

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

### **Representation numbers:**

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

### **Objectors appearing at Inquiry**

**Scotia Homes  
Schroder Exempt Property Unit Trust  
Stephen Dalton  
Mr & Mrs Dalgleish  
Mr & Mrs Rigby  
Mr & Mrs Slattery  
Mrs Boddie  
Mr Wilson**

### **Written Submissions**

**David Gibb  
Jacobs Babbie, Jacobs UK Ltd  
A J Findlay & D S Orr & Sons  
Gudmond F Jorgensen  
William SC Renwick  
Fyffes Group Ltd  
Mrs MacRae  
Boyack Homes Ltd**

**Steven Laidlaw  
Master Homes  
Hillend Residents Group (Mr Kirkwood)  
R & M Allardyce (Clifton Residents)  
Tom Bryce  
Hallam Land Management**

### **Inquiry references:**

**STRAT1b: Strategic housing land supply and CDA Preferred Strategy  
STRAT1d: Transportation  
STRAT1e: Education**

**SUMMARY OF OBJECTIONS CONSIDERED BY REPORTERS:**

- Insufficient consideration given to land currently allocated for alternative uses being used for housing.
- Effectiveness of CDA sites not considered.
- It is not clear that the minimum level of houses identified in the E&LSP (7000) could be delivered.
- There is no guidance on what would happen if there was a delay in sites coming forward.
- Alternative housing sites should be allocated.
- Inadequate provision is made for an effective 5 year housing land supply.
- Non-strategic open spaces cannot be regarded as windfall.
- There is no justification for increasing the scale of the allocations.
- The supply of housing would be more than adequate if the minimum allocations as defined in the E&LSP were made.
- Windfall sites should not be allocated for development without a reduction in the number of houses in CDAs.
- Clarification is needed on the reasons for allocating 2070 houses in Armadale CDA.
- Additional allocations should be made in CDAs.
- Too much emphasis is placed on greenfield allocations.
- The approach to planning additional school capacity is a concern.
- The site selection process for CDA allocations was inadequate.
- An alternative strategy of dispersed housing is preferred.
- There is insufficient regard to the principles of sustainability.
- Loss of agricultural land.
- There is no fall back if key infrastructure is not provided at Winchburgh.
- More development should be directed to Uphall, Broxburn and Livingston.
- Suburbanisation of the countryside.
- There is no obligation to provide a non-denominational secondary school at Winchburgh.
- More guidance is required on environmental carrying capacity.
- Some sites should be deleted from the housing land supply to allow other sites to be allocated.
- The distribution of houses in CDAs should be established in the WLLP.
- No maximum number of houses should be set for each CDA.
- The road network will not be able to cope with the scale of growth planned.

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE   |
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| <p>(i) that the housing allocations at Calder Road, Bellsquarry (HLv73), Almondvale Central, Livingston (HLv131), Almondvale East, Livingston (HLv132), Howden Bridge West, Livingston (HLv133), Howden Bridge East, Livingston (HLv126), and Drove Road Park, Armadale (HAm15) as dealt with in chapters 2.3 and 3.6 of this report, be deleted from WLLP;</p> | <p><b>Accept recommendation in part for Calder Road, Bellsquarry (HLv 73).</b> See proposed response at Section 3.6, site 13.</p> <p><b>Accept recommendations in part for Almondvale Central, Livingston (HLv131), Almondvale East, Livingston (HLv132), and Howden Bridge West, Livingston (HLv133).</b> See proposed response at Section 3.6, sites 4, 5, 6 and 7.</p> <p><b>Accept recommendation for Howden Bridge East, Livingston (HLv126).</b> See proposed response at Section 3.6, sites 4, 5, 6 and 7.</p> <p><b>Armadale (HAm15), Accept recommendation in part.</b> See proposed response at Section 2.3 (iv).</p> |
| <p>(ii) that the housing allocation at Meadowhead Avenue North, Addiewell (HAd7) be adjusted as set out in chapter 2.2 of this report.</p>  | <p><b>Accept recommendation.</b> See proposed response at Section 2.2 (xiv).</p>  |
| <p>(iii) that the sites at South of Station Road, Kirknewton [site 2], Wilkieston, Freeport Retail Village, by West Calder, and Brucefield Industrial Park, Limefield, Livingston, as dealt with in chapter 2.5 of this report be allocated for housing in WLLP;</p>  | <p><b>Accept recommendation for Station Road, Kirknewton.</b> The allocation of the site will widen housing choice in Kirknewton. The education constraints and planning requirements will be included in Appendix 6.1 of the local plan. (See also proposed response at Part 2.5, site 2);</p> <p><b>Accept recommendation in part for Freeport.</b> See also proposed response at Section 2.5, site 14.</p>   |

