP. No change is required to WLLP.

2.10. **Location of public utility service routes**

2.10.1 The objector believed that public utility services should be located in trenches that can be easily accessed without excavating roads and footways. WLC indicated that the requirements of such services would be identified at a later, more detailed stage. It was intended that service strips would be incorporated into road and footpath layouts, thus minimising the disruption caused by repairs. In conclusion, local plans should be succinct and this is too detailed a matter to be included. It would be more appropriately contained in supplementary design guidance, along with other advice promoting good design in development. As such, we do not consider that it is necessary to adjust WLLP. No change is required to WLLP.

2.11 **Other points raised**

2.11.1 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. **RECOMMENDATIONS**

3.1 Accordingly, we recommend (*changes in italics*):

Parking standards

(i) that the first 2 sentences of WLLP policy TRAN33 be modified, as follows:

“Policy TRAN33

Parking levels for development shall conform to the maximum parking standards set out for different land uses in SPP17, Planning for Transport (table 2). Levels below the maximum will be encouraged in line with sustainable objectives, where modal evidence supports a reduction. Levels above the maximum will only be supported in exceptional circumstances where there are sound reasons for doing so.”; and

(ii) that WLLP policy TRAN34 be modified, as follows:

“Policy TRAN34

For land uses not identified in SPP17, parking *levels for development* shall conform to the current WLC adopted standards, although lower levels of provision will be encouraged in line with sustainable objectives, *where modal evidence supports a reduction.*”

Cycle path on the A71 corridor

(iii) that an additional sentence be added to the end of WLLP paragraph 8.34, as follows:

“...In addition, WLC intend to consider the merits of providing a good quality, safe cycle route along the A71”

and that the text elsewhere in WLLP be adjusted as appropriate to take account of this modification (i.e. WLLP policy TRAN22 and supporting text).

Other matters

(iv) that no other modifications be made to WLLP in relation to the above objections, other than those changes proposed by WLC at sections 2.7 and 2.8.

4.4 Retailing matters

Representation nos:

7167/1, 7174/1, 7361/1-5, 7484/1, 7503/7-8, 7566/1,
7567/1, 7593/1, 7593/2, 8529//1-8532/1.

Objectors appearing at Inquiry:

Royal London Mutual Insurance Society Ltd
(+ written submissions)

Inquiry references:

RET3: Extension to Livingston town centre boundary
WS185: Klondyke Garden Centre, Meikle Road
WS113: Tesco Store, Blackburn Road, Bathgate
WS110: Protection of town centres
WS111: Protection of town centres
WS109: Various retailing matters
WS112: Other retailing and town centre matters

1. BACKGROUND

Objections were lodged by 8 parties to a number of retailing matters. Each of these is dealt with below.

2. RETAILING MATTERS

2.1 Extension to Livingston town centre boundary

2.1.1 The site is at the north western corner of the Almondvale Roundabout, to the west of Alderstone Road and north of Charlesfield Road, on the south eastern edge of Kirkton Campus. On the eastern side of Alderstone Road lie business units and Livingston town centre. On the same side of Alderstone Road, but to the south, lie a large DIY retail warehouse (B&Q) and a large food store (Morrisons). On the western side of Alderstone Road, there is a mix of industrial and commercial uses (to the north and west) and open space and housing (to the south). Alderstone Road, Charlesfield Road and Almondvale Road (which is to the east of the roundabout) are busy main roads. The site itself extends to around 3.5ha and is overgrown. It is occupied by a modern, single storey, vacant training facility comprising offices and production areas. The building provides around 3000sqm of floorspace. The site sits at a lower level than the roundabout, and there are tree belts along the northern and western boundaries. Access to it is taken currently from Garbett Road within the industrial area.

2.1.2 The objectors indicated that there would be significant scope for additional bulky goods retailing development in the WLLP period, that insufficient land had been identified for such purposes, and that the town centre should be enlarged to accommodate the site. E&LSP policy RET5, the supporting text and SPP8 were relevant. The town centre had reached sub-regional status, and new proposals had been attracted which consolidated that position. However, WLC were required to establish whether WLLP provided suitable allocations to meet the

retail needs of West Lothian. The statistics in E&LSP Monitoring Report table 7.4 gave an indication of Livingston's town centre performance only at a particular point in time. It was not a substitute for assessing future needs. While the table suggested that the yield of retail premises in Livingston at 8% was an indicator of ample supply, the recently constructed B&Q unit had been disposed of at a yield of 4.55%, which demonstrated demand. WLLP should have had regard to a full town centre health check and to projected retail expenditure growth. It failed to properly take into account deficiencies and capacity.

- 2.1.3 Bulky goods was an identifiable category of goods, and expenditure on it was expected to grow by £56m between 2006 and 2013. The objectors had been conservative in their approach to capacity. The leakage of bulky goods expenditure from West Lothian was high at 53% (for comparison expenditure the figure was 37%). This leakage was not to Edinburgh City Centre but to a range of other bulky goods destinations. This had sustainability travel implications and resulted in a loss of employment opportunities. There was potential to claw back 30% of the leakage if proper provision was made in West Lothian, which would equate to around £29m expenditure by 2011 and £32m by 2013. Combining this with growth in retained expenditure and adjustments for planned commitments and overtrading (an additional £23m by 2011 and £32.5m by 2013) would produce total spare expenditure capacity of £52m by 2011 and £64.5m by 2013. This amounted to almost 30000sqm of floorspace by 2011 and nearly 37000sqm by 2013. The figures suggested that there was very significant expenditure available to support further capacity. They also indicated that there was inadequate bulky goods provision in West Lothian. A deficiency of such floorspace existed and WLLP did not deal adequately with it.
- 2.1.4 National guidance supported the use of capacity assessments in preparing development plan policies. It also gave greater focus to the role of the development plan in identifying suitable sites for retail development. E&LSP and its Supporting Statement reinforced the view that there was a substantial deficiency of bulky goods floorspace. It also indicated that the primary location for such floorspace (and new retail provision generally) in West Lothian was Livingston. It was incorrect to suggest that if there was a retailing deficiency in West Lothian which could not be accommodated in Livingston, E&LSP policy RET1 required that it be transferred to other centres. Additionally, provided the expansion of Livingston town centre related to bulky goods, there would be no implications for Edinburgh City Centre and E&LSP policy RET3. Two other speculative bulky goods retailing opportunities were highlighted. One, in Bathgate town centre (where there were design constraints), was a restricted proposal which included unspecified retail provision of just over 2000sqm. The other, at Winchburgh, was an identified opportunity for new retail development in CDA but only to serve the local population rather than to meet a strategic retail requirement.
- 2.1.5 The obvious location for a bulky goods operation would be Livingston town centre. While it had been assumed that Almondvale South Retail Park would be available for such an operator, this was no longer certain. The rents now being charged at this location were around £23 per sq ft, which was in excess of what such operators would normally pay (£17-18 up to £20). In the circumstances, it

was possible that during the WLLP period, there would be pressure on existing bulky goods operators in the town centre to move out.

- 2.1.6 A number of sites in the town centre had been identified for development. However, no assessment of their individual suitability for bulky goods retailing had been undertaken. On an ideal site, the floorspace would cover around 25% of the site area. If the site was irregularly shaped, the percentage of the site which could be occupied would be reduced. Additionally, bulky goods retailing required a relatively flat surface to construct a large floor plate building with associated car parking. There were 3 sites to the north of the centre (sites 1 [Almondvale South A], 2 [Almondvale Boulevard], and 3 [West Lothian House]), 3 sites to the south (site 4 [bus station], 5 [police station], and 6 [by James Young High School]), 2 sites to the south west (sites 7 [Almondvale South B], and 8 [Adambrae]), and 4 sites to the north west (sites 9 [West Lothian College], 10 and 11 [Almondvale Stadium], and 12 [west of Alderstone Road]). Some of these sites were isolated (1, 2 and 12); some were constrained by topography, shape and size (1, 2, 3, 8, 9 and 12); some were affected by design issues (2, 3, 4 and 5); some were in uneconomic locations where higher density development would be required (4 and 5); and some were already the subject of firm development proposals (10 and 11). Sites 6 and 7 could accommodate bulky goods units, but site 6 was small and would have marketability problems, and site 7 was already accounted for in the objectors' study. In the circumstances, there were limited opportunities in the town centre boundary, and no sites available for a large bulky goods operator. If it happened, the redevelopment of the 1st phase of retail warehouse parks in the town centre would be unlikely to provide an opportunity for this type of operation because of prohibitive rent levels and the higher density that would be required of any new development.
- 2.1.7 Turning to edge of centre sites, the park to the north of the Civic Centre was a protected area and it had not been declared surplus in the recent open space review, and the school (James Young High School) had not been the subject of relocation proposals or declared surplus to requirements. In addition, the objection site was edge of centre. There were transportation links and visual integration could be achieved (through layout and tree removal). The site was clearly visible from other retail locations within the town centre to the south, and from the roundabout. It was close to the most recent retail development in the area and to site 8 to the south. The site could function in transport terms as a town centre location. It was well situated for public transport. Site access issues could be resolved. There could be advantages in bringing the objection site and site 8 forward as a combined development opportunity. The site could accommodate a bulky goods format. It was an obvious choice for expanding the town centre for this purpose, given the proximity of other bulky goods retailers.
- 2.1.8 E&LSP policy ECON1 did not apply because the site did not form part of the existing land supply. Neither did WLLP policies EM1, EM2, or EM3. WLC had indicated that there was sufficient economic land up to 2020, and they had made additional allocations. There was a very full supply of high amenity sites. In the circumstances, changing the site from business/industrial to town centre uses did not raise any strategic employment land issues. Within the Livingston context, there had been no take up of new land in Kirkton Campus, only changes of

ownership of small land holdings or relocations within the campus. The objection site had been marketed privately, and there had been 4 interested parties. Scottish Enterprise could not afford it, one party did not make an offer, one party lodged a speculative offer which was rejected, and the other party were the objectors who offered the market value. Since then, the site had been available for lease for some 8-9 months, and no interest had been expressed. The indications were that there was no significant market demand for the accommodation. At best, the site contained a marginal building on the periphery of Kirkton Campus. It would be better if the site was allowed to form a discreet expansion of the town centre. No precedent would be set. It could be easily isolated from the rest of Kirkton Campus by having its own access.

2.1.9 Overall, WLLP should be altered to reflect the objection. While it was claimed that an allocation would not fit in with the way in which the town centre policies for Livingston had been framed, this could be overcome by producing a specific policy for this opportunity.

2.1.10 WLC indicated that the vitality and viability of town centres was the central requirement of national guidance. Livingston town centre was a successful town centre which provided a full range of retail choices. Its vitality and viability health check was positive. WLLP identified a number of sites for different types of development in the town centre. WLLP policy TC2 presumed in favour of a mix of uses (retail, leisure, offices, business, recreational and civic development, and high density and flatted housing) within the town centre boundary. Six sites were shown on the Proposals Map as suitable for town centre use. WLLP also recognised that intensification of existing retail use in the town centre should be encouraged. Some of the 12 potential sites set out at the inquiry as suitable for retail development in the town centre could be linked, e.g. sites 2 and 3, and sites 4 and 5. Others could be more suitable for particular forms of development, eg, site 8 which might best be used for residential or fast food use. Between them, the sites provided a range of type, size and location in the town centre, and they would become available over the WLLP period. Importantly, there were considerable opportunities for intensification of development, including the use of mezzanine floors.

2.1.11 The retail capacity study undertaken by the objectors and the capacity expenditure figures did not take account of the Almondvale Mall extension (Almondvale Phase 3), which it was estimated could have a comparison goods turnover of £11m of which up to 10% could be bulky goods. It also took no account of intensification of use or the 12 sites identified. The sites might not match the ideal profile for a bulky goods operator, but retailers were prepared and able to adapt. Sites 6 and 7 (along with the land to the east) could be suitable for such retailing. Almondvale West could provide further intensification opportunities. Sites 2 and 3, and 4 and 5, would provide substantial opportunities, and the former 2 sites would benefit from the redevelopment of Almondvale Boulevard and the development of the Civic Centre to the north. Sites 4 and 5 would benefit from the development of Almondvale Phase 3. Improved access for vehicles and pedestrian traffic would provide greater opportunities for sites 1-3 and 9-12. The gross area of the 12 sites was 160000sqm. While some sites might not be suitable, they might free up more

- appropriate ones. There was substantial car parking already available in the town centre, and such a location would reduce the need for additional spaces.
- 2.1.12 Livingston town centre had seen considerable sustained expansion. Since E&LSP's approval, there had been planning permission for floorspace that would generate over £100m of turnover. In the town centre, there was existing bulky goods floorspace of over 31000sqm with a turnover of over £53m. The town centre had the largest Homebase in Scotland and one of the largest B&Qs. MFI, Reid Furniture, Rosebys, Benson Beds and many others had a presence in the town. Debenhams, Marks and Spencers, BHS, Argos, and ASDA Walmart all sold some bulky goods. There was therefore a considerable choice of bulky goods operators in the town centre. No other retailer centre in Scotland offered this range within such a close geographical area.
- 2.1.13 E&LSP policy RET1 required consideration to be given to suitable opportunities within the expected catchment area, which was West Lothian. It provided that the first choice for development was recognised town centres. The objectors had carried out no analysis of potential sites within the town centres of West Lothian, and the extent to which they were suitable for bulky goods retailing. There were 3 sites identified in Bathgate, and Winchburgh had the potential to accommodate a range of retail development. E&LSP RET3 protected Edinburgh City Centre and the City of Edinburgh Council had had concerns in the past about the expansion of Livingston town centre. E&LSP policy RET4 supported the consolidation of Almondvale, not its expansion. The policy must also be seen in the context of the retail permissions now granted and the sites identified. WLLP fully complied with E&LSP policy RET5. The town centre had been assessed and development opportunities identified.
- 2.1.14 The objection site did not integrate well with the town centre, and was remote from the retail core. Alderstone Road provided a barrier to the town centre's extension. There was no direct physical link to the town centre, the visual link was also poor, and the site was lower than the roundabout. The predominant use to the north of the roundabout was office and business uses. There would be no recognisable town centre boundary in the area. WLC did not consider that there was a need for further expansion of the town centre boundary. The current road access to the site was unacceptable for retail development, and further work was required to establish whether an access from Charlesfield Road would be acceptable. The development of the objection site would be likely to result in more "at grade" crossings of Alderstone Road. If there was a need for expansion, it should be upwards rather than outwards, which would allow accessibility for all sectors of the community. Additionally, site searches would be carried out to establish the most desirable location for such expansion. To-date, 2 possibilities had been identified – one to the north of the town centre (linked to the Civic Centre) and the other to the south.
- 2.1.15 WLC indicated that it was contrary to their economic land strategy to release sites such as this one to other forms of use. The objectors were not interested in selling the site for employment land use but in maximising the financial return. The site was not extensively marketed. Scottish Enterprise remained interested, and another interested party had successfully developed the land to the north for

employment purposes. There was demand for employment land, including at Kirkton Campus, where there was developer interest in at least 4 sites. The objectors' interest in the site and the competing interests had also highlighted the demand. The site would eventually be let, possibly in the next 3 years. Similar sized buildings on Kirkton Campus were in active use. The building was not in the review of the economic land supply because it was in use until 2006. If it had been in the supply, to remove it, it would have been necessary to show that it was no longer suitable for industrial and business use. This had not been done by the objectors. The site was within an industrial area boundary, and WLLP policies EM5 and EM6 applied. Its allocation for retail uses would weaken the protection given to the industrial area. It would also encourage other owners of sites to hold out for retail use. An adjacent vacant site owned by the objectors, with a building that had been vandalised on it, would become edge of centre and would be threatened. Overall, there was no basis for changing WLLP.

2.1.16 In conclusion, the objectors seek an extension of the town centre boundary and the allocation of the site for bulky goods retailing. SPP8 sets out national guidance for town centres and the key uses, particularly retailing. It indicates that development plans should be consistent with its policy framework, and that they should be evidence based and set a framework for the development of more detailed town centre strategies. We believe that an evidence based approach goes beyond the health centre check and examples of vitality and viability indicators referred to in SPP8, and that it would include retail capacity studies, such as that undertaken by the objectors on bulky goods. Within that context, we note that WLC did not seek to challenge, to any great extent, the conclusions of the capacity study undertaken by the objectors or provide an alternative analysis. The objectors have calculated that bulky goods expenditure for West Lothian residents will expand by £56m by 2013. Taking this growth into account with planned commitments and current overtrading, the spare expenditure capacity is estimated at £23m by 2011 and £32.5m by 2013 (equivalent of 13000sqm and 18500sqm of floorspace respectively). Moreover, when consideration is given to the potential for the clawback of leaked expenditure, the figures increase to £52m by 2011 and £64.5m by 2013 (equivalent to 29500sqm of floorspace by 2011 and nearly 36500sqm by 2013). The Almondvale Mall extension (Almondvale Phase 3) was not built into the calculations. However, we do not believe that this has made a significant difference to the results. While such estimates have to be treated inevitably with some caution, we are satisfied that the indications are that there is likely to be sufficient bulky goods expenditure capacity to support substantial additional floorspace during the WLLP period. At a more general level, E&LSP also supports the view that additional retail floorspace (non-food) requires to be provided.

2.1.17 E&LSP policy RET5 sets out 6 requirements (a to f) for local plan implementation. When we consider the objection site against each of these, we find that c, e and f do not apply. In relation to requirements a and b, we note that Livingston town centre is a sub-regional centre, and that its main catchment area is West Lothian. As such, it is an appropriate centre to host a large scale bulky goods type development along the lines of that described by the objectors. We are not persuaded that the development opportunities described at Bathgate, which is a much smaller centre, and Winchburgh are to be preferred for such a

proposal or that they are realistic. At Bathgate, outline planning permission has already been granted for a mixed use development on one site (Whitburn Road). While this includes provision for retail, this element appears to be of a much smaller scale than that potentially envisaged for the objection site or warranted by the capacity assessment. It is also not clear that a bulky goods operation would be appropriate for the scheme proposed, including in design terms. There was nothing before us (including as a result of the site visit we made) to indicate that the other sites mentioned would be suitable, or a more desirable location for the type of operation planned. At Winchburgh, significant expansion of the village is proposed but WLLP, through policies TC10 and TC11, will limit any retail development, including that of bulky goods, to a scale commensurate with its increased population.

2.1.18 In Livingston town centre itself, a number of sites are included for development in WLLP and others were brought forward at the inquiry. A total of 12 have been identified and all are being promoted for town centre uses, e.g. retail, leisure, offices, business, recreational and flatted housing. The emphasis in WLLP appears to be on bringing forward sites for mixed use at an increased density. Although we consider that all 12 sites are capable of accommodating the type of development promoted in WLLP, none would be likely to be able to accommodate the bulky goods development proposed by the objectors. The reasons include location (remote from similar uses), site characteristics (e.g. slope, size and shape) other development proposals coming forward, rental levels (too high), and design issues. Given their space expansive nature, we are not persuaded that a more central multi-storey location would be a practical proposition for such a use. While mezzanine floors could be used, it does not appear to us that this makes the types of location referred to more suitable. Future opportunities identified by WLC, which may arise to the north and south of the town centre, we regard as no more than speculative. SPP8 indicates that developers should show flexibility. However, it also indicates planning authorities should be responsive to the needs of town centre uses, identifying sequentially suitable and viable sites with regard to size, location and availability. To offer no realistic alternative for the type of bulky goods operation proposed, other than the possibility of an unsuitable site in the town centre, would be likely to reduce the attractiveness of the town for this type of investment, and result in less choice and fewer benefits for consumers. There is no dispute that Livingston is a successful town centre, providing a good range of retail choices, and that its vitality and viability health check is positive and is likely to remain so. Nonetheless, we believe that the proposal would help reinforce and strengthen the town centre by overcoming a weakness and, as such, would contribute to the consolidation of its status as a sub-regional centre in line with E&LSP policy RET4. We do not consider that this type of proposal would have an undermining effect on the role of Edinburgh City Centre or be contrary to E&LSP policy RET3.

2.1.19 The objection site is on the periphery of Kirkton Campus. It is an edge of town centre site at the north western corner of Almondvale Roundabout. We are satisfied that there are no appropriate opportunities within the town centre. Although the site falls below the level of the roundabout, it is in a prominent location. It faces towards that part of the town centre containing Almondvale

South Retail Park and Morrisons Supermarket and, as such, is visually integrated with it. While Alderstone Road could have been considered a reasonable boundary, the town centre already breaches it by including 2 sites on its western side, one site being on the opposite side of Charlesfield Road. We accept that the existing vehicular access from Garbett Road would be entirely unsuited to the type of development proposed, and that any allocation would be dependent on achieving an appropriate vehicular access from Charlesfield Road (possibly in combination with the town centre site to the south). The site would be well sited for bus services, subject to the improvements proposed by the objectors. Other bulky good uses would be close by, and potentially easily accessible, thereby limiting the need for travel. Within the context that the town centre covers a large area, we are satisfied that the site is within an acceptable walking distance of the primary retail area, and that the pedestrian links could probably be made satisfactory. The site is largely separated from the industrial/business uses around about by tree belts, and this separation could be reinforced by the new vehicular access and an appropriate site layout. In all, we believe that the site is suitable for such a development, and that it would be appropriately integrated with similar types of development in the town centre.

2.1.20 Turning to the loss of employment land, we note that there is a substantial supply of employment land in West Lothian (see chapter 1.4). There is also more than a sufficient supply on Kirkton Campus. It was demonstrated at the inquiry that there has been recent interest in some sites on the campus; in some cases, the disposal of a site appears to have represented no more than a change in ownership and, in others, development could result. Even with a significant upturn in demand, we do not believe that the loss of the objection site would have any implications for the industrial land supply on the campus or for the supply of industrial/ business units, including the category into which the site falls. We believe that ample choice would remain. The site has only been made available on a restricted basis (a lease) and WLC highlighted an increasing demand for owner occupation of smaller sites. However, there is nothing to demonstrate that the site would be developed for industrial/business purposes on this basis should it remain covered by an employment designation, and there is also no indication of a shortfall in this more limited market. While it was suggested that the site could be leased within 3 years, this is by no means certain. When the objectors purchased the site, there was interest from other parties, but one (Scottish Enterprise) were unable to offer the market value and the other (a developer) submitted an offer subject to obtaining planning permission. We note that the objectors purchased the site at market value. We are not persuaded that a vague prospect of land banking and hope value is sufficient to prevent the inclusion of the site in the town centre. Any proposals that may be encouraged to come forward in the wider campus area as a result of the change, would have to be judged on their own merits taking into account the development plan position and other material considerations. Even if taken in combination with Klondyke Garden Centre to the north, we do not consider that the removal of the site would be likely to significantly detract from the predominant role of Kirkton Campus as an industrial and business area. In particular, we believe that the business uses to the north east of the site would remain well linked to the main part of the campus and that the activity of nearby industry and business would be largely unaffected. In all the circumstances, we are not satisfied that the release of the objection site

would have an undermining effect on the strategy of either SPP2 or E&LSP.

2.1.21 The objectors have demonstrated that this site has the potential to remedy a weakness and deficiency in the town centre allocations made in WLLP, and we believe that this carries weight. We also believe that it is appropriate to make provision for this type of proposal in the development plan. Otherwise, the result would be planning by appeal, and it seems to us that this would be a very uncertain way for WLC to proceed. It is disappointing that WLC do not appear to have a mechanism in place to monitor ongoing trends in retail expenditure and capacity in West Lothian, and the land required to accommodate that. We consider that such a mechanism should have been part of the plan making process. We note that the allocations in the town centre in WLLP include town centre uses, which incorporates retail amongst other uses. The objectors have only demonstrated the site could be suitable for bulky goods retailing. They have not demonstrated that it would be appropriate for other uses within this category, including other types of retailing and leisure. Indeed, we consider it likely that there would be other opportunities nearer to the primary retail area which could well be better suited to these types of development. While we therefore consider that the objection site should be included in the town centre, we believe that its use should be restricted to bulky goods. We note that SPP8 highlights this type of retailing as a particular category, and we see no reason why specific provision cannot be made for it in WLLP through the introduction of an appropriately worded policy which makes provision for the allocation of this site.

2.1.22 Drawing all these matters together, subject to the objectors demonstrating that suitable vehicular access arrangements can be achieved, we consider that the inclusion of the objection site in the Livingston town centre boundary and its identification as a retail opportunity for bulky goods would conform to E&SLP, and that this is supported by other material considerations.

2.2 **Klondyke Garden Centre, Meikle Road, Livingston**

2.2.1 The site is situated on Kirkton Campus to the south of Kirkton South Road, to the east of Meikle Road, and to the south of Macmillan Road. It is small, extending to just over 0.5ha, and is occupied by a garden centre. In 2004, WLC issued a Certificate of Lawfulness of Existing Use, which established the use of the site as class 1, retail. The objectors indicated that the garden centre had been in operation since 1985 and that a new site was now required. The current take up of industrial land in Livingston was slow, and there were a number of vacant sites nearby. As the site was in retail use, it should be excluded from the Kirkton Campus employment area. It was unlikely that the site would be developed for industrial and business purposes. The site could be developed for alternative purposes, such as housing, without compromising nearby industrial and business uses. WLC considered that Kirkton Road South formed an obvious boundary edge of the Kirkton Campus employment area, separating it from the residential area to the north. A planning application had been submitted for housing (30 flats) on the objection site in 2003 but had been withdrawn. They disputed that the take up of industrial land was slow. It had not been demonstrated that the site was no longer suitable for industry and business. Similar sites within employment areas had been successfully redeveloped. The Certificate of

Lawfulness of Existing Use did not mean that the site could be redeveloped for a major town centre type retail use or housing. Encouraging alternative uses on the objection site would create an unfortunate precedent.

2.2.2 In conclusion, we have already noted elsewhere in this report that there is a substantial supply of employment land in West Lothian (see chapter 1.4), and that there is more than a sufficient supply on Kirkton Campus. WLC wish any redevelopment of the site to be for business or industrial use. However, it appears that the site benefits from a Certificate of Lawfulness of Existing Use for class 1, retail, and this would be a material consideration in the determination of any planning application for the site's redevelopment whether it is in or outwith the campus boundary. As a retail use is a non-conforming use on Kirkton Campus, we believe that it would be better if the objection site was excluded from the campus employment area as shown in WLLP. We do not consider that WLC's view that Kirkton Road South represents a more appropriate boundary for the campus justifies retaining the site within its boundary. The alternative boundary appears reasonably well defined (roads and a tree line). Any proposals that may be encouraged to come forward as a result of such a boundary adjustment, either on site or in the wider campus, would have to be judged on their own merits taking into account the development plan position and other material considerations. Even if taken in combination with the site to the south (the Royal London site [see section 2.1]), we do not consider that the removal of the garden centre would be likely to significantly detract from the predominant role of Kirkton Campus as an industrial and business area. In particular, we believe that the business uses to the east of the site would remain well linked to the main part of the campus. Overall, a change is required to WLLP.

2.3 **Tesco Store, Blackburn Road, Bathgate**

2.3.1 The site lies in the eastern part of Bathgate, on the eastern side of Blackburn Road, close to the new housing development at Wester Inch. It is occupied by a Tesco Store which opened in 1996 and extends to around 6000sqm. The store is referred to in WLLP at paragraph 9.30. The objectors indicated that the Tesco store was the most important element of shopping provision in the eastern part of Bathgate. It was unfortunate that WLLP did not recognise it as a local centre. The store had recently increased in size, it met a wide range of the local community's shopping needs, and its importance would grow as the new community at Wester Inch became established. National and strategic guidance supported its identification and protection as a centre. The store should be properly identified on the Proposals Map as being designated and supported for retail purposes. An additional policy was also required in WLLP which sought to protect and enhance local shopping facilities (policy TC9a). WLC indicated that they had adequately acknowledged the importance of the superstore in WLLP. The local centres protected in WLLP provided facilities to a mainly local market. The superstore's role was more significant. WLLP sought to protect truly local centres. In conclusion, the objection relates to a superstore in an out of centre location in Bathgate. Given its scale and nature, we find that it is far more than a local shopping facility or centre as envisaged in E&LSP and its supporting statement. If such a store was to be recognised, protected and supported in the manner sought, it could attract investment of a considerable scale which would be

better directed to the town centre. The store does not comprise a centre under national guidance. We note that the importance of this convenience store is recognised in the reference made to it in WLLP at paragraph 9.30, and we believe that this is sufficient. We are not persuaded that an additional policy is required in WLLP to protect and enhance local shopping facilities. Policies to safeguard the interests of local centres are set out in WLLP (policies TC12 and TC13), and we consider them to be adequate. No change to WLLP is required.

2.4 **Protection of town centres**

2.4.1 E&LSP policy RET1 is concerned with the sequential approach to the location of retail and commercial leisure developments, and policy RET2 deals with other considerations to be satisfied under the sequential approach. WLLP policy TC1 outlines the sequential approach. Some objectors were concerned that WLLP did not give sufficient protection to town centres in West Lothian. They pointed out the significant emphasis placed on town centres in national guidance, and did not believe that WLLP properly reflected the terms of the guidance. Other objectors noted that there was no policy dealing with the effective implementation of the sequential approach. They believed WLLP should recognise that even if proposals were sequentially acceptable, they could be inappropriate in terms of their impact on other centres, give rise to unsustainable travel patterns, and address no quantitative or qualitative deficiency. These matters were covered in E&LSP policy RET2, and they should be included in a separate policy in WLLP. Additionally, E&LSP policy RET3 recognised the importance of Edinburgh City Centre as the main destination for comparison shopping. This should be reflected in WLLP by an adjustment, which indicated that any further retail or leisure expansion at Almondvale should not be of a scale and kind which would undermine the city centre.

2.4.2 WLC indicated that when WLLP was read together with E&LSP and national guidance, adequate protection was provided to town centres in West Lothian. They recognised the importance of E&LSP policy RET2 and national guidance, and their provisions were covered by a number of the retail policies in WLLP (policies TC3, TC7, TC9, TC10, TC12, and TC13). In particular, WLLP complied with the need to protect the vitality and viability of town centres. WLC did not believe it necessary to repeat policy RET2 in WLLP. Almondvale was a sub-regional centre in E&LSP, and no floorspace limits had been set. WLLP also recognised Almondvale as a sub-regional centre. Any impact proposals might have on Edinburgh City Centre (the regional centre) would be determined through a Retail Impact Analysis at the stage of a planning application.

