



**COUNCIL EXECUTIVE 16 JUNE 2008**

**PROPOSED RESPONSE TO REPORTERS' RECOMMENDATIONS FOLLOWING  
PUBLIC LOCAL INQUIRY AND PROPOSED PRE-ADOPTION MODIFICATIONS TO THE  
WEST LOTHIAN LOCAL PLAN**

**REPORT BY PLANNING SERVICES MANAGER**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise Members of the detail of the Reporters' recommendations on the Finalised West Lothian Local Plan (FWLLP) following the public local inquiry (PLI) held between August 2006 and February 2007, and to advise Members of proposed pre-adoption modifications to the local plan. The report also updates Members on the timeframe for the next stages in moving the plan forward towards adoption.

**B. RECOMMENDATION**

It is recommended that Members:

1. approve the contents of Appendix One as the council's response to the Reporters' recommendations;
2. approve the contents of Appendices Two and Three as the council's proposed pre-adoption modifications to the local plan;
3. delegate authority to the Planning Services Manager, acting in consultation with the Leader of the Council and the Executive Councillor for Development and Transport, to make non-substantive changes to Appendices One to Three prior to placing the pre-adoption modifications on formal deposit;
4. note the contents of Appendix Four (summary of comments made by elected Members at the Partnership & Resources PDSP on 6 June 2008); and
5. note the next stages for the local plan as it is progressed towards adoption.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.

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| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | Preparation of the local plan is a statutory requirement under the terms of the Town and Country Planning (Scotland) Act 1997. The local plan is a material consideration in the determining of planning applications and, when adopted, will form part of the development plan for West Lothian. The plan was granted an exemption from SEA requirements.   |
| <b>III Resources - (Financial, Staffing and Property)</b>   | The West Lothian Local Plan will have financial implications for the council in terms of capital and revenue expenditure and disposal of council sites which will generate capital receipts to support the council's capital programme.  |
| <b>IV Consultations</b>   | Transportation, Education, Finance, Legal, Housing and Property Services were consulted in the preparation of this report.<br><br>The Finalised West Lothian Local Plan was the subject of extensive consultation and the Reporters' recommendations have been made available to all participants in the PLI.<br><br>The pre-adoption modifications will be advertised but there is only a limited right to lodge further comments on these. |

## **D. TERMS OF REPORT**

### **Introduction**

Members are advised that following the public local inquiry (PLI) to consider objections to the Finalised West Lothian Local Plan, the council received the Reporters' recommendations on 19 March. The report detailing the recommendations can be accessed at:

[http://www.westlothian.gov.uk/media/downloaddoc/1799514/1849418/1906880/pli\\_full.doc](http://www.westlothian.gov.uk/media/downloaddoc/1799514/1849418/1906880/pli_full.doc).

The report was copied to all Members and placed in local libraries and CIS offices throughout West Lothian. In addition, all objectors to the local plan were advised of its receipt. This report outlines proposed responses to each of the recommendations made by the Reporters.

The nature of the PLI report is such that it has taken time to consider the contents fully. In order to inform Members of the terms of the report and recommendations arising from it, a series of Member briefing sessions have been held to outline the main findings in the report.

At its meeting on 9 October 2007, Council Executive decided that the Executive would take decisions on the council's response to the report. On 6 November 2007, at a meeting of Full Council, the Provost gave an assurance to all Members that, in advance of Council Executive considering the Reporters' recommendations, the proposed response would be considered at a special Partnership & Resources Policy Development and Scrutiny Panel to which all Members would be invited.

Members are advised that a special meeting of the Partnership & Resources PDSP took place on 6 June 2008. A summary of the comments made by elected Members at that meeting is contained in Appendix Four.

Members are reminded that a number of objections were raised to the local plan by current elected members and those members concerned should consider that in relation to the terms of the Councillors' Code of Conduct.

### **Local Plan Procedure**

The PLI report will inform the content of the West Lothian Local Plan as it is progressed towards adoption. Under the terms of the Planning Act and associated Regulations governing the preparation of local plans, the council as planning authority is required to consider each of the Reporters' recommendations and prepare a statement of its decisions and the reasoning behind them. The PLI report has been considered by officers who consider that there is a need for a number of pre-adoption modifications to the local plan. These will require to be the subject of public advertisement with an opportunity given for interested parties to make comment.

