

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PLANNING GUIDANCE ON THE HISTORIC ENVIRONMENT

PLANNING GUIDANCE FOR THE MANAGEMENT AND AFTER USE OF SOILS ON DEVELOPMENT SITES

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive on the outcome of consultation on draft Planning Guidance related to West Lothian's historic environment and on draft Planning Guidance related to the management and after-use of soils on development sites and to seek approval of the guidance.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. approves the responses to the comments received during consultation on the draft Planning Guidance on the Historic Environment (Appendix 1);
2. approves the content of the revised Planning Guidance on the Historic Environment (Appendix 2);
3. approves the responses to the comments received during consultation on the draft Planning Guidance for the Management and After-use of Soils on Development Sites (Appendix 3);
4. approves the content of the revised Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 4);
5. approves the 'Screening Reports' for Planning Guidance on the Historic Environment (Appendix 5) and Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 6) which are to be submitted to SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance is exempted from additional Strategic Environmental Assessment because they will not in themselves have any significant environmental effects and there are no additional environmental effects not previously considered in the SEA for the LDP; and
6. delegates authority to the Head of Planning, Economic Development and Regeneration to issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and, where the SEA Gateway and the consultation authorities agree that a SEA is required, to report matters to a future meeting of the Council Executive.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The West Lothian Local Development Plan (LDP) is a material consideration in the determination of planning applications. The Planning Guidance has been prepared in support of the LDP. There are ten policies in the LDP that relate to the historic environment. These are policies HER 23 – 33.</p> <p>Policy ENV 5 of the LDP requires Soil Sustainability Plans to be submitted alongside planning applications for development on greenfield sites over 1ha in size.</p> <p>Both of the proposed planning guidance are unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make them the subject of separate Strategic Environmental Assessment (SEA).</p> <p>There are no equality, health or risk assessment issues associated with the guidance.</p>
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None, though Officers will continue to look at options for securing external financial support for project delivery related to the historic environment.
VII	Consideration at PDSP	Draft Planning Guidance on the Historic Environment and draft Planning Guidance on the Management and After-use of Soils on Development Sites were considered by the Development & Transport PDSP on 4 September 2020 to undergo public consultation.
VIII	Other consultations	NETs & Land Services (Greenspace & Flood Risk Management Team), NatureScot (former Scottish Natural Heritage - Soil Scientist). No consultations on the planning guidance relating to the Historic Environment.

D. TERMS OF REPORT

D1 Background

The West Lothian Local Development Plan (LDP) adopted in 2018 sets out in Appendix 4 a number of proposed 'statutory' Supplementary Guidance (SG) and 'non-statutory' Planning Guidance (PG). Guidance is produced to support the policies in the West Lothian Local Development Plan and to give assistance to developers and other interested parties when considering development proposals.

Planning Guidance provides detail on a range of other subject areas not covered by Supplementary Guidance. It does not have as much weight as statutory Supplementary Guidance and it does not require to be approved by Scottish Ministers. It should nevertheless be followed, except where material circumstances justify an exception.

D2 Planning Guidance on the Historic Environment

Responsibility for the historic environment is shared between the council, national agencies, heritage and amenity bodies, property owners, users and visitors. Successful built heritage conservation relies on each party playing its part against an understanding of the heritage resource, the availability of relevant information relating to it, sound guidance and the implementation of effective planning policies.

The LDP indicates that Planning Guidance on the Historic Environment will:

- provide further details of the planning policy approach for Conservation Areas, Listed Buildings, Areas of Built Heritage and Townscape Value, Archaeology and Scheduled Monuments;
- set out additional details on specific topics: for example, the industrial heritage of West Lothian (including protection of shale miners rows and shale bings); proposed new designations, Historic Gardens and Designed Landscapes, landscapes of merit;
- promote best practice for conservation of the historic environment;
- outline requirements for submission with planning applications; and
- provide mapping, GIS-links and shape files as appropriate and practicable.

The proposed Planning Guidance is set out in Appendix 2. What the council will expect developers and others to consider when preparing and submitting planning applications for development related to West Lothian's historic environment are highlighted in boxes, in bold text, at the end of each section throughout the Planning Guidance. The Guidance provides further information on the following:

- Planning Policy;
- Conservation Areas;
- Listed Buildings;
- Scheduled Monuments;
- Archaeology;
- Areas of Built Heritage and Townscape Value;
- Public Realm Design Guidance;
- Historic Gardens & Designed Landscapes;
- Article 4 Directions;
- Site-specific historic environment issues:
 - Linlithgow Palace & Peel - Royal Park;
 - Linlithgow High Street Rigs;

- Former Bangour Village Hospital, Dechmont;
- Hopetoun Estate and Abercorn Village;
- Historic Battlefields: Battle of Linlithgow Bridge (1526).
- Buildings at Risk in West Lothian;
- West Lothian "Local List";
- Historic Kirk Yards;
- West Lothian's unique Shale Bings;

D3 Public Consultation

Public consultation was carried out over a 6 week period from September to early November 2020. This involved publication of the guidance on the council's website and issuing it for comment to all community councils and other interested national and local heritage bodies, as well as other stakeholder groups.

Extensive and detailed comments were received from Historic Environment Scotland and these have been incorporated into the proposed Planning Guidance. Support was also received from NatureScot (former Scottish Natural Heritage), as well as The Almond Valley Heritage Centre and Torphichen and Livingston Village Community Councils and Linlithgow Civic Trust. The council's response to all comments received is set out in Appendix 1. These have given rise to some proposed amendments to the planning guidance which are set out as track changes for ease of reference (Appendix 2). This includes enhanced reference to Historic Environment Scotland's Historic Environment Policy (HEPs) and updated references to guidance; information on listed building consent and the process of "listing" buildings and enhanced reference to the Union Canal, that is a scheduled monument.

D4 Planning Guidance for the Management and After Use of Soils on Development Sites

Soil is a finite resource. Some of the most significant impacts on it occur as a result of construction activity, yet it appears that there is a general lack of awareness and understanding of soil issues within the construction industry. Mapping of the natural drainage status of the soils in West Lothian shows that the majority of the southern half of the district and some areas to the west, have poor or very poor natural drainage characteristics. During development, misuse of soil often results in even poorer drainage capacity of the soil that is returned to a site after construction activity.

The "West Lothian Soil Sustainability Report" was originally published in 2004 following research by Scottish Agricultural College (SAC) and funded by Scottish Natural Heritage (SNH - now 'Nature Scot'), after arising out of the West Lothian Local Biodiversity Action Plan.

The report structure is under review by NatureScot (NS) soil scientist specialists and subject to NS grant funding, SAC have indicated they can update it. However, its broad indications remain valid in that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. This high clay content often results in the worst drainage conditions, albeit there are examples of particularly good soils, yielding very high crop returns, in east West Lothian around Wilkieston. However, Climate Change is exacerbating drainage issues across West Lothian.

Preserving the structure of soil is of particular importance in assisting with its drainage. Soils with the most susceptible structural stability problems include silty clay loams and sandy clay loams as occur in West Lothian. Deterioration of soil structure can occur if soil is badly managed on development sites.

Given these circumstances it is prudent to have a soil management procedure in place before the commencement of specific developments on site, which would be implemented during and after construction. The proposed planning guidance (Appendix 4), sets out requirements of developers in that regard. It has been drafted with the input of Nature Scot soil scientist and expands on the policy requirements set out in the LDP.

Policy ENV 5 of the West Lothian Local Development Plan (2018), sets out requirements for the submission of Soil Sustainability Plans by developers:

“On all greenfield development sites over 1 ha, an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. These Soil Sustainability Plans, to be submitted with relevant planning applications will include soil identification for after-use purposes, top-soil handling, soil management during construction, site restoration, open space drainage and post-development monitoring.

The terms of policy EMG 6 will also require to be met”

The aim of the Planning Guidance is to:

- help conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- prepare sites more effectively for landscaping and open space use.

The guidance sets out the circumstances where applicants will be required to submit a Soil Sustainability Plan (SSP) alongside planning applications.

Soil Sustainability Plans / planning conditions will need to consider the following:

- soil analysis and assessment of the development site;
- risk assessment before moving soil;
- soil archaeology assessment;
- soil identification for after-use purposes, including the opportunity to retain on site as much existing top-soil as is practical;
- top-soil handling proposals, including avoidance of compaction and movement of soils when ground conditions are inappropriate;
- storage proposals for soil, including profiling and height of soil dumps;
- site restoration proposals;
- open space drainage proposals, correction of mineral and nutrient deficiencies and soil erosion mitigation measures; and
- monitoring of soil post-development.

Examples of appropriate planning conditions are set out in the proposed Planning Guidance which also incorporates as an Annex a ‘*Best Practice Specification for Handling of Soil*’, alongside a checklist of the “*Do’s and Don’ts of soil management*” directed towards Site Agents.

D5 Consultation

The draft Planning Guidance was the subject of consultation with the development industry, community councils, SRUC Oatridge College and the Soils Association for a 6 week period from mid-September to early November 2020.

Three sets of comments were received. These are set out in Appendix 3 together with a proposed response. NatureScot welcomed the lead taken by the council in preparing the guidance for sites in West Lothian and were pleased that they were able to provide some support and advice during its drafting. While they had no specific additional comments to make on the draft guidance, NatureScot hopes that it will form the basis for good practice by other planning authorities in Scotland.

SEPA provided over 40 detailed comments and the Institute of Environmental Management and Assessment (IEMA) also provided a similar number of detailed comments from members of IEMA 'Land and Soils Working Group', (which is part of the IEMA Impact Assessment Network).

It is proposed that the Planning Guidance, following consideration by the Council Executive, should be adopted as council policy. Thereafter, the Annexes containing "*Best Practice Specification for Handling of Soil*" and a checklist of the "*Do's and Don'ts of soil management*" would be released with future relevant planning permissions to applicants and developers.

The Planning Guidance would also be provided, via NatureScot, to other Scottish local planning authorities if they wished to adapt and adopt the West Lothian model for improving soil handling, and its related benefits, on construction sites.

D6 Concluding Procedures for Planning Guidance

In the event that Council Executive approves the Planning Guidance Historic Environment and Planning Guidance on the Management and After-use of Soils on Development Sites the guidance firstly requires to be submitted to the SEA Gateway and the 'Consultation Authorities' (SEPA, NatureScot and Historic Environment Scotland) in order to test the council's assertion that they are exempted from any additional Strategic Environmental Assessment (SEA) because they will not in themselves have any significant environmental effects.

The council is required to set out its justification in a 'Screening Report', provided as Appendices 5 (Historic Environment) and 6 (Planning Guidance for the Management and After Use of Soils on Development Sites), and Council Executive are invited to approve these documents for submission to the SEA Gateway.

If, as anticipated, the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, it is requested that the Head of Planning, Economic Development and Regeneration is given delegated authority to issue a 'Screening Determination' which formalises the position that no additional Strategic Environmental Assessment is to be prepared in relation to the guidance. This will be reported for information to a subsequent meeting of the Council Executive at the earliest opportunity.

E. CONCLUSION

The LDP states that the historic environment is an important part of West Lothian's cultural heritage; it helps to enhance the local distinctiveness of the area and contributes towards the achievement of sustainable economic growth by playing a key role in supporting the growth of the area's tourism and leisure industry. Planning Guidance on the Historic Environment will assist developers and others to consider various built heritage issues when preparing and submitting planning applications for development related to West Lothian's historic environment.

Soil is fundamental to the functioning of many environmental assets and its management is an important part of sustainable development. In response to

continuing concerns about waterlogging and poor landscaping in development sites and to update the previous specific 'development control' guidance set out in the original West Lothian Soil Sustainability Report (2004), a related Planning Guidance on Soil Management has been prepared to assist the development industry.

F. BACKGROUND REFERENCES

The Historic Environment Policy for Scotland (April 2019) prepared by Historic Environment Scotland:

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>

West Lothian Local Development Plan (2018) (Pages 53 – 59 / Paras 198 – 219):

https://www.westlothian.gov.uk/media/38765/West-Lothian-Local-Development-Plan-Adopted-2018/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final_Web_Version_Amended_-_2020-01-08.pdf?m=637140907284930000

West Lothian Council Soil Sustainability Report (2004).

West Lothian Council – “A Development Control Policy for the management and after use of soils on development sites” (May 2006).

Appendices / Attachments: six

Appendix 1: Consultation responses received on draft Planning Guidance and proposed response

Appendix 2: Tracked changed version of Planning Guidance on the Historic Environment

Appendix 3: Consultation responses received on draft Planning Guidance on the Management and After-use of Soils on Development Sites

Appendix 4: Track changed version of Planning Guidance on Soil Management & After-use of Soils on Development Sites

Appendix 5: SEA Screening Report on Planning Guidance on the Historic Environment

Appendix 6: SEA Screening Report on Planning Guidance on the Management and After-use of Soils on Development Sites

Contact Person: Chris Alcorn, Principal Planner, Development Planning: 01506-282428.

Email: chris.alcorn@westlothian.gov.uk

Craig McCorriston

Head of Planning, Economic Development & Regeneration

9 February 2021

DATA LABEL: Public

Appendix 1: Summary of Consultation responses with Proposed Response

Consultee	Consultation comment	Council response
Almond Valley Heritage Trust	Wished to share this invitation to comment on the draft Planning guidance through our "West Lothian Heritage" facebook page.	Acknowledged – although no additional comments arrived via this route.
Torphichen Community Council	<p>Given the historic nature of the village the committee recommends that Torphichen be included in the list of locations on Page 19 re ENV 27.</p> <p>The list of listed buildings elsewhere in the report does not include some local residences which we understood to be listed and the report may require revision.</p>	<p>LDP Policy ENV 27 relates to 'Areas of Built Heritage & Townscape Value', a West Lothian specific designation. However, as Torphichen is already designated a Conservation Area, it is not necessary to also consider it an Area of Built Heritage & Townscape Value which is a tier below conservation areas.</p> <p>The community council was asked to clarify which "local residences" referred; information has been checked with Historic Environment Scotland; no amendments are required to the Planning Guidance.</p>
NatureScot (formerly Scottish Natural Heritage)	<p>The majority of the content of the Planning Guidance is not of immediate relevance to our remit. We note that the guidance on shale bings includes recognition of their role in setting and landscape character of the area and welcome the proposed joint preparation of a management plan for the green corridor between Winchburgh and East Broxburn.</p> <p>To reflect our rebranding, references to Scottish Natural Heritage (SNH) should be changed to NatureScot when the draft guidance is being finalised.</p>	<p>Acknowledged. The "proposed joint preparation of a management plan for the green corridor between Winchburgh and East Broxburn" is a requirement of the Local Development Plan and is required from the East Broxburn CDA developer, alongside the Winchburgh CDA developer.</p> <p>Noted. References to former 'Scottish Natural Heritage' have been replaced by 'Nature Scot'.</p>

Consultee	Consultation comment	Council response
<p>Livingston Village Community Council</p>	<p>We welcome this especially since our Community Council area embraces one of the noted conservation areas namely Livingston Village. We consider it excellent in that it lists all the various elements of a variety of kinds that constitute Historic Environment in West Lothian</p> <p>We note that this pulls together in a single document the miscellany of approvals that may be required for a development varying from planning permission to more specific consents depending on the type of historic quality.</p> <p>Previously we submitted representations on a couple of environmental planning guidances. The first, in October 2019, was on Shop Fronts and Advertising in conservation areas. This may not yet be approved. However, it should be mentioned within the context of this new PG.</p> <p>Our second representation was on the Built Heritage and Townscape Values – Miners Rows. This is mentioned near the top of page 9 as still awaiting approval some 12 months on from consultation. In our submission we asked a few questions and made some suggestions. We never got any feedback on these.</p>	<p>Acknowledged.</p> <p>Acknowledged.</p> <p>Agreed. The Planning Guidance on ‘Shopfronts and Advertisements in Conservation Area’ was approved in May 2020. Reference and web link to this has been inserted into the Planning Guidance.</p> <p>The Planning Guidance related to the ‘Shale Miners Rows’ was adopted by the council in October 2020.</p>
<p>Linlithgow Civic Trust</p>	<p>Linlithgow Civic Trust (the Trust) welcomes this Planning Guidance on the historic environment. The planning system has a key role to play in the protection of Linlithgow's outstanding heritage and in ensuring that new development is of a standard and quality that befits the town's unique historic status.</p> <p>We make the following observations with specific reference to Linlithgow, and the Trust's remit to encourage the</p>	<p>Acknowledged.</p>

Consultee	Consultation comment	Council response
	<p>conservation of the town's historic buildings and environment.</p> <p>1. As a general comment, the Trust hopes that the Guidance will support its efforts to bring about an improvement in the built environment of the Linlithgow Palace and High Street outstanding conservation area. The Trust continues to be concerned about the deteriorating condition of key sites in what is the main gateway to the 'jewel in the crown' which is Linlithgow Palace. This neglect cannot be allowed to continue. The town's rich history, which is reflected in its built heritage is a magnet for tourism and makes a major contribution to the economic vibrancy and well being of the town centre.</p> <p>2. The paragraph headed 'West Lothian Conservation Areas' on page 6, notes that '<i>(the council) should also prepare and publish proposals for protection and enhancement of the area such as the introduction of special controls, improvements, initiatives and guidance on repairs and alterations.</i>' The Trust is concerned that the significance of Linlithgow's built heritage and the need for its protection is not as widely appreciated as it could be, and welcomes initiatives and guidance which aids further understanding of the importance of the High Street in particular, and its many listed buildings. This should include the important role of the planning system with its various controls.</p> <p>3. In furthering its aims, the Trust acknowledges the role that the public realm design guidance plays in enhancing the built heritage which in turn encourages investment in the town</p>	<p>The council is aware and appreciative of the support Linlithgow Civic Trust brings to the interest and protection of the town's built heritage which is indeed an economic support to Linlithgow's prosperity. The council will continue to work with the private owners of some of the key vacant sites on the approach to The Cross at the former bus station and also the former Victoria Halls site.</p> <p>A planning brief has recently been approved for the adjacent Vennel site to stimulate re-development and involved the community and interested organisations.</p> <p>The Planning Guidance on 'Shopfronts and Advertisements in Conservation Areas' was approved in May 2020 and covers 7 conservation areas including Linlithgow. Linlithgow Civic Trust took the initiative to produce a short leaflet based on the approved guidance and specifically related to shopfronts and advertisements and after agreement with WLC Planning Services for direct deliver to all the retail premises along Linlithgow High Street with the printing supported by the Town Management Group.</p> <p>A review of all West Lothian's five traditional towns Public Realm Design Guidance (PRDG). Including Linlithgow was undertaken</p>

