

<b>Issue 15c</b>	<b>Prime Agricultural Land</b>	
<b>Development plan reference:</b>	ER5 - Prime Agricultural Land, page 49	<b>Reporter:</b> Douglas Hope
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Lynne Palmer (00239)  Portmoak Community Council (00638)  Fossway &amp; District Community Council (00830)  Councillor Michael Barnacle (02633)  Scottish Environment Protection Agency (03194)  Scottish Natural Heritage (05211)  Kinross-shire Civic Trust (06950)  Forestry Commission Scotland (08988)  Jim Pritchard (09104)  Scone Palace Estate (09163)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy on prime agricultural land and related matters	
<b>Planning authority's summary of the representation(s):</b>		
<p>Forestry Commission Scotland (08988/1/009): Additional wording to support the Scottish Forestry Strategy '<i>woodland creation using the right tree in the right place that supports the Scottish Forestry Strategy will be supported</i>'</p> <p>Kinross-shire Civic Trust (06950/1/006): The policy should make it clear that there is a long term policy to retain all good agricultural land. There is a need to return to self sufficiency in food supply and not rely on 40% import for food. The policy gives a number of vague reasons where development on prime land should be permitted and these will be exploited by developers.</p> <p>Scone Palace Estate (09163/4/013): The Macaulay land use classification maps are broad brush and more detailed investigation may reveal that the land is not prime.</p> <p>Scottish Natural Heritage (05211/12/001): Broadly pleased with the protection given to agricultural soils but concerned about the level of protection given in the plan to other soil types particularly carbon rich soils. Policy ER1 does not give sufficient protection. The suggested wording complies with paragraphs 133 (S4_Doc_121) and 230 of SPP (S4_Doc_122) in relation to carbon rich soils and peatland protection.</p> <p>Scottish Environment Protection Agency (03194/16/001): The wording does not recognise the broader functionality of soils and their important role as a carbon store. The disturbance of some carbon rich soils particularly peat may release stored carbon contributing to greenhouse gas emissions. This position is supported by government policy see SPP paragraphs 42 (S4_Doc_120) and 133 (S4_Doc_121) and by TAYplan Policies 2 (S4_Doc_066) and 3 (S4_Doc_064). The expansion of the policy would be in keeping with the authority's duties under the climate change act to reduce greenhouse gas emissions. Part 1 of the Climate Change (Scotland) Act 2009 (Core_Doc_104),</p>		

Scotland's Land Use Strategy - Principles for Sustainable Land Use Principle 3 and 6 (S4\_Doc\_287), National Planning Framework paragraph 48 (S4\_Doc\_288).

Councillor Michael Barnacle (02633/1/015): The policy is not robust enough; prime agricultural land should be retained for food production and not be compromised by development.

Fossoway & District Community Council (00830/1/015): Policy ER5 is less specific than the existing provision in the Kinross Area Plan. We would strongly advocate the use of a less subjective base-line such as the Land Use Capability (MLCA) class 3.1 (Kinross Area Local Plan Policy 50).

Lynne Palmer (00239/10/005); Jim Pritchard (09104/1/009); Portmoak Community Council (00638/2/009): Support for policy.

#### **Modifications sought by those submitting representations:**

Forestry Commission Scotland (08988/1/009): Woodland creation using the right tree in the right place added to the end of the main paragraph.

Kinross-shire Civic Trust (06950/1/006): The policy should state that there is a long term policy to retain all good agricultural land.

Scone Palace Estate (09163/4/013): Addition to policy to indicated that if detailed studies show that the land is not prime then the policy will be waived.

Scottish Natural Heritage (05211/12/001): Policy renamed Prime Agricultural Land and Carbon Rich Soils and wording added to protect peatland and soils which are valuable as carbon stores from development and mitigate the effects (complete wording suggested).

Scottish Environment Protection Agency (03194/16/001): The policy is expanded to minimise the disturbance and loss of carbon rich soils and indicates that development will only be permitted on undisturbed carbon rich soils if there is no viable alternative. Where development is allowed there must be a soil survey to demonstrate that the deepest soil has been avoided and a soil management plan must be submitted.

Councillor Michael Barnacle (02633/1/015): The policy should not allow the development of any prime land.

