

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PLANNING GUIDANCE: HISTORIC BATTLEFIELD - SITE OF BATTLE OF LINLITHGOW BRIDGE (1526) (ALLOCATED HOUSING SITE H-LL 13 AT KETTLESTOUN MAINS, LINLITHGOW BRIDGE).

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the outcome of the SEA screening determination process relative to Planning Guidance for the development of land embracing LDP allocated housing site H-LL 13 which is also part of the Battle of Linlithgow Bridge battlefield site. The guidance has previously been reported and was approved by Council Executive in November 2022.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes that the Strategic Environmental Assessment (SEA) Consultation Authorities agreed with the council's conclusions set out in the relevant "screening report", Appendix 1, that the guidance would have no significant environmental effects;
2. notes that the Head of Planning, Economic Development and Regeneration has since issued a "screening determination", Appendix 2, in relation to the guidance document which concluded that a separate SEA was not required and which confirmed that no separate SEA would therefore be prepared to accompany the published guidance;
3. notes that the identified guidance document, Appendix 3, was adopted on 6 January 2023.

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>Policy HER 31 of the adopted West Lothian Local Development Plan (2018) relates to Historic battlefields, and specifically the Battle of Linlithgow Bridge (1526), while Policy ENV 32 references archaeology.</p> <p>New non-statutory Planning Guidance (and statutory Supplementary Guidance) is replacing Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan.</p>

The new guidance supports the Local Development Plan and the development management process.

It had previously been determined that the new guidance was in itself unlikely to have significant environmental effects and it was therefore not anticipated that there would be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required screening procedures have however now been satisfactorily concluded, validating these earlier assumptions.

There are no equality, health or risk assessment issues, or SEA issues associated with the guidance.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 4 - We live in resilient, cohesive and safe communities. 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.
VII	Consideration at PDSP & Council Executive	The guidance was reported to the Development & Transport PDSP on 9 June 2022 prior to it being made the subject of a public consultation. It was subsequently reported to Council Executive on 15 November 2022 and approved.
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

The adopted West Lothian Local Development Plan (2018) sets out the council's intent to prepare 'statutory' Supplementary Guidance (SG) and 'non-statutory' Planning Guidance (PG) to support the policies of the LDP.

It was intimated that the main purpose of planning guidance was to provide additional detail on specific subject areas, to explain how particular planning policies and proposals will be implemented and to give assistance to developers and other interested parties when considering development proposals.

The key practical difference is that Planning Guidance (PG) does not become part of the development plan and does not require to be approved by Scottish Ministers before being adopted by the council, as would be the case with Supplementary Guidance (SG).

In this particular instance the guidance is intended to be used by developer(s), agents and architects when bringing forward development proposals for the allocated housing site, H-LL 13, at Kettlestoun Mains and which extends over part of the historic Battle of Linlithgow Bridge battlefield site.

While Council Executive approved this guidance for adoption it nevertheless instructed the Head of Service to report the outcome of the subsequent SEA screening determination process to a future meeting of the Council Executive for information. This report fulfils that requirement.

D2 Screening Process

Local authorities have been required to undertake strategic environmental assessment of their plans and proposals (SEA) since July 2004.

The process is regulated by the EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes (Scotland) Regulation 2004 and the Environmental Assessment (Scotland) Act 2005.

Screening is the means to judge the likely impact on the environment of a public plan (in this case planning guidance) and prior to being adopted, new planning guidance requires to be subjected to a screening process in order to determine whether there is a likelihood of it having any significant environmental effects.

Scottish Government has prescribed the process to be followed and it has oversight of this through the SEA Gateway, an agency responsible for coordinating the formal correspondence between the council and the three 'Consultation Authorities' i.e. SEPA, NatureScot (formerly Scottish Natural Heritage) and Historic Environment Scotland (HES)

The council prepared a "screening report" for the guidance which explained its purpose, scope and effect and which argued that no further strategic environmental assessment required to be prepared.

The council has consistently expressed the view that planning guidance is simply to help interpret and provide further detail in respect of policies that are already set out in the adopted West Lothian Local Development Plan and which was itself the subject of a full Strategic Environmental Assessment. As a consequence, additional strategic environmental assessment is neither required nor justified.

The guidance and the relevant screening report were submitted to the 'Consultation Authorities' for independent scrutiny, to allow them to bring their individual environmental expertise to the assessment process, and they concurred with the council's view that a SEA was not required.

The council has since formalised and published its decision that the guidance should be exempted from a separate strategic environmental assessment and has issued a “screening determination” to this effect. The screening report and the screening determination have been made public and can be viewed on the [council's web site](#).

D3 Conclusion

This guidance was produced with the intent of being adopted as non-statutory Planning Guidance (PG) in support of the West Lothian Local Development Plan. The guidance was reported to Council Executive and subsequently secured its approval.

Having then subjected the guidance to a screening process it was established that it did not require to be accompanied by a strategic environmental assessment and it was adopted on 6 January 2023.

E. BACKGROUND REFERENCES

1. [West Lothian Local Development Plan](#) (2018)
2. Reports to [D&T PDSP \(9 June 2022\)](#) and Council Executive [\(15 November 2022\)](#)

Appendices/Attachments: 1

- Appendix 1: SEA Screening Report
- Appendix 2: SEA Screening Direction
- Appendix 3: Adopted Planning Guidance - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated Housing Site H-LL 13, Kettlestoun Mains, Linlithgow Bridge

Contact Person: Steve Lovell, Principal Planner, Development Planning: 01506-282428.
Email: steve.lovell@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

17 January 2023

APPENDIX 1



SCREENING REPORT

PLANNING GUIDANCE

HISTORIC BATTLEFIELD

SITE OF BATTLE OF LINLITHGOW BRIDGE (1526)

**(Allocated housing site H-LL 13 at Kettlestoun Mains,
Linlithgow Bridge)**

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council.

Title of the plan:

Planning Guidance - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge).

What prompted the plan:

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

The West Lothian Local Development Plan (WLLDP) 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 31 - Historic Battlefields: Battle of Linlithgow Bridge;
- ENV 32 - Archaeology; and
- ENV 33 - Scheduled Monuments.
-

of the adopted LDP.

There is no extant 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)

☒

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)

Contact details:

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

01506 - 282430 / steve.lovell@westlothian.gov.uk

Date:

20 June 2022

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (WLLDP) 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 - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge), is required to support the understanding and delivery of three policies e.g. ENV 31 – 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 development proposals for the allocated housing site that covers part of the Linlithgow Bridge Battlefield.

