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## West Lothian Council Local Development Plan – Proposed Plan

Representation on behalf of Messrs Tom Packe & Tom Myles, [REDACTED]  
[REDACTED]

Objection to H-LL4 Land East of Manse Road, Linlithgow

### Introduction

The Planning etc (Scotland) Act 2006 requires Local Authorities to prepare a development plan for their areas which must then be updated every five years. The development plans consist of a Strategic Development Plan which should set out the long term vision for the development of the region, and the Local Development Plan which sets out where new developments will occur and the policies that will guide the Council on planning applications (Scottish Government, 2015).

West Lothian Council (WLC) is currently developing its Local Development Plan (LDP) which will replace the current West Lothian Local Plan. The LDP was published in October 2015 for consultation, which closes on 22 November 2015 (West Lothian Council, 2015a).

The WLC LDP includes a housing allocation (H-LL4) for 45 new properties on land east of [REDACTED], covering a total of 2.0 hectares (West Lothian Council, 2015b).

The resident at The [REDACTED] situated adjacent to allocation H-LL4 object to the allocation of H-LL4 under the following terms: landscape, cultural heritage and ecology.

### Landscape

#### Area of Great Landscape Value/ Proposed Special Landscape Area

The area of land allocated for H-LL4 is situated within an Area of Great Landscape Value (AGLV) (refer to Figure 1), namely Bathgate Hills and River Avon Valley. AGLV are designated by WLC due to special landscape character and visual appearance. The AGLV designations form part of the current (2009) Local Plan, however a Local Landscape Designation Review was undertaken by Land Use Consultants (LUC) on behalf of the Council in 2013, to inform the proposed LDP (LUC for West Lothian Council, 2013) and propose areas to be designated as Special Landscape Areas (SLA).

The LUC report identifies the Bathgate Hills AGLV as one of the highest scoring landscape units of all the locally designated sites considered, being evaluated as “high” in terms of representativeness, condition, intactness, scenic quality, views, enjoyment, cultural qualities, and settlement setting. Only the Western Pentlands AGLV was given a higher overall scoring.

The location of proposed allocation site H-LL4, at the southern edge of Linlithgow, is noted as forming “the foreground to the hills in several views, and particularly in relation to the settings of surrounding settlements which cluster around it”. The Statement of Significance notes “The smooth transition between contrasting elements creates a consistent and attractive landscape. The hills as a group have a strong relationship with neighbouring settlements at Linlithgow, Uphall and Bathgate, forming a backdrop in longer views.” Pressure on this landscape is also noted in the report, with “development

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*pressure at the edges of Linlithgow ... particularly where development begins to move uphill*” being noted as a force for change.

The LUC report proposes that the Bathgate Hills area is designated in the new LDP as a Special Landscape Area.

Any development within an AGLV would require to be strictly controlled to prevent the reduction in qualities for which the AGLV is designated (West Lothian Council, 2009). Policy ENV 19 states *“Within the six AGLVs shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated”*.

In addition Policy ENV 35 states that in relation to low density rural housing and woodland development *“There will be a presumption against proposals in Area of Great Landscape Value except where there are exceptional improvements to the landscape, biodiversity and access opportunities”*.

The principle of these policies is reflected in the proposed new LDP, with Policy ENV1 including similar wording relating to presumption against development which would undermine landscape and visual qualities for which SLAs are designated (the subject site being within a proposed SLA). Furthermore, Scottish Planning Policy (Scottish Government, 2014) requires that local designations be clearly identified and protected through the local development plan.

Any developer of H-LL4 would have to prove to WLC that the development does not undermine the AGLV and that suitable mitigation in the form of planting and design are in place to ensure the development does not detract from the overall AGLV/proposed SLA. Given the size of the proposed allocation, its location being clearly beyond the edge of the current development boundary, and the topography rising up away from the current development edge, it is difficult to envisage a 45-unit housing development which would not undermine the landscape and visual qualities of the AGLV/proposed SLA. The proposed H-LL4 allocation therefore appears to be in direct conflict with current and proposed local and national policy.

#### [Landscape Character Assessment](#)

A Landscape Character Assessment (LCA) is a method of identifying and characterising the landscape. Scottish Natural Heritage (SNH) in partnership with others has undertaken the LCA of Scotland (SNH, 2015b). The landscape character of the site H-LL4 and the surrounding area are shown in Figure 2. Site H-LL4 is located within the Coastal Margins LCA (code LTH7).

The Lothians Landscape Character Assessment identifies this LCA as *“the landform is generally flat to gently undulating, although there are prominent local variations including igneous outcrops, raised beaches and dunelands. Land cover is dominated by arable farmland, which includes area of Class 1 Agricultural Land”*. With particular regards to the Linlithgow/Queensferry Farmlands Coastal Margins LCA the key aim is to *“conserve prevailing rural character”* (SNH, 1998).

#### [Core Path](#)

Every Council has an obligation under the Land Reform (Scotland) Act 2003 to identify and maintain core paths. WLC core path plan has not yet been approved, however the draft core path plan identifies one core path close to site H-LL4. Core path 4 links Linlithgow to Beecraigs Country Park, passing site H-LL4 along [REDACTED] (West Lothian Council, 2008). Although the core path is unlikely to be directly

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impacted by a development at H-LL4, construction of houses at H-LL4 may lead to indirect impacts on the core path, including noise from both construction operations and construction vehicles, increase in air pollution and decrease in road safety due to an increase in Heavy Goods Vehicles (HGVs) using [REDACTED] to access the site.

## Cultural Heritage

### Scheduled Monuments

A Scheduled Monument is an archaeological site of national importance which has been designated as such by Historic Scotland and protected under the Ancient Monuments and Archaeological Areas Act 1979 (Historic Scotland, 2015a). A development may directly impact on a Scheduled Monument, i.e. by causing damage or destruction to the monument, or indirectly impact on a Schedule Monument by altering its setting and therefore compromising the way the monument would be understood in its environment.

