DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works at Land At Lady Park, Linlithgow

2 DETAILS

Reference no.	1221/FUL/18	**Owner of site**	Lady Park Trust
Applicant	West Lothian Council	**Ward & local members**	**Linlithgow** Councillor Tom Kerr Councillor Tom Conn Councillor David Tait
Case officer	Matthew Watson	**Contact details**	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: The application has received 15 objections.

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 The application proposes the construction of a re-aligned footpath adjacent to Linlithgow Loch at Lady Park.

4.2 The proposed path will run for 180 metres from the Water Yett path at the south-west corner of the Loch and will then re-join the existing path network at the north-west of the Loch. The proposed path varies in width between 2 metres and 3 metres. It is proposed to be 3 metres in width where it joins the Water Yett path before narrowing to around 2.5 metres for the majority of its length. It will then reduce to 2 metres in width where it joins the existing path network at the north-west of the Loch. The path is proposed to be constructed of asphalt with pre-cast concrete edges.

4.3 A post and wire fence is proposed along the western boundary of the path. This is proposed to be 1.2 metres in height. The existing post and wire fence on the west boundary of the current path will be removed.

4.4 The site is currently used as a grazing field for a tenant farmer. It is within the Linlithgow Palace and High Street Conservation Area and adjacent the Linlithgow Loch Site of Special Scientific Interest (SSSI) and Royal Park and Peel.

4.5 The current path is referred to as "WL3 Linlithgow Loch Circular" in the Core Path Plan and links directly to "WL35 Linlithgow Loch to Union Canal Loch". The current path will be removed and its area will be planted with grass seed to enable a return to semi natural habitat.

History

4.6 No planning history.

5. REPRESENTATIONS

5.1 Fifteen representations have been received from local residents. All of these representations object to the proposed development. A summary of representations is below:

Comments	Response
• The proposed 3 metre width of the footpath is excessive and covers 10% of the field	• The proposed path is only 3 metres wide where it joins the existing Water Yett path. It will be 2.5 metres in width for the majority of its length then reducing further to 2 metres. The width of the path is acceptable and covers a small proportion of the field.
• The path should be widened up to the existing boundary	• Options for repairing or widening the existing path will not deliver the same benefits as the proposal. See the Supplementary Statement attached to the report.
• The path will disrupt the rural feel of Lady Park	• The proposal is modest in scale and will allow public access whilst retaining the majority of the field and its rural feel.
• Lady Park is safeguarded as open space and what is proposed will tarmac over this protected open space	• The proposal will remove a small amount of green space from Lady Park and will not change the use of the field. The proposal complies with Policy ENV 21 of the LDP. See assessment below.
• Loss of trees that provide shelter for grazing animals • Trees provide habitats for native bird species	• A condition can be attached to any planning permission to ensure replanting is carried out. Tree felling should take place outside the bird nesting season.
• The proposal could lead to agricultural land	• Only a small proportion of the field is to

becoming non-viable	be used.
• Lack of consultation on the proposal	• The application has been submitted by West Lothian Council and it is of a scale that does not require community consultation on a statutory basis from a planning perspective. The Design and Access Statement sets out the consultations undertaken by the applicant.
• The proposal could represent precedent that means more of Lady Park could be developed	• Planning applications are assessed on their own merits and precedent is not a material planning consideration in determining planning applications.

6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objections to the application.	Noted.
WLC Flood Risk Management	No	No objections. The proposed realigned section of footpath should be constructed above the 46.75m contour if it is to remain out with the area at risk of flooding.	Noted.
West of Scotland Archaeology Service	No	No objections subject to a condition being attached that requires a programme of archaeological works.	Noted and condition attached.
Historic Environment Scotland	No	No objections to the application. The application does not raise historic environment issues of national significance.	Noted.
SEPA	No	No objections to the application.	Noted.
Scottish Natural Heritage	No	No objections to the works but further details will be required that show how run-off and sediment will be prevented from entering the loch. Agree works should take place outside the bird nesting season and this should be conditioned.	Noted. It is proposed to secure additional details via a planning condition and attach a condition that states works should take place outside the bird nesting season.

7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan	Policy	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)	ENV 21 Protection of formal and informal open space	This policy states that proposals which result in a loss of open space will not be supported unless five criteria are met: (a) Locational justification (b) Recreational and amenity value (c) Ecological value and loss of trees (d) Comparable open space can be provided at an alternative location (e) Connectivity and public access This assessment covers criteria (a), (b), (c) and (e). There is a locational justification for the construction of the path due to erosion, there is no adverse effect on recreational amenity, the area of the path is not of significant ecological value, tree loss is minimised and connectivity to the wider network is not compromised.	Yes
West Lothian LDP	ENV 1 Character and Special Landscape Areas	This policy states there is a presumption against development which would undermine the landscape in Special Landscape Areas. The application site borders the Special Landscape Area and will not adversely affect it. The proposed landscape works will ensure that the development integrates with	Yes

		the surrounding area.	
West Lothian LDP	ENV 9 Woodland, Forestry, Trees and Hedgerows	This policy states there is a presumption against development affecting trees and hedges that have particular amenity value. A total of 13 trees are proposed to be removed. These are hawthorn and young trees, not mature trees and their loss is justified. Replanting will be required and secured via condition.	Yes
West Lothian LDP	ENV 18 Protection of National Nature Conservation Sites	This policy states development affecting SSSIs will not be permitted unless it is demonstrated it will not compromise the integrity of the designation. SNH has raised no objection to the development and has stated the works will not threaten the SSSI.	Yes
West Lothian LDP	ENV 24 Conservation Areas	This policy states development will not be permitted that adversely affects the character and appearance of conservation areas. The change in appearance to Lady Park is acceptable in visual terms and will not adversely affect the appearance of the conservation area. See assessment below.	Yes
West Lothian LDP	EMG 2 Flooding	This policy states that the council will seek to prevent development which would increase the probability of flooding. The Council's Flood Risk Management team has not objected to the proposal. The proposal will need to be constructed above a 46.75m contour line to be outwith the Loch flood zone. The northernmost section of the path where it joins the existing path network is within the flood zone but this makes up a very small area of the path and is	Yes

		therefore acceptable in terms of policy EMG 2.	
West Lothian LDP	DES 1 Design principles	This policy states that development proposals are required to integrate with their local context. The proposal is acceptable in visual terms and will integrate with its context. See assessment below.	Yes

Principle of Development

7.4 Policy ENV 21 (Protection of formal and informal open space) criterion (a) of the West Lothian LDP states that where open space will be lost there needs to be a locational justification.

7.5 A section of green space will need to be asphalted but the use of the land will not change from open space as a result of the proposal. The proposal is justified as it will improve access for all users by increasing the path width and replacing the existing path which is beginning to erode into the Loch. The proposal will also provide the opportunity for re-wilding and improving the wildlife habitats along the Loch shore.

7.6 The existing path is a particularly narrow and restricted section of the Loch side path. Repair or widening of the existing path has been ruled out as it would not solve the problems of erosion affecting the path and would not significantly improve access for pedestrians, cyclists and wheelchair users. The proposed path will allow cyclists and wheelchair users to pass pedestrians with ease. The terms of ENV 21 (a) are therefore met.

7.7 There will not be a significant adverse effect on recreational amenity in terms of Policy ENV 21 (b), nor will there be an impact on connectivity or functionality of the wider green network, in terms of Policy ENV 21 (e). Policy ENV 21 (d) is not applicable.

7.8 Policy ENV 21 (c) states that the loss of open space will not be supported unless ‘the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised’.

7.9 The proposal seeks to remove 13 trees across the length of the proposed path. The layout seeks to minimise the loss of mature trees. The trees to be removed are of lesser value and their removal is justified. A planning condition is proposed to secure replanting where trees have been removed. A further condition will require all retained trees to be protected during construction. The alternative of upgrading and/or widening the existing Loch path would mean the loss of more trees and mature trees.

7.10 On balance, as fewer trees will be removed as a result of this proposal than would be the case with the alternatives, the proposal complies with Policy ENV 21 and the principle of development is acceptable.

Visual Impact

7.11 Policy DES 1 (Design principles) states proposals are required to integrate with their local context.

7.12 Policy ENV 24 (Conservation Areas) states development should not adversely affect the character and appearance of conservation areas.