Consultee	Consultation comment	Council response
	<p>centre. The Guidance notes that <i>'Development proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where applicable.'</i> (Page 10). It is important that the public realm design guidance is disseminated as widely as possible along with other initiatives to protect and enhance the historic environment. The Trust would be pleased to see a finalised 'adopted' version of the design guidance for Linlithgow (reviewed and updated in 2019), and in this respect, it should be noted that the web link, referred to on page 10 is missing.</p> <p>4. The Trust supports the planning objectives for Linlithgow Palace and Peel - Royal Park, and Linlithgow High Street Rigs as outlined on pages 12 and 13, and trusts that they will always be brought to bear in the consideration of planning matters.</p> <p>5. The Trust is concerned that the significance of the Battle of Linlithgow Bridge, listed in the Inventory of Historic Battlefields should be as widely recognised as possible, and that the provisions of Local Development Plan policy ENV 31, as outlined on page 15, be implemented as stringently as possible. The site has already been adversely affected by a number of developments, and it is vital that any further development proposals should respect and where possible enhance the landscape and significance of the site.</p> <p>In conclusion, the Trust would like to emphasise the importance of all of the planning policies related to the historic environment as listed in Appendix 1, and trusts that</p>	<p>in 2020 and presented to the Council's Development & Transport Policy Development & Scrutiny Panel in December 2020. The PDSP recommended that the PRDGs undergo public consultation in Spring 2021. The Linlithgow public realm design guidance was prepared by architectural consultants, based in the High Street, in 2013 and approved by the Council in 2017. Consequently, it is not considered to generally be out-of-date and still relevant and hence does not require a review at this time.</p> <p>Acknowledged. The planning policies related to Linlithgow Palace and Peel derive from national guidance on the consultation zone for all planning applications within that zone to have regard to the Palace & the Peel.</p> <p>A separate Planning Guidance note on Linlithgow Bridge Battlefield is in preparation. Housing allocation at Kettilstoun Quarry (Site H-LL13) was imposed by the DPEA following the Local Development Plan Examination process. The grant of planning permission for the Linlithgow CDT cycle track at Kettlistoun West had an accompanying planning condition relating to an archaeological watching brief on the site.</p> <p>Agreed. The Local Development Plan policies listed are used to consider relevant planning applications in Linlithgow and elsewhere across West Lothian.</p>

Consultee	Consultation comment	Council response
	the council will continue to strive to ensure their rigorous implementation.	
Historic Environment Scotland	<p>Thank you for giving Historic Environment Scotland the opportunity to comment on the draft planning guidance for the historic environment (the PG). We welcome the preparation of this document to provide detailed guidance and advice to support the relevant policies of the Local Development Plan. We have some comments to offer on the content of the document:</p> <p>Introduction</p> <ul style="list-style-type: none"> Given that you have noted that the Bings are scheduled monuments, you may wish to consider noting that both Cairnpapple and Linlithgow are also scheduled monuments. We would suggest that all of these are referred to as ‘scheduled monuments of national importance’. <p>Planning policy</p> <ul style="list-style-type: none"> We welcome the inclusion of the Historic Environment Policy for Scotland (2019) as a key policy document. The policies within HEPS should be taken into account whenever a decision will affect the historic environment, and it would be helpful if this could be emphasised within the PG. You should remove reference to the following documents as they are either superseded or out of date: <ul style="list-style-type: none"> Historic Environment Scotland Policy Statement (June 2016); Historic Environment Circular 1 Historic Environment Scotland (2016); Historic Environment Scotland “Managing Change in the Historic Environment” guidance notes 	<p>Acknowledged.</p> <p>Agreed. Text amended accordingly, paragraph 2.1 refers.</p> <p>Agreed. Text amended accordingly, paragraph 3.3 refers.</p> <p>Agreed. Text amended accordingly and with out of date/superseded references removed and reference to more up-to-date HES Circulars inserted – paragraph 3.3 refers.</p>

Consultee	Consultation comment	Council response
	<ul style="list-style-type: none"> • We recommend you include reference to the following documents: <ul style="list-style-type: none"> o Historic Environment Scotland Circular (2019) https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=a768f3cb-eb44-4473-be7b-aa2500e4892b o Updated Managing Change guidance notes https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=37 <p>West Lothian Conservation Areas</p> <ul style="list-style-type: none"> • We would encourage the preparation of Conservation Area Character Appraisals for existing conservation areas to assist with their future management. We note the LDP policy says these will be produced but so far there has been no action. We would suggest a timetable is put forward. Their preparation would be an opportunity to give more detail to the areas and assist in their conservation and development. We would be happy to provide comments on any draft appraisals. <p>Listed Buildings in West Lothian</p> <ul style="list-style-type: none"> • We suggest the following alternative wording for the first paragraph of this section: <p><i>“Listed Buildings in West Lothian - Historic buildings are an important and very visible component of West Lothian’s built heritage. They contribute to the identity of places and provide a cultural, educational, social, and economic resource. The best examples of these buildings are added to a nationally compiled list. ‘Listing’ is the process that</i></p>	<p>Disagree. Four Conservation Area Appraisals (CAA) have been carried out to date, reported to the Council’s Development & Transport Policy Development & Scrutiny Panel (PDSP), then underwent public consultation and reported to the Council Executive for approval. These include: Broxburn, 2015; Mid Calder, 2017; and Uphall, 2018. Kirknewton CAA while taken through PDSP in December 2019 and was due for public consultation in Spring 2020, was stalled due to Co-vid shutdown. Work has begun on Livingston Village CAA.</p> <p>Agreed and wording incorporated into finalised text of the Planning Guidance, paragraph 5.1 refers.</p>

Consultee	Consultation comment	Council response
	<p><i>identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories according to its relative importance, either A, B or C as outstanding, major or representative examples of a particular period, style or building type."</i></p> <ul style="list-style-type: none"> • We suggest the following alternative wording for the fifth paragraph of this section: <p><i>"The bulk of the statutory list is based on survey work first carried out in the 1950's and 1960's, although there have been reviews from time to time. HES occasionally remove buildings from the list after review and consultation. There may remain buildings in West Lothian which are worthy of listing, but are not yet recognised through inclusion on the statutory list. If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for listing reviews can be made to HES using their application form."</i></p> <p>https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/</p> <ul style="list-style-type: none"> • Listed buildings are also searchable on Historic Environment Scotland's portal. http://portal.historicenvironment.scot 	<p>Agreed and wording incorporated into finalised text of the Planning Guidance, paragraph 5.5 refers.</p>

Consultee	Consultation comment	Council response
	<p>Listed Building Consent</p> <ul style="list-style-type: none"> • Conservation Area Consent (CAC) is only required for buildings that are not listed. In view of this we recommend that the reference to CAC should be included under West Lothian Conservation Areas, not under Listed Building Consent. <p>West Lothian's Scheduled Monuments</p> <ul style="list-style-type: none"> • We welcome the reference to the need for consent for works to scheduled monuments. It may be helpful to specifically refer to Scheduled Monument Consent and include the relevant link: https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent/ • We suggest the following alternative wording for the first paragraph of this section: <i>"Historic Environment Scotland compiles and maintains a schedule (a list) of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 46 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).</i> <i>If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced.</i> 	<p>Acknowledged and wording and web link incorporated into finalised text of the Planning Guidance, paragraphs 4.6 and 4.7 refer.</p> <p>Agreed and reference incorporated into finalised text of the Planning Guidance, paragraphs 6.1 and 6.2 refer.</p> <p>Agreed and link inserted into the finalised text of the Planning Guidance, paragraph 6.1 refers.</p> <p>Agreed and wording incorporated into the finalised text of the Planning Guidance, paragraph 6.2 refers.</p>

Consultee	Consultation comment	Council response
	<p><i>Requests for scheduling reviews can be made to HES using their application form.”</i></p> <p>https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/</p> <p>West Lothian Historic Gardens and Designed Landscapes</p> <ul style="list-style-type: none"> • The inventory of gardens and designed landscapes is compiled and maintained by Historic Environment Scotland. Nature Scot (formerly Scottish Natural Heritage) no longer has a role in the designation of inventory sites although we do liaise as required. Local authorities must consult Historic Environment Scotland on development proposals that they consider will affect an Inventory garden or designed landscape. • HES welcomes requests for inventory designation reviews from planning authorities and interested parties before development proposals are advanced using their application form. https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/ • It would be beneficial to include reference to HES's Managing Changes Guidance Note for GDLs: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=83214207-c4e7-4f80-af87-a678009820b9 <p>Other site-specific historic environment issues</p> <ul style="list-style-type: none"> • We welcome the policy intention made in relation to Linlithgow Palace and Peel and the recognition that the potential impact of development proposals located beyond 	<p>Acknowledged that the former Scottish Natural Heritage now NatureScot are no longer involved in designation of gardens and designed landscapes inventory sites. Planning Guidance has been updated to reflect this.</p> <p>Acknowledged and included in the revised Planning Guidance, paragraph 10.10 refers.</p> <p>Agreed and web link incorporated into finalised text of the Planning Guidance.</p> <p>Acknowledged, but as the West Lothian Local Development Plan was adopted in September 2018, it is not possible to amend the policy wording or text pre-amble. This will be borne in</p>

Consultee	Consultation comment	Council response
	<p>800m of the Royal Park will be considered. Although we are broadly content with the wording of Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs, you may wish to consider amending the commentary provided in this section that the site is a scheduled monument, and that potential impacts from development proposals on views from Linlithgow, as well as towards it, should be assessed as this would be more consistent with the advice in the Managing Change in the Historic Environment: Setting Guidance (2016).</p> <ul style="list-style-type: none"> • Linlithgow High Street Riggs: We would only expect a consultation if a planning application affected our statutory historic environment interests. • Hopetoun Estate and Abercorn Village: We would only expect a consultation if a planning application also affected our statutory historic environment interests. Consultation would be required on any CAC application, if Abercorn is designated a Conservation Area. • As well as including the link to the Inventory description for the Battle of Linlithgow Bridge (BTL 25), you may wish to consider including a link to our 'Managing Change in the Historic Environment: Historic Battlefields Guidance' (2016) as this should be used when considering the impact of proposed development on sites appearing in the Inventory: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b7a05b45-f2a9-4c71-8450-a60b0094c62e • In addition, in our view the commentary provided in this section could be amended to convey more clearly the aim of protecting, conserving and, where appropriate, enhancing 	<p>mind with the forthcoming preparation of LDP2.</p> <p>Acknowledged.</p> <p>Acknowledged. It is still the council's intention to promote Abercorn as a Conservation Area.</p> <p>Agreed and additional link inserted into the finalised text of the Planning Guidance, paragraph 12.23 refers, paragraph 14.4 refers.</p> <p>Agreed and wording amended into the finalised text of the Planning Guidance paragraph 14.4 refers.</p>

Consultee	Consultation comment	Council response
	<p>the key landscape characteristics and special qualities' of the Inventory historic battlefield (as per Section 149 of SPP), while also explaining that HES do not need to be consulted on householder developments (as per Appendix 1 of the Historic Environment Scotland Circular (2019).</p> <p>West Lothian 'Local List'</p> <ul style="list-style-type: none"> • We would welcome more information about West Lothian Council's Local List and suggest further discussion around your plans for this. We would also encourage you to reference the new Local Place Plans and how communities can become involved in deciding on sites and places of local significance. Along with the many other priorities that Local Place Plans will address, we believe that community bodies are in a great position to include local heritage in these. Our '<i>Designations Policy and Selection</i>' Guidance references Local designations and other forms of recognition (p. 8) and our current consultation '<i>Talking About Heritage</i>' is seeking to encourage more engagement with local heritage https://consultations.historicenvironment.scot/heritage/your-heritage/ <p>Historic Kirk Yards</p> <ul style="list-style-type: none"> • We welcome the intention to conserve, repair and maintain historic kirkyards. Given that some of these are scheduled monuments, it would be helpful to highlight that Scheduled Monument Consent is required in advance from HES for most works as this should prevent any unauthorised works (i.e. works being undertaken without our prior written consent) occurring. <p>West Lothian's unique Shale Bings</p> <ul style="list-style-type: none"> • We also welcome the intention to recognise and protect West Lothian's unique Shale Bings, including the proposed 	<p>Acknowledged. A draft West Lothian 'Local List' has been prepared by officers. Once it is reported to a Development & Transport Policy Development & Scrutiny Panel for consideration, it would be shared with property owners and HES. References to "Local Place Plans" has been included in the finalised Planning Guidance text however reference to HES consultation is not, as it is time limited.</p> <p>Agreed. Reference to the need for Scheduled Monument Consent has been inserted in to the finalised Planning Guidance text, paragraph 15.3 refers.</p> <p>Agreed and text amended accordingly as suggested to confirm that Scheduled</p>

Consultee	Consultation comment	Council response
	<p>management plan for this area. Although the commentary includes the recognition that Scheduled Monument Consent will be required, please note that this is now administered by HES and not from Scottish Ministers, so the text should be amended accordingly to reflect this change.</p> <p>Other comments</p> <ul style="list-style-type: none"> • In reference to West Lothian Council's Policy ENV 27 Areas of Built Heritage and Townscape Value, we recommend that when this policy is reviewed as part of the next LDP iteration, areas of more recent date such as the Livingston New Town development should be considered as part of the area's townscape value with many places of integrated designed hard and natural landscape (town art), planned neighbourhoods (Craigshill, Howden, Dedridge, etc.) • We note that the Union Canal is briefly mentioned in the draft document and is given protection under Policy ENV 33 - Scheduled Monuments. Given its importance alongside other key historic sites which make a vital contribution to the West Lothian area, you may wish to consider highlighting it further. 	<p>Monument Consent is now administered by HES, paragraph 15.3 refers. Reference will also be included on the uniqueness of the associated bing habitat for plants following a study by Dr Barbara Harvie in 2004 .</p> <p>Acknowledged. This proposal in relation to the former new town that is now almost 60 years old, will be considered during the preparation of LDP 2.</p> <p>Acknowledged. Further reference to the Union Canal is provided with a short, separate section within the Finalised Planning Guidance as part of section on "Other site-specific historic environment issues", paragraphs 12.4 – 12.5 refer.</p>

DATA LABEL: PUBLIC



West Lothian
Council

Planning Services
Development Planning & Environment



Appendix Two

PLANNING GUIDANCE (PG) Historic Environment

This version produced for Council Executive
9 February 2021

'TRACK CHANGED VERSION'

Amended to highlight revisions proposed by consultees

Deletions are shown as strike through text and additions/amendments are shown as underlined
text

Contents

	<u>Page</u>
<u>one</u> Introduction	3
<u>two</u> Background to West Lothian's historic environment	34
<u>three</u> Planning Policy	46
<u>four</u> Conservation Areas <u>and Listed Building Consent</u>	58
<u>five</u> Listed Buildings and Listed Building Consent	610
<u>six</u> Scheduled Monuments	812
<u>seven</u> Archaeology	813
<u>eight</u> Areas of Built Heritage and Townscape Value	914
<u>nine</u> Public Realm Design Guidance	1015
<u>ten</u> Historic Gardens & Designed Landscapes	1116
<u>eleven</u> Article 4 Directions	1118
<u>twelve</u> Other West Lothian site-specific historic environment issues:	1219
<ul style="list-style-type: none"> • Linlithgow Palace & Peel - Royal Park; • Linlithgow High Street Rigs; • Former Bangour Village Hospital, Dechmont; • Hopetoun Estate and Abercorn Village; • <u>Historic Battlefields: Battle of Linlithgow Bridge (1526)</u> • <u>Union Canal</u> 	
<u>thirteen</u> Buildings at Risk in West Lothian	1523
<u>fourteen</u> West Lothian "Local List"	1524
<u>fifteen</u> Historic Kirk Yards	1625
<u>sixteen</u> West Lothian's Unique Shale Bings	1626
Appendices	1727
Contacts	1832

one

Introduction

1.1 The West Lothian Local Development Plan (LDP) adopted in 2018 sets out in Appendix 4 a number of proposed 'statutory' Supplementary Guidance and 'non-statutory' Planning Guidance. Guidance is produced to support the policies in the West Lothian Local Development Plan and to give assistance to developers and other interested parties when considering development proposals.

1.2 Planning Guidance provides detail on a range of subject areas not covered by Supplementary Guidance. It does not have as much weight as Supplementary Guidance and it does not require to be approved by Scottish Ministers. It should, nevertheless, be followed except where material circumstances justify an exception.

1.3 Responsibility for the historic environment is shared between the council, national agencies, heritage and amenity bodies, property owners, users and visitors. Successful built heritage conservation relies on each party playing its part against an understanding of the heritage resource, the availability of relevant information relating to it, sound guidance and the implementation of effective planning policies.

1.4 The LDP indicates that Planning Guidance on the Historic Environment will:

- provide further details of policy approach for Conservation Areas, Listed Buildings, Areas of Built Heritage and Townscape Value, Archaeology and Scheduled Monuments;
- set out additional details on specific topics: for example, the industrial heritage of West Lothian (including protection of shale miners rows and shale bings); proposed new designations, Historic Gardens and Designed Landscapes, landscapes of merit;
- promote best practice for conservation of the historic environment; and
- outline requirements for submission with planning applications.

1.5 What the council will expect developers and others to consider when preparing and submitting planning applications for development related to West Lothian's historic environment are highlighted in boxes in bold text throughout this Planning Guidance.

two

Background to West Lothian's Historic Environment

Prehistoric

2.1 West Lothian sits astride the suspected main central Scotland routes between Edinburgh and the west coast and also between Edinburgh and Stirling, making it a significant place in the past. Its most important prehistoric site is the scheduled Neolithic chambered tomb at Cairnpapple in the Bathgate Hills - a site of national significance. From here, one of the highest points in the county, there are views across central Scotland to the Highlands, south towards the Pentlands, and from the River Forth to the River Clyde.

Medieval Period

2.2 In the medieval period a defensive fort was built on the edge of Linlithgow Loch, in order to control and administer the surrounding lands. In the 15th century this was rebuilt as the magnificent royal Linlithgow Palace, though it was damaged by fire in 1746 and is now roofless, but a scheduled monument of national importance.

Early Industries

2.3 Early industries in the county were small-scale - silver mining below Cairnpapple, the water-powered cotton mill at Blackburn and other mills along the River Almond & Avon, Linlithgow's paper mills and the shallow coal pits around Bathgate and Whitburn. Later industry was less kind to the landscape: from the 1840s and 50s, extensive deep mining - first ironstone near Fauldhouse and Whitburn, then coal and shale - as well as foundries, steelworks, brickworks and railways changed the face of the county, interrupted the water courses, degraded much of the farmland and covered the landscape with bings. Many of the bings, once seen as a blight, have been removed. However, some of the remaining bings have been designated as scheduled monuments in recognition of their historical and environmental value.

Heavy Industries

2.4 The heavy industries brought prosperity for the few, employment for the many. The population of the industrial areas grew rapidly and new villages sprang into being to house the mining workforce. The speed of growth resulted in a much increased need for housing. Miners' rows were initially built as quickly and cheaply as possible to meet this need but this left a legacy of poor housing. However, subsequent investments and improvements in these unusual properties mean that the few remaining miners rows are generally good quality reminders of the historical past.

2.5 James Young and Robert Bell and others pioneered the world's commercial oil industry in West Lothian. Workers came to the new jobs in the mines and the oil works. Though American petroleum was discovered some ten years after the start of West Lothian's shale industry, the local engineers continually refined their processes to keep Scottish shale oil competitive.

First World War

2.6 By the outbreak of the First World War in 1914, West Lothian was a thriving industrial powerhouse strategically located in the Central Belt between Edinburgh and Glasgow; with many thousands employed in shale, coal, and the other heavy industries; supplying the oil which powered the Royal Navy; but one of the worst housed counties in the whole of Scotland. Over the next fifty years the building of thousands of council houses resulted in local families having access to much improved standards of housing.

three

Planning Policy

3.1 The LDP states that the historic environment is an important part of West Lothian's cultural heritage; it helps to enhance the local distinctiveness of the area; and contributes towards the achievement of sustainable economic growth by playing a key role in supporting the growth of the area's tourism and leisure industry.