The closest Scheduled Monument to site H-LL4 is the Union Canal to the north. The development of H-LL4 would not impact directly on this monument, subject to appropriate transport precautions being in place to prevent construction traffic damage, and due to the intervening topography and existing development between the canal and H-LL4 there is unlikely to be an indirect impact.

The other Scheduled Monument within 1 km is Linlithgow Palace, Peel and Royal Park. Similarly direct and indirect impacts are unlikely upon this Scheduled Monument.

### Listed Buildings

Listed Buildings are buildings of interest, either architecturally or historically. There are three categories of Listed Building: Category A – buildings of national or international importance; Category B – buildings of regional or more than local importance; and Category C – buildings of local importance (Historic Scotland, 2015b).

Within 1 km of the H-LL4 site there are 160 Listed Buildings, of which eight are Category A, 71 are Category B and 81 are Category C. The majority of these are located within Linlithgow town centre and are unlikely to be affected by a development at H-LL4, however one, [REDACTED], a Category B Listed Building, is located adjacent to the H-LL4 site.

The designation for [REDACTED] states that the property was constructed in 1801 with an addition added to the rear in 1862. It is a 2-storey, 3-bay symmetrical rectangular-plan house, with a single storey wing to the east side which later became 2-storey and a piended L-plan addition to rear. In addition to the main house the boundary wall and gate piers are also included within the designation (Historic Scotland, 2015c). Information from the resident indicates that the house was a [REDACTED] with the approach along [REDACTED] being an old drove road dating possibly from the 15<sup>th</sup> century.

Development at the site at H-LL4 could lead to both direct and indirect impacts upon this Listed Building. Direct impacts may arise upon the boundary wall through the construction works, including site access, foundation, drainage and services excavations or vibration from construction plant. A development at H-LL4 is also certain to impact on the setting of [REDACTED]. Currently the house sits at the development edge, bound by open farmland to the east and south, with views out across the Bathgate Hills. Development of H-LL4 would completely enclose [REDACTED], removing its edge-of-

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settlement setting and significantly impacting views from and to this location and the approach along Manse Road.

Proposed Policy ENV 28 states, “*In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings.*” Given the inevitable impact to the setting of [REDACTED] resulting from a 45-unit residential development, the proposed allocation of H-LL4 appears to be in conflict with this proposed policy.

### Conservation Area

Conservation Areas are areas of villages, towns or cities which have a special architectural or historic character which makes them worthy of additional protection. Special regulations apply for developments within a Conservation Area to ensure that the character and the buildings within the Conservation Area are protected.

The closest Conservation Area is Upper Linlithgow and Union Canal Conservation Area (West Lothian Council, 2014), which extends to cover the area of land around [REDACTED] adjacent to the H-LL4 site (refer to Figure 3). Although there are strict regulations regarding development *within* a Conservation Area, the same regulations do not apply to developments adjacent to a Conservation Area.

### Non-designated Assets

Although there are a number on non-designated assets within the 1 km of the H-LL4 site, none of these are anticipated to be impacted by a housing development at H-LL4.

There is always the possibility that un-discovered remains could be discovered during the construction of a development, in particular in this case the digging for the foundations. Any developer would have to have taken this possibility into consideration and undertake an appropriate watching-brief to ensure that any remains that are discovered are appropriately recovered/recorded.

## Ecology

Ecology is the study of the distribution and abundance of organisms, the interaction between organisms, the interaction between organisms and their environment, and structure and function of ecosystems.

A search for the presence of nature conservation sites, which receive statutory and non-statutory protection under European, domestic, and local planning legislation, did not establish the presence of any nature conservation sites within and/or adjacent to the site H-LL4. Similarly, no areas of woodland identified as part of the Ancient Woodland Inventory were established either within and/or adjacent to site H-LL4 (Figure 4).

The area of land allocated for H-LL4 is situated on the eastern edge of Linlithgow and is dominated by arable and improved grassland habitats, which are likely to have a low ecological value, in terms of their botanical diversity. In contrast, field boundaries within and adjacent to site H-LL4 support tree and scrub habitats, which are likely to present a range of higher value habitats for animal species.

Data for protected and notable species was obtained from National Biodiversity Network Gateway for the 10 km OS grid within which the site is located (NT17), which established records of five animal species of conservation concern, these include:

- badger;

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- common pipistrelle (*Pipistrellus pipistrellus*);
  - Daubenton's bat (*Myotis daubentonii*);
  - great crested newt; and
  - soprano pipistrelle (*Pipistrellus pygmaeus*).

Badger are protected by the Protection of Badgers Act 1992, while all species of bat are protected by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).

Should any development at H-LL4 progress, an appropriate level of survey work would be required, to identify the presence or potential for protected species and any required mitigation to avoid unacceptable impact.

## Summary

The environmental information and designations relating to proposed allocation site H-LL4 have been reviewed, with a focus on landscape, cultural heritage and ecology.

The proposed allocation is situated within an Area of Great Landscape Value (as designated under the current West Lothian Local Plan) and within an area proposed to be designated as a Special Landscape Area (within the West Lothian LDP). Given the size, topography and location of the proposed allocation, which is situated beyond the edge of the current development boundary of Linlithgow, it would be difficult for a 45-unit housing development to not impact on the landscape and visual qualities of the AGLV/proposed SLA. The proposed H-LL4 allocation therefore appears to be in direct conflict with current and proposed local and national policy in relation to landscape.

