



Consultancy & Research

**ADVICE ON THE HOUSING MARKET WITH RESPECT
TO PROPOSED HOUSING DEVELOPMENT AT
SEAFIELD ROAD, BLACKBURN, WEST LOTHIAN**

Hallam Land Management

Date of Report: 09 July 2013

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CONTENTS

EXECUTIVE SUMMARY	4
1. INTRODUCTION	6
1.1 STUDY REMIT	6
1.2 SOURCES	6
1.3 REPORT STRUCTURE	7
1.4 SITE COMMENT	7
2. MARKET REVIEW	9
2.1. OVERALL MARKET OVERVIEW	9
3. PERFORMANCE OF COMPARABLE DEVELOPMENTS	17
4. ADDRESSING HOUSING ISSUES RAISED BY WEST LOTHIAN COUNCIL	18
LIMITED DEMAND FOR HOUSING	18
4.1. CURRENT AND PIPELINE SUPPLY	19
5. CONCLUSIONS	26
5.1. THE NEED FOR MORE HOUSING	26
6.2 NOT A CONSTRAINED SITE	26
6.3 LIKELY TO BE DEMAND	26

This report does not constitute a Red Book valuation or appraisal and should not be used or construed as such. Should a formal valuation be required by **Hallam Land Management**, Rettie & Co. can recommend firms specialising in this field. This report has been prepared for marketing purposes only and the figures stated are guidance for marketing. Figures are based on information provided by third parties, which may be incomplete and have not been verified by Rettie and Co. They assume an appropriate marketing campaign, relevant to the development. Our recommendations are conditional on having sight of the finalised layout plans, property designs, site landscaping and other relevant details and in light of further information, we reserve the right to alter the figures given. They assume that the developer has completed all geological, archaeological and ground survey work to a satisfactory conclusion not to affect the proposed development. They further assume that full planning consent will be granted for this proposal without alteration and that standards of internal specification will be maintained to the levels discussed.

6. MEET THE TEAM	28
7. APPENDICES	30
APPENDIX 1: NEW BUILD AND RE-SALE COMPARABLES	30

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EXECUTIVE SUMMARY

Rettie & Co. was commissioned by Hallam Land Management to advise on housing matter issues in connection with its planning appeal in relation to the site at Seafield Road, Blackburn, West Lothian.

Hallam Land Management is proposing to build 120 homes on a site known at Seafield Road. West Lothian Council has refused planning permission on a number of grounds. One of the Council's key arguments appears to be that current housing market conditions are causing market failure in terms of the demand for housing and the lack of development. This Report is concerned with this issue specifically.

Transaction levels in West Lothian reached over 1,400 in Q3 2006 before slumping to less than 300 in Q1 2009. There has been some limited recovery since. The local and national patterns are similar.

Average price levels in West Lothian have been relatively flat since the start of 2010 and now stand at just under £132,000. Prices tend to be marginally higher in the Bathgate/Blackburn area.

At the peak of the market, turnover was nearly £202 million a quarter in the West Lothian area. It fell rapidly to less than £35 million in Q1 2009. It now stands at just under £52 million, again demonstrating slow but steady recovery.

The need for the development is based around a number of key analytical points.

1. Our evidence demonstrates **high levels of demand in the market for housing in West Lothian and nearby local authority areas** that is not being met by current levels of supply. A particular issue is the shortage and price of property for families in Edinburgh, which is forcing many to move to the suburbs or further afield (especially on commutable routes). The site is capable of delivering the type of housing that is needed to cater not just for people in West Lothian but in the wider SESplan area.
2. While much of the intended development from the Structure Plan is constrained, **this site has a very good chance of coming forward** and being built out at a time when the region's supply of new property is likely to fall further behind demand.
3. It seems clear that the **West Lothian population and number of households will continue to increase over the next 20 plus years** and more provision needs to be made for this in terms of additional new housing.
4. There are a number of other factors that affect demand for housing in local markets. These are normally tied to levels of affordability, schooling provision, closeness/connectivity to a major city and

overall desirability of an area. **Blackburn would score relatively highly on all of these demand factors.** The proposed units will also be towards the affordable end of the market for family homes, which have sold consistently well in the surrounding area before and after the market downturn.

5. The **evidence of other similar developments shows that the right type of product that is priced appropriately in the right location will sell.** Developers have committed themselves to schemes that will boost their sales by making it easier for first time buyers and existing homeowners to buy new property. Government support schemes should also assist over the next two years at least to help to deal with the most fundamental problem in the housing market – the lack of available finance to buy.
6. The proposed units are **priced towards the affordable end of the market** for family homes, for which **good levels of demand have been found to exist in the area** before and after the market downturn.

1. INTRODUCTION

Rettie & Co. was commissioned by Hallam Land Management to advise on housing matter issues in connection with its planning appeal in relation to the site at Seafield Road, Blackburn, West Lothian.

1.1 STUDY REMIT

Hallam Land Management is proposing to build 120 homes on a site known at Seafield Road. West Lothian Council has refused planning permission on a number of grounds, including, *“the proposal is contrary to policy HOU 9 of the approved Edinburgh and the Lothians Structure Plan 2015 in that the land supply in the towns of Bathgate/Blackburn and Whitburn is not likely to be exhausted within five years.”* The West Lothian Planning Committee Report explains this argument further: *“housing completion rates have fallen significantly as a result of the credit crunch. As a result, there are a number of sites across West Lothian but particularly within the west of West Lothian which remain available for development. The 2012 housing model indicates that a number of sites in the towns of Bathgate, Blackburn and Whitburn will not be built out within the next five years. This is largely as a result of economic factors.”*

The argument that appears to be being made is that current housing market conditions are causing market failure in terms of the demand for housing and the lack of development. This Report is concerned with this issue specifically.

This Report considers the local and wider housing markets, including the demand for and supply of housing in the town and wider region. It also considers current and future pipeline supply and the extent to which it will meet levels of demand.

In undertaking this work, we have:

- Used market analysis and data from comparable/competitor developments in and around the town and advised on the levels of demand for such property currently.
- Analysed how the local housing market is performing, e.g. in terms of transactions, prices and market turnover, and examined how marketable the area is.
- Demonstrated the need for developments such as this in West Lothian, e.g. in terms of providing middle market and more affordable family housing, and the extent to which this development will help to meet this need.
- Addressed planners' objections to the development.

1.2 SOURCES

We use a range of sources to provide our analysis including:

- Registers of Scotland
- Our own recording systems such as Reapit and Property Tracking System (PTS)
- Scottish Neighbourhood Statistics
- Scottish Government.

1.3 REPORT STRUCTURE

- **Section 2** analyses the Scotland, West Lothian and Blackburn housing markets, by considering sales, prices and market turnover over the last six years.
- **Section 3** analyses the performance of comparable developments (including nearby and other similar sites) in terms of sales rates, prices achieved and incentives used. We also consider future pipeline supply.
- **Section 4** outlines our key findings and conclusions.

1.4 SITE COMMENT

The proposed development involves the development of around 120 units, mainly 2-, 3- and 4-bed new family homes (including 15% affordable housing) on a 6.5 hectare site as part of a small scale extension of the existing settlement of Blackburn. Build-out is intended to take 5 years (2015-19), with 15 units built in years 1 and 5 and 30 units each built in years 2-4.

It is located on the eastern edge of Blackburn and lies north and south of the A705 Seafield Road. The site is currently in limited agricultural use as part of a larger farm unit that is operated out of the adjacent Redhouse Farm to the east.

The site is bordered by existing housing development to the west (Happy Valley Road; Graham Court and Pinewood Place) and established housing at Redhouse Cottages and Redhouse Farm to the east.

The site is currently accessed from Seafield Road, a main distributor road, which links directly with the town centre and the local schools, services and facilities to the west and Seafield and Livingston to the east.

Figure 1.1 Site location



Source: John Handley Associates

2. MARKET REVIEW

The change in credit conditions and economic outlook has constrained activity in the residential market over the past five years.

2.1. OVERALL MARKET OVERVIEW

Since the credit crunch began in the autumn of 2007, the private housing sales market has seen a dramatic change in fortune. The withdrawal of participants and credit from the mortgage markets, combined with an on-going crisis of confidence and persistent economic turmoil, forced transaction levels down by around 70% in Scotland as a whole, but by up to 90% in some areas. This trend persisted until mid-2009, when there was an upturn in buyer confidence, as reports of economic improvement and an emerging stability replaced the uncertainty that had led to paralysis in the market. Sale volumes and prices picked up.

However, despite this upturn, constriction in credit, lingering buyer and seller hesitance and deficits (both in public and private realms) suppressed any sharp upturn in activity and prices, and sales and values remain considerably down from the market peak.

The low volume of transactions has distorted many housing market indices as the strongest demand and focus of activity is occurring in the prime sectors of the market; this sector of the market is less credit dependent and has masked the weakness of the lower end, where the likes of first time buyers or key workers have been unable to overcome the higher deposit requirements and participate, despite increasing demand. Looking at the traditional price indices indicates a flattening of average prices and a market that has stabilised. In reality, it is only parts of the market that have stabilised and are beginning to recover. Other parts, particularly those products at the low to middle end of the market, such as one and two bedroom flats in less desirable areas, have lost a lot of their value and are very difficult to sell unless the seller is willing to take a substantial discount. As a result, many of these properties are not being sold and are not featuring in any of the house price indices.

Following a phase of some increased confidence, the market as a whole, throughout 2010 and into 2011, did not continue the improving trend, except in so far that there were more buyers believing that the market was at or reaching its base and therefore willing to commit to purchase. Overall, sentiment still remains subdued, despite some upturn in sales and prices in the second part of 2011, which continued modestly into 2012. The most recent statistics show a market where transactions are rising slowly and flat average prices.

Quality product in high quality locations, which is priced in line with market expectation, is experiencing demand, e.g. quality family homes near good schools continue to do well given relatively high levels of demand and relatively low levels of supply. Also, where secondary located product has been re-priced to

reflect very strong perceived value for money and discount from peak market rates, there is now an emerging sales market.

The central challenge facing the market remains the accessibility and cost of finance. While there have been improvements in the number of mortgage products available, this remains well below peak. Improvements in Loan to Value (LTV) and market enfranchisement are slowly increasing, but access to competitive rates still require substantial equity stakes, which can prove a barrier to market participation of many households. This barrier is most acute at the lower end of the market, where the transition from a culture of borrowing has not yet had suitable opportunity to move beyond the hangover of debt and create the reserve of equity required for participation. Also relevant in these sectors of the market is the tightening use of credit scores to determine eligibility in the newly shaped risk averse lending landscape. The comparatively higher sum of deposit required for market involvement has meant that while house prices may have fallen - theoretically making property more affordable - it is now more challenging for many buyers as the equity requirement can be well over twice that required at the peak of the market. This has led to a streaming of the market between those with equity and those without, creating seams of demand focused on desirable areas and quality properties. Outwith these segments, demand remains subdued and there is a necessity to offer strong perceived value. In the new build market, incentives that address the equity shortfall, such as shared equity, part exchange, or deposit aid, are crucial to avoiding extended sales campaigns, and, on some sites, have accounted for all sales over the last few years.

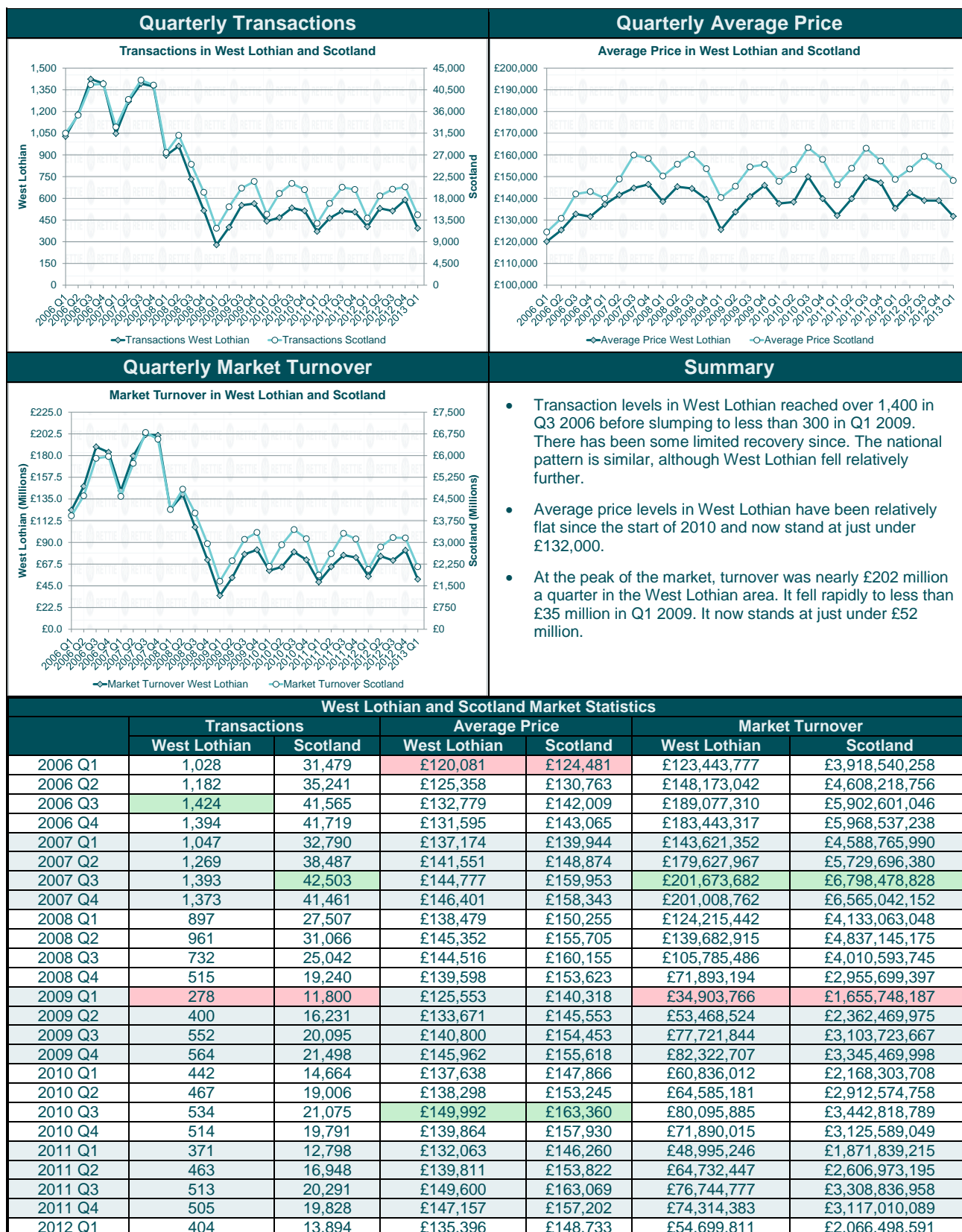
Figure 2.1, below, shows the number of transactions, average price and market turnover in West Lothian and Scotland.

Across Scotland, the volume of house sales fell by over 70% in the year or so following the market downturn in late 2007. There has been some limited recovery since. The pattern is similar in West Lothian as it is in the country as a whole.

Nationally, average house prices have tended to hold up after recovering over 2009 and have largely flat-lined over the last three years. Average house prices in West Lothian have been in the range of £130,000 to £150,000 for the last three years. We expect prices and transactions to remain fairly flat in most parts of Scotland over the next 2-3 years due to the flatness of the economy, the lack of availability of credit and the lack of confidence in the market. Prices, however, are being protected by low mortgage rates and the lack of distressed sales.

Market turnover, which combines prices and transaction levels, have followed a similar pattern to transactions given the relative stability of price levels.

Figure 2.1 West Lothian and Scotland market statistics, 2006-13



2012 Q2	531	18,514	£142,574	£153,501	£75,706,739	£2,841,915,864
2012 Q3	513	19,868	£139,012	£159,310	£71,313,208	£3,165,179,750
2012 Q4	589	20,355	£138,952	£154,810	£81,842,523	£3,151,154,869
2013 Q1	393	14,567	£131,734	£148,174	£51,771,329	£2,158,456,814
2006-13Q1	21,248	709,323	£138,253	£150,032	£2,937,590,645	£106,420,945,490

Source: Rettie & Co. Research

Note: Only includes transactions having a value between £20k and £1m

LOCAL MARKET OVERVIEW

The site falls into the post town of Bathgate, which covers the postcode districts of EH47 (in which Blackburn sits) and EH48. Bathgate, in particular EH48, has experienced a large volume of new build in the last six years. Figure 2.2, below, shows the location of the site within the EH47 district, south of the EH48 district.

Figure 2.2 Post town of Bathgate (EH47 and EH48)



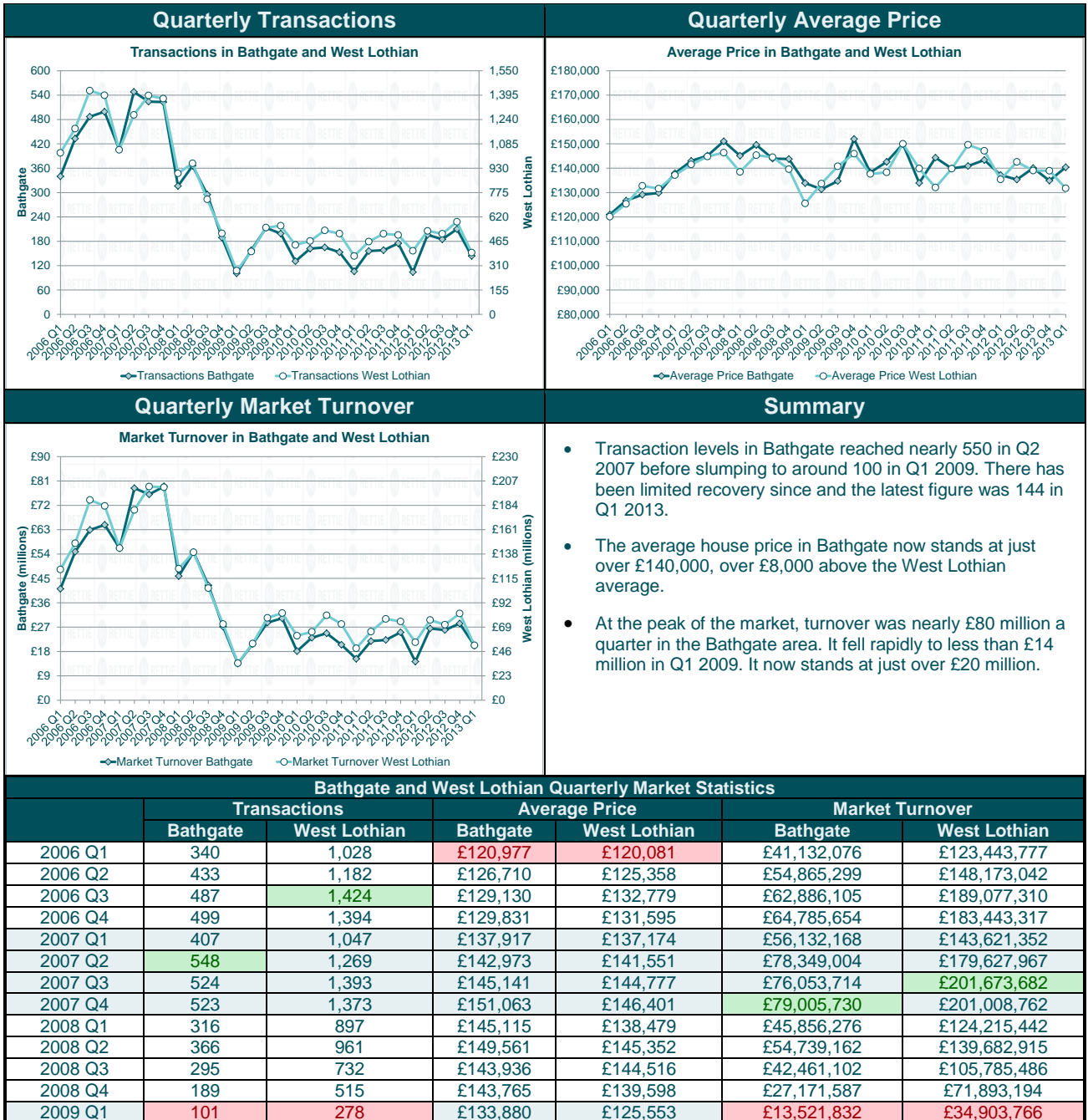
Source: Rettie & Co./Google Earth

Figure 2.3, below, show the number of transactions, average prices and market turnover in the post town of Bathgate and West Lothian since 2006.

We can see that the market here is not much different from the regional picture, i.e. a slow and seasonal recovery after a sharp fall over 2007-09.

Average prices in the local area are also very similar to the regional picture, as is market turnover. Average prices in the Bathgate/Blackburn are currently around £141,000, around £8,000 higher than the regional figure.

Figure 2.3 Bathgate and West Lothian quarterly market statistics, 2006-2013



2009 Q2	158	400	£131,356	£133,671	£20,754,266	£53,468,524
2009 Q3	213	552	£134,711	£140,800	£28,693,527	£77,721,844
2009 Q4	199	564	£151,976	£145,962	£30,243,179	£82,322,707
2010 Q1	131	442	£138,259	£137,638	£18,111,988	£60,836,012
2010 Q2	162	467	£142,604	£138,298	£23,101,888	£64,585,181
2010 Q3	165	534	£149,920	£149,992	£24,736,731	£80,095,885
2010 Q4	153	514	£133,931	£139,864	£20,491,400	£71,890,015
2011 Q1	106	371	£144,329	£132,063	£15,298,835	£48,995,246
2011 Q2	156	463	£139,873	£139,811	£21,820,256	£64,732,447
2011 Q3	158	513	£140,881	£149,600	£22,259,269	£76,744,777
2011 Q4	175	505	£143,351	£147,157	£25,086,374	£74,314,383
2012 Q1	104	404	£137,214	£135,396	£14,270,275	£54,699,811
2012 Q2	196	531	£135,345	£142,574	£26,527,531	£75,706,739
2012 Q3	185	513	£140,054	£139,012	£25,909,934	£71,313,208
2012 Q4	210	589	£134,895	£138,952	£28,327,882	£81,842,523
2013 Q1	144	393	£140,374	£131,734	£20,213,804	£51,771,329
2006-13Q1	7,643	21,248	£139,056	£138,253	£1,062,806,848	£2,937,590,645

Source: Rettie & Co. Research

Note: only includes transactions having a value between £20k and £1m

On an annualised basis, house prices in Bathgate/Blackburn and West Lothian have been stable even in the market downturn. For 2012 as a whole, the average price in Bathgate stood at over around £137,000, and just under the West Lothian average.

Transactions have been stable after the market correction in 2007-08, with market turnover stable in the last four years.

