



Planning Services
Development Planning & Environment



PLANNING GUIDANCE (PG)
The Historic Environment

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Introduction

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

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

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

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

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

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

Background to West Lothian's historic environment

Prehistoric

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

Medieval Period

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

Early Industries

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

Heavy Industries

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

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

First World War

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

Planning Policy

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

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

The Historic Environment Policy for Scotland (April 2019) prepared by Historic Environment Scotland is also an important policy document.

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

The main pieces of legislation are:

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

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

- Historic Environment Scotland Policy Statement (June 2016);
- Historic Environment Circular 1 Historic Environment Scotland (2016);
- Historic Environment Scotland "Managing Change in the Historic Environment" guidance notes (2016)
- Scottish Planning Policy (SPP) Para 135-151 "Valuing the Historic Environment" (2014);
- The Historic Environment Strategy for Scotland "Our Place in time" (2014);
- Planning Advice Note 2/2011 – "Planning & Archaeology" (2011);
- Planning Advice Note 71- Conservation Area Management (2004);

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

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

- Policy ENV 33 - Scheduled Monuments.

West Lothian Conservation Areas

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

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

There are nine conservation areas in West Lothian:

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

Further details are available on the council's website.

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

The conservation area boundaries are shown in Appendix 2.

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

*If unsure what is "permitted development", check with the council's
Development Management Team*

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

Listed Buildings in West Lothian

Historic buildings are an important and very visible component of West Lothian's built heritage. They contribute to the identity of places and provide a cultural, educational, social, and economic resource. The best examples of these buildings are afforded statutory protection through their identification on a nationally compiled list, in a process known as 'listing'. Buildings can be listed as 'A', for their international importance; 'B', for regional importance or 'C' for local importance

The listing process is undertaken by Historic Environment Scotland (HES).

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

There are approximately 450 listed buildings in West Lothian (see Appendix 3).

Details of these are also available on the council's website.

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

https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000

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

The bulk of the statutory list is based on survey work carried out in the 1950's and 1960's, although there have been reviews from time to time. West Lothian is now largely up to date in terms of listings and there are unlikely to be any further comprehensive reviews for the foreseeable future. HES occasionally remove buildings from the list after review and consultation. There may remain buildings in West Lothian which are worthy of listing, but are not yet recognised through inclusion on the statutory list.

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

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

Listed Building Consent

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

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

https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000

West Lothian's Scheduled Monuments

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

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

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

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

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

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

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

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

Archaeology in West Lothian

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

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

The purpose of the record is to assist the council in assessing the impact of development proposals on archaeological sites, whether currently known or not, their settings and their zones of influence. These

include the core of the historic settlements of Linlithgow Burgh, Mid Calder and Torphichen, former industrial landscapes, early field patterns and evidence of pre-improvement farming.

<http://www.wosas.net/about.html>

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

**Archaeological remains should be preserved in situ wherever possible.
However, where preservation of archaeological remains is not feasible, professional
excavation and recording will be required to be arranged and funded by developers.
These will be required though planning conditions placed on any relevant planning
permission.**

West Lothian Areas of Built Heritage and Townscape Value

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

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

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

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

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

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

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

Public Realm Design Guidance

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

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

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

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

However, four of the guidance documents were originally prepared in 2009, with Linlithgow undergoing consideration in 2013. All five public realm frameworks were reviewed in 2019 and updated. Further details of each revised public realm design guides can be found on the Council's website:

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

West Lothian Historic Gardens and Designed Landscapes

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

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

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

- the policies of Hopetoun House;
- the House of the Binns;

- Harburn House, near West Calder and
- Hatton House (part), near Wilkieston.

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

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

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

The historic gardens and designed landscapes of West Lothian are important features which should be recognised and respected (see LDP Policy ENV 30)

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

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

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

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

Article 4 Directions

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

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

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

Only certain classes of development are covered.