The proposed allocation is adjacent to the B-Listed [REDACTED] which could lead to both direct and indirect impacts upon this Listed Building. Direct impacts may arise upon the boundary wall (part of the listed building designation) through the construction works, whilst a 45-unit housing development is also certain to impact the setting of [REDACTED]. [REDACTED], at the periphery of Linlithgow's development edge, is bound by open farmland to the east and south, and the setting would be compromised by a housing development which would remove [REDACTED] edge-of-settlement setting and significantly impact the views from and to this location and the approach along [REDACTED] [REDACTED]

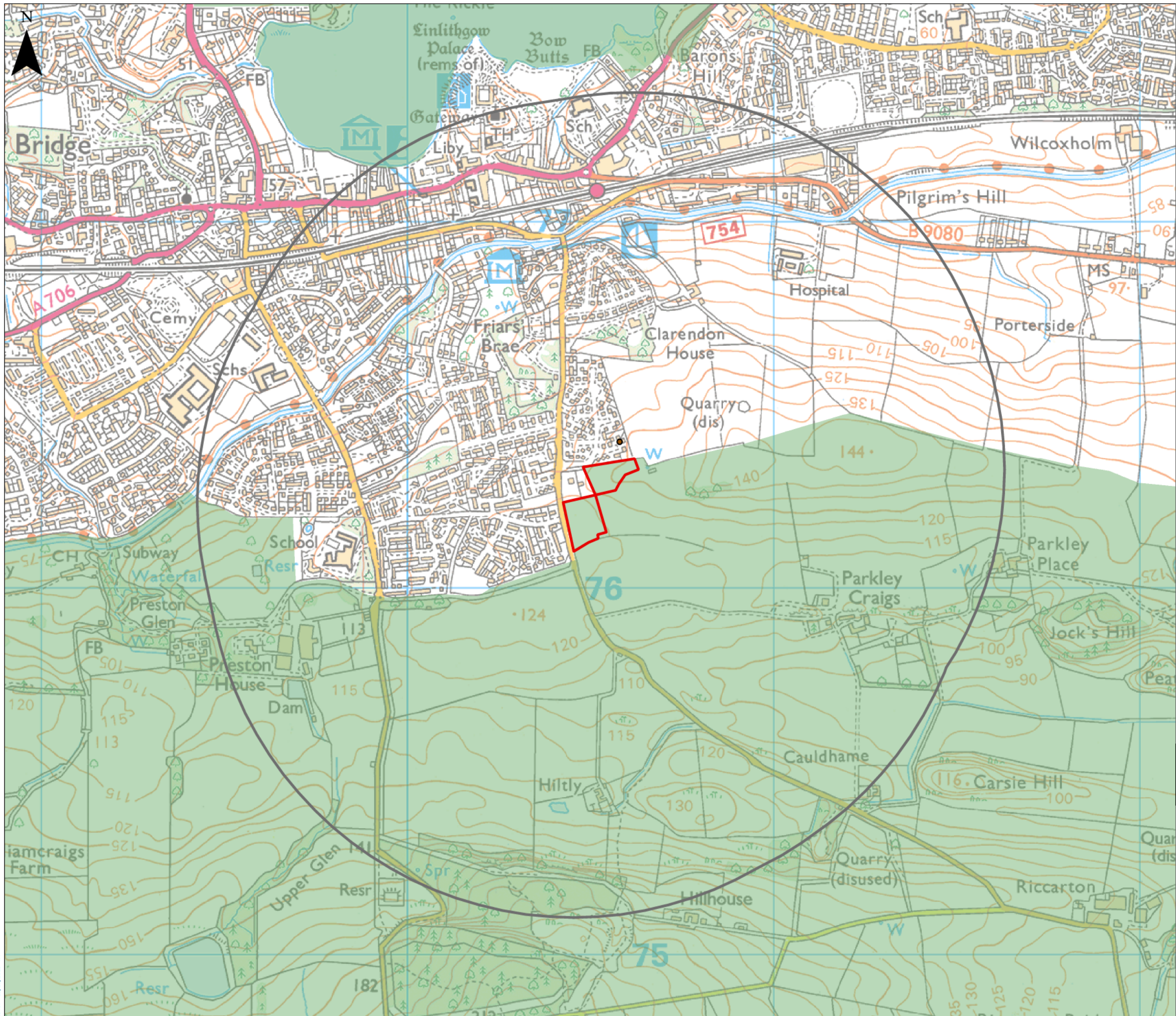
There is potential for protected species habitat to be located within the proposed allocation site which may be impacted by a housing development and any development would require detailed mitigation to avoid an unacceptable impact.

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## References

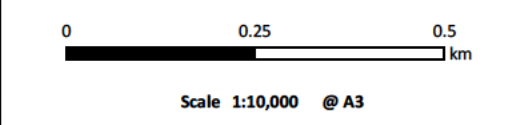
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**KEY**