Fossoway and District Community Council (00830/1/015): Replace policy with Kinross Area Local Plan policy 50 (S4\_Doc\_284);

*'The Council will support agriculture remaining as a major land use and source of employment in the Plan area. The best quality agricultural land which is important in a local context, generally MLCA Class 3.1 and above, will be protected from irreversible development'*

#### **Summary of responses (including reasons) by planning authority:**

Forestry Commission Scotland (08988/1/009); Kinross-shire Civic Trust (06950/1/006); Scone Palace Estate (09163/4/013); Scottish Natural Heritage (05211/12/001); Scottish Environment Protection Agency (03194/16/001); Councillor Michael Barnacle (02633/1/015); Fossoway & District Community Council (00830/1/015): The policy relates

to prime quality agricultural land which is defined (glossary of SPP page 55 (S4\_Doc\_125)) as land which is class 1, 2 or 3.1 as defined by the Macaulay Land Use Research Institute (Now James Hutton Institute). The Council holds paper maps which show the land use classifications. There are significant areas of prime land in Perth and Kinross generally in the flatter areas adjacent to existing settlements which are subject to the most development pressure. Prime land is a specific topic of SPP and paragraph 97 (S4\_Doc\_108) sets out the general terms of government policy for its protection. Policy 3 of TAYplan (S4\_Doc\_064) reiterates that prime land should be protected in the LDP's settlement strategy. Policy ER5 sets detailed criteria which will be used to give the required protection to prime land when dealing with development proposals and complies with national and strategic guidance and by definition prime land is the best quality.

The policy does not deal with woodland which is dealt with in a separate section of the plan and in general terms prime quality agricultural land is too valuable to be used for tree planting. Policy 50 of the Kinross Area Local Plan (S4\_Doc\_284) was not designed to deal with current guidance and contains less detail than ER5 the policy is therefore less robust and useful.

The introduction of a separate subsection dealing with carbon rich soils would have a negative impact on the policy and reduce its precision and clarity. The issues raised are dealt with either through policies on mineral extraction ER3 (S4\_Doc\_516) and ER4 (S4\_Doc\_517) or ER1 (S4\_Doc\_392). If a more general statement were required, it would be better located in the policy on climate change EP1 (S4\_Doc\_413). However the Council does not have access to the necessary data to implement a detailed policy which related to the protection of carbon rich soils and it does not seem likely that the Council will have access to this data during the life of the Plan. Consequently, the policy framework cannot be as detailed as that for prime land.

No modification is proposed to the Plan.

#### **Reporter's conclusions:**

1. This policy relates solely to prime agricultural land and properly reflects both the general terms of Government policy in paragraph 97 of SPP and the terms of Policy 3 of TAYplan. The definition of prime agricultural land in the Glossary in the Proposed Plan accords with the definition in the glossary on page 55 of SPP. Maps showing the land classified as prime agricultural land by the Macaulay Land Use Research Institute (now James Hutton Institute) are held by the council. The detailed interpretation of these maps on a case by case basis is a matter for the council.
2. In relation to the need for support for the Scottish Forestry Strategy in this policy, woodland creation is more appropriately dealt with under Policy NE2 of the Plan.
3. In relation to the requests by SNH and SEPA that this policy be expanded to include the protection of carbon rich soils, including peatland, Policy ER1 requires the assessment of the effects of proposals for renewable and low carbon energy generation on carbon rich soils but this policy does not apply to all development. Policy EP1 requires all new development to uphold sustainable construction principles and to contribute to mitigating and adapting to climate change in order to reduce carbon dioxide emissions. It does not explicitly require the protection of carbon rich soils. As pointed out by both SNH and SEPA, SPP (paragraphs 133 and 230) draws attention to the potential effects of the disturbance of some soils, particularly peat, on the release of stored carbon and its contribution to greenhouse gas emissions. Paragraph 230 of SPP indicates that

carbon rich soils should be protected through development plans. The Proposed Plan does not fully recognise the importance of protecting such soils from all development and a change to the Proposed Plan is, therefore, required.

4. Policy ER5 relates specifically to prime agricultural land and its precision and clarity would be diluted if it were expanded to include a reference to the protection of carbon rich soils. The planning authority suggests that, if a general statement on the protection of carbon rich soils were required, it would be better located in policy EP1. Whilst the planning authority suggests that it does not have access to the necessary data to implement a detailed policy on the protection of carbon rich soils, it is noted that SNH has produced a methodology for identifying this soil type to assist the council.

5. It is considered that, in light of the Scottish Government's recognition of the need to mitigate the causes of climate change and protect soils, including peatland, that are of value as carbon stores, specific reference should be made in the Proposed Plan to the need to protect carbon rich soils. Section 3.11 'Environmental Protection and Public Safety' would be an appropriate location for such a reference and it is recommended that an additional policy, policy EP1A, is added to that section to address carbon rich soils. SNH and SEPA have both suggested a suitable wording for such a policy and the reasoning to support the policy. It is recommended that a wording based on that suggested by these two bodies be adopted for policy EP1A, which would provide adequate safeguards for carbon rich soils (see Issue 16).

**Reporter's recommendations:**

1. No modification to policy ER5.