Other site-specific historic environment issues -

1) Linlithgow Palace and Peel – Royal Park

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

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

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

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

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

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

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

2) Linlithgow High Street Rigs

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

A study of development potential, carried out in 1991 and 1992, led to a planning policy of preventing development in the area, other than small-scale developments that respected the existing rig pattern and where access would not be a problem. Some of the land running south from the High Street to Union Road has been developed for individual house plots in accordance with planning policy, though not all such development has met stringent standards and most opportunities have now been exhausted.

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

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

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

3) Former Bangour Village Hospital, Dechmont

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

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

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

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

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

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

4) Hopetoun Estate and Abercorn Village

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

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

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

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

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

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

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

5) Historic Battlefields: Battle of Linlithgow Bridge (1526)

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

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.

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

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

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

While there is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon the archaeology, character, appearance, setting or the key landscape features of the battlefield, minor developments, such as household extensions, in this part of Linlithgow Bridge, will in most cases be exempt.

Buildings at Risk in West Lothian

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

A building at risk may be:

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

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

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

West Lothian “Local List”

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

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

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

Historic Kirk Yards

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

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

West Lothian’s unique Shale Bings

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

Faucheldean Bing (also a locally important wildlife site), north of Broxburn, the Five Sisters near West Calder and most of Greendykes Bing between Broxburn and Winchburgh are scheduled monuments and will require to be preserved as reminders of the West Lothian’s mining past.

Any alterations to these bings would require Scheduled Monument Consent from the Scottish Ministers.

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

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

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

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

Appendices -

- 1) Planning Policies extracted from the West Lothian Local Development Plan (2018) (page 19)
- 2) West Lothian Conservation Area boundaries.
<https://www.westlothian.gov.uk/conservation-areas>
- 3) Table of Listed Buildings in West Lothian
https://www.westlothian.gov.uk/media/2601/Listed-buildings-in-West-Lothian/pdf/throughout_WL_sorted_by_item_no_2015_update.pdf?m=635702360028400000 with links to Historic Environment Scotland web site with booklet that explains what listing means for owners and how HES assess buildings for listing:
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=34c90cb9-5ff3-45c3-8bc3-a58400fcbc44>
- 4) Table of Scheduled Monuments in West Lothian.
<https://www.westlothian.gov.uk/media/2602/Scheduled-monuments-in-West-Lothian/pdf/WLScheduledMonuments2014revision1.pdf?m=635337819198630000>
- 5) West Lothian Areas of Built Heritage and Townscape Value boundaries (see below).
- 6) Historic Environment Scotland (HES) consultation zone for planning applications within 800m of Linlithgow Palace and Peel (see below).

Appendix 1

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

Policy ENV 23 - Conservation Areas (Designations)

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

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

Policy ENV 24 - Conservation Areas (Demolitions)

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

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

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

Where planning permission and conservation area consent is granted, appropriate conditions will be applied to ensure that demolition does not take place in advance of the letting of a contract for the construction of a replacement building or alternative means of treating the cleared site having been agreed.

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

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

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

Policy ENV 26 - Hopetoun Estate and Abercorn Village

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

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

Policy ENV 27 - Areas of Built Heritage and Townscape Value

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

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

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

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

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

Policy ENV 28 - Listed Buildings

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

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

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

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

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

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

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

Owners of major heritage assets will be encouraged to prepare and adopt management or conservation plans based on current best practice for their long-term guardianship.

Additional controls (such as Article 4 Directions removing permitted development rights) will be introduced to protect the setting of listed buildings where such buildings are under threat from development.

Policy ENV 29 - Unoccupied and Threatened Listed Buildings

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

Policy ENV 30 - Historic Gardens and Designed Landscapes

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

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

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

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

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

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

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

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

deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.