2.4.3 In conclusion, E&LSP policy RET1 outlines the sequential approach and E&LSP policy RET2 details further considerations to be satisfied under the approach. The latter policy relates more to the potential impact of proposals, and it is concerned with the threat to the vitality and viability of town centres, development plan strategy, quantitative and qualitative deficiencies, and accessibility. We find on examining the retail policies in WLLP that they are more closely aligned with policy RET1. However, policy RET2 is reflected in part in their terms, most notably in policy TC1, where reference is made to quantitative and qualitative deficiencies and accessibility. We acknowledge that

E&LSP and WLLP can be read together, and that the policies from both comprise the development plan. Nonetheless, we believe that WLLP could provide clearer guidance by more explicitly reflecting the other elements of policy RET2, as WLC will have to address these when assessing proposals. We believe that this can best be achieved through an addition to the text of WLLP as outlined below, rather than being framed as an additional policy repeating elements of one in E&LSP. We consider that such a change would also result in WLLP better reflecting the terms of national guidance. As this change would mean that there is a reference in WLLP to the impact of proposals on other town centres and the development plan strategy in support of them, we consider it unnecessary to introduce a further policy requiring retail or leisure expansion at Almondvale not to be of a scale or nature that would undermine the role of Edinburgh City Centre. We note that at no point does WLLP envisage Almondvale as being more than a sub-regional centre, which is entirely consistent with E&LSP. In the circumstances, the only change required to WLLP is that referred to above.

2.5 **Various retailing matters**

2.5.1 The objectors sought: additional designations for retail expansion in town centres and at edge of centre locations; an alteration to WLLP policy TC1 so that Retail Impacts Assessments were not required for retail developments of less than 2500sqm; additional text in WLLP that accepted the qualities of food discount stores, e.g. Aldi; a published town centre health check for each of the main town centres in West Lothian; and a regularly updated list of available retail opportunity sites. WLC did not accept the objections. Opportunities for retail development had been identified in WLLP. Retail Impact Assessments could be required for smaller scale proposals. Food discount stores were indistinguishable from most other forms of retailing. WLC would be keeping under review the vitality and viability of town centres. Additionally, they were committed to preparing Actions Plans for all traditional town centres which would identify development opportunities, including gap and edge of centre sites. In conclusion, the objectors do not seek the allocation of any specific sites and, when this is taken together with their failure to justify further releases for retail development, we can see no basis for identifying any more opportunities in WLLP. We do not consider it appropriate to refer in WLLP policy TC1 to a threshold of 2500sqm for Retail Impact Assessments. While national guidance mentions this figure, it makes clear that such assessments may also be necessary for smaller proposals which may be considered to have an impact on vitality and viability. We do not believe that explicit reference requires to be made to food discount stores in WLLP because national planning guidance indicates that, in land use planning terms, they are indistinguishable from most other forms of retailing. While it is good practice to publish town centre health checks and regularly updated lists of available retail sites, we are not persuaded that this has to be explicitly recognised in WLLP. Overall, no change to WLLP is required.

2.6 **Other retailing and town centre matters**

2.6.1 The objectors raised a number of matters relating to the retailing chapter of WLLP. They sought the following:

- changes to WLLP paragraphs 9.22 and 9.24, which would indicate

WLC's support both for appropriate proposals coming forward to meet the expected growth and for improvements to Almondvale;

- the removal of WLLP paragraph 9.25 or adding into the text details of the action that WLC would take to work with others in improving Almondvale;
- a change to WLLP policy TC3 to indicate that it applied to all types of retailing;
- a change to WLLP paragraph 9.32 to include more details of the planning application referred to; and
- a change to WLLP policy TC7 to indicate that SPG should be provided for the redevelopment strategy proposed in Bathgate.

2.6.2 WLC explained that WLLP conformed to E&LSP and national guidance. They indicated that:

- WLLP already expressed support for both appropriate retail growth and for Almondvale (WLLP paragraphs 9.22 and 9.24, and policies TC2 and TC3);
- the level of detail sought in WLLP paragraph 9.32 was inappropriate;
- WLLP already indicated that SPG would be prepared for Bathgate in the form of a townscape scheme (paragraph 9.35), and a Bathgate Action Plan had been established in conjunction with the Bathgate Town Centre Management Group; and
- WLLP paragraph 9.25 merely meant that WLC were working with others to expand, improve and redevelop Almondvale, and that they would continue to do so.

2.6.3 In conclusion, we note that WLC have changed WLLP policy TC3 to satisfy the objection. When those paragraphs relating to Almondvale are read together, it is clear that WLLP is expressing support for appropriate retail growth at Almondvale, and that no further elaboration is required, including at paragraphs 9.22 and 9.24. WLLP paragraph 9.25 only seeks to highlight the partnership between WLC and the main operators of Almondvale. We note that WLLP already highlights opportunities for development in the town centre, and we believe that it is unnecessary for it to specify any further actions to be taken by the partnership. We agree with WLC that the additional information sought at paragraph 9.32 is too detailed for WLLP and should not be included. WLLP paragraph 9.35 refers to the preparation of SPG for Bathgate. While this would be in the form of a townscape scheme, it is intended to guide future development in the town centre. There is nothing in the evidence that suggests to us that further SPG is required, particularly when account is taken of the context provided for development by the Bathgate Action Plan. No further change is required to WLLP.

2.7 **Other points raised**

2.7.1 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. RECOMMENDATIONS

3.1 Accordingly, we recommend (*changes in italics*):

Extension to Livingston town centre boundary

(i) that the Royal London Mutual Insurance Society Ltd objection site be removed from the Kirkton Campus employment area and identified as a retail opportunity for bulky goods in Livingston town centre and covered by an appropriate policy, all subject to it being demonstrated that suitable vehicular access arrangements can be achieved to the site from Charlesfield Road.

Klondyke Garden Centre, Meikle Road, Livingston

(ii) that the boundary of the Kirkton Campus employment area, as shown in WLLP, be adjusted appropriately to exclude the Klondyke Garden Centre objection site.

Protection of town centres

(iii) that WLLP be modified by inserting an additional paragraph after paragraph 9.11 and policy TC1:

“9.11a Under the sequential approach, some additional considerations have to be satisfied. For developments in or on the edge of a town centre indicated on the Proposals Map, proposals must show that there is no significant threat to the vitality or viability of any other town centre identified by WLC, either individually or cumulatively with other developments, and that the development plan strategy in support of such a town centre is not jeopardised. For developments elsewhere, these considerations apply to any town centre or major shopping centre identified by WLC”.

Other matters

(iv) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

4.5 Minerals & contaminated land matters

Representation nos:

7424/1, 7442/2-8, 7504/1, 7519-23, 7527/2-3, 7528/2, 7530/1-2, 7531-34, 7536, 7538-39, 7541, 7543-45, 7547/3, 7549, 7552, 7625/1, 8362/1-2, 8515, 8521/1, 9875/3-4, 9875/6, 9877/1-2, 9877/4, 9877/6-10, 9877/12-13, 9913/1-6.

Objectors appearing at Inquiry:

Quarry Products Association (Scotland)
WBB Minerals Ltd
(+written submissions)

Inquiry references:

MIN1a: Chapter 11 General
MIN2a: Chapter 11 General
WS108: Chapter 11 General
WS107: Chapter 11 issues around Fauldhouse
WS145: Opencast search areas
WS146: Opencast search areas
WS167: Derelict/contaminated land/policy NWR22

1. BACKGROUND

1.1 Objections were lodged by 8 parties to minerals and associated matters. Each of these is dealt with below.

2. MINERALS AND CONTAMINATED LAND MATTERS

2.1 Chapter 11 General

2.1.1 By way of background we are aware that WLLP Chapter 11 has been subject to considerable ongoing changes made following extensive meetings between WLC and some of the objectors since WLLP was published in 2005 and to reflect new national policy in SPP4: 'Planning for Minerals'. In addition, some changes were proposed and agreed during the inquiry into these particular objections. WLC produced a consolidated version of WLLP Chapter 11 (CD350) in January 2007 to incorporate all the changes made up to the date of the inquiry. Following the inquiry, WLC produced another consolidated version of Chapter 11 dated 19 February 2007, with an accompanying matrix to clarify their understanding of the objections which remained outstanding. WBB Minerals Ltd and Quarry Products Association responded in their letters of 2nd and 7th March 2007 respectively. In these letters, both parties indicate their closing position regarding the status of their objections in relation to the updated text of Chapter 11. Consequently, this section of the chapter is primarily founded on these latest communications and SPP4.

2.1.2 The objectors' outstanding concerns regarding WLLP chapter 11 were as follows:

- Paragraph 11.26:- should be extended to reflect the general principles set out in NPPG4, in particular to include the aim of conserving minerals as far

as possible while ensuring an adequate supply to meet the needs of society.

- Paragraph 11.34:- the statement in this paragraph fell short in terms of the identification of reserves to achieve the requisite aggregate landbank (minimum of 10 years) identified in SPP4 and, in particular, the identification of areas of search and safeguarded areas which would allow WLC to meet the objective of an adequate and steady supply in relation to SPP4. Paragraphs 9, 10 and 11 of SPP4 were quite clear regarding the need for planning authorities to identify areas of search.
- Policy NWR2 and paragraph 11.45a:- it was not WLC's task to assess the importance of all minerals to the local and national economy. The level of minerals production was a consequence of customer demand in response to society's needs and was therefore a matter for the market. There should be an adequate and steady supply to respond to demand. The determination of the best means of meeting the needs of the market was not a planning issue. Planning decisions should be based on the planning merits of the particular proposals in the context of the policies and proposals of the development plan.
- Policy NWR5 and its associated preamble:- whilst initial concerns had been addressed, recent changes had made the preamble wordy and unwieldy. Sub-policy j had been added with identical wording to the pre-ambule paragraph. This contributed nothing in terms of the effects of development on communities. It had been introduced as a reason for refusal based upon community perception which would be difficult to assess in an Environmental Impact Assessment. This preamble paragraph and associated policy NWR5(j) should therefore be deleted.
- Paragraph (a) Proximity to communities:- the changes proposed by WLC partly addressed this objection but it should be for the Environmental Impact Assessment process to recognise the acceptable proximity to residential properties/communities. There was no justification to impose arbitrary buffer zones. Proximity to a community did not need to prevent development. Appropriate mitigation could ensure that minerals development could proceed at much closer distances to communities. This objection could be addressed if pre-inquiry change 138 was deleted.
- Paragraph (c) Landscape and visual impacts:- the reference to wind farms went beyond the scope of paragraph 19 of SPP4. Reference to cumulative effects was vague and phrases such as 'may well' were too vague. The paragraph failed to recognise the potential for screening and mitigation within the landscape. Policy NWR5 should reflect national guidance for protection of nationally designated areas of landscape, nature conservation and sites of archaeological significance. Each proposal should be assessed on its merits and concepts such as cumulative impact and community concerns should not form part of the policy.
- Paragraph (g) Rail and main corridors:- this was neither a landscape nor a transport policy. It had no basis in land use planning and appeared only to be concerned with the perceived effect of minerals from these specific routes. This conflicted with the objective of seeking to direct development towards the primary road network.
- Paragraph (h) A concentration of mineral workings.....environmental effects:- this paragraph should be deleted. It was for the Environmental Impact Assessment to determine whether or not there was a

disproportionate burden of negative impacts. The wording meant historical sites could be included in any cumulative impact argument.

- Paragraph (i) Wider economic development:- minerals development should be encouraged close to the strategic road network. It was inappropriate to suggest that minerals development would not be permitted in areas of inward investment. Prior extraction to avoid sterilisation should be supported to conform with national policy. Minerals operators should be regarded as inward investors. Agreement had been reached with WLC to delete the words “or on the potential to attract other new business development.” This was now point (i), but additional wording had been added after ‘business’ which created further confusion.
- Policy NWR6 and paragraph 11.49:- WLC’s presumption against was in conflict with SPP4 which stated that “SE supported a positive approach to minerals planning.”
- Policy NWR6a and paragraph 11.49a:- this objection related to the allocation/safeguarding of a site for silica sandstone at Levenseat near Fauldhouse. The inclusion of the plan included in Appendix 11.1 was welcomed and was more in accordance with the guidance offered in SPP4. However, the status of this area remained unclear. The wording on the plan did not make it clear that this was a safeguarded area for silica sand. This should be identified in the key with other (non mineral) safeguarding areas in the plan. The pre-amble to NWR6a should reflect the fact that the safeguarded area was formerly consented for the working of silica sandstone and as such was proven as a reserve.
- Policy NWR9 and paragraph 11.52:- it was inappropriate for mineral operators to “finance the appointment by WLC of a compliance officer.” The policy would require operators to pay through business rates, SG imposed monitoring fees and WLC imposed finance arrangements. WLC had adequate monitoring and enforcement powers under the Town and Country Planning Acts. Use of conditions satisfying the tests set out in Circular 4/1998 would provide adequate controls. The same issue had previously been addressed and dismissed by the Reporter in the report into objections to the Fife Minerals Subject Plan May 2003. It was unreasonable to expect the operator to meet the cost of monitoring. SG had already indicated its intention to introduce monitoring fees and it was more appropriate to await the implementation of that formal monitoring regime in SPP4. Paragraph 11.52 as read did not make sense and whilst it stated that the policy “might well be replaced”, policy NWR9 stated that “it will be replaced”.
- Policy NWR10:- this policy went beyond the requirements of and ought to be redrafted in line with national policy. Planning authorities had wide powers to impose and enforce the restoration and aftercare of sites through planning conditions. Bonds should not be required where an operator could demonstrate that their programme of restoration included arrangements for financing, phasing and aftercare of sites, which could include mutual guarantee funds.
- Policy NWR12 and paragraph 11.55:- this requirement could not be imposed and there was no obligation or compulsion for an operator to comply with this policy. WLC failed to recognise the Aggregates Levy which already applied and from which they had already benefited.

Voluntary contributions were also offered. Formalising such an activity was inappropriate as it could be construed as having to buy a planning permission. There was also concern over management of such a fund. The policy could not be enforced and should be deemed invalid. It and the preceding paragraph should be deleted or, if not, then reworded.

2.1.3 WLC maintained that:

- Paragraph 11.26:– the terms of chapter 11 required to be re-assessed in light of SPP4, which had been undertaken. SPP4 was a material consideration in the determination of any planning application and there was no need for duplication.
- Paragraph 11.34:– E&LSP policy ENV9 required authorities to review the adequacy of the supply of mineral resources including sand and gravel and hard rock towards the end of E&LSP period in 2015. That review would not be directly affected by the decision in relation to E&LSP 2008 Review.
- Policy NWR2 and paragraph 11.45a:– paragraph 11.45 was the supporting text to WLLP policy NWR1 and paragraph 11.45a was the supporting text to WLLP policy NWR2. WLC were entitled to have regard to the economic importance of the particular deposits in local and national terms when assessing a planning proposal. Accordingly, WLC were entitled to seek an independent assessment of the economic importance of the deposits in order to assist in their determination of the planning application. WLLP policy NWR2 and its supporting text set these matters out so that all parties could be aware that WLC might require such an assessment and would have regard to it.
- Policy NWR5 and its associated preamble:– the policy and text had been amended to address the objectors’ concerns.
- Paragraph (a) Proximity to communities:– WLC’s approach conformed to SPP4 in terms of buffer distances, SPP16 regarding opencast and PAN50 and its Annexes. Some other word changes had already been made to help address the objectors’ concerns.
- Paragraph (c) Landscape and visual impacts:– this paragraph addressed in greater detail the same points as policy NWR5c and these were consistent. WLC saw community protection from adverse environmental effects of mineral working as a legitimate planning objective and the PAN50 series as benchmarks of environmental disturbance. Cumulative impact was also a legitimate planning concern.
- Paragraph (g) Rail and main corridors:– WLC wished to ensure, as a policy objective, that sensitive receptors such as transport corridors were not adversely affected by visual intrusion from mineral working which could not be satisfactorily mitigated.
- Paragraph (h) A concentration of mineral workings.....environmental effects:– the reference to settlements in the heading of this preamble had now been deleted. With the exception of the 5 Sisters Bings (Scheduled Ancient Monument), other minerals sites contributed to cumulative impact. WLC were content with the paragraph which complied with SPP4.
- Paragraph (i) Wider economic development:– to address this objection, WLC had added at the start of the 5th sentence in this paragraph, “Mindful of the economic contribution that certain mineral working may bring.....”

- Policy NWR6 and paragraph 11.49:– WLC had to accord with E&LSP policy ENV9 regarding the requirement to review the adequacy of supply. The paragraph had been amended in the February version of the chapter. WLC’s approach on this issue complied with SPP4 and accorded with E&LSP.
- Policy NWR6a and paragraph 11.49a:– E&LSP policy ENV7 required that economically important reserves were safeguarded. The wording of policy NWR6a and paragraph 11.49a accorded with E&LSP policy ENV7 and its paragraph 7.12. This did not require areas to be shown on the Proposals Map. WLC had now identified the area on a plan attached as WLLP Appendix 11.1. SPP4 made no reference to outlining sites on Proposals Maps. The wording of the policy and supporting paragraph, however, now recognised the silica sandstone reserves at Levensat. This was consistent with SPP4 paragraph 50, which recognised the importance of silica deposits and contained the caveat that other planning considerations must be taken into account, which justified WLC’s position. WLC were also mindful of the cumulative impact of quarrying for silica sandstone and did not consider that it would be appropriate to designate this area on the Proposals Map. Any planning application would be assessed on its own merits.
- Policy NWR9 and paragraph 11.52:- WLC had sought to address this objection by adding at the end of the policy the text: “Any such scheme will be reviewed in the context of any requirement of SG on the monitoring and enforcement of minerals permissions.” Also, paragraph 11.52 recognised that certain industry schemes might offset the need, in part, for compliance monitoring. SPP4 paragraphs 26, 55 and 56 supported monitoring and enforcement through the planning system.
- Policy NWR10:– it was common practice for restoration bonds to be sought for mineral workings and was a matter addressed in SPP4. This policy facilitated industry based restoration agreements and had been updated further to accommodate this.
- Policy NWR12 and paragraph 11.55:- it was considered good practice that mineral operators provided for community based projects and trust funds that offset the effects of mineral extraction in the vicinity. This was recognised in SPP4 paragraph 53. The policy as worded placed no obligation on developers to partake in payment schemes. The emphasis was on community benefit projects and did not form part of the determination of a planning application. WLC would not seek unreasonable community benefits beyond the scope of this guidance.

2.1.4 In conclusion, we are bound to say that, like the objectors, we found the rate of changes made to WLLP chapter 11 to be confusing. The status of each version of the chapter was not clear, and it was difficult to fully follow and understand which objections had been satisfied and which were still outstanding. Notwithstanding, as referred to above, our conclusions are primarily founded on these latest communications and new national policy in SPP4.

- As regards paragraph 11.26, NPPG4 has been superseded by SPP4, which is acknowledged in WLLP paragraph 11.27. We confirm that SPP4 would be a material consideration in the determination of any planning application

for mineral extraction and we agree that it is not necessary to repeat the defined objectives of SPP4 in WLLP chapter 11. However, we note that paragraph 11.26 appears to sit in an inappropriate part of the chapter, under the sub-heading of “The rehabilitation of derelict and contaminated land”. We believe that this paragraph would be more appropriately located under the sub-heading “Introduction” as paragraph 11.4a.

- In respect of paragraph 11.34, we note that the 10 year supply requirement in SPP4 is for construction aggregates and applies to market areas. Also, SPP4 paragraph 10 clearly states that under the 2 tier planning system it is the structure plan that sets out the requirements for minerals and the need for safeguarding. SPP4 paragraph 12 states that proposals for the review of plans every 5 years may obviate the need for search areas, particularly where there are landbanks in excess of 10 years. E&LSP paragraph 7.12 does not specifically state that there is a 10 year supply for aggregates only that “the longer term position as regards the supply of aggregates is less clear.” However, E&LSP policy ENV9 indicates that a review of the adequacy of the land supply should be undertaken towards the end of the E&LSP period (2015). Given the requirement for WLLP to conform to E&LSP and the clear statement in SPP4 that the requirement for minerals should be identified through E&LSP, we consider that no further change to WLLP paragraph 11.34 is required. However, in terms of construction aggregates, we suggest that WLC should indicate the extent of the anticipated current supply in E&LSP area and in West Lothian.
- Concerning policy NWR2 and paragraph 11.45a, we believe that it is appropriate to consider and balance the current and future demand for the mineral deposit against environmental, economic and other considerations. A clear strategic approach established through E&LSP is advocated through SPP4, although we recognise that there may be instances where proposals should be assessed on an individual basis. The review of supply required by E&LSP policy ENV9 would provide an appropriate vehicle for this. SPP4 refers to market requirements but also states that new consents should not be permitted where they lead to landbanks significantly in excess of such requirements. E&LSP indicates that there are sufficient supplies of hard rock and aggregates for at least the early part of the E&LSP period. In this context, we consider it reasonable that WLC, in certain instances, may wish their decisions to be informed by a current assessment of the economic importance of that mineral. We believe that this would be particularly beneficial in establishing the significance of the potential sterilisation of a mineral by other forms of development. We therefore do not believe that any further modifications are required to WLLP.
- As regards policy NWR5 and its associated preamble paragraphs (a) and (j), it is still unclear to us whether it is WLC’s intention to retain 2 sections on communities or to merge paragraphs a) and j). Notwithstanding, we consider that it would be clearer to combine these 2 paragraphs regarding ‘communities’ in the preamble and also merge both its parts a) and j) in policy NWR5. We do not consider that the amended policy and its supporting text would lead to reasons for refusal based on community

perception alone. SPP4 paragraph 18 states that “planning authorities and operators, in consultation with local communities, should seek to agree a buffer distance that is reasonable, taking into account the specific circumstances of each proposal.” It would not negate the consideration of such issues through the Environmental Impact Assessment process and reference to SPP4, SPP16, PAN50 and its Annexes, which set out detailed advice on these issues. We consider that the references to buffer zones in paragraph (a) are consistent with SPP4 and propose no further change to that. We accept that proximity to a community need not prevent development and that appropriate mitigation can allow development to proceed closer to communities. However, we consider that the text and policy can be amended to adequately reflect this. Given that policy NWR5 should be read in the context of the supporting text and in order to avoid making its criterion too wordy or repeating the supporting text, we propose a revised and shortened wording.

- In respect of preamble paragraphs (c), they relate primarily to landscape and visual impacts but also place an emphasis on cumulative impact in the context of the landscape. SPP4 paragraphs 19 and 20 refer to cumulative impact in terms of a wider range of environmental impacts and do not specifically refer to windfarms. We are not persuaded a minerals development would necessarily be unacceptable in an area where windfarms have influenced the character of the landscape. Consequently, in this context, we consider that the third paragraph of this section, which relates to cumulative impact, should be deleted from preamble paragraphs (c) and inserted in preamble paragraph (h). Also, however, the reference to windfarms should be deleted from that paragraph. This would leave preamble paragraphs (c) to deal solely with landscape and visual impacts and leave the matter of cumulative impact to preamble paragraphs h), which we believe is more appropriate to consider cumulative impact in the round. The potential for mitigation is recognised elsewhere in the preamble text.
- Concerning preamble paragraph (g), E&LSP policy ENV8 is cross referenced to E&LSP policy ENV1, which requires an appropriate level of environmental assessment. Policy ENV8 also refers to the avoidance of significant impacts on local environments. In this context, we consider that it is legitimate to assess the landscape impact of minerals proposals in the context of main viewpoints and routes through West Lothian. Consequently, we believe that incorporation of this part of the preamble within preamble sub-heading (c), rather than as a separate sub-heading (g) would help clarify that this aspect would be part of a wider assessment of landscape and visual impact.
- As regards preamble paragraphs (h), whilst we accept that cumulative impact is difficult to assess, it is a valid planning issue and an important and integral part of any Environmental Impact Assessment or Strategic Environmental Assessment process. It is also specifically referred to in E&LSP policy ENV8 and in SPP4. Therefore, we consider it is legitimate for the policy and supporting text to refer to this. E&LSP refers to existing, consented and currently proposed mineral workings in terms of cumulative

impact and we consider that WLLP accords with this. However, as indicated regarding preamble sub-heading (c), we believe that the 3rd paragraph of that sub-heading should be inserted in preamble sub-heading (h) with the deletion of the reference to windfarms, which would still not preclude rigorous scrutiny in this context.

- In respect of preamble paragraph (i), E&LSP makes no particular reference to such economic development considerations in terms of minerals but makes reference to “clear local and community benefits”. However, SPP4 states that, through Strategic Environmental Assessment, development plans should aim to minimise any negative impact from minerals extraction on other economic sectors. Whilst WLLP was not subject to Strategic Environmental Assessment, this is still, in our view, a legitimate planning consideration. The additional wording in policy NWR5i “...and would conflict with the objectives and policies in chapter 5” is, in our view, an appropriate cross reference to the employment chapter of WLLP, where WLC set out their objectives and policies on other forms of economic development. We note that, at the same time, the current preamble text under paragraph (i) recognises the contribution of minerals to the economy of West Lothian. We therefore do not believe that any further modifications are required to WLLP.
- Concerning policy NWR6 and paragraph 11.49, it appears to us that the presumption against is based on the premise that E&LSP area has a landbank in excess of 10 years. However, E&LSP paragraph 7.12 does not explicitly state this, merely that “Indications are that there are sufficient supplies of hard rock at least for the early part of the plan period. The longer term position as regards the supply of aggregates is less clear.” Consequently, E&LSP does not indicate a presumption against mineral development in this context. SPP4 does support a positive approach to minerals planning but states that new consents should not be permitted where they lead to landbanks significantly in excess of market requirements. On the evidence before us, we are not persuaded that E&LSP demonstrates a landbank for construction minerals significantly in excess of market requirements. Therefore, we consider that there should be some flexibility in this policy, which seems to be at odds with other objectives and policies in this chapter, particularly paragraph 11.45a, policy NWR2 and policy NWR6a. Accordingly, we consider that the wording of the policy should be made clearer in this regard.
- As regards policy NWR6a and paragraph 11.49a, we note that planning consent has been granted for 320ha of land at Levenseat for mineral extraction and a further westward expansion of 12ha has also been approved. E&LSP does not differentiate the extraction of silica sandstone from other forms of mineral extraction. It does, however, require through its policy ENV7 that deposits of economically important mineral resources be safeguarded from development in local plans. SPP4 makes specific reference to silica sand in its paragraph 50, which supports the identification and safeguarding of areas suitable for the working of this resource. While it requires planning authorities to identify and safeguard

resources of silica sand in development plans, it does not specifically say that land should be allocated for this use or identified on the local plan proposals map. In this context, we consider that the inclusion of the map as Appendix 11-1 and the reference to this in policy NWR6a would conform to E&LSP and would be sufficient to achieve consistency with SPP4. However, the map included as Appendix 11-1 is labelled as “area of land understood to have silica (industrial) sandstone deposits” but in the 2nd paragraph of policy NWR6a, WLC undertake to ensure that the deposit is not prejudiced by other forms of built development. In this regard and for the avoidance of doubt, we believe that the wording on Appendix 11-1 should be amended to make this clear.

- In respect of policy NWR9 and paragraph 11.52, E&LSP does not specifically address the issue of monitoring in relation to minerals applications. As expressed through SPP4 paragraph 54, SMs attach great importance to the effective monitoring and, where necessary, enforcement of planning permissions which are normally subject to detailed conditions. We fully appreciate the resource burden that ensuring compliance with the full range of conditions and agreements placed on a minerals permission might involve. We also appreciate that it is important that local communities are assured that all the stated planning requirements are complied with. However, it appears to us that the role of the compliance assessor constitutes a professional service and function of WLC. We are concerned that WLC are merely seeking to pass on their own cost of delivering the service to developers. While SPP4 also states that conditions requiring environmental audits by operators may provide the basis of monitoring, we are not persuaded that it provides justification for seeking developer funding of a staff resource. In particular, we note the intention of SG to introduce a new statutory regime to recover the costs of monitoring and enforcing minerals permissions from operators. However, until this is introduced, we consider that it would be inappropriate for WLC to second guess or pre-empt such a regime. In the meantime, it could be that the role of any compliance assessor could become more focussed by requiring developers to give more detailed consideration to the process of environmental audits recommended by SPP4. Overall, we have significant doubts regarding WLLP’s approach to the proposed funding of this post. In all the circumstances, we believe that policy NWR9 and the supporting text at paragraph 11.52 should be deleted and replaced with a new paragraph.
- Concerning policy NWR10, E&LSP does not specifically address the issue of bonds in relation to minerals applications. However, SPP4 paragraph 41 deals specifically with and encourages the use of financial bonds to address operational, restoration and aftercare obligations. It advises that financial guarantees are an appropriate means of reassuring communities of operators’ commitment and ability to meet these obligations. This practice is echoed in PAN64, which describes 4 main types of financial guarantees. We also note that the policy facilitates industry based restoration agreements. Accordingly, therefore, we do not believe that any further modifications are required to WLLP.

- As regards policy NWR12 and paragraph 11.55, E&LSP does not directly address this issue. SPP4 paragraph 53 recognises that wider benefits to offset the impact on local communities may be proposed by the developer or suggested by WLC but should only be treated as material considerations if they meet the tests set out in Circular 12/1996. However, it goes on to state that attempts to secure general benefits for the wider community, should not form part of any assessment. Policy NWR12 does specifically state that WLC will encourage such agreements and that this will follow the issue of planning permission. However, we are not persuaded that this should be included as a policy, especially as it is very unlikely to apply to every case. Its policy status could be taken to imply that this is a requirement and, whilst we accept the wording of paragraph 11.55 makes it clear that it is not, we believe that the policy should be deleted and that this sentence should be incorporated at the end of the proceeding paragraph 11.55.

In all the circumstances, we believe that some changes are required to WLLP in respect of these objections. In addition, a typographical error we found in paragraph 11.30 ought to be corrected.

2.2 Chapter 11 issues around Fauldhouse

2.2.1 The objectors' concerns were as follows:

- WLC's contaminated land inspection strategy included sites in Broxburn and Pumpherston. As there was no mention in WLLP of Eastfield Landfill site at Fauldhouse, which was possibly the most contaminated site in the UK, or of the need to remediate the site, it should be included.
- A statement should be made of WLC's position about any extension of Levensat and no extension/deepening/additional tipping etc. should be allowed.
- Restoration of Muldron Landfill Site should be enforced, if not carried out willingly by the landowner.
- Chapter 11 should be amended to take account of the draft version of SE's new proposed policy on opencast coal SPP16. As this new policy draft would increase working distances, impact on cumulative working guidelines and offer more protection for communities etc, it was incumbent on WLC to take this into account.
- WLC should reassess the boundaries for search areas of all sites to ensure that they would fit within the new national policy context in terms of SPP16. The search areas identified did not comply with the new guidelines and should therefore be significantly reduced in size and in their proximity to any housing.
- In areas where deep mining, opencast mining or other activity had been carried out but restoration had not been completed satisfactorily (for example Breich), then enforcement action (not necessarily further development) should be pursued until completion was achieved.
- Section 11.3 explained the extensive history of mineral extraction in West Lothian and the problems of absence of satisfactory restoration. There was an old quarry on the north west boundary of Fauldhouse, which was filled in some years ago by WLC and now remained foul-smelling wasteland.