Members are reminded that, under the terms of current legislation, the Reporters' recommendations are not binding on the council. However, having sought legal advice, officers recommend that the council should accept the Reporters' recommendations as far as possible to minimise the possibility of legal challenge to the local plan. Where it is proposed to reject Reporters' recommendations, sound reasons for doing so must be given. Specifically, reasons must be proper, adequate, intelligible and deal with the substantial points raised. It should be remembered that a legal challenge to the local plan could affect the overall strategy with the result that the plan could not be adopted. Any delay with the adoption of the plan could result in the plan being superseded by emerging strategic and local development plans (SDP and LDP) proposed under the terms of the Planning etc (Scotland) Act 2006. Work is already underway to prepare the strategic development plan for the Edinburgh City Region. Members are also reminded of the terms of the Planning Acts which require local authorities to have in place an up to date development plan against which decisions on planning applications can be based. The lack of an up to date development plan could be problematic in determining future planning applications and raises the possibility of developments which are contrary to the development strategy being supported through the appeal process.

Regulations governing the preparation of local plans require that both the PLI report, and the council's response to it, are made available alongside proposed modifications to the plan. Any person or organisation may object or make representations in support of the proposed modifications to the plan, including the decision of the council not to accept a recommendation made by the Reporters. However, objections cannot be lodged at this stage to the content of the original plan.

It is proposed to advertise pre-adoption modifications over an eight-week period. The statutory minimum is six weeks. However, given that the modifications will be published over the summer, it is considered appropriate to extend the consultation period. Once the period for objection to the modifications has ended, the council will be required to consider submissions made and decide whether it is necessary to hold a further public inquiry.

Where modifications introduce substantive matters which were not considered at the original PLI, and objections are raised to these matters which cannot be resolved, there would be a requirement to re-open the PLI to allow these matters to be fully discussed, if an objector so requests. In these circumstances the council must afford the objector an opportunity of being heard at a public inquiry or hearing. In relation to objections which have already been considered at the PLI, the council has discretion as to whether or not to hold a further inquiry. An inquiry into a proposed modification will not be necessary if the modification is as a result of a recommendation made by the Reporters, unless there has been a material change in circumstances. On the assumption that the inquiry is not re-opened, the proposed pre-adoption modifications will provide a final opportunity for interested parties to influence the content of the local plan. The outcome of consultation on the modifications will be reported to the Council Executive at a later date.

Once the outcome of consultation on the modifications to the local plan is reported to the Council Executive, and it has been confirmed that there is no requirement to re-open the public local inquiry, the council can proceed towards formal adoption of the local plan. This requires the council to formally advertise its intention to adopt the local plan. At this stage, all objectors to either the original local plan or the modifications must be notified of the council's intentions. In addition, the Scottish Ministers must be advised. Scottish Ministers then have a 28-day period in which to advise the council that it is free to adopt the local plan. Thereafter, a further statutory notice is required advising all interested parties that the council has formally adopted the local plan. In addition, certified copies must be served on the Scottish Ministers. To conform with these statutory requirements it is anticipated that the earliest date that the plan could be adopted is early 2009.

## **THE PLI REPORT – REPORTERS' RECOMMENDATIONS**

The PLI report contains four parts with four appendices. Part 1 concerns strategic matters; Part 2 core development areas (CDAs); Part 3 housing sites in other areas; and Part 4 miscellaneous matters.

Key points to note from the PLI report are as follows:

### **Strategic Matters**

**In terms of the strategic housing land supply, the Reporters concluded the following:**

- That the current housing land supply is likely to be sufficient to meet the target set by the Edinburgh and the Lothians Structure Plan 2015 (E&LSP).
- On the basis that all the housing sites in the housing model which supports the local plan were to come forward broadly on their programmed timescales, the Reporters conclude that it would be inappropriate to increase the number or size of the housing allocations in the WLLP.

- The scale of the housing supply identified through the local plan was not considered to be excessive.

### **Core Development Area Matters (General)**

In terms of the Core Development Areas (CDAs) the Reporters concluded the following:

- There was no compelling reason to reduce the scale of the CDA strategic housing allocations towards the minimum levels required by the Edinburgh & Lothians Structure Plan (E&LSP).
- There was concern that CDAs are not fully defined. They recommend that the Proposals Map be modified to show the boundaries of the CDAs.
- Efforts must remain focussed on bringing forward the CDA allocations.
- The timing of delivery of CDA housing is overly optimistic and suggest that all CDAs should be put back two years in the Development Planning Housing Model.
- There is no scope to increase the level of brownfield allocations without starting to undermine the local plan strategy.
- It is logical to focus a significant amount of development in the eastern part of West Lothian, which is the area closest to Edinburgh.
- The CDA allocations proposed in the local plan should be supported.
- The Winchburgh allocations are the key to the delivery of the local plan strategy because they are to contain the proposed denominational secondary school which would help remove a significant educational constraint which affects development throughout West Lothian.
- The general cap on the number of houses in CDAs can be exceeded provided:
  - other allocations do not result in the loss of focus on delivering the strategic allocations and the associated infrastructure;
  - the overall levels of allocations would not be excessive; and
  - there is good reason to allocate the site.
- On this basis, there is some flexibility and non-strategic sites in CDAs can be considered for allocation.
- The road system will be able to absorb the additional traffic adequately provided the infrastructure envisaged to serve the new developments can be delivered.
- The growth proposed in Bathgate and Whitburn is appropriate.