Policy ENV 32 - Archaeology

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

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

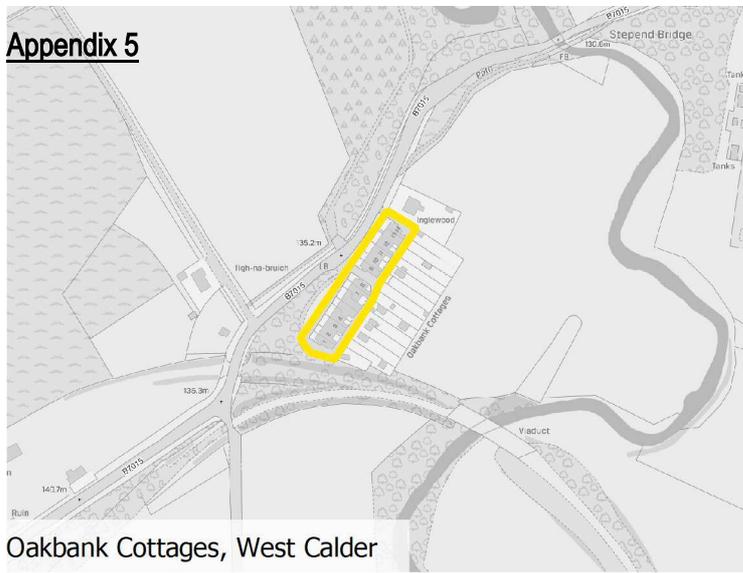
Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, before and/or during the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

