

PE01693/R

Thérèse Stewart submission of 28 November 2019

I'm making this submission as a resident of Linlithgow who is directly affected by a nearby Scottish Canals' moorings development; and as a former postgraduate researcher into the impact of tourism development on the environment.

I welcome this discussion. From my experience and my perusal of canal development paperwork, I believe that action with regard to Scottish Canals is certainly necessary. However, I am not convinced that an Independent Water Ombudsman would address all the areas of concern. I would like to put forward additional/alternative proposals.

Like other contributors to this petition I am concerned about lack of accountability at Scottish Canals. I also have pertinent points regarding the social and environmental impact of Scottish Canals' property developments. From what I see, there is at present insufficient meaningful scrutiny of the social and environmental impacts of their property development activities.

I have grouped my points under the following headings:

1. Anti-social behaviour and lack of enforcement
2. Protected species under-reported on canal development sites
3. Safety
4. Concerns about air and water pollution in residential and school areas, and lack of enforcement of restrictions

1. Anti-social behaviour and lack of enforcement

I will begin by relating an incident that occurred as a direct result of Scottish Canals' creation of new residential moorings where I live, near Preston Road at Linlithgow. Before the creation of the rental moorings, no incident of this nature had occurred on this site as there was nothing there to attract boats.

Please note, the Preston Road moorings are directly above the Linlithgow Academy building and sports pitches, and closely overlook the playground at Linlithgow Primary School.

On 25th August, 2019, a warm evening, a hire boat moored at 7pm. Loud music filled the air for miles around. Aboard were at least five men and one woman, all in a state of extreme inebriation. Partying and music went on until about 3am. At intervals the occupants went inside and the din bursting forth from the boat could most accurately be described as a zoo soundscape that filled the valley. The following morning the boat was still there, even though the towpath is the school route used by scores of pupils.

First thing in the morning, I phoned Scottish Canals twice. At 11.30 my call was returned and I was told that no member of staff at Scottish Canals would be allowed to approach the boat—by law, this was not permitted, the member of staff said. The

employee also stated that any visiting boats should have been at the vacant visitor moorings, which are slightly further to the west.

Clearly, there was no enforcement of this rule; and Scottish Canals appeared to be in no way prepared to deal with incidents of this sort. The staff member became uncomfortable when I pointed out the fact that the disturbance was a direct result of their property development in the area, so in my view it was not unreasonable to expect them to take some responsibility.

I had of course been in touch with the police by phone. The officers were all very helpful, returned calls and gathered information, but ultimately lacked the resources to send an officer. One officer made a perceptive comparison with the problems caused by Airb'n'b tenants.

At the time of the planning application, objectors emphasised the unsuitability of the site—not least because of the schools and housing. It would appear from paperwork submitted to Historic Environment Scotland that this site was chosen because Scottish Canals were fixing a leak there and it was convenient for them to take the opportunity to create rental moorings on the site. Concerns about the unsuitability of the location raised by local residents, community council and primary school parents were largely not heeded by Scottish Canals and the planning authority.

At time of writing, no resident boats are there and the site is therefore a tourist resort which was created by stealth and by ignoring local opinion. Two days ago, the tourist-occupants of an outsized motorboat attempted to force open the doors of Scottish Canals' new sheds, then spent half an hour walking round the perimeters of the schools and peering in.

Scottish Canals gave a statement to West Lothian Council recently stating that residents should inform them of anti-social behaviour incidents so that they can take action. But my experience was that they didn't, and claimed they couldn't, take action.

Since approval was recently given for large scale development at Winchburgh, the likelihood of such incidents looks set to increase. West Lothian Council are probably not alone in having no specific policy on canal boat developments, as far as I am aware.

Adequate funding of policing is required so that officers can attend incidents. At present, residents must put up with disturbance, or run the considerable risk of confronting offenders themselves. The police officers I spoke to took the view that Scottish Canals should bear some responsibility for unpleasant consequences at rental moorings they have created. Consideration is needed as to how this can be done.

2. Protected species under-reported

Numerous studies undertaken since the early 2000s have shown that bats are prevalent along much of the canal network – particularly the Union Canal, since the calm water and extensive tree cover makes eminently suitable habitat.

I have looked at development applications Scottish Canals have made to Historic Environment Scotland for scheduled monument consent in recent years. So far I haven't noticed any mention of bats on the applications. Indeed, it is often claimed that there are no protected species on the site.

At Linlithgow, a recent study carried out using bat-detecting equipment at the Preston Road moorings site found nine species present. Yet Scottish Canals made no mention of bats in the scheduled monument consent application they submitted to Historic Environment Scotland. A bat group co-ordinator I spoke to stated her view that a single survey was inadequate, and it had been carried out at an inappropriate time of year when bats are difficult to detect. Other surveys carried out by Scottish Canals were also carried out during the quiet winter months. Objectors to the Preston Road moorings expressed concern about wildlife on the site during the planning process, but these received no response. There was also very limited information about another protected species that is well-known by locals to be present on the site.

Despite Scottish Canals' assertion that no trees would be removed during the work at Preston Road, approximately twenty trees were chopped back severely or completely removed. Some were removed from neighbouring council-owned land, which was formerly used as a wildlife garden by school pupils. It has been claimed that this is a sustainable living scheme. But the environment has been left in a depleted state, and makes an unfavourable contrast with less-developed stretches of canal that are adjacent.

I would suggest that Scottish Natural Heritage should be involved in the canal development process.

3. Safety

I note that there are newspaper reports stating that south of the border a police enquiry was held into a ring of sex offenders who were using canal boats as their base, since this gave them cover and the ability to move around discreetly. This makes tourist boats coming and going above a school playground, and alongside a towpath that is a school commuter route, particularly unsuitable. Schools and parents go to considerable lengths over children's safeguarding, and that is being undermined at this site. Since the grass verge was removed (on a spot where swans previously nested and now can't), school pupils have on several occasions sat right at the edge of the water and picnicked, as though they now see this area as a sort of water resort.

4. Diesel pollution

Residents and a school parent council expressed the concern that air pollution—from boats burning coal or idling diesel engines—could drift over the playground. West Lothian Council attached a planning condition that boats should not idle (though this didn't address the coal-smoke).

But it is not clear who would enforce this condition. Given my experience, I'm not convinced that Scottish Canals would or could do so. I have also been told informally that there is only one enforcement officer at the council, who has a huge caseload. So I am not confident that potential infringements could be enforced.

Diesel engines in road vehicles are being phased out. But canal boat engines are not subject to the same strict testing, and look set to increase on the Scottish Canal network given the developments that have recently been approved. With the rising concerns about climate change, backed up by a consistent and growing body of scientific evidence dating from the 1990s, this needs to be addressed. I note that the UK government has issued a Call for Evidence for 'domestic vessels and inland waterways' as part of the strategy to move away from diesel engines on canal boats. I am not clear if this will apply north of the border, but this Call for Evidence shows that residents are right to be concerned about pollution and enforcement of conditions.

Information sources I have found online suggest that it was decided that Scottish Canals should not have to prepare a Strategic Environmental Assessment, as many other public bodies are required to do. I would suggest this decision be reconsidered. Property development is a key aspect of their activities, and the impact on the environment where I live is, regrettably, all too clear. At present there appears to be a strong drive to generate revenue in order to foot a hefty repair bill. The undesirable impacts of canal development are well-known south of the border. It would be better if in Scotland these could be acknowledged and managed so that the canal network functions more positively for all who live near it or use it.