There was no mention of this area in WLLP.

2.2.2 WLC contended that:

- WLC were currently investigating the site at bullet point 1 to ascertain if any remediation was necessary and if a waste land notice was required to tidy up the site (this would be specified in the report of the investigation). If the site was designated as contaminated land, it would be placed on the public statutory register. Such action would be pursued outwith WLLP. WLLP only identified potentially contaminated sites where there was a development led remediation solution. The identification of such statutorily designated sites in WLLP was a proposal that WLC could consider for future editions.
- Policy NWR18 provided the framework for the determination of any application for further waste management development.
- WLC recognised the issue of the Muldron Landfill site in paragraph 11.15, where it was stated that WLC would ensure that it was satisfactorily restored.
- On bullet point 4 above, reference was made to the new guidance of SPP16 in paragraph 11.27.
- The broad areas of open cast search were set out in the amendment to the 1994 Structure Plan. Applications would also be assessed against policies in WLLP and against SPP16.
- WLC agreed with bullet point 6 above and this was confirmed at WLLP chapter 11, paragraph 11.10.
- In relation to bullet point 7, no change to the text was required. This site would be investigated to ascertain if a waste land notice was required to tidy up the site and if required, enforcement action might be pursued on site at the northwest boundary. This action would be pursued outwith WLLP. WLLP only identified potentially contaminated sites where there was a development led remediation solution.

2.2.3 In conclusion,

- As regards the Eastfield site and the old quarry on the north west side of Fauldhouse, we are satisfied that WLC have a duty under the Environmental Protection Act to identify contaminated land in their area and that they have the power to enforce remediation of such land. In that respect, we note that WLC are investigating the sites with a view to ascertaining if a waste land notice is required. We consider that WLLP paragraphs 11.22-11.25, paragraph 11.66 and policy NWR22 sufficiently set out WLC's position and approach to contaminated land without the need for every such site to be identified in WLLP. Identification is already required outwith WLLP under the legislation referred to above. We note that WLC confirm that they will consider the need for inclusion of this in WLLP maps in the future.
- In respect of the Levensat landfill site, we consider that WLLP paragraphs 11.56-11.66, and policies NWR13-NWR22 sufficiently set out WLC's position and approach to waste management without the need for every such site to be identified individually in WLLP. We are satisfied, in

this case, that sufficient safeguards exist in WLLP to satisfactorily consider any prospective proposal for extension of the site.

- As regards the now closed Muldron Landfill site, we note that in WLLP paragraph 11.15, WLC have committed to the satisfactory restoration of the site. We are of the opinion that WLLP can do nothing more.
- Concerning the issues of SPP16 and the boundaries of search areas, we are satisfied that WLC have had sufficient regard to this new national policy guidance and note that specific reference is made in WLLP paragraph 11.27 to SPP 16 as a material consideration and thereafter in the text on mineral extraction, in particular in the section on opencast coal and its policy NWR3. We are also satisfied that the areas of search are a specific requirement of E&LSP policy ENV10, which sets out the strategic context for opencast coal broad areas of search and which requires WLLP to define these areas in greater detail and set out the criteria against which proposals within these areas will be assessed. We consider that WLLP does this and has had regard to the requirements of SPP16, as explained in its paragraphs 11.35-11.44, and in particular in its paragraph 11.46 and policy NWR3. We are satisfied that WLLP provides sufficient safeguards for the environment within its minerals policies in accordance with E&LSP.
- in respect of the issue concerning where restoration had not been completed satisfactorily, we are content that WLLP confirms at chapter 11, paragraph 11.10 that WLC will pursue enforcement action of such sites, including the Burnfoot site near Brieich.

In all the circumstances, we do not believe that any change is required to WLLP in respect of these objections.

2.3 **Opencast search areas, in particular west West Lothian and south west of Blackridge**

- 2.3.1 The objectors were totally against any more opencast developments in the west of West Lothian and were concerned about the broad areas of search, in particular the area south west of Blackridge near Entry Foot. The large Polkemmet site nearby was enough opencast extraction for the area and was viewed as remediation and regeneration to enable the site to be developed. The opencast search areas set out in WLLP could bring back scarring of the landscape which WLC had been trying hard to remedy. SSP16 allowed for more recognition of how opencast coal would affect villages. WLC noted the comments and concerns expressed but considered that no change was required to the policy. The opencast coal broad areas of search were promoted by the then SE in the modification to E&LSP. Any planning application was required to be assessed in terms of E&LSP policies ENV1, 8 and 10, SPP16 and WLLP. In conclusion, we are satisfied that the broad areas of search are a specific requirement of E&LSP policy ENV10, which sets out the strategic context for opencast coal broad areas of search and which requires WLLP to define these areas in greater detail and set out the criteria against which proposals within these areas will be assessed. We consider that WLLP does this and has had regard to the requirements of SPP16, as explained in its

paragraphs 11.35-11.44, and in particular in its paragraph 11.46 and policy NWR3. We are satisfied that WLLP provides sufficient safeguards for the environment within its minerals policies in accordance with E&LSP. In all the circumstances, we do not believe that any change is required to WLLP in respect of these objections.

2.4 **Rehabilitation of derelict and contaminated land and policy NWR22**

2.4.1 The objector referred to the rehabilitation of derelict and contaminated land in WLLP paragraph 11.24 and asked when issues associated with contaminated land could be addressed and whether the answer was in WLLP policy NWR22. WLC advised that they would seek to ensure contaminated sites which posed a threat to human health or the environment were remediated effectively. They confirmed that where remediation was not brought forward as part of a development proposal, they would proactively seek to have sites remediated using their enforcement powers. WLC also confirmed that they had amended the wording of WLLP paragraph 11.24 and policy NWR22, which meant that the objection was not now applicable. In conclusion, we are satisfied that WLC have a duty under the Environmental Protection Act to identify contaminated land in their area and that they have the power to enforce remediation of such land. We consider that WLLP paragraphs 11.22-11.25, paragraph 11.66 and policy NWR22 sufficiently set out WLC's position and approach to contaminated land and address the basis of the objection. In these circumstances, we do not believe that any change is required to WLLP in respect of this objection.

2.5 **Overall Conclusions**

2.5.1 Drawing all these matters together, we find that in some objections certain alterations and additions be made to WLLP as detailed below, while in other objections no changes are required.

2.5.2 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. **RECOMMENDATIONS**

3.1 Accordingly, we recommend (*changes in italics*):

Chapter 11 General

(i) that paragraph 11.26 be deleted and its wording inserted under a new paragraph 11.4a;

(ii) that in the last sentence of paragraph 11.30, the word "*in*" be deleted;

(iii) that the extent of the anticipated current supply in E&LSP area and in West Lothian be indicated in WLLP paragraph 11.49;

(iv) that the preamble paragraphs to policy NWR5 be amended as follows:

in the sub-heading 'Proximity to communities' delete "& (j)"; under the new sub-heading "(a) Proximity to communities" at the end of the second paragraph add: "*WLC is unlikely to look favourably upon proposals where, having regard to SPP4, SPP16, PAN50 and its Annexes, the planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements.*"; and delete the sub-heading "(j) Communities" and its associated paragraph;

(v) that policy NWR5a be amended to read "*where an open cast coal site is proposed within 500m of a community; where there is conflict with any requirement of SPP4, SPP16, PAN 50 and its Annexes in relation to such sites or other mineral working sites; where there would be an unacceptable environmental impact on individual properties; and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;*"; and that policy NWR5j be deleted;

(vi) that under the sub-heading "(c) Landscape and visual impacts", the third paragraph, which begins "*Proposals which are located....*", be deleted;

(vii) that the text of the third paragraph under "(c) Landscape and visual impacts", which begins "*Proposals which are located....*", be inserted as the 2nd paragraph under sub-heading "(h) A concentration of mineral workings.....environmental effects" and the reference to "*or windfarms*" in line 3 of that paragraph be deleted;

(viii) that preamble sub-heading "(g) Rail and main road corridors" be deleted, that the associated paragraph be inserted as the 3rd paragraph under preamble sub-heading "(c) Landscape and visual impact" and that the other preamble sub-headings after "(g)" be re-referenced appropriately;

(ix) that policy NWRg be deleted, that its text be inserted at the end of policy NWR5c and that the policy references after "f" be adjusted accordingly;

(x) that policy NWR6 be re-worded as follows: "*New proposals for construction mineral extraction resulting in a landbank significantly in excess of market requirements and current supplies will not be supported. Pending conclusion of the review required by E&LSP policy ENV9, applications will only be considered in the context of policy NWR2 and subject to compliance with all other relevant WLLP policies.*";

(xi) that the text on Appendix 11-1, referred to in policy NWR6a, be amended and an additional word "*safeguarded*" added to the beginning of the notation on the plan as follows: "*safeguarded area of land understood to have silica (industrial) sandstone deposits*";

(xii) that policy NWR9 and the supporting text at paragraph 11.52 be deleted, and a new paragraph 11.52 be inserted between paragraph 11.51 and policy NWR8, as follows:

“11.52 When planning permission is granted for a mineral development, it is essential that the conditions imposed by WLC are met. In the absence of any statutory scheme by SG, WLC intend to give further consideration to the issues of monitoring the site, ensuring compliance with the terms of planning permission and any legal agreement, and investigating complaints. In connection with this, WLC wish to explore ways in which developers can assist in these processes, but only where they can be directly attributed to their proposal. While it is acknowledged that it would be inappropriate to request contributions to the funding of a WLC staff resource through planning agreements, WLC may need to explore the potential for contributions to be made under more general powers. WLC also wish to consider, along with developers, other more innovative ways in which this service could be delivered, including environmental audits as promoted in SPP4, alternative monitoring methodology, membership of a recognised trade or industry organisation, and a recognised environmental management scheme, including ISO14001 accreditation. WLC intend to consult developers before preparing new guidance. WLC will explore all other sources of potential funds to assist in providing the service.”; and

(xiii) that policy NWR12 be deleted and the wording of that policy be added to the end of paragraph 11.55 as its final sentence.

Other matters

(xiv) that no other modifications be made to WLLP in relation to the above objections.

4.6 Miscellaneous matters

Representation nos:

7152/1, 7152/3-4, 7182/9, 7243/1-2, 7243/4, 7302/1-5,
7305, 7308/1, 7310/1, 7372/1-2, 7423/3-4, 7442/5,
7473/1, 7564/9, 7582/5, 7586/1, 7599/1, 7605/1,
7611/1, 7716/1, 7173/1-13, 8363/2, 8480/1, 8485-87,
8489/1.

Objectors appearing at Inquiry:

Hopetoun Estates
Linlithgow Central Tenants' & Residents' Assoc.
Murieston Community Council
(+written submissions)

Inquiry references:

BUILT1: Proposed Conservation Area
HOU18a: Gypsy Travellers policy and sites
HOU18b: Policy HOU6
IMP1: Private Water Systems
IMP3: Policy IMP13
WS72: Core paths, etc
P&CR: Core paths, etc
WS107: Windfarms
STRAT3a: Infrastructure Capacity for Development
WS34: Newton Settlement Boundary
STRAT4: Linlithgow
COM1e: Linlithgow
COM1f: Linlithgow
RET1b: Linlithgow

1. BACKGROUND

- 1.1 Objections were lodged by 18 parties to a number of miscellaneous matters. Each of these is dealt with below.

2. MISCELLANEOUS MATTERS

2.1 Proposed Conservation Area at Hopetoun and Abercorn

- 2.1.1 The objector's concerns were that having operated and maintained the estate for a few hundred years it was now being faced with another layer of control from WLC. There was no sound planning reason why a blanket conservation area coverage of the designed landscape and listed buildings needed to be imposed. It would appear that this would lead to an Article 4 Direction to restrict any permitted development rights. The additional control would be imposed on a functioning business ie Hopetoun Estate, and there were sufficient powers available to the Planning Authority to control those aspects that required control. It was important that the normal management and running of a large estate that includes significant stands of trees is not prejudiced by conservation area status. WLC should confirm that this designation and policy would not preclude the normal forestry operations.

- 2.1.2 Given the reference to 'under threat' in WLLP policy HER22, the intention expressed to designate a conservation area in WLLP policy HER17 pre-supposed that these elements were under threat, which they were not. The specification of

the area to be incorporated into the proposed conservation area was undefined in WLLP either in graphic form or in clear description in the text. All the elements regarding development pressure or the threats mentioned in WLC's submissions had either been given planning permission or could be controlled under WLC's current powers. The Hopetoun Estate and the various listed buildings fell within: AGLV; a designed landscape designation; an area of special control around Abercorn; numerous ancient monuments and listed buildings within the setting of Hopetoun House and the designed landscape; an area of special agricultural importance; the Forth Site of Special Scientific Interest and Special Protection Area; and the whole area was within the countryside and its terms of control. These designations, SNH, Historic Scotland and others provided backup to WLC in relation to any development application affecting the setting of a listed building or a designated landscape.

2.1.3 It was not accepted that there were sound planning reasons for imposing a conservation area as proposed and worded in WLLP policy HER17 and then justifying the boundaries as a later process. The terms of PAN71 advocated that the boundaries of conservation areas should first be subject of consultation through the local plan process. WLLP was deficient in that regard. It was unclear whether any proposed conservation area would be limited to the area around Hopetoun House or whether it would involve the Designated Landscape per the inventory. The views of stakeholders could not be properly advanced in that regard to allow the matter to be properly considered. If WLC had held early discussions with the objector on proposals for the conservation area boundary and then put the boundary forward in WLLP, any objections could have been formulated on the basis of a known aspect and, if unresolved, considered at the inquiry. No preliminary appraisal had been undertaken by WLC in advance of the proposed conservation area in WLLP. In that regard, WLC had failed to accord with recommendations in NPPG1 and NPPG18. The WLLP pre-inquiry modification no 18 should be removed. WLC should undertake the appraisal studies and consultations, consult the land owners, take their aims and objectives into account and thereafter establish the most suitable boundaries.

2.1.4 WLC submitted that WLLP proposed the designation of the conservation area in principle, with the precise boundary being subject to a detailed character appraisal of the area, and consultation with all relevant stakeholders. The designed landscape designation carried no controls over this highly sensitive landscape and therefore the additional designation of a conservation area was worthy of consideration. This was recognised by SMs in their consultation document on "Gardens and Designed Landscapes" which raised the issue of the need for greater protection than at present. The conservation area recognised an area of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance, and it was therefore appropriate here. The proposed conservation area boundary had not been determined and would be the subject of discussion and consultation. There was evidence of sundry minor development affecting the character of the area, such as the suburbanisation of Abercorn, which would render further controls appropriate. These were activities which were potential risks and outwith the control of the Estate. WLC were not aware of any Conservation or Landscape Management Plan for Hopetoun which would give reassurance that additional controls were not required. There was no

reason why designation as a conservation area should not be compatible with estate business and forestry activities. There was no proposal for an Article 4 Direction but this option would be considered if found necessary.

2.1.5 The objector offered no evidence that the area was not of special architectural or historic interest and that preservation or enhancement of its character would not be appropriate. There was ample evidence that Hopetoun had an architectural and historic quality which was exceptional. WLLP policy HER17 used the word ‘vulnerability’ but not the term ‘under threat’. The area did not have to be ‘under threat’ to be sensitive. WLC had a duty under section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to determine which parts of its area were of special architectural or historic interest, that character or appearance of which it was desirable to preserve or enhance and to designate such areas as conservation areas. This duty was reflected in PAN71 which also stated that the local plan process was an appropriate vehicle for consulting on proposed conservation area designations.

2.1.6 In conclusion, we acknowledge that the area is of national significance as recognised in the Inventory of Gardens and Designed Landscapes, which includes category A listed buildings and various ancient monuments. We also recognise that WLC have a duty under section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to establish which parts of its area were of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance, and to designate such areas as conservation areas. However, we consider that much of the evidence presented to us by parties argued why the area should or should not be included within a conservation area, whereas the objection before us seeks the removal of the final sentence of WLLP policy HER17 (pre-inquiry change 18). Many of the arguments we heard were more relevant to the conservation area designation process. We are conscious that NPPG18 and PAN71 both promote the designation of conservation area boundaries first via public consultation through the local plan process. We consider that definition of the proposed boundaries and such consultation on these can only be achieved after full appraisal has been undertaken, including consultation with the relevant statutory bodies, whereby the views of stakeholders can first be taken into account. We are concerned that WLC in this case have carried out none of that process, especially the definition of potential boundaries.

2.1.7 Consequently, in the absence of such appraisal and the definition of proposed conservation area boundaries, we find that no meaningful dialogue has been able to be entered into during the WLLP process. We consider that WLC’s approach in this case is somewhat pre-emptive and accords with neither the letter nor the spirit of national policy and advice in respect of promoting conservation areas through WLLP. While we find nothing untoward in WLC’s desire to flag up an intention to investigate the relevance and justification for designation of a conservation area in the vicinity, we are convinced that such notification should not form part of a policy in WLLP related to built or archaeological heritage, particularly in advance of such appraisal. We are of the view that such intimation should be within the text of WLLP and it should be couched in such terms which make clear that the process is intended to establish whether or why a conservation area is justified and where its boundaries should be established. In all these circumstances, we believe that a

change is required to WLLP in respect of these objections. The changes are set out below.

2.2 **Linlithgow**

- 2.2.1 The objectors raised numerous concerns which related to the ‘policy of restraint’ and town centre issues, much of which was embodied in Linlithgow Civic Trust’s submission ‘Alternative Community Plan - Vision for Linlithgow’. The main points raised and expanded in that document related to: traffic congestion and excessive through traffic in the High Street; a shopping area suffering from inadequate car parking, problems with traditional on-pavement parking and lack of rear service facilities; the effects of demand for commuter parking near the railway station and the inadequacy of parking provision generally; shopping and the potential for the town to act as a specialist retail centre; lack of townscape and heritage improvement, as compared with similar other historical towns; lack of recognition of tourist potential; a shortfall in schools’ capacity; no new mainstream social rented housing built since 1975 and a lack of affordable private housing; and inadequate community, cultural, recreational, youth and health facilities for the size of town. The ‘policy of restraint’ had been a failure as a significant number of houses continued to be built with no benefit to the town. Schools capacity rather than sound environmental reasons was the determining factor as to whether or not development would take place. New development was not favoured, unless it was linked to comprehensive town improvements. However, any development outwith the town boundaries would be strongly opposed. In the alternative proposals the bulk of the new private housing would be to the east and south east of the town. Other particular issues raised by objectors related to: the need for a policy in WLLP which empowered WLC to prohibit further house building within settlement envelopes where there were problems of infrastructure; a reduction in the size of the new retail park at Linlithgow Bridge; the acquisition and use of the Victoria Hall for youth and community facilities; the need for a skateboard park; and the need for meeting facilities for interest groups.
- 2.2.2 WLC argued that the objections were contrary to the policy of restraint identified in the Linlithgow Area Local Plan and confirmed in E&LSP, or that they dealt with matters broadly supported by the policy context of WLLP but were at a level of detail inappropriate for inclusion in it. Improvements to the town through a development led approach were contrary to the development strategy of E&LSP and the objections contained proposals outwith the control of WLC. The policy of restraint allowed for appropriate development within the settlement boundary but any such development would be assessed against its impact on local infrastructure and services constraints. It was designed to match levels of growth with available infrastructure capacity. There was no reason why development of a significant scale should be inevitable as was suggested. The approach being adopted in Linlithgow accorded with that promoted within PAN59. Consultants had been appointed to carry out a health check as a basis for preparation of an Action Plan, which WLC were committed to and would be prepared within the land use framework of WLLP. WLC had followed the advice in PAN49 and SPP1 regarding levels of detail included in WLLP and the matters of detail suggested by the objectors would be more appropriately addressed through the Action Plan and transportation studies committed to by WLLP and which were underway.

- 2.2.3 In terms of particular issues raised by the objectors, WLC recognised that secondary education provision operated at capacity within the town but additional secondary school capacity planned to accommodate the level of growth facilitated by WLLP might, over time, reduce demand at Linlithgow Academy through catchment reviews. However, the scale and timing of any such reviews could not be guaranteed at this time. WLC supported the promotion of shopping and the potential for the town to act as a specialist retail centre but this was a level of detail inappropriate for WLLP and which could not be delivered by the planning system. Sufficient support for retail facilities in the town existed under WLLP policy TC12, which would similarly support a replacement health centre on an appropriate site in the town centre. As the Trust had not identified a specific need or site, it would be inappropriate for WLLP to attempt to reserve a particular site. WLC recognised in the Local Transport Strategy and the SESTRAN Linlithgow Corridor Report that traffic management and parking were issues in the town. WLLP policy TRAN35 identified that a parking management scheme would be developed for the town and a pre-inquiry change to paragraph 8.80 confirmed that consultations would take place as proposals were developed. The outcomes would be implemented in the context of the policies in WLLP, in particular its policy TRAN1. While WLC supported provision of community, youth and cultural facilities in the town, including the identification of a site for a skateboard park and community use of the Victoria Halls, the role of WLLP was to enable such facilities, rather than to identify a particular need. Identification of opportunities was of a level of detail more appropriately found in an Action Plan.
- 2.2.4 In conclusion, we note that WLLP paragraphs 1.6 and 1.11 explain its function in fulfilling the requirements of E&LSP. We are satisfied that E&LSP makes clear in paragraph 2.50 that Linlithgow is within its defined areas of restraint and that WLC have addressed that particular strategic issue under WLLP policy HOU3 and explains the background to it and its approach in paragraphs 6.30 to 6.32. We consider WLC's approach to and explanation of their interpretation of this part of E&LSP strategy to be satisfactory. We also note that in WLLP paragraph 2.25, under Development Partnerships, WLC specifically identify generation of ideas and promotion of public participation, and in its paragraph 9.40 they state their intention to roll out Action Plans for the main town centres. As a result, we are satisfied that WLC have had regard to national policy and advice in SPP1 and PAN49 and PAN59 regarding the need to prepare an Action Plan for the town and in particular its town centre. We are also satisfied that specific enabling provision is made by WLLP in terms of its policies, in particular TC12, TRAN1 and TRAN 35.
- 2.2.5 Consequently, we consider that the matters of detail raised by the objectors in this case are most appropriately addressed through the Action Plan rather than specifically in WLLP. In particular, we are convinced that the Civic Trusts 'Vision for Linlithgow' forms a very comprehensive input for WLC in their preparation of the Action Plan, which forms a vehicle to continue the dialogue which WLC seek. However, to ensure that there is no doubt and to give some comfort to the objectors, we consider that specific reference should be made in the text in WLLP paragraph 9.42 of the intent to prepare an Action Plan for the town centre to include issues of retailing, traffic congestion/parking and community needs, inclusive of full community consultation. Also, to avoid confusion, we consider

that the term ‘constraint’ in WLLP paragraphs 6.30 and 6.30a should be replaced by the term ‘restraint’ to accord with E&LSP. In all these circumstances, we believe that a change is required to WLLP in respect of these objections. The changes are set out below.

2.3 **Gypsy Travellers - Policy and Sites**

2.3.1 The objector claimed that WLLP failed to make adequate provision for the development of permanent private and/or transit sites and pitches to meet the needs of gypsy travellers. WLLP should make explicit provision in terms of text, policies and land allocations to meet the assessed needs of gypsy travellers. It should also articulate the specific criteria against which any proposals or planning applications for private permanent or transit sites for gypsy travellers would be assessed and determined, in accordance with the terms of SPP3, in particular paragraph 26, and other related national policies and recommendations. It was insufficient for WLC to apply any policies or criteria concerned with other developments in the countryside. This was a very particular special housing need issue relating to a unique ethnic minority. It was understood that West Lothian had no permanent base private sites, no WLC managed, purpose built transit or stopover sites and only one WLC owned/managed permanent site on the western fringe of Bathgate. The lack of tenants and availability of pitches at WLC’s own site at Sibbald’s Brae should not be taken as any evidence of lack of interest by gypsy travellers to reside or stopover in West Lothian and it was not justification for WLC not providing further public sites. SPP3 paragraph 26 did not require evidence of need for the provision of specific criteria for the assessment and determination of such proposals. The reason gypsy travellers did not make use of Sibbald’s Brae for long or short terms stays was apparently because of incompatibility between those already on site and those wanting to pitch in West Lothian. WLC recently refused planning permission for a private gypsy traveller pitch at Whitrigg despite a recommendation to the contrary and in the knowledge that the WLC’s site was not suitable or secure for a number of families who wished to base themselves in West Lothian. This demonstrated the pitfalls of the current policy vacuum. This one family’s application was evidence of need and WLC required to establish the criteria against which any private pitch proposal would be assessed and determined. Fife Council and the City of Edinburgh Council had published policy and specific criteria for consideration and assessment of proposal for sites for gypsy travellers. WLC’s review which was referred to was limited in the extreme and far from complete.

2.3.2 WLC had provided a public site for gypsy travellers at Sibbalds Brae, Hardhill Road, Bathgate, which had 21 permanent pitches with service compounds and grazing land, since the early 1990s. WLC were committed to review the provisions for gypsy travellers in West Lothian within the context of the West Lothian Local Housing Strategy on a regular basis. A review was undertaken in 2005 based on a consultation exercise in 2004 that looked at service provision and access to services. Should a need be established then WLC would prepare SPG. However, at present the need for gypsy travellers’ sites had not been demonstrated. Responsibility by local authorities for services to the gypsy travellers’ community included housing, environmental health, education and planning. While public gypsy travellers’ sites were provided through the housing service, private sites

could be identified through policy in the development plan and dealt with through the normal planning process. No private sites were identified in WLLP in accord with SPP3 and no need for additional provision was identified in WLC's Housing Strategy. It would be premature to prepare further guidance on this matter but WLC's position would be reviewed and this may require the development of an additional policy. Any application for planning permission for a proposed private gypsy travellers' site would be dealt with through the normal development control process using the adopted and proposed policy framework of the development plan.

- 2.3.3 In conclusion, we note that no mention is made in E&LSP on the provision of gypsy travellers' sites, however, we also note that national policy guidance in SPP3 makes specific reference to the role of planning authorities through development plans. In this regard we are satisfied that WLC have carried out a review in the context of its Local Housing Strategy, albeit one that was carried out in 2004. In the absence of other evidence of demand we can only conclude that no specified need exists for additional sites and therefore no requirement exists to identify such sites in WLLP. Notwithstanding, while the requirement to identify suitable locations for gypsy travellers' sites through development plans in SPP3 refers to "where need is demonstrated", we are satisfied that no such caveat relates to the planning authority's role of setting out policies for dealing with applications for small privately owned sites. We consider that national policy and its other documented guidance on gypsy travellers recognises the special needs of this community group and the requirement for authorities to have regard to these special needs. On that basis, while a need to identify additional public sites in WLLP may not have been demonstrated, we are convinced that WLC require to give guidance in WLLP as to the criteria and policy approach which they would utilise to assess proposals for private gypsy traveller sites in West Lothian. We do not consider that the claim that WLC have received only one recent proposal for a private site is sufficient reason not to include such criteria in WLLP, particularly as such policy guidance is promoted by SSP3 and adhered to by other authorities. In all these circumstances, we believe that a change is required to WLLP in respect of this objection. The changes are set out below.

2.4 **Energy Efficiency**

- 2.4.1 The objector maintained that WLLP policy HOU6 should be more robust and should require developers to provide for higher energy efficiency in design and specification, not only for the criteria described but also in terms of much higher standards of insulation. An amendment to WLLP requiring energy efficiency in new build and conversions could greatly assist as regards the 2 criteria of regulation and finding ways to persuade business to take the issue of climate change seriously, as referred to in the Government's chief economist's report in 2006. WLC had a general policy of corporate social responsibility and in that context every effort should be made to minimise carbon emissions and increase sustainability. WLC advised that WLLP paragraph 2.25 set out WLLP's strategy, one of the objectives of which was to conform to the principles of sustainability by encouraging energy efficient forms of development. This was achieved through WLLP policies HOU6 and HOU7 and through paragraph 7.49 regarding design principles which covered the CDAs. WLC's 'Residential Development Guide 2002' operated as SPG and gave detailed advice to applicants about measures to be

considered in order to achieve greater energy efficiency in building design and site layout. WLC fully supported the principle of improving energy efficiency in building design, however, WLLP was not the appropriate tool given that requirements for energy efficiency were controlled under the Building Standards legislation. Specific requirements with regards to density could be established in a development brief for specific sites.

2.4.2 In conclusion, we note that reference is made by parties to WLLP policies HOU6 and HOU7 and in particular, we also note that WLLP policy HOU7 contains reference to WLC's Residential Development Guide 2002, which provides more detailed advice on sustainability and energy efficiency. In addition, we note that SPP6 has been published since this particular session of the WLLP inquiry took place. As regards the issue of higher standards of insulation, as raised by the objector, we are satisfied that this matter is one primarily for the Building Standards legislation, but nonetheless, it is an issue for WLC as a whole to pursue through their application of that legislation. We are also satisfied that WLC have had regard to the principles of sustainability and energy efficiency as reflected in WLLP policies HOU6 and HOU7, the latter of which is also supplemented through its 'Residential Development Guide 2002'. We consider that WLLP cannot do much more in terms of its strategy and approach to the principles of sustainability and energy efficiency, although the appropriate action is required in the implementation of these policies and their link with the requirements of the Building Standards legislation. Notwithstanding, as regards the publication of SPP6, we recall that at the inquiry session WLC undertook to take its contents forward either through WLLP amendments or other action. We consider that some reference should be included in WLLP's preceding text or in policy HOU7 itself, as regards the relevant matters arising out of SPP6 or at least reference to that national policy. In all these circumstances, we believe that a change is required to WLLP in respect of this objection. The changes are set out below.

2.5 **Private Water Systems**

2.5.1 WLLP policy IMP5 indicates that private waste water systems will not normally be permitted within areas served by a public waste water collection system. The objectors believed that it was unreasonably restrictive to remove the possibility of connecting a development to private waste water systems. It was not being suggested that private works should be used in preference to connection to the public network, rather that the possibility should exist for private systems to allow for development to start, subject to a condition that a connection be made to the public network at the earliest opportunity. WLC indicated that the policy did not rule out the possibility of private waste water systems being used. Such proposals would be assessed on their merits. However, private systems did pose a number of challenges, eg maintenance. The policy in WLLP reflected national advice. In conclusion, while national advice recognises that there may be advantages in using private waste water systems in some rural areas, it is cautious about their use in general because of potential problems with fragmented systems and inadequate maintenance. We believe that WLLP policy IMP5 properly reflects that concern, and that it does not require to be adjusted to specify the circumstances in which private systems would be supported. However, we acknowledge that national advice specifically recognises the possibility that a private system could be used to

overcome a constraint until such time as the necessary strategic investment has been made. We believe that this possibility should also be recognised in WLLP, and that the supporting text to the policy should be adjusted. A change is required to WLLP which is set out below.