7.13 The proposal will result in visual change to this part of Lady Park and, by extension, the Linlithgow Palace and High Street Conservation Area. The asphalting required to construct the proposed path is of a width that will not cause an adverse visual impact as it will only cover a small proportion of Lady Park. The post and wire fence proposed is of a minor scale that is of a similar design to the existing fence. For these reasons, the proposal is acceptable visually and will not adversely impact the character and appearance of the conservation area at this point.

7.14 Overall, the proposal is acceptable visually and will not have an adverse impact on the character and appearance of the conservation area. The proposal complies with policies DES 1 and ENV 24.

Natural Heritage

7.15 Policy ENV 18 states that development affecting sites of national importance, including SSSIs, will not be permitted unless it can be shown the development "will not compromise the objectives or integrity of the designation".

7.16 The application site is located adjacent to the Linlithgow Loch SSSI. Scottish Natural Heritage has raised no objection to the proposal but will require further detail regarding measures to prevent sediment and run-off from entering Linlithgow Loch as a result of the works being undertaken. These further details can be secured via a planning condition.

7.17 With a planning condition in place, the proposal complies with Policy ENV 18.

Flooding

7.18 Policy EMG 2 states that development that increases the risk of flooding should not be supported.

7.19 The council's Flood Risk Management team has not objected to the proposal. The proposal will need to be constructed above a 46.75m contour line to be outwith the Loch flood zone. The northernmost section of the path where it joins the existing path network is within the flood zone. This provides the best connection into the existing path network and makes up a very small area of the path. If the path were to be constructed above the 46.75 metre contour this would mean the path would need to be constructed closer to residential properties to the north of Lady Park.

7.20 On balance, the proposal is acceptable in terms of policy EMG 2.

8. CONCLUSION AND RECOMMENDATION

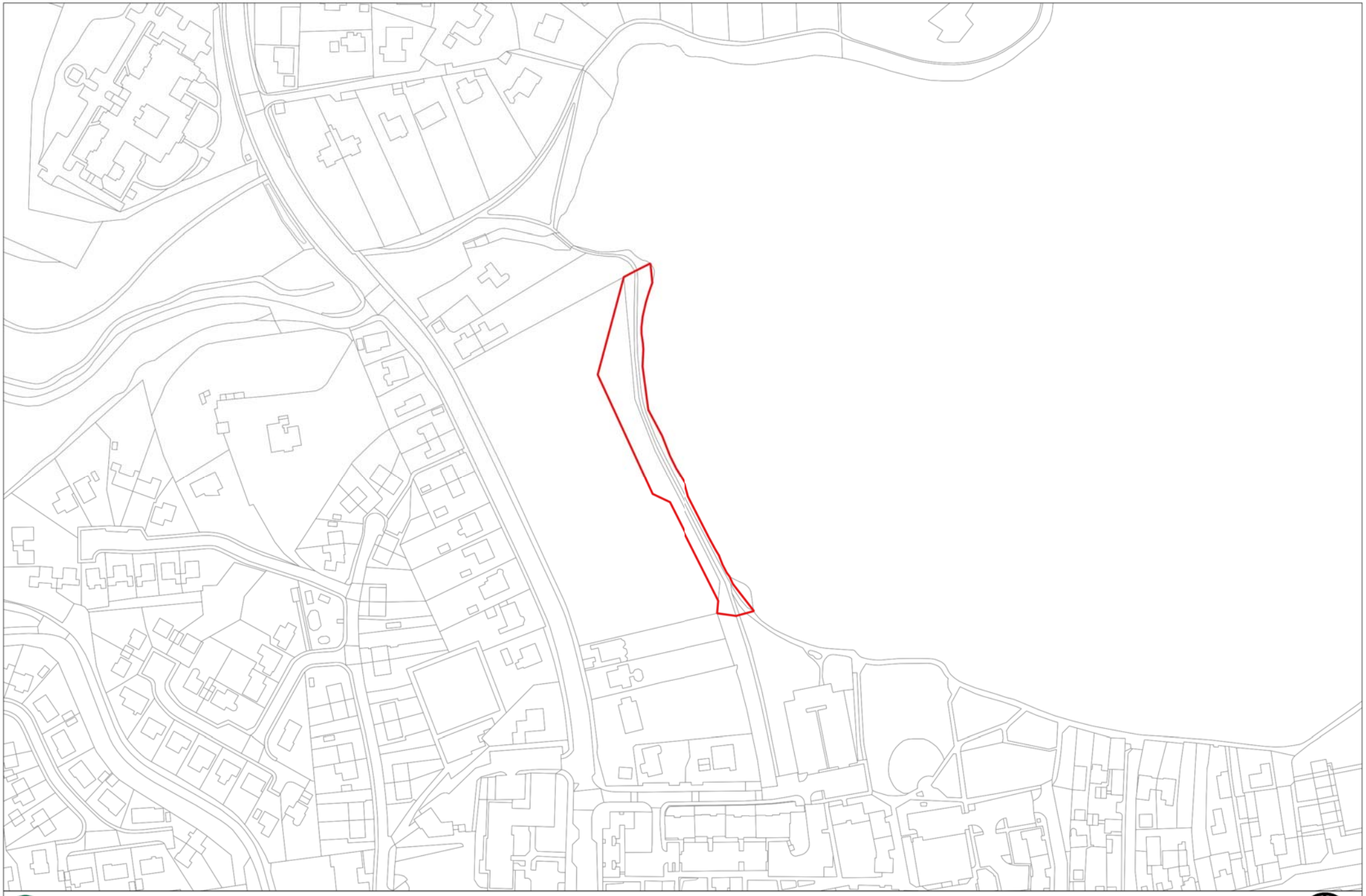
8.1 In summary, the proposal will bring about improved pedestrian/cycle access and is acceptable in principle; will not adversely affect the character and appearance of the conservation area; and is acceptable in terms of natural heritage and flood risk.

8.2 Overall, and in the view of the above, it is recommended planning permission is granted, subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial Plan
- Design Plan
- Footpath Design
- Footpath Specification
- Fence Specification
- Design and Access Statement
- Supplementary Statement
- Representations
- Draft conditions and reasons