The proposed Planning Guidance provides some location specific guidance.

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

Description of the Plan:

The proposed Planning Guidance expands on the principles set out in the three policies outlined in the section above and provides detailed guidance to help achieve the outcomes expected from any planning application(s) related to the allocated housing site H-LL 13 at Kettlestoun, West Lothian.

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

- Developers and their Agents working for their clients on any development at allocated housing site H-LL 13 at Kettlestoun;
- Development Management Officers assessing planning proposals, as well as Historic Environment Scotland officers;

	<ul style="list-style-type: none"> • Elected Members representing constituents and making decisions on related planning applications; and • Members of the public with an interest in this large specific site located within their local community. <p>The Planning Guidance will be reviewed at least every 10 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>This Planning Guidance covers the following issues:</p> <ul style="list-style-type: none"> • Background to Battle of Linlithgow Bridge; • Local Development Plan context and Policy ENV 31: Linlithgow Bridge battlefield and support in principle for sensitive management and interpretation of the site; • Scottish Government Planning Advice Note (PAN 2/2011) on 'Planning and archaeology'; • HES 'Managing Change in the Historic Environment: Historic Battlefields' (2016) and the three key stages in the Development Management process relating to considering applications that effect historic battlefields: <ul style="list-style-type: none"> a) Identify; b) Assess; and c) Mitigate. • Requirements related to planning applications within Linlithgow Bridge Battlefield Inventory area (see Appendix 2) and that they will be assessed by the council's archaeological services provider, West of Scotland Archaeological Service.
<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</p>	<p>The proposed Planning Guidance will expand on the principles set out in the aforementioned ENV 31-33 policies and provide detailed guidance to help achieve the outcomes expected from development proposals for the allocated housing site H-LL 13 at Kettlestoun, Linlithgow Bridge.</p>

that are likely to require screening:

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.

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 development details are known.

**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 – Linlithgow Bridge Battlefield / Allocated housing site H-LL 13 at Kettlestoun, West Lothian.							✓	✓	✓	✓	<p>The PG brings together all of the elements that help contribute towards minimising environmental impact and achieving sustainable development at the allocated housing site H-LL 13 at Kettlestoun, West Lothian.</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(s).</p> <p>It also provides contact details for various Council Services and other organisations with an interest in the historic battlefield.</p>	<p>The SEA for the LDP considered any potential effects.</p> <p>The Planning Guidance - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge) that covers part of the wider Linlithgow Bridge Battlefield is not considered to have any additional significant negative environmental effects that can't be ameliorated via any required archaeological investigation and recording.</p>

											<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 while potentially important to the cultural heritage of the site, will be positive and beneficial following any required archaeological investigation and recording.</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 allocated housing site H-LL 13 at Kettlestoun, that covers part of Linlithgow Bridge Battlefield.

The guidance has been conceived to help positively influence the nature of development on the allocated site and to mitigate any adverse effects on both the individual site and the surrounding environment.

Developers are encouraged to identify and address in particular the consequences of their proposals to alter, adapt or change the allocated housing site H-LL 13 at Kettlestoun and to adopt 'best practice' in relation to historic battlefields.

With careful thought and sensitive execution, proposals related to the Linlithgow Bridge Battlefield. can be made to be in much better harmony with their neighbours and the wider natural environment on the sensitive site on the west side of the town.

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

In conclusion, the Planning Guidance - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge) will result in no major, 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 the allocated housing site H-LL 13 at Kettlestoun, West Lothian and specifically supports historic environment policies: ENV 31 – ENV 33 of the adopted LDP which collectively seek to prevent and minimize visually and environmentally intrusive development related to the historic built environment.

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

**Environmental Assessment (Scotland) Act 2005****Strategic Environmental Assessment (SEA) Screening Determination**

Planning Guidance (PG)
Historic Battlefield – Site of Battle of Linlithgow Bridge (1526)
(Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge)

Table of Contents of Screening Determination**1. Introduction****2. Record of SEA Determination and Publicity Requirement****3. SEA Screening Report**

- ◆ Cover Note
- ◆ Key facts
- ◆ Likely Significance of Effects on the Environment
- ◆ Summary of Environmental Effects

4. Responses from Consultation Authorities

- ◆ Scottish Government SEA Gateway Response
- ◆ Historic Environment Scotland Response
- ◆ NatureScot Response
- ◆ Scottish Environment Protection Agency Response

5. Appendices

- ◆ Appendix 1 - Planning Guidance on the Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge).
- ◆ Appendix 2 - Statutory Notice

1. Introduction

This statement sets out West Lothian Council's determination under Regulation 10(1) of the Environmental Assessment (Scotland) Act 2005 on whether or not a Strategic Environmental Assessment (SEA) is required Planning Guidance (PG) – Historic Battlefield – Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge.

Screening is the first stage in the SEA process. The purpose of screening is to establish whether or not a Plan, Programme or Strategies (PPS) will have significant environmental effects. Screening takes the form of a formal submission, where the responsible authority (the Council), seeks the views of the following Consultation Authorities on whether a PPS is likely to have significant environmental effects and therefore whether a SEA is required:

- ◆ Historic Environment Scotland (HES)
- ◆ Scottish Environmental Protection Agency (SEPA), and
- ◆ NatureScot

As well as consulting the above bodies, responsible authorities are required to take into account the criteria set out in Schedule 2 of the 2005 Act when determining whether or not the plan is likely to have significant effects. The details of this process are contained within the Screening Report on the Planning Guidance on the Historic Environment.

If the responsible authority and the consultation authorities agree that the plan or programme is unlikely to have significant environmental effects, the responsible authority is required to make a determination to that effect under section 8(1) of the 2005 Act.

2. Record of SEA Determination and Publicity Requirements

Title of Plan, Programme or Strategy:	Planning Guidance - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge).
Responsible Authority:	West Lothian Council

Record of SEA Determination:

In accordance with section 9(1) of the 2005 Act, West Lothian Council submitted to the Consultation Authorities a screening report summarising its views as to whether West Lothian Local Development Plan Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) will have significant environmental effects.

In formally determining under Section 8(1) of the Act whether a SEA is required, the Council has taken into account the views of the three Consultation Authorities; Scottish Environment Protection Agency, NatureScot and Historic Environment Scotland which were issued through the SEA Gateway on 7 December 2022.

