

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 18 DECEMBER 2001**

### **REMOVING THE SPECIAL PROTECTION OF PRIME QUALITY AGRICULTURAL LAND FROM DEVELOPMENT**

#### **Report by Director of Development Services**

#### **1. PURPOSE OF REPORT**

- 1.1 In September 2001 the Scottish Executive issued a Consultation Paper: "Removing the Special Protection of Prime Quality Agricultural Land from Development". The paper seeks the Council's views on this proposal.

#### **2. BACKGROUND/NATIONAL POLICY FRAMEWORK**

- 2.1 For many 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. This policy has been implemented under the Town and Country Planning (Scotland) Act 1997 in accordance with Circular 18/1987 and Circular 25/1994.
- 2.2 Circular 18/1987 (as amended by Circular 25/1994) states that the best and most versatile (agricultural) land should not be built on unless there is no other suitable site for the purpose. Circular 25/1994 also requires local authorities require to consult the Scottish Executive when preparing relevant structure and local plan policies, which have implication for agricultural land including those for more locally important agricultural issues.
- 2.3 National planning guidance incorporates these provisions of the above Circulars and requires the Development Plan through appropriate policies to ensure the protection of prime quality agricultural land. This safeguarding of prime quality agricultural land is included in the Ayrshire Joint Structure Plan and the East Ayrshire Finalised Local Plan with Modifications. It should be noted that the amount of prime quality agricultural land is limited in East Ayrshire the majority of it extending westwards from Kilmarnock (see Appendix 1) with small pockets adjacent to Stair, Hurlford and Drongan.

#### **3. MAIN PROVISIONS OF CONSULTATION PAPER**

- 3.1 The Consultation Paper indicates there has been a trend towards relaxation of the policy pertaining to the protection of Scotland's best agricultural land and that the Scottish Executive now no longer believes that retention of planning protection on such agricultural land can be

justified on agricultural grounds alone. The Paper therefore proposes that,

*'blanket national protection for the best quality agricultural land be removed and that local authorities 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 Scottish Executive on applications for planning permission to develop prime quality agricultural land.*

Notwithstanding the above it is considered that relevant planning policies and wider Scottish Executive objectives in terms of sustainable development would still have to be taken into account when development of prime agricultural land is being considered.

3.2 The Consultation Paper requests the Council's views on the following questions:-

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?

#### **4 IMPLICATIONS OF PROPOSALS**

4.1 Paragraph 5 of the Consultation Paper recognises that 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. The proposal to relax the policy as referred to in Section 3 above seems to be inconsistent both with this recognition and with the principles of sustainability set out as a main objective of the Scottish Executive.

4.2 In support of this view, a SEPA report entitled 'State of the Environment – Soil Quality Report 2001' states that the importance of soil as a non-renewable resource is essential to a sustainable environment, and must be recognised. However, the Report identifies a lack of information about pressures on soils and resulting impacts on soil quality which makes it impossible at present to assess whether current land use practices and pollutant inputs to soil are sustainable. SEPA concludes that a soil monitoring programme is required in advance of formulation of a soil protection strategy to protect soils from future unsustainable land use practices and that such a strategy should be developed and implemented for Scotland. In view of SEPA's position the proposals of the Scottish Executive's would seem premature. It is therefore considered that the issue of removal of the special protection of prime agricultural land from new development

should be considered in the context of the formulation of a Soil Protection Strategy for Scotland as recommended by SEPA.

- 4.3 Current planning policies relating to protection of prime quality agricultural land are based on the Scottish Executive's acceptance of the land capability classification for agricultural land as developed by the Macaulay Land Use Research Institute in Aberdeen. The views of SEPA as detailed above would seem to throw into question the validity of continuing to use this classification to define such prime land, it being their opinion that there is currently a lack of information on soil quality. The Head of Planning and Building Control nevertheless recommends that some scientific definition of prime quality agricultural land is necessary as a key element to assessing the sustainability of proposed developments.
- 4.4 The Scottish Executive publication "A Forward Strategy for Scottish Agriculture" identifies a number of Action Points which the Scottish Executive considers should be implemented in order to achieve the goal of a successful, profitable farming industry in Scotland. It would, however, seem that there are inherent contradictions in the Scottish Executive's stance through these Action Points on ways of achieving this goal.
- 4.5 Action 35 of the above document states that,  
*"Many planning authorities recognise that farming businesses must adapt and diversify. All Councils must do this if we are to ensure thriving businesses in our countryside. Existing planning guidelines have reflected agriculture policy by steering development away from prime quality agricultural land in the past. The Executive now takes the view that such decisions should include consideration of the development needs of an area or business."*

and Action 37 that

*"The Scottish Executive will underline the importance of helping farming businesses to adapt and diversify in the planning guidelines it issues on Rural Development, Housing, Business and Industry, and any other future relevant guidance."*

It is considered that the proposed removal of the special protection afforded to prime quality agricultural land could also be held not to be substantial. The versatility of prime quality agricultural land, for example, through enabling a wide range of agricultural crops to be grown is a key factor in promoting sustainability. It is therefore considered that the principle of sustainability can only be effected in planning terms with regard to agricultural land quality through continuing national protection for the best quality land as at present.

- 4.6 Agricultural land is a national resource that should be protected at national level and the consideration of the use of this land for other

purposes should be weighed up against this background with each case being treated on its own merits.

## **5 FINANCIAL AND LEGAL IMPLICATIONS**

5.1 None.

## **6 SUGGESTED COUNCIL RESPONSE**

6.1 It is suggested that the Council should respond to the questions asked by the Scottish Executive in the above Consultation paper as follows,

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

Response: It is not considered that the national protection given to prime quality agricultural land should be removed. The issue of removal of the special protection of prime quality agricultural land should be considered only in the context of formulation of a Soil of Protection Strategy for Scotland as recommended by SEPA and the Scottish Executive's Forward Strategy for Scottish Agriculture.

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: It is considered that the removal of the national protection of prime quality agricultural land would indeed be contrary to the principles of sustainability. Prime quality agricultural land enables the widest range of agricultural crops to be grown and this is a key factor in maintaining and promoting an efficient and sustainable agricultural economy in East Ayrshire.

6.2 The justification for the above responses is contained in Section 4 above and it is suggested that Section, together with the contents of paragraph 6.1 above, constitutes the formal response of the Council to the Scottish Executive on the Consultation Paper.

## **7 RECOMMENDATION**

7.1 It is recommended that the Committee agrees that, the Head of Planning and Building Control endorses his response to the Scottish Executive in terms of the contents of Section 4 and 6.1 of this report.

**Stephen Chorley**  
**Director of Development Services**

6 December 2001 (JT/SA)  
FV-AN

## LIST OF BACKGROUND PAPERS

1. **Removing the Special Protection of Prime Quality Agricultural Land from Development – consultation paper – Scottish Executive Development Department (September 2001)**
2. **A Forward Strategy for Scottish Agriculture – Scottish Executive**
3. **State of the Environment – Soil Quality Report – SEPA (April 2001)**

For further information on the contents of this report contact Julian Thorp, Planning Officer. Telephone 576790.

**Implementation Officer: Alan Neish**

I:/DevServices/RemovingTheSpecial Protection

**AGENDA**