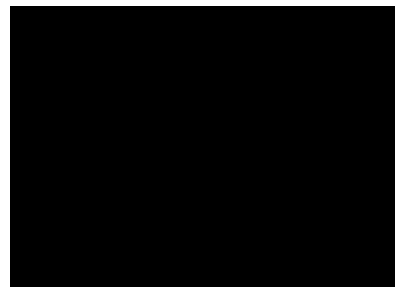


Historic Environment Scotland

Àrainneachd Eachdraidheil Alba

Ms Fiona McBrierty
Planning & Economic Development
West Lothian Council
West Lothian Civic Centre
Howden Road South
LIVINGSTON
EH54 6FF



Our ref: LDP/WLOTH
Our Case ID: 201504317

20 November 2015

Dear Ms McBrierty

Planning etc. (Scotland) Act 2006

West Lothian Council - Local Development Plan – Proposed Plan and updated Environmental Report

Thank you for consulting Historic Environment Scotland on the West Lothian Proposed Local Development Plan and its Environmental Report. I have reviewed these documents on behalf of Historic Environment Scotland in relation to our main area of interest for the historic environment. The first part of this response relates to the Proposed Plan, with part two focusing upon its environmental assessment.

Part 1: West Lothian Proposed Local Development Plan

General comments

On 1 October 2015, Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014. In view of this, we recommend that where appropriate, references to Historic Scotland and RCAHMS in the Proposed Plan and supporting documents should be replaced by reference to Historic Environment Scotland.

HES welcomes that the built heritage has been embedded within the vision statement for the Plan, and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment.

Comments on the policy elements of the Plan

POLICY EMP 3 Employment development within settlement boundaries

POLICY EMP 4 Employment development outwith settlement boundaries

POLICY EMP 8 Tourism

These policies include the wording '.....adversely impact on any special architectural, natural heritage designations or landscape interests'

As many historic environment assets are not primarily considered to be 'architectural', we recommend altering the wording to better encompass the broad range of historic environment assets in West Lothian. For example, 'historic environment designations' or

'historic environment assets' could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.

POLICY ENV 24 Conservation Areas (Demolitions)

This policy sets out five criteria, all of which are required to be satisfied in order to permit demolition of buildings which are of value to the character of a Conservation Area. This aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (<http://www.historic-scotland.gov.uk/shep>), or national guidance (<http://www.historic-scotland.gov.uk/demolition-2.pdf>) which suggests that conservation area demolition proposals are usually considered in the same way as listed building demolitions, by assessing against four criteria, requiring as a minimum that one of the four criteria to be met. Additionally, whilst SHEP requires that planning authorities have regard to the desirability to preserve or enhance the conservation area in considering demolition applications, the proposed policy requires that proposals for replacement development must enhance the conservation area.

The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be your intention to establish a more rigorous regime, you should be satisfied that the proposed policy will be workable in practice, and will not be likely to lead to frequent deviation from policy in decision making, which may introduce uncertainty and inconsistency into the decision making process. In such circumstances, consistent adherence to a more flexible, practicable policy approach may be of more benefit.

Paragraph 5.194

For information, the Buildings at Risk register is now maintained by Historic Environment Scotland.

POLICY ENV 28 Listed Buildings

The policy element relating to the demolition of listed buildings proposals sets out four criteria, all of which should be satisfied in order to permit demolition. As with Policy ENV 24, this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (<http://www.historic-scotland.gov.uk/shep>), or national guidance (<http://www.historic-scotland.gov.uk/demolition-2.pdf>) which set out four assessment criteria, requiring as a minimum that one of the four criteria to be met.

It would be very rare that an application for demolition would be able to satisfy all four criteria set out in Policy ENV 28. Whilst it may be your intention to establish a more rigorous regime than that set out in national policy, as with Policy ENV 24 you should be satisfied that the proposed policy will be workable in practice.

If you determine to amend the policy to require one or more criteria to be met, I would recommend that you omit criteria c (*the building cannot be adapted without material loss to its character*) as it would not be sufficiently robust as a stand-alone criteria. This is because, whilst there may be instances where the only viable option for re-use of a listed building will require adaptation which will result in a 'material loss' to the character of the listed building, this is unlikely to outweigh the impact of complete loss through demolition.