Table 2.1 Bathgate and West Lothian annual market statistics, 2006-2012

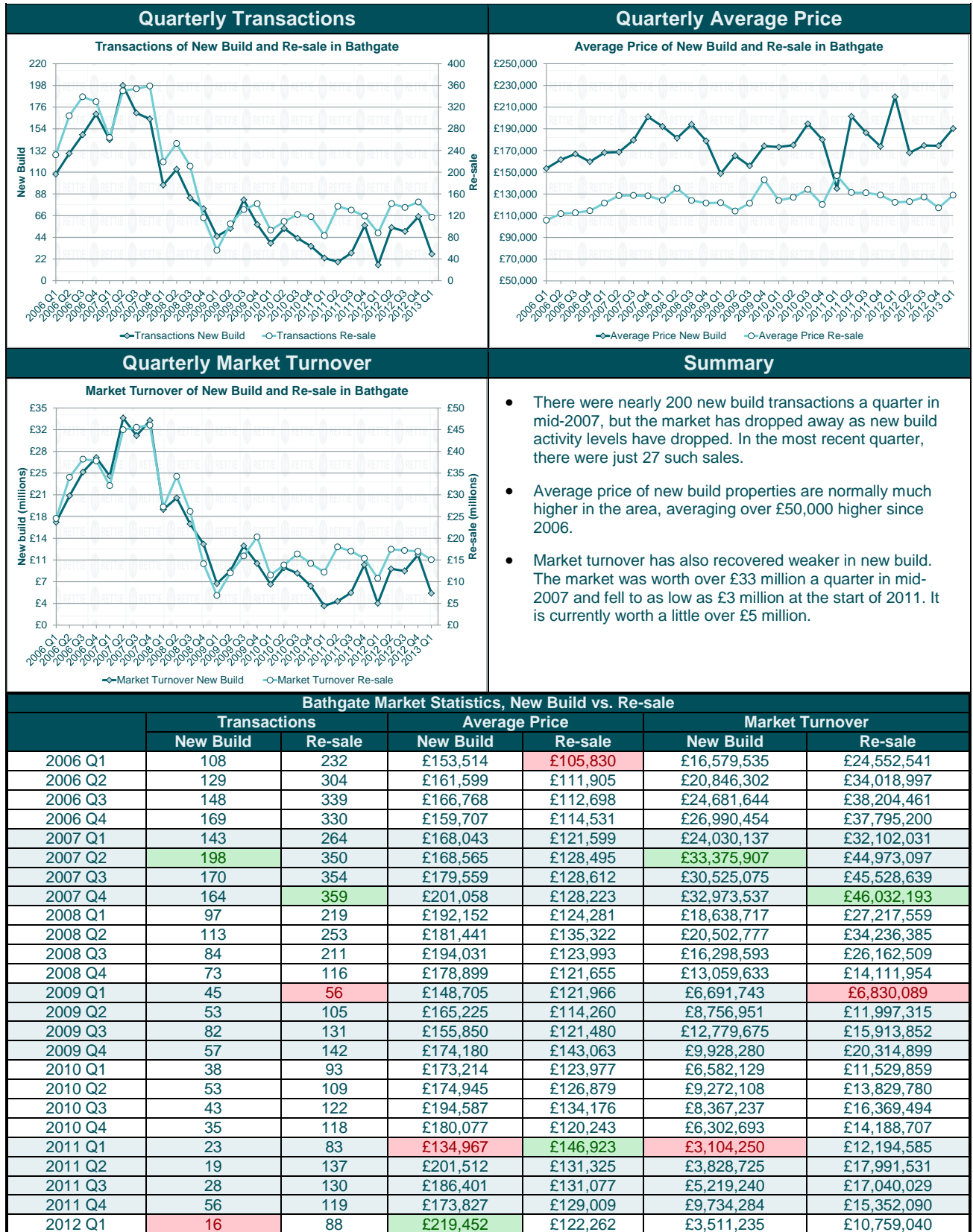
Bathgate and West Lothian Annual Market Statistics						
	Transactions		Average Price		Market Turnover	
	Bathgate	West Lothian	Bathgate	West Lothian	Bathgate	West Lothian
2006	1,759	5,028	£127,157	£128,110	£223,669,134	£644,137,447
2007	2,002	5,082	£144,626	£142,844	£289,540,616	£725,931,764
2008	1,166	3,105	£145,993	£142,215	£170,228,127	£441,577,037
2009	671	1,794	£138,916	£138,471	£93,212,804	£248,416,840
2010	611	1,957	£141,476	£141,751	£86,442,007	£277,407,094
2011	595	1,852	£141,958	£142,973	£84,464,734	£264,786,853
2012	695	2,037	£136,742	£139,206	£95,035,622	£283,562,281
2006-12	7,499	20,855	£139,031	£138,375	£1,042,593,044	£2,885,819,316

Source: Rettie & Co. Research

Note: only includes transactions having a value between £20k and £1m

Figure 2.4, below, shows the Bathgate market split by new build and re-sales. We can see that recovery has been much stronger in the re-sales rather than the new build market since the market downturn. New build is usually at a substantial premium to re-sale property, at least partly because proportionally more of the sales are houses rather than flats.

Figure 2.4 Bathgate quarterly market statistics, new build versus re-sale, 2006-2013



2012 Q2	54	142	£167,925	£122,955	£9,067,970	£17,459,561
2012 Q3	50	135	£174,663	£127,235	£8,733,165	£17,176,769
2012 Q4	65	145	£174,362	£117,202	£11,333,560	£16,994,322
2013 Q1	27	117	£190,298	£128,853	£5,138,045	£15,075,759
2006-13Q1	2,340	5,303	£173,869	£123,695	£406,853,601	£655,953,247

Source: Rettie & Co. Research

Note: only includes transactions having a value between £20k and £1m

3. PERFORMANCE OF COMPARABLE DEVELOPMENTS

We considered the performance of comparable/competitor developments in and around the town to advise on the levels of demand for such property currently.

Despite growing demand pressures due to increasing population size, the number of private new build completions has fallen heavily in West Lothian in recent years: from around 1,600 in 2000 to only around 500 in 2012.

There has been new development in the surrounding area, much of which has sold out successfully or selling reasonably well, demonstrating good levels of demand to live here.

The Appendices provide details on some of the new development that has happened in and around the area. The keys ones are summarised below.

- **Ferrier Park, Armadale** – Taylor Wimpey are selling well in this ongoing development since March 2012, with 2.5 units sold each month. Consists mainly of small 3- and 4-bed detached family homes at £150-160 per sq ft. 86 units in total were built.
- **Hanlin Park, Armadale** – Bellway has a reasonable sales rate here of 1.6 per month since the end of 2011. 105 3-, 4- and 5-bed detached houses with prices around £150-160 per sq ft.
- **Stewart Park, Bathgate** – Mixed Persimmon development of 105 houses that sold out over 2007-12 at a rate of 1.4 units per month. Prices here also generally averaged £150-160 per sq ft.
- **Royal Gardens, Bathgate** – Ongoing Barratt Homes development of 64 apartments and terraced houses selling at 1.6 units per month. Prices are averaging around £150 per sq ft.
- **Liberty Gardens, Bathgate** – Mix of 59 apartments and villas that sold at nearly 2 per month over 2011-12. Apartments and mews houses were fetching around £160 per sq ft and townhouses and terraced houses were selling for around £140 per sq ft.
- **Albion Gardens, Bathgate** – Charles Church development of 125 apartments and villas that sold at a rate of 2.1 units per month over 2007-12 at an average price of £150-160 per sq ft.

4. ADDRESSING HOUSING ISSUES RAISED BY WEST LOTHIAN COUNCIL

In one of its grounds for refusal, the Council argues that economic factors have prevented developers from developing and people from purchasing property, therefore the current land supply in the area is not likely to be exhausted over the next five years.

Below, we examine issues around the demand and supply for housing in the current economic conditions, with reference to the above evidence.

LIMITED DEMAND FOR HOUSING

The most significant problem in the housing market just now is the lack of finance – for development and for mortgages. The banks have considerably restricted lending to the property sector in the wake of the international financial crisis. As well as reducing development capacity, it has also affected the ability of people to buy a home. First time buyers have been particularly affected, with the deposit required now typically around 20% (as opposed to a 10-year average of around 10%). On top of this, mortgage lending has been restricted to 3 or 4 times annual salary and credit checks are much tougher. This has been a major factor in the reduction of house transaction levels throughout the UK. The lack of finance for building and purchase of houses has been used as a justification by planning authorities for not supporting the release of land for housing.

This particular case of market failure should be less of an issue with the proposed development at Seafield Road. Two national developers have expressed strong interest in developing the site if planning consent is achieved, and both have the funds to build.

Although some of the homes, particularly the smaller ones, could be an option for first time buyers, it is likely that those moving to the area will be 'second steppers' or other groups of existing home owners who may also have equity in their current properties that can be put towards a larger property. This may, for example, include couples who have just started a family or have had more children and now require a larger home that remains affordable. Although they will still have to access mortgage finance, the likely presence of equity as well as these being households more likely to have double incomes will mean that households looking to move to this development are less likely to be restricted than other parts of the market, e.g. single first time buyers looking to buy a flat in Edinburgh.

The bulk of the houses will also be pitched to the lower to middle rungs of the market in the Edinburgh & Lothians area, making them more affordable to a wider number of households.

In addition, the interested developers support schemes to facilitate people buying or moving including shared equity and part exchange. They are signed up to the Scottish Government MI New Home scheme, where the customer gets a mortgage guaranteed for a maximum of 95% up to the value of £250,000 on a new home. It is applicable only for primary homes. Home buyers wishing to take advantage of the scheme will still need to qualify for a mortgage with a mortgage lender in the usual way and be subject to the lender's normal assessment criteria.

Other developers have similar incentive schemes and such schemes have successfully operated around Edinburgh & the Lothians over the last two to three years. On some sites, they have accounted for all sales.

The UK Government's and Bank of England's £80 billion Funding for Lending scheme should also help the lending market. Under this scheme, cheap loans are made available to financial institutions provided that they go to households and businesses. From the second part of 2012, there has been a steady rise in the number of mortgage approvals that many lenders have put down to Funding for Lending¹. It has recently been extended to 2015.

The UK Government's Help to Buy scheme is also now operational, with a 20% equity loan element for new build properties that is only currently available in England, but a further part to the scheme that will be available across the UK from the start of 2014. Under this scheme, the Government will provide a guarantee to lenders for loan to value mortgages of up to 95% for new build and secondary sales on property sales up to £600,000. This will help to make mortgages more freely available and assist people with getting on or moving up the housing ladder.

Recently, the Scottish Government announced a new £120 million shared equity scheme designed to help home buyers, with the Government providing the cash over the next two years to help both first-time buyers and existing homeowners looking to buy a new build property. Those who successfully apply to the scheme will buy the majority share of a new build property, with the Scottish Government buying the rest. When the property is sold on, the Government then receives a cash sum proportionate to its share.

CURRENT AND PIPELINE SUPPLY

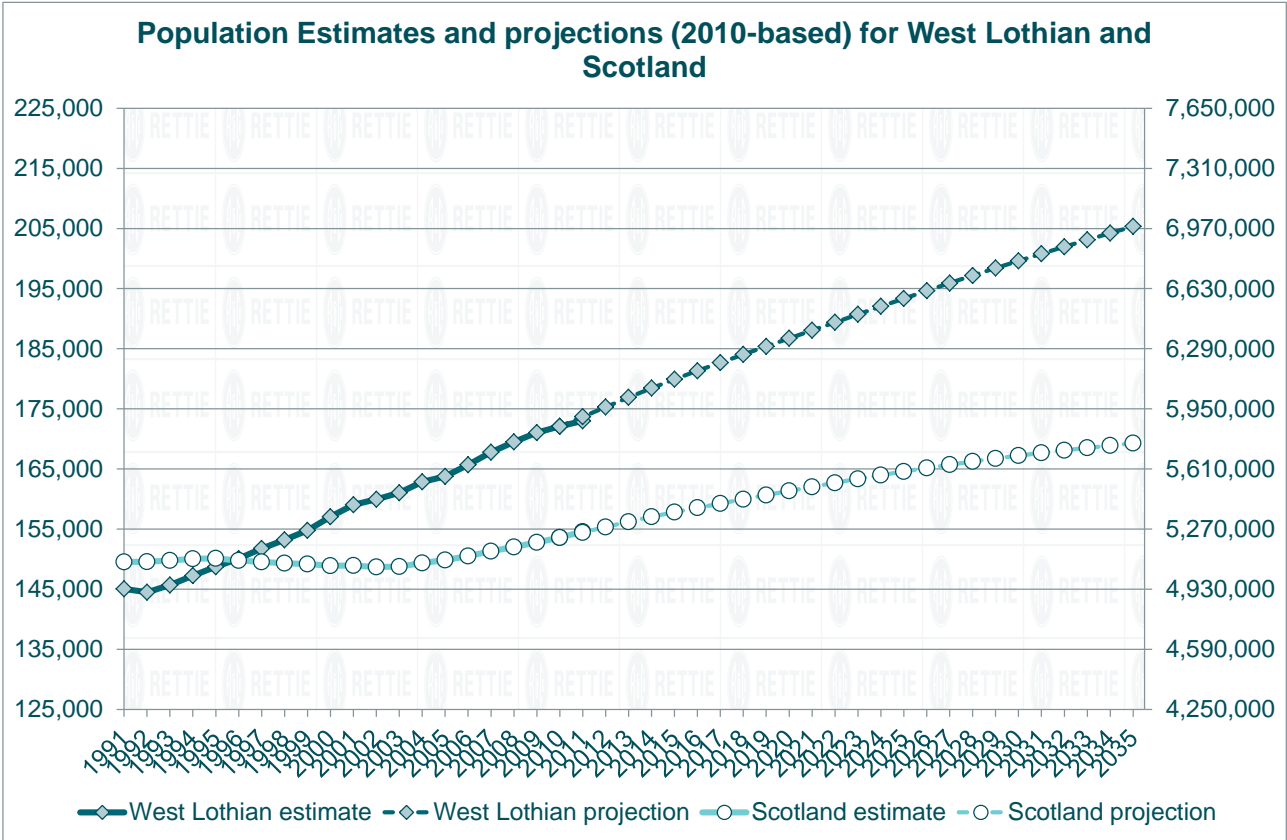
The populations of both Scotland and West Lothian have been increasing over the past decade as a result of in-migration and higher levels of fertility (partly caused by bringing in migrants of child bearing age).

This pattern is largely expected to continue over the next 20 years or so. West Lothian has been growing steadily in terms of population numbers (up by around 20,000 in the last 20 years). Official projections

¹ <http://www.bbc.co.uk/news/business-20909761>

suggest the region will have nearly 205,000 people by 2035, or more than 30,000 (around one-fifth) than it has currently. This population growth far outstrips that of Scotland and will lead to considerable demand for new housing.

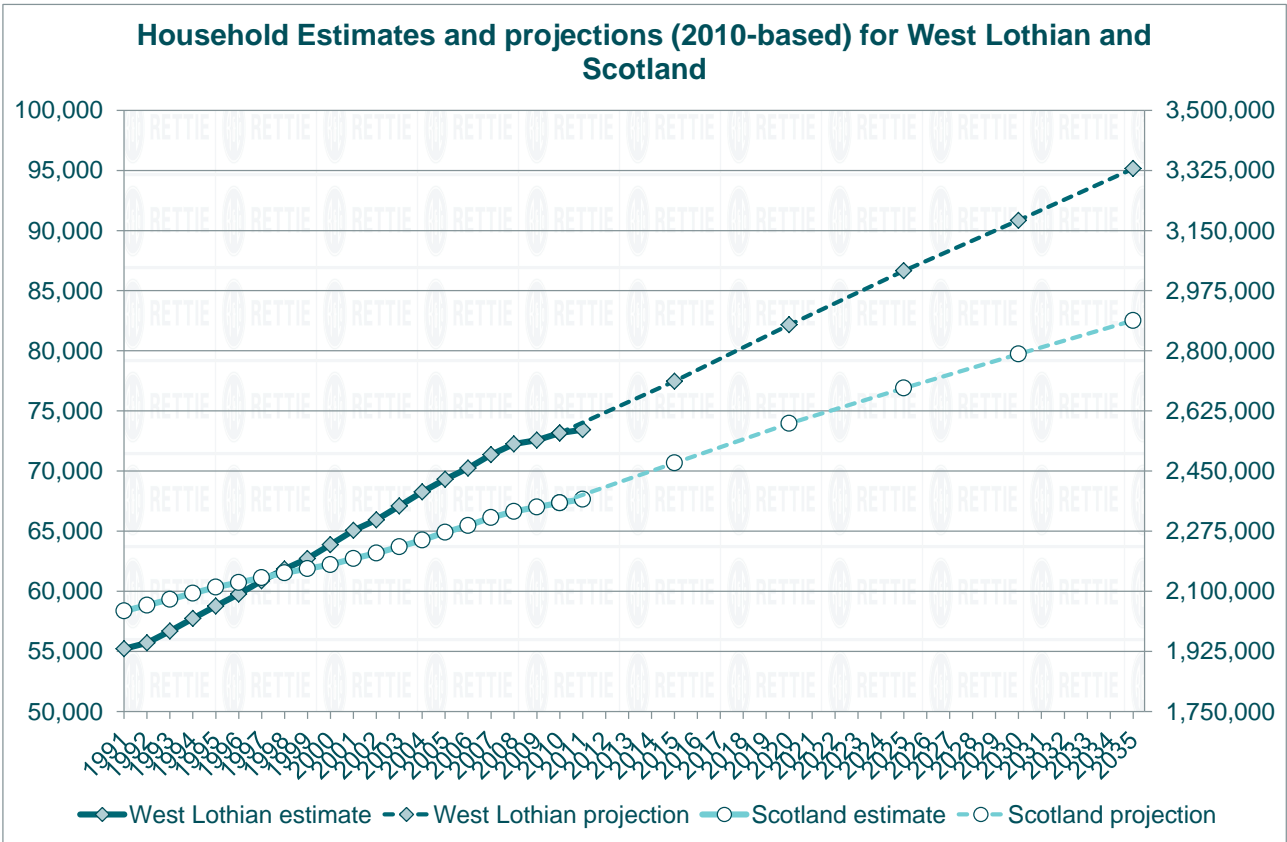
Figure 4.1 Population estimates and projections (2010-based) for West Lothian and Scotland, 2001-2035



Source: General Register Office for Scotland

Household growth is assumed to be even greater in percentage terms due to falling average household size. 22,000 additional households are projected for West Lothian from 2010 to 2035, a rise of 30% against a rise of only 23% in Scotland as a whole.

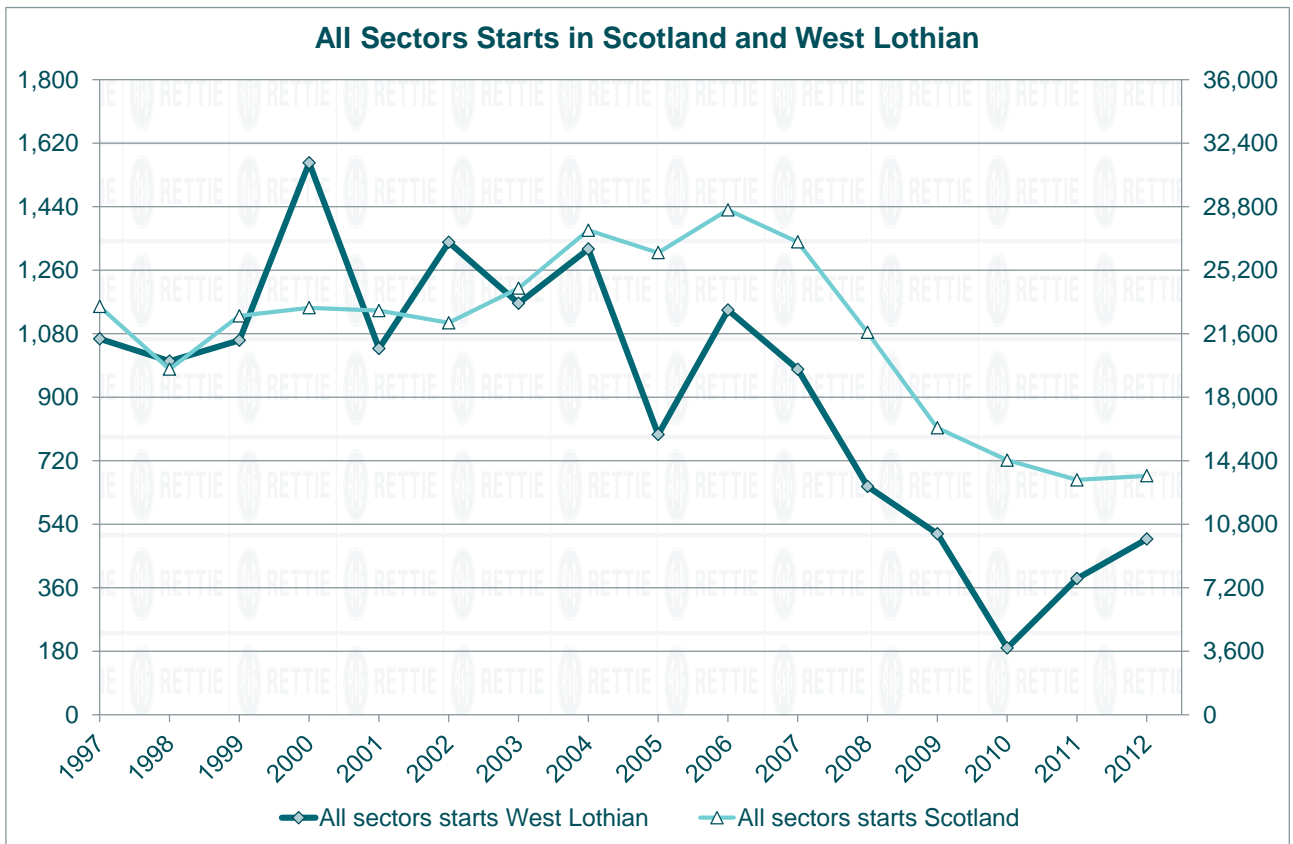
Figure 4.2 All households estimates and projections (2010-based) for West Lothian and Scotland, 2001-2035



Source: General Register Office for Scotland

Despite this actual and forecast population growth, there remains highly constrained new build supply given the difficulties in acquiring investment for build, and the lack of developer appetite and constraints on the availability of speculative residential development funding. From around 23,000 new starts in Scotland in 2001, this nearly halved by 2011, with a marked downswing post ‘credit crunch’ and economic recession, from which the new homes market has not recovered. The West Lothian market also turned down before this time and the number of new starts has been very low by historical standards over the last five years.

