

Simon Whitworth

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Sir,

Submission is as an individual representing my own views and my first representation on Proposed Plan.

**RE - LINLITHGOW HLL-12 'PRESTON FARM FIELD'**

Site selection fails policies in draft LDP:

1. Biodiversity
2. Landscape
3. Scheduled monuments
4. Listed buildings
5. Agriculture
6. Accessibility
7. Infrastructure

Selection fails SES, SEA, EU, UK and Scottish Government guidelines.

Failures:

**1. BIODIVERSITY**

**Environmental Law Foundation and R&R Urquhart LLP advise the following apply to HLL-12:**

**NATURE CONSERVATION (SCOTLAND) ACT 2004: para 1 "It is the duty of every public body and office-holder, in exercising any functions, to further conservation of biodiversity as consistent with proper exercise of those functions"**

**COUNCIL'S S.E.A "not preferred site" due to impact on designated sites, species and habitats.**

**PLAN POLICY ENV 20 (Species Protection & Enhancement) "Development affecting a species protected by European or UK law will not be permitted unless: a. an overriding public need and no satisfactory alternative; b. a species protection plan is submitted,**

**based on survey result, and includes detail of protected species on site and possible adverse impact of development; c. suitable mitigation proposed and agreed etc". This reflects SCOTTISH PLANNING POLICY 2014 para 194 directing planning to "conserve and enhance protected sites and species" and ".. (avoid) further fragmentation or isolation of habitats..."**

**BATS - UK WILDLIFE & COUNTRYSIDE ACT, 1981, SCHEDULE 5 gives strict protection to bats under: part 4 a) "damage to, destruction of, obstruction of access to structure or PLACE used by a scheduled animal for shelter or protection" and part 4 b) "disturbance of animal occupying the structure or place"**

**BATS - EUROPEAN PROTECTED SPECIES, ANNEX II AND IV OF COUNCIL DIRECTIVE 92/43/EEC 1992 on Conservation of Natural Habitats Wild Fauna & Flora (EC HABITATS DIRECTIVE) appearing in CONSERVATION (NATURAL HABITATS &C) REGULATIONS 1994 (as amended) Scotland. Regs give "bats, breeding sites and resting places" strict protection.**

**BADGERS - Badgers, setts and habitat comprehensively protected by PROTECTION OF BADGERS ACT 1992 (amended Scotland WANE ACT 1992)**

HLL-12 is an intense mosaic of rich natural habitats for protected and numerous other species. The land is not simply 'agricultural' due to interplay of contiguous ancient woods, mature gardens, canal, reservoir, and cropping. Turning the space over to development would destroy regionally important biodiversity. There is no compelling argument for 'overriding public need' to develop since alternatives exist locally and county-wide. However, compliance with laws above demands outright protection since 2 protected species have been truthfully verified by independent assessment: badgers and bats.

Council's SEA identifies Preston Farm Field as 'not a preferred site' due to adverse impact on species and habitat and its Consultee Response to Landowner, states 'protected species known' - so why was site ever promoted, considering biodiversity policy obligations? A site-specific badger survey to which Council were privy was also disregarded. This British Waterways survey (2011) regards a Council Property (L'gow Academy) threatened by canal-flooding caused by badger setts. This mapped a Main Sett adjacent to HLL-12, the lower field being key feeding and transit zone for a large badger clan. Independent review of this report shows scope for mitigation is miniscule, since canal-side setts were blocked and competition with other clans would lead to elimination.

Regarding bats at HLL-12, a BCT worker's short-scope survey in October 2015 recorded unusually high activity and 3 species including 'shy' red-listed *Myotis Naterreri* which thrives in

darkness. They conclude ANY street/house lights around canal feeding zone would negatively impact this species. The settled woodland; darkness of site versus lower canal-basin; richness of canal food source; shelter of topography and exposure of adjacent upland, again, creates little scope for mitigation. The field is important seasonal food source and flight-path for bats, with mature trees ON SITE for shelter and roosts. The Canal bridge cannot be disturbed for same reason. BCT worker stated 'peak-season' survey would likely show greater activity and species range. See attached 'HLL-12 dossier' for details.