This policy states a presumption against enabling development. This section of the policy has been carried through from the Local Plan, which was adopted against the background of a different economic context. Whilst we support the application of robust criteria to

assess the acceptability of enabling development, we also recognise that in some cases it may be essential to securing a viable long term future for a listed building at risk. In view of this, we suggest that you may wish to retain the criteria for enabling development but omit the first sentence of this section, to form a more positive approach to this issue.

Policy MRW 3 Impediments to Mineral Extraction

Criteria g. of this policy refers to 'sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area'. By specifying some, but not all heritage designations, this criteria implies a lesser level of protection for those not included. In view of this, we recommend simply omitting reference to individual designation types. Alternatively, Inventory Designed Landscapes and Battlefields could be included in the criteria.

Comments on the Proposed Plan spatial strategy

We have looked at the development proposals within the Proposed Plan, concentrating on scheduled monuments and their setting, A listed buildings and their setting, gardens and designed landscapes and battlefields appearing in their respective Inventories, and Conservation Areas.

Some of the proposed development sites have the potential for impacts on heritage assets within our remit. However, we consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts. Early engagement with Historic Environment Scotland on development proposals which raise complex or significant issues will be key to avoiding adverse impacts and optimising positive outcomes for the historic environment. We would encourage you to ensure that all mitigation measures identified in the ER (or recommended in our letter of 17 October 2014, appended below) are brought through to the site delivery requirements.

We have detailed comments to make on the following proposed development sites:

H-LL 11 – Wilcoxholm Farm / Pilgrim Hill

At MIR stage we highlighted that development of this site could impact upon the setting of the scheduled monument Union Canal, River Almond to River Avon (<http://portal.historic-scotland.gov.uk/designation/SM8954>). We also noted that access to the northern part of the site appears to be constrained, and consequently had concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting.

We continue to consider that this development allocation may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation. Whilst we are content that these impacts could be mitigated by application of policy and sensitive design, it will be essential that Historic Environment Scotland have early involvement in further discussions on the development of proposals for the site. Any proposed direct impact on the scheduled monument would be subject to the Scheduled Monument Consent process. The site delivery requirements should be updated to reflect our comments here.

H-LL 12 – Preston Farm

Neither the SEA findings for this allocation, or the site delivery requirements, take cognisance of the potential for impacts on the site and setting of the scheduled Union Canal (<http://portal.historic-scotland.gov.uk/designation/SM8954>) or the setting of A listed Preston House (<http://portal.historic-scotland.gov.uk/designation/LB12983>). We are content that

these impacts could be mitigated by robust application of policy and sensitive design, but this should be reflected in the ER and site delivery requirements. We would welcome early discussion as proposals for development of this site progress, and the site delivery requirements should be updated to reflect this.

H-WB 17 – Site west of Niddry Castle

At Main Issues Report this was identified as an alternative site and we agreed with the SEA findings which indicated that development at this location had the potential for adverse impacts on the setting of A listed Niddry Castle (<http://portal.historic-scotland.gov.uk/designation/LB7437>). We stated that whilst some development could be accommodated here, if this site was brought forward to the Proposed Plan, robust mitigation would be required to deliver development without significant adverse effects on Niddry Castle.

This site has now been brought forward into the Proposed Plan, allocated for the development of 250 housing units. While Niddry Castle is largely seen in the context of Niddry Castle Bing, due to the number of residential units and close proximity of the site boundary to the castle we consider that it would be very difficult to deliver this scale of development in this location without significant adverse impact on the setting of Niddry Castle. Consequently, we consider that the number of housing units proposed should be reduced, and the final number be determined as a result of further assessment of the capacity of the site, for example through the master planning process. If this site is retained in the Plan, early consultation with Historic Environment Scotland on a mitigation strategy and on the development of a masterplan for the site will be essential.

Part 2: Environmental Report

We understand that the updated Environmental Report (ER) focusses on assessment of those development sites which were submitted to the council after the Main Issues Report (MIR) consultation. We are content that the assessment of these sites is appropriate and adequate for the historic environment.

