

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

22 NOVEMBER 2001

**SUBJECT: REMOVING THE SPECIAL PROTECTION OF PRIME QUALITY
AGRICULTURAL LAND – A CONSULTATION PAPER FROM
THE SCOTTISH EXECUTIVE**

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report provides the Council's proposed response to the Scottish Executive Consultation Paper on the proposal to remove the special protection from new development that the planning system gives to prime quality agricultural land.

1 RECOMMENDATION

It is recommended that the Committee:-

1. agree that a copy of this report be forwarded to the Scottish Executive as Angus Council's response to the Consultation Paper drawing attention to the discussion in parts 4 and 5 of the report; and
2. agree to advise the Scottish Executive that Angus Council is of the strong view that:-
 - (a) prime quality agricultural land should continue to be afforded national protection under the planning system;
 - (b) the removal of national protection for prime quality agricultural land would be contrary to the wider objectives of sustainable development where a precautionary approach to the irreversible use of this finite natural resource remains essential.

2 INTRODUCTION

- 2.1 The Scottish Executive has circulated a Consultation Paper on a proposal to remove, at national level, the special protection from new development that the planning system currently accords to prime quality agricultural land. Under this proposal it would be left to local authorities, in consultation with local communities, to determine the appropriate degree of protection to apply to prime agricultural land locally.
- 2.2 Prime quality agricultural land is a limited resource of national importance because it can be used to grow a wide range of crops. Prime land is Class 1, 2 and 3.1 land as defined and identified in the Land Capability for Agriculture developed by the Macauley Land Use Research Institute.
- 2.3 The planning system has been used for a number of years to protect prime quality land from irreversible development. The current national policy introduced by Circular 18/1987 and amended by Circular 25/1994 has been consistently applied through successive development plans covering the Angus area (both Structure and Local Plans) and development control under the terms of the Town and Country

Planning (Scotland) Act 1997. Specific policy guidance for its protection are set out in a range of National Planning Policy Guidelines and Circulars.

- 2.4 In consulting on the general proposal, the Scottish Executive are seeking comments by 17 December 2001.

3 CONSULTATION PAPER

- 3.1 The Consultation Paper stems from an Action Point contained in "A Forward Strategy for Scottish Agriculture" published by the Scottish Executive on 26 June 2001 and is presented in four main sections covering:-

- Background (including a review of the current guidance)
- Proposal
- Sustainable Development
- Questions on which comments are requested

- 3.2 A copy of the main text of the Consultation Paper is attached as Appendix 1 to this report. It is proposed to remove blanket protection for the best quality agricultural land. However, apart from general comments made regarding a trend towards relaxation of the policy, the Paper contains little justification on why prime quality agricultural land should have its national protection removed.

4 DISCUSSION

- 4.1 The agricultural sector is the principal land use activity in Angus, remains one of the main employment sectors and is important to the area's economy and rural communities.

National and Regional Significance

- 4.2 Angus has a total land area of 2,181 sq km which represents 2.8% of the total land area for Scotland. The 2001 Census of Agriculture indicates that some 87% of Angus (1909 sq km) is identified as agricultural land and that this accounts for 3.5% of the total Scottish agricultural area.
- 4.3 The soils of Angus contain the full range of capability for agriculture as classified by the Macauley Land Use Research Institute's Land Capability for Agriculture Soils survey. Prime quality agricultural land, classified as Class 1, 2 and 3.1, is concentrated in the lowland area (see Map 1). Analysis of the Land Capability for Agriculture Soils Map for Eastern Scotland indicates that Angus has a high concentration of Scotland's prime quality land.
- 4.4 Table 1 estimates that Angus has around 9.6% of Scotland's prime agricultural land and has a particularly high concentration of Class 1 and 2 land which accounts for around 41.5% and 21% respectively of the national resource.

Table 1 : Prime Quality Agricultural Land

Class	Angus (sq km) *	Scotland (sq km)	% in Angus
1	17	41	41.5%
2	360	1723	21.0%
3.1	225	4586	5.0%
Total	602	6350	9.6%

* Estimated from analysis of Land Capability for Agriculture Soils Map for Eastern Scotland.