2.6 Policy IMP 13 Radio Telecommunications

2.6.1 The objector stated that WLLP paragraph 12.61 and policy IMP13 on radio telecommunications should be made more robust. It was not sufficient to assert that WLC wished to be satisfied that opportunities for mast sharing had been fully examined. It should be clear that applicants must demonstrate that a single application represented the best environmental solution in terms of NPPG19 paragraph 44. WLC's proposals for CDAs were an opportunity to plan in advance in terms of streetscape and public feeling of well being for sensitive location of telecommunication masts. New CDAs allowed developers in pre-planning process to identify a sensitive location for mast sharing, in accordance with the good practice set out in NPPG19. Generally, it was cheaper for individual operators to install their own system in a street thereby meeting a one-off capital cost as opposed to renting space on a competitor's mast. WLC advised that WLLP set out national and other relevant guidance. WLLP policy IMP13 and SPG (Policy Guidance for the Determination of Radio Telecommunications Planning Applications) had taken into account NPPG19 and the related PAN62, in terms of ensuring that applicants demonstrated that a stand alone mast represented the best environmental solution and that opportunities for mast sharing had been fully examined. WLLP policy IMP13 provided sufficient controls to address the objector's concerns and took cognisance of E&LSP policies ENV1g and ENV3 to promote high quality design and safeguard development in the countryside. A balance had to be struck in WLLP policy IMP13 and its supplementary guidance between having a preference for site sharing and not being able to insist on this, given the scope of the guidance in NPPG19 and PAN62.

2.6.2 In conclusion, while we recognise the expressed community concerns regarding the siting of telecommunications masts, we consider that the lead on this matter is given by national policy and advice in NPPG19 and PAN62 respectively. In this respect, we are satisfied that WLC have had particular regard to the controls promoted by these documents and they have included them in some detail in both WLLP, through policy IMP13 and its related text, and SPG. NPPG19 paragraph 44 itself recognises that there will be constraints on mast sharing, including that the consequence of such an arrangement may result in the requirement for a much higher mast. Consequently, in that regard, we consider that it would not be appropriate to always require mast sharing as a policy, which in any event would run counter to national policy. We are satisfied that mast sharing is only one of many important considerations when assessing proposals for the siting of telecommunications masts. We are aware that the national licensing regime for telecommunication masts also requires a demonstration that mast sharing has been investigated and why, if relevant, it is not being pursued. We are content that the existing terms of WLLP policy IMP13, its text at paragraph 12.61 and WLC's SPG still provides the level of control which national policy promotes and which the objector seeks.

2.6.3 As regards the opportunity to plan in advance in terms of streetscape in CDAs, we consider that this is too detailed a matter to be included in WLLP and it is more appropriate for the detailed masterplanning stage of CDA developments. WLC should have regard to this when taking forward the CDA masterplans. In all the circumstances, we do not believe that WLLP policy IMP13 and paragraph 12.61 requires to be made any more robust. Therefore, in this regard, no change is required to WLLP. However, we note that near its end, WLLP policy IMP13 contains a presumption against telecommunications developments within areas protected by the policies specified there. We consider that this latter part of the policy contradicts the first sentence of the policy, which presumes in favour of radio telecommunications development. We can understand WLC's desire to subject such proposals to rigorous scrutiny in certain policy areas, as indicated in the latter part of WLLP policy IMP13, but we are convinced that no such "presumption against" exists within either national policy and advice in NPPG19 and PAN62, or in E&LSP. On the contrary, PAN62 advises that local plan policies should be consistent with NPPG19 in allowing radio telecommunications systems to develop subject to environmental safeguards. Consequently, we consider that it is inappropriate to apply a "presumption against" in WLLP policy IMP13 and we believe that reference should be removed and the specific policies referred to included in the text related to "rigorous scrutiny". In all these circumstances, we believe that a change is required to WLLP in respect of this matter. The changes are set out below.

2.7 **Core path planning Land Reform (Scotland) Act 2003 and access to the countryside**

2.7.1 The objectors' concerns related to: road safety issues associated with the recreational use of public rural roads and the Avon Gorge road link and Bathgate Hills in particular; the core path planning process; the identification of specific core paths; and the identification of rights of way in WLLP. A network of user segregated pathways along the side of certain roads was promoted to cut out serious road hazards to non-vehicular road users. WLLP policy ENV27 should be amended accordingly as there was a lack of clear commitment within WLLP to provide user segregated paths, such as part of the implementation of the Avon Gorge link road. Proper upgraded pavements/segregated routes should be provided between Westfield, the A801, Armadale, Westfield roundabout and the Avon Valley Heritage Trail, as part of the Avon Gorge scheme. Also, a pedestrian bridge for non-vehicular traffic should be provided as part of this scheme. The allocation of a core path heading towards Westfield Farm would lead to fly tipping, give access to thieves and joy riders, allow horse riders access, which would damage the road and cause health nuisance to livestock, and dog walkers would disturb livestock. The footpath from Blackridge to Caldercruix, along the A89 could be reinstated for motor bikes and horses to help leave the cycle track clean and safe for use by walkers and cyclists. Core paths running adjacent to the Bathgate-Airdrie line at Blackridge would impact upon residential amenity. Certain rights of way routes in Fauldhouse had been omitted in the past and the list of these in WLLP were incorrect.

2.7.2 WLC confirmed that the concept of safe roads for pedestrians, cyclists and horse riders was supported in principle, as referred to in WLLP paragraph 3.72, and had

been considered by West Lothian Access Forum, set up under the Land Reform (Scotland) Act 2003. The issues of road safety were matters to be dealt with in the West Lothian Local Transport Strategy and the Core Path Plan. Improvements to existing or provision of new facilities for pedestrians and cyclists would be provided where new development was proposed, such as on the B8047 on the east side of Westfield where road and footpath improvements would be provided in association with the redevelopment of the former paper mill site. A pedestrian only path would be provided between Linlithgow and Avonbridge as part of the construction of the Avon Gorge link. The works would lead to the closure of the existing road over the river to provide a safe route to the heritage trail, as indicated in WLLP paragraph 8.65. The needs of pedestrians and other non-vehicular users of the Westfield roundabout would be considered in detail at its design stage to ensure a safe pedestrian route across the A801. WLLP policy ENV27 listed a number of other routes for multi-use paths, including the link from Westfield to Armadale, for implementation when resources allowed. There were no plans to reinstate a footpath between Caldercruix and Blackridge or to buy the wildlife site at Drumbeig Moss. Under the Land Reform (Scotland) Act 2003 WLC was required to identify a network of core paths and adopt a Core Path Plan for formal public consultation by 2008 and it had now completed its first phase. No core paths had yet been confirmed and none were identified in WLLP proposals maps. The Core Path Plan was a statutory document, which would be exposed to public scrutiny and possibly public inquiry if called for by SMs. The routes referred to by the objectors did not appear in WLLP as proposed core paths. The issues concerning core paths raised by objectors would be discussed with landowners and covered by Core Path Plan policies. Core paths might not necessarily be existing claimed or asserted rights of way, nor would all rights of way become core paths. The network of rights of way delineated in WLLP proposals maps were catalogued by the Scottish Rights of Way and Access Society for SNH and all the routes had been asserted through previous adopted local plans. Rights of way had not been altered or added to in WLLP.

2.7.3 In conclusion, we note that WLC support the concept of safe roads for pedestrians, cyclists and horse riders, which is specifically referred to in WLLP paragraph 3.72. In addition we note that the matter has already been considered by West Lothian Access Forum, set up under the Land Reform (Scotland) Act 2003, and that, in particular, road safety matters are dealt with in the West Lothian Local Transport Strategy and the Core Path Plan. Consequently, we consider that many of the issues raised by the objectors are matters more appropriately dealt with under these other forums rather than WLLP. Notwithstanding, we are satisfied that the issues raised regarding the problems associated with access to Avon Gorge and the heritage trail have been addressed in WLLP, in particular as recorded in its paragraph 8.65. Also, we are content that WLLP policy ENV27 commits WLC to promoting the construction of multi-use footpaths throughout West Lothian, including the Avon Valley and Westfield to Armadale, albeit as resources permit. We consider that WLLP sets the framework for safe access to the countryside for pedestrians, cyclists and horse riders and it is for these other forums to secure implementation of the various proposals. As regards Core Path Plans, we consider that WLLP explains, as far as is necessary, WLC's obligations under the Land Reform (Scotland) Act 2003 and that these will be produced as separate statutory documents. We are satisfied that no core paths are proposed under WLLP and the

issues raised by the objectors are relevant but are only appropriate for consideration under the Core Path Plan process. We are also satisfied that the rights of way shown in WLLP Proposals Maps are only those already identified by the Scottish Rights of Way and Access Society. We consider that any specific issues regarding these are more appropriately addressed through the other forums referred to above. In all the circumstances, we do not see any justification for any specific additions to WLLP's approach to accessibility to the countryside in terms of road safety issues, the core path planning process and rights of way. Therefore, no change is required to WLLP.

2.8 **Windfarms**

2.8.1 WLLP policy NWR29 and the supporting text deal with the cumulative impact of windfarm developments. The objector believed that in the absence of national guidance, WLC should establish their own policy to deal with the cumulative impact of windfarm proposals. WLC indicated that windfarm developments, including their cumulative impact, were already dealt with in WLLP. In conclusion, there is national guidance and advice in place on the cumulative impact of windfarm developments. WLLP policy NWR29 and the supporting text adequately reflect this by dealing with windfarm developments that would give rise to unacceptable cumulative impacts and concentrations. The policy and text need no adjustment because of this objection. Therefore, no change is required to WLLP.

2.9 **Additions to small settlements with spare infrastructure capacity**

2.9.1 WLLP, in its strategy, recognises that E&LSP promotes significant levels of growth in West Lothian but that it also identifies Linlithgow and north west West Lothian as an area of restraint because of infrastructure, landscape and environmental constraints. The objector maintained that WLLP strategy advocated that developments would be encouraged where the capacity existed or could be provided. WLLP paragraph 2.7 highlighted the area of restraint. Where existing infrastructure was capable of small scale development within a rural area there should be a presumption in favour of development to make use of that availability. The potential for additions to small settlements (Philpstoun, Threemiletown/Red Rows) should be considered favourably. By not using the capacity available when it did not adversely impact on the environment did not meet with the aims and objectives of the advice from Government and other agencies. The objector was seeking some confirmation by an addition to WLLP paragraph 2.7 as follows: "...where there are locations and where there is spare capacity in infrastructure provision and it can be demonstrated that any small scale development will have no adverse impact on other relevant issues, development will be considered favourably". WLC's only response was "not accepted". While WLC had not elaborated on their opposition, we are still obliged to give full assessment to the relevant issues.

2.9.2 In conclusion, we are satisfied that WLLP in its paragraph 2.7 seeks to reflect the restraint imposed by E&LSP on the area into which Philpstoun and Threemiletown fall. In particular, from our site visits we believe Threemiletown to be not so much a settlement but more akin to 3 or 4 distinct groups of dwellinghouses in the

countryside with no facilities. We note that the E&LSP policy of restraint is based not just on infrastructure provision, but also on landscape and environmental constraints. In addition, we particularly note that this policy of restraint is not qualified in E&LSP, therefore we see no justification that it should be qualified in WLLP. We consider that the additional wording proposed to WLLP paragraph 2.7 would have an undermining effect on E&LSP policy of restraint and find that to be unacceptable. Also, we find no evidence before us to justify further allocations or any exceptions based on E&LSP policies HOU8 and HOU9 which might warrant a different conclusion to this objection. Accordingly, we are satisfied that any proposal for small scale development would still be able to be considered on its merits against the terms of the other policies of E&LSP and WLLP, without the additional pre-commitment wording proposed. In all the circumstances, we do not consider that the text of WLLP paragraph 2.7 needs any adjustment because of this objection. Therefore, no change is required to WLLP.

2.10 **Newton Settlement Boundary**

2.10.1 The site is a strip of land which forms part of a generally flat, open field used for grazing fronting the north west side of the South Queensferry to Bowness main road (A904) through Newton, which is located some 2.5km west of South Queensferry. The substantial part of this small village by far is located on the south side of the A904. The open farmland, of which the site is part, stretches north and west to the wooded policies of Hopetoun House, as well as to the south east and west of Newton, where it is categorised as of special agricultural importance. Immediately to its east, is a row of traditional cottages which also front the north side of the A904, beyond which more open farmland stretches eastwards on both sides of the main road. The objector seeks the removal of the AGLV designation from the site and its inclusion in an appropriately adjusted settlement boundary for Newton, which would be a sensible rounding off of the settlement and provide an area for small scale residential development. The scale of development envisaged in CDA was not comparable to the area of land that would be released if the settlement boundary of Newton were to be reviewed. The settlement was not in an area of restraint identified in E&LSP as north west West Lothian, and E&LSP did not seek to limit all residential development, irrespective of scale, only to CDAs. The alteration to the settlement boundary and allocating the site for modest residential development would not be contrary to the general thrust of E&LSP.

2.10.2 WLC argued that the development of the site was not in accordance with WLC's preferred development strategy which identified alternative more suitable sites for development. WLLP allocated sufficient land to meet the housing land requirement identified in E&LSP. The successful implementation of the strategy within E&LSP and WLLP depended upon new development being constrained outwith the CDAs and, in particular, more sensitive locations or settlements. E&LSP policy HOU8 identified a presumption against new housing development on greenfield sites which were outwith CDAs. Given that development of the site would be out of keeping with the rural character of the village and the designated AGLV, and that the infrastructure required, especially education, had not been satisfied, it would not meet the terms of E&LSP policy HOU8. There was no defined boundary to E&LSP area of restraint in north west West Lothian and it was

a matter of debate whether Newton fell within the area. Also, given the location of the site within an AGLV, the principles of protecting environmentally sensitive areas from development still applied. As well as not being supported by the housing policies of E&LSP, the proposal would be contrary to its environmental policies, in particular policies ENV1d and ENV3. E&LSP policy ENV3 only supported development in the countryside that could not be met on a site within an urban area or land allocated for that purpose and was compatible with the rural character of that area. Development of housing on the site would be detrimental to the open and rural character of the area. E&LSP policy ENV1d afforded protection from development to those sites identified as being of natural heritage and built environmental interest. Allocation of the site for housing would not conform to E&LSP provisions in respect of AGLV. Also, the aims of SPP3 would be undermined as development of any scale would be inappropriate in this location because it offered strategic views of the Firth of Forth, which were integral to the open character of the village and the surrounding AGLV. There was no requirement to identify residential land in every settlement and there were no local circumstances or other material considerations which justified the inclusion of the site for residential development in WLLP.

2.10.3 In conclusion, we find that E&LSP gives the highest priority to focussing housing development in existing urban areas. In that regard, E&LSP policy HOU3 relates to the strategic housing allocations relevant to CDAs, and policy HOU4 relates to sites meeting policy HOU3. We are satisfied that the proposals are not supported by these policies. We have paid particular attention to E&LSP paragraph 2.28 which identifies that where greenfield development is necessary, it should be found mainly in CDAs. Development on this site has to meet the terms of E&LSP policy HOU8. In that regard, we do not consider that policy HOU8 can be relied upon for support, given that E&LSP gives the highest priority to focussing housing development in existing urban areas and since its policy HOU8 has a presumption against development on greenfield sites, other than to meet E&LSP policies HOU1 and HOU3, which we have already concluded do not support development of the site. Consequently, we find that the proposals would not accord with the criteria of E&LSP policy HOU8, particularly with regard to the extension of the village into its rural setting contrary to advice in SPP3.

2.10.4 In this respect, our site inspection revealed that the objection site is part of a wider open countryside area contained within the surrounding AGLV on the north side of Newton. SPP3 looks to planning authorities to safeguard the character and amenity of the countryside, and to respect the landscape settings of existing towns and villages. We consider that the site contributes to these 3 elements and to the greater part of the AGLV. Consequently, we are in no doubt that the development proposed would have a significant effect on the character, amenity (including views), and landscape setting of Newton. We consider that development for housing would result in an urban intrusion protruding into the AGLV to its detriment, which would be especially evident from the main road which runs through the village. On this latter point, as we consider above that development of this site for housing would cause an unacceptable intrusion into a rural area outwith the main settlement boundary, we also consider that it would be at odds with the principle underlying E&LSP policy ENV3. This policy only supports development in the countryside that cannot be met on a site within an urban area or land

allocated for that purpose and is compatible with the rural character of that area. We consider that development of this site would result in an unsustainable extension of ribbon development along this main road frontage and detract from the rural setting and character of the village. In all the circumstances, we do not see any justification for removal of the site from AGLV and alteration of the settlement boundary to include the site. Therefore, no change is required to WLLP.

2.11 Overall Conclusions

2.11.1 Drawing all these matters together, we find that certain alterations and additions be made to WLLP as detailed below.

2.11.2 We have taken account of all other matters, but find none that outweigh the considerations on which our conclusions are based.

3. RECOMMENDATIONS

3.1 Accordingly, we recommend (*changes in italics*):

Proposed Conservation Area at Hopetoun and Abercorn

(i) that the 3rd sentence of WLLP policy HER17 be deleted and replaced by the following at the end of and as an addition to paragraph 4.48:

“...Also, as a priority, appraisal and consultation with affected stakeholders, heritage and amenity bodies will be undertaken, on the prospective designation of a conservation area to cover the listed buildings and landscape associated within the vicinity of Hopetoun House, including Abercorn, on account of the outstanding national architectural and historic character of the area and its sensitivity”;

Linlithgow

(ii) that the word ‘*constraint*’ in WLLP paragraph 6.30 line 6 and paragraph 6.30a lines 1, 4 and 11 be deleted and replaced by the word ‘*restraint*’;

(iii) that at the end of WLLP paragraph 9.42 the following is added:

“In recognition of the outstanding issues, WLC will prepare an Action Plan for the town centre to include issues of retailing, traffic congestion/parking and community needs and full community consultation will be undertaken”;

Gypsy Travellers Policy and Sites

(iv) that in WLLP chapter 6, text be included which explains WLC’s recognition of gypsy travellers’ right to travel, details of existing provision, and the potential for privately run sites;

(v) that in WLLP chapter 6, a policy be included which gives support to the development of private gypsy travellers’ sites at locations identified as being

suitable for this purpose, and which states the criteria to be satisfied;

Energy Efficiency

(vi) that at the end of WLLP policy HOU7 after “..set out in paragraph 7.49.” the following is added:

“WLC will also seek compliance with the requirements of SPP6: ‘Renewable Energy’ and the relevant Building Standards”;

Private Water Systems

(vii) that WLLP be modified by adding the following to the end of paragraph 12.39:

“...However, WLC also recognises that a developer may propose to overcome a constraint by itself arranging the provision of infrastructure as a temporary private measure until such time as the necessary strategic investment is made. Each such proposal will be judged on its merits and, where accepted, WLC will impose a condition or seek a legal agreement, as appropriate, to ensure that such systems are designed and built to a standard to allow adoption and connection to the public network at the earliest possible date.”;

Policy IMP 13 Radio Telecommunications [IMP3]

(viii) that near the end of WLLP policy IMP13 the following sentence be deleted:

“There will be a presumption against radio telecommunications developments within areas protected by policies:...of WLLP”

and that those polices referred to in this deleted sentence be included within the last part of the policy which refers to “*rigorous scrutiny*”; and

Other matters

(ix) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.

Appendices

Appendix 1:

Appearances at Public Local Inquiry

For West Lothian Council

| | |
|------------------|---|
| Mr D Armstrong | QC |
| Mr T Duncan | Senior Solicitor |
| Mr C McCorrison | BA(Hons), MRTPI, Planning Manager |
| Mr C Miller | BSc(Hons), Dip S(P&D), MRTPI, Development Planning Manager |
| Mr C Alcorn | MRTPI, Principal Planner |
| Brian Carmichael | BSc(Hons) AgEng, BSc(Hons) EnvH, REHIS Dip EnvH, IOA Dip ANC, MIA, MREHIS, Environmental Health Manager |
| Ms S Collings | BA, Dip TCP, MAUD, MRTPI, Planning Officer |
| Mr H Dawson | BSc(Hons)(Open), Dip M(Open), MICCM, NET's and Land Services Policy and Development Manager |
| Dr S Eydmann | Dip TP, PhD, MRTPI, IHBC, Senior Planner |
| Ms L Fleming | BSc(Hons), Planning Officer |
| George Flett | BSc(Hons), MPhil, MRTPI, Planning Officer |
| Donald Forrest | AE(Hons), Dip PM, CIPFA, Corporate Finance Manager |
| Mr P Furbank | MRICS, MIED, Economic Property Development Manager |
| Mr T Irving | MA(Hons), MRTPI, Planning Officer |
| Mr S Lovell | BSc(Hons), MRTPI, Planning Officer |
| Ms W McCorrison | BSc(Hons), MRTPI, Planning Officer |
| Mr J McEwan | Dip TP, Dip LED, MRTPI, Development Manager |
| Mr D McKinney | BSc, MRTPI, Planning and Information Manager |
| Mr S McLucas | BSc(Hons), MRTPI, Planning Officer |
| Mr C Norman | BSc(Hons), MRTPI, MIQ, Development Control Manager |
| Mr J Reid | BA, MBA, FCIH, Housing Policy & Development Manager |
| Mr A Short | BSc, CEng, MSc, MICE, MILT, Development Planning and Road Safety Manager |
| Dr J Sheldon | BSc(Hons), CB, MIB, MLI, MBES, Team Leader – Environment |
| Mr J Stewart | BSc(Hons), CEng, MA, MICE, Team Leader – Development Planning in Transportation |
| Billy Thompson | MSc TPE, PG Cert IS, BEng CTE, CMILT, MIHT, Transportation Policy Officer |

Mr S Younie BA(Hons), Leisure Development Officer

Mr G Kyle BEng(Hons), CMCIT, MIHT, Technical Director, SIAS Ltd

For ABP Ltd

Mr A McNab BA(Hons), Dip TP, MRTPI, Planner, Colliers CRE

For Mr & Mrs Amos

Mr D Waugh Partner, David Waugh – Sir Frank Mears

For Achadonn Properties Ltd

Ms L Campbell BA(Hons), MRTPI, Associate Director, RPS

Mr E Brown BSc, MBA, Senior Consultant, RPS

Mr P Neaves BA(Hons), MRTPI, Planning Director, RPS

For HJ Banks Development Division

Mr J Campbell QC

Mr M Binnie MICE, Regional Associate, Hannah Reed

Mr S Melrose BA, COTC 4 WAMITAB, Director and Company Secretary,
Scotwaste

Mr M Steele MLI, Director of Landscape, Keppie Design

Mr D Tough MRTPI, FRICS, Partner, Ryden Property Consultants

Mr R Martin BSc(Hons), PGCE, Director of Education and Public Affairs, TPS
Planning

For The Ca'd'oro

Mr R Mackenzie Solicitor, Harper Macleod

For CALA Homes (East) Ltd

Mr M Smith BA(Hons), MRTPI, TMS Planning

A Laurenson CALA Homes (EAST) Ltd

Mr D Lawson CALA Homes (EAST) Ltd

For Caradale Traditional Brick Ltd

Mr R McKenzie Solicitor, Harper Macleod

Mr V Burgoyne Managing Director, Etna Brickworks
Mr G Stewart MEnvS, BSc, Technical Manager of Minerals, Johnston Poole and
Bloomer

For David Cowan

Mr D Cowan
Mr A Pollock BSc(Hons), MSc, MRTPI, TPS Planning
Mr R Martin BSc(Hons), PGCE, Director of Education and Public Affairs, TPS
Planning

For James Ford

Mr J Ford
Mr D W Bell Fouin & Bell Architects

For Forkneuk Consortium

Mr D Tough MRTPI, FRICS, Partner, Ryden Property Consultants
Mr A Sneddon BEng, MCILT, Associate, Steer Davies Gleave Transport
Consultants

For Fyffes Group

Mr R Holder DipTP, MRTPI, Director, Turley Associates
Mr N Martin Director, Turley Associates

For Grampian Country Food Group Ltd and Pumpherston Estates Ltd

Mr D Tough MRTPI, FRICS, Partner, Ryden Property Consultants
Ms C Carr MCILT, MIHT, Director of Operations in Scotland, Colin Buchanan
and Partners

For Anne Hillis

Anne Cunningham Planning Consultant, Lowland Planning

For Homes for Scotland

Mr A Telfer Solicitor, DLA Piper Rudnick Gray Cary Scotland Ltd
Mr B Melville MA(Hons), B Phil, MRTPI, Planning Manager, Homes for Scotland

For Hopetoun Estates

Mr D Noble MRICS
Mr R Oliver DipTP, MRTPI, Director, PPCA Ltd

For John Swan & Sons Ltd

Mr D Tough MRTPI, FRICS, Partner, Ryden Property Consultants
Mr A Watt MRC McLean Hazel

For Master Homes

Mr R Heggie Urban Animation
Mr D Masterton Master Homes

For MBP Ltd

Mr S Harrison MRTPI, MRICS, Partner, Bruce & Partners, Planning and
Development Consultants

For Manor Forrest Ltd

Mr G MacCallum DipTP, MRTPI, Director, Keppie Planning
Ms L Russell MA(Hons), Associate, Keppie Planning
Mr J Simmons BA(Hons), Dip LA, MLI, Technical Director, Scott Wilson Scotland
Ltd
Mr P Wheelhouse MA(Hons), MBA, Senior Consultant, DTZ Consulting and Research

For Network Rail

Mr D Dixon Area General Manager, Scotland East, Network Rail
Mr D Boyce Public Affairs Manager, Network Rail
Mr L MacDonald Head of Programme Completion for West Coast Programme,
Network Rail

For Oatridge College

Mr G Patrick MRTPI, Strategic Land Director, The Walker Group (Scotland) Ltd
Mr T Hardie BSc(Hons), DipURP, MRTPI, Hardie Planning Consultancy
Mr D James Principal, Oatridge College
Mr D Jenkins David Jenkins Associates, Consultant Chartered Landscape
Architects

For Ogilvie Homes Ltd

| | |
|---------------|--|
| Mr A Bennie | BA(Hons), MRTPI, Director, Barton Willmore Partnership |
| Mr D Thornton | MA(Hons), DipLD, MLI, Landscape Architectural Consultant |
| Mr R Moyes | BA, MRTPI, Land and Planning Director, Ogilvie Homes Ltd |
| Mr J Ross | BSc, CEng, MICE, MISE, Technical Director, WSP |

For Quarry Products Association (Scotland)

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|---------------|--|
| Mr K Lindsey | Quarry Products Association (Scotland) |
| Mr J Sheridan | BSc(Hons), FRICS, FIQ, MCMI, Company Secretary, Quarry Products Association (Scotland) |

For R & R Developments

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| Mr J Duff | Duff Planning Consultants |
| Mr R Watt | R & R Developments |

For Robert & Nicky Wilson

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|--------------|---|
| Mr B Tindall | BSocSc, DipArch, RIBA, ARIAS, FSA(Scot), Partner, Benjamin Tindall Architects |
| Mr P Daniel | BArch, MLI, FRIAS, MRTPI, MCD, Consultant Landscape Architect |

For Persimmon Homes (East Scotland) Ltd

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| Ms H Sears | DipTP, MRTPI, Planning Consultant and Regional Director, Halliday Fraser Munro |
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For Robert Wiseman and Sons Limited

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| Mr C Whelton | Solicitor, Maclay Murray & Spens |
| Mr D Bowie | Site Manager, Redmill Depot, Robert Wiseman and Sons Limited |
| Mr D Collin | Chartered Chemist, Chartered Scientist, FMBOHS, Director of Occupational Hygiene, C-CHEC Ltd |
| Mr D Wardrop | MRTPI, Associate Director and Planning Consultant, Farningham McCreadie Partnership/White Young Green Planning |

For Royal London Mutual Insurance

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| Mr C Innes | Solicitor, Shepherd and Wedderburn |
| Mr I Gotts | MRTPI, Dip TP, Dip LE, FRICS, Associate Director, Ian Gotts Planning and Development Consultants |

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| Mr R MacLean | BCon, Dip TP, MRTPI, Associate Director, Roderick MacLean Associates |
| Ms C Carr | MSc, CMILT, MIHT, Associate Director, Colin Buchan and Partners |
| Mr M Spens | BSC EM (Hons), MRICS, Director, Savills |
| Mr J Stevenson | BSc, MRICS, Senior Consultant, RPS |

For Schroder Exempt Property Unit Trust

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| Mr K Carruthers | Solicitor, Semple Fraser |
| Ms M Francke | BSc, MBA, AIEMA, MRTPI, Partner and Head of Planning (Scotland), Drivers Jonas |
| Mr I Lochhead | BSc, FRICS, Partner, Drivers Jonas |
| Ms K McGuire | BA(Hons), MSc, MRTPI, Planner, Drivers Jonas |
| Mr I Pattenden | BSc(Hons), MSc, MRICS, MRTPI, AIEMA, Senior Planner, Drivers Jonas |
| Mr M Bates | BA(Hons), Grad Dip, MArch, RIBA, RIAS, Director, Broadway Malyan Ltd |
| Mr S Livingstone | BEng, MICE, Associate Director, Faber Maunsell |

For Scotia Homes/Robertson Group

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|------------------------|---|
| Ms E Farquharson-Black | Solicitor, Paull and Williamsons |
| Mr J Cadell | BA(Hons), BArch, RIBA, ARIAS, Architect, Masterplanner, Cadell ² LLP |
| Mr J Dunsmore | CEng, MICE, FIHT, FCMI, Consulting Engineer, Dunsmore Consultants |
| Mr I Henderson | BEng(Hons), CTEng, CEng, MIHT, MICE, Associate Director of Civil Engineering, McGregor McMahon & Associates |
| Ms E Bowman | BA, Grad Dip, MLI, Consultant Landscape Architect |
| Mr S H A Pollock | BSc(Hons), MSc, MRTPI, Senior Associate, TPS Planning Limited |

For Scottish Capital Group

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|----------------|--|
| Mr R Holder | DipTP, MRTPI, Director, Turley Associates |
| Mr M MacAulay | Director, Turley Associates |
| Mr A Forsyth | Director, City & Wharf |
| Mr W Bannister | Director, Scottish Capital Group |
| Ms C Carr | MCILT, MIHT, Director of Operations in Scotland, Colin Buchanan and Partners |
| Mr R Maclean | R Maclean Associates |

For Morgan Simmants

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|-----------------|---------------------------------------|
| Anne Cunningham | Planning Consultant, Lowland Planning |
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For SQ1 Ltd