- Allocation H-LL4
- 1km Study Area
- Area Great Landscape Value
- Country Park



West Lothian LDP Allocation Site H-LL4

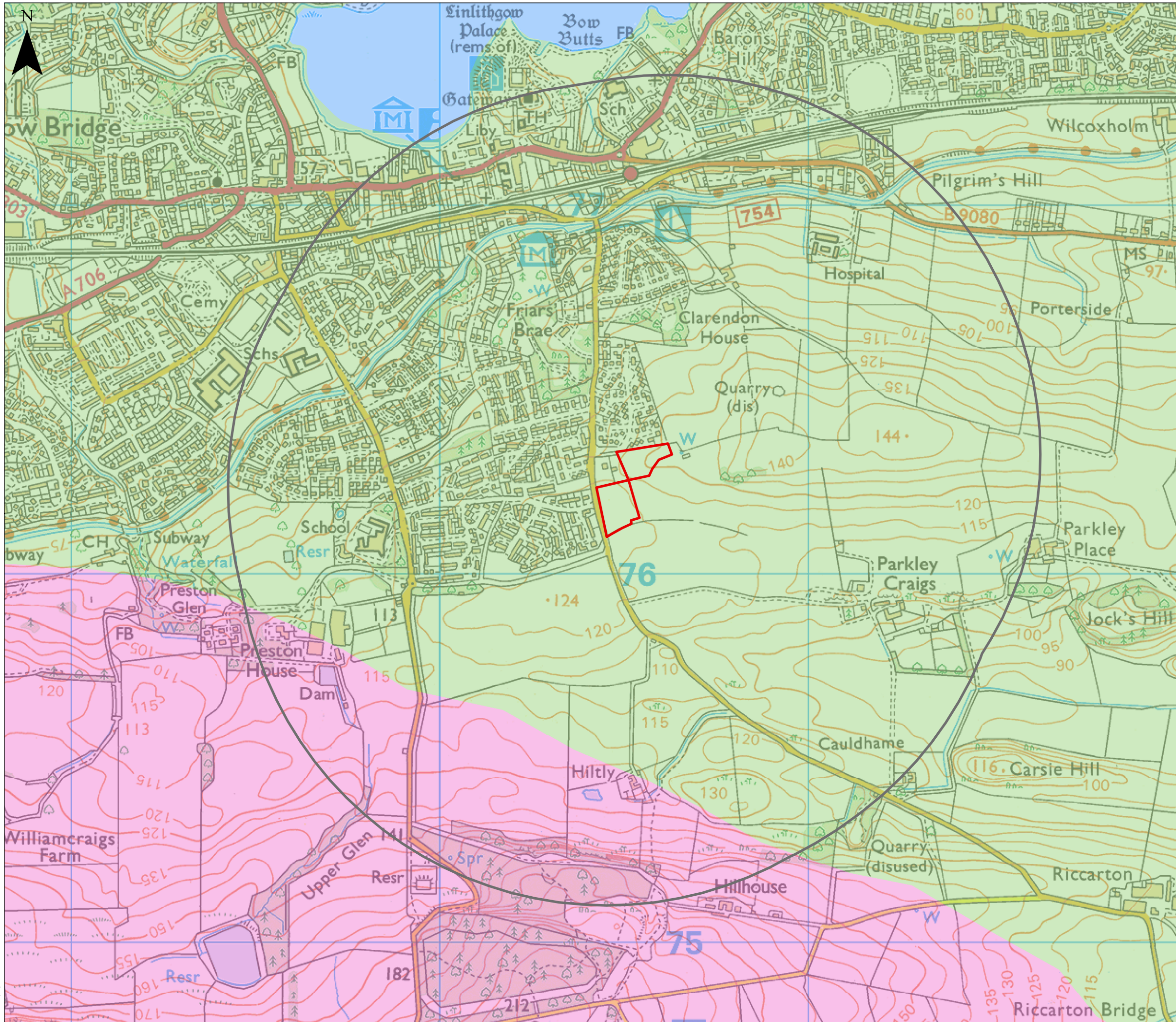
Figure 1

Landscape Designations

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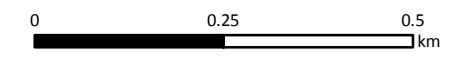


**KEY**

- Allocation H-LL4
- 1km Study Area

**Landscape Character**

- Lowland Hills and Ridges
- Inland Loch
- Coastal Margins



Scale 1:10,000 @ A3



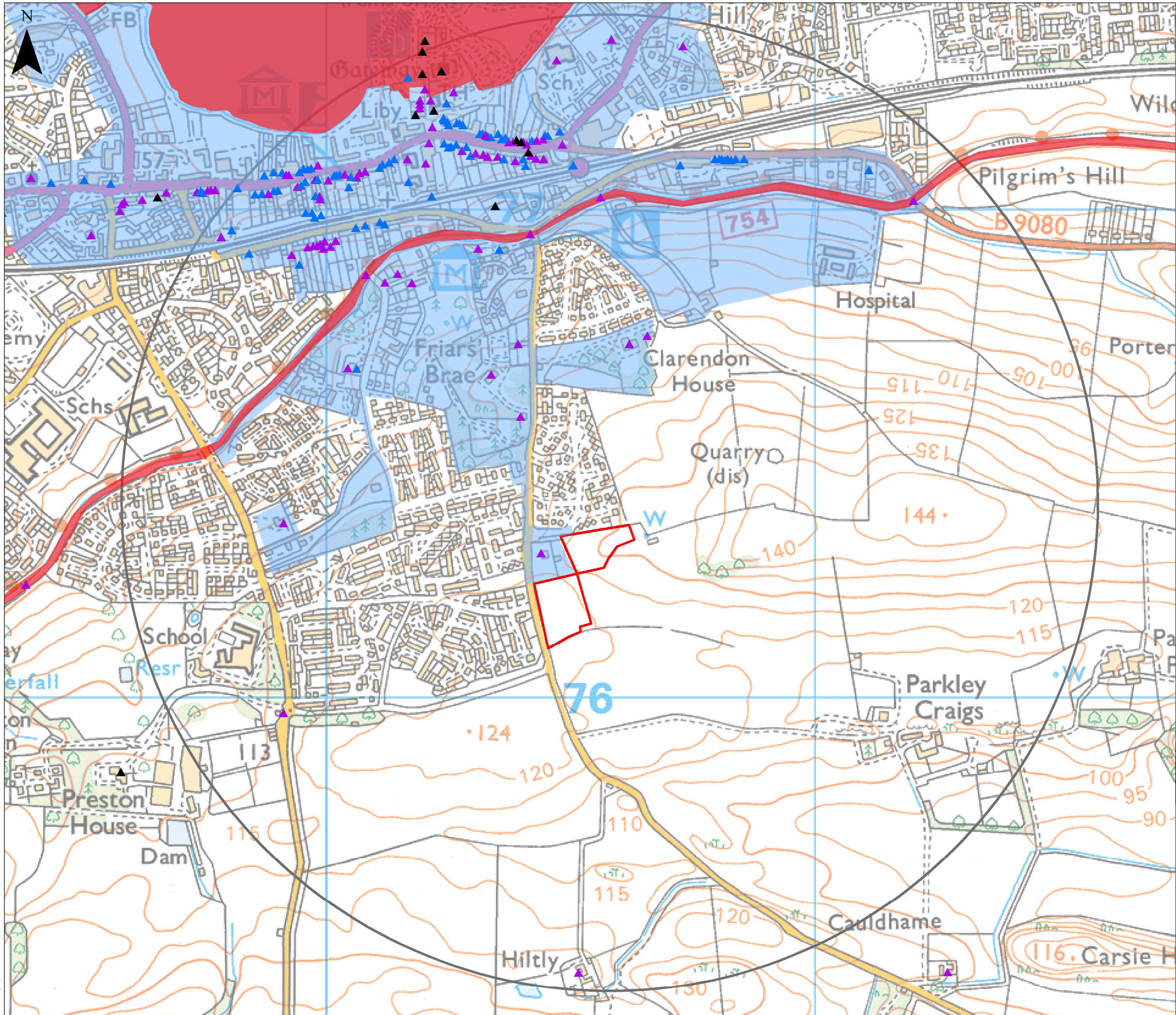
West Lothian LDP Allocation Site H-LL4

Figure 2

Landscape Character Assessment

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- KEY**
- Allocation H-LL4
  - 1km Study Area
  - Scheduled Monument
  - Conservation Areas
  - A Listed Building
  - B Listed Building
  - C Listed Building