### **Core Development Areas (CDAs)**

The key recommendations in each of the CDAs are:

## **Winchburgh**

- The plan should state that the East Broxburn developer may be requested to contribute to the M9 junction depending on the outcome of Transport Assessments.
- The plan should state that no development will be permitted at Winchburgh until the motorway junction is formally approved. In the event that it is not approved, the council will require to review the Winchburgh allocations and then re-assess them against the merits of alternative locations.
- If it is demonstrated that a station cannot be provided at Winchburgh, then an alternative public transport strategy providing similar benefits will require to be put in place.

## **Broxburn**

- No changes to allocations are recommended.

## **Calderwood**

- The Reporters recommend that paragraph 7.89, which relates to the objectives for Raw Holdings West should be deleted and replaced with a new paragraph which contains only one objective.
- The Reporters recommend that the key objective for the Raw Holdings West allocation is to ensure that the existing community at East Calder and the Almondell allocation are fully integrated through higher density, well designed development, with good footpath, cycleway, public transport and road links.
- The potential for a road closure at Clifton Road/West Clifton Road should be investigated.
- Land should be safeguarded for a new cemetery at Almondell, rather than at Raw Holdings.
- The location of the proposed secondary school should be determined through the masterplan process.
- The mixed-use allocation should be extended over the car park and vehicular access serving the country park. The CDA developer should contribute to the provision of a replacement car park at the B7015 entrance.

## **West Livingston/Mossend**

- No changes to allocations are recommended.

## **Armadale**

- No changes to mixed use allocations recommended. The Reporters conclude that the local plan allocates sufficient land to yield 2000 houses within the CDA.

- Minor changes to the text are recommended to give existing businesses at Lower Bathville greater protection.

### **Housing Sites in other Areas**

In terms of housing allocations elsewhere, the Reporters concluded the following:

- There was no objection in principle to housing sites being brought forward through the open space and sports facilities strategies provided their loss as open space or sports facilities is considered acceptable and they are found to be suitable for housing.
- That six housing sites be deleted. All are owned by West Lothian Council. The sites are:
 

Calder Road, Bellsquarry (WLLP reference HLv 73);  
 Howden Bridge East, Livingston (HLv 126);  
 Almondvale Centre, Livingston (HLv 131);  
 Almondvale East, Livingston (HLv 132);  
 Howden Bridge West, Livingston (HLv 133); and  
 Drove Road, Armadale (HAm15).
- It is recommended that the council owned site at Meadowhead Avenue North, Addiewell (HAd7) is reduced in size.
- It is recommend that four non-strategic sites be allocated for housing:
  - south of Station Road, Kirknewton;
  - Wilkieston;
  - Freeport; and
  - Limefield, Brucefield Industrial Park.
- The additional allocations recommended could be accommodated without undermining the council's strategy or their approach to education provision.
- The recommendations result in the loss of 260 houses over the period 2008/09 – 2010/11 and a gain of 280 houses over the period 2009/10 – 2014/15.

### **Conclusions on Developer Contributions**

In terms of developer contributions, the Reporters concluded the following:

- It is appropriate that the local plan continues to make reference to the fact that substantial developer contributions would be necessary to support the local plan strategy.
- It is recommended that the council indicates in the local plan that they intend to explore other sources of funding.
- It is acknowledged that the CDA Action Plan should not be treated as a list of absolute requirements. Flexibility is required.