West Lothian Council and the Consultation Authorities are in agreement that the West Lothian Local Development Plan Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) is not likely to have significant environmental effects and **the Council has therefore determined that a SEA will not be required** for the plan under Regulation 13(1) of the 2005 Act.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Nature Scot	No
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

Formal Determination	Statement of Reason
13 December 2022	<p>West Lothian Council's reasoning for determining that there are no overall likelihood of significant environmental effects is as follows:</p> <p>West Lothian Council has prepared a local development plan to replace the West Lothian Local Plan 2009 (WLLP 2009) in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) etc. Act 2006.</p>

	<p>The new West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and is consistent with the Strategic Development Plan for Edinburgh and South East Scotland (SDP).</p> <p>The LDP focuses on providing for, and managing, future land use change across the council area in line with SESplan SDP requirements. The LDP comprises a development strategy for the period to 2024 and a detailed policy framework to guide future land use in a way which best reflects the SDP vision, strategic aims and objectives.</p> <p>The West Lothian Local Development Plan Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge). sets out a framework to assist the preparation of planning applications by owners and developers and their assessment by West Lothian Council related to the development of land embraced by the historically important site of the Battle of Linlithgow Bridge.</p> <p>The council recognises the need to ensure that it'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.</p> <p>The West Lothian Local Development Plan Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) is essentially to provide further information and detail in respect of policies ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge; ENV 32 - Archaeology; and ENV 33 - Scheduled Monuments of the adopted West Lothian Local Development Plan which was subject of a full Strategic Environmental Assessment (SEA). The SEA was reviewed in the Post Adoption Strategic Environmental Assessment.</p>
--	--

Publicity Requirements for the Determination:

In accordance with section 10(1) of the Environmental Assessment (Scotland) Act 2005, within 28 days of the determination having been made, the Council will send a copy of the formal determination and related statement of reasons (prepared in accordance with section 8(2)(b) to the Scottish Government SEA Gateway and the three Consultation Authorities.

In accordance with section 10(2) of the 2005 Act, within 14 days of the determination having been made, a copy of the determination, along with the Screening Report, shall be provided for inspection by the public. The current Coronavirus emergency prevents physical copies being made for inspection at West Lothian Council's principal office at the West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF; but they can instead be requested by e-mail from wlldp@westlothian.gov.uk.

The determination shall also be published in the West Lothian Courier and Linlithgow Journal & Gazette newspapers to notify the public and will be available to view at www.westlothian.gov.uk from 22 December 2022. A copy of the statutory notice is provided as Appendix 2.

Signature:	Craig McCorriston, Head of Planning, Economic Development & Regeneration
-------------------	--

Date:	13 December 2022
--------------	-------------------------

3. SEA Screening Report

Cover Note

Part 1

To:

SEA.Gateway@gov.scot

or

SEA Gateway
Scottish Government
2-H (South)
Victoria Quay
Edinburgh
EH6 6QQ

Part 2

A SEA Screening Report is attached for the plan, programme or strategy (PPS) entitled:

Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge)

The Responsible Authority is:

West Lothian Council

Complete Part 3 or 4 or 5

Part 3

Screening is required by the Environmental Assessment (Scotland) Act 2005. Our view is that:

☐

A SEA is required because the PPS falls under the scope of Section 5 (3) of the Act and is likely to have significant environmental effects.

☐

A SEA is required because the PPS falls under the scope of Section 5(4) of the Act and is likely to have significant environmental effects.

☒

A SEA is not required because the PPS is unlikely to have significant environmental effects.

Part 4

☐

The PPS does not require a SEA under the Act. However we wish to carry out a SEA on a voluntary basis. We accept that because the SEA is voluntary the Statutory 28 days timescale for views from the Consultation Authorities cannot be guaranteed.

Part 5

☐

None of the above apply. We have prepared this screening report because:

.....

NotApplicable.....

.....

Part 6

Contact Name: Steve Lovell

Job Title: Principal Planner.

Contact Address: c/o Civic Centre, Howden South, Livingston, EH54 6FF.

Contact Phone: 01506 282430 (although currently part working from home).

Contact email: steve.lovell@westlothian.gov.uk

Part 7

Signature: Steve Lovell

Date: 13 December 2022

Key Facts	
<p>West Lothian Council has undertaken screening of Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge) with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005.</p> <p>The Screening Report has been submitted to the Scottish Government SEA Gateway, setting out the views of West Lothian Council on the likelihood of the significant environmental effects of Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005 and the potential for requiring a SEA.</p>	
Responsible Authority:	West Lothian Council
Title of PPS:	Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge)
Purpose of PPS:	<p>The purpose of this Planning Guidance (PG) is to support Local Development Plan policies ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge; ENV 32 - Archaeology; and ENV 33 - Scheduled Monuments.</p> <p>The PG will expand on the principles of these policies and will provide detailed guidance to help assist the preparation of planning applications by owners and developers and their assessment by West Lothian Council related to the development of land embraced by the historically important site of the Battle of Linlithgow Bridge.</p> <p>While the proposed Planning Guidance provides location specific guidance, it also supports consistent interpretation and application of policies related to the historic environment more generally through the established development management process.</p> <p>The guidance identifies good practice in-line with the related policies and other similar guidance provided by Historic Environment Scotland.</p>
What promoted the PPS: (e.g. a legislative, regulatory or administrative provision)	West Lothian Council adopted the West Lothian Local Development Plan on 4 September 2018 after Scottish Ministers confirmed the council could do so. It now forms part of the Development Plan for West Lothian along with the Strategic Development Plan (SDP) for Edinburgh and South-east Scotland.