0 0.25 km  
 Scale 1:7,500 @ A3



West Lothian LDP Allocation Site H-LL4

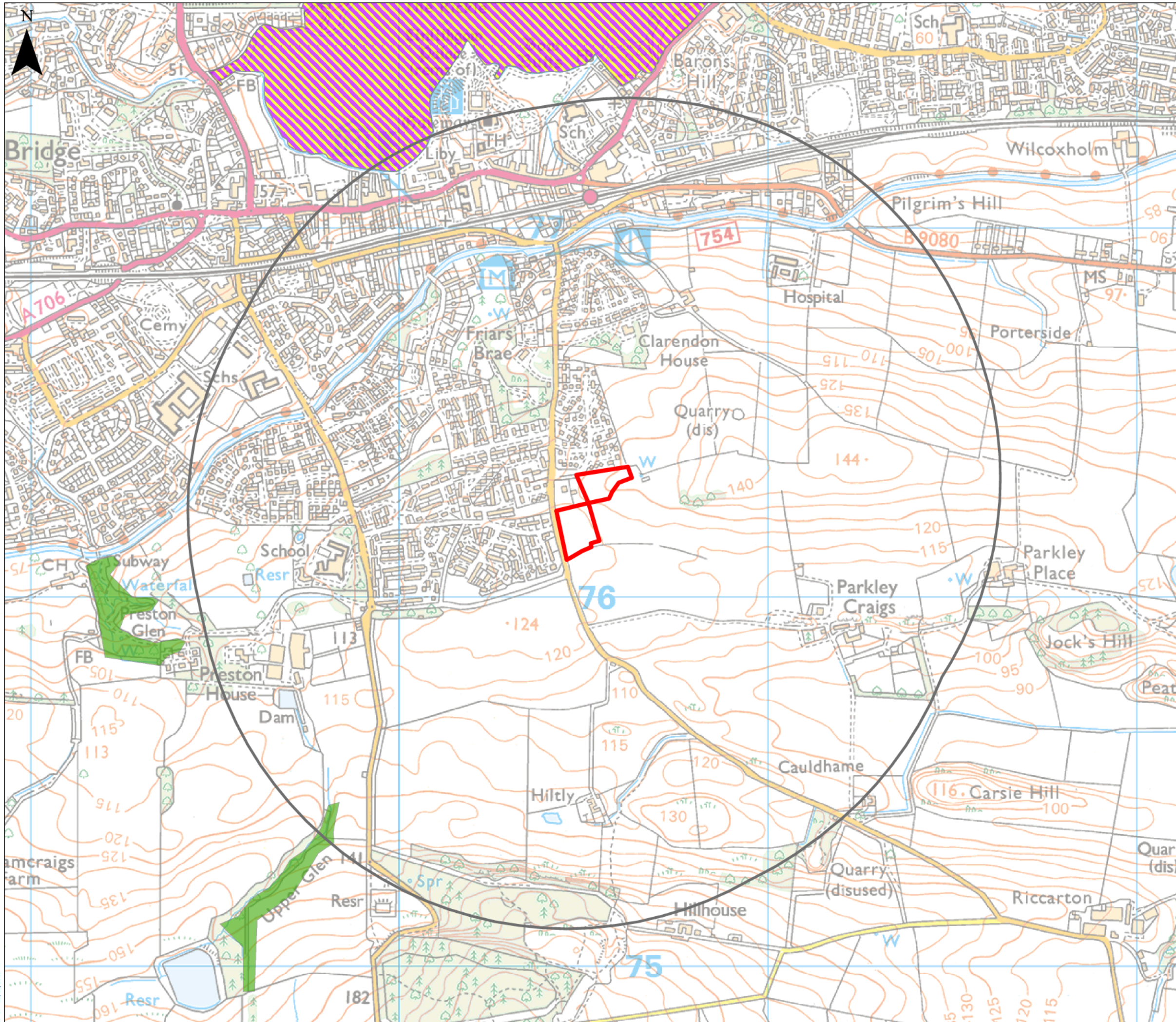
Figure 3

Cultural Heritage Designations

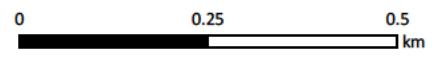
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- Key**
- Site Boundary
  - 1km study area
  - Site of Special Scientific Interest (SSSI)
  - Ancient Woodland Inventory (AWI)



Scale 1:10,000 @ A3



West Lothian LDP Allocation Site H-LL4

Figure 4

Ecological Designations

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## West Lothian Council Local Development Plan – Proposed Plan

Representation on behalf of Messrs Tom Packe & Tom Myles, [REDACTED]  
[REDACTED]