Figure 4.4 All sectors new build starts in West Lothian and Scotland, 1997-2012

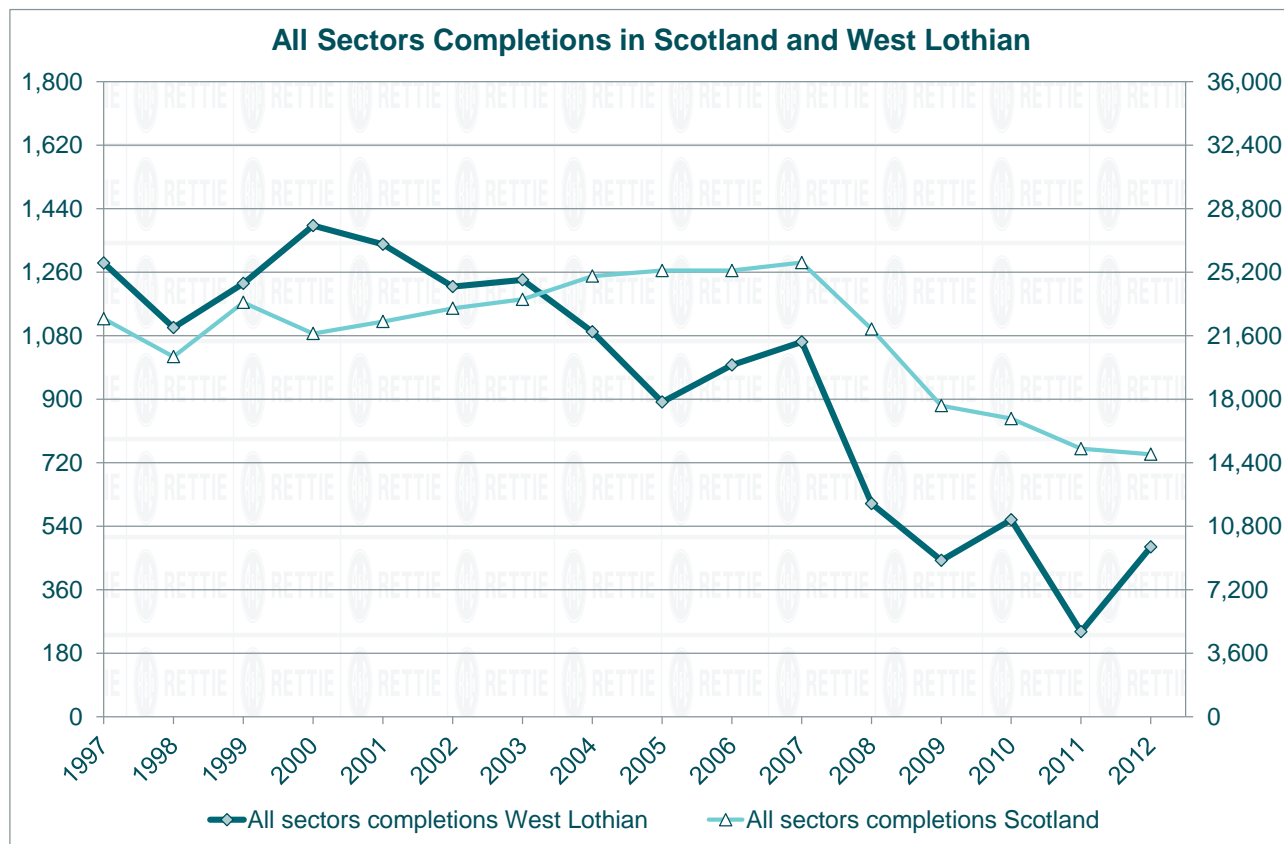


Source: Scottish Government

This pattern is also shown in actual housing completions. There were well under 20,000 completions in Scotland last year for the third successive year when the Scottish Government estimated, in 2007, that around 35,000 was needed a year to keep up with demand. This lack of new build will have serious implications for the country going forward if not addressed.

In West Lothian, the long-term average annual completion rate since 1997 is 948 units. However, over the last five years, this rate has halved to 465 units, now well below required levels given the rate of household formation. The demographic statistics suggest that this shortfall picture will worsen. According to official projections, around 22,000 new households will form in the local authority area over the next 25 years, i.e. an average of over 880 each year. Current build rates are unable to keep up with this. In fact, this rate of completions has not been met since 2007. This means that future upward pressures on house prices and rents look likely unless there is a rise in supply. This will also have consequences for economic development if firms looking to expand or locate to the region struggle to find suitable and reasonably priced accommodation for their workforce.

Figure 4.5 All sectors new build completions in West Lothian and Scotland, 1997-2012



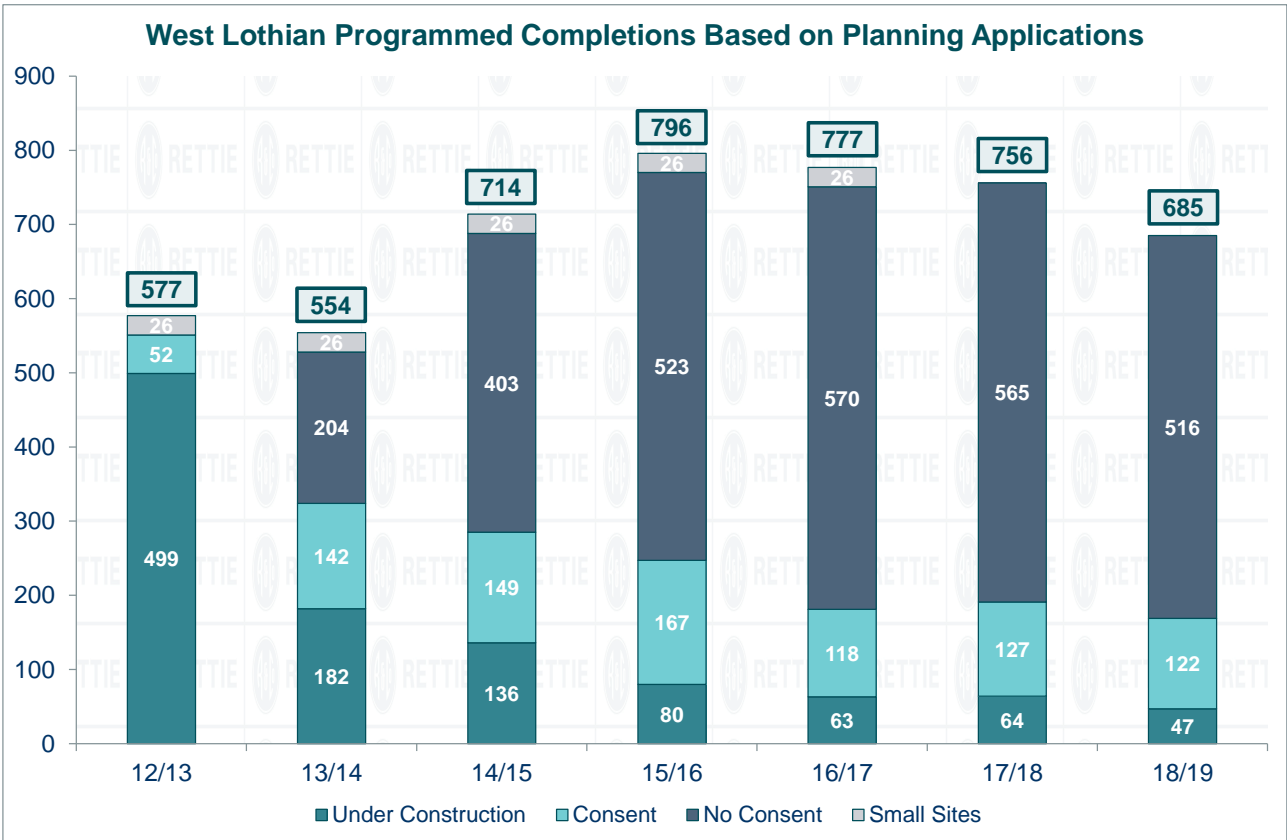
Source: Scottish Government

Around 40% of the new completions in West Lothian are in the social housing sector (local authority and Registered Social Landlords), with the remainder in the private sector new build. This figure has been higher in recent years as the government has made funding available for the social sector to build proportionally more new housing. However, with constrained budget and an emphasis by the UK Government on reducing capital expenditure, this looks unlikely to continue.

The position does look like improving, but not sufficiently to make up the backlog that has emerged in recent years as well as the projected household levels going forward. The latest figures for completions, based on planning applications and the Housing Land Audit suggest that new supply levels will pick up from 2014-15, but will not be over 800 new completions in any given year.

Figure 4.6 only includes current likely pipeline completions and additional new housing stock may be delivered in this timeframe, but it is unlikely that much more will be programmed in the next two years when levels look like being weak.

Figure 4.6 West Lothian programmed completions based on planning applications, 2012-19



Source: Housing Land Audit, 2012

Sites are being brought forward in the area and consent has been given for a number. Since the adoption of the local plan, housing development has started at Armadale CDA, Winchburgh CDA and Heartlands (Whitburn). The Council has also granted planning permission for the 2,300 houses at Calderwood CDA. The Council is also minded to grant planning permission for 625 houses at Drumshoreland subject to a legal agreement being concluded.

However, given the analysis above, the current level of planned completions are still unlikely to be enough in the context of continuing demand for housing in the local authority area over the next few years at least and the lack of new supply that has been witnessed since the market downturn that is not expected to pick up significantly for at least another year.

In summary, the need for additional housing in the region seems clear and likely to be ongoing for some time. There are also less obvious problems of development finance and mortgage finance at Seafield Road given that the interested developers has the funds to build and can make incentives available to help potential purchasers. The various schemes being put forward by the UK and Scottish Governments, e.g. Help to Buy, will also facilitate house purchases from 2014. Therefore, in our view, the Seafield Road sites

should not detrimentally impact on sales on the other sites. There appears to be sufficient demand in the area for all three of these sites to perform well in terms of sales rates.

We believe that the Seafield Road site is a good site in an established residential location.

5. CONCLUSIONS

Below, we summarise our key findings and arguments in support of the development.

THE NEED FOR MORE HOUSING

Our evidence demonstrates continuing levels of demand in the market for housing in West Lothian that is not being met by current levels of supply. A particular issue in Edinburgh is the price of property for families in the city, which is forcing many to move to the suburbs or further afield (especially on commutable routes). West Lothian would come into this category.

It seems clear that the West Lothian population and number of households will continue to increase over the next 20 plus years and provision needs to be made for this in terms of new housing. The number of households is projected to increase by nearly 880 per year over the period 2008-33. However, the current new build completion rate is running at just 60% of this. Although the completion rate should improve with planned new development, there has been a significant shortfall in recent years and it looks like it will be 2014-15 at the earliest before development reaches something like the required levels going forward.

And this only takes account of the 'expansion' demand from household growth, i.e. new houses required based on demographic change. It is likely to understate actual demand because there will also be the 'replacement' demand of having to replace outdated and dilapidated properties - new houses are needed even if the population were not expanding.

NOT A CONSTRAINED SITE

Despite a number of government initiatives to stimulate the market, it is difficult to see the situation improving until private house building is moving again. Due to the lack of access to finance for developers to build and the public to occupy, this situation may not improve over the next five years. Therefore the sites that most likely to be built out and occupied are those not constrained by infrastructure issues, development finance and that target the parts of the market where affordability constraints are not as great and there is a larger number of people able to purchase property at the right price. The Blackburn site would seem to fit these categories and make a contribution to addressing the housing shortfall in the region. This can also be achieved at a time that the new build market will continue to be subdued in terms of delivering new supply in the area.

LIKELY TO BE DEMAND

There are also a number of other factors that affect local markets. These are normally tied to levels of affordability, schooling provision, closeness/connectivity to Edinburgh and overall desirability of an area.

Blackburn would score relatively highly on all of these factors. The proposed units are also likely to be priced towards the affordable end of the market for family homes, for which there is proven demand in the surrounding area.

What is selling at the moment is the right product in the right location at the right price. Getting just one of these variables wrong can detrimentally impact on a development. We believe this to be the right sort of product in the area. If priced correctly, it should sell well.

Given all of these factors, we would assume that demand would be relatively high for the types of housing proposed and although obtaining mortgage finance is much more difficult than it was pre-2008, the evidence of other similar developments shows that the right type of product that is priced appropriately in the right location will sell. Developers themselves have committed themselves to schemes that will boost their sales by making it easier for first time buyers and existing homeowners to buy new property. There are also now several Government backed schemes to support the house buying process, which should serve to boost demand in the market over the next two years.

Blackburn is a marketable location and an established residential area. As such, it is capable of providing for the excess demand that is currently in the market for new housing and what is being proposed is at relatively affordable prices. This would mean not just the demand in West Lothian, but across the whole SESplan area, where there are relatively few such unconstrained, marketable locations.

6. MEET THE TEAM



Simon Rettie FRICS (Managing Director)

Simon began his property career in 1985 when he joined Strutt & Parker and qualified as a chartered surveyor. In 1989 he formed Edinburgh & Glasgow Investment Company Ltd where he was Managing Director until 2003. During this period Simon was also a Director of Residential Estate Agents Limited (REAL). Simon is a fellow of the Royal Institution of Chartered Surveyors and also a Trustee of the Scottish Civic Trust.

0131 624 9047 simon.rettie@rettie.co.uk



Matthew Benson (Director)

Matthew graduated from Oxford University and began his career with Morgan Stanley, working in international finance in London. He then established his own consultancy business focused on the structuring and planning of high quality residential and leisure projects before joining Rettie & Co. in 1998 where he has overseen the expansion in land and development, New Homes and rural projects. More recently, he has been working closely with the Scottish Government and regeneration agencies south of the border to look at new ways of stimulating house building and delivering mixed tenure affordable housing in the low grant environment to come. Matthew developed much of the thinking behind the Scottish Futures Trust's current initiative and he has been developing parallel private sector led initiatives.

0131 624 9031 matthew.benson@rettie.co.uk



Nick Watson (Associate Director)

An Associate Director of the firm, Nick runs the Consultancy and Research team and is responsible for New Homes business development. Nick originally joined the Lettings department of Rettie & Co. in 1998 before transferring to the Land and New Homes Department in 2000. He qualified as a Chartered Surveyor in 2003 following a correspondence course through the College of Estate Management.

0131 624 9042 nick.watson@rettie.co.uk



Dr. John Boyle (Head of Research)

John joins Rettie & Co from DTZ, where he was employed as a Senior Economist and Associate Director. He led DTZ's work with the Scottish Government and its residential research in Scotland and the north of England. He is also the socioeconomic adviser on a number of major developments across Scotland for a range of public and private sector clients. John leads the Rettie & Co research team, providing a cutting edge research and consultancy function that informs clients on sales, lettings, investment and development opportunities and their viability, as well as providing analysis of where property markets are at and likely to be going.

0131 624 4073 john.boyle@rettie.co.uk



Nigel Shekleton (Researcher)

Nigel holds an MA in Economics and joins Rettie & Co from DTZ. In his position as Researcher, Nigel is responsible for the management and analysis of market information utilising Rettie & Co.'s bespoke property tracking system, which contains details of over 900 developments. In addition, he also works on consultancy and research projects for Rettie & Co's broad range of clients.

0131 624 9051 nigel.shekleton@rettie.co.uk

7. APPENDICES

APPENDIX 1: NEW BUILD AND RE-SALE COMPARABLES

Ferrier Path, Armadale



Summary

Developer	Taylor Wimpey
Area	West Lothian EH48 3LP
Total Units	86
Total Sold	42
Avg Size(sqft)	1,159
£/sqft	£157
Lowest (£)	£116,845
Highest (£)	£249,995
Avg (£)	£174,344
Specification	Average
Sales Rate/Month	2.47
Launch Date	01/03/2012



Development Description

A development of 2 and 3 bed semi detached, and 3, 4 and 5 bed detached homes.

Recent Sales Comment

Jun-13 - 42 registered sales to date.

Sales Per Month (Last 6 Months)

Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13
0	0	4	3	3	0

Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
May-13	Detached	3	990/92	£149,000	£151
May-13	Detached	4	1,190/111	£191,500	£161
May-13	Detached	4	1,496/139	£235,000	£157
Apr-13	Detached	4	1,330/124	£189,995	£143
Apr-13	Detached	4	1,190/111	£190,995	£161
				£191,298	£155

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Detached	3	990	92	£154,250	£156
		4	1,289	120	£194,745	£151
		5	1,690	157	£249,995	£148
	Semi Detache	2	686	64	£119,307	£174
		3	826	77	£138,417	£168

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Hanlin Park, Armadale



Summary

Developer	Bellway
Area	West Lothian EH48 3LJ
Total Units	105
Total Sold	34
Avg Size(sqft)	1,174
£/sqft	£155
Lowest (£)	£129,995
Highest (£)	£234,995
Avg (£)	£181,679
Specification	Average
Sales Rate/Month	1.62
Launch Date	01/11/2011



Development Description

A collection of 3, 4 and 5 bed semi detached and detached homes.

Recent Sales Comment

Jun-13 - 34 sales registered to date. Phase 2 has launched ahead of schedule.

Sales Per Month (Last 6 Months)

Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13
3	4	1	0	2	0

Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
May-13	Detached	3	1,000/93	£163,995	£164
May-13	Detached	4	1,400/130	£210,995	£151
Mar-13	Detached	4	1,495/139	£234,995	£157
Feb-13	Detached	4	1,325/123	£209,995	£158
Feb-13	Detached	4	1,290/120	£197,500	£153
				£203,496	£157

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Detached	3	1,028	96	£163,322	£159
		4	1,353	126	£206,702	£153
	Semi Detache	3	875	81	£134,995	£154

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Stewart Park, Bathgate



Summary

Developer	Persimmon
Area	West Lothian EH48 2XB
Total Units	105
Total Sold	105
Avg Size(sqft)	1,053
£/sqft	£156
Lowest (£)	£83,450
Highest (£)	£250,950
Avg (£)	£158,535
Specification	Average
Sales Rate/Month	1.42
Launch Date	01/03/2007



Development Description

3 & 4 bed semi detached and detached homes and 1 & 2 bed apartments. This development is located in a cluster of new developments on the edge of Bathgate at Wester Inch - bordering the golf course.

The collection of developments at Wester Inch Village, the former Leyland Site, will add 2,000 houses and flats to the current housing stock of 6,500. Buyer profile includes investors and first time buyers.

178 units over Areas B, I, J of the Wester Inch Development Masterplan.

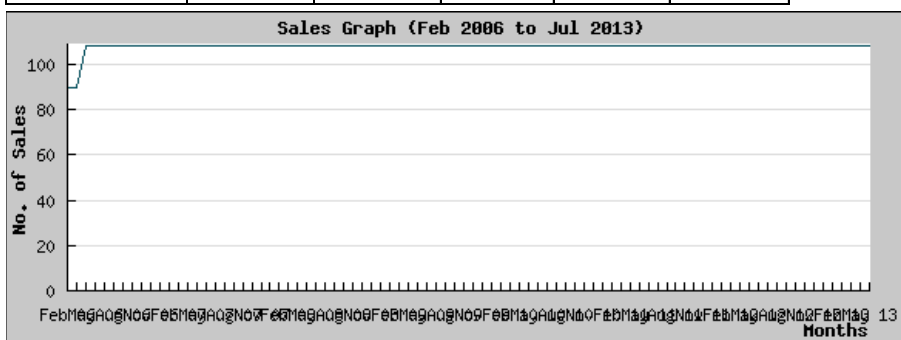
Recent Sales Comment

May-13 - The final property has now sold and development sold out. Incentives included discount, flooring, turf and stamp duty paid.

Apr-13 - There has been one further sale. Plot 23 sold with part exchange. The remaining property has been reduced by £20,000 and is also being offered with flooring and turf. Advertising on property web portals.

Sales Per Month (Last 6 Months)

Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13
0	0	0	1	1	0



Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
May-13	Detached	4	1,392/129	£199,950	£144
Apr-13	Detached	4	1,212/113	£202,500	£167
Dec-12	Semi Detache	3	943/88	£149,995	£159
Nov-12	Detached	3	1,022/95	£172,950	£169
Nov-12	Detached	3	1,022/95	£177,950	£174
				£180,669	£163

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Apartment	1	588	55	£89,950	£153
		2	701	65	£106,304	£152
	Detached	3	1,056	98	£175,756	£165
		4	1,354	126	£217,042	£161
	Semi Detache	3	1,054	98	£154,178	£154
		4	1,272	118	£210,000	£165

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ADVICE ON THE HOUSING MARKET WITH RESPECT TO PROPOSED HOUSING DEVELOPMENT AT SEAFIELD ROAD, BLACKBURN

Royal Gardens, Bathgate



Summary

Developer	Barratt Homes
Area	West Lothian EH48 2GG
Total Units	64
Total Sold	33
Avg Size(sqft)	1,149
£/sqft	£150
Lowest (£)	£80,000
Highest (£)	£249,995
Avg (£)	£157,127
Specification	Average
Sales Rate/Month	1.57
Launch Date	01/11/2011



Development Description

Mix of; one and two bed apartments, three bed mid and end terraced villas, three and four bed detached villas.

Recent Sales Comment

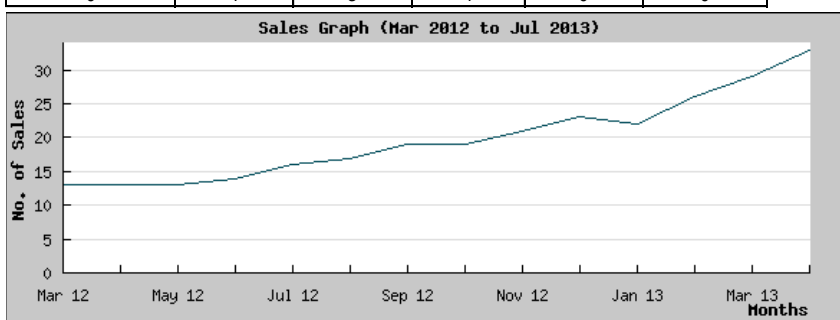
Apr-13 - There have been another four sales in April. Incentives included stamp duty paid, discounts, and MiNewhome scheme. The visitor level dropped to around twenty for the month. No new advertising.

Mar-13 - There have been three sales in March. All had part exchange and £500 paid by developer towards legal fees. Plot 19 is on Assisted Move and should convert to reservation next week.

There have been around twenty visitors and approximately sixty strollers. No new advertising. Development now open seven days due to increase in footfall.

Sales Per Month (Last 6 Months)

Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13
0	4	3	4	0	0



Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
Apr-13	Apartment	1	588/55	£80,000	£136
Apr-13	Mid Terrace	3	832/77	£134,995	£162
Apr-13	Mid Terrace	3	832/77	£135,995	£163
Apr-13	Mid Terrace	3	1,161/108	£153,995	£133
Mar-13	Mid Terrace	3	832/77	£134,995	£162
				£127,996	£151

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Apartment	1	588	55	£85,332	£145
		2	704	65	£101,163	£144
	Detached	4	1,322	123	£216,595	£161
		5	1,694	158	£249,995	£148
	End Terrace	3	1,161	108	£153,295	£132
	Mid Terrace	3	955	89	£141,995	£149
Available	Detached	3	919	85	£174,995	£190
		4	1,159	108	£195,995	£169
		5	1,694	158	£259,995	£153
	End Terrace	3	832	77	£141,995	£171
	Mid Terrace	3	914	85	£141,245	£154
	Semi Detache	3	919	85	£163,328	£178

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Liberty Gardens, Bathgate



Summary

Developer	Miller
Area	West Lothian EH48 2XE
Total Units	59
Total Sold	59
Avg Size(sqft)	980
£/sqft	£155
Lowest (£)	£99,995
Highest (£)	£259,995
Avg (£)	£151,428
Specification	Good
Sales Rate/Month	1.9
Launch Date	01/01/2011



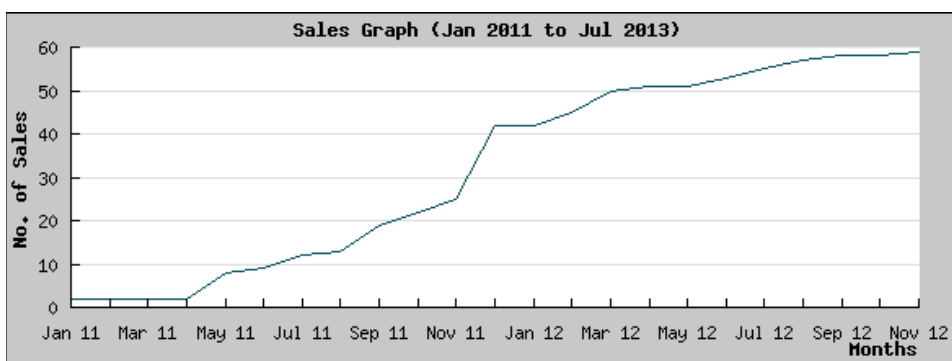
Development Description

Mix of 3/4/5 bedroom villas and 2 bedroom apartments.