	<p>The Council has a programme to prepare a suite of new guidance to support the recently adopted West Lothian Local Development Plan,</p> <p>Specifically, Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) has been written with the intention of becoming non-statutory planning guidance (PG) to support the historic environment related development plan policies.</p>
PPS Subject: (e.g. transport)	The policies are integral to the strategic spatial land use strategy which applies across West Lothian. In terms of this PG, they are particularly associated with protecting and enhancing the historic environment and contribute towards delivery of the spatial strategy set out in the LDP.
Period covered by the PPS:	Anticipated date of adoption 01 January 2023 onwards.
Frequency of updates:	Under the terms of the Planning etc (Scotland) Act 2006 Supplementary & Planning Guidance will ordinarily be reviewed and updated every 5 years, in tandem with the replacement of the Local Development Plan. The Planning (Scotland) Act 2019 has removed requirements to prepare supplementary and planning guidance in addition to introducing a requirement to review and update development plans every ten years.
Area Covered by the PPS:	This PG specifically relates to the site of the Battle of Linlithgow Bridge and provides an interpretation of how local development plan policies relative to the historic environment should be applied at this location.
Summary of nature/content of PPS:	<p>A Local Development Plan (LDP) is prepared by the local planning authority, in this case West Lothian Council. It sets out a local interpretation of the requirements of national and strategic policy. In particular it must conform to the approved Strategic Development Plan (SDP) which has been prepared by the strategic planning authority (SESplan) and its purpose is to implement requirements on a more detailed site-specific basis than exists within the SDP.</p> <p>The LDP comprises a written statement detailing a spatial strategy, including policies and proposals together with a Proposals Map.</p>

	<p>LDP's are intended to provide the vision and strategy for how communities will grow and develop in the future and also to provide certainty for communities and prospective investors about where development should take place and where it should not. LDP's also identify the supporting infrastructure required for growth and set out detailed policies and proposals which are the basis for decision making on future planning applications.</p> <p>Policies ENV 31 - Historic Battlefields: Battle of Linlithgow Bridge; ENV 32 - Archaeology; and ENV 33 - Scheduled Monuments of the adopted West Lothian Local Development Plan sets out those matters which developers are required to consider and taken account of in preparing proposals for development related to this sensitive historic site in West Lothian. The PG defines terms used in these policies and explains how these will be implemented. It provides assistance in the Development Management process.</p>
Are there any plan objectives?	No
Copy of PPS attached	Yes
Date:	13 December 2022

Likely Significance of Effects on the Environment

The Council has considered the likely significance of effects on the environment of the Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) with regard to the requirements of section 9 of the Environment Assessment (Scotland) Act 2005. The screening was undertaken with references to the criteria in Schedule 2 of the 2005 Act and is set out in Table 1 (below).

Table 1: Likely Significance of Effects on the Environment

Criteria for determining the likely significance of effects on the environment <i>[The paragraph numbers in the table 1(a), 1(b), 2(a), 2(b) etc. refer to paragraphs in Schedule 2 of the Environmental Assessment (Scotland) Act 2005.]</i>	Likely to have significant environmental effects? (Yes / No)	Summary of significant environmental effects (negative and positive)
--	---	--

The characteristics of plans and programme		
1(a): The degree to which the PPS sets a framework for the projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	The PG provides information on the key elements related to development of this sensitive historic site.
1(b): The degree to which the PPS influences other PPS including those in the hierarchy.	No	<p>Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) has not previously been the subject of Supplementary Planning Guidance (SPG).</p> <p>The council recognises the need to ensure that it'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.</p> <p>The PG provides background guidance to policies within the adopted Local Development Plan and does not seek to directly influence other programmes and strategies.</p> <p>The PG at the same time is consistent with the wider objectives of the overarching West Lothian Local Development Plan which has itself already undergone SEA.</p>

1(c): The relevance of the PPS for the integration of environmental considerations in particular with a view to promoting sustainable development.	No	Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) promotes good practise in dealing with a site which is identified in the Inventory of Historic Battlefields and is supportive of other environmental policies and considerations which are compatible with the principles of sustainability.
1(d): Environmental problems relevant to the PPS	No	<p>The West Lothian Local Development Plan has regard to the multitude of environmental issues which have the potential to affect the recognised historic environment of West Lothian.</p> <p>No negative environmental consequences are foreseen as being directly attributable to the PG.</p>
1(e): The relevance of the PPS for the implementation of Community legislation on the environment (for example PPS linked to waste management or water protection)	No	None identified. The PG does not introduce any new policy considerations and would not be directly relevant to this issue. If applicable, this would be considered in the assessment of individual planning applications.

The characteristics of the effects and the area likely to be affected		
2(a): The probability, duration frequency and reversibility of the effects	No	There are no significant environmental effects that can be attributed to the PG. Any consequences of development authorised by other policies of the West Lothian Local Development Plan can be avoided /mitigated / minimised by application of other environmental protection policies within the Local Development Plan and adherence to the PG.

2(b): The cumulative nature of the effects	No	<p>None identified as required across West Lothian.</p> <p>A key purpose of the PG is to promote and secure developer adherence to sound built environment planning procedures at historic sites across West Lothian, support sustainable development and encourage best practice and thereby reduce and minimise any significant adverse effects on the historic environment in cumulative terms. Adherence to the PG should, if anything, have a positive effect on the environment of West Lothian.</p>
2(c): Trans-boundary nature of the effects (i.e. environmental effects on other EU Members States	No	<p>No Trans boundary effects have been identified or are anticipated.</p> <p>The PG is in itself unlikely to have significant environmental impact beyond West Lothian, but that is not to diminish the positive value of the policy in a local context.</p>
2(d): The risks to human health or the environment (for example due to accidents)	No	<p>The PG will have a benign effect and will contribute to more sustainable development and which can only be beneficial to human health and wellbeing. Proposals will in any event be assessed in detail as and when planning applications are submitted through the Development Management process.</p>
2(e): The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)	No	<p>There are no significant effects identified. The PG will support other relevant policies in the LDP which will be relied upon to help determine the acceptability of new development in West Lothian. The PG only applies to development that takes place within the administrative area of West Lothian, and at a very specific location, and its effect is invariably constrained.</p>

<p>2(f): The value and vulnerability of the area likely to be affected due to:</p> <p>(i) Special natural characteristics or cultural heritage</p> <p>(ii) Exceeded environmental quality standards or limit values;</p> <p><u>or</u></p> <p>(iii) Intensive land use</p>	<p>No</p>	<p>The PG seeks to ensure that all relevant environmental considerations in the context of this sensitive historic site are identified and addressed. Overall, the strategy of the Local Development Plan is to protect the historic environment from inappropriate development.</p> <p>The PG should have only positive effects on built and cultural heritage and in a very localised area.</p> <p>The overarching SEA for the LDP has previously considered any potential significant environmental effects and provided mitigation measures where necessary.</p> <p>It is considered that adherence to the requirements of the PG will be of negligible consequence and will not in any event adversely affect the value and vulnerability of the criterion.</p>
<p>2(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>Any development will need to comply with the development plan which includes a range of policies to ensure the cumulative impact of different (or the same) types of development do not adversely affect designated landscapes and the principal landscape character/type of the area. There will be no implications for this PPS.</p> <p>The overarching SEA for the LDP has previously considered potential effects. It is considered that adherence to the requirements of the PG will be of negligible consequence and will not in any event adversely affect the value and vulnerability of the criterion.</p>

Summary of Environmental Effects

The Council has considered the likely significance of effects on the environment of Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) and these are set out below.