### Objection to H-LL4 Land East of Manse Road, Linlithgow

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#### 1. Executive Summary

1.1 Our clients' object to the proposed allocation of land east of Manse Road (H-LL4) on the following grounds.

- The Bathgate Hills is one of the most significant landscape designations in West Lothian according to the Council's Local Landscape Designation Review (LLDR) 2013, prepared specifically to inform the emerging West Lothian Local Plan (WLLP). This Review proposes that this area of West Lothian be upgraded from an Area of Great Landscape Value (AGLV) to a Special Landscape Area (SLA).
- The LLDR also specifically refers to development pressure on the Bathgate Hills landscape where it adjoins the edge of Linlithgow. This is precisely the location of the proposed allocation.
- [REDACTED] was sited just below the ridge line of the rising ground to the south of Linlithgow over 200 years ago, specifically so that it would not impact on the landscape character and associated views of the Bathgate Hills. The property is also screened naturally and has no impact on this sensitive landscape. The proposed allocation at H-LL4 will sit on top of the ridge in an exposed location. In view of its visual exposure, topography and sensitivity as part of a protected landscape, the proposed development for 45 houses will undermine the proposed SLA as it will not be possible to mitigate the visual impact of development.
- The Proposed Plan is underpinned by the Council's own assessments, namely the Strategic Environmental Assessment (SEA) and LLDR. Both documents highlight the importance of the landscape and sensitivity of this particular location with regard to views in and out from Linlithgow/Bathgate Hills. The proposed allocation is completely at odds with the findings of these key documents.
- There is a presumption in the current WLLP under Policy 19 against residential development in this location due to its adverse impact on the landscape. No reasoned justification is provided for abandoning this site to development and setting aside the findings of the LLDR.
- The proposed allocation contravenes SPP whereby the Council is obliged to identify and protect local landscape designations.

- It also contradicts the principles which underpin the Plan's strategy for allocating new housing sites. It lies beyond the current limits of the settlement and there are other, more favourably located sites which can deliver the housing land requirement.
- The site occupies prime agricultural land, which is protected from development subject to compliance with all criteria laid out under policy ENV 4 of the Proposed Plan. The proposed allocation cannot meet any of that policy's requirements.
- Development at this location will detrimentally impact on the setting of [REDACTED] (including the boundary walls) a Grade B listed building, and a key component of Linlithgow's rich cultural heritage.
- If development at H-LL4 were brought forward as a windfall site, it could not meet the wider policy tests within the Proposed Plan, including those relating to prime agricultural land, landscape character and listed buildings. It begs the questions how and why has WLC brought forward this allocation?
- The Objectors accept that greenfield releases are necessary to meet the housing land requirement. However, allocation H-LL4 lies within one of the most significant and sensitive landscape designations within the entire Region. There are surely other, less sensitive greenfield sites that could accommodate new housing where the risk of environmental impacts is much lower.
- There are a number of potential constraints (ecology, education, flood risk, road safety) associated with this proposed allocation, which at the very least will seriously impact on the site's deliverability but subject to further assessment, have the potential to completely undermine the proposed allocation.

1.2 The site should not be allocated for residential development but instead, be protected from future development in the emerging LDP.



## **2 Introduction**

- 2.1 Ryden is instructed to make representations to the Local Development Plan (LDP) Proposed Plan on behalf of Messrs Tom Packe and Tom Myles (the Objectors), the owners of residential properties known as [REDACTED] and [REDACTED].
- 2.2 Our clients object to the allocation of land to the east of [REDACTED], referenced H-LL4 as a housing site with a proposed development capacity of 45 units.
- 2.3 This submission is supported by an assessment of environmental issues associated with the proposed allocation prepared by Energised Environments (EE). It relates specifically to landscape, cultural heritage and ecology.

## **3 The Proposed Allocation**

- 3.1 The proposed allocation of land under reference H-LL4 (east of [REDACTED]) identifies a site for residential development with an indicative capacity of 45 units. This allocation is not carried forward from the adopted WLLP and is a new proposition.
- 3.2 The land allocated under this reference is subject to the following key characteristics;
- The WLLP identifies this land within an AGLV and specifically the Bathgate Hills, which is an important, high priority landscape designation. The Proposed Plan identifies the site as a proposed SLA.
  - It is greenfield land and lies beyond the Linlithgow settlement boundary.
  - It is prime agricultural land (Classes 2/3.1).
  - It adjoins a category B Listed Building.

## **4 Objection to H-LL4 Land East of Manse Road**

- 4.1 Our clients' objection to the allocation of land under ref H-LL4 is proposed on the following grounds;
- The proposed allocation occupies greenfield land which lies beyond the current settlement boundary. This land has been consistently protected over many years. Indeed, the adopted WLLP confirms that the extensive undeveloped rural areas of West Lothian are vital in sustaining the character and image of the district. There is no transparent justification for the Council's decision to allocate this land. Moreover, this approach is not consistent with the principles of good placemaking and sustainable development as promoted by the Scottish Government in Scottish Planning Policy (SPP).
  - The land proposed for development is designated as an AGLV and proposed through the LDP as a SLA (Bathgate Hills) which is an important, high priority designation. The development of this land has the potential to inflict significant landscape and visual impacts on one of West Lothian's most important and protected landscape features.

- The proposal occupies prime agricultural land (Classes 2/3.1). As an irreplaceable natural resource, the conservation of prime quality soils and productive agricultural land merits general protection from development. The adopted WLLP confirms that development will not be permitted which results in the permanent loss the land unless there is an overwhelming locational need and a proven lack of development sites elsewhere.
- [REDACTED] and its curtilage including boundary walls is a Grade B listed property. It was built in 1803 and is a key component of Linlithgow's built heritage. The development of adjoining land will impact detrimentally on the setting of this important historic property.
- There are a number of potentially significant constraints associated with this allocation including; protected species, education and flooding & drainage. The site is not deliverable under these terms.