3.2 Scottish Planning Policy (SPP) 2014, although under review in 2020/21 as part of the requirements of the Planning (Scotland) Act 2019, identifies the historic environment as including ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and designed landscapes and other features of both a statutory and non-statutory designation. SPP 2014 observes that planning authorities can help safeguard historic assets through the land use planning system and intimates that development plans should provide the necessary framework for the protection, conservation and enhancement of all elements of the historic environment.

3.3 The Historic Environment Policy for Scotland (April 2019) prepared by Historic Environment Scotland is also an important policy document. The policies within HEPS should be taken into account whenever a decision will affect the historic environment.

<https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>

3.4 The main pieces of legislation are:

- Historic Environment Scotland Act (2014);
- The Historic Environment Amendment Act (2011);
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
- The Town & Country Planning (Scotland) Act 1997; and
- Ancient Monuments and Archaeological Areas Act 1979.

3.5 The principal elements of related policy and guidance on the historic environment comprise:

- ~~Historic Environment Scotland Policy Statement (June 2016);~~
- ~~Historic Environment Circular 1 Historic Environment Scotland (2016);~~
- ~~Historic Environment Scotland "Managing Change in the Historic Environment" guidance notes (2016)~~
- ~~Historic Environment Scotland Circular (2019)~~
~~<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=a768f3cb-eb44-4473-be7b-aa2500e4892b>~~
- ~~HES Managing Change in the Historic Environment guidance notes~~
~~https://www.historicenvironment.scot/archives-and-research/publications/?publication_type=37~~

Formatted: Left, Bulleted + Level: 1 + Aligned at: 0.63 cm +
Indent at: 1.27 cm

Formatted: Font: (Default) Arial

- Scottish Planning Policy (SPP) Para 135-151 “Valuing the Historic Environment” (2014);
- The Historic Environment Strategy for Scotland “Our Place in time” (2014);
- Planning Advice Note 2/2011 – “Planning & Archaeology” (2011);
- Planning Advice Note 71- Conservation Area Management (2004);

Relevant LDP planning policies related to the historic environment entail (and they are set out in full in Appendix 1):

- Policy ENV 23 - Conservation Areas (Designations);
- Policy ENV 24 - Conservation Areas (Demolitions);
- Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs;
- Policy ENV 26 - Hopetoun Estate and Abercorn Village;
- Policy ENV 27 - Areas of Built Heritage and Townscape Value;
- Policy ENV 28 - Listed Buildings;
- Policy ENV 29 - Unoccupied and Threatened Listed Buildings;
- Policy ENV 30 - Historic Gardens and Designed Landscapes;
- Policy ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge (1526);
- Policy ENV 32 - Archaeology; and
- Policy ENV 33 - Scheduled Monuments.

four

West Lothian Conservation Areas and listed building consent

4.1 A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. On designating a conservation area, the council, is obliged to have special regard for the character of the area in considering development. It should also prepare and publish proposals for protection and enhancement of the area such as the introduction of special controls, improvements, initiatives and guidance on repairs and alterations.

4.2 All buildings in a conservation area are protected from demolition and designation automatically protects trees.

4.3 There are nine conservation areas in West Lothian:

- Bangour Village Hospital;
- Broxburn;
- Kirknewton;
- Linlithgow Palace and High Street;
- Linlithgow – Upper Linlithgow and Union Canal;
- Livingston Village;
- Mid Calder;
- Torphichen; and
- Uphall.

Further details are available on the council's website.

<https://www.westlothian.gov.uk/conservation-areas>

4.4 The conservation area boundaries are shown in Appendix 2.

4.5 Conservation areas are areas which are worthy of protection or enhancement because they have a special architectural or historic character. As such, special planning regulations apply for development in conservation areas. Some types of development which may normally be considered permitted development require planning permission or conservation area consent.

If unsure what is “permitted development”, check with the council’s Development Management Team

<https://www.westlothian.gov.uk/article/33052/Householder-planning-application-guidance>

4.6 Listed Building Consent is required for alterations or extensions to listed buildings, even where such alterations may be regarded as very minor. In some cases, it is necessary to get consent for alterations to the interior of a listed building or for structures that adjoin it. The need to seek consent does not mean that alterations / extensions are not acceptable, but is a reflection of the higher design standards expected with respect to listed buildings (see LDP Policy ENV 23).

4.7 Listed Building Consent is also required to demolish a listed building. (see LDP Policy ENV 24). Conservation Area Consent is also required if the building is within a conservation area.

[https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout WL sorted by item no 2015 update.pdf?m=635702360028400000](https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000)

five

Listed Buildings in West Lothian

5.1 Historic buildings are an important and very visible component of West Lothian's built heritage. They contribute to the identity of places and provide a cultural, educational, social, and economic resource. The best examples of these buildings are ~~afforded statutory protection through their identification on a nationally compiled list, in a process known as 'listing'. Buildings can be listed as 'A', for their international importance; 'B', for regional importance or 'C' for local importance~~ added to a nationally compiled list. 'Listing' is the process that identifies, designates and provides statutory protection for buildings of special architectural or historic interest as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories according to its relative importance, either A, B or C as outstanding, major or representative examples of a particular period, style or building type.

Formatted: Space After: 10 pt

5.2 The listing process is undertaken by Historic Environment Scotland (HES).
<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/>

5.3 There are approximately 450 listed buildings in West Lothian (see Appendix 3). Details of these are also available on the council's website.

<https://www.westlothian.gov.uk/article/33134/Listed-buildings>

https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=63570236002840000_0

5.4 Listed buildings range in scale and status from garden ornaments, bridges and good examples of agricultural steadings, through to nationally important structures such as Linlithgow Palace, Hopetoun House and other large houses set within their own grounds.

5.5 The bulk of the statutory list is based on survey work carried out in the 1950's and 1960's, although there have been reviews from time to time. ~~West Lothian is now largely up to date in terms of listings and there are unlikely to be any further comprehensive reviews for the foreseeable future.~~ HES occasionally remove buildings from the list after review and consultation. There may remain buildings in West Lothian which are worthy of listing, but are not yet recognised through inclusion on the statutory list. If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for listing reviews can be made to HES using their application form. <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

5.6 Listed buildings are also searchable on Historic Environment Scotland's portal.
<http://portal.historicenvironment.scot>

5.7 The maintenance and efficient use of a listed building is the responsibility of its owner, although the council has an important role in encouraging responsible action. The council is also a principal guardian of heritage assets in West Lothian which range from important public listed buildings through to individual monuments and sculptures.

5.8 The council recognises that the use of planning controls is not meant to stifle change to listed buildings and that development proposals can enhance a listed building or its setting, bring into use a building that otherwise would remain vacant, or secure a building's future. However, it is important that any development does not adversely affect the character and setting of the building and that it is implemented in a manner based on best practice in conservation.

Listed Building Consent

~~Listed Building Consent is required for alterations or extensions to listed buildings, even where such alterations may be regarded as very minor. In some cases it is necessary to get consent for alterations to the interior of a listed building or for structures that adjoin it. The need to seek consent does not mean that alterations / extensions are not acceptable, but is a reflection of the higher design standards expected with respect to listed buildings (see LDP Policy ENV 23).~~

~~Listed Building Consent is also required to demolish a listed building, (see LDP Policy ENV 24). Conservation Area Consent is also required if the building is within a conservation area.~~

~~<https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout-WL-sorted-by-item-no-2015-update.pdf?m=635702360028400009>~~

six

West Lothian's Scheduled Monuments

6.1 Historic Environment Scotland compiles and maintains a schedule (a list) of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 46 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).

6.2 If a site or place is not designated, it does not necessarily mean that it does not merit designation. Many sites or places have not been assessed, recently or otherwise, and this should be taken into account. HES welcomes requests for designation reviews from planning authorities and interested parties before development proposals are advanced. Requests for scheduling reviews can be made to HES using their application form.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

Scottish Ministers are required to maintain a schedule of monuments of national importance under the terms of the Ancient Monuments and Archaeological Areas Act, 1979. There are 52 archaeological sites and ancient monuments in West Lothian that are designated as Scheduled Monuments (see Appendix 4).

6.3 These archaeological sites and ancient monuments are part of the national and local history of the area and they range from the prehistoric site at Cairnpapple in the Bathgate Hills and sites of Roman origin, through to the modern industrial relics of "The Five Sisters" near West Calder and Faucheldean and Greendykes (part) shale bings and the Union Canal (see LDP Policy ENV 33)

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/>

<https://www.westlothian.gov.uk/article/33135/Scheduled-monuments>

6.4 The full list of Scheduled Monuments in West Lothian can be found on the council's website:

[https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014\(revision1\).pdf?m=635337819198630000](https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014(revision1).pdf?m=635337819198630000)

Prior written consent of Scottish Ministers is required for most works to scheduled monuments including repairs.

6.5 Planning proposals for works affecting a scheduled monument require careful handling if the character and intrinsic value of the site, and its setting, is to be retained. In some cases, such as hilltop monuments, the council will consider bringing some classes of permitted development; particularly those associated with telecommunications, energy generation, agriculture or forestry, under planning control through Article 4 Directions (see Section below).

seven

Archaeology in West Lothian

7.1 West Lothian contains a significant number of known sites and monuments of archaeological interest. There will be other sites and areas of archaeological interest which have not yet been recognised as it is the nature of archaeology that it is often buried beneath the surface and therefore invisible until disturbed.

7.2 The council uses the West of Scotland Archaeological Service ([WoSAS](#)) in assessing development proposals that might have an archaeological issue. They review the weekly list of all planning applications in West Lothian and advise the council on those that may be of archaeological interest and undertake assessment work arising from information that they hold on the Historic Environment Record (HER) database for West Lothian.

7.3 The purpose of the record is to assist the council in assessing the impact of development proposals on archaeological sites, whether currently known or not, their settings and their zones of influence. These include the core of the historic settlements of Linlithgow Burgh, Mid Calder and Torphichen, former industrial landscapes, early field patterns and evidence of pre-improvement farming.

7.4 Developers are advised to check their proposals at an early stage against the record held by WoSAS on behalf of the council, to establish whether a proposed development will impact on a known or potential site of archaeological significance. New archaeological information is continually being added to the Historic Environment Record.

Archaeological remains should be preserved in situ wherever possible. However, where preservation of archaeological remains is not feasible, professional excavation and recording will be required to be arranged and funded by developers.

These will be required though planning conditions placed on any relevant planning permission.

eight

Areas of Built Heritage and Townscape Value

8.1 West Lothian has a legacy of buildings reflecting its industrial past. These include the shale miners' rows as well as a range of original sandstone buildings. A small number of built-up areas associated with mining industries still retain much of their original character

8.2 These were formerly known as "Areas of Special Control" in the previous West Lothian Local Plan (2009) and cover the following areas (see Appendix 5 for their boundaries):

- Abercorn village;
- Bathgate town centre;
- Bellsquarry village;
- Beresford Rise, Dedridge, Livingston;
- East Calder Main Street;
- Ecclesmachan village centre;
- Oakbank cottages, West Calder;
- Roman Camp cottages;
- South Village, Pumpherston;
- West Calder village centre; and
- Winchburgh Rows.

8.3 The architecture of central Bathgate, despite the loss of some buildings and redevelopment, still has many handsome buildings and spaces which reinforce the status of the town as a district centre.

8.4 Both West Calder and East Calder retain many of their original sandstone buildings, while village centres at Ecclesmachan and Bellsquarry in Livingston, are all of historic and visual interest and worthy of protection.

8.5 While not considered to have the special architectural or historic merit as West Lothian's nine Conservation Areas, these Areas of Built Heritage and Townscape Value can be considered as second tier, local heritage areas that still have merit for their built heritage and townscape value.

8.6 Planning Guidance relating to "*Areas of Built Heritage and Townscape Value – the Shale Miners Rows*", is being updated to assist residents proposing to alter these properties. It was consulted upon in late 2019 and is being progressed towards approval.

nine

West Public Realm Design Guidance

9.1 In addition, the council has prepared a range of public realm design guidance, urban design frameworks and premises improvement design guidance for the traditional towns of:

- Armadale;
- Bathgate;
- Broxburn & Uphall;
- Linlithgow and
- Whitburn.

9.2 These centres provide a valuable urban context and warrant recognition in the control of development. The design guidance has been prepared to assist in promoting and facilitating urban regeneration and investment in town centres, whilst maintaining the built heritage within these centres.

Development proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where applicable.

9.3 However, four of the guidance documents were originally prepared in 2009, with Linlithgow undergoing consideration in 2013. All five public realm frameworks were reviewed in 2019 and updated and considered by the Council's policy Development & Scrutiny Panel in December 2020 for release in 2021 to undergo public consultation. Further details of each revised public realm design guides can be found on the Council's website:

(NB: Insert web link – when available post consultation / committee approval in 2021)

Formatted: Font color: Red

Formatted: Font color: Red

ten West Lothian Historic Gardens and Designed Landscapes

10.1 The Inventory of Gardens and Designed Landscapes is, maintained and updated by Historic Environment Scotland (HES), with advice from NatureScot (i.e. former Scottish Natural Heritage (SNH) where appropriate, identifies nationally important sites, but they do not anticipate including additional sites in West Lothian.

10.2 Within the Inventory are sites which have been assessed against a number of criteria which include historic, architectural horticultural, scenic and /or nature conservation value.

10.3 There are four Historic Gardens and Designed Landscapes within West Lothian:

- the policies of Hopetoun House;
- the House of the Binns;
- Harburn House, near West Calder and
- Hatton House (part), near Wilkieston.

10.4 There are also two designed landscapes at Hatton House (part) and Newliston, to the north east of Broxburn, which are both within the administrative area covered by the City of Edinburgh Council, but adjoin West Lothian and therefore might be affected by planning proposals in the LDP area. There is an additional designed landscape around Bonnington House comprising Jupiter Artland to the east of East Calder, but it is wholly within City of Edinburgh Council area.

10.5 West Lothian also contains designed landscapes of merit which are not included in the inventory. Details are available on Historic Environment Scotland website.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/gardens-and-designed-landscapes/>

10.6 The historic gardens and designed landscapes of West Lothian are important features which should be recognised and respected (see LDP Policy ENV 30). Local authorities must consult Historic Environment Scotland on development proposals that they consider will affect an Inventory garden or designed landscape.

10.7 In general, the designated landscapes in West Lothian are well maintained, although there are a number of built structures in poor repair which detract from their landscape character and value. There are also pressures for change, such as works associated with estate buildings which have been sold. The unique value of designed landscapes can also be adversely affected by inappropriate forestry and agricultural activities such as planting and management regimes, the formation of new access tracks, earth moving, tree felling and other permitted development.

10.8 Inclusion in the Inventory of Gardens and Designed Landscapes does not always provide protection from such pressures and, therefore, other protection including conservation area status and the introduction of Article 4 Directions may be considered where necessary.

West Lothian Council will encourage the sympathetic restoration and management of historic gardens and designed landscapes and encourage management plans to be prepared.

West Lothian Council is required to consult HES ~~and SNH~~ in respect of development which may affect a garden or landscape in the Inventory, and is expected to protect the interests of such sites in the consideration of development proposals.

10.9 HES welcomes requests for inventory designation reviews from planning authorities and interested parties before development proposals are advanced using their application form.
<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/propose-a-building-for-listing/>

10.10 HES have prepared a 'Managing Changes' Guidance Note for Gardens & Designed Landscapes:

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=83214207-c4e7-4f80-af87-a678009820b9>

Field Code Changed

eleven

Article 4 Directions

11.1 Article 4 Directions are additional controls which may be applied to proposed changes within conservation areas or other areas deemed suitable by the council so long as they have undergone public consultation and thereafter approved by Scottish Ministers.

11.2 Development in these areas which would otherwise be considered permitted development, or development which does not require a planning application, on the enactment of an Article 4 direction, requires planning permission, or conservation area consent.

11.3 West Lothian has Article 4 Directions in place for: Broxburn / Kirknewton / Upper Linlithgow/ Linlithgow Palace and High Street / Torphichen / and Uphall.

11.4 Only certain classes of development are covered.

twelve

Other Site-specific historic environment issues

Linlithgow Palace and Peel – Royal Park

12.1 Originally a hunting lodge, near Linlithgow Loch, Linlithgow Palace was a favoured residence of the Stewart kings and queens from James I (1406-37) onward. Building work commissioned by James I, III, IV, V and VI can be seen. The great hall and chapel are particularly fine. James V (1512) and Mary Queen of Scots (1542) were both born in the palace.

12.2 The Peel was named for the hilltop timber castle that the invading English king, Edward I, built in 1302 during his campaign in Scotland – “pele” is the French word for a palisade. That castle has long since disappeared beneath the Palace.

12.3 Under the terms of The Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 1997, the council is required to consult the Scottish Ministers in the case of development of land which is situated within 800 metres of the Royal Palace and its Park, the Peel, in Linlithgow, or which might affect their amenity.

12.4 LDP Policy ENV 25 states, “*There is a presumption against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. Developments within 800m of the Palace and Peel will be assessed for their potential effects*”.

The Council will consult Historic Environment Scotland (HES) as owners and guardians of the Palace and Peel for their views on any planning applications within this boundary (see Appendix 6 for the consultation zone this area covers).

In addition, the council will consider applications that may be outwith the 800m zone, but which could have a potential impact on, for example, skyline views of Linlithgow Palace and Peel.

The council will also consult with West of Scotland Archaeological Service (WoSAS) who provide a review service for the council on all archaeological matters. Planning conditions relating to watching briefs or excavation and recording may be placed on relevant planning permissions.

Linlithgow High Street Rigs

12.5 As a consequence of its unique historical importance and as a good example of a medieval burgh layout, the protection of central Linlithgow warrants special consideration. In the 1980's and 90's the rigs to the north-east of the High Street were considered for parking and housing development.

12.6 A study of development potential, carried out in 1991 and 1992, led to a planning policy of preventing development in the area, other than small-scale developments that respected

the existing rig pattern and where access would not be a problem. Some of the land running south from the High Street to Union Road has been developed for individual house plots in accordance with planning policy, though not all such development has met stringent standards and most opportunities have now been exhausted.

12.7 Further development in the High Street Rigs area will be restricted to those few sites already with planning permission, or which can accommodate appropriate small-scale development without loss of original rig walls or character.

12.8 LDP Policy ENV 25 also states, *“Development will not be permitted in the rigs off Linlithgow High Street. Exceptions may be made for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property. In all cases, these must respect the existing rig pattern, boundary walls and character of the area.”*

The council will consult with HES and WoSAS for their views on any relevant planning applications in the historic medieval rigs on either side of Linlithgow High Street

Former Bangour Village Hospital, Dechmont

12.9 At the start of the twentieth century the problem of mental illness in Edinburgh had become acute and the need for a new psychiatric hospital was pressing. Situated 14 miles from Edinburgh in hilly woodlands, Bangour, near Broxburn, was the ideal place for such a hospital. The hospital was designed by Edinburgh architect Hippolyte Blanc, to be modelled on the Alt-Scherbitz asylum near Leipzig in Germany, but the first buildings were constructed hurriedly and were very basic temporary structures.

12.10 The first patients from the Royal Edinburgh Asylum were transferred to Bangour in 1904, and the hospital was officially opened on 3 October 1906.

12.11 In 1915 Bangour Village Hospital was taken over by the War Office as a military hospital. Its patients were transferred to asylums around the country. By 1918 the hospital had reached a record capacity of 3,000 patients, crammed into wards, huts and specially-erected marquees. After the war, in commemoration of the vital role played by the hospital, Bangour Village Church was erected and opened in 1929.

