

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

28 NOVEMBER 2002

**SUBJECT: REVIEWING THE SPECIAL PROTECTION OF PRIME QUALITY  
AGRICULTURAL LAND – RESPONSE BY SCOTTISH EXECUTIVE TO  
CONSULTATION RESULTS**

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

**Abstract: This report outlines the Scottish Executive's findings, conclusions and actions arising from the earlier consultation exercise on reviewing the special protection of prime quality agricultural land from development.**

**1 RECOMMENDATION**

It is recommended that the Committee:-

1. note the broad findings and conclusions of the consultation exercise and particularly that the procedural requirement, as set out in Annex A to Circular 4/1997, to notify the Scottish Executive on proposals involving the use of 10 ha or more of prime agricultural land (identified as being of Class 1, 2 or 3.1) has been revoked;
2. note that the requirement to protect the national resource of prime quality agricultural land from unnecessary development remains an important element for National Planning Policy Guidelines and Circulars;
3. note the approach to the protection of prime agricultural land contained in the adopted Angus Local Plan (Policy ENV11 : Agricultural Land and Farm Units) and the recently approved Dundee and Angus Structure Plan (Environmental Resources Policy 7 : Agricultural Land).

**2 INTRODUCTION**

- 2.1 In September 2001 the Scottish Executive published a consultation paper on proposals to remove the special protection of prime quality agricultural land from development.
- 2.2 The Planning & Transport Policy Committee at their meeting of 22 November 2001 considered Report No. 1338/01 and agreed 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."

- 2.3 The Scottish Executive has recently published their analysis of consultation responses, conclusions and next steps on this matter, a copy of which is available in the Members' Lounge.
- 2.4 This report details the broad results of the consultation exercise, the Scottish Executive's analysis and conclusions and Angus Council's response to their findings and proposed action.

### 3 RESPONSE TO CONSULTATION PAPER

- 3.1 Following the consultation period which ended on 17 December 2001 the Scottish Executive received a total of 91 responses from a wide range of interested parties as follows:-

Local Authorities	25
Private Companies/Businesses	10
Professional Bodies	11
Community Groups	6
Environmental Bodies/Interests	6
Farming/Agricultural Bodies	3
Public Bodies	5
Landowners/Managers	4
Planning Consultants	3
Social/Cultural Bodies/Interests	4
Academics	2
Individuals	9
Others	<u>3</u>
	<b><u>91</u></b>

- 3.2 There were two questions in the consultation paper and a broad summary of the responses to each is given below:-

#### **Q1 – Should the Executive remove the national protection it gives under the planning system?**

68% (58) of the respondents to Q1 indicated that the national protection afforded to prime agricultural land should not be removed with only 29% (25) welcoming the proposal.

Environmental bodies, community groups, professional bodies and 19 of 24 Planning Authorities who responded were against the proposal. Support for the proposal came mainly from private companies/businesses and Planning Consultants.

#### **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?**

68% (50) of the respondents to Q2 thought that the objectives of sustainable development would be seriously affected.

31.5% (23) of the respondents did not consider the proposal to remove national protection was contrary to sustainable development objectives.

These results clearly show a significant majority of respondents were against the proposed removal of the national protection of prime agricultural land.

#### **4 SCOTTISH EXECUTIVE CONCLUSIONS AND NEXT STEPS**

- 4.1 In considering the views from consultation respondents the Scottish Executive recognises that there are concerns about removing the protection of prime quality agricultural land from development. However, consultees have also highlighted that there needs to be more opportunities for farmers to diversify their activities.
- 4.2 Against this background the Scottish Executive has decided to immediately revoke the Notification Direction on Agricultural Land (set out in the Schedule to Annex A of Circular 4/1994). This currently requires local Planning Authorities to notify the Scottish Executive of proposals to develop 10 ha or more of prime agricultural land where the development would be contrary to an adopted Local Plan, no adopted Local Plan is in place or the Scottish Executive has advised against granting permission. A copy of this Notification Direction is included as Appendix 1 to this report.
- 4.3 However the Scottish Executive has reaffirmed that prime quality agricultural land will continue to be protected through relevant policies in NPPGs and Circulars and that Ministers will retain an overview of prime agricultural land given their role in approving Structure Plans and being informed of any significant proposals contrary to Structure Plans.
- 4.4 In response to concerns by consultees in relation to farm diversification the Scottish Executive has indicated that research is underway to evaluate the effectiveness of NPPG15 : Rural Development. This research will look specifically at farm diversification issues amongst other matters including those concerned with prime quality land.