#### Greenfield land beyond the settlement boundary

- 4.2 WLC's assessment of this proposed allocation following the LDP - Call for Sites consultation (May 2014) confirms that it occupies a greenfield location beyond the settlement boundary. This and other similar sites have historically been protected from development through the local plan policy framework. Most recently, the adopted WLLP confirmed that the extensive undeveloped rural areas of West Lothian are vital in sustaining the character and image of the district and their quality, variety and management plays an important part in determining the nature of the countryside. The proposed allocation is a significant departure from the council's consistent approach to the allocation of housing land for which there is no planning justification. It contradicts the principles of good placemaking set out in SPP.
- 4.3 The Proposed Plan confirms its approach to the allocation of new housing sites within the sequential approach, which is detailed in paragraphs 5.65/5.66.
- 4.4 The sequential approach to new development being supported in Linlithgow/Linlithgow Bridge confirms that; *"any release of land would also follow a sequential approach with preference given to those sites which are closest to the town centre, including the railway station, are within walking distance of catchment schools and other services are acceptable in landscape and townscape terms and avoid impacting on water quality of Linlithgow Loch Site of Special Scientific Interest. Developers of greenfield sites are required to demonstrate that development of their site is appropriate taking account of the wider policy framework in the LDP and would not prohibit development of a brownfield site within Linlithgow/Linlithgow Bridge Proposed Plan October 2015"*.
- 4.5 The allocation at [REDACTED] is not a priority under the terms of this approach, nor can it be justified against other policies of the LDP and particularly those relating to the protection of special landscape designations and prime agricultural land (ENV 1 and 4).



- 4.6 However, the most damning assessment of this allocation can be found elsewhere in paragraph 5.66, which states that; *“the sequential approach presumes against the expansion of Linlithgow/Linlithgow Bridge beyond its current limits except in circumstances where sites closer to the town centre are undeliverable, or cannot be delivered without causing environmental harm to the town....”*
- 4.7 There are a number of more favourable sites closer to the town centre which can deliver new housing and occupy brownfield or greenfield/infill locations. The Objectors fail to see how WLC can justify allocating a site which blatantly contradicts the principles underpinning the Plan’s approach to housing delivery and also occupies such an environmentally important and sensitive location.

#### Prime Agricultural Land

- 4.8 The land identified under allocation H-LL4 is prime agricultural land of grade 2 and 3.1, which merits general protection from development. It is acknowledged however, that the housing land requirement cannot always be met on sites within the settlement boundary. The sequential approach laid out at paragraphs 5.65/5.66 confirms that developers of greenfield sites must demonstrate that development is compliant with the wider policy framework of the LDP. In circumstances where development is proposed on prime agricultural land the LDP identifies criteria against which the proposed development must be assessed. These are set out in Policy ENV 4 which confirms that *“where development will result in the permanent loss of prime agricultural land, development will not be permitted unless it can be demonstrated that;*
- a. *The development forms a key component of the spatial strategy as set out in the LDP or the site benefits from planning permission; and*
  - b. *The proposal is necessary to meet locational need, for example for essential infrastructure; and*
  - c. *There are no other suitable sites available; and*
  - d. *The proposal is for small scale development directly linked to a rural business; and*
  - e. *The proposal provides for the generation of electricity from a renewable source or the extraction of minerals where this accords with other LDP policies.*
- 4.9 The full text of Policy ENV4 has been set out exactly as it appears in the Proposed Plan, which clearly implies that a proposal for development on prime agricultural land must meet all of the criteria identified otherwise it does not comply with the policy. Without considering the proposed allocation in any detail it is obvious that it cannot meet criteria d) and e) and therefore does not comply with this policy.
- 4.10 However, the Objectors would also argue that;
- As a greenfield site beyond the settlement boundary and the least favourable location for new residential development, the site does not form a key component of the Plan’s spatial strategy.
  - It does not benefit from planning permission for residential use.

- The LDP allocates a number of other sites which are more suitable for housing development.

4.11 In fact, the proposed allocation H-LL4 does not comply with any of the criteria set out under Policy ENV 4 and in doing so fails to *“comply with the wider policy framework of the LDP”*.

#### Landscape Designation

4.12 The area of land allocated for H-LL4 is situated within an Area of Great Landscape Value (AGLV) namely Bathgate Hills and River Avon Valley. AGLV are designated by WLC due to special landscape character and visual appearance. The AGLV designations form part of the current (2009) Local Plan, however the LLDR informs the proposed LDP and identifies areas to be designated as SLA's. It confirms the Bathgate Hills AGLV as one of the highest scoring landscape units of all the locally designated sites considered.

4.13 The location of proposed allocation site H-LL4, at the southern edge of Linlithgow, is noted as forming *“the foreground to the hills in several views, and particularly in relation to the settings of surrounding settlements which cluster around it”*. The Statement of Significance notes *“The smooth transition between contrasting elements creates a consistent and attractive landscape. The hills as a group have a strong relationship with neighbouring settlements at Linlithgow, Uphall and Bathgate, forming a backdrop in longer views.”* Pressure on this landscape is also noted in the report, with *“development pressure at the edges of Linlithgow ... particularly where development begins to move uphill”* being noted as a force for change. The Review proposes that the Bathgate Hills area is designated in the new LDP as a SLA.

4.14 Against this background, the Proposed Plan confirms at paragraph 5.140 that *“local countryside designations in West Lothian have been key planning policy mechanisms across the rural area for decades. They have helped to maintain the separate identity and landscape setting of settlements, encourage regeneration, manage urban growth and protect important areas of local biodiversity, countryside, woodland and open space by focusing development towards urban areas.”* This statement underpins the LDP with respect to West Lothian's natural environment. The allocation of land under H-LL4 completely undermines this key principle.

4.15 Policy ENV1 of the Plan relates to landscape character and special landscape areas. It confirms that; *“within the Special Landscape Areas (SLAs) shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated. Development proposals ‘outwith’ these areas which would affect its setting from strategic viewpoints will be subject to detailed visual appraisal and will not be supported if it adversely affects the designated area.”* Furthermore, SPP requires that local designations be clearly identified and protected through the local development plan.

4.16 In light of the scale of allocation H-LL4, its location being clearly beyond the edge of the settlement boundary and the natural topography rising up and away from the current development edge, there is little prospect of a new housing development complying with the requirements of Policy ENV 1. Development at this site would undermine the landscape and visual qualities of the AGLV/proposed SLA.