Recent Sales Comment

Nov-12 - The final property has now sold and the development is sold out.

Oct-12 - There have been no further sales in October. Still one remaining. Visitor levels have totalled six. No new advertising apart from the developers own web portals.



Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
Nov-12	Mews	3	893/83	£138,995	£156
Oct-12	Townhouse	3	1,098/102	£149,995	£137
Jul-12	Apartment	2	721/67	£112,995	£157
Jul-12	Townhouse	3	1,098/102	£153,995	£140
Jun-12	End Terrace	3	1,249/116	£164,995	£132
				£144,195	£144

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Apartment	2	722	67	£110,122	£153
	Detached	3	974	91	£165,121	£170
		4	1,468	137	£233,995	£159
		5	1,485	138	£235,000	£158
	End Terrace	3	962	89	£149,995	£156
	Mews	3	893	83	£144,745	£162
Townhouse	3	1,098	102	£153,195	£140	
	4	1,098	102	£155,995	£142	

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Albion Gardens, Bathgate



Summary

Developer	Charles Church
Area	West Lothian EH48 2UP
Total Units	125
Total Sold	125
Avg Size(sqft)	1,265
£/sqft	£152
Lowest (£)	£91,160
Highest (£)	£425,000
Avg (£)	£235,558
Specification	Good
Sales Rate/Month	2.12
Launch Date	01/07/2007



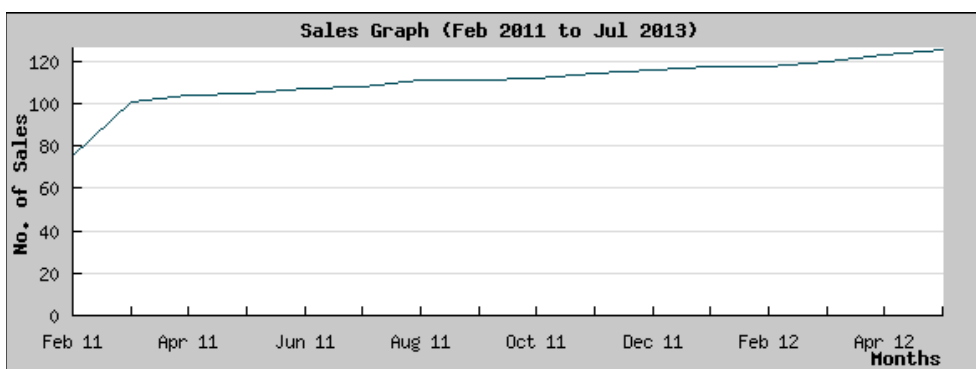
Development Description

Mix of 2 bedroom apartments and 4 and 5 bedroom detached villas.

Recent Sales Comment

May-12 - There have been two sales in May. A discount of £30,000 was agreed on the villa, with an end of June date of entry. The apartment which sold had a discount of £5,000. Visitors to development totalled 14. Advertising on all property web portals.

Apr-12 - There have been three sales in April. Two of which had part exchange and the third had a large discount and flooring included. Visitor levels totalled 22 for month, although over half of these were in the first week of the month. No advertising other than text alerts which has not worked.



Sales Snapshot (Last 5 sales)

Sale Month	Plot Type	Beds	Sqft/Sqm	Sale Price	£/Sqft
May-12	Detached	5	2,075/193	£305,000	£147
May-12	Apartment	2	673/63	£99,950	£149
Apr-12	Detached	4	1,420/132	£225,000	£158
Apr-12	Detached	5	2,279/212	£320,000	£140
Apr-12	Detached	4	1,736/161	£285,000	£164
				£246,990	£152

Average Stats

Status	Plot Type	Beds	Avg Sqft	Avg Sqm	Avg Price	£/Sqft
Reserved	Apartment	2	657	61	£102,545	£155
	Detached	4	1,660	154	£262,236	£162
	Detached	5	2,253	210	£324,906	£147

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Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by R W Maslin, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-400-2036
- Site location: land to the north and south of Seafield Road, Blackburn, West Lothian EH47 7AL
- Appeal by: Hallam Land Management Limited against the decision by West Lothian Council
- Application for planning permission in principle 0704/P/12 dated 10 October 2012 refused by notice dated 22 April 2013
- The development proposed: residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works
- Date of site visit by Reporter: 21 October 2013

Date of appeal decision: 30 October 2013

Decision

I dismiss the appeal and refuse planning permission in principle.

Reasoning

1. The determining issues in this appeal are: whether there is a deficiency in the supply of land for new housing and whether the proposed development would help make good any such deficiency; whether there is adequate school accommodation for children from the proposed development; and whether the proposed development accords with local plan policy for development in the countryside.

The site

2. The site covers 6.5 hectares of land on the south-east side of Blackburn. One part of the site is to the north of Seafield Road (A705). This part of the site is pasture land, gently undulating and with a low point towards the south-west corner. To the west are the houses in Pinewood and Graham Court. Along the boundary between these houses and the site is a narrow strip of trees along which there is an informal path. The north boundary is marked by some small trees and several oak trees at the north-east corner. To the north is an arable field. To the east are further grazing land and a collection of buildings, including a house, on the north side of Seafield Road.

3. The other part of the site is to the south of Seafield Road. To the west of this part are the houses in Happy Valley. Again the boundary between the houses and the site is marked by a woodland strip, along which there is a footpath. The west section of this part of the site is sown to grass, a central section is uncultivated and the easternmost section is arable. The central and easternmost sections are separated from Seafield Road by the houses at Hillview Cottages and Rockvale Cottages. Riverside Lea, a low-density residential area to the east, is separated from the site by a strip of young trees. The south part of the site generally slopes down to the south, in the direction of the River Almond. From this part of the site there is an extensive view to the south.

4. Seafield Road, where it crosses the site, is carried on an embankment, the height of which at its greatest is two to three metres above the adjoining ground. Mature trees and hedgerow planting on both sides of the road create continuous lines of vegetation and largely screen views from the road to the appeal site.

The proposal

5. The proposed development is described as “residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works”. The application for planning permission is in principle. The Indicative Masterplan submitted with the application indicates that the site could accommodate approximately 120 dwellings. There would be a roundabout on Seafield Road, from which vehicular access to each half of the site (north and south of the road) would be taken.

Representations

6. During its consideration of the planning application, the Council received objections from Mr Graeme Morrice MP, Blackburn Community Council, Seafield Community Council and four local residents. In addition, 280 identical-format standard letters of objection were received. After the appeal was submitted, the Directorate for Planning and Environmental Appeals received further representations from Mr Morrice, Blackburn Community Council and one local resident.

The development plan

7. The development plan consists of SESplan and West Lothian Local Plan. SESplan, the strategic development plan for Edinburgh and South-east Scotland, was approved by Scottish Ministers on 27 June 2013. SESplan supersedes the Edinburgh and the Lothians Structure Plan 2015. West Lothian Local Plan was adopted in 2009.

SESplan

8. Relevant parts of SESplan are summarised in the following paragraphs.
9. SESplan has eight aims (paragraph 17). Two of the aims are to:

set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations; and

promote the development of urban brownfield land for appropriate uses.
10. The spatial strategy focuses further development on thirteen strategic development areas, one of which is West Lothian. The strategic development areas are to be the primary locations for growth and investment (paragraph 18).
11. Where possible, new housing will be focused on brownfield land and across the strategic development areas. It is particularly important in supporting economic growth and recovery to ensure that sufficient land is allocated and available for housing development in the period up to 2024 (paragraph 22). A five years' effective housing land supply will be maintained at all times to ensure that delivery is not unnecessarily constrained (paragraph 23). The spatial strategy steers housing growth to sustainable locations where there is infrastructure capacity or which minimise the requirement for additional investment (paragraph 27).
12. SESplan says that over 22,300 new homes are already committed in West Lothian. Significant investment in infrastructure, particularly education, is required to implement existing committed development. Further investment will be needed to support SESplan strategy (paragraph 88). Provision of infrastructure may be an obstacle in the short term (paragraph 89). New housing allocations in West Lothian could be directed towards existing committed developments. The smaller settlements in west West Lothian may also provide for additional growth (paragraph 91).
13. Supplementary guidance will show how much of the requirement for more housing land is to be met in each part of the SESplan area. Local development plans will allocate land accordingly (policy 5).
14. One of SESplan's priorities is the delivery of the development strategy and related infrastructure projects currently under construction or committed through existing plans and strategies (paragraph 114).
15. Each planning authority is to maintain at all times a five years' supply of effective housing land. The scale of this supply is to derive from the housing requirements for each local development plan area identified through the supplementary guidance called for in policy 5 (policy 6).

16. Policy 7 says that planning permission may be granted for greenfield housing development to maintain a five years' supply of effective housing land. This is subject to the following criteria:

- (a) the development will be in keeping with the character of the settlement and local area;
- (b) the development will not undermine green belt objectives; and
- (c) additional infrastructure required as a result of the development is either committed or to be funded by the developer.

SESplan spatial strategy

17. I find that the proposed development accords in broad terms with SESplan spatial strategy in that it is within a strategic development area and that it is located beside one of west West Lothian's smaller settlements. On the other hand, the strategy promotes reuse of brownfield land, and this counts against the proposed development because the appeal site is greenfield.

Greenfield development

18. Greenfield development may be permissible under policy 7. Approval of the proposed development is permitted by policy 7 if:

there is need in terms of maintaining a five-year supply of effective housing land;

the appeal site would be effective; and

criteria (a), (b) and (c) in policy 7 are met.

Maintaining a five years' supply of effective housing land – the Appellant's case

19. The Appellant says that the Council confirms in its committee report that there is not a continuing five years' supply of effective housing land. The shortfall in the SESplan five-year housing land supply is of the order of 22,000 houses. This equates to almost 50% of the total five-year requirement. There is an urgent need to bring forward land for housing development in appropriate, sustainable locations. The scale of the shortfall is such that it must be addressed now, in advance of any local development plan process. Recent decisions on two appeals regarding housing development in Edinburgh confirm the substantial shortfall in housing land supply.

20. The Council claims that the housing land supply position has changed because the housing requirement for West Lothian cannot be established prior to approval of the supplementary guidance called for by policy 5 of SESplan. This is an unreasonable approach and is in conflict with the requirements of SESplan. The Council has previously

accepted that there is a considerable shortfall in the five-year effective housing land supply in West Lothian. The housing land supply position does not change simply because the structure plan has been replaced by SESplan.

21. The lack of an effective five-year housing land supply remains and must be addressed. This was one of the key findings of the SESplan examination. The scale of the housing land shortage across the SESplan area is significant.

22. The Council's wish to await approval of the supplementary guidance conflicts with SESplan, Scottish Planning Policy, PAN 2/2010 and the Chief Planner's letter of October 2010. These all confirm that a five-year supply of effective housing land should be maintained at all times.

23. The Council's approach conflicts with that adopted by East Lothian Council in response to three similar appeals. There is need to address the critical shortage in effective housing land throughout the SESplan area. Action is needed now and not through a lengthy local development plan process. In a fourth East Lothian appeal, the reporter concluded that there was an urgent need to achieve more private house completions. Departure from the development plan was justified. The same approach can be applied to the present appeal. This would also follow the approach in the two Edinburgh appeals.

24. The Council's position conflicts with Scottish Planning Policy, SESplan, the position adopted by a neighbouring authority and the conclusions of three reporters.

Maintaining a five years' supply of effective housing land – the Council's case

25. The Council says that the housing requirement for West Lothian cannot be established until the supplementary guidance required by policy 5 of SESplan has been approved. The most suitable locations for new development can be established only after an assessment of all options. Following a 'call for sites', the Council's assessment of over 200 submissions is nearing a conclusion.

26. Many of the reasons for decline in housing output in West Lothian are beyond the Council's control. In 2009, the Council set up a West Lothian Local Infrastructure Fund to forward-fund infrastructure. The Council has engaged with the house building industry through two housing recovery conferences and has approved two Housing Recovery Action Plans. The rate of house completions in West Lothian has made a good recovery since the low point in October 2011. Progress is being made on various fronts, including the CDAs at Armadale, Winchburgh and Calderwood, council housing, approved private housing developments and six sites where the Council is minded to grant planning permission for a total of 1,244 houses.

27. The West Lothian Housing Land Audit 2012 confirms that the total effective supply is 14,281 units. The constrained supply is 8,566 units. Of the 14,281 units in the effective supply, only 3,418 are programmed for the five years from 2012-2013. This is because economic factors continue to have an adverse impact. The effective supply is expected to be greater in the 2013 Audit as a result of progress with the housing recovery initiatives.

28. The considerable land supply in Bathgate, Blackburn and Whitburn will not be exhausted in the next five years. Construction of 1,266 houses is forecast in the five years from 2012-13. The established supply is for 4,132 houses, of which land for 3,584 houses is effective.

29. Table 4 in SESplan shows 22,300 potential house completions on land committed for housing development in West Lothian. This is 6,490 above the assessed need and demand for the period from 2009 to 2019.

30. The Appellant's Housing Market Report (page 22) says 880 house completions per year will be needed in West Lothian over the next 25 years. The Housing Land Audit forecasts 796 completions by 2015-2016. This figure does not include proposed council house construction. The draft Housing Land Audit 2013 forecasts 957 completions in 2016-2017. This figure does not include proposed council-house construction on land not allocated for development.

31. The Edinburgh appeal decisions cited by the Appellant are not comparable for a number of reasons, including: they relate to a time prior to approval of SESplan; infrastructure was not an issue; and the local housing demand and supply picture was different from that in West Lothian.

Maintaining a five years' supply of effective housing land – conclusions

32. I find that SESplan gives high priority to the need to ensure that there is at all times a five-year supply of effective housing land. This is clear from what SESplan says in paragraphs 22 and 23 and policy 6.

33. Policy 6 also addresses the question of how much land has to be allocated for new housing if there is to be a five-year supply. Policy 6 says that the scale of the supply is to derive from the housing requirements for each local development plan area identified through the supplementary guidance called for in policy 5. As this guidance has not yet been approved, I find that it is not possible at present to identify with certainty whether there is in West Lothian, in terms of the development plan, a shortage of effective land for new housing development.

34. I note from submissions that the rate of house building in West Lothian declined sharply following onset of the recession. I also note that the Council has taken a number of initiatives with the aim of increasing the rate of house building in its area. These initiatives include efforts to bring forward provision of essential infrastructure and implementation of a programme of council-house building. Planning permission has been or is being given to a number of proposed housing developments.

35. I note that the approved Housing Land Audit 2012 identifies an effective land supply for 14,281 dwellings and that this figure may well increase in the 2013 audit. Forecasts suggest that the number of house completions will be at least 796 in the year 2015-2016 and possibly at least 957 in 2016-2017. In the area local to the appeal site, there are

effective sites for 3,584 houses within the established land supply. Construction of 1,266 houses is forecast in the five years from 2012-13.

36. From the submissions, in particular the considerations in the previous two paragraphs, I find that the supply of effective housing land in West Lothian is adequate to meet current market demand for new houses. This is also the case in relation to the area local to the appeal site.

37. The situation in West Lothian is different from that in Edinburgh and East Lothian, in that it appears that the supply of housing land in West Lothian is more generous than that in the other two areas. For this reason, I find that the Edinburgh and East Lothian appeals cited by the Appellant cannot be used to point the way in which the present appeal should be determined.

Effectiveness of the appeal site

38. The Appellant submits that the appeal site would be effective. It is adjacent to existing services, utilities and access roads. There is no constraint to immediate development. The Appellant's parent company is a long-established, leading property and construction organisation. There is house-builder interest in developing the site. An indicative development programme shows first house completions in 2015 and completion of the development in 2019.

39. The Council says that education issues in relation to the appeal site cannot readily be addressed. For this reason, the site would not be effective.

40. The Council submits that there is need for additional primary school capacity to serve the proposed development. The Council would require at least three years from the grant of planning permission to have the additional capacity in place. If extension of Bathgate Academy does go ahead, it will not be complete until 2017-18. No houses on the appeal site should be occupied until the extension is complete. The site would not make an early contribution to housing output.

41. In response, the Appellant says that the Council's reasons for refusal related to a perceived lack of capacity in local secondary schools. No concerns were expressed regarding primary schools. There is sufficient spare capacity in all local primary schools. There is significant spare capacity in Blackburn Primary School, which is occupied at less than a third of its planned capacity.

42. I note from the Appellant's Education Capacity Assessment that Murrayfield Primary School is reaching capacity and that some 35 pupils are from outwith the school's catchment area. The Assessment indicates that Murrayfield Primary school could accommodate pupils from the proposed development if there were no non-catchment pupils on the school roll.

43. The Education Capacity Assessment (paragraph 6.14) also says that no further significant new housing development is planned for Blackburn.

44. It seems to me that existing non-catchment pupils at Murrayfield Primary school could not be required to relocate to Blackburn Primary or some other school. Reducing the number of non-catchment pupils would have to be a gradual process, taking place as pupils worked their way through the school and progressed to secondary level.

45. I am not convinced that it is accurate to say that no further significant new housing development is planned for Blackburn. Submissions have drawn to my attention a site known as Redhouse West which is allocated for housing development in the local plan and which has an estimated capacity for 70 dwellings.

46. I note that there is considerable spare capacity at Blackburn Primary School. From submissions, my understanding is that creating space at Murrayfield Primary School by transferring some of its catchment area to Blackburn Primary School requires statutory consultation procedures to be followed and that the result of such consultation cannot be pre-empted. In other words, there can be no guarantee that the outcome desired by the Appellant will be achieved.

47. In its response to the appeal (paragraph 5.4), the Council says “developer contributions could be used at the catchment primary schools to provide additional capacity within existing site and building constraints”.

48. My conclusions from all this are that at the present time Murrayfield Primary School lacks capacity to accommodate pupils from the proposed development. That this is not given as a reason for refusal of planning permission appears to be because there is a possible solution using developer contributions to provide additional capacity. Provision of such additional capacity is needed before any of the proposed houses are occupied.

49. I note that the Education Services’ consultation response says that Our Lady of Lourdes Primary School has capacity for 171 pupils. The response goes on to qualify this. The school tends to be organised on the basis of six classes. These classes are mainly composite, making the maximum roll 150 pupils. The 2012 start-of-session roll was 148 pupils. Under the heading “School Implications”, the consultation response says that the proposed development would require additional accommodation.

50. From the preceding paragraph and from the lack of reference to Our Lady of Lourdes Primary School in the reasons for refusal of planning permission, I conclude that capacity to accommodate pupils from the proposed development could be made available. This might require developer contributions.

51. My overall conclusions regarding provision of primary education are that there are capacity constraints, that these are capable of being addressed and that the process of addressing them could delay the stage at which any of the proposed houses should be available for occupation.

52. I give consideration to provision of secondary education below, in relation to SESplan policy 7, criterion (c).

In keeping with the character of the settlement and local area

53. Criterion (a) in SESplan policy 7 requires development to be in keeping with the character of the settlement and local area. In its response to the appeal (paragraph 2.34), the Council does not suggest that the proposed development infringes this criterion.

54. In the representations against the proposed development, it is submitted that the established trees on the road frontage define the entrance to Blackburn. The proposed development would entail loss of this natural corridor of trees.

55. I have noted the Appellant's Landscape and Visual Appraisal (which includes material relating to a site larger than the appeal site) and the Design Statement. The latter (on page 18) refers to the development being set back from Seafield Road by some 20 metres to provide a landscaped corridor into Blackburn. Structure planting on site boundaries would provide visual integration and a more robust boundary between the urban areas and the adjacent agricultural land than that which currently exists.

56. From my inspection, I note that roadside trees and hedging come right up to the southern edge of the Seafield Road carriageway and the northern edge of the footway on the opposite side of the road.

57. The Appellant's Indicative Masterplan shows proposed tree planting along the north side of the road, suggesting that the existing vegetation will be removed. "Existing trees" are shown on the south side of the road, suggesting that, apart from the gap needed to accommodate the roundabout and its southern arm, trees on this side of the road would be retained.

58. In the Transport Assessment, figure 3 shows a possible layout for the roundabout and its approaches. This layout indicates that much of the existing vegetation to the west of the roundabout on the south side of the road is likely to be removed. Proposed provision of a footway on the south side of the road would also affect existing vegetation.

59. I note that the Appellant's Ecological Report (page 7) refers to "the broadleaved woodland strip along the A705" and describes it as "a significant feature in an otherwise open landscape".

60. I find that the existing roadside vegetation in the appeal site creates a distinctive feature and that most of it is likely to be removed if the proposed development were to go ahead. This loss of vegetation would remove a feature that constitutes one element of the character of Blackburn and its environs and so result in some loss of overall character.

61. Regarding structure planting on site boundaries to provide a more robust boundary between the urban area and the adjacent agricultural land, during my inspection I noted that, where it adjoins the appeal site, the existing edge of Blackburn is marked by trees and is quite robust. The appeal site boundaries, particularly on the east side of the northern part of the site and on the south side of the southern part, lack robustness. The new planting

proposed by the Appellant could eventually create robust boundaries, but this would take time.

62. I conclude that the proposed development would have some adverse effect on local character, but not to an extent that would justify refusal of permission if other considerations demonstrated clear need for the development to proceed.

Green belt objectives

63. In terms of criterion (b) of SESplan policy 7, development must not undermine green belt objectives. The appeal site is not in the green belt, so this criterion is not infringed.

Availability of infrastructure

64. SESplan policy 7 criterion (c) says that any additional infrastructure required as a result of the proposed development must be either committed or funded by the developer. The first reason for refusal of planning permission refers to lack of education capacity at Bathgate Academy and St Kentigern's Academy.

Secondary education – the Appellant's case

65. The Appellant's Education Capacity Assessment assumes that the proposed development would contain 120 dwellings, 90% of which would have more than two bedrooms. First occupation would be summer 2015 with a build rate of 30 units per year thereafter and completion by mid-2019. The development would require 19 non-denominational secondary school places and 6 Roman Catholic secondary school places.

66. The Education Capacity Assessment acknowledges the challenges facing education provision in West Lothian. The Council has revised the catchment area of Bathgate Academy and has approved plans to extend Bathgate Academy (for Session 2014-15) from 1,210 pupils to 1,320 pupils. These measures have introduced a significant level of spare capacity at Bathgate Academy. Its pupil roll has decreased quite sharply over recent years, probably as a result of the catchment changes. The current roll is 890 pupils (73% of capacity), with spare capacity for 320 pupils. St Kentigern's Academy provides the denominational secondary provision for Blackburn and has had a more consistent pupil roll over recent years. The roll now stands at 1215 (85% of capacity), with spare capacity for 215 pupils.