12.12 Bangour re-opened as a psychiatric hospital in 1922. However, in 1939 the hospital again became the Edinburgh War Hospital, with an additional annexe laid out to the north west, which became Bangour General Hospital.

12.13 In the 1950's Bangour Village Hospital began to take patients from West Lothian as well as Edinburgh, finally ceasing to take Edinburgh patients in 1974. After various Health Board reorganisations, it finally closed in 2004.

12.14 While there is no specific additional planning policy in the LDP, it is allocated for re-development for housing (site H-DE 1). The site was designated as a conservation area in 1998, after an initial group listing of numerous buildings on the site in 1993 and the Listings were re-appraised in 2012 (see section above and Buildings at Risk Register).

Hopetoun Estate and Abercorn Village

12.15 Abercorn Village is situated near Hopetoun House, west of South Queensferry. While the parish of Abercorn is mentioned by the Venerable Bede as early as 696 AD, the church adjacent to the estate village, is partly 12th Century Norman, although it is mostly post-Reformation and was refurbished in 1893.

12.16 A small museum in the Kirk yard, owned by the council, preserves the remains of an 8th century stone cross and other associated local stonework and memorials. There is nearby the ruins of Abercorn Castle, which may be on the site of a former iron-age fort, overlooking the Firth of Forth. The construction of Hopetoun House, just to the east of the village, began in 1699.

12.17 The area of Abercorn village and Hopetoun Estate, principally around the category A listed Hopetoun House, is of sufficient special architectural and historic interest to consider conservation area status.

The council will undertake an appraisal of the Abercorn Village and surrounding area and also consult with interested parties.

12.18 This is set out in LDP Policy ENV 26. An appraisal of Abercorn Village with a view to designation of the area as a conservation area is to be carried out. This will include consultation with Hopetoun Estate, residents, Historic Environment Scotland and other interested parties.

The council will consult Historic Environment Scotland for their views on any planning applications in, or around, any subsequent conservation area at Abercorn.

The council will also consult with West of Scotland Archaeological Service. Planning conditions relating to watching briefs or excavation and recording may be placed on relevant planning permissions.

Historic Battlefields: Battle of Linlithgow Bridge (1526)

12.19 The Battle of Linlithgow Bridge was fought on 4th September 1526 between the Earls of Angus and Lennox, the latter attempting to remove the young King James V from the power of the Douglas's. Lennox, with his army arrived at Linlithgow Bridge, to find it so well guarded by artillery that he was forced to ford a difficult part of the River Avon, upstream near Manuel Priory. The Battle was fought between there and the Bridge, the Lennox party being totally defeated.

12.20 Historic battlefields provide an insight into the past and play an important part in our sense of identity. They can tell us about the course of battles which have taken place and can contain important archaeological remains and artefacts. They can also provide potential for attracting tourists as well as providing a recreational resource.

12.21 The battlefield site at Linlithgow Bridge (1526) situated on the west side of Linlithgow that ranged around the Kettlistoun area, is included in the Inventory of Historic Battlefields prepared by Historic Environment Scotland.

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/battlefields/>

12.22 Sites included in the Inventory are of national importance through links to key events or individuals; for physical remains or archaeological potential; and contribution to the landscape (see LDP Policy ENV 31)

12.23 HES have also prepared 'Managing Change in the Historic Environment: Historic Battlefields Guidance' (2016) that should be used when considering the impact of proposed development on sites appearing in the Inventory:
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=b7a05b45-f2a9-4c71-8450-a60b0094c62e>

While there is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield, minor developments, such as household extensions, in this part of Linlithgow Bridge, will in most cases be exempt. **HES do not need to be consulted on householder developments (as per Appendix 1 of the Historic Environment Scotland Circular (2019)).**

Union Canal

12.24 The Union Canal runs from Falkirk to Edinburgh and was opened in 1822 and initially constructed to bring minerals, such as coal, to the capital. However, after the opening of the Edinburgh – Glasgow railway in 1842, it fell into a slow commercial decline and eventually closed to commercial traffic in 1933, before formally closing in 1965.

12.25 However, it is now much more than just a heritage asset. In addition to being a scheduled monument which incorporates associated listed structures, it continues to function as a navigable waterway, principally for recreational boating. It is also a key component of strategic access as a core path and the emerging green network across the Central Scotland Green Network. It has long been a popular and well used walking and cycling route and is the focus of recreational / tourism activity and investment, particularly since it's re-birth as part of the Millennium Link Project.

In relation to the Union Canal, LDP Policy ENV 12 will support conservation, recreational and economic proposals associated with the Union Canal, especially at Linlithgow, Broxburn and Winchburgh. Development will not be permitted that impedes the unrestricted continuity of navigation of the canal (and associated tow path) at any point over its length through West Lothian.

Formatted: Left

Formatted: Left

Formatted: Font: Bold

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Left, Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

Formatted: Left, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: (Default) Arial, 11 pt, Bold

Formatted: Font: (Default) Arial, 11 pt, Bold

Formatted: Font: Bold

Formatted: Font: (Default) Arial, 11 pt, Bold

thirteen

Buildings at Risk in West Lothian

13.1 A “Buildings at Risk” register is maintained by Historic Environment Scotland (HES). In Scotland, the Buildings at Risk Register has been in operation since 1990 in response to a concern at the growing number of listed buildings and buildings in Conservation Areas that were vacant and had fallen into a state of disrepair.

13.2 A building at risk may be:

- long-term vacant;
- neglected and/or poorly maintained;
- structurally unsound;
- damaged by fire;
- unsecured and open to the elements; and
- threatened with demolition.

13.3 The register provides information and details of properties of architectural or historic merit, listed buildings and buildings in Conservation Areas that are vacant and have fallen into a state of disrepair.

13.4 Details of such properties in West Lothian can be found at:
<http://www.buildingsatrisk.org.uk/>

fourteen

West Lothian “local list”

14.1 Many buildings are of local importance, architecturally or historically, but for the purposes of statutory listed building designation they do not fully meet the criteria under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

14.2 The council will compile a “Local List” of buildings which are important to the fabric of West Lothian and will publish guidance on the Local List. Buildings and structures which feature on the Local List will not be subject to any additional statutory planning controls, but when a proposal is submitted for the extension, alteration or change of use of a building or structure which features on the Local List, its local architectural or historical interest will be taken into account in the determination of planning applications.

14.3 It is intended that the recognition of locally important buildings and structures through their inclusion on the Local List will encourage owners to sympathetically manage their properties in the long-term to ensure that they continue to contribute positively to the character of West Lothian.

14.4 New ‘Local Place Plans’ arising from the Planning Act 2019 allow communities to become involved in deciding on sites and places of local significance. Along with the many other priorities that Local Place Plans will address, HES believe that community bodies are in a good position to consider local heritage in these plans.

fifteen

Historic Kirk Yards

15.1 There are several historic kirk yards spread across West Lothian. These are situated at: Abercorn, Ecclesmachan, Uphall, Kirknewton, East Calder, Whitburn, Mid Calder, West Calder, Torphichen, Kirkton (Bathgate), Livingston, Linlithgow and Bathgate. Some include scheduled monuments such as at Torphichen with the Refuge Stone and Kirknewton with two mausoleums.

15.2 There is a need to establish appropriate conservation, repair and maintenance regimes for monuments, boundary walls and ruined kirks and take steps to protect the most important monuments and to also provide interpretative material. This initiative is already under way with the Council Operational Services Cemetery staff, but in many cases will need to secure external grant funds.

15.3 As some historic kirkyards contain scheduled monuments, Scheduled Monument Consent is required in advance from HES for most works as this should prevent any unauthorised works (i.e. works being undertaken without our prior written consent) occurring.

sixteen

West Lothian's unique shale bings

16.1 West Lothian has a unique legacy of oil shale bings. The regular contours and imposing height of the few remaining intact oil shale bings mean they can be viewed as local landmarks to be preserved. As they have matured and settled into their surroundings, they are ceasing to be derelict land and are becoming anthropogenic landforms in their own right.

16.2 Faucheldean Bing (also a locally important wildlife site [as well as for plants following a study by Dr Barbara Harvie in 2004](#)), north of Broxburn, the Five Sisters near West Calder and most of Greendykes Bing between Broxburn and Winchburgh are scheduled monuments and will require to be preserved as reminders of the West Lothian's mining past.

16.3 Any alterations to these bings would require Scheduled Monument Consent from ~~the Scottish Ministers~~ [Historic Environment Scotland](#).

16.4 The scheduled bings at Greendykes and Faucheldean are in close proximity to the expanding communities at Winchburgh and East Broxburn through their designation as Core Development Areas (CDA) within the adopted Local Development Plan.

Joint preparation (with Winchburgh CDA developers), of a management plan, for the scheduled Greendykes and Faucheldean Bings and for the "green corridor" between Winchburgh and East Broxburn and funds to allow implementation of the plan, is required for the bings and their immediate surroundings and must address their long term stability and condition, safety and related public access issues.

The CDA Developers will also be required to identify proposals to enhance the appearance and setting of the bings and to maintain and enhance their biodiversity of the bings.

16.5 Consultation with Historic Environment Scotland and the local communities will be required.

Appendices

- 1) Planning Policies extracted from the West Lothian Local Development Plan (2018).
- 2) West Lothian Conservation Area boundaries <https://www.westlothian.gov.uk/conservation-areas>
- 3) Table of Listed Buildings in West Lothian https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000

with links to Historic Environment Scotland web site with booklet that explains what listing means for owners and how HES assess buildings for listing:

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=34c90cb9-5ff3-45c3-8bc3-a58400fcbc44>

- 4) Table of Scheduled Monuments in West Lothian.
<https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014revision1.pdf?m=635337819198630000>

- 5) West Lothian Areas of Built Heritage and Townscape Value boundaries.
(NB: Due to File Size, to be inserted in ~~Consultation~~ Finalised Version)

- 6) Historic Environment Scotland (HES) consultation zone for planning applications within 800m of Linlithgow Palace and Peel. (NB: Due to File Size, to be inserted in ~~Consultation~~ Finalised version)

- 7) Planning Guidance on Shopfronts & Advertisements in Conservation Areas (2020):
https://www.westlothian.gov.uk/media/42987/PG-Planning-Guidance-Shopfronts-and-Advertisements-in-Conservation-Areas-Adopted-May-2020-/pdf/PG_-_Shopfronts_and_Advertisements_in_Conservation_Areas_-_Adopted_-_Pdf_Version_with_maps.pdf?m=637262510692930000

Formatted: Font: (Default) Arial, 10 pt

Appendix One

Planning Policies related to the historic environment extracted from the West Lothian Local Development Plan (2018).

Policy ENV 23 - Conservation Areas (Designations)

The status of designated conservation areas will be publicised and upheld. Further designations will be promoted in other areas of special architectural or historic interest where it is considered desirable to preserve or enhance their character and appearance. Character appraisals will be undertaken and may be supported by development briefs, design guides, controls and proposals to preserve and enhance their special architectural character.

Initiatives for preservation and enhancement will include the consideration of appropriate partnership funding schemes, as resources allow. The council will work with communities on the formulation and promotion of community led enhancement schemes where appropriate to the character of the area.

Policy ENV 24 - Conservation Areas (Demolitions)

Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance. Proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation. When assessing applications for the demolition of unlisted buildings in Conservation Areas, the council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area.

In circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area, demolition would not ordinarily be resisted. However, where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use. In these circumstances, demolition to facilitate new development will only be permitted where it can be shown that one or more of the following criteria can be satisfied:

- a. the condition of the existing building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of five years must be submitted to the council as planning authority; or*
- b. demolition and replacement will result in significant economic benefit for the community and the conservation area will be enhanced as a result of the development; or*
- c. there is no alternative location for the development; or*
- d. it can be demonstrated that the proposals allow for the immediate future use of the site which enhances the character or appearance of the Conservation Area.*

Where planning permission and conservation area consent is granted, appropriate conditions will be applied to ensure that demolition does not take place in advance of the letting of a

contract for the construction of a replacement building or alternative means of treating the cleared site having been agreed.

Policy ENV 25 - Linlithgow Palace and Peel and High Street Riggs

There is a presumption against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. Developments within 800m of the Palace and Peel will be assessed for their potential effects.

Development will not be permitted in the rigs off Linlithgow High Street. Exceptions may be made for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property. In all cases, these must respect the existing rig pattern, boundary walls and character of the area.

Policy ENV 26 - Hopetoun Estate and Abercorn Village

The council will undertake an appraisal on the potential designation of a conservation area to cover the listed buildings and landscape associated within the vicinity of Hopetoun House, including Abercorn village on the Abercorn / Hopetoun Estate.

Consultation with affected stakeholders, heritage and amenity bodies will be undertaken.

Policy ENV 27 - Areas of Built Heritage and Townscape Value

When determining applications for planning permission special consideration will be given to maintaining the architectural character and historic significance of the following areas of built heritage and townscape value (and as identified on the proposals map).

- Abercorn village
- Bathgate town centre
- Bellsquarry village
- Beresford Rise, Dedridge, Livingston
- East Calder Main Street
- Ecclesmachan village centre
- Oakbank cottages, West Calder
- Roman Camp cottages
- South Village, Pumpherston
- West Calder village centre
- Winchburgh Rows

Proposals must accord with the relevant urban design framework, premises improvement design guidance and public realm design guidance where pertinent.

Proposals relative to the former miners' rows (at Beresford Rise, Dedridge, Livingston, Oakbank Cottages, West Calder, Roman Camp Cottages; South Village, Pumpherston and Winchburgh Rows) must accord with the terms of Planning Guidance Areas of Special Control – the Shale Miners Rows.

Over the course of the Local Development Plan the council will review the Areas of Special Control with a view to determining whether their status should be enhanced to conservation areas. The opportunity will also be taken to update planning guidance on shale miners rows.

Policy ENV 28 - Listed Buildings

The council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use. There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.

Demolition of a listed building will only be permitted where it can be shown that at least one of the following criteria can be satisfied:

- a. the building is no longer of special interest; or*
- b. the building is incapable of repair; or*
- c. demolition is essential to delivering significant economic benefit for the community; or*
- d. the repair of the building is not economically viable and it has been marketed at a price reflecting its location and condition to potential restoring purchasers. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of five years must be submitted to the council as planning authority.*

In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

The preservation of buildings of architectural or historic interest will be promoted through partnership working with interested parties and the use of powers including Compulsory Purchase Orders, Repair Notices, Building Preservation Notices or other statutory procedures.

Enabling development, where essential to secure a viable long term future for a listed building at risk, may be considered favourably where the character or setting of the building is not adversely affected; where there are sound conservation or design reasons for the new development (such as the reinstatement of a missing wing or courtyard building); where the works are economically justified to ensure the survival of the building; and, on balance, where the benefits clearly outweigh any dis-benefits to the historic asset or its setting.

In determining applications for planning permission and listed building consent relating to a listed building, the council will specify and require the fullest supporting information. Prior to the implementation of an approved alteration, recording shall be required in accordance with a schedule to be issued.

Owners of major heritage assets will be encouraged to prepare and adopt management or conservation plans based on current best practice for their long-term guardianship. Additional controls (such as Article 4 Directions removing permitted development rights) will be introduced to protect the setting of listed buildings where such buildings are under threat from development.

Policy ENV 29 - Unoccupied and Threatened Listed Buildings

Proposals for the adaptation and use of unoccupied or threatened listed buildings will be considered sympathetically where the council is satisfied that the proposals involve the best viable use of the building and where the future of the building's special architectural or historic interest and setting can be assured.

Policy ENV 30 - Historic Gardens and Designed Landscapes

The council will encourage the sympathetic restoration and management of historic gardens and designed landscapes and encourage the promotion of management plans.

There is a presumption against development which would adversely affect the character or setting of sites recorded in the Inventory of Gardens and Designed Landscapes in Scotland.

Where the special historical character and setting of any historic garden or designed landscape is under threat, the area will be designated a conservation area and additional planning controls introduced as appropriate. This will apply to both Inventory and non-inventory sites.

Developments which are adjacent to Inventory sites will be assessed carefully as to their potential impact on the site and will have to make a positive contribution to the setting.

Policy ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge (1526);

Proposals for the sensitive management and interpretation of battlefield sites such as Linlithgow Bridge will be supported in principle.

There is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield.

Where it can be demonstrated that the overall integrity of the battlefield will not be compromised and there will be no adverse impact on the archaeology, character, appearance, setting or the key landscape features of the battlefield, proposals and developments affecting battlefield sites will require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority). The siting, scale and design of any new development, or extensions to existing buildings, must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints that assist in the understanding of the battle and historic assets (particularly archaeological deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.

Policy ENV 32 - Archaeology

Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that:

- a. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and*
- b. there is no alternative location for the proposal.*

Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, before and/or during the implementation of the development to include archaeological excavation, recording, analysis and publication of findings.

Policy ENV 33 - Scheduled Monuments

There is a presumption against development which could have an adverse impact on a scheduled monument, or the integrity of its setting. Where appropriate, the council will introduce special controls such as Article 4 Directions removing 'permitted development' rights to protect scheduled monuments and their settings from unsympathetic development.

Where Scheduled Monument Consent has been granted for works in connection with a planning permission, conditions will be applied to ensure that development is sympathetic to the monument and its setting. Developers may be required to make appropriate and satisfactory provision for archaeological and/or standing building investigation and recording, assessment, analysis, publication and archiving in advance of development. Detailed requirements will be determined on a case by case basis and clearly specified.

Contacts

The following are organisations involved in the historic environment that may be useful to owners or developers when considering and preparing related planning applications:

West Lothian Council – Planning Services

Any general development management enquiries by e-mail to:
customer.service@westlothian.gov.uk

If you wish to submit information in respect of a specific application this can be done through the planning portal or e-mailed, with the planning reference number, to:
planning@westlothian.gov.uk

Civic Centre, Howden Road South, Almondvale, Livingston. EH54 6FF. 01506 - 280000

Historic Environment Scotland (HES) <https://www.historicenvironment.scot/>

Scottish Civic Trust (SCT) <https://www.scottishcivictrust.org.uk/>

Architecture & Design Scotland (ADS) <https://www.ads.org.uk/>

West of Scotland Archaeology Service (WoSAS) – provide service level agreement archaeological services for West Lothian Council. <http://www.wosas.net/about.html>

West Lothian Council Local History Library -
<https://www.westlothian.gov.uk/article/44856/Local-History-Library>

West Lothian Council Archives & Records Centre -
<https://www.westlothian.gov.uk/archives>

West Lothian Museums -

- Almond Valley Heritage Centre.
- Bennie Museum.
- Hopetoun House.
- Linlithgow Canal Centre; and
- Linlithgow Museum (formerly Annet House & now in Linlithgow Partnership Centre).