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|-------------|--|
| Mr C Innes | Solicitor, Shepherd and Wedderburn |
| Mr A Munnis | BSc(Hons), DipS(P&D), MRTPI, MRICS, Partner, Montagu Evans |
| Mr J Welch | BA, MLI, Managing Principal, EDAW |

For Stephen Dalton

| | |
|-----------------|--|
| Mr E Macleod | Solicitor, Shepherd and Wedderburn |
| Mr D Thornton | MA(Hons), DipLD, MLI, Landscape Architectural Consultant |
| Mr J McCann | Dalton |
| Mr FRS Marr | Architect and Town Planning Consultant |
| Mr A Montgomery | DipTP, MRTPI, MCMI, hg Planning |
| Mr S Dalton | |

For Stuart Services Scotland Ltd

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| Mr D Stuart | Director, Stuart Services Scotland Ltd |
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For The Walker Group (Scotland) Ltd

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| Mr G Patrick | MRTPI, Strategic Land Director, The Walker Group (Scotland) Ltd |
| Mr D Jenkins | David Jenkins Associates, Consultant Chartered Landscape Architects |
| Mr C Smith | Turley Associates |
| Mr M McGregor | URS Corp |

For WBB Minerals Ltd

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| Mr N Horsley | BSc(Hons), DipEP, MRTPI, FIQ, Environmental Planning Manager, WBB Minerals Ltd |
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For Winchburgh Development Initiative and CALA Management Ltd

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|-------------|---|
| Mr C Smylie | Solicitor, Maclay, Murray and Spens |
| Mr P Allan | RIBA, MRTPI, Director, PPCA Ltd |
| Mr A Bayne | BSc(Hons), MRTPI, Senior Consultant, EDAW |
| Mr D Harvey | BSc, MEd, SSTQ, Education Consultant |

For Woodhead Developments Ltd

| | |
|----------------|--|
| Mr S Dawes | BSc (Hons), B Arch, Director, Greystones Development Consultants Ltd |
| Mr G MacCallum | DipTP, MRTPI, Director, Keppie Planning & Urban Design Ltd |

Mr C Ormond BA (Hons), MRTPI, Senior Planner, Keppie Planning & Urban Design Ltd
Mr A Landells BSc (Hons), MRTPI, Strategic Land Director, Dawn Homes Ltd

For Woodmuir Estates Ltd

Anne Cunningham Planning Consultant, Lowland Planning

Other Appearances

Ms I Allan Objector (Allandale Fishery)
Mrs M Allan Objector (Allandale Fishery)
Mr Barker Objector
Mr C Barras Objector (Ceebar, Westport Properties)
Ms I Boddie Objector
Mr M Cooper Objector
Mr C Crosby Objector
E Dalgleish Objector
R Dalgleish Objector
Mr Fergus Objector
Mrs Fergus Objector
Mr J Ford Objector
Mrs F Gibb Objector
Ms L Halliday Objector (Murieston Community Council)
Mr C Hilditch Objector (Dechmont Community Council)
Cllr Peter Johnston Objector
Mr W Kirkwood Objector (Hillend Residents Group)
Mr D McQuarrie Objector (Murieston Community Council)
Mrs M Miller Objector (Winchburgh Community Council)
Mr P Rigby BSc, MSc, CEng, MIET, Objector
Mr Robertson Objector
Mr J Russell Objector
Mr B Slattery Objector (Bridgecastle Golf Club)
Mrs E Slattery Objector (Bridgecastle Golf Club)
Mr J Slattery Objector (Bridgecastle Golf Club)
Ms A Smith Objector (Linlithgow Central Tenants and Residents Group)
Mr Smith Objector
Mr J Turner Objector

Appendix 2

List of Documents

For WEST LOTHIAN COUNCIL

Core Documents

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| CD001 | T&CPA 1997 |
| CD002 | Town and Country Planning (Use Classes) (Scotland) Order 1989 |
| CD003 | Planning (Listed Buildings and Conservation Areas) Act 1997 |
| CD004 | Town and Country Planning (Structure and Local Plans (Scotland)) Regulations 1983 |
| CD005 | Countryside (Scotland) Act 1967 |
| CD006 | Ancient Monuments and Archaeological Areas Act 1979 |
| CD007 | Education (Scotland) Act 1980 |
| CD008 | Environment Act 1995 |
| CD009 | Housing (Scotland) Act 2001 |
| CD010 | Land Reform (Scotland) Act 2003 |
| CD011 | Water Environment and Water Services (Scotland) Act 2003 |
| CD012 | Nature Conservation (Scotland) Act 2004 |
| CD012A | Local Government (Scotland) Act 1973 |
| CD012B | Local Government (Scotland) Act 1994 |
| CD012C | Standards in Scotland's Schools Act 2000 |
| CD012D | Standards in Scotland's Schools Act 2000, amended 2002 |
| CD012E | Standards in Scotland's Schools Act 2000, amended 2004 |
| CD012F | The Education (Publication and Consultation Etc (Scotland)) Regulations 1981 |
| CD012G | The Education (Publication and Consultation Etc (Scotland)) Regulations 1981, amendments |
| CD014 | Circular 12/1996 The Town and Country Planning (Scotland) Act 1972: Planning Agreements |
| CD014A | Circular 24/1985, Development in the Countryside and Greenbelts (amended by NPPG 3) |
| CD015 | Circular 18/1987, Development Involving Agricultural Land (SODD) |
| CD016 | Circular 25/1994, Amendment to Circular 18/1997, Development Involving Agricultural Land |

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| CD017 | A Guide to Modernising Public Local Inquiries in Scotland |
| CD018 | ODPM Circular 05/15 – Planning Obligations |
| CD019 | National Planning Framework for Scotland |
| CD020 | NPPG4, (Amended May 2001), "Land for Mineral Working" |
| CD020A | NPPG5, "Archaeology and Planning" |
| CD021 | NPPG6, (Revised Nov 2000), "Renewable Energy Developments" |
| CD022 | NPPG8, (Revised 1998), "Town Centres and Retailing" |
| CD023 | NPPG10, "Planning and Waste Management" |
| CD024 | NPPG11, "Sport, Physical Recreation and Open Space" |
| CD025 | NPPG14, "Natural Heritage" |
| CD025A | NPPG18, "Planning and the Historic Environment" |
| CD026 | NPPG19, "Radio Telecommunications" |
| CD027 | SPP1 - The Planning System |
| CD028 | SPP2 - Economic Development |
| CD029 | SPP3 - Planning for Housing |
| CD030 | Draft SPP4 - Land for Minerals Working |
| CD031 | WLC comments on draft SPP4 "Land for Minerals Working" |
| CD032 | SPP7 - Planning and Flooding |
| CD033 | Draft SPP8 - Town Centres |
| CD034 | SPP15 - Planning for Rural Development |
| CD035 | SPP16 - Opencast Coal and Related Minerals |
| CD036 | SPP17 - Maximum Parking Standards |
| CD037 | SPP17 - Planning for Transport |
| CD037A | Transport Assessment and Implementation: A Guide |
| CD037B | SPP20 - Role of Architecture and Design in Scotland |
| CD037C | SPP21 - Green Belts |
| CD038 | PAN33, (Revised), "Development of Contaminated Land" |
| CD039 | PAN37, (Revised), "Structure Planning" |
| CD040 | PAN38, "Housing Land (Revised)" |
| CD041 | PAN42, "Archaeology - The Planning Process and Scheduled Monument Procedures" |
| CD041A | PAN43, "Golf Courses and Associated Developments" |
| CD042 | PAN44, "Fitting New Housing Developments into the Landscape" |
| CD043 | PAN45, "Renewable Energy Developments" Revised 2002 |
| CD045 | PAN49, "Local Planning" |
| CD046 | PIAN50, "Controlling the Environmental Effects of Surface Mineral Working" |
| CD047 | PAN50, "Controlling the Environmental Effects of Surface Mineral Workings" Annex A: The Control of Noise of Surface Mineral Workings |
| CD048 | PAN50, "Controlling the Environmental Effects of Surface Mineral Workings" Annex B: The Control of Dust at Surface Mineral Workings |
| CD049 | PAN50, "Controlling the Environmental Effects of Surface Mineral Workings" Annex C: The Control of Traffic at Surface Mineral Workings |
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| CD055 | PAN59, "Improving Town Centres" |
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| CD061 | PAN65, "Planning and Open Space" |
| CD062 | PAN66, "Best Practice in Handling Planning Applications Affecting Trunk Roads" |
| CD063 | PAN66, Annex B, "Advice on Major Developments Affecting Trunk Roads and Motorways" |
| CD064 | PAN67, "Housing Quality" |
| CD065 | PAN68, "Design Statements" |
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| CD067 | PAN71, "Conservation Area Management" |
| CD068 | PAN72, "Housing in the Countryside" |
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| CD071A | PAN76, "New Residential Streets" |
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| CD073 | PAN78, "Planning and Building Standards Advice Note: Inclusive Design" |
| CD074 | Draft E&LSP 2001 |
| CD075 | Finalised E&LSP, March 2003 |
| CD076 | Approved E&LSP2015, Action Plan, March 2003 |
| CD077 | Approved E&LSP 2015, Supporting Statement, March 2003 |
| CD078 | Approved E&LSP2015 |
| CD078A | Approved E&LSP2015, Urban Housing Capacity Study and Publicity and Consultation Statement |
| CD079 | E&LSP2015, Baseline Monitoring Report |
| CD079A | E&LSP2015, Action Plan Update |
| CD079B | Letter of approval from the SE to WLC on E&LSP2015 |
| CD079C | E&LSP Review 2020 Consultation Paper |
| CD079D | West Edinburgh Planning Framework |
| CD079E | Adopted Rural West Edinburgh Local Plan |
| CD079F | A Vision for Capital Growth Draft for Consultation |
| CD079G | Planning Brief for Kirkliston Expansion |
| CD080 | Adopted Broxburn Area Local Plan 1991 |
| CD081 | Adopted Bathgate Area Local Plan 1998 |
| CD082 | Adopted Linlithgow Area Local Plan 1994 |
| CD083 | Adopted Calder Area Local Plan 1995 |
| CD084 | Adopted Livingston Local Plan 1996 |
| CD085 | Draft WLLP, September 1999 |
| CD086 | WLLP, July 2001 |
| CD087 | WLLP - Site Evaluations (2020 Vision) |
| CD088 | 2020 Vision and West Lothian Local Plan: Developer Presentations, 11 and 12 September 2003, Livingston Football Club |
| CD089 | WLLP, April 2005 |

- CD090** List of pre-inquiry changes to WLLP, November 2005
- CD091** List of changes to Proposals Maps to WLLP, November 2005
- CD092** List of pre-inquiry changes to WLLP, March 2006
- CD093** Clarification and Omissions Report, to WLLP, March 2006
- CD094** Changes to Proposals Maps to WLLP, March 2006
- CD095** WLLP 2005, (Consolidated Version) (incorporating pre-inquiry changes November 2005 and March 2006)
- CD096** Historic Linlithgow
- CD096A** Planning Permission for Extraction of Shale at Niddry Bing, by Winchburgh
- CD097** Residential Development Guide 2002
- CD098** WLC Affordable Housing Policy
- CD099** WLC Housing Land Audit 2005
- CD101** Areas of Special Control: The Shale Miners Rows
- CD102** The Control of New Houses in the Countryside
- CD103** WLC Guidance on Controlling the Extraction of Oil Shale Bings in West Lothian
- CD104** WLC Policy Guidelines for the Determination of Radio Telecommunications Planning Applications
- CD105** WLC Policy on Mud on Roads
- CD105A** WLC draft SPG - Development in the Countryside
- CD107** WLC Guidance on the Application of SUDS Techniques for Development Control Purposes
- CD108** WLC Policy on Tipping of Builders' Material
- CD108A** WLC 3 Year Capital Programme
- CD108B** Schools Estate Management Plan
- CD108C** WLC Education and Cultural Services HMIe Inspection Report
- CD108D** WLC Audit Commission Report
- CD108E** WLC, Council of the Year Award 2006
- CD108F** Sample Pupil Placement Children's Services and Lifelong Learning Committee Annual Update Report
- CD108G** Sample School Application Pack (Application Form and Advice Sheet, Pupil Placement Policy, Information and Placing in Schools Guidelines)
- CD108H** Sample Annual Pupil Placement Application Analysis: 1. Primary Matrix, 2. Secondary Summary, 3. Placing request distance measurements to oversubscribed schools
- CD108I** List of Statutory (Education (Scotland) Act) Consultations undertaken by WLC
- CD108J** Sample Statutory (Education (Scotland) Act) Consultation Documentation: Non-denominational Secondary Education in the North East of West Lothian
- CD108K** West Lothian Council School Catchment Maps: 1. Non-denominational Secondary School, 2. Denominational Secondary School, 3. Non-denominational primary school by Associated Secondary School, 4. Denominational primary school by Associated Secondary School
- CD108L** Sample catchment area and household data analysis statistics
- CD108M** Sample Medium Term School Roll Forecast: 1. Primary, 2. Secondary
- CD108N** School Roll Forecast Methodology, medium term: 1. Primary School, 2. Secondary School, 3. Sample School Forecast Factor data sheets: a) Primary and Secondary School Stage Migration, b) P7-S1 Transfer Rates, c) S4-S5, S5-S6 Stay on Rates

- CD108O** School Rolls and Capacity, 1. Primary, 2. Secondary
- CD108P** School Rolls and Capacity, City of Edinburgh schools with catchment areas crossing the West Lothian Council border
- CD108Q** Latest HMI Report for Kirknewton PS
- CD108R** Latest HMI Report for West Calder HS
- CD108S** Latest HMI Report for James Young HS
- CD108T** Latest HMI Report for Armadale Academy
- CD108U** Latest HMI Report for East Calder PS
- CD108V** Latest HMI Report for St Paul's PS
- CD108W** Latest HMI Report for St Margaret's Academy
- CD108X** Latest HMI Report for St Kentigern's Academy
- CD108Y** Latest HMI Report for Mid Calder PS
- CD108Z** WLC Education and Cultural Services Standards and Quality Report 2004/05
- CD108Z1** WLC Education Service Local Improvement Plan 2002-2007
- CD108Z2** WLC Education and Cultural Services Organisational Structure
- CD108Z3** WLC School Transport Policy Statement
- CD108Z4** WLC Leader's Reports from current electoral term
- CD109** Report to Enterprise and Development Committee May 2002 "Delivering the Next Round of Major Housing Development in West Lothian – A Guide to Developers"
- CD110** Minutes of Enterprise and Development Committee May 2002 "Delivering the Next Round of Major Housing Development in West Lothian – A Guide to Developers"
- CD111** Report to Enterprise and Development Committee 2 September 2003 "WLLP - Progress Report"
- CD112** Minutes of Enterprise and Development Committee, 2 September 2003 "WLLP - Progress Report"
- CD112A** Report to Enterprise and Development Committee 20 April 2004 "WLLP: A Preferred Development Strategy for Consultation"
- CD112B** Minutes of Enterprise and Development Committee 20 April 2004 "WLLP: A Preferred Development Strategy for Consultation"
- CD113** Report to Development Control Sub-Committee 13 October 2004, planning application for outline planning permission for a 3.1ha residential development at Bridgecastle Road at land at Armadale.
- CD114** Minutes of Development Control Sub-Committee 13 October 2004, planning application for outline planning permission for a 3.1ha residential development at Bridgecastle Road at land at Armadale.
- CD115** Report to Enterprise and Development Committee, 23 November 2004 "WLLP - Development Strategy for the CDAs"
- CD116** Minutes of Enterprise and Development Committee, 23 November 2004 "WLLP - Development Strategy for the CDAs"
- CD117** Report to Enterprise and Development Committee, 19 April 2005 "WLLP 2005"
- CD118** Minutes of Enterprise and Development Committee, 19 April 2005 "WLLP 2005"
- CD119** Report to Policy Partnership and Resources Committee of 6 December 2005 entitled "Developer Contributions For a Replacement Armadale Academy"
- CD120** Minutes of Policy Partnership and Resources Committee of 6 December 2005 entitled "Developer Contributions For a Replacement Armadale Academy"

- CD121** Report to Policy Partnership and Resources Committee of 3 May 2005 entitled “Developer Contributions Towards the Provision of a New Denominational Secondary School”
- CD122** Minutes of Policy Partnership and Resources Committee of 3 May 2005 entitled “Developer Contributions Towards the Provision of a New Denominational Secondary School”
- CD123** Report to Policy, Partnership and Resources Committee, 14 June 2005 "West Lothian Open Space and Sports Facilities Strategies"
- CD124** Minutes of Policy, Partnership and Resources Committee, 14 June 2005 "West Lothian Open Space and Sports Facilities Strategies"
- CD125** Report to Policy, Partnership and Resources Committee, 25 October 2005 "West Lothian Open Space and Sports Facilities Strategies"
- CD125A** Open Space Strategy
- CD125B** Sports Facility Strategy
- CD126** Minutes of Policy, Partnership and Resources Committee, 25 October 2005 "West Lothian Open Space and Sports Facilities Strategies"
- CD127** Report to Policy, Partnership and Resources Committee 25 October 2005 "Public Private Partnership Schools Project (PPP2) Update"
- CD128** Minutes of Policy, Partnership and Resources Committee, 25 October 2005 "Public Private Partnership School Project (PPP2) Update"
- CD129** Report to Enterprise and Development Committee, 22 November 2005 "WLLP 2005"
- CD130** Minutes of Enterprise and Development Committee, 22 November 2005 "WLLP 2005"
- CD131** Report to Enterprise and Development Committee, 24 January 2006 "E&LSP Review: 2020 Consultation Paper"
- CD132** Minutes of Enterprise and Development Committee, 24 January 2006 "E&LSP Review: 2020 Consultation Paper"
- CD135** Report to Meeting of Policy Partnership and Resources Committee 7 February 2006, report entitled “Planning Gain Supplement”
- CD136** Minutes of Meeting of Policy Partnership and Resources Committee 7 February 2006, report entitled “Planning Gain Supplement”
- CD137** Report to Enterprise and Development Committee 7 March 2006 entitled “The Planning Etc. (Scotland) Bill
- CD138** Minutes of Enterprise and Development Committee 7 March 2006 entitled “The Planning Etc. (Scotland) Bill
- CD139** Report to Enterprise and Development Committee, 7 March 2006 "WLLP 2005"
- CD140** Minutes of Enterprise and Development Committee, 7 March 2006 "WLLP 2005"
- CD141** Report to Policy Partnership and Resources Committee 11 April 2006 entitled “Site Options for the New Armadale Academy”.
- CD142** Minutes of Policy Partnership and Resources Committee 11 April 2006 entitled “Site Options for the New Armadale Academy”.
- CD143** Report to Development Control Sub-Committee of 5 April regarding planning application 0161/P/06 “Outline permission for 6.03ha new build secondary school at existing Armadale Academy site, West Main Street, Armadale”.
- CD144** Minutes of Development Control Sub Committee of 5 April regarding planning application 0161/P/06 “Outline permission for 6.03ha new build secondary school at existing Armadale Academy site, West Main Street, Armadale”.

- CD144A** Report to Enterprise and Development Committee, 30 May 2006 "SPG - Development on Contaminated Land"
- CD144B** Minutes of Enterprise and Development Committee, 30 May 2006 "SPG - Development on Contaminated Land"
- CD144C** Report to Enterprise and Development Committee, 30 May 2006 "A Development Control Policy for the Management and After-Use of Soils on Development Sites"
- CD144D** Minutes of Enterprise and Development Committee, 30 May 2006 "A Development Control Policy for the Management and After-Use of Soils on Development Sites"
- CD144E** Report to Enterprise and Development Committee, 30 May 2006 "CDA Developer Contributions for Town and Village Improvements"
- CD144F** Minutes of Enterprise and Development Committee, 30 May 2006 "CDA Developer Contributions for Town and Village Improvements"
- CD145** Report to Development Control Sub-Committee, 9 November 2005, on planning application 0537/M/2003 "Continuation of Mineral Extraction over 5 ha of land at Etna Brickworks, Lower Bathville, Armadale"
- CD145A** Minutes of Development Control Sub-Committee, 9 November 2005, on planning application 0537/M/2003 "Continuation of Mineral Extraction over 5 ha of land at Etna Brickworks, Lower Bathville, Armadale"
- CD145B** Report to Development Control Sub-Committee, 9 November 2005, on planning application 0898/05, "Removal of Existing Piggeries, Formation of a Rural Settlement and Parkland, Erection of 162 new houses, Community Facilities and Public Open Space at Lawheads, Selms and Selms Tops, Kirknewton"
- CD145C** Minute of Development Control Sub-Committee, 9 November 2005, on planning application 0898/05, "Removal of Existing Piggeries, Formation of a Rural Settlement and Parkland, Erection of 162 new houses, Community Facilities and Public Open Space at Lawheads, Selms and Selms Tops, Kirknewton"
- CD145D** Report to Development Control Sub-Committee, 1 June 2005, on planning application 0173/P/05, "Outline Planning Permission for Residential Development at Broompark Farm, Mid Calder"
- CD145E** Minute of Development Control Sub-Committee, 1 June 2005, on planning application 0173/P/05, "Outline Planning Permission for Residential Development at Broompark Farm, Mid Calder"
- CD145F** Letter dated 20 October 2005 from Steve Field, Head of Development and Regulatory Services, WLC to Ken Jobling, Principal Planner, SE concerning "The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 - REG 11 (2) (a) - SEA Feasibility Submission to Scottish Ministers – WLLP"
- CD145G** Letter from Ian Bray, SNH, to WLC dated 18 June 2004 entitled "WLLP - Preferred Development Strategy"
- CD145H** Letter from Simon Lievesley, British Waterways Scotland, to WLC dated 17 June 2004 entitled "WLLP - Preferred Development Strategy"
- CD145I** Letter from Stuart Morris, The Scottish Castles Association, to WLC dated 7 July 2004 regarding Broxburn East/Winchburgh Indicative Development
- CD145J** Letter from Josephine Brown, The Architectural Heritage Society of Scotland, to WLC dated 6 July 2004, entitled "WLLP - Niddry Castle"
- CD145K** Letter from J A Leask Architects, to WLC dated 25 June 2004, entitled

- CD145L** "Broxburn East/Winchburgh Indicative Development Strategy - Niddry Castle"
Letter from David Steel, President of Scottish Castles Association to WLC dated 28 June 2004 regarding Niddry Castle
- CD145M** Letter from Richard Nairn, Niddry Castle, to WLC dated 25 June 2004, entitled "Broxburn East/Winchburgh Indicative Development Option - Niddry Castle"
- CD145N** Letter from Lily Linge, Head of Historic Environment Planning, Historic Scotland, to WLC dated 21 October 2005, entitled "WLLP 2005"
- CD145O** Letter from Alison Allighan, Conservation Officer Scotland, The Garden History Society of Scotland, to WLC dated 21 October 2005, entitled "WLLP 2005"
- CD145P** Letter from Mrs J D Edmond, dated 26 March 2002, to WLC entitled "Review of WLLP"
- CD145Q** Letter from Victoria Ball, Inspector of Historic Buildings, Historic Scotland, to WLC dated 20 January 2003, entitled "Review of the WLLP - Plan 12 East Broxburn/Winchburgh"
- CD145R** Letter from Biggart Baillie to WLC dated 29 May 2006 regarding land at Armadale
- CD145S** Letter from WLC, dated 5 February 2005, to Environ UK Ltd "Environmental Impact Assessment (Scotland) Regulations 1999 scoping opinion - Winchburgh Expansion"
- CD146** British Waterways Union Canal Moorings Strategy
- CD147** Scottish Forestry Strategy (2000)
- CD148** Draft Scottish Forestry Strategy
- CD149** Central Scotland Forest Strategy Summary
- CD150** Inventory of Gardens and Designed Landscapes in Scotland
- CD150A** "Secrets of the Bathgate Hills" leaflet
- CD151** Rural Buildings of the Lothians: Conservation and Conversion (Published by Historic Scotland, 2000)
- CD152** Historic Scotland Technical Advice Note 27 "Development and Archaeology in Historic Towns and Cities"
- CD153** Descriptive List of Buildings of Special Architectural or Historic Interest (Extract for Bangour Village Hospital)
- CD154** Descriptive List of Buildings of Special Architectural or Historic Interest (Extract for Bonnytoun House, Linlithgow)
- CD154A** Sites and Monuments Record for West Lothian
- CD154B** Transcribed Aerial Photographs for Livingston and Almond Valley CDA
- CD154C** 1:25000 Map Sheet 65
- CD154D** 1:25000 Explorer Map Sheets 244, 249 and 350
- CD155** Planning Gain Supplement: A Consultation
- CD156** Guidelines for Traffic Impact Assessments 1994 (Institution of Highways)
- CD157** Air Quality Regulation 1997
- CD158** Memorandum of Guidance on Listed Buildings and Conservation Areas 1998
- CD159** Environmental Impact Assessment (Scotland) Regulations 1999
- CD159A** West Lothian Phase 1 Habitat Survey
- CD160** Stirling Charter
- CD161** A Policy Statement for Scotland - Designing Places
- CD162** Home Zones, 2002
- CD163** Guide to Transport Assessment in Scotland 2003

- CD164** National Waste Strategy 2003
- CD165** Framework for Economic Development in Scotland 2004
- CD166** Scottish Outdoor Access Code 2004
- CD167** A Countryside Access Strategy for West Lothian
- CD168** The Environmental Assessment of Plan and Programmes (Scotland) Regulations 2004
- CD169** Extracts from the Earl Private Bill
- CD170** Local Air Quality Management: Revised Policy Guidance Environment Group
- CD171** Air Quality and Land Use Planning
- CD172** Towards a Green Jobs Strategy – Opportunities for Business (Consultation Paper)
- CD173** A Smart Successful Scotland, November 2004
- CD174** Letter from SE Environment Group to WLC dated 25 November 2005 (Exemption from Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 - REG 11(2)(a))
- CD175** Scotland's Transport Future (White Paper)
- CD176** “Building a Better Scotland” document
- CD177** National Waste Plan
- CD178** Renewables Obligations Scotland Requirements
- CD179** Scottish Biodiversity Strategy: "Scotland's Biodiversity, It's in Your Hands"
- CD180** Best Value and Biodiversity in Scotland - A Handbook of Good Practice for Public Bodies
- CD180A** Removing the Special Protection of Prime Agricultural Land from Development, Digest of Responses to Consultation
- CD180B** Removing the Special Protection of Prime Agricultural Land from Development, Conclusion and Next Steps
- CD180C** Environment and Rural Development Committee Report, SP paper 437, 12th report
- CD180D** West Lothian Local Biodiversity Action Plan 1998 - 2003
- CD181** West Lothian Local Biodiversity Action Plan - Planning for Biodiversity Action 2005 - 2009
- CD181A** The River Almond Catchment - A Plan for Integrated Management
- CD182** Habitat Action Plan: Lowland Raised Bog 2002 - 2007
- CD183** Farmland Action Plan (under review) 2002 - 2007
- CD184** Woodland Action Plan (under review) 2002 - 2007
- CD185** Habitat Action Plan: Rivers and Streams 2005 - 2010
- CD186** Habitat Action Plan: Oil Shale Bings 2006 -2011
- CD86A** Catalogue of Rights of Way
- CD187** Biodiversity Assessment of the 20/20 Vision and Local Plan Proposed Development Sites
- CD187A** Biodiversity by Design, A Guide for Sustainable Communities
- CD188** West Lothian Geodiversity Volume I - Report
- CD189** West Lothian Geodiversity Volume II - Figures
- CD190** West Lothian Geodiversity Volume III - Appendix
- CD191** Travel Choices for Scotland (White Paper)
- CD191A** Soils and Land Capability for Agriculture

- CD192** Decision letter on appeal against refusal of outline planning permission for a 3.1ha residential development at Bridgecastle Road at land at Armadale, DATED : 24 August 2005 (SEIRU ref :- P/PPA/400/175)
- CD193** "Guidance on Local Landscape Designations"
- CD194** Guidance on Establishing and Managing Local Nature Conservation Site Systems in Scotland
- CD195** The Wildlife Sites Handbook
- CD196** Habitat Networks for Wildlife and People - The Creation of Sustainable Forest Habitats
- CD197** Forest Habitat Networks - Joined Up Landscapes Created Through Development
- CD198** Development of a Forest Habitat Network Strategy in West Lothian
- CD199** SEPA Policy No 26 "Culverting of Watercourses" SEPA, 1998
- CD200** SEPA (Culvert Design Manual CIRIA Report 168)
- CD201** SUDS (SUDWP/CIRIA) Design Manual for Scotland and Northern Ireland, 2000 (SEPA)
- CD202** Lothian and Borders Area Waste Plan
- CD203** Scottish Environmental Protection Agency Policy No 4 "A SEPA Planning Authority Protocol" SEPA
- CD204** Regional Transport Strategy 2003 (SESTRAN)
- CD205** Sports for All Strategy, 1998
- CD206** Football Development Strategy, 1999
- CD206A** WLC Housing Model 2006 - 2025
- CD207** West Lothian Soil Sustainability Report 2004
- CD208** Bangour Village Hospital: Draft Conservation Area Appraisal 2005 (WLC)
- CD209** Local Transport Strategy for West Lothian, October 2000
- CD209A** A71 Corridor Study
- CD210** Delivering the Next Round of Major Housing Developments in West Lothian - A Guide to Development, September 2003
- CD211** A Partnership Approach to Deliver the Infrastructure Required to Support the Development Strategy contained in the West Lothian Local Plan (WLC)
- CD212** Scheduled Monument Entries for Greendykes Bing and Faucheldean Bing (WLC)
- CD213** West Lothian : Building an Economy for the Knowledge Age, 2004
- CD213A** Barkers Review of Housing Land Supply
- CD214** Barkers Review of Housing Land Supply – The Government's Response to Kate Barker's Review of Housing Supply
- CD215** Consultation Document: The Monitoring and Enforcing of Minerals Permissions
- CD216** Lothian Landscape Character Assessment
- CD216A** Water of Leith integrated environmental action plan, landscape resource study
- CD217** Plan submitted by WBB Minerals relating to Silica Sandstone
- CD218** Report to Community Safety Committee Meeting 2003 "WLC Flood Action Plan"
- CD219** Minute of Community Safety Committee Meeting 2003 "WLC Flood Action Plan"
- CD220** Report to Community Safety Committee Meeting 2003 "WLC Flood Prevention Strategy"