| REPORTERS' RECOMMENDATIONS   | WEST LOTHIAN COUNCIL RESPONSE  |
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|  | <p><b>Accept recommendation for Brucefield industrial Park, Limefield, Livingston.</b> See also proposed response at Section 2.5, site 16.</p> <p><b>Accept recommendation for Wilkieston.</b> (See also proposed response at Part 2.5, site 7).</p>   |
| <p>(iv) that the sites at ABP Ltd, Bathgate, and Mosshall, Blackburn as dealt with in chapters 3.9 and 3.10 of this report be included in their respective settlement boundaries as shown on the WLLP Proposals Map;</p>   | <p><b>Accept recommendations.</b> Agree with findings and recommendation. The proposal map will be amended to reflect the Reporters' recommendations. (See also proposed response at Parts 3.9 and 3.10).</p>  |
| <p>(vi) that the WLLP Proposals Map be modified to show the extent of the area of restraint identified at Linlithgow and north west West Lothian in E&amp;LSP, and that the text of WLLP be modified at an appropriate point to briefly explain and justify the choice made;</p> | <p><b>Recommendation not accepted.</b> This recommendation is not accepted as it is not required to conform with the E&amp;LSP. However, the terms of chapter Two of the local plan, relating to the local plan strategy, will be adjusted to more fully reflect the terms of the E&amp;LSP.</p> |
| <p>(vii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above.</p>   | <p><b>Accept recommendation.</b> Note that a number of modifications will be made to update the local plan.</p>  |

## 1.2 Developer Contributions

### Representation numbers:

7362/2, 7362/20 (in part), 7362/21, 7362/24, 7362/25, 7409/1, 7415/1, 7419/1, 7419/16, 7420/3, 7420/4, 7420/8, 7423/5, 7435/3, 7436/2, 7436/3, 7436/5, 7436/6, 7440/1, 7453/3, 7457/1, 7497/1, 7497/2, 7497/3, 7498/1, 7498/2, 7498/3, 7502/1, 7502/2, 7564/8, 7564/10, 7580/1, 7689/1, 7690/1, 7690/2, 7690/3, 7691/1, 7692/1, 7699/1, 7699/2, 7699/4, 7699/5, 7699/6, 7699/8, 7700/2, 7700/5, 7700/6, 7700/7, 7701/1, 7701/2, 7701/3, 7701/5, 7702/1, 7702/5, 7702/6, 7704/3, 04/5, 7711/4, 7712/2, 7712/4, 7713/1, 7713/2, 7713/3, 7848/3, 8350/1, 8355/1, 8368/1, 8370/1, 8371/1, 8373/1, 8479/1, 8533/2, 9878/1, 9882/1, 9882/2, 882/4, 893/1, 9915/2.

### Objectors appearing at Inquiry

Achadonn Properties Ltd  
Walker Group (Scotland) Ltd  
Cala Management Ltd &  
Winchburgh Development Initiative  
Mr Crosby  
Mr & Mrs Dalglish  
Mr & Mrs Rigby

### Written Submissions

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|--|--|
| Stephen Dalton                                   | Hallam Land Management                   |
| William Renwick                                  | Coalition Developments Co Ltd            |
| Jacobs Baptie                                    | Homes for Scotland                       |
| Walker Group Ltd                                 | Persimmon Homes (East) Scotland          |
| Fyffes Group Ltd                                 | Murieston Community Council              |
| Boyack Homes                                     | Winchburgh Development Initiative & Cala |
| Ashdale & Boland                                 |  |
| Stephen Dalton Skiphire Ltd                      |  |
| The Winchburgh Trust, JohnCadzow (Glendevon) Ltd |  |

### Inquiry references:

STRAT1c: Developer Contribution Principles  
STRAT2a: Denominational Secondary School  
STRAT2b: Armadale Academy  
STRAT2c: Transportation Corridor Studies

**STRAT2d: Professional Services**  
**STRAT2f: Start Up Costs for Schools**  
**STRAT2h: Travel Plan Co-ordinator**  
**STRAT2i: Library Facilities**  
**STRAT2j: Improvements to Town and Village Centres**  
**STRAT2k: Public Art**  
**STRAT2l: Cemetery Provision**  
**STRAT2n: Livingston Fastlink**  
**TRAN2d: Costs of A71 Study**  
**TRAN3a: Safer Routes to Schools**  
**TRAN13: Third Party Payments**  
**COM1b: Community Swimming Pools**  
**BUILT3: Enabling development & WS16**

**SUMMARY OF OBJECTIONS CONSIDERED BY REPORTERS:**

**Developer Contribution Principles**

- Scope and extent of contributions is a concern to the development industry.
- Contributions to revenue costs should not be required.
- WLLP should be amended to make it clear that all contributions should be subject to the tests in SODD Circular 12/1996.
- WLC should explore all financial mechanisms available to fund infrastructure.
- WLC should not be able to change the items of infrastructure detailed in WLLP.

**Denominational Secondary School**

- It is unreasonable to restrict the delivery of CDA sites until a new denominational secondary school has been provided.
- Not all developers should be required to contribute to the cost.

**Armadale Academy**

- Further information is required – level of contributions; catchment area.

**Transportation corridor studies**

- Gavieside developers should not be required to contribute towards public transport measures on the A71.
- Winchburgh developers should not be required to contribute towards public transport measures along the A89.

**Livingston Fastlink**

- Contributions from Gavieside require to be reduced.