As these additional sites are the only element of the Proposed Plan included in the updated ER, we have assumed that you gave consideration to the remainder of the content of the PP and concluded that the new material that it contains (e.g. those policies which have undergone iterative development and change since they were assessed at MIR stage) is not expected to have significant environmental effects. Although not a statutory requirement, in future you could consider summarising such changes within the updated ER and outlining the reasons for concluding that significant effects are not expected. This would add value to the updated ER as a supporting document for consultation on the PP.

At MIR stage, we noted that the ER was not accompanied by a non-technical summary. We also provided comments on some of the assessment findings and mitigation, and recommended that the ER be updated to reflect these and other representations made. In focussing the ER update solely on additional sites, the opportunity to address these points has not been taken, reducing the benefit of the ER as an accessible and accurate consultation tool. In light of this, we have appended the comments we provided on the ER at MIR stage, as these will have relevance as the Plan process moves forward to examination.

I hope this is helpful. None of the comments contained in this letter should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Environment Scotland's commitment to capacity-building in SEA.

Please feel welcome to contact me should you wish to discuss this response.

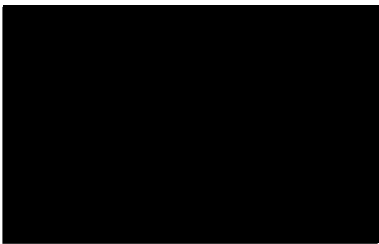
Yours sincerely



Virginia Sharp
Senior Heritage Management Officer, SEA



HISTORIC SCOTLAND
ALBA AOSMHOR



Mr Chris Alcom
Planning Services - Development Planning
West Lothian Council
County Buildings
High Street
LINLITHGOW
EH49 7EZ

Our ref: LDP/WLOTH
Our Case ID: 201404243
17 October 2014

Dear Mr Alcom,

**West Lothian Council – Local Development Plan: Main Issues Report
Environmental Report**

Thank you for consulting Historic Scotland on the Environmental Report for the west Lothian Local Development Plan Main Issues Report. I am responding on behalf of Historic Scotland in its role as an SEA Consultation Authority and in relation to our main area of interest for the historic environment.

General Comments

Overall the report provides a clear assessment of the likely effects of the emerging plan on the historic environment and I am pleased that the comments we have returned in previous correspondence, and at scoping stage, have been taken into account. It is clear that a huge amount of effort has gone into the assessment of site specific proposals and we consider the manner in which you have integrated SEA questions into the planning assessments to be very effective. This approach is a good way of ensuring that the assessment is baseline driven and that you are able to look at each proposal at a sufficient level of detail to broadly predict the likely environmental effects. Simply for information, a non-technical summary should have accompanied the Environmental Report.

Assessment framework and baseline information

Overall we support the framework used for the assessment, which reflects what was set out as part of the scoping process. The baseline information provides a helpful overview for the key issues for the historic environment, and we welcome the recognition of how industrial activity throughout the area, notably mining related, has played a key role through the creation of settlements, transport infrastructure and other aspects of the built environment. As a minor point, the lack of affordable housing identified in the report (page 38) relates more to an issue for the LDP to consider, rather than an environmental problem.

Site Assessments

The assessment tables in Appendix 2B which show the likely effects for the historic environment, arising for each SEA topic and from each allocation are clear. The commentary, where provided, is helpful in understanding the reasoning behind the scoring. Our comments on these findings are split into Annex A) for those allocations where we consider there is likely to have a significant effect and Annex B) where



we have highlighted some additional information and commentary based upon your assessment findings. For any further assessment undertaken as you move towards the Proposed Plan it would be helpful to update tables 15 and 16 of the main report in light of these comments and other representations made.

I hope this response is useful. As you are aware, none of the comments in this letter should be taken as constituting legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity building in SEA.

Please do not hesitate to contact me on [REDACTED] should you wish to discuss this response.

Yours sincerely

[REDACTED]

Andrew Fulton
Senior Heritage Management Officer.

Annex A: Those allocations Historic Scotland has identified as likely to have a significant effect

Linlithgow EOI-0054

This proposed development site is located within the Battle of Linlithgow Bridge Inventory Battlefield; the Inventory entry for this battlefield can be seen at <http://data.historic-scotland.gov.uk/pls/html/db/f?p=2500:15:0:::BATTLEFIELD:linlithgowbridge>. We assume that any development of this site is likely to begin adjacent to existing housing and infrastructure, at the north east end of the site. As noted in the inventory description, we currently believe that much of this area played a significant role in the battle and this should be considered when evaluating the deliverability of this allocation. Indeed, whilst we consider that there is capacity for some development of the site, in view of potential effects on the battlefield, it may not be possible to achieve the densities proposed without a significant adverse effect.