- CD221** Minute of Community Safety Committee Meeting 2003 "WLC Flood Prevention Strategy"
- CD222** Report to Community Safety Committee Meeting 2005 "WLC Flood Prevention Strategy Update"
- CD223** Minute of Community Safety Committee Meeting 2005 "WLC Flood Prevention Strategy Update"
- CD224** Flood Risk Assessments Standards
- CD225** SUDS Guidance for Development Control Planners
- CD226** WEWS Controlled Activities Regulations 2005
- CD227** Flood Prevention Act 1961 (as amended)
- CD228** Centre for Ecology and Hydrology 1 in 100 year flood map
- CD229** Watercourses in the Community
- CD230** Liquid Assets - making the most of urban watercourses
- CD230A** Ladywell West - Eliburn East Revised Stage A Report
- CD230B** Minor Amendment to Ladywell West - Eliburn East Stage A
- CD231** Minute of Business Meeting held on 8 February 2006
- CD232** Minute of Business Meeting held on 30 March 2006
- CD233** Minute of Pre-Inquiry Meeting held on 27 April 2006
- CD233A** Topic Paper - Compliance with Structure Plan: Strategic Housing Land Supply and CDA Preferred Strategy
- CD233B** Topic Paper - Compliance with Structure Plan: Developer Contribution Principles
- CD233C** Topic Paper - Compliance with Structure Plan: Influence of Transportation on Strategy
- CD233D** Topic Paper - Compliance with Structure Plan: Influence of Education Provision on Strategy
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- CD233F** Topic Paper - Economic Development Land Supply
- CD234** Edinburgh Area Retail Needs study
- CD235** Transport Scotland Position Statement
- CD236** Council's Response to Transport Scotland Position Statement
- CD237** New Stations: A Guide for Promoters
- CD238** East Lothian Local Plan 2005 - Finalised Written Statement and Plan
- CD239** Land Capability for Agriculture in West Lothian
- CD240** Joint Statement by WLC and Transport Scotland
- CD240a** Report to WLC, Enterprise and Development Committee , 12 October 2004, entitled "Travel to Work Patterns"
- CD241** Scotland Route Utilisation Strategy - Draft for Consultation
- CD242** SPP4, Planning for Minerals
- CD243** A71 Corridor Study Final Report
- CD244** Bus and Rail Timetable Edition 13
- CD245** Scotrail Central Scotland Train Times
- CD246** Scotrail Shuttle Services Glasgow - Edinburgh
- CD247** Research Note by Scottish Parliament on Scotland's Travelling People
- CD248** Equal Opportunities Committee, 1st report 2001, Inquiry into Gypsy Travellers and Public Sector Policies Volume 1
- CD249** Delivering for Scotland's Gypsies/Travellers
- CD250** HOU 5a, Bangour Hospital - Joint Statement by West Lothian Council, Lothian

- Health Board and Persimmon Homes
- CD251** Report to Enterprise and Development Committee, 20 June 2006 "Planning and Noise" and associated SPG
- CD252** Letter of objection from Scottish Wildlife Trust dated 08/07/05 regarding the WLLP 2005 (objections have now been withdrawn)
- CD253** Dalton Site Aerial Photograph
- CD254** Confirmation of Robertson Group Withdrawal from Objection
- CD255** Balerno Catchment Realignment: Position Statement
- CD256** Kirknewton Community Council Response to Developer Proposals
- CD257** Letter from George Wimpey to Stirling Developments regarding Land at East Calder
- CD258** Report to WLC, Enterprise and Development Committee 11 October 2005 on SPP15
- CD259** Kirknewton Level Crossing Elimination, Alternative Options Study, Draft Report, Revision 1
- CD260** Kirknewton Level Crossing Elimination, Technical Feasibility Study, Draft for Comment
- CD261** Letter from Network Rail to WLC regarding Kirknewton Level Crossing dated 24 August 2005
- CD262** Letter from WLC to Network Rail regarding Kirknewton Level Crossing dated 5 September 2005
- CD263** Joint Statement by WLC, Scotia Homes and Master Houses on Education Principles
- CD264** Letter from WLC to Network Rail regarding Kirknewton Level Crossing dated 27 February 2006
- CD265** Kirknewton Level Crossing Position Statement
- CD266** Letter from Burness LLP confirming Stirling Property Partnership option to acquire property owned by the Blain family.
- CD267** Outcome of Planning Appeal by Sibcas Limited: Variation of Condition Relating to Residential Development at Easton Road, Bathgate
- CD268** Finalised Rural West Edinburgh Local Plan 2003 - Report of Public Inquiry
- CD269** House building completion rates in Kirknewton 2001 - 2005
- CD270** Outline Planning Application 1512/P/2004 for residential development at Land at Highfield House, Station Road, Kirknewton
- CD271** SPP10 - Planning for Waste Management - Consultation Draft
- CD272** SPP11 - Open Space - Consultation Draft
- CD273** Hopetoun House - Designed Landscape Conservation Plan
- CD274 (i)** Letter from Dickie and Moore Ltd to WLC dated 27 September 2006
- CD274 (ii)** Email from HG Enterprises to WLC dated 25 September 2006
- CD274(iii)** Email from HG Enterprises to Ross Martin dated 26 September 2006
- CD274 (iv)** Letter from R W Sives to WLC dated 26 September 2006
- CD274 (v)** Letter from CCM Welwood to WLC dated 26 September 2006
- CD275** Report to Enterprise and Development Committee of 8 March 2006 regarding "First Routes 27 - 28 Developments"
- CD276 (0)** Map of Calderwood Land Ownership and Control
- CD276 (1)** Letter from Burness (acting on behalf of Stirling Property Partnership to WLC dated 26 September 2006
- CD276 (2)** Letter from Burness (acting on behalf of Peter John Stirling and Guy William

- Stirling) to WLC dated 26 September 2006
- CD276 (3)** Letter from Persimmon Homes East Scotland to WLC dated 6 July 2006
 - CD276 (4)** Letter from Caesar and Howie to Stirling Developments Ltd dated 4 September 2006
 - CD276 (5)** Letter from J B McBean (Haulage) Ltd to Stirling Developments Ltd dated 4 July 2006
 - CD276 (6)** Letter from Davidson and Robertson to Stirling Developments Ltd dated 19 June 2006
 - CD276 (7)** Letter from Walker Group to Stirling Developments Ltd dated 30 June 2006
 - CD276 (8)** Letter from Mr and Mrs D Miller to Stirling Developments Ltd dated 20 June 2006
 - CD276 (9)** Letter from Deanway Development Ltd to Stirling Developments Ltd dated 26 June 2006
 - CD277** Map detailing new roundabout, distances Livingston and Almond Valley CDA, East Calder and Kirknewton
 - CD278** Report to Enterprise and Development Committee of 29 August 2006 regarding "Local Plan Compliance with Article 6 (3) of the Habitats Directive"
 - CD279** PAN79 - Water and Drainage
 - CD280** Draft SPP4 - Mineral Working - Analysis of Consultation Responses
 - CD281** Appeal Decision Letter dated 22 August 2006 regarding Outline Planning Permission for Residential Development at Armadale Road, Bridgehouse, West Lothian
 - CD282** Topic Paper - Affordable Housing
 - CD283** Letter from WLC Economic Property Development Manager to Scotwaste 17 August 2004
 - CD284** Ladywell Action Plan
 - CD285** Revised Affordable Housing Policy June 2006
 - CD286** DETR Local Housing Needs Assessment - A Guide to Good Practice
 - CD287** Achadonn Properties Limited - Position Statement - Lower Bathville, Armadale
 - CD288** RPS - Planning Support Statement for Planning Permission for the Infilling of the Remnant Quarry with Materials Excavated from within the Site with Landscaping and Profiling
 - CD289** Letter from Transport Scotland to West Lothian Council dated 20 October 2006
 - CD290** Map detailing Calderwood CDA: Land Ownership and Control
 - CD291** Additions to mixed use allocations in Armadale modifications
 - CD292** Possible Abandonment of the Review of the E&LSP 2015 - Report by the Director of Environment, East Lothian Council
 - CD293** Policy, Partnership and Resources Committee dated 24 October 2006, report regarding Developer Contributions for School Start-up Costs
 - CD294** Policy, Partnership and Resources Committee dated 24 October 2006, report regarding New Schools - Design Guidelines for Developers
 - CD295** WLC Education and Cultural Services Start of Session School Rolls for Primary, Secondary and Special Classes/Schools - Session 2006/2007
 - CD296** Winchburgh Settlement Expansion: Planning Application Ref 1012/P/05, Note of meeting between West Lothian Council, Transport Scotland and JMP held on 7 October 2006
 - CD297** Report to Enterprise and Development Committee dated 10 October 2006 – "Route Utilisation Strategy, Draft for Consultation, Network Rail"

- CD298** Email from tie limited to West Lothian Council regarding Winchburgh Station dated 21 September 2006
- CD299** Letter from Keppie Planning to the Local Plan Programme Officer dated 21 November 2006 regarding Omission of Land at Standhill and Colinshiel
- CD300** Letter from Robert E Henderson QC to Councillor Dunn regarding land at Cappers dated 20 November 2006
- CD301** Scottish Wildlife Trust Site Survey of Glendevon Pond, West Lothian dated August 2000
- CD302** Email from tie limited to West Lothian Council regarding Winchburgh Station dated 27 November 2006
- CD303** Letter from the SE to WLC Director of Education regarding school closures dated 6 October 2006.
- CD304** Statement from Mr Boyle, Bathgate Community Council regarding inquiry session EMP 11.
- CD305** Minute of meeting between WLC, Network Rail and Scotia Homes held on 3 November 2006 regarding Kirknewton Railway Station Crossing
- CD306** Safe Routes to Schools and School Travel Plans - Sustrans Position Statement
- CD307** Appeal to SMs by Stephen Dalton Skiphire Ltd dated 20 November 2006
- CD308** Refusal of Outline Planning Permission of Planning Application Ref 1113/P/06
- CD309** Report to Policy Partnership and Resources Committee dated 20 June 2006 regarding Local Housing Strategy - 2005/06 Review
- CD310** West Lothian Local Housing Strategy: Estimating Affordable Housing Requirements - Report by University of Glasgow
- CD311** Consultation on Draft West Edinburgh Planning Framework 2006
- CD312** E&LSP Review 2020 - Housing Background Paper
- CD313** Scotland's National Transport Strategy
- CD314** Decision Letter regarding appeal by Kinleith Industrial Estates Ltd against refusal of outline planning permission for residential development at Broompark Farm, East Calder
- CD315** Local Housing Need and Affordability Model for Scotland - Update (2005 based) by Communities Scotland
- CD316** WLC Response to Letter from Keppie Planning dated 27 November 2006
- CD317** WLC Response to Issues Raised at Inquiry Session CDA 1a
- CD318** Timeline for Choosing Calderwood CDA
- CD319** Colour Version of Calderwood New Settlement Presentation Document
- CD320** Report regarding outline planning permission for 11.25ha development comprising civic centre building for police, courthouse and council headquarters at Almondvale Park, Howden South, Livingston submitted to Development Control Sub-Committee dated 1 June 2005
- CD321** Report titled "West Lothian Civic Centre" submitted to Policy, Partnership and Resources Committee dated 10 September 2003, and extract of minute detailing decision taken by committee
- CD322** Map detailing Briestonhill, Polbeth
- CD323** Report titled "Proposed Sale of land, Proposed Golf Course, Bridgecastle, Armadale" submitted to Strategic Services Committee dated 28 August 1996"
- CD324** Correspondence relating to FOI Request from Ms Farquharson-Black
- CD325** Marketing Brochures, 3 Garbett Road, Livingston
- CD326** Plan showing development sites within Livingston Town Centre

- CD327** Development sites within Livingston Town Centre
- CD328** Committee Report, 0818/P/05 Phase 3, Almondvale Centre (outline)
- CD329** Committee Report 0711/ARM/06 Reserved Matter, Almondvale Phase 3
- CD330** Committee Report 0870/FUL/06 - Section 42, Increased Floorspace at Almondvale Phase 3
- CD331** Committee Report 1342/P/05, Almondvale Stadium (outline)
- CD332** WLC comments on sites listed in RET3/RL6
- CD333** Joint Statement by CALA Management Ltd, Winchburgh Development Initiative, The Walker Group (Scotland) Ltd and WLC regarding Developer Contributions Towards the Start Up Costs for Schools
- CD334** Reporter's decision letter dated March 2004 relating to planning application ref 0565/03
- CD335** Committee report regarding planning application ref 1091/04 dated December 2004
- CD336** Committee report regarding planning application ref 0683/05 dated September 2005
- CD337** Committee report regarding planning application ref 0727/FUL/06 dated October 2006
- CD338** Location of Pumping Station sites in West Lothian
- CD339** Map detailing Raw Holdings West, East Calder
- CD340** Map detailing Murieston Road, Livingston
- CD341** Refusal of Full Planning Permission of Planning Application Ref 1091/2004 (1st amended plans)
- CD342** Refusal of Full Planning Permission of Planning Application Ref 0683/2005
- CD343** Refusal of Full Planning Permission of Planning Application Ref 0727/FUL/06
- CD344** WLC Environmental Statement for the Civic Centre, March 2005
- CD345** Joint Statement by Walker Group Scotland Ltd and WLC regarding Mixed Use Allocation and references to Employment Land at Gavieside, West Livingston
- CD346** Map detailing West Livingston
- CD347** Report to WLC, Enterprise and Development Committee 20 April 2004, entitled "SPP15 - Planning for Rural Development"
- CD348** Wester Inch Density Analysis
- CD349** Extracts from WLC Environmental Statement, March 2005 relating to 3 development sites at Almond valley
- CD350** Revised Minerals Chapter
- CD351** CDA3c - Gavieside - Size of areas
- CD352** Correspondence and planning application in connection with development at land to the south of Lady Court, Redmill, East Whitburn dated November 2006
- CD353** Kirknewton Level Crossing Appraisal
- CD354** Letter from Robert Miller to the Programme Officer dated 17 March 2007.
- CD355** Design Manual for Roads and Bridges Extract
- CD356** Letter to SEIRU, dated 27 March 2007, with attachment
- CD357** Aerial photographs of Bridgecastle Golf Course

General Documents

- WLCD002** Report to WLC's Policy Partnership and Resources Committee, 20 June 2006,

Development contributions towards the provision of additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh

- WLCD003** Report to WLC's Policy Partnership and Resources Committee, 20 June 2006, Co-location principles for the provision of the new community and cultural facilities in the Core Development Areas
- WLCD003A** Letter dated 7 July consultation on co-location principles for the provision of the new community and cultural facilities in the Core Development Areas
- WLCD004** The Barker Report, 2003
- WLCD005** List of developer contribution received by WLC
- WLCD006** WLC Strategic Paramics Modelling - Summary of Paramics Modelling
- WLCD007** Paramics Modelling Reports by SIAS Ltd: Model Development and validation report
- WLCD008** West Lothian Sustainable Transport Study
- WLCD009** Letter from SE to Carl Bro Group dated 14 September 2005 regarding the Winchburgh Development Initiative
- WLCD010** Letter from SE to Carl Bro Group dated 23 November 2005 regarding the Winchburgh Development Initiative
- WLCD011** Email from Taylor Woodrow dated 1 July 2004
- WLCD013** Letter from Taylor Woodrow dated 25 May 2006
- WLCD014** Letter from Sterling Developments Ltd dated 26 May 2006
- WLCD015** Letter from Homes for Scotland dated 29 May 2006
- WLCD016** Heartlands Section 75 Legal Agreement
- WLCD017** Report to Policy, Partnership and Resources committee, 20 June 2006, Developer Contributions towards the post of travel coordinator
- WLCD020** Local Government Act 2003
- WLCD021** Housing Land Audit 2001
- WLCD022** West Lothian Local Housing Strategy 2003-2008
- WLCD023** Housing Needs Assessment - Main Report of Survey, David Adamson & Partners (2001)
- WLCD024** West Lothian Local Housing Strategy - Estimating Affordable Housing Requirements, University of Glasgow / Newhaven Research (2003)
- WLCD025** Lothian Housing Needs and Market Study - Tribal HCH (2005)
- WLCD026** Bathgate Action Plan
- WLCD027** Action Planning for Traditional Towns: report to West Lothian Council's Enterprise and Development Committee, 22 November 2005
- WLCD028** SESTRAN Integrated Transport Corridor Studies - Linlithgow Corridor Final Report (March 2005) by Scott Wilson
- WLCD029** Linlithgow Corridor Study: Report to WLC's Enterprise and Development Committee, 8 March 2005
- WLCD030** Planning application reference 0447/2005 for the approval of reserved matters application for the erection of a 5116 sq m non-food retail development with associated access road, car parking, footbridge and landscaping at Falkirk road, Linlithgow Bridge.
- WLCD031** Report to WLC Development Control Sub Committee of 5th April 2005 on planning application 1005/P/04
- WLCD032** Copy of decision notice conferring refusal of outline planning permission 1005/P/04

- WLCD033** Copy of drawings accompanying outline planning permission 1005/P/04
- WLCD034** SEIRU decision letter on planning appeal relative to outline planning application 1005/P/04
- WLCD035** Report to WLC Development Control Sub Committee of 5th April 2006 on planning application 0161/P/2006
- WLCD036** Copy of Outline planning permission 0161/P/2006
- WLCD037** Copy of approved drawings accompanying outline planning permission 0161/P/2006
- WLCD039** Report to WLC's Community Safety Committee, 6 June 2006, Cemeteries Provision
- WLCD040** Examples of committee reports on road closures and stopping ups linked with developments
- WLCD041** Road (Scotland) Act 1984
- WLCD043** Letter to WLC from Historic Scotland dated 23 November 2005 regarding planning application 1012/P/05
- WLCD044** Letter to WLC from The Garden History Society dated 20 October 2005 on planning application 1012/P/05
- WLCD045** Letter to WLC from Scottish Civic Trust dated 15 December 2005 on planning application 1012/P/05
- WLCD047** Note of meeting held on 28 April 2006 between WLC, landowners and Cala Investment Land Ltd to discuss remediation proposals for Auldcaithie
- WLCD048** Public consultation response from public analyst dated 13 October 2005
- WLCD051** Accident statistics on Faucheldean Road
- WLCD051A** Updated accident statistics on Faucheldean Road
- WLCD052** Planning permission for Niddry Bing
- WLCD053** Letter to Strategic Environmental Assessment Implementation Manager, SE Regulation 11 (2a) of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004
- WLCD054** Letter from Garden History Society dated 24th of May 2004
- WLCD055** Report from Architecture and Design Scotland on planning application 10/12/P/05 dated 24 March 2006
- WLCD056** Letter to WLC from Network rail dated 17 November 2005 regarding planning application 1012/P/05
- WLCD061** West Lothian New Station Study, JMP Consulting/Vossloh Information Technologies York Ltd
- WLCD062** Adopted Rural West Edinburgh Local Plan
- WLCD063** Extracts from Reporters' recommendations in relation to the public local inquiry into the Rural West Edinburgh Local Plan
- WLCD065** Letter to SE Sustainable Development Directorate - request for exemption from requirement to undertake Strategic Environmental Assessment, WLLP 2005
- WLCD066** Letter to WLC from British Waterway Scotland dated 14 November 2005 regarding Planning Application 1012/P/05
- WLCD067** Drumshoreland Planning Brief
- WLCD068** Bangour Village Hospital Capacity Study
- WLCD069** Draft Planning Brief for site HLv115
- WLCD070** Planning Application 0313/05 - Outline planning permission for a 4.5ha residential development, Whitburn Road, Birniehill Meat Complex, Bathgate
- WLCD071** Planning Application 1452/03 - Approval of reserved matters for a single user

manufacturing building with storage area, administration building and car parking, West Mains, Bathgate

- WLCD072** Copy of decision notice conferring refusal of planning application 0565/2003
- WLCD073** SEIRU decision letter on planning appeal relative to planning application 0565/2003
- WLCD074** Copy of decision notice conferring refusal of planning permission 1091/2004
- WLCD075** Copy of decision notice conferring refusal of planning application 0683/2005
- WLCD076** Planning application 1251/03 for erection of 20 houses on former Rendezvous pub site Glasgow Road, Bathgate
- WLCD077** Minute of Development Control Sub-committee January 2004
- WLCD078** Planning application 0616/04 for erection of 28 flats on former Rendezvous Pub site Glasgow Road, Bathgate - withdrawn
- WLCD079** Planning application 1279/05 for demolition of former Rendezvous Pub and erection of 77 flats at Glasgow Road, Bathgate - to be determined
- WLCD080** Finalised Planning brief for Glasgow Road, Bathgate
- WLCD081** Various letters of support for WLC's position in relation to this (Hens Nest Road) development site
- WLCD082** Planning Application 1334/04 relating to this site
- WLCD084** SEIRU decision letter on planning appeal relative to planning application 0076/P/93
- WLCD085** Report to WLC development Control Sub-Committee of 6th November 2002 on planning application 0887/2002
- WLCD086** Copy of decision notice conferring refusal of outline planning permission 0887/2002
- WLCD087** Report to WLC Development Control Sub Committee of 5th of March 2003 on Planning application 0076/2003
- WLCD088** Copy of decision notice conferring grant of planning permission 0076/2003
- WLCD089** Copy of decision notice conferring grant of planning permission 1219/2005
- WLCD090** Planning Application 0285/06 - Erection of 246 houses with garages and 54 flats including new vehicular access and groundworks, Land adjacent to Craiginn Terrace/Westcraigs Road, Blackridge
- WLCD091** Planning Application 0173/P/05 - report to development Control Sub Committee, 1st June 2005
- WLCD095** Report to Enterprise and Development Committee date 30 August 2005 - covering West Lothian Sustainable Transport Study and A71 Corridor Study
- WLCD096** Report to Enterprise and Development Committee date 22 November 2005 - abandonment of dualling safeguard
- WLCD097** Report to Enterprise and Development Committee dated 30th August 2005 - Local Transport Strategy and Associated Transport Studies
- WLCD098** Report to Policy, Partnership and Resources Committee, 20 June 2006, Developer Contributions towards the A71 Corridor Study Bus Priority Measures
- WLCD099** Enabling Development and the conservation of heritage assets: policy Statement and Practical Guide to Assessment - English Heritage
- WLCD100** Report to Enterprise and Development Committee, 19 April 2005
- WLCD102** Precognition of March 2001 relating to 6 planning applications by Freeport Leisure PLC outline the planning history of the site
- WLCD103** Planning Application 1141/P/01: outline planning permission for a garden centre development comprising 20,000 sq ft and 5,000 sq ft outdoor facilities

with car parking: and related appeal decision notice.

- WLCD104** Planning application 1023/P/02: Outline planning permission for formation of pond, golf driving range covered roof to provide 3,000 sq m demonstration area and café.
- WLCD105** Planning Application 0840/05: Extension to plant hire contractor yard and office at Polbeth Industrial Estate- decision notice refusing planning permission and appeal decision letter dismissing appeal
- WLCD106** Planning application 1042/03: Waiver of condition 3 and 4 of planning application P481/1985 to allow sites to be used for class 4, 5 and 6 uses
- WLCD107** Planning Application 0142/03: Change of use for storage and auction of salvage motor vehicles and erection of office building and workshop at former Uphall West Bing
- WLCD109** Planning application 0617/P/94: Outline planning permission for business, industrial and storage and distribution use at Drum Farm, Whitburn
- WLCD110** Persimmon Homes noise survey report 2005
- WLCD111** Letter to WLC from Sportscotland dated 18 January 2004, Consideration of Representations and Pre-Inquiry Changes
- WLCD112** Letter from WLC to Sportscotland dated 6 April 2005
- WLCD113** Letter to WLC from Sportscotland dated 3 May 2005
- WLCD114** Objection letter from SEPA to WLLP 2005 dated 22 July 2005
- WLCD115** List of pre-inquiry changes, June 2006
- WLCD116** Report to Enterprise and Development Committee, 4 December 2001 "WLLP: Major Housing and Employment Development Sites - The 2020 vision for West Lothian"
- WLCD117** Report to Policy, Partnership and Resources Committee, 20 June 2006, SPG: Developer Contributions to New Cemetery Provision In West Lothian
- WLCD118** Report to Policy, Partnership and Resources Committee, 20 June 2006, SPG: Developer requirements for the provision of, and contribution towards public art projects
- WLCD119** Report to Community Safety Committee 6th June 2006 on cemeteries provision
- WLCD120** Report to WLC's Policy, Partnership and Resources Committee "West Lothian Local Plan Affordable Housing Policy
- WLCD121** Report to Policy, Partnership and Resources Committee, 20 June 2006, Developer contributions towards the A801 between M8 Junction 4 and Pottishaw roundabout
- WLCD123** Report to Development Control Sub-Committee, 28 June 2006, 1249/FUL/05, "Erection of 51 houses etc at New Calder Paper Mill, Livingston"
- WLCD124** Letter from Persimmon Homes Ltd, 27 May 2005, re policies on Developer Contributions
- WLCD125** Letter to City of Edinburgh Council Children & Families Department, 3 May 2005, Policies on Developer Contributions
- WLCD126** Homes for Scotland, WLC - Policies on Developer Contributions, Armadale Academy; New Denominational Secondary School
- WLCD127** Letter to Armadale Community Council, 1 June 2006, CDA Developer Contributions for Town and Village Centre Improvements
- WLCD128** Standard WLC letter, Policies on Developer Contributions
- WLCD129** Refusal of Full Planning Permission, Etna Brickworks
- WLCD130** Approval of Outline Planning Permission, 0493/P/02, Heartlands development
- WLCD131** Certificate of Lawful Use or Development, Broompark Farm, Mid Calder

- WLCD132** New Calder Paper Mill development, 1249/FUL/05, Layout Plan
- WLCD133** Population Projection Model 2005-2006
- WLCD134** Site Plan, Etna Brickworks, Armadale
- WLCD135** Section 75 agreement for Wester Inch, Bathgate.
- WLCD136** Capital Programme: Artists' Work in Public Places, Guidelines 2003/04: Scottish Arts Council
- WLCD138** Reporters Report on Stirling Council Local Plan - 2nd Alteration, Public Local Inquiry 2005, paragraph 14.95
- WLCD139** West Lothian Statutory Performance Indicator, EC1 & EC2
- WLCD140** Topic Paper - Influence of Transportation on Strategy
- WLCD141** Communities Scotland Housing Market Context Statement
- WLCD141b** Communities Scotland Housing Market Context Statement - Update March 2003
- WLCD142** Housing Land Audit 2002
- WLCD143** Report to WLC: West Lothian Affordable Housing Policy and Summary of PAN 74, Affordable Housing
- WLCD144** Extract from Rural West Edinburgh Local Plan - Summary of Reporter's Recommendations
- WLCD145** Register of Developer Contributions to Affordable Housing
- WLCD146** Letter from WLC to Persimmon Homes regarding outline planning permission for proposed mixed use development at Bangour Village Hospital, 8 May 2002
- WLCD148** Consultation letter from SEPA, Winchburgh CDA planning application 1012/P/05, 7 June 2006
- WLCD149** Paramics Modelling Reports by SIAS Ltd: Do Minimum Model Development
- WLCD150** Paramics Modelling Reports by SIAS Ltd: Strategic Option Testing Report
- WLCD151** Paramics Modelling Reports by SIAS Ltd: Public Transport Initiative Paramics Option Testing
- WLCD152** Paramics Modelling Reports by SIAS Ltd: Detailed Testing for Selected Sites
- WLCD153** Paramics Modelling Reports by SIAS Ltd: Detailed Testing of Revised CDA Proposals
- WLCD156** Land Supply and House Completions in west, West Lothian
- WLCD156a** Sample catchment area and household data analysis statistics: 1 West Lothian (All catchments)
- WLCD157** Sample catchment area and household data analysis statistics: 2 West Lothian (All catchments) - Private Housing
- WLCD158** Sample catchment area and household data analysis statistics: 3 West Lothian (All catchments) - Private Housing - Villas
- WLCD159** Sample catchment area and household data analysis statistics: 4 380 - Linlithgow Academy
- WLCD160** Sample catchment area and household data analysis statistics: 5 380 - Linlithgow Academy - Private Housing
- WLCD161** Sample catchment area and household data analysis statistics: 6 380 - Linlithgow Academy - Private Housing - Villas
- WLCD162** Sample catchment area and household data analysis statistics: 7 380 - Linlithgow Academy - Private Housing - Villas - 3 bedrooms
- WLCD163** Sample catchment area and household data analysis statistics: 8 381 - West Calder High School
- WLCD164** Sample catchment area and household data analysis statistics: 9 A820AW -

- Avalon Gardens (All) Linlithgow
- WLCD165** Sample screenshots of database and spreadsheet systems used by WLC, Education and Cultural Services
- WLCD166** Letter from Audit Scotland
- WLCD167** Potential S1 admissions - Analysis by associated primary school attendance using 2005 start of session school rolls
- WLCD168** Potential S1 admissions - Analysis by associated primary school catchment area
- WLCD169** 1 Session 2001-2002 base
- WLCD170** 2 Session 2005-2006 base
- WLCD171** Analysis of Revenue & Capital Budgets 2006/07
- WLCD172** School Premises (General Requirements and Standards) Regulations 1967 (SI1967/1199)
- WLCD173** Overnight Processing Log of Reports to Action
- WLCD174** Sample letter, 0-18 Population and Household Survey
- WLCD175** Sample (school) Application Demand Matrix & Application Summary
- WLCD176** Letter from SE, Guidance on Determining School Capacities
- WLCD177** Local Plan Objection Sites
- WLCD178** Copy of decision notice on 1023/P/01, Outline planning for 0.85ha employment development at Whitrigg, East Whitburn
- WLCD179** Copy of SEIRU appeal decision on 1023/P/01
- WLCD180** Copy of decision notice on 1280/P/04, Outline planning permission for a hotel, leisure and conference development, Main Street, East Whitburn
- WLCD181** Planning brief, Rosebank (East), Kirkton Campus, Livingston
- WLCD182** Kirkton/Howden West revised Stage 'A' report
- WLCD183** Eliburn Park, Community and Stakeholder assessment of needs for a district park
- WLCD184** Wester Inch House Type Analysis
- WLCD185** Report to Policy, Partnership and Resources Committee, 31 Jan 06, General Services Capital Budget 2005/06 - Month 9 Monitoring
- WLCD186** Report and Minutes of Policy, Partnership and resources Committee, 3 May 2005, Local Plan Implementation/Performance Management System, Report by Chief Executive
- WLCD187** Copy of legal agreement between City of Edinburgh Council & The Drambuie Liqueur Company Ltd, Stirling Rd, Kirkliston, 03/0399/FUL
- WLCD188** Decision notice for planning application 0537/M/2003, Etna Brickworks, Armadale
- WLCD189** Calderwood - Principles and Vision 2006
- WLCD190** Calderwood - Effectiveness & Deliverability 2006
- WLCD192** Key Transport Statistics, SE, February 2005
- WLCD193** Report to Enterprise and Development Committee, 22 November 2004, SE/SESTRAN Award for Public Transport Projects 2005/2006
- WLCD194** Letter from Scottish Executive, 9th March 2006, SESTRAN Proposed Project Activity 2006-2007
- WLCD195** SESTRAN, Proposed Capital Programme for years 2006/07 and 2007/08, 17th March 2006
- WLCD196** SESTRAN Funding - Scheme List
- WLCD197** Decision notice for planning application 1434/FUL/04
- WLCD198** Scottish Historic Environment Policy 3, Gardens and Designed Landscapes