67. The Education Capacity Assessment recognises that there are significant new housing developments in the Bathgate area which will have an impact on Bathgate Academy's pupil roll. The Assessment says that catchment reviews and extension proposals address this matter. As a result, the available capacity at Bathgate Academy is significant. In addition, the slow-down in housing completions in the Bathgate area and in West Lothian as a whole will allow the impact of any new housing development to be managed and absorbed over a much longer period. As a consequence, there is sufficient capacity to allow for the modest development at Seafield Road in addition to any committed allocations in the Bathgate Academy catchment. Similar conclusions can be drawn in

respect of the available capacity at St Kentigern's Academy. Capacity is sufficient to allow for significant levels of new housing development in its catchment area.

68. To put capacity figures in context, the Appellant says that the proposed development would take up 6% of the currently-available spare capacity at Bathgate Academy and 3% of the currently-available spare capacity at St Kentigern's Academy. The Council's approach ignores the fact that a five-year supply of effective housing land is not being maintained. Delayed delivery of housing on allocated sites ensures that there remains sufficient spare capacity to accommodate the proposed development.

69. The Appellant's Education Impact Analysis concludes that the extension to Bathgate Academy will easily be large enough to incorporate the pupil product arising from the proposed development (page 6). Consistent with this is the Council's Education Services' consultation response dated 5 April 2013, in particular the passage that says that on 16 June 2008 the Education Executive approved an extension to Bathgate Academy and that contributions of £2,437 per residential unit are being requested from all developers with applications within the Bathgate Academy catchment area.

70. The Education Impact Analysis refers to the projected denominational secondary product from the proposed development as being seven pupils. The Analysis says that this number of pupils, when set against the scale of the issue which West Lothian Council is facing, is statistically inconsequential and well within the margin of error of the roll projections. St. Kentigern's Academy will experience rolls far in excess of its current or planned capacities. This demands a solution of a scale that far exceeds any issues raised by the application site, a solution which will create enough school capacity easily to accommodate the pupil product from the proposed development.

71. The conclusion of the Education Impact Analysis is that there is no education constraint on the proposed development in relation to provision of secondary education.

Secondary education – the Council's case

72. The Council refers to the database which it uses when forecasting numbers of school pupils. The database was computerised in 1970. The school forecasting system has been developed since 1986. Child per house ratios can be generated in relation to housing tenure and number of habitable rooms. The Council also uses actual numbers of primary school pupils to forecast demand for places at secondary schools.

73. Consultation regarding non-denominational secondary schools led to primary schools at Torphichen and Seafield being removed from the Bathgate Academy catchment. A critical element of the school review was to facilitate development plan housing allocations.

74. On 1 July 2013, the latest version of the Council's "Potential S1 admissions – analysis by associated primary school catchment area" became available. This shows that the S1 intake for Bathgate Academy in 2019 and 2020 will exceed capacity and that St Kentigern's Academy is also moving towards maximum capacity.

75. The Council's October 2012 school roll forecast report indicates the scale of housing currently outwith the ten-year period of the forecast. Improved economic circumstances would result in earlier completion of this housing and increased school rolls. In relation to Bathgate Academy, 367 houses not within the ten-year period are supported by the development plan. These houses could add 116 pupils and Bathgate Academy would be expected to manage an average intake of around 260 pupils at S1 at the end of the forecast period. This is 40 pupils greater than the current intake limit. If implemented, the proposed Bathgate Academy extension could cater for 20 pupils out of these 40 pupils.

76. The Council goes on to say that the proposed extension to Bathgate Academy is not yet agreed with the public-private partnership contractor, the school and the community. The cost of the extension is as yet unproven through an agreed feasibility study. The school site size is currently below regulation, so any capacity increase may need dispensation from the Scottish Government.

77. Regarding St Kentigern's Academy, placement pressure is building up through the primary schools. Consideration is being given to extending St Margaret's Academy or to construction of a new school at Winchburgh. A new school would require a school consultation, the outcome of which cannot be pre-empted. Consultation regarding denominational secondary schools led to redrawing of school boundaries and has reduced pressure on St Margaret's Academy. This has delayed need for a third denominational secondary school.

78. SESplan (paragraph 114) supports development committed in existing plans. The Council has plans for 100 houses for social rent at Redhouse West. School capacity issues mean that, if the Appellant's development were approved, development at Redhouse West would not be able to proceed.

Secondary education - conclusions

79. I find that the Appellant's approach tends to focus on comparisons between forecast total demand for places in each of the two academies and total capacity of each school. The Council's approach is more oriented to comparing demand for places in S1 with capacity in S1. I find the Council's approach more convincing. This is because, when a pupil comes to enrol, it is availability of a place in a particular year that is crucial, not what the school's total roll might be.

80. The Council's forecast of demand for S1 places is informed by the numbers of pupils in each year in each of the feeder primary schools. These numbers are known quantities rather than forecast quantities. I recognise that not all pupils in the primary feeders will eventually progress to one of the two academies, and that there will also be demand for academy places from pupils who move into the catchment areas. In addition, stay-on rates at S5 and S6 may vary. These factors mean that demand for S1 places and for places in later years cannot be known with complete certainty, but I am satisfied that the Council's methodology means that its S1 forecasts may be used with confidence.

81. I note that forecasting can be based on analysis of pupil occupancy rates per dwelling and that the Council's database facilitates analysis in relation to such characteristics as size, age and location of dwellings.

82. I note that the table headed "Potential S1 admissions – analysis by associated primary school catchment area" (document WLC43) shows the number of S1 pupils entering Bathgate Academy increasing throughout the period from 2013 to 2019, with the forecast for 2019 exceeding the available capacity. The recent annual update of this table (document WLC44) shows a similar trend, with the forecasts for both 2019 and 2020 exceeding available capacity. The same two tables show the S1 forecast for St Kentigern's Academy as exceeding capacity in 2019.

83. Current forecasting in relation to Bathgate Academy for the ten-year period 2012 to 2022, as set out in the Education Service's consultation response, predicts construction of 847 houses while assuming that development of a further 367 houses supported by the development plan will not proceed before 2022. On this basis, the number of P7 pupils in 2018, 2020 and 2022 would be greater than the S1 capacity. If the national economic recovery were to accelerate and house-building were to increase more rapidly than envisaged, I find that the forecast shortage of capacity at Bathgate Academy would be exacerbated.

84. The ten-year forecast for St Kentigern's Academy contained in the consultation response shows the number of P7 pupils in 2018 exceeding S1 capacity. The situation does not appear to be quite as pressing as that in relation to Bathgate Academy, but it is not satisfactory. It gives very little scope to accommodate extra pupils arising from a faster rate of house-building.

85. The Appellant places some reliance on measures that the Council has in mind, such as increasing the capacity of Bathgate Academy and commencement of construction of a third denominational secondary school. In view of the various uncertainties surrounding any rearrangement of educational provision, including need not to pre-empt statutory consultation and the difficult state of local authority finances, I attach little weight to the possibility that new capacity will become available at Bathgate Academy and St Kentigern's Academy in the short-term. Even if some new capacity were to become available, an increase in house-building activity on sites identified for development could leave little or no surplus to permit development of windfall sites such as the Appellant's site.

86. My conclusion is that Bathgate Academy and St Kentigern's Academy do not have adequate capacity to accommodate the additional secondary school pupils likely to arise from the proposed development.

SESplan policy 7 conclusions

87. Supplementary guidance required by policy 7 of SESplan has not yet been approved. I find that this means that it is not possible at present to identify with certainty whether there is in West Lothian, in terms of the development plan, a shortage of effective land for new housing development. From the submissions, I find that the supply of effective

housing land in West Lothian and in the area local to the appeal site is adequate to meet current market demand for new houses.

88. If permission for the Appellant's development were to be granted, the site would not be immediately effective. Time would be required to address, as far as possible, lack of school places for the proposed development's school-age residents. In the meantime, house-building rates on other sites in West Lothian may well have increased.

89. In all the circumstances, I find that the proposed development is not justified in terms of maintaining a five-years' supply of effective housing land. This means that policy 7 is not activated. Even if there were a shortage of effective housing land and policy 7 were activated, lack of secondary education capacity means that criterion (c) would not be satisfied.

West Lothian Local Plan

90. The Appellant states that West Lothian Local Plan is significantly dated and does not accord with the recently-approved strategic development plan.

91. I note that the local plan includes the following.

The life time of the local plan is anticipated as being around 10 years, although some of the land allocations have a time frame of 15 years or more (paragraph 1.4).

The [housing] allocations identified in the local plan are the maximums in the structure plan (paragraph 2.11).

From these particular points and from my reading of other parts of the local plan, I find that, in relation to allocation of land for new dwellings, the plan continues to have considerable relevance. Regarding conflict with SESplan, I note that the spatial strategy in SESplan "builds on approaches in existing development plans" (paragraph 18). This is repeated in policy 1A. I do not find the housing land aspects of the local plan to be in conflict with SESplan.

92. The sixth reason for refusal of planning permission says that the proposed development is contrary to policy ENV 23 of the West Lothian Local Plan. "The proposal would constitute unjustified development in the Livingston Countryside Belt and would erode the countryside belt and harm its aims of protecting land from development and protecting coalescence of settlements".

93. For a number of reasons, the Appellant disputes that there is conflict with policy ENV 23.

94. I find that policy ENV 23 is directed against two kinds of development. The first is "development that will lead to coalescence between settlements and for which there is no specific locational need". I find that the proposed development would not lead to

coalescence, Seafield being about one kilometre away to the east. As there would be no coalescence, development does not need to be justified by specific locational need. My conclusion is that the proposed development does not conflict with this part of policy ENV 23.

95. The second kind of development against which policy ENV 23 is directed is development “that would result in sporadic development, or the expansion of existing clusters of houses and for which there is no specific locational need”. In that the appeal site is adjacent to the built-up area of Blackburn and that the proposed development would in effect be an extension of the built-up area, I find that the development would not be sporadic and would not conflict with the second part of the policy.

96. Supporting text for policy ENV 23 (paragraph 3.64) says, in relation to the Livingston Countryside Belt, “it protects agricultural land, forestry and land of natural heritage value from development”. I find that the wording of policy ENV 23 does not reflect this intention. My conclusion is that the proposed development does not conflict with policy ENV 23.

97. The fifth reason for refusal of planning permission says that the proposed development is contrary to policy ENV 31 of the West Lothian Local Plan.

98. The Appellant argues that the proposed development is not contrary to policy ENV 31. Reasons for this include the following.

The Council is adopting a narrow interpretation of countryside policies. The purpose of these policies is to direct development to urban areas and prevent loss of valuable agricultural land or sensitive landscape areas.

The appeal site is within the existing built-up entrance to Blackburn and has existing development to the east and west.

The site is not subject to any special designations. The southern part of the site is in an area where low-density housing is encouraged due to poor landscape quality and limited agricultural value.

The present situation is not normal: there is an acute shortfall in housing land supply.

99. From a straightforward reading of policy ENV 31, I find that the proposed development bears no relationship to any of the seven exceptions specified in the policy. While particular care would have to be taken if a proposal affected land designated for its agricultural or landscape value, policy ENV 31 applies to all areas in the countryside.

100. I do not accept that the appeal site is within the existing built-up entrance to Blackburn. That part of the Seafield Road entrance to Blackburn which is included in the site is lined with trees and hedging, beyond which is open farmland. The west-bound traveller experiences a sharp transition from rural to urban character when crossing the west boundary of the appeal site. On the east side of the appeal site, the row of houses on

the south side of Seafield Road and the farm steading area on the opposite side of the road do diminish to some extent the countryside character of the locality, but they are clearly separated from the built-up area of Blackburn. The low-density housing at Riverside Lea, to the east of the appeal site, has limited impact on the appearance of its surroundings. My conclusion is that the appeal site cannot be characterised as being within the existing built-up entrance to Blackburn.

101. Although not mentioned in submissions, during my site inspection I noted the existence of two place-name signs displaying “Blackburn” some distance to the east of the site. In my view, these signs do not affect the status of the appeal site. The signs also denote a change in the speed limit, and it is this function that is likely to have determined their position.

102. For reasons already given, I do not find that there is an acute shortfall in housing land supply.

103. My conclusion is that the proposed development is contrary to local plan policy ENV 31.

104. The first reason for refusal of planning permission says that the proposed development is contrary to local plan policy IMP 3 because there is a lack of capacity at Bathgate Academy and St Kentigern’s Academy.

105. I note that policy IMP 3 says “Where education constraints cannot be overcome there will be a presumption against housing development.” I have already concluded that Bathgate Academy and St Kentigern’s Academy do not have adequate capacity to accommodate the additional secondary school pupils likely to arise from the proposed development. In the light of this, I find that the proposed development does not accord with local plan policy IMP 3.

Development plan conclusion

106. In relation to the development plan as a whole, I summarise the chief points as follows.

The proposed development accords in broad terms SESplan spatial strategy but has the disadvantage of a site that is not brownfield.

Ensuring that there is at all times a five-year supply of effective housing land is a high priority.

At the present time, it is not possible to identify with certainty whether West Lothian has, in development plan terms, a shortage of effective housing land. The supply of effective housing land in West Lothian is adequate to meet current market demand for new houses.

If planning permission for the proposed development were to be granted, the appeal site would not be immediately effective.

The requirements that have to be met if there is to be a SESplan policy 7 approval are not met in the present case.

West Lothian Local Plan continues to have considerable relevance and the proposed development is contrary to local plan policies ENV 31 and IMP 3.

My conclusion is that the proposed development does not accord with the development plan.

Other material considerations – national policy

107. The Appellant states that national policy gives support to the proposed development. Scottish Planning Policy includes reference to supporting sustainable economic growth, maintaining a generous supply of land for house building and directing development to existing settlements. The Chief Planner's letter of October 2010 confirms the need to bring forward sites where there is no longer a five-year supply of effective housing land. National Planning Framework 2 says that there is a pressing need for the planning system to help to deliver growth in the supply of new homes. The draft National Planning Framework 3 refers to seeing a greater and more concerted effort to deliver a generous supply of housing land in South-east Scotland.

108. I find that the aspects of national policy cited by the Appellant have relevance to a situation in which there is an inadequate supply of housing land. Submissions indicate that the supply of housing land in the local plan was the maximum permitted by the now-superseded structure plan and thus was generous. Much of this supply remains available for development. I find that it has not been demonstrated that the supply of housing land in West Lothian is deficient. Nor has it been demonstrated that the appeal site could make an immediate contribution to the supply of new homes. My conclusion is that national policy with regard to supply of land for house-building does not justify approval of the proposed development as a departure from the development plan.

Other material considerations – traffic

109. Representations include concerns about additional traffic on the local road network. From submissions, including the Appellant's Transport Assessment and the consultation response from the Council's Roads and Transportation Manager, I find that the local road network is capable of adequately accommodating the extra traffic that the proposed development would create.

110. Representations also express concern about the proposed roundabout: it would be dangerous, cause congestion and prevent access to existing property. I find that the roundabout would reduce traffic speed at the appeal site and that this would be beneficial to safety. The Transport Assessment indicates that the roundabout would have sufficient

capacity to deal with the volume of traffic. For this reason, I find that the roundabout would neither cause congestion nor impede access to nearby property.

Other material considerations – wildlife

111. Representations say that the proposed development would have an adverse effect on wildlife. I note that the Appellant's Ecological Report (page 15) concludes that development of the appeal site would not result in any significant negative impact on local biodiversity. The Report does however say that the broadleaved woodland strip along the A705 is a valuable habitat for a range of breeding, roosting and feeding passerine bird species. Since much, if not all, of this strip is likely to be removed as part of the proposed development, I find that there would be an adverse effect on wildlife.

112. I find that submissions do not make clear the wildlife value of the woodland strip in the context of local biodiversity and the extent to which new woodland planting might offset loss of the strip. In the circumstances, I conclude that effect on wildlife is not a determining issue in the present appeal.

Other material considerations – infrastructure

113. In the representations, concern is expressed about infrastructure. Availability of school places is considered above. Regarding water supply and waste water treatment, I note that Scottish Water has raised no objection to the proposed development. I find that, apart from education, infrastructure is available to service the proposed development.

Reasons for refusal

114. The Council gave seven reasons for its decision to refuse planning permission. The policy basis for reasons 2, 3 and 4 relates solely to Edinburgh and the Lothians Structure Plan 2015. This plan is now superseded. Reasons 2, 3 and 4 no longer have relevance in the determination of the appeal.

115. Reasons for refusal 1, 5 and 6 refer to policies in West Lothian Local Plan. These policies have been given consideration above.

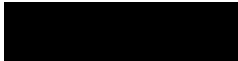
116. The seventh reason for refusal says that the proposal is premature pending outcome of the examination of SESplan and consideration of spatial strategy options in the emerging West Lothian Local Development Plan. Prematurity is also raised in reason six.

117. In brief, the Appellant's case against the prematurity argument is that the site is well-suited to the proposed development, Blackburn is within a SESplan strategic development area, there is an acute shortage of housing land and SESplan policy 7 permits a grant of planning permission. Adoption of a local development plan for West Lothian is unlikely before summer 2015 at the earliest, and waiting for this would exacerbate the housing land shortfall.

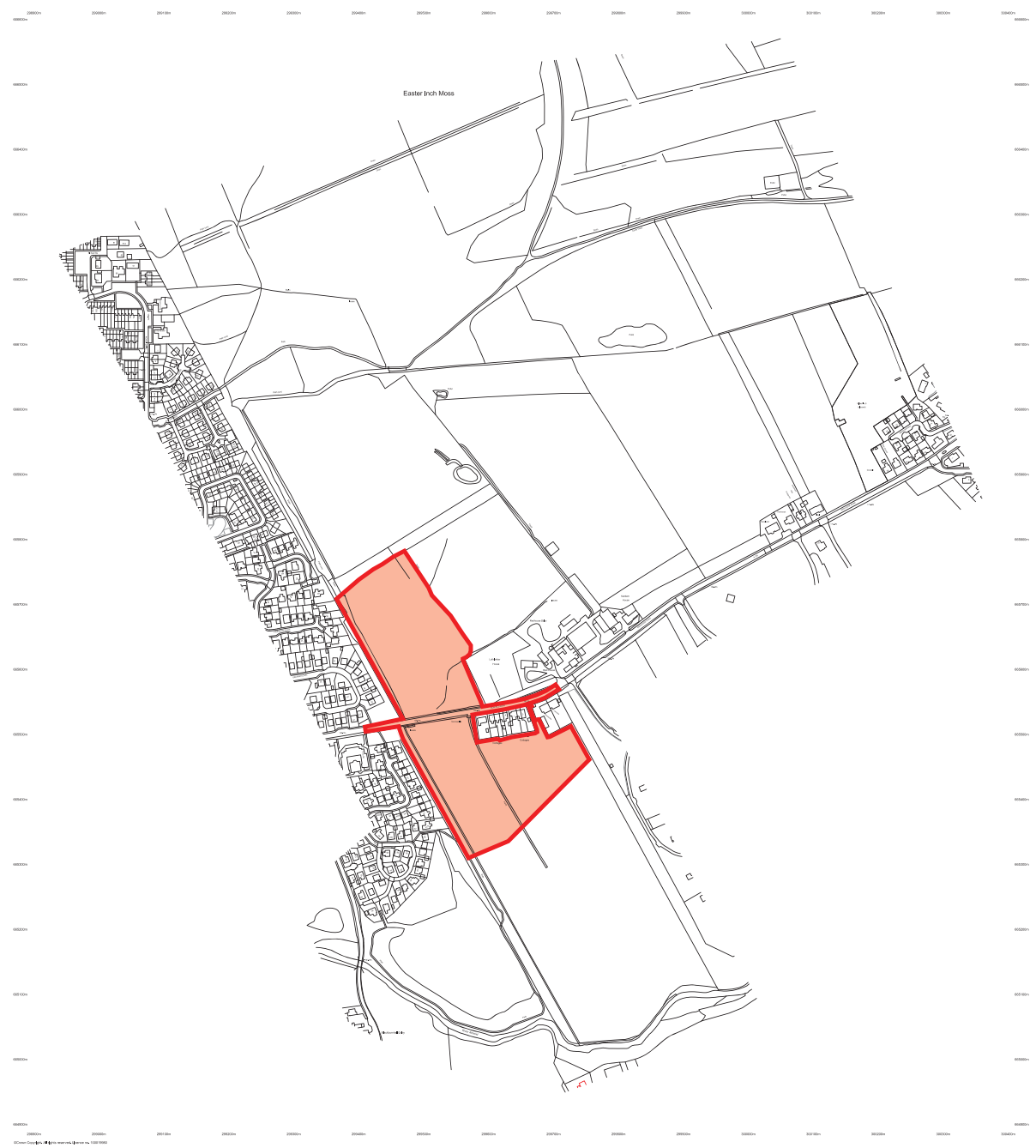
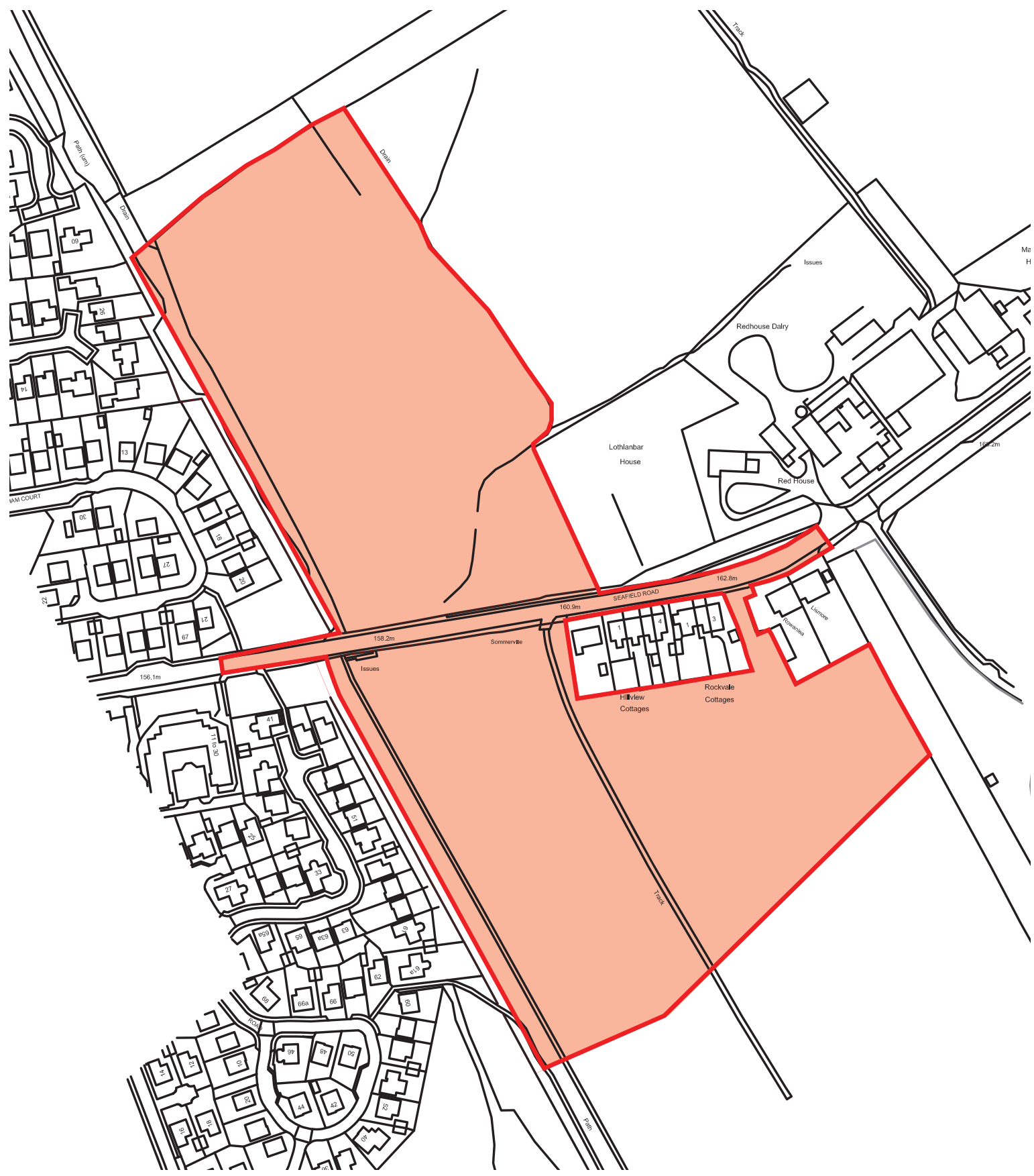
118. My earlier findings, in particular regarding housing land supply and availability of school places, mean that any need to permit housing on the appeal site is not pressing and does not justify approval in advance of adoption of the local development plan. It is national policy that the planning system should be genuinely plan-led (Scottish Planning Policy, paragraph 8). I conclude that the prematurity argument carries weight in the present case.