### **Costs of A71 study**

- The objector challenged the requirement for the Gavieside development to contribute towards public transport measures on the A71. The development would have a negligible impact on the road between Lizzie Brice's Roundabout and Wilkieston. In addition, the bus lane proposed would be unnecessary and would not represent value for money. WG also expressed concern at the late publication of SPG. Neither the public nor developers had been involved in its preparation.

### **Professional Services**

- Policy CDA 4 is unreasonable. Clarity and certainty is required on the level of financial commitment.
- Developers should not be required to fund the cost of preparing legal agreements.

### **Start Up Costs for Schools**

- The objections to developers having to fund "other reasonable start up costs associated with delivering the new schools and school extensions" were withdrawn following proposed changes to WLLP by WLC.

### **Travel Plan Co-ordinator**

- The funding of a long term enforcement function is unreasonable.

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

- Contributions should not be required.

### **Safer routes to schools**

- Developers should not be required to fully fund safer routes to schools.

### **Third party payments**

- Developers should not be required to contribute to the cost of traffic modelling.

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**Community swimming pool**

- CDA developers should not be required to fully fund swimming pools in schools.

**Cemetery provision**

- Contributions should not be required.

**Enabling development**

- An exception from contributions should be allowed where enabling developments were proposed which would ensure the protection of historic buildings through cross subsidy, and this should be stated in WLLP.

| REPORTERS' RECOMMENDATIONS   | WEST LOTHIAN COUNCIL RESPONSE   |
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| <p><b>Developer contribution principles</b><br/>                     (i) that the 2nd sentence of WLLP paragraph 7.9 be modified, as follows:</p> <p><i>“While WLC will explore other sources of finance, it is expected that substantial developer contributions will be necessary to implement the CDA strategy in West Lothian...”</i></p>  | <p><b>Accept recommendation.</b> Agree with findings and recommendation. Change will provide greater clarity.</p> |
| <p>(ii) that WLLP paragraph 7.10 be modified, as follows:</p> <p><i>“Planning agreements are one of the main mechanisms of securing developer contributions. In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996. The circular requires that all planning agreements should serve a planning purpose, have a relationship to the proposed development, are related in scale and kind, and are reasonable. The scale of contributions will therefore reflect the likely impact of development. In all cases, developer contributions for the CDA developments will be based on the most up to date information available at the time planning applications are being considered. Contributions which have not been used for their identified purpose within 5 years of the date they are made, shall be returned to the developer, except in exceptional circumstances where it can be demonstrated that the infrastructure, facilities or amenities cannot be delivered within such a period. Further guidance on the level of developer contributions and other details will be provided in SPG which are being prepared to support WLLP. Where financial contributions</i></p> | <p><b>Accept recommendation.</b> Agree with findings and recommendation. Change will provide greater clarity.</p> |

| REPORTERS' RECOMMENDATIONS   | WEST LOTHIAN COUNCIL RESPONSE  |
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| <p>are agreed with WLC in lieu of direct provision, indexation of the sums payable will be required to make them inflation proof.”</p>   |  |
| <p>(iii) that WLLP policy CDA1 be modified, as follows:</p> <p><b>“Policy CDA 1</b><br/>           Planning permission will not be granted for the development of the sites listed in policies CDA8-CDA10 for housing and other uses until all relevant infrastructure is provided or committed. Planning conditions and agreements will be used to secure the funding and proper phasing of development.<br/> <i>In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996 on Planning Agreements...</i>”</p>                             | <p><b>Accept recommendation.</b> Agree with findings and recommendation. Change will provide greater clarity.</p>  |
| <p>(iv) that the last sentence of WLLP policy IMP17 be deleted and that the policy be modified, as follows (see also recommendation 6.1[xi]):</p> <p><b>“Policy IMP17</b><br/>           Where appropriate, <i>planning</i> agreements between developers/landowners and WLC must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is granted. <i>In all cases, contributions from CDA developers will be sought in accordance with SODD Circular 12/1996 on Planning Agreements.</i>” and</p> | <p><b>Accept recommendation in part.</b> The council accepts the need to reconsider how the cost of preparing legal agreements should be met and will carry out consultation on revised SPG on professional services in due course. This policy is potentially relevant to developers outwith the CDAs. The term “CDA” should not be referred to in the policy as this will imply that the Policy applies only to CDAs. Accordingly, it is proposed that Policy IMP 17 should read as follows:</p> <p><b>“Policy IMP17</b><br/>           Where appropriate, <i>planning</i> agreements between developers/landowners and the council must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE   |
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|   | granted. In all cases, contributions from developers will be sought in accordance with SODD Circular 12/1996 on Planning Agreements."   |
| <p>(v) that WLLP paragraph 7.13 be modified, as follows:<br/>           "...WLC therefore reserves the right to alter developer requirements where there are sound planning reasons for doing so. The CDA Action Plan identifies infrastructure which it is anticipated will be required to make sites effective. Alternative proposals not identified in the CDA Action Plan may also make sites (or parts of sites) effective. Alternative solutions will be considered on a case by case basis. <i>Given this approach, WLC intend to prepare and publish an annual monitoring report on items of infrastructure, local facilities and amenities required and developer contributions.</i> In some cases, interim solutions could be brought forward in advance of the main infrastructure identified in the CDA Action Plan. For example, the implementation of local junction improvements at Winchburgh could delay the need to implement the motorway junction on the M9. A flexible approach will be necessary to ensure that development is not unduly delayed."</p> | <p><b>Accept recommendation in part.</b> The council welcomes the recommendation to publish an annual monitoring report. This will provide an opportunity to regularly review progress on the implementation of the local plan. The reference to motorway junction in this part of the text requires to be deleted as an alternative access strategy for Winchburgh CDA may emerge as a result of proposals for a Replacement Forth Crossing. The words "implement the motorway junction on the M9" require to be deleted and replaced with "fully implement the access strategy for the Winchburgh CDA."</p> |
| <p><b>Transportation Corridor Studies</b><br/>           (vi) that WLLP Appendix 7.1, generic requirements, number 2, bullet point 4 be modified, as follows:<br/> <i>"contributions to funds to assist with the implementation of proposals arising from public transport corridor studies..."</i></p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change provides greater clarity.</p>   |