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 20 March 2019



West Lothian Council

1221/FUL/18 - Land at Lady Park Linlithgow West

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West Lothian Council

1221/FUL/18 - Land at Lady Park Linlithgow West

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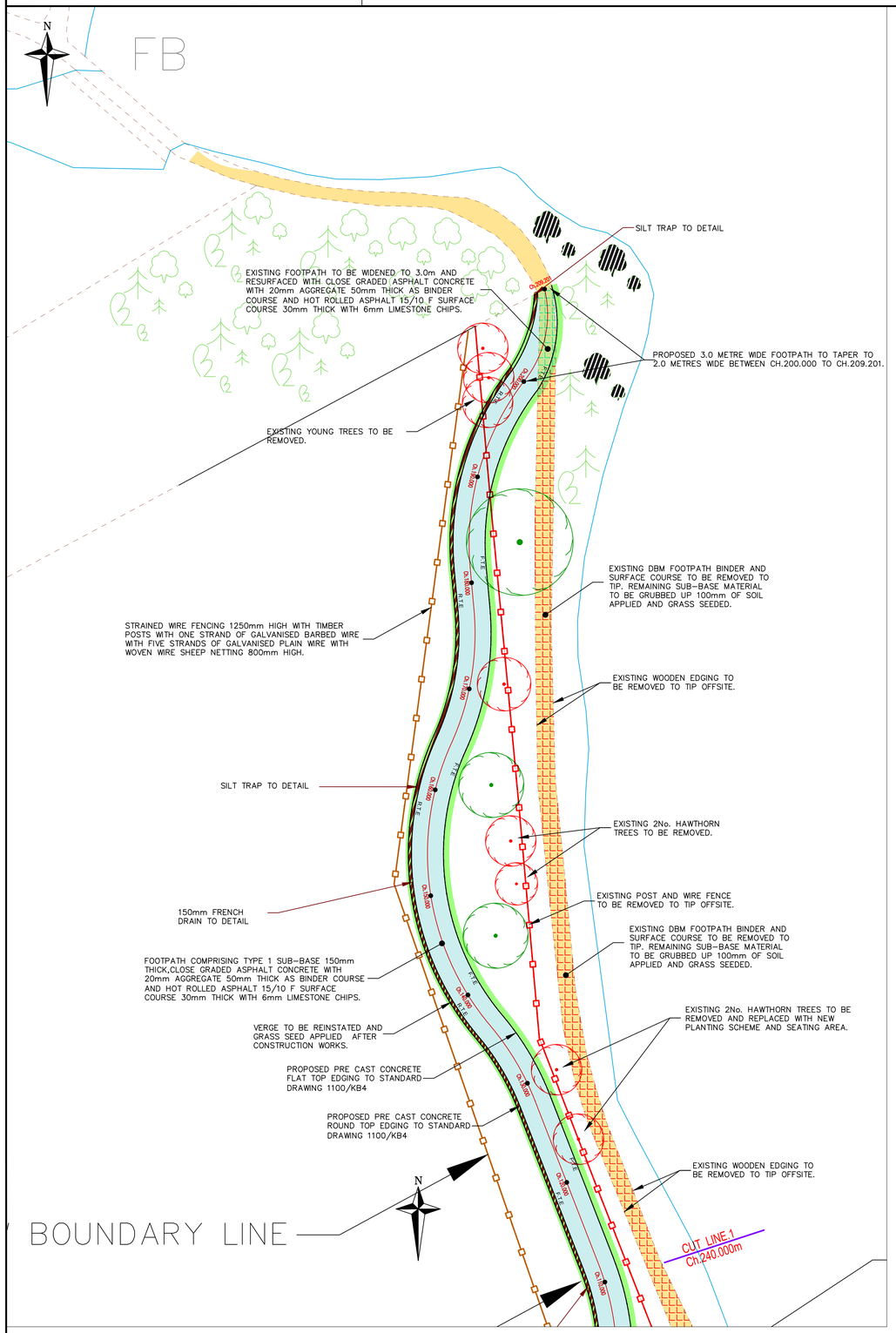
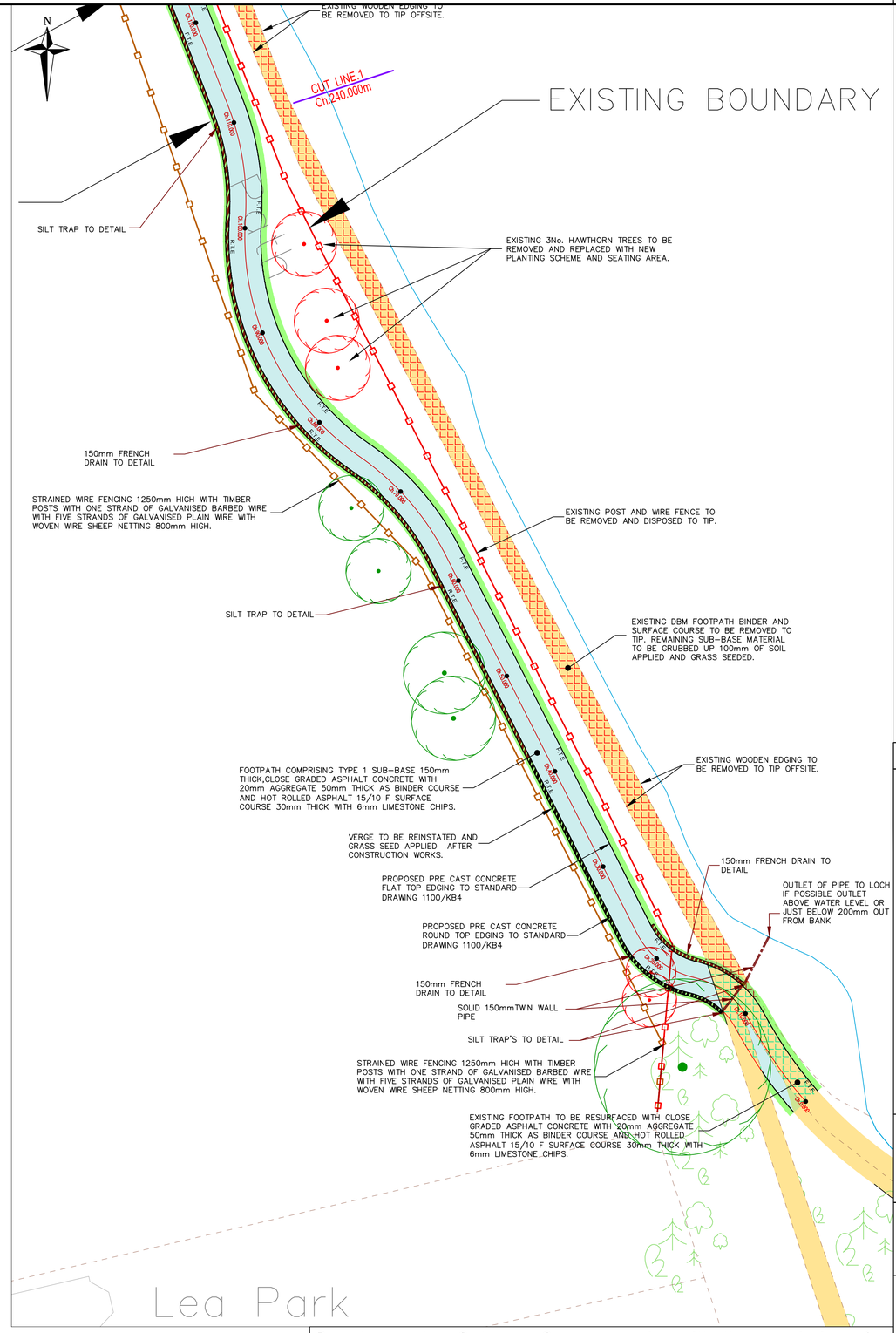
WEST LOTHIAN COUNCIL : OPERATIONAL SERVICES

DRG. NO. TP/7049999/1/DD1-R1





LEGEND:–

- AREA OF EXISTING TARMAC FOOTWAY/FOOTPATH TO REMAIN IN USE.
- AREA OF FULL CYCLEWAY/CYCLEPATH CONSTRUCTION.
- AREA OF EXISTING FOOTPATH TO BE RESURFACED.
- AREA OF PROPOSED 0.5m WIDE GRASS VERGE REINSTATEMENT.
- AREA OF EXISTING DBM SURFACE AND BINDER COURSE TO BE REMOVED TO TIP. SUB-BASE TO BE GRUBBED UP SOILED AND GRASS SEEDED.
- PROPOSED EXTENTS OF GEOTEXTILE MEMBRANE.
- 192.223 / 0.38m — CYCLEPATH CENTRE LINE, LEVEL AND CHAINAGE.
- EXISTING TREE/SHRUB TO BE REMOVED.
- EXISTING TREE TO REMAIN.

KERB LEGEND:–

- F.T.E — PROPOSED 50 X 150 PRECAST CONCRETE FLAT TOP EDGE.
- R.T.E — PROPOSED 75 X 225 PRECAST CONCRETE ROUND TOP EDGING.

FENCE LEGEND:–

- STRAINED WIRE FENCING 1250mm HIGH WITH TIMBER POSTS WITH ONE STRAND OF GALVANISED BARBED WIRE WITH FIVE STRANDS OF GALVANISED PLAIN WIRE WITH WOVEN WIRE SHEEP NETTING 800mm HIGH.
- EXISTING POST AND WIRE FENCE TO BE REMOVED TO TIP OFF-SITE.