Final conclusion


119. I conclude that the proposed development is contrary to the development plan and that there is no other material consideration that would justify approval of the proposed development as a departure from the plan.




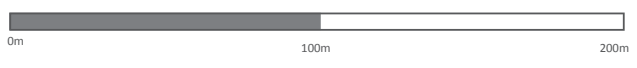
Reporter




 Scale: 1:10000 @ A3


 Scale: 1:2500 @ A3

Key:
 Extent of Application Site



**Proposed Development at
 Blackburn, West Lothian
 Application Location**

West Lothian Local Development Plan Main Issues Report 2014



Proposed Housing Development
Part of Site EOI – 0136
Land at Seafield Road, Blackburn

Supporting Planning Statement

Submission on behalf of:
Hallam Land Management Limited

JOHN HANDLEY ASSOCIATES LTD

Chartered Town Planning Consultants

1 St Colme Street

Edinburgh

EH3 6AA

October 2014

West Lothian Local Development Plan Main Issues Report (2014) – Response to Questions 12, 15, 19, 38 & 48

Proposed Residential Allocation on Part of Site Ref: EOI – 0136 Land at Seafield Road, Blackburn

Hallam Land Management Limited

Contents:

- 1.0 Introduction & Purpose of Statement
- 2.0 Site & Surrounding Area
- 3.0 Proposed Development of Site
- 4.0 Package of Supporting Information
- 5.0 Background & Recent Planning History
- 6.0 Overview of Main Issues Report
- 7.0 Consideration of Site within SEA & EOI Report
- 8.0 Effective Housing Site
- 9.0 Planning Policy Context
- 10.0 Summary of Benefits and Advantages of Site
- 11.0 Conclusions & Recommendations for the West Lothian Proposed LDP

Other Supporting Documents:

- Site Location Plan
- Indicative Masterplan (Addergrove);
- Design & Access Statement (Addergrove);
- Education Capacity Assessment (John Handley Associates Ltd) and Education Impact Analysis (TPS Planning);
- Pre-Application Consultation Report (John Handley Associates Ltd);
- Landscape & Visual Appraisal (Brindley Associates);
- Landscape Masterplan (Brindley Associates);
- Ecological Report and Bat Inspection Note (Brindley Associates);
- Noise Assessment (JMP);
- Transport Assessment (JMP);
- Flooding & Drainage Assessment (JMP);
- Phase 1 Environmental Site Assessment (A2 Environmental Consultants);
- Coal Mining Risk Assessment (A2 Environmental Consultants);
- Housing Market Report (Rettie & Co);
- Letter from Persimmon Homes confirming interest in site; and
- Appeal Decision Notice Ref: PPA-400-2036; dated 30 October 2013.

1.0 Introduction & Purpose of Statement

- 1.1 This Supporting Planning Statement has been prepared by Chartered Town Planning Consultants, John Handley Associates Ltd, on behalf of Hallam Land Management Ltd, the strategic land and planning promotion arm of the Henry Boot Group of Companies. It sets out the advantages and opportunities of the proposed development of around 120 new family homes on a 6.5 hectare site as part of a small-scale extension of the existing settlement of Blackburn which is controlled by Hallam Land Management.
- 1.2 The purpose of this Planning Statement is to provide West Lothian Council with an overview of the site's potential and its planning merits in the lead up to the preparation of the new West Lothian Local Development Plan (WLLDP) which is scheduled to be issued as a Proposed Plan in 2015.
- 1.3 More specifically, this Statement responds to the publication of the WLLDP Main Issues Report and the invitation to submit comments to the Council in advance of the publication of the Proposed Plan.
- 1.4 Whilst we have reviewed the full MIR, and are aware of the range of separate Consultation Questions being posed by the Council, this submission is restricted to matters relating to the proposed housing allocations and development within Blackburn in particular.
- 1.5 On this basis, and in specific response to Questions 12, 15, 19, 38 & 48 of the Main Issues Report, this Supporting Planning Statement expands upon submissions made by Hallam Land Management at the earlier EOI stage, and requests that the Council reconsiders the particular merits of **part of Site EOI-0136** at Redhouse, Blackburn. The site assessed in the MIR extended to 54.0 hectares and had capacity for 700 units. On behalf of our clients, we would request that the Council reconsiders a small part (6.5 ha) of this larger site as a suitable housing opportunity for the new WLLDP.
- 1.6 This smaller site is well known to the Council and was the subject of a planning application in 2012 (Ref: 0704/P/12) and a subsequent planning appeal in 2013 (Ref: PPA-400-2036). The smaller site focusses on 6.5 hectare of unused agricultural land which lies immediately adjacent to the existing settlement boundary and falls within the built-up area of Blackburn.

- 1.7 This smaller site is the subject of an on-going planning appeal which is currently being reviewed in the Court of Session. The outcome of this appeal will be significant and should be reflected in the emerging LDP.
- 1.8 During the application and appeal process, both West Lothian Council and the Scottish Government Reporter accepted that the proposed housing development of this smaller site would be in keeping with the scale and character of the settlement and the local area; would not undermine green belt objectives; would not be sporadic development or lead to coalescence; and could be accepted as an extension to the built-up area.
- 1.9 The Appeal Reporter also confirmed that the proposed development of this smaller site accords with the SESplan spatial strategy; and apart from a perceived lack of short term education capacity, meets the requirements of SESplan Policy 7.
- 1.10 The primary reason for the refusal of planning permission and the dismissal of the subsequent appeal (which is currently being challenged in the Court of Session) was a concern over prematurity in the context of uncertainties in the precise extent of the effective housing land supply within West Lothian. This matter has now been resolved through the publication of new Supplementary Guidance and the publication of the WLLDP Main Issues Report which confirms the scale of new housing land that is required throughout West Lothian. Prematurity is no longer a relevant reason to reject the proposed housing development on this site.
- 1.11 **On behalf of Hallam Land Management Limited, we would therefore request that the merits and advantages of this smaller site are reconsidered in light of this new information, and the site is removed from its current countryside designation and allocated as a specific housing development opportunity with capacity for around 120 units in the new LDP.**
- 1.12 Further details on the background to this site; its recent planning history; its consideration as part of the MIR process; and its range of benefits and advantages are set out below. A detailed package of supporting information has also been submitted in support of this request, and is summarised in this Statement.

2.0 Site & Surrounding Area

Proposed Site (Part of EOI-0136)

- 2.1 The site being promoted for development as part of this submission on the WLLDP MIR extends to 6.5 hectares. It is located on the eastern edge of Blackburn and lies north and south of the A705 Seafield Road. The location and context of the site is confirmed in the aerial photographs and location plan set out in Figures 1 and 2 below.
- 2.2 The site is currently in limited agricultural use as part of a larger farm unit which is operated out of the adjacent Redhouse Farm to the east. The site has been the subject of intensive farming for a considerable number of years, but its development would not lead to a loss of agricultural land which is in short supply.
- 2.3 The site is bordered by existing housing development to the west (Happy Valley Road; Graham Court and Pinewood Place) and the established housing at Redhouse Cottages and Redhouse Farm to the east. Seafield Road runs through the site and farm land forms the site's northern and southern boundaries.



Figure 1: Aerial Photograph of Site

2.4 The site is located on the edge of the existing urban area and is well connected to existing and established residential development. Whilst the site currently falls out with the existing settlement boundary (as shown in the Adopted Local Plan), it does fall within the existing entrance to Blackburn, and within the 30 mph speed limit. The site therefore appears as part of the existing built-up area of Blackburn as approached from the east. This includes the series of existing residential properties that sit along the A705 – Hillview and Rockvale Cottages; Lothianbar House, Redhouse Farm and Marbert House.



Figure 2: Location Plan of Proposed Site

- 2.5 The site fits well into the landscape and has well defined boundaries. The site is, in physical and landscape terms, an infill site and is contained between the new housing areas at Graham Court and Happy Valley to the west and the established housing and farm steading buildings to the east. Further to the east are the established buildings around Blackburn House, and the more recent lowland crofting developments at Riverside Lea.
- 2.6 The site is currently accessed from Seafield Road (A705), a main distributor road, which links directly with the town centre and the local schools, services and facilities to the west and Seafield and Livingston to the east. The site is also well located in terms of accessibility to existing employment, retail and community uses in Livingston.
- 2.7 The site is not subject to any landscape, environmental, ecological or heritage designations, and is not located within any Sensitive Areas.
- 2.8 The site slopes north to south with the Seafield Road running through the site. It enjoys a generally southerly aspect that would aid energy efficiency through passive solar gain. It provides an attractive location, has good access and has the potential to create an excellent residential amenity set within a landscaped framework. It provides an opportunity to develop an attractive gateway into Blackburn and to enhance the settlement's existing urban edge.



Fig 3: View along Seafield Road with site to right (north) and left (south).

- 2.9 Photographs of the site and its relationship with the existing housing along Seafield Road are shown in figures 3 and 4. Full details of the site area and its general character are set out and described in the accompanying Design, Access and Landscape Statements.



Figure 4: View along Seafield Road.

Benefits & Advantages of New Housing in this Location

- 2.10 The site has a number of benefits and advantages which make it ideally placed to accommodate any requirement for new housing land in the Blackburn Area. It is immediately available for development, and is an appropriate location for new housing development. It can also be favourably considered against relevant planning policies and advice.
- 2.11 The site is effective and free from ownership, physical or infrastructure constraints. It can be readily serviced and there are no constraints to its development for housing which would contribute to the housing land supply and would help achieve a continuous 5-year supply of effective housing land at all times as required by planning policy.
- 2.12 The site lends itself towards residential development and would be a natural and logical extension of the existing housing development along Seafield Road.
- 2.13 Whilst the site presently comprises agricultural land, it is not prime quality farm land and the development of this particular site would not lead to a loss of valuable agricultural land or land that is in short supply.
- 2.14 The site therefore provides an attractive location, has good access and has the potential to create an excellent residential amenity set within a landscaped framework. The size of the site would permit a high quality development in terms of layout and landscaping, offering a range of densities and dwelling sizes. It has capacity for around 120 units, including the provision of affordable housing.

- 2.15 The location and nature of the site, including its ability to be accessed and its relationship with existing residential development, confirm it as entirely suitable for new house building. It provides an opportunity to develop an attractive gateway into Blackburn and to enhance the settlement's existing urban edge.

3.0 Proposed Development

- 3.1 The proposal for this site would provide new housing, along with a new access and associated road improvements on Seafield Road; significant new tree planting and landscaping and a SUDS pond.
- 3.2 The proposed development would be fully compatible with the immediately adjacent uses and would be of a scale, density and character in keeping with the established housing directly adjacent.
- 3.3 The Indicative Masterplan shows the provision of approximately 120 new homes including 15% affordable housing units, as well as other amenities such as new open space, play areas and integrated landscaped and SUDS spaces to provide a sustainable extension to this part of Blackburn.
- 3.4 The Indicative Masterplan (see Figure 5) provides a conceptual framework for the proposed development of the site. It has been prepared to reflect best practice in the planning and design of new housing development. This is a holistic approach that integrates urban design, land use, housing, transportation, ecology, landscape, conservation and energy efficiency.
- 3.5 The Indicative Masterplan and Design Statement confirms that the design objective behind the proposal is to adopt the principles of “Designing Streets & Places” to create a distinctive, welcoming, safe and pleasant environment, by introducing a variety of housing sizes and tenures, to form a balanced community, utilising sustainable, energy efficient materials.
- 3.6 The indicative sketch housing layout demonstrates how a low to medium density design can be modelled around landscaped central greens/squares/pond to create an attractive living environment. This concept is based on the need to provide a range of 2, 3 & 4 bedroom family housing, creating a more balanced mix of accommodation and to bring a greater variety of choice into the community with better social integration.

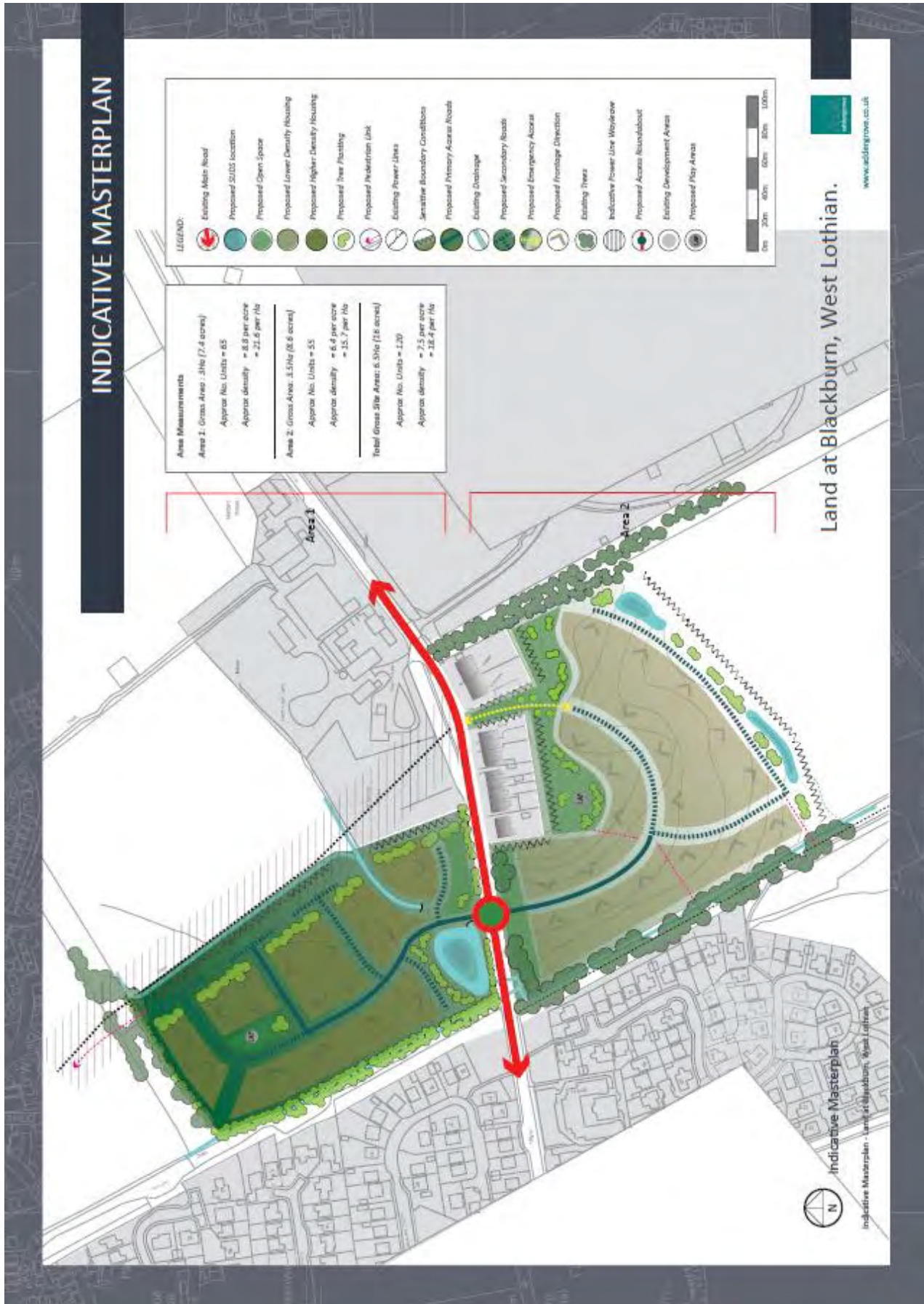


Figure 5: Indicative Masterplan

Effective & Deliverable Housing Site

- 3.7 The proposed development is deliverable and viable, and this is considered to be an effective housing site which benefits from its location directly adjacent to existing development, services and utilities.
- 3.8 Hallam Land Management is the strategic land and planning promotion arm of the Henry Boot Group of Companies. Hallam Land has been acquiring, promoting, developing and trading in strategic land since 1990, and has an impressive track record in resolving planning and technical problems in order to secure planning permissions and to release land for a variety of developments. The parent company, Henry Boot plc is one of the leading property and construction organisations in the UK and has been operating for over 125 years.
- 3.9 The proposals are therefore being advanced by a well-respected, experienced development company that has considerable expertise in delivering housing sites throughout Scotland.
- 3.10 The indicative layout plan confirms that the site has capacity to deliver around 120 new housing units. The size and type of housing has not been fixed at this stage, but it is assumed that this will be predominantly family housing varying in sizes from 2 bed to 4 bed houses. An element of 1 bed housing is also assumed, but the final mix of sizes will be confirmed at the detailed design stage.

Provision of Affordable Housing

- 3.11 The proposed development would be phased, and a further key element of the proposals for the site is the provision of affordable housing. In recognition of the demand for affordable housing in the local area, Hallam Land Management will work in partnership with the Council and its housing team to provide advice and guidance on the provision of affordable housing throughout the development. The mix, location and house types for the affordable units will be agreed with the Council to ensure that the affordable element forms an integral part of the development.
- 3.12 The affordable units would be designed to meet the Lifetime Home standards as required by the Council. This accords with the affordable housing requirements and represents a significant contribution to meeting the demand for affordable housing within the Blackburn area.

4.0 Package of Supporting Information

4.1 In support of the proposed development of this smaller site, Hallam Land Management commissioned a number of detailed technical assessments. This information was originally submitted in support of the planning application in 2012, with additional education, ecology and marketing information provided in support of the subsequent planning appeal in 2013. Whilst this information was prepared to support the planning application and appeal, it is equally relevant to the assessment and consideration of the site through the LDP process.

4.2 This package of documents provides full justification for the proposed development and satisfies the various policy requirements as well as addressing the comments raised by the Council in its SEA appraisal of the site. In particular, it confirms that the proposed development can be accommodated without adverse landscape, environmental or infrastructure impacts.

4.3 This full set of documents includes the following reports, and an indicative development proposal and landscape masterplan which shows the form of residential development possible on this site:

- Site Location Plan
- Indicative Masterplan (Addergrove);
- Design & Access Statement (Addergrove);
- Education Capacity Assessment (John Handley Associates Ltd) and Education Impact Analysis (TPS Planning);
- Pre-Application Consultation Report (John Handley Associates Ltd);
- Landscape & Visual Appraisal (Brindley Associates);
- Landscape Masterplan (Brindley Associates);
- Ecological Report and Bat Inspection Note (Brindley Associates);
- Noise Assessment (JMP);
- Transport Assessment (JMP);
- Flooding & Drainage Assessment (JMP);
- Phase 1 Environmental Site Assessment (A2 Environmental Consultants);
- Coal Mining Risk Assessment (A2 Environmental Consultants);
- Housing Market Report (Rettie & Co); and
- Letter from Persimmon Homes confirming interest in site.

4.4 Each of these reports is summarised below.

Indicative Masterplan & Design Statement

- 4.5 In order to confirm that the proposed development can be accommodated on the site and to provide a full design philosophy for the proposal, an Indicative Masterplan and Design Statement has been prepared by Addergrove Urban Designers. This explains how the proposed residential use could be introduced on the site to provide a form of development that integrates with and consolidates the existing built-up area on this eastern edge of Blackburn.
- 4.6 The Indicative Masterplan and Design Statement provides a conceptual framework for the proposed development of the site. It has been prepared to reflect best practice in the planning and design of new housing development. This is a holistic approach that integrates urban design, land use, housing, transportation, ecology, landscape, conservation and energy efficiency.
- 4.7 The masterplan concept is the collaborative outcome of a professional team employed by Hallam Land Management, as well as extensive and wide ranging local public consultation. The Design Statement confirms that the design objective behind the residential proposal is to adopt the principles of “Designing Streets & Places” to create a distinctive, welcoming, safe and pleasant environment, by introducing a variety of housing sizes and tenures, to form a balanced community, utilising sustainable, energy efficient materials.
- 4.8 The indicative sketch housing layout demonstrates how a low to medium density design can be modelled around landscaped central greens/squares/pond to create an attractive living environment. The proposed layout encourages through movement and a more active street presence, resulting in a safer and more secure environment. Housing blocks would be orientated along street frontages and around squares to create a more visually attractive place with individual pockets of identity.

Landscape & Visual Appraisal and Landscape Masterplan

- 4.9 As part of the masterplanning process, landscape architects, Brindley Associates, have carried out a detailed site appraisal and landscape strategy for the development of the site. This has informed the preparation of the indicative masterplan.
- 4.10 The Landscape & Visual Assessment and accompanying indicative landscape plans confirm that there is no fundamental restriction on the development of the site for housing, and there are opportunities within the site to contribute positively to the wider environment of the town and countryside.

- 4.11 The landscape proposals confirm that there is a very real opportunity to create an improved settlement edge for Blackburn which mitigates the effects of the A705 and connects with the existing residential area along Seafield Road. The proposals promote a development that is well-connected and fits well within its landscape context. The central focus is strong a landscaped structure which provides a greenspace feature that gives added value to the adjacent properties as well as opportunity for functions such as play and passive recreation. This will ensure that the development provides a positive contribution to the local environment.
- 4.12 A substantial screen planting/buffer edge along the western boundary separates the proposed development from the existing housing. Pockets of greenspace are located throughout the development from the entrance statement feature on Seafield Road, and the SUDS Pond on the western edge. Particular attention has been paid to the character, amenity and identity of the existing properties at Hillview and Rockvale.
- 4.13 The Landscape Appraisal confirms that the site fits well into the landscape, has well defined boundaries and can be developed with no adverse landscape impact. It is considered that there is no landscape argument for not developing the site and through appropriate mitigation measures, the development of the site for housing would not adversely affect the local landscape character.