- 4.17 The SEA which accompanies the LDP includes an assessment of the proposed allocation. It confirms the key characteristics of the site, being greenfield land beyond the settlement boundary, prime agricultural land and an AGLV. In assessing the proposed allocation, the SEA states that it is *"visible on approach from the south and from surrounding residential areas..."* . Moreover, it occupies *"a skyline location and is an integral part of the AGLV as it meets Linlithgow...development here would erode this clear boundary"*. In concluding the same report states that *"the site is part of the countryside beyond the settlement envelope of Linlithgow. The site is currently designated as AGLV and is good quality farmland. The site forms a clear boundary to Linlithgow as you enter from the south on [REDACTED]."*
- 4.18 In summary, the proposed allocation of H-LL4 has the potential to inflict significant landscape and visual impacts on one of West Lothian's most important and protected landscape features, the Bathgate Hills. This is a designated AGLV and proposed as a SLA.
- 4.19 Moreover, the proposal:
- undermines the key principle behind the Proposed Plan's strategy towards the natural environment;
  - is contrary to Policy ENV1 Landscape Character and special landscape areas, and
  - contradicts and undermines the findings and recommendations of LLDR and the SEA, which both underpin the spatial strategy of the Proposed Plan .

#### Listed Building Status

- 4.20 [REDACTED] was built in 1801 for the minister of Linlithgow Parish Church (St Michael's). Its construction predates that of the Union Canal (1822) and all other mansions and substantial houses built on the rising slopes south of the Canal during the 19<sup>th</sup> century.
- 4.21 The original manse in the Kirkgate fell into disrepair in the 18<sup>th</sup> century. A decision by the Court of Session at the time stated that a new manse must be provided *'not... beyond the limits of the burgh'*. The Town Council built the house within the burgh boundaries and on [REDACTED].
- 4.22 The manse was sold by the Church of Scotland in 1974, then became known as [REDACTED] and the coach house with its orchard became a separate dwelling, now known as [REDACTED].
- 4.23 Its boundary wall has not been altered in any way since it was built 212 years ago. The southern wall is seen from not only Hillhouse Woodland (Beecraigs Country Park) but also from the road (an old drove road) descending from Ochiltree towards the south end of [REDACTED]. The trees on the west side of the property and just to the south of its boundary wall were planted at least 175 years ago to give it protection from the prevailing westerly winds.

- 4.24 [REDACTED] is a Category B Listed Building and is located adjacent to the H-LL4 site. The listed schedule confirms that the boundary wall and gate piers are also included within the designation (Historic Scotland, 2015c).
- 4.25 The proposed allocation H-LL4 would impact directly and indirectly on this property and its setting. Direct impacts relate to the effect of construction works on the boundary wall, including site access, foundation, drainage and services excavations or vibration from construction plant. It would also certainly impact on the setting of [REDACTED]. The house currently sits at the development edge, bounded by open farmland to the east and south, with views out across the Bathgate Hills, an AGLV and SLA. Proposed development would wrap around the [REDACTED], completely enclosing it and removing its edge-of settlement setting and significantly impacting views from and to this location and the approach along [REDACTED].
- 4.26 Policy ENV 28 of the Proposed Plan relates to Listed Buildings. It states that; *“In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings.”* Given the inevitable impact to the setting of [REDACTED] [REDACTED] resulting from development on the adjoining land, the proposed allocation H-LL4 is contrary to this key policy test.

#### Site Constraints

##### *Ecology:*

- 4.27 The report prepared by EE confirms that the field boundaries within and adjacent to site H-LL4 support tree and scrub habitats, which are likely to present a range of higher value habitats for animal species. Data for protected and notable species was obtained from National Biodiversity Network Gateway which established records of five animal species of conservation concern, including badger, bats and great crested newts.
- 4.28 Badger are protected by the Protection of Badgers Act 1992, while all species of bat are protected by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). Development at this site risks unacceptable impact upon these protected species

##### *Education:*

- 4.29 The Proposed Plan includes schedule of proposed housing sites and associated infrastructural requirements. The proposed allocation at H-LL4 is identified as falling within the catchment areas for the following schools; St Joseph’s Primary, St Kentigern’s Academy, Low Port Primary and Linlithgow Academy. The approved 2012 education forecasts for the period 2014-2023 were approved by the Council’s Education Executive in March 2014. They are the most up to date forecasts against which capacity calculations can be prepared. Against this background, advice from the Education Department states that;
- Capacity at Linlithgow Academy is allocated to support development at Winchburgh.
  - A similar position exists at St Kentigern’s Academy, where capacity is reserved for other strategic development sites.

- Accommodation at St Joseph's Primary is inadequate and the Council has concerns about its capacity to support new development.

4.30 It is WLC's stated position that there are serious and significant education constraints within a number of the schools to which this proposed allocation relates. On this basis alone, the proposed allocation cannot be delivered.

*Flooding/Drainage:*

4.31 There are flood risk issues associated with site H-LL4. Indeed, WLC's own assessment of this site identifies this as a "potentially vulnerable area, compounding problems downstream". Flood risk concerns identified relate to the steep catchment area leading to flood run off and potential cumulative impacts for the wider catchment area. SEPA's consultation response for this proposed allocation also identified concerns over the treatment of water run-off and impact on the water quality of Linlithgow Loch.

*Road Safety:*

4.32 It is proposed to access this allocation from Oatlands Park and [REDACTED]. The proposed access off [REDACTED] will potentially conflict with the existing access into Riccarton Drive. Moreover, traffic entering Linlithgow at this point has yet to slow to 30mph and the proposed new access is likely to be only a very short distance after the speed limit reduces from 60-30mph. Moreover, the road out of Linlithgow to the south is a rat run between the town and Livingston/M8 at Junction 3. It is at times a busy road with traffic travelling quickly along what is in effect a 'country road'. There are in the Objectors' view, serious road safety issues associated with accessing this proposal from [REDACTED].

4.33 Against the background of the evidence presented within this statement and the supporting submission from Energised Environments, our clients' firmly believe that the site on land east of [REDACTED] should not be allocated for residential development but instead, protected from future development in the emerging LDP.