The assessment in the Environmental Report concludes there would be no significant adverse effects upon the historic environment from development at this *'not preferred'* site. However, we understand from the planning assessment and other documents that you are aware of the site being a historic battlefield and the significance of the issues outlined above. You may therefore wish to consider revising the assessment finding (Appendix 2B page 591).

Uphall EOI-0017 & East Calder EOI-0018

The assessment concludes there would be no significant adverse effects from development at these *'not preferred'* sites. There is however, a scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) located within these proposed development sites. We have concluded that development of these sites may potentially have significant adverse impacts on the scheduled monument itself, and upon its setting. Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted. Adverse direct and indirect impacts could potentially be mitigated through modification of the development site boundaries, and/or the use of a site specific development brief. The future management of the archaeological site should also be taken into consideration if this allocation is to be taken forward.

You may therefore wish to consider revising the assessment and adding appropriate mitigation such as that described above.

West Calder EOI-0161

The assessment concludes there could be significant adverse effects from development at this *'preferred'* site. This proposed development site is adjacent to the scheduled monument Five Sisters, shale bing (SM 6254). We are content that the impacts of redevelopment of the current Outlet Centre could be accommodated, with any adverse impacts on the setting of the monument mitigated through policy. However, we consider that development of the fields which currently separate Freeport Outlet Centre from the bing could have a significant adverse impact on the setting of the monument.

Winchburgh EOI-0205

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. We would agree with this conclusion. A large central section of this development site covers the scheduled monument Faucheldean Bing (SM5692). We would highlight also that Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted.

Uphall EOI-0217 (in addition to comments for EOI 0116)

The scale and nature of the proposed development would have a direct impact on the scheduled monument Union Canal, River Almond to River Avon (SM8954), altering its character and nature at this location. The provision of slipway, pumping out stations, a marina for up to 80 canal boats would constitute a major intervention into the scheduled monument. Whilst we consider that there is scope to accommodate some canal related retail/leisure development in the area indicated, the scale of development proposed is likely to result in a significant negative effect.

Livingston EOI-0099

To note the proximity of the A-listed Linnhouse viaduct (HBNUM 73765).

Linlithgow EOI-0103

To note the presence of two historic environment records for this allocation - Site of 13th century army encampment (CANMORE 4921) and site of antiquarian recovery of Roman coins (CANMORE 49190).

Livingston EOI-0110

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. Development within this site boundary could potentially impact upon the setting of the scheduled monument known as Murieston Castle, Wester Murieston, West Calder (SM1207). We are content that application of national and appropriate local policies should be able to mitigate any potential adverse impacts. We also consider that there may be the potential to achieve some conservation gain to the monument from development in this location.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Linlithgow EOI-0114

The assessment concludes there could be significant adverse effects from development at this '*preferred*' site. This potential development site could impact upon the setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). We also note that access to the northern part of the site appears to be constrained, and consequently have concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting. We would not favour new crossings which may affect the site and setting of the canal at this point. If development of the site did not require a new crossing, we are content that application of national and appropriate local policies should be able to mitigate any other potential adverse impacts.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0115

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. Development of this site may, however, potentially have adverse impacts on the setting of the A-listed Almond Valley Viaduct. We consider that whilst development can be accommodated, this would need to be subject to a robust mitigation strategy.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0116

The assessment concludes there could be significant adverse effects from development at this '*not preferred*' site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development were not to have a direct impact on the

scheduled monument, we would be content that application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Torphicen EOI-0122

To note the allocation is within Torphicen Conservation Area.