Ecological Report & Bat Inspection Note

- 4.14 As an integral part of the new masterplan and landscape appraisal, a detailed ecological study was carried out by Brindley Associates. The ecological report and subsequent Bat Inspection Note confirms that the proposed residential development of the site can be fully supported in terms of the development's potential impact on the natural environment.
- 4.15 The Study confirms that the site is of low ecological value and the proposed development will not have a significant effect on local protected species or species of conservation concern. In contrast, the Study considers that the new development could enhance the bio-diversity of the site. The new wildlife habitat creation area will include a linear belt of woodland along the western boundary of the site and an area of wetland habitat creation along the western boundary of the site. These features will enhance the existing off-site area of broad-leaved woodland and the off-site hedgerow along the western boundary of the site. The planting within these wildlife areas would comprise locally-native species. The development is therefore likely to increase the value of the site for wildlife such that the overall impact of the development is beneficial.

Noise Assessment

- 4.16 Consulting Engineers, JMP, have prepared a Noise Assessment to examine the noise exposure of the site and assesses the noise in relation to accepted criteria and guidance.
- 4.17 This Noise Assessment confirms that the acoustic environment within the development is influenced by road noise from the adjacent A705 Road and the M8 motorway which is located some distance to the north of the site. The new housing development would be designed to comply with relevant noise requirements and can be accommodated on the site in line with accepted noise levels.
- 4.18 The Noise Assessment assisted in determining the proximity of the house locations adjacent to this boundary, and coupled with the installation of noise attenuation barriers and structural planting, the traffic noise shall be appropriately mitigated, so that the level of noise shall not adversely affect the amenity of the new residents, and should improve conditions for existing residents.

Transport Assessment

- 4.19 Transport Consultants, JMP, have carried out a detailed examination of the traffic generation and distribution for the proposed residential use of the site. The Transport Assessment (TA) provides an overview of the proposed development details, a review of national and local policy related to the site, existing transport provision in the area and future transport proposals relevant to the development.
- 4.20 The TA concentrates on the wider transport impacts of the development in terms of site accessibility issues and provides details of supporting information in terms of the development's impact on the road network and road safety. The TA has considered the accessibility of the site by all modes of transport including walking, cycling, public transport and by car. The accessibility by all modes is considered to be good, with bus services operating in close proximity to the site linking into Blackburn town centre, Seafield and Livingston.
- 4.21 The development will incorporate '*Designing Streets*' principles to ensure that travel by the most sustainable modes are maximised with measures put in place to reduce the necessity for private car trips.
- 4.22 A review of access options for the development have been presented to determine the most suitable access arrangement and the extent of required road safety measures. The proposed mitigation measures to improve the road safety conditions for all road users have been considered and include:

- A new compact roundabout on the A705 between the north and south sites to be designed in accordance with the standards provided in the Design Manual for Roads and Bridges (DMRB), “Designing Streets”, and the standards provided in West Lothian Development Guidelines.
 - A new pedestrian footway along the south side of the A705 Seafield Road.
 - The widening of the existing footway on the north side of Seafield Road along the development frontage.
 - New dropped kerbs will be provided to support pedestrian crossing movements from the south site to the footway located on the north site of the A705 Seafield Road.
 - Integration of the proposed development with the existing pedestrian network to ensure excellent access to the site for those on foot.
- 4.23 The results of the assessments have shown that the proposed development can be integrated with the existing transport network and vehicular impacts accommodated so that there is no material detriment to existing road users, and could improve the current situation.
- 4.24 The Transport Assessment has shown that the development site is well located for both local and strategic traffic and currently enjoys a good level of accessibility by sustainable modes of transport. The proposed development site is considered suitable for the development proposals.

Flooding & Drainage Assessment

- 4.25 JMP have also conducted a detailed drainage and flooding assessment for the proposed development. This has included consultations with West Lothian Council, SEPA and Scottish Water to define the standards to which the surface water drainage system should comply.
- 4.26 The drainage assessment provides outline proposals for the new development and these have been reflected in the indicative masterplan for the site. Full design of the drainage strategy would be prepared in conjunction with SEPA at the detailed design stage.
- 4.27 JMP have also carried out a flooding assessment for the proposed development site. This includes a high level assessment of the SEPA Flood Map. The work indicates that the site is not within any flood risk areas.

- 4.28 The report has confirmed that the development of the site will deal with any localised flooding arising from the existing field drainage system. JMP have confirmed that any existing land drainage system which may currently drain the un-developed site, will have to be considered during any development of the site. Proposals will have to ensure that the new site buildings are protected from surface flows within the site, and any overland flow is captured and diverted from any existing properties. This could provide a significant improvement on the current situation and will address existing field drainage problems which were raised as part of the local consultation exercise.

Phase 1 Environmental Site Assessment

- 4.29 A2 Environmental Consultants have undertaken a detailed land quality appraisal of the site to assess any geotechnical or contaminated land issues relating to the location. This assessment has confirmed that whilst there are historical mine workings to the north of the site, no material constraints have been identified on the site and it is suitable for development for residential use.

Coal Mining Risk Assessment

- 4.30 A2 Environmental Consultants have also undertaken a separate Coal Mining Risk Assessment to satisfy the requirements of the Coal Authority. This additional assessment has confirmed that whilst the site falls within the West Lothian Coal Mining Development Referral Area, there is no recorded evidence that mining activities have taken place on or beneath the site.

Pre-Application Consultation Report

- 4.31 A detailed Pre-Application Consultation (PAC) Report was prepared in support of the earlier planning application. This Report provides a summary of the extensive community consultation undertaken by Hallam Land Management to gauge local reaction to the proposed development.
- 4.32 As demonstrated in the PAC Report, the opinion on the proposals was polarised with immediately adjacent residents generally opposed to any new development on their boundary. However, the majority view, from wider Blackburn residents confirmed support for new housing and particular support for this site which was considered to be a “good location for new family housing”.
- 4.33 There was also support for the proposed layout, form, density and approach to development on this site, and recognition of the benefits that could be gained from a high quality housing development such as that being proposed.

Education Capacity Assessment & Education Impact Analysis

- 4.34 In response to comments received during the consultation events, an Education Capacity Assessment of the proposed development was undertaken. This assessment reviewed the education requirements for the proposed development and examined options for addressing any existing capacity issues.
- 4.35 The Education Capacity Assessment, and subsequent Education Impact Analysis by TPS Education Consultants, provide an overview of the education capacity within Blackburn and the impact that the proposed new development at Seafield Road will have on existing and planned education provision within the area. The assessment has been informed by information received from West Lothian Council's Education Officers, and a staged approach has been adopted in line with the recommendations of the Council's *SPG: Planning for Education*.
- 4.36 These education assessments confirm that with appropriate developer contributions there is sufficient current capacity within the existing local schools to accommodate the proposed phased development at Seafield Road.

Housing Market Report & Letter from Persimmon Homes

- 4.37 In response to comments received during the application process, Hallam Land obtained detailed market advice from leading property experts, Rettie & Co to further demonstrate the market demand for the type of housing proposed for the site. This information was submitted in support of the planning appeal and confirmed that the site is in a marketable location, and the type of housing to be built there will be in demand.
- 4.38 The conclusions from Rettie's assessment of the site confirm that it is well placed to make a small, but early contribution towards meeting the accepted housing land shortfall in the West Lothian LDP area.
- 4.39 The attractiveness of the site to the house building industry was further confirmed in the letter received from Persimmon Homes East Scotland Ltd which confirmed their interest in developing the site.

Summary

- 4.40 The package of supporting information submitted with the original planning application and subsequent appeal provides a detailed assessment of the proposed development and can now be utilised in support of this MIR submission. These documents provide full justification for the proposals and confirm that there are no technical or physical constraints to developing the site for the proposed residential use.
- 4.41 The various site and technical assessments also confirm that there are no adverse infrastructure, landscape or environmental impacts arising from the proposed development.
- 4.42 The supporting information confirms that the proposals would provide a high quality residential development, along with investment in drainage improvements; noise attenuation; new open space, landscaping and tree planting; significant road safety improvements; and bio-diversity and ecological improvements.
- 4.43 In the accompanying technical reports, we have assessed infrastructure capacity – including transport, drainage and education – and these assessments have confirmed that there is sufficient capacity for this scale of development in Blackburn. In addition, Hallam Land Management has undertaken a detailed landscape and visual impact assessment and design statement which confirms that this site can readily absorb the scale and level of development being proposed. The site is considered to be an effective and deliverable housing site which has attracted specific interest from one of the UK's largest housebuilders. It is capable of development to meet the LDP's housing land requirements.

5.0 Background & Planning History

- 5.1 As noted above, this site has a significant planning history and was promoted for new housing development through the previous local plan, a recent planning application and an-ongoing planning appeal.
- 5.2 The proposed development of this site was promoted at the last local plan inquiry in 2006, but was not released for development as West Lothian Council considered that there was no strategic requirement for additional housing land in Blackburn, at that time.
- 5.3 More recently, a planning application for the proposed development (Application Ref: 0704/P/12) was refused by West Lothian Council in April 2013 largely on the grounds of prematurity in advance of the preparation of the new Local Development Plan. The Council's reasons for refusal were based on the consideration that the release of the site for development was premature pending outcome of the examination of SESplan and consideration of spatial strategy options in the emerging West Lothian Local Development Plan.
- 5.4 This decision was appealed (Appeal Ref: PPA-400-2036) in July 2013 with the Reporter's Decision Notice issued in October 2013. The Reporter decided to dismiss the appeal, again principally on the basis that the proposed development was premature. This was summed up by the Reporter in his penultimate paragraph (para 118) which concluded that:
- "My earlier findings, in particular regarding housing land supply and availability of school places, mean that any need to permit housing on the appeal site is not pressing and does not justify approval in advance of adoption of the local development plan. It is national policy that the planning system should be genuinely plan-led (Scottish Planning Policy, paragraph 8). I conclude that the prematurity argument carries weight in the present case".*
- 5.5 The Reporter therefore took the decision that the release of this site for development should await the progression of the new Local Development Plan.
- 5.6 We are now at this stage, and these prematurity arguments have been addressed through the publication of new Supplementary Guidance on the Strategic Housing Land Requirements and the publication of the WLLDP Main Issues Report which confirm the scale of new housing land that is required throughout West Lothian.

- 5.7 Prematurity is no longer a relevant reason to reject the proposed housing development on this site.
- 5.8 It should also be noted that this Appeal Decision is the subject on an on-going review in the Court of Session with a full hearing scheduled to take place in early November 2014. The appeal process has not concluded.
- 5.9 It is therefore appropriate to reassess the particular merits and advantages of this site in light of this new information. The conclusions from the Appeal Decision Notice are helpful to the consideration of the particular site specific planning merits of this site and are summarised below. This sets out some key conclusions on the assessment of the proposed development in relation to: the spatial strategy for new development in West Lothian; availability of education capacity in this area; the development's impact on the character of the settlement and local area; traffic impact; and availability of other infrastructure.

Spatial Strategy for New Development in West Lothian

- 5.10 At paragraph 12 of his Appeal Decision Notice, the Reporter confirmed that the SESplan directs new housing land development towards *"the smaller settlements in west West Lothian which may provide for additional growth"*.
- 5.11 At paragraph 17, the Reporter confirmed that: *"the proposed development accords in broad terms with SESplan spatial strategy in that it is within a strategic development area and that it is located beside one of west West Lothian's smaller settlements"*.
- 5.12 This was further confirmed at paragraph 106 where the Reporter concluded that: *"the proposed development accords in broad terms with the SESplan spatial strategy"*.

Availability of Education Capacity in this area

- 5.13 Whilst the application and appeal were rejected on the grounds that there was a perceived lack of capacity within existing secondary schools serving the Blackburn area, both the Council's decision and that of the Reporter, indicated that this was a short term **timing** matter, with solutions available.
- 5.14 The response from the Council's Education Services on the original planning application advised that: *"at this point in time Education Planning would recommend an objection to the development of this site"*, but also confirmed the level of developer contributions expected *"should it gain consent"*.

5.15 Within the Appeal Decision Notice the Reporter notes the following key conclusions in respect of education capacity. These all confirm that there are no capacity issues at primary school level, and the availability of secondary school capacity is a matter related to timing of funding for school extensions and catchment reviews.

- *“The Council submits that there is need for additional primary school capacity to serve the proposed development. The Council would require at least three years from the grant of planning permission to have the additional capacity in place”;* (para 40).
- *“If extension of Bathgate Academy does go ahead, it will not be complete until 2017-18. No houses on the appeal site should be occupied until the extension is complete”;* (para 40).
- *“I note that there is considerable spare capacity at Blackburn Primary School”;* (para 46).
- *“...from the lack of reference to Our Lady of Lourdes Primary School in the reasons for refusal of planning permission, I conclude that capacity to accommodate pupils from the proposed development could be made available. This might require developer contributions”;* (para 50).
- *“My overall conclusions regarding provision of primary education are that there are capacity constraints, that these are capable of being addressed and that the process of addressing them could delay the stage at which any of the proposed houses should be available for occupation”;* (Para. 51).
- *“The Appellant places some reliance on measures that the Council has in mind, such as increasing the capacity of Bathgate Academy and commencement of construction of a third denominational secondary school. In view of the various uncertainties surrounding any rearrangement of educational provision, including need not to pre-empt statutory consultation and the difficult state of local authority finances, I attach little weight to the possibility that new capacity will become available at Bathgate Academy and St Kentigern’s Academy in the short-term”;* (para. 85).
- *“If permission for the Appellant’s development were to be granted, the site would not be immediately effective. Time would be required to address, as far as possible, lack of school places for the proposed development’s school-age residents”;* (para. 88).

In keeping with the character of the settlement and local area

5.16 The Reporter's findings on the proposed development's impact on the character of the local area are also supportive. The Reporter notes the following key conclusions in respect of the site's ability to accommodate the proposed level of new housing development:

- *“Criterion (a) in SESplan policy 7 requires development to be in keeping with the character of the settlement and local area. In its response to the appeal (paragraph 2.34), the Council does not suggest that the proposed development infringes this criterion”; (para. 53).*
- *“Structure planting on site boundaries would provide visual integration and a more robust boundary between the urban areas and the adjacent agricultural land than that which currently exists”; (para. 55).*
- *“I conclude that the proposed development would have some adverse effect on local character, but not to an extent that would justify refusal of permission if other considerations demonstrated clear need for the development to proceed”; (para. 62).*
- *“I find that the proposed development would not lead to coalescence, Seafield being about one kilometre away to the east. As there would be no coalescence, development does not need to be justified by specific locational need”; (para. 94).*
- *“In that the appeal site is adjacent to the built-up area of Blackburn and that the proposed development would in effect be an extension of the built-up area, I find that the development would not be sporadic”; (para. 95).*
- *“Supporting text for policy ENV 23 says, in relation to the Livingston Countryside Belt, “it protects agricultural land, forestry and land of natural heritage value from development”. I find that the wording of policy ENV 23 does not reflect this intention. My conclusion is that the proposed development does not conflict with policy ENV 23”; (para. 96).*
- *“I conclude that effect on wildlife is not a determining issue in the present appeal”; (para. 112).*

Traffic Impact

5.17 The Reporter's findings on the proposed development's impact on the local road network further confirm the suitability of the site to accommodate the proposed level of development. The Reporter notes the following key conclusions in respect of traffic impact:

- *“Representations include concerns about additional traffic on the local road network. From submissions, including the Appellant's Transport Assessment and the consultation response from the Council's Roads and Transportation Manager, I find that the local road network is capable of adequately accommodating the extra traffic that the proposed development would create”*; (para. 109).
- *“Representations also express concern about the proposed roundabout: it would be dangerous, cause congestion and prevent access to existing property. I find that the roundabout would reduce traffic speed at the appeal site and that this would be beneficial to safety. The Transport Assessment indicates that the roundabout would have sufficient capacity to deal with the volume of traffic. For this reason, I find that the roundabout would neither cause congestion nor impede access to nearby property”*; (para. 110).

Availability of Infrastructure

5.18 The Reporter's findings on the availability of infrastructure to serve the proposed development are also helpful to the consideration of the site as part of the new LDP. The Reporter notes the following key conclusions in respect of infrastructure:

- *“In the representations, concern is expressed about infrastructure. Availability of school places is considered above. Regarding water supply and waste water treatment, I note that Scottish Water has raised no objection to the proposed development. I find that, apart from education, infrastructure is available to service the proposed development”*; (para. 113).

Summary

5.19 The consideration of the Seafield Road site through the recent application and appeal process has confirmed that the proposed development on this site would accord with the spatial strategy for new development in West Lothian; and can be viewed positively in terms of the development's relationship with the character of the settlement and local area and the availability of infrastructure.

- 5.20 In terms of education capacity, the appeal findings have confirmed that that whilst there are perceived capacity constraints at secondary school level, these are “*short term*” and “*are capable of being addressed*”. Education capacity is therefore linked to the availability of funding for planned education improvements. It is not a problem unique to Blackburn and the Council is now actively seeking solutions to a West Lothian wide issue.
- 5.21 Education capacity is a key matter for the new LDP and the Council has acknowledged this as Main Issue 4 and questions 38 to 41 of the MIR Questionnaire. The Council’s preferred approach to infrastructure provision, in particular education provision, is confirmed in the MIR. The Council want to: “*promote additional growth which can for the most part utilise existing infrastructure capacity, and minimise additional significant new infrastructure requirements over and above existing planned upgrades and requirements. Developer contributions will continue to be sought, the basis for which will be set out in a combination of generic and specific supplementary guidance. The council’s preferred approach to infrastructure delivery is supported by Policy 9 of the SDP. The preferred approach is also to further develop funding mechanisms and supplementary guidance to assist in delivery*”.
- 5.22 As Hallam Land have repeatedly stated as part of their submissions on the earlier application and appeal, any development on the Seafield Road site would be accompanied by an appropriate level of developer contributions to address any confirmed education capacity issues. This was acknowledged by the Council’s Education Service in its response to the original planning application, and it was confirmed that: “*if the Council was minded to support the application it would be appropriate to attach planning conditions and seek developer contributions for any required extensions*”. This is now the preferred approach of the Council as set out under Main Issue 4 of the MIR and Hallam Land would welcome the opportunity to agree an appropriate funding mechanism to assist the Council achieve its stated objective to improve education provision in this area.
- 5.23 It should also be noted that the settlement of Blackburn is home to three existing primary schools and one secondary school. It is therefore well-placed to benefit from the Council’s proposed development of funding mechanisms to improve and extend education provision as set out at pages 42 to 45 of the MIR
- 5.24 An overview of the MIR as it relates to Blackburn and the Council’s assessment of this site is set out in the following chapters.

6.0 Overview of Main Issues Report

- 6.1 Main Issue 2 of the MIR covers the topic of Community Regeneration, and paragraph 3.32 on page 23 of the MIR confirms that:

“The council is embarking upon a long term regeneration strategy for West Lothian over the next twenty years, linked to the West Lothian Economic Strategy. This provides an opportunity to set out a longer term vision for the area addressing a number of key outcomes of reducing inequality, improving health and wellbeing, increasing employment opportunities, improving education and skills and carrying out environmental improvements. This is particularly applicable to communities located in the west of West Lothian”.

- 6.2 Paragraph 3.34 of the MIR further confirms that:

“Many of the communities in west West Lothian are former mining communities with an imbalance between public and private sector housing. Achieving a different housing mix by allocating sites for private sector investment may assist in addressing this and achieve more balanced communities. Initiatives such as Tax Incremental Funding (TIF) may provide further opportunities to encourage investment and the opening up of development opportunities. Additional measures are the potential for school catchment reviews to achieve a more balanced mix of backgrounds for households feeding each of the schools”.

- 6.3 The preferred approach of the Council is set out on page 23 and this confirms that:

*“The council’s preferred approach to community regeneration is to focus regeneration initiatives on areas identified in the Scottish Index of Multiple Deprivation 2012. This principally includes the smaller settlements in the west of West Lothian identified as Armadale, **Blackburn**, Blackridge, Fauldhouse, Stoneyburn and Whitburn. Other areas include Bathgate and Boghall and settlements within the Breich Valley where headline levels of disadvantage including unemployment, financial exclusion, poor health and lower education attainment have been identified. These communities are often characterised by a range of factors which can include high levels of unemployment, low income, lower levels of education attainment, and access to services. To create more balanced communities, address issues of multiple deprivation and to attract private sector investment it is proposed to seek to identify initiatives to generate more investment in these communities”.*

6.4 This is exactly what Hallam Land have been proposing through the development of their 6.5 hectare site at Seafield Road over the past two years; i.e. significant private sector investment which would help to provide a wider range and mix of housing in a sustainable and accessible location, which would in turn allow for further investment in local education facilities, creating new employment opportunities and enhanced open space and recreational facilities.

6.5 More specifically in terms of Blackburn, the MIR provides an overview of the settlement at page 126, and this is copied below. The MIR confirms the strategic benefits of providing more housing land in this location and specifically notes that:

“the availability of infrastructure, strategic location, and existing facilities makes the town an attractive option for development”.

6.6 In terms of Priorities for Blackburn, the MIR confirms that these should include a *“review of settlement envelope”*.

BLACKBURN - Settlement Map 8

Blackburn developed in the 1790s as a cotton spinning town until the 1870s. Thereafter coalmining dominated until closure of the mines in the late 1960s and early 1970s. The village expanded rapidly in the 1960s to accommodate overspill from Glasgow and workers at British Leyland, Bathgate. The population doubled to over 9,000 in 1968, but economic, social and housing problems caused huge difficulties in the 1970s and 1980s. Several private housing developments are underway, but Blackburn remains one of the more disadvantaged communities in West Lothian.