There are also Community Museums in: Armadale, Blackridge, Broxburn and Whitburn.
<https://www.westlothian.gov.uk/article/44854/Museums>

West Lothian History and Amenity Society (WLH&AS) <https://www.facebook.com/WLHAS/>

(PG) Historic Environment

Approved by West Lothian Council Executive **DATE TO BE INSERTED**
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED**

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston, EH54 6FF
Tel: 01596 28 00 00 Email: dpgeneral@westlothian.gov.uk



Data Label: Public

Appendix 3:

West Lothian Council: Planning Guidance Note on Soils - responses to consultation (September - October 2020)

Consultee respondent / location of comment	Comment	WLC Response
NatureScot – Scotland’s Nature Agency (formerly Scottish Natural Heritage)		
General	<p>We welcome the lead you have taken in preparing this guidance for sites in your area and are pleased that we were able to provide some support and advice during its drafting.</p> <p>We have no comment to make on the draft guidance and hope that it will form the basis for good practice by other planning authorities in Scotland.</p>	<p>Acknowledged. NatureScot soil scientist input was most helpful in commenting and correcting initial draft document.</p> <p>Once considered and adopted by West Lothian Council Executive, then the Planning Guidance would be made available to Nature Scot for forwarding to other similar Scottish local authorities for their use and tailoring to their area.</p>
Scottish Environment Protection Agency (SEPA)		
Introduction	“Soil Management & After Use of Soils on Development Sites - We think this would read better if it started with some sort of introduction about why soil is important, what soils do and why it's important to avoid soil degradation, so that people understand what they are trying to achieve - why its important to consider soil management and after use on site - to protect the resource and the functions / benefits it provides	Agreed. Additional text inserted in the Introduction section.
Para 3	“High clay content” - this also makes soils difficult to handle / manage - so care needs to be taken when handling and storing them	Acknowledged. Reference to this issue inserted in the text.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 3	“Soil Sustainability Plans” - We recommend that you consider highlighting any particularly valuable areas of soil that should be protected from construction activity	The reference to ‘Soil Sustainability Plans’ in this section relates to adopted Local Development Plan policy and it is not possible to amend the policy text or preamble at this stage, but reference inserted in Section 5 and also as a requirement within a Soil Sustainability Plan.
Section 5 -	Soil Sustainability Plans” - Should there be something added here about how the soil sustainability plan fits with the later mentioned soil resource plan / waste management plan etc? We would have thought the soil resource survey should be part of the sustainability plan? In fact, does the first bullet point describe the resource survey? if so, it would be helpful to call it that so that it's understood through the document.	Disagree as do not want to introduce confusion with reference to other plans. Page 8 reference to other related construction plans clarified.
Section 5	It seems that the points listed below are all for material/soil from the site itself, it doesn't seem to take soil export and import into account (later in the document this is mentioned) - this is an issue you may want to consider further.	The intention of the Guidance Note relates to the “Management of Soils on Development Sites”. Soil export and import are more issues for SEPA control.
Section 5	Assessment and analysis of soil types across the whole development site? Is this effectively a soil resource survey? if so, it would perhaps be best to state this.	Agreed and text amended.
Section 5	Should it also include soil compaction mitigation measures?	These are addressed in Annexes A & B.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 5	We consider there is a need to provide more guidance to a number of points listed here to ensure consistent, relevant & sufficient information is provided	Various clarification inserted into text.
Section 5	<p>SSP - Should it highlight areas where development should be avoided?</p> <p>Should it show the areas where the soils will be reused? Should it be founded on the principles of ... conserve prime quality soils; try to avoid disturbing them in the first place; develop around them if possible; then if they have to be disturbed, make sure they are stored appropriately then reused where at all possible on site and if it's not possible to reuse them on site, try and reuse them off site at as high a value as possible (as stated in SEPA's Housing Sector Plan); therefore trying to reuse the material at its highest value - based on circular economy principles.</p>	<p>This clarification has been added to the text to highlight any particularly valuable areas of soil that should be protected from construction activity.</p> <p>These aspects are considered throughout the Planning Guidance and the two Annexes.</p>
Section 5.1	Scottish Soil classification - May be beneficial to include a link to where this is explained?	Agreed. Web link inserted.
Section 5.2	"Access Paths" - Is this the same as location of haul tracks that are referred to later in the document? Perhaps amend this such that the same terminology be used here for consistency?	Yes. Text amended to refer to haul tracks for consistency.
Section 5.4	"Location of stockpiles" - We are not sure what this means - is it how big they are? their size / volume?	Yes. Text amended to clarify.
Section 5.5	"Shortcomings" - We do not think this is worded well - should it be shortfall? and subsequent need for the import or creation of topsoil.	Agreed and text amended.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 5.6	Should this be monitoring the success of the reinstatement? and it is important that envisaged limits / ranges / targets are identified	Agreed and text amended.
Section 6 Implementation	Many of the comments made above could be addressed as part of this additional technical advice	Noted and various changes carried out through the technical Notes in Annexes A & B.
Section 7 condition 1	<i>"the developer shall ensure that all debris is removed from site and intensive methods of soil cultivation and de-compaction"</i> - To what depth?	SEPA to confirm what depth is appropriate but there is an issue of monitoring.
Section 7 – condition 2	<i>"The removal of soils from greenfield sites shall be carried out in dry weather"</i> - It is more important that the soil is above its plastic limit than the weather of the day work is carried out - after a prolonged time of rain it might take considerable time for the soil to dry enough to be handled. Dry weather per se is not enough.	Acknowledged. Text amended to clarify that It is important that the soil is above its plastic limit on the day work is carried out.
Section 7 – condition 3	"Soil Dumps" - Soils to be exported from the site might also need storage on site before an outlet is found. Storage on donor site - transport - storage on receiving site should be avoided to reduce double/triple handling. Where ever possible storage should only occur on one site to reduce multiple handling, given that each handling will deteriorate soil quality (that is especially crucial for topsoil)	Acknowledged and additional line of text added to Condition 3.
Annex A	Is it worth stating why its important / what it does? and why its a good idea not to damage it? This will depend on if this is to be a stand alone document.	Annex A was originally conceived and written as a standalone handout. Text clarifies "Note to be issued with planning permissions for relevant sites".
Introduction / para 4	Perhaps re word this to refer to 'soil degradation (which can lead to flooding and waterlogging)' and;	Agreed. Title altered to reflect comment.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	It is not just handling - its also how the site is managed and how traffic is directed around it - so maybe better to re word this to read 'soil management and handling'?	
Para 5	We think this section needs to be clarified - should it be applicable to brownfield land where it is not designated as contaminated land?	Text does refer to 'brownfield land'.
Para 7	Perhaps this section could be re worded 'Construction activity can have a direct impact on the soil resource as well as affect the functions that the soils provide'?	Agreed. Section reworded.
Para 7	These are examples not a definitive list so we suggest this section be amended to say 'for example' in the text; then maybe reword? include something about compaction potentially causing run off and erosion (silt transfer?), sealing links to flooding - also loss of filtering function ... increased run off, links to water pollution etc.	Agreed, though compaction already referred to in bullet point 3 additional point included.
Para 7 / 1 st bullet point	Maybe add protection of water quality (loss of filtering function, increased run off means higher risk of water quality degradation)	Agreed – additional point included in text.
Para 7 / 5 th bullet point	Is this not just an example of contaminating soil? (not to be confused with contaminated land). It may be better to refer to 'degrading soil quality by mixing it'?	Agreed – additional text included.
Para 8	Reducing soil organic carbon content, soil compactionresulting in increased run off - increased risk of erosion, increased risk of waterlogging, increase risk of flooding.	Agreed – two additional bullet points included.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Para 8 – 1 st bullet point	We would advise that it is highlighted here that long-term storage & wrong handling also reduces soil quality (especially of top soil).	Agreed – text amended as suggested.
“Soil Management During Construction” section	It might be useful to add something about using appropriate machinery to avoid unnecessary compaction.	This issue is already covered with bullet point 2. i.e.; “use tracked equipment where possible to reduce compaction”.
“Stockpile Movement” – 1 st bullet point	It should be stressed that this needs to be kept to a minimum, especially for topsoil.	Agreed - text amended as suggested.
“Stockpile height” -	Should be max 4m for topsoil.	Acknowledged - text included in the revised Planning Guidance.
“Subsoil stripping method”	Does this need a bullet point referring to the archaeological watching brief?	Need already covered in Top Soils section above.
“Subsoil stripping method” – 1 st bullet point	This phrasing is misleading - it could be read that first topsoil is removed from the whole area of subsoil removal before subsoil extraction. However, this cannot be intended given it will result in trafficking on the subsoil and result in compaction. There needs a reference to the stripping method, or the next bullet point coming first, with the addition of topsoil removed first and separately.	Agreed order of bullet points reversed and additional text added to clarify.
Soil stockpiling	it should be mentioned that topsoil stockpiles should be avoided if possible, restricted to less than 6 months if possible and stockpiles should not be higher than 4m. (Weight of stockpile will destroy topsoil structure, lack of oxygen will kill soil life etc.)	Agreed – text amended on stockpiles duration and height.
Soil placement	If this is soil replacement - putting it back - does it need any explanation? and “ <i>Only when the strip has been</i> ”	Yes, this relates to restoring soil on construction sites. Sentence moved to end of paragraph.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	<i>started is the next one started</i> ” - It might be better to move this sentence to the end of the paragraph.	
Loose -tipping method spreading (topsoil and subsoil spreading)	We think this works better when it's included in the same box as the above - like in the DEFRA guidance. It's not actually that clear how the diagrams relate to the text. We find it a bit confusing (appreciating the original DEFRA guidance is the same).	This can be overcome by better desk-top publishing after Planning Guidance approved.
Top soil thickness	<i>“Topsoil placement thickness will depend on the anticipated rooting depth”</i> - We consider this to be misleading - given that the rooting depth of trees is higher than what is required for the topsoil. Rephrasing to 'topsoil placement thickness will depend on the envisaged habitat to be created'.	Agreed – text re-phrased.
Ditto	We advise that you replace 'does not have to be' with 'should not' - it should be made clear that it should not be made up entirely of topsoil.	Agreed – text amended.
Top soil cultivation	<i>“Top soil that has been stored in a stockpile is often compacted and anaerobic”</i> - and thus has lost its ability to function as a topsoil.	Agreed – comment included in revised text.
Adverse weather -	<i>“Work must be suspended and not re-started until the ground has had at least a full dry day or agreed moisture criteria (such as a direr that the plastic limit)”</i> - that should be the preferred option, especially for heavy soils.	Agreed – text amended to clarify this issue.
Annex B Guidance Note to Site Agents & contractors - Para 5	<i>“Where conditions for it to be designated as contaminated land under Part 2A of the Environmental Protection Act 1990..... are present ”</i> - is this	Agreed - text amended to clarify (and also inserted in Annex A).

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	correct? should it be where the conditions are NOT present?	
Key Messages / 1 st bullet	Whilst we do understand where the caveat is coming from, but time constraints will most likely always prevail, thus we would highly recommend the removal of this phrase.	Disagree. It is important to set out the context of the 'Key Messages'.
"Soil Plan"	Is this the same as the soil sustainability plan? or is it a different plan? (and the 3 later uses of the term).	Acknowledged. IEMA made the same point below and text now clarified to refer to 'Soil Sustainability Plan' (SSP) throughout documents.
"Understand your soils"	" Get the right surveys to assess the quality of your soils..... "- it might be better to use the term 'soil properties' here.	Agreed - term amended.
Reuse/ reinstate soils to support sustainable landscape	Could add text relating to the circular economy? Focus on not wasting a natural resource by reducing the amount of waste soil generated. Suggested wording along the lines of " <i>try and avoid creating soil waste; try and re-use soils on site for their highest value use. If it's not possible to reuse soils try and match them with another project close by</i> " - so focus on the sustainability angle which will have the added advantage of reducing costs and to create the best chance for restoration to be a success?	Agreed – suggested text included in Annex B: 'Key messages' albeit 'try' replaced with "strive" to emphasise importance of stopping soil waste and to reuse soil on site.
"General principles for mineral soils"	The concept of mineral soils has not been explained before in the document. Should this be explained somewhere to clarify what is being referred to - to explain what it is? Organic soil and peat was mentioned at the beginning - we would suggest the document is amended to add mineral soil, organic soil and peat to the glossary.	Agree – although organic soil and peat were mentioned in the main Planning Guidance document, all three terms added to Glossary.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
"Materials management plan"	This is the first reference to such a plan in the document - could it be explained?	This type of plan is explained at the start of Annex A "Good Best practice specification for soil handling & management of soil on Development Sites", that is intended as a note to be issued with planning permissions for relevant sites.
"Haul routes"	These are referred to as access tracks earlier in the text - it would be better to keep a consistent terminology?	Agreed - amended through text.
"Runoff / leaching"	SEPA would include erosion of material here too - runoff, leaching or erosion of materials into water courses.	Acknowledged.
List of "Don'ts"	It should include when soil is below plastic limit.	Agreed.
Further Information	It might be useful to add the British Standards for topsoil (BS3882-2015) and subsoil (BS8601).	Agreed and inserted.
Glossary	It may be beneficial to include the following: "ripper / ripping"? "Runoff" - the flow of water over the ground surface (because people also use it a lot when they actually mean erosion of particles into water - so they think it's soil runoff rather than water runoff? could possibly add: "soil erosion; soil function; soil resource; topsoil (manufactured).	Acknowledged - some terms added but not all so as not to prolong Glossary and 5 different specific soil terms already covered.
"Soil compaction" definition	This is not correct - soil compaction occurs when soil particles are pressed together, reducing pore space between them - restricting the passage of roots, water and gases.	Acknowledged – definition amended.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
"Top soil (natural)"	SEPA would question the accuracy of this - and whether it is correct / reasonable to include peaty soils given that the topsoil in a peaty soil might still be only a 150mm and not the whole peat layer? and would remove the reference to cultivated agricultural sites or peaty soils.	Definition amended.
Institute of Environmental Management and Assessment (IEMA) - comments from members of IEMA 'Land & Soils Working Group', (which is part of the IEMA Impact Assessment Network).		
Contents / Introduction page	If you are leading with " <i>Soil Sustainability Plan</i> " (SSP) terminology, suggest that you use these all three words (or the abbreviation SSPs) throughout the whole of the document i.e. don't refer to "Soil Plans", for example, as this might lead to confusion, particularly amongst non-technical operatives.	Agreed that " <i>Soil Sustainability Plan</i> " reference will be used throughout the document as this occurs in West Lothian LDP Policy ENV Policy ENV5 Soil Sustainability Plans. This will also help avoid confusion.
Ditto	Julie Holloway (soils lead for Natural England) states that NE advocates the use of conditions to improve the management of soils during construction as reflected in the document "Planning Practice Guidance for the Natural Environment". Please see comment below.	Acknowledged. Draft Planning conditions are contained within the Planning Guidance and have previously been used by WLC Development Management and attached to appropriate planning permissions.
Title - "Best practice specification for handling of soil on Development Sites" title	<p>In relation to reference to title of Annex A: "Best" practice, "Good" practice is good enough, particularly since few sites currently achieve a "good" standard of restoration. Therefore, good practice is a challenge and valid target.</p> <p>It cannot be helped if others refer to "best" practice (i.e. Policy EMG 6, and 'Best practice specification for handling of soil on Development Sites (2020)) and you have already used "good practice" throughout this document.</p>	Acknowledged and agreed that reference to " <i>good practice</i> " in the context of soils on development sites is more appropriate.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
	Also, best practice can be unnecessarily expensive. This can cause resentment amongst developers and their agents.	
Ditto	Kay Adams (member of IEMA Working Group) suggests that more context could be provided on the importance of soils from regulatory, legislative, and policy perspectives.	Agreed - additional text added.
Ditto	<p>Julie Holloway (soils lead for Natural England) has welcomed West Lothian Council's treatment of soil issues in their document. She states that NE advocates the use of conditions to improve the management of soils during construction and this is reflected in the document "<i>Planning Practice Guidance for the Natural Environment</i>". She also takes the view that this treatment of soil issues needs to be better explained, reinforced and embedded through the wider local plan process, as West Lothian Council is doing.</p> <p>She points out that Cardiff Council has a similarly detailed approach to soil management through their Green Infrastructure supplementary planning guidance and some associated (draft) soils guidance, and that there may be English examples.</p> <p>If relevant to WLC, she also takes the view that the need for the management of urban soils is being increasingly recognised, and refers to another initiative by The Sustainable Soils Alliance at https://sustainablesoils.org/new-page-4</p>	<p>Acknowledged – planning conditions related to soil are used by WLC Development Management and attached to relevant planning permissions.</p> <p>The West Lothian Local Development Plan (adopted September 2018) contains policy ENV5 which requires Soil Sustainability Plans to be produced for relevant sites.</p> <p>Acknowledged and useful two documents arising from England and an initiative related to sustainable soils.</p>

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Section 2 - Purpose and Aim of the Planning Guidance - suggest new 1 st bullet point	<p>• <i>“to ensure that on restoration site landforms are not too steep, and provide appropriate drainage for the placement of soils suitable for a range of land uses, including landscaping, habitat creation and open spaces;”</i></p> <p>This text is for the use of soils on-site for “soft” land uses. Do you want to introduce early on the idea of what you want to do with soils permanently displaced by “hard” development that often takes up a large proportion of a development sites?</p>	Agreed – a useful clarification and inserted into text.
Section 3. The West Lothian Local Development Plan	Kay Adams IEMA considers the inclusion of a soil conservation policy in the Development Plan to be a strong move in the right direction. As does Julie Holloway (soils lead for Natural England – see above).	Acknowledged.
Section 4. Planning Guidance	Do you need to say something here about developments that require EIA? If so, you might need to make the point that Construction Environmental Management Plans (CEMPs) are generally used as vehicles for mitigation covering soil management / handling. CEMPs also tend to incorporate Materials Management Plans (MMPs), and Site Waste Management Plans (SWMPs), which have implications for earth moving operations.	EIA is covered by other regulations. Given the scale of this Planning Guidance and its target audience it is not considered suitable to add references to additional requirements for additional plans that could lead to confusion and some duplication.
Section 5. Soil Sustainability Plans and Planning Conditions	You will need to specify the source of this approved methodology. Would this be available from the Hutton Institute?	Yes, the Hutton Institute could provide “approved standards of sampling and analysis of Scottish soils”.
Soil Sustainability Plan requirements – point 1	‘WRB standard’ - Do you need to say what this is?	Yes, ‘WRB’ is ‘The <i>World Reference Base</i> ’, the international standard for soil classification system

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
		endorsed by the International Union of Soil Sciences and reference clarified in text.
Soil Sustainability Plan requirements – point 5: Schedule of material volumes	Kay Adams suggests more emphasis on a “tracker” to monitor movements of soils and to link this with intended after uses on a development site (i.e. more formal quantified auditing of soil volumes)	While noteworthy, this is beyond the current resources of the council, but will be discussed with Nature Scotland and SEPA perhaps for implementation on extensive greenfield sites such as West Lothians CDAs.
Point 8 - identification of person responsible for supervising soil management .	The lack of such supervision is often the cause of problems in the implementation of soil conservation.	Fully agree. There needs to be more training/awareness raised in the industry. NatureScot and SEPA to be approached on how this could be rolled out for companies operating in east central Scotland.
Annex 1 – “Best Practice specification “	Do you mean ‘Best practice specification for handling of soil on Development Sites (2020)’? To avoid the word “best” you could say: “The advice in this document has been developed.... etc”	Agreed and amended to read “ <i>The advice in this document has been developed by West Lothian Council to assist anyone involved in the construction sector..... “</i>
“Alternative soil stripping methods”	IEMA view is that developers and their contractors will make assertions to this effect, but yet to see evidence that alternatives to excavators and dumper trucks can be shown to give the same degree of protection to soil resources.	Insertion of wording “Alternative stripping methods that can be shown to afford the same degree of soil protection are acceptable, <u>subject to provision of satisfactory evidence.</u> ” agreed.
Topsoil thickness	Suggestion for insertion of a table related to ‘Soil Profiles for Landscape Planting’ that was determined by HS2 Ltd following consultations with practitioners.	Agreed.
“Specific consideration for the handling and storage of peat”	You can refer here to SEPA guidance (“Restoration Techniques Using Peat Spoil from Construction Works”. 2011).	Web link Inserted.