- 4.5 This prime land has long been considered a scarce national resource and is capable of supporting a wide range of arable crops. The 2001 Census of Agriculture indicates that Angus has around 11% of the total land in arable production in Scotland.

Development Plans

- 4.6 Protection of prime quality land from irreversible development has been applied through inclusion of robust policies in successive development plans and the application of a sequential approach to the allocation of development land. Rural Development Policy 3 from the approved Tayside Structure Plan and Policy ENV11 from the adopted Angus Local Plan represent the current statutory framework in Angus for protection of this resource. These and other relevant policies are included in Appendix 2 to this report.
- 4.7 The emerging Dundee and Angus Structure Plan continues to promote a general presumption against the use of prime land wherever possible. Consultation on the Draft Structure Plan generated a range of comments on the importance and level of protection afforded to such land.
- 4.8 It is however recognised that the Angus towns are largely surrounded by prime quality land and indeed in the case of Arbroath and Carnoustie some of the most productive land in Scotland. As the Structure Plan and Angus Local Plan development strategy seeks to accommodate development in and around the main towns, it is inevitable that agricultural land, some of which may be of prime quality will be required for development. The national protection of prime land provides an important safeguard and policy context to ensure the use of prime agricultural land is related to the proper implementation of the development strategy.

Development Control

- 4.9 The national policy protection of prime quality land provides an important input to the assessment of relevant planning applications in and around the Angus towns and villages and across the extensive rural area. It is an important consideration across a range of types of development. The national level of protection gives significant weight to its use particularly where development plan policy is supported by the guidance contained in the range of NPPGs.
- 4.10 The removal of “national protection” would diminish its relevance as a material consideration in assessing relevant planning proposals in Angus and elsewhere.

5 CONSULTATION QUESTIONS

- 5.1 The proposed responses to the key consultation questions posed in the Paper are set out below.

Q1: *Should the Executive remove the national protection it gives under the planning system to prime quality agricultural land?*

Response: No. While agriculture continues to be under pressure for change resulting in a continuing decline in the workforce directly and indirectly employed in the sector, it remains a mainstay of much of the rural economy. Prime land remains the most flexible and productive resource and would play a significant part in meeting any strategic need for local food production particularly in the event of any international trade disruption.

In Angus the development of some prime quality agricultural land will be required especially around our towns and villages in accordance with the strategy of the Structure Plan and Local Plan. However, this does not lessen the importance of protecting this finite national resource where possible.

Similarly the continued protection of prime quality agricultural land does not prejudice continuing efforts to support employment in the countryside through the diversification of farming and forestry, sensitive tourism projects and informal recreation. These continue to be vital elements in maintaining viable rural communities particularly in remoter areas and sit alongside the protection of prime quality agricultural land.

Q2: *Would the removal of the national protection for prime quality agricultural land seriously affect the Executive's objective of sustainable development? If so, how?*

Response: Yes. To be credible as sustainable development the approach to the irreversible use of prime quality land must be based on the precautionary principle. This requires conclusive evidence that the loss of such land would have little adverse affect. Without a proper sustainability appraisal it would be premature to conclude that the wholesale removal of national protection is merited or sustainable.

The prudent use of natural resources is a key measure of sustainable development. Similarly the sustainability principle "Think Global Act Local" applies to food production as a basic human requirement. The fact that many agricultural products are currently in surplus should not detract from a long term view where different national and local circumstances may prevail. As previously indicated this does not undermine the need to encourage the diversification of the rural economy into other kinds of activity which can continue to sit comfortably alongside the protection of prime quality agricultural land.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7 CONSULTATION

7.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

8 HUMAN RIGHTS

8.1 There are no human rights implications arising from this report.

9 CONCLUSION

9.1 The Scottish Executive believes that the retention of prime quality agricultural land can no longer be justified on agricultural grounds alone. While this view may reflect current national circumstances, it fails to reflect the precautionary approach which is a necessary pre-requisite of a longer term commitment to sustainable development.