GENERAL NOTES:–

1. ALL WORKS TO BE CARRIED OUT TO THE SATISFACTION OF WEST LOTHIAN COUNCIL ROADS TRANSPORTATION DEPARTMENT.
2. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE D.O.T. SPECIFICATION FOR HIGHWAY WORK LATEST EDITION.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWING No.
   TP/7049999/1/LP -- AREA FOR LAND PURCHASE.
   TP/7049999/1/DD1 -- ENGINEERING LAYOUT.
   TP/7049999/1/DD2 -- SITE BOUNDARY.
   TP/7049999/1/DD3 -- CONSTRUCTION DETAILS

REVISION	DETAILS	BY	DATE
REVISION 1	EXTENT OF NEW FOOTPATH WORKS REDUCED TO EXCLUDE CONSTRUCTION BEYOND CH.0+210 (LADYPARK PROPERTY)	S.SYME	OCT 2018

OPERATIONAL SERVICES
ROADS & TRANSPORTATION
PROJECT DESIGN ENGINEERING

ROADS & TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL: 01506 282351

West Lothian Council

LADY PARK PATH
LINLITHIGOW
FOOTPATH IMPROVEMENTS
ENGINEERING LAYOUT

Date JULY 2018 | Drawn By S.SYME
Scale 1:250 @ A0 | Checked By B.McDOWELL

DRG. NO. TP/7049999/1/DD1-R1

DATA LABEL :–
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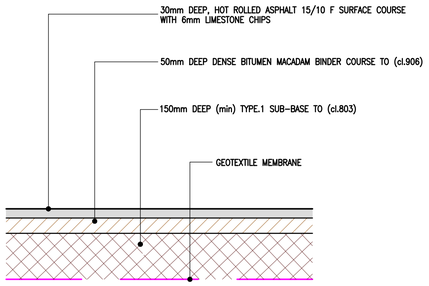

TYPICAL FULL 3.000m WIDE HOT ROLLED ASPHALT FOOTPATH/CYCLEPATH CONSTRUCTION DETAIL.1

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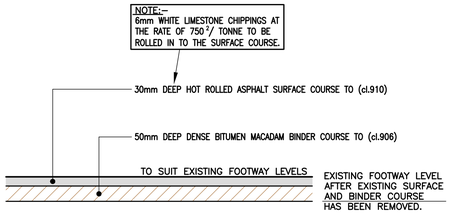

TYPICAL EXISTING FOOTWAY TO BE RESURFACED CONSTRUCTION DETAIL.2

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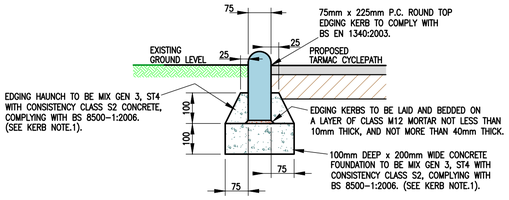

TYPICAL PRECAST CONCRETE ROUND TOP EDGING KERB DETAIL.3

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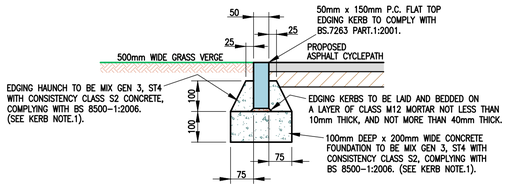
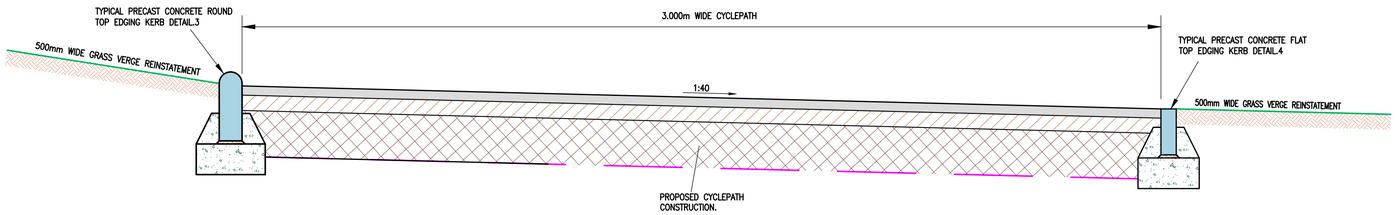


TYPICAL PRECAST CONCRETE FLAT TOP EDGING KERB DETAIL.4

SCALE = 1:10

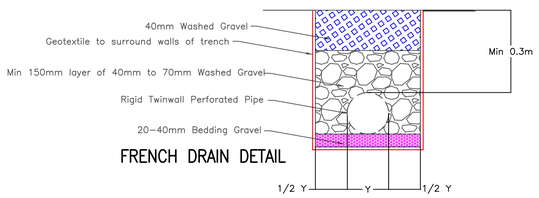
KERB NOTES:-

1. ROAD KERBS AND EDGING KERBS MAY ALTERNATIVELY BE LAID DIRECTLY ON NEWLY PLACED CONCRETE FOUNDATION TO BE MIX GEN 3, ST4 WITH CONSISTENCY CLASS S1 COMPLYING WITH BS 8500–1:2006. (NO MORTAR BED REQUIRED WITH THIS ALTERNATIVE).
2. ALL ROAD KERBS AND EDGING KERBS TO BE ABUTTED, EXCEPT KERBS LAID TO A RADIUS OF LESS THAN 40.0m, WHICH SHALL BE LAID WITH AN AVERAGE GAP OF 6mm, AND POINTED WITH M12 MORTAR.

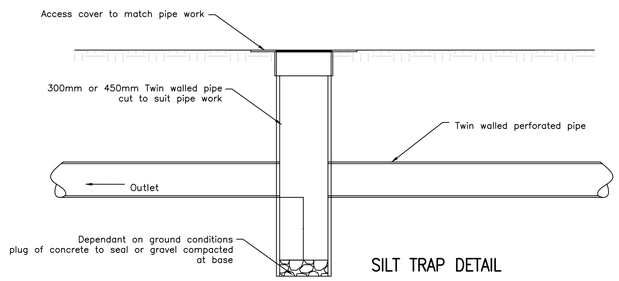


TYPICAL CROSS SECTION THROUGH 3.000m WIDE CYCLEPATH

SCALE = 1:10



FRENCH DRAIN DETAIL



SILT TRAP DETAIL

GENERAL NOTES:-

1. ALL WORKS TO BE CARRIED OUT TO THE SATISFACTION OF WEST LOTHIAN COUNCIL ROADS TRANSPORTATION DEPARTMENT.
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   TP/7049999/1/DD3 -- CONSTRUCTION DETAILS

A1 0 50mm 100mm 150mm 200mm 250mm 300mm 350mm
1:5 SCALE

A1 0 100mm 200mm 300mm 400mm 500mm 600mm 700mm
1:10 SCALE

A1 0 200mm 400mm 600mm 800mm 1000mm 1200mm 1400mm
1:20 SCALE

REVISION	DETAILS	BY	DATE

OPERATIONAL SERVICES
ROADS & TRANSPORTATION
PROJECT DESIGN ENGINEERING

ROADS & TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL: 01506 282351

West Lothian Council

LADY PARK PATH
LINLITHIGOW
FOOTPATH IMPROVEMENTS
CONSTRUCTION DETAIL

Date JULY 2018
Scale 1:500 @ A1
Drawn By S.SYME
Checked By B.McDOWELL

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DRG. NO. TP/7049999/1/DD3

West Lothian Council

Lady Park Footpath, Linlithgow Loch

Fence Specification

Summary

The new fence will be a standard wooden stock-proof post and wire fence circa 1.2m in height and be in keeping with the design of the existing fence. All relevant British Standards will be applied to fencing works, and proposed fence will be constructed by a professional fencing contractor currently under contract with West Lothian Council.

The existing fence is in a state of disrepair as shown below (Image 1 to 5). Current issues include rotting posts, leaning posts, some detachment of wire and stock fence from posts, loss of tension, and some missing barbed wire.

Proposed Fence Design

Proposed fence will replace all existing post and wire fence and provide an upgraded specification by allowing for higher stock fencing and additional wire between barbed wire and stock fencing. Fence line is shown on 'Lady Park Footpath Design Plan', attached to the main application.

- Stakes (square): 1800mm x 75mm x 75mm, treated timber. 1250mm high (from ground)
- Straining posts (round): circa 2100mm x 175mm diam, treated timber. Circa 1400mm high (from ground). Tensioning device on each wire at straining post
- Struts (round): 2100mm x 100mm diam, 2 x diagonal attachment to straining post (excluding ends)
- Wire: 4mm, 1 strand galvanized barbed wire, 5 strands galvanized plain wire
- Stock fencing: 8 horizontal line wires, 800mm high, 150mm between each vertical wire.
- Circa 2m between stake posts
- Minimum 69m between straining posts on straight. Straining posts on all changes of direction and ends.
- Staples: 40mm x 4mm galvanized wire