Table 2: Summary of Environmental Effects

The West Lothian Local Development Plan has itself already undergone an extensive SEA examining its policies, proposals and land use allocations. They demonstrate West Lothian Council's commitment to sustainability and sustainable development and the addition of Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge) is considered to strengthen and re-enforce this position.

The Planning Guidance forms required to support delivery of the development strategy set out in the West Lothian Local Development Plan and assist in the determination of planning applications.

The council considers it unlikely that the supporting Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains Linlithgow Bridge) will, in itself, have no significant environmental effects as it will provide only information for developers and their agents and the public and other stakeholders and serve as a management tool in relation to development proposals specifically related to the battlefield site.

Overall, it is considered that Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) is a qualifying plan or programme that will not have significant environmental effects and that, as part of a wider policy framework, significant environmental effects arising from development in the historic environment, permitted under the terms of the adopted Local Development Plan planning policies and associated Planning Guidance, will be avoided.

It is for this reason that West Lothian Council believes that Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) does not require a Strategic Environmental Assessment. However, should a particular instance arise where adherence to the PG was considered to be potentially detrimental to the environment, the Development Management process would be expected to have regard to such matters and to apply appropriate and proportionate mitigation measures through planning conditions on any planning permissions released by the council.

4. Responses from Consultation Authorities

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	None
NatureScot	None
Scottish Environment Protection Agency (SEPA)	None
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	None

- SEA Gateway
- Historic Environment Scotland
- Nature Scot
- Scottish Environment Protection Agency (SEPA)

5. Appendices

Appendix 1 – Planning Guidance (PG) Historic Battlefield : Site of Battle of Linlithgow Bridge (1526)
(Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge)

Appendix 2 - Statutory Notice



By email to: sea_gateway@gov.scot

Steve Lovell
Principal Planning Officer
West Lothian Council
Development Planning & Environment (DP&E)

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
Switchboard: 0131 668 8600
HMConsultations@hes.scot

Our case ID: 300062074
Your ref: 01773
06 December 2022

Dear Steve Lovell

Environmental Assessment (Scotland) Act 2005

01773 - Screening - West Lothian Council - Planning Guidance (PG) - Historic Battlefield : Site of Battle of Linlithgow Bridge (1526) (Allocated Housing Site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge).

Screening Report

Thank you for your consultation which we received on 15 November 2022 about the above screening report. We have reviewed this report in our role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so we have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment.

Historic Environment Scotland's view

In light of the information and reasoning set out within the screening report, we **agree** with your view that there are **unlikely to be significant environmental effects for the historic environment**.

Next steps

The Environmental Assessment (Scotland) Act 2005 requires you as the Responsible Authority to determine whether an environmental assessment is required. You must then notify the Consultation Authorities within 28 days of making this determination. This may be done via the SEA Gateway (sea_gateway@gov.scot).

We hope our advice is helpful to you in making this determination. Please feel welcome to contact us if you have any questions about this response. The officer managing this case is Virginia Sharp who can be contacted by phone on 0131 668 8704 or by email on Virginia.Sharp@hes.scot.

Yours sincerely

Historic Environment Scotland



Steve Lovell
Principal Planning Officer
West Lothian Council

Sent via: sea.gateway@gov.scot

02 December 2022

Our ref: CEA169046

Dear Steve

Environmental Assessment (Scotland) Act 2005 – Planning Guidance – Historic Battlefield: Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge) - Screening

I refer to your screening consultation submitted on 20 June 2022 via the Scottish Government SEA Gateway in respect of the above plan.

We understand that the above guidance has been prepared in support of Local Development Plan (LDP) Policies ENV 31 – ENV 33 and that it does not make provision for development or change beyond that already assessed during preparation of the LDP. On that basis, we agree that the above guidance is not likely to have significant environmental effects.

Please note that this consultation response provides a view solely on the potential for the plan or programme to have significant environmental effects. We cannot comment on whether or not the plan or programme meets other criteria determining the need for SEA as set out in the Act. Should you wish to discuss this screening determination, please do not hesitate to contact me on 0131 316 2644 or via our SEA Gateway at sea.gateway@nature.scot.

Yours sincerely

Vivienne Gray
Planning Advisor
Supporting Good Development

Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT

0131 316 2600 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

From: alasdair.milne@SEPA.org.uk
To: SEA_Gateway@gov.scot
Cc: sea_gateway@nature.scot; sea_gateway@hes.scot
Subject: RE: 01773 - Screening - West Lothian Council - Planning Guidance (PG) - Historic Battlefield - SEPA ref 7445
Date: 05 December 2022 10:31:37
Attachments: [image010.png](#)
[image012.png](#)
[image013.png](#)
[image016.png](#)
[image017.png](#)

OFFICIAL

SEPA Gaelic logo wEnglish



Environmental Assessment (Scotland) Act 2005

01773 Planning Guidance – Historic Battlefield – Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge)
Screening report

Thank you for consulting SEPA on this Screening Report by way of your email of 16 November 2022.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have reviewed the screening report using the criteria set out in Schedule 2 of the Act. In regard to our main areas of interest (air, water, soil, human health, material assets and climatic factors) **we agree with the conclusions of the screening report** that the proposed PPS is **unlikely to have** significant environmental effects.

Although we are of the view that significant environmental effects are unlikely, it is for the Responsible Authority to make a formal determination taking into account the consultation responses received.

If you would like to discuss this consultation response, please do not hesitate to contact me by email or via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely
Alasdair Milne

Cc:
sea_gateway@nature.scot
sea_gateway@hes.scot

Alasdair Milne
Senior Planning Officer
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Telephone 01786 452537
Mobile 07827 978405
www.sepa.org.uk

OFFICIAL

From: Melissa.Shields@gov.scot <Melissa.Shields@gov.scot> **On Behalf Of** SEA_Gateway@gov.scot

Sent: 16 November 2022 16:07

To: sea_gateway@hes.scot; Sea Gateway <sea.gateway@sepa.org.uk>; sea_gateway@snh.gov.uk

Cc: Steve.Lovell@westlothian.gov.uk

Subject: 01773 - Screening - West Lothian Council - Planning Guidance (PG) - Historic Battlefield - Screening issued to CA and Confirmation to RA - 16 November 2022

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

Please find attached screening report received in gateway 15 November 2022.