HLL-12 is exceptional habitat due to persistent protection. Far from mitigating effects of development here, LDP MUST apply SEA/Plan policy and SNH, UK & EU law imploring officials to CONSERVE AND ENHANCE protected species' spaces. The site MUST be dropped to show compliance.

## **2. LANDSCAPE**

### **S.E.S PLAN POLICY 7b - site contrary to 'character and settlement of area'**

**LDP POLICY ENV 1 (Landscape character and SLAs) "Development not permitted where it significantly and adversely affects local landscape character. Within SLAs... presumption against development that undermines landscape and visual qualities... Development proposals 'outwith' these affecting setting from strategic viewpoints will be subject to detailed visual appraisal and not supported if adversely affects designated area".**

**This policy reflects SCOTTISH PLANNING POLICY 2014, on "Valuing Natural Environment" which in p45 para 194 states: "...planning should: facilitate positive change while maintaining and enhancing distinctive landscape character... promote protection and improvement of water environment... protect and enhance ancient semi-natural woodland as important and irreplaceable... and support enjoying/learning about natural environment" and para 197 "safeguard and enhance character and quality of landscape which is important or particularly valued locally..."**

HLL-12 is AGLV: the essential green frontier of settlement and Bathgate Hills providing exceptional, intrinsic visual quality from strategic points and identity to the South Linlithgow Fringe. This is created by a unique interaction between: Grade A house; Scheduled National Monument Union Canal; Cockelroy Peak; ancient woods; and the pristine parkland field which anchors all. Such features are highly regard in Scottish Planning Policy (ref above). All are greatly appreciated locally. The LDP consultation must therefore explain why HLL-12 (lower west Preston Field) ceases to have landscape value, whereas upper east Field is worthy of SLA status? Both co-exist as unchanged, unified landscape. The field has been divided in contradiction to LLDR which states HLL-12 is high-scoring AGLV that should be in SLA (Bathgate Hills). The LLDR says areas like HLL-12 on Linlithgow Fringe will be pressured by development which should be

resisted to protect key skylines. Development would be contrary to SES by decimating settlement and area's landscape character from the following strategic viewpoints:

#### BRAEHEAD SKYLINE, LINLITHGOW



a) Preston Lower Field from northwest (Braehead) b) Airngarth hill from south

No 'detailed visual appraisal' occurred, since prominence of HLL-12 from northwest is neglected (pic a). LDP seeks to remove SLA protection from a) whilst protecting b) Airngarth and enhancing greenbelt at Burghmuir. This is illogical and suggests Southern Fringe of Linlithgow is underrated and threatened by developer-led reasoning. Housing at HLL-12 is a stark example of 'creep' LLDR warns about. To re-zone the emerald skyline of Braehead is to urbanise residents' outlook in an undemocratic way, since few would know pre-construction.

#### RURAL BOUNDARY FROM FALKIRK ROAD



c) HLL-12 is green-buffer introducing Bathgate foothills on Linlithgow's West

Preston Field is a stunning natural landmark below Beecraigs & Cockelroy characterising town's setting viewed from strategic Falkirk Rd. This is equally important to defining settlement as proposed greenbelt in east.

#### COCKELROY VISTA AT UNION CANAL



d) HLL12 with Cockelroy summit above from northwest canal side

Heading west, the lower, western Preston Field emerges after a sharp turn in Union Canal. This is the ONLY section where Cockelroy Peak is prominent from canal/towpath. This strategic scenery is enhanced by being the FIRST open rural vista after 1 mile of urbanisation. LUCS tourists complain of few open-views. These views would disappear further with development on steep canal bank. Historic Scotland in Consultee Response to Landowner states urban/rural contrast is essential to canal character. Additionally, as a Scheduled Monument the canal MUST be protected from adverse setting impact:

### **3. UNION CANAL**

**LDP POLICY 33 (Scheduled Monuments) says “...Presumption against development which could have adverse impact on a scheduled monument, or integrity of its setting etc”.**



e) Katie Shaw's Brig (vernacular) at edge of HLL-12

As e) shows, canal is 15 feet below HLL-12. The field rises steeply thereafter. Modern housing, even single-storey would be unsympathetic to Monument and Grade B bridge, obliterating pastoral views in persistent agricultural setting for canal. The developer approach to site (public brochure) focuses housing on lower-field to mitigate impact on Preston House above. This perversely out-stages a Scheduled Monument below! That the LDP accepts this premise is illogical. However, even Preston House' setting is misunderstood and adversely impacted:

#### **4. LISTED BUILDING SETTING**

**LDP POLICY ENV 28 (Listed Buildings) says "in considering... development within vicinity of listed buildings, council will have particular regard to setting of listed buildings etc."**



f) Preston House from northwest near Katie Shaw's Brig

The HLL-12 boundary appears to give accord to views in-and-out of Grade A Preston House, but only a narrow aspect looking northwards: development would appear in sight-lines everywhere else. Clearly, the notion of setting seems driven by developer's presumption of objection at planning application but disregards wider curtilage of the house. Historic Scotland (Setting Guidelines) directs planners to 'appraise and understand' setting of buildings beyond sight-lines and 'owned-space' by regarding history, cultural meaning and appreciation. In Preston House's case the ENTIRE Preston Farm Field (HLL-12 and 'upper eastern') IS its original 1844 Parkland. This gave the house commanding views over town, valley and canal. OS maps from 1850s shows boundary is precise footprint of today's Preston Field - west AND east. To disrupt this settled landscape by subdivision and developing 175m from house would obscure views of the building especially from northwest (see f) pic) and neglect heritage. The magnitude of impact is greater because setting is already 'modest'. A house of this importance can only grow in stature. Its open, rural setting must be protected.

## **5. AGRICULTURE**

**PLAN POLICY ENV 4 (Prime Agriculture) "Development not be permitted where it results in permanent loss... unless...: a. development forms key component of spatial strategy... and b. proposal meets locational need, e.g. essential infrastructure; and c. no other suitable sites available..."**

Site HLL-12 is 3.1 high-grade cropland peripheral and marginal to housing goals. 11 alternatives exist in Linlithgow, hundreds more county-wide. Local sites could absorb 60 houses as Linlithgow Planning Forum response to LDP shows (identifying 800 units elsewhere). Subdividing field threatens sustainability of remaining agriculture, compounding permanent loss at HLL-12.

## **6. ACCESSIBILITY**

**PLAN POLICY HOU1 (Allocated Housing Sites) "...aims to: promote development in most sustainable locations where impact minimised; reduce need to travel; prioritise sustainable transport modes etc"**

Inaccessibility is statement of fact considering Scottish Govt guidelines (PAN 75, p24, para B13). No nearby frequent public transport (1 x hourly bus weekdays, 1 x 2 hourly Sat, no bus Sun, is INFREQUENT and 450-650m distant; train 1.75km distant), shopping (1.5km), too steep for legal cycling (■■■■■■■■■■ proves) and developer-mooted cycle/walkway to canal is illegal (Grade B

bridge has only 2.5m entry point to north). The conclusion is travel will NOT be by sustainable means; need to travel will INCREASE; and be BY CAR. This adds extra risk to traffic-calmed school-zone at Preston Rd and funnels pollutants into town. These facts are inescapable, so Summary of developer's submission to MIR given to Scrutiny Panel is open to legal challenge, since it regurgitates false claims "site is very accessible, linking to existing foot and cycleways with good choice of public transport nearby".

## **7. INFRASTRUCTURE**

### **SES PLAN POLICY 7 - site 'not effective' regards PAN 2/2010**

#### **SES PLAN POLIY 7c - "additional infrastructure required by development to be committed or funded by developer"**

This size of development cannot fund additional education, transport and other services to support it under SES. Any development would therefore bring intense extra pressure to schooling, traffic and health in already spatially-full quadrant of Linlithgow.

## **CONCLUSION**

Professional consideration of HLL-12 against policy would conclude it should stay as SLA. However, professional consideration has defied logic. So, consider the civic societies' approach in Linlithgow Planning Forum's response to the LDP. This focuses 'greenfield' housing around Edinburgh Rd where gains are possible, placing HLL-12 within a defensible settlement boundary. In light of this and the many failures detailed above I urge LDP to recognise how anomalous HLL-12 is and place within Bathgate Hills SLA as originally proposed by LLDR.

Simon Whitworth