9.2 This does not mean that prime quality land should never be utilised for development. It does, however, reinforce the current approach where the use of such land is properly considered as part of the plan led system at National and Local levels.

NOTE

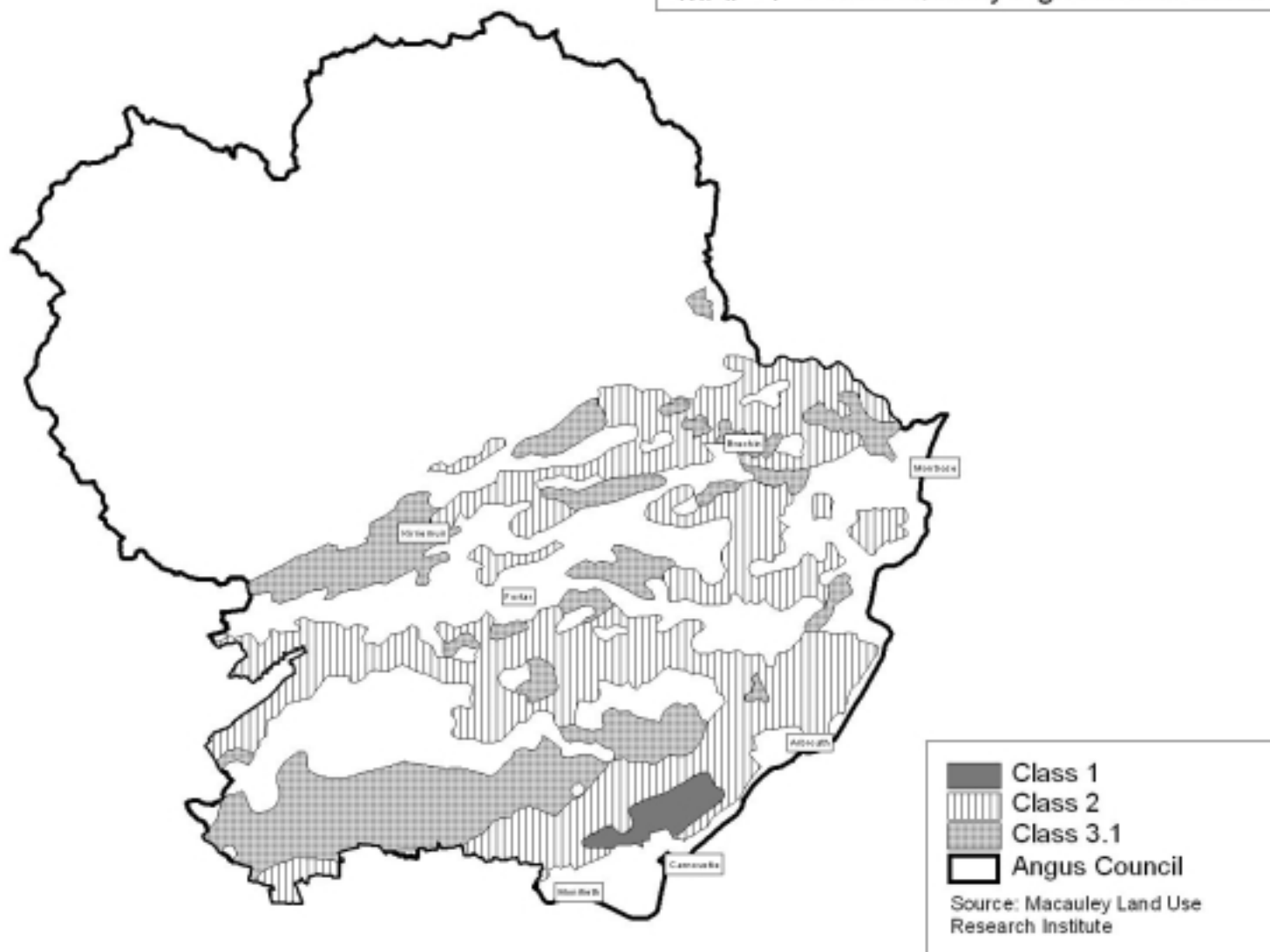
No following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above Report.