Deadline for responses is 13 December 2022.

Thanks,
Melissa

Melissa Shields | Gateways Administrator | 2H South | Planning & Architecture | Scottish Government | 0131 244 9571



APPENDIX 3



**West Lothian
Council**

Planning Services
Development Planning & Environment



PLANNING GUIDANCE (PG)

Historic Battlefield

Site of Battle of Linlithgow Bridge (1526)

(Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge)

Adopted 6 January 2023

Contents

	<u>Page</u>
<u>one</u> Introduction	<u>3</u>
<u>two</u> Background to the Battle of Linlithgow Bridge	<u>3</u>
<u>three</u> Planning Policy	<u>4</u>
<u>four</u> The Development Management Process	<u>6</u>
<u>five</u> Linlithgow Bridge - Development	<u>8</u>
<u>six</u> Falkirk Council Area - Development	<u>9</u>
<u>seven</u> Requirements related to planning applications within the Linlithgow Bridge Battlefield Inventory area	<u>10</u>
Appendices	<u>11</u>

one

Introduction

- 1.1 Our historic environments important to many aspects of life, from defining the character of the places where we live and work, promoting a sense of belonging and cultural identity and encouraging civic participation to supporting the tourist economy.
- 1.2 Nationally important battlefields are recorded in the Inventory of Historic Battlefields prepared by Historic Environment Scotland. These battlefields are given special consideration in the planning system.
- 1.3 It is intended that this non-statutory Planning Guidance be used by any developer(s) and their agents and architects in bringing forward suitable detailed development proposals for the housing site, H-LL 13, at Kettlestoun that is part of the Battle of Linlithgow Bridge (1526) and was allocated by the Scottish Government Reporter after consideration of the objection by the owner, in the adopted West Lothian Local Development Plan (2018).

two

Background to the Battle of Linlithgow Bridge

- 2.1 Extract from Historic Environment Scotland CANMORE website outlines that:

"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, near Manuel Priory. The Battle was fought between there and the Bridge, the Lennox party being totally defeated.

- 2.2 The battlefield is fairly unique, unlike nearly all battlefields in Scotland this battle was not between the Scots and English, but between Scots for control over the young King James V.
- 2.3 The Ordnance Survey Name Book (ONB) adds that several 'stone coffins', containing human remains have been found in the locality." <https://canmore.org.uk/site/47867/linlithgow-bridge>
- 2.4 The full details from the HES "Inventory of Historic Battlefields" can be found at: http://data.historic-scotland.gov.uk/data/docs/battlef3lds/linlithgowbridge_full.pdf
- 2.5 The Battlefield Trust website provides an informative account of the Battle of Linlithgow Bridge at: www.bolb.org.uk

three

Planning Policy

West Lothian Local Development Plan (LDP) (2018)

3.1 The LDP indicates that:

"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. 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. The battlefield site at Linlithgow Bridge (1526) is included in the Inventory of Historic Battlefields".

3.2 West Lothian LDP Policy ENV 31 states:

"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."

Scottish Government Planning Advice Note (PAN 2/2011) on 'Planning and archaeology'

3.3 The PAN indicates:

"when determining a planning application, the desirability of preserving a monumentand its setting is a material consideration. Early consultation with the local authority archaeologist (in West Lothian's case, the West of Scotland Archaeological Service), is essential to assess the likely impact of development proposals and to set out the parameters and scope of possible mitigation measures.

The objective should be to assure the protection and enhancement of monuments by reservation in situ in an appropriate setting (perhaps with a degree of interpretation) or, when preservation in situ is not possible, by recording and/or excavation followed by analysis and publication of the results."

3.4 Furthermore, the PAN points out that:

"when archaeologists know or have good reason to believe that significant remains exist, developers should be open to modifying their plans to reduce the risk of delays later in the planning process; for example, by re-designing foundations which avoid or minimise disturbance or by raising the ground levels on which a proposed structure is to be built, or by careful siting of landscaped or open areas. Techniques are available for sealing archaeological remains under buildings or areas of landscaping."

Historic Environment Policy for Scotland (HEPS)

3.5 The [Historic Environment Policy for Scotland](#) (HEPS) is a policy statement directing decision-making that affects the historic environment. It supports good decision making for Scotland's unique places and outlines how decision makers should undertake this duty whenever a decision will affect Scotland's historic environment. While HEPS is non-statutory, which means that it is not required to be followed as a matter of law, it should nevertheless be taken account of whenever a decision will affect the historic environment.

HES 'Managing Change in the Historic Environment: Historic Battlefields' (2016)

3.6 This document indicates:

"When a battlefield is included in the Inventory, the information in the Inventory record must be taken into account when making decisions on planning applications. No additional consent is needed for undertaking works within an Inventory battlefield."

3.7 In addition:

"Planning authorities should consult Historic Environment Scotland on proposed developments that might affect a battlefield included in the Inventory. They should then take Historic Environment Scotland's advice into account when deciding whether permission should be granted for the development..... Changes to battlefields should seek to protect, conserve and, where appropriate, enhance historic battlefields. If a battlefield is to accommodate modern development, its key landscape characteristics and special qualities should be retained".

four

The Development Management Process

- 4.1 Development on a battlefield can have an impact on the physical remains of the battle or the landscape of the battlefield. The Development Management process should identify and assess these impacts, and if possible mitigate them.
- 4.2 Development proposals affecting battlefields within the Inventory of Historic Battlefields should identify and protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains and special qualities. The effect of proposed development on the Inventory of Historic Battlefield sites is a material consideration in determining a planning application.
- 4.3 Pre-application discussions are helpful and will speed the process and avoid unnecessary costs.
- 4.4 As HES point out, including a battlefield in the Inventory is not intended to be a barrier to development. The intention is to identify an area of added protection where particular consideration must be given to impacts on the site that should focus on the special qualities and landscape characteristics of the battlefield.
- 4.5 There are three key stages in this Development Management process –
 - 1) **Identify:** identify the current baseline of the site by assessing the area and undertaking a site audit, using a qualified and experienced professional. This would cover:
 - a) Character and context;
 - b) Other heritage assets; and
 - c) Nature of the development;
 - 2) **Assess:** define how the impact of the development will be measured and assess how the Site will be affected by the proposed development involving:
 - a) Direct impact on special qualities of the physical features within the battlefield area;
 - b) Contextual impact on key landscape characteristics involving the terrain of the battlefield. Assessments should report any potentially significant impacts on factors:
 - Integrity;
 - Significance;
 - Character; and
 - Experience.
 - c) Cumulative impacts that may be direct or contextual.