| <b>REPORTERS' RECOMMENDATIONS</b>  | <b>WEST LoTHIAN COUNCIL RESPONSE</b>   |
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| <p><b>Livingston Fastlink</b><br/>           (vii) that WLLP Appendix 7.1, settlement requirements, West Livingston/Mossend infrastructure, transport, bullet point 4 (Contribution to phase 2 of Livingston Fastlink), be deleted;</p>  | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change provides greater clarity.</p>  |
| <p>(viii) that WLLP Appendix 7.1, settlement requirements, West Livingston/Mossend infrastructure, transport, bullet point 3, be modified, as follows:<br/><br/>           "Provision of park and ride at Gavieside and associated bus priority to town centre along Charlesfield Road <i>being the required contribution to phase 2 of Livingston fastlink...</i>".</p> | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change provides greater clarity.</p>  |
| <p><b>Contributions towards professional services</b><br/>           (ix) that WLLP policy CDA4 and the supporting text at paragraph 7.38 be deleted;</p>  | <p><b>Accept recommendation.</b> The council accepts the need to reconsider how developers might be able to assist the council in implementing the development plan and will carry out consultation on revised SPG on professional services in due course.</p>   |
| <p>(x) that a new paragraph be inserted immediately after WLLP paragraph 7.10, as follows:<br/><br/>           "7.10a The scale of CDA proposals is such that it is expected that an extraordinary burden will be placed on WLC services. It is acknowledged that it would be inappropriate to request contributions to the funding of services through planning</p>     | <p><b>Accept recommendation.</b> West Lothian Council welcomes the fact that the Reporters' have acknowledged that its use of general powers to secure contributions for West Lothian Council services is something which could be explored to assist with the delivery and co-ordination of CDA proposals. The change is helpful in that it sets out a number of options for the council to consider and discuss with developers.</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LoTHIAN COUNCIL RESPONSE   |
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| <p>Agreements. However, in order to ensure the timeous delivery and proper co-ordination of CDA proposals, WLC wish to explore ways in which developers can assist in the delivery of council services, but only where these can be directly attributed to their proposal. In connection with this, WLC may need to explore the potential for contributions to be made under more general powers. WLC also wish to consider, along with developers, other more innovative ways in which WLC services, directly attributable to their development, can be delivered and proper co-ordination achieved. To this end, WLC intend to consult developers before preparing new guidance. WLC will explore all other sources of <i>potential funds to assist in service delivery.</i>”; and</p>  |   |
| <p>(xi) that the last sentence of WLLP paragraph 12.76 be deleted, that the heading of this section be changed from legal agreements to “<i>planning agreements</i>”, and that the paragraph be modified, as follows (see also recommendation 6.1[iv]):</p> <p>“12.76 It is becoming increasingly necessary for developers to provide or fund the infrastructure, facilities and amenities which are required to facilitate their developments. It is anticipated that the use of planning agreements will be the main means of securing these. In all cases, contributions from developers will be sought in accordance with <i>SODD Circular 12/1996</i>. Further guidance on the level of developer contributions will be provided in SPG where appropriate. Contributions which have not been used for their identified purpose within 5 years of the date they are made,</p> | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The changes provide greater clarity.</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LoTHIAN COUNCIL RESPONSE   |
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| <p><i>shall be returned to the developer, except in exceptional circumstances where it can be demonstrated that the infrastructure, facilities or amenities cannot be delivered within such a period. Planning agreements will also be used to regulate the use of land or buildings where it is considered that this cannot be dealt with satisfactorily through planning conditions.</i></p>  |   |
| <p><b>Travel Plan Co-ordinator</b><br/>           (xii) that WLLP policy TRAN6 and the supporting text at paragraph 8.28 be deleted, and that a new paragraph 8.28 be inserted between paragraph 8.27 and WLLP policy TRAN5, as follows:</p> <p><i>“8.28 WLC intend to give further consideration to the issues of co-ordinating, managing and monitoring travel plans. In connection with this, WLC wish to explore ways in which developers can assist in these processes, but only where they can be directly attributed to their proposal. While it is acknowledged that it would be inappropriate to request contributions to the funding of a WLC staff resource through planning agreements, WLC may need to explore the potential for contributions to be made under more general powers. WLC also wish to consider, along with developers, other more innovative ways in which this service could be delivered. WLC intend to consult developers before preparing new guidance. WLC will explore all other sources of potential funds to assist in providing the service.”</i></p> | <p><b>Accept recommendation.</b> West Lothian Council welcomes the fact that the Reporters have acknowledged that its use of general powers to secure contributions which can be used to assist with the co-ordination, managing and monitoring of travel plans is something that could be explored. The change is helpful in that it sets out options for the council to consider.</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE   |
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| <p><b>Library facilities, improvements to town and village centres, and public art</b><br/>                     (xiii) that all the anticipated requirements set out in WLLP Appendix 7.1 (CDA Action Plan) be updated prior to the adoption of WLLP.</p>   | <p><b>Accept recommendation.</b> It is accepted that the CDA Action Plan requires to be up to date when the plan is adopted. A number of modifications to the CDA Action Plan are proposed.</p> |
| <p><b>Safer routes to school</b><br/>                     (xiv) that the final sentence of WLLP paragraph 8.38 be modified and a further 2 sentences added, all as follows:<br/><br/> <i>“WLC will require developers to provide additional, safer walking and cycling routes to schools serving new housing developments where these are necessary and reasonable. For the avoidance of doubt, developers will only be required to remedy infrastructure deficiencies which result from additional housing. Requirements will be assessed through a transportation assessment.”; and</i></p> | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change will provide greater clarity.</p>   |
| <p>(xv) that WLLP policy TRAN16 be modified, as follows:<br/><br/> <b>“Policy TRAN16</b><br/>                     WLC will work with, and require contributions from, developers towards the capital costs of the infrastructure necessary to protect, or provide, safer walking and cycling routes to schools and other local facilities.”</p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change will provide greater clarity.</p>   |