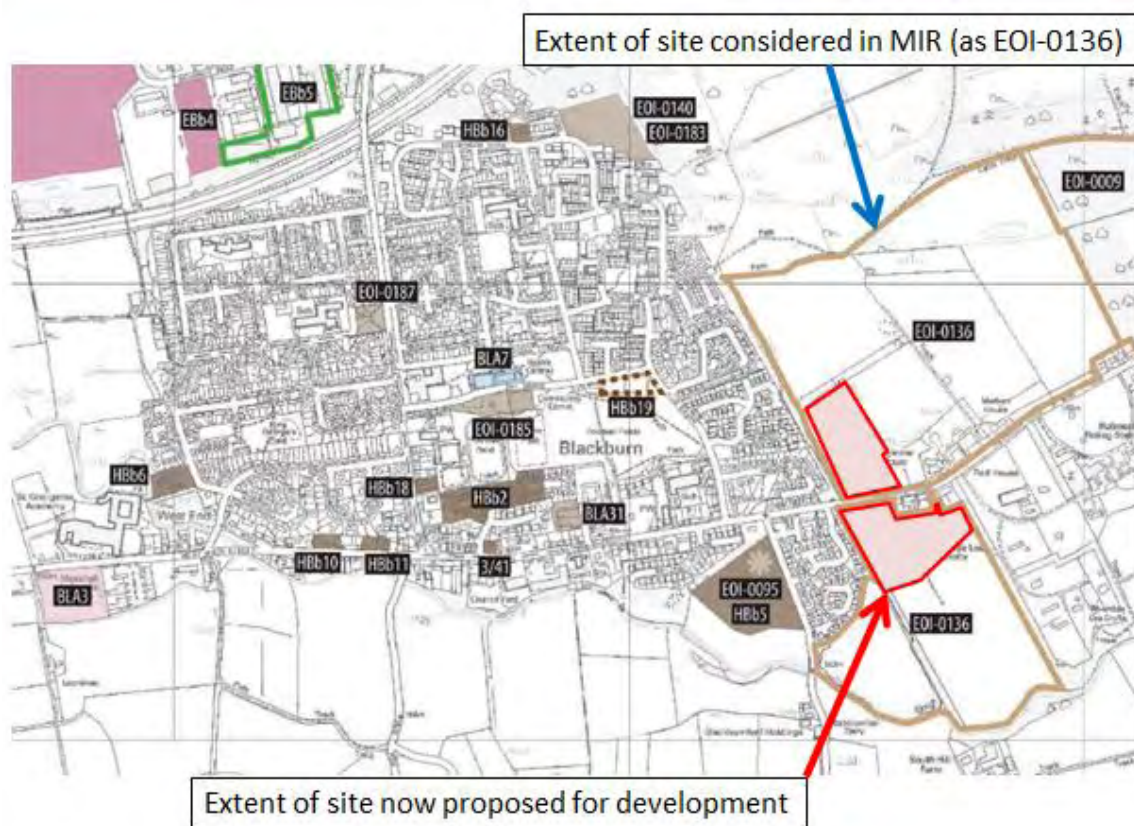
Population in 2012
5,478 (GROS estimate)
Issues
Promote and maintain the employment base, tackle areas of social deprivation; education capacity issues at secondary school level.
Infrastructure considerations
Served by three primary schools - Blackburn, Murrayfield and Our Lady of Lourdes and at secondary school level, Bathgate Academy and St Kentigern's High School, Blackburn.
Spatial strategy considerations
The availability of infrastructure, strategic location, and existing facilities makes the town an attractive option for development.
Priorities
Delivery of a new partnership centre; address issues of social deprivation; upgrade and review of open space and footpath links; upgrade of civic spaces; review settlement envelope.

Extract from WLLDP MIR page 126 confirming opportunities and priorities at Blackburn

- 6.7 However, and despite acknowledging *“the availability of infrastructure, strategic location, and existing facilities which makes Blackburn an attractive option for development”*, and confirming that the priorities for the LDP should include *“reviewing the settlement envelope”*, the MIR is recommending only a single new housing site for 45 units at Beechwood Road. All other preferred housing sites within Blackburn are existing sites which are either carried forward from the existing Local Plan or are small scale (c. 10 units) brownfield sites which already benefit from planning permissions or approved planning briefs. In addition to this lack of new opportunities for housing development in Blackburn, an existing allocated site with capacity for 20 units at Ashgrove Grove (East) is being recommended for deletion as the owner is no longer promoting its development.
- 6.8 There is therefore very limited opportunities identified within Blackburn and there has been no proper review of the settlement boundary. This contradicts the stated community regeneration requirements for Blackburn and fails to recognise the acknowledged strategic benefits of releasing further housing growth in this location.
- 6.9 We would therefore recommend that the particular merits of allocating further housing growth in Blackburn should be reconsidered and this should include a reassessment of our client’s smaller site at Seafield Road, Blackburn which (as we have confirmed in section 5.0 above) has been found to be an acceptable location for accommodating new housing of the scale now being proposed.
- 6.10 The allocation of the site at Seafield Road would accord with West Lothian Council’s aims and objectives for the settlement, and could make a small but effective contribution to the West Lothian housing land supply.
- 6.11 The allocation and development of the Seafield Road site for new housing would help provide a different housing mix through the allocation of sites for private sector investment and assist in achieving a more balanced community. In doing so, this would help to contribute towards the Council’s emerging Community Regeneration Strategy which seeks to address a number of key outcomes of reducing inequality, improving health and well-being, increasing employment opportunities, improving education and skills and carrying out environmental improvements.
- 6.12 The Council’s assessment of the larger, 54.0 hectare site is reviewed in the following chapter.

7.0 Consideration of Site within SEA & EOI Report

- 7.1 The Seafield Road site has been included and assessed in the MIR as **part of** “Site EOI-0136 – Redhouse”.
- 7.2 However, and as shown below, the MIR has assessed a much larger 54.0 hectare site and the extract from Settlement Map 8 is copied below showing the extent of the originally assessed site (EOI-0136) and the reduced area that is now being promoted for development (6.5 hectares).



Extract from WLLDP MIR Map 8 with difference between assessed site & reduced site highlighted

- 7.3 The Council has therefore assessed this site as part of the much larger “Redhouse” site within the accompanying *Strategic Environmental Assessment - Environmental Report*. The assessment of the larger site is set out pages 245 to 247 within *Appendix 1: Environmental Baseline Report*. A further assessment of the larger site is also set out on pages 439 to 442 of the separate *Expression of Interest Report* which provides a summary of the consultation responses received by the Council in the lead up to the preparation of the MIR document.

- 7.4 The conclusions from these assessments have been used to inform the status of the larger site in the MIR and this concludes that Site Ref: EOI – 0136 is “not preferred” for development within the Proposed LDP.
- 7.5 The SEA and EOI Report assessments (extract copied below) concluded that the development of the larger 54 hectare site for 700 units would “constitute an intrusive physical expansion of Blackburn beyond the limit of beyond the limit of development which is already provided for in the adopted West Lothian Local Plan. It would also be visually and environmentally intrusive”.

EOI-0136	Not Preferred
Land at Redhouse, Blackburn	Status Current
HALLAM LAND MANAGEMENT LTD	18 July 2014
Residential, circa 450 units to north, 250 units to south. Site area 54ha in total (northern site is 37ha and southern site is 17ha))	
Yes Prime Quality Agric Land	
Conclusions:	Greenfield Class Description 3.1
Development of the site is not in accordance with the council’s preferred development strategy which supports development within the core development areas and other strategic locations. There are other more suitable sites available for development.	
Development would constitute an intrusive physical expansion of Blackburn beyond the limit of development which is already provided for in the adopted West Lothian Local Plan. It would also be visually and environmentally intrusive.	
There is no education capacity to support development of the site and other infrastructure issues which impact on development.	
Development of the site would result in visual intrusion into the countryside.	
There are other more suitable developments within urban areas or which are brownfield. There are also infrastructure constraints in the local catchment schools.	
A planning application for housing on part of the site was refused in 2013 and appeal against that refusal was dismissed in 2014.	

Extract from WLLDP MIR Expressions of Interest Report (page 439)

- 7.6 It was also stated in the EOI Report that: “development of the site would result in visual intrusion into the countryside”, and “a planning application for housing on part of the site was refused in 2013 and appeal against that refusal was dismissed in 2014”.
- 7.7 The SEA report similarly concluded in relation to the larger 54 hectare site that: “The sites would constitute an intrusive physical expansion of Blackburn well beyond the settlement boundary and recent development in Blackburn. It is recommended that the proposed sites should not be supported as future residential development sites”.

- 7.8 Clearly these assessments do not reflect the extent of the much reduced site, and it must be noted that the current submission covers a significantly reduced area of only 6.5 hectares and a significantly reduced scale of development of only 120 houses.
- 7.9 The conclusions reached as part of the MIR Site Assessment exercise cannot therefore be considered to reflect the current submission. As such, this site assessment should be reviewed in light of the reduced site and reduced level of development now being proposed.
- 7.10 As we have set out in section 4.0 above, the package of supporting information submitted with the original planning application and subsequent appeal provides a detailed assessment of the proposed development and these documents confirm that there are no technical or physical constraints to developing the site for the proposed residential use.
- 7.11 The various site and technical assessments prepared for Hallam Land also confirm that there are no adverse landscape, visual or environmental impacts arising from the proposed development.
- 7.12 This supporting information confirms that the proposals would provide a high quality residential development, along with investment in drainage improvements; noise attenuation; new open space, landscaping and tree planting; significant road safety improvements; and bio-diversity and ecological improvements.
- 7.13 In the accompanying technical reports, we have also assessed infrastructure capacity – including transport, drainage and education – and these assessments have confirmed that there is sufficient capacity for this scale of development in Blackburn.
- 7.14 In addition, Hallam Land Management has undertaken a detailed landscape and visual impact assessment which confirms that this reduced scale of development on a substantially smaller site would not give rise to adverse landscape or visual impact concerns.
- 7.15 These findings have been further confirmed through the recent planning application and appeal process, and as we have demonstrated in section 5.0 above, the conclusions from the recent appeal decision have confirmed that the proposed development on this smaller site would accord with the spatial strategy for new development in West Lothian; and can be viewed positively in terms of the development's relationship with the character of the settlement and local area and the availability of infrastructure. We have further confirmed that this reduced scale of development can be absorbed into the local landscape without any adverse landscape impact or visual intrusion.

- 7.16 The Reporter in the recent appeal also confirmed that the local road network is capable of adequately accommodating the extra traffic that the proposed development would create, and infrastructure is available to service the proposed development.
- 7.17 In terms of education capacity, the appeal findings have also confirmed that that whilst there are perceived capacity constraints at secondary school level, these are “*short term*” and “*are capable of being addressed*”. Education capacity is therefore linked to the availability of funding for planned education improvements. It is not a problem unique to Blackburn and the Council is now actively seeking solutions to a West Lothian wide issue as confirmed in Main Issue 4 of the MIR.
- 7.18 As confirmed above, the conclusions reached as part of the MIR Site Assessment exercise cannot therefore be used to assess the current submission. As such, this site assessment should be reviewed in light of the reduced site and reduced level of development now being proposed.
- 7.19 Given the findings of the technical assessments carried out in support of this scale of development, and the conclusions from the recent appeal decision which we have reviewed in section 5.0, we would recommend that the Council reconsiders the merits and advantages of this smaller site and includes this as a preferred housing allocation in the Proposed LDP when it is published next year. The site is an effective housing site which can be supported by relevant planning policy. These matters are reviewed in the following sections of this Supporting Planning Statement.

8.0 Effective Housing Site

- 8.1 The smaller site is effective and free from ownership, physical or infrastructure constraints. It can be readily serviced and there are no significant constraints to its development. Its development for housing would contribute to the housing land supply. This includes the provision of new family housing and affordable housing.
- 8.2 The proposed development is deliverable and viable, and benefits from its location directly adjacent to existing housing development, services, utilities and access roads.
- 8.3 There are no physical constraints to the development of housing and the site is effective in terms of the criteria contained at paragraph 55 of PAN 2/2010. These are as follows:
- ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;
 - physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;
 - contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;
 - deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;
 - marketability: the site, or a relevant part of it, can be developed in the period under consideration;
 - infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and

- land use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.
- 8.4 It is noted that paragraph 55 of the PAN specifically states that: *“To assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints”.*
- 8.5 Addressing the requirements of the PAN in turn the following is confirmed: the site is in the control of Hallam Land Management and they wish to proceed to develop the site as soon as the necessary consents are in place. Hallam Land Management is the strategic land and planning promotion arm of the Henry Boot Group of Companies, one of the leading property and construction organisations in the UK and has been operating for over 125 years. The proposals are being advanced by a well-respected, experienced development company that has considerable expertise of delivering housing sites such as the appeal site.
- 8.6 Hallam Land has obtained detailed market advice from leading property experts, Rettie & Co to further demonstrate the market demand for the type of housing proposed for the site. This Housing Market Report demonstrates that the Seafield Road site is in a marketable location, and that the type of housing to be built there will be in demand.
- 8.7 As confirmed in the package of detailed technical reports submitted with this representation, there are no known slope, aspect, flood risk, ground stability, contaminated land or vehicular access constraints which would preclude the site’s successful and viable development. The site enjoys a generally south facing slope which aids passive solar gain and has a pleasant aspect in terms of adjacent land uses.
- 8.8 The proposal is for a relatively small-scale housing development which, unlike some of recent large scale housing releases, has no significant infrastructure requirements. The existing primary schools in the town have spare capacity and would benefit from more housing development, and the capacity constraints at the secondary schools serving this location are being addressed by the Council. The site is an effective, viable, available and unconstrained site which can provide an element of the housing land requirements in the local development plan period.

- 8.9 As confirmed in the Rettie Housing Market Assessment, the site is therefore well placed to make a small, but early contribution towards meeting the accepted housing land shortfall in the West Lothian area.
- 8.10 The attractiveness of the site to the house building industry is further confirmed in the letter received from Persimmon Homes East Scotland Ltd which confirms their interest in developing the site.
- 8.11 In terms of infrastructure capacities, the various supporting technical studies undertaken by Hallam Land have confirmed that this relatively small scale development can be supported in terms of the availability of infrastructure in this location, and this includes available and planned education capacity.
- 8.12 These studies confirm that there is existing, sufficient infrastructure in place to accommodate this housing development, and the site can be readily serviced due to its location immediately adjacent to existing development and services.
- 8.13 All consultees on the recent planning application, with the exception of education, have confirmed support for the proposed development and there are no infrastructure constraints to its delivery.
- 8.14 Particular attention has been placed on education infrastructure, and the Education Capacity Assessment has confirmed that there is sufficient current capacity within the existing local schools to accommodate the proposed phased development at Seafield Road. The Council's Education Officers have confirmed that *"if the Council was minded to support the application it would be appropriate to attach planning conditions and seek developer contributions for any required extensions"*. This is normal practice, and Hallam Land has confirmed its acceptance to this as part of the previous application and appeal process.

9.0 Planning Policy Context

- 9.1 The requested allocation of our client's site would accord with the policies, objectives and requirements of the Scottish Planning Policy and the recently approved SESplan which allows LDPs to allocate well-located, greenfield sites within Strategic Development Areas to help maintain an effective five years land supply at all times.

National Planning Framework 3 (NPF3)

- 9.2 The third National Planning Framework (NPF3) provides the statutory framework for Scotland's long-term spatial development. It sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. Planning authorities are required to take the Framework into account when preparing development plans and it is a material consideration in the determination of planning applications.
- 9.3 NPF3 confirms that the Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting our natural and cultural assets.
- 9.4 In terms of the vision for Scotland, NPF3 confirms that this includes a vision where Scotland is a successful, sustainable place with a growing economy which provides opportunities that are more fairly distributed between, and within, all communities. The objective is to provide high quality, vibrant and sustainable places with enough, good quality homes. Our living environments foster better health and we have reduced spatial inequalities in well-being. There is a fair distribution of opportunities in cities, towns and rural areas, reflecting the diversity and strengths of our unique people and places.
- 9.5 Section 2 of NPF3 sets out the Government's strategy to achieve the vision of "a *successful, sustainable place*". The strategy is to ensure that all parts of Scotland make best use of their assets to build a sustainable future, and to create high quality, diverse and sustainable places that promote well-being and attract investment. NPF3 notes that the financial climate has reduced the amount of new housing built in recent years, but the Scottish Government is committed to a significant increase in house building to ensure housing requirements are met across the country.

- 9.6 NPF3 encourages high quality, diverse and sustainable developments that promote well-being and attract investment. It confirms that there is a need for a significant increase in house building to ensure housing requirements are met across the country and more ambitious and imaginative planning is needed to ensure a generous and effective supply of housing land.
- 9.7 The allocation of the site at Seafield Road would accord with the aims of NPF3 through the provision of new housing land in an accessible and sustainable location.

Scottish Planning Policy

- 9.8 Full support for this suggested allocation can also be taken from the updated Scottish Planning Policy (SPP) which was published alongside the new NPF in June 2014 and sets out the policy that will help to deliver the objectives of NPF3. The SPP emphasises the importance of the delivery of new housing through the development plan to support sustainable mixed communities. It is a key objective of the Scottish Government to create successful places and high quality residential development. There is a requirement for the development of well designed, energy efficient, good quality housing in sustainable locations which should help promote the development of existing communities. The SPP also emphasises the importance of allocating a generous supply of housing land through the development planning process.
- 9.9 The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is a material consideration that carries significant weight in the preparation of development plans and the determination of planning applications and appeals.
- 9.10 The new SPP confirms that the Scottish Government's central purpose is to focus on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Sustainable economic growth is defined as: *"Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too"*.
- 9.11 Paragraph 15 explains that by locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

- 9.12 The new SPP confirms the introduction of a presumption in favour of development that contributes to sustainable development. SPP explains that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.
- 9.13 SPP explains that policies and decisions should be guided by a number of principles, including:
- giving due weight to net economic benefit;
 - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
 - supporting good design and the six qualities of successful places;
 - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
 - supporting delivery of accessible housing, business, retailing and leisure development;
- 9.14 In relation to housing development SPP sets out the Government's approach towards "Enabling Delivery of New Homes" and confirms the need to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth. SPP also confirms that house building makes an important contribution to the economy, and planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development.
- 9.15 SPP confirms that the planning system should: identify a generous supply of land; maintain at least a 5-year supply of effective housing land at all times; and enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. In addition SPP confirms the local development plans should indicate the number of new homes to be built over the plan period, and this figure should be increased by a margin of 10% to 20% in order to ensure that a generous supply of land for housing is provided. Local development plans should provide for a minimum of 5 years effective land supply at all times.
- 9.16 SPP explains that planning authorities and developers should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach.

- 9.17 The proposals put forward for the Seafield Road site would provide an element of residential development to meet West Lothian's housing requirement and will contribute to the Council's priority of improving housing mix in Blackburn. The allocation of the site at Seafield Road is therefore consistent with the Scottish Government Guidance provided through NPF3 and SPP.

SESplan Strategic Development Plan

- 9.18 The South East Scotland Strategic Development Plan (SESplan) was approved by Scottish Ministers in June 2013. The Strategic Development Plan states that South East Scotland is the main growth area and the key driver of the Scottish economy.
- 9.19 SESplan has a clear aim of promoting sustainable development, whilst creating opportunities for satisfying the full range of housing needs. The Vision set out in SESplan includes the aims to:
- Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations.
 - Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations.
 - Conserve and enhance the natural and built environment.
- 9.20 In terms of spatial strategy, the SESplan identifies 13 strategic development areas ("SDAs"). Blackburn falls within the West Lothian SDA. The SESplan confirms that within this SDA there is a need for a significant level of new homes. The SESplan confirms that such allocations will be focused in sustainable locations where infrastructure is either available or can be provided and in locations where there are no environmental constraints. The SESplan specifically advises that: "*the smaller settlements in west West Lothian may also provide for additional growth*" (paragraph 93 of the Proposed Plan). This includes Blackburn.
- 9.21 The allocation of the Seafield Road site therefore accords with the spatial strategy of SESplan.
- 9.22 SESplan also confirms the need for a generous supply of housing land to be available at all times. The allocation of land for residential development at Seafield Road would help to contribute to the housing land supply in West Lothian.

9.23 SESplan Policy 6 requires that:

“Each planning authority in the SESplan area shall maintain a five years’ effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.”

9.24 Sites such as Seafield Road can make an effective contribution to the five year housing land supply in West Lothian. The nature of the site makes it deliverable within the short term as it is small scale in nature, and capable of early delivery.

9.25 SESplan Policy 7 also confirms that:

“Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans....., subject to satisfying each of the following criteria:

- a. The development will be in keeping with the character of the settlement and local area;*
- b. The development will not undermine green belt objectives; and*
- c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer”.*

9.26 As we have reviewed above, the Seafield Road site meets these criteria in that the scale of development would be in keeping with the character of the settlement and local area; the site is not within the green belt; and (as confirmed in the MIR) there is available infrastructure capacity in Blackburn to accommodate new housing development, with developer contributions available to address any additional infrastructure requirements. The allocation of this site in the new LDP would therefore accord with Policy 7 of the SESplan.

10.0 Summary of Benefits and Advantages of Site

- 10.1 The proposed development of the smaller site at Seafield Road, Blackburn will enable West Lothian Council to comply with the policy requirements of SESplan and the updated SPP including the Government's specific objective to provide a generous supply of housing land.
- 10.2 There is a need to maintain an effective 5 year housing land supply at all times, the site at Seafield is an effective and deliverable site and can contribute to the Council's stated objective of encouraging private sector investment and development which supports the community regeneration of settlements such as Blackburn.
- 10.3 The site is an accessible, logical and natural extension to the settlement and would expand the existing settlement in a sustainable, viable and effective manner. This has been confirmed in the recent appeal decision which concluded that the proposed development of the site would accord with the spatial strategy for new development in West Lothian; and can be viewed positively in terms of the development's relationship with the character of the settlement and local area and the availability of infrastructure.
- 10.4 As confirmed in the recent appeal decision, the site can be developed without any apparent physical or environmental constraints. In particular, the proposed residential development of this site could be contained comfortably into the landscape, permitting a high quality development in terms of design, layout and landscaping.
- 10.5 The development site is not within the green belt and is not subject to any specific countryside or landscape designation or protection.
- 10.6 New residential development at this location would not only provide a desirable location to live but would also represent a sustainable approach to development, which takes advantage of existing infrastructure capacity.
- 10.7 The site is well located, taking access directly from Seafield Road and benefits from an accessible location close to existing bus stops and major transport corridors.
- 10.8 The site is effective, can be readily serviced and there are no constraints to its development. The size of the site would permit a high quality development in terms of the design, layout and landscaping, offering a range of densities and dwelling size. The location and nature of the site, including its ability to be accessed confirm it as entirely suitable for private house building. It would also contribute towards the provision of affordable housing in a much needed location.

- 10.9 The site would provide for the release of further housing land in a marketable, accessible, sustainable and viable location.
- 10.10 Allocating this site for new housing development would accord with the guidance and objectives of the SESplan and SPP and would help to deliver the requirement for new family housing in popular locations.

11.0 Conclusion & Recommendation

- 11.1 On behalf of our client, Hallam Land Management Limited, we would therefore request that the merits and advantages of this smaller site are reconsidered by West Lothian Council in light of the additional information submitted with this representation.
- 11.2 As a result, the site should be removed from its current countryside designation and allocated as a specific housing development opportunity with capacity for around 120 units in the LDP Proposed Plan.
- 11.3 This proposed allocation of our client's site in the new Local Development Plan would provide scope for a mix of new housing development in a suitable and highly accessible location. This will maximise the benefits and advantages of the site's accessibility, and effectively "round-off" development in this particular area. It would make use of available infrastructure and accord with the Council's stated objective to focus new housing growth within Community Regeneration Areas, including Blackburn.
- 11.4 We trust the above comments will be taken into account in the preparation of the new LDP and we would welcome the opportunity to meet with the Council and its Planning Officers to review our client's proposals prior to the publication of the LDP Proposed Plan.
- 11.5 We trust this additional information in support of this site will be of assistance to West Lothian Council as part of the preparation of the Proposed Local Development Plan, and would respectfully request that this site is allocated for housing development in the Proposed Local Development Plan when it is issued for further public consultation next year.

JOHN HANDLEY ASSOCIATES LTD

Chartered Town Planning Consultants
1 St Colme Street
Edinburgh
EH3 6AA

t: 0131 220 8253

e: john.handley@johnhandley.co.uk