3) **Mitigate:** identify ways to avoid, reduce or compensate for negative impacts through location, design or enhancement measures that consider –

a) Design and mitigating impacts involving:

- Site selection;
- Development layout;
- Building design; and
- Landscape design.

b) Identifying opportunities for enhancement.

five

Linlithgow Bridge - Development

- 5.1 The LDP Proposals Map 1 and the HES Inventory set out the general area on the west side of Linlithgow Bridge that the battlefield may have covered (see Appendix 1).
- 5.2 This straddles the River Avon. On the east side, Linlithgow Bridge has developed. This comprises, south of the A803 Falkirk Road:
- The Avontoun residential estate from the 1960s;
 - Redevelopment around the Mill / West View;
 - Stockbridge Retail Park;
 - The Kettlestoun residential estate from the 1990s;
 - Kettlestoun Xcite Leisure Centre and associated playing fields; and
 - Avontoun Quarry / Avontoun Works & Woodcockdale Farm.
- 5.3 In terms of development allocations in the LDP, the Reporter at the Inquiry into the Finalised LDP in 2016 allocated the former Avontoun Quarry site for residential use (Site H-LL 13 at c14 ha for circa 210 units). This is directly over where it is assessed the battle lines may have been drawn up and skirmishes occurred.
- 5.4. While it is acknowledged that much of the eastern bank below Peace Hill (formerly Pace Hill) was quarried away and is now considered a Local Biodiversity Site within the LDP, the rising ground to the ridge where the Earl of Arran's men were drawn up is still untouched and the overall landscape can still be understood. There is a steeply rising bluff enclosing the low-lying land on the eastern side.
- 5.5 Another residential allocation at the former timber yard off Falkirk Road (H-LL 5 for 18 units), is just outwith the Inventory east boundary.
- 5.6 There is a Proposal (P-46) in the LDP, for an extension to the existing Kettlestoun playing fields and a cycle track by Linlithgow Community Development Trust that is also within the HES designated battlefield boundary.
- 5.7 There are no other major development proposed at this time.

six

Falkirk Council Area - Development

- 6.1 On the west side of the Avon, Falkirk Council are the local planning authority. The Whitecross village is just within the NE part of the battlefield area along with the remains of Manuel Priory that was in the vicinity on where one of the armies forded the river upstream of the original Linlithgow Bridge.
- 6.2 While the area on the south side of the suggested river crossing point is outwith the housing allocation and consider a Special landscape area the route of the advance of the Earl of Lennox/ site of the battle may occur on the west side of the housing allocation / i.e.; in the field on the west of Avontoun Works.

seven

Requirements related to planning applications within the Linlithgow Bridge Battlefield Inventory area

- 7.1 Development proposals relating to the allocated residential site H-LL 13 in the adopted West Lothian Local Development Plan (2018) must take the historic battlefield into account in a positive way. Applicants for planning permission shall satisfactorily demonstrate how their proposal have taken the battlefield into account in a positive way, demonstrating that they will not adversely impact, cause harm or compromise the battlefield and evidence that they have followed the 3-stage process outlined by HES in its 'Managing Change in the Historic Environment: Historic Battlefields' policy guidance (2016).
- 7.2 Any planning application within the Battlefield Inventory area will be assessed by the Council's archaeological services provider, West of Scotland Archaeological Service (WoSAS): <https://www.wosas.net/> WoSAS examine the Weekly Lists of planning applications submitted to the council for any potential archaeological and historic interests.
- 7.3 With proposed development that may affect a scheduled monument or its setting, contact should also be made with Historic Environment Scotland at the earliest opportunity.
- 7.4 It is widely recognised that the site has archaeological potential and it should therefore be anticipated that planning conditions will be imposed on any grant of planning permission. These will, as a minimum, require developers to:
- a) Undertake a watching brief on excavations, overseen by a competent professional archaeologist; and
 - b) If material, or finds of an archaeological interest are present, undertake excavation, recording and reporting.

It should be clearly understood that the onus will be on the developer to provide the council with a comprehensive archaeological evaluation, impact and mitigation assessment for the site.

With sufficient forethought this should not be unduly expensive or create excessive delay to a project.

(NB: Small house extensions within the Battlefield Inventory area will be exempted)

- 7.5 Details of suitable consultant archaeologists can be found via the West of Scotland Archaeology Service who maintain an [informal list of contracting companies](#) working in the area covered by their member authorities which includes West Lothian.

Appendices

1. Planning Advice Note 2/2011: 'Planning and archaeology' provides advice to planning authorities and developers on dealing with archaeological remains:
[Planning Advice Note 2/2011: Planning and archaeology](#)
2. HES Map of Inventory of Historic Battlefields - Linlithgow Bridge boundary and deployments.
3. HES '[Managing Change in the Historic Environment: Historic Battlefields](#)'; (2016 – updated (2020))
4. Extract from DPEA Reporters consideration (2016) of CEMEX objection at Kettlestoun to LDP 1 and related to archaeological issues:

"EOI-0054 - Kettlestoun Mains"

9. The site is within the boundaries of the Inventory Battlefield designation relating to the Battle of Linlithgow Bridge. We deal with representations in relation to Policy ENV 31 Historic Battlefields under Issue 26Q. The inventory identifies nationally important battlefields. I acknowledge that inclusion on the inventory is not a barrier to development but consideration is required of the potential impacts on the special qualities and landscape characteristics of the battlefield.

10. At the Main Issues Report stage Historic Environment Scotland (HES) indicated that much of the north east of the site is believed to have played a significant part in the battle and this should be considered when evaluating the deliverability of this site. It indicated that it considered that the site has capacity for some development but that it is unlikely that the density proposed (on the then larger site proposed) can be achieved without a significant adverse effect.

11. HES's 'Managing Change' guidance advises that assessment should be made of the impacts on the special qualities and landscape characteristics of battlefields taking account of the entry details in the inventory. Development on important topography should be avoided and key views across the site should be retained. The inventory for this battlefield states that despite the past quarrying, the overall shape of the landscape remains.