#### **5 DISCUSSION**

- 5.1 Despite the revocation of the notification procedure the Scottish Executive has re-emphasised that prime agricultural land will continue to be protected through the policies and guidance contained in a range of NPPGs and Circulars.
- 5.2 The responsibility for protecting this scarce resource therefore lies principally with Local Authorities rigorously applying the guidance and policies contained in NPPGs and Circulars through Development Plans and the development control process. Scottish Ministers will, however, still have an overview of prime quality land, given their role in approving structure plans and being informed of any significant proposals contrary to structure plans.
- 5.3 In Angus the protection of prime quality land from irreversible development has been a key strand of Development Plan policy as set out in the adopted Angus Local Plan and recently approved Dundee and Angus Structure Plan. Indeed in approving the Structure Plan Scottish Ministers have included a modification confirming that “the irreversible use of prime quality agricultural land for development outwith that required by the structure plan strategy will not normally be permitted” (Report No.1398/02 refers). This has been supported by encouraging the reuse and regeneration of brownfield sites and the application of a sequential approach to the allocation of development land. A copy of current Development Plan policies relating

to the protection of agricultural land and rural employment are included in Appendix 2 to this report.

- 5.4 Maintaining this robust policy approach in Development Plans backed up by the continuing guidance provided by NPPGs and Circulars will continue to give significant weight to the consideration of prime quality agricultural land as an important input into the assessment of relevant planning applications across Angus, particularly around the towns and villages.

## **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 IMPLICATIONS**

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

## **9 CONCLUSION**

- 9.1 Following an extensive consultation exercise the Scottish Executive has decided to revoke the procedural requirement to notify Scottish Ministers of development proposals affecting 10 ha or more of prime quality land. However the protection of this finite and scarce national resource remains an important element of guidance and policies in a range of NPPGs and Circulars.
- 9.2 The adopted Angus Local Plan and recently approved Dundee and Angus Structure Plan maintain a commitment to protect prime land outwith that required by the Development Strategy from irreversible development. Supported by NPPGs this plan led approach provides robust guidance for the assessment of development proposals through the Council's development control function. The precautionary approach to the irreversible use of prime quality agricultural land reflects and supports a long term commitment to the objectives of sustainable development.

### **NOTE**

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) are relied on to a material extent in preparing the above Report.

- Removing the Special Protection of Prime Quality Agricultural Land from Development – Conclusions and Next Steps. A paper issued by the Scottish Executive, October 2002
- Angus Local Plan (Adopted November 2000)
- Dundee and Angus Structure Plan (Approved with Modifications, October 2002)

AA/KMcG/KW  
18 November 2002

Alex Anderson  
Director of Planning and Transport

**APPENDIX 1****SCHEDULE TO ANNEX A TO CIRCULAR 4/1997****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

**Dundee and Angus Structure Plan (Approved October 2002)****Environmental Resources Policy 7 : Agricultural Land**

Development that would result in the permanent loss of prime agricultural land will not normally be permitted except where such land is identified as essential for implementation of the Structure Plan Strategy.

**Employment Policy 7 : Rural Employment**

Proposals for economic or employment related development in the rural areas will be supported where they do not adversely affect local environmental quality. In determining development proposals account should be taken of:-

- contribution to diversification of the local economic base;
- integration with the existing pattern of development;
- availability of infrastructure including access to transport connections;
- availability of local workforce to minimise travel to work journeys; and
- the environmental policies of this plan.

**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 nature 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.