- WLCD199** Letter to WLC from SNH, Planning Application 1012/P/05, 14 March 2006
- WLCD200** (Draft) Planning Brief site HLv127 (east side) St Andrews Primary School, Howden, Livingston
- WLCD201** Dechmont Primary School Summary Catchment Statistics
- WLCD203** Decision notice on 0561/P/01
- WLCD204** Decision notice on 0647/P/93 - refusal of planning permission
- WLCD205** 0647/P/93 - appeal decision
- WLCD206** Contracts/Copyright: Public Art Commissions - Good Practice
- WLCD208** Niddry Castle Shale Bing - Extraction Plan
- WLCD209** Planning Application 0173/P/05 - decision notice
- WLCD210** Planning application 1282/P/05 - decision notice - 27 January 2006
- WLCD211** Plan showing Achadonn land ownership at Lower Bathville, Armadale
- WLCD212** Planning application 1334/04. A4 / A3 site layout plan
- WLCD213** Report into objections to the finalised Bathgate Area Local Plan & proposed amendments thereto (extract)
- WLCD214** Copy of decision notice conferring refusal of outline planning permission for P394/1990
- WLCD215** Copy of decision notice conferring refusal of planning permission 869/1990
- WLCD216** SEIRU decision letter on planning appeal relative to planning application 201/P/1991
- WLCD217** Planning & Design Statement, Proposed Residential Development, Binny Park, Ecclesmachan, 0639/FUL/06
- WLCD218** Report to Development Control Sub-Committee, 16 April 2003, planning application 0041/P/02
- WLCD219** SEIRU decision letter on planning appeal relative to planning application 0041/P/02
- WLCD220** Consultation letter from Network Rail on planning application 1012/P/05
- WLCD221** West Lothian Libraries Building Audit
- WLCD222** Blueprint for a new community library
- WLCD224** SEIRU decision letter on planning appeal relative to planning application 0633/FUL/05, Pardovan Steading, Philpstoun
- WLCD225** "WLC, example drill down data analysis: West Lothian (All Catchments) - Private Housing - Villas only - Housing 10-14 years old, date of Survey 2005"
- WLCD226** "WLC, example drill down data analysis: West Lothian (All Catchments) - Private Housing - Villas only - Housing < 5years old, date of Survey September 2005"
- WLCD227** "WLC, example drill down data analysis: West Lothian (All Catchments) - Private Housing - Villas only - Housing 5-9 years old, date of Survey May 2004"
- WLCD228** WLC - Statutory Need for New Library
- WLCD229** WLC Library Services - Feedback on the 2020 Vision for West Lothian
- WLCD230** Environmental Impact Assessment (Scotland) Regulations 1999 - Regulation 10 - Scoping Opinion of WLC, Proposed New Community at Calderwood, East Calder
- WLCD231** City of Edinburgh Council - Balerno High school 5 Year School Roll Forecast
- WLCD232** Kirknewton Primary School Summary Catchment Statistics
- WLCD233** Bangour Village Hospital, Dechmont : Development Brief, Consultation Draft
- WLCD234** Bangour Village Hospital, Dechmont : Development Brief, Amended draft,

November 1997

- WLCD235** Bangour Village Hospital, Dechmont : Development Brief, Amended draft, October 1999
- WLCD236** Hopetoun House Trusts Conservation Plan (Extract)
- WLCD237** Report to Policy Partnership and Resources Committee, 24 March 2003 : Education PPP 1 Projects, Report by Head of Planning and Resources
- WLCD238** Health and Care Committee Report, 11 January 2005
- WLCD239** Health and Care Committee Report, 28 August 2001
- WLCD240** SPP8 "Town Centres and Retailing"
- WLCD241** Summary Catchment Statistics for East Calder Primary School
- WLCD242** Letter dated 24 January 2006 from Hopetoun Estates
- WLCD243** A strategy for Hopetoun Estates (Draft document)
- WLCD244** Minute of Meeting of 15th November 2005, with EDAW and WLC on Motorola, South Queensferry
- WLCD245** Report to West Lothian Council's Policy Partnership and Resources Committee, 20 June 2006 "SPG: The Redevelopment of Redundant poultry sheds and intensive livestock rearing units"
- WLCD246** Planning Appeal Decision - 1 November 2006 - Broompark Farm, Mid Calder
- WLCD247** Planning application 1042/03 - former Motorola facility near South Queensferry - to waive conditions 3 and 4 in original planning application ref P481/1985
- WLCD248** Report to Enterprise and Development Committee of 10 October 2006 - SPP6: Renewable Energy
- WLCD249** SPP6: Renewable Energy, Consultation Draft
- WLCD250** Letter from Miss S Glover to the Reporter dated 18 December 2006 in support of the closure of West Clifton Road
- WLCD251** Letter from Mr S Stanton, Ms M MacLeod, Ms Mhairi MacLeod and Mr R MacLeod to the Reporter dated 28 December 2006 in support of the closure of West Clifton Road
- WLCD252** Letter from Dr S Tewdall and Mrs H Yewdall to the Reporter dated 4 January 2007 in support of the closure of West Clifton Road
- WLCD253** Letter from Mark and Hilary Phillips to the Reporter dated 19 December 2006 in support of the closure of West Clifton Road
- WLCD254** Letter from Alan and Sheena Gillespie to the Reporter dated 23 December 2006 in support of the closure of West Clifton Road
- WLCD255** Response to WLC consultation re SPG on Developer Contributions Towards School Start Up Costs on behalf of Stirling Developments Ltd
- WLCD256** Response to WLC consultation re SPG on Developer Contributions Towards School Start Up Costs by Homes for Scotland
- WLCD257** Response to WLC consultation re SPG on Developer Contributions Towards School Start Up Costs by Persimmon Homes East Scotland
- WLCD258** Response to WLC consultation re SPG on Developer Contributions Towards School Start Up Costs by the Walker Group
- WLCD259** Response to WLC consultation re SPG on Developer Contributions Towards School Start Up Costs by Dawn Homes Ltd
- WLCD260** Rural West Edinburgh Local Plan map detailing A71 (Western Section) Upgrading
- WLCD261** E&LSP 2015 Action Plan Update
- WLCD262** Proposed Abandonment of the Review of the E&LSP 2015: Submission to Scottish Ministers - report by Director of Environment, East Lothian Council

- WLCD263** Kirknewton Level Crossing Final Update Note
- WLCD264** Previous Bus Services to Freeport
- WLCD265** SportsScotland letter of 26 September 2006 to WLC
- WLCD266** Ladywell Open Spaces Review

For ABP LTD

- ABP1** NPPG11 “Sport, physical recreation and open space”
- ABP2** NPPG14 “Natural Heritage”
- ABP3** SPP1 – “The Planning System”
- ABP4** SPP2 – “Economic Development”
- ABP5** SPP3 – “Planning for Housing”
- ABP6** SPP15 – “Planning for Rural Development”
- ABP7** PAN38 – “Housing Land (Revised)”
- ABP8** PAN44 – “Fitting New Housing Developments into the Landscape”
- ABP9** PAN60 – “Planning for Natural Heritage”
- ABP10** PAN72 – “Housing in the Countryside”
- ABP11** PAN74 – “Affordable Housing”
- ABP12** E&LSP 2015
- ABP13** Adopted Bathgate Area Local Plan 1998
- ABP14** WLLP July 2001
- ABP15** WLLP April 2005
- ABP16** List of Pre-Inquiry Changes to WLLP November 2005
- ABP17** Changes to Proposals Maps to WLLP November 2005
- ABP18** List of Pre-Inquiry Changes to WLLP March 2006
- ABP19** Clarification and omissions report to WLLP March 2006
- ABP20** Changes to proposals maps to WLLP March 2006
- ABP21** WLLP 2005 (Consolidated Version) Incorporating Pre-Inquiry Changes November 2005 and March 2006
- ABP22** WLC Housing Land Audit 2005
- ABP23** The Control of New Houses in the Countryside – WLC
- ABP24** Development Control Sub-Committee reports (dated 19 December 2001 and 27 March 2002) and minute of the meetings regarding application 0561/P/01. Site layout and detailed plans relating to application 0561/P/01
- ABP25** Various photographs of ABP site

For MR & MRS AMOS

- AMOS1** Westerlea Aerial View
- AMOS2** Westerlea Location Plan
- AMOS3** Westerlea Layout Plan JBA/DP/1A
- AMOS4** Westerlea Elevation (looking South)

For AWG RESIDENTIAL LTD

- AWG001** Statement of Participation
- AWG002** Objections to Pre-Inquiry Changes
- AWG003** Longridge Area Assessment
- AWG004** Facilities Review: Longridge, Fauldhouse, Breich
- AWG005** Demographic Data: Longridge, Fauldhouse, Breich

For BANKS DEVELOPMENT DIVISION

- BD1** Indicative site Master Plan
- BD2** Landscape and Visibility Assessment and Ecology Report
- BD3** Infrastructure/Site Conditions Report
- BD4** Employment Land Report
- BD5** Statement by S Melrose
- BD6** Letter from Premier Commercial Insurance Broker
- BD7** Letter from S Graham – Managing Director, J4 Storage
- BD8** Letter from Bathgate Community Council
- BD9** Application history, Inchcross, Bathgate
- BD10** Concept image of proposed business units
- BD11** Appeal decision, Easton Road, Bathgate
- BD12** Aerial photographs
- BD13** Appeal observations for Easton Road, Bathgate

For CARADALE TRADITIONAL BRICK LTD

- CB1** Letter from Harper Macleod LLP to Director of Planning at WLC dated 23 May 2005
- CB2** Letter from WLC to Harper Macleod LLP dated 30 August 2005
- CB3** Letter from Harper Macleod LLP to Colin Miller at WLC dated 3 October 2005
- CB4** Letter from WLC to Harper Macleod LLP dated 24 October 2005
- CB5** Letter from Harper Macleod LLP to Craig McCorrison at WLC dated 31 October 2005
- CB6** Letter from Craig McCorrison at WLC to Harper Macleod LLP dated 3 November 2005
- CB7** Report by Development and Building Control Manager, March 2006
- CB8** Report by Development and Building Control Manager, April 2006
- CB9** Letter to Chris Norman Esq, Chief Development Control Officer, WLC, dated 24 March 2004
- CB10** Email from Martin Keir, Johnston Poole and Bloomer, Land Consultants to Mr Chris Norman, WLC, dated 24 March 2004
- CB11** Refusal of Planning Permission, WLC, dated 7 April 2006
- CB12** Letter from David Easton to George Stewart dated 23 June 2006
- CB13** Carradale Traditional Brick Booklet
- CB14** Email from Carolyn Walker to George Stewart dated 30 May 2006 detailing list of sites

- CB15** Email from Carolyn Walker to George Stewart dated 30 May 2006 detailing production
- CB16** Email from Carolyn Walker to George Stewart dated 31 May 2006 detailing list of employees
- CB17** Email sent from Chris Norman to Johnson Poole and Bloomer in and around March/April 2004
- CB18** Planning Application and Support Statement for the continued quarrying of brick making materials including environmental improvements and site restoration at Etna Brickworks, Armadale, April 2003
- CB19** Miscellaneous correspondence post submission to decision date, Etna Brickworks, Armadale, July 2006
- CB20** Application by Giscol
- CB21** Planning Consent
- CB22** Lease
- CB23** Mineral Lease

For CALA HOMES (EAST) LIMITED

- CH1** Proposed residential development at Bonnytoun House, Linlithgow – Landscape Appraisal (EDAW)
- CH2** Proposed residential development at Bonnytoun House, Linlithgow – Proposed Site layout (14 units)
- CH3** WLC Committee Report related to residential care facility to the rear of Bonnytoun House dated 8 February 2006 (outline planning application reference 0873/P/05)
- CH4** WLC decision notice related to residential care facility to the rear of Bonnytoun House (outline planning application reference 0873/P/05)
- CH5** WLC planning brief for proposed residential care facility to the rear of Bonnytoun House (outline planning application reference 0873/P/05)
- CH6** Objections and comments on WLLP submitted on behalf of Cala Homes (East) Ltd July 2004

For CALA MANAGEMENT LTD AND WINCHBURGH DEVELOPMENT INITIATIVE

- CML1** Letter from WLC to the Scottish executive dated 16 December 2004
- CML2** Development Appraisal Report, Carl Bro, May 2006
- CML3** STAG Part 1 Report, Carl Bro, May 2006
- CML4** E&LSP review 202: Consultation Paper
- CML5** Winchburgh Development Initiative Draft Final Master Plan
- CML6** Winchburgh Development Initiative Consultation Report
- CML7** Winchburgh Development Initiative Environmental Statement including technical appendices
- CML8** Winchburgh Development Initiative Transport Assessment
- CML9** Viewpoints for Forkneuk and East Broxburn Sites
- CML10** Planning Magazine Article, 2nd June 2006
- CML11** East Broxburn CDA Development Concept Plan by Barton Wilmore 3rd

November 2005

- CML12** Forkneuk, Uphall Development Concept Plan by Barton Wilmore 2002
- CML13** Extracts from EARL Environmental Statement
- CML14** Comments on objections lodged by Mr P Rigby, Mrs Sandra Rigby and Ms Katherine Rigby, submitted to WLC
- CML15** Planning in Scotland – Promoting Inclusion through Community Engagement – Presentation by Malcolm Chisholm MSP, Minister for Communities on 27th February 2006
- CML16** “New Lease of Life” consultation leaflet May 2005
- CML17** A Response to the WLC report “A Preferred Development Strategy for Consultation”
- CML18** Report of Enterprise and Development Committee, 4 December 2001 – “WLLP: Housing and Employment Development Sites”
- CML19** Report of Enterprise and Development Committee, April 2004 “West Lothian Local Plan: A Preferred Development Strategy for Consultation”
- CML20** Minute of Meeting of the Enterprise and Development Committee 20 April 2004
- CML21** Effective Community Involvement in Planning, Scottish Executive Social Research 2005
- CML22** WLC Open Space Strategy
- CML23** WLC Committee Report, Developer Contributions toward the provision of a new Denominational Secondary School, 3rd May 2005
- CML24** Catchment Area Map: Existing Secondary Roman Catholic Schools’ Catchments
- CML25** Catchment Area Map: Existing Linlithgow Academy
- CML26** WLC Committee Minute, Student Placement and Support Sub-Committee of Children’s Services and Lifelong Learning Committee, 7 April 2006
- CML27** Projected Roll of Linlithgow Academy, St Kentigern’s RC Secondary School and St Margaret’s RC Secondary School
- CML28** Letter from Scotrail to Hannah Page dated 14 January 2005
- CML29** Letter from Network Rail to Colin Miller dated 20 January 2005
- CML30** Letter from Network Rail to Richard Hartland dated 17 November 2005
- CML31** Edinburgh and Lothians Structure Plan Joint Liaison Committee Structure Plan Review 2020: Consultation Paper. Report by the Director of City Development, the City of Edinburgh Council – Item 7
- CML32** E&LSP Review 2020 Housing background Paper – Item 7 Appendix
- CML33** Supporting Written Statement
- CML34** Evening News Article on M8 Junction dated 5 July 2006

For FORKNEUK CONSORTIUM

- FC A** SE “PAN66: Best Practice in Handling Planning Applications Affecting Trunk Roads”
- FC B** Extract from Scottish Transport Appraisal Guidance (STAG) Manual
- FC C** Extract from Finalised South Ayrshire Local Plan Inquiry Findings
- FC D** Objections to Edinburgh Airport Rail Link bill from Cala Land Investments Limited and Walker Group (Scotland) Ltd and Cala Management Ltd
- FC E** Written evidence to Edinburgh Airport Rail Link Bill from Edinburgh Airport

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| | Limited and objection to Edinburgh Airport Rail Link Bill from Edinburgh Airport Limited |
| FC F | Written evidence to Edinburgh Airport Rail Link Bill from Network Rail |
| FC G | Objection to WLLP 2005 from Scottish Executive |
| FC H | Objection to WLLP 2005 from Network Rail |

For FYFFES GROUP LTD

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|---------------|--|
| FYF001 | Statement of participation |
| FYF002 | Objections to pre-inquiry changes (January 2006) |
| FYF003 | Residential development potential |
| FYF004 | Environmental noise impact assessment |

For GEORGE WIMPEY (EAST) SCOTLAND LTD

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| KP01 | Report to Enterprise and Development Committee dated 23 November 2004, titled “WLLP – Development Strategy for CDAs” |
| KP02 | Map detailing Armadale CDA Masterplan Boundary |
| KP03 | Map detailing Land at Colinshiel, Armadale – Extended Concept Plan within CDA Boundary |

For GRAMPIAN COUNTRY FOOD GROUP LTD

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|-------------|---|
| GCF1 | Location Plan |
| GCF2 | Extract from Preliminary Phase 1 Geo-environmental Site Assessment for Proposed Development at Pumpherston Farm and Clapperton Hall – Halcrow Group Ltd November 2004 |
| GCF3 | Clapperton Bing – Issues in relation to contamination – Halcrow Yolles January 2006 |
| GCF4 | Strategy Plan |
| GCF5 | Traffic Report – Access Route |
| GCF6 | Traffic Report – Access Options |

For HOMES FOR SCOTLAND

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|-------------|---|
| HfS1 | West Lothian Local Housing Strategy 2003-2008 |
| HfS2 | Lothian Housing Need and Market Study 2005 |
| HfS3 | Report of Public Local Inquiry into Objections to the Finalised South Ayrshire Local Plan Part 1: Strategic Objections – Section 3.2 – Affordable Housing |
| HfS4 | DETR “Guide to Good Practice on Local Housing Needs Assessments” (2000) (to follow) |
| HfS5 | The Highland Council – A96 Corridor Masterplan Stage II Brief to Consultants (February 2006) (to follow) |

For JAMES FORD

- JF1** Site HOU 11A Inquiry Drawing (Fouin and Bell)
- JF2** Site HOU 11C Inquiry Drawing (Fouin and Bell)

For JOHN SWAN & SONS LTD

- JS1** Hoghill, East Calder Location Plan
- JS2** Highways Report by MRC McLean Hazel

For MBP LTD

- MBP1** WLLP 2005 – Objections on behalf of MBP Ltd by Bruce & Partners (Edinburgh), June 2005
- MBP2** Summary of responses to Draft SPP15 – Planning for Rural Development, October 2004
- MBP3** Draft SPG: Development in the Countryside – The Redevelopment of Redundant Poultry Sheds & Intensive Livestock Rearing Units, June 2006
- MBP4** Letter to Steve Lovell regarding Draft SPG: Development in the Countryside - The Redevelopment of Redundant Poultry Sheds & Intensive Livestock Rearing Units, July 2006
- MBP5** Finalised SPG – Development in the Countryside – The Re-development of redundant Poultry Sheds and Intensive Livestock Rearing Units
- MBP6** Committee Report to Enterprise & development Committee: Supplementary Planning Guidance: The re-development of Redundant Poultry Sheds and Intensive Livestock Rearing Units

For MANOR FORREST

- MF1** Outline Masterplan Drawings
- MF2** Landscape Assessment and Photographs of Site
- MF3** Local Educational Update and Analysis
- MF4** Assessment of Local Housing Land Supply and Audit
- MF5** Transportation Assessment
- MF6** Planning Appeal decision P/PPA/LD 262 (Clarendon Farm 1994)
- MF7** Winchburgh Timescales Update Cala East
- MF8** Ground Condition Survey

For MASTER HOMES

- MH1** Historical Housing Completions in West Lothian

For PERSIMMON HOMES

- PH1** Planning Application Form for residential development, primary school and community facilities at Bangour Village Hospital dated 8 September 2004
- PH2** Bangour Village Hospital Master Plan

For PETER & SANDRA RIGBY

- PSR1** Extract from: Detailed Testing for Selected Sites - SIAS Ltd for WLC
- PSR2** Letter from Network Rail 7 June 2004
- PSR3** Letter from Network Rail 20 January 2005
- PSR4** Extract from Network Rail letter 17 November 2005
- PSR5** Letter from First Scotrail 14 January 2005
- PSR6** WLC email correspondence 7 June 2005
- PSR7** Extract from Anderson Strathern letter 2 March 2006
- PSR8** WLC email correspondence 25 October 2005
- PSR9** WLC email correspondence 16 December 2004
- PSR10** Letter from Sandra & Peter Rigby to Dr Sheldon (WLC) 12 January 2005
- PSR11** Letter from Sandra & Peter Rigby to Colin Miller (WLC) 12 January 2005
- PSR12** Letter from Sandra & Peter Rigby to Hannah Page (ENVIRON) 15 October 2005
- PSR13** Letter from Svenja Keele (ENVIRON) to Sandra & Peter Rigby 13 April 2006
- PSR14** Winchburgh Community Council, Minutes of Meeting 8 November 2004

For ROYAL LONDON MUTUAL INSURANCE SOCIETY LIMITED

- RL1** Retail Capacity Study prepared by Roderick MacLean Associates dated July 2006 including MapInfo Target Pro Report for West Lothian
- RL2** Edinburgh Area Retail Needs Study 2005 (Extracts)
- RL3** Edinburgh and Lothians Shopping Surveys prepared by Halcrow for the City of Edinburgh Council, August 2000 (Extracts)
- RL4** MapInfo Brief 05/02
- RL5** Accessibility Study prepared by Colin Buchanan dated July 2006
- RL6** Audit of Employment/Industrial Land within Kirkton Campus prepared by NAI Fuller Peiser dated July 2006
- RL7** Copy of letter of support from CDS Superstores dated 5 July 2006

For SCHRODER EXEMPT PROPERTY UNIT TRUST

- DJ1** Masterplan/Design Code Document
- DJ2** Indicative Masterplan
- DJ3** Transport Assessment
- DJ4** Drivers Jonas Local Plan Representation Report dated November 2004
- DJ5** Letter from Drivers Jonas to WLC dated 14 March 2005
- DJ6** Local Plan Representation letter from Drivers Jonas to WLC dated 18 July 2005

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| DJ7 | Health and Safety Executive's Land Use Planning Methodology |
| DJ8 | Copy of Plan Showing Pipeline and Notifiable Zone |
| DJ9 | WLC Employment Land Assessment March 2005 |
| DJ10 | Letter from James Barr to Drivers Jonas dated 3 February 2005 |
| DJ11 | Schedule of Available Employment Floorspace |
| DJ12 | Schedule of Available Office Accommodation |
| DJ13 | Marketing Material examples |
| DJ14 | House Builder Interest |
| DJ15 | Letter from Miller Homes to Drivers Jonas dated 12 October 2006 |
| DJ16 | Letter from Stewart Milne Homes to Drivers Jonas dated 19 October 2006 |

For SCOTIA HOMES/ROBERTSON GROUP

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| SH1 | Letter of Objection from TPS dated 12 July 2005 |
| SH2 | Map – Boundaries of the proposed Scotia Homes site at Kirknewton |
| SH3 | Context Plan |
| SH4 | Report by Cadell2, Kirknewton Framework – Design Statement |
| SH5 | Masterplan for proposed Scotia Homes site at Kirknewton – Framework Plan |
| SH6 | Report by E Bowman, Kirknewton: Landscape and Visual Report |
| SH7 | Report by E Bowman, Calderwood;: Landscape and Visual Report |
| SH8 | Report by MacGregor McMahon, Development Infrastructure Assessment |
| SH9 | Report by DAJR Kirknewton Area – Archaeology and Cultural Heritage |
| SH10 | CABE/DETR (2000) By Design (Extract) |
| SH11 | SE (2001) Designing Places (Extract) |
| SH12 | WRC Publication “Sewers for Scotland” (Extract) |
| SH13 | Scottish Borders Council, Midlothian Council, East Lothian Council “Standards for Development Roads – A Guide to the Road Design and Construction of Roads for Adoption” |
| SH14 | SEPA, the Water Environment (Controlled Activities) (Scotland) Regulation 2005 – A Practical Guide |
| SH15 | SIAS Transportation Report |
| SH16 | Letter from Network Rail to Mr J Dickson, WLC dated 16 February 2006 |
| SH17 | Letter from Network Rail to Alistair Young, Transport Scotland dated 7 April 2006 |
| SH18 | URS Consulting Engineers (Drawing No 54175-001/SK-0076) re Road Realignment for Park and Ride at Kirknewton Station Option 3 (marked up to show land owned by Mr Sives) |
| SH19 | Cadell ² Kirknewton Masterplan – Site Ownership Plan dated 20 September 2006 (Drawing No KM-GL-04 RevA) |
| SH20 | Email from David Boyce, Network Rail to Ross Martin at TPS dated 19 September 2006 |
| SH21 A | Isochrone of Railway |
| SH21 B | Isochrone of East Calder Post Office |
| SH21 C | Isochrone of Kirknewton Post Office |
| SH21 D | Isochrone of Camps |
| SH21 E | Isochrone of Kirknewton Primary School |
| SH21 F | Isochrone of RC Primary School |

- SH21 G** Isochrone of New School
- SH21 H** Isochrone of Health Centre
- SH22 1** Copy letter from Bob Sives to WLC (undated) re no legal agreement with Scotia Homes
- SH22 2** Letter from Bob Sives to WLC (undated) re no legal agreement with any third party
- SH23** Images of the Kirknewton Railway Line Crossing Option 3A and 6
- SH24** Email response from Network Rail dated 30 November 2006
- SH25** Proposed Road Plan Drawing No 7810-101 Rev C
- SH26 A** Signed Commission by Mr C C M Wellwood
- SH26 B** Copy Proposal Submission Presentation on behalf of Mr A Simmers and Mr C Wellwood
- SH27** Plan showing land controlled by Scotia but outwith the objection site at Kirknewton

For THE SCOTTISH NATIONAL INSTITUTION FOR THE WAR BLINDED

- SNIWB01** Statement concerning Linburn, Wilkieston Village dated 7 July 2006

For SQ1 LTD

- SQ1a** Report to Planning and Development Committee by Director of Physical Planning regarding application no P481/1985
- SQ1b** Outline planning consent for multi-functional location at Butlaw, South Queensferry dated 14 November 1985
- SQ1c** Development brief for multi-functional location at Butlaw, South Queensferry dated November 1985
- SQ1d** Planning consent for proposed new building at Butlaw, South Queensferry dated 8 July 1987
- SQ1e** Butlaw site plan
- SQ1f** Illustrations supporting evidence of James Welch ML1

For STEPHEN DALTON

- D1** Masterplan (Bracewell Stirling) DEPOB7362
- D2** Letter from Mr Dandie
- D3** Certificate of Lawful Use
- D4** Planning Decision Notice – Approval for Steading Conversion
- D5** Planning Decision Notice – Refusal for Outline Application
- D6** Letter Submitting Appeal Against Refusal of Outline Application
- D7** Decision Notices for Six Previous Planning Applications
- D8** Plan Showing Walking Distances from Village centre
- D9** Survey of Retail Premises – East Calder
- D10** Approved Outline Plans for Steading
- D11** Letter of Support from House Builders
- D12** Original Masterplan Map for Broompark Site

- D13** Transport and Roads Report
- D14** Landscape Analysis Plan
- D15** Photographs and Key Plan in Support of Landscape Analysis
- D16** Masterplan (schematic) (Forbes Marr) DEPOB8574
- D17** A Vision for Capital Growth 2020 – 2040
- D18** Extract – the Lothians Regional Survey and Plan, 1966
- D19** Letter from WLC Requesting Land for Cemetery
- D20** Letter from WLC Requesting Land for Cemetery
- D21** Letter from H Robertson

For STUART SERVICES (SCOTLAND) LIMITED

- STUART1** Offer of purchase of ground at Tennants March, West Calder made by Stuart Services dated 21 March 2000, and plan of area

For THE WALKER GROUP (SCOTLAND) LTD

- WG1** Site Appraisal, Burnhouse Farm, Dechmont produced by The Walker Group, 2002
- WG2** Dechmont Community Council Objection (DEPOB7632) dated 18/07/05
- WG3** Dechmont Community Council Objection to Planning Application dated 11/10/06
- WG4** WLC letter dated 4 July 2005 to HFM re Bangour Hospital
- WG5** CEC Hou8 – paper July 05
- WG6** CEC Hou8 – paper July 05 min
- WG7** Site Appraisal – West Binny
- WG8** Assessment of Disposable Assets January 2005
- WG9** Design and Planning Statement
- WG10** Site Layout
- WG11** Updated Capital Investment Statement (July 2006)
- WG12** Email of 31 March 2006 (TA and Scoping)
- WG13** Gavieside Transport Assessment Scoping Report
- WG14** Gavieside Traffic Impact Assessment
- WG15** Gavieside Traffic Impact Assessment covering letter 23/12/05
- WG16** PARAMICS Calibration Report
- WG17** West Lothian Employment Land Study (GVA)
- WG18** Almond Valley Landscape and Visual Appraisal
- WG19** Extract Finalised East Lothian Local Plan 2005

For ROBERT WISEMAN & SONS LIMITED

- WIS1** Approval of Full Planning Permission by WLC in favour of Centre Construction dated 26 February 2001
- WIS2** Environmental Noise Investigation by C-Chec Limited dated 23 April 2001
- WIS3** Petition of Robert Wiseman & Sons Limited for judicial review of a decision of

- WLC dated 21 February 2001 to grant planning permission to Centre Construction (Scotland) Limited dated 19 March 2001.
- WIS4A** Land allocations at Redmill Park, East Whitburn as proposed by West Lothian Council
- WIS4B** Land allocations at Redmill Park, East Whitburn with revised settlement boundary
- WIS5** Email from Chris Norman, WLC, to Chris Smylie, Maclay Murray & Spens, dated 8 November 2001
- WIS6** Letter from Maclay Murray & Spens to Mr Chris Norman dated 20 November 2001 and associated neighbour notification dated 6 November 2001
- WIS7** Copy objection to West Lothian Local Plan dated 10 October 2001
- WIS8** Letter from Maclay Murray & Spens to Mr Chris Norman dated 28 March 2002
- WIS9** Letters from Maclay Murray & Spens to Chris Norman and Ivor Klaayman, Messrs Caesar & Howie solicitors, both dated 21 June 2002
- WIS10** Application by Centre Homes for outline planning permission for two serviced house plots dated 12 August 2003
- WIS11** Letter from Maclay Murray & Spens to Stephen McLucas, West Lothian Council, dated 31 October 2003
- WIS12** Letter from Nicol Acoustic Consultancy to Steven Lumsden dated 19 November 2003
- WIS13** Letter from C-Chec Limited to Steve McLucas dated 21 December 2003
- WIS14** Copy acoustic map prepared by Nicol Acoustic Consultancy Ltd
- WIS15** Statement on Grounds of Appeal submitted by Centre Homes Limited dated January 2004
- WIS16** Letter from Maclay Murray & Spens to Scottish Executive Development Department Inquiry Reporters Unit dated 26 January 2004
- WIS17** Decision letter of Mr Patterson, Reporter, dated 25 March 2004
- WIS18** Neighbour notification received by Robert Wiseman & Sons Ltd dated 14 February 2006
- WIS19** Letter from Maclay Murray & Spens to WLC dated 21 February 2006
- WIS20** Planning application by Mr Steven Lumsden for the erection of 15 houses with garages, 2 serviced plots and formation of access roads and footpaths dated 4 April 2006 and neighbour notification received by Robert Wiseman 7 Sons Ltd dated 4 April 2006
- WIS21** Letter by Maclay Murray & Spens to the Development and Building Control Manager, West Lothian Council, dated 13 April 2006
- WIS22** Acoustic Assessment and Advice: Redmill Park, East Whitburn, West Lothian prepared by Hamilton and McGregor dated 31 January 2006
- WIS23** Letter from Craig Whelton, Maclay Murray & Spens to Ross Burton, WLC, enclosing acoustic report by C-Chec Limited dated 12 June 2006
- WIS24** Planning policy guidance 24: Planning and Noise
- WIS25** Guidelines for community noise by the World Health Organisation
- WIS26** BS4142:1997

Appendix 3

PUBLIC LOCAL INQUIRY INTO OBJECTIONS MADE AND NOT WITHDRAWN TO THE WEST LOTHIAN LOCAL PLAN

NOTE OF MATTERS AGREED AT OR ARISING FROM THE PRE-INQUIRY PROCEDURE MEETING ON 27 APRIL 2006

Introduction

1. The procedure meeting concerned the forthcoming public local inquiry into objections lodged and not withdrawn to the West Lothian Local Plan. Mr D Thomas and Mr I Hastie, both Reporters with the Scottish Executive's Inquiry Reporters Unit (SEIRU), have been appointed by West Lothian Council to conduct the inquiry. The council have appointed Mrs Amanda Finlayson as the Programme Officer for the inquiry. She will work directly with, and be responsible to, the Reporters, and all parties should use her as the first point of contact in relation to procedural aspects of the inquiry. The contact address for Mrs Finlayson is Development & Regulatory Services, County Buildings, Linlithgow, West Lothian, EH49 7EZ (telephone no: 01506 775259; fax: 01506 775265; e-mail: Amanda.Finlayson@westlothian.gov.uk).
2. The purpose and scope of the pre-inquiry procedure meeting was purely to discuss the arrangements and procedures to be followed before and during the inquiry. The meeting was not a part of the inquiry, and no discussion took place on the merits of any of the matters that will be considered at the inquiry.