| REPORTERS' RECOMMENDATIONS   | WEST LoTHIAN COUNCIL RESPONSE   |
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| <p><b>Third party payments</b><br/>                     (xvi) that the heading above WLLP paragraph 8.25 – “transport models” – be deleted and replaced by “<i>transport fund and associated measures</i>”; and</p>  | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change will provide greater clarity.</p> |
| <p>(xvii) that the phrase “through transportation modelling” be deleted from the first line of WLLP policy TRAN4, and that further modifications be made to the wording , so that it reads:</p> <p>“Where a package of transportation measures for the improvement of an area <i>can be justified</i> by WLC, and where major new development is proposed, developers seeking planning permission in that area will be:</p> <p>(i) required to contribute towards a fund managed by WLC for the provision of these measures, or</p> <p>(ii) implement an appropriate part of these measures, in proportion to the potential impact of the development on the surrounding transport network.”</p> | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The change will provide greater clarity.</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE   |
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| <p><b>Developer contributions to denominational secondary school:</b><br/>No change to local plan.</p>  | <p><b>Accept recommendation in part.</b> Whilst the council welcomes support for this policy, the policy needs to be updated to provide greater flexibility on how developer contributions for the provision of education infrastructure for the denominational secondary sector are spent.</p> |
| <p><b>Developer contributions to Armadale Academy:</b><br/>No change to local plan.</p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The recommendation supports the council's position.</p>  |
| <p><b>Developer contributions to start up costs for schools:</b><br/>No change to local plan.</p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The recommendation supports the council's position.</p>  |
| <p><b>Developer contributions to community swimming pools:</b><br/>No change to local plan.</p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The recommendation supports the council's position.</p>  |
| <p><b>Developer contributions to cemetery provision:</b><br/>No change to local plan.</p>   | <p><b>Accept recommendation.</b> Agree with findings and recommendation. The recommendation supports the council's position. The SPG will be reviewed.</p>  |
| <p><b>Other Matters</b><br/>(xviii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions unless they are necessary in order to ensure consistency with the above recommendations.</p> | <p><b>Accept recommendation.</b> Note that a number of modifications will be made to update the local plan.</p>   |