- The local plan is sufficiently precise on the matter of contributions and that it is appropriate for it to allow the requirements identified to be deleted, or added to, following more detailed assessment.
- The approach proposed in Policy CDA1 and Appendix 7.1 (relating to infrastructure requirements for CDAs) is consistent with the thrust of national and strategic guidance.
- That it is appropriate for more detailed guidance to be contained in Supplementary Planning Guidance (SPG).
- The council should prepare and publish an annual monitoring report in relation to the CDA Action Plan.
- There is no reason to provide a precise cap on the number of houses to be constructed in CDAs prior to the provision of each of the major elements of infrastructure.
- Subject to changes recommended, the Reporters believe that the overall approach adopted to the principles of developer contributions is both reasonable and flexible.
- No change is recommended to policies requiring developer contributions for the new Denominational Secondary School and Armadale Academy.
- Minor changes are recommended to the transport corridor studies (A71 and A89).
- Minor change is recommended to proposals for the Livingston Fastlink.
- It is recommended that Policy CDA 4 (Professional Services) and supporting text is deleted and replaced with a new paragraph. The council should also reconsider the SPG on the Partnership Approach.
- It is recommended that Policy TRAN 6 (Travel Plan Co-ordinator) and supporting paragraph 8.28 are deleted and replaced with a new paragraph. The council should also reconsider the Travel Plan Co-ordinator SPG.
- No change is recommended to school commissioning costs.
- No change is recommended to library facilities, improvements to town and village centres and public art.
- Minor modifications are recommended to safer routes to school.
- No change is recommended to community swimming pools.
- No change is recommended in relation to cemetery provision but the council should reconsider the draft SPG.

### **Affordable Housing**

In terms of affordable housing the Reporters concluded the following:

- The 15% affordable housing figure is acceptable.

- The 25% sought by the council in CDAs would be likely to be realistic. They conclude that the 25% figure is an appropriate requirement at this stage however, it should be subject to review.
- That 20 houses should be the normal threshold of development below which off-site provision or commuted sums should be applied.
- The policy is too complex and lacking in clarity in its current form. They recommend that the wording of the local plan policy HOU 10 should be revised to be more concise with any explanations as to interpretation being included in the relevant SPG.

### **Economic Development Strategy**

In terms of the economic development strategy, the Reporters concluded the following:

- There is no shortage in the employment land supply which requires the allocation of additional land to the extent proposed in the local plan. Therefore, they are satisfied that no problems would accrue to the overall employment land supply if certain sites were subsequently released.
- No specific recommendations are made but the Reporters suggest that the council carry out a further review to assess whether any employment sites would be more appropriately used for other uses.

### **Miscellaneous Matters**

#### **Strategy**

- The Reporters believe that confusion is likely to arise over the area of restraint in Linlithgow and northwest West Lothian. They recommend that the Proposals Map be modified to show the area of restraint;
- The Reporters recommend that sites at ABP Ltd, Bathgate and Mosshall, Blackburn be included in settlement boundaries.

#### **Countryside**

- Minor changes are recommended to Policy ENV 5 (Areas of regional or local importance).

#### **Employment**

- It is recommended that the WLLP be amended to require landscape buffer planting and a height restriction at Boghall East (EL12), Linlithgow.
- It is recommended that the Klondyke Garden Centre is excluded from the Kirkton Campus employment boundary.

### **Transportation**

- It is recommended that the council consider the merits of providing a good quality, safe cycle route along the A71.

### **Minerals and Contaminated Land**

- It is recommended that Policy NWR 9 and supporting text regarding contributions for a compliance officer are deleted and replaced with a new paragraph 11.52 suggesting a more flexible approach to monitoring.
- It is recommended that Policy NWR 12 concerning community benefits is deleted and that the wording of that policy be added to the end of paragraph 11.55.
- It is recommended that an appendix is included in the local plan showing safeguarded areas of land understood to have silica industrial sandstone deposits.

### **Retailing**

- It is recommended that the Livingston town centre boundary is extended to include the Royal London Mutual Insurance Societies Ltd site as a retail opportunity for bulky goods.

### **Hopetoun and Abercorn**

- It is recommended that Policy HER 17 is amended to make reference to the need for more consultation regarding the prospective designation of a conservation area;

### **Linlithgow**

- It is recommended that reference is made to the council preparing an action plan for the town centre;
- The council should also consider whether land to the east of Linlithgow at Clarendon and Burghmuir should be protected by countryside belt or Area of Special Landscape Control in order to further protect the setting of Linlithgow.

### **Gypsy Travellers Policy and Sites**

- It is recommended that a policy is included in the local plan which gives support to the development of private gypsy travellers' sites at locations identified as being suitable for this purpose and which states the criteria to be satisfied.

### **Proposed Response to Key Issues**

The Reporters make 274 recommendations in total. It is proposed to accept the Reporters' recommendations in most instances. It is proposed that 237 recommendations are accepted in full and that 31 recommendations are accepted in part. It is proposed that 6 recommendations should not be accepted. The proposed response to the PLI report is given in Appendix One. Appendix Two includes details of the proposed modifications to policies and WLLP text. Appendix Three contains details of changes to the proposals map.