- Removing the Special Protection of Prime Quality Agricultural Land from Development, A Consultation Paper Issued by the Scottish Executive, September 2001.
- Angus Local Plan (Adopted November 2000).
- Draft Dundee and Angus Structure Plan (Published February 2001).
- Tayside Structure Plan 1993 (Approved March 1997).

AA/CGR/KMcG/SC
12 November 2001

Alex Anderson
Director of Planning and Transport

MAP 1 Prime Quality Agricultural Land



APPENDIX 1

REMOVING THE SPECIAL PROTECTION OF PRIME QUALITY AGRICULTURAL LAND FROM DEVELOPMENT**A CONSULTATION PAPER ISSUED BY THE SCOTTISH EXECUTIVE****INTRODUCTION**

1. On 26 June this year, the Scottish Executive published *A Forward Strategy for Scottish Agriculture*. One of the Action Points in this Strategy is to consult on a proposal to remove the special protection from new development that the planning system gives to prime quality agricultural land. This paper seeks views on this proposal.

CONSULTATION

2. This paper:
 - **describes briefly the background to the protection of prime quality agricultural land;**
 - **outlines the proposed change; and**
 - **seeks views on the proposed change**

RESPONSES

3. Responses to the paper should be sent no later than 17 December 2001 to:

Ms Elaine Pitcairn The Scottish Executive Development Department Planning Division 2-H33 Victoria Quay Edinburgh EH6 6QQ

Or by e-mail to:

primelandconsultation@scotland.gsi.gov.uk

4. In order to help inform debate on the issue raised by this consultation paper, the Executive would, as usual, wish to make copies of the responses available to the public on request. The Executive will, therefore, assume that responses may be made available in this way. If, however, respondents indicate that they wish all or part of their reply to be excluded from this arrangement, confidentiality will of course be respected. However, the response may be included in any numerical summary of responses received. Bodies sending confidential responses will not be included in the published lists of respondents. Responses will be available from the Scottish Executive library unless specified as confidential.

BACKGROUND

5. Prime quality agricultural land is a limited resource of national importance because it can be used to grow a wide range of agricultural and non-agricultural crops. For a number of years the planning system, in support of successive governments' agricultural policy and their commitment to sustainable development, has been

used to protect prime quality land from irreversible development. The Executive uses the land capability classification for agricultural land as developed by the Macaulay Land Use Research Institute in Aberdeen to define prime land. The best quality land, ie prime land, falls in classes 1, 2 and 3.1. This comprises **5.8%** of the land surface of Scotland. The agricultural policy of protecting such land from development has been implemented through development plans and development control under the Town & Country Planning (Scotland) Act 1997, with specific policies for its protection being set out in National Planning Policy Guidelines (NPPGs) and Circulars.

6. The current policy is set out in Circular 18/1987 as amended by Circular 25/1994. This states that the best and most versatile land should not be built on unless there is no other suitable site for the purpose. The Executive implements this agricultural policy through its scrutiny of structure plans, local plans and individual proposals to develop larger areas of prime agricultural land not identified for development in such plans. In line with the Executive's commitment to sustainable development, National Planning Policy Guideline 15 *Rural Development* points out to local authorities that the very best agricultural land should enjoy an appropriate level of protection from new development.
7. Circular no 25/1994 informs local authorities of the requirement to consult the Executive when preparing relevant structure and local plan policies, including those for more locally important agricultural issues. In certain circumstances there is a requirement for local authorities to notify the Scottish Ministers. While no such cases have been notified within the last five years, a number have been resolved at local level. The circumstances in which the Scottish Ministers must be notified of an application are set out in the Schedule to Annex A to circular 4/1997 (extract attached at Annex A).
8. Over the years there have been a number of reviews of the need to retain as much of our best quality agricultural land as we do. These were undertaken in recognition of the fact that many agricultural products are in surplus and the resulting need to encourage the diversification of the rural economy into other kinds of activity. There has been a trend towards relaxation of this policy and the Executive now no longer believes that the retention of planning protection on such agricultural land can be justified on agricultural grounds alone. We therefore propose to withdraw the national protection the Executive gives to prime quality agricultural land through the planning system.