## **1.3 Affordable Housing**

### **Representation numbers:**

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

### **Objectors appearing at Inquiry**

### **Written Submissions (See Appendix 1.3)**

**Homes for Scotland  
Cala Management Ltd & Winchburgh Development Initiative  
Achadonn Properties Ltd**

### **Inquiry references:**

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

**SUMMARY OF OBJECTIONS CONSIDERED BY REPORTERS:**

- The lack of information in the HNA concerning local "income" levels precluded WLC from concluding with any degree of certainty that only the application of a social rented tenure restriction on the title would ensure that the units were rendered sufficiently "affordable" within its own HMA. Accordingly, the category of affordable housing selected should depend on the availability of HAG at the point when an application came forward. If no public subsidy was available then it should be left to the discretion of the developer which category of tenure was provided.
- The Tribal Study Housing Needs Assessment covered too large an area and interviewed too few people in West Lothian to allow any valid conclusions to be drawn from it. The number of face to face interviews from sample households in West Lothian was only 455.
- No validity should be attached to the Tribal Study as far as the provision of support for the 10% additional requirement of affordable housing in CDAs was concerned.
- It was accepted that the current WLLHS 2003-2008 supported the imposition of a 15% quota across the housing market area but it did not support the imposition of the 10% uplift within CDAs. Therefore, the 10% requirement in WLLP policy HOU10 was contrary to SPP3 and PAN74. CDAs had been identified through an examination of infrastructure and economics. They were not identified by a need for affordable housing or an examination of the local demand for open market housing.
- It was inappropriate to impose a 25% affordable housing requirement in areas of West Lothian where the level of existing social rented housing stock already exceeded the Scottish average. In those areas a better mix of community would flow from a reduction in the 15% quota.
- WLLP policy HOU10 required the additional 10% to be fully complete affordable houses. This was far more onerous than providing serviced land and was not in line with PAN74. It would be unreasonable to expect the developer to give away completed houses to become socially rented accommodation or shared equity properties.
- It was absolutely essential that, if retained, the 10% uplift was only applied to those parts of CDAs where the level of social rented housing stock in the nearest settlement fell 10% below the Scottish average.
- The requirement for commuted sums from developments of less than 20 units was opposed as being unrealistic for the reason that it was likely to delay the delivery of mainstream houses, while the level of contribution was assessed on sites involving landowners and developers who had never previously been required to address such issues.
- If the affordable housing target was met before the 5 year period expired then no further affordable housing should be required to be delivered until a fresh HNA identified a further shortfall.

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- The backlog of affordable housing need should be amortised (removed) over a 10 year period. The Glasgow Study indicated a level of need that could be realistically amortised over 5 years but the new Tribal Study indicated that the backlog need was twice that identified in the Glasgow Study.
- Examination of WLC's projected build rates made clear that sustained high levels of investment in affordable housing would be required to meet their aspirations to deliver 15% of the land supply as socially rented houses. This level of funding would not be achieved. It was not the role of the developer to make up any funding shortfall.
- WLC's policy was too onerous on developers and could affect the viability of some sites.
- There should be a new policy commitment to release WLC owned land for affordable housing.
- The introduction of WLLP paragraph 6.61 as a pre-inquiry change did not address the fundamental deficiencies of the policy and rendered it and the supporting text less precise.

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE   |
|---|---|
| <p>(i) that the text in WLLP associated with policy HOU10 be modified to reflect the terms and brevity of the policy recommended below:</p> <p><i>“Developers of residential development sites will be required to transfer fully serviced land capable of delivering 15% of the total site capacity (in terms of the number of units authorised by a planning permission) as affordable housing to: the local authority; a Registered Social Landlord (RSL); or a social housing provider to be nominated or otherwise agreed by WLC.</i></p> <p><i>For sites where there are sound reasons for not transferring part of the development site, at the discretion of WLC, one of the alternative forms of affordable housing contribution as explained in SPG may be agreed. The provision of Commuted Sums will automatically apply on all sites with a capacity of less than 20 houses.</i></p> <p><i>In addition to the 15% contribution for socially rented housing, developments within E&amp;LSP CDAs will be expected to make an additional affordable housing contribution equating to 10% fully complete affordable houses (in accordance with PAN74 – Affordable Housing, the developer would make the same effective level of contribution had it been provided in the form of serviced land - but the developer is not precluded from offering a higher percentage in any individual development). These units can be entry level houses for sale by the developer (housing without subsidy), shared equity houses or any other form of</i></p> | <p><b>Accept recommendation in part.</b> The change will create a better balance between the composition and extent of the policy in the local plan and further guidance provided in SPG. The change will also make the policy clearer and less complex. The council proposes only a minor change to the text recommended by the Reporters. The words “or Section 69 agreements” shall be added at the end of the last sentence to the policy. This will provide greater flexibility in the way that commuted sums are secured. The use of section 69 agreements can speed up the planning process.</p> |

| REPORTERS' RECOMMENDATIONS  | WEST LOTHIAN COUNCIL RESPONSE  |
|---|--|
| <p><i>provision conforming to the categories of affordable housing identified in PAN74 – Affordable Housing. The exemptions to the above required levels of contribution are detailed in the relevant SPG.</i></p> <p><i>All affordable housing contributions shall be secured by Section 75 agreements”;</i></p>   |  |
| <p>(ii) that the texts of: the various options for the provision of affordable housing land or units; the explanation of the method of calculation of commuted sums in accordance with PAN74; the details of the exemptions to the application of the policy; reference to the options for independent arbitration for valuations and development cost disputes; and reference to the various mechanisms to be included in Section 75 Agreements, all be incorporated into and explained in more detail in SPG. In addition, SPG should define the circumstances in which a funding gap on a site would allow other options (eg commuted sums and alternative forms of affordable housing) to be considered. SPG should also make clear that the basis for calculating commuted sums is the cost to the developer and not the cost of the affordable housing land (as set out at paragraph 5.15 above). All SPG should be listed in WLLP Appendix 12.2;</p> | <p><b>Accept recommendation.</b> Amend the local plan and prepare additional supplementary guidance. The change will create a better balance between the composition and extent of the policy in the local plan and further guidance provided in SPG. The change will also make the policy clearer and less complex.</p> |
| <p>(iii) that no other modifications be made to WLLP in relation to the above objections, other than those proposed by WLC and supported in the above conclusions.</p>  | <p><b>Accept recommendation.</b> No change to local plan.</p>  |