12. The Archaeology Report submitted in support of the proposal indicates that

as the whole of the proposed site was within the former sand and gravel quarry there is only limited potential for the recovery of archaeological or battlefield remains in small pockets. It indicates that the impacts of development would largely be on the ability to understand the landscape context of the battle site. It is argued that this has also been affected by the metal works and past quarrying but that impacts can be mitigated through design and layout. In particular it is proposed that the north eastern part of the site around Peace (Pace) Hill and the viaduct would be retained as open space and that the heights of the development would be restricted to minimise visual intrusion. The report contends that the most important elements of the battlefield, in terms of its landscape context, would be preserved and that indirect impacts on the Avon Viaduct are unlikely to be significant. In addition, it is argued that development can offer potential to enhance provision of interpretation and public access via improvements to the path network.

13. It is clear that this site has previously been disturbed by development and part of the designated battlefield site has already been lost to housing and the Xcite leisure complex. As I note above, the site now proposed is significantly smaller than that initially proposed. Although its boundary extends to 14.3 Ha the submitted supporting information advises that only 9.2 Ha is developable; as indicated above part of the site would be left as open space. The extent of the development, layout and design of housing at this site are matters that could be addressed via the development management process. I am content that detailed assessment at that stage could ensure that the overall integrity of the battlefield site would not be compromised and that the landscape context and special qualities of the battlefield would be adequately protected.

14. Taking account of the indicative plans, the archaeology report and the comments from HES, I consider that, subject to appropriate design considerations, the proposed allocation would not cause significant damage to this important heritage asset. My recommendations below include that protection of the battlefield is included in the delivery requirements in Appendix Two. The capacity of the site which I recommend, 210 units, is indicative only.....

Other:

'The site lies within the boundary of the site of the Battle of Linlithgow Bridge which appears in Historic Environment Scotland's Inventory of Historic Battlefields. An archaeological assessment is required and the design and layout of the development will require to ensure that the landscape context and special qualities of the battlefield would be adequately protected.

The site falls within the safeguarding zone of Edinburgh Airport and this imposes a number of restrictions which require to be observed.

A master plan is required to accompany any planning application. This shall incorporate retention of the existing trees along the southern and eastern

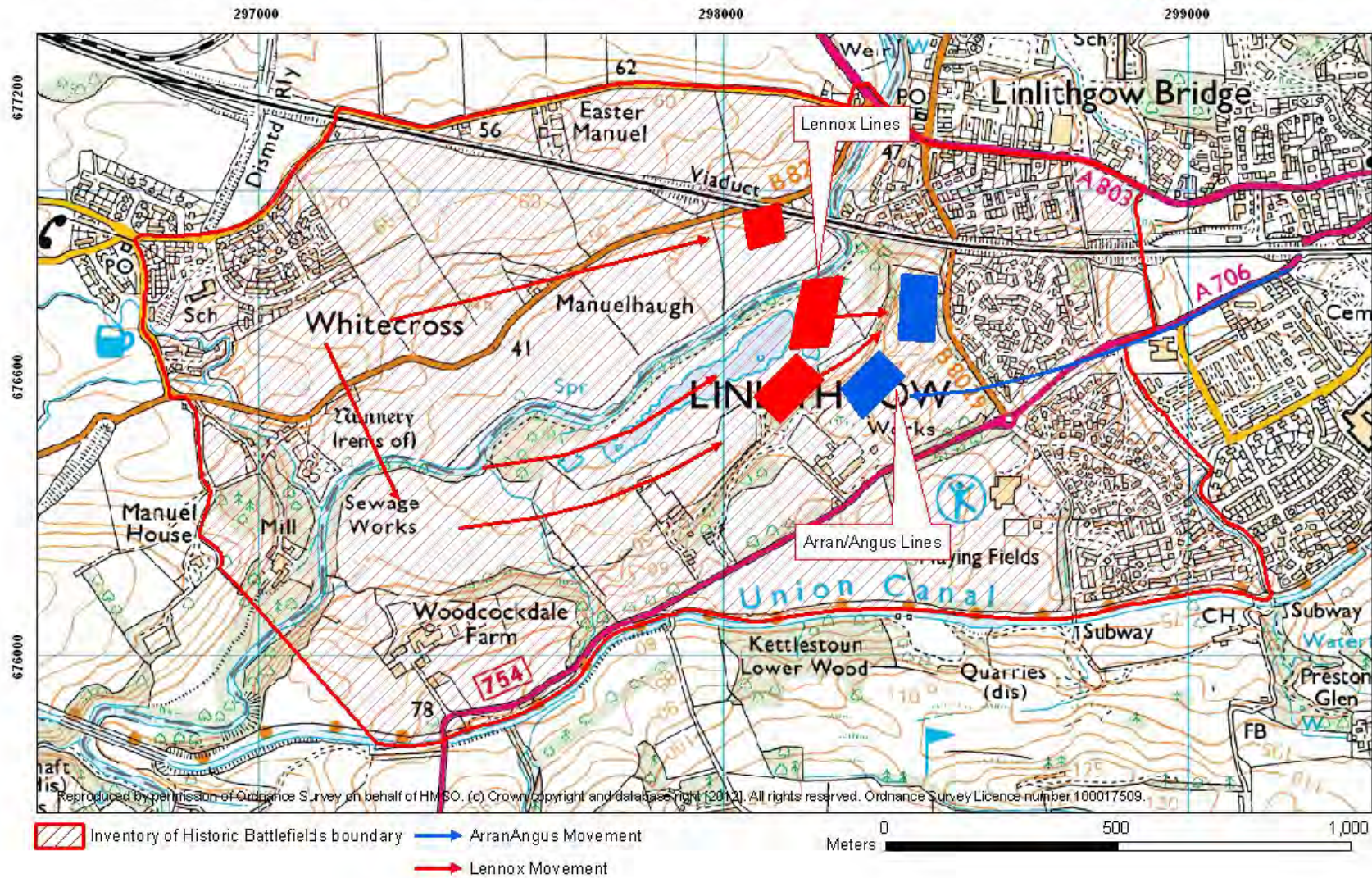
boundaries of the site as a defining feature of the landscape and incorporate public access to the wider area of open space, the Avon Trail and the battlefield related interpretation features....."

5. Extract from The Inventory of Historical Battlefields (next page)

The Inventory of Historic Battlefields - Deployments

Linlithgow Bridge 4 September 1526

Local Authority: Falkirk / West Lothian



(PG) Historic Battlefield – Site of Battle of Linlithgow Bridge(1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge)

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

15 November 2022
6 January 2023

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston,
EH54 6FF

Tel: 01506 28 00 00 Email: DPgeneral@westlothian.gov.uk