Policy ENV 33 - Scheduled Monuments

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

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

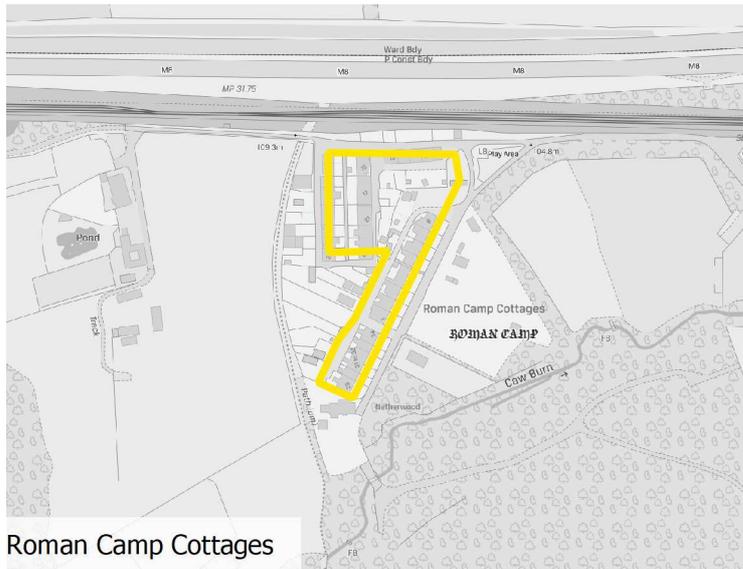
Appendix 5



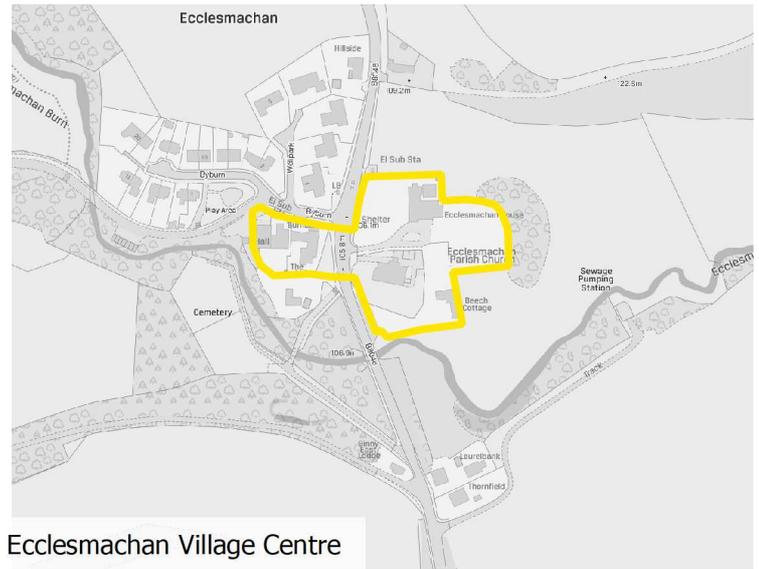
Oakbank Cottages, West Calder



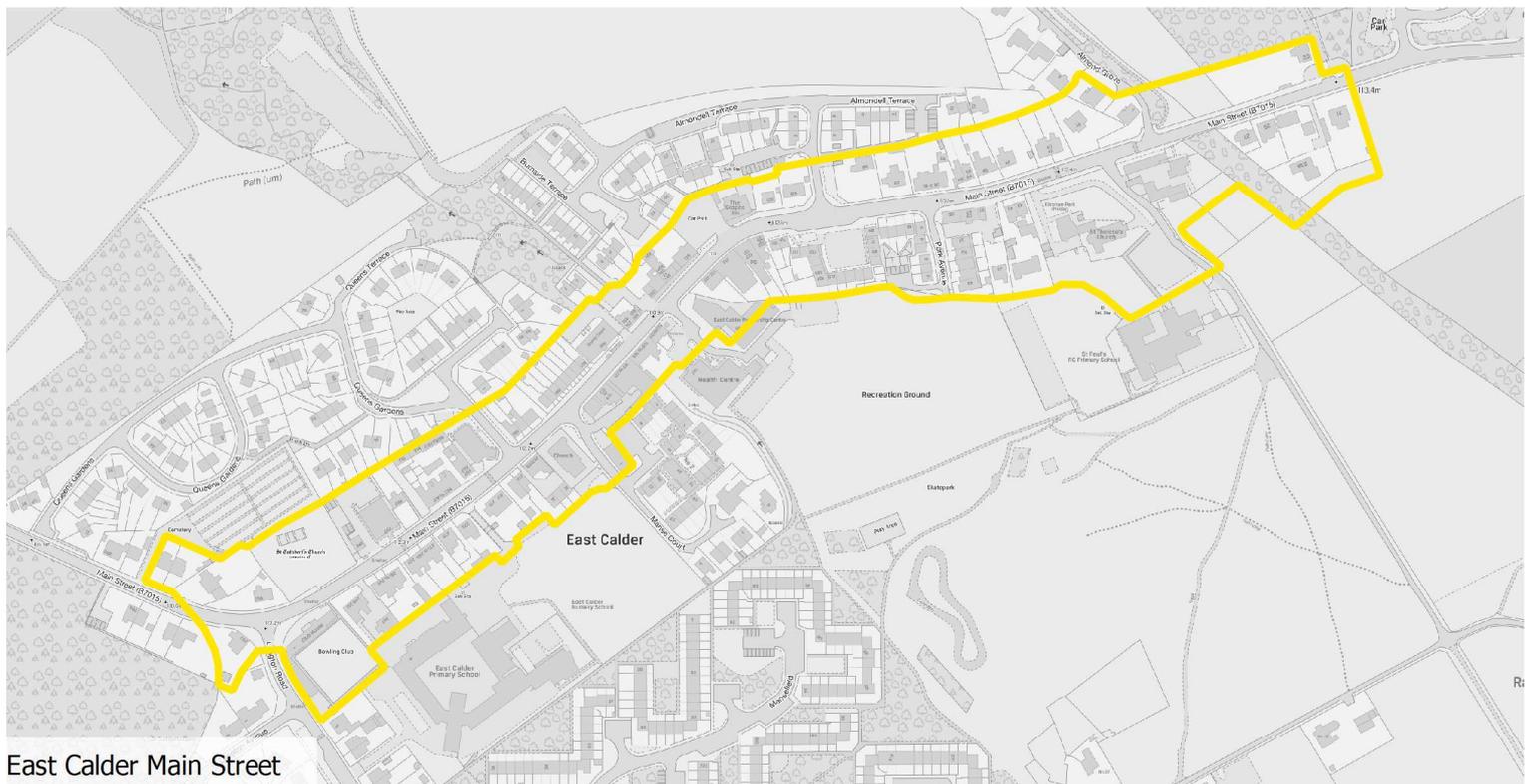
Beresford Rise, Dedridge, Livingston



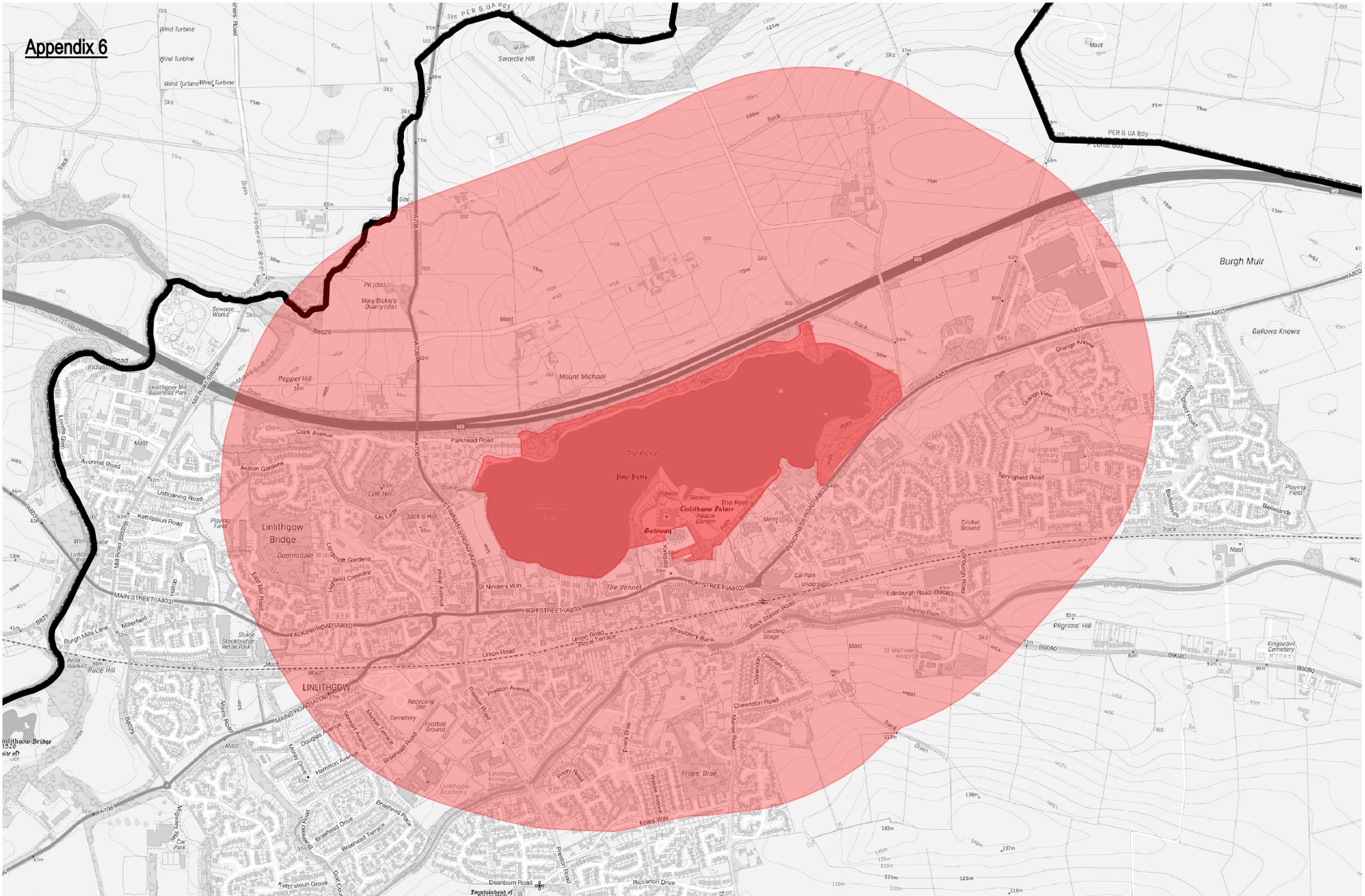
Roman Camp Cottages



Ecclesmachan Village Centre



East Calder Main Street



Linlithgow Royal Palace and Peel with 800m buffer.

Contacts

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

West Lothian Council – Planning Services

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

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

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

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

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

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

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

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

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

West Lothian Museums -

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

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

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

(PG) The Historic Environment

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

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