Data Label: Public

Consultee respondent / location of comment	Comment	WLC Response
Annex B: Key messages	This section does not work very well. It seems to have selected some actions from Annex 'A' in a fragmented way and repeats the "Key Messages" Subheading. As it stands, I think it will confuse developers and site contractors, and I think it can be simplified.	Disagree - this Annex was explicitly meant for site agents rather than office based backroom staff and hence is shorter than the overall planning guidance Note and the Good practise set out in Annex A.
"Soils Stockpiling"	Reference to " <i>Don't Stockpile soils when wet or 'plastic'</i> " - is this necessary, because the stockpiles are created at the same time as the top soils and subsoils are stripped, under the drier conditions set out above. Also, once the stockpiles are created, they should not be moved.	No change to the Planning Guidance is proposed as this covers all eventualities and reinforces issues about sensitive nature of soil stockpiles.
"Soil aftercare" – in penultimate section	"Soil health" is a new concept and for the benefit of developers and contractors I think you should set out a simple definition of what you mean by this.	Agreed . A definition is included in revised text i.e. <i>“as the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans”</i> .

DATA LABEL: PUBLIC



APPENDIX 4

**PLANNING GUIDANCE ON MANAGEMENT & AFTER USE OF
SOILS ON DEVELOPMENT SITES**

THIS VERSION PRODUCED FOR THE COUNCIL EXECUTIVE ON 9 February 2021

Additional text shown as underlined text
Deletions shown as strikethrough text

DATA LABEL: PUBLIC

<u>Contents</u>	<u>Page</u>
<u>one</u> Introduction	3
<u>two</u> Purpose and aim of the guidance	<u>3</u>
<u>three</u> West Lothian Local Development Plan	3
<u>four</u> Planning guidance	4
<u>five</u> Soil Sustainability Plans and Planning Conditions	4
<u>six</u> Implementation	<u>56</u>
<u>seven</u> Examples of Standard Planning Conditions related to Soil Management	<u>56</u>
<u>eight</u> Review	6
<u>Annex A</u> BestGood -practice specification for <u>soil</u> handling of soil & management on Development Sites	<u>78</u>
<u>Annex B</u> Planning Services – Guidance Note to Site Agents & contractors on Soil Management	15 <u>17</u>
Glossary	19 <u>22</u>

DATA LABEL: PUBLIC

Soil Management & After Use of Soils on Development Sites

1. Introduction

1.1 Soil is an essential natural capital asset that provides important ecosystem services; e.g. as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is important to consider soil management and after use on site to protect the resource and the functions / benefits soil provides.

1.2 Complaints are often received by the council about flooded or waterlogged gardens or failed landscaping on development sites, which can be the result of creating poorly drained landforms, poor soil treatment, reinstatement and planting procedures.

1.3 The "West Lothian Soil Sustainability Report", originally published in 2004, and under review, indicates that the majority of soils in West Lothian have a soil texture ranging from clay to sandy clay loam. This high clay content often results in the worst drainage conditions and this also makes these soils difficult to handle / manage, so care needs to be taken when handling and storing them.

1.4 In line with good practice for sustainable use of soil, as set out in the local development plan, there is a need for good soil management procedure to be in place before the commencement of specific developments on site, which should be implemented during, as well as after, construction.

2. Purpose and Aim of the Planning Guidance

2.1 The purpose and aim of the Planning Guidance is to:

- to ensure that on restoration site landforms are not too steep, and provide appropriate drainage for the placement of soils suitable for a range of land uses, including landscaping, habitat creation and open spaces;
- conserve prime quality soils, as an irreplaceable natural resource where greenfield sites are being developed;
- minimise problems, like flooding, for development sites and adjacent land uses, where soil has been poorly managed during the course of construction; and
- ~~to ensure that sites are prepared more effectively for future landscaping and open space use.~~

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Strikethrough

3. The West Lothian Local Development Plan

3.1 The West Lothian Local Development Plan includes policy ENV 5 which relates to soil sustainability plans (SSPs) and provides the context for this Planning Guidance.

Policy ENV 5 – Soil Sustainability Plans

"On all greenfield development sites over 1 ha, an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water. These Soil Sustainability Plans, to be submitted with relevant planning applications

DATA LABEL: PUBLIC

will include soil identification for after-use purposes, top-soil handling, soil management during construction, site restoration, open space drainage and post-development monitoring.

The terms of policy EMG 6 will also require to be met.

3.2 In response to concerns about flooding and poor landscaping and to ensure ~~bestgood~~ -practice in soil management this Planning Guidance has been prepared and will be applied when determining planning applications.

4. Planning Guidance

4.1 When proposing development applicants will be required to meet the following requirements:

Large sites

4.2 On large greenfield sites, over 1.0 ha, applications for planning permission in full or for matters specified in conditions (MSC) shall be accompanied by a Soil Sustainability Plan (SSP).

4.3 If an application is for planning permission in principle, a planning condition will be imposed requiring a Soil Sustainability Plan as part of the matters specified in conditions [to ensure soil conservation for beneficial uses](#). Subsequent smaller phases of development, which result from a larger overall site, will also be subject to these requirements.

Small sites / Brownfield sites:

4.4 On smaller sites, and large brownfield sites, where consultation with the council's Flood Risk Management Team has highlighted specific flooding, drainage issues, or particular reinstatement needs for landscaping and after-use proposals, planning conditions will be imposed which ensure soil conservation ~~and~~ minimise the risk of compaction [and include remedial measures for contamination](#).

4.5 Alternatively, consultation may raise the requirement for the submission of a full Soil Sustainability Plan either prior to the grant of planning permission, or before work starts on site. ~~This would be on sites which are long standing greenfield sites or about sites with known soil quality. The SSP would be based on site specific detailed soil surveys.~~

Formatted: Strikethrough

Formatted: Not Strikethrough

5. Soil Sustainability Plans and Planning Conditions

5.1 When preparing a Soil Sustainability Plan (SSP) the following factors will require to be considered and reflected in any planning conditions imposed on any planning consent:

- soil [survey and](#) analysis, and assessment of the whole development site soil types prior to development. [i.e: a soil resource survey](#) (This will need to follow approved standards of sampling and analysis of Scottish soils);
- risk assessment before moving soil;
- soil archaeology assessment, including location of archaeological evidence, historical landforms and landscape elements (if appropriate and subject to comment from West of Scotland Archaeological

DATA LABEL: PUBLIC

Services (WoSAS) who inform the council on these issues);

- ~~highlighting any particularly valuable areas of soil that should be protected from construction activity;~~
- good practices for handling, storing and reusing soils (as outlined in Annex A of this Planning Guidance);
- site restoration proposals, including assessment of suitability of available soils ~~properties~~ for type of landscape planting and habitat creation ~~ing~~
- the identification and reinstatement of any land drainage present;
- ~~and planting proposed;~~
- open space ~~drainage~~ proposals;
- correction of topsoil mineral and nutrient deficiencies;
- soil erosion mitigation measures;
- aftercare period; and
- monitoring of soil post-development.

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Strikethrough

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

5.2 Consequently, a Soil Sustainability Plan (SPP) should include the following:

1. soil maps (following Scottish Soil Classification or 'World Reference Base standard' - the international standard for soil classification system - at a scale appropriate for sites management), including:
 - variation in depth of topsoil / subsoil, and
 - any features of interest identified in the archaeological and risk assessment surveys.

Formatted: No bullets or numbering

<https://soils.environment.gov.scot/maps/soil-maps/national-soil-map-of-scotland/>

2. map of proposed areas to be stripped and left in-situ; including scheduled of ~~access paths haul tracks~~ for construction operations, as well as a map highlighting any particularly valuable areas of soil that should be protected from construction activity.
3. detail on specific equipment and methods for stripping, stockpiling, re-spreading and ameliorating ~~the soils~~ compaction.
4. map showing temporary haulage routes and ~~of~~ location of soil stockpiles labelled with their and content (e.g. Topsoil type A, subsoil type B), general size and volume; including expected timing, ~~scale of creation~~, management and removal of material.
5. schedules of volumes for each material; including identification of any short ~~fall comings~~ and need for importation of ~~topsoils~~, or creation of topsoils, and any proposals for the off-site use of soils.
6. proposals for monitoring suitability of reinstated materials in line with site restoration proposals (depth of topsoil, soil analysis) and it is important that envisaged limits / ranges / targets are identified.
7. expected after-use for each soil whether topsoil to be used on site, or ~~used~~ used off-site, or subsoil to be retained for landscape or habitat areas, or used as structural fill, or for topsoil manufacture.

Formatted: Font: Arial Narrow

8. identification of person responsible for supervising soil management.

~~8.9.~~ Measures for monitoring and compliance.

DATA LABEL: PUBLIC

6. Implementation

6.1 The council is committed to ensuring the conservation and sustainable use of soil, as a valuable natural resource across West Lothian. Therefore, where planning conditions are imposed on planning permissions, or specific working practices are recommended in approved Soil Sustainability Plans, non-compliance will result in the council serving breach of condition or stop notices.

6.2 In addition to imposing conditions, Annex A and Annex B to this Planning Guidance will be issued alongside any planning ~~consents~~ permissions in the same way that a landscape specification is currently enclosed giving more technical advice and will include details such as appropriate weather and times of year for handling soil; acceptable heights of soil dumps; recommended methods for controlling weeds on soil dumps and optimum depths of top-soil depending on the eventual end use.

7. Examples of Standard Planning Conditions related to Soil Management

Condition 1: During Construction / compaction - landscaping

During construction, the developer shall employ ~~good~~best practice techniques, as outlined in the Planning Guidance Note on Soil Sustainability for Site Agents & Contractors (2020), to minimise the risk of compacting sub-soil and damaging the structure of top-soil to be used in proposed garden and open space areas.

When it is not possible to avoid the compaction of ~~sub~~soil, such as in the immediate environs of a proposed structure, the developer shall ensure that all debris is removed from site and intensive methods of soil cultivation and de-compaction are employed prior to the spreading of top-soil.

Condition 2: Soil Removal / Stripping top & sub-soil

The ~~stripping~~ removal of soils from greenfield sites shall be carried out in dry weather, and the stripping of top-soil and sub-soil shall be carried out as separate operations. It is also important that the soil is above its plastic limit on the day work is carried out.

Formatted: Strikethrough

Condition 3: Soil Dumps

Soil which is to be re-used on the site shall be stored in soil dumps as outlined in the "Planning Guidance Note on Soil Sustainability for Site Agents & Contractors" (2020) and ~~Best~~Good practice specification for handling of soil on Development Sites (2020).

The **location, profile and height** of these dumps shall be agreed in writing with the Development Management Manager prior to the start of soil stripping. Top-soil shall be first removed from areas on which sub-soil is to be stored, and top-soil and sub-soil shall be carefully stored in separate dumps. Where ever possible storage should only occur on one site to reduce multiple handling, given that each handling will deteriorate soil quality (that is especially crucial for topsoil).

8. Review

8.1 Better and tighter control over not only soil conditions, but others such as landscaping, will through a Start Notice require the purification of conditions before any work can start on site.

DATA LABEL: PUBLIC

8.2 This Planning Guidance will be subject to review when considered necessary, in order to take into account the introduction of new secondary planning legislation or regulations arising from the Planning (Scotland) Act 2019 and any future improvements in working practices for soil management.

DATA LABEL: PUBLIC

Annex A

Good ~~Best~~ practice specification for soil handling & management of soil on Development Sites
(NB: Note to be issued with planning permissions for relevant sites)

Introduction

1. Soil is a fundamental but finite resource. Some of the most significant impacts on soil result from construction activity, yet it appears that there is a general lack of awareness and understanding of soil within the construction industry.
2. As defined in the Environmental Impact Assessment process, applicants can ~~reduce~~ minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.
3. ~~This Best Practice Specification. The advice in this document~~ has been developed by West Lothian Council to assist anyone involved in the construction sector to better protect the soil resources with which they work. By following this specification this will not only assist in helping to protect and enhance the soil resources on site, but may also achieve cost savings.
4. The aim is to reduce incidence of flooding and waterlogging in development and failed landscaping due to unsuitable soil handling during construction.
5. General principles of good soil practices during construction drawing from existing information (DEFRA 2009) are set out and apply to 'greenfield land' and some 'brownfield land' where the conditions for it to be designated as contaminated land (significant harm or significant possibility of such harm) under Part 2A of the Environmental Protection Act 1990, are not present. Specific consideration related to the handling and management of contaminated soils are not covered in this Planning Guidance and are the subject of separate policy guidance relating to contaminated land.
6. The principles do not apply to organic soil (i.e.: top soil with peat layer more than between 30-50cm depth), where specific consideration for the handling and storage of peat will be required. For development on peat soil refer to SEPA guidance. Where such development is unavoidable, handling and reuse of peat soil will require specific consideration to reduce loss of carbon.
7. Construction activity can have adverse direct impacts on the soil resource as well as affect the functions that the soils provide and its functions (i.e. for example: soil supports biodiversity, stores water, sequesters carbon, mitigates flood impact and pollution), in a number of ways by:
 - covering soil with impermeable materials, effectively sealing it results in loss of soil and soil functionality(drainage, flood mitigation)
 - protecting water quality, as loss of filtering function, increases run-off and higher risk of water quality degradation;
 - contaminating soil as a result of accidental spillage, or the use of chemicals;
 - over-compacting soil through the use of heavy machinery, or the storage of construction materials;
 - compaction potentially causing run-off and erosion, as well as silt transfer;

Formatted: Strikethrough

DATA LABEL: PUBLIC

- reducing soil quality, for example by mixing topsoil with subsoil; and
- ~~degrading soil quality~~ ~~wasting soil~~ by mixing it with construction waste or contaminated materials, which then have to be treated before re-use, or even disposed of at landfill as a last resort.

Long-term storage and wrong handling also reduces soil quality (especially of top soil). Construction activity can also have longer term impacts on the quality and function of reinstated soils and landscape by:

- reducing soil quality, (for example by mixing topsoil with subsoil reduces top soil quality); ~~and~~
- introducing unsuitable material in soils (Non-native invasive species, unsuitable soil type for reinstated habitats and species).
- reducing soil organic carbon content; and
- creating soil compaction resulting in increased risk of: run-off, erosion, waterlogging and flooding.

Key Messages

Pre-construction planning / Planning Application stage

- ~~Whether~~ Regardless of an Environmental Impact Assessment ~~being is~~ required for certain sites that meet the EIA regulations, or not; developers should have a soil resource survey carried out on site by a suitably qualified and experienced soil scientist or practitioner (e.g. a member of CIEEM or the Institute of Professional Soil Scientists – <https://soils.org.uk/>), at the earliest convenience and prior to any earthworks operations. It can be combined with other surveys such as a geotechnical or geo-environmental survey, provided the relevant expertise is applied.
- Incorporate the results of the soil resource survey into the site working strategy (e.g. for Environmental Impact Assessment sites there could be a Material Management Plan(MMP) and Site Waste Management Plan (SWMP) -within a Construction Environmental Management Plans (CEMP), Site Waste Management Plan), ensuring liaison between the soil resource survey and other ground investigations.
- Ensure that you are informed of and follow waste regulations as necessary.
- For all greenfield site >1ha, prepare a Soil Sustainability Plan ~~(SSP)~~ as referred to in Policy ENV 5 of the West Lothian Local Development Plan (2018). This will include the areas and type of topsoil and subsoil to be stripped, haul routes, the methods to be used and location, type & management of each stockpile.
- For small sites (<1ha) and brownfield sites, requirement for a Soil Sustainability Plan ~~(SSP)~~ may rise from consultation with the council where specific flooding, drainage issues, or particular reinstatement needs for landscaping and other after-use proposals arise.

Soil management during construction

- Record any substantial change to the Soil Sustainability Plan ~~(SSP)~~. For multi-phase development with included stages of re-instatement and stockpile movement, keep a record of all soil movements and type of material handled.
- When stripping, stockpiling or placing soil, do so in the driest condition possible and use tracked ~~equipment~~ equipment where possible to reduce compaction.
- Confine traffic movement to designated routes.
- Keep soil storage periods as short as possible.
- Clearly define stockpiles of different soil materials and ensure that slope and height of stockpiles is appropriate for material stored.

DATA LABEL: PUBLIC

- [Provide fencing to stop animals \(e.g. badgers\) from colonising stockpiles.](#)

Formatted: Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

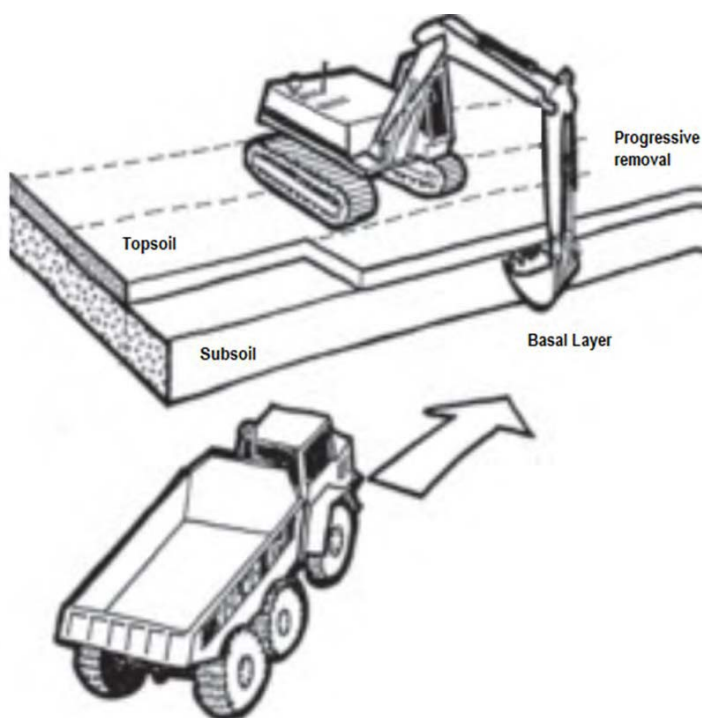
Landscape, habitat, [open space](#) or garden creation

- Ensure that for all reinstated soil, the entire soil profile (top soil / subsoil) is stable and in a condition to promote sufficient aeration, drainage, fertility and root growth.
- Safeguard and utilise on-site soil resources where possible. If importing soils use a reputable supplier, establish the source of the soil and ensure it is suitable for the intended use.

Practical advice - Soil management during construction / On-site soil management

Topsoil Stripping Method

- Remove surface vegetation by blading off, by scarification and raking, or kill off by application of a suitable non-residual herbicide applied not less than two weeks before stripping commences.
- The method illustrated below is the best practice method for minimising damage to topsoil. It shows the transport vehicle running on the basal layer under subsoil as subsoil is also to be stripped. If only topsoil is to be stripped, the vehicle would run on the subsoil layer. (NB: If site is on slope other consideration might apply).



DATA LABEL: PUBLIC

- Within each soil unit stripping should be undertaken by the excavator standing on the surface of the topsoil, digging the topsoil to its maximum depth and loading into site or off-site transport vehicles, using an excavator bucket without teeth.
- Alternative stripping methods that can be shown to afford the same degree of soil protection are acceptable, subject to provision of satisfactory evidence.
- As a standard practice, an archaeological watching brief may be needed during topsoil and subsoil stripping, depending on West of Scotland Archaeological Services comments.