PROPOSAL

9. It is proposed to remove blanket national protection for the best quality agricultural land. Local authorities would be given flexibility to determine for themselves whether such land should be used for new development. There would no longer be a requirement for local authorities to consult the Executive on applications for planning permission to develop prime quality agricultural land. Local authorities would no longer be required to notify the Scottish Ministers in the circumstances set out in the attached Annex A.

SUSTAINABLE DEVELOPMENT

10. One of the Executive's main objectives is sustainable development. The planning system has a major role to play in achieving this and that would continue. Relevant planning policies and wider Executive objectives would still have to be taken into account when development of prime quality agricultural land is being considered. These would include environmental and landscape issues including important policies on Green Belts, housing in the countryside, and settlement and transport strategies.

QUESTIONS ON WHICH COMMENTS ARE REQUESTED

Q1 Should the Executive remove the national protection it gives under the planning system to prime quality agricultural land?

Q2 Would the removal of the national protection for prime quality agricultural land seriously affect the Executive's objective of sustainable development? If so, how?

CONSULTEES

12. A list of those being consulted is at Annex B. If you consider that any other agencies, individuals or organisations should be consulted, please contact Miss Elaine Pitcairn on 0131 244 1476.

RESOURCE IMPLICATIONS

13. Implementation of this proposal should have no adverse resource implications. It would remove the requirement on local authorities to consult the Executive on planning applications involving a change of use of 10 hectares or more of prime quality agricultural land.

Annex A**DESCRIPTION OF DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE SECRETARY OF STATE****Agricultural Land**

Development which would involve a change of use of 10 hectares or more of agricultural land identified as being of class 1, 2 or 3.1 in the land capability classification for agriculture as developed by the Macaulay Land Use Research Institute, Aberdeen where-

- (a) either the development would be contrary to a local plan which has been adopted or approved, or no local plan has been adopted or approved; and
- (b) either an officer of The Scottish Office Agriculture, Environment and Fisheries Department, on being consulted by the planning authority, has advised against granting permission, or no such officer has been consulted.

APPENDIX 2**DEVELOPMENT PLAN POLICIES****Tayside Structure Plan 1993 (Approved 1997)****Rural Development Policy 3:**

The irreversible use of prime agricultural land for development outwith that required by the Structure Plan strategy will not normally be permitted.

Rural Development Policy 4:

Support be given to measures which seek to maintain levels of agricultural employment particularly in the remoter rural areas.

Rural Development Policy 5:

To support proposals for agricultural diversification which do not prejudice other Structure Plan policies.

Rural Development Recommendation 1:

Agricultural support should be environmentally linked to encourage farmers to integrate the management of agricultural land for landscape, nature conservation, recreation and archaeological purposes with agricultural production, with priority given to integrated support in the most fragile areas.

Angus Local Plan (Adopted November 2000):**Policy ENV 11: Agricultural Land and Farm Units**

Development proposals affecting agricultural land and farm units will be considered against the following criteria:-

- (a) irreversible use of prime quality agricultural land will generally be resisted except where there is no viable alternative site or where the only alternative site is one of national or local conservation interest or development is required to meet the strategy, policy and proposals of this Local Plan;
- (b) the viability of farm units will be protected;
- (c) farm diversification proposals will be supported where they are compatible with the policies of this Local Plan;
- (d) new or extended agricultural buildings should be sited and designed to minimise environmental impact;
- (e) reuse of redundant, vernacular style farm buildings will be supported where the proposal is compatible with other policies of this Local Plan.