It is important to note that the proposed pre-adoption modifications detailed in Appendix Two and Appendix Three consist, in the first instance, of modifications arising from the Reporters' recommendations. In addition, they include modifications agreed at the PLI, those required as a result of updating of the base land supply figures, modifications to reflect changes to national policies and advice, changes to the proposals map to reflect changes which have occurred since the local plan was drafted and, finally, correction of errors relating to grammar and referencing in the finalised plan. The most substantive changes have arisen as a result of the Reporters' recommendations and officer response to these.

Members are asked to note that officers will continue to review the contents of Appendices One to Three to ensure that the content is accurate and reflects in full the council's position. It is proposed that any non-substantive changes which are required be agreed with the Leader of the Council and the Executive Councillor for Development and Transport before the Pre-adoption modifications are placed on deposit.

### **Core Development Areas**

Members are asked to note proposed modifications relating to the CDAs, and particularly to the Winchburgh and Calderwood allocations. With reference to Winchburgh and requirements for a motorway junction on the M9, the Reporters have recommended in paragraph 6.1 (page 2.37) some changes to the plan in relation to the proposed M9 motorway junction by way of some additional text (shown below in italics).

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

This change would result in a stricter requirement being applied to the delivery of development at Winchburgh than applies to other CDA areas within the local plan. In other CDAs, required infrastructure needs only to be committed. The Reporters' reasons for the change are that they consider that the motorway junction is essential and without the junction and the access this provides to the express park and ride site, the site is not highly accessible by public transport as required by policy TRAN 2. The Reporters believe that the extent to which the junction represents a constraint should be more fully recognised.

There are two key policies in E&LSP 2015 which relate to the provision of infrastructure required for housing. These are HOU 5 (Infrastructure) and TRAN 5 (the Transport Implications of New Development).

HOU 5 states that development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required infrastructure improvements (identified in either E&LSP or in local plans) are provided or committed. This policy also clearly indicates that planning permission should not be granted for housing development until all relevant infrastructure is provided or committed.

The definition of committed infrastructure is defined as “where expenditure on infrastructure has been agreed as part of a future funding programme.”

TRAN 5 requires that the local plan include policies to ensure that major new travel generating development:

“is required to be the subject of a transport assessment covering all modes of travel; contributes to the cost of related transport improvements; and addresses highway capacity issues that remain after provision is made for maximum public transport accessibility“.

The amendment recommended by the Reporters is considered to be inconsistent with the structure plan which allows development of housing land provided that the required infrastructure improvements are provided or committed. The requirement being applied by the Reporters commencing at Winchburgh is a higher requirement than that required by the E&LSP for development. Therefore, the modification recommended by the Reporters is not considered to be acceptable to the council. It should also be noted that the requirement applied by the Reporters for the commencement of development at Winchburgh is a higher requirement than that required by Transport Scotland who had no objection to the WLLP as amended by pre-inquiry changes.

If the council was to accept the Reporters' recommendation that no development took place until the motorway junction was formally approved, there is a risk that other CDA proposals would be delayed because all depend on the provision of a new denominational secondary school to be located at Winchburgh. In the unlikely event that the Winchburgh CDA cannot connect to the strategic road network, it is acknowledged that the extent of the allocation at Winchburgh would need to be reviewed. This would be done through the preparation of the local development plan (LDP), which will require to be finalised by around 2011/12.

The council will have regard to a number of factors when considering how much development will be allowed to proceed prior to formal approval of the key road connections which will form part of the access strategy for the Winchburgh CDA. These will include the transportation assessment and the phasing plan for the approved masterplan. Until the road connections associated with the access strategy have been formally approved, development will only be allowed to proceed in locations adjacent to, or close to, the existing built up area of Winchburgh. This will ensure that development does not take place which might preclude the re-assessment of the extent of the Winchburgh CDA at a later date if it becomes clear that key road connections which form part of the access strategy will not be approved.

The policies in the local plan are wholly consistent with the E&LSP and there is no justification for the suggested change to the WLLP based on non-conformance with the structure plan. Policy CDA 1 in the local plan conforms with Policy HOU5 in the E&LSP and will ensure that infrastructure thresholds are not breached.

Members are also advised that since the PLI finished there has been significant change in relation to transport infrastructure provision in the M9 area around Winchburgh, with the announcement by Scottish Government concerning the Replacement Forth Crossing (RFC).

The Reporters can only report on the evidence presented to them at the PLI. When considering the Reporters' recommendations, the council must also have regard to changed circumstances since the inquiry finished. With this in mind, the council must consider the potential implications of the proposed RFC for the Local Plan, particularly with regard to the Winchburgh CDA allocation.