Subsoil Stripping Method

~~Topsoil should first be stripped from all areas from which subsoil is to be removed for reuse.~~

- Within each soil unit the soil layers above the base / formation layer are removed in sequential strips that can be up to 6m wide (the reach of a 360° excavator).
- Topsoil should be removed first and separately ~~first be stripped~~ from all areas from which subsoil is to be removed for reuse.
- Using an excavator bucket with teeth is preferable to using one without. Where there is a cover of topsoil, that layer is removed first before stripping subsoil to the specified depth. The soil transport vehicle runs on the layer beneath the subsoil.
- Weathered basal layer (e.g. geological parent material) below the subsoil has limited value for landscaping and soil reinstatement and should be kept separated from stockpiles intended for such uses.

Soil stockpiling

- Soil should be stored in an area of the site where it can be left undisturbed and will not interfere with site operations- but soil movement needs to be kept to a minimum, especially for topsoil.
- Ground to be used for storing the topsoil should be cleared of vegetation and any waste arising from the development (e.g. building rubble and fill materials).
- Topsoil should first be stripped from any land to be used for storing subsoil.

(See details of methods below on Dry 'non-plastic' soils & Wet 'plastic' soils)

Method 1 – Dry 'non-plastic' soils

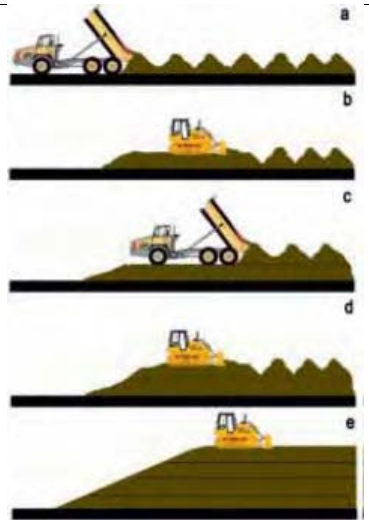
a) The soil is loose-tipped in heaps from a dump truck, starting at the furthest point in the storage area and working back toward the access point.	
--	--

DATA LABEL: PUBLIC

b) When the entire storage area has been filled with heaps, a tracked machine (excavator or dozer) levels them and firms the surface in order for a second layer of heaps to be tipped.

c & d) This sequence is repeated until the stockpile reaches its planned height.

e) To help shed rainwater and prevent ponding and infiltration a tracked machine compacts and re-grades the sides and top of the stockpile (to form a smooth gradient).



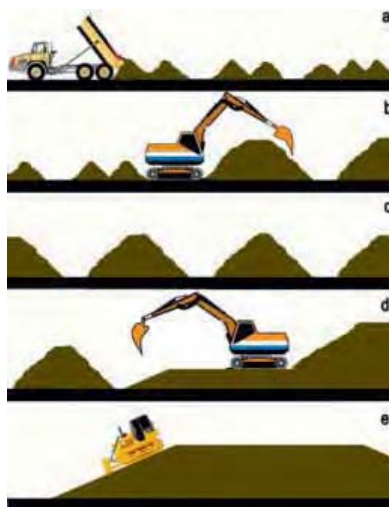
Method 2 – Wet 'plastic' soils

a) The soil is tipped in a line of heaps to form a 'windrow', starting at the furthest point in the storage area and working back toward the access point.

b & c) Any additional windrows are spaced sufficiently apart to allow tracked plant to gain access between them so that the soil can be heaped up to a maximum height of 2m. To avoid compaction, no machinery, even tracked plant, traverses the windrow.

d) Once the soil has dried out and is non-plastic in consistency (this usually requires several weeks of dry and windy or warm weather), the windrows are combined to form larger stockpiles, using a tracked excavator.

e) The surface of the stockpile is then regraded and compacted by a tracked machine (dozer / excavator) to reduce rainwater ingress.



Stockpile location and stability

- Stockpiles should not be positioned within the root or crown spread of trees, or adjacent to ditches, watercourses or existing or future excavations.

DATA LABEL: PUBLIC

- Stockpile height should be maximum of 4m high for topsoil (as weight of stockpile will destroy topsoil structure and lack of oxygen will kill soil life).

Formatted: Indent: Left: 0.5 cm, Hanging: 0.75 cm,
Bulleted + Level: 1 + Aligned at: 0 cm + Indent at: 0.63 cm

- Soil will have a natural angle of repose of up to 40° depending on texture and moisture content but, if stable stockpiles are to be formed, slope angles will normally be less.
- For stockpiles that are to be grass seeded and maintained, a maximum side slope of 1 in 2 (25°) is appropriate.

Stockpile protection and maintenance

- Once the stockpile has been completed the area should be cordoned off with secure fencing to prevent any disturbance or contamination by other construction activities.
- If the soil is to be stockpiled for more than six months (but ideally less than 6 months if at all possible), the surface of the stockpiles should be seeded with an appropriate grass / clover mix to minimise soil erosion and to help reduce run-off and infestation by nuisance weeds that might spread seed onto adjacent land.
- Management of weeds that do appear should be undertaken during the summer months, either by spraying to kill them or by mowing or strimming to prevent their seeds being shed.

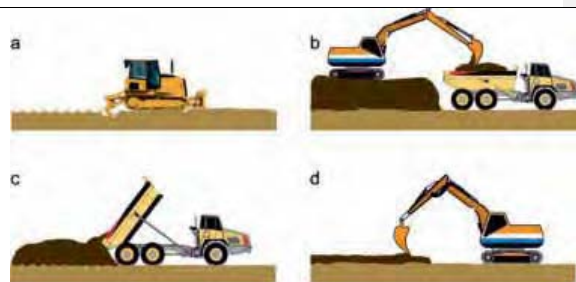
Soil placement

This method entails working to a strip system (the width of the strip determined by the reach of the excavator), and replacing soil sequentially across the soiling area. The receiving ground, whether a basal layer or compacted subsoil is first loosened with a wing-tine ripper.

A hydraulic excavator, fitted with a toothed-bucket to avoid excessive smearing, should be used to load the soil materials from the source area or stockpile into a dump truck which then loose-tips discharges them onto the receiving surface.

An excavator stands next to the newly dropped soil and spreads this to the required thickness. If there is to be more than one soil layer (i.e. if both topsoil and subsoil are being replaced) then the whole length of the strip is restored with subsoil before the process is repeated with topsoil.

The topsoil is lifted onto the subsoil without the excavator travelling on the newly placed subsoil. Only when the strip has been completed is the next



(Loose-tipping method - topsoil spreading only)

- loosening the subsoil of the receiving ground
- loading of topsoil from stockpile
- back-tipping topsoil onto loosened subsoil
- levelling topsoil

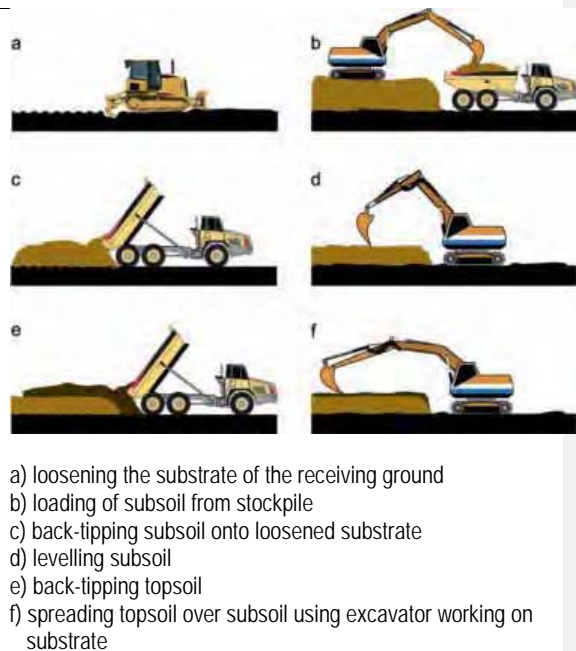
DATA LABEL: PUBLIC

~~one started.~~ If soil is cloddy in structure, the excavator bucket can be used to break up the clods. Large stones can be removed during the operation. Only when the strip has been completed is the next one started.

The loose-tipping method (topsoil and subsoil spreading)

Modified versions of the loose-tipping method, for use when both subsoil and topsoil are to be placed, include spreading the subsoil as described above, but then spreading the topsoil layer out using a low ground pressure dozer.

Providing that soil conditions are suitably dry and dozer movements are minimised, this can gently consolidate the placed soil without causing over-compaction.



Relief of compaction

On most construction sites, the receiving layer will have been compacted by vehicles, foot trafficking or the storage of building materials. Therefore, prior to spreading soil:

- the substrate should be properly de-compacted to break up any panning to reduce flood risk and to promote deeper root growth.
- a small (1-5 tonne) to medium sized (13 tonne) tracked excavator, fitted with a single rigid tine is effective in restricted areas, such as in planting beds and road verges.
- in more open areas, a tractor-drawn sub-soiler is capable of loosening soil that is not too heavily or deeply compacted. In some instances, compressed air injection can be used to de-compact the soil profile.

DATA LABEL: PUBLIC

Deep compaction can only be effectively relieved using heavy duty ripper equipment, such as the single rigid tine device. For loosening to be most effective, it should be carried out when the soil is sufficiently dry to the full depth of working, otherwise the tine merely cuts and smears the sub-soil rather than lifting, fracturing and loosening it. A toothed excavator bucket is not an appropriate tool for ripping soil.

Topsoil thickness

Topsoil placement thickness will depend on the ~~envisaged habitat to be created anticipated rooting depth of the plants to be established~~ and the quality of the underlying subsoil. Trees and shrubs require a much greater routing depth than grasses, through this ~~does not have to should not~~ be made up entirely of topsoil.

Topsoil at least 150mm deep is desirable for lawns and mown amenity grass and can beneficially be placed more deeply (up to 400mm thick) for trees and shrubs.

The table below provides general guidance on the minimum soil depths over placed excavated materials for different habitats/planting, as applied by landscape planting practitioners. This should be reviewed and modified as necessary by contractors/designers to suit specific locations and other design criteria and should also depend on the availability of soil resources and the requirements for agriculture and ecology.

Soil Profiles for Landscape Planting

<u>Habitat/Planting Type</u>	<u>Minimum Topsoil Depth (mm)</u>	<u>Minimum Subsoil Depth (mm)</u>
<u>Woodland</u>	<u>300</u>	<u>700</u>
<u>Hedgerow</u>	<u>300</u>	<u>300</u>
<u>Grassland</u>	<u>150</u>	<u>150</u>
<u>Heathland</u>	<u>150</u>	<u>150</u>

Trees and shrubs require a greater rooting depth than grasses and heathers, and hence a deeper soil profile. The soil profile should be made up with a combination of topsoil and subsoil above placed excavated materials. The excavated materials will generally lie at depths greater than 1.2m, and should not, therefore, require ripping.

However, topsoil does not normally perform well below a depth of 400mm from the surface, where there is an increase in self-compaction and where the biochemical oxygen demand (BOD) often exceeds the rate of aeration. This often results in the development of anaerobic conditions that are detrimental to plant root functions. Subsoil, which has a lower BOD, should, therefore, always be used to create rooting depths in excess of 400mm.

Topsoil cultivation

After re-spreading topsoil, any large, compacted lumps should be broken down by appropriate cultivation to produce a fine tilth suitable for planting (<50mm maximum aggregate size), turfing and seeding (<10mm maximum aggregate size).

DATA LABEL: PUBLIC

Topsoil that has been stored in a stockpile is often compacted and anaerobic and thus has lost its ability to function as a topsoil. It should therefore be cultivated to its full depth using appropriate tillage equipment to de-compact and fully re-aerate. Only when the topsoil has been fully re-aerated will it be satisfactory for planting turfing or seeding. More than one cultivation may be required to re-aerate the entire thickness of topsoil. Undesirable material (e.g. stones, fill materials and vegetation larger than 50mm in any dimension) brought to the surface during cultivation should be removed by picking or raking.

Adverse weather

If sustained heavy rainfall (e.g. >10mm in 24 hours) occurs during soil handling operations, work must be suspended and not restarted until the ground has had at least a full dry day or agreed moisture criteria (such as 'drier than the plastic limit') can be met. This is the preferred option, especially for heavy soils in West Lothian. Lighter soil can generally be moved at a higher moisture content without damage than a heavy soil.

The earlier or later in the year that soil is moved, the greater the risk of causing damage or having work suspended by adverse weather, although the period when soil can be safely handled is longer in the drier eastern parts of the UK than in the west. Where the soil handling technique is such that trafficking over the soil is minimal (e.g. the 'loose tipping method' described above), the period for soil stripping may be extended.

DATA LABEL: PUBLIC

Annex B

WLC Planning Services – Guidance Note to Site Agents & contractors on Soil Management

1. Scotland's soil is a valuable natural asset and in line with Zero Waste targets proper steps should be taken in development to avoid excessive soil / spoilt wastes on sites and promote sustainable reuse and reinstatement of the material on sites.
2. Damage and loss of soils during development is major threat to our national soil resources. This Guidance Note has been developed to assist anyone involved in the construction sector to better protect the soil resources with which they work.
3. Complaints are often received by the council about flooded or waterlogged gardens or failed landscaping on development sites, mainly due to poor soil treatment and planting and [this](#) can be reduced by ensuring suitable soil handling during construction.
4. By following this Guidance Note, you will not only be able to help protect and enhance the soil resources on site and reduce future problems but also potentially achieve cost savings for your business, [by avoiding the need for subsequent remedial work.](#)
5. This Guidance Note applies to 'greenfield land' and some 'brownfield land' where the conditions for it to be designated as contaminated land under Part 2A of Environmental Protection Act 1990 (significant harm or significant possibility of significant harm), are not present.

(NB: Annex B does not apply to organic soil - (soil with peat layer more than 50cm depth) - where specific consideration for the handling and storage of peat will be required. [\(See SEPA guidance "Restoration Techniques Using Peat Spoil from Construction Works"- 2011.\)](#)

Key Messages

- ~~Work with soils in driest conditions possible / Don't when wet - if at all possible~~
- ~~Follow the [SSPSoil Plan](#) approved as part of the planning permission.~~
- [Good Best practices for the sustainable use of soil in developments is to are:](#)

- [Carry out soil surveys to understand your soils properties](#)
- ~~Get the right surveys to assess the quality of your soils and volumes affected.~~

- Plan ahead for proper handling of soil on sites during constructions

~~Consider value of the [Soil Plan SSP](#) to:~~

- ~~Ensure that soil resource is not wasted through inappropriate stripping, handling and storage procedures.~~
- ~~Reduce risk of pollution to water course.~~
- ~~Avoid mixing topsoil and subsoil to maintain its good quality and fertility.~~

- Reuse / reinstate soils to support sustainable landscape

- ~~Reduce waste disposal cost by re-using on site soils.~~
- ~~Ensure that soil imported on to the site is fit for purpose.~~

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font: Not Italic, Strikethrough

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

DATA LABEL: PUBLIC

- Strive to avoid creating soil waste and re-use soils on site for their highest value use. If it's not possible to re-use soils, seek to match them with another project close-by to save costs.
- Implement the general principles of the Soil Sustainability Plan (SSP), as set out below.

General principles – for mineral soils (Pre-construction planning):

Do	Don't
<ul style="list-style-type: none"> ✓ Undertake detailed soil resource survey before any earthmoving operations start. ✓ Ensure that the survey is carried out by suitably qualified and experienced soil scientist or practitioner. ✓ Ensure co-ordination between the soil resource survey and other ground investigations as each might have information useful to the other. ✓ Incorporate the results into the Materials Management Plan or the Site Waste Management Plan. 	<ul style="list-style-type: none"> ✗ Rely on a geotechnical survey or contamination survey for detailed information on topsoil or subsoil resources.

Soil management during construction: Using the site's Soil Plan ~~SSP~~ implement as follows

Do	Don't
<ul style="list-style-type: none"> ✓ Clearly define soil types, areas of soil to be stripped, haul routes and stockpile locations on your <u>SSP</u> Soil Resource Plan. 	<ul style="list-style-type: none"> ✗ Create haphazard stockpiles of soil on site – ensure that material is stable with no risk to nearby receptors (i.e. runoff, leaching into water courses.)
<p>Topsoil stripping</p> <ul style="list-style-type: none"> ✓ <u>Remove vegetation and any waste materials</u> ✓ <u>Strip soils in strips using excavators and dump trucks</u> ✓ Follow <u>SSP</u> Soil Plan to account for variation in depth of topsoil <u>stripping</u> across sites. ✓ <u>Work with soils in driest conditions possible / Don't work when wet - if at all possible</u> ✓ Use tracked equipment wherever possible to reduce compaction. ✓ Confine movement of trucks or dumpers to designated temporary haul routes. 	<ul style="list-style-type: none"> ✗ Mix vegetation into topsoil to be stored. ✗ Strip soils during or after heavy rainfall or when there are pools <u>of</u> water on the surface. ✗ Remove topsoil from below the spread of trees to be retained.

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: (Default) Arial Narrow, 12 pt

Formatted: List Paragraph, Indent: Left: 0.63 cm

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font color: Green

Formatted: Font: Not Bold

Formatted: Font color: Green

DATA LABEL: PUBLIC

Subsoil Stripping

Do	Don't
✓ <u>Work with soils in driest conditions possible / Don't work when wet - if at all possible</u>	✗ Strip soils during, or after heavy rainfall, or when there are pools of water on the surface.
<u>Strip soils in strips using excavators and dump trucks</u>	✗ Mix subsoils of different quality & composition.
✓ <u>Follow SSP to account for variation in depth of subsoil stripping across site</u>	
✓ Use tracked equipment wherever possible to reduce compaction.	
✓ Confine movement of trucks or dumpers to designated temporary haul routes.	

Formatted: Font color: Green

Formatted: Font: Arial Narrow, Not Bold

Formatted: Font color: Green

Formatted: Font: Arial Narrow, Not Bold

Soils Stockpiling

Do	Don't
✓ Remove vegetation and waste materials from storage areas before forming stockpiles.	✗ Stockpile soils when wet, or 'plastic'.
✓ Manage the site so that soil storage periods are kept as short as possible.	✗ <u>Create stockpiles over 4m in height.</u>
✓ <u>Use excavators and dump trucks</u>	✗ Stockpile soils of different quality and composition together, especially topsoil and subsoil.
✓ Use tracked equipment wherever possible to reduce compaction.	✗ Stockpile subsoil or waste materials <u>With, or</u> on top of topsoil.
✓ Protect stockpiles from erosion by seeding or covering them.	✗ Locate stockpiles close to retained trees, drains, watercourses or ditches.
✓ Use clear signage to identify the content of stockpiles.	✗ Steepen stockpile sides beyond a slope of 1 in 1.75 (30°) in order to reduce the risk of erosion.
	✗ Allow vehicles to run over stockpiles except during their construction.