Blackburn EOI-0136

The assessment concludes there would be no significant adverse effects from development at this *'not preferred'* site. Development to the north may, however, potentially impact on the setting of the A-listed Blackburn House. Any adverse impacts could potentially be mitigated through the application of national and local polices, and/or the use of a site specific development brief.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Broxburn EOI-0138d, f, h (three separate sites)

The assessment concludes there would be no significant adverse effects from development at these *'preferred'* sites. We note that the majority of these proposed sites are already within the core development area masterplan in the current Local Plan. Development on these sites could potentially adversely affect the settings of scheduled monument Greendykes Bing (SM6186). Whilst we are content that application of national and appropriate local policies should be able to mitigate potential adverse impacts, we would expect that allocation of this site would be supported by a management plan for the bing, similar to those outlines within the current local plan paragraphs 7.75-77.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Broxburn EOI-0144

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. The scheduled monument Newbigging Craig, settlement 350m SSW of (SM6201) is located within this proposed development site. Development of this site may potentially have significant adverse impacts on the scheduled monument itself, and upon its setting. Scheduled Monument Consent would be required for development directly affecting the monument, and it is unlikely that this would be granted. Adverse direct and indirect impacts could potentially be mitigated through modification of the development site boundaries, and/or the use of site specific development brief. The future management of the archaeological site should also be taken into consideration if this allocation is to be taken forward.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Bathgate EOI-0153

To note the proximity of the allocation to the low surviving remains of Bathgate Castle (CANMORE 47768).

Linlithgow EOI-0165

To note the presence of cropmarked archaeological remains as seen in aerial photography (CANMORE 49248).

Linlithgow EOI-0168

The assessment concludes there could be significant adverse effects from development at this *'preferred'* site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development did not result in direct impacts upon the scheduled monument we would be content that the application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Wilkieston EOI-170A

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. Development may potentially impact on the setting of the A-listed Bonnington House. Any adverse impacts could potentially be mitigated through the application of national and local policies, and/or the use of a site specific development brief.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Winchburgh EOI-0196,

The assessment concludes there could be significant adverse effects from development at this *'not preferred'* site. This potential development site could impact upon the site and setting of the scheduled monuments Union Canal, River Almond to River Avon (SM8954) and Auldcathie Church (SM5610). We suggest that in addition to application of national and local policy, a site specific development brief would be effective in mitigating potential adverse impacts. We note that access to the northern part of the site appears to be constrained, and consequently have concerns that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting. We would not favour new crossings which may affect the site and setting of the canal at this point. There appears to be potential for development on this site to produce conservation gain for Auldcathie Church, perhaps through a management plan for the long term conservation of the monument.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Winchburgh EOI-0199, 200, 201

The assessment concludes there would be no significant adverse effects from development at these *'not preferred'* sites (for EOIs 0199 & 0200) and a likely adverse impact at the *'alternative site'* (EOI 0201). The development of these sites has the potential for adverse impacts on the A listed Niddrie Castle (HB7437) and is also close to Newliston Inventory Designed Landscape. We consider that whilst some development could be accommodated, this would need to be subject to a robust mitigation strategy.

You may wish to consider altering the assessment matrix to reflect likely impacts on the first and fourth SEA Cultural Heritage sub topics (for EOIs 0199 and 0200) as well as applying mitigation such as that described above for all three assessments.

Winchburgh EOI-0204

The assessment concludes there would be no significant adverse effects from development at this *'not preferred'* site. Development within this site boundary could potentially impact upon the setting of scheduled monument Greendykes, Oil Shale Bing (SM6186). Whilst we are content that application of national and appropriate local policies should be able to mitigate potential adverse impacts, we would expect that allocation of this site would be supported by a management plan for the bing, as is laid out within the current local plan paragraphs 7.75-77.

You may therefore wish to consider adding appropriate mitigation such as that described above.

Linlithgow EOI-0210

The assessment concludes there could be significant adverse effects from development at this *'preferred'* site. This potential development site could impact upon the site and setting of the scheduled monument Union Canal, River Almond to River Avon (SM8954). If development does not result in a direct impact upon the scheduled monument we would be content that the application of national and appropriate local policies should be able to mitigate any other potential adverse impacts. We would note that any direct impact upon the monuments through adoption of this allocation its subsequent development would be subject to Scheduled Monument Consent.

You may wish to consider altering the assessment matrix to reflect likely impacts on the second SEA Cultural Heritage sub topic as well as applying mitigation such as that described above.

Uphall EOI-0217

To note the proximity of the allocation to the scheduled monument – the Union canal.

**Historic Scotland
17 October 2014**