Matters arising before the inquiry

3. The finalised version of the West Lothian Local Plan was approved by the council in April 2005. The council received 728 written representations, which resulted in some 2280 objections. They have subsequently prepared summaries of the objections together with initial responses, which formed the basis for negotiations to resolve the objections. A number of proposed changes to the local plan were published in November 2005, and the period for further objections expired on 20 January 2006. A total of 220 further written representations were received, resulting in an additional 295 objections, and these will be before the inquiry. The council have prepared a response to these additional objections, and propose more changes which were published on 7 March 2006. The period for objecting to these changes expired on 21 April

2006, and around 20 additional objections were received which will also be before the inquiry. The possibility of more changes to the local plan cannot be entirely ruled out and, if any are brought forward, the council should attempt to give them as much advance publicity as possible. Where changes have been proposed in relation to an objection, the original objection will still be considered by the Reporters, together with comments on the proposed changes. All the objections, responses and changes can be inspected by members of the public.

The Code of Practice for Local Plan Inquiries

4. The Code of Practice for Local Plan Inquiries, which was produced by the Scottish Office in 1996, is still a useful guide to the procedures involved. However, best practice at inquiries has evolved since that time, including through the introduction of the Town and Country Planning (Inquiries Procedure)(Scotland) Rules 1998, and it continues to evolve. In light of this, the Reporters will not be following every part of the Code to the letter. Where there is any difference in approach, parties should rely on this note of the pre-inquiry meeting rather than on the detailed terms of the Code.

The Inquiry Format

5. The council are currently preparing a provisional inquiry programme. They have indicated that the inquiry will commence with strategy sessions, such as compliance with the structure plan, developer contributions and housing land, before focussing on the Core Development Areas, individual sites and other topics. Site specific matters will not be considered at any strategy session, and strategy matters should not be raised again at site specific sessions. If parties wish to raise matters relating to a site other than the one they are promoting, they will have to attend that particular site specific session of the inquiry. Unless there are exceptional reasons to the contrary, supporters of the council's position will not be allowed to appear at the inquiry. Instead they should lodge written representations, or appear as witnesses for the council where this is essential. Any request for a supporter to appear as a separate party at the inquiry should be made in writing and should set out the exceptional reasons. All such requests should be lodged with Mrs Finlayson by Thursday, 11 May 2006, and they will be considered by the Reporters. Any other party wishing to appear at the inquiry will require to have made, or be formally linked to, an objection which is before the inquiry for consideration.
6. A draft timetable is unlikely to be published before Thursday, 18 May 2006. If anyone has any specific queries or concerns about the timetable, they should contact Mrs Finlayson. Parties are asked to be as flexible as possible in agreeing dates for appearance at the inquiry and are advised to keep in touch with Mrs Finlayson in order to be kept up to date with any changes to the programme. The timetabling of an inquiry of this size and complexity is a substantial logistical exercise, and changes to one section could well have knock on effects on other sections. Parties are requested to ensure that their cases are planned so that there is no overrun of the time allocated to any session of the inquiry because this could have an unacceptably disruptive effect. If objectors

wish to appear at the inquiry, they should let Mrs Finlayson know in writing at the latest by Thursday, 11 May 2006. After this date, anyone who has not indicated that they wish to appear will be taken as proceeding by way of written submissions.

7. In addition to formal inquiry sessions, it is proposed to hold round table sessions and hearings. Both the round table sessions and hearings would essentially take the form of discussions, which would be led by one or other of the Reporters. Although they will be structured in different ways and will follow different procedures, their purpose is to hear the objections and the council's response. The round table sessions and hearings are intended to expedite the inquiry proceedings, to create the right atmosphere for discussion, and to eliminate the formality that can be encountered at a formal inquiry. There will be 2 types of hearing, one based on a full discussion of the issues and following a more traditional style, and the other, an expedited procedure which will be more relevant to straightforward objections which can be dealt with in a very short timescale. Those parts of the inquiry which appear best suited to round table sessions and hearings of either type will be highlighted in the draft timetable. This will include objections where parties have elected to proceed by way of a formal inquiry but the Reporters consider that a round table session or hearing is more appropriate. It is expected that most objections before the inquiry will be suitable for dealing with by way of hearings.

Written submissions

8. The status of written submission objections is no different from those that are to be heard at the inquiry. It is therefore not necessary for parties to attend the inquiry to ensure that full account is taken of their point of view. It is possible for those who elect to proceed by way of written submissions to rely on what they have already lodged or to submit an expanded version by a set date (see para 20 below). Any written submission lodged after that date would not normally be taken into account. Where the Reporters require clarification on any matter raised in a written submission, then the council will be asked for the information. If in clarifying a matter, it becomes clear that the factual position has changed, Mrs Finlayson will write to the objectors concerned indicating how the position has changed, and the objector would then be given 14 days to submit any further representations on the matters raised.

Inquiry timetable and venue

9. The inquiry will begin on 7 August 2006, and it is expected at present to last for 15-20 weeks, including one 2 week break from Friday 13 October 2006 to Friday 27 October 2006 (inclusive). On this basis, the inquiry would close sometime towards the end of November or the beginning of December. It is proposed that the inquiry will be held in West Lothian College, Livingston. Parties will be notified by Mrs Finlayson if there is any change of venue. As far as possible during the inquiry, the Reporters will hold separate sessions concurrently, so that on these days 2 sessions will be going on at the same time. The venue has access for the disabled, and the Reporters understand that facilities will be available for photocopying and overnight storage.

10. The inquiry will generally start at 10.00am and will aim to finish between 4.30 and 5.00pm, unless it is obviously desirable to go on later. There will be a break for lunch of about an hour starting at a convenient time between 12.30 and 1.00pm. The inquiry will not be sitting on Mondays.

Scope for objectors with a common interest to group together

11. Where there are a number of parties who share the same point of view, the Reporters recommend that they consider grouping together, so that they can pool resources, present a co-ordinated case, and avoid unnecessary duplication of effort. This approach is particularly well suited for sites where there are potentially a large number of parties.

Procedures before the inquiry

12. Inquiries are now conducted in a way which requires parties to disclose the terms of their case in a structured and consistent framework prior to it starting. No last minute or surprise evidence can be produced before the inquiry starts. All the undernoted pre-inquiry material should be lodged with Mrs Finlayson within the timescales indicated on the attached schedule of dates, and parties should supply 7 copies of each item (that is for the Reporters, the Programme Officer, the council and public deposit). The council will ensure that full sets of the material before the inquiry are placed on deposit for reference by members of the public, at the following locations:

Linlithgow Library, High Street, Linlithgow, and
Bathgate Library, North Bridge Street, Bathgate

It is also intended to place the material on public deposit at a location in Livingston.

13. The council and all objectors who proceed by way of public inquiry will require to produce statements of case. The statement of case should briefly outline the full particulars of the case that is to be presented, an indication of the witnesses to be called, the topics that they will cover, the inquiry sessions at which it is proposed that they will appear, a list of the documents to be referred to, and confirmation of how long it will take to present their evidence. The council will send the relevant sections of their statement of case to the objectors concerned
14. Other parties who are taking part in the inquiry through round table sessions or hearings should lodge statements of participation confirming their intention to take part in the inquiry, listing the documents that they intend to refer to at the inquiry, the names of participants, and the topics that they intend to cover. Parties proceeding by way of an expedited hearing procedure are not required to lodge a statement of participation.
15. To avoid duplication in the preparation of documents, the council will lodge a draft list of core documents within the timescale set. This list should be prepared in liaison with other parties appearing at the inquiry. Core documents would include local plans, structure plans, National Planning Policy

Guidelines/Scottish Planning Policies, Planning Advice Notes, etc. There would therefore be no requirement for other parties to produce the documents listed. The council are considering preparing topic papers as background to some sessions of the inquiry, including one on housing strategy. They will provide Mrs Finlayson with details of the topic papers to be prepared by Thursday, 11 May 2006. All topic papers should be lodged along with the core documents. Core documents and other documents should be lodged by the dates set. All documents should be consistently referenced and marked and preferably placed in a separate A4 lever arch file. Documents include maps and photographs and similar material.

16. All parties appearing at the public inquiry sessions require to lodge precognitions and summary precognitions, where the full precognition exceeds 2000 words. The precognition is the written statement of evidence that the witness proposes to give to the inquiry, and it should not contain appendices, which should be lodged as documents in the normal way. If the main precognition is particularly lengthy, the summary should not normally exceed 10% of the length of the original. If a party does not provide a precognition, they are likely to be restricted to the terms of the written objection when giving evidence.
17. For round table sessions, participating parties will receive a preliminary discussion paper prepared by the Reporters outlining the main issues and setting an agenda based on the information that has already been lodged. Each party, including the council, will be asked to respond to this by submitting a brief, written position paper dealing with each of the issues identified.
18. For the more traditional style of hearings, parties should submit statements of evidence. Prior to the hearing taking place, the Reporters will issue an agenda based on what has been lodged. Both the position paper for round table sessions and the statement of evidence for hearings should contain sufficient information to allow the case being advanced by parties to be understood, and to allow appropriate conclusions and recommendations to be drawn. The expedited hearing procedure will be based on the terms of the objection already lodged to the local plan.
19. For the submission of precognitions, summary precognitions and statements of evidence, the inquiry will be divided into 2 parts – the first part will cover the period from 7 August 2006 to 12 October 2006 and the second part will cover the period from 30 October 2006 to the end of the inquiry. The relevant dates for submission to each part of the inquiry are contained in the attached schedule.
20. If anyone resting on written submissions wishes to expand their objection (in writing), they should do so by Friday, 2 June 2006. The council should aim to lodge their responses to these written submissions by Friday, 30 June 2006. Where the council's response to a written submission is contained in a precognition, position statement or statement of evidence then the later dates applying to the submission of these papers will apply.
21. It is important that parties follow the pre-inquiry timetable, otherwise doubt will

be thrown over the programming of the inquiry itself. If parties cannot meet the deadlines set for any reason, it is important that they let Mrs Finlayson know at the earliest opportunity. The late submission of material may result in an objector being required to accept the rearrangement of their place in the programme to suit the inquiry.

Procedures at the inquiry

22. The Reporters will conduct the forthcoming inquiry in as informal an atmosphere as possible, while at the same time following the well established principles of impartiality, openness and fairness. Participants will be allowed to present their case in their own way, but the Reporters will maintain the customary standards of order, and will discourage repetition, to ensure that the inquiry is completed in the shortest timetable while giving each party a fair hearing. For each matter to be considered at the inquiry, the council will have the opportunity to start the session by making a short opening statement to explain any proposed changes in the light of the more detailed objections and any continuing discussions. Thereafter objectors will normally present their case, followed by the council's response. Where additional appearances are exceptionally allowed by the Reporters, the party will be heard after the council has presented their case.
23. For public inquiry sessions, each witness will read from their precognition, or their summary, as appropriate. Anyone giving evidence at these sessions will be allowed to question witnesses of opposing view. "Friendly" cross examination between parties on the same side will not be allowed, but questions of clarification can be asked, prior to cross examination taking place. There will be an opportunity to make closing submissions. These will normally be lodged in writing at a later date. Where it is desirable for parties to read their closing submissions out at the inquiry, the party giving evidence first, ie the objectors, will normally have the final say. Closing submissions should be lodged in typed form with copies made available to other parties.
24. At the round table sessions, the position statements and the objections will be taken as read. The round table sessions will consider each issue identified by the Reporters in turn. At the start of the discussion on each issue, the Reporters will outline their understanding of the main differences between the parties, and each party will be allowed to make a short oral statement of around 5 minutes highlighting the main elements of their position and commenting (if necessary) on what the Reporters have said. This would be followed by the Reporters asking questions of parties, and then parties would have the opportunity to cross question each other and make comments, subject only to the comments and questions being relevant, and the discussion being conducted in an orderly manner. Once all the issues on the agenda have been covered, there would be an opportunity for a short closing statement, which would normally be in writing. Following the close of a session, the Reporters propose to produce a brief position statement summarising each party's position.
25. At the more traditional style of hearings, the statements of evidence and the objections will also be taken as read. The Reporters will start off by

summarising their understanding of the cases put forward by the parties. Each item on the agenda will then be gone through in turn, and parties will be given the opportunity to comment on each other's submissions and to ask questions informally through the Reporters, subject to the same constraints as those applying to round table sessions. There will also be an opportunity for parties to make closing comments. At the expedited hearing procedure, an objector will be given 15 minutes to present their case to the inquiry, and the council will then be given 15 minutes to respond.

26. Parties should bear in mind that the discussion at site based round table sessions and hearings (of a more traditional style) can continue on site if necessary.

Site visits

27. The Reporters will make an unaccompanied general tour of the area covered by the local plan before the opening of the inquiry. By the time the inquiry is complete, they will, between them, have visited every site referred to in the objections. While some of the site visits may be able to take place on an unaccompanied basis, there will be instances where an accompanied visit is either desirable or necessary. Accompanied site visits will generally take place as close as possible to the conclusion of the relevant session of the inquiry, and the arrangements will be intimated at the appropriate time.

Linked planning appeals

28. The Reporters would not be prepared to conjoin a separate planning appeal or run it concurrently with the local plan inquiry. Experience in recent years has shown that this tends to cause administrative complexity and confusion, and leads to significant delays to the local plan and appeal processes.

The council's consideration of the local plan report

29. After the inquiry, the Reporters will prepare a report for the council, which will include an introduction and a summary of recommendations and, for each objection, the background relating to it, together with our conclusions and recommendations.
30. The council are responsible for the final content and adoption of the local plan. They are not obliged to accept the Reporters' recommendations, but they are required to prepare, and make public, a statement of their decision on each of them.

Other matters

31. This note has been circulated to all parties, and copies have been made available for public inspection.

IH & EDKT
4 May 2006

SCHEDULE OF DATES

For Public Inquiry Sessions

Both parts of the inquiry:

Statements of case: Monday, 12 June 2006

Draft list of core documents: Friday, 2 June 2006

Core documents (all topic papers except affordable housing): Friday, 23 June 2006

All other documents: Friday, 7 July 2006

First part of the inquiry (7 August 2006 to 12 October 2006):

Precognitions and summary precognitions: Friday, 21 July 2006

Second part of the inquiry (30 October 2006 onwards):

Precognitions and summary precognitions: Friday, 13 October 2006

For Round Table Sessions

Both parts of the inquiry:

Statements of participation: Monday, 12 June 2006

Draft list of core documents: Friday, 2 June 2006

Core documents (all topic papers except affordable housing): Friday, 23 June 2006

All other documents: Friday, 7 July 2006

First part of the inquiry (7 August 2006 to 12 October 2006):

Written position paper: Monday, 17 July 2006

Second part of the inquiry (30 October 2006 onwards):

Topic paper on affordable housing: Friday, 15 September 2006

Written position paper: Monday, 9 October 2006

For Hearings (of a more traditional style)

Both parts of the inquiry:

Statements of participation: Monday, 12 June 2006

Draft list of core documents: Friday, 2 June 2006

Core documents (all topic papers except affordable housing): Friday, 23 June 2006

All other documents: Friday, 7 July 2006

First part of the inquiry (7 August 2006 to 12 October 2006):

Statements of evidence: Friday, 21 July 2006

Second part of the inquiry (30 October 2006 onwards):

Statements of evidence: Friday, 13 October 2006

Appendix 4

Notes of Business Meetings

NOTE OF MATTERS ARISING FROM BUSINESS MEETING ON 8.02.06 RE WEST LoTHIAN LOCAL PLAN INQUIRY

Attendance: Mr Craig McCorrison – Strategic Planning Manager
Mr Colin Miller – Principal Planner
Mr Chris Alcorn – Principal Planner
Mrs Amanda Finlayson – Programme Officer
Mr Dilwyn Thomas – Reporter SEIRU
Mr Ian Hastie – Reporter SEIRU
Mr John Watt – Head of Admin SEIRU

Introduction

1. It was confirmed that the Reporters had received the Minutes of Appointment from the council and that indemnity is covered by the Scottish Executive.

Information to be received by the Reporters

2. The Reporters have received copies of the Edinburgh and Lothians Structure Plan, the Finalised West Lothian Local Plan, and the schedule of proposed pre-inquiry changes. There may be further pre-inquiry changes and a report on these, including affordable housing, will be presented to the appropriate council committee on 7 March 2006. The Reporters will be supplied with a copy each of the objections on deposit and all pre-inquiry changes before the pre-inquiry meeting.
3. Generally communication would be electronically and all productions, summary of objections and responses would be available on CD or DVD. There would be an on line data base which would include a list of objections and locations.

Role of Programme Officer

4. The Programme Officer will report directly to the Reporters for the administration of the inquiry. The council is content with one programme

officer at this stage but if that is found to be insufficient it is prepared to make a further appointment. If the Reporters find that a single programme officer is insufficient they will advise the Strategic Planning Manager. The council will consider the need to arrange cover during times of absence. The programme officer will be available up to 30 January 2007 but it may be possible to extend her availability to the Reporters as a point of contact after the inquiry.

Objections to the Finalised Local Plan

5. The council has recorded some 2280 objections to the local plan contained in some 720 letters. In addition, it received a further 295 objections to the pre-inquiry changes. At this stage it is not clear how many objections will proceed to inquiry. Some 400 objections have been the subject of pre-inquiry changes and if it is assumed that these objectors are satisfied, around 2000 objections remain. The final figure will need to be confirmed in March. The number of topics will also be clear by that time. At this stage, it appears that the main topics relate to the Core Development Areas, the Linlithgow Area, developer contributions, transportation, affordable housing and open space.

Objections by written submissions

6. Objections proceeding by way of written submissions will not be included in the inquiry programme. The Reporters will give parties an opportunity to update and expand on their initial objection, and a timescale for this and the council's responses will be set. If there is a need to clarify any matter relating to a written submission objection, that will be done by e-mail through the programme officer.

Inquiry timetable and venue (s)

7. An exemption for the need for a Strategic Environmental Assessment was granted by the Scottish Executive on 25 November 2005. It was agreed that it would be difficult to start the inquiry in June because of the short timescale, particularly in relation to the pre-inquiry meeting. A more realistic start date would be mid-August. The Reporters could potentially start dealing with those objections proceeding solely by way of written submissions in July 2006. At this stage, it was estimated that the inquiry would last somewhere in the region of 3 to 4 months.
8. It was agreed that the venue(s) should be as close to the sites as possible and not more than 10 miles away. Consequently, West Lothian College, Livingston would be the main venue but sessions would also be required in other locations, such as, Linlithgow and Bathgate. The council will give this matter further consideration. The Reporters would be provided with a room and telephone to enable them to work at the main venue.
9. The draft inquiry programme should be based on subject (topic) blocks, and should include an indication of the time allocated to deal with each matter of objection. Preparation time, time for site visits, 'catch-up' days and appropriate breaks should be included in the programme as necessary. There would be

benefits in splitting the inquiry into 2 parts. The inquiry would not generally sit on Mondays. Each day, it would start at 10:00am and go on to about 4:30-5:00pm. with an hour for lunch. The timetable should include details of the issue under consideration, the objectors who are appearing (including their reference number), those objectors proceeding by written submissions, the dates, and the venue.

Arrangements for pre-inquiry meeting (PIM)

10. If the inquiry is to start in mid August, it was agreed that an appropriate date for the pre-inquiry meeting would be in the week beginning 24 April 2006 at 11:00am. The venue would be either the County Buildings, Linlithgow or West Lothian College. The Reporters will prepare an agenda for the pre-inquiry meeting for issue to parties at least 2 weeks before the date of the meeting.

Inquiry format

11. The Reporters wish to encourage hearings as the means by which inquiry sessions are mainly dealt with. However, that might not be suitable for all cases, particularly those of a strategic, complex and technical nature, and therefore it may be best if certain matters proceed by way of inquiry. Parties should rely on the note of the pre-inquiry meeting where the procedures outlined for the inquiry differ from those contained in the Code of Practice for Local Plan Inquiries.
12. Consideration will be given to holding 3 types of Hearing (1, 2 & 3). 1) would be the traditional hearing based on parties preparing statements of evidence and the Reporters preparing an agenda s. 2) would involve the Reporters issuing a preliminary discussion paper identifying the issues to be addressed by parties and to which they would respond. 3) would a quick procedure, which would relate to the small straightforward issues where Reporters would give the objector 10 minutes to speak and the council 10 minutes to respond.
13. Inquiry sessions will have statements of case and hearings will have statements of participation. The Reporters will expect the council to produce a draft list of Core Documents. Dates for the submission of statements of case, statements of participation, documents, precognitions and statements of evidence will all be set at the pre-inquiry meeting. The submission of agreed statements by parties would be encouraged. Parties would also be encouraged to group together where appropriate.
14. Supporters of the council's position at the inquiry will be discouraged from appearing. Instead, they would normally be expected to rely on written submissions... However, it is recognised that occasionally there can be some benefits of allowing supporters to appear. In these circumstances, the Reporters would wish consideration to be given to the supporters appearing as witnesses for the council. If this is not possible, then it will be necessary for the supporters to set out in writing a case for appearing at the inquiry as a separate party, which the Reporters will consider. Supporters will not automatically be allowed to appear if they make such a request.

Proposed changes and pre-inquiry negotiations

15. The inquiry will consider the original objections lodged, the proposed changes and any representations lodged in relation to the changes.

Format of report

16. The report will follow the shortened format. It will include an introduction and a summary of recommendations and, for the objections, a background section, the details of the policy subject to objection, a brief summary of the main points of evidence, and the Reporters' conclusions and recommendations. The Programme Officer should provide the Reporters with a list of appearances at the inquiry and a list of documents for each session, including core documents. At the conclusion of the inquiry, the Reporters will agree a provisional date with the council for the completion of the report.

Payment of Reporters' fees and expenses

17. Fees have already been agreed with SEIRU and will be billed monthly. Reporters' expenses will be based upon civil service rates for travelling and subsistence and will be presented monthly by letter giving full details.

Housekeeping

18. The programme officer will investigate if parking spaces can be reserved for the Reporters at the college venue. Such provision can be made when sittings are at the County Buildings. Storage facilities for papers and documents should be provided at the venues.

Other matters

19. At the start of the inquiry, the Reporters should be provided with details of the current status of each objection before the inquiry, and these details should be kept up to date throughout the inquiry.
20. The council should make the core documents and their own documents available on their web site, except where the documents are too big or complex. Reference will be made to the web page access at the pre-inquiry meeting.
21. Libraries would be used at three key locations for the deposit of all the material to be made available for public inspection. . It is necessary to ensure that a full set of statements, documents and precognitions are placed on deposit (including a copy of the business meeting and pre-inquiry meeting notes, as well as a copy of the timetable).
22. Neither Reporter is able to report on any objection relating to a site where he has previously taken a decision. In these circumstances the other Reporter will deal with the objection.

23. The Reporters are not agreeable to conjoined consideration of objections and appeals or applications because of the complications that can arise for the inquiry process.
24. Every objection before the inquiry concerning a site will have a site inspection. The Reporters will assume that these will be unaccompanied unless either the council or the objector requests that it be accompanied or the Reporters consider it to be appropriate. Arrangements will be made by the Programme Officer.

MINUTE OF BUSINESS MEETING ON 30.03.06 RE WEST LOTHIAN LOCAL PLAN INQUIRY

Attendance: Mr Craig McCorrison – Strategic Planning Manager
Mr Colin Miller – Principal Planner
Mr Chris Alcorn – Principal Planner
Miss Amanda Finlayson – Programme Officer
Mr Dilwyn Thomas – Reporter SEIRU
Mr Ian Hastie – Reporter SEIRU

Timescale for Inquiry

1. It was agreed that the timescale for the inquiry was dependent on how long individual sessions lasted. The timetable would require to be scheduled robustly to ensure the inquiry is kept on track, bearing in mind parties estimated timescales. The inquiry timetable will be updated by the programme officer next week and tweaking will be necessary as regards individual timescale allocations. The Reporters considered that production of a full report within 4 months after a 4 month inquiry was a little ambitious. It was agreed that it would be appropriate to hold a business meeting after the close of the inquiry to agree a provisional date for the production of the report. It may be possible to produce a staged submission of recommendations but that is dependent on being satisfied that a particular matter does not have a bearing on a later topic in the report. Time will require to be set aside for considering the Written Submissions.

Pre-Inquiry Meeting

2. At the PIM parties will be given the deadline of 11 May as a cut off date for giving an indication of intent to appear at the inquiry, otherwise it will be taken that they are to rely on Written Submissions. The Reporters will encourage Third Parties to group together to save inquiry time and duplication of evidence. Both Reporters will jointly hear the strategic sessions. It is acceptable in principal for Reporters to sit in parallel for site specific sessions. The sole venue for the inquiry will be West Lothian College, Livingstone but public copies of all documents will be available at Bathgate and Linlithgow. In round table sessions for strategic issues, the Reporters will be the main persons to ask questions with objectors allowed to ask specific questions, which will be made clear at the PIM. If matters are dealt with at the strategic session they should not arise again at a CDA session e.g. if there is an objection to housing land

supply that is a matter for a strategic session only. It is important that the parties come to the correct session of the inquiry. If certain questions are raised at the PIM they may require to be answered by the council. At the PIM the Reporters will explain the format, the timetable, the different ways to proceed and the deadlines. The Programme Officer will keep a daily attendance record at the inquiry. The PIM will be held in the council chamber but the council will look at alternatives as a stand by on the day if required.

MINUTE OF BUSINESS MEETING ON 24.05.06 RE WEST LOTHIAN LOCAL PLAN INQUIRY

Attendance: Mr Craig McCorrison – Strategic Planning Manager
Mr Colin Miller – Principal Planner
Miss Amanda Finlayson – Programme Officer
Mr Dilwyn Thomas – Reporter SEIRU
Mr Ian Hastie – Reporter SEIRU

Draft Timetable for Inquiry

1. It was agreed that the draft timetable would contain details of the subject of objection and that in the main hearings (traditional or expedited versions) would be allocated rather than inquiries in line with the recent advice from SEIRU. While a draft timetable would be issued first for parties' comments, a finalised version would then be issued which would set the timescales for the inquiry as far as possible. Some fluidity would be likely to be necessary as the inquiry proceeds and the Programme Officer would update the timetable as necessary.

Site Visits

2. Site visits for the major issues before the inquiry will be conducted as close as possible to the end of that part of the inquiry and would probably take about ½ to 1 day. All other site inspections will take place at the end of the whole inquiry. This will have implications for the start of writing up the report.

Expedited Hearings

3. It was agreed that 30 minutes would be allowed for these (15 minutes for the objector and 15 minutes for the council to present their cases), as identified at the PIM.

Participation by Supporters

4. The requests from supporters to participate either on their own behalf or as witnesses for the council would be considered by the Reporters once they had received a response from the council to those requests, and then a response would be sent to the parties concerned by the Programme Officer.

Other matters

5. Topic papers produced by the council would provide the background to the round table sessions, including the one on developer contributions. Each party (including the council) would respond to the issues paper produced by the Reporters by preparing a position statement, which would form the basis of discussion at the Reporter led round table sessions.
6. Statements of case and statements of participation should be submitted by all parties (including the council) at the same time.
7. The Reporters advised that it was not necessary for parties to be legally represented at hearings.

MINUTE OF BUSINESS MEETING ON 21.06.06 RE WEST LOTHIAN LOCAL PLAN INQUIRY

Attendance: Mr Craig McCorriston – Strategic Planning Manager
Mr Colin Miller – Principal Planner
Miss Amanda Finlayson – Programme Officer
Mr Dilwyn Thomas – Reporter SEIRU
Mr Ian Hastie – Reporter SEIRU

Timescale for WS and Documents

1. Given the number of WS statements to be responded to by the council and current pressure of work, it was agreed that the council could submit its responses by 21 July 2006.

Inquiry Timetable

2. Taking into account the additional information now available, it was agreed that it would be necessary to make appropriate adjustments to the Timetable for the Local Plan Inquiry proceedings. These would include adjustments to the format of certain sessions and to the number of sessions that can be accommodated in one day, bearing in mind the subject matter and nature of the session.