Formatted: Font: Bold, Font color: Red

Formatted: Font: Arial Narrow, 11 pt, Not Bold

Formatted: Font: Bold, Font color: Red

Formatted: Font color: Green

Landscape, habitat or garden creation

Do	Don't
Soil placement	
✓ <u>Work with soils in driest conditions possible / Don't work when wet - if at all possible</u>	✗ Place or cultivate soils during or after heavy rainfall or when soils are plastic.
<u>Use excavators and dump trucks</u>	✗ Take construction machinery over topsoil or subsoil that has been placed.
✓ Use tracked equipment wherever possible to reduce compaction.	✗ Place topsoil too deeply – 'more' is not necessarily 'better'.
✓ De-compact subsoil before placing topsoil	✗ Plant into anaerobic, waterlogged topsoil
✓ Fully re-aerate anaerobic topsoil before planting, turfing or seeding.	
✓ Ensure that the physical condition of	

Formatted: Font color: Green

DATA LABEL: PUBLIC

the entire soil profile (topsoil and subsoil) will promote sufficient aeration, drainage and root growth.	
Sourcing and importing topsoil <ul style="list-style-type: none"> ✓ Fully investigate on-site resources before considering a source of topsoil from outside the site – (Be aware of Non-native invasive species contamination). ✓ Use a reputable supplier. ✓ Establish the source of the topsoil whether it is natural or manufactured. ✓ Ensure, through appropriate analysis, that the topsoil imported is suitable for the intended planting(s). ✓ Consider producing your own topsoil 	<ul style="list-style-type: none"> ✗ Accept non-documented or unverified loads of topsoil <u>and subsoil</u>. ✗ Use a standard specification for all plantings as different species and land uses have different topsoil requirements. ✗ Accept topsoil that is too cloddy or wet or that contains visible evidence of plastics, concrete, etc.
Topsoil manufacture <ul style="list-style-type: none"> ✓ Determine if there is a shortfall of site topsoil at an early stage in the project. ✓ Determine whether topsoil manufacture is feasible by considering the quality of surplus subsoil, programme, space and landscape requirements. ✓ Ensure that all soils and soil ameliorants are used in accordance with current Waste Regulations 	<ul style="list-style-type: none"> ✗ Wait until there is a stockpile of surplus subsoil before considering topsoil manufacture.
Soil aftercare <ul style="list-style-type: none"> ✓ Ensure that soil health (i.e. <u>the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans</u>) as well as plant health is closely monitored during the aftercare period. ✓ Correct deficiencies as soon as they are detected. 	<ul style="list-style-type: none"> ✗ Rely on aftercare as an alternative to good soil management – careful soil handling, storage and placement will save on aftercare costs and result in long term benefits to the development ✗ Assume that soils will function adequately immediately after planting
Uses for surplus topsoil <ul style="list-style-type: none"> ✓ Calculate soil surpluses at an early stage in the project. ✓ Make use of contractor contacts and local authority knowledge to seek sustainable off-site uses. ✓ Ensure that all on-site and off-site uses are in accordance with Waste Regulations. 	<ul style="list-style-type: none"> ✗ Bury topsoil deeply on site unless no sustainable off-site uses and there is no risk to significant harm to humans and the wider environment

Formatted: Font: Not Bold

DATA LABEL: PUBLIC

Further Information

More details on the sustainable use of soils on construction sites are available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf

British Standards for topsoil are BS3882-2015 and for subsoil: BS8601

Site Monitoring

West Lothian Council will continue to check development sites after planning permission is granted and will monitor implementation of relevant planning conditions placed on the development, including soil management.

Enforcement

Where appropriate, Enforcement action will be taken where good soil protection practices are not observed and if not addressed, could eventually result in Stop Notices being issued where there is non-compliance with planning conditions.

Glossary

Key Words

Definitions / terminology

DATA LABEL: PUBLIC

Anaerobic	Oxygen-deficient
Basal Layer	Un-weathered parent material beneath subsoil. Layer upon which subsoil may be re-spread
Biochemical Oxygen Demand	The quantity of oxygen required by aerobic micro-organisms for the complete (aerobic) decomposition of a material
<u>Mineral Soil</u>	<u>A soil derived from minerals or rocks and containing little humus or organic matter.</u>
Non-plastic soil	A soil that does not exhibit plasticity at any moisture content, such as sand or gravel
<u>Organic Soil</u>	<u>Soil that is naturally rich in organic matter (typically containing at least 20% organic matter by weight in a layer more than one metre in thickness).</u>
<u>Peat</u>	<u>A dark brown substance like soil that was formed by plants dying and becoming buried.</u>
Plastic soil	A soil that, within a certain moisture content range, is capable of being moulded or deformed without rupture
Plastic limit	moisture content above which a 'plastic' soil starts to exhibit 'plastic' behaviour.
<u>Ripping</u>	<u>refers to the loosening of soil, rock or frozen ground by drawing a forked or pronged implement through it.</u>
<u>Runoff</u>	<u>The flow of water over the ground surface</u>
Soil compaction	<u>occurs when soil particles are pressed together, reducing pore space between them - restricting the passage of roots, water and gases. Over-compaction of subsoil or topsoil so that fine pores and the spaces between soil structure aggregates become closed and are unable to allow the passage of roots, water and air</u>
Soil quality	The capacity of soil to function within ecosystem boundaries to sustain biological productivity, maintain environmental quality, promote plant & animal health
Soil sealing	Covering of the soil surface with an impermeable material
Soil structure	The aggregation of soil particles into larger units with spaces between that allow flow of air and water and root penetration
Soil texture	A descriptive classification reflecting the proportions of mineral fractions (sand, silt and clay sized particles)
Subsoil	Weathered soil layer extending between the natural topsoil and the little weathered basal layer (e.g. geological parent material) below, or similar material within a landscaping project on to which topsoil can

DATA LABEL: PUBLIC

	be spread. Subsoil usually has a lower organic matter and plant nutrient content than topsoil
Top soil (natural)	Upper layer of a soil profile, usually darker in colour and more fertile than the layer below (subsoil), and which is a product of natural biological and environmental processes. In Scotland, the thickness of natural topsoil will vary from only a few centimetres in some sites to up to 500mm in deeply cultivated agricultural sites or peaty soils

(PG) Soil Management & After Use of Soils on Development Sites

Approved by West Lothian Council Executive
Subsequently adopted as Planning Guidance (PG)

DATE TO BE INSERTED IN DUE COURSE
DATE TO BE INSERTED IN DUE COURSE

West Lothian Council, Development Management, Civic Centre, Howden South Road, Livingston, EH54 6FF
Tel: 01506 28 00 00 Email: planning@westlothian.gov.uk



Data Label: Public

APPENDIX 5



SCREENING REPORT

PLANNING GUIDANCE – ON THE HISTORIC ENVIRONMENT

Data Label: Public

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council.

Title of the plan:

Planning Guidance on the Historic Environment.

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The West Lothian Local Development Plan gives an undertaking to produce guidance in relation to a variety of planning policy topics including the protection of the natural environment from inappropriate development.

The guidance sets out detailed criteria to assist the preparation and assessment of planning applications across the plan area and specifically supports policies:

- ENV 23 - Conservation Areas (Designations);
- ENV 24 - Conservation Areas (Demolitions);
- ENV 25 - Linlithgow Palace, Peel & High Street Rigs;
- ENV 26 - Hopetoun Estate and Abercorn Village;
- ENV 27 - Areas of Built Heritage and Townscape Value;
- ENV 28 - Listed Buildings;
- ENV 29 - Unoccupied and Threatened Listed Buildings;
- ENV 30 - Historic Gardens and Designed Landscapes;
- ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge;
- ENV 32 - Archaeology; and
- ENV 33 - Scheduled Monuments.

of the adopted LDP.

There is no current Supplementary Planning Guidance (SPG) related to the historic environment in West Lothian. As a consequence there is recognition of the need to ensure that the council's planning guidance arising from the local development plan adopted in 2018 is up to date and reflective of the most current LDP policies and best practice.

Plan subject:

(e.g. transport)

Town and Country Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

☐

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

☐

Section 5(4)

Data Label: Public

Contact details:	<input checked="" type="checkbox"/> An SEA is <u>NOT</u> required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within
	<input checked="" type="checkbox"/> Section 5(3) <input type="checkbox"/> Section 5(4)
	Chris Alcorn, Principal Planning Officer, West Lothian Council Civic Centre Howden South Road, Livingston, EH54 6FF. 01506 - 282428 / chris.alcorn@westlothian.gov.uk
Date:	5 January 2021

Data Label: Public

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018.

A Strategic Environmental Assessment - Environmental Report was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

The West Lothian Council Executive committee on 22 March 2018, resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Planning Guidance – Planning Guidance on the Historic Environment is required to support the understanding and delivery of ten policies e.g. ENV 23 – ENV 33 in the adopted West Lothian Local Development Plan (2018).

The PG will expand on the principles of these policies and will provide detailed guidance to help achieve the outcomes expected from related historic development proposals across West Lothian.

While the proposed Planning Guidance provides some location specific guidance, it supports consistent interpretation and application of policies related to the historic environment through the development management process.

The guidance identifies good practice in-line with the related policies and other similar guidance provided by Historic Environment Scotland.

Description of the Plan:

The proposed Planning Guidance expands on the principles set out in the policies outlined in the section above and provides detailed guidance to help achieve the outcomes expected from planning applications related to historic environment proposals across West Lothian.

The planning guidance is intended for use by anyone considering this sort of development within West Lothian including:

- Applicants who are proposing alterations and changes to a range of historic properties and landscapes;
- Agents working for their clients on such proposals;

Data Label: Public

	<ul style="list-style-type: none"> • Development Management Officers assessing planning proposals, as well as Historic Environment Scotland officers; • Elected Members representing constituents and making decisions on related planning applications; and • Members of the public with an interest in these types of historic environment development proposals within their local community. <p>The Planning Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation).</p>
<p>What are the key components of the plan?</p>	<p>The Planning Guidance will provide further guidance to support the application of the various historic environment policies detailed in the section above, under Context.</p>
<p>Have any of the components of the plan been considered in previous SEA work?</p>	<p>Yes. The document is produced to support a number of policies in the West Lothian Local Development Plan which was adopted on 4 September 2018. An Environmental Assessment has previously been undertaken in respect of policies and related proposed land allocations in the West Lothian LDP.</p> <p>The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive e.g.; in that they promoted good practice for securing sustainable development related to the historic environment.</p> <p>In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Opinion for this Planning Guidance is required.</p>
<p>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</p>	<p>The proposed Planning Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from historic environment development proposals in locations across West Lothian.</p> <p>The guidance will support consistent interpretation and application of policy through the development management process. The guidance will at the same time encourage good practice in-line with policies and other similar guidance arising from Historic Environment Scotland.</p> <p>The potential environmental effects of any proposed development considered under the terms of the policies can however only be fully assessed at the planning application stage when the specific site and development details are known.</p>

Data Label: Public

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Planning Guidance – on the Historic Environment		✓				✓	✓	✓	✓	✓	<p>The PG brings together all of the elements that help contribute towards minimising environmental impact and achieving sustainable development in the historic environment.</p> <p>It provides a clear set of guidance and standards to explain what the council will expect from such new developments and identifies what information is required as part of a planning application.</p> <p>It also provides contact details for various Council Services and other organisations with an interest in the historic environment.</p>	<p>The SEA for the LDP considered any potential effects.</p> <p>The Planning Guidance on the Historic Environment is not considered to have any additional significant negative environmental effects.</p>

Data Label: Public

											<p>The PG shares the strategic objectives of the LDP which include promoting development where its environmental impact can be ameliorated and having regard to climate change by minimising the carbon footprint of development and supporting mitigation and adaption measures.</p> <p>Any impact on the Environmental Topic Areas will be positive and beneficial.</p>	
--	--	--	--	--	--	--	--	--	--	--	---	--

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

Summary of interactions with the environment and statement of the findings of the Screening:

(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The council has prepared this Planning Guidance to proactively inform and encourage developers to adopt a more considered approach when preparing proposals for the historic environment.

The guidance has been conceived to help positively influence the nature of the historic environment and to mitigate any adverse effects on both the individual site and the surrounding environment. It relates to development across West Lothian

Developers are encouraged to identify and address in particular the consequences of their proposals to alter, adapt or change the historic environment and to adopt 'best practice'.

With careful thought and sensitive execution, proposals related to the historic environment can be made to be in much better harmony with their neighbours and the wider natural environment.

Data Label: Public

In common with other planning guidance prepared by West Lothian Council, it has been subject to internal and external consultation, in this case with council service providers Historic Environment Scotland and community councils, planning consultants and developers as well as local interested organisations and regard has been had to the responses and feedback which has been received and present to elected members to consider.

In conclusion, the Planning Guidance on the historic Environment will result in no, or minimal, environmental effects and therefore it is concluded a SEA is **NOT** required.

The guidance sets out detailed criteria to assist the development and assessment of proposals for development across the plan area and specifically supports historic environment policies: ENV 23 – ENV 33 of the adopted LDP which collectively seek to prevent and minimize visually and environmentally intrusive development and to reduce energy use and carbon emissions related to the historic built and natural environment.

When completed send to: SEA.gateway@scot.gov or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

Data Label: Public

APPENDIX 6



SCREENING REPORT

PLANNING GUIDANCE –

ON

**MANAGEMENT & AFTER USE OF SOILS ON
DEVELOPMENT SITES**

Data Label: Public

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council.

Title of the plan:

Planning Guidance on the Management & After Use of Soils on Development Sites.

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The West Lothian Local Development Plan (LDP), adopted in 2018, gives an undertaking to produce guidance in relation to a variety of planning policy topics including the protection of the natural environment from inappropriate development.

The guidance sets out detailed criteria to assist the preparation and assessment of planning applications across the plan area and specifically supports policies ENV 5: Soil Sustainability Plans and ENV 6: Peatlands & carbon rich soils of the adopted LDP.

There is no current Supplementary Guidance (SG) or Planning Guidance (PG) related to soils in West Lothian. As a consequence there is recognition of the need to ensure that the council's planning guidance arising from the local development plan is up to date and reflective of the most current LDP policies and best practice.

Plan subject:

(e.g. transport)

Town and Country Planning

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

☐

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

☐

Section 5(4)

☒

An SEA is NOT required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

☒

Section 5(3)

☐

Section 5(4)

Data Label: Public

Contact details:

Chris Alcorn,
Principal Planning Officer,
West Lothian Council Civic Centre
Howden South Road,
Livingston, EH54 6FF.

01506 - 282428 / chris.alcorn@westlothian.gov.uk

Date:

8 January 2021

Data Label: Public

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018.

A Strategic Environmental Assessment - Environmental Report was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

The West Lothian Council Executive on 22 March 2018, resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Planning Guidance – Planning Guidance on Soils is required to support the understanding and delivery of two policies set out in the adopted LDP - policies ENV 5 and ENV 6.

The Planning Guidance will expand on the principles of these policies and will provide detailed guidance to help achieve the outcomes expected from development proposals particularly on greenfield sites across West Lothian.

The proposed Planning Guidance provides specific guidance and supports consistent interpretation and application of policies related to the natural environment through the development management process.

The guidance identifies good practice in-line with the related policies and other similar guidance provided by SEPA and Naturescot, as well as DEFRA in England.

Description of the Plan:

The proposed Planning Guidance expands on the principles set out in the policies outlined in the section above and provides detailed guidance to help achieve the outcomes expected from planning applications related to greenfield developments across West Lothian.

The planning guidance is principally intended for use by developers and their site agents and contractors involved in this sort of standard greenfield development within West Lothian including:

- Applicants who are proposing to develop on greenfield sites over 0.1 ha;
- Agents working for their clients on such proposals;

Data Label: Public

	<ul style="list-style-type: none"> • Development Management Officers assessing planning proposals, as well as SEPA and Nature Scot officers; • Elected Members representing constituents and making decisions on related planning applications; and • Members of the public with an interest in natural environment development proposals affecting their local community. <p>The Planning Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation).</p>
<p>What are the key components of the plan?</p>	<p>The Planning Guidance will provide further guidance to support the application of the various natural environment policies detailed in the section above, under 'Context' – Page 4.</p>
<p>Have any of the components of the plan been considered in previous SEA work?</p>	<p>Yes. The document is produced to support a number of policies in the West Lothian Local Development Plan which was adopted on 4 September 2018. An Environmental Assessment has previously been undertaken in respect of policies and related proposed land allocations in the West Lothian LDP.</p> <p>The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive i.e. in that they promoted good practice for securing sustainable development related to the development on greenfield sites.</p> <p>In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Opinion for this Planning Guidance is required.</p>
<p>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</p>	<p>The proposed Planning Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from development proposals on greenfield sites in locations across West Lothian.</p> <p>The guidance will support consistent interpretation and application of policy through the development management process. The guidance will at the same time encourage good practice in-line with policies and other similar guidance arising from SEPA and Naturescot.</p> <p>The potential environmental effects of any proposed development considered under the terms of the policies can however only be fully assessed at the planning application stage when the context and issues relating to a specific site and development details are known.</p>

Data Label: Public

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Planning Guidance – on the Management & After Use of Soils on Development Sites.	✓	✓	✓	✓	✓	✓	✓		✓	✓	<p>The PG brings together all of the elements that help contribute towards minimising environmental impact on soils and achieving sustainable development.</p> <p>It provides a clear set of guidance and standards to explain what the council will expect from such new greenfield developments and identifies what information in a Soils Sustainability Plan is required as part of a planning application.</p> <p>It also provides contact details for various other organisations with an interest in this aspects of the natural environment.</p>	<p>The SEA for the LDP considered any potential effects.</p> <p>The Planning Guidance on the Management & after use of soils on Development Sites is not considered to have any additional significant negative environmental effects.</p>

Data Label: Public

											<p>The PG shares the strategic objectives of the LDP which include promoting development where its environmental impact can be ameliorated and having regard to climate change by minimising the carbon footprint of development and supporting mitigation and adaption measures.</p> <p>Any impact on the Environmental Topic Areas, listed adjacent, will be positive and beneficial.</p>	
--	--	--	--	--	--	--	--	--	--	--	---	--

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

Summary of interactions with the environment and statement of the findings of the Screening:
(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The council has prepared this Planning Guidance to proactively inform and encourage developers, their site agents and contractors to adopt a more considered approach to the management and use of soils on development sites when preparing proposals for greenfield development.

The guidance has been conceived to help positively influence the natural environment and to try and mitigate any adverse effects on both the individual site and the surrounding environment and its after use and the flourishing of landscaped area or gardens. It relates to development across West Lothian.

Developers are encouraged to identify and address in particular the consequences of their proposals on the soils within their development site and to adopt 'good practice'. These are set out in two Annexes, Annexe A: *"Good practice specification for soil handling & management of soil on Development Sites"* (that are to be issued with planning permissions for relevant sites) and Annexe B: *"Guidance Note to Site Agents & contractors on Soil Management"*, alongside the more detailed Planning Guidance Note.

Data Label: Public

With careful thought and sensitive execution, development and its aftermath, can be carried out in much better harmony with their neighbours and the wider built and natural environment and the prime resource of soil can be protected and enhanced.

In common with other planning guidance prepared by West Lothian Council, the guidance has been subject to internal and external consultation, in this case with council service providers, SEPA, Naturescot (Soil scientist) and community councils, planning consultants and developers as well as local interested organisations and regard has been had to the responses and feedback which has been received and presented to elected members to consider via the Council Executive.

In conclusion, the Planning Guidance on the Management & After Use of Soils on Development Sites will result in minimal environmental effects and indeed should great positive benefits and therefore it is concluded a Strategic Environment Assessment is **NOT** required.

The guidance sets out detailed criteria and advice to assist the preparation and assessment of proposals for development across the plan area and specifically supports natural environment policies ENV 5 and ENV 6 of the adopted LDP which collectively seek to prevent and reduce environmentally intrusive development and seek better use of soils before, during, and after development and to reduce energy use and carbon emissions related to sustainable development.

When completed send to: SEA.gateway@scot.gov or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.