**APPENDIX 1.3: WRITTEN SUBMISSIONS**

**Hopetoun Estates  
William S C Renwick  
Walker Group (Scotland) Ltd  
Ogilvie Homes  
Persimmon Homes (East Scotland) Ltd  
C McLachlan, Dechmont Community Council  
AJG Syme  
Keith Anderson  
Keith Anderson  
Janice Strachan  
Stuart Swarbrick  
A Donath  
Mr Boothroyd  
Mrs McLachlan  
E Macdonald  
Joyce Mclean  
George & Elaine Beveridge  
Alexander Swarbrick  
Susan Swarbrick  
Elizabeth Swarbrick  
West Lothian Healthcare NHS Trust  
West Lothian Healthcare NHS Trust  
George McKay  
Colin Hilditch  
Mr Foster, West Lothian History & Amenity Society  
Mr & Mrs Ballard  
John H S Rae  
Robert Ferguson  
F B Johnstone**

**Steve & Becky Gilfillan  
N & E Francis  
Mrs B Duncan  
C McLaren  
A Martin  
Yvonne Goodfellow  
Elsa Yates  
Mr Robert Dawson  
Mr & Mrs Kane  
Mrs K Hepburn  
Gareth Grieve  
Elizabeth & Thomas Hunter  
Sandra E Noble  
Mrs J Grant  
Ian & Pat Ferrel  
Edward O'Neill  
Alexina Beveridge  
Mrs Hollins  
Peter S Walls  
Warwick Jones  
P Snell  
Gillian Coyle  
June R Hamilton  
Alexander Anderson  
Lynne Macfarlane  
Mrs W Fleming  
A T Davidson  
Mrs Gold  
Shiela C Linkie**

**APPENDIX 1.3: WRITTEN SUBMISSIONS (Continued)**

I Holwill  
James McKechnie  
Gail Johnston  
W Henck  
Mrs M B Lawrence  
Owen MacFarlane  
Mrs Rumar Khitab  
J Waddell  
David Strickland  
William O'Hare  
Margaret Martin  
Brenda & Jean Cumming  
Robert Burnett  
Marilyn Hamilton  
Ailsa Fairgrieve  
Rosemary Carey  
Catherine Lynch  
Steven Morrison  
Tracey Carey  
A McGregor  
Hubert G Fyvie  
E Nicoll  
Andrew Mack  
Janet Litster  
Gordon Hotchkiss & Ms Karen Steven  
Anna Oicoh  
James P Milne  
Helen Gibb  
H Mearns  
Lesley Allan

David Young  
William Polland  
Andrew Gall  
Robert S MacDonald  
G Moffat  
Susan Johnstone  
Mrs Ropper  
Margaret Morris  
Marianne Anderson  
Catherine & Ian Staig  
Henry Orr  
Brian Nichol  
J Murphy  
S Derighetti  
Ian Broadfoot  
Mrs J & A Galvin  
Mrs J & a Galvin  
Mrs J & A Galvin  
Margaret Sneddon  
M Cargill  
M A Kane  
Eileen Geddes  
Anne M Stewart  
Anne M Stewart  
Janice Dawson  
Robert Pettigrew  
K Hopkins, Hallam Land Management Ltd  
Mr & Mrs A Reid  
Moray Tennant  
Kenneth Mackay

**APPENDIX 1.3: WRITTEN SUBMISSIONS (Continued)**

**Julie Murphy  
M Franklin  
Mrs Comrie, Houston Farm Riding School  
Rachel Erskine  
Rhona Watt  
Maureen Bird  
Ian Watt  
Mrs Waterson  
Elizabeth A McLachlan  
Lesley Lyall  
T C Wilson  
A J McLean  
Sally Cooney  
John Quinn  
S MacDonald & L Dodds  
Agnes Thomson  
Keith Brown**