West Lothian Council

Drawing 1 – Proposed Fence

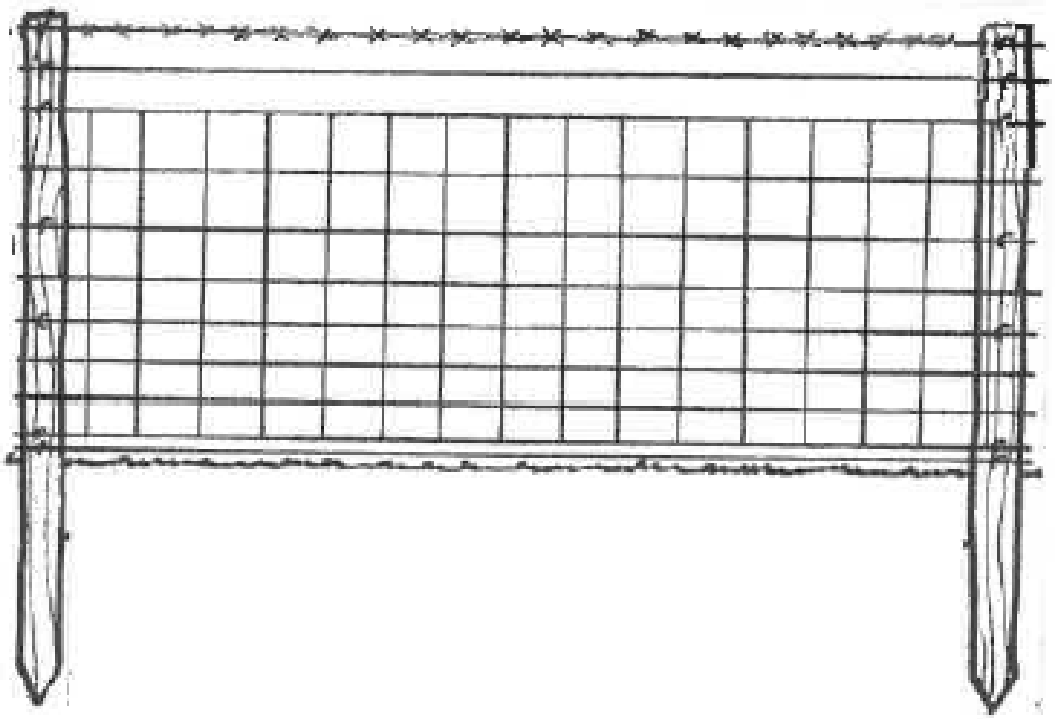


Image 1 – Existing Fence

Image 2 – Existing Fence

Image 3 – Existing Fence

Image 4 – Existing Fence

Image 5 – Existing Fence

West Lothian Council

January 2019

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP
simon.scott@westlothian.gov.uk

West Lothian Council

Lady Park Footpath, Linlithgow Loch

Design and Access Statement

Introduction

This Design and Access Statement has been prepared in support of the full planning application for the change of use of part of an agricultural field into public open space. Proposed works include repair and relocation of a footpath and fence.

This Design and Access Statement has been produced by Simon Scott, Open Space Officer for West Lothian Council in order to explain the design rationale and accessibility of the design proposal, and to set out the main planning considerations for the proposal.

Site Location and Context

The current site ("Lady Park Footpath Location Plan", attached) contains no buildings. The site includes an access path, post and wire fence, agricultural field (sheep grazing), and various trees and scrub. The site is owned by the Lady Park Trust.

The existing access path sits within a sparse corridor of trees. Outside the corridor to the immediate west is the fence. Outside the corridor to the immediate east is the west shore of Linlithgow Loch.

This proposal outlines the relocation of the existing path into the field, to the immediate west of the existing fence. The location of the new path has been selected in order to minimise disturbance to mature trees, minimise loss of agricultural use for the existing tenant, ensure the new path will be protected from erosion, allow for re-establishment of existing footpath area as semi-natural habitat, and reduce disturbance to wildlife along the loch shore. The location of the new path is shown on "Lady Park Footpath Design Plan", and is attached to this application. The new fence would be constructed to the immediate west of the new path.

The agricultural field is currently leased to a local sheep farmer. The field is bounded by the aforementioned post and wire fence on its eastern boundary. Stone walls border the north, west, and south sides, including an access gate in the north-west corner. Private properties adjoin the north and south of the field, with a public footpath and St Ninian's Road (A706) west of the field.

Access

The existing section of path to be relocated and upgraded is 180m long and approx. 1.5m wide, running along the west shore of Linlithgow Loch. Towards the northern end of the path, the surface has begun to erode into the loch,

and the path width reduces to a minimum of 1m (Image 2). There are numerous irregularities in the path at present, including various sections where water sits across the path after heavy rain (Image 1 and bottom of Image 3).

Image 1 – Water pooling

Image 2 – Path erosion

Image 3 – Intersection of Lady Park and Water Yett pathways

The current quality and width of the path would make wheeled access difficult Passing of cyclists and pedestrians is a safety concern. The flooding of the path would also discourage access and be another safety concern.

The design ("Lady Park Footpath Design Plan", and "Lady Park Footpath Specification") reflects a continuation of the upgraded design completed recently by Historic Environment Scotland in early 2018 i.e. continuing a wider and higher quality surface currently present along the south west shore (Water Yett, Image 3 circled), along the west shore towards the sluice pedestrian bridge. This design will allow wheeled users to safely use the path and pass pedestrians, it will also shed water from the path surface, and the design will protect the path from erosion into the loch. It is anticipated the path would have a life of approximately 20 years.

Legislative and Strategic Context

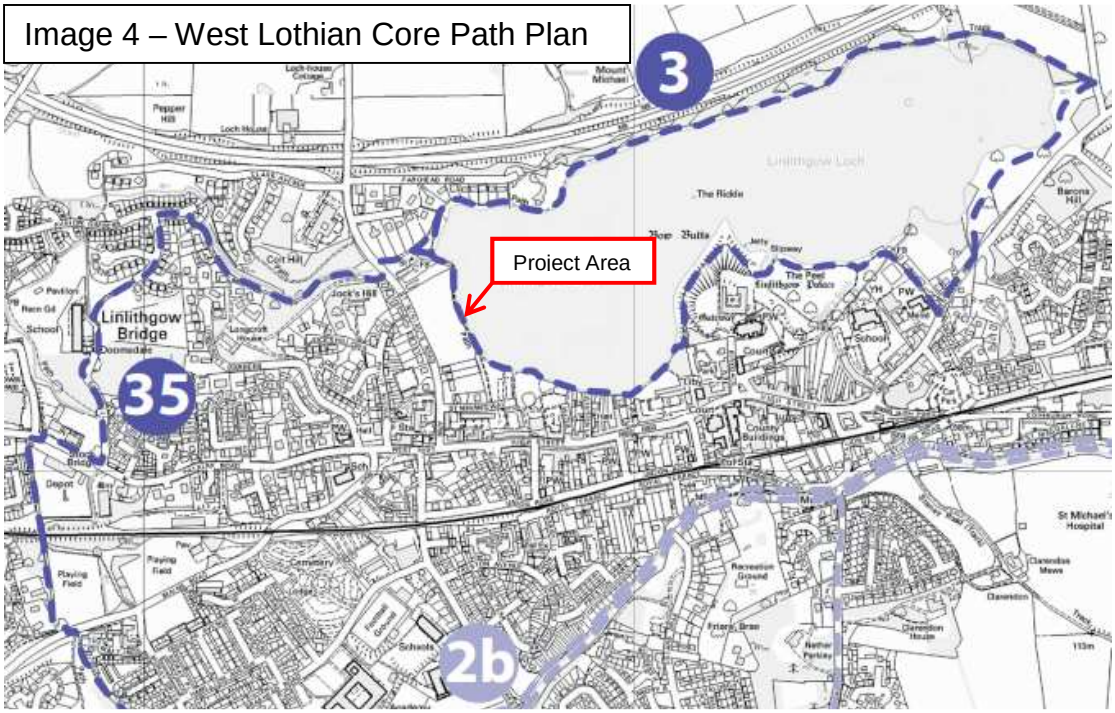
The works reflect a consideration of West Lothian Council's responsibility under the Disability Discrimination Act 2005 (DDA) and Land Reform (Scotland) Act (2003). The works also help deliver the aims of the West Lothian Open Space Strategy (2015) and the Core Path Plan (2013).

The West Lothian Local Development Plan 2018 (LDP) is the main policy document that sets out a vision of how West Lothian should develop in a sustainable way. It is used by the council for making decisions on development proposals. Conserving and improving open spaces is one of the core strategies in the LDP. Scottish Planning Policy (2013) requirements in relation to open space are fulfilled through integrating West Lothian's Open Space Strategy with the LDP and through individual planning permission consultation.