The principle of an access junction onto the M9 somewhere in the vicinity of Winchburgh is now established for the crossing. There will be a need for access from the local road network to this junction to be fully assessed and considered during the process of development of the bridge access options. Work is currently underway on this part of the bridge development and consultants for the Scottish Government are due to report in the autumn of 2008.

The local plan allocations at Winchburgh are an important factor that the Scottish Government is aware of and the council and the developers are actively contributing to this assessment of access requirement to ensure that full cognisance is taken of the Winchburgh CDA, including the promotion of the opportunities/benefits of creating a multimodal interchange at the south side of the new bridge, possibly at Winchburgh.

As it is not yet certain how the road network associated with the RFC will connect to the M9 and how local access from this network is to be provided, flexibility in the local plan is required.

Two options are possible for connecting the Winchburgh CDA to the M9:

- (1) a stand alone junction (as envisaged in the FWLLP05); and
- (2) access via the road network associated with connecting the RFC to the M9.

Changes to the Local Plan are recommended to cover these options. The details of the changes are set out in full in Appendix 2. The key changes are set out below:

Amend paragraphs 7.70 and 7.71 to read as follows:

*"7.70 Key road proposals to serve the Winchburgh/East Broxburn developments are identified in the CDA Action Plan and include improved north-south connections between Winchburgh and East Broxburn. It is envisaged that these improved connections will be funded jointly by the Winchburgh and East Broxburn developers as they are integral to both proposals. Given the scale of the Winchburgh allocation, there may be a need for a connection to the strategic road network, the details of which will be the subject of the formal appraisal/approval process of the Scottish Government. Options which could be explored include:*

- *A stand alone junction on the M9, as anticipated in the E&LSP and the E&LSP Action Plan 2 Interim Update.*
- *Connection to the road network associated with the Replacement Forth Crossing (RFC).*

*To ensure conformity with the E&LSP, the local plan safeguards land for a stand alone motorway junction on the M9 at Winchburgh pending decisions by stakeholders on implementation (see paragraph 8.64 and TRAN 29).*

*It is acknowledged that the proposed access strategy will be informed by the outcome of the ongoing study into the road connections necessary to serve the RFC. Scottish Ministers confirmed proposals for a RFC in December 2007, after the public local inquiry into the WLLP ended and this national project is a material consideration which will influence the access strategy for the Winchburgh CDA. Appropriate road connections between the Winchburgh CDA and the strategic road network will improve marketability of the area for residential and economic development, maximise potential for park and ride and assist in diverting traffic away from unsuitable routes in the interests of safety, to mitigate congestion and to protect residential amenity.*

*7.71 The CDA Action Plan links the necessary road connections associated with the access strategy for the Winchburgh CDA only with the Winchburgh CDA proposal, although it is recognised that the East Broxburn developer may be requested to contribute depending on the outcome of Transportation Assessments. It is possible that part of the Winchburgh CDA proposal could proceed before the access strategy is fully implemented. The phasing requirements will be determined once a transport assessment has been carried out. If a stand alone junction is demonstrated to be required through the appraisal process mentioned above, one possibility would be to locate the junction to the south of Duntarvie Castle. Alternative access arrangements could have implications for the pattern of land use within the masterplan. The proposals for appropriate access to and from the strategic road network and the land use pattern will ultimately be determined through the masterplan process and will need to have regard to the proposals for the RFC, a national project. All material considerations will be taken into account in the assessment of masterplan proposals. It may be necessary to build in flexibility to the masterplan to keep options open for the future. Any new stand alone motorway junction requires approval from the Scottish Government who will have regard to SPP17 “Planning for Transport”, PAN 75 “Planning for Transport” and PAN 66 “Best Practice in Handling Planning Applications Affecting Trunk Roads” in the decision making process. If the proposed access strategy includes a stand alone junction, this will be supported by appraisals and STAG reports.”*

Insert new paragraphs 7.71(a), 7.71(b), 7.71(c) and 7.71 (d) as follows:

*“7.71(a) It is possible that the Winchburgh CDA will proceed before the detailed design of the RFC has been settled or before the RFC can be constructed. To facilitate the development of the CDA, and the important housing and education benefits that this brings, a stand alone junction onto the M9 may be shown to be acceptable from the Scottish Government appraisal process. However, it would need to be demonstrated that such a junction did not prejudice the implementation of the RFC. Any stand alone or interim junction proposal will need to go through the formal approval process of Scottish Government. Development prior to the formal approval of this motorway junction will be subject to the requirements of Policy HOU 5 in the E&LSP and Policy CDA1 in the WLLP and subject to supporting assessments which enable phasing requirements to be fully incorporated into the necessary legal agreements and/or planning conditions.*

*7.71(b) If it is clear that the access arrangements for the Replacement Forth Crossing will accommodate appropriate access for the Winchburgh CDA development, then development at Winchburgh will be permitted to proceed subject to the requirements of Policy HOU 5 in the E&LSP and Policy CDA1 in the WLLP and subject to supporting assessments which enable phasing requirements to be fully incorporated into the necessary legal agreements and/or planning conditions.*

*7.71(c) The council will liaise fully with Transport Scotland with a view to agreeing an appropriate access strategy for the Winchburgh CDA.*

*7.71(d) The council will have regard to a number of factors when considering how much development will be allowed to proceed prior to formal approval of the key road connections which will form part of the access strategy for the Winchburgh CDA. These will include the transportation assessment and the phasing plan for the approved masterplan. Until the key road connections associated with the access strategy have been formally approved, development will only be allowed to proceed in locations adjacent to, or close to, the existing built up area of Winchburgh. This will ensure that development does not take place which might preclude the re-assessment of the extent of the Winchburgh CDA at a later date if it becomes clear that key road connections which form part of the access strategy will not be approved”.*

The council has had regular discussions with Transport Scotland on the implications of the Replacement Forth Crossing for the Winchburgh CDA. Given the emphasis being placed on the delivery of strategic housing allocations by the Scottish Government, officers are confident that an appropriate access strategy for the Winchburgh CDA can be established.

### **Calderwood**

The Reporters' recommendations for Calderwood are, on the whole, considered to be acceptable. Importantly, the Reporters have acknowledged that the Raw Holdings area requires careful consideration, that the land use pattern for the area will be determined through the masterplan process and that there is no need for the local plan to specify how many houses can be constructed at Raw Holdings.

That said, there is some concern that the changes recommended by the Reporters do not fully set out the factors that the council will need to have regard to in considering the masterplan proposals. Furthermore, there is a need to ensure that any higher density development at Raw Holdings is appropriate for the area and to make it clear that the number of houses for the area will be established through the masterplan process.

In order to provide greater guidance to inform the masterplan process, it is proposed that the text at paragraph 7.89, as recommended by the Reporters, is expanded. Full details are contained in Appendix 2.

The changes make it clear that:

- the council will approve the masterplan;

The changes make it clear that:

- the council will approve the masterplan;
- higher density development must be appropriate;
- the council will have regard to the views of the local community when considering the masterplan;
- the number of houses at Raw Holdings will be determined through the masterplan process; and
- the masterplan will be informed by the Design Statement, Environmental Statement and Transportation Assessment prepared to support the planning submission and by the council's Residential Development Guide.

**Affordable Housing** - It is proposed that the Reporters' recommendations on affordable housing are accepted. The recommendations relate generally to the presentation of the policy within the plan and not to the aims of the policy. The council's position in this respect has been supported.

Members should note that there will be an opportunity to review the affordable housing policy when the West Lothian Local Housing Strategy is updated in 2009. This approach would be consistent with PAN74 *Affordable Housing*. The local housing strategy will need to be informed by an updated housing needs assessment which will comply with the replacement SPP3 *Planning for Housing* which is expected to be finalised in the autumn.

**Employment Land Supply** – The suggestion that the Employment Land Supply is reviewed is noted. This will be done as part of the work undertaken to support the SDP and LDP.

**Allocation of New Housing Sites** – It is proposed that the four sites recommended for housing allocation in the plan by the Reporters be accepted, subject to education constraints and planning requirements being included in Appendix 6.1 of the plan.

#### **Removal of Housing Allocations**

**Calder Road, Bellsquarry** – it is proposed to accept this recommendation in part. It is considered that the part of the site adjacent to Calder Road should remain allocated for housing and that the land to the south should be shown as open space and area of special landscape control.

**Howden Bridge East, Livingston** – it is proposed to accept the recommendation. The land is required to implement a strategic road proposal which will improve access to and from Livingston town centre.

**Almondvale Centre; Almondvale East; Howden Bridge West** – it is proposed to accept this recommendation in part. It is considered that the land should remain within the town centre boundary and that a new Policy COM 2a and new paragraphs 10.14a – 10.14d should be inserted into the plan to allow the council to explore potential for environmental improvements and development in this area through a study.

**Drove Road, Armadale** – it is proposed to accept the recommendation but insert a new Policy COM 2b and new paragraph 10.14e – 10.14g to review the status of the land once open space provision for the Colinshiel CDA has been established.

### **Other Matters**

Meadowhead Avenue North, Addiewell (HAd7) – it is proposed to accept the recommendation to scale back the allocation.

Changes to settlement boundaries for Bathgate and Blackburn – it is proposed to accept the recommendations.

Policy CDA4 – (Professional Services) – it is proposed to accept the recommendation.

Policy TRAN6 (Travel Plan Co-ordinator) – it is proposed to accept the recommendation.

Royal London Mutual Insurance Society - it is proposed to accept the recommendation to extend the town centre boundary in Livingston.

Define CDA boundaries on the proposals map - it is proposed that this recommendation is not accepted as it is not a requirement of the E&LSP and will not serve a useful purpose.

Define areas of restraint for Linlithgow and north-west West Lothian – it is proposed that this recommendation is not accepted as it is not required to conform with the E&LSP. However, the terms of chapter Two of the local plan, relating to the local plan strategy, will be updated to more fully reflect the terms of the E&LSP.

Employment land at Boghall East - it is proposed to accept the recommendation.

A71 cycle route - it is proposed to accept the recommendation.

Policies NWR9 and NWR12 - it is proposed to accept these recommendations.

Hopetoun and Abercorn - it is proposed to accept this recommendation.

Linlithgow Action Plan - it is proposed to accept this recommendation.

Linlithgow landscape setting - it is considered that the need for further landscape designation to the east of Linlithgow be considered as part of the work to be undertaken to support the preparation of the LDP. In this way, a detailed assessment can be carried out and full consultation can be undertaken.

Gypsy travellers policy - it is proposed to accept this recommendation.

## **Education Infrastructure**

The Reporters recommended no change to the part of the local plan concerning the provision of additional education infrastructure for the denominational secondary sector. However, following a review of the education strategy necessary to support the local plan it is recommended that the council should explore options for extending St Margaret's Academy in Livingston. This would be in addition to the provision of a new denominational secondary school at Winchburgh (which may not need to be as large if extra capacity is provided at St Margaret's Academy).

The reason for considering this option is that there will be a long lead in time for the construction of a new school. The current estimate is that a new school would not open before 2013 (when the plan was finalised it was thought that the new school could be open in 2009). This delay in providing a new denominational secondary school has the potential to slow down the rate of housing growth in West Lothian. To support continual housebuilding in West Lothian, additional education capacity will be required before 2013. This could be achieved by extending St Margaret's Academy. It is proposed that the local plan is amended to provide greater flexibility and allow developer contributions to be used to fund a new denominational secondary school and/or an extension at St Margaret's Academy.

Extensions to other secondary schools could also help to remove development constraints. It is proposed that text is added to Chapter 12 of the local plan to indicate that the council will explore options for extending other secondary schools.

## **E. CONCLUSION**

The Reporters' recommendations on the PLI have now been lodged with the council. The recommendations have been fully assessed and it is recommended that a number of pre-adoption modifications are made to the local plan. In addition, a number of modifications are required to reflect changes agreed during the PLI itself, to allow for updating of the plan to reflect changes to legislation and planning policy and also to rectify any drafting errors in the finalised plan. Members are asked to note, however, that in overall terms the Reporters have given a high level of support for the local plan and have endorsed the strategy therein.

It is anticipated that the earliest date for adoption of the local plan would be early 2009 once all statutory requirements have been met.

Members are asked to:

- note the terms of this report;
- approve the contents of Appendix One as the council's response to the Reporters' recommendations;
- approve the contents of Appendices Two and Three as the council's proposed pre-adoption modifications to the local plan;
- delegate authority to the Planning Services Manager in consultation with the Leader of the Council and the Executive Councillor for Development and Transport to make the non-substantive changes to Appendices One to Three prior to placing the Pre-adoption modifications on formal deposit;
- note the contents of Appendix Four; and
- note the next stages for the local plan as it is progressed towards adoption.

## **F. BACKGROUND REFERENCES**

- Reporters' report following the Public Local Inquiry to consider objections to the Finalised West Lothian Local Plan (20 March 2008).
- Reports to Enterprise and Development Committee dated 19 April 2005, 22 November 2005, 7 March 2006 and 20 June 2006 on the Finalised West Lothian Local Plan.
- Report to Council Executive on Replacement Forth Crossing dated 28 August 2007
- Papers relating to the Public Local Inquiry into the FWLLP. Available at County Buildings.
- Papers relating to planning applications submitted for CDAs. Available at County Buildings.
- Report to Council Executive on Update on the FWLLP and CDA Proposals dated 9 October 2007.
- Minute of Council Executive meeting 9 October 2007.
- Minute of meeting of West Lothian Council, 6 November 2007.

Appendices/Attachments: Four

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16 June 2008