## **1.4 Economic Development Strategy**

**Representation numbers:**

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

**Objectors appearing at Inquiry**

**Written submissions (See Appendix 1.4)**

**Schroder Exempt Property Unit Trust  
Banks Development Division**

**Inquiry references:**

**STRAT1f: Economic Development Strategy  
& WS49**

**SUMMARY OF OBJECTIONS CONSIDERED BY REPORTERS:**

- The local plan was not consistent with the terms of the structure plan and national guidance as it failed to consider properly the reallocation of employment land for other uses such as housing.
- There was concern at the process the council adopted in reviewing employment land supply.
- The council's review of established business and industrial and employment land (as required by structure plan policy ECON1) was not a thorough analysis and it was not reported to the planning committee, nor were there any public documents outlining the criteria against which sites were taken out of the established supply.
- It was difficult to assess why the council had removed certain sites from the established employment land supply and retained others.
- The marketability of longstanding employment sites was not fully considered in the council's decision to remove only 159ha from the 738ha established base supply.
- The proportion of the established employment land base supply that was marketable was not clarified.
- Ownership was a key factor in determining the effectiveness of employment land and a constraint if owners had aspirations for an alternative use and such land should not be included in the established supply.
- The structure plan set out no requirement for additional employment land in West Lothian and the council were over providing employment land.
- The established supply (738ha) represented almost 50 years based on the average take-up rate of 15ha pa and the council had increased the supply to 793 ha for which there was no justification.
- A 50 year supply was excessive and indicated that further sites should be removed from the established employment land supply if they were appropriate for alternative uses.
- No logical reasons were offered by the council for increasing the supply beyond the established supply, so additional sites could be removed without prejudicing the national policy for marketable supply of employment land.
- In the absence of documentary evidence of the detailed appraisal of category A to D sites (a 22 year supply), it was questioned whether this had been properly undertaken by the council.
- There was scope in category A for land which had limited potential for employment use to be considered for alternative use.
- West Lothian's supply of employment land went above and beyond that which was required by national policy and the local plan timeframe.
- There was no mention of whether allocated employment sites were marketable or serviceable within 5 years.
- There was concern that the amount of employment land already provided more than sufficient flexibility to meet national planning policy and structure plan requirements.

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- The overall amount of employment land was excessive.
- There was need for continuous review of the employment land supply and if the council undertook this review (as required by national policy and structure plan policy ECON 1) it was unnecessary to keep such a vast amount of land for economic development.
- The review must take into account marketability (to be compliant with SPP2 and the structure plan).
- It was unclear whether CDA “mixed use” areas were to include employment land or not and the employment designation (policy EM3) should be removed from the proposals maps and the mixed use designations expanded to include all uses associated with the CDA.
- There was no need to identify the employment land allocations associated with the CDAs under a different designation.
- Local Plan paragraph 2.21 omitted reference to deliverability and marketability.
- The outline development guidance given in Appendix 5.1 created inflexibility.
- The site area sizes contained in the local plan gave the impression there was a significant pool of employment land in West Lothian.

| <b>REPORTERS' RECOMMENDATIONS</b>   | <b>WEST LoTHIAN COUNCIL RESPONSE</b>  |
|---|---|
| <p><b>NO RECOMMENDATIONS – Only Conclusions</b></p> <p>5.9 While we conclude that the review process undertaken by WLC has certain shortcomings, we consider that it is of sufficient substance to warrant due consideration in the assessment of this chapter of WLLP. We also conclude that there is not a shortage in the employment land supply which requires the allocation of additional land to the extent proposed in WLLP. Consequently, we are satisfied that no problems would accrue to the overall employment land supply if certain sites were subsequently to be released. However, we consider that the prospect of the release of such sites would be dependent on their individual suitability for the alternative uses proposed and the relevance of the other policy considerations. We find no requirement to remove WLLP policy EM3 or to change its context. Given the scale of the employment land supply, we suggest that WLC undertake a further review to assess whether any sites would be more appropriately used for other purposes. Any such review should address the shortcomings of the earlier process.</p> | <p>The council notes the Reporters' conclusions with regard to the review process and understands this relates to the openness and transparency of decisions related to the review of the employment land supply in West Lothian.</p> <p>The council will endeavor to ensure that future employment land reviews are reported to the council's Development &amp; Transport Policy Development &amp; Scrutiny Panel (PDSP). The PDSP considers and comments on such matters and refers them for decision to the Council's Executive. However, it is encouraging to note that the review undertaken was "<i>of sufficient substance to warrant consideration</i>" with regard to the employment chapter of the local plan.</p> <p>It is also encouraging to note that the reporters find no requirement to remove the local plan policy relating to employment allocations within the three CDA areas (policy EM3).</p> <p>The council will undertake a further review of employment land allocations as suggested by the Reporters. This is best progressed through the Edinburgh and South East Scotland Strategic Development Plan and translated in the subsequent Local Development Plan for West Lothian.</p> |

| REPORTERS' RECOMMENDATIONS   | WEST LOTHIAN COUNCIL RESPONSE  |
|--|--|
|  | <p>The review will be subject to consultation with employment site owners and agents, the development industry, the local enterprise company and the Chamber of Commerce. The results of the consultation on the employment land supply review will be reported to the Development &amp; Transport PDSP and Council Executive and site specific changes incorporated into the LDP.</p> |
| <p>5.10 In the main, we have regarded this chapter as setting a context for the consideration of objections affecting sites which are dealt with elsewhere in this report. We make no recommendations concerning these sites in this chapter. We do not believe that any remaining objections warrant further changes to WLLP.</p> | <p>It is noted that the Reporters "<i>do not believe that any remaining (employment) objections warrant further changes</i>" to the local plan.</p>  |

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**APPENDIX 1.4: WRITTEN SUBMISSIONS**

**Klondyke Gardens Centres Ltd  
The Muir Group  
The Walker Group (Scotland) Ltd  
Cameron Crosby  
Fauldhouse Community Council  
Blackridge Community Council  
Texas Instruments per ING Real Estate Ltd  
City of Edinburgh Council  
Coalition Development Co Ltd  
Bett Homes & Manor Forest  
Peter Rigby**