The existing and proposed path is considered part of the Linlithgow Loch District Park and Core Path Network. Linlithgow Loch District Park is strategically the most important formal park in the area and serves Linlithgow and all settlements within 4km; as such capital investment has been allocated by the council to ensure the footpath network is maintained in a safe and accessible condition.

The footpath to be repaired and relocated serves as the only footpath available to those wishing to walk a circular route around the loch. The path is referred to as "WL3 Linlithgow Loch Circular" in the Core Path Plan and links directly to "WL35 Linlithgow Loch to Union Canal Loch" (Image 4). The footpath is likely to be used frequently by pedestrians, cyclists, and be integral to a number of local events. Any construction would be programmed to minimise disturbance to all recreational activity including events and be agreed with the Town Centre Management Group and Community Council.

Image 4 – West Lothian Core Path Plan



Layout, scale, and appearance

A detailed design, specification, and location plan has been submitted along with this planning application. The design reflects that of the recent path upgrade completed by Historic Environment Scotland i.e. the path will join with this exiting Water Yett path and mirror its design. The path design has been provided by West Lothian Council Operational Services, and reflects typical asphalt footpath/cycleway construction detail.

The completed path will be approximately. 3m wide only at the join with existing Water Yett path, it will immediately taper to circa 2.5m wide for the majority of its length, tapering to 2m, where it joins the existing path network to the north.

The new fence will be a standard wooden stock-proof post and wire fence circa 1.2m in height and be in keeping with the design of the existing fence.

No significant landscaping is anticipated beyond required excavation of path tray, drainage ditch, installing new posts, and grubbing up of the existing path.

Contractor access and any plant storage and welfare facilities will be located at the south end of the site, in an area to the immediate west of Water Yett car park (West Lothian Council owned). Any disturbance to this area will be reinstated after construction.

Please see “Lady Park Footpath Design Plan”, “Lady Park Footpath Location Plan”, and “Lady Park Footpath Specification”.

Method Statement

- Pollution mitigation measures will be installed
- some small trees will be removed from within the field to facilitate construction of the new fence and path
- new post and wire fence will be erected within the field
- existing post and wire fence will be removed
- new drainage features will be installed
- tarmac path will be constructed
- the existing tarmac path will be removed, path tray will be seeded.

Drainage Statement

Drainage features have been designed by West Lothian Council Flood Risk Management Team. At present there is no functioning drainage features associated with the site. It is anticipated that proposed measures will prevent water from sitting on the new path surface and minimise run-off. Water running off the field will be caught by a French drain which will filter the water and deposit it in the loch. The path will also be constructed with an appropriate crossfall to shed any water. The drain will reduce sediment and potential pollutants reaching the loch. The current footpath will be removed and as vegetation is established this will have a net effect of further reducing run-off volume into the loch.

Pollution Mitigation Statement

- The statement has considered SEPA guidance: “Works and maintenance in or near water: GPP 5, Version 1.2 February 2018”
- it is anticipated that no entry to the water should occur, but work will occur right up to the edge of the loch
- as a precaution a silt fence, or a coffer dam made of sand bags and/ or a ring of hay bales with an oil boom will be laid to isolate the working area from the loch and prevent any contamination entering the loch if there was to be an incident
- any machinery used will only be lubricated with water based biodegradable lubricants, and will never be refuelled within a 25m distance of the water body, and will be removed every night from within 25m of the water body
- a spill kit will be readily available if required.

Maintenance

The existing loch side path is regularly inspected by Historic Environment Scotland Rangers. In addition, the Open Space Officer will conduct an annual

survey of the District Park and identify and commission any repair works related to the core path that are required to ensure safety and accessibility are maintained.

Consultation

The objective of the proposal is to make safe and upgrade a Core Path within an existing District Park. As such, and given the clear scope of the project, there has been no open public consultation. However, a number of stakeholders have been consulted in determining the appropriate scale and design of the project. Stakeholders consulted include Historic Environment Scotland, West Lothian Council Property Services, Planning Service, Operational Services, and local Councillors. The Lady Park Trust as landowner has also been consulted throughout the development of the project. The tenant farmer has been contacted via Lady Park Trust initially and subsequently via Property Services. Additional consultees are referenced below in context of particular heritage assets.

Tenant Farmer and Private Landowner

The tenant farmer has stated on several occasions that they do not consent to any voluntary loss of any area of the field, including after the project was scaled back to reflect minimal loss of field area (minimum required to accommodate a suitable accessible path and avoid mature trees). As such, after a cost estimation exercise, and internal discussion with senior management and elected members, it was agreed to pursue compulsory purchase if a related planning application is successful. This would, if successful, transfer ownership of the area of land highlighted in “Lady Park Footpath Change of Use Area” map (attached) from the Lady Park Trust to West Lothian Council and necessitate a new lease between the Lady Park Trust and the tenant farmer for the remaining large majority of the field.

The original location of the proposed path included extending the path northward to join a small bridge. This would necessitate gaining permission from two private residential landowners to widen the path and clear vegetation. Permission was refused by one landowner. As such, and given this current section is deemed safe and free from obstruction, the proposed path upgrade area was shortened in length to avoid the privately owned land.

West Lothian Council has no intention of making any future attempts to obtain Lady Park in its entirety. It is hoped, if planning permission is granted, that the tenant farmer may voluntarily accept a new lease to reflect the redrawing of the fence line. This will still allow for an extensive area of sheep grazing and would also improve the condition of the fence to the benefit of the farmer. This would also allow West Lothian Council to avoid significant fees and costs associated with compulsory purchase. These ‘savings’ would be invested elsewhere in the District Park around the loch to improve the open space for public use.

Heritage Assets

The site falls within the Linlithgow Palace and High Street Conservation Area.

The site falls out-with Linlithgow Palace, Peel and Royal Park Scheduled Ancient Monument. The Scheduled Ancient Monument is directly adjacent to the site although not intersecting with it. Historic Environment Scotland has confirmed that Scheduled Monument Consent is not required.

The site may have archaeological interest. While the site does not intersect the Scheduled Ancient Monument, consultation with West of Scotland Archaeology Service (WoSAS) have advised that the ground at the west end of the loch has remained largely undeveloped from at least the mid-18th century, and appears to have been out with the boundaries of the medieval burgh.

On Roy's Military Survey of Scotland, which was conducted in the period 1747-55, the ground at the west end of the loch was shown as being sub-divided into three enclosures, these apparently being defined by trees, though these appear to have been removed by the time of the 1st edition OS map of the mid-19th century (though a fringe of trees around the shore of the loch remained).

WoSAS have indicated that the main issue associated with the proposal would be the potential for ground disturbance to encounter previously-unrecorded sub-surface archaeological deposits. Given that the ground has been shown as largely undeveloped on maps going back to the mid-18th century, any features that are present would most likely pre-date this period, possibly relating to activity in the medieval burgh, or to occupation during the prehistoric period. WoSAS have suggested that a further desk-based assessment may not be necessary, but they may advise the Planning Service to attach a planning condition to any permission to secure a short programme of archaeological monitoring during the construction period. An Archaeological Written Scheme of Investigation will be produced if required.

In relation to the Site of Special Scientific Interest (SSSI), Scottish Natural Heritage has advised that the site lies out with the Linlithgow Loch SSSI and that the new path is unlikely to have any impact, apart from the potential for run-off or sedimentation from works. If approved, the Pollution Mitigation Statement will be submitted to SNH along with a consent request. Works will take place out-with the summer months to avoid disturbance to breeding birds. It is anticipated that by relocating the path inland, disturbance will reduce to breeding birds using the west shore. In addition, by allowing vegetation to re-establish where the existing path is removed, it is anticipated this creation of new habitat may also have a net positive effect on the loch's biodiversity.

The site is “Land Safeguarded for Open Space” as identified by the LDP. While Lady Park is currently protected from development as “Land Safeguarded for Open Space”, it serves no function as public open space, and has no public access gates or stiles etc. As such, the project will improve the value of the open space and enlarge the useable area of Linlithgow Loch District Park.

December 2018

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP
simon.scott@westlothian.gov.uk

West Lothian Council

Lady Park Path Location

Supplementary Statement

Introduction

This Supplementary Statement has been prepared to support the full planning application for the change of use of part of an agricultural field into public open space. The statement outlines the reasoning for relocating the path into the agricultural field, and the reasoning for dismissing the options to either patch repair the existing path (Option 1) or widen the existing path in its current location (Option 2).

Option 1 – Patch repair existing path only, restoring 1.5m width along length

- This option would not allow for improving wildlife habitat along the shore or reducing disturbance to wildlife
- this option would not resolve the issue of standing water on the path after heavy rain
- this option would not allow for additional drainage measures adjacent to the path i.e. that would reduce sediment reaching the loch
- this option would not address the long-term concern of erosion of the shore/path into the loch
- this option would not widen the path and therefore not deliver improved access for pedestrians and wheeled users.

Option 2 – Widen existing path to between 2m and 2.5m in current location

- This option would not allow for improving wildlife habitat along the shore or reducing disturbance to wildlife
- this option would necessitate interference with existing mature trees
- this option would not allow for additional drainage measures adjacent to the path i.e. that would reduce sediment reaching the loch
- this option would not address the long-term concern of erosion of the shore/path into the loch.

Conclusion

The location of the new path outlined in the Design and Access Statement has been selected in order to minimise disturbance to mature trees, minimise loss of agricultural use for the existing tenant, ensure the new path will be protected from erosion, allow for re-establishment of existing footpath area as semi-natural habitat, and reduce disturbance to wildlife along the loch shore. The location of the new path is shown on “Lady Park Footpath Design Plan”.

March 2019

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Alan Herd
Address: Lady Park St.Ninian's Road Linliithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The proposal shows a path width of 3 metres, this is wider than any other part of the path including the busiest part near the Anglers building on the south side of the loch. A 3 metre wide path makes little sense as the path has to narrow to 1.4 metres at the bridge at the north end of the path. In fact, the Scottish Government's publication for designing streets states "In lightly-used streets (such as those with a purely residential function), the unobstructed width for pedestrians should generally be 1.5 - 2 m".

The proposal also shows that the path does not run parallel with the existing path but instead meanders as far as some 10 metres into the field (presumably to avoid some hawthorn trees) when there is more than enough space for the new path to follow the current line of the existing path. The meandering path a) means that it encroaches further into the field than necessary, and b) the line of sight for cyclists, joggers, pram, wheelchairs, etc. is significantly reduced.

The plan doesn't show any protection to the loch bank where erosion has impacted on the current path, therefore further erosion will continue to take place. Whereas, just to the south of this section of path, erosion protection has been put in place.

Given that Council budgets are always under pressure, a more practical and cost effective solution would surely be to renovate the existing path and fence, and install erosion protection at the worst affected parts of the shore.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs alison valentine
Address: 35 philip ave linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The deed of trust was to protect this valuable Open space for the town. Creating such a wide path and moving it so far into the field seems over the top. I would be concerned that this would set a precedent for other changes to this open space that many visitors to our town enjoy. It's beauty is in that it is rural, and gives an uninterrupted view of the palace. I would be concerned that this is the thin edge of the wedge and the council has other plans beyond this for the land.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Barbara Stewart
Address: Stornoway St. Ninians Road Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As the proprietor of a house adjoining Lady Park, I wish to comment on, and object to the proposed re-alignment of the footpath bordering Linlithgow Loch. Whilst I agree that the path needs to be upgraded, I see no need for it to be the proposed width, which seems to be excessive. Also the reduction of the land would be detrimental to any future use made by the farmer renting Lady Park.

It is disappointing that, as an adjoining proprioter, the Council did not see fit to inform me of the planning application.

Loch House Farm
Linlithgow
West Lothian

1:21/FUL/18
Scan to IDOX
Matthew

Development Management Manager
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

16th January 2019

Application 100135180-001
Ladypark, St Ninians Road, Linlithgow

Dear Sir

I wish to object to the above application on the following grounds.

1. I am a secure tenant of this field under the Agricultural Holdings (Scotland) Act 1991 and am unwilling to relinquish my rights to this amount of this land.
2. The area of land to be taken under this proposal is excessive, taking up to 10m to increase the path width by 1.5m
3. This field is important to my farming business. It is used as a quarantine field for livestock coming onto the farm. It is also important for additional grazing during the summer months. The land taken in this proposal is a large percentage of the total area of this field which will greatly reduce the viability of the remaining area.
4. No other part of the corepath around Linlithgow Loch is 3m wide so this seems excessive. It is also misleading for users to have a 3m path leading to a bridge of less than 2m.
5. The proposal to have the path next to the field boundary means that an additional part of the field will still be affected by users of the path. Sheep are nervous about the area of the existing field due to dogs on the path.
6. Any issues raised about this path have not been reported to West Lothian Access Forum. I have checked the publicly available minutes of this statutory body and spoken to members of it and they confirm this fact. This suggests that the users of the path do not have any major issues with this path as it currently stands.
7. A more realistic and cost effective solution would be to refurbish the existing path
8. There are a number of errors in the design and access statement included within the planning application.
9. All the neighbours I have spoken to wish the field to remain as it is and continue to be used for agriculture.
10. I do not believe that the Trust which own and administer the lease of this filed have been operating to the levels which they should have been. I further believe that several residents who have asked about becoming trustees have been refused.
11. I question the impartiality of certain members of the trust and believe there could be a conflict of interest in this matter

12. Provost Tom Kerr is one of the trustees and an elected member of West Lothian Council sitting on a number of committees, including being vice chair of the Development Management Committee

I would also like to comment on some issues raised by the design and access report included in the planning application.

1. The erosion to the existing footpath is due to lack of maintenance. The new path will not stop erosion of the loch bank but simply move it further away. The section pf path recently upgraded at Water Yett included bank protection measures.
2. The path width at image 2 is still 1.5m. It is only the width of tar that has reduced due to lack of maintenance.
3. The water pooling in image 3 is on the new section of path at the Water Yett.
4. The pedestrian bridge at the sluice and paths around the north of the loch are all under 2m wide. Increasing the width of the path over the section adjacent to Ladypark section will not remove any perceived width barriers to the route as a whole.
5. The Land Reform (Scotland) Act does not impose path standards, even on core paths. Other parts of West Lothian's core path network would benefit much more from this investment.
6. Similarly, West Lothians Core Path Plan includes routes from tarred roadside footpaths to unmaintained beaten grass paths. The round the loch route has always been seen as fit for purpose.
7. The proposed area taken although not large accounts for almost 10% of the area of the field.
8. I as the tenant farmer have always said that I would consider giving up a small area (1m -2m) to allow for the path to be widened. There has been no consultation with me about any scaled back proposal.
9. Moving the fence line will result in the loss of several hawthorn trees which I have allowed to grow to provide shelter and shade for livestock kept in the field. This could lead to severe livestock welfare issues in the future.

If you wish to discuss this further, I can be contacted at the above address or on 01506 848283

Yours sincerely

[redacted]

Dorothy Johnston

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Douglas Cook
Address: Waterdale St Ninians Road Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As a resident in the environs of Ladypark, I and others have made requests to be trustees of Ladypark, but these requests have been refused by the current trustees (none of whom I believe live in the surrounding area). To go ahead with this proposal I assume that the trustees consent has been sought and given. Looking at current objections, the majority have come from householders living close to Ladypark (the same people who have been refused application to be trustees). Not one of the trustees has canvassed local residents for their view prior to granting their consent - which seems very unfair.
In terms of the application itself:
1 Why does the path need to be so wide? Why not just upgrade the current path as has happened elsewhere around the loch?
2 Is this the prelude to further encroachment into Ladypark?
3 The path has to narrow beyond Ladypark at the bridge. I assume this will just be upgraded - as should be the case with the Ladypark section
4 At a time of severe budget constraint why is so much money being spent unnecessarily?
5 As noted above, I question the right of the current trustees to make this decision. Ladypark was put under the auspices of trustees to ensure that the park would never be developed. In my opinion th trustees are therefore acting 'ultra vires'
As a result I believe that this proposal should be rejected and current path upgraded instead.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Gillian Webb
Address: Sheriffs Pk Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:My husband and I agree that the path at this end of the loch could do to be upgraded. However, we disagree that there is a requirement to make the path 3m wide. We frequently walk or run round the loch and have never encountered an issue where we can't get passed other pedestrians/runners. The path is characteristic and making it into a 3m wide path would absolutely change that.

The plans show that a new path would cut into the Lady park by a considerable distance and in our opinion this would absolutely ruin this beautiful green space. If the path needs to be widened, surely there is scope to widen it up to the existing boundary. This would be more than sufficient.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Dr Glen Thomson
Address: 37 St. Ninians Rd Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Whilst I would heartily support the improvement of the path, the land lost to grazing does seem excessive. Surely this would make it non viable to the farmer and the land might therefore be abandoned and taken over by WLCC. Surely this is not the council's plan.
It would be interesting to know the opinion of the Lady Park trustees although having lived at the above address for 35 years I do not know who they are or if they live in the environs.There may be some conflict of interest and the process does seem to be carried out in haste.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Jane Nicholson
Address: 120, Bailielands Bailielands Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We particularly love walking this part of the path as it is so peaceful and almost rural, often with sheep in the field. I understand the path may require upgrading however to make it 3m wide seems excessive. There has never been an issue with passing on the path whether you are running, walking a dog or pushing a pram. However to widen the path to this extent may affect the current use of the field which would affect the rural aspect of it. The path as it is is in keeping with the rest of the path round the loch and it should remain that way.

35 St Ninians Road
Linlithgow
West Lothian
EH49 7BN
31:01:19

Development Management Manager
West Lothian Council
Civic Centre
Howden Road South
Livingston
EH54 6FF

1221/FUL/18 Planning Application for Lady Park Field , Linlithgow

Dear Sir or Ms

I refer to the above Application and would ask you to take cognisance of my objection, detailed below, to the above Development.
The Trust was set up , to the best of my knowledge, to protect the uninterrupted views of the Loch and Palace etc for the St Ninians Road proprietors , however as presumably the road being between my property and Lady Park excludes the main beneficiaries of the trust from being informed of any proposed development . A local Trustee to the Board would have been helpful here, however I understand any applications to membership of the Trustee's by locals has been rejected previously….Tom Watson my now deceased neighbour being the last local Trustee to the best of my knowledge. Perhaps this lack of notification might be seen as a convenience for WLC.
The proposed development shows a path three metres wide which is in excess of other paths round the Loch and doesn't follow the line of the Loch as exists elsewhere round the Loch and strays perhaps needlessly into Ladypark, and perhaps is another attempt by WLC to get the use of Ladypark with this being the first nibble into ground which I understand they have no legal title to.
As WLC may have funds for this possible project as a local resident I would have thought the completion of the perimeter path at the east end of the Loch would have been more of a priority by way of a footpath or an elevated

walkway similar to that at Loch Leven in Fife….or……a set of traffic lights at the junction of St Ninians Road / High Street to try to avoid the impending accident waiting to happen.

I did read WLC notes on the items for comment should be restricted …however I think the points I raise are relevant to this particular application.

Yours faithfully

John Somerville

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Julie Allison
Address: 1 Springfield Court Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:There is absolutely a need to upgrade the path but the proposed width seems excessive and would be detrimental to the beauty of the surrounding area.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr M Safari
Address: 31 Bailielands Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I wish to object strongly to the proposed re-alignment of the footpath bordering Linlithgow Loch. I understand that it needs to be upgraded, I see no need for it to be the proposed width, which seems to be excessive.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Mary Easson
Address: 21a St Ninians Road Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Whilst I support the upgrading of the section of the Lochside path, I write to object to the proposal submitted. The path is adjacent to the town centre and presently gives immediate access to an attractive rural environment consisting of agricultural land-use fringed by mature trees and scrub which is full of wildlife. Should the proposal go ahead, that rural environment would be diminished representing a loss of amenity rather than the gain suggested. Also, the realignment and widening of the path to the extent proposed is contrary to the aims of the Lady Park Trust which is tasked to oversee the protection of the Lady Park as open land into the future. Maintaining open views to the loch and palace from St Ninians Road and disallowing permanent building of any kind on the land were, I believe, fundamental tenets of the trust.
I wish to draw attention to a number of statements made within the submission as listed below:1) It is stated that the present path is eroding into the water body yet no solution is offered to mitigate future erosion. The bank is actually protected by the presence of mature willow trees and old walling visible at the waterline though the walling may now require maintenance in places. 2) The 1,365²m agricultural land needed for this proposal seems excessive and, therefore, an unnecessary use of public money in order to upgrade the path. The new path will require encroachment into the Lady Park of between 0 and 10m from the present fence-line, representing a huge loss of open space from the immediate environment.3) Wheeled access is not difficult. Cyclists, wheelchair users and HES off-road vehicles use the present path successfully. Passing of cyclists and pedestrians is not a safety concern since the width of the path makes users slow down and negotiate passing; a much wider path would encourage faster speeds which could prove problematic, however. 4) The land is important for wildlife and there will be a loss of some small trees/scrub to tarmac up to 3m wide. The trees include alder, willow and hawthorn which are native species that, along with the rose, bramble etc that are present, provide habitat for many species of native birds. Waterfowl from the loch graze on the agricultural land.5) By the council's

own definition, the Lady Park is 'Land Safeguarded as Open Space' and yet, this application sets out to tarmac over a wide tranche of that open space. The application states that the land in question 'serves no function as public open space' and that 'the project will improve the value of the open space'. This is fundamentally wrong, in my opinion. As agricultural land/green land/open space the land offers open views, space for wild life and farm animals which are visible to the public. The public does not need to access open land for it to be of value.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Roderick Tulloch
Address: Annanlea St Ninian's Road Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As a neighbour of the ground subject to the planning application I am surprised that I have not heard about the application from the Applicant, ie West Lothian Council.

I have only found out from a resident of the street.

In this time of austerity I do not see the value of Council funds being used for this project.

A few years ago the Council replaced several of the metal fence posts but have not had the funds to get them painted. They have been left in the original red primer wheras the rest of the fence is painted black.

The path is not any narrower or in worse condition than any other part of the footpath that runs round the Loch.

Also I am struggling to understand the logic of moving the path at all. It's current position has been there for over a century and i am not aware of any problems with it's current location.

Moving the path 10m into the Lady Park could lead to the strip of land between the new path and the western boundary wall being too small to be viable for it's current use of animal grazing. The land will become unkempt and an eyesore.

As far as i am aware the Ladypark field is held in Trust and as such the Trust deeds prohibit any change of use of the land.

Regards,
R Tulloch

Committee Services have removed page no.45 from this online document at the request of a member of the public identified there – this action was taken on 10 March 2023

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Tom Costley
Address: Crannog 23 St. Ninians Road Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:My main concern is that this application appears to be excessive in relation to the objective of repairing the fence into the Ladypark field and improving the footpath. The proposed layout of the path appears to require a significant amount of the field for no obvious reason. The argument to move the path further away from the loch as a means of improving the erosion in places is somewhat tenuous without direct, remedial action to do so. Also, the width of the path also seems to be greater than is really necessary in this one of the more rural parts of the Lochside path network. The footfall in this part of the path is considerably less than the area next to the car parks and so it doesn't seem either necessary or appropriate to have such a wide path proposed.
Another important concern is that this proposal to acquire some of the Ladypark field could create a precedent for future development of the field - in direct contravention of the deeds of the trust which has maintained this valuable open space and view of the loch, the palace and St Michael's Church over the last 90 years.
Improving the exisiting path and repairing the fence is to be welcomed but surely it can be done without the apparent intrusions, both visually and physically into the Ladypark field

Draft conditions and reasons – 1221/FUL/18

1. Prior to the commencement of development, a landscaping scheme, that includes the replanting of trees at a minimum of a one for one basis throughout the site, shall be submitted to and approved in writing by the planning authority. Thereafter the landscaping as approved shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

2. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations. Any trees or plants which die or become seriously damaged or diseased during construction shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual and environmental amenity and preserving the character and appearance of the conservation area.

3. Prior to the commencement of development, further details of the proposed measures to prevent sediment and run-off from entering Linlithgow Loch shall be submitted to and approved in writing by the planning authority, in consultation with Scottish Natural Heritage. Any measures identified and agreed shall be implemented prior to the use of the proposed path.

Reason: To ensure the integrity of the SSSI is not compromised, in the interests of biodiversity

4. Prior to the commencement of development, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In the interests of safeguarding archaeological heritage.

5. The following restrictions shall apply to the construction of the development:

<u>Noise (Construction)</u>

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

- No generators shall be audible within any residential properties between the hours of 2100 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Site Compound

- The development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

Wheel Cleaning

- All construction vehicles leaving the site shall do so in a manner that does not cause the deposition of mud or other deleterious material on surrounding roads. Such steps shall include the cleaning of the wheels and undercarriage of each vehicle where necessary and the provision of road sweeping equipment.

Reason: In the